



Zimbabwe
HUMAN RIGHTS
N G O F o r u m

POLITICAL VIOLENCE REPORT

November 2006

23 January 2007

A report by the Zimbabwe Human Rights NGO Forum

OVERVIEW

The month of November saw the annual celebration of the *16 Days of Activism Against Gender Violence* by various sectors of the Zimbabwean society countrywide. Ironically, in a country which would seem devoted to the issues of the protection of women and men against politically motivated gender violence, as exemplified by the debates on the Domestic Violence Bill in Parliament, the month of November saw no exception in the harassment of women who were celebrating this event. On 29 November 2006 at 11:00 am women from Women of Zimbabwe Arise (WOZA) held a peaceful demonstration near Mhlahladlela government offices in Bulawayo to commemorate the *16 days of Activism against Gender Violence* and to launch a document the group calls 'The People's Charter'. The document reportedly advocates for affordable healthcare, education and housing in Zimbabwe. During the reading, anti - riot police arrived and started assaulting the women and arrested 57 of them for having an illegal demonstration. It is reported that the women were assaulted whilst in detention. Furthermore, 23 of the arrested demonstrators were released on the night of 29 November for medical care. However, 34 other members of WOZA remained in police custody and were only released on 1 December 2006 after having appeared in court. The Human Rights Forum notes with concern the Government of Zimbabwe's continued assault on members of WOZA in 2006. It should be noted that the harassment and torture of these women or any other citizens by the police, army, CIO operatives or any other state agents, will not negate Zimbabwe's moral obligation to provide accessible, affordable, available health care, education, housing nor address the many other concerns raised by these women. Moreover, the 7th acquittal of WOZA members by the Zimbabwean courts lends credence to the notion that the allegations levelled against them over the years are vexatious and frivolous.

On 1 November the NCA¹ alleges that close to 250 of its members who had converged at the Africa Unity Square were heavily assaulted and dispersed around 14:00 hours by the police for participating in an illegal demonstration. The members had converged on the scene from various cities countrywide to demonstrate for a new constitution, including Mutare, Gweru, Bulawayo and Harare. On the same day, the chairperson of the NCA, Lovemore Madhuku, was arrested at the Africa Unity Square allegedly for having organised the demonstration for a new constitution by members of his grouping.

The police detained Madhuku on that day around 17:15 hours at Harare Central Police Station without notifying him that he was under arrest. It is reported that Madhuku was only charged the following day at 16:00 hours wherein the police argued he had organised the demonstrations without informing the regulating authority as prescribed by POSA. However, by not informing the victim of the reasons for his arrest, the police violated Madhuku's constitutional rights as set out in section 13 (3) and section 18(1) of the Constitution of Zimbabwe. Moreover, the Human Rights Forum notes that the use of national legislation such as POSA by the Government of Zimbabwe in defiance of its international laws that protect the right to freedom of association and expression is unlawful and irregular. On the use of national legislation which is not in conformity with international human rights law, the African Commission on Human and Peoples' Rights, has argued in a case, which although dealing with the specific question of freedom of expression, states a principle of general application, which deserves to be quoted at length.

Governments should avoid restricting rights, and have special care with regard to those rights protected by constitutional or international human rights law. No situation justifies the wholesale violation of human rights. ... to allow national law to have precedent over the international law of the Charter would defeat the purpose of the rights and freedoms enshrined in the Charter. International human rights standards must always prevail over contradicting national law.²

