ZIMBABWE HUMAN RIGHTS NGO FORUM

POLITICAL VIOLENCE REPORT: JANUARY 2003

10 February 2003

A report by the Zimbabwe Human Rights NGO Forum

OVERVIEW

Political violence has characterised the run up to the parliamentary by-election to be held in Kuwadzana over the weekend of 29 – 30 March 2003. The imposition of the unofficial curfew by ZANU PF supporters in Kuwadzana, following the death of ZANU PF member, Tonderai Mangwiro in a petrol bombing, has stepped up organised violence and torture in the area. A plethora of incidents have been recorded in the local press alleging that abductions, detentions, torture and inhuman treatment of opposition supporters by the police and CIO agents, at several police stations, are rife.

About thirty MDC members have claimed that they were abducted, detained, tortured and subjected to inhuman treatment by the police and CIO agents in Kuwadzana. In the same constituency, Fanuel Tsvangirayi, MDC Spokesman for Ward 38, together with Gift Marongedze, claim that they were unlawfully arrested by the police and detained at Goromonzi Police Station. Tsvangirai claims that bricks were tied to his testicles and live electric wires connected to his toes while the police officers forced him to disclose MDC plans for the Kuwadzana parliamentary by-election. **Tonderai Mangwiro**, a ZANU PF member, reportedly died from burns and severe head injuries he sustained when suspected MDC supporter's petrol bombed a ZANU PF base in the area.

Barnabas Mangodza, Jameson Gadzirai, and Joseph Rose, Combined Harare Residents Association (CHRA) committee members, together with Richard Mudekwe, a Kuwadzana resident, were reportedly abducted and severely beaten for four hours by a group of suspected ZANU PF supporters. The four were subsequently arrested and detained overnight by the police on allegations of engaging in conduct 'likely to cause a breach of the peace'. They however claim that they had gone to Kuwadzana for a meeting with the chairperson of the Kuwadzana Residents Association, but were apparently abducted by the militia before they were able to hold the meeting.

The torture of Job Sikhala, MDC MP for St. Mary's constituency, Human Rights Lawyer Gabriel Shumba, his young brother Bishop Shumba, and MDC activists, Taurayi Magaya, and Charles Mutuma by the police in Chitungwiza, was condemned by both foreign and local human rights groups^{1.} They were charged with violating Section 15 of the Public Order and Security Act (POSA), Zimbabwe's legislation that contains repressive provisions in contravention of basic rights to freedom of expression, association and assembly. Sikhala, Shumba, Magaya and Mutuma claim that the police arrested and severely tortured them on allegations of wanting to topple the government through unconstitutional means. Sikhala and Shumba claim that they were both tortured and interrogated while electric wires were tied to their genitals and toes, with their hands and feet tied together. Harare magistrate Caroline Ann Chigumira, ruled that there was no legal basis on which to place Sikhala and the co-accused on remand and also that, because the document which formed the basis of the charge was alleged to be have been written under undue influence and duress, the co-accused had no case to answer.

¹ See in particular statements by the Legal Resources Foundation, Zimbabwe Lawyers for Human Rights, Zimbabwe Human Rights NGO Forum, Crisis in Zimbabwe Coalition, International Bar Association and Lawyers Committee for Human Rights.

The Zimbabwe Human Rights NGO Forum documented a second death emanating from political violence in the month of January, that of **Samson Shawano Kombo**, an MDC activist from Rusape. Kombo reportedly died following serious injuries sustained from torture at the hands of ZANU PF supporters and suspected war veterans.

Reports indicate that political violence is ongoing in other constituencies. KM of Murehwa claims that ZANU PF youths assaulted her and destroyed her home because her grandchildren support the opposition MDC. In Centenary, ZANU PF supporters allegedly burnt and destroyed JK's house on allegations that he supports the MDC. He was also physically assaulted. In Guruve, TC claims that he was assaulted because he failed to do the ZANU PF slogan. In Pumula, war veterans have reportedly opened a base, which residents claim is being used as an illegal ZANU PF base, where members of the public are being subjected to torture as a form of punishment for perceived crimes. EC of Gokwe claims that his family was victimised by MDC youths because they supported the ZANU PF rallies in the area.

