

ZIMBABWE HUMAN RIGHTS NGO FORUM

POLITICAL VIOLENCE REPORT

November 2004

21 January 2005

A report by the Zimbabwe Human Rights NGO Forum

OVERVIEW

Although the month of November was eventful in terms of politically motivated violations of human rights, the prevailing conditions made it difficult and at times almost impossible for organizations in the human rights sector to document them adequately. The Non-Governmental Organizations (NGO) Bill, which is now awaiting Presidential assent, left most NGOs in a state of uncertainty as to whether and how they would continue with their activities. Some NGOs had actually suspended operations pending the outcome of the Bill. Because of this, the few cases documented in this November Monthly Political Violence Report (MPVR) are by no means the only violations that occurred during the month. The National Constitutional Assembly (NCA) continued to put sustained pressure on the Government in order for Government to review the enactment of its NGO Bill, and in one recorded incident NCA members were arrested and some assaulted by riot police in a bid to quell the protests in Harare city centre. The NGO Act itself when promulgated will impact very negatively on civil society in Zimbabwe and will close more democratic space particularly when buttressed by the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA).

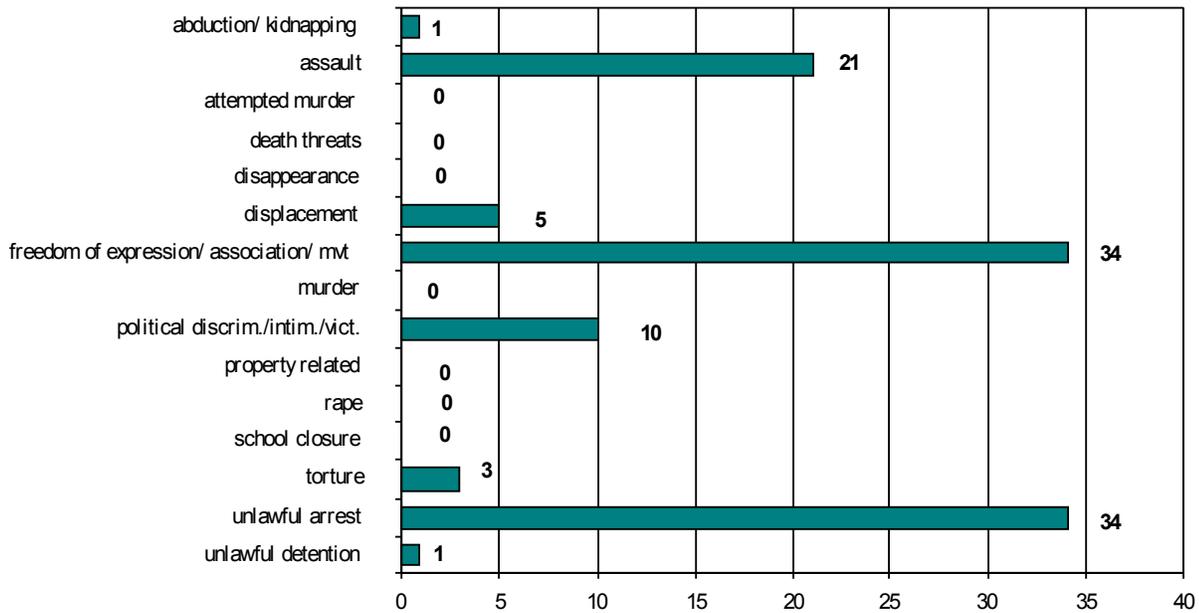
Political victimization was also rife as the house of opposition Parliamentary seat aspirant for Marondera West, Ian Kay, was allegedly searched by the police without a search warrant, while Kay himself was arrested under POSA section 16¹. In a report from Shamva (Mashonaland Central Province), the wife and daughter of a man reportedly murdered in January 2004 claim that they were victimized by ZANU PF activists and chased away from their home in Madziwa, obliging them to relocate in fear of their lives. The daughter further claims that her husband has abandoned her due to the politically motivated murder of her father.

