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### **SECRETARY-GENERAL'S REPORT TO THE COMMONWEALTH CHAIRPERSONS' COMMITTEE ON ZIMBABWE**

#### **Executive Summary**

By the Marlborough House Statement of 19 March 2002, the Troika suspended Zimbabwe from the councils of the Commonwealth for one year. This Report has been prepared in accordance with that Statement which provided for a review by the Commonwealth Chairpersons' Committee on Zimbabwe (Troika) of that country's suspension from the Councils of the Commonwealth in twelve months time, "having regard to progress in Zimbabwe based on the Commonwealth Harare principles and reports from the Commonwealth Secretary-General". In addition, at their subsequent meeting in Abuja on 23 September 2002, the Commonwealth Troika decided inter alia to "see how Zimbabwe responds to the Marlborough House Statement over the next six months as foreshadowed in that Statement, at which point stronger measures might need to be considered". This Report is submitted by the Secretary-General to facilitate the review by the Troika in March 2003.

The Government of Zimbabwe rejected the Marlborough House Statement, maintaining that the Report of the Commonwealth Observer Group (COG) to the 2002 Zimbabwe Presidential Election, on which the decision to suspend Zimbabwe was based, was itself flawed and that Zimbabwe had not been given a chance to defend itself. Zimbabwe has publicly rejected the findings of the COG.

While the Secretary-General has had a meeting with the Zimbabwe Foreign Minister at the OAU/AU Summit in July 2002, all efforts by the Secretary-General, direct and indirect, to engage in dialogue with President Mugabe have been rebuffed. These include efforts made through former Secretary-General Sir Sridath Ramphal and the President of Namibia, H E Dr Sam Nujoma. Presidents Obasanjo and Mbeki have, however, maintained regular contact with President Mugabe, who has given a number of undertakings to them in terms of Zimbabwe's adherence to the principles contained in the Harare Declaration.

The dialogue between ZANU-PF and the MDC facilitated by the special envoys of the Presidents of Nigeria and South Africa has broken down. ZANU-PF maintains that the dialogue can only be resumed once the courts have ruled on the MDC petition challenging conduct and outcome of the March 2002 Presidential election. Meanwhile, the MDC leader and two other senior colleagues in the party are under trial for treason.

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Reports have continued of a widespread and systematic campaign of violence and intimidation by agents of the state and supporters of ZANU-PF against leading members and activists of the MDC. While there have also been cases of violence and intimidation by MDC activists and supporters against ZANU-PF, these are not believed to be either systematic or widespread.

With the rejection by Zimbabwe of the COG Report, no steps have been taken to implement any of the Group's recommendations (or indeed the recommendations contained in the Report of the COG to the 2000 Zimbabwe Parliamentary Elections.) The constitutional, legislative and electoral framework for the conduct of elections thus remains unchanged. The Public Order and Security Act, Access to Information and Protection of Privacy Act (which came into effect soon after the elections) and General Laws Amendment Act, elements of which were found by the COG to be prejudicial to freedom of speech, the press, movement or association, remain on the statute books. President Mugabe has promised President Obasanjo that amendments would be introduced in the next sitting of Parliament to the Access to Information and Protection of Privacy Act but this is yet to be actioned. No independent electoral commission, as recommended by the COG, has been formed and elections remain the responsibility of the government appointed Registrar-General.

The institutions responsible for law and order in Zimbabwe, including the government, police, security forces and judiciary continue to function but there is widespread evidence of selective enforcement of their functions, particularly by the police, and widespread allegations of abuses of power. There continues to be a disturbing pattern of political pressure on the judiciary, especially judges thought to be unsympathetic to the Government.

On land reform, Zimbabwe has not responded to the proposals put forward by the UNDP following the visit of its team to Zimbabwe in November/December 2001 in pursuance of the Abuja Agreement brought about through the initiative of President Obasanjo in September that year. The Government of Zimbabwe has preferred to pursue its own 'Fast Track' land resettlement policy. It claims that this resettlement programme came to an end in August 2002, but compulsory, acquisitions of private land continue to be gazetted and the Commercial Farmers Union maintains that further acquisitions of farms have taken place since that date.

There has never been doubt about the critical need for land reform in Zimbabwe. UNDP has also been prepared to accept that the political philosophy and socio-economic rationale of the Fast Track programme. However it has also identified a number of deficiencies and undesirable consequences which would need to be urgently addressed if the Troika's and broader international requirements of transparency, equity and sustainability are to be met and international financial and technical assistance obtained. President Obasanjo has been given some

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commitments by President Mugabe in terms of addressing some of the deficiencies, but these are yet to be implemented. His Government has also not yet followed up the matters with the UNDP.

UNDP also is concerned (together with other external development agencies) that many of the 400,000 farm workers with antecedents in Malawi, Mozambique and Zambia have been excluded from the Fast Track programme and face an uncertain future. This issue is compounded by the Citizenship Amendment Act 2001, introduced in the lead up to the 2002 Presidential election, which provides that those who hold or are entitled to citizenship of another country remain ineligible unless they renounce the other citizenship or claim thereto.

Overall, the UNDP has deemed the Government's 'Fast Track' land reform programme to be "chaotic" and "the cause of much political, economic and social instability". In view of the position taken by the Government, UNDP is not currently officially engaged with the Zimbabwe Government in promoting land reform.

The latest assessment of the World Food Programme (WFP) is that Zimbabwe is facing an immediate and serious food crisis. The WFP has launched an urgent international appeal for more international assistance to deal with the looming famine. While paucity of rainfall has affected the entire southern African region, the Head of the WFP, Mr James Morris, has stated that the Fast Track land resettlement programme, along with restrictions on private sector food importing and marketing, were contributing to the food crisis. There have also been allegations of selective, politically motivated food distribution policies by the Government of Zimbabwe using its control over the importation and distribution of food to direct assistance towards those areas that are supportive of the ruling ZANU-PF party.

The general economic situation in Zimbabwe has also seen a persistent downward trend.

Overall the general political, economic and social situation in Zimbabwe has deteriorated since March 2002. Regrettably to date there has been no positive response by Zimbabwe to the Marlborough House Statement's call for:

- political dialogue and national reconciliation;
- the implementation of Commonwealth observer group recommendations;
- the promotion, in collaboration with the UNDP, of transparent, equitable and sustainable measures for land reform in Zimbabwe; and
- engagement with the Secretary-General to achieve these outcomes.

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Likewise, there has been no significant or substantive change of direction in Zimbabwe towards compliance with the Harare principles, as was the expectation in the Marlborough House Statement and the Abuja Mid-Term Review Statement.