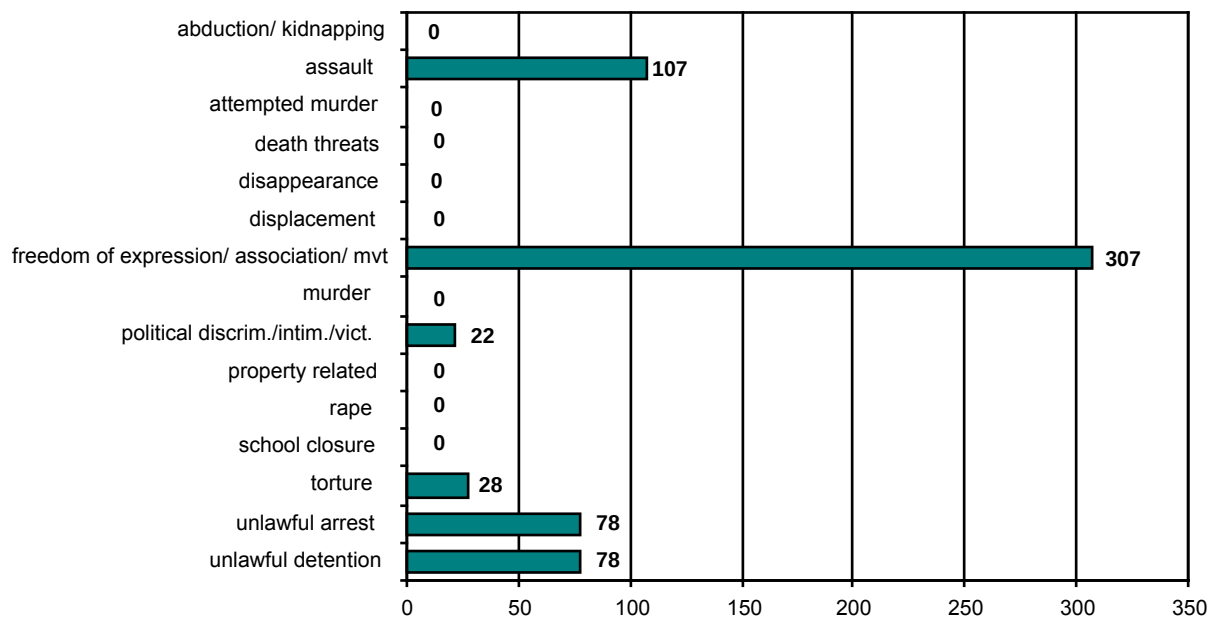
A number of Zimbabwean citizens have been assaulted or arrested over the past few years under the General Laws Amendment Act facing allegations of interfering with President Robert Mugabe's motorcade. In a case that would support these allegations, one Simba Mabasa, a driver for the Tobacco Industry and Marketing Board (TIMB), was reportedly arrested and detained for four days at Harare Central Police Station after allegedly interfering with President Robert Mugabe's motorcade along Julius Nyerere way in Harare. It is alleged that Mabasa failed to give way to the convoy which was coming from Harare International Airport following the President's return from a COMESA meeting in Djibouti. Mabasa was driving a TIMB shuttle bus, which was impounded by the police during the arrest. All passengers on the shuttle bus were ordered to disembark. Mabasa was released

¹ The NCA is a non governmental organisation formed in 1997 as a grouping of Zimbabwean citizens and civic organisations, among them labour movements, student and youth groups, women's groups, churches, business groups and human rights organisations. It also includes political parties. The NCA was formed to agitate for constitutional reforms, and argues that the Lancaster House Constitution, amended 17 times since Independence, does not serve the interests of Zimbabweans.

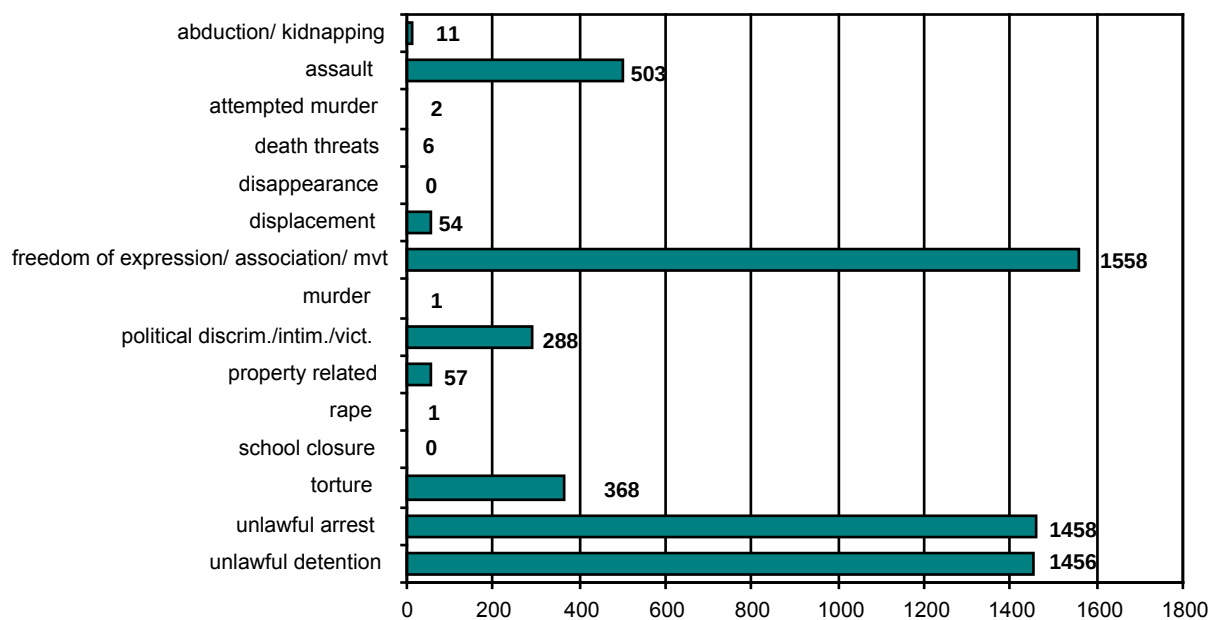
after four days of rigorous interrogation and the bus was also released back to the organisation on the same day.