The Human Rights Forum continues to urge the Government of Zimbabwe to create an environment that is conducive to the promotion and protection of human rights of all Zimbabweans, regardless of political affiliation or other such distinction.

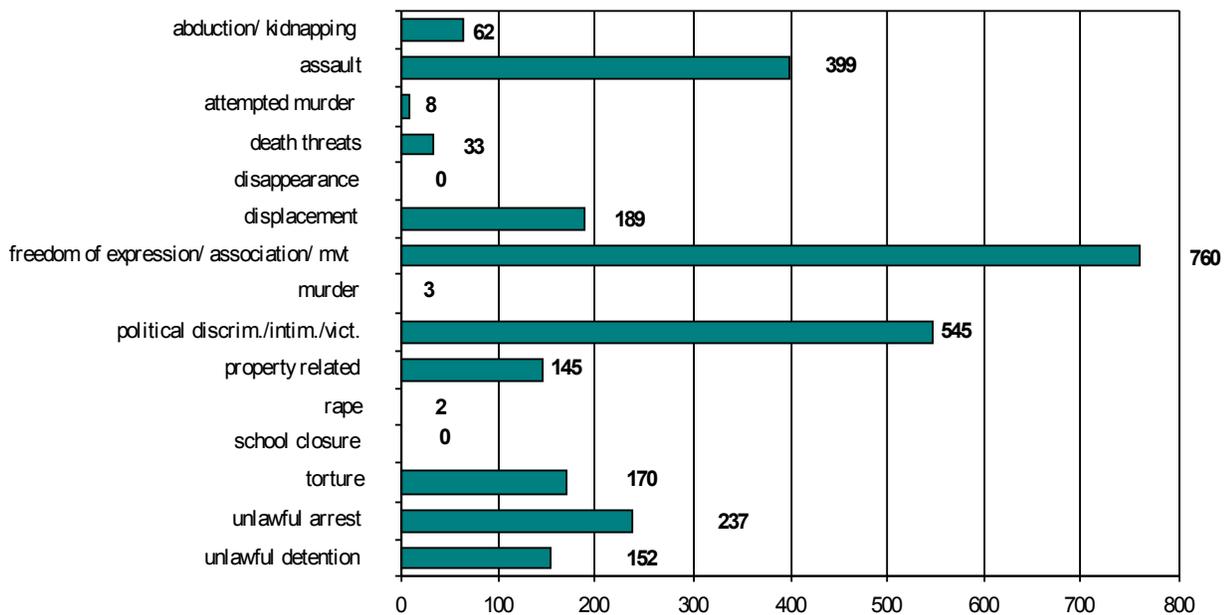
¹ Section 16 of POSA states the “*undermining authority of or insulting President*” through an oral statement or a published statement is an offence. The person found guilty of such offence is “*liable to a fine of Z\$20 000 or a term of imprisonment not exceeding 1 year or both such fine and imprisonment*”.

Totals: 2004

Totals: 1 November– 30 November 2004



Cumulative Totals: 1 January 2004 – 30 November 2004



Trends for politically motivated human rights violations: January–October 2004

Nature of Violation	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Total
Assault	34	32	109	16	29	12	12	44	41	49	21	399
Abduction/ kidnapping	7	3	12	1	13	6	1	8	6	4	1	62
Displacement	5	2	19	6	13	3	4	6	57	69	5	189
Freedom of Association / Assembly/ Expression	32	97	18	48	82	140	27	27	142	113	34	760
Murder	1	1	1	0	0	0	0	0	0	0	0	3
Political discrimination/ victimisation	24	100	141	68	35	21	29	31	50	36	10	545
Property- related violations	10	12	35	5	11	4	3	33	29	3	0	145
Torture	2	74	23	16	18	15	1	10	6	4	3	170
Unlawful arrest	2	7	16	17	6	3	2	8	141	1	34	406