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### **Background**

This Report has been prepared in accordance with the Marlborough House Statement of 19 March 2003 which provided for a review by the Commonwealth Chairpersons' Committee on Zimbabwe (Troika) of that country's suspension from the Councils of the Commonwealth in twelve months time, "having regard to progress in Zimbabwe based on the Commonwealth Harare principles and reports from the Commonwealth Secretary-General".

2. At their subsequent meeting in Abuja on 23 September 2002, the Commonwealth Troika decided inter alia to "see how Zimbabwe responds to the Marlborough House Statement over the next six months as foreshadowed in that Statement, at which point stronger measures might need to be considered".

3. This Report therefore covers Zimbabwe's response to the Marlborough House Statement as well as progress towards compliance with the Harare principles. A copy of the Marlborough House Statement is attached at **Annex 1**. A copy of the Abuja Mid-Term Review Statement is at **Annex 2**. A copy of the CHOGM Statement on Zimbabwe, which established and gave its mandate to the Troika, is at **Annex 3**.

#### **A. Zimbabwe's Response to the Marlborough House Statement**

##### **(i) General Response**

4. From the very outset, the Government of Zimbabwe rejected the Marlborough House decisions, as well as the Report of the Commonwealth Observer Group. All my efforts to engage with the Government in fulfilment of the mandates given to me by the Troika have been rebuffed. Indeed, my efforts to engage with President Mugabe predate the Troika's establishment and Marlborough House Statement.

5. In May 2000, I proposed sending Sir Shridath Ramphal, former Commonwealth Secretary General and a friend of President Mugabe, as a special envoy to help facilitate dialogue with the Zimbabwean Government but without success. Sir Shridath's telephone calls to President Mugabe were not returned.

6. In May 2001, I sent Deputy Secretary-General Florence Mugasha to Windhoek to brief President Nujoma (as a senior regional leader and a friend of Zimbabwe and the Commonwealth) on our efforts to engage with Zimbabwe and

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to seek his assistance in facilitating such an engagement. But this did not lead to any engagement.

7. Following my own unsuccessful attempts to telephone President Mugabe, in the light of the mandate given to me by the troika, I wrote to him on 15 May 2002 assuring him of the Commonwealth's readiness and willingness to assist Zimbabwe in any way possible, in particular with the land issue, whose importance I had repeatedly acknowledged in virtually every public statement on Zimbabwe. I expressed my willingness to visit Harare to meet with the President and his Government in fulfilment of the mandates given to me by the Troika and with a view to finding a way forward.

8. I did not get a response to my letter but in subsequent contact with the President's office was told to deal with the Minister of Foreign Affairs. President Nujoma also came back to me with a similar message after talking to President Mugabe.

9. I received Zimbabwe's formal response to the Marlborough House Statement when I met with the Zimbabwean Foreign Minister, Dr Stan Mudenge, on 10 July 2002, in the wings of the OAU/AU summit in Durban. Dr Mudenge advised me that the Government of Zimbabwe regarded as illegitimate the 19 March Troika decisions and mandates as contained in the Marlborough House Statement. He said that this was because those decisions and mandates, including the decision to suspend Zimbabwe from the Councils of the Commonwealth, were based on a flawed Commonwealth Observer Group report. He also complained that Zimbabwe was not given an opportunity to defend itself before the Troika in accordance with what he said were standard Commonwealth and universal principles of natural justice.

10. I pointed out to Dr Mudenge that Heads of Government had given Zimbabwe a full hearing at CHOGM before establishing and mandating the Troika. I emphasised that the COG to the March 2002 Presidential elections in Zimbabwe was constituted and operated under standard Commonwealth procedures established by Heads of Government and that it consisted of eminent election experts, parliamentarians, diplomats and representatives of civil society and youth groups from across the Commonwealth, led by a distinguished former Nigerian Head of State, General Abdusalami Abubakar, who also headed the COG to the June 2000 Parliamentary elections. The Group formed their judgement, based on direct experience over an extended period of time spent in Zimbabwe.

11. Following the Abuja Troika meeting, I received a communication from the Senior Secretary in the Ministry of Foreign Affairs of Zimbabwe, Mr W A Chiwewe on 22 October 2002, confirming the position stated by Dr Mudenge. Mr Chiwewe stated that the Government of Zimbabwe rejected the intentions, methodology and contents of the COG Report as being fundamentally flawed and therefore had "extreme difficulty in recognising the legitimacy and objectivity

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of both the Commonwealth Observer Group Report and the Marlborough House Statement by the Troika". He, however, restated Zimbabwe's commitment to Commonwealth ideals, values, and principles and the Government's willingness to engage the Troika at any time.

12. In our response to Mr Chiwewe's letter on 7 November, 2002, we welcomed the restatement of Zimbabwe's commitment to Commonwealth ideals, values, and principles and the Government's willingness to engage the Troika at any time. In this regard, we proposed to send a team of senior Commonwealth Secretariat officials to visit Zimbabwe to pursue the modalities for further engagement between the Commonwealth and Zimbabwe.

13. In his response on 7 January 2003, Mr Chiwewe reiterated that the Government of Zimbabwe had great difficulty in recognising the legitimacy and objectivity of the Marlborough House Statement and the mandates given to the Secretary-General under that Statement. He, however, expressed the hope that I would find a formula for engaging Zimbabwe that "conformed to the good offices role enshrined in the procedures adopted by CHOGM at Coolum".

14. Following telephone contact, we wrote to Mr Chiwewe again on 4 February 2003 proposing to send a Secretariat team in the context of the Secretary-General's good offices role as proposed by him. We emphasised that such an engagement was important and indeed vital in the interest of the people of Zimbabwe. Mr Chiwewe responded on 11 February 2003 advising that "recent developments counsel us to re-approach the subject matter any time after March 2003".

15. In sum, the Government of Zimbabwe has rejected the Marlborough House Statement on the grounds that they were based on a flawed Commonwealth Observer Group Report and that Zimbabwe was not given the chance to defend itself before the Troika. They have said they would not engage with me on the basis of the mandates given to me by the Troika. All my efforts to bring about such engagement, including through regional leaders and in the context of my good offices role, have not met with any success to date. These efforts, nonetheless, continue.

16. In consultation with Presidents Mbeki and Obasanjo, Prime Minister Howard as Troika Chairperson invited President Mugabe by personal message, delivered through the normal diplomatic channels, to attend the Troika's meeting in Abuja on 23 September 2002. However, President Mugabe did not take up the invitation, with the Government of Zimbabwe claiming publicly it was unacceptable to him.

17. President Obasanjo and President Mbeki have made significant efforts at contact with President Mugabe over the past year and have indeed both visited Zimbabwe separately and held talks with President Mugabe. During his visit on 8

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February 2003, President Obasanjo also met with the MDC Leader, Mr Morgan Tsvangirai.

18. President Mugabe has made a number of undertakings and commitments to President Obasanjo and President Mbeki, some of which are discussed further below.

***(ii) Specific Responses***

19. The Marlborough House Statement and indeed the Abuja Mid-Term Review Statement required Zimbabwe to respond positively by way of progress in a number of areas as follows:

- political dialogue and national reconciliation;
- the implementation of the recommendations of the Commonwealth Observer Group; and
- the promotion of transparent, equitable and sustainable measures for land reform in Zimbabwe.

20. There was also an expectation in both statements of progress being made in Zimbabwe towards compliance with the Harare Commonwealth Declaration. This section reviews Zimbabwe's responses to specific decisions and mandates contained in the Marlborough House Statement. The following section reviews progress towards compliance with the Harare principles.

***(1) Political Dialogue and National Reconciliation***

21. In line with the Marlborough House Statement, President Obasanjo and President Mbeki respectively appointed two distinguished personalities as special envoys to facilitate dialogue between the ruling ZANU-PF party and the opposition MDC in Zimbabwe: Professor Adebayo Adedeji (Nigeria), former Director of the United Nations Economic Commission for Africa. and Dr Kgalema Motlanthe (South Africa), Secretary-General of the ANC.

22. Between April and May 2002, Professor Adedeji and Dr Motlanthe worked closely with ZANU-PF and the MDC and facilitated two meetings between the two, in the course of which an agenda for more substantive dialogue was agreed. However, ZANU-PF stayed away from a scheduled meeting on 13 May 2002 and



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thereafter withdrew from the dialogue citing their objection to a petition which the MDC had brought before the courts at the end of April 2002 challenging the conduct and outcome of the March 2002 Presidential elections and by implication the legitimacy of Mr Mugabe's presidency.

23. All efforts since that time to re-start the dialogue, including by President Obasanjo and President Mbeki, have been unsuccessful. During his recent visit to Zimbabwe, President Obasanjo was assured by President Mugabe that ZANUPF is ready to resume the dialogue once the courts have ruled on the MDC petition. The MDC's position is that it is ready to meet with ZANU-PF without preconditions but would not withdraw its court challenge, which they point out is a normal aspect of post-election activity in any democratic country, nor would they recognise the legitimacy of President Mugabe. These issues, they believe, nonetheless, could be addressed in the dialogue process.

24. Meanwhile on 3 February 2003, the trial began at the High Court in Harare of MDC Leader, Morgan Tsvangirai, and two other senior members of the party: Secretary-General, Professor Welshman Ncube, and Spokesperson on Agriculture, Mr Renson Gaseia. All three are charged with treason, being accused of having actively participated in an alleged plot to assassinate President Mugabe and overthrow the Government of Zimbabwe by violent means. All three accused deny the charges. They all face the death penalty if convicted.

25. Reports have continued of a widespread and systematic campaign of violence and intimidation by agents of the state and supporters of the ruling ZANU-PF party against leading members and activists of the MDC. The MDC itself has alleged that in the period between January and November 2002, 58 of its activists were murdered, 1,060 tortured, 227 abducted and beaten, and 111 unlawfully detained. While these specific figures have not been independently verified, reports from independent and credible domestic and international NGO'S, including the Zimbabwe Human Rights NGO Forum and Amnesty International, do point to a disturbing and widespread pattern of arrests and detention of leading members of the political opposition.

26. An Amnesty international delegation visited Zimbabwe in January this year. In a letter to me on 5 March, Amnesty International advised that "based on the preliminary findings of our delegation, Amnesty international is deeply concerned that supporters and officials of the opposition MDC, the independent media and human rights defenders continue to be subjected to harassment, arbitrary arrests and torture by the Zimbabwean authorities and state agents". Specific examples raised with us by Amnesty International in the last two months alone are contained in **Annex 4**.

27. During his visit to Zimbabwe, President Obasanjo was advised by President Mugabe that the Government was not involved in excesses by the police and security services and that those involved would be prosecuted if caught.

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President Obasanjo raised the specific case of Mr Job Sikhala, MDC MP for St Mary's, who had written to him complaining about a breach of his fundamental human rights by the police, allegedly with Government connivance. President Mugabe indicated that Mr Sikhala had taken the matter to court and that the police were planning disciplinary actions against the officers concerned. Mr Sikhala maintains that no such disciplinary action has actually been taken against any of the officers concerned; that no apology has been issued; and that there ought to be a criminal investigation of the case by an independent authority.

28. There have also been reported cases of violence and intimidation of ZANUPF activists and supporters by those of the MDC. Amnesty International has cited several examples of such cases in recent reports. However, neither Amnesty International nor any other reputable domestic or international human rights NGOs has found evidence that such violence by supporters of the political opposition against those of the ruling party is either systematic or widespread.<sup>1</sup>

*(2) Implementation of the Recommendations of the Commonwealth Observer Group*

29. As indicated above, the Government of Zimbabwe has rejected the Report of the Commonwealth Observer Group (COG) to the March 2002 Presidential elections and refused to engage with me on the basis of my Troika mandates, one of which was to ensure that the specific recommendations of the COG Report, notably those on the management of future elections, are implemented.

30. The constitutional, legislative and electoral framework for the conduct of, elections, which the Commonwealth Observer Group found to be flawed, remains unchanged. The Public Order and Security Act, the Access to Information and Protection of Privacy Act (which came into effect soon after the March 2002 Presidential elections) and the General Laws Amendment Act, elements of which were specifically found by the COG to have been prejudicial to freedom of speech, the press, movement and association, remain on the statute book without amendment. President Mugabe has specifically promised President Obasanjo that amendments would be introduced to the Access to Information and Protection of Privacy Act during the next sitting of Parliament, which commenced on 25 February 2003, in response to complaints, that the act was prejudicial to freedom of the press and of speech.

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<sup>1</sup> For example, the Zimbabwe Human Rights NGO Forum's report on political violence, drawing on a reported 900 victims statements from June 2001 to June 2002, found that only a reported 1.4% of victims of political violence were ZANU-PF supporters, while the rest were MDC supporters or sympathisers.

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31. No steps have been taken towards the establishment of an independent electoral commission as recommended by the COG. The Office of the Registrar General, which the COG found to lack sufficient independence and impartiality, remains in charge of election management in Zimbabwe, and unchanged.

32. In December 2002, the Government of Zimbabwe published a memorandum entitled "The Commonwealth and the Zimbabwe Elections 2002", in which it sought to challenge the composition, modus operandi and conclusions of the COG. The memorandum, inter alia, makes inaccurate and unsubstantiated claims against the COG of:

- bias in the selection of observers;
- disproportionate representation of Australia, Canada and New Zealand;
- unsubstantiated allegations of pre-election violence and intimidation; and
- a predetermined conclusion.

33. As indicated earlier, the COG to the March 2002 Presidential elections in Zimbabwe was constituted and operated under standard Commonwealth procedures established by Heads of Government. It consisted of eminent election experts, parliamentarians, diplomats and representatives of civil society and youth groups from across the Commonwealth, led by a distinguished former Nigerian Head of State. 16 of the 42 members of the Group (38%), including the Chairperson, were from Africa. Every one of Zimbabwe's immediate neighbours (with the exception only of Swaziland) was represented on the Group, including two observers from South Africa. Australia, Canada and New Zealand each had two observers (12% of the Group). The Group formed an independent and collective judgement at the end of the process, based on direct experience and observation over an extended period of time spent in Zimbabwe.

**(3) *The Land Issue as it Relates to the Marlborough House Statement***

34. As requested by the 'Troika' in the Marlborough House Statement, I have kept in constant touch with the UNDP in the period since March 2002. In July 2002, I was advised by the UNDP Administrator, that the Government of Zimbabwe had not responded to the proposals which the UNDP had put forward following the visit of an expert team to Zimbabwe in November / December 2001 within the framework of the Abuja Agreement (discussed further below). A Commonwealth Secretariat member of staff participated in the Expert Team. In its Report in January 2002, the Expert Team described the Government's 'FastTrack' land reform programme as chaotic and the cause of much political, economic and

social instability. It proposed instead a phased programme commencing with the re-distribution of 5 million hectares over a three year

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period; fair and speedy compensation for those whose farms are compulsorily acquired; and a package of assistance for the new farmers.

35. In view of the Government's failure to respond to the UNDP proposals and its decision to press ahead with the 'Fast-Track' programme, the UNDP is not officially engaged with the Government of Zimbabwe in terms of promoting land reform. The Government of Zimbabwe for its part has not requested any specific support from the UNDP for the 'Fast-Track' programme. The UNDP does not believe that the 'Fast-Track' programme is sufficiently transparent, equitable and sustainable to attract the necessary international financial and technical assistance. However, the UNDP remains ready to engage with the Government of Zimbabwe when invited. Such engagement is essential to progress on the land issue, including in terms of securing international financial assistance towards land reform in Zimbabwe.

36. Further detail on the matter of land reform is provided in Section C below.

### **B. Progress on the Harare Principles**

#### ***(i) Democracy and Democratic Processes and Institutions***

37. As noted, the constitutional, legislative and electoral framework for the conduct of elections, which the Commonwealth Observer Group found to be flawed, remains unchanged. The Public Order and Security Act, the Access to Information and Protection of Privacy Act and the General Laws Amendment Act, elements of which were specifically found by the COG to have been prejudicial to freedom of speech, the press, movement and association, remain on the statute, book without amendment. The Office of the Registrar General, which the COG found to lack sufficient independence and impartiality, remains in charge of election management in Zimbabwe.

38. Large numbers of MDC candidates are reported to have withdrawn from local government elections in September 2002 citing pre-election intimidation by the government. The MDC claims that as a result it was only able to field 646 candidates for the 1,437 contested seats. The MDC also alleges that several of its candidates and supporters were arrested and assaulted prior to the poll and that in Masvingo province, the homesteads of several of its candidates and supporters were burnt down during the election weekend. The MDC further alleges that it did not get access to the voters' roll and that many of its potential candidates were rejected on the grounds that their names were not on the roll.

39. There were also reports of widespread violence and intimidation against known and suspected members and supporters of the MDC in the run-up to a by-

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election in the constituency of Insiza in October 2002, including a reported invasion of the MDC command centre by a police riot squad using tear gas. The MDC candidate was allegedly not allowed full access to the constituency. While the immediate polling days were generally peaceful, it was notable that there was a low voter turnout.

### *(1) The Public Order and Security Act*

40. The Public Order and Security Act 2002 criminalizes various types of public conduct and imposes penalties ranging from six months imprisonment to the death penalty. Most of the offences covered by the Act are the usual public order offences, including, insurgency, banditry, sabotage and terrorism. However, two categories of offences in the Act have raised domestic and international concern, including from the Commonwealth:

#### *Undermining the authority of or insulting the President*

This includes any act or gesture by any person knowing that there is a risk or possibility of engendering feelings of hostility towards or causing hatred, contempt or ridicule of the person or office of the President or acting President. It also includes making any abusive, indecent, obscene or false statement concerning the person or the office of the President or acting President. Penalties for these offences include a fine of up to Zim \$20,000 or imprisonment for a period of up to one year or both.

#### *Unlawful public gatherings*

Anyone organising a public gathering (with the exception of a list of social gatherings provided by the Act) without a permit from a regulating authority (the police) is liable (if found guilty) to a fine of up to Zim \$1 0,000 and 1 or imprisonment for up to six months. The regulating authority can refuse permission or impose conditions for such gatherings on grounds of threat to public order. Appeals can only be made to the Home Affairs Minister rather than the courts.

### *(2) The Access to Information and Protection of Privacy Act 2002*

41. Concerns about this law have focused on the following provisions:

- it being an offence to make use of a mass media service for the purpose of denigrating, bringing to hatred or contempt or ridicule or to excite disaffection

against the President, the law enforcement agents or the administration of justice in Zimbabwe;

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- the prohibition of certain classes of people, including foreigners, from owning or co-owning a mass media service;
- only those accredited by a press commission being able to work as journalists in Zimbabwe and only citizens of Zimbabwe, domiciled in the country, being able to be so accredited;
- journalists who abuse their 'journalistic privileges' or who contravene the Act being liable to imprisonment for up to two years; and
- foreign mass media services not being able to set up representative offices in Zimbabwe without the Minister's permission, and only accredited journalists may represent foreign correspondents in Zimbabwe.

42. The Government of Zimbabwe has promised to introduce amendments to this Act in response to complaints that it is prejudicial to freedom of the press. However, this has not yet been done and the proposed nature of any amendments is unclear. Meanwhile journalists have publicly complained about the onerous nature of the provisions, and the expense and difficulty of achieving registration.

### **(3) *The General Laws Amendment Act***

43. The Commonwealth Observer Group found that the General Laws Amendment Act severely restricted the deployment of independent domestic monitors and the ability of civil society groups to provide voter education in connection with elections. Three provisions of the Act have engendered particular concern in this regard:

Under Section 14B, subsection (2), only members of the Public Service can be appointed and deployed as monitors by the Electoral Supervisory Commission. However, eminent persons from within Zimbabwe and individuals representing local organisations could be invited by the Minister of Justice to observe the elections.

Under Section 14D, subsection 4, no person other than the Commission, persons appointed by it, political parties and members of registered private voluntary organisations (specifically mandated by their charters to conduct voter education) can provide voter education.

Under subsection 5 of the same section, no foreign contribution or donation can be made for the purposes of voter education except to the Electoral Supervisory Commission, which may allocate such contributions or donations to any persons registered by it. Anyone who provides voter

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education in contravention of these provisions is liable to a fine of up to Zim \$1 0,000 and / or imprisonment of up to six months.

44. Previously, the Electoral Supervisory Commission had been able to draw on persons selected and trained by civil society organisations to serve as election monitors. It was also past practice, that civil society organisations conducted voter education without the need for clearance by the Electoral Supervisory Commission.

### ***(4) Systematic Disenfranchisement***

45. The COG found that thousands of Zimbabwean citizens were disenfranchised as a result of the lack of transparency in the registration process and the wide discretionary powers of the Registrar-General in deciding who is included and who is excluded from the electoral register.

46. The Registrar-General's application of the Citizenship Amendment Act 2001 has affected the many thousands of farm workers in Zimbabwe from neighbouring countries who had previously been allowed the rights of Zimbabwe citizenship. This in effect disenfranchised them at the time of the Presidential election. On 22 November 2002, the Government published a notice in the official gazette to the effect that mere entitlement to a foreign citizenship as opposed to the actual possession of such a citizenship should not lose any Zimbabwean their citizenship.

47. However, in a landmark case brought by Ms Judith Todd against the loss of her citizenship the Supreme Court refused to accept the Government's notice in the gazette as being of any legal value. Ms Todd is Zimbabwean born, but has a right to New Zealand citizenship through her late father, Sir Garfield Todd, a former Prime Minister, who had been born in New Zealand but migrated to then Rhodesia early in his working life. On 27 February 2003, the Supreme Court decided that Ms Todd was a New Zealand citizen 'by descent' even though she has neither held nor exercised such a citizenship. The Court gave her 24 hours to formally renounce her New Zealand citizenship and show evidence of this to the Registrar-General or else lose her Zimbabwean citizenship.

### ***(ii) Human Rights and Fundamental Freedoms***

48. The application of the Public Order and Security Act and the Access to Information and Protection of Privacy Act has seriously compromised respect for human rights and

fundamental freedoms in Zimbabwe. Mention has already been made of the disturbing pattern of arrests and detention of leading members of the political opposition. There have also been similar reports with respect to sections of civil society, particularly the press. A list of cases of arrest and general

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harassment of the press recorded by the Media Institute for Southern Africa (MISA) over the past two months alone is at **Annex 5**.

49. Amnesty International as well as other reputable domestic and international human rights NGOs such as The Zimbabwe Civic Education Trust and Physicians for Human Rights, Denmark have also reported on numerous cases of arbitrary arrest, torture and general heavy-handedness by the police and other agents of the state especially against members and supporters of the opposition and civil society activists.

50. Specific concern has also been expressed about the activities of a paramilitary style youth organisation known as the "Green Bombers" (after their green uniforms). Supporters of the organisation say its objective is to provide skills, character and civic training to young men and women with a view to enhancing their job prospects. However, opposition and civil society groups have accused the ruling ZANU-PF party of recruiting and training the "Green Bombers" as a paramilitary youth militia to harass and intimidate their opponents.

### ***(iii) The Rule of Law and the Independence of the Judiciary***

51. The Report of the Law Society of Zimbabwe for 2002 indicates that the forces of law and order are under pressure and tend to be selective in the performance, and non-performance, of their duties. In particular widespread allegations continue of political bias on the part of the police in the investigation of allegations of violence and generally in the enforcement of the law

#### ***(1) Arrest and General Harassment of Senior Judicial Officers***

52. There have been continuing pressure and direct attacks on the judiciary by the Government along the lines of those which led to the early retirement of Chief Justice Anthony Gubbay in March 2002. Concerns were expressed both nationally and internationally about the arrest of former High Court Judge Fergus Blackie in the early hours of 13 September 2002, for alleged misconduct in connection with a case he had handled. Before his retirement, Justice Blackie had ruled in a separate case that the Minister of Justice was in contempt of court and sentenced him to three years imprisonment. The UN Special Rapporteur on the Independence of the Judiciary at the time described the charges as trumped up and expressed concern about the implications of the arrest for the rule of law and the independence of the judiciary in Zimbabwe.



53. Similar concerns have been expressed recently in connection with the arrest of sitting High Court Justice Benjamin Paradza on 19 February 2003 allegedly for attempting to influence another judge. The International Bar Association has

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expressed deep concern that the constitutional procedures for investigating allegations against senior members of the bench were not followed. Shortly before his arrest, Justice Paradza had dismissed a case brought against the MDC Mayor of Harare, Mr Elias Mudzuri, and declared the Mayor's arrest and detention unlawful.

54. I received on 27 February from the International Commission of Jurists a copy of a letter to President Mugabe in which they expressed their alarm at the arrest of Justice Paradza and referred to a similar letter of 18 September regarding Justice Fergus Blackie, and the impact of these cases on the independence of the judiciary in Zimbabwe. They have requested the Government of Zimbabwe to investigate the circumstances surrounding the arrest of Justice Paradza to ensure the charges are not politically motivated.

55. In his Report for 2002, the President of the Law Society of Zimbabwe expressed concern about personal attacks and adverse publicity in the state-owned media against other senior sitting members of the judiciary, including Justices Moses Chinhengo, George Smith and Lawrence Kamochoa.

*(2) Selective Investigation of Cases*

56. The COG to the March Presidential elections in Zimbabwe found that very often the police and other security forces did not take action to investigate reported cases of violence and intimidation, especially against known or suspected supporters of the MDC; and that the law enforcement agencies appeared to be heavy-handed in dealing with the MDC and lenient towards supporters of ZANU-PF. The COG concluded that the failure to impartially enforce the law seriously called into question the application of the rule of law in Zimbabwe.

57. Sadly, this situation does not appear to have changed. The President of the Law Society of Zimbabwe has publicly expressed concern that members of the public do not feel that their rights can be protected and enforced through the normal judicial process. There is no reported case of anyone having been charged and convicted in connection with the numerous and specific incidents of violence and intimidation against the opposition and sections of civil society throughout 2002, even where the Government of Zimbabwe has undertaken to pursue such cases.

### *(3) Non-enforcement of Court Orders*

58. There have been statements in the state-owned media in Zimbabwe and by members of government suggesting that court orders which go against public

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policy would not be enforced. In his 2002 Report, the President of the Law Society of Zimbabwe also expressed concern about such statements and referred to a number of judicial decisions which had not been enforced in connection with the September municipal elections and the Harare mayoral elections.

59. Concern has also been expressed in the case of the Mayor of Harare, Elias Mudzuri, noted above. The initial order to release him was ignored by the police, thus forcing the judge to issue another order.

### **C. The Land Issue Generally**

#### ***(i) The Abuja Agreement and its Non-Implementation***

60. It will be recalled that at the initiative of President Obasanjo, a Committee of Commonwealth Foreign Ministers on Zimbabwe (including the United Kingdom and Zimbabwe) met in Abuja on 6-7 September 2001 and reached agreement on a way forward for resolving the land issue and related matters in Zimbabwe. A copy of the Abuja Agreement is at **Annex 6**.

61. The UNDP Expert Team which visited Zimbabwe from 13 November to 5 December 2001, in pursuance of the Abuja Agreement, found that although there had been a substantial decline in the number of farm occupations following the Agreement, the Government of Zimbabwe had not fully complied with its obligations to end the occupation of farms and to remove occupiers from undesignated farms. Instead the Government had passed a Rural Land Occupiers (Protection from Eviction Act) which effectively made it lawful for occupiers to stay on occupied farms until alternative lands could be found.

62. More importantly, the Government of Zimbabwe, as indicated above, has failed to reach agreement with the UNDP on effective and sustainable measures for land reform as required under the Abuja Agreement. It has decided to press ahead instead with its own 'Fast-Track' land reform programme.

#### ***(ii) The Fast-Track Land Resettlement Programme***

63. The Government of Zimbabwe claims that the land issue is now at an end. According to official government figures, 220,000 communal peasant families and 54,000 indigenous

commercial farmers have been settled on 11 million hectares of acquired land under the Fast-Track Resettlement Programme. The Government states that the programme officially came to an end on 31 August 2002, although compulsory acquisitions of private land continue to be gazetted

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and the Commercial Farmers' Union of Zimbabwe claims that further acquisitions of farms have taken place since that date.

64. There has never been any doubt about the need for land reform in Zimbabwe, a fact which I have repeatedly acknowledged publicly. To the extent that the Government feels that it has sought to put right a colonial injustice, the 'Fast-Track' programme can be seen as an attempt to address a long-standing source of internal dissatisfaction. However, the overall assessment of the UNDP is that while the political philosophy and socio-economic rationale of the Fast Track programme remains valid, its current scope is not sustainable and represents an overreach of the original objectives "that is not the consequence of debated and clear government policy but rather the aggregation of a series of one-off executive actions". The UNDP has identified a number of deficiencies and undesirable consequences of the Fast-Track programme which would need to be urgently addressed if the programme is to meet the Troika's and broader international requirements of transparency, equity and sustainability.

### ***(1) Inadequate Transparency in the Allocation of Farms***

65. Reports have continued of a disproportionate-, number of the best farms being allocated to leading members of "he ruling elite, including members of government and senior members of the security services and their families. According to the UNDP, priority has not always been given to those in the greatest need and those with past experience in agricultural production.

66. The Government of Zimbabwe admits that abuses and malpractices have taken place. It has instituted a land audit to identify cases of malpractices and corruption, which it has promised to investigate and redress. The findings of this audit have not yet been published.

### ***(2) The Non-Payment of Fair Compensation***

67. The Government of Zimbabwe has promised to pay compensation to those affected by the Fast Track programme for improvements to the land such as dams, farm houses and equipment. it states that ;it has allocated 4 billion .Zimbabwe dollars towards such compensation in the current financial year. The Government is also currently engaged in

dialogue with the Commercial Farmers Union on a way forward and has reiterated its willingness to provide land to anyone who wishes to continue farming,

68. However, the Commercial Farmers Union maintains that only 600 out of Zimbabwe's original 4,500 commercial farmers remain on their farms and that none of its almost 4,000 members whose farms have been compulsorily acquired

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under the land reform programme have received any compensation from the Government.

69. The Government continues to insist, including by way of a constitutional requirement, that compensation for the true value of the land, at today's prices, be paid by the United Kingdom, which it claims, did not pay anything when it took the land from their original African owners.

70. I continue to believe that there is clearly a moral case the United Kingdom to contribute towards transparent, equitable, and sustainable land reform in Zimbabwe. Indeed the Government of the United Kingdom has undertaken to do so under the Abuja Agreement, in the context of a UNDP-backed programme to which the Government of Zimbabwe has also formally committed itself.<sup>2</sup> However, the Zimbabwe Government's approach in terms of a constitutional requirement is viewed by the UNDP among others as flawed to the extent that it offers no effective compensation to those whose farms have been compulsorily acquired by the state, many of whom had original titles and paid in cash for their farms. As foreshadowed in the Abuja Agreement, there is clearly a need for the Zimbabwe Government to engage with the UNDP and reach agreement on a programme that the UK as well as other international partners can support.

### ***(3) The Plight of the Farm Workers***

71. The Government claims that many of the approximately 400,000 former farm workers have been re-employed on the 54,000 new commercial farms and that others have been resettled under the land reform programme. However, the UNDP, the World Food Programme and most farming organisations in Zimbabwe dispute this. Their reports suggest that the former farm workers, most of whom are skilled and experienced in agricultural production, have been largely excluded from the Fast-Track land reform programme and face an uncertain future in Zimbabwe.

72. Many of the farm workers originate from Malawi, Mozambique and Zambia and thus either hold or are entitled to the citizenship of those countries, Their plight is further compounded by a Citizenship of Zimbabwe Amendment Act of 2001, which requires

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<sup>2</sup> See also Statement by Foreign Secretary, Jack Straw, 21 March 2002.

Zimbabweans holding one or more citizenships to renounce such citizenships, not only in terms of Zimbabwe law but also in terms of the laws of the other country or countries concerned, or else lose their Zimbabwean citizenship.

73. The Registrar-General (in charge of the civil registers as well as of election management) has interpreted this Act as also applying to those who have an

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automatic entitlement to a foreign citizenship, even though they may not have sought or exercised such citizenship. Many of the former farm workers fall in this category and have thus lost either their Zimbabwean citizenship or their entitlement to it despite being longstanding citizens or residents.

74, During his recent visit to Zimbabwe, President Obasanjo was assured by President Mugabe that the Government had taken a decision to the effect that all foreigners who were resident in the country on or before 18 April 1980 would be entitled to Zimbabwean citizenship. However, legislation is still awaited to give this undertaking the force of law.

### ***(4) Inadequate Support for the New Farmers***

75. The Report of the UNDP Expert Team highlights the lack of material, technical and financial support for the new small-scale and commercial farmers. Other reports, including by the World Food Programme, have alluded to this as a major factor (in addition to the drought) in the significant fall in agricultural production in Zimbabwe. The UNDP and other stakeholders have also expressed concern about the fact that most of the new farmers have not been given proper title to their lands and so have had difficulty raising credit from a financial sector already sceptical about tending to the agricultural sector.

76. The Government of Zimbabwe admitted to President Obasanjo during his recent visit to Zimbabwe that support for the new farmers has been inadequate, with only 30% (according to official sources) having received financial assistance. The Government puts this down to a lack of means rather than will. No proposals have yet been put forward by the Government for dealing with the issue of land titles.

77. The case for international financial and technical assistance and for a transparent, equitable and sustainable land reform programme, is a strong one as advocated by President Obasanjo. However, in terms of expertise, the UNDP remains the most effective avenue through which such assistance could be channelled to those concerned as provided under the Abuja Agreement.

## **D. The Food Situation and Economic Recovery**

78. The latest assessment of the World Food Programme (WFP)<sup>3</sup> is that Zimbabwe is facing an immediate and serious food crisis which, if not quickly and comprehensively addressed, is likely to result in severe malnutrition and death

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caused by hunger in the coming months. According to the WFP, 6,1 million Zimbabweans will need food aid for which an estimated 1,869 million tons of cereals, including 1,705 million tons of maize would need to be imported,

79. A WFP report<sup>4</sup> in late November 2002 painted a bleak picture of many families eating only one meal a day; people eating poisonous wild fruits and vegetables; numbers of school children arriving in classrooms each day without having eaten; others fainting at school out of hunger, and many dropping out of school altogether to work as casual labourers in the hope of feeding themselves and their families.

80. The WFP has launched an urgent international appeal for more, international assistance to deal with the looming famine. It says it has received only about a third of the US \$285 million requested by the UN appeal for Zimbabwe.

81. I have written to all Commonwealth Governments asking them to contribute generously towards the food situation in Southern Africa, including Zimbabwe. Many have already done so, including the United Kingdom, which, according to the Department for International Development, has contributed 40.2 million towards humanitarian assistance programmes in Zimbabwe since September 2001.

**(i) Associated factors**

82. The southern African region has experienced a lack of adequate rainfall generally over the last few years, creating drought conditions in several countries, including Zimbabwe. But other man-made factors have seriously exacerbated the food scarcity in Zimbabwe.

83. On 26 February 2003, the Head of WFP, Mr James Morris, told US Lawmakers that the 'Fast Track' programme along with restrictions on private sector food marketing and the monopoly of the Zimbabwe Grain Marketing Board on food Importing were "turning a drought that might have been managed into a humanitarian nightmare". He said he had failed in six meetings with President Mugabe to persuade the President to alter his economic policies or to remove bureaucratic obstacles to food production and distribution.

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<sup>3</sup> World Food Programme, *Food Shortages in Zimbabwe: The Facts*, Southern Africa in Depth, 2003

<sup>4</sup> World Food Programme, *Humanitarian Crisis Worsening in Zimbabwe*, News Release, 28 November 2002

The WFP has identified a number of factors that it believes have compounded the drought situation and some of which continue to impede their efforts to bring in and distribute food assistance.

84. Prominent amongst these is the disruption to the commercial farming sector caused by the 'Fast Track' land reform programme. WFP figures suggest that

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while, as a result of the Fast Track land reform programme, the area planted to maize during 2003 increased by .14% in the communal arid resettlement areas, the area of maize planted by large-scale commercial farms declined by 16% - a fall of 62% on 1999-2000 levels. According to the WFP, given the vastly greater yield of the large-scale commercial sector (a third of the total cereal, production), the decrease in the area of commercial farms planted has had a significantly adverse impact on national food production.

85. Another factor cited by the WFP is the monopoly of the Grain Marketing Board of Zimbabwe (GMB') on the importation and distribution of grain. According to the WFP, the GMB's capacity to import enough grain is severely limited by the crippling lack of foreign exchange in Zimbabwe. The WFP has called for the removal of the GMB's monopoly so that other commercial operators could import grain possibly accompanied by a consumer subsidy scheme to help the poor. This monopoly also gives it the capacity to control the distribution of food and allow political factors to play a part in its decision making.

86. Retail price controls on grain products have effectively removed a useful incentive to move grain stocks to the markets, At the same time, only NGOs authorised by the Government can assist the WFP in the distribution of food aid. The WFP has said it would like to have additional NGO partners given the scale and complexity of the crisis. It has called for the removal of price controls and all other restrictions to the distribution of food products around the country.

87. There have also been allegations by the political opposition in Zimbabwe as well as several civil society organisations, including church groups, that the Government of Zimbabwe is using its control over the importation and distribution of food (through the GMB) to direct food assistance towards those areas that are supportive of the ruling ZANU-PF party. In a detailed report on 20 November 200, the human rights NGO Physicians for Human Rights, Denmark, outlined details of what it said was conclusive evidence of the politicization of food assistance. Similar concerns have also been expressed by Church groups specifically with respect to Matabeleland. The WFP has said it would vigorously investigate specific allegations of politicisation of food distribution but has thus far not reached a general conclusion on the matter.

### ***(ii) The General Economic Situation***

88. The food crisis in Zimbabwe is compounded by the steep decline of the Zimbabwean economy. According to the World Bank, the November 2002 budget suggested a 12% fall in real GDP in 2002 (25% over the past four years). Unemployment stands at 70% and year-on-year inflation at nearly 300%,

89. On 19 February 2003, the Government announced an effective devaluation of the Zimbabwe dollar, when it set the exchange rate for exporters at 800

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Zimbabwe dollars to the US dollar. The previous rate was 55 Zimbabwe dollars to the US dollar. Exporters still have to exchange 40% of their earnings with the Central Bank at the official rate. The Zimbabwe dollar is trading at 1500 to the US dollar on the black market.

90. The combination of falling standards of living, higher costs of living and the food shortages has resulted in real and severe hardships for the majority of Zimbabweans, This situation is compounded by shortage of basic commodities such as flour, sugar, cooking oil and petrol. Very often consumers have to queue up for several hours to buy these commodities at the controlled prices. Prices on the black market are four to five times the official prices. There has also been a significant flight of skilled and unskilled workers from Zimbabwe to neighbouring countries and elsewhere abroad.

91, In a rare public comment on 16 January 2003, the Commander of the Armed Forces of Zimbabwe, General Vitalis Zvinavashe, described the prevailing situation in the country as a international crisis and called for the establishment of a national task force involving all branches of government and outside the cabinet to deal with what he called an emergency.

92. This depressing situation offers even more grounds for the Government of Zimbabwe to change course and to engage in meaningful dialogue with international partners, particularly the Commonwealth and the UNDP in terms of land reform and agricultural production and the international financial institutions in terms of the general economy.

## **CONCLUSIONS**

Government and law and order institutions in Zimbabwe, including Parliament, the police and the judiciary, are functioning but are under considerable pressure and constraints, with selective enforcement in many cases and widespread allegations of abuses of power. The MDC continues to function as an opposition, but faces considerable harassment, pressure and politically motivated violence and intimidation.



The Government maintains that the land reform programme has been completed. However, the UNDP has described the 'Fast Track,' land reform programme as chaotic and destabilizing. It has impacted negatively on food production capacity of Zimbabwe and contributed to a great increase in unemployment among farm workers. The general economic situation in Zimbabwe has also seen a persistent downward trend.

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President Mugabe has given a number of undertakings and commitments to President Obasanjo and President Mbeki to address ongoing concerns on the land issue and on human rights. These are yet to be put into effect.

There has been an ongoing negative response by the Government of Zimbabwe to the Marlborough House and Abuja Statements and a refusal to engage on this basis with the Commonwealth Secretary-General.

The Nigeria/South African-sponsored dialogue between the two main political parties has broken down. The harassment of opposition and civil society leaders and activists continue. There have also been several cases of harassment of the press and the judiciary. Legislation prejudicial to freedom of speech, the press and association remains on the statute book.

Overall the general political, economic and social situation in Zimbabwe has deteriorated since March 2002. Regrettably to date there has been no positive response by Zimbabwe to the Marlborough House Statement's call for:

- political dialogue and national reconciliation;
- the implementation of Commonwealth Observer Group recommendations;
- the promotion, in collaboration with the UNDP, of transparent, equitable and sustainable measures for land reform in Zimbabwe; and
- engagement with the Secretary-General to achieve these outcomes.

Likewise, there has been no significant or substantive change of direction in Zimbabwe towards compliance with the Harare principles, as was the expectation in the Marlborough House Statement and the Abuja Mid-Term Review Statement.

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### **Media Institute for Southern Africa (MISA) Recorded Cases of Arrests and General Harassment of the Press in Zimbabwe**

#### **January and February 2003**

- Norma Edwards, the editor of The Mirror, a Masvingo weekly newspaper, was arrested on 3 January 2003 and charged for contravening section 80 of the Access to Information and Protection of Privacy Act.

Edwards was charged for a story that appeared in the paper on 19 December 2002 regarding the arrests of National Constitutional Assembly activists in Masvingo.

- Fanuel Jongwe, a senior journalist with the Daily News was arrested on Friday 24 January together with five foreigners in the mining town of Zvishavane. The five foreigners were working for the Lutheran World Federation, a Christian development organisation.

The group was charged with practising journalism without licences.

- Kenneth Gwabalanda Mathe, an official of the MDC, appeared at the Victoria Falls magistrate's court on Friday January 24 charged under section 12 (a) of the Public Order and Security Act for having given a comment to the Daily News.
- On January 29 Zimbabwean police detained Tsvangirayi Mukwazhi, the Daily News Chief Photographer and two American reporters for almost seven hours in Bulawayo. The journalists were covering Zimbabwe's food crisis when they were

accused of unlawful entry into the Grain Marketing Board depot which they had visited.

- Pedzisayi Ruhanya, Deputy News Editor of the 'Daily News' and freelance journalist Ish Mafundikwa were arrested on February 3 for allegedly obstructing police duties. They were covering the trial of opposition party Movement for Democratic Change leader Morgan Tsvangirai and two other senior members of the party.

Both Ruhanya and Mafundikwa were released after the Attorney General refused to prosecute them.

- On 20 February 2003 soldiers manning queues at Batanai Supermarket in Harare assaulted Daily News photographer Philimon Bulawayo after he took pictures of people queuing for basic commodities.
- On Sunday 16 February 2003, Financial Gazette sub-editor, Taugana Ngoro was assaulted by soldiers guarding Zimbabwe Broadcasting Corporation's Mbare studios. He was forced to roll on the tarmac and in a pool of mud.

**Cases of Arrests and Detention of Senior Members of the MDC Raised by  
Amnesty International with the Commonwealth Secretariat**

**January and February 2003**

- Mr Tendai Biti, MP *MDC Secretary for Economic Affairs and Shadow Minister for Home Affairs*, arrested on 8 February along with Mr Paul Madzore MP and 11 other MDC supporters whilst traveling back from a rally that had been banned by police in Mabvuku. Mr Biti was held for two nights and released without charge on 10 February 2003.
- Ms. Trudy Stevenson, MP, *MDC Secretary for Research and Policy*, arrested on 10 February and later released on the same day without charge.
- Mr Gabriel Chaibva, MP, *MDC Shadow Minister for Local Government*, arrested on 8 February in Hwange with four other MDC officials whilst hosting a seminar for MDC councillors. Released without charge.
- Mr Job Sikhala, MDC MP, arrested on 13 February 2003 on allegations (later dismissed in court) that he was involved in the burning of a bus. He claimed he was tortured while in police custody. A medical report confirmed this and the police have admitted assaulting him and claim to have apologized.
- Mr Abednico Bhebhe, MDC MP, arrested on 3 January 2003 and charged under the Public Order and Security Act for holding an illegal meeting.

- Ms. Pauline Mupariwa, MP, *MDC Shadow Minister for Labour*, arrested at home on 20 January 2003, held at Harare Central Police Station and released without charge on 22 January.
- Mr Paul Madzore, MDC MP, arrested on 12 January 2003 and allegedly tortured while in police custody. Mr Mudzore was arrested again on 8 February along with Mr Tendai Biti (see above).
- Ms. Evelyn Masaiti, MDC MP, arrested on 14 February 2003 and later released the same day without charge.
- Mr Elias Mudzuri, *MDC Executive Mayor of Harare*, arrested together with several other MDC officials in Mabvuku on 11 January 2003 and later released without charge.
- Ms Sekai Makwavarara, *Deputy Mayor of Harare*, arrested along with the Mayor on 11 January and later released without charge.
- Mr Fanuel Tsvangirai, *MDC chairman for ward 38 of Kuwadzaha, Harare*, arrested, detained for seven days and claimed to have been tortured while in police custody.
- Mr Masunda Resias, *MDC Chairperson for Ward 44 Kuwadzana*, arrested on 24 January 2003, tortured and detained for four days before being released without charge.
- Ms Jane Chifamba, Provincial Chair for Mashonaland East Women's Assembly, arrested at her home on 19 January 2003 and held at Marondera police station for two days before being released without charge.