² Communications 105/93; 130/94 and 152/96, *Media Rights Agenda and Constitutional Rights Project v. Nigeria*, Media Rights Agenda and Constitutional Rights Project, Twelfth Annual Activity Report 1998 – 1999, Annex (Docs of the African Commission) 718

Totals: 1 November 2006 – 30 November 2006



Cumulative Totals: 1 January 2006 – 30 November 2006



The graph should be read along with the table depicting the monthly totals of violations from 1 January 2006 to 31 November 2006. The total quantifiable number of victims reported in November 2006 is 331 .

Key Abbreviations

AIPPA – Access to Information and Protection of Privacy Act Zimbabwe	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

29 November 2006

At 11:00 am on 29 November 2006 WOZA members converged peacefully near Mhlahladlela, government offices where a document they called the "People's Charter" was read. During the reading, anti - riot police arrived and started assaulting the women and arrested 57 of the WOZA members for having an illegal demonstration. It is reported that the women were assaulted whilst in detention and 23 demonstrators were released on the night of the 29th for medical care. 34 activists remained in police custody and were only released on 1 December 2006 after having appeared in court. The members were charged under the Criminal Law (Codification and Reform) Act under Chapter IV Section 37, c) (i) and Section 46.

HARARE

Harare Central

1 November 2006

The NCA alleges that close to 250 of its members, who had converged at the Africa Unity Square, were dispersed around 14:00 hours by the police for participating in an illegal demonstration. It is further alleged that some were assaulted and tortured as well. The demonstrators had converged on the scene from various cities countrywide to demonstrate for a new constitution, including Mutare, Gweru, Bulawayo and Harare. Some of the victims reported that the police forced them to sit down and asked them why they were demonstrating at the Africa Unity Square instead of going to the State House where President Robert Mugabe resides. Those demonstrators who tried to flee were told that they would be shot if they disobeyed. The police also forced all the demonstrators who had cell phones to switch them off, apparently to make sure they would not call for assistance. After some time, Lovemore Madhuku, the Chairperson of the NCA arrived at Africa Unity Square wanting to ascertain why members of his group had been rounded up by the police. The police immediately apprehended him and took him to Harare Central Police Station. It is alleged that Madhuku was only charged the following day at 16:00 hours wherein the police argued he had organised the demonstrations without informing the regulating authority as prescribed by POSA. However, by not informing the victim of the reasons for his arrest, the police violated Lovemore Madhuku's constitutional rights as set out in section 13 (3) and section 18(1) of the Constitution of Zimbabwe and also the right to be free from arbitrary arrest protected in various international laws.

Chitungwiza

11 November 2006

The victim, an MDC member affiliated to the Tsvangirai led faction, was at Huruyadzo Shopping Centre manning the shops the night prior to a MDC rally that was to be addressed by Morgan Tsvangirai the following day. At around 23:30 hours, he reported that he saw some members of ZANU PF, keeping him under watch. When he noticed the alleged perpetrators pointing him out to some of his alleged assailants he fled into a bar at the shopping center. When he decided to check what was happening with members of his faction outside the bar, he was apprehended by a police officer who handcuffed him and ordered him to sit outside. The victim alleged that while he was seated the police officer assaulted him and accused of having given a public address to the people at the shopping

center thereby disturbing their peace. He claimed that he was taken to St Mary's Police Station and detained and was only released on the following day at around 14: 00 hours after paying \$250 fine for unlawful gathering.