Main Events

January	<ul style="list-style-type: none"> - ZANU PF and MDC inter-party violence: pre Gutu North constituency (Masvingo Province) by-election. - Violence in Shamva constituency (Mashonaland Central Province), one person killed, Alexander Chigega (MDC).
February	<ul style="list-style-type: none"> - NCA demonstration to call for a new constitution in Harare Central constituency (Harare Province) reportedly disrupted by ZRP. - Violence on Charleswood Estate, Chimanimani (Manicaland Province) belonging to MDC MP for Chimanimani, Roy Bennett. One person killed, Shemi Chimbarara (farm worker).
March	<ul style="list-style-type: none"> - Inter-party violence: Zengeza constituency by-election (Harare Province), majority of victims reportedly MDC supporters/members. One person killed, Francis Chinozvina (MDC).
April	<ul style="list-style-type: none"> - Post Zengeza by-election retribution. Main targets reportedly MDC members. - Inter-party violence in Mabvuku constituency (Harare Province). - MDC intra-party violence in St Mary's constituency (Harare Province).
May	<ul style="list-style-type: none"> - ZANU PF and MDC inter-party violence: Violence against MDC members in Mbare East constituency (Harare Province) reportedly perpetrated by members of <i>Chipangano</i>. <i>Chipangano</i> is reported to be a ZANU PF youth gang based in Mbare. - ZANU PF and MDC inter-party violence: Alleged retribution against those that attended MDC rally in Chendambuya, Makoni North constituency (Manicaland Province).
June	<ul style="list-style-type: none"> - ZRP reportedly disrupts WOZA meeting on 16 June 2004 in Mpopoma constituency (Bulawayo Province). - ZRP reportedly stops WOZA demonstration in commemoration of World Refugee Day on 19 June in Mpopoma constituency (Bulawayo Province).
July	<ul style="list-style-type: none"> - Inter-party violence: ZANU PF youths reportedly attack MDC Provincial Assembly Meeting in Mvurwi, Mazowe West (Mashonaland Central Province).
August	<ul style="list-style-type: none"> - ZANU PF intra-party violence in Makoni North (Manicaland Province) where a senior Government Minister is alleged to have instigated and encouraged his supporters to perpetrate acts of violence against the supporters of a rival candidate from his own party. - ZNA reportedly torture civilians in Mabvuku, (Harare Province). - ZANU PF and MDC inter-party violence in Hatfield (Harare Province).
September	<ul style="list-style-type: none"> - Porta Farm residents displaced from a farm they have lived at for 14 years. The residents are forcibly evicted by the police and national youth service youths, despite a High Court Order granting them temporary relief from eviction. - WOZA women and NCA activists are arrested on separate occasions as they demonstrate against the NGO Bill. - Political victimization surrounds the MDC 5th year anniversary celebrations. - NCA youth and gender representatives meeting disrupted by the police and national service youths in Chikomba, Sadza T/Ship, Mashonaland East.
October	<ul style="list-style-type: none"> - Political violence surrounds the delivery of the verdict in the treason trial of MDC leader Morgan Tsvangirai on 15 October 2004. - NCA activists are arrested as they demonstrate against the NGO Bill; WOZA women and 3 photographers are arrested as the WOZA women hand a petition to the Speaker of Parliament in conclusion of their march, which began in late September from Bulawayo to Harare in protest against the NGO Bill. -
November	NCA members are arrested in Harare city centre as they demonstrate against the NGO Bill

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 the member organisations of the Zimbabwe Human Rights NGO Forum, (*see last page for list of member organisations*), newspaper reports, **Justice for Agriculture (JAG)**, **Combined Harare Residents Association (CHRA)**, **National Constitutional Assembly (NCA)**, **Women of Zimbabwe Arise (WOZA)**, **Zimbabwe Community Development Trust (ZCDT)**, **Zimbabwe Congress of Trade Unions (ZCTU)** and **Zimbabwe Election Support Network (ZESN)**.

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.

Key Abbreviations

AIPPA – Access to Information and Protection of Privacy Act

CIO – Central Intelligence Organisation

MDC – Movement for Democratic Change

MP – Member of Parliament

NAGG - National Alliance for Good Governance

NCA – National Constitutional Assembly

OVT – Organised Violence and Torture

POSA – Public Order and Security Act

PTUZ – Progressive Teachers Union of Zimbabwe

UMP – Uzumba Maramba Pfungwe

Zanu PF – Zimbabwe African National Union Patriotic Front

ZCTU – Zimbabwe Congress of Trade Unions

ZNA – Zimbabwe National Army

ZNLWVA – Zimbabwe National Liberation War Veterans Association

ZPS – Zimbabwe Prison Service
ZRP – Zimbabwe Republic Police
ZIMTA – Zimbabwe Teachers Association

ZUPCO – Zimbabwe United
Passenger Company

Cases of Political Violence

Note: *The identities of victims whose names have not been published in the press and who are not public officials are protected by the use of initials. 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.

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 determine whether a victim's account is exaggerated or contains inaccuracies.

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

HARARE

Budiriro

7 November 2004

MV reports that about 12 ZANU PF members went to Budiriro 2 car park where he was a guard. They are reported to have started opening cars at the car park. The victim apparently thought they were car thieves. He was however accused by the group of having stolen a ZANU PF flag from the War Veterans offices at Budiriro 5 Shopping Centre. MV claims that he was inside an Emergency Taxi at the car park when the group started to assault him and they subsequently pulled him out of the car. The victim claims that he was thrown into a truck and that the assailants drove off with him. MV was reportedly blindfolded so that he could not see where they were heading. He was allegedly assaulted all over his body with whips, wooden logs, fists and was slapped all the way. The victim claims that he was taken to a bushy area and ordered to lie in the prone position. He was allegedly further assaulted on the back, on the soles of both feet and was then left there. He claims the duration of the assault was about half an hour from the time he was abducted from the car park.

Chitungwiza

20 November 2004

DM reports that on the day of the incident he was on his way to Chitungwiza Hospital to visit his wife who had been admitted there. At about 12:45 hours DM dropped off from a commuter omni-bus at a service station. A group of ZANU PF Youths were reportedly milling around the service station. The victim alleges that one Kiri walked towards him, accusing him of stabbing him on 25 October 2004 in Unit A Chitungwiza near the shopping centre. DM apparently did not answer back and the youths allegedly started to assault him, all over the face, head and upper chest, slapping him, using booted feet and fists. He managed, however, to escape to safety.

Harare Central

8 November 2004

TN reports that as he was distributing the NCA official Magazine "Agenda" at Fife Avenue shopping Centre, three Police Officers on bicycles arrested him at BHP Garage. He was taken to Greenwood Park where he was allegedly assaulted and tortured. The police officers allegedly beat him on the soles of his feet, and slapped him and assaulted him using baton sticks on his buttocks and back while he was handcuffed. He was later taken to Harare Central Police Station, room G23, after which he was released at around 15:00 hours without charge.

15 November 2004

It is reported that on the day of the incident RC ran into an iron pole in Harare city centre as he was running away from Police at an NCA march against the Non Governmental Organizations (NGO) Bill. He complained of a painful left hand after the incident.

18 November 2004

Σ. It is reported that about 31 National Constitutional Assembly (NCA) activists were arrested after staging sporadic protests through the streets in Harare city centre, as they chanted slogans demanding a new democratic Constitution that would make it impossible for what they called "*fascist draconian laws*" such as the NGO Bill to be placed on the statute book. It is reported that the riot police descended on the activists, seriously injuring about 16 of them. The activists were arrested under POSA.

On the day of the incident IT reports that he was among those who joined the NCA demonstration against the NGO Bill. The police allegedly descended on the demonstrators. In the ensuing melee, IT and others were caught by the police at the corner of First Street and Speke Avenue. All those in that area were allegedly forced to lie on down on their stomachs as the riot police started randomly beating them with baton sticks until police trucks came to ferry them to Central Police Station. At the Police Station the victim, IT, claims that they were made to sit in a line. One of the Police Officers reportedly alleged that he had been beaten by the NCA mob and that as a result he was assaulting people on their heads with a baton stick in revenge. One of the victims was allegedly beaten on the head until he started to bleed through the nose. The Central Investigations Department (CID) squad was apparently called in to identify NCA members. The victim was reportedly then taken by a CID member to an office where two more CID members were seated. The CID officers allegedly took turns to assault the victim on the buttocks, the soles of his feet, the back and head with baton sticks, with a strip of tyre rubber and with open hands and fists and also trampled on him with booted feet. IT was allegedly assaulted until around 21:00 hours. He further states that he spent two nights in the cells and was only released after the intervention of a lawyer. He reports that he was accused of having attended a meeting hosted by *Crisis Coalition* at the Sheraton Hotel about a week before the NCA demonstration.

24 November 2004

MC claims he is an MDC activist, who on the day of the incident participated in an NCA demonstration. The victim claims the group was at Parliament when a police truck arrived and surrounded the victim and others. He claims he panicked and started to run and in the process he missed a step and sprained his hip, which he reports has been painful ever since.

Harare North

1 November 2004

Σ. It is reported that on Monday 1 November 2004, police searched the house of Ian Kay, a commercial farmer and an MDC parliamentary aspirant for Marondera East constituency, seeking for subversive material, reportedly without a search warrant. After the search, the police reportedly took away newspaper cuttings, from the *Daily Mirror*, and magazines, as well as documents pertaining to the MDC. It appears that Kay was arrested under section 16 of POSA for possessing documents, newspaper cuttings, magazines and other material on MDC President, Morgan Tsvangirai.

MASHONALAND CENTRAL

Mazowe West

19 November 2004

EC claims that she had gone to Mashonaland Central to mobilize women in preparation for MDC primary elections. She was allegedly threatened with unspecified actions and victimised by ZANU PF activists. She has had to relocate due to the threats made against her.

Shamva

6 November 2004

LC's husband was murdered on 4 January 2004 in Madziwa. On 6 November she was allegedly chased away from Madziwa by ZANU PF activists. Her daughter, MC, was also allegedly intimidated and chased away by the same ZANU PF activists. She claims that her husband had abandoned her due to the politically motivated murder of her father. She too has had to relocate in fear of her life.

WC reports that when he was at Mupandira growth point buying groceries, ZANU PF Youths, among whom were Terence Muchaka and the Chief's son, approached him and asked to talk to him. WC reportedly knew who they were so he apparently refused to go out of the store. He was, however, allegedly dragged out of the store by the youths, who were reportedly saying that they wanted information relating to MDC activities in the area. It is reported that as they went outside the store, they were joined by about seven more ZANU PF youths. WC was allegedly assaulted using logs, fists and slapping. The victims apparently managed to escape and had to relocate in fear of further victimization.

10 November 2004

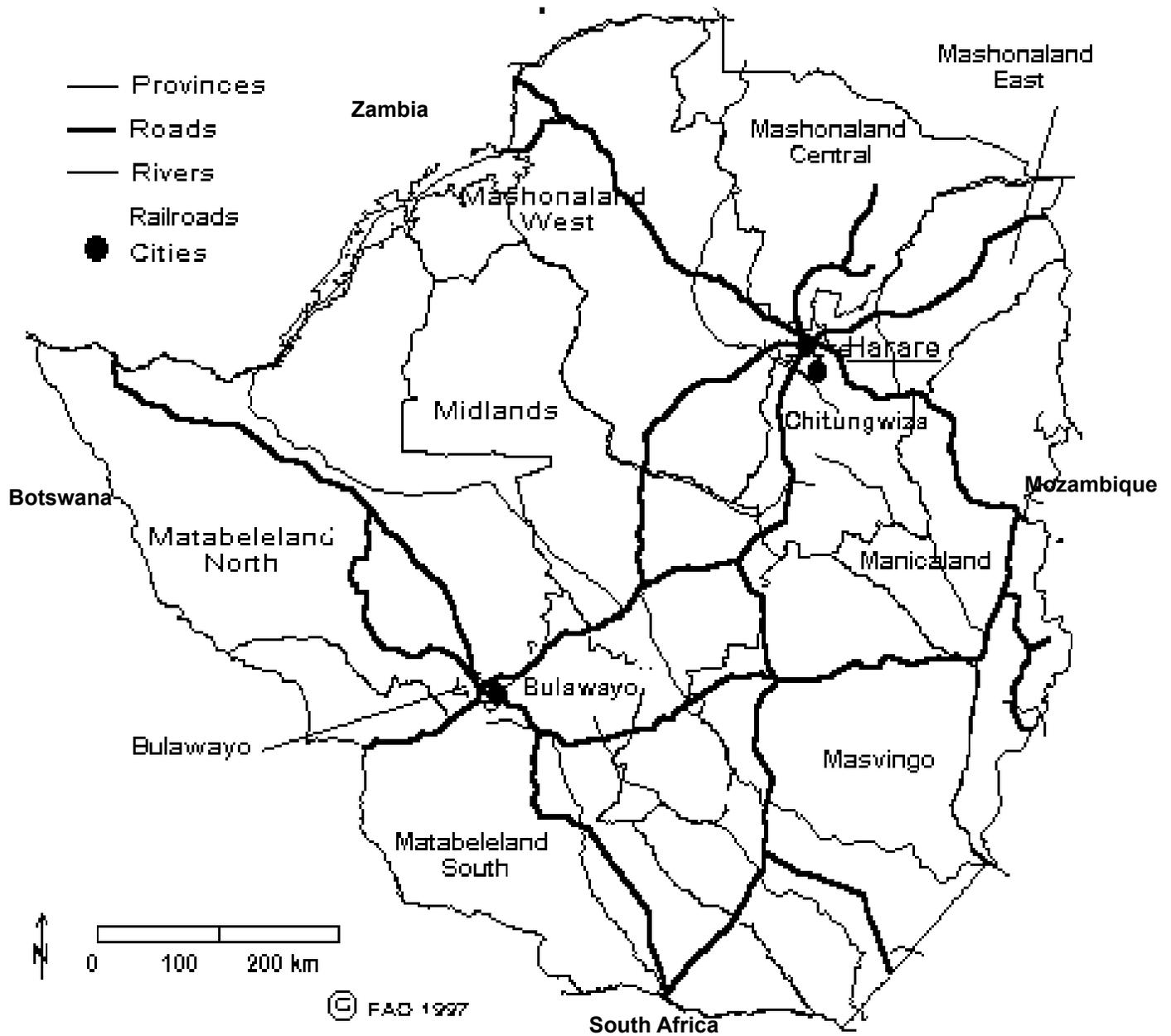
RC's father was allegedly murdered on 4 January 2004 and his mother and sister were reportedly displaced on 6 November 2004. RC alleges that ZANU PF activists started visiting his home everyday, chanting revolutionary songs and ZANU PF slogans. He had to relocate in fear of victimization.

Full alphabetical list of reported deaths related to political violence, from 1 January to November 2004, recorded indicating name, political affiliation, date of death, constituency and province.

TOTAL: 3 MDC – 2; UNKNOWN - 1

SURNAME	FIRST NAME (S)	POLITICAL AFFILIATION	DATE OF DEATH	CONSTITUENCY	PROVINCE
1 CHAMBAR ARA	SHEMI	UNKNOWN	8 FEBRUARY 2004	CHIMANIMANI	MANICALAND
2 CHIGEGA	ALEXANDER	MDC	4 JANUARY 2004	SHAMVA	MASHONALAND CENTRAL
3 CHINOZVI NA	FRANCIS	MDC	28 MARCH 2004	ZENGEZA	HARARE

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 Legal Resources Foundation (formerly the Legal Unit of the ZHRF.)

Core member organisations of the Human Rights Forum are:

- Amani Trust
- 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))
- University of Zimbabwe Legal Aid and Advice Scheme (UZ (LAAS))
- 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 any member organisation or through:

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

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