Judging from the cases recorded in the press and documented by the Zimbabwe Human Rights NGO Forum, political violence appears to have been on the increase in the month of January, with a substantial number of human rights abuses being recorded in Kuwadzana. The Human Rights Forum finds disturbing the sustained level of political violence and torture that has been prevalent since early 2000. In particular it is concerned with what appears to be frequent ineffective and selective prosecution of perpetrators, as was the case when those implicated in the beatings of the CHRA committee members were not brought to book and instead the CHRA committee members were arrested and detained overnight.

Totals 1 January 2003 – 31 January 2003

Abduction/ kidnapping - 6Assault - 22Attempted murder - 0Death threats Disappearance - 0Displacement - 10Freedom of movement/ assoc/ mvt - 0Murder - 2Political intimidation/ discr/ vict - 10Property related - 6Rape - 0School closure - 0Torture - 8Unlawful arrest - 35Unlawful detention - 0 Sources: The information contained in this report is derived from statements made to the Legal Unit of the Zimbabwe Human Rights Forum, CFU reports, newspaper reports, and statements taken by the member organisations of the Human Rights Forum. (See last page for list of member organisations)

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 organisation. political party, ZNLWVA, ZNA, MDC, Zanu PF etc

Disappearance:

Kidnapped persons whose whereabouts remained unknown at the time of reporting. Their whereabouts have still to be ascertained through follow –up reports or further investigation.

Property related

These are incidents in which property rights have been violated. This includes arson, property damage and destruction and theft.

Key Abbreviations

- CIO Central Intelligence Organisation
- MDC Movement for Democratic Change
- MP Member of Parliament
- NCA National Constitutional Assembly
- POSA Public Order and Security Act
- PTUZ Progressive Teachers Union of Zimbabwe
- UMP Uzumba Maramba Pfungwe
- Zanu PF Zimbabwe African National Union Patriotic Front
- ZNA Zimbabwe National Army
- ZNLWVA Zimbabwe National Liberation War Veterans Association
- ZRP Zimbabwe Republic Police
- ZIMTA Zimbabwe Teachers Association

Cases of Political Violence

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

BULAWAYO

Bulawayo North East/ South

January 2003

 Three war veterans were reportedly arrested for heckling Vice President Joseph Msika and other high-ranking ZANU PF officials, as they emerged from a closed-door meeting held in the area. Ruling party officials claim that the three war veterans were among the five hundred ZANU PF supporters who had gathered outside the party's Bulawayo provincial home, to meet with the Vice President and other ZANU PF officials, who included former Home Affairs Minister, Dumiso Dabengwa, ZANU PF secretary for the commissarial Elliot Manyika and his deputy Sikhanyiso Ndlovhu.

28 January 2003

 Tsvangirai Mukwazhi, Daily News chief photographer, Dina Kraft from the Associated Press, and Jason Beaubien, Africa correspondent for National Radio, were researching on the Zimbabwean food crisis when they were arrested and detained by the ZRP for almost 7 hours. They were reportedly arrested despite Kraft and Beaubien, who are based in Johannesburg, having been accredited by the Zimbabwean government before they entered the country. Bulawayo MDC councillor, Charles Mpofu, was also arrested together with the reporters as he was reportedly seen showing them around the city. They were all denied access to a lawyer.

Pumula-Luveve

January 2003

• War veterans have reportedly opened an illegal base in Pumula, which residents claim is being used as a kangaroo court, with opposition supporters being brought to the base for 'trial'. Members of the public are reportedly being abducted to the base under the pretext that they were arresting them and taking them to a police station. Residents claim they are being subjected to torture at the base as a form of punishment for perceived crimes. The case was reported to the police. However, Bulawayo spokesperson for the ZRP, Smile Dube, said that there was 'no way' war veterans could usurp police powers, and that it was news to him that there are war veterans arresting people in Pumula.

HARARE

Kuwadzana

January 2003

 About thirty MDC members were reportedly abducted, detained, tortured and subjected to inhuman treatment by the police and CIO agents at several police stations since the imposition of the unofficial curfew, following the death of ZANU PF activist Tonderai Mangwiro in a bomb attack in the area. However, as a result of the transport problems currently being experienced in the country, many of the residents are failing to meet the curfew, so they are purportedly being continuously subjected to inhuman treatment by ZANU PF youths.

