

“Playing with fire”

GUTTED . . .



THIS Mazda T3500 truck carrying an advance team of MDC supporters was set on fire by suspected Zanu PF militants at Gokwe growth point yesterday. MDC leader Morgan Tsvangirai's entourage was forced to retreat to Kwekwe.

Personal accounts of human rights abuses experienced by 50 opposition Members of Parliament in Zimbabwe, and 28 opposition election candidates

Commissioned by

The Zimbabwe Institute

JOHANNESBURG, March 2004

The Zimbabwe Institute

The ZI is an autonomous organisation, independent of government, political parties, business, trade unions and other interest groups. Our activities are overseen and regulated by a board of trustees.

The ZI's core objectives are to:

- Research and develop policy solutions in priority areas, in particular, land reform, economic stability, constitutional reform, good governance and HIV/AIDS
- Develop state of the art policy development processes and outputs by linking local knowledge with international expertise
- Facilitate the process of increasing the involvement of constituencies, including the private sector, civic society and community-based organisations in policy research, dialogue and advocacy
- Build capacity among Zimbabweans, including those in the Diaspora, on policy issues and democratic processes
- Provide an information and intellectual resource base for ordinary Zimbabweans
- Develop links with like-minded organisations, in particular at the sub-regional and regional level

Our Work Programme: A Broad Overview

- Commission research on issues affecting Zimbabwe's development
- Organise seminars, conferences and workshops on issues concerning Zimbabwe
- Publish and disseminate the findings of such research

Contact Details:

If you require further information about the ZI and its activities, please email us at zint@telkomsa.net or call us on (+27) 21 447 1871/447 9587

Playing with Fire

The report "*Playing with fire*" was commissioned by the *Zimbabwe Institute* and was researched and compiled on their behalf by independent human rights consultants, with legal and health professional backgrounds.

As Zimbabwe is inevitably heading towards an election in 2005, it is timely to examine the experiences of those who contested the last election in 2000, as one indicator of the likelihood of any forthcoming general election being free and fair. This is the intention behind the current report.



“We can’t discuss with allies of the West. The devil is the devil and we have no idea of supping with the devil”

Robert Mugabe, 20th February 2004

[On the occasion of his 80th Birthday, referring to the possibility of talks between MDC and ZANU PF]

Let the MDC and its leaders be warned that those who play with fire will not only be burnt, but consumed by that fire.”

Robert Mugabe, 13 June 2003

[Rally in Nyamandlovu, Matabeleland]

We will make them run. If they haven’t run before we will make them run now.... We will not pander to them any longer. That’s gone. It’s finished. We are now entering a new chapter, and there will be firm government, very firm government....”

Robert Mugabe: extract from speech in English and Shona celebrating his re-inauguration and clarifying his policy towards the opposition MDC.

[Zvimba, Zimbabwe, 31st March 2002]

“Those who try to cause disunity among our people must watch out because death will befall them...”

Robert Mugabe

[Opening of the Pungwe-Mutare pipeline,
16th March 2000]

Contents

	Page
<i>Summary</i>	6
1. Methodology	12
2. Findings	15
3. Discussion of Findings	21
4. The Accounts	
I Executive Members of MDC	24
II Members of Parliament	43
III Candidates 2000	57
5. Conclusion	69
6. Recommendations	70
 <i>Appendices</i>	
Appendix One: Selected Chronicle of events 1980-2004	73
Appendix Two: Comments on Repressive legislation	
Aspects of POSA	82
AIPPA	84
Statement by ZLHR on ANZ case	85
Criminal Act Amendment	87
Appendix Three: Bibliography	89

Graphs

Chart 1: Graph showing percentage of MDC MPs and Candidates 2000 reporting violations in generalised categories: Feb 2000 –Feb 2004	17
Chart 2: Graph showing attribution of HR violations to different categories of Perpetrator by MDC MPs and Candidates 2000: Feb 2000-Feb 2004	18
Chart 3: Percentage MDC MPs reporting violations in listed categories	19

Chart 4:	Percentage Candidates 2000 reporting violations in listed categories	20
----------	--	----

Electronic version: To view Charts 1 to 4, double click on chart exhibited on page 17 and choose which chart/s to view by clicking on bottom axis.

Photographs

Cover photo:	<i>Daily News</i> , 11 th February 2002: “This Mazda T3500 truck carrying an advance team of MDC supporters was set on fire by suspected Zanu PF militants at Gokwe growth point yesterday. MDC leader Morgan Tsvangirai’s entourage was forced to retreat to Kwekwe.	
Photo 2:	<i>Daily News</i> , 17 th January 2003: “Weeping Sikhala tells of torture.”	14
Photo 3:	Funeral of Tichaona Chiminya, Morgan Tsvangirai’s campaign adviser. He was murdered on 15th April 2000, in a petrol bomb attack on his vehicle while campaigning in Tsvangirai’s constituency. No arrests have been made, although his alleged murderer is a known CIO operative.	41
Photo 4:	<i>Daily News</i> : 22 March 2003: “Isobel Gardiner, 60, wife of opposition MDC MP Roy Bennett’s farm manager, Norman, lies in bed at a Harare hospital. She was beaten up by soldier at the MP’s Ruwa farm on Wednesday. The police, State security agents and soldiers went on a massive retribution exercise country-wide, assaulting people for backing the mass action called by MDC.”	42
Photos 5 and 6:	David Mpala: attacked by war veterans in his rural constituency on 13 th January 2002. Bandage covers two incisions made with a sharp instrument, requiring stitches in a hospital: upper right back reveals scars from beatings with sjamboks by war veterans during the 2000 election campaign. [Physicians for Human Rights, Denmark, January 2002].	42
Photo 7:	Funeral of Trymore Midzi, campaign manager for Elliot Pfebve. Murdered by ZANU PF youth militia in January 2002.	Back cover

Summary

Zimbabwe is on the eve of an election year: the nation is constitutionally bound to have general parliamentary elections before June 2005. Any interim agreement resulting from talks between the ruling Zimbabwe African National Union – Patriotic Front (ZANU PF) and the opposition Movement for Democratic Change (MDC) within the next few months would also inevitably lead towards an election, and it is vital for those in the Southern African region and elsewhere to be aware of the need for substantial change – in laws, in the behaviour of government agencies – before any election can take place.

Much has been written on the collapse of democracy and basic human freedoms in Zimbabwe over the past four years. Attacks on the judiciary, on the free press, on civil society and on office bearers of the MDC, have been continuous since February 2000. International organisations including the International Crisis Group (ICG), Amnesty International (AI), New York Lawyers for Human Rights (NYLHR), the International Bar Association (IBA), and others have expressed their dismay and have documented violations repeatedly¹. Civil society organisations within Zimbabwe have further documented torture, rape, destruction of property and gross violations of fair play around all election activities over this same time period.² The almost total control of the media has also been commented on extensively.³

The current report

This is the first report to attempt to draw together in a systematic way, attacks from 2000 until the present, specifically on MDC Members of Parliament (MPs) and those who stood for MDC in the 2000 election (“candidates 2000”).

Documented here are the experiences of torture, property loss, threats and even deaths of staff and family members that have resulted directly from an individual having stood in an election for the MDC. Many of these attacks on MPs are well documented and backed by medical reports, photographs and media reports at the time events occurred, as well as by court or police records. Altogether 30 categories of violation have been used to classify reported experiences by those who have entered opposition politics in Zimbabwe.⁴

In all cases outlined in this report, the perpetrators are government agencies or those working with government agencies, including the Zimbabwe Republic Police (ZRP), the Central Intelligence Organisation (CIO), the Zimbabwe National Army (ZNA). Also commonly referred to as perpetrators are Members of the Zimbabwe National Liberators War Veterans Association (ZNLWVA), “war veterans”, ZANU PF supporters and, after November 2001, ZANU PF youth militia.

¹ See Appendix Three of this report for a listing of statements and reports by these international NGOs.

² Zimbabwe Human Rights NGO Forum produces monthly violence reports based on the findings of 12 national NGOs, and periodic longer reports.

³ Media Monitoring Project of Zimbabwe (MMPZ) *Media under siege*, 2003, Harare, is a recent and comprehensive book on this topic. See also alerts from International Freedom of Expression Community (IFEX), on 11 and 6 February, 23, 22, 16, 13 and 12 January 2004, 22; December, 19 and 14 November, 29, 28, 27, 24, 16 and 3 October 2003 and others in relation to the collapse of the freedom of the media in Zimbabwe. : <http://www.misa.org/>

⁴ See Methodology and Findings following for more on categories.

Information was gathered concerning 50 out of 59 MDC MPs (85%), while information on the remaining MPs could not be located in the time span available.⁵ Of those interviewed, 14 claimed to have survived assassination attempts, ranging from attacks on moving vehicles, to being ruthlessly assaulted and left for dead, to being shot at with sub machine guns, or doused with fuel with the intent of being burnt to death.⁶ Three MDC MPs who had been assaulted subsequently died. Although their deaths cannot be directly attributed to their assaults, their health was observed to deteriorate over the ensuing months, leading to death. Three MDC MPs have had their entire homes burnt to the ground, resulting in 100% loss of all their worldly possessions. A further 19 have reported vandalising of their homes, some on repeated occasions, while 7 have had their business premises vandalised, in some cases completely destroyed: 23 report attacks on their motor vehicles, again in some cases resulting in the vehicle being burnt entirely.

Being related to or employed by an MDC MP can result in gross violations of human rights. Three MPs have had members of their staff brutally murdered. One MP reports that 18 homesteads in her constituency, belonging to her family and supporters, were burnt to the ground. Nineteen MPs mention having to relocate their families as a result of threats and attacks. Nine report physical assaults on immediate relatives, while a female MP reports that war veterans who vandalised her home, also threatened her 9-year-old daughter with rape, deeply traumatising her.

Information has also been included on 28 MDC candidates from the 2000 election out of the 63 who failed to win in their constituencies. The candidates were harder to access in the time available as many reside in rural areas or are no longer very active in politics. A few have fled the country.

Titus Nheya, an MDC election candidate from election 2000 was himself beaten to death with iron bars while campaigning for Morgan Tsvangirai in 2002: Elliot Pfebve, another 2000 candidate had his brother Mathew murdered during the 2000 campaign. 100% of losing candidates interviewed reported interference with their campaigns. Eighteen candidates relocated their families as a result of attacks or threats, and 13 reported assaults on staff or family members.

These vicious attacks continue to date. In the second week of February 2004, a worker on the farm of Roy Bennett, MP for Chimanimani, was allegedly shot dead in cold blood by soldiers in uniform. Another farm worker was wounded in the same incident and three teenage girls were abducted and sexually assaulted for three days on this same farm, allegedly also by war veterans. Arson and torture of farm workers was also reported. No arrests have been made⁷.

The Law

In January 2002, ZANU PF forced into law the Public Order and Security Act (POSA), followed in March by the Access to Information and Protection of Privacy Act (AIPPA). Most recently on 13th February 2004, a Presidential Powers decree amended the Criminal Act, giving police the right to effectively detain any person without charge or evidence, and without bail for up to 28 days. This combination of laws makes Zimbabwe the most legislatively repressive nation in southern Africa. Some sections of POSA have a mandatory 20-year sentence, and the latest Criminal Act amendment

⁵ 53 MDC MPs remain in parliament at this time following the deaths of 5 and emigration of 2 of the originally elected 57 MPs. Three by-election wins and three losses mean a total of 59 MPs have represented MDC in the last 4 years. MDC MP Mpala's seat has yet to be re-contested following his death in February 2004.

⁶ For supporting accounts, see the report following where detailed narratives are given.

⁷ SW Radio Africa, London, 11 February 2004; also personal interview with Bennett. This is the second worker to be murdered on Bennett's farm (see his narrative report)

leaves those accused under some sections of POSA not subject to bail for up to 28 days. Since the passing of POSA in 2002, more than one thousand people have been arrested in terms of its clauses, including on many occasions, sitting MPs⁸. In terms of POSA, insulting the President has a one-year jail term, and speaking out against the police force is subject to a two-year jail term. In terms of the POSA, any gathering of more than one person with political intent that was not authorised 4 days earlier by the police is illegal. Being caught without your “pass” or ID card, is an offence that can result in jail. The police routinely deny the right of the MDC or civil society groupings to gather or march, and have even arrested activists sitting together in a food take away (February 2002)⁹. Not a single ZANU PF meeting or demonstration has ever been banned.

The Courts

The courts have in the last four years been pressured to shift dramatically from an impartial, independent body abiding by the constitutional requirement of separation of powers, to playing a highly politicised role: MDC attempts to gain justice through the courts are all too often slow tracked¹⁰, and the courts have at times become further instruments of repression rather than a source of justice. Some high court judges, magistrates and lawyers have continued to try to fulfil their role without political bias, and have paid heavily for this, with death threats, arrests, and even being assaulted in their courts.¹¹ Police inclination to ignore High Court orders, has further subverted brave attempts by some judges to enforce the letter of the law.¹²

In most cases, the accused are remanded for months or even years, after which the state finally drops the charges without a trial having ever taken place, for lack of evidence. Cumulatively, the MDC leadership has spent months in police cells, in prison and in the courts, facing charges ranging from high treason and murder, to spreading alarm and despondency - only one MP has ever been found guilty of a crime as the result of a trial, and many have been either vindicated through trials, or finally dismissed before plea for lack of state evidence.¹³

⁸ Paper in progress recording pattern of arrests in Zimbabwe during 2003, based on lawyers’ records. Each Stay Away last year resulted in hundreds of arrests under POSA, and 400 activists were arrested under POSA on 26th October 2003. Smaller events including protests around World Cup Cricket, Valentine’s Day, Women’s Day, Harare rate payers’ gatherings and on many occasions, MDC rallies, have each led to scores of arrests under POSA in 2003. Most of those arrested do not get formally charged, but POSA is the instrument used to detain people to prevent public protests.

⁹ See Appendix Two for more on the POSA, AIPPA and the new Criminal Law Amendment. Recently, a Valentine’s Day march in aid of peace and love in Zimbabwe was denied on February 14th 2004: police threatened to “shoot to kill” if it went ahead: South African Press Association, 14 February

¹⁰ Originally 38 election petitions were brought by MDC in 2000, in which MDC candidates contested the election outcome on grounds of not free and not fair. 6 were ruled in MDC’s favour in the High Courts, but ZANU PF appeals to the Supreme Courts have yet to be heard, nearly 4 years after the 2000 election. 3 rulings in ZANU PF’s favour appealed by MDC to the Supreme Court have also yet to be heard: in the meantime, in all 9 of these cases plus all the others yet to come before the courts, ZANU PF MPs sit in those seat . It took 18 months before the courts finally began hearing the appeal against the 2002 Presidential election result. Judgement has yet to be made, 2 years after this election.

¹¹ Tsunga (ibid) cites that “the fact of interference with the judiciary and lawyers in Zimbabwe has also been of concern to the United Nations Special Rapporteur On The Independence Of The Judges And Lawyers, Dato’ Param Cumaraswamy, who submitted to the United Nations Human Rights Commission a report dated 10 January 2003 which has a recommendation as follows: *‘With regard to Zimbabwe, the Special Rapporteur once again urges the Commission to consider and address appropriately its concerns about the deterioration in that country, inter alia with regard to the independence of the judiciary and its impact on the rule of law.’*” Tsunga documents in detail ten lawyers who have been abused by the police, one of whom was severely tortured, and two cases of threats and abuse of judges.

¹² Tsunga (ibid) lists 16 cases in which the police have ignored High Court orders, sometimes repeatedly, in the last three years.

¹³ MP Job Sikhala claims to have been arrested 17 times: on most occasions, charges have not been laid or have been dropped before trial. In one of the cases that went to trial, he was found guilty and paid a fine of about US\$ 5. Most

Arrested MPs, like other citizens of Zimbabwe, are kept in appalling conditions, with up to 40 detainees in a police cell designed for 6. Poor ventilation, cell floors covered in faeces, no food and no access to lawyers are routine expectations on arrest.¹⁴ Torture is also common in some police stations, and *eight MPs have reported torture in custody or by state agents, with MP Job Sikhala being the most severely tortured.*¹⁵

Impunity

According to national and international observers, state agencies and those who support ZANU PF are the most commonly reported violators of human rights. Supporters include war veterans, youth gangs and youth militia. Torture within the police cells of Zimbabwe is well documented, with extensive and detailed medical reports supporting these allegations.¹⁶

In rare instances are those who have committed acts of violence against MDC MPs arrested and charged. In this report, Wilias Madzimore and Jacob Thabane are the only 2 MPs to report police arrests of their assailants. In Thabane's case, where he had his entire house and all its contents burnt to the ground, those arrested benefited from the October 2000 amnesty, and in Madzimore's case, where he had his house extensively destroyed by known attackers, three were arrested and charged, but the matter has yet to proceed to court three years later. More commonly, the police are the perpetrators of political crimes, or stand by while crimes take place, indicating that they are under instructions from superiors not to intervene in violence aimed at opposition MPs.¹⁷ More alarmingly, this report shows that while police and CIO are most commonly indicated as the perpetrators, not a single state agent or ZANU PF operative has been convicted for any crime perpetrated against an MDC MP. Such crimes include torture.

The outcome of this is that ordinary Zimbabweans have been sent a very clear message: the State will target whomever it pleases from top MDC leadership downwards, and those targeted will have no legal redress. The police cannot be considered law-enforcing agents if the crime is "political". Perpetrators have impunity, and nobody within the opposition support structures is safe from retribution.

recently, on 18 February 2004, MPs Gibson Sibanda and Milton Gwetu, accused one year ago of plotting to overthrow the state, finally had the charges against them thrown out, on the grounds that the state had failed to produce any evidence. Sibanda was held in custody for 7 days before being charged in March 2003: he was brought to court in leg irons in a deliberate attempt to humiliate the MDC Vice President. What is alarming is that since the passing of the Criminal Act amendment on 13 February, this charge will see people detained for up to 28 days without bail or charge. MDC Sec Gen Welshman Ncube and MP Vincent Gasela were found not guilty of treason in 2003, after facing these charges for more than a year. See narratives for dozens of further examples.

¹⁴ Solidarity Peace Trust: *Peaceful protest and police torture in the city of Bulawayo*, April 2003, Johannesburg, has descriptions of cell conditions. See also AI January 2002, May 2003.

¹⁵ See Bhebhe, Bennett, Dulini-Ncube, Madzore, Masaiti, Mzila-Ndlovu, Nyoni, Sikhala for MPs tortured in State custody by uniformed forces including police, army and prison services.

¹⁶¹⁶ Zimbabwe Human Rights NGO Forum: *Who was responsible?* July 2001 and *Are they Accountable?* June 2002 analyse HR violations linked to the Parliamentary and Presidential Elections, as reported by 12 human rights NGOs. Victims delegate more than 90% of political violence to government agencies and supporters. See also Solidarity Peace Trust, *ibid*, and reports and statements from the listing in Appendix Three.

Media Monitoring Project of Zimbabwe (MMPZ) in *Media under siege*, 2003, Harare, also attributes more than 90% of violence to ZANU PF and state agencies, based on an analysis of contemporary independent media reports.

¹⁷ See narratives in this report: also Zimbabwe Human Rights NGO Forum, July 2001 and December 2002, *ibid*. Also Appendix One, AI, IBA NYLHR statements.

The present high levels of state organised violence and impunity in Zimbabwe have precedents in the violence of the 1980s. During the first few years of its rule, ZANU PF and Robert Mugabe in particular were responsible for the political persecution and ultimate disappearance of the only other viable political opposition in Zimbabwe in the last twenty years, namely ZAPU. This period of repression saw the massacre of an estimated 20,000 civilians in the western half of the nation.¹⁸ The violence ended with an amnesty for all political crimes, and this pattern of impunity continues to this day.

Violation of international charters

Many of the individual cases cited in this report contain clear violations of international human rights legislation. The International Covenant on Civil and Political Rights (“ICCPR”)¹⁹ guarantees the right of self-determination by all people. By virtue of that right, individuals can freely determine their political status. The preamble to the ICCPR states, in part:

The State Parties recognize that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights...

The government of Zimbabwe, a member of the United Nations,²⁰ and signatory to the ICCPR,²¹ and the International Covenant on Economic, Social and Cultural Rights (“ICESR”)²² has failed to create conditions in which its citizens can pursue and enjoy their political freedoms. Abuses such as torture, physical assaults, harassment, threats, intimidation, along with arbitrary arrests, search and seizures, and property destruction, have all enabled the ZANU PF party and President Mugabe to create an atmosphere in which Zimbabweans are not only fearful of exercising or exhibiting their political freedoms and associations, but fear for their lives and safety.

Zimbabwe, a member state of the Organization of African Unity (“OAU”), is in clear violation of various provisions of the African Charter on Human and Peoples’ Rights (“African Charter”).²³ The African Charter prohibits torture and cruel, inhuman or degrading punishment and treatment.²⁴ It further provides that no one may be arbitrarily arrested or detained²⁵ and that all should have the right to assemble freely with others.²⁶ Freedom to determine ones political status and their self-determination is also protected right in the African Charter.²⁷ The violations taking place in Zimbabwe are in strict contravention of various articles of the ICCPR²⁸ and the African Charter.

¹⁸ See Appendix One for more detail of this era and politically relevant events in the last 20 years.

¹⁹ (1966), 999 U.N.T.S. 171

²⁰ Zimbabwe became a member of the United Nations on August 25, 1980.

²¹ Zimbabwe ratified the ICCPR on August 13, 1991.

²² (1966) 993 U.N.T.S. 3; Zimbabwe ratified the ICSCR on August 13, 1991.

²³ African [Banjul] Charter on Human and Peoples’ Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986. Zimbabwe ratified the African Charter on May 30, 1986.

²⁴ African Charter, *supra* art.5.

²⁵ *supra* art.6.

²⁶ *supra* art.11.

²⁷ *supra* art 20.

²⁸ Articles 1 (self determination), 2 (political opinion), 7 (torture or cruel, inhuman or degrading treatment or punishment), 9 (arbitrary arrest or detention), 17 (arbitrary or unlawful interference with privacy, family, or home), 19 (hold opinions without interference), 22 (freedom of association).

Conclusion

The personal accounts contained in this report should not be treated in isolation. When they are read as a whole, one is left with a profound sense of the widespread violence and human rights abuses that have occurred, and continue to occur, in Zimbabwe. These individuals, by the very nature of their roles as MPs and leadership, are visible and generally well known in Zimbabwe. By targeting these people, the ZANU PF party and President Mugabe are sending a clear signal to the citizenry that they should be fearful of supporting anyone else but the ZANU PF party. Doing otherwise may jeopardize their property, family, and even their lives.

The rise of state orchestrated violence and abuses during the last 4 years in Zimbabwe should be cause for great concern throughout the Southern African region and the international community. Most importantly it is cause for immediate distress for the citizens of Zimbabwe. Ordinary democratic choices do not exist in Zimbabwe at this time.

Any person who contemplates standing for the opposition in 2005 in the existing environment, is well aware that they will pay dearly for this choice. The evidence in this report shows unequivocally that to stand against ZANU PF is to expose not only yourself, but also your family and staff, to assault, property loss, arrest, torture and possibly death. This raises serious questions regarding participation in next year's election. Conditions are far worse now than they were in 2000 – the laws are draconian, the media emasculated, and the State more prepared to use force: any election under these conditions would be a farce.

Recommendations

Those within Zimbabwe, including civil society and the church, who are working to try and restore democracy and the rule of law need the voices of NGOs and churches in the region to join with theirs to lobby regional governments to bring pressure to bear on the Zimbabwean government. No further elections can take place in the current atmosphere.

There is a need for political violence to cease, for those who perpetrate acts of violence to be prosecuted with immediate effect, and for repressive legislation to be repealed. Government control of all media needs to be ended and all voices should be heard in the papers and on radio and television.

Once these basic conditions have been met and only then, can Zimbabweans from all walks of life begin to debate the longer term changes and safe guards that need to be in place before an election can take place that is free and fair.²⁹

²⁹ More detailed recommendations are contained at the end of this report.

