

Human Rights Update
Volume 1, October 10 2001

Produced by the Zimbabwe Human Rights Association (ZimRights) PVO/3/93

To: All Honourable Members of Parliament

As a Human Rights Organisation we are very much concerned about the use of the army in the maintenance of Law and Order. A lot of cases have been reported to us and today we are writing to you for your intervention on behalf of the people of Zimbabwe to discuss this issue in Parliament. Following is our report and recommendations on what should be done to minimise the trauma that ordinary Zimbabweans are going through.

MAINTENANCE OF LAW AND ORDER

Why use the Army in the Maintenance of law and Order when they kill, torture, rape and injure innocent defenceless people of Zimbabwe?

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1 INTRODUCTION

This document highlights cases of brutality perpetrated by the Army in the course and scope of executing orders from the Government in the area of maintenance of law and order. Zimbabwe Human Rights Association (ZimRights) seeks to lobby the Government, Parliament of Zimbabwe, Ministry of Defence and Ministry of Justice to come up with policies barring the Army to maintain law and order alongside the Zimbabwe Republic Police. ZimRights strongly feels that the army is not the right institution to use in the maintenance of law and order. This is due to gross human rights abuses perpetrated by the Army, each time they are deployed in communities. Innocent people are killed, injured and tortured and women are raped to mention a few of the evils perpetrated by the Army. For the good of Zimbabweans, the Army must not be used in the maintenance of law and order.

Recently, especially after the constitutional referendum in February 2000 and subsequently after the 2000 Parliamentary elections, Zimbabwe has seen the emergence of a strong opposition party and consolidation of a strong civic society, government has increased the use of the army in maintaining law and order. This development has caused a lot of suffering to innocent people. The Army has a history of human rights abuses considering the horrors of the 1982 to 1987 atrocities. The 5th Brigade unleashed a reign of terror in the Midlands and Matebeleland. Recently, as we write this document, the Army was deployed in some rural areas that include Vumba Siamchembo area in Gokwe North. The mission of the Army in the area is not known. To this end, after weighing the catastrophes brought by the Army, it is suggested that the Government should forthwith

stop using the Army to maintain the law of the land. This is the job of the Police. It is constitutionally guaranteed that the duty of the Defence Forces comprising the Army and Air force is to defend Zimbabwe. The existence of the Police Force in Zimbabwe means that the Army must stop usurping the role of the Police Force and vice-versa

An effort has been made to cite cases in which the involvement of the Army had been disastrous and counter productive. This adds to other cases of Army Brutality experienced by Zimbabweans, like the Midlands and Matebeleland Atrocities. In this case the Government sponsored the Army to kill people of Zimbabwe. The Army and the Government has not apologized for killing innocent defenceless people of Zimbabwe.

However, participation of the Army and Air force in the maintenance of law and order has caused a lot of suffering on the innocent people of Zimbabwe. It has tortured members of the public by,

Assaulting them

Killing them

Forcing them to eat raw meat and rotten tomatoes,

Beer poured on them,

Forced to lie prostrate to the ground whilst being beaten,

Pulling and uprooting of hair,

Shooting innocent people

Raped women

Guns and pistols pointed on them,

Forced people to wash their bodies using sewerage and muddy water

Forced themselves into shops and assaulting shopkeepers.

The following are the cases that took place in some parts of Zimbabwe, like the Midlands and Harare Region. The Army wrongfully and unlawfully assaulted members of the public for no just cause.

2 MIDLANDS REGION

INTRODUCTION

An effort has been made to highlight recent cases that took place in RedCliff and KweKwe. It tortured and killed people in the Midlands. The first episode took place before the 2000 Parliamentary elections. Soldiers were deployed in the area resulting in a lot of innocent people being beaten up using clenched fists, butt of the gun, claps, forced to chant political slogans, forced to lie prostrate to the ground, forced to eat raw meat, forced to bath using sewerage water and many other acts of torture. This report zeros down on two latest encounters that took place in March and August 2001.

ZISCOSTEEL

Two workers were shot dead and several others escaped with injuries when an army officer opened fire at the defenseless striking ZISCOSTEEL workers on Wednesday the 8th day of August 2001. Armed soldiers arrived at ZISCOSTEEL at around 4:30pm and fired three warning shots, which resulted in workers scurrying for cover inside the

ZISCOSTEEL Plant. The soldiers started assaulting workers including some supervisors who were working at the Coke Ovens and Blast Furnace No 4.