January 2003

• Fanuel Tsvangirayi, MDC Spokesman for Ward 38, claims that bricks were tied to his testicles and live electric wires connected to his toes when police officers arrested him and forced him to disclose MDC plans for the Kuwadzana Parliamentary by-election. Gift Marongedze, a victim in the same incident, claims that they were then detained and tortured at Goromonzi Police Station. They were not told the reason for the arrest.

14 January 2003

 Barnabas Mangodza, Combined Harare Residents Association (CHRA) chief executive officer, Jameson Gadzirai, Information and advocacy officer, (CHRA), Joseph Rose, chairman of CHRA's membership committee, together with Richard Mudekwe, a Kuwadzana resident, claim that they were abducted and assaulted by a group of suspected ZANU PF supporters for almost two hours. (see photos of injuries sustained in this attack below). Mangodza claims that the youths initially abducted them to their base, suspended them by their feet and hands, and assaulted them all over their bodies. They were reportedly arrested following this incident by the police and taken to Kuwadzana Police Station where they were detained and assaulted overnight, on allegations of engaging in conduct likely to cause a breach of the peace. They however claim that they had gone to Kuwadzana for a meeting with the chairperson of the Kuwadzana Residents Association, but were abducted by the militia before they were able to hold the meeting.

20 January 2003

 Tonderai, Mangwiro, a ZANU PF member, reportedly died from burns and severe head injuries on admission at Harare Central Hospital, after suspected MDC supporters petrol bombed a ZANU PF base in the area. Tendai Kufuva, Stun Chiminya, Crybest Chidziva, Arikiyo Sabau, all ZANU PF activists, reportedly sustained severe injuries from the petrol bomb. Sydney Banda, ZANU PF youth Secretary General for Kuwadzana, is said to be in a critical condition, having been attacked with an axe on both arms and on the back by the suspected MDC supporters in the same incident. He also sustained severe burns on the face and abdomen. Sixteen people, all linked to the opposition MDC, have been arrested in connection with the attack. At least three vehicles linked to the attack have also been impounded.

Mabvuku

13 January 2003

 MDC Executive Mayor of Harare, Elias Mudzuri, together with twenty other delegates namely Clr. Sekesayi Makwavarara, (the Deputy Mayor); Clr. Falls Nhari, (Chairperson of the Budget Committee); Clr. Maimba; Clr. Pemhiwa; Mr. Notice Mugwagwa, (the Mayor's Aide); Mr. Cuthbert Rwazemba, (the Chief Public Relations Officer); Mr. James Chiyangwa, (the Deputy Director of Housing); Mr. Fungai Mashonganyika, (the District Officer Mabvuku); Mr. Kingston Nyahore, (the Senior Administrator- Department of Housing); Ms. Kandi and Mr. Pharaoh Nyamimba, (both social worker; Mr. Alexander Phili, (a senior social worker); Ms. Miriam Ratisayi, (of the City Health Department); Ms. Gloria Tinago, (a nursing sister); Mr. T. Madeko and Mr. Brighton Chimate, (Chairperson and Secretary of the Mabvuku Residents Association respectively); Ms. Hilda Chikombe- Maimba, Ms. Letitia Changara, Ms. Chipo Ngwerume and Mr. Davison Murandu, (all resident), were arrested by the police while holding a consultative residents meeting in the area. The ZRP alleged that the meeting was illegal, and that the Executive Mayor was addressing a political gathering. However, the victims claim that the allegations were unfounded. The delegates purported that they proceeded with the meeting because the police had given them the go-ahead. Residents of Mabvuku wanted the Mayor to explain to them the city's position with regards the water situation and address the sewerage reticulation system. Superintendent Mudzamiri reportedly led the attack and allegedly ordered the police squad to shoot at the delegates, thereby instilling fear in them. The mayor and the twenty other persons were taken to Mabvuku Police Station where the police details refused to disclose the charges for which they had been arrested. At Harare Central Police Station, they were put into cramped cells in groups of about sixteen and the Mayor was denied his right to see his doctor for his medication. Beatrice Mtetwa, the Executive Mayor's Legal Counsel, claims she was informed by the police that the delegates had been charged under Section 24.1 of the Public Order and Security Act (POSA). The delegates were released from prison after the High Court judge ruled that the police had abused their powers by unlawfully arresting the victims.

Mbare East/ West

January 2003

 Nhamo Zimhodzi, Peter Zibare, Carlus Majoni and Robert Mutasa, all suspected MDC supporters, are said to have apprehended, assaulted and kidnapped a ZANU PF supporter to their base, taking turns to assault him with clenched fists, whips and logs for almost three hours. The assailants appeared before a Mbare Magistrate facing allegations of assault and kidnapping.

Mufakose

20 January 2003

 Paurina Mpariwa, MDC MP for Mufakose, was reportedly arrested at her home, on allegations that she was involved in the NCA mass stay-away plan, which was scheduled for 22nd January 2003. The details leading to the arrest were not clear. Paul Madzore, her husband and MDC MP for Glen View, claims that police officers would not allow him to see his wife when he visited her to give her food. She was released from police custody after the attorney general's office failed to come up with sufficient facts to place her on remand.

St. Mary's

14 January 2003

Gabriel Shumba, a Human Rights lawyer, Bishop Shumba, his brother, Job Sikhala, MDC MP • for St. Mary's, Taurayi Magaya, and Charles Mutuma, MDC activists, claim that they were arrested, detained and tortured by the police. They were tortured on allegations of wanting to topple the Zimbabwe government through unconstitutional means. They were reportedly denied access to legal representatives until a court order was granted on the night of 15 January 2003. Sikhala claims that he was blindfolded, taken to a base, and subjected to electrical torture through electric shocks. He claims that he was beaten up and forced to swallow urine and another noxious liquid while being interrogated by the police about the arson attack on the bus. Sikhala reportedly suspects that the liquid was not urine because it had a chocking smell, which did not smell like human urine. He claims that he was urinated on and told to roll on the urine until it dried up. Gabriel Shumba and his co-accused gave further details of the alleged torture, subjection to electric shocks and other forms of ill - treatment at the hands of the police. They alleged that electric wires were tied to their genitals and toes, while their hands and feet were tied together. They purpoted that they were assaulted to the point that they gave in and agreed with all the accusations the police laid against them. The police are also said to have tortured them in an effort to get details of the security of Morgan Tsvangirai, the MDC president, as well the residential address of Nelson Chamisa, MDC youth Chairman. The case was dismissed and Harare magistrate Caroline Ann-Chigumira ruled that there was no legal basis on which to place Sikhala and the others on remand and also that, because the document which formed the basis of the charge was written under undue influence and duress, the co-accused had no case to answer.

MANICALAND

Chimanimani

6 January 2003

 About thirty war veterans attacked and destroyed MDC offices in Chimanimani using guns, sticks and machetes, destroying refrigerators, a digital camera and twenty-six files, all worth more than \$5m. They also confiscated MDC party documents, electrical appliances, and MDC membership cards. MDC Provincial Spokesman, Pishayi Muchauraya, alleges that the assailants were searching for documents pertaining to the Mutare mayoral elections scheduled for August 2003, when Lawrence Mudehwe, the MDC Mayor's term ends.

18 January 2003

 Acting Deputy Sheriff for Chimanimani, Mark Dzobo, claims that he was forced to retreat and was threatened with being shot by Joseph Mwale, a CIO agent, when he had gone to the CIO offices to serve him with a provisional order from the High Court barring him from interfering with the activities of the MDC MP for Chimanimani, Roy Bennet. This resulted in his failure to issue the provisional order.

Makoni East

20 January 2003

• Samson Shawano Kombo, an MDC activist, reportedly died from serious injuries sustained during a beating at the hands of ZANU PF supporters and suspected war. It is said that the attack was prompted by a suspected MDC petrol bomb attack on the war veterans' homes in Rusape, in November 2002. The beating also took place in November 2002.

MASHONALAND EAST

Chikomba

January 2003

• MM claims that ZANU PF youths approached her around 2am while she was sleeping at home. The youths assaulted her, her husband and their children. She claims that she was displaced because she supports the opposition MDC. The family subsequently fled to Harare.

Marondera West

3 January 2003

 John Muller claims that a group of war veterans and ZANU PF supporters evicted him from Silver Oak Farm in Beatrice, claiming that they were allocated the farm. Muller owns the farm and claims that he stopped farming after continued disturbances from the ZANU PF supporters and war veterans, who accused him of defying a government order to vacate the farm. He purports that the farm workers who had planted twenty-five hectares of maize were evicted by the war veterans and threatened with unspecified action if they were to set foot on Silver Oak farm again.

Mhondoro

January 2003

 Chester Nhamo Mhende, a ZANU PF activist, is alleged to have evicted Joe Whaley from Crebilly Farm in Norton, personally taking over the management. He is said to be using the farm equipment for his benefit and harvesting the crops, which belong to Whaley as if they were his own. According to the government criteria for land acquisition, a farm measuring less that 400h will not be acquired. Whaley's farm measures 119h and has been his only home since 1980. Whaley claims some war veterans hired by Mhende threatened him with death when he at one point tried to intervene.

Murehwa North/ South

1 January 2003

 KM claims that ZANU PF youths victimized and assaulted her because her grandchildren support the opposition MDC. Her home and goods were reportedly destroyed in the attack. No report was made to the police.

Seke

January 2003

Michael Caine of Edinburgh Farm was seriously injured when he was reportedly set upon by a
group of about fifteen suspected ZANU PF supporters at his farm. The attackers are said to
have assaulted him with bicycle chains, sticks and steel pipes. Sandy Caine, his sister, claims
that her brother had gone out to the farm to check on the main electric switch which had
tripped following a heavy storm that weekend when a group of suspected ZANU PF

supporters assaulted him. Police at Beatrice Police Station were informed and the attackers were arrested. ZANU PF supporters have occupied a section of the farm.

MASHONALAND CENTRAL

Guruve North/ South

1 January 2003

• TC claims that he was assaulted by ZANU PF supporters because he failed to chant the ZANU PF slogan they had demanded that he chant.

Muzarabani

1 January 2003

• ZANU PF supporters allegedly burned down JK's house on allegations that he supports the MDC. He was also physically assaulted and sustained bruises all over his body. Nothing was recovered from his home following the arson attack.

Mazowe West

January 2003

 ZANU PF officials in Concession have been accused of abusing the GMB grain distribution facility by discriminating against non-party supporters. The residents claim that ZANU PF officials in Dandambera district collected money from them towards the end of 2002, promising to buy them maize grain from the GMB. But when the maize was brought to Dendamera community hall, the ZANU PF officials withheld some of the bags, short-changing about three hundred and twenty residents who had already contributed to the purchase of the maize grain. The residents reported the incident to the police.

Mazowe

10 January 2003

 PM, an MDC supporter, claims that he was assaulted by war veterans who were identified as Peter Masenda, Rodwell Mubvumbi, and Fanwell Matuku, on allegations of supporting the opposition MDC. The war veterans and some ZANU PF youths abducted PM to their base at around 12 mid-night and took turns to assault him with iron bars and sticks. He managed to flee to Harare after four hours of torture.

Shamva

3 January 2003

• DC and his sister claim that they were assaulted with sticks because they were MDC polling agents during the March 2002 Presidential elections. The ZANU PF youths are alleged to have burnt down their home and assaulted them using sticks. They ran away from home and reported the incident to the police.

MASHONALAND WEST

Hurungwe East

9 January 2003

 Jenny Parsons, owner of Spring Farm, was purportedly assaulted with her two children, Andrew and Rebecca, by Themba Mliswa. Mliswa allegedly approached her and asked her what she was doing at the farm. He then pulled them out of the car, pushed them to the ground, and started kicking them. Mliswa then took them into the farmhouse where he and his companions asked Jenny questions of a political nature and subjected her to verbal abuse. Mliswa could not be reached for comment. Jenny is the wife of Karoi Farmers' Association chairman Alan Parsons. The family claims that they moved out of the premises in the year 2002 for security reasons as the farm had been listed for compulsory acquisition. Jenny alleged that they had returned to their farm for the day to feed the horses and to collect personal belongings when Mliswa confronted them.

MASVINGO

Masvingo Rural/ Urban

1 January 2003

 MM and JM purport that they were displaced from their home area by ZANU PF supporters because they refused to join the Border Gezi Youth National Training Service Centre, and also because they support the opposition MDC.

7 January 2003

 Villagers are said to have ignored the High Court Order granted by Justice Charles Hungwe in the year 2002 to vacate Lot 1 of Allanvale Farm. Fifteen of the villagers allegedly looted property from the farm worth over \$3m, before destroying the farmhouse. The farm belongs to Albert Chamwadoro, former ZANU PF MP for Zvishavane. Chamwadoro appealed to the High Court and Justice Charles Hungwe made a ruling that police commissioner Augustine Chihuri and officer in charge at Mashava Police Station, Kenneth Kondo, remove the invaders.

MIDLANDS

Gokwe

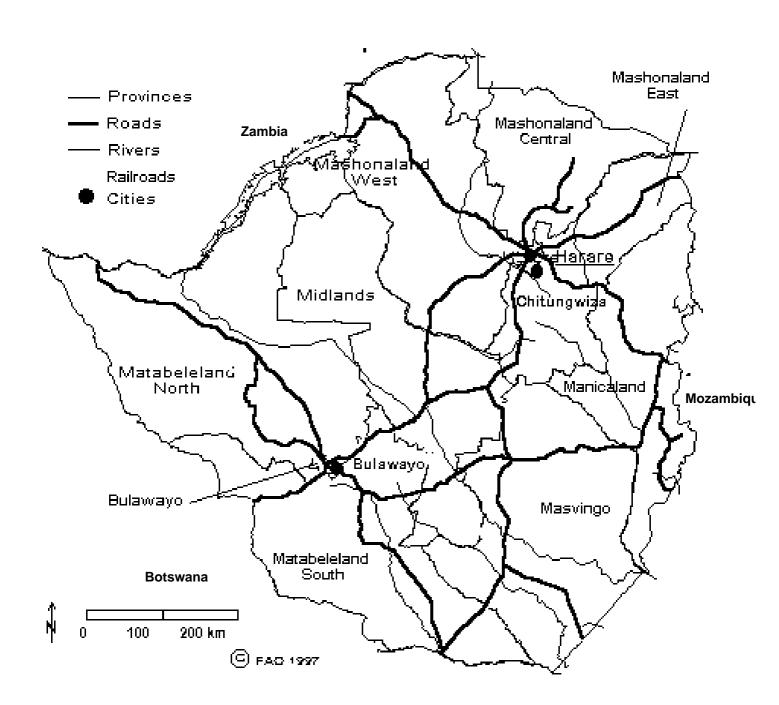
January 2003

 LK fled from MDC youths whom she claims were harassing her and other residents in the area, for allegedly supporting the ruling ZANU PF party. The victim claims that they had attended a ZANU PF rally when MDC youths approached them and asked them which party they supported. Victim's mother claims that they told the youths that they supported ZANU PF, and all their houses and property were then destroyed. They were threatened with assault and hence they fled to Harare.

January 2003

• EC claims that he and his family were victimised because they support the rallies held by ZANU PF supporters in the area. His family is now said to be in danger as the MDC supporters are after them. They fled to Harare following threats of unspecified action.

ADMINISTRATIVE MAP OF ZIMBABWE



The Zimbabwe Human Rights NGO Forum (also known as the "Human Rights Forum") has been in existence since January 1998 when 9 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 coalitions membership has since increased to 14, wiith 13 core members and 1 associate member.

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 Legal Unit and a Research and Documentation Unit.

Core member organisations of the Human Rights Forum are:

- Amani Trust
- Amnesty International (Zimbabwe) (AI (Z))
- Catholic Commission for Justice and Peace (CCJP)
- Doctors for Human Rights (DHR)
- Gays and Lesbians of Zimbabwe (GALZ)
- Legal Resources Foundation (LRF)
- Transparency International (Zimbabwe) (TI (Z))
- University of Zimbabwe Legal Aid and Advice Scheme
- Zimbabwe Association for Crime Prevention and the Rehabilitation of the Offender (ZACRO)
- Zimbabwe Civic Education Trust (ZIMCET)
- Zimbabwe Human Rights Association (ZimRights)
- Zimbabwe Lawyers for Human Rights (ZLHR)
- Zimbabwe Women Lawyers Association (ZWLA)

Associate Member:

Nonviolent Action and Strategies for Social Change (NOVASC)

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- 1. The Administrator, P O Box 9077, Harare email: admin@hrforum.co.zw
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- 3. The Research Unit, P O Box 9077, Harare email: research@hrforum.co.zw

Address: Suite 1, 1 Raleigh Street, Kopje, Harare; Telephone/ Fax: 772 860

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Previous reports of the Human Rights Forum can be found on our website.