12 November 2006

In a related incident to the one above, the victim reports that on the day in question at around 01:30 hours, he was manning the Huruyadzo Shopping Centre. Around 30 youths were having a rally that was to be addressed by Mr Morgan Tsvangirai. He reports that when he noticed a group of alleged ZANU PF supporters converging on them, he ordered the youths to disperse to avoid any confrontation. This was because members of the Neighbourhood Watch Committee in the area had already assaulted one of the MDC supporters at the meeting. It is alleged that the ZANU supporters gave chase and caught up with the victim who was reportedly assaulted with booted feet and forced to sit down. He claims that one of the perpetrators allegedly hit him with an empty brandy bottle which broke on his head. The victim only got rescued by some of his colleagues who had initially fled and later returned to the scene. The victim appear to have identified his assailants as members of ZANU PF.

Harare Central

16 November 2006

Σ. It is reported that Simba Mabasa, a driver for the Tobacco Industry and Marketing Board (TIMB), was arrested and detained for four days at Harare Central Police Station after allegedly interfering with President Mugabe's motorcade along Julius Nyerere Way in Harare. It is alleged that Mabasa failed to give way to the convoy which was coming from Harare International Airport following the President's return from a COMESA meeting in Djibouti. Mabasa was driving a TIMB shuttle bus, which was impounded by the police during the arrest. All passengers on the shuttle bus were ordered to disembark from the bus. Mabasa was released after four days of rigorous interrogation and the bus was also released back to the organisation on the same day. A number of citizens have been assaulted or arrested over the past few years under the General Laws Amendment Act facing similar allegations.

MASHONALAND WEST

Manyame

24 November 2006

On the date in question at 19:00 hrs, it is alleged that close to 20 people, coming from a meeting at the MDC chairman's house in Norton, were waylaid and assaulted by suspected ZANU supporters. The victims were reportedly attacked by about 10 men who asked why they were wearing MDC T-shirts. The victims claimed that they were stoned all over their bodies and sustained different wounds, with some suffering deep cuts on their heads. However, when a passer-by arrived at the location of the incident the perpetrators ran away. The victims claimed that they went to report the matter to the Norton police but their attackers, who had gotten there first, had reported that they had been attacked by the MDC supporters. The police accused the MDC supporters, who had reportedly been attacked and had wounds to that effect, of causing the violence. Further to the assault and stoning from the suspected ZANU PF supporters the victims were arrested, detained and only released after 10:00 hrs on 26 November 2006. They allege that they were denied food the whole time they were in police custody and the cells they were detained in were wet and dirty.

MASVINGO

Masvingo Central

18 November 2006

Σ. It is reported that for the second time running, people allegedly linked to MDC Masvingo Executive Mayor Alois Chaimiti, forced the cancellation of a City Council meeting called to discuss residents' objections to the proposed 2007 budget. A similar meeting had been aborted on October 31 2006. The rowdy youths allegedly linked to the Masvingo Residents Association (COMARA) which is said to be connected to the MDC, also opposed any discussions on a reduction in the budget which had been proposed by Masvingo United Residents and Ratepayers Association (MURRA) chaired by ZANU PF's Eddison Zvobgo (Junior). The latter group argued that proposals by the Mayor to raise rates by close to 1000% had been undertaken without consultation.

	MAIN EVENTS 2006
January	- Voice Of the People (VOP) Board of Trustees continue to be victimized by the police under the accusation 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	- 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	- 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 at City Sports Center in Harare. - Demonstrations against the huge tuition fees increases in tertiary education continue in Bulawayo
April	- Residents of Nyenyere flats in Mbare are forcibly evicted from the flats to make way for ZANU-PF youths on 4 April. Widows are the main targets for eviction - NCA demonstrates for a new constitution on 7 April. - Campaigning starts in Budiriro for the Parliamentary by-election to be held on 20 May. - Military Intelligence officers torture Nixon Nyikadzino a.k.a Mao, an NCA activist, on 14 April. - Intra-party violence erupts in Zengeza between the two MDC factions on 18 April after Tsvangirai holds a rally there on Zimbabwe's Independence Day. - About 50 squatters along Macheke river are arrested and their camp burnt down by the police on 20 April

May	- Civil society commemorates <i>Operation Murambatsvina</i> for 2 months from 18 May to 18 July. - Budiriro House of Assembly by-election is held on 20 May. - NCA holds demonstrations for a new constitution on 11 and 18 May. - Bindura students are arrested and tortured by the police after there are class boycotts on 8 May and the burning of a computer lab at the Bindura University of Science Education on 10 May.
June	- State security agents threaten several members of civic society, including church leaders in a bid to deter them from mobilising for protests on 22 June. - National University of Science and Technology students join Bulawayo Residents Association in protesting against the increases in transport fares on 12 June. - The City of Harare issues eviction letters to some residents occupying Matapi flats in Mbare on 27 July.
July	- Pro-Senate Faction of the Movement for Democratic Change, Ms Trudy Stevenson, who is an MP for Harare North together with other party officials, are attacked by suspected members from the Anti- Senate faction while coming from a rally in Mabvuku. - The National Constitutional Assembly holds demonstrations in Harare and Mutare on 12 July to press for constitutional reforms and 128 activists are arrested. - The Combined Harare residents Association holds a protest march in Harare in protest over the management of the City by a Commission. 18 residents are arrested including two journalists. - The Second Session of the Sixth Parliament of Zimbabwe is opened on 25 July.
August	- Police arrest 153 activists from WOZA in Bulawayo on 21 August. They were protesting the introduction and implementation of the Monetary Policy by the reserve Bank Governor. - Wellington Chibebe, Secretary General of the Zimbabwe Congress of Trade Unions (ZCTU) was arrested and assaulted by police officers at a police roadblock on 15 August. - Soldiers went on a rampage on 3 August beating commuter omnibus drivers, conductors and other innocent civilians at the Kuwadzana bus terminus in Harare. - Prince Chabuda was shot dead along High Glen Road on 29 August by plain-clothes police detectives who are reported to have mistaken the vehicle he was travelling in for one that was being used by a gang of robbers
September	- 8 Zimbabwe National Student Union leaders are arrested while having a meeting at Palm Lodge in Harare on 9 September. - 107 WOZA women get arrested in Harare while protesting against the poor service delivery by the City of Harare.

	- Police brutally assault and torture ZCTU demonstrators in the City Centre, Willowvale Industrial Area and Chitungwiza on 13 September - 50 ZNA personnel reportedly attack MDC supporters who were on a door-to-door campaign for the Chikomba by-election scheduled for 7 October 2006. The incident took place on 17 September. - On 25 September, about 200 NCA members protest for a new constitution as well as the use of brute force against ZCTU members by the police.
October	- Chikomba and Rushinga by-elections and Rural District Council elections are held on 7 October. - Five WOZA members, including a 75 – year old grandmother, are arrested after demonstrating in Bulawayo on 25 October. - Unknown assailants reportedly attack the house of suspended Chitungwiza Mayor Misheck Shoko on 21 October. - An MDC supporter is reportedly raped in a politically-related incident in Kadoma on 12 October.
November	- 57 WOZA members are arrested on 29 November in Bulawayo after they had gathered to read a document called the 'People's Charter' - About 250 NCA members are arrested and some are assaulted during a demonstration for a new constitution on 1 November. - It is reported that Simba Mabasa , a driver for Tobacco Industry and Marketing board (TIMB) gets arrested and detained for four days for allegedly interfering with the Presidential motorcade on 16 November

To report political violence incidents occurring to yourself or someone you know, please contact us on the addresses on page 15.

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.