The following people were killed,

- (a) Never Daniel (Mr)
- (b) Samuel Masiyatsva. (Mr)

Following the death of the two ZISCOSTEEL workers, their families demanded compensation before burial. The Midlands Observer of Friday the 24th of August 2001 carried the following story, written by Mr Majiga Majiga,

The grieved families of the two Ziscosteel employees who were shot dead 16 days ago when workers staged sit-in strike, are demanding compensation before they could bury their relatives. On the visit to both families, mourners had already dispersed sighting the shortage of food since the bereaved families had no money to meet funeral expenses.

After killing the people the Government did not offer any form of assistance. In light of the above quotation the families are suffering because they did not have money to cater for funeral expenses. The Government must be responsible for everything since they killed the two said people. This includes Compensation to the families for loss of support and payment of funeral expenses.

TORWOOD AND RUTENDO

This case encapsulates what transpired in Red-Cliff on the 24th and the 31st day of March 2001 after deployment of the Zimbabwe National Army (Z.N.A) soldiers in Torwood and Rutendo High Density suburbs. Members of the police force and some war veterans accompanied the army.

Zimbabwe Human Rights Association (ZimRights) visited the scene of the incident and interviewed some people who either witnessed or were assaulted by the Army. It is therefore from the basis of the investigations made that this incident is reported.

The interviews revealed that people were, assaulted, forced to eat raw meat, beer poured on them, forced to lie prostrate to the ground, pulling and uprooting of hair, guns and pistols pointed on them, forced to wash their bodies using sewerage and muddy water and forced to pay fines. The soldiers further forced themselves into shops and assaulted shopkeepers. People were beaten up indiscriminately and in cold blood. What was surprising was that the soldiers openly castigated the people of Rutendo for supporting the opposition.

The soldiers were in uniform, armed with guns and driving a 4 X 4 STEYR vehicle. In Torwood they were estimated to be around 16 in number. It is believed that the soldiers responsible for the brutalities came from a near by Pondoloza Air Base situate close to Red-Cliff and adjacent to Zimbeef.

In Rutendo, it is alleged that MDC youths had a Party at a beer hall. The soldiers were alerted and chaos began. They besieged a beer garden and locked all the gates and moved in, beating up people at random. The people were assaulted using logs, barrels of guns, fists and kicks. They were forced to eat raw meat and to drink sewerage water. This took place on the 24th of March 2001.

On the 30th day of March 2001, the soldiers ambushed people at Mutege Night Club at around 7:00pm and started beating them up using weapons. It is believed one person was found dead at a bridge close to Rutendo. It is alleged that the soldiers killed the person and dumped him there.

The army force marched all the casualties into an army truck and dumped them along Gweru Road close to 3km from Red-Cliff Turn-off. These were critically injured and were left for the dead.

On the 31st day of March 2001, the soldiers moved door-to-door searching for Movement for Democratic Change members. The soldiers moved with well-known war veterans in the area.

VICTIMS OF THE BRUTALITIES

1 Mr Enos Zvenyika. He was assaulted on 24 March 2001 at Torwood Shopping Centre. He was on his way home from the bar where he had gone for a Burial Society meeting. He met the soldiers and was ordered to lie face down to the ground before the beatings. They pulled out his dreads together with flesh. He sustained a swollen head, cuts on the face and bruises all over the body. The matter was reported at Torwood Police Post on 24 March 2001 and was investigated by Constable Chimuka whose Force Number is 046149L.

2 Mr. Isaac Chikuni. He was assaulted on 24 March 2001 at Torwood Shopping Centre. Mr Chikuni was assaulted by the Army and was seriously injured. The soldiers just met him and he was assaulted for no apparent reason.

3 Mr. Shadreck Nyirongo He was assaulted on the 31st of March 2001 at his home. He was beaten up and left for the dead by soldiers. The assault took place on the 31st day of March 2001 around 1200 mid-night. The soldiers who were approximately 30 in number invaded his home during the night. They were accompanied by the then Officer In Charge of RedCliff Inspector Chioko and some unknown people in casual wear. They besieged his home to make sure that he does not run away. They bulldozed their way in the house by breaking the door and started hitting his landlord Mr Emmanuel Mapiye.

They kicked and broke the inside door and managed to get in to the room where Mr Nyirongo was sleeping. They never asked him anything but started beating him up taking turns. They used whips, Iron rods, kicks, clenched fists, and butt of the gun. They unpacked his suitcase and asked for his MDC membership card. They could not find it and proceeded to take \$2000 cash citing that it is MDC's money.