1. Methodology

This report comprises a detailed account of human rights abuses and violations of **78 individuals**. **Fifty** of these accounts are from current Members of Parliament representing the official opposition party, the MDC.³⁰

The other **28** accounts are from among the 63 individuals who stood as candidates for the MDC party in the 2000 Parliamentary Elections and lost in their constituencies.

Twenty-seven individuals were interviewed during October 2003, and a further 19 were interviewed in February 2004, by three different interviewers. It was not possible to interview all those included in this report for reasons that include the unavailability of some Members of Parliament and candidates,³¹ scheduling difficulties, the safety concerns of travelling outside of the major centres, and time constraints.

Information was therefore gathered from secondary sources in other cases. For example, where a candidate filed an Election Petition in the High Court challenging the results of the election, petitions and supporting affidavits of the candidate were examined. Where the courts had already granted a decision, it was possible to review the judgments, and the sworn evidence of the candidate and of the respondent in the proceedings. Further information was gained from local newspaper articles, previously published human rights reports, and the Internet.

All accounts are recorded here in good faith and reflect the views of what happened as portrayed by MPs and candidates themselves; where possible, information was corroborated from other sources including the media, human rights records, and court records.

The accounts that follow are separated into three categories: full name is given as well as the constituency.

- I) Executive Members of MDC
- II) Ordinary MDC Members of Parliament who were duly elected in 2000
- III) MDC candidates who competed in 2000 and did not win seats

Analysis of human rights violations

Information in relation to each person was analysed in terms of 30 categories of human rights violation, and was entered into database.

- 11 categories relate to violations involving the interviewee's own personal welfare:
 - death³²

³⁰ There are currently 53 MDC MPs in Parliament, although 57 won seats in 2000. There have been four deaths of MDC MPs and one seat is currently vacant as the result of the death of MDC MP David Mpala. Two MPs have emigrated, one for health reasons, and one has fled the country and claimed political asylum in UK (see Musekiwa).

³¹ There are reports of several candidates who have left Zimbabwe in fear of their safety and as such were unavailable for an interview.

³² No deaths have been directly attributed to political attacks on MDC MPs. However, 3 MPs who were victims of State attacks and later died have their stories included in this report. These are George Ndlovu, Austin Mpandawana, and David Mpala. All 3 showed deterioration in health after being tortured and their deaths were possibly hastened as a result of their ill treatment (see their narratives).

- assassination/murder attempt
- mock execution
- murder threat
- assault
- multiple assaults (ie more than one occasion)
- torture
- assault threats
- arrest
- detention
- criminal charges
- 2 categories relate to election activities;
 - campaigning activities prevented
 - access to constituency prevented
- 8 categories relate to violations involving the candidate's own property or work space;
 - home destroyed
 - vehicle destroyed/vandalised
 - home vandalised
 - illegal search of home
 - harassment in work place
 - vandalism of business
 - invasion of property
 - threats to destroy property
- 4 categories relate to the candidate's own family, including wife, children, parents and siblings; violations have to be politically inspired and directly linked to the family connection to candidate.
 - family forced to relocate
 - family member/s assaulted
 - family member/s threatened
 - family property vandalised or destroyed
- 5 categories relate to staff of the candidate. "Staff" indicates people employed in the candidate's campaign team, or people employed by the candidate in his/her business context: violations have to be politically inspired and directly linked to staff connection to candidate.
 - staff murdered
 - staff assaulted
 - staff threatened
 - staff property destroyed
 - staff arrested

Analysis of Perpetrators

Perpetrators were recorded, *as alleged by interviewees and other sources including human rights reports and media reports*, and classified into six categories: most interviewees indicated multiple perpetrators, and in these cases, more than one perpetrator was entered into database. *No prosecutions of perpetrators were reported as having taken place.* In some instances, victims emerged tortured or injured from police custody and their medical records could be corroborating evidence. Many instances of abuse have multiple eye-witness accounts (see Bhebe or Bennett for examples, or Sibanda's account of a joint assassination attempt on top leadership in Bulawayo).

In some cases the exact names of perpetrators are known to victims, and in one case, a High Court judge ordered that a named CIO operative be arraigned on two murder charges: to date this has not happened (see Tsvangirai).

The 6 categories of perpetrator are as follows:

- Zimbabwe Republic Police (ZRP)
- Central Intelligence Organisation (CIO)
- Zimbabwe National Army (ZNA)
- Zanu PF supporters
- War veterans
- Youth Militia

Representation of data

A simple analysis of the database was carried out, to identify the numbers/ percentages of MPs/ candidates who had indicated violations in the above categories. The results were tabulated, in the first instance under the name of each MP/Candidate, and graphed to show % totals for:

- general categories of offence reported by MPs and Candidates (Chart 1)
- Percentage of offences attributed to different perpetrator groups (Chart 2).
- Percentages of MPs and Candidates reporting specific categories of offence (Charts 3 and 4)

Photo 2: Weeping Sikhala tells of torture

NATIONAL

THE DAILY NEWS FRIDAY 17 JANUARY 2003

Weeping Sikhala tells of torture

By Columbus Mavhunga

JOB Sikhala, the St Mary's MP, yesterday shed tears in court as he narrated his ordeal at the hands of the police following his arrest for allegedly masterminding the torching of a Zimbabwe United Passenger Company (Zupco) in Willowvale on Monday.

Sikhala told magistrate Caroline-Ann Chigumira that he "witnessed the most horrifying incident of inhumanity which even the laws of the jungle would not tolerate" as he was being tortured by the police after his arrest.

The MP was arrested together with Gabriel Shumba, Taurai Magaya, Innocent Kanjenzana and Farai Gudo after being accused of burning a bus on Monday.

He said after he was arrested in St Mary's he was transferred to Matapi and later Harare Central Police Station.

Sikhala said he was taken to an unknown destination by two police officers while blindfolded and could not breathe properly.

"When I got there, they started



JOB Sikhala

beating me under my feet," said Sikhala. "They said I had to tell the truth about the bus incident. They beat me until I gave in and told them what they considered the truth.

"I told them everything I know under the sun, including the names of my mother.

"They even asked me to sign a document implicating my colleagues in the party as regards what they called MDC's uprisings and their strategies. They even asked for the security of the party's president Morgan Tsvangirai and the home address of Nelson Chamisa.

"All this was happening while live electric wires were tied to a toe on each of my legs and on my genitals. I cried and asked why God had forsaken me."

In a quivering voice, tears trickling down his chubby cheeks, he said the beatings were conducted while his hands and legs were tied together.

"At one time I passed out and when I regained consciousness one of the officers urinated on me and I also urinated," said Sikhala in a low voice.

"Then I was ordered to roll on the urine until it dried up. I was later told to drink some liquid

which they claimed was the urine.

"But the liquid was choking and did not smell like human urine. I am sure it was some poisoned stuff. No wonder I had a severe cough and running stomach this morning."

Shumba, Magaya, Kanjenzana and Gudo, will testify today on their ordeal.

The five were yesterday taken to Parirenyatwa Hospital for medical examination, following a request by defence counsel led by Advocate Charles Selemani.

Thabani Mpfu for the State, did not oppose the application. The court examined their injuries after the magistrate ordered people in the public gallery to leave the courtroom.

The case continues today when Selemani will oppose the State's request for the remand of Sikhala, Shumba, Magaya, Kanjenzana and Gudo.

2. Findings

"The time has come for African leaders to stand up and express their concern over deteriorating human rights abuses in Zimbabwe. If human rights abuses continue to worsen, the political and economic crisis in Zimbabwe will be difficult to heal."

[Bishop Desmond Tutu in Malawi, in June 2003]

Every Member of Parliament and every Candidate 2000 interviewed or researched had on record human rights violations of one kind or another. In every instance it was claimed that the perpetrators were government agencies or ZANU PF supporters.

There were 616 entries into the various categories of human rights violations, based on the reports from the 78 individuals.

Actual numbers of violations are in many instances higher than numbers of categories indicated for each person.

For example, MPs who have been arrested more than once are registered as having been arrested, but number of occasions of arrest is not recorded. Job Sikhala, for instance, claims to have been arrested more than ten times, but this is reflected as a simple positive in the category of arrest. Several interviewees claim to have survived more than one assassination attempt, others had multiple threats, assaults and/or property loss.

389 category entries were made for the 50 MPs

227 category entries were made for the 28 Candidates 2000.

The average number of categories of violation reported by each MP was approx 8.

The average number of categories of violation reported by each Candidate was approx 8.

The highest number of categories of violation reported by any MP was 24 (R Bennett)

The highest " " " " any Candidate was 17 (M Tsvangirai)

Human rights violations

1. **Violations against self**

More than 90% of MPs reported violations that had directly affected their own person, such as murder attempt, torture, assault, arrest, detention. MPs were almost twice as likely to report violations against themselves personally as candidates were, with 50% of the latter reporting violations against themselves.

24% of MPs reported surviving murder attempts, and in some instances, MPs reported surviving several such attempts.

22% of candidates reported surviving murder attempts.

42% of MPs reported being personally physically assaulted and 16% reported torture. Torture included electro shock torture, being stripped naked and whipped, being beaten on the soles of the feet. In some instances such torture is reported as having taken place in police custody.

32% of candidates reported assaults and none reported torture.

2. Disruption of campaign

Candidates were 3 times more likely than MPs, to report their campaign activities had been interrupted or that access to their constituency was limited during election 2000.

100% of candidates reported interference with their campaign, compared to 30% of MPs. Interference ranged from police refusal to allow rallies, or violent disruption of rallies, to arrest and assault while trying to enter a constituency to campaign. Candidates also mentioned not being able to access all or part of their constituencies because ZANU PF war veterans and supporters created “MDC no-go” areas.

3. Property violations

44% of MPs reported their homes vandalised, and in 6% of these cases this meant 100% loss of house and all property through arson.

48% of MPs reported vehicles vandalised and 14% reported businesses vandalised, and in some cases loss was total.

More than 50% of MPs reported at least one type of property loss, and 22% reported property losses in more than one category, such as vandalism of business and home.

4. Violations against family or staff

More than 60% of MPs reported attacks and/or threats involving immediate family, and nearly 80% of candidates reported this.

Actual violence against family members was reported in 22% of MP families and 18% of candidate families. In one instance a candidate’s brother was beaten to death with iron bars (Pfebve) and in another instance a candidate from 2000 was himself beaten to death in 2002 (Nheya).

In 3 instances, MPs reported murders of their staff. One candidate reported staff murders.

Nearly 40% of MPs reported having to relocate their families for reasons of safety after threats or attacks, and 64% of candidates reported this.

Perpetrators

MPs were most likely to report the Zimbabwe Republic Police (ZRP) as perpetrator.

50% of violations against MPs were attributed to uniformed or formal units of government, namely the ZRP, the Central Intelligence Organisation (CIO) or the Zimbabwe National Army (ZNA).

The remaining 50% of violations against MPs were at the hands of war veterans and ZANU PF supporters and youth militia.

Candidates were most likely to report ZANU PF supporters or war veterans.

In 86% of cases they report violations by these groupings.

In only 14% of violations against candidates are formal state agencies implicated. In no instances did a candidate implicate the army, whereas 6% of MPs implicated the army.

TO VIEW GRAPHS: ELECTRONIC VERSION

DOUBLE CLICK ON GRAPH THAT IS SHOWING UNDER THE HEADING CHART 1.

CHOOSE CHARTS ONE TO FOUR ALONG BOTTOM AXIS TO VARY GRAPH VISIBLE.

Chart 1

Graph showing attribution of HR violations to different categories of perpetrator, by MDC MPs and Candidates 2000

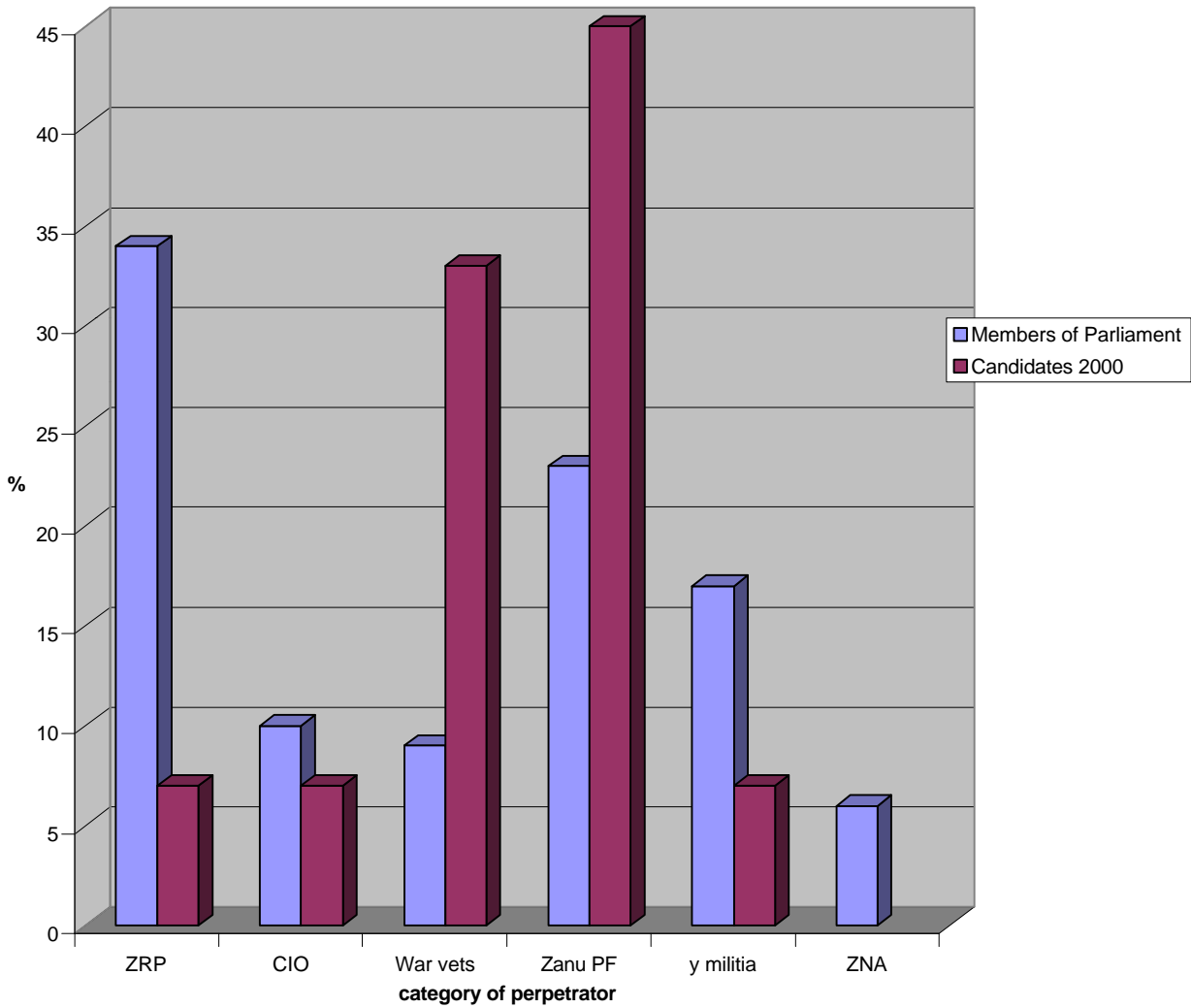


Chart 2

TO VIEW GRAPHS: ELECTRONIC VERSION

DOUBLE CLICK ON GRAPH THAT IS SHOWING UNDER THE HEADING CHART 1.

CHOOSE CHARTS ONE TO FOUR ALONG BOTTOM AXIS TO VARY GRAPH VISIBLE.

Chart 3

TO VIEW GRAPHS: ELECTRONIC VERSION

DOUBLE CLICK ON GRAPH THAT IS SHOWING UNDER THE HEADING CHART 1.

CHOOSE CHARTS ONE TO FOUR ALONG BOTTOM AXIS TO VARY GRAPH VISIBLE.

Chart 4

TO VIEW GRAPHS: ELECTRONIC VERSION

DOUBLE CLICK ON GRAPH THAT IS SHOWING UNDER THE HEADING CHART 1.

CHOOSE CHARTS ONE TO FOUR ALONG BOTTOM AXIS TO VARY GRAPH VISIBLE.

3. Discussion of findings

In reviewing the accounts which make up the substance of this report, it is striking to note that 100% of Members of Parliament (MPs) from whom information was available for this report, a figure that accounts for 85% of all opposition MPs, report having experienced human rights abuses in the last four years. It is clear that the primary motive for the attacks was political in nature.

More than 90% of MPs report violations against themselves. 50% have had their property vandalised or destroyed, including homes, businesses and motor vehicles. What is of further grave concern is the very high number, in excess of 60%, who report attacks on their immediate family or staff, resulting in 4 instances in death. Family members mentioned as immediately targeted, or caught up in household attacks, include elderly women, young children and even babies a few months' old.

60% of MPs report arrest and detention, while 48% report being formally charged. MPs whether finally charged or not, are kept in custody in appalling conditions often for periods of time that are in excess of the 48 hours allowed by law. In 4 out of 5 cases, such detentions result in charges being laid, yet in the vast majority of cases, courts do not uphold State attempts to prosecute, but dismiss them before plea. Dismissal usually happens after MPs are remanded month after month while the State fails to produce a case against them. In other instances, court cases result in vindication of the accused MPs. At time of finalisation of this report on 8 March 2004, only once has an MP been found guilty of a crime and fined US\$ 5. This particular MP, Job Sikhala, reports being arrested 17 times. He also reports being severely tortured in police custody, including receiving electro shocks to his genitals. No prosecutions have been made in connection with his torture – just as no prosecutions have been made in any instance of any violation involving an MDC MP.

A further finding of interest is that over the last 4 years, MPs are more likely to have been subjected to serious attacks or crimes involving themselves personally than candidates.³³ One might suspect violence before an election affecting those wanting to stand, and this violence easing off after an election outcome. However, that is clearly not the case in Zimbabwe: attacks intensified on individuals once they were in office, with no concern for their status or role in government – or even because they held high office and to attack an MP is to send a strong warning signal to ordinary MDC supporters.

MPs are nearly twice as likely as candidates to report assaults/torture (58% to 32%). Eight MPs reported torture, while no candidate did so. However, some assaults against candidates were very severe, and one candidate from 2000 was beaten to death in 2002.

Perpetrators

50% of violations are attributed by MPs to the police, CIO and army combined. This is an alarming statistic: what is apparent is that it is not simply the case that the authorities turn a blind eye to violations involving MPs, they are themselves the ones responsible in half the instances. In the other half of instances, war veterans, ZANU PF supporters and youth militia are the perpetrators – while the police look the other way and refuse to arrest or prosecute.

³³ Only 45% of candidates were interviewed, compared with information on 86% of MPs. These patterns may shift with more information on candidates. Candidates were more likely to report campaign violations and property loss than MPs, and less likely to report assaults or torture. See Charts 3 and 4.

MPs are also more than three times as likely to report a state agency (ZRP/CIO/ZNA) as perpetrator than candidates are (50% compared to 14%). Candidates are more likely to report war veterans or ZANU PF supporters as the perpetrators. No candidate reported the army as perpetrator, while 6% of MPs did so.

MPs (60%) are 9 times more likely to have been arrested and detained than candidates (7%). Only 2 candidates reported being charged with a crime, while 24 MPs (48%) reported being charged.

More or less equal percentages of MPs (24%) and candidates (22%) report surviving murder attempts. Candidates (14%) were twice as likely as MPS (6%) to have had their houses entirely burnt to the ground.

Trends over time

Before Election 2000, the rhetoric of government was that the war veterans were acting in their own capacity and that attacks on the MDC were semi-legitimate attacks on those trying to prevent the land invasions, and were somehow out of State control. The actual circumstances of attacks as related in this report show that they had no relationship whatsoever to land³⁴. Furthermore, human rights violations are well orchestrated in many instances and in many instances police collude with those committing offences.

MDC won most urban seats countrywide in election 2000. Candidates who ultimately lost their seats were more commonly those in rural parts of the country. In rural Zimbabwe, war veterans and gangs of ZANU PF youth acted without fear of accountability before election 2000. This claim is borne out by the high number of crimes attributed to them by losing candidates in this report. Those who ultimately lost their campaigns (ie candidates) report 88% of human rights violations were at the hands of war veterans and ZANU PF supporters. Only 12% of violations against losing candidates were at the hands of ZRP or CIO.

100% of losing candidates reported campaign interference and 30% of those who ultimately won their seats reported this. One explanation could be that some sitting MPs have faced so many violations in the four years since 2000, that they have forgotten to mention the occasions in the past when the right to hold a rally or feedback meeting was denied. On the other hand, it is easier to interfere with campaigning in a rural area, where most losing candidates had to campaign: there will commonly be only one or two roads providing access to a rural district, meaning that convoys of campaign vehicles are easy to ambush or blockade. There are also only one or two venues suitable for large rallies, and again it is easy for war veterans or youths to take over such venues a day before an MDC rally is planned and assault MDC supporters who enter the venue.³⁵

Most attacks on losing candidates occurred before election 2000, or shortly thereafter. Some post poll attacks on candidates occurred in retaliation for those MDC candidates appealing the election outcome

³⁴One opposition MP has had his farm invaded, Roy Bennett: however, he has suffered 23 other categories of violation in addition and reading his account indicates the issue is not primarily linked to land.

³⁵ This strategy was also used in urban centres. In Bulawayo, in January 2002, youth militia mobbed the venue of White City Stadium ahead of an MDC rally, severely assaulting those trying to attend and causing riots that left one dead.

in their constituencies through the courts: intimidation in this context led to several candidates withdrawing their election appeals before they came to court.³⁶

Attacks on sitting MPs continue to this day, with several attacks on MDC leadership occurring in the month of compiling this report, February 2004 (See Bennett, Tsvangirai and Mlambo)³⁷. Most violations reported by MPs have occurred after June 2000, while in the case of candidates, they mainly occurred before June 2000. Over the 4-year period as a whole, MPs have reported more serious violations than candidates.³⁸ Combined with the fact that MPs are **dramatically more likely** to report formal state agencies as perpetrators, this appears to indicate a trend of worsening and more blatant attacks on MPs over the last four years.

The State has become more brazen in its attacks on opposition MPs and no longer makes as much effort to disguise its hand in these attacks. The “land issue” as an excuse for attacks on the opposition has been abandoned over time. Blatant torture of an MP in a jail cell has nothing to do with land. It is also an offence that the State cannot blame on “lawless elements” out there.

Impunity

In no instance did an interviewee indicate that the perpetrator/s responsible for violations were arrested, charged and tried. In several instances candidates reported abuse or even arrest of themselves when they attempted to report abuses against themselves to the police.³⁹ Police were the most commonly indicated perpetrator by MPs. The law and law enforcement agents have become the primary tools for oppression of MPs from the opposition.

³⁶ See Kanhema, under candidates for example of a withdrawal. 8 candidates have withdrawn their appeals.

³⁷ Tsvangirai is not an MP: however, his position as President of the MDC has meant that he is the target of continuous attacks at different levels, setting him apart from most other losing candidates from 2000.

³⁸ While both groups averaged 8 violations per person, candidates mainly report threats and campaign disruption, while MPs report are far more likely to report arrests, assaults, and torture than candidates. See Charts 3 and 4.

³⁹ See Sansole and Bhebhe for examples.

4. Accounts

I. Members of MDC National Executive

Apart from the President of MDC, Morgan Tsvangirai, all people listed in this section are sitting Members of Parliament (MPs). The four most senior members of the MDC executive are listed first, after which other members of the National Executive who are also MPs are listed in alphabetical order.⁴⁰ Parliamentary constituency is indicated after the name of the MP, and their role in the executive is also indicated.

Tsvangirai, Morgan: Buhera North, Candidate 2000 President of the MDC

Mr. Tsvangirai is the President of the Movement for Democratic Change. Leading up to the Parliamentary elections, there were reports of widespread levels of intimidation and organized assaults against MDC supporters that made campaigning difficult in his constituency. Mr. Tsvangirai explains there were areas where he was unable to campaign because of intimidation and threats by the ZANU-PF party. Mr. Tsvangirai further explains that the CIO and ZANU-PF party's primary objective was to do whatever was necessary to make sure he did not win the Parliamentary election.