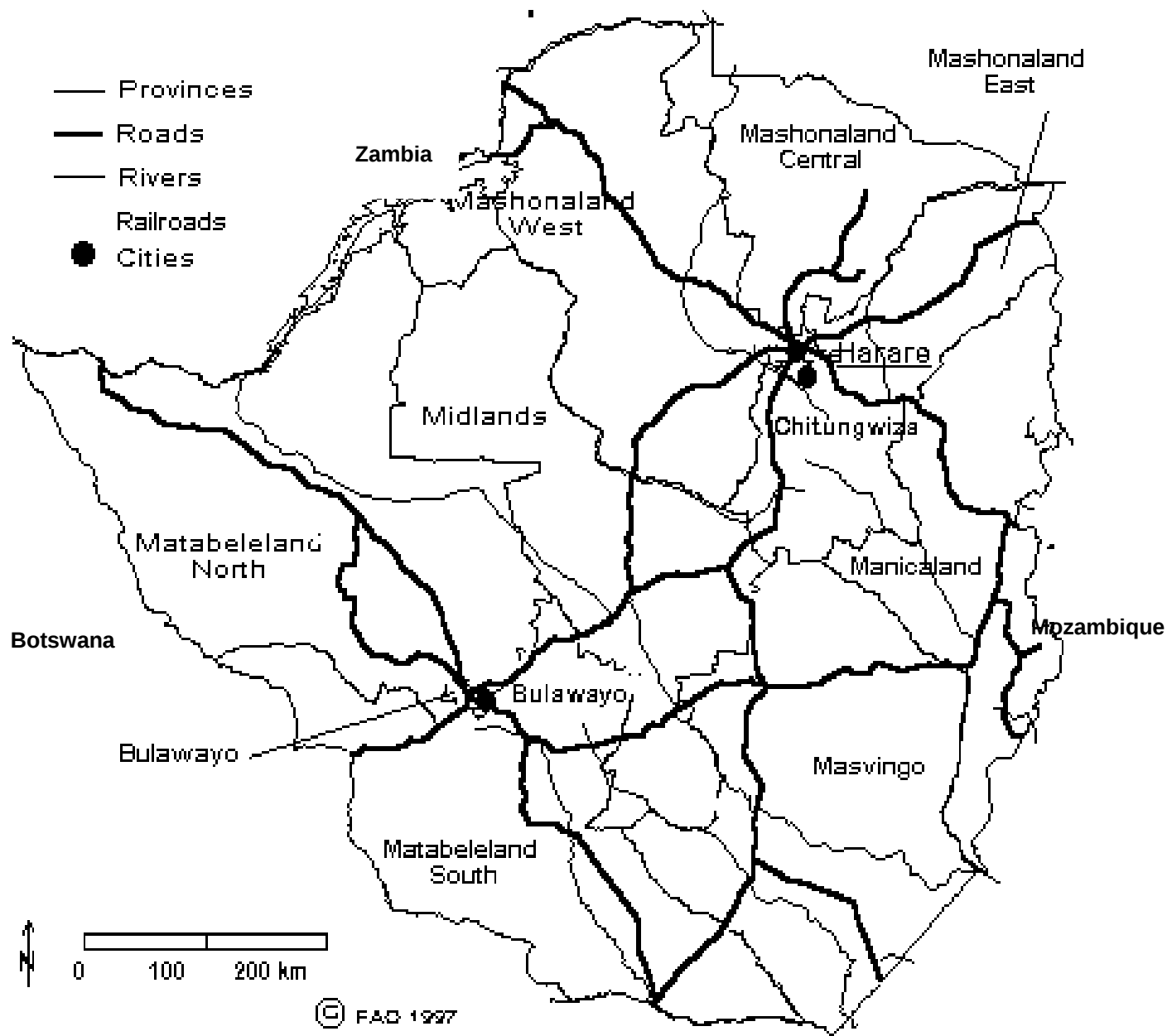
Monthly totals of human rights violations from 1 January 2006 to 30 November 2006

	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Total
Assault	7	32	32	20	178	4	68	12	34	9	107	503
Abduction/ kidnapping	0	0	1	2	5	0	1	0	0	2	0	11
Attempted murder	0	0	0	2	0	0	0	0	0	0	0	2
Death threats	0	0	2	2	0	1	1	0	0	0	0	6
Disappearance	0	0	0	0	0	0	0	0	0	0	0	0
Displacement	0	0	0	54	0	0	0	0	0	0	0	54
Freedom of expr/ass/mvt	7	410	57	24	174	4	157	153	560	5	307	1558
Murder	0	0	0	0	0	0	0	1 ³	0	0	0	1
Political Discrim/vict/intim	7	8	29	23	179	4	2	2	6	6	22	288
Property related	0	0	1	50	4	0	0	0	1	1	0	57
Rape	0	0	0	0	0	0	0	0	0	1	0	1
School closure	0	0	0	0	0	0	0	0	0	0	0	0
Torture	3	0	19	17	86	1	68	0	143	3	28	368
Unlawful arrest	8	312	46	103	235	11	146	161	352	6	78	1458

³ A case of wrongful death took place in August when Prince Chabuda was shot dead by plain-clothes police detectives who are reported to have mistaken the vehicle he was travelling in for one that was being used by a gang of robbers. The death has been categorised under murder.

Unlawful detention	8	312	46	103	235	11	146	157	354	6	78	1456
-----------------------	---	-----	----	-----	-----	----	-----	-----	-----	---	----	------

ADMINISTRATIVE MAP OF ZIMBABWE



The **Zimbabwe Human Rights NGO Forum** (also known as the “Human Rights Forum”) is a coalition comprising 16 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 **Error! Bookmark not defined.** (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

Address: 8th Floor Bluebridge North, Eastgate, Harare; Telephone: 250511 - Fax: 250494

The International Liaison Office, 56- 64 Leonard Street London EC 2A 4 LE– 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.