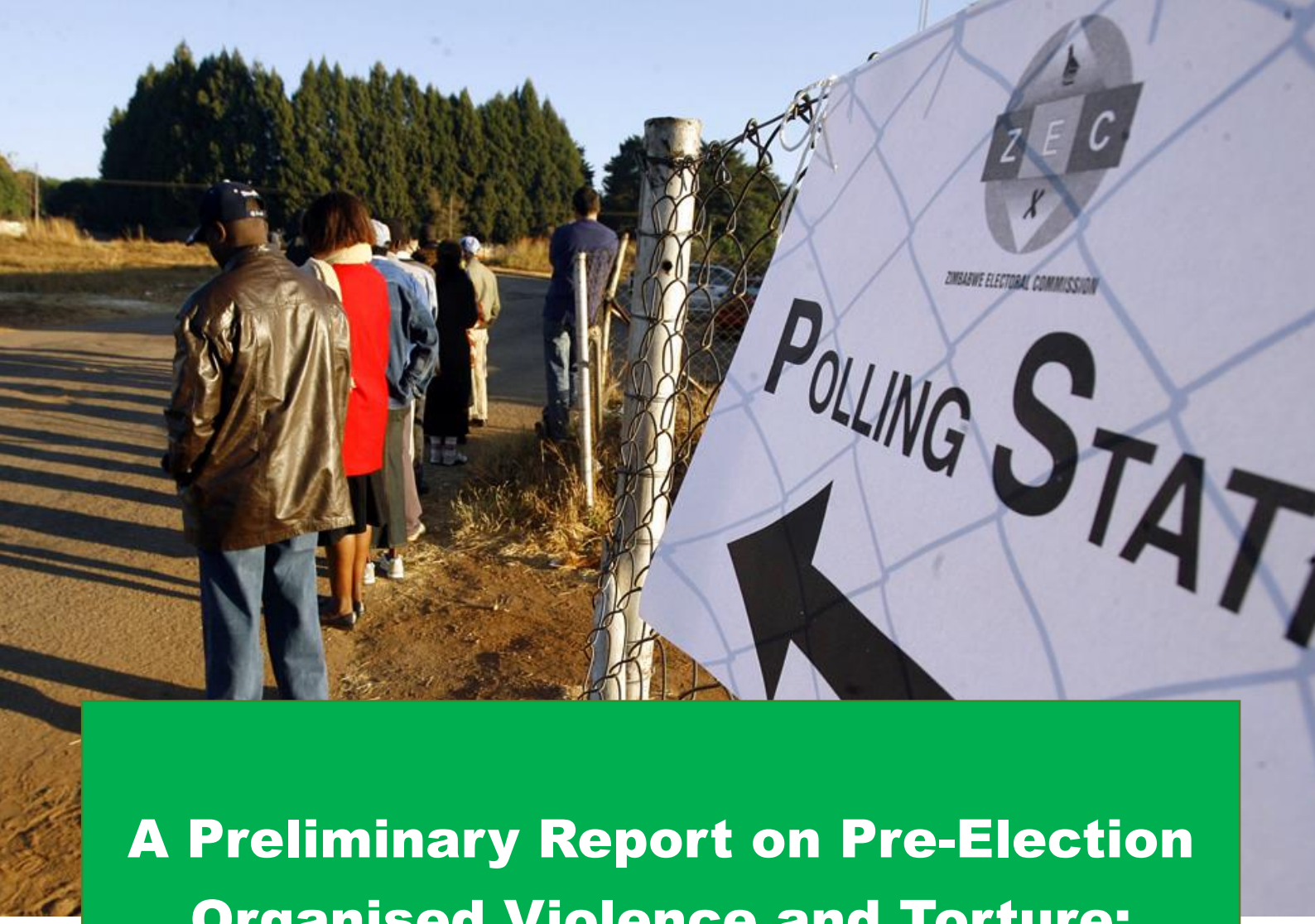

A Preliminary Report on Pre-Election Organised Violence and Torture: January 2021 to July 2023

Zimbabwe HUMAN RIGHTS NGO Forum

CELEBRATING 25 YEARS OF FIGHTING FOR HUMAN DIGNITY

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A Preliminary Report on Pre-Election Organised Violence and Torture: January 2021 to July 2023

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ABOUT THE FORUM

The Zimbabwe Human Rights NGO Forum (the Forum) is a coalition of 21 human rights organisations working towards the realisation of a society that respects all human rights in Zimbabwe.

Members of the Forum

- Amnesty International-Zimbabwe (AI- Z)
- Catholic Commission for Justice and Peace – Zimbabwe (CCJP- Z)
- Counselling Services Unit (CSU)
- Gays and Lesbians of Zimbabwe (GALZ)
- Justice for Children (JC)
- Legal Resources Foundation (LRF)
- Media Institute of Southern Africa (MISA)
- Media Monitors (MM)
- Research and Advocacy Unit (RAU)
- Transparency International-Zimbabwe (TI- Z)
- Tree of Life (TOL)
- VERITAS
- Women and Law in Southern Africa (WLSA)
- Women of Zimbabwe Arise (WOZA)
- Zimbabwe Association for Crime Prevention and 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)

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Contents

Introduction 5
Background 5
Methods 7
Findings 7
Conclusions 11
Recommendations 12

Introduction

> **Peaceful** means*" electoral processes are punctuated by calm; are undisturbed and untroubled by violence or intimidation; are conflict-free and generally exude an atmosphere where all citizens are free and unhindered to express their right to vote; are able to offer themselves without intimidation for election, communicate freely their electoral choices; and enjoy freedom of assembly and association." (SADC 2015)*[1]

Zimbabwe completed the 2023 Harmonised Elections on 23 August amid much acrimony and confusion. The losing party, the Citizens Coalition for Change (CCC) has denounced the elections as seriously flawed, refused to challenge the elections in an election petition, and is calling on SADC to insist on a re-run. The winning party, ZANU-PF, has accepted the results and has begun the process of setting up a new government with the swearing in of Emmerson Mnangagwa, as President on 4 September.

However, two of the more important observer missions, the SADC Election Observer Mission (SEOM), and the European Union Election Observer Mission (EUEOM), produced preliminary reports that claimed the election did not meet best practices, conclusions supported by the Carter Centre, and to a more qualified extent, the reports of the Commonwealth and the African Union observer missions. A feature common to all reports was the opinion that the 2023 elections were (mostly) free of political violence. This was not the view of the United Nations Secretary-General, whose office expressed concern about the political violence.

Since 2008, two key features in international elections that have led to acceptability have been the unproblematic polling on the day and the absence of violence. The polling day in 2023 was problematic in the eyes of international observers, but the main domestic observers, the Zimbabwe Election Support Network (ZESN) and the Election Resource Centre (ERC) were precluded from any early preliminary report due to the staff of these organisations being arrested, and their equipment being confiscated. It is assumed that the two organisations will eventually be able to compile and release their reports on the election and indicate their views on the extent to which the election met best practices.

However, the issue of the extent to which these elections have been marred by political violence has not been properly tested. Since 2021, and the by-elections in 2022, civil society organisations have been reporting on political violence, intimidation, and massive clientelism. There has been no comprehensive report on Organised Violence and Torture (OVT) in the pre-election period and the three months of active campaigning. Here it is important to bear in mind that active campaigning generally begins about two years before the actual election, and not merely in the 90 days before the actual poll.

This present report, which is a preliminary report, attempts to fill the gap on OVT, and aims to test the assertions that the 2023 elections were "violence-free".

Background

It is incontestable that elections in Zimbabwe usually are marred by significant OVT, particularly since 2000. In the SADC region, Zimbabwe has the unenviable reputation of being the most violent country when it comes to elections, certainly amongst countries governed by former liberation movements.[2] This is attested to by multiple reports and reports that are based

[1] SADC (2015), *Principles and Guidelines for the Holding of Democratic Elections (Revised)*

[2] RAU (2016), *Are former liberation movements inherently violent as governments?* February 2016. Harare: Research & Advocacy Unit.

on "hard data" as opposed to newspaper reports. As pointed out in an analysis of the Armed Conflict Local Event Database (ACLED) on five SADC countries,[3] nearly 80% of reports on OVT in Zimbabwe emanated from human rights organisations, mostly from the Zimbabwe Human Rights NGO Forum (the Forum) and the Zimbabwe Peace Project (ZPP), whereas most reports on Angola, Mozambique, Namibia, and South Africa came from press reports.[4]

Since 2000, Zimbabwe has held six elections, and each election was marred by reports of OVT, but some were considerably more violent than others. The 2000 Parliamentary election, the 2002 Presidential election, and the 2008 Presidential re-run were all extremely violent, the last so violent that the Presidential result was repudiated by the AU and forced the establishment of an Inclusive Government under a Global Political Agreement, brokered by President Thabo Mbeki on behalf of SADC. This is not to say that the elections in 2005, 2013 and 2018 were free from OVT, far from it, and significant levels of OVT were recorded for these elections as well. Indeed, the violence that followed the 2018 poll produced a regional and international outcry, requiring the Zimbabwe government to establish a Presidential Commission of Inquiry, the so-called *Montlanthe Commission of Inquiry*, that verified the violence, made several recommendations, but the most serious of these, the murders that took place has never been addressed by the Zimbabwe government.

The extent of OVT in elections since 2000 has been covered in some detail in a recent report, and thus it is unnecessary to repeat the details.[5] This report details the targets of the OVT, the perpetrators, and the kinds of violence and intimidation inflicted. It also gives an indication of the scale for each of the elections mentioned above. As the interested reader will observe, the evidence unequivocally implicates state – the Zimbabwe Republic Police (ZRP), the Zimbabwe National Army (ZNA), and the Central Intelligence Organisation (CIO) – as well as non-state agents – ZANU-PF- officials, ZANU-PF supporters, ZANU-PF Youth, war veterans, and youth militia – as the major perpetrators. The victims are overwhelmingly members of the main opposition party - variously the Movement for Democratic Change (MDC), and the Movement for Democratic Change Alliance (MDC-A) – as well as ordinary citizens perceived to be supporters of the opposition and even teachers.[6]

There was a general feeling that the removal of Robert Mugabe and his allies from the government through the coup in 2017 would lead to a "New Dispensation", but this has not been the case (as indicated above for the 2018 elections), and, rather the evidence from the reports to civil society and human rights organisations has shown not only OVT in the 2018 elections but also a general worsening of OVT since 2017 in comparison with the period between 2013 (and the end of the Inclusive Government) and 2017.[7]

Thus, it is unsurprising that Zimbabweans regard elections with fear, and the extent to which this affects their participation in elections is largely unknown. However, it is evident that nonetheless, Zimbabweans do vote in large numbers in most elections despite the fear, although their participation in any other public activity is extremely low. Few Zimbabweans attend

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[3] *Raleigh, Clionadh, Andrew Linke, Håvard Hegre, and Joakim Karlsen. (2010). "Introducing ACLED-Armed Conflict Location and Event Data." Journal of Peace Research 47(5) 651- 660.*

[4] RAU (2016), *A valedictory for civil society in Zimbabwe*. February 2016. Harare: Research & Advocacy Unit.

[5] RAU (2021), *A Short History of Organised Violence and Torture in Zimbabwe (1972 to 2020),* December 2021, Harare: Research & Advocacy Unit.

[6] PTUZ (2012), *Political Violence and Intimidation of Zimbabwean Teachers*. May 2012. Report prepared for the Progressive Teachers Union of Zimbabwe [PTUZ] by the Research and Advocacy Unit [RAU]. Harare: Progressive Teachers Union of Zimbabwe.

[7] ZHRNGOF (2019), *"The New Deception: What has Changed?" A Baseline Study on the Record of the Zimbabwe's 'New Dispensation' in Upholding Human Rights.* Harare: Zimbabwe Human Rights NGO Forum.

campaign rallies or work for political parties or candidates, and even fewer are likely to belong to a community group (other than a church group), join others to raise an issue, and a remarkably small number will protest or demonstrate.[8] This trend has not improved over time.[9]

Thus, against this background, it is important that there are no glib assertions that 2023 was free from OVT and that a material factor in deciding upon the credibility of the 2023 Elections be examined. This is the focus of this preliminary report.

Methods

In order to test the assertion that the 2023 elections were free from OVT, the data collected by human rights organisations on incidents of OVT from January 2021 to July 2023 was examined. The cases were compiled from reports directly made by victims to human rights organisations over the period. Only cases where there were reports to lawyers and/or medical workers were included and this was done to ensure the greatest possible veracity of the reports.

The data was entered into a spreadsheet, cleaned for any anomalies or duplicates, and simple statistics (frequencies) were calculated. The report thus only provides a quantitative picture, and a subsequent (more detailed) report will provide more qualitative data. In the end, the report provides information on 1 463 cases, collected, as pointed out above, from January 2021 to July 2023. The report details the overall gross statistics for the entire period, 30 months, and the more comprehensive report to follow will provide a more detailed analysis of the quantitative as well as incorporate more qualitative analysis of the patterns and implications of these patterns.

Findings

Table 1: Frequency of violations by Province

Province	No. (%)
Bulawayo	11 (0.8)
Harare	507 (34.7)
Manicaland	387 (26.5)
Mashonaland Central	23 (1.6)
Mashonaland East	181 (12.4)
Mashonaland West	110 (7.5)
Masvingo	105 (7.2)
Matabeleland North	15 (1.03)
Matabeleland South	22 (1.5)
Midlands	102 (6.97)

It is clear that the most affected Provinces are Harare and Manicaland, but the latter will require some brief explanation (see below): together these Provinces account for more than 60% of all reported violations. The three Mashonaland Provinces and the Midlands account for about 28%, whilst the three southern Provinces – Bulawayo, Matabeleland North, and Matabeleland South – contribute a very small amount, 3%. From this breakdown, it is evident where the areas of major political contest have been, even in the heartland of generally agreed support for ZANU-PF.

It is also important to observe the increased frequency over the period in question.

[8] RAU (2019), *Political trust, social trust, and trustworthiness in Zimbabwe?* August 2019. Harare: Research and Advocacy Unit.

[9] *The Pitchforks are Coming! And will the Youth be wielding them?* Daily Maverick, https://www.dailymaverick.co.za/article/2023-01-22-the-pitchforks-are-coming-will-young-people-be-wielding-them/

As can be seen from Table 2, whilst the frequency in the three periods shows a rise from 2021 to 2022 and then a drop in 2023, this is an artefact of the comparison. The data for 2021 and 2022 covers 12 months each, but 2023 is data for only 6 months. When the monthly average for reported violations is provided, it can be seen that there is a linear increase in violations over the period, a large jump from 2022 to 2023, a nearly 10% jump in 2023 and a 16% jump from 2022.

Table 2: Frequency and Monthly mean in violations

Year	%	Monthly mean
2021	34.9	42.3
2022	41.1	49.8
2023	24.0	58.3

Table 3: Frequency of reported victims

Victim	%
ARTUZ	2.21
CCC	40.96
Civilian	35.13
MDC	9.74
MDC-A	4.87
MDC-T	1.33
Minor	1.40
NCA	0.22
WOZA	0.37
ZANU-PF	0.59
ZESN	0.37
ZINASU	1.92
ZNA	0.07
Other CSO	0.81

It is evident that opposition political parties comprise the major number of victims. Together, over time and in different configurations, the MDC – MDC, MDC-A, MDC-T, and, most recently, the CCC - account for nearly 60% (59.9%) of all reported victims. Ordinary civilians account for a further 35%, and the remainder is a very tiny proportion.

Therefore, it is very clear that opposition political supporters have been the major targets for OVT over the period, and to some degree, ordinary civilians. However, many of the civilian groups were victims of violations occurring in respect of issues around extractive industries, particularly in Manicaland in 2021 (See Table 1)

The kinds of violations that constitute OVT are crucially important in any determination about the effects upon an election. It is simplistic in the Zimbabwean context to claim that the absence of direct, physical violence represents an improvement when the history of the past 23 years is considered. Firstly, all the direct and indirect victims and the latter represent an order of magnitude much greater than the former, quite simply because most OVT takes place where witnesses are present. For example, the frequent use of forced public gatherings ("*pungwes*") where torture took place was widely recorded during the Gukurahundi period,[10] as well as during the elections in 2000 and 2002.[11] For these latter, the International Rehabilitation

[10] CCJP & LRF (1997), *Breaking the Silence-Building True Peace: A Report on the Disturbances in Matabeleland and Midlands 1980 to 1988*, Harare: Catholic Commission for Justice and Peace in Zimbabwe &Legal Resources Foundation.

[11] IRCT (2000), *Organised Violence and Torture in Zimbabwe,* 6th June 2000, Copenhagen and Harare, International Rehabilitation Council for Torture Victims & Amani Trust; IRCT (2001) *Organised Violence and*

Council for Torture Victims (IRCT) coined the description "*mass psychological torture*". The point here is that the affected population is much larger than the mere direct victims, and the fear generated by the OVT includes a very large section of Zimbabwe's population, both urban and rural.

As is evident from Table 4, very serious violations -abduction, arson, assault, attempted murder, murder, torture, and rape – comprise slightly over 63% of all reported violations. These are all violations that are criminal acts and would require arrest and prosecution. Assaults and torture alone comprise 62% of this total. Intimidation is another frequently reported violation, as has been common in all previous reporting on elections. Thus serious (criminal) violations and intimidation comprise 75% of all violations.

The category of violations under the COVID-19 regulations and lockdowns are kept as a distinct category since there were legitimate grounds for arrest and fines, but in this category (and not disaggregated for the present report) were violations of human rights.

Table 4: Frequency of violations.

Violation	%
Abduction	0.34
Arson	0.21
Assault	47.91
Attempted murder	0.48
Murder	0.27
Coercion	0.14
COVID related	10.91
Deprivation	0.21
Detention	2.81
Discrimination	0.62
Dispersion	0.27
Displacement	0.62
Eviction	0.41
Flight	0.62
Injury	3.36
Intimidation	12.22
Property violation	1.24
Rape/sexual abuse	0.21
Secondary victim	2.13
Shooting	0.14
Torture	14.14
Witnessing violation	1.10

Table 5: Frequency of weapons used.

Types of weapons used	%
Ax/panga	0.22
Batons	12.18
Iron bars	4.55
Whips/sjambok/wires	3.14
Tear gas	2.44
Booted feet	15.43
Fists/hands	28.48
Guns	1.79
Sticks	19.11
Stones	2.38
Miscellaneous hard objects	3.90

Corroborating the seriousness of the violations reported above in Table 4, are the descriptions of the weapons used in inflicting these crimes. It is clear that the weapons used would all result in the assaults being classified as "aggravated assault" in the criminal law of Zimbabwe. In 53% of the cases, the types of weapons would fit this criminal definition – axes/pangas, iron bars, whips/sjamboks, wires, booted feet, guns, sticks, stones, knives, and miscellaneous hard objects (mostly bottles).

Torture in Zimbabwe, 24th May 2001, Copenhagen and Harare, International Rehabilitation Council for Torture Victims & Amani Trust.

Knives	0.70
Petrol bomb	0.49
Dogs	3.30
Rape	0.38
Other	1.52

Batons, tear gas, and the use of dogs reflect encounters with the ZRP, but also in some cases with mine security agents alone or together with the ZNA and the ZRP.

A clear picture emerges from examining the relationship between the alleged violations and weapons, and not commensurate with the interpretation that there was little OVT or that the violations were minor.

The picture is expanded when the alleged perpetrators are examined. Firstly, alleged state agents – ZNA, ZRP, CIO and "state agents" – comprise over 52 % of all alleged perpetrators, with the ZRP nearly half (24.2%) of this group.
Secondly, the remainder, "non-state" agents, comprise over 52% (52.2%) of the alleged perpetrators, and members of the ZANU-PF party – ZANU-PF supporters and ZANU-PF Youth – the vast majority (46%) of this group.
Thirdly, opposition political parties are an insignificant proportion (0.5%) of alleged perpetrators.
Finally, it should be noted that a significant percentage (8%) of the perpetrators can be identified and are both state and non-state actors.

Table 6: Frequency & types of perpetrators

Perpetrators	%
Identified perpetrator	7.77
ZANU-PF supporter	23.84
ZANU-PF Youth	22.56
FAZ	0.05
ZNA	9.77
ZRP	24.19
CIO	1.43
State agent	0.61
War Veteran	0.31
Mine security	5.47
MDC	0.15
MDC-A	0.15
MDC-T	0.20
Municipal police	1.53
Unknown	0.82
Unknown armed men	1.13

The final issue is where and why the victims were violated.

Table 7: Activities where violations took place.

Type of event	%
Business meeting	0.21
Church meeting	0.91
Daily activities	65.82
Election activity	4.42
Political activity	16.49
Funeral	1.68
Protest	1.61
Social gathering	0.35
Distributing food aid	1.05
Illegal mining	6.67
Other	0.77

Twenty per cent of the violations were in connection with political kinds of events: election activities, political activities, funerals, protests, and distributing food aid.

However, the largest reason given by the victims was that they were engaged in daily activities and targeted for a wide variety of different reasons. These range from being involved in daily vending through to being accused of illegal mining. This category will be expanded in the subsequent report.

Taken together all this data provides a coherent picture of the OVT over 30 months.

Conclusions

The first point to make is that this data provides only a snapshot of the OVT that has taken place in Zimbabwe since January 2021 and is based only on those people who were willing to seek assistance (many are too afraid to do so) or are able to find assistance. However, the picture is corroborated to some extent by the reports of the Zimbabwe Peace Project and the Zimbabwe Human Rights NGO Forum. [12]

Notwithstanding the limited sample described here, it is evident that OVT occurred on a widespread basis, although the frequency varies from Province to Province. It is evident as well that there was a linear increase in violations from January 2021 to July 2023. Whilst there was a high frequency of violations in Manicaland in 2021 – mainly due to resource conflicts and "illegal mining" – the trend overall is for violations to increase in direct relation to the proximity of the elections.

The patterns observed in victims and perpetrators conform completely to those seen in all previous elections.[13] The major victims are those persons who are members, or perceived members of opposition political parties, and mostly in connection with "political activities" as described in Table 7, but not exclusively as many of the victims are included in the category "daily activities".

The perpetrators are mostly drawn from the ruling party, ZANU-PF. The high proportion of the ZRP alleged as perpetrators is of concern, but a more detailed analysis will indicate events in which the ZRP are mainly involved. However, it is a matter that such a high proportion (35%) of state agents are alleged to be perpetrators of human rights violations, whether linked to elections or not.

The seriousness of the allegations should not be disregarded. A very high proportion (63%) of the allegations meet the criteria of serious crimes – aggravated assault since there is no crime of torture in Zimbabwe – and this is corroborated by the reports of the weapons used in these alleged violations: in 53% of the cases reported the use of weapons allows the conclusion that serious crimes were committed.

Thus, overall, it is not possible, even on this limited sample, to support the views of observer groups that these elections were mostly peaceful, and this requires a more comprehensive investigation than civil society, already under threat, will be able to undertake.

[12] ZPP (2023), *2023 Elections: Doom and Gloom?* July 2023 Monthly Monitoring Report. Harare: Zimbabwe Peace Project, *https://data.zimpeaceproject.com/en/entity/azgmmr9jjig?page=1*

[13] See again RAU (2021), *A Short History of Organised Violence and Torture in Zimbabwe (1972 to 2020),* December 2021, Harare: Research & Advocacy Unit.

Recommendations

Here we make several preliminary recommendations as follows:

- SADC, following its report on the 2023 Harmonised Elections, should insist that the Zimbabwe government facilitate a credible investigation of the political violence over the election period, and including the pre-election period.
- The Zimbabwe government should mandate and fully resource the Zimbabwe Human Rights Commission (ZHRC), as the constitutionally appointed body, to fully investigate human rights violations over the entire election period. The constitutional mandate of the ZHRC should not be subverted by appointing an "independent commission" as in 2028.
- Finally, the findings of the ZHRC should be considered in any final conclusions about the credibility of the 2023 Harmonised elections.
- The GoZ should stop targeting, persecution and attacks on civilians, civil society members and political opponents in the post-election phase;
- The Zimbabwe Republic Police (ZRP) should urgently release investigation findings of all OVT-related incidences, and names of identified perpetrators of police brutality against civilians;
- The GoZ should open up civic and democratic space to facilitate the active demand for the freedoms of assembly and expression;
- The GoZ should immediately shut down the operations of FAZ as it continues to discharge a reign of terror in communities.