Mr. Tsvangirai's convoy was ambushed in Bindura in the run up to the 2000 Parliamentary Elections. Several people were injured. On 15th April 2000, Talent Mabika and Tichaona Chiminya, his driver and guard were murdered by a known CIO operative, and some war veterans. The two were ambushed and burnt to death in their vehicle after petrol bombs were thrown into it.

The impact of this double murder on Morgan Tsvangirai's election campaign was one of the factors that resulted in the High Court ruling in Tsvangirai's favour in his Electoral Challenge, and finding the campaign in his constituency to have been neither free nor fair. In the High Court at Harare, Justice Devittee directed that CIO operatives Joseph Mwale and another be prosecuted for allegedly torching the two to death – yet to date no arrests have been made and Mwale remains at large and still employed by the State. Furthermore, ZANU PF appealed against the High Court ruling on the electoral challenge and the Supreme Court has yet to hear the appeal: in 2003 it was announced that the entire court records from the High Court have been “stolen” – from a locked office in the High Court - indefinitely delaying a Supreme Court hearing.

MDC Presidential candidate, Morgan Tsvangirai, in Bindura on 22nd July 2001, survived an assassination attempt when his convey of cars was ambushed by scores of war veterans; this left five seriously injured. On 13th October 2001, Tsvangirai again survived an assassination attempt after his convoy and own vehicle were attacked at Patchway Mine in Kadoma by about 70 ruling ZANU PF supporters. It is alleged that the attack took place in the presence of a Police Inspector. The matter was reported at Kadoma Central Police station; no one was arrested.

Mr. Tsvangirai also explains that the police raided his family's rural home in Buhera North several times and anyone found in the home was taken to the police station for questioning on three occasions.

⁴⁰ Apart from Tsvangirai, candidates who stood for election in 2000 and failed to win seats, and who are also members of the National Executive, are indicated as such in Section III following, “Candidates 2000”.

On all occasions there was no search warrant and no charges were ever levelled against those taken to the police station for questioning.

On 25 July, 2001, President Tsvangirai was summoned to the law and order department of Harare Central Police Station, where he was charged under Section 5 of the notorious Public Order and Security Act (POSA) over a remark allegedly made at a rally in Gwanda on 26 May 2001, where he is alleged to have said “ We are certainly going to deal with Mugabe, but we cannot reveal our plans because nobody skins the foul-smelling civet cat in public.” Tsvangirai denies saying these words.

On 14 December 2001, Tsvangirai was arrested by heavily armed policemen at his Harare house in connection with a small range radio device. Police said they needed to see the licence for this “walkie talkie”. The matter was dropped before plea as in fact there is no legal requirement to licence such devices.

Tsvangirai was arrested again after addressing a press conference at his home on 6 June 2003 and charged for treason for allegedly making statements calling for the unconstitutional removal of President Mugabe from office at rallies he addressed in Bulawayo and Mutare on 3 and 25 May 2003 respectively. He was placed on Remand in custody at the Remand Prison and released on \$10 million bail. Mr. Tsvangirai made several appeals to President Mugabe regarding the widespread violence in the constituency and the country but received no reply.

Tsvangirai challenged the 2002 Presidential Election results. Despite countless efforts by his legal team through various court applications to have the petition heard urgently, it took eighteen months to get the trial underway. The first stage of the trial took place from the 3rd to the 7th of November 2003. On these days only Tsvangirai’s legal arguments were presented. The presiding judge is yet to pass judgement on the initial stage.

Two weeks prior to the Presidential poll, Tsvangirai was arrested for allegedly plotting to assassinate Robert Mugabe, in a bizarre throw back to similar charges levelled against Ndabaningi Sithole in 1995. He was only indicted after the election and since then has not been able to travel outside of Zimbabwe. The trial commenced in February 2003 before Judge Paddington Garwe, with closing arguments on 26th February 2004. Two co-accused, Welshman Ncube and Vincent Gasela have been released from the court without charge after the State case closed. Tsvangirai has denied the treason charge.

On 22nd February 2004, Tsvangirai had a narrow escape in Chivu: he was on his way to his home area when he stopped at a shopping centre and was spotted by a group of youth militia. They began to advance on his vehicle singing ZANU PF songs and brandishing axes and sticks. He had to leave immediately to avoid an attack on himself and his wife.

Sibanda, Gibson Jama: Nkulumane, MP
Vice President of MDC, Leader of the Opposition in Parliament

The MDC’s Vice President was taken to court on charges of inciting violence at a rally at White City Stadium in September 2001. Sibanda had said that MDC structures were being prevented from holding meetings because of constant disruption as a result of attacks by Zanu PF youth. Initially he was charged under the Law and Order Maintenance Act. He first appeared in court on 15/05/02. The charges were finally dropped before plea in January 2003, for lack of State evidence.

An attempt was made on his life together with Welshman Ncube, Paul Themba Nyathi and Fletcher Dulini Ncube in November 2001 in the evening. Machine gun fire was opened on them while they were waiting under a tree, outside the MDC regional office in Bulawayo, for the office gate to be opened for them. They had to seek cover under cars that were parked close by. A report was made at Bulawayo Central Police and so far no arrests have been made. Mr. Sibanda's convoy was also attacked in Kuwadzana, when he and other MDC leaders went to address a by-election rally during the Presidential campaign in 2002.

On 1 April 2003, Sibanda was arrested allegedly under the provisions of POSA for seeking to overthrow a democratically elected government during the March 18-19 2003 mass action. He was kept in police custody for seven days before being granted \$1million bail. He was remanded four times in the ensuing year, before charges were withdrawn before plea on the 16th of February 2004 because the State has been unable to produce any evidence.

**Ncube, Welshman: Bulawayo North-East, MP
Secretary General of MDC**

An attempt on Ncube's life was made in November 2001. See details under Gibson Sibanda.

During the run up to the Presidential elections, Ncube's car was stoned in Binga. He was with MPs Dulini- Ncube and Gabbuzza. No one was injured.

Ncube was arrested on 11 March 2002, detained over night and remanded on \$500 000 bail for charges of High Treason on 12 March 2002. This was two days after the March 8-9 Presidential Election. It was alleged that together with the Party's president, Morgan Tsvangirai and Shadow Minister of Agriculture, Renson Gasela, they plotted to assassinate President Robert Mugabe. Ncube was arraigned for trial in February 2003 and was subsequently acquitted at the close of the state case on the 8th of August 2003.

This meant Ncube spent about 80 days in court before being found innocent. This is the equivalent of 4 working months!

Ncube was arrested again on the 9th of June 2003, a few days after the June 2- 6 mass action. He was again detained over night. The police charged him with treason though he never appeared in court. He was advised that the courts would continue by way of summons.

On the 6 June 2003, the police raided Ncube's farm where they searched and harassed all present at around 3am. They had no search warrant.

During the same week, police went to his Greendale, Harare home under the pretext that they were looking for him. They went on to beat up everyone who was at home at the time of the raid.

**Dulini-Ncube, Fletcher: Lobengula-Magwegwe, MP
National Treasurer of MDC**

Dulini-Ncube was arrested on the 15th of November 2001 and charged for alleged involvement in the murder of Cain Nkala, a war veteran who had fallen out of favour with Zanu PF and who was kidnapped and murdered. Dulini's house was illegally searched prior to his arrest: he was in Harare at

the time. He was accused of having instructed MDC employees and youths to kill war veterans and Zanu PF activists, and of having given 1.4 million South African Rand to MDC youth who were instructed to kill Cain Nkala.

He was held in custody for 4 weeks before the Supreme Court granted him a \$100 000 bail on 18th December 2001. He was initially denied bail by the High Court on 7th December 2001. Despite his severe diabetic state, Dulini was denied access to his doctor and medication during the time in detention. Dulini was made a special case by Amnesty International during this period.⁴¹ Legal appeals were made to the courts and through the relevant ministers for him to access to medication and or release but all these were unsuccessful. Denials to allow him access to appropriate health care were in Dulini's perception deliberate and almost resulted in his death in custody. He was in extreme pain and close to diabetic coma by the time he was released. He emerged out of prison with a severe eye infection, a direct result of a wrong prescription by the Khami Prison medical personnel and lack of diabetic treatment while in custody.

Despite abiding by his bail conditions, i.e. reporting every Friday at the Bulawayo Central Poice Station, Dulini was arrested again on the 3rd of August 2002 from Mater Dei Hospital in Bulawayo where he had been admitted to get his eye removed. His eye infection had persisted since his October-December incarceration. Although he was in deep pain and post operation state, he was briefly detained in police cells before being put under 24 hour guard in his hospital bed, from the 4th – 15th of August 2002. The trial is currently being heard in the High Court in Harare, and so far Dulini has had to appear in court on 42 occasions – the equivalent of 2 working months. In a court ruling at the end of February, 19 out of 29 witnesses in the State case against Dulini had their evidence dismissed and the judge ruled that State witnesses had been tortured or were clearly lying. This trial within a trial has clearly illustrated that the murder charges against Dulini cannot be backed by credible evidence.

Apart from the implicit attempt on his life in jail, Dulini was with Gibson Sibanda in November 2001 shooting incident (see details under Sibanda's narrative).

In February 2002, he was with Welshman Ncube and Joel Gabbuzza when the car they were travelling in was stoned. (See details under Welshman Ncube's narrative)

From this point onwards, National Executive members are listed alphabetically.

Biti, Tendai: Harare East MP

MDC Shadow Minister of Home Affairs, Secretary for Economic Affairs

Biti was arrested on 8 February 2003 together with 11 other MDC supporters on their way back from Mabvuku where he and MP Paul Madzore were supposed to address an MDC rally, which had been stopped by the police. Biti spent two nights in police cells, and was discharged without charge on 10 February 2003. MDC was campaigning for two by-elections in the Harare area at this time.

Biti was arrested again for allegedly contravening the Public Order and Security Act at the start of the 2-6 June 2003 Mass Action. He is out of custody on Z\$20,000 bail.

⁴¹ AI: *The Unfair Prosecution of MPs Fletcher Dulini Ncube, Moses Mzila Ndlovu and Sixteen others*, January 2002.

Chaibva, Gabriel: Sunningdale Harare, MP
MDC Shadow Minister of Local Government

On June 18, 2000 approximately 750 ZANU-PF supporters were holding a rally in an open field next to Mr. Chaibva's home. At this meeting, a plan was developed that the supporters would march to Mr. Chaibva's home and destroy it. At 3:00 p.m. the group proceeded to Mr. Chaibva's home carrying rocks and sticks. Fortunately, Mr. Chaibva explains, some of the ZANU-PF leadership were his neighbours and friends who persuaded, with great difficulty, to abort this plan. As such, the plan was abandoned at the last minute. Mr. Chaibva, his wife, and two children were present in the home at this time.

On January 12, 2002 a group of 100 – 200 ZANU-PF youth militia members attacked Mr. Chaibva's home with stones. Most of the windows in the home were destroyed. The incident was reported to the police; however, no investigation took place and thus no charges were brought.

On February 18, 2002 at 4:00 p.m. approximately 300 – 400 ZANU-PF youth militia members and supporters attacked Mr. Chaibva's home with logs, sticks, and bricks, destroying the roof and heating system, causing \$2.82 million Zimbabwe dollars in damage. As Mr. Chaibva's home was used as the constituency's election headquarters for the 2002 Presidential elections, two police officers were stationed outside of the home for safety reasons. Despite this they did not attempt to stop the attack. Journalists of the South African Broadcasting Corporation and members of the South Africa Development Community witnessed this event. The incident was reported to the police; however, the complaint was not investigated as the police stated there was a lack of evidence. As a result of this incident and for safety concerns, Mr. Chaibva moved his family to another constituency for the remainder of the campaign.

On 8 February 2003, Chaibva was arrested with 4 other MDC officials in Hwange town. He was attending a seminar organised for MDC councillors elected a few months earlier. He was released without charge later the same day.

Chamisa, Nelson: Kuwadzana
Chairman of the Youth Assembly

Chamisa was charged with treason on 14 August 2002 for allegedly trying to subvert a constitutional government using unlawful means. Chamisa is said to have told an indoor meeting at Mbare West MP, Dunmore Makuwaza's house that people should be ready for mass action. He is being charged under section 5 (2) (a) of the Public Order and Security Act. The police at Harare Central Police Station recorded a warned and cautioned statement before they released him, without indicating when Chamisa will appear in court in connection with the case.

Chamisa has another case pending in the courts, in which he is being accused of inciting public violence during the run-up to the presidential election. He was initially charged with breaching the Law and Order (Maintenance) Act, which has since been abolished and replaced by POSA

Chebundo, Blessing: Kwekwe Central, MP
MDC Shadow Minister of Health and Child Welfare

On May 9, 2000 at 7:15 a.m. Mr. Chebundo was waiting for a bus to take him to work. While waiting, eight ZANU-PF members surrounded Mr. Chebundo with pick handles and glasscutters. All of them started attacking Mr. Chebundo with these weapons and he fell to the ground. While on the ground, a can of petrol was poured over his body. One of the attackers attempted to light a match and set Mr. Chebundo on fire. However, the attacker was unable to light the match because his hands were covered in petrol. Mr. Chebundo re-gained strength and got on his feet. He immediately started hugging the attacker who was still attempting to light the match. This ensured his attacker was also covered with petrol and that should the match light the attacker would also burn. At this time people hearing the commotion started arriving on the scene and the attackers fled. Mr. Chebundo sustained wounds and his clothes were torn. The incident was reported to the police; however, no investigation took place and thus no charges were brought.

On May 15, 2000 at 7:00 p.m. approximately 30 ZANU-PF supporters arrived at Mr. Chebundo's home, where he was home alone. Mr. Chebundo explained that he decided to move his family (wife and two children) out of the home to a neighbouring town due to the on-going violence, threats to his children at school, and general fear for his family. The ZANU-PF supporters broke down Mr. Chebundo's fence and gate. He witnessed the attackers carrying bow and arrows, machetes, containers, cement blocks, and sticks. The home was attacked with petrol bombs and cement blocks. A bedroom caught fire and the home began to burn. Mr. Chebundo immediately telephoned the police station, which is visible from the home as it is only 600 meters away. He explained to the police that a mob was attacking him and his house and requested police assistance. The police, in turn, explained to Mr. Chebundo they did not have transportation or the manpower to deal with the incident. He then requested if the police could telephone the fire brigade so that they could be dispatched to the scene. The police said they could not do so as they were unable to make outgoing phone calls. Frustrated he was receiving no assistance, Mr. Chebundo walked out of his burning home, in full view of the attackers. Enraged, he shouted to the attackers that if they were going to persist in their rampage that he would retaliate by using his own force. Mr. Chebundo was subsequently attacked with a stick and Mr. Chebundo stabbed the attacker in the shoulder. The attacker yelled, cried and retreated. Mr. Chebundo describes that the attackers, at this time, were forming a V-shape and were coming towards him. However, once one of the attackers was injured, the mob dispersed and left the property. Mr. Chebundo was left to watch his home and it's entire contents burn to the ground.

Mr. Chebundo explains that he worked for 21 years to build his home and to acquire all of the items that were destroyed. The incident was reported to the police; however, no investigation took place and thus no charges were brought. He also explains that he has yet to re-build his home for fear of this violence happening again. His children have also been required to change schools due to threats against the school by ZANU-PF supporters should the children continue to attend. Since this incident Mr. Chebundo has been staying with extended family and friends and had to change residences six times due to continuous intimidation.

On November 21, 2001, ZANU-PF youth militia members slashed Mr. Chebundo's vehicle's tires and smashed the windows.

On August 30, 2003, while assisting in the mayoral campaign of the town of Kwekwe, Mr. Chebundo attended at one of the police stations on electoral business. Just outside of the station approximately 50

ZANU-PF youth militia members confronted Mr. Chebundo and wanted to over-turn his vehicle. The vehicle was stoned and Mr. Chebundo was poked and slapped in the face. The police came out of the station and, as Mr. Chebundo explains, they would only plead with the youths to stop harassing him. The attackers left the scene and the police refused to investigate further.

On August 31, 2003, approximately 50 ZANU-PF youth militia members ambushed Mr. Chebundo's vehicle with stones and bricks as he drove down a street. The vehicle was almost destroyed in the ambush but Mr. Chebundo managed to drive away. The incident was reported to the police; however, no investigation took place and thus no charges were brought.

Coltart, David: Bulawayo South, MP
MDC Shadow Minister and Secretary for Legal Affairs

In May 2000 when Mr. Coltart attempted to register his candidacy for the MDC party, the Registrar General attempted to bar his nomination claiming he was a British citizen and therefore, ineligible to be nominated. Mr. Coltart was required to prove he was not a British citizen and was a Zimbabwean citizen.

In June 2000, approximately 1 week before the election, Mr. Coltart was warned that his home would be burned. This did not occur, but plans had to be made to move Mr Coltart's family to a place of safety. At the same time ten of Mr. Coltart's polling agents were held and detained illegally for 24 hours by War Veterans where they were lectured and threatened for supporting the MDC party.

On June 19, 2000 at 4:00 p.m., in the presence of his wife and children, 3 War Veterans abducted Patrick Nabanyama, one of Mr. Coltart's polling agents. A report was made to police. Mr. Nabanyama has never been seen again and is feared dead. All 8 war veterans who were responsible for the abduction were subsequently arrested but were later amnestied in terms of the October 2000 amnesty. They faced trial for murder but with no body, they were found not guilty.

In August 2000, Mr. Coltart was responsible for filing legal papers in Mr. Tsvangirai's, President of the MDC Party, impeachment trial. President Mugabe responded publicly on television by attacking Mr. Coltart personally and stating that there was no place for Mr. Coltart in Zimbabwe.

On October 4, 2000 approximately 14-armed ZRP and CIO officers raided Mr. Coltart's home. Mr. Coltart's sons (aged 8 and 10) were the only ones home. They were threatened. When Mr. Coltart's wife arrived home, she managed to keep them out of the home until Mr. Coltart arrived. Upon arrival, the officers showed Mr. Coltart a warrant, illegal obtained, which permitted a search of his home for broadcasting equipment, aircraft, boats, and safes. The home was searched and nothing was found.

On November 5, 2001 Cain Nkala, the Chairman of the War Veterans Association, was abducted. Mr. Coltart was in New York City at this time and when he returned on November 11, 2001, the ZRP stated on television that they believed a white legislator was behind Nkala's disappearance. They accused Mr. Coltart and promised retribution.

On November 12, 2001, Mr. Coltart's close friend and former Campaign Manager Simon Spooner, was arrested and accused of being involved with Nkala's disappearance. Mr. Spooner was held in solitary confinement for 5 weeks in deplorable conditions. The charges against Mr Spooner were eventually dropped.

On November 15, 2001 Mr. Coltart attempted to return to Bulawayo from a Parliamentary session in Harare in a private light aircraft, when soon after his plane left Harare it was ordered by the CIO to return. Once landed back in Harare, the plane was surrounded by three truckloads of armed ZRP and CIO officers. When Mr. Coltart exited the plane he was told he was under investigation and was held for 2 hours. They would not tell Mr. Coltart what he was under investigation for. Once released Mr. Coltart arranged to drive back to Bulawayo. On his way Mr. Coltart received information that hundreds of ZRP officers, armed with petrol, were on their way to his home in Bulawayo. He telephoned his wife and had her gather their children and they fled the home.

On November 18th 2001, during Cain Nkala's burial, Robert Mugabe in a nationally televised address referred to Mr Coltart and other MDC members as "terrorists".

On February 16, 2002 at 4:00 p.m. Mr. Coltart and his family left their home to collect their eldest daughter at a friend's birthday party. Mr. Coltart was advised there were members of the Youth Brigade in the neighbourhood destroying vehicles. Mr. Coltart saw approximately 60 youths in the neighbourhood and decided to take an alternate route to the birthday party. They collected their daughter and proceeded to return home, when they realized that both roads leading to their home were barricaded by approximately 100 youths. Mr. Coltart turned around and reported this to the ZRP, which he later describes as a bad decision. He was fearful for his family's safety. Mr. Coltart drove his family to a friend's home and returned with one of his friends. The youth later dispersed and Mr. Coltart re-collected his family and returned home.

At 7:30 p.m. that evening, one truckload of ZRP officers arrived at Mr. Coltart's home stating they were responding to a report. The officers then left without further questions or investigation.

At 8:15 p.m. that evening three truckloads of armed police and CIO officers arrived at Mr. Coltart's home in a very threatening manner. They alleged that he shot at a youth. Mr. Coltart denied the allegations and asked what the specific circumstances of the allegations were, to which the officers would not respond. The officers wanted to search the home and Mr. Coltart refused claiming they had no warrant. The officers left and stated they would be returning to get him.

He immediately collected his family and went into hiding. The officers returned the following days only to find Mr. Coltart not there. On Monday, Mr. Coltart, along with his lawyer, went to the police station, where he was detained and charged with discharging a firearm in a public place. Mr. Coltart does not own a firearm. He was then driven in the open back of a police vehicle through the centre of Bulawayo and through his constituency in a form of public humiliation while the police searched his home. Nothing was found.

Mr. Coltart was taken to Court that afternoon and the prosecution wanted Mr. Coltart to surrender his travel documents. He was released on cash bail. The case was remanded over to numerous court appearances. The prosecution eventually withdrew the charges in June 2003 following a direction by a Magistrate that the trial must proceed forthwith.

In April 2002, the MDC party received credible information that a plan was being orchestrated to assassinate Mr. Coltart.

In August 2002, President Mugabe addressed the country on television and stated, "the likes of the Bennetts and Coltarts don't belong here and if they choose to remain they can remain in prison".

In November 2002, Mr. Coltart discovered that his vehicle's brake line was cut, resulting in the vehicle having no brakes.

On March 3, 2003, Mr. Coltart discovered that the inside rear left tire of his vehicle had been burned to the point that driving on it would have resulted in a tire explosion and accident.

On March 15, 2003 at 9:00 a.m., the weekend prior to the MDC mass stay away, Mr. Coltart, along with his 9-year-old son and 18-month-old daughter, left their home to drive to a children's sports day. As he left the driveway he noticed another vehicle parked a few yards away with three men inside and what looked to be a weapon. Mr. Coltart became suspicious and waited until the vehicle left the area. When Mr. Coltart approached a nearby intersection, he noticed the vehicle was behind him. He took an alternate route and sped up, only to see that this vehicle was following him closely at high speeds. Mr. Coltart telephoned his security team immediately. They arranged to have Mr. Coltart drive past a church parking lot near a friend's home. When he passed the church his security team intercepted the following car and blocked it. Mr. Coltart drove to the friend's home, passed and entered their security gate. Mr. Coltart's security team organized others to attend at the home and soon after they arrived, the vehicle that was in pursuit eventually left the area. As a result of this incident Mr. Coltart went into hiding for 2 weeks.

**Gasela, Renson: Gweru Rural, MP
Shadow Minister of Agriculture, Sec Midlands South Province**

Mr. Gasela was arrested on the 26th of February 2002 and charged with High Treason. The police claimed that Mr. Gasela was part of a plot to assassinate President Mugabe and to overthrow the government. At the close of the state case in July 2003, Gasela was found not guilty of the crime. Mr. Gasela always proclaimed his innocence and claimed the government was behind the false politically motivated charges.

In April 2002, the police claimed Mr. Gasela recruited approximately 100 youths and sent them for training in Australia for the purposes of military training to overthrow the Zimbabwe government. Though not charged, Mr. Gasela confronted the police by scheduling a meeting and contacting the media. No charges have ever been filed. Mr. Gasela claims that his aggressive stance towards the allegations pre-empted police taking further action. Mr. Gasela completely denies these allegations.

On September 4, 2003, the local ZANU-PF leadership in Gweru Rural plotted to destroy Mr. Gasela's offices and attack his personal assistant. One of the individuals to overhear the plot contacted Mr. Gasela and the MDC to inform them of this plan. Mr. Gasela closed his office for ten days and confronted the ZANU-PF National Headquarters and revealed that he knew of their plan. To date, there has been no attack on Mr. Gasela's office or assistant. As a result of this information Mr. Gasela relocated his family to Harare due to the constant fear and intimidation from local ZANU-PF members. He also explained that his daughter was frequently the target of threats and intimidation during campaigning.