They hit him continually until he grew unconscious. They poured cold water on him. The attack took place when he was naked. After the beatings, the soldiers then handed him over to the officer in charge of Redcliff Police Station Inspector Chioko who was present at the scene of the attack. There were three cars, a defender (for the police), and a steyr (for the army) and another pick-up truck supposedly for the war veterans and ZANU PF supporters. It is further alleged that the war veterans and ZANU PF supporters had a list of people believed to be from MDC.

The police took him to RedCliff Police Station where they drove him to KweKwe General Hospital for medication. The Hospital released him on the 2nd of April 2001 but he was still in pain.

4 Mr. Charles Dzimbanhete He was assaulted on 24 March 2001 at Torwood Shopping Centre. He was beaten up by four soldiers using clenched fists, kicks and using the barrel of the gun. They met him and assaulted him for putting on a T/Shirt written 1. He survived by running away. He reported the matter to the police but they refused to assist him citing that the matter needed to be attended to by the Officer In Charge of RedCliff himself. As a result client did not receive medical attention.

5 CUTMAN Supermarket employees were assaulted on 24 March 2001 at Torwood Shopping Centre. The soldiers forcefully entered CUTMAN Supermarket and started beating up two shop attendants. The first victim assaulted was a till-operator and the second one a butcher-block man. The till operator was beaten up for refusing to give one of the soldiers a cigarette. The matter was reported at Torwood Police Post. The Police Post referred the workers to RedCliff.

6 Mr. Zivanai Rera was assaulted on 24 March 2001 at Torwood Shopping Centre at around 1700 hours. The soldiers did not give him the reasons why they were assaulting him. By reason of the injuries, he could not go to work from the date of assault to the 6th day of April 2001. The matter was reported at RedCliff Police Post but nothing has been done so far.

7 Mr. Mugwisi, Mr. Phiri, Mr Chipa, Mr. Tafara and Mhuri was assaulted on 24 March 2001 at Torwood Shopping Centre. They were assaulted using the butt of the gun and clenched fists.

8 Mr Chakanetsa was assaulted on the 31st of March 2001 at Rutendo Shopping Centre. He was send by his parents to the shops to buy food. On his way he met soldiers and was hit using clenched fists on the cheek and he sustained a swollen cheek and face. He had not reported the matter to the Police in fear of the soldiers. The soldiers warned him not to report the matter anywhere.

9 Time Moyo was assaulted on the 31st of March 2001 at Rutendo Shopping Centre. He was battered, blind folded, ferried and dumped for the dead along Gweru Road close to Tore River. A motorist who noticed him and took him to hospital saved him.

10 Edward Nyirongo was assaulted on the 31st of March 2001 at Rutendo Shopping Centre. He sustained injuries in form of bruises all over the body and face. He was hit on the cheek and hand using a log. He did not report the matter to the police since the police accompanied the soldiers.

11 Mr Gwatiringa Nzveda was assaulted on 24 March 2001 at Torwood Shopping Centre. He was at Rutendo Beer-garden when a group of soldiers and a police officer approached him. The soldiers asked him on why he was drinking beer. One soldier took off his hat and grabbed him by the collar. They took his T/Shirt and tore it. The soldiers then ordered him to lie prostrate to the ground. He was kicked, whipped, clapped and hit using butt of the gun and also hit using clenched fists. They coerced him to lie in stagnant water and to wash his face using muddy water. Mr Nzveda was forced to eat raw meat and rotten tomatoes. The soldiers and the police officer took him and many others to RedCliff Police Station where he was detained and forced to pay a fine of \$100 to enable him to be released. The condition was that he was not going to be released unless he pays a fine. By reason thereof, he paid the fine and was released. Mr Nzveda wants refund of the fine that he paid. It looks like; he paid for being beaten up.

12 Richard Chipamaunga was assaulted on 24 March 2001 at Torwood Shopping Centre. He says that a War Veteran known as Muchazviona and another man known to him as Roy who accompanied the soldiers pointed at him and the soldiers quickly started assaulting him. These war veterans asked the army to beat him, which they did. It is not clear on why the war veterans accompanied the army.

13 Enock Ngwenya was assaulted on 24 March 2001 at Torwood Shopping Centre. He was assaulted by a group of soldiers armed with AK rifles. He sustained a lot of injuries because of the assaults.

3 HARARE REGION

In Harare the army caused havoc in most of the high and medium density suburbs. Zimbabwe is not going through war and this should be the basis of challenging the involvement of the army. There is real need for policy makers to put pressure on the relevant ministries and authorities to come up with laws that would bar the use of army in maintenance of law and order.

VICTIMS OF THE BRUTALITIES

1. Michael Da Costa, Age 32yrs of Arcadia on October 10, 2000 sustained serious injuries and was sent for hospitalization by the police. His case number is RRB 539286.

2. Admire Madyira, Age 25yrs of Glenview on October 10, 2000 sustained injuries all over his body and was hospitalised after making a report at Glenview Police Station. His case number is RRB D587757.

3. Joseph Muturukwa, Age 30yrs of Glenview on October 18, 2000 was attacked around 20:29hrs whilst watching television at home. He was beaten by button sticks,

sjamboks, boots and bare hands. He sustained serious injuries and was treated using his medical aid cover.

4. Mbizvo Tendayi Ruzvidzo, Age 37yrs of Kambuzuma on October 18, 2000 was beaten using button sticks, and sjamboks. He sustained injuries all over his body. When he came to make a report to ZimRights, his wounds were open and fresh.

5. Wendy Chiwara, Age 23 of New Marimba on October 10, 2000 was attacked by button sticks, sjamboks, and sticks which they were carrying. She sustained injuries and a torn dress. She got home and was taken to the Doctor by her parents.

6. Misheck Nyamupangedengu, Age 21yrs of Glenview on October 10, 2000 sustained serious injuries all over his body. He made a report to the local police and was taken to hospital. His RRB No. is OB7636/00

7. Lloyd Chikede of Old Tafara, assaulted: sustained broken nose-treated at the Avenues Clinic, June 30, 2000 Perpetrators: soldiers stationed at nearby temporary base

8. Due Mugota of Mufakose, July 3, 2000 at Supreme Bottle Store, Mbare. Assaulted by soldier and officer in support unit uniform: sustained bruises on back, afraid to return to police because officers were present during assault

9. Teddy Nyikadzino of Epworth -assaulted by soldiers who entered Farai Bar and beat patrons reported to police; no assistance given. Dombo Police Camp (First Report) First Street Caravan Police (second report) Perpetrators: a unit of soldiers; July 10, 2000 CR #: not issued

There are many other army brutality victims besides the above quoted from Midlands and Harare. In light of the above, we can deduce that the conduct of the Army is unacceptable. The Army violates human rights of the people of Zimbabwe.

It has also been observed that the Police Force do not investigate human rights abuses perpetrated by the Army. They are not keen to do so for unknown reasons.

4 RECOMMENDATIONS

Pursuant to the above findings the Zimbabwe Human Rights Association (ZimRights) gives the following recommendations that need to be taken seriously and adopted by legislators, the Army and the Government. As a Human Rights Watch-dog we strongly recommend the following,

1

Amend all legislations and Government Policies that authorize the army to maintain law and order. The Army must not or at all be allowed to interfere or usurp the role of the Police Force in the Maintenance of law and order. In the cases mentioned above the police monitored the situation in RedCliff but never at any time committed brutalities

tantamount to violations committed by the army. The two Departments (police and army) must work independently of each other and not to interfere with each other's roles.

2

The Minister of Defence must issue out orders to senior Army officials not to maintain law and order since they are not trained to do so but are simply trained to kill in a war situation. Zimbabwe is not in a war.

3

The soldiers who killed people in RedCliff and at any place in Zimbabwe must be punished and such punishment must be made public to the people of Zimbabwe. In the same vein, the senior Army officers who gave such orders must be exposed and be punished under the Law of Zimbabwe.

4

The soldiers should not mingle with politics. This recommendation is made because some members of the army openly revealed their political affiliations during the pandemonium and forced some people to surrender their membership cards. Such matters need to be investigated fully and the officers must be forced to quit the Defence Forces and join politics if they are keen to do so. It is recommended that all the soldiers implicated in politics need to be expelled from the Defence Forces or be severely punished.

5

The Army must adhere to Human Rights Principles enshrined in human rights instruments, like the Universal Declaration of Human Rights, the African Charter on Human and Peoples Rights (Banjul Charter) and other relevant Human Rights Instruments.

6

The Zimbabwe Republic Police and the Ministry of Justice, Legal and Parliamentary Affairs must make sure that the soldiers who perpetrated the abuses together with all those who gave such orders are prosecuted. There is need to get feedback on what became of cases reported to the police.

7

The Government needs to apologise to the people of Zimbabwe who suffered and died because of the assaults and shootings from the army.

8

Employ more Police Officers to beef up the Police Force if the Army is intervening because of shortage of staff within the Police Force.