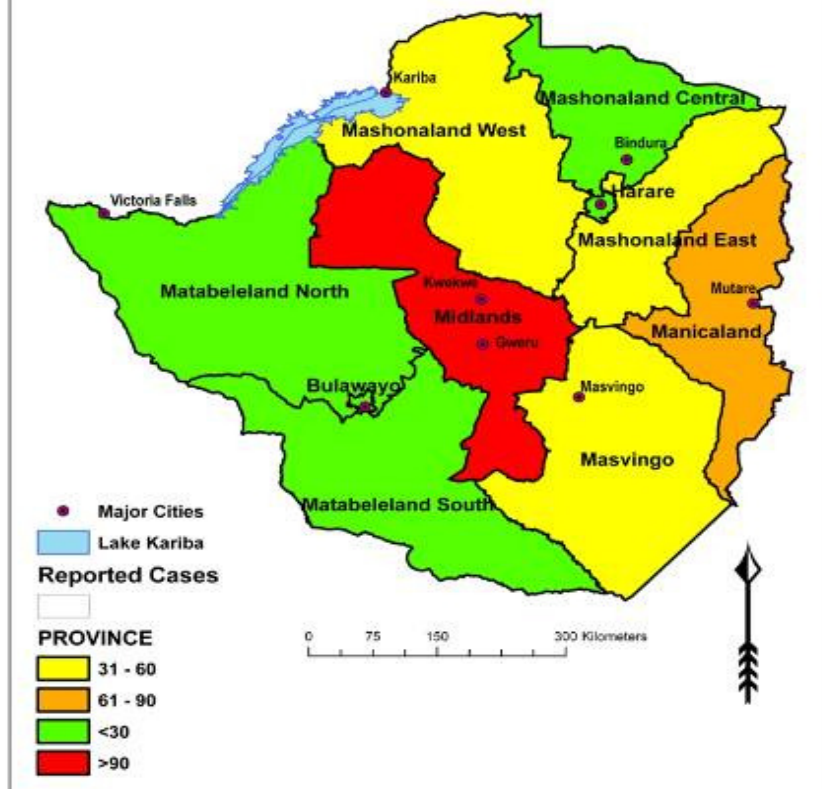


ZPP Monthly Monitor

ZPP March 2013 Provincial Violations Map



BACKGROUND & FORMATION

The Zimbabwe Peace Project (ZPP) was conceived shortly after 2000 by a group of Churches and NGOs working or interested in human rights and peace-building initiatives, and was to become a vehicle for civic interventions in a time of political crisis. In particular ZPP sought to monitor and document incidents of human rights violations and politically motivated breaches of the peace e.g. violence.

Today, ZPP's co-operating member organizations include, Zimbabwe Council of Churches (ZCC), Catholic Commission for Justice & Peace in Zimbabwe (CCJPZ), Evangelical fellowship of Zimbabwe (EFZ) Zimbabwe Election Support Network (ZESN), Counselling Services Unit (CSU), Zimbabwe Civic Education Trust (ZIMCET), Zimbabwe Lawyers for Human Rights (ZLHR), Zimbabwe Human Rights Association (ZIMRIGHTS), Civic Education Network Trust (CIVNET), Women's Trust and the Habakkuk Trust.

VISION

Sustainable Justice, Freedom, Peace and Development in Zimbabwe, for All

MISSION

To work for sustainable Peace through Monitoring, Documentation, Research & Publications, and Community Peace Building Interventions ~ through & with our Members & Partners

METHODOLOGY

This report is based on reports from ZPP long-term community based human rights monitors who observe, monitor and record cases of human rights violations in the constituencies they reside. ZPP deploys a total of 420 community-based primary peace monitors (two per each of the 210 electoral constituencies of Zimbabwe). These community-based monitors reside in the constituencies they monitor. They compile reports that are handed over to ZPP provincial coordinators who manage the different ZPP offices in the ten administrative provinces of Zimbabwe. Upon receipt and verifications of the reports from the monitors, the provincial coordinators compile provincial monthly monitoring reports, which are then consolidated at national office into the ZPP monthly monitoring reports published in retrospect.

EXECUTIVE SUMMARY

The constitutional referendum held on March 16, 2013 was a step towards the holding of elections later this year but the event also provided the government an opportunity to test its electoral systems. The referendum provided political parties an opportunity to hold rallies in support of the document leading to people's rights being violated. The number of politically motivated violence declined significantly during the month mainly because the country's major political parties were all in support of the draft constitution. There were 382 incidents recorded in March down from the 421 cases witnessed in February.

While the major political parties were able to freely urge their supporters to vote yes in the referendum, it was not the case for other actors such as the National Constitutional Assembly (NCA) and its allies who were campaigning for a no vote. The NCA had one of its meetings blocked by the police in Chipinge on the pretext that they had not sought police clearance.

The referendum exercise also provided the platform and source of conflict during the period under review as citizens were forced to march to attend rallies in support of the constitutional draft. Several reports of traditional leaders reportedly gathering their subjects and ordering them to vote yes were received from Manicaland and Masvingo provinces.

The police continued to target human rights NGOs with the arrest and detention of Zenzele Ndebele, the Editor of Radio Dialogue on allegations of smuggling solar-powered and wind-up radio sets into the country in contravention of Section 182 of the Customs and Excise Act or alternatively with failure to produce a listeners' licence. Ndebele, who was arrested on Friday 1 March 2013, was interrogated by the police over the possession of 180 radio sets which the police allegedly seized from the Radio Dialogue offices in Bulawayo, was released into the custody of his lawyers.

Zimbabwe Peace Project National Director Jestina Mukoko voluntarily handed herself to the police at Harare Central Police Station on March 8 after the Zimbabwe Republic Police claimed in a public statement on state radio and television that she was on the run. Beside the message by the police, Commissioner General of Police Augustine Chihuri also mentioned that police were looking for Mukoko. She was subsequently charged with two counts of contravening the Private Voluntary Organisations Act Section 6 (2) and (3) of the PVO Act Chapter 17:05. Furthermore, the police preferred additional charges which included contravening the Broadcasting Services Act Section 38E (1) (a) for allegedly refusing or failing to register as a dealer and Section 182 of the Customs and Excise Act Chapter 23:03 for allegedly smuggling radios and cellphones.

A warned and cautioned statement was recorded from Mukoko in the presence of her legal team comprising of Beatrice Mtetwa, Harrison Nkomo, Tarisai Mutangi, Tonderai Bhatasara and Tawanda Zhuwarara who are all members of Zimbabwe Lawyers for Human Rights.

Mukoko denied all the charges and explained to the police that none of ZPP's activities were in any way illegal. In her statement to the police she also raised the irregularity of the charges and more importantly that she could not be charged in her personal capacity. Mukoko was then released into the custody of her lawyers after the interrogation and the police indicated that they would advise of any further action after assessing the docket.

In the period under review the Zimbabwe Electoral Commission also found reason to disqualify organizations such as the Zimbabwe Peace Project and the Zimbabwe Human Rights Association from observing the referendum on the basis that the organizations were under police probe. However, ZPP eventually received a letter authorizing it to observe the referendum weeks after the referendum.

On 17 March 2013 police arrested four members of Prime Minister Morgan Tsvangirai's office. They were arrested and charged with impersonation after they were found in possession of dockets on corruption. Their lawyer Beatrice Mtetwa who had been called to attend a raid at Thabani Mpofu's residence one of the staffers, was also arrested for obstructing the course of justice for allegedly asking for a search warrant. Mtetwa was held in custody and only released a week later on bail despite a High court ruling by Justice Charles Hungwe to release her. Mtetwa was only released on 25 March 2013 after High Court Judge Justice Joseph Musakwa ruled that a Harare magistrate had erred in denying her bail.

Pressure on civic society continued in the country with demands for Memoranda of Understanding by government officials being recorded in Masvingo and Matabeleland South provinces.

Despite the fact that the numbers of politically motivated human rights violations remain subdued, political tensions are very high as political parties move to prepare for the upcoming harmonised elections. Political factions have emerged within the MDC-T party and Zanu PF parties related to the selection of candidates. For example the MDC-T intra-party conflict between Morgan Komichi and Xavier Edziwa was evidenced after Morgan Komichi allegedly declared that other party members should not contest against him as he should be respected as a national leader. However, Edziwa argues that the MDC-T is for democracy and therefore no one was immune. The MDC-T Sanyati District which is reported to be against Komichi allegedly signed a petition sent to the national executive challenging Komichi's decisions.

On 29 March 2013 intraparty conflict turned nasty as violence erupted at Mubaira Township when two Zanu PF factions reportedly clashed. Two factions have emerged since January when a candidate only known as Shamuyarira made known his intentions to challenge sitting MP Sylvester Nguni. Zanu PF youths campaigning for Shamuyarira were allegedly attacked by Zanu PF provincial youth chairperson known as Dommy and other supporters of Nguni. Two people were seriously injured in the attack and were taken to hospital and released the following day. Property at some shops was damaged during the attack but no one was arrested in connection with the violence.

An analysis of the violations trends shows that March 2013 witnessed the lowest number of human rights violations since 2008 despite the fact that there was an election in the form of the constitutional referendum. The highest number of recorded violations during the month of March was in 2009 just a month after the formation of the inclusive government with 1552 cases.

Figure 1: Violations for month of March 2008-13

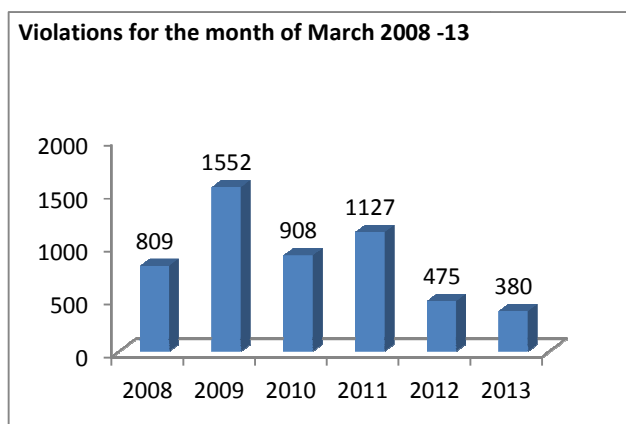
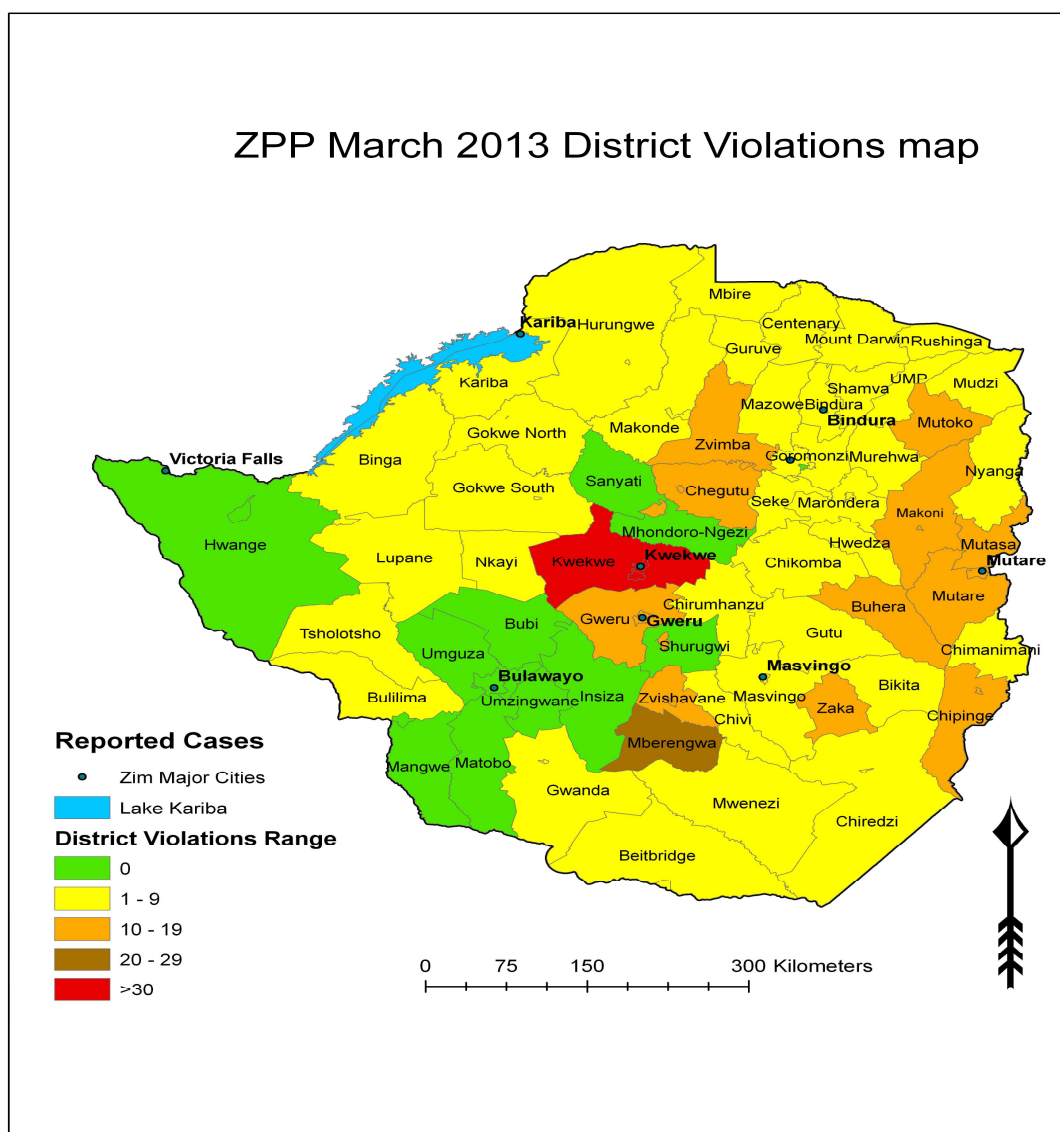
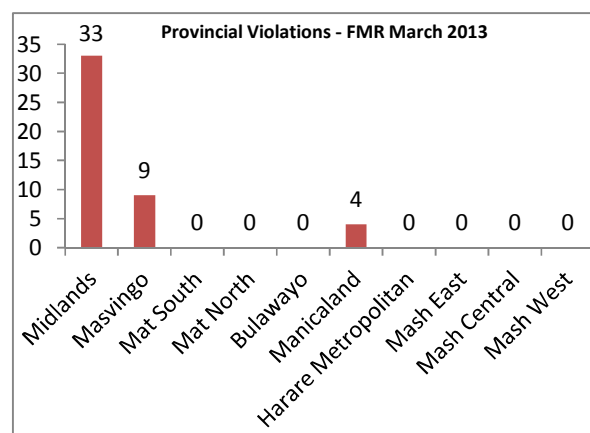


Figure 2: Violations on politicized food & aid distribution



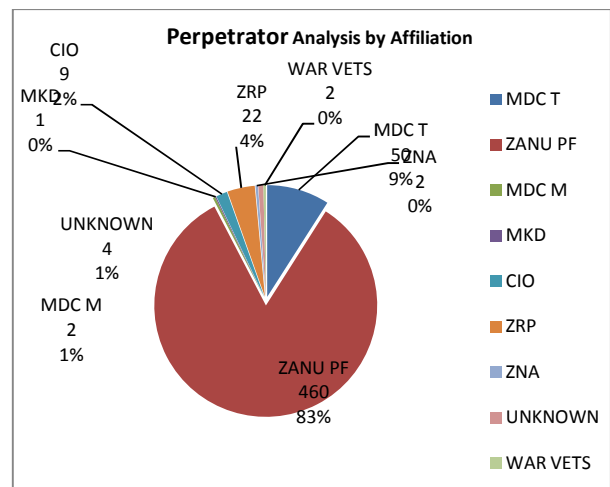
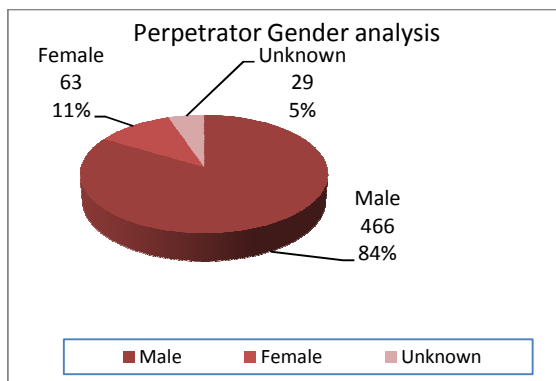
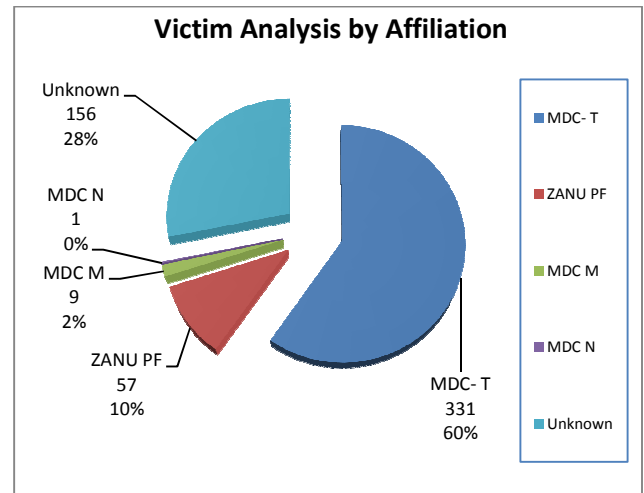
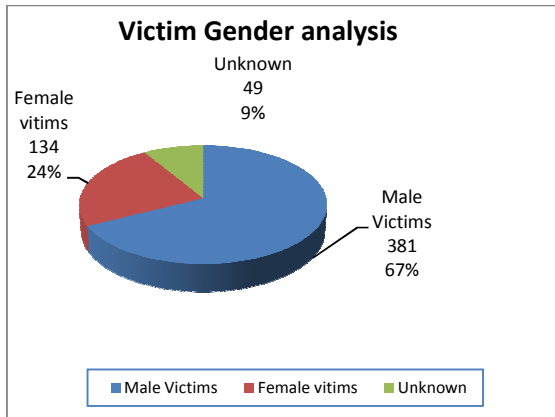
INCIDENCES OF POLITICALLY MOTIVATED VIOLATIONS

PROVINCE	ACTS OF HR VIOLATIONS	HR/FREEDOMS VIOLATED	# OF ACTS	MAJOR HIGHLIGHTS OF HR VIOLATIONS
Manicaland	Harassment/intimidation	Right to personal integrity and human dignity	54	➤ The constitutional referendum exercise provided the platform and source of conflict during the month of March in the province. Zanu PF and MDC-T were the major culprits in this regard as they dispatched their foot soldiers across the province coercing their members to just vote “yes” without question. ➤ The constitutional referendum had its fair share of violations as witnessed at Chimombe School in Buhera South. Zanu PF youths led by one Alois Chamangwani allegedly assaulted a female MDC-T activist just outside the polling station after she had refused to have her details taken by perpetrators who were compiling a list of those who had voted at the polling station. ➤ Intra and interparty political intolerance also played out significantly during this period as both Zanu PF and MDC-T activists were reportedly at each other’s throats over positions ahead of pending primary elections.
	Assault	Right to liberty and security of person	14	
	Theft/looting	Property rights	2	
	Discrimination	Right to food	15	
	Attempted Rape	Right to personal integrity and human dignity	1	
	Total		88	
Midlands	Harassment/intimidation	Right to personal integrity and human dignity	65	➤ The province witnessed an increase in the number of politically motivated human rights violations from 62 witnessed in February to 102 in March. The province experienced more intra-party fights within the MDC-T as its aspiring candidates fought to be considered to stand for the party in the upcoming elections. ➤ AS people were voting during the referendum, the ZPP witnessed very few incidents of harassment and intimidation as voters at some polling stations were allegedly asked how they voted. A Zanu PF councillor identified as a Mr Mataga allegedly asked an MDC-T activist to reveal how she had voted at a polling station in Mberengwa, Ward 18.
	Assault	Right to personal integrity and human dignity	20	
	MDP	Property rights	1	
	Discrimination	Freedom of Assembly	13	
	Disrupted Political meeting	Right to personal liberty	1	
	Displacement	Right to personal integrity and human dignity. Right to shelter	2	
	Total		102	
Mash Central	Harassment/intimidation	Right to personal integrity and human dignity	23	➤ Political tension remained very high in the province despite the fact that the levels of violations were on a downward trend. The three political parties in the inclusive government were in support of the draft constitution ahead of the referendum on March 16, 2013. ➤ Inter-party violence was recorded in the province when an MDC-T of Pembi Chase farm Mazowe North was harassed and verbally threatened with death on 25 March by a Mr. Mukau who is a Zanu PF district chairman. The victim is an activist who had observed the referendum. The perpetrator is said to have linked ZESN and MDC. .He threatened the victim with death should he continue to associate with ZESN. ➤ Another MDC-T activist from Show farm Muzarabani South was allegedly denied access to maize loan by Chrispen Mutandwa of Zanu PF. The perpetrator tore the victim’s application letter citing that the victim was an MDC-T supporter. Usually, all applications for food at village level pass
	Kidnapping/Abduction	Property rights	1	
	Discrimination	Right to food, education	1	
	Total		25	

				through Zanu PF structures and that has made it impossible for others to access the food.
Mash East	Harassment/intimidation	Right to personal integrity and human dignity	25	➤ Incidences of political violence have remained low in the province however people have been force- matched to attend Zanu PF meetings and even on the referendum voting day, people were forced to go and cast their vote, with or without proper documents. ➤ In Mudzi district Zanu PF is carrying out a voters' registration exercise which is allegedly being spear-headed by Newton Kachepe (MP Mudzi North) and Aquiline Katsande (MP Mudzi West) and people are not happy about it as they suspect that those who registered in the past and who are alleged to be or are known members of MDC-T are likely to be scrapped from the voters' roll.
	Theft/looting	Right to property	1	
	Assault	Right to personal integrity and human dignity	8	
	Discrimination	Right to food, education, personal liberty	1	
	Total		38	
Mash West	Assault	Right to personal integrity and human dignity	2	➤ The major political events of the month include the involvement of Zanu PF leaders in the voter registration process. Kudakwashe Ben of Mashuma 2 Hurungwe West and a youth chairperson of Zanu PF is reportedly forcing young people between the ages of 16 to 35 to acquire documents so that they can register to vote. The village heads in Hurungwe west are reportedly documenting people without IDs and handing the names to chiefs who will transport the people to the District Administrator's offices in Karoi. ➤ In Mutorashanga area the members of the police and CIO operatives were patrolling the farms in search of solar-powered and wind-up radios. One victim from Muriel Mine had his home searched for the gadgets as he is believed to be of the MDC-T party and distributing the radios in the area.
	Kidnapping/Abduction	Right to personal liberty	1	
	Theft/Looting	Right to property	2	
	Discrimination	Right to food, education,	5	
	Harassment/Intimidation	Right to personal integrity and human dignity	33	
	Unlawful Detention	Right to liberty and security	1	
	Total		44	
Masvingo	Harassment/Intimidation	Right to personal integrity and human dignity	45	➤ Human rights violations rose significantly in March compared to February and January figures. A total of 53 cases of harassment, intimidation, forced attendances at political meetings and cases of food relief discrimination on political grounds were recorded during the month. ➤ The referendum was held in relatively peaceful atmosphere on 16 March although several reports of traditional leaders gathering their subjects and ordering them to vote "yes" were received. ➤ The province also witnessed intra- party violence in Zaka East within the MDC T when on 10 March at Zibwowa Business Centre, Ward 20, aspiring MDC T parliamentary candidates were allegedly involved in violence while denigrating each other in front of their supporters. James Gumbi, an aspiring MDC T candidate assaulted another MDC T district executive member Jestias Shadreck Chikwanda. They are both aspiring for candidature of Zaka East constituency.
	Discrimination	Right to food, education, personal liberty	3	
	Theft/looting	Right to property	2	
	Assault	Right to personal integrity and human dignity	3	
	Total		53	
Harare	Harassment/Intimidation	Right to personal integrity and human dignity	5	➤ The province witnessed very few incidents of politically motivated violence during the month under review. The arrests and detentions of officers in the Prime Morgan Tsvangirai's communications office and prominent human rights lawyer Beatrice Mtetwa just a day after the successful holding of the referendum were the major highlights of the month. ➤ Mtetwa was arrested for obstructing the course of justice as she was attending to her clients at the home of one of the staff members. ➤ The Province witnessed inter-party political violence in Mbare just a day before the holding of the referendum when MDC-T aspiring candidate Sten Zvorwadza was assaulted by Zanu PF supporters outside Matapi Flats. Zvorwadza had gone to the suburb to put up campaign posters
	Total		5	

				for the “yes” vote in the referendum. No one was arrested in connection with the attack which took place in front of the international media (BBC)
Mat North	Discrimination	Right to food	2	➤ The fact that the major political parties the MDC formations and ZANU-PF were all campaigning for the YES vote also contributed to the drop in the number of recorded incidents. ➤ At Manjolo Sikalenge, Binga North constituency, an MDC-T activist was unlawfully detained by village youth officers. It is reported that the survivor had attended a constitutional meeting which was dominated by Zanu PF members when he was approached by the village youth officers who are reported to have asked him what he wanted at the meeting. The officers are reported to have later dragged the survivor and detained him for hours in a storeroom of a shop of one of the Zanu PF members
	Unlawful Detention	Right to personal liberty	1	
	Harassment/Intimidation	Right to personal integrity and human dignity	6	
	Total		9	
Bulawayo	Discrimination	Freedom of Association	2	➤ The province remained very active in terms of political meetings despite the number of politically motivated violence remaining low. ➤ Three Zanu PF youth league members were arrested in connection with intra-party violence that occurred at Davies Hall, Zanu PF offices after they allegedly forced their way into a meeting which was attended by central committee and politburo members. ➤ A Zanu PF supporter from Newton West was allegedly denied medicine by members of the Simanyene Home Based Care on political grounds. The perpetrators who were identified as Patimile Dube and Joyce Zulu are members of the MDC-N in the Bulawayo South constituency.
	Harassment/Intimidation	Right to personal integrity and human dignity	6	
	Unlawful Detention	Right to liberty and security	1	
	Total		9	
Mat South	Theft	Right to property	1	➤ The Province witnessed a case of displacement when the owner of Pagati farm in Matobo North a Mr Van Vuuren was ordered to leave his farm. It is however not yet clear who intends to move in but Chief Nyangazonke and Somandla are suspected to be behind the eviction.. ➤ A Zanu PF village chair allegedly threatened to burn down houses belonging to two MDC-N supporters from Mankwe Village after they had attended a rally that was addressed by party President Professor Welshman Ncube at Nyandeni Village on 5 March 2013 to support the draft constitution
	Harassment/Intimidation	Right to personal integrity and human dignity	6	
	Displacement	Right to property	1	
	Total		9	
	OVERALL TOTAL		382	

VICTIM/PERPETRATORS ANALYSIS BY GENDER AND ASSOCIATION



This Report was produced and circulated by the Zimbabwe Peace Project, P O Box BE 427, Belvedere, Tel: (04) 747719, 2930180, 2930182 and email: zppinfo@gmail.com,

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ANNEXURE:

DEFINITIONS OF HUMAN RIGHTS VIOLATIONS

TERM	DEFINITION
Murder	Unlawful and intentional killing of another person
Sexual Assault:	It is knowingly causing another person to engage in an unwanted sexual act by force or threat.
a) Rape	Is whereby a male person has sexual intercourse or anal intercourse with female person without the consent of the latter
b) Aggravated Indecent sexual assault	Is whereby a person including a female commits a sexual act involving the penetration of any part of the victim's body, other than a male person having sexual intercourse or anal intercourse with a female person, without the consent of the victim, including active and passive oral sex and anal sex between two individuals of any gender.
Assault	Is whereby a person commits an assault upon another person intending to cause that other person bodily harm.
a) Falanga (Foot whipping)	Is a form of corporal punishment whereby the soles of the feet are beaten with an object such as a cane, or rod, a piece of wood, or a whip. The victim may be immobilized before the application of the beating by tying, securing the feet in leg irons, locking the legs into an elevated position or hanging upside down.
b) Submersion/Suffocation (water boarding)	A form of assault whereby water is forced into the victim's breathing passages so as to simulate drowning.
c) Beating	Is any form of physical assault including hitting of a person with or without an object such as a stick, belt, whip, barbed wire, log or any other object including bare hands. It also includes the kicking or head-butting of a person; and includes stabbing, shooting and forced consumption (forcing a person or overeat or eat something poisonous or their own excreta.)
d) Other assault	
Torture	Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person by or instigation of public official or other person acting in an official capacity for purposes of obtaining from the victim or a third person information or a confession, punishing him/her for an act s/he or a third person has committed or is suspected of having committed, or intimidating or coercing him/her or a third person, or for any reason based on discrimination of any kind
Threat	It is whereby a person threaten to commit a crime, including but not limited to murder, rape, aggravated indecent assault, unlawful detention, theft, malicious damage to property thereby inspiring in the person on whom she/he communicates the threat of a reasonable fear or belief that he or she will commit the crime.
Harassment/Intimidation	Unlawfully subjecting one to pressure, insult of threat with intent to cause him/her to suffer anxiety discomfort and/or the feeling of insecurity.
MOVEMENT VIOLATIONS	
Kidnapping/Unlawful Detention	Is whereby a person deprives another person of his freedom of bodily movement without lawful justification and/or authority (based on section 93 of the Criminal code Act)
a) Adduction	The taking away of a person using intimidation, open force of violence
b) Unlawful arrest	Is the arrest of a person by another person (usually a police officer), whereby the latter's position generally authorises him/her to arrest the other person, but not in this particular case. Essentially, it is a form of abuse of power on the part of the police officer
c) Unlawful detention	Depriving a person of his or her freedom of bodily movement without lawful justification and/or authority.
d) Forced displacement	Internal displacement of persons or groups of persons "...who have been forced or obliged to flee or leave their homes or places or habitual residence, in particular as a result of or in order to avoid the effects or armed conflict, situations of generalised violence,

	violations of human rights or natural or human made disasters, and who have not crossed an internally recognized border”
PROPERTY RIGHTS	
Theft	Is whereby a person takes property from another person “knowing” that the other person is entitled to own, possess or control this very property.
Robbery	Is whereby a person steals, borrows or uses the property of another person without authority, thereby intentionally using violence or the threat of immediate violence to induce the person who has lawful control over the property to relinquish his/her control over it.
Stock Theft	Is whereby a person takes livestock from another person knowing that the other person is entitled to own, and possess or control this very property.
Malicious Damage to Property	Is whereby a person knowing that the other person is entitle to own, possess or control any property, damages or destroys that very property (<i>Note: MDP to communal/household property should only be choses for one family member: the victim or head of household in that order</i>)
a) Destruction of home	Is a form of malicious damage to property, it occurs when a home is burnt to the ground or otherwise made inhabitable in such a manner as the only option toward the making the home habitable is to completely rebuild it.
b) Other types of MDP	Please describe briefly the alleged conduct.