Mr. Gasela has been denied permission to hold report back meeting by the Midlands authorities. In the November and December 2003 alone, Gasela's proposed three meetings were cancelled at the eleventh hour after Zanu Pf were allocated his time and venue.

**Gonese, Innocent: Mutare Central
Chief Whip for the Opposition**

Gonese's legal practice office has been raided and searched several times since he was elected into Parliament in 2000. At all times, there was no search warrant. His clients have been threatened and victimised for dealing with him. In 2002, his constituency representative was threatened and harassed as he distributed money, blankets and food to the vulnerable members of Gonese's constituency.

**Gwetu, Milton: Mpopoma
Secretary for Industry and International Trade**

On June 23, 2000 Mr. Gurezi-Gwetu's home was targeted by ZANU-PF youth and set on fire. MDC youth supporters came and dispersed the perpetrators, who then threatened they would come back with a larger organized group.

Mr. Gurezi-Gwetu reports that his home was repeatedly stoned throughout the Parliamentary campaign. He also reports that a ZANU-PF youth hit him with a stone as he exited a grocery store, resulting in him falling and suffering a dislocated hip.

On 20 January 2002, Gwetu's house was tear gassed by police following the disruption of a rally by police and youth militia, at White City Stadium in Bulawayo.

He also reports that he has been arrested several times and was charged with inciting violence against the government for organizing mass protests. Mr. Gurezi-Gwetu spent 12 days in jail before being released on bail, after the 2-6 June 2003 stay away. He was released on Z\$100,000 bail. The charges were dropped on the 17th of February 2004 before plea.

**Khupe, Thokozane: Makokoba
Secretary for Transport**

In April 2000, Khupe's house was attacked by Zanu PF supporters. All her windows were shattered. Her parents' assets in their rural home in Nkosikazi have been stolen or vandalised.

Khupe's parents were threatened by war veterans soon after the announcement of the 2002 Presidential election results. They have since fled from their home in the rural areas in to Bulawayo after repeated threats.

Khupe was arrested in October 2001 and appeared in court on allegations that she had caused alarm and despondency at an MDC rally in Bulawayo. She was arrested again together with 7 other MDC activists for participating in a peaceful gathering at Stanley Square in Bulawayo. This was on 25 May 2002, in support of the Day of the African Child. She was charged under POSA.

She was detained briefly on the 8th of March 2003 for marching with other women in commemoration of the International Women's Day. She was detained again during the June 2- 6 mass action though in both instances no charges were laid against her.

Khuphe was summoned to police station on the 1st of November 2003 for allegedly saying “Mugabe must go” in a report back meeting at Stanley Hall. She was detained briefly for questioning and was released.

Makwembere, Bethel: Mkoba

On February 11, 2002 at 2:00 a.m., Mr. Makwembere reported that ZANU-PF youths threw stones at his house, extensively damaging six windows and panes. Mr. Makwembere’s two sons were forced to flee the country after threats on their lives. Up to date, Makwembere has been denied the opportunity to hold report back meetings with his constituents.

**Mangono, Silas: Masvingo Central, MP
Shadow Minister of Transport**

Member of Parliament for Masvingo Central and MDC Shadow minister of Transport, Mangono was arrested for alleged involvement in the 18 and 19 March 2003 mass stay away.

Mangono was arrested again together with 24 other MDC supporters on 2 June in Masvingo as they embarked on the peaceful march in Masvingo. He was released without charges after spending several nights in police cells where he and his colleagues were denied access to their lawyers and food. They were eventually released without charge.

**Masaiti, Evelyn: Mutasa, MP
Shadow Minister of Youth, Gender and Employment Creation**

Masaiti was arrested in April 2000 on allegations of kidnapping two war veterans in Mutasa. These charges were dropped after the 2002 Presidential Amnesty.

Ms. Masaiti reports that she was subjected to severe intimidation during the Parliamentary campaign. On May 27, 2000 a petrol bomb was thrown into her home. The bomb did not explode, but the glass of the bottle damaged her legs severely.

On May 29, 2000 she was warned that ZANU-PF supporters were plotting again to bomb her house. She fled the area. On May 29, 2000 her vehicle was burnt and more than 18 homes belonging to her family and supporters were burnt to the ground.

She was further beaten by soldiers with rifle butts and clenched fists at Ruda police Station on the eve of the Presidential election in 2002. She spent two days in hospital and could not perform her duties as election agent for the MDC Presidential election candidate.

In December 2002, her Parliamentary Constituency Office at Hauna Growth point was forcibly closed by ZANU PF supporters and area councillor. The office was relocated to another building in Hauna in April 2003. The owner of the building was subsequently threatened, leading to the closure of the office in August of the same year. Parliament intervened and sent a delegation on two occasions and finally it was agreed that the council would offer an office for the MP. The council is yet to allocate her an office at Mutasa rural district council offices at the border of her constituency, which will not be easily accessible by her constituents.

Between 2002- 2003 several report back meetings were cancelled by the police after ZANU PF successfully sought permission to hold their own rallies on the same day at the same venue and time.

After the March 18- 19 2003 mass action, Masaiti was threatened and intimidated by the uniformed forces and ZANU PF's supporters who visited her Mablereign home on several occasions. They further threatened her daughters and maid leading to her going into hiding for two weeks.

On 14 February 2003, she was arrested along with 58 other women outside the United Nations offices in Harare, where they had gone to present a letter encouraging love and peace addressed to UN Secretary General Kofi Anan. The women were detained for two hours and released without charge.

**Mashakada, Tapiwa: Hatfield, MP
Shadow Minister of Finance**

In May 2001, approximately 50-armed police entered Mr. Mashakada's home without a search warrant. The police claimed they were searching for subversive material towards the government. During the raid, the home was ransacked. The police found a rifle, locked in its case, belonging to Mr. Mashakada's security officer. The police claimed Mr. Mashakada was a terrorist. He was arrested, held in police custody overnight, and charged with having an unregistered firearm. Despite Mr. Mashakada providing the owner's certificate and registration, the police pursued the charge. At the first Court appearance, the Court dismissed the charge after Mr. Mashakada produced the proper documentation for the rifle. Mr. Mashakada states that one of the investigating officers told him that he knew the charge was false right from the beginning. Mr. Mashakada's wife, sister, and two young daughters witnessed this incident, which, he says, has had a traumatic effect on them.

In September 2002, approximately 20-armed police from the Law & Order division of the ZRP entered Mr. Mashakada's home without a warrant, claiming he was involved in the death of a ZANU-PF activist. Mr. Mashakada completely denies these allegations. The search of the home revealed no evidence. Mr. Mashakada was arrested, charged with murder, and placed in police cells. Mr. Mashakada was held for three days before his first Court appearance. During his three days in custody, the police interrogated him, left him bare-foot on the cement floor, in leg irons, with no blanket. The murder charge was dropped by the police and replaced with a charge of bombing a radio station. Mr. Mashakada's lawyer challenged the police to produce any evidence to substantiate the charge and when they couldn't, the charges were still not dropped. It was only after considerable pressure on the Attorney General's office that the charge was eventually dropped.

**Mhashu, Fidelis: Chitungwiza
Member of National Executive**

Mhashu's house was attacked in January 2002, weeks before the Presidential election. He had to relocate his family until after the elections.

In April 2003, 15 armed men, 14 of them in army uniform, ransacked Mhashu's home. He was out of the country on business at the time. The soldiers severely assaulted Mhashu's 3 male relatives who were at the house, and stole Z\$270,000 from the house. The soldiers arrived in an army truck.

Mupariwa, Paurina: Mufakose, MP
Shadow Minister and Secretary for Labour

Mupariwa was arrested at her home on 20 January 2003, on allegations that she was involved in plans for an NCA organised mass stay away. She was detained at Harare Central Police Station for 48 hours, and released without charge.

On 16 March 2003, while trying to attend a rally ahead of the Kuwadzana and Highfield by-elections, the police attacked opposition MDC supporters. Police fired shots into the air and tear gassed thousands of MDC supporters on their way to a rally in Kuwadzana Extension. The supporters scattered in all directions as four plainclothes policemen armed with pistols and scores of baton wielding riot policemen charged at them. A vehicle carrying Mrs Mupariwa and Job Sikhala was ambushed by ZANU PF supporters who fired shots at it, forcing the MPs to flee into a maize field for refuge. The MPs said they survived the attack “by the grace of God.”

At 1:00 a.m. on March 19, 2003 approximately 60-armed people dressed in soldier uniforms arrived at Mrs. Mupariwa’s home in a government army truck looking for her and her husband. When they determined they were not at home, they broke in and ransacked the home, damaging furniture, windows, and doors. They stole MDC party material and beat one of Mrs. Mupariwa’s relatives who were staying at the home. As the relative was being beaten, the attackers shouted that they were going to beat and rape Mrs. Mupariwa and her 9-year-old daughter.

As a result of this attack and various other threats and intimidations, Mrs. Mupariwa has relocated residences 3 times since March 2003. She has rented her home and no longer resides there. In May 2003 Mrs. Mupariwa moved her 9-year-old daughter to the U.S.A. to live with extended family. Mrs. Mupariwa states that her daughter became very frightened and emotionally upset and terrified after the March 19, 2003 attack and could not concentrate on her schoolwork.

Musekiwa, Tafadzwa: Zengeza, MP
Member of National Executive

Musekiwa was charged with making abusive phone calls to Jonathon Moyo, Minister of Information. The case came to trial and Musekiwa was acquitted. He was later arrested on charges of having abused the Parliamentary vehicle scheme, and was once more cleared by the courts. Musekiwa was forced to flee the country into the UK because of continued harassment by his political opponents. *He has since resigned from Parliament.*

Mushoriwa, Edwin: Dzivarasekwa, MP
Shadow Minister of Environment and Tourism

Approximately two weeks after winning the constituency in 2000, Mr. Mushoriwa held a celebratory rally in his constituency. Mr. Mushoriwa advised the police and police officers were present for the rally. While addressing his constituents, about 20-armed soldiers emerged from three Presidential Guard army vehicles and disrupted his speech. When asked why they were disrupting the rally, they replied that they did not take orders from the MDC and only took orders from the government (ZANU-PF). Seven soldiers proceeded to beat Mr. Mushoriwa with the butt-ends of their rifles, attacking his testicles and ribs for about seven minutes. Other soldiers pounced on Mr. Mushoriwa’s vehicle and

destroyed all of the windows and paneling. The police eventually intervened after all along witnessing the attack and took Mr. Mushoriwa to the hospital. Although the police were present during the attack, the officer in charge told Mr. Mushoriwa that their hands were tied due to direct orders by the government not to investigate or lay charges.

In October 2001, while supporting the MDC in a local by-election, ZANU-PF youths shot at Mr. Mushoriwa's vehicle as he was driving in it. One of the bullets hit a tire, causing him to lose control and the vehicle over-turning. One of the youths came up to the vehicle with a rifle and asked Mr. Mushoriwa if he was the MDC MP. Mr. Mushoriwa stated that he was not and that he was just a driver. At that moment a police vehicle passed. They stopped, the youths dispersed, and the police detained Mr. Mushoriwa in police cells overnight, claiming that he was in the area causing disturbances. He was released the next day without charge. Mr. Mushoriwa states that he has - at many times - claimed not to be an MP, due to safety reasons. He believes this has saved his life.

In February 2002, Mushoriwa was arrested in Kambuzuma, allegedly for causing violence. He spent a night in Warren Park Police Station and was released without charge.

Mushoriwa was arrested again on 11 March 2002, allegedly for campaigning within the 100 m radius of the Presidential polling booths. He spent a night at Dvivaresekwa Police Station. The initial summons to appear in court was wrongly dated. The charges have never been pursued.

On the evening of June 1, 2003, just prior to a mass action protest against the ZANU-PF government, two vehicles, including an Army vehicle, carrying a total of 11 people, followed Mr. Mushoriwa who was driving in his vehicle. Three shots were fired at Mr. Mushoriwa's vehicle. He managed to escape from the attackers by speeding away. He parked his vehicle in a secure area and went to his brother's home, where he stayed the night. The next morning he took his vehicle to a repair garage and walked to central Harare for the protest. He was then approached and attacked by 15 ZANU-PF youths, all holding communication radios. Mr. Mushoriwa suffered a broken jaw. While being attacked, the youths were shouting statements that the MDC were puppets of Tony Blair. Mr. Mushoriwa states that police officers witnessed the attack but only intervened after a crowd gathered. He was taken to a medical clinic for treatment. Mr. Mushoriwa did not report the incident to the police, stating that if he did, he would have been detained for many days, as he was supportive of the mass action protest, and it was common knowledge for the police to detain all supporters of the protest.

Mr. Mushoriwa states that his wife has received many threatening telephone calls. The callers threaten to burn their home and attack her for supporting the MDC party.

Mutsekwa, Giles: Mutare North, MP
MDC Shadow Minister for Defence and Security

On April 15, 2001, while being escorted to a public rally by his security officers, ZANU-PF youths and War Veterans deflated Mr. Mutsekwa's vehicle's tires.

On January 6, 2002 ZANU-PF youths and War Veterans raided Mr. Mutsekwa's public constituency meeting, causing him and the attendees to flee. As they were fleeing, their vehicles were stoned and smashed.

Mutsekwa was arrested for alleged involvement in the MDC organised mass stay away of 18-19 March 2003, and was later released without charge. During the 2-6 June mass stay away , he was again called in by the police for questioning, but was released without charge.

**Mzila-Ndlovu, Moses: Bulilimangwe North, MP.
Shadow Minister of Foreign Affairs**

Mzila-Ndlovu was arrested in April 2001, allegedly for defaming President Robert Mugabe. He was detained overnight in Gwanda, after being picked up from home late at night by heavily armed men. He was remanded 6 times, leading to his lawyer successfully arguing that the charge was an infringement on his constitutional rights. The matter was thus referred to the Supreme Court where the trial date is yet to be set.

Mzila was arrested again in November 2001 by twelve armed men, initially on murder charges, which were later changed to kidnapping. He was held in several police camps for five days. During this time, he was stripped naked, made to lie down on the floor and had his back flogged. He was threatened with death while in detention, and only brought before the courts after the 48 hour limit. Mzila- Ndlovu was again charged with assault in 2001 and the case is yet to be heard before the Bulawayo Magistrate's Court.

Mzila has been denied permission to hold report back meetings. Lately police have sought to censor what he should say at these report back meetings.

**Nyathi, Paul Themba: Gwanda North, MP
MDC Spokesperson, Sec for Information**

In May 2000 during a campaign for June Parliamentary election Nyathi and his group were attacked in Kwekwe by a gang of war veterans – no injuries.

In June 2001 while driving his vehicle between 9:00 and 10:00 p.m. in Bulawayo, four ZANU-PF youth militia members travelling in a Landcruiser purposefully sideswiped Mr. Nyathi's vehicle, causing the vehicle to roll into the ditch. The perpetrators stopped and looked into Mr. Nyathi's vehicle to identify him. Mr. Nyathi sustained bodily injuries and sought medical treatment. Following this incident, Mr. Nyathi received telephone calls from the perpetrators where they indicated that they missed him this time but that they would get him the next time. At this time, Mr. Nyathi was the Director of Elections for the MDC Party and he was receiving numerous phone calls threatening his life. Mr. Nyathi has two daughters living at home and during this period he tried to protect them from such phone calls by not allowing them to answer the phone. However, this could not always be done and both his wife and daughters received death threats as well. As a result, Mr. Nyathi moved his family to London, England where they remain. Mr. Nyathi reported the vehicle incident to the police and they, in turn, charged him with reckless driving.

He was with Gibson Sibanda and others when yet another attempt was made on his life in November 2001 (see Sibanda for details).

In August 2002, Nyathi was summoned by the police in Gwanda for allegedly calling for the violent overthrow of the Government at a rally in Gwanda.

To date Nyathi has signed two warned and cautioned statements though charges are yet to laid against him in either instance. 1) In April 2003, Mr. Nyathi signed a warned and cautioned statement following his arrest on allegations of organizing a mass political action to overthrow the government of Zimbabwe. Mr. Nyathi was held in police custody in appalling conditions for 4 days without any formal charges filed. Mr. Nyathi was released after his lawyer applied to the Court claiming Mr. Nyathi was detained illegally because no charges were filed within the mandatory 48 hours. 2) In September 2003, he was dragged to Harare Central Police Station for adverts that were flighted in the Daily News during the two mass actions at the beginning of the year. To date, no charges have been filed against Mr. Nyathi.

Sikhala, Job: St. Mary's Member of National Executive

Mr. Sikhala describes that since he became a member of the MDC party in 2000 he has been arrested 17 times and accused and charged with crimes such as attacking a police officer, abusing Parliamentary privileges, and treason. Mr. Sikhala has only once been convicted of a crime, and fined about US\$ 5. The following represents the major human rights violations against Mr. Sikhala.

In February 2000, more than 100-armed War Veterans attacked Mr. Sikhala's home after he attended a MDC political rally. They fired shots in the air and broke windowpanes. Mr. Sikhala's wife and 1-month-old son were at home at the time and hid underneath the bed. The police arrived, dispersed the crowd, and arrested one War Veteran and one ZANU-PF youth member. The ZANU-PF youth was convicted and sentenced to 3 years in prison.

In April 2000, approximately 35 ZANU-PF supporters attacked Mr. Sikhala's vehicle. The vehicle's windows and panels were damaged. The incident was reported to the police; however, there has been no investigation in the matter.

In September 2000 the police arrested Mr. Sikhala claiming he was organizing a political rally with the purposes of overthrowing the government. He was detained in jail and was prevented from contacting his legal counsel for four days. He was released on the fourth day after his lawyer successfully secured his released. Mr. Sikhala was never charged.

In October 2000 Mr. Sikhala was arrested and charged with allegedly threatening death against a ZANU-PF M.P. He was held in jail for three days and it was two days before being allowed access to his legal counsel. The matter proceeded to trial in February 2002 and Mr. Sikhala was acquitted.

In February 2001 approximately 25 military soldiers came to Mr. Sikhala's home and destroyed the windows and doors. The soldiers beat him all over his body with the end-butts of their guns and batons. Mr. Sikhala managed to escape over his fence, while the soldiers yelled, "thief, thief". Mr. Sikhala's pregnant wife, sister, and maid were then beaten in front of Mr. Sikhala's 1 year-old-son. The soldiers left the home stating they were going to come back again.

On February 29, 2001, after several of Mr. Sikhala's constituents organized personal security for him and his family, a military vehicle dropped five people off at Mr. Sikhala's home at 3:00 a.m. They showed their weapons to the two security guards stationed outside his home and fired shots. They put a sack over one of Mr. Sikhala's guard's head and threw him in the mud. The other guard fled, fearing

they had killed the guard. The guard was not killed. The perpetrators fled. A report was made to the police but there has been no investigation.

Mr Sikhala's parents were attacked in their rural home by youth militia, who extorted money from them.

On January 14, 2003 the police arrested Mr. Sikhala alleging that he was organizing a mass action to overthrow the government. He was placed in police cells and on January 15, 2003 at 6:00 p.m. was taken to the Law and Order section. Following questioning, the police placed a hood over Mr. Sikhala and placed in him a police vehicle and drove approximately 1 hour to an "unknown" location. He was then escorted 3 floors underground to what he describes as a "torture chamber". He was forced to sit down on the floor and the sack was removed his head. Mr. Sikhala saw approximately 25 police officers in the "chamber". He was then stripped naked, blindfolded, handcuffed, had his legs taped, and placed in the foetal position. His feet were beaten with wooden planks. For eight hours the police officers administered electric shocks on his genitals and toes. Mr. Sikhala describes that they placed an electric wire around his penis and testicles and administered continuous electrical shocks while asking him questions regarding the plans of the MDC party. He would not respond to their questioning. Mr. Sikhala also describes how the police officers attached an electrical wire to his teeth and administered additional electrical shocks. Mr. Sikhala then lost consciousness for approximately 30 minutes. When he regained consciousness he overheard some of the police officers saying that they thought they had killed him and they should just throw him into the river. He noticed blood splatter on the walls and human skulls in the room. The police officers told Mr. Sikhala that if he didn't tell them what they wanted to know that they would kill him. Mr. Sikhala did not respond and they administered more electrical shocks until he lost consciousness again. He next recalled that someone came into the room and told the officers to stop the torture. One of the police officers then began urinating on Mr. Sikhala, laughing, and stating, "this is humiliation". This police officer then started fondling Mr. Sikhala's genitals and forced him to drink the officer's urine. The officer then told Mr. Sikhala that they didn't want to see him again or for him to tell the Daily News (the independent daily newspaper) what had happened.

He was then driven back to Harare Central police station and admitted back into the cells. Mr. Sikhala describes that he had absolutely no strength or power. He began crying and could not sleep. Several hours later he started to vomit. Mr. Sikhala was scheduled to appear in Court on January 16, 2003 and was warned by the police officers to "walk eloquently" in Court and to make no reference to his injuries. Mr. Sikhala was released on strict bail conditions and on January 27, 2003 Mr. Sikhala's legal counsel challenged the charges in Court, citing lack of evidence. The charges were dismissed and Mr. Sikhala subsequently traveled to South Africa and Denmark for treatment of his injuries.

On April 16, 2003 Mr. Sikhala was arrested at the Harare International Airport for allegedly organizing a political rally from outside the country and broadcasting derogatory remarks about the police. Mr. Sikhala was released into the custody of his lawyer pending further investigation. To date, the police have not charged Mr. Sikhala.

Stevenson, Trudy: Harare North, MP
MDC Secretary for Research and Policy

During the parliamentary campaign in 2000, Stevenson's Mazda B1800 was attacked and completely destroyed by Zanu PF supporters. The case was reported to the police, who to date have failed to take

any action. She also received threatening phone calls on various occasions warning her against being involved with the MDC.

Stevenson was arrested together with 58 other women peacefully marching on Valentine's Day, 14 February 2003. The group was trying to present a letter addressed to Kofi Annan to the UN buildings in Harare. The letter called for peace and love to prevail in Zimbabwe. The women were detained for a few hours at Harare Central Police Station and released without charge.



Photo 3: Funeral of Tichaona Chiminya, Morgan Tsvangirai's campaign adviser. He was murdered on 15th April 2000, in a petrol bomb attack on his vehicle while campaigning in Tsvangirai's constituency. No arrests have been made, although his alleged murderer is a known CIO operative.

BATTERED AND BRUISED . . .



ISOBEL Gardiner, 60, the wife of opposition MDC Member of Parliament Roy Bennet's farm manager, Norman, lies in bed at a Harare hospital. She was beaten up by soldiers at the MP's Ruwa farm on Wednesday. The police, State security agents and soldiers went on a massive retribution exercise country-wide, assaulting people for backing the mass action called by the MDC.

Photo 4: Wife of farm manager of MP Roy Bennett after attack by state agents, March 2003



Photos 5 and 6: David Mpala: attacked by war veterans in his rural constituency on 13th January 2002. Bandage covers two incisions made with a sharp instrument, requiring stitches in a hospital: upper right back reveals scars from beatings with sjamboks by war veterans during the 2000 election campaign. [Physicians for Human Rights, Denmark, January 2002].

II Members of Parliament

MDC Members of Parliament who were duly elected in June 2000, are listed alphabetically, with constituency indicated.

Bennett, Roy: Chimanimani Treasurer of Manicaland Province

Mr Bennett has the highest number of violations against him of any MP, having experienced 24 categories of human rights violation out of a possible 30.

In May 2000, prior to the Parliamentary elections, approximately 15 ZANU-PF activists, operating under the direction of the government's Central Intelligence Office and the local incumbent ZANU-PF Member of Parliament, invaded Mr. Bennett's farm. Mr. Bennett's wife, 4-months pregnant at the time, and their entire farm employees (a total of approximately 350) were rounded up in the front yard where ZANU-PF supporters organized a political rally. They demanded that the group chant ZANU-PF party slogans and denounce the MDC party. When Mr. Bennett's wife refused to do this she was threatened with death. One of Mr. Bennett's farm employees refused to co-operate and he was severely beaten with clubs and steel bars. Mr. Bennett, in Harare at the time, was notified of what was transpiring on his farm. He immediately telephoned his local police station and was told they had instructions not to intervene. Mr. Bennett describes that up to this time he had a good relationship with the local police. Mr. Bennett immediately traveled to the farm. The police prevented him from entering his property. A meeting was arranged that day with the local ZANU-PF leadership. At the meeting ZANU-PF agreed to return the farm to Mr. Bennett if he withdrew his MDC candidacy. If he didn't, he was told; he and his family would be killed. Mr. Bennett refused. As a result, ZANU-PF supporters moved into the farm and settled. The farm was ransacked and looted. The ZANU-PF supporters used Mr. Bennett's fuel and food for their own purposes. They killed eight cattle and terrorized the entire constituency in an effort to quell Mr. Bennett's support.

Mr. Bennett and his family went into hiding and moved out of the constituency. This prevented Mr. Bennett from campaigning. After winning the election, Mr. Bennett and his family moved back to the farm. The perpetrators were arrested but released 2 weeks later after President Robert Mugabe declared an amnesty for those arrested.

Mr. Bennett suffered tremendous financial losses as a result of these actions. His employees suffered ZANU-PF indoctrination, beatings, and torture. Mr Bennett's wife miscarried during the disturbances and lost their baby.

Mr. Bennett states that the ZANU-PF leadership was embarrassed by Mr. Bennett's success in the election, noting that he was a white rural commercial farmer in a strongly held ZANU-PF territory. Due to his political victory, the local police were replaced with hard-line ZANU-PF militia. They attempted to organize locals to move on to the Bennett's farm. The locals refused, and in defiance of the ZANU-PF, continued to stand-by and support Mr. Bennett. ZANU-PF then began to settle the military on sections of Mr. Bennett's farm. They began targeting Mr. Bennett's employees by arresting them and removing them from the farm to beat them.

Mr. Bennett was served with notice to vacate his farm under the government's Land Redistribution Program. Mr. Bennett was successful in setting this notice aside in Court, in addition to be granted

restraining orders against the police, the CIO, and Army to vacate his land and not to interfere with the farming operations. The Army moved their base camp to an adjacent farm. However, they continued to use Mr. Bennett's lands by planting maize, and refused Mr. Bennett access to his coffee crops. They also hacked several cattle and game animals to death located on the Bennett farm.

While attending a polling station in the August 2002 rural district council elections, the CIO directed the police to arrest Mr. Bennett after he raised concern over voting irregularities. Mr. Bennett resisted the arrest, resulting in the police physically removing him by gunpoint. Mr. Bennett was taken to a local police station where he was accused of being a British "puppet". He was interrogated and stripped of his shoes and socks and beaten on his feet for 45 minutes. Mr. Bennett was unable to walk or stand. Mr. Bennett stated to his interrogators that they might as well kill him because they were not going to change his mind regarding his political affiliation. Mr. Bennett was forced from his cell and was driven two and a half hours to another police station where he was interrogated and beaten again. He was detained for three days and subsequently charged as acting as an unlicensed journalist for taking photographs of the polling station. The matter proceeded to trial and Mr. Bennett was found not guilty.

In March 2003 during the national mass action work stoppages between 40 and 60 CIO agents and police officers arrived on Mr. Bennett's farm demanding to know his whereabouts. When his family and employees refused to reveal his whereabouts, three of Mr. Bennett's guards were arrested. One guard was killed while in police custody while another was severely beaten and had his hands crushed with logs.

At a ZANU-PF political rally in March 2003, President Robert Mugabe stated that the Bennett's were not welcome in Zimbabwe. Mr. Bennett was born in Zimbabwe and has lived in the country his entire life. Three days after this speech, 150 ZANU-PF youth militia members raided and looted Mr. Bennett's farm, beat every employee, and killed several animals. All 350 of Mr. Bennett's employees were transported off the farm and simply dropped off in the middle of town with no food or shelter. The UN World Food Program attended to their immediate food needs while Mr. Bennett sought and was granted an emergency Court Order allowing his employees to return and restrained the government from removing his employees off his land.

Murder, arson and rape, February 2004: Sheni Chimbarara, a farm worker on Charleswood Estate in Chimanimani, was shot dead by Zimbabwe National Army soldiers on 10 February 2004. A second farm headman by the name of John Kaitano was shot and injured.

On Friday 6 February 2004, three ladies called Viola Ngwenya (18), Spiwe Chivhuro (15) and Melody were abducted and taken to a war veteran's base. Viola Ngwenya was allegedly raped twice by Muusha during one night. The other two were sexually abused by Nasho, Kareyi and Mabumba who took turns to fondle their breasts and private parts. The girls were abducted when they were passing by the base where the farm workers from the farm were being tortured.

Also on Friday 6 February 2004, Nasho, Kareyi and Mabumba tortured young farm workers, accusing them of stealing maize. The young farm workers allege that the war veterans used hot iron rods to beat them. One of the victims sustained a deep cut on his right eye after having been axed by a war veteran during the torture.

When the victims of rape were taken to Mutare for medical examinations, the war veterans descended the house of Amos Makaza, the Charleswood security manager, with the intention of killing him. This

was on Sunday 8 February at 8pm. They accused Makaza of spying on them and “selling out”. The war veterans damaged windowpanes and doors during the raid. Farm workers who heard of the attack at Makaza’s house came out in large numbers so that they could rescue him. A commotion ensued resulting in the war veterans seeking refuge at the soldiers’ base.

The farm workers responded to the rape and the attack on Mr Makaza by burning down the war veterans’ houses. Nasho and Muusha had their shacks burnt down during the commotion. At this time, soldiers opened fire on the farm workers with bursts of automatic weapon fire, killing Sheni Chimbarara and wounding John Kaitano.

After farm workers had fled the war veterans in the company of the armed soldiers pelted 10 petrol bombs at Mr Amos Makaza’s house. Mr Makaza house and car were completely destroyed. It is estimated that Makaza could have lost household property worth at least \$10 million in that fire.

The day after he had been murdered, Chimbarara’s body was still on the road as farm workers were waiting for the police. Although the police were informed of the latest incident at Charleswood Estate, they did not respond.

Soldiers and settlers also took advantage of the chaos on the farm to butcher and steal cattle belonging to Mr Bennett. Two heifers and two steers were shot dead. One heifer had its tail cut off and the other two had their hind legs axed.

This murder and arson attacks are the latest in a series of rapes, beatings and other acts of violence that have occurred since Lieutenant General Mike Nyambuya, the Governor of Manicaland, threatened to evict Roy Bennett from Charleswood Estates on Thursday the 22nd of January 2004. The Governor incited violence against MDC and NGO officials in a meeting with local councillors held at Chimanimani Hotel.

Bhebhe, Abednico: Nkayi
Deputy Chairman of Matabeleland North Province

Mr. Bhebhe describes that campaigning in 2000 in the constituency was very difficult due to physical threats by ZANU-PF youth members. Mr. Bhebhe’s initial campaign headquarters was located at his father’s home. However, ZANU-PF youth members threatened to burn the home. As a result, Mr. Bhebhe’s campaign headquarters was relocated to outside the constituency. Mr. Bhebhe also describes that his access to the constituency was very difficult as there were many times that ZANU-PF supporters would erect roadblocks to prevent him from entering the constituency.

On May 26, 2001 at 4:00 p.m. after attending one of his weekly constituency meetings two War Veterans approached Mr. Bhebhe. Mr. Bhebhe’s assistant was immediately fearful and ran away. As the War Veterans approached, seven ZANU-PF youth members approached from the opposite direction. Mr. Bhebhe was hit on his head and fell to the ground. He was then beaten all over his body, dragged into the bush, beaten again, and left for dead. There were several bystanders who witnessed this event and the attackers warned them that if they reported this incident to the police they would be killed. The bystanders dispersed. At approximately 8:30 p.m. Mr. Bhebhe awoke and he recalls one of the attackers saying, “I told you we should have finished him off”. He recalls several people all around him asking him questions as he struggled to his feet. One of the attackers, holding an axe, pushed Mr. Bhebhe down to his knees. Mr. Bhebhe explained that he gathered his strength and

managed to wrestle the axe away from one of the attackers. He clearly remembers saying, after he secured the axe from the attacker, that “before I die, I will die with one of you”.

Mr. Bhebhe starting yelling and screaming causing the attackers to retreat. He struggled to his feet, in severe pain, and threw the axe back at his attackers. Mr. Bhebhe explains that he felt that he lost all of his senses. The attackers did not return. Mr. Bhebhe noticed all the shops in the area were closed and it was very quiet. He returned to the bush slowly and proceeded to walk towards Bulawayo, hoping to reach the city by daylight. Approximately 3 hours later a vehicle noticed Mr. Bhebhe and stopped and drove him to the Bulawayo Central police station. He was in such shock that he couldn't even tell the police what had happened. The police immediately took him to the hospital where he was treated. He was released the following day and had the assistance of an in-home nurse. A police report was made following this incident and despite the police having the names of the perpetrators, no action or investigation was done until April 2002. No person has ever been prosecuted or convicted for this offence.

Bhebhe was arrested and charged after “causing alarm and despondency” at a Bulawayo rally, in October 2001. The case is pending.

On February 6, 2002, Mr. Bhebhe, along with other MDC members, was determined to go back to the constituency to hold a rally, despite the risks. They organized a 4-vehicle convoy that would travel from Bulawayo to the constituency. The local police were informed they were going to be in the constituency to hold a rally. After they arrived, a group of armed ZANU-PF youths and supporters in a CIO vehicle surrounded their convoy and ordered everyone out of the vehicles and to lie on the ground. Mr. Bhebhe refused to get out of the vehicle and one of the perpetrators pointed a gun at his face and then pretended to shoot. The tires were all deflated by gunshots. Mr. Bhebhe, in defiance of the perpetrators' orders, started his vehicle and attempted to drive to the police station. The perpetrator began hitting Mr. Bhebhe with a whip and when Mr. Bhebhe pleaded with him to stop and told him that he was the Member of Parliament for the constituency, the perpetrator yelled that he was not an MP, but that he was an MP for Britain. Mr. Bhebhe realized there was nothing he could do and fell out of the vehicle. Mr. Bhebhe noticed all of his friends and colleagues lying on the ground being whipped. Shots were also fired in the air. The perpetrators stopped the whipping and said they were going to take them all to the police. Mr. Bhebhe and his supporters were ordered by gunpoint back into their vehicles and told to drive to the police station. They were forced to drive at 5 km/hr because of their flat tires through the constituency to the police station. When they arrived at the police station there were approximately 25 ZANU-PF supporters chanting against Mr. Bhebhe. They were ordered out of the vehicles by the perpetrators and were again beaten with whips in front of the police officers. Mr. Bhebhe states that the police officers were clearly enjoying what they were seeing. A group of soldiers arrived and stopped the beatings. The police then took Mr. Bhebhe and his 33 supporters and locked them in a cell equipped for seven people for two days. They were offered no food, water, or blankets. A ZANU-PF MP who happened to be in the constituency on other business, made a public statement stating that Mr. Bhebhe and his supporters were arrested and charged for firing weapons in a public place. Mr. Bhebhe and his supporters were eventually released on bail pending trial and after more than one year of prosecution adjournments, on September 9, 2003 the High Court dismissed the charges citing lack of evidence.

Bhebhe was arrested again on 3 January 2003, for putting up posters that read “Hoot, Enough is Enough”. At the time, there were huge fuel queues countrywide. He was charged under the POSA, and detained until his court appearance on 6 January, where the charges were dropped as the court found that he had not committed a crime.

Mr. Bhebhe states that since these incidents, he has maintained a low profile in his constituency and has resorted to hiring others to distribute literature and meet with his constituents. He also describes that his wife has been completely traumatized by these events. She has not traveled to the constituency since and has strongly encouraged Mr. Bhebhe to resign from politics.

Chirowamhangu, Leonard: Nyanga

On April 18, 2000 ZANU-PF youth militia members ambushed Mr. Chirowamhangu's vehicle. The youths stoned the vehicle and broke the windshield. Mr. Chirowamhangu escaped without injury. The incident was reported to the police; however, no investigation took place and no charges were brought.

On May 16, 2000 ZANU-PF youth militia members torched and destroyed Mr. Chirowamhangu's retail store in the late evening. All retail items and fixtures, including 3 deep freezers, electrical components, and shelving were all destroyed by fire. Mr. Chirowamhangu was not present but there were local witnesses who came to the scene and the perpetrators fled. The incident was reported to the police and the witnesses provided the names of those responsible. However, the police did not investigate. Mr. Chirowamhangu's store was insured, but he was not able to make a claim because his insurance policy had a clause that exempted political violence.

On December 25, 2000, during the afternoon, Mr. Chirowamhangu was returning bottles to a store at the Sedze Business Centre. As he was about to exit his vehicle about 20 ZANU-PF supporters and youth militia members, on the instructions of the local ZANU-PF leader, attacked him, trying to pull him out of the vehicle. Mr. Chirowamhangu managed to quickly close and lock the door. The attackers shouted that Mr. Chirowamhangu was a trader and selling out his country for being an MDC supporter. There were many witnesses to this incident. Mr. Chirowamhangu reported the incident to the local and district police but no action was taken. Subsequently, Mr. Chirowamhangu wrote letters to the local, district, and provincial police superintendents, however they did not investigate nor would they take a statement from him.

On February 19, 2001 five armed police and army officers raided Mr. Chirowamhangu's home looking for firearms. They entered and searched the home without a warrant. Mr. Chirowamhangu was not at home, but his son was and he was beaten with sticks during the raid. The officers confiscated Mr. Chirowamhangu's traditional weapons, which were passed down from his grandparents. The next day Mr. Chirowamhangu returned home, accompanied by MDC supporters. While driving towards his home Mr. Chirowamhangu noticed a roadblock armed by ZANU-PF members. Mr. Chirowamhangu quickly made a U-turn and fled. This incident was reported to the police; however, no investigation took place and thus no charges were brought.

Around this time, one of Mr. Chirowamhangu's daughters died of natural causes. Local ZANU-PF supporters threatened the local constituents with violence if they planned to attend at Mr. Chirowamhangu's home to pay their condolences.

He explains that as a result of the fear and intimidation surrounding the Parliamentary campaigning and elections he removed his school-aged children from the state-operated school system and placed them at private boarding school. He further explains that in 2001, as a result of extreme violence in the rural areas of his constituency, he moved from his rural home to a house in the town. When he returns to his rural home he will only go during the day and in the company of local MDC supporters. One of

Mr. Chirowamhangu's eldest daughters left Zimbabwe and moved to Canada in 2000 after the Parliamentary elections as she was in fear for her safety.

Gabbuza, Joel: Binga

One month prior to the 2000 election, the opposition ZANU-PF candidate and his supporters physically manhandled Mr. Gabbuza while he was preparing for an MDC rally. Although no physical beating took place, they threatened to burn his vehicle, and caused the rally to be disrupted and delayed.

Mr. Gabbuza reports that during the 2000 election campaign he relocated his family to another town due to safety concerns for his family.

One week prior to the 2002 Presidential elections, ZANU-PF supporters blocked Mr. Gabbuza's vehicle while he was travelling to a meeting. The vehicle's windshield was smashed with logs and rocks. Mr. Gabbuza exited the vehicle and confronted the attackers, asking why they were doing this. Just as Mr. Gabbuza exited his vehicle the police arrived. The police escorted Mr. Gabbuza to his meeting. They took a statement from Mr. Gabbuza but did not follow-up or lay any charges.

Approximately one month after the 2002 Presidential elections, ZANU-PF youth militia members destroyed Mr. Gabbuza's general store during the night. The windows and most of the merchandise were destroyed. The following day Mr. Gabbuza reported the incident to the police and they promised to investigate. However, there has been no follow-up and no arrests.

Stones were thrown at the car he, Welshman Ncube and Fletcher Dulini Ncube were travelling in Binga during the campaign for the March 2002 Presidential elections.

In July 2003, ZANU-PF youth militia members returned to Mr. Gabbuza's store with petrol. The attempt to burn the store was thwarted as the police were inside Mr. Gabbuza's store at the time.

Jongwe, Learnmore, Kuwadzana

Learnmore Jongwe was elected to the post of MP of Kuwadzana in the 2000 elections, and was official party spokesperson until July 2002. He resigned from this post in July 2002, after being arrested for the alleged murder of his wife Rutendo. He stabbed her multiple times in a domestic dispute. The MDC leadership insisted he give himself up to the police for justice to take its course. Jongwe died three months later, in October 2002, while in police custody. The circumstances surrounding his death are unclear: the autopsy report found that Jongwe died from chloroquine poisoning, and questions remain unanswered as to how a man in police custody could have had fatal amounts of chloroquine in his body.

Khumalo, Nomalanga Mzilikazi: Umzimgwane Treasurer for Matabeleland South Province

While campaigning in May 2000, approximately 100 ZANU-PF War Veterans blocked Mrs. Khumalo's vehicle from proceeding to a campaign meeting. The War Veterans also used abusive language towards her. When the vehicle was stopped Mrs. Khumalo tried to drive around the barricade of people, only to be struck hard by a vehicle being used by one of the War Veterans. Mrs.

Khumulo, after being hit, managed to flee the area. Her vehicle sustained major body damage. The incident was reported to the police; however, no investigation took place despite the assailants being known to the police.

At a campaign rally in May 2000, ZANU-PF War Veterans hurled stones at MDC supporters and Mrs. Khumalo's campaign team. She was hit in the shoulder. The incident was reported to the police; however, no investigation took place and no charges were laid.

Soon after the 2000 elections at a District Administration office, approximately 20 ZANU-PF youth militia members confronted Mrs. Khumalo calling her "Hooligan" and "Bitch". They stated that she had sold-out the country to the MDC and threatened that if they had the opportunity they would kill her. The incident was reported to the police; however, no investigation took place and thus no charges were laid.

On March 5, 2002, ZANU-PF supporters extensively damaged Mrs. Khumalo's vehicle during a rally.

One of Mrs. Khumalo's daughters is a secondary school teacher and she has been the subject of verbal and physical assaults by her students due to the fact that her mother is an MDC MP.

Madzimure, Wilias: Kambuzuma

In September 2000 upon hearing that ZANU-PF supporters had assaulted several MDC members, Mr. Madzimure attended to his local police station to make inquiries about this situation. Once inside the police station, Mr. Madzimure recognized two ZANU-PF activists. Unexpectedly and without provocation, both activists beat Mr. Madzimure about his head with their fists and he fell to the ground. This happened directly in front of a police officer. The police officer asked Mr. Madzimure to come around the front counter instead of detaining the attackers. The attackers simply walked out of the police station without being apprehended. As the police officer that witnessed this attack did not pursue the matter, Mr. Madzimure went to the Superintendent of the local police department and provided a written statement. To date there has been no follow-up by the police.

During the late evening of May 21, 2001, Mr. Madzimure's wife woke him after hearing people outside their home singing ZANU-PF slogans. Mr. Madzimure saw approximately 12 people armed with stones and sticks attacking his home. Windows were broken. Mr. Madzimure opened the door, recognized the voice of a ZANU-PF youth militia member and stated to his wife to bring him his gun. The attackers hearing this, fled.

On May 23, 2001, Mr. Madzimure, while in attendance at a Parliamentary session, received a telephone call from his teenaged son stating that as he was returning home from school he saw ZANU-PF supporters attacking their home. He explained to his father that the supporters were destroying the entire home, including tearing apart the roofing and breaking every window. The attackers stole cash, video equipment, phones, and clothing. Mr. Madzimure and his son reported the incident to the police. Arrests were made and three people were charged with offences. The matter has yet to proceed to Court, almost three years after the incident.

On June 24 and 25, 2001, a group of approximately 20 ZANU-PF youths again attacked Mr. Madzimure's home. The roof, windows, and doors were destroyed.

In September 2001, just prior to holding a public constituency meeting, Mr. Madzimure witnessed approximately 40-50 ZANU-PF youths, armed with bricks and sticks approaching the meeting venue. Many of those attending the meeting fled. The group destroyed the furniture and threatened Mr. Madzimure and MDC supporters with further violence. The group then left. The matter was reported to the police and charges were eventually laid after considerable pressure was brought against the Attorney General's office.

On June 7, 2003 approximately 25-armed police members in three vehicles attended at Mr. Madzimure's home alleging that he was holding an illegal political meeting in his home. Although the officers did not have a search warrant, Mr. Madzimure invited the police to search his house. The police searched but found no evidence of such meeting and left. The next morning, one police officer attended at Mr. Madzimure's home and told him that he was wanted at the police station. When questioned why, the officer stated that there was an allegation that he pointed a gun at a ZANU-PF youth. Mr. Madzimure denied such allegation and offered the officer to search his home for any firearm. The officer refused, stating that he was acting on orders and didn't actually believe the allegation. Mr. Madzimure attended at the local police station where he was transported to the downtown Harare station and questioned. The police promised Mr. Madzimure he was going to be released that evening, but after he exercised his right to telephone his lawyer, he was detained overnight without being charged. The next morning Mr. Madzimure was charged and granted bail. Trial dates are still pending.

Madzore, Paul: Glen View, Harare

Madzore was arrested in January 2002 for allegedly transporting youths from Mbare who are alleged to have beaten up Zanu PF supporters.

He was arrested again on 12 January 2003 and was assaulted by drunken special constabularies. Madzore was tortured while in police holding cells, and then was released without charge.

A relative of Madzore was severely assaulted when armed police and soldiers descended on his home in Mufakose. They were demanding to know where his wife was.

Madzore was arrested on 15 May 2003 outside the House of Parliament, and was released the following day without charge.

Mafudze-Suka, Hilda: Mhondoro

In September 2002, Mrs Mafudze was assaulted, besieged and detained by Zanu PF youth militia, who also assaulted 8 aspiring MDC candidates in the Rural District Council elections. They had come to register their candidature at Chegutu Rural District Council.

Mrs Mafudze's car has been stoned by Zanu PF youth militia on 4 occasions, while driving in her constituency. On each occasion, car windows have been damaged.

Makuvaza, Dunmore: Mbare West

On January 6, 2002 Mr. Makuvaza reports that ZANU-PF supporters attacked his home. Mr. Makuvaza further reports that on March 10, 2002, ZANU-PF supporters vandalized his car.

Malinga, Abednigo: Silobela

On February 5, 2002 at the Torwood Tennis Court, Mr. Malinga was ambushed by ZANU-PF youths who shot at his vehicle with catapults. A report was made to the police, but there was no investigation. Also in February 2002 the Kwekwe MDC offices were attacked by ZANU-PF youths and Mr. Malinga's vehicle was stoned and all the windows smashed.

In March 2003, Malinga, the MP for Silobela was attacked by seven suspected ZANU PF supporters in a fuel queue at a service station in Kwekwe. Malinga said the youths emerged from a ZANU PF militia base behind a service station owned by ZANU PF councillor in the Kwekwe City Council and told him to refuel his car in Britain. The ZANU PF supporters barred him from filling his car claiming Morgan Tsvangirai, the MDC president had called for sanctions against Zimbabwe. He said one of the supporters smashed an empty bottle on his head and he sustained a deep cut. The MP said while the car was under police guard, the ZANU PF attackers smashed the front windscreen and tried to set it alight with petrol.

Mr. Malinga's vehicle was burnt beyond repair by the ZANU-PF youth. A report was made to the police but there have been no arrests or charges to date.

Mkhosi, Edward: Bulilimangwe South Secretary for Publicity, Matabeleland South Province

In March 2002 while driving through his constituency ZANU-PF youth militia members, travelling in a ZANU-PF vehicle chased Mr. Mkhosi. Mr. Mkhosi sped to a populated business centre and the youth militia members followed. Mr. Mkhosi reminded one of the youths, through his vehicle window, that he was already facing criminal charges (for kidnapping an MDC town councillor), and was on remand and that should further criminal charges be brought against him that his bail may be revoked. The youth pled with Mr. Mkhosi not go to the police, but Mr. Mkhosi refused and went to the police immediately. The youth followed and explained to the police that he was remorseful for following Mr. Mkhosi. The police let him free, despite Mr. Mkhosi's objections.

Mlambo, Mathius Matewu: Chipinge North

In February 2002, shortly before the Presidential vote, Mlambo was attacked by Zanu PF youth militia as he arrived at a venue for an MDC rally. The youth militia assaulted him and chased away MDC supporters who had gathered for the rally. The youth militia camped at the venue, preventing the rally from taking place, and assaulting those who came expecting a rally. Matewu had to flee for his life. His truck was attacked with logs and stones as he sped to the mountains. He had to spend the whole night in the mountains and was only located the following morning.

Despite the fact that the rally had been authorised by the police, they simply watched helplessly, as the Zanu PF youths ran riot assaulting everyone including the MP.

In the first week of February 2004, Mlambo fled and hid in the mountains after baton-wielding police officers, allegedly with the help of ruling Zanu PF youths, broke up a rally and randomly attacked people. Mlambo, who abandoned his car at the scene of violence at Chipangani, walked a long distance

and hid in a mountain where rescuers found him on Monday morning. He was taken to Chipinge Hospital suffering from hyperthermia after spending the night in the freezing cold,

Moyo Lovemore: Matopo

Moyo's convoy was ambushed in Bezha in the run up to the General elections in 2000. Although a report was made to the police, no arrests have been made.

He has often been denied permission by the regulatory authority to hold report back meetings in his constituency. So far in 2004 alone, he has been refused three times to hold such meetings.

Mpala, David: Lupane

Mr. Mpala states that 40 ZANU-PF supporters, armed with sjamboks and sticks, beat him during April 2000, while campaigning for the election. He was hit several times on his back, causing lesions that left permanent scars.

On January 13, 2002, Mr. Mpala was at the Lupane Business Centre in rural Matabeleland North with his wife buying groceries for a funeral. They were accosted by a group of 18 men who identified him as the local MDC MP. They accused him of destroying their ZANU-PF rally that morning, as nobody attended. They also accused MDC members of killing ZANU-PF members. They said the solution was to kill him.

Mr. Mpala was forcibly taken some distance from his vehicle and beaten on the side of the head with a fist, causing him to fall on his face. He was also stabbed with a knife from behind. He lost consciousness and cannot remember how the attack progressed. He regained consciousness and found himself alone. He had blood in his mouth from a cheek bite, and once he managed to stand up, he realised he was bleeding from his back.

He then set out to walk six kilometres to the police station. He tried to run and was not able to due to the pain. At the police station he fainted twice while giving his statement. The police transported him to St Luke's Hospital, where he received medical attention. He fainted twice more in the hospital and received an intravenous drip. Mr. Mpala had two lesions in his back that required stitches. The assailants also stole his vehicle. [see photos and 6].

David Mpala died in February 2004, while this report was in the process of compilation. MDC allege that his health deteriorated after his attack. He was suffering from a long illness, but the progression of his decline was possibly hastened by his torture.

Mpandawana, Austin: Kadoma Central

Mr. Mpandawana was arrested and detained for three days in the run up to the Kadoma 2002 mayoral elections. His wife was also briefly detained at the same time after she took food for him to the station. No charges were laid against her though the police alleged that she was implicated in her husband's case. She was threatened with further arrest.

Mr. Mpandawana was detained in police custody in March 2003 for more than three weeks where he was beaten and tortured for organizing and demonstrating in relation to mass action protests against the ZANU-PF government. Mr. Mpandawana was eventually charged and then released on **\$200 000 bail**.

Mr. Mpandawana fell ill after his March 2003 incarceration, his health steadily deteriorated and eventually he succumbed to ill health in July 2003. *It is believed that his torture while in police custody contributed to his death, though no post-mortem was done.*

Mukahlera, Timothy: Gweru
Treasurer: Midlands South Province

On April 27, 2000 a bomb was thrown into Mr. Mukahlera's shop. The explosion occurred at approximately 11:40 p.m. as Mr. Mukahlera was about to close. The bomb extensively shattered the plate glass window front and the engine to Mr. Mukahlera's vehicle. No one was injured. The police arrested one person, but no-one has been prosecuted or convicted for the offence nearly four years on.

Mukwecheni, Sydney: Mutare South

On June 22, 2000 at approximately 2:00 a.m. Mr. Mukwecheni's security guard warned that a group of ZANU-PF supporters were coming to his home. Mr. Mukwecheni fled, telling his wife and three children to remain calm. At 3:00 a.m. seven ZANU-PF supporters arrived at his home in a ZANU-PF vehicle asking his family if he was home. When they found out he was not at home, they ransacked the home, destroying the roof, all the furniture, and windows. The home was then set on fire. Mr. Mukwecheni's family fled the home screaming and awoke the neighbours. The attackers then dispersed. The incident was reported to the police, who promised to investigate, but to date no charges or arrests have been made.

In August 2002 Mr. Mukwecheni's vehicle was attacked at 1:00 a.m. while he was out of town. The attackers smashed the rear brake lights and slashed the tyres. The neighbours awoke and the perpetrators ran away. The incident was reported to the police, but to date there has been no investigation.

On August 9, 2003 Mr. Mukwecheni's constituency office was broken into. The perpetrators damaged the door and ransacked the office. They also stole phones, curtains, fan, chairs, books, files, pictures, and personal certificates of achievement. The incident was reported to the police, who claim they are still investigating.

Mungofa, Pearson: Highfields

Mungofa was questioned by the police and released without charges on 2 June 2003 over the June 2 – 6 Mass Action. He had been detained for four hours.

Munyanyi, Tichaona: Mbare East, MP
MDC Organising Secretary for Harare Province

Munyanyi was arrested soon after the June 2000 Parliamentary elections, being falsely accused of having beaten up a Zanu PF supporter. He was detained for 4 days, but was released without charge for lack of evidence.

He was arrested again on 30 September 2002, for alleged involvement in the murder of Zanu PF activist, Ali Khan Mangwena, who was shot dead by unknown persons in Mbare. These charges were withdrawn before plea towards the end of 2003.

Mutendadzamera, Justin: Mabvuku

On October 16, 2000 Mr. Mutendadzamera reports he was brutally assaulted by police with batons for allegedly inciting food riots in his constituency. Police also severely assaulted his wife on the same day. His assault was raised in a motion in parliament. Photographs of himself and his wife with severely bruised buttocks was tabled in parliament. ZANU PF MPs laughed when the photographs were tabled and passed around the ZANU PF benches. No arrests or prosecutions were ever made in connection with this offence.

Ndlovu, George: Insiza

During the parliamentary campaign in 2000, Mr Ndlovu was ambushed in his vehicle and forced off the road. He was dragged from his car and viciously assaulted by war veterans, and left for dead. He was beaten on the soles of his feet and all over the body, including the head. He was treated by doctors (medical reports) and went on to win his seat. Nobody was ever arrested or prosecuted for this assault.

In July 2002, Ndlovu became very ill after eating a meal at an official function hosted by ZANU PF. Driving his car away from the event he had to stop the car because he felt so ill. He climbed out of his car and it moved forward, pinning him between the front bumper and a tree, and causing injuries. He died the next day while undergoing surgery. Rumours that he had been poisoned have not been substantiated.

Nyoni, Peter: Hwange East

On 12 September 2001, over 50 Zanu PF supporters ransacked Nyoni's house. Property worth tens of thousands is destroyed. The house of his parents-in-law was also attacked, causing extensive damage. To date police say they are "investigating". Their major contribution was to arrest Nyoni in October 2001, allegedly for causing violence. The charge was later dropped.

Nyoni was arrested again with MP Bhebhe from Nkayi, in February 2002, while trying to campaign for the Presidential election. Nyoni was assaulted and tortured by youth militia and Zanu PF supporters. For details of this event, see Bhebhe's account. Both MPs were both charged and after more than one year of prosecution adjournments, on September 9, 2003 the High Court dismissed the charges, citing lack of evidence.

Sansole, Jealous: Hwange West

On 5 February 2002, Sansole's fuel station was attacked in Hwange by gangs of youth militia. All petrol and diesel pumps were destroyed, as were two refrigerators. The café belonging to his sister was damaged, the garage kiosk was destroyed and goods worth Z\$300,000 were looted. The MP's brother's house which is adjacent to the filling station, had its windows shattered. The MP's mother's house had all its windows shattered, a door and roofing destroyed. Money in cash was also stolen.

As Sansole went to report the attack to the police, his car was stoned, and sustained six dents on the driver's side. He reported the attack to the police, who promptly arrested him. 15 other innocent people, including the MP's relatives, were arrested in connection with the attack. The MP had to pay bail totalling \$35,000. He is currently out on bail.

After the Rural District Council elections of 2002, he and MP David Mpala were arrested at a road block after police found ballot box seals in their vehicle which they were returning to Bulawayo. The two were held for two days and were then released without charge.

Sansole was arrested again on 9 April 2003, for mobilising MDC youths to organise for the mass stay away of 18-19 March 2003.

Sansole's home and shop have been attacked twice more, with the latest incident on 13 July 2003. His mother was stoned during this attack and sustained injuries on her back.

Shoko, Mutimutema: Budiriro

During the campaign for the 2000 Parliament elections, one member of Shoko's campaign team was abducted by alleged Zanu Pf supporters and killed at the late Chenjerai Hunzvi's surgery.

Shoko's house was attacked on the night of 1 April 2002, by people in army and police uniforms. Shoko sustained an injury to his arm during the attack, which left extensive damage to his house.

Shoko's house was attacked again by around 30 armed police and soldiers in a pre-dawn raid on 22 March 2003. They demanded to know his plans after the stay away of 18-19 March. They stole a large amount of money from his transport business. The same night, this same group attacked the UNDP-funded Parliament of Zimbabwe Information Centre, where they destroyed furniture and assaulted the security guard.

Thabane, Jacob: Bubi-Umguza

In May 2000, ZANU-PF War Veterans, sent by his ZANU PF political opponent, descended on his homestead. When the veterans learned that Mr. Thabane was not present, they burned and destroyed the entire property, including his home and granary. They also attacked and beat his sisters and daughters with sticks and logs. One family member suffered a broken finger. Mr. Thabane's family members watched the entire homestead burn. The value of the property destruction was over 2 million Zimbabwe dollars and was the culmination of over 40 years' work. Mr. Thabane explains that as a result of this attack, his daughters fled to the United Kingdom, where they remain. He has not rebuilt his home, due to continuous fear that such destruction would occur again. The incident was reported

to the police and those responsible were charged with arson. However, President Mugabe pardoned the offenders.

**Tumbare-Mutasa, Bennie: Seke Rural
Organising Secretary: Chitungwiza Province**

In April 2000 Mr. Tumbare-Mutasa's vehicle was stoned and burnt by ZANU-PF supporters. Soon after they stoned his other vehicle, resulting in serious damage.

Also in April 2000 Mr. Tumbare-Mutasa was detained at the Hatfield police station for four days. He was subsequently released without being charged.

In February 2001, ZANU-PF supporters attacked Mr. Tumbare-Mutasa's home with stones, breaking the door and windows.

In September 2002, a local ZANU-PF councillor and ZANU-PF supporters attacked Mr. Tumbare-Mutasa's vehicle and deflated the tires.

On March 17, 2003, Mr. Tumbare-Mutasa was severely assaulted by police officers after his vehicle was attacked by a group of ZANU-PF supporters. He states that his vehicle was shot at while at an intersection. The shot missed his driver by a whisker and other shots caused punctures in the tires. He also states that about 20 riot policemen arrived immediately afterwards and started assaulting him. He was detained at the police station and released three hours later without being charged. Mr. Tumbare-Mutasa was treated at hospital for abrasions, and multiple bruises inflicted by batons, rifle butts, and booted feet.

Tumbare-Mutasa was admitted to Parirenyatwa hospital and the Avenues private clinic for medical treatment. Doctors' reports indicate that Mutasa sustained, among other injuries, abrasions and multiple bruises inflicted by batons, rifle butts and booted feet.

Zwizwai, Murisi; Harare Central

Mr. Zwizwai was elected the MP for Harare Central on August 31, 2003 following a by-election. Mr. Zwizwai describes Harare Central as quite different than most other constituencies in Zimbabwe. He states that almost all of the foreign embassies, main government buildings, and the State House are located in Harare Central. In addition, Harare Central is the home to very low-density housing. Because of this, he says, political violence and intimidation is lower than other constituencies.

However, Mr. Zwizwai does describe several incidents of having his campaign materials, such as posters, being damaged by ZANU-PF youths. He further describes an incident on Election Day of having his car windshield smashed and ZANU-PF youths provoking a skirmish with him outside one of the polling stations.

MDC Candidates, Election 2000

This is a record of some of those MDC candidates who stood for election in June 2000, but who lost.

Five Members of the National Executive who contested in the 2000 election, are listed in alphabetical order, before the other "Candidates 2000".

Chimanikire, Gift; Guruve South Deputy Secretary General of MDC

The campaign environment was characterized by intense violence and voter intimidation against members of the MDC Party by ZANU-PF youth, supporters, and War Veterans. As a result, Mr. Chimanikire reports that campaigning was extremely difficult. He also cites that his life and those of his family were constantly under threats.

In 2003, Gift Chimanikire was arrested on allegations that he was planning to eliminate Zanu PF officials in Chitungwiza, he was released later without charges being laid against him. Chimanikire filed an election appeal stating that the campaign had not been free and fair in his constituency. It has still to be heard by the courts.

Holland, Sekai; Mberengwa East Secretary for Foreign Affairs

The election campaign was characterized by widespread physical violence, voter intimidation and threats, property destruction, and coercion perpetuated by ZANU-PF youth, supporters, and War Veterans.

Ms. Holland reports that attempts were made by ZANU-PF youth members and War Veterans to physically prevent her from registering her candidacy in the constituency. Upon registering her candidacy on June 3, 2000, Ms. Holland's vehicle was burnt by ZANU-PF youth supporters.

Whenever Ms. Holland and her campaign team attempted to campaign, their vehicles were stoned. ZANU-PF supporters and specifically, the opposing candidate, and the police force, prevented Ms. Holland from meeting her supporters or campaigning anywhere in the constituency.

Ms. Holland was physically assaulted and held in police custody on May 31, 2000 for 32 hours following her attempt to hold a United Nations Development Program ("UNDP") sponsored workshop in the constituency. ZANU-PF youths and War Veterans prevented the workshop from starting by physically assaulting the attendees with stones and shouting ZANU-PF slogans and songs. The assailants have never been charged, despite the police knowing their identities and whereabouts. Ms. Holland reports that this incident occurred in plain view of the police.

Ms. Holland filed a petition in the High Court to set aside the election results on the grounds of illegal and corrupt practices, constitutional violations, irregularities, and that the election was neither free nor fair. The High Court has heard part of the case, but has been adjourned for various reasons, and a new court date is still awaited.

Matamisa, Silas; Chinoyi
Member of National Executive

The election campaign was characterized by widespread violence, voter intimidation and threats, vote buying by ZANU-PF members, property destruction, and coercion perpetuated by War Veterans and ZANU-PF supporters. As a result, Mr. Matamisa reports that campaigning was extremely difficult in the constituency.

Mr. Matamisa filed an Election Petition in the High Court in July 2000 to set aside the election results on the grounds of vote buying, various acts of violence, intimidation, harassment, threats, and other irregularities which resulted in the election being neither free nor fair. The High Court denied the petition and Mr. Matamisa filed a Notice of Appeal. The Appeal is still pending in the Supreme Court.

Matibenga, Lucia; Shurugwi
Chairperson of Women's Assembly

During the 2000 campaign, Ms. Matibenga had to repair her house three times due to vandalism by ZANU-PF youths. Ms. Matibenga describes that the atmosphere surrounding the campaigning was rife with violence, harassment, and intimidation towards MDC supporters. As a result, she was forced to campaign only at night. It was not safe for her to stay with family members for fear that their homes would be burned if she stayed with them. She relocated her entire family, which includes 4 children, during the election campaign for their safety.

Ms. Matibenga's eldest daughter is a schoolteacher and during the campaign War Veterans surrounded her school and demanded that she come out. She was not at school that day. The War Veterans threatened to rape and kill her. Following this incident, her daughter did not return to her teaching position. She fled to London, England in September 2000 for her safety.

Ms. Matibenga describes that War Veterans, driving in ZANU-PF vehicles, routinely tore down her campaign posters. She also describes being threatened with death should she continue to campaign. She was told by the ZRP, after filing a complaint regarding the violence and intimidation, "you are lucky he didn't hit you and just pulled down your posters".

Ms. Matibenga lost the election and petitioned the High Court, which upheld the election result. Ms. Matibenga did not file an appeal.

On July 7, 2002, ZRP vehicles followed Ms. Matibenga's vehicle at high speed. Once pulled over, the ZRP members forced Ms. Matibenga's security and campaign teams to lie on the ground where they were beaten. The ZRP stated they were driving a stolen vehicle, but the vehicle was owned and registered to Ms. Matibenga.

Mudzengerere, Nicholas; Makoni East
Secretary for Agriculture

Leading up to the Parliamentary elections, there were reports of widespread levels of intimidation and organized assaults against MDC supporters that made campaigning difficult, especially in the rural areas.

While campaigning at a shopping centre, Mr. Mudzengerere and his supporters were confronted by ZANU-PF members. One ZANU-PF member produced a pistol and pointed it at the MDC supporters.

On March 26, 2000, while addressing an MDC political rally, a bus carrying ZANU-PF supporters interrupted the rally. They stated that the MDC were not welcome in the area and if they did not leave they would be attacked. For the safety of the MDC supporters, Mr. Mudzengerere encouraged his supporters to disperse.

On June 7, 2000 at another MDC rally ZANU-PF and CIO vehicles arrived during the middle of Mr. Mudzengerere's speech. Sensing that violence was looming, Mr. Mudzengerere decided to end the rally early. Mr. Mudzengerere and his campaign team had their vehicles blocked by ZANU-PF members, resulting in Mr. Mudzengerere and his team to quickly exit the area from another route. Mudzengerere challenged the results of the elections in the High Court and won. The Zanu PF candidate appealed to the Supreme Court where the case awaits hearing.

The following "candidates 2000" who are not National Executive Members are listed in alphabetical order.

Chigonera, Biggie; Mazoe West

Leading up to the 2000 Parliamentary elections, reports of widespread levels of intimidation and organized assaults against MDC supporters were received. War Veterans and other ZANU-PF supporters made many areas of the constituency MDC "no-go" areas.

Mr. Chigonera's vehicle was destroyed by fire soon after he announced his candidacy for the MDC party. A report was made to the police, but no investigation followed.

On May 21, 2000 armed ZANU-PF activists attacked his home and injured his wife. Mr. Chigonera's wife reports that a gang of ZANU-PF youth militia members came to the home looking for her husband, who was not home at the time. She was warned against supporting the MDC party. The ZANU-PF War Veterans and youth militia members destroyed the gate to the home and smashed all of the windows. Mrs. Chigonera hid under a table. The attackers assaulted her severely using sticks, fists, and boots. Other attackers destroyed the property inside the home and stole money. The leader, brandishing a gun, threatened to shoot her and demanded to know where their son as they stated that he was going to be shot. The police arrived and disbursed the attackers with tear gas, instructing Mrs. Chigonera to run away or she would be killed.

Soon after this incident, the government closed the local police station, which was the closest station to Mr. Chigonera's home.

Mr. Chigonero filed an election petition and it is still before the High Court.

Hove, Mfandaidza; Mberengwa West

The election campaign was characterized by widespread violence, voter intimidation, and coercion perpetuated by ZANU-PF youth and War Veterans. Threats towards Mr. Hove and his family made

campaigning impossible in the constituency. Mr. Hove cites that as a result of targeted violence and roadblocks in the constituency, his campaign strategy could not be implemented.

On June 26, 2000, Mr. Hove telephoned the officer in charge of the Mberengwa police station to inquire on the advisability of him traveling to the Vote Counting Centre given the volatile security situation. The officer in charge advised that it was not safe for him to travel and advised him to remain outside of the constituency until the vote counting was complete.

Mr. Hove filed a petition in the High Court to set aside the election results on the grounds of illegal and corrupt practices, constitutional violations, irregularities, and that the election was neither free nor fair. The High Court dismissed the petition. Mr. Hove filed an appeal with the Supreme Court and, to date, the appeal has not been heard – over two years later.

Kanhema, Tswangiwa: Hurungwe West

Mrs. Kanhema says there was a reign of terror against MDC supporters in the constituency that was perpetrated by ZANU-PF supporters, with and by the incitement of the ZANU-PF leadership. Threats included a declaration of war should the ZANU-PF lose the election. As a result of these tactics, campaigning became impossible for Mrs. Kanhema. Only ZANU-PF rallies and campaign meeting were allowed to take place in the constituency.

Mrs. Kanhema left the constituency about three weeks prior to the elections due to the violence and threats on her life. The attackers wore ZANU-PF t-shirts and distributed campaign material on behalf of the ZANU-PF candidate. The ZANU-PF party provided the attackers with food and payment.

Mrs. Kanhema initially operated her campaign out of her brother's home, but soon after the house was attacked and its windows smashed. Mrs. Kanhema then relocated her campaign operation to her sister's home. The attacks continued. Mrs. Kanhema left her sister's home out of concern for her family's safety.

Mrs. Kanhema filed a petition in the High Court on July 26, 2000 to set aside the election results on the grounds of illegal and corrupt practices, constitutional violations, irregularities, and that the election was neither free nor fair.

Mrs. Kanhema filed a Notice of Withdrawal of her Petition in the High Court on May 3, 2001 for the following reasons:

- I. I want to concentrate on my personal life and business which are no longer performing to my expectations;
- II. I am no longer interested in politics given the current violent and hectic political situation I have experienced to the extent that I have failed to have enough time with my family and friends; and
- III. I want to live a normal and peaceful life without any disturbances from anybody.

Karonga, Israel; Mudzi

Mr. Karonga's campaign was hampered severely by threats and intimidation by ZANU-PF supporters. Quite often Mr. Karonga was prevented from having meetings and rallies. As such, most of his meetings were held at night in the bush and outdoors in rural areas.

In May 2000, four War Veterans arrived at Mr. Karonga's home and kidnapped his mother. She was driven to an isolated location and dragged into a bush where it is reported that the kidnappers were going to beat her. The perpetrators did not, but questioned her about Mr. Karonga's support of the MDC party and threatened her with further violence if she continued to support her son and the MDC. This incident was not reported to the police out of fear of reprisal.

In June 2000, ZANU-PF youth militia members and War Veterans burnt two of Mr. Karonga's houses to the ground. Mr. Karonga explains that five days before his houses were burnt War Veterans warned him that he should denounce the MDC Party and remove his candidacy. When Mr. Karonga refused, he was warned to prepare for violence and intimidation. Five days later his houses were burnt. Neither Mr. Karonga nor his family were living in the houses at the time. The repeated threats and intimidation caused Mr. Karonga to relocate his family.

Mr. Karonga did not win the election and did not appeal the result surmising that even if he would be victorious in having the election results set aside, the widespread intimidation in the constituency would not be conducive to a free and fair election.

Mapuranga, Leonard; Goromonzi

Reports of widespread levels of intimidation and organized assaults against MDC supporters made campaigning difficult. As a result of the violent tactics adopted by the War Veterans and the ZANU-PF supporters, Mr. Mapuranga ceased campaigning in March 2000, approximately three months before the elections.

Mr. Mapuranga describes that he and his campaign team were physically attacked each time they went campaigning in two specific wards of the Goromonzi constituency. The incidents were reported to the ZRP who took no action.

Mr. Mapuranga filed a petition in the High Court, and lost his appeal.

Mare, Moses; Chiredzi North

The election campaign was characterized by widespread violence, voter intimidation, property destruction, and coercion perpetuated by ZANU-PF youth, supporters, members of the CIO, and War Veterans. As a result, Mr. Mare reports that campaigning was extremely difficult in the constituency.

In February 2000, the ZANU-PF candidate, along with members of the CIO, chased people away from where Mr. Mare was about to hold a campaign rally.

In June 2000, War Veterans went to see Mr. Mare at his job where they sang ZANU-PF slogans and danced all night, causing disruption to his workplace.

Also in June 2000, Mr. Mare reports that ten War Veterans, armed with AK-47 rifles, came to his residence and smashed the windows with stones and knobkerries, accusing him of bringing whites into power. Mr. Mare escaped with his wife and children by the backdoor. Following this incident, Mr. Mare and his family resided outside of the constituency. As a result, Mr. Mare had to commute long distances to work and would only travel to the constituency at night to campaign.

Mr. Mare filed a petition in the High Court to set aside the election results on the grounds of various acts of violence, intimidation, harassment, threats, and other irregularities that resulted in the election being neither free nor fair. The High Court granted the petition on June 20, 2001. ZANU-PF filed an appeal to the Supreme Court on July 4, 2001 and to date the appeal has not been heard.

Maruzani, Farayi; Zvishavane

The election campaign was characterized by widespread voter intimidation and violence perpetrated by ZANU-PF youth and War Veterans. They threatened that war will breakout should the MDC win the election.

At an MDC rally on April 9, 2000 a local ZANU-PF businessman organized over 200 ZANU-PF youths to disrupt the rally. The youths were armed with knives, axes, sjamboks, and bricks. At least ten MDC supporters were physically attacked. Mr. Maruzani was targeted but escaped with the assistance of MDC youth supporters. Mr. Maruzani states that because of the tense and insecure situation, he was forced to flee the area taking his family and children out of school. Mr. Maruzani also received death threats and was prevented from campaigning in the constituency.

Mr. Maruzani filed a petition in the High Court to set aside the election results, on the grounds of illegal and corrupt practices, constitutional violations, irregularities, and that the election was neither free nor fair. The High Court dismissed the petition on March 23, 2001. Mr. Maruzani filed an appeal with the Supreme Court on March 26, 2001 and to date the appeal has not been heard.

Matibe, Philemon; Chegutu

Reports of widespread levels of voter intimidation and organized assaults against MDC supporters made campaigning difficult. The election campaign was characterized by violence, which included murders and assaults perpetrated by ZANU-PF supporters against MDC supporters.

Mr. Matibe's vehicle was stoned and his life threatened by ZANU-PF supporters during the campaign.

Mr. Matibe filed an Election Petition in the High Court seeking to set aside the election results on the grounds of illegal and corrupt practices, voting irregularities, and that the election was neither free nor fair.

Upon filing the petition, Mr. Matibe's farm was invaded by War Veterans and ZANU-PF activists. The veterans and activists told Mr. Matibe they would only cease occupying his farm if he withdrew his petition. Mr. Matibe refused and the veterans and activists, taking all of the property, then permanently occupied his farm. Mr. Matibe, having his life and livelihood threatened fled Zimbabwe with his family and relocated to England. The petition was then withdrawn.

McCormick, Alan; Guruve North

Mr. McCormick describes that pre-election violence did not allow him enough time to canvass the entire constituency. Mr. McCormick states that the ZANU-PF candidate for Guruve South and his supporters threatened his life several times. One statement given to Mr. McCormick was that if he traveled on certain roads in Guruve North he would not return.

Mr. McCormick's farm was invaded and looted on March 1, 2000 by ZANU-PF supporters.

On April 15, 2000 at a political rally held by the ZANU-PF candidate for Guruve South, supporters threatened they were going to raid Mr. McCormick's farms and come after him. As a result, Mr. McCormick was advised by other local farmers and his employees to vacate his farm. Mr. McCormick did and relocated to Harare.

Mr. McCormick lost the election and petitioned the High Court to set aside the election results on the basis they were not conducted in a free and fair manner. The case has yet to be heard by the High Court. Mr. McCormick now lives in Harare, as he believes returning to his constituency not to be safe.

Mlandu, Sibangani; Gokwe North

The election campaign was characterized by irregularities, widespread violence, voter intimidation, and coercion perpetuated by ZANU-PF youth, supporters, and War Veterans.

On April 18, 2000 ZANU-PF supporters assaulted Mr. Mlandu at a local shopping centre.

At the beginning of June 2000 Mr. Mlandu, in fear of his safety, went into hiding after he received information that ZANU-PF supporters were looking for him.

On June 18, 2000 at 8:00 p.m. while returning from electoral business Mr. Mlandu noticed a government truck parked on the side of the road. When Mr. Mlandu drove past the vehicle, a gang of people emerged from the bush and threw stones at Mr. Mlandu's vehicle. Mr. Mlandu also heard gunfire. He was able to escape. However, it became virtually impossible to campaign after this incident for fear of violence.

On June 22, 2000 at 11:00 a.m. ZANU-PF members invaded Mr. Mlandu's property. Immediately after the invasion, a ZANU-PF rally was held at Mr. Mlandu's home until 2:00 a.m. the following morning. Local MDC supporters were herded to the home and forced to sing ZANU-PF slogans. Further, ZANU-PF members hoisted their flag on Mr. Mlandu's roof and set fire to his home. Mr. Mlandu had to seek refuge at the police station as his life was in danger.

Mr. Mlandu filed a petition in the High Court to set aside the election results on the grounds that the election was neither free nor fair and the violence, threats, intimidation, assaults, and destruction of property before and during the election instilled fear in the constituents to vote for ZANU-PF. The High Court granted the petition on January 15, 2003. The judgment was subsequently appealed by ZANU-PF, and to date, the appeal has not been heard.

Mumbamarwo, Godfrey; Mount Darwin South

Reports of widespread levels of voter intimidation and organized assaults by War veterans and ZANU-PF supporters against MDC supporters made campaigning difficult. The election campaign was characterized by violence, including murders, assaults, and arson perpetrated by ZANU-PF supporters against MDC supporters.

Mr. Mumbamarwo's home and farm was burned during the election campaign.

On the second day of polling, June 25, 2000, ZANU-PF supporters held Mr. Mumbamarwo captive for 3 hours at a polling station. Mr. Mumbamarwo reports that as he tried to drive out of the polling station, he was blocked by hundreds of ZANU-PF youth supporters and War Veterans, threatening violence against him. Mr. Mumbamarwo retreated and sought shelter again at the polling stations. Armed police eventually arrived to escort Mr. Mumbamarwo out of the station. These actions prevented Mr. Mumbamarwo from traveling to the other polling stations to monitor the election.

The next day Mr. Mumbamarwo reported this incident to various authorities, including the Provincial Deputy Commissioner for the police, but no action was taken.

Mr. Mumbamarwo filed a petition in the High Court to set aside the election results on the grounds of various acts of violence, intimidation, harassment, threats, and other irregularities that resulted in the election being neither free nor fair. Mr. Mumbamarwo's petition was successful. The ZANU-PF candidate filed an appeal in the Supreme Court and, to date, the case has not been scheduled for a hearing.

Munhenzva, Didimus; Marondera East

The election campaign was characterized by widespread violence, voter intimidation, and coercion perpetuated by ZANU-PF youth, supporters, members of the CIO, and War Veterans. As a result, Mr. Munhenzva reports that campaigning was impossible in the constituency. He also cites that his life and those of his family were constantly under threats.

On June 14, 2000 the ZANU-PF's election manager pointed a gun at Mr. Munhenzva's campaign team and advised them Mr. Munhenzva would be killed if he were ever located by ZANU-PF.

Mushonga, Shepherd; Mazowe East

During the campaign Mr. Mushonga's campaign team were attacked several times, resulting in personal injuries and property damage. Mr. Mushonga's brother was kidnapped and his left hand was broken by ZANU-PF youths.

Further, the ZANU-PF candidate frequently stated at his political rallies that Mr. Mushonga was not going to live to see Election Day.

On June 24, 2000 (the first day of the election), Mr. Mushonga was nearly killed by a remote controlled bomb that was detonated while he was filling his car with petrol at a filling station. After realising he had survived the bomb, ZANU-PF youths chased Mr. Mushonga for one kilometre. Mr.

Mushonga sought refuge at the election council office. Given that the intimidation and threats were directed towards him and his family, Mr. Mushonga relocated his family to Harare for their safety.

Mr. Mushonga filed an election petition challenging the results of the election and the matter is still before the Courts.

Muyambi, Lameck; Gokwe South

The election campaign was characterized by widespread physical violence, voter intimidation and threats, property destruction, and coercion perpetuated by ZANU-PF youth, supporters, and War Veterans.

On April 23, 2000, Mr. Muyambi was campaigning in the constituency when a group of approximately 100 people surrounded him. They struck Mr. Muyambi a few times and warned him that if they caught him campaigning in the constituency again he would receive more severe beatings. Following this incident, Mr. Muyambi could no longer campaign properly and had to revert to putting up posters in the middle of the night.

On June 19, 2000, after not properly campaigning since April 23, Mr. Muyambi decided to hold a rally. At the rally Mr. Muyambi was attacked and severely beaten by approximately 25 ZANU-PF youth who were shouting that they wanted him dead. As a result of this assault, Mr. Muyambi suffered head and body wounds and was hospitalized for 11 days. Mr. Muyambi could not communicate with the people of the constituency and his campaign team could not locate him for the 11 days that he was hospitalized.

Mr. Muyambi reports that his attackers informed people in the constituency that he had been killed at the rally and if the constituents did not want to suffer the same fate as Mr. Muyambi, they better vote ZANU-PF.

Ms. Muyambi filed a petition in the High Court to set aside the election results, on the grounds of intimidation, illegal and corrupt practices, constitutional violations, irregularities, and that the election was neither free nor fair. The High Court granted the petition. The judgment was subsequently appealed by ZANU-PF, and to date, the appeal has not been heard.

Nheya, Titus; Zvimba South

Following his loss in the Parliamentary elections, Mr. Nheya campaigned for Mr. Tsvangirai, President of the MDC party, in the 2002 Presidential elections. During the campaign Mr. Nheya was attacked and beaten to death with iron bars and sticks by ZANU-PF youth members.

Nyathi, Edson; Gokwe Central

The election campaign was characterized by widespread violence, voter intimidation and threats, property destruction, and coercion perpetuated by ZANU-PF youth, supporters, members of the CIO, and War Veterans. As a result, Mr. Nyathi reports that campaigning was extremely difficult in the constituency

During the campaign ZANU-PF supporters told Mr. Nyathi's supporters they intended to abduct and beat Mr. Nyathi. At the same time numerous death threats were made against Mr. Nyathi. ZANU-PF supporters would frequently chant Mr. Nyathi's name as they passed his home.

On May 20, 2000, after hearing these threats, Mr. Nyathi and his family left their home and stayed at his father-in-law's homestead in rural Gokwe for the night. The next morning, Mr. Nyathi relocated to Kadoma. After leaving rural Gokwe, the homestead was surrounded by ZANU-PF youth who threatened his wife and they burned sacks of maize. ZANU-PF supporters also threatened to burn down Mr. Nyathi's home. Mr. Nyathi's wife fled to Chegutu and all of the property inside their home was removed and distributed amongst his relatives in fear of it being stolen or destroyed.

Mr. Nyathi stayed in Kadoma for 2 days and then returned to Gokwe. When he returned ZANU-PF supporters spotted him and surrounded his workplace singing ZANU-PF songs. Mr. Nyathi was fearful for his life and called a friend who came to collect him.

After this incident, Mr. Nyathi did not return to Gokwe during the day. Mr. Nyathi explains he stayed in Kadoma and also slept in the bush sometimes. He would not be seen during the day in Gokwe as he was afraid ZANU-PF members would kill him.

Mr. Nyathi explains that the only form of campaigning open to him was hanging posters and distributing pamphlets during the night. These materials were frequently destroyed in the morning.

Mr. Nyathi filed a petition in the High Court to set aside the election results on the grounds of various acts of violence, intimidation, harassment, threats, and other irregularities that resulted in the election being neither free nor fair. The petition has yet to be heard in the High Court.

Pfebve, Elliott; Bindura

On May 3, 2000 Mr. Pfebve's mother, father, and brother Matthew were severely beaten by a large mob of ZANU-PF supporters. Matthew Pfebve died as a result of the severe beating. In January 2002, during the Presidential campaign, Trymore Midzi, who was youth leader and campaign manager for Elliot Pfebve was murdered allegedly by youth militia. Pfebve at first lodged an election appeal but later withdrew it after intimidation. Mr Pfebve is now in exile. [see back cover for Midzi's funeral].

Rioga, Zachariah; Masvingo South

On June 21, 2000, while campaigning, ZANU-PF War Veterans and youths assaulted Mr. Rioga when he was about to address a public MDC rally. A group of about 200 ZANU-PF supporters wearing party t-shirts arrived at the rally and started throwing stones at the MDC supporters and their vehicles. The vehicles were later burnt. The ZANU-PF supporters pounced on Mr. Rioga and beat him, resulting in serious head injuries. He was transported to hospital via helicopter and remained in a coma until after the election dates. Rioga initially filed an election appeal challenging the election result in July 2000, but later withdrew it.

Sigobole, Lucka; Kariba

Reports of widespread levels of intimidation and organized assaults against MDC supporters made campaigning difficult in the Kariba constituency. Approximately 30 ZANU-PF youth militia members

attacked Mr. Sigobole's home in 2000, causing property damage. Following his election loss, Mr. Sigobole petitioned the High Court to set aside the election results, claiming the election was not held in a fair manner.

During the Presidential election campaign in 2002, Mr. Sigobole's home was completely destroyed in a fire set by ZANU-PF War Veterans and youth militia members. In fear of his safety, Mr. Sigobole fled to Harare and later it is suspected that he fled to London, England. Mr. Sigobole has not been seen since early 2003. The election petition was withdrawn.

Sithole, Edgar; Gokwe West

The election campaign was characterized by intensive violence and voter intimidation perpetuated on MDC supporters by ZANU-PF youth, supporters, and War Veterans. As a result, Mr. Sithole reports that campaigning was extremely difficult in the constituency.

Mr. Sithole petitioned the High Court to set aside the election results on the grounds that the election was neither free nor fair and the violence, threats, intimidation, assaults and destruction of property before and during the election instilled fear in the voters to vote for ZANU-PF. The case has yet to be heard by the High Court.

Tsumele, Patrick; Chiredzi South

The election campaign was characterized by voting irregularities, widespread violence, voter intimidation, and coercion perpetuated by ZANU-PF youth, supporters, and War Veterans.

Mr. Tsumele states that he was summoned to the police station and questioned for 2 hours, in the presence of members of the CIO, about his involvement with the MDC party. Mr. Tsumele was then threatened with his own disappearance if he continued to issue T-shirts and support the MDC party. He was told to return to the police station the next day. He did and was charged with holding an illegal political meeting and released. This charges was later withdrawn.

On June 4, 2000 ZANU-PF youths and War Veterans, pretending to be MDC supporters, physically attacked Mr. Tsumele at his home. Mr. Tsumele suffered serious injuries and was treated at hospital. Mr. Tsumele's two brothers were also attacked during the same incident. A police report was made, and although the police knew the assailants, no arrests have been made.

On June 8, 2000, during an attempt to campaign, War Veterans approached Mr. Tsumele and his campaign manager and were told they were not wanted in the area. The War Veterans attacked Mr. Tsumele and he was forced to remove his MDC T-shirt. Mr. Tsumele fled the area after they threatened to burn his vehicle. A police report was made, and again, although the police knew the assailants, no arrests were made.

Mr. Tsumele also reports that he and his campaign team were ambushed at the Mwenzi River. The ZANU-PF candidate and his supporters followed Mr. Tsumele and his team, attacked them and broke the rear window of their vehicle. Mr. Tsumele further reports that the ZANU-PF candidate and his supporters followed him to his campaign office and attacked him. They returned the following day to Mr. Tsumele's place of work and attempted to gain entry. Some MDC supporters repelled them. As

of June 15, 2000, 9 days before voting, Mr. Tsumele's workplace was cordoned off by ZANU-PF supporters, preventing Mr. Tsumele from campaigning during the run-up to the election.

Mr. Tsumele states that it was extremely difficult for him to report all of the violence and intimidation to the police as several members of the police force were openly campaigning for ZANU-PF and were condoning the actions of the ZANU-PF supporters who were intimidating, threatening, and harassing MDC supporters.

Mr. Tsumele filed a petition in the High Court to set aside the election results, on the grounds that the election was neither free nor fair and the violence, threats, intimidation, and assaults and destruction of property before and during the election instilled fear in the voters to vote for ZANU-PF Party. The High Court dismissed the petition on June 20, 2001. Mr. Tsuemele filed an appeal with the Supreme Court on July 10, 2001 and to date the appeal has not been heard.

Ziswa, Valentine; Makoni North

On April 2, 2000 while addressing an MDC rally in the constituency, ZANU-PF activists arrived and interrupted the rally on the instructions of the incumbent ZANU-PF candidate. The leader of the group shouted, "This is the MDC meeting, that is Ziswa, we were instructed to beat these people up, so beat them up". The activists proceeded to beat Valentine Ziswa with iron bars, sticks, stones, and catapults. Their vehicles were also severely damaged. Mrs. Ziswa managed to flee and hide in the bush. She slept in the bush for the night and reported the incident to the police the following morning after walking 25 kilometres. The police investigated, but did not lay charges, as the witnesses to this incident were not prepared to testify, due to the fear of the ZANU-PF activists.

Between April 26 and June 18, 2000, ZANU-PF supporters, under the directions of the ZANU-PF candidate, invaded Mrs. Ziswa's farm several times. As a result, Mrs. Ziswa was not able to access her farm and was required to seek assistance from the police to gain entry. The police would take no further action, only to provide an escort for her to her farm.

5. Conclusion

- **The accounts in this report show beyond any doubt that politically motivated human rights abuses continue in Zimbabwe, and that those in leadership positions in opposition politics are subject to these abuses and are even deliberately targeted.**
- **Groups affiliated to the government commit torture and ill-treatment, as well as other human rights abuses including property destruction, as indicated consistently by interviews included in this report.**
- **The fact that all were tortured or ill treated for political motives, and the fact that no prosecutions against perpetrators have been made in any of the cases, points to a deliberate policy by the authorities.**
- **The pattern of impunity is further underlined by the fact that perpetrators do not care whether they commit abuses against people who can identify them, or whether their abusive behaviour leaves unmistakable outcomes, varying from marks that can easily be recognised as caused by torture, to destroyed homesteads, businesses or vehicles.**
- **These findings are in complete agreement with the findings of many human rights reports over the past four years, by organisations such as Amnesty International, Physicians for Human Rights, Denmark, the International Crisis Group and others.**
- **Many of the abuses recorded here took place before the election in June 2000. The human rights situation has deteriorated since then in the following ways:**
 - **POSA and AIPPA are now law. Amendments to the Electoral Act and to the Criminal Act have effectively outlawed many democratic activities, including the freedom of association and expression, and freedom from arbitrary arrest and detention.**
 - ***The Daily News* is no longer operating, leaving the nation without a daily independent voice in the media. The press, radio and television are even more under state control than in 2000.**
 - **The Political Finances Act, which criminalises the opposition's right to receive campaign finance from Zimbabweans in the diaspora was passed in 2000.**
 - **Foreign observers and journalists were able to enter Zimbabwe in 2000. They are no longer free to do so.**
 - **NGOs are no longer allowed to undertake voter education or indeed most other activities in rural areas, where political abuses are most common.**
 - **The judiciary has been severely eroded since 2000.**
 - **The police behave in an increasingly partisan way in dealing with political crimes.**
 - **Violence against MDC MPs has not abated and may have increased in the last four years, sending a clear message to anyone who would contemplate standing in an election that this is a dangerous, potentially deadly, decision to take.**
- **No free and fair election is possible in Zimbabwe without substantial changes in the status quo.**

6. Recommendations

The following recommended process to resolve the dilemma in Zimbabwe today is a reproduction of the final section of the “Yellow Paper”, produced by the Crisis in Zimbabwe Coalition as a result of a year-long interactive process with their over 200 membership organisations and groupings. This draft was arrived at by July 2003, and is reproduced here as the current authors were part of the process that arrived at this yellow paper. We believe it is important for Zimbabweans to speak with a consistent voice on how to proceed to return Zimbabwe to normality. .

There is a need for a process of re-envisioning the political prospects of Zimbabwe, and bringing a democratically elected government to Zimbabwe. The key issues, which must be addressed in order to resolve the crisis, go beyond a discussion of power sharing. Any process to ease the multi-layered national crisis should include a participatory and comprehensive constitutional review, and a review of the electoral laws and institutions. This process must involve the full participation by civil society, political parties, the business community and faith-based organisations. This process must entail a comprehensive and equitable redistribution of resources. Through this process, preparations should begin for fresh national elections, and a truth, justice and reconciliation process that interrogates Zimbabwe’s past and present injustices.

The goals of this process include:

Short term—Immediate Concerns

- An end to political violence and intimidation
- A repeal of repressive legislation and unjust laws
- The opening up of political space, including print and broadcast media access
- Addressing the economic and humanitarian crisis

Medium term

- Agreed-to principles of governance and a leadership code
- A defined process to achieve truth, justice and reconciliation
- Adequate resolution of the humanitarian crisis, especially access to food and emergency medical care
- The development of a people-driven Constitution that entrenches democratic, just and accountable governance, as a prerequisite to new elections
- The establishment of an electoral and legal framework that ensures free and fair electoral processes
- The development of institutions that promote and protect human rights and transparent governance

Long term

- A democratically governed Zimbabwe
- Accountable and transparent governance
- Respect for human rights and tolerance for diversity
- Redistribution of resources and power to benefit the most marginalised sectors of the population
- Entrenched and institutionalised values/systems that stop the abuse of power
- National unity, peace, truth and justice

Transitional Governance

Given Zimbabwe's current political polarisation, the only way to move towards these objectives and achieve genuine national unity is through a process whereby a *Transitional Government* immediately takes over the running of the country under a *Transitional Constitution*. The mandate of this transitional government will be:

- To preside over a participatory process of creating a new constitution and a new electoral law.
- To preside over the election of a new government
- To re-engage the international community regarding economic and humanitarian support.

In addition, this Transitional Authority must prevent political violence and intimidation, ensure that the rule of law is upheld, and ensure broad access to all forms of the media. The Transitional Authority may also discuss convening a Commission where questions of Truth, Justice and Reconciliation can be addressed holistically and transparently. It is important that all these processes be broadly inclusive, transparent and participatory, as opposed to consisting of deals purely between political parties.

Performance Monitoring Mechanism

To monitor the process proposed above, a multi-stakeholder panel should be established to ensure that the process is irreversible. Guarantors could be drawn from SADC, AU, UN and the Commonwealth.

Zimbabwean participants on this panel should include representatives drawn from the broadest spectrum of actors, including:

- Civil Society Organisations
- Political Parties
- Faith Based Organisations
- Business Community
- Women's Organisations
- Students/Youth Organisations

These representatives would have to be identified by their respective constituencies.

Such a panel would have to set definite time frames and objectives to be met therein. The panel would be responsible for monitoring this process as well as guaranteeing its success within a specific time frame.

Conclusion

Unless immediate measures are taken, Zimbabwe's crisis will continue to deepen. Everyday, it becomes increasingly difficult for the majority of Zimbabweans to meet their families' basic needs. Economists estimate that by June this year, 99% of the population will be living below the Poverty Datum Line (PDL). Clearly there is need for an urgent solution. Such a solution must come from the generality of Zimbabweans, and not simply from political parties. Similarly, while the support of Zimbabwe's friends and neighbours is welcome, it is up to the people of Zimbabwe to determine their national destiny.

APPENDICES

- 1. Selected Chronicle: 1980 – 2004**
- 2. Comments on repressive legislation**
 - a) Public Order and Security Act**
 - b) Access to information and Protection of Privacy Act**
 - c) Statement from ZLHR on ANZ and legal issues September 2003**
 - d) Statement on Presidential Powers Amendment to Criminal Act, February 2004.**
- 3. Bibliography**

APPENDIX ONE

SELECTED CHRONICLE: 1980 – 2004 ⁴²

1980

- APR Zimbabwe gains Independence. ZANU PF wins 57 seats out of 100 and Robert Mugabe assumes leadership of the nation.
- JULY State of Emergency, in place since 1965, renewed now and every six months until July 1990.
- OCT Mugabe enters into an agreement with North Korea to train and arm a special brigade to “combat dissidents”. There is sporadic violence within vicinity of guerrilla collection points all over the country, and in November an uprising at Entumbane in Bulawayo. To date the findings of a Commission of Inquiry into events surrounding this uprising have been suppressed by the ZANU PF Government. An appeal to the Supreme Court during 2003 by civil society groups to get the findings of this inquiry made public was denied by this Court, which is now packed with ZANU PF apologists.

1981/1982

- Arms caches in Matabeleland are “discovered” leading to expulsion of ZAPU and ZIPRA leadership from positions of authority. ZAPU is the main opposition party led by Joshua Nkomo. Increased defection of ex-ZIPRA from army bases leads to sporadic acts of violence. Violence and sabotage is occurring sporadically countrywide at this time.
- JULY 1982: Government reinstates the Indemnity and Compensation Bill, first used in 1975, granting immunity from prosecution to government agencies.
- DEC 1982: 5 Brigade, the North Korean-trained army unit, has its passing out parade

1983

In January, 5 Brigade is deployed mainly in Matabeleland North but also in Matabeleland South and the Midlands, resulting in thousands of civilian murders and village massacres within weeks. Deployment coincides with curfews limiting all access in and out of affected areas and restrictions on press movement. Those killed are accused of being Ndebele speaking and ZAPU supporting, and therefore of being “dissidents”. Nkomo, leader of ZAPU, flees the country.

1984

The Chihambakwe Commission of Inquiry investigates the atrocities of 1983. as with the Commission above, its findings have been suppressed. Even as this commission sits, 5 Brigade is deployed in Matabeleland again, mainly in Matabeleland South. This time the strategy is to remove villagers including women and school children to detention centers such as Bhalagwe Camp near Kezi, and to torture and kill people away from the village setting and the public eye. Thousands more die. The CIO and other arms of the state play key roles apart from 5 Brigade in these gross violations. This is a drought year, and ZANU uses food as a political weapon with food curfews depriving 400,000 people of access to food.

⁴² This chronicle highlights major incidents in Zimbabwe’s recent past that illustrate the response of the Ruling Party to alternative voices in politics, the media, the courts and civil society .

1985

This is an election year. 5 Brigade is deployed again in Ndebele-speaking, ZAPU supporting parts of the country and the strategy is now one mainly of forced disappearances: key community leaders are kidnapped and never seen again in the months preceding the election. Rampaging youth brigades are deployed on behalf of ZANU PF and burn scores of homes of ZAPU supporters across the western part of the country, leaving 2000 homeless. Politically motivated assaults and arrests are widespread. In spite of 4 years of murder and repression, Matabeleland votes solidly for ZAPU. Five top ZAPU leaders are detained and accused of treason.

1987

Rumours begin to surface regularly that talks are imminent between the two parties. At the same time, ZANU increases rhetoric against ZAPU, and in September ZAPU is banned as a political party. Offices are raided and officials detained.

In December, the Unity Accord is signed by Joshua Nkomo and Robert Mugabe. In return for the repression ending, ZAPU effectively ceases to exist and is absorbed in every sense into ZANU PF. Part of the Unity Accord is a general Amnesty that grants freedom from prosecution for all crimes. No person is ever punished or held accountable for the massacre of an estimated 20,000 Zimbabwean civilians. To this day the government has been largely silent on the massacres, and it remains a hidden part of history.

1990

A general election with effectively only one party contesting takes place, although minority parties put forward candidates. The election is marred by ZANU PF inspired violence and the deputy leader of Zimbabwe Unity Movement (ZUM), an opposition party, is shot and severely wounded by CIO operatives. Patrick Kombayi's attackers are subsequently pardoned by Robert Mugabe. Also in the 1990 election, a Catholic Commission for Justice and Peace official who was acting as an election monitor was brutally beaten and narrowly survived death. His attackers were government supporters, who were found guilty and were immediately pardoned by the President.

In July 1990, the State of Emergency is not renewed, for the first time since 1965.

1995

Zimbabwe's 4th general election takes place. This is an election with effectively only ZANU PF contesting and is marked by voter apathy. Nonetheless there is some violence. The President declares an Amnesty after the election, giving immunity for all acts of violence during the election period.

13th October: Ndbaningi Sithole, ageing leader of the ZANU (Ndonga) opposition party and former president of ZANU PF itself, is arrested on charges of plotting to assassinate Robert Mugabe. He is never tried and dies before clearing his name.

1995-1999

The Zimbabwe Congress of Trade Unions (ZCTU) gains support and organisation, and civil society begins to promote the need for a new Zimbabwean constitution. This begins a huge popular movement under the banner of the National Constitutional Assembly, which Government tries to usurp by forming its own highly selective Constitutional Commission. Both groupings canvass the public for ideas on what the new constitution should include.

On 11th September 1999, the Movement for Democratic Change is formed, taking its leadership from the ranks of the ZCTU and from civil society. It quickly gains momentum and is clearly the first real political threat to ZANU in twenty years.

2000

FEB Mugabe takes the Government-revised constitution to the people of Zimbabwe in a Referendum. The NCA, in conjunction with the MDC and civic organisations, runs a NO campaign on the grounds that the President will retain too much power in terms of this constitution. People vote No to the Government's constitution. This is the first poll defeat for ZANU PF in twenty years, and 2000 is an election year. Mugabe announces he accepts the outcome. Within days the first farm invasions begin. Within weeks this has escalated into a government-orchestrated campaign to seize land from white farmers, using the Zimbabwe National Liberators War Veterans Association (ZNLWVA) to invade farms.

MARCH – JUNE

This “Third Chimurenga” (Revolution) becomes the excuse for all human rights violations that ensue over the next three years. The government – and international – media highlight those violations linked to the farms, while Zimbabwean and international human rights organisations repeatedly try to draw attention to the fact that the vast majority of human rights violations at the hands of the state and its supporters, are not occurring on commercial farms but in areas where MDC support is strong, including remote rural areas where there is no commercial farm land. Violations including murder, torture, assaults, property destruction, kidnappings, spurious arrests and detentions, continue unabated. Civil society observers record more than 90% of violations are at the hands of government agents and ZANU supporters, and the victims are those assumed to be MDC supporters. Teachers and nurses are among those most persecuted in rural areas, as they are assumed to be opposition supporters.

JUNE In the general election, MDC wins 57 seats out of 120 contested. ZANU PF's right to appoint a further 30 unelected MPs gives ZANU PF an unassailable majority when it comes to passing legislation. MDC file appeals in 38 constituencies that they lost, citing violence and repression as having affected the poll outcome unfairly. ZANU PF file a challenge in one constituency. To date the courts have not finally resolved a single election petition, although the High Court has ruled in MDC's favour in several of the petitions. ZANU PF counter appeals sit before the Supreme Court.

OCT Mugabe announces an Amnesty for all political crimes except murder, rape and fraud. This is seen as a “thank you” from him to those who campaigned violently on behalf of his party, and is condemned by the MDC.

International and national organisations condemn the high levels of human rights violations that took place during the election run up, place the blame for this primarily on ZANU PF and its supporters, and condemn the continuation of a long history of impunity for politically motivated crimes.

Land invasions continue throughout 2000, and ZANU PF use their unassailable parliamentary majority to force through changes to the Land Acquisition Bill. The Commercial Farmers Union brings two Supreme Court actions against the invasions and the Supreme Court rules that the invasions are unconstitutional and are also being carried out illegally in that the procedures in government's own newly passed amendments are not being adhered to. All the courts are doing is to seek to have government abide by its own laws.

DEC MDC mounts electoral challenges. Faced with High Court and Supreme Court decisions that they dislike in relation to land acquisition and with MDC election appeals pending,

Government and ZANU PF increase political pressure on the court system.⁴³ Government proceeds to mount vicious verbal attacks upon the judiciary and it stage-manages protests by the war veterans against the judges that culminate in the invasion of the main courtroom of Supreme Court just before the court is due to sit.

On 14 December President Mugabe disowns the courts. “The courts can do what they want. They are not courts for our people and we should not even be defending ourselves in these courts.”

2001

JAN *The Daily News* printing press is bombed with military precision, totally destroying the presses. This is the only independent daily in the nation, and there have been countless threats against it by government. *The Daily News* manages to continue publishing using hired presses. To date, 3 years later, no arrests have been made for this bombing. Throughout 2001, independent journalists and papers are to remain under attack with international journalists not having their permits renewed.

FEB On 2 February, the Chief Justice of the Supreme Court hands in his resignation after months of pressure, including warnings by the ZANU PF Permanent Secretary in Ministry of Justice, Legal and Parliamentary Affairs that the lives of Supreme Court judges are being threatened by war veterans, and that the “judges are defenceless”.⁴⁴

JULY Throughout the year, civil servants are victimised in rural areas. In July two Cabinet Ministers, Stan Mudenge and Samuel Mumbengegwi, threaten students and staff at Rondolfi Mission with losing their jobs or even with death if they support the opposition. “We cannot continue to pay our enemies”, staff are told by the Minister of Education, and are warned they may die if they are not loyal to the government.

SEPT 8th: Zimbabwe enters into the Abuja Accord, at a conference of Commonwealth Ministers, and guarantees a cessation to further land invasions and a return to the rule of law. This accord is violated from the day it is signed. The EU adopts a resolution to suspend all developmental aid to Zimbabwe until the rule of law is restored.

Bulawayo mayoral elections go ahead fairly peacefully, although there are violent incidents including the attempted assassination of 4 senior MDC MPs outside the MDC offices on the eve of the election. MDC wins all seats up for contesting and the mayoral post.

OCT The EU evokes Article 96 of the Cotonou Agreement and Zimbabwe is sent a letter requesting consultation on contentious issues including violence, election monitoring, press and judicial freedom and illegal land occupations.

NOV Bulawayo is engulfed in a wave of violence, including mass arrests of MDC leadership, the mobbing of the mayoral offices and the burning down of the MDC offices. This follows on the death of a war veteran leader, Cain Nkala, who, prior to his death, had been causing dissent in the ranks of the ZNLWVA. Senior members of MDC including MP Fletcher Dulini Ncube are accused of the murder and are detained for several weeks. The state has two major witnesses

⁴³ In early December 2000, just a month before the challenges were to be heard the President sought to prevent the courts from invalidating any of the elections results on the grounds of corrupt or illegal practices. Purporting to act in terms of his powers under s 158(1) of the Electoral Act [*Chapter 2:01*], the President has “validated” any corrupt or illegal practices committed during the June 2000 elections and deemed these practices not be violations of the Electoral Act. The MDC brought a case in the Supreme Court in which it challenged the constitutionality of these regulations. At the end of January 2001, the Supreme Court unanimously decided that these regulations are unconstitutional. It found that these regulations violated the right of candidates to seek legal recourse when election results are challenged on the grounds that the elections were tainted by corrupt and illegal practices.

⁴⁴ Since Gubbay’s resignation, a further 7 judges have left either the High Court or Supreme Court benches over the last 3 years, and they have been replaced by judges considered to be subject to government influence.

who both claim in court that they were severely tortured into signing false statements. The murder trial continues to date.

Cain Nkala, a previously minor war veteran, is declared a National Hero and in his funeral speech Mugabe refers to the MDC as “terrorists” more than 20 times.

Justice Minister Chinamasa announces the government will ban independent monitors for the Presidential election.

DEC At the ZANU PF Congress, Mugabe declares “total war” on MDC, months ahead of the Presidential election. The first formal graduation of “youth militia”, who are school leavers that have completed three months of ZANU PF indoctrination, takes place. Within weeks, there are reports of murders, property destruction and torture at the hands of the militia. In all cases they target MDC supporters and those perceived as MDC supporters.⁴⁵

21 December: The eight-strong Commonwealth Ministerial Action Group formally put Zimbabwe on their agenda for action - the first step to possible suspension. "The situation in Zimbabwe constitutes a serious and persistent violation of the Commonwealth fundamental political values and the rule of law,"

2002

JAN *9 January:* Zanu PF uses its parliamentary majority to pass two controversial bills designed to stifle dissent. The General Laws Amendment bill bans independent election monitors and denies voting rights to millions of citizens abroad. The Public Order and Security bill criminalises criticism of Mr Mugabe and gives the government sweeping new security powers. *9 January:* General Vitalis Zvinavashe, Commander in Chief of the army, says that the military will only obey a political leader who participated in the 1970s war of independence. "We will... not accept, let alone support or salute, anyone with a different agenda," he says. The statement is significant because Mr Mugabe's only challenger in March's presidential election is Morgan Tsvangirai, who did not join the liberation movements.

January: *the Public order and Security Act (POSA)*, a repressive act that controls many democratic functions, is forced through parliament. POSA is used to ban 83 MDC rallies in the next two months.⁴⁶ No ZANU PF rallies are banned.

MAR The Presidential election in Zimbabwe took place on 9th – 11th March 2002. Most observers of the 2002 Zimbabwe presidential election process conclude that criteria for free and fair elections did not exist and that the outcome of the election cannot be said to reflect the will of the people of Zimbabwe. This conclusion is reached by the Southern African Development Community (SADC) Parliamentary Forum Observer report, the Commonwealth Observer report, the Norwegian Observer report, the African/Caribbean/Pacific – European Union Joint Parliamentarians conference in Cape Town, 19 – 21 March 2002. Switzerland, the EU, the USA, Kenya and Ghana are among other nations that have not endorsed the election process and its outcome. The notable exception in terms of observer findings, is the South African Observer report: this concluded that the election was not free and fair but that the outcome was “legitimate” in terms of Zimbabwe’s own legal system.

Zimbabwe is suspended from the Commonwealth and the EU introduces targeted sanctions, which freeze assets and forbid travel to the EU by ZANU PF leadership including politicians and military leaders.

Within two days of Mugabe’s inauguration, Mugabe has Tsvangirai and two others charged with treason.

⁴⁵ Solidarity Peace Trust, *National Youth Service: shaping youths in a truly Zimbabwean manner*, Johannesburg, Sept 2003, for full details of the youth training and activities.

⁴⁶ See Appendix Two for more on POSA.

The Access to Information and Protection of Privacy Act (AIPPA) is signed into law by the president within days of the election, and is used to arrest eleven journalists within a few weeks⁴⁷. This Act aims to control all aspects of the private media; all journalists are required to have applied to the Minister of Information for consideration to register as journalists, and all media institutions are also now required to submit to a vetting and registration process. It is also now illegal for foreign journalists to reside in Zimbabwe.

APR-JUNE

There are talks about talks, but ZANU PF who is very reluctant, pulls out when MDC lodges a formal challenge to the election outcome on 12 April, their last day to do so legally.

NGOs received reports of terrible post election retribution, including murders, torture, property destruction. Discrimination of access to rural resources is also reported, including in some instances to health, education and food.

Food is now a major crisis: the land redistribution chaos as well as a poor rainy season have left a serious food deficit and much of the country is entirely dependent on World Food Programme food. Reports of this food being politically abused are received from Binga, Filabusi and Mberengwa East.

AUG Two magistrates are assaulted in different parts of the country, one being dragged from his courtroom and stabbed by war veterans because he releases detained MDC activists from custody. A High Court judge is illegally detained for three days. The UN rapporteur on the independence of judges and lawyers, commented that, "When judges can be arrested, detained and charged on trumped up facts for exercising their judicial functions, then there is no hope for the rule of law in such countries."

The government defies a Supreme Court order to hand over a complete, electronic version of the voters' roll as used in the 2002 presidential election, which the MDC had requested as part of their appeal against the election outcome. To date, two years later, this has still not been done.

The previous trend of failure of police to arrest and prosecute perpetrators of "political" crimes continues: human rights groups report that it is not possible for victims to open cases or bring their persecutors to justice.

On 29th August, one of two independent radio stations in Zimbabwe, "Voice of the People" is destroyed in a midnight bomb explosion.

SEPT *Teaching them a lesson: A report on the attacks on Zimbabwean teachers*, ZHRNGO Forum, 23 September 2002. This documents a policy of attacks on teachers, particularly in rural schools, affecting those perceived not to support the ruling party. The 238 individually documented violations in this report include unfair dismissal, assault, torture, abduction, and the political closure of 29 schools, during an 18 month period.

SEPT ***Rural District Council Elections***: "fear of hunger and fear of assault"⁴⁸. ZANU PF is determined to control all rural councils in order to control distribution of food among other things: out of 1,397 contested seats, MDC candidates are only able to register their nominations in 646 wards nationwide. *Before a single vote had been cast, Zanu-PF has a clear majority of seats*. MDC protest that the grounds of prevention from nomination are incorrect or illegal in the vast majority of cases. War veterans besiege nomination offices making it impossible for MDC candidates to enter the offices and register; war veterans and other Zanu-PF supporters threaten prospective candidates and their supporters with violence and denial of food, causing them to withdraw candidature: some candidates are arrested in the days prior to nomination;

⁴⁷ Business Day, RSA, 17th May 2002.

⁴⁸ Zimbabwe Electoral Supervisory Network (ZESN) in its report on this election, refer to voters as dominated by these two emotions during the voting process (page 8).

last minute unpublished changes are made to ward boundaries, disqualifying prospective candidates. Some polling day violence is reported, including the abduction and severe assault of 4 named MDC polling agents in Masvingo. There are claims by MDC and by other unofficial observers that food is used to bribe voters on voting days.

OCT *Post election retribution:* In Mutasa District, “celebrating” Zanu-PF youths destroy five homesteads all belonging to MDC supporters.

In Binga, the only rural constituency to return a majority MDC rural council, the government suspends all donor food to starving school children. Officials are quoted as saying this is to punish the region for its strong MDC vote. The Catholic Church is ordered to stop its feeding, as are “Save the Children” and “Oxfam Great Britain”.

The Catholic Bishop in Hwange is successfully pressured to close the Catholic Commission for Justice and Peace (CCJP) offices in Binga; this human rights organization is accused by government of having campaigned for the opposition

OCT The Progressive Teachers Union of Zimbabwe calls for a strike and 627 teachers are dismissed. The Gen Sec is arrested and tortured in custody.

OCT *Insiza parliamentary by-election* is marred by violence and abuse of food. In mid-October, the WFP suspends food aid “until further notice” in Insiza District, citing political interference with WFP food ahead of the by-election. The WFP reports that Zanu-PF activists had seized 3 tonnes of maize being distributed by the Organisation of Rural Associations for Progress (ORAP) and had distributed it solely to Zanu-PF supporters, “in an unauthorised manner”. An MDC official is shot in a police station, in front of police, by the Zanu-PF MP-candidate, Andrew Langa. The victim and 11 MDC associates are subsequently charged with “inciting violence” against themselves, and the aggressor walks free, and is duly elected ZANU PF MP.

2003

This is a year of rumours of talks about talks, but nothing substantial is achieved in this regard by the end of the year. A further year of almost no food production ensures the country’s continued reliance on donor food. Inflation soars to 600% and by mid year there are queues for food, bank notes and fuel.

FEB The Treason Trial begins in Harare: Morgan Tsvangirai, Welshman Ncube and Vincent Gasela are accused of plotting to overthrow Mugabe ahead of the March 2002 election.

The World Cup Cricket goes ahead and Britain boycotts playing in Zimbabwe on political grounds. However, Netherlands, Australia and Bangladesh go ahead. There are organised peaceful protests in Bulawayo on match days; 80 activists are arrested and all report severe ill treatment in prison. Some cases of torture are reported. Two Zimbabwean players, Andrew Flower and Henry Olonga, play in black arm bands to mourn the death of democracy. They have to retire from cricket after this, and leave the country after threats.

14th: the EU renews smart sanctions against Zimbabwe’s political leaders.

18th: Justice Benjamin Paradza is arrested in his Chambers on charges of obstructing justice.

This is the second time in Zimbabwe’ legal history that a sitting judge has been arrested.

President Thabo Mbeki says that the Zimbabwean government has agreed that changes were needed in its media laws, which critics say are aimed at muzzling the press.

MAR 23 pastors are arrested for forming a procession to present a petition to the ZRP, protesting against police brutality.

MDC call for a National Stay Away and scores of activists are arrested. They report ill treatment and torture, and are held from 5 to 7 days.

International Women’s Day marches are banned and 21 women are arrested and others are assaulted in Bulawayo. MPs are arrested and charged with conspiring to overthrow the state.

29-30th: MDC retain their seats in by-elections in Kuwadzana and Highfields, suburbs of Harare. However, there is widespread violence against MDC supporters and MPs, by youth militia and army. Clinics in town document massive abuse against civilians.

MAY MDC Mayor of Harare is suspended by ZANU PF Minister of Local Government, Ignatius Chombo, for alleged incompetence. The Harare City Council resolves to ignore Chombo's order. Chombo interferes with MDC run city councils throughout 2003.

The ZRP issue an order under POSA, banning holding of weekly consultative meetings between the Harare City Council and rate-payers at the Town House, saying that the gatherings are inciting public disorder. This effectively prevents citizens from meeting with their councillors to discuss issues of water purification, road repair etc.

Presidents Thabo Mbeki of South Africa, Bakili Muluzi of Malawi and Olusegun Obasanjo of Nigeria urge President Mugabe and MDC leader Morgan Tsvangirai to resume dialogue to resolve Zimbabwe's deepening political and economic crisis.

The Supreme Court strikes down as unconstitutional Section 80 (1) (b) and (2) of the draconian Access to Information and Protection of Privacy Act (AIPPA). The State conceded that the section which deals with abuse of journalists' privilege is in conflict with the freedom of expression guaranteed by Section 20 (1) of the Constitution.

18th: Andrew Meldrum, an independent journalist who has lived in Zimbabwe for 20 years, is physically forced on to a plane and deported. ZRP defy a High Court order in deporting him. He is one of the last independent journalists in the country.

JUNE 2-6th: there is a second Stay Away, which becomes known as the "last push". The State mobilises army and riot police in all the city centres and squashes planned marches. However, the stay away is close to 100% successful for 5 days.

6th: Morgan Tsvangirai is arrested and charged with new treason charges for allegedly trying to remove Mugabe from power through the Stay away. Welshman Ncube, Sec Gen, is charged with treason a few days later. Tsvangirai is detained for two weeks before release.

Zimbabwe is suspended by the International Monetary Fund for failure to service its debt.

Zimbabwe is ranked by the World Economic Forum (WEF) among the worst governed and most corrupt countries in Africa only scoring better than countries such as Nigeria and Chad.

The crisis hit country is ranked 16th out of 21 African states polled and scores the lowest for the independence of the judiciary and second lowest for the neutrality of government public decisions.

AUG Urban council elections take place in 8 small urban centres for mayor and council, and in a further 13 towns for council or wards. Violence on nomination day prevents 44 MDC candidates from even registering their intention to stand, and lands 3 MDC candidates in hospital. Violence and claims of food abuse are reported, particularly in Kwekwe, but violence is generally lower than in parliamentary polls of 2003. MDC wins most city councils: MDC has mayors in 16 urban centres by the end of 2003, and wins 96 council seats to ZANU PF's 70.

SEPT The Zimbabwe Supreme Court rules that it will not hear an ANZ application on the constitutionality of the section in AIPPA relating to registration that makes it mandatory for media houses to register with the commission. The Supreme Court rules that the company should first comply with the AIPPA before its application can be heard. Armed police immediately move in on the nation's only independent daily newspaper *The Daily News*, blockading the offices, evicting staff and preventing its publication. About 20 police, some armed with AK-47 assault rifles, order *Daily News* staff to leave the premises. *The Daily News* faces one state attack after another for the rest of the year, including arrests of its journalists, its directors, and defiance of High Court Orders by the police, who are ordered to return equipment and vacate the offices. A High Court judge rules that the *Daily News* should be deemed registered by 1 November, but the government commission refuses to accept

this High Court order. While *The Daily News* manages to produce one paper in October, it effectively ceases operations. This is a massive blow to press freedom as it is the country's largest selling paper and the only independent daily.

Zimbabwe's Supreme Court rules as unconstitutional the arrest and detention of High Court judge Justice Benjamin Paradza in February 2003 for allegedly trying to obstruct the course of justice. The court rules that Paradza's arrest and detention at a police station was "unconstitutional", "unnecessary" and "unwarranted". High Court Judge Benjamin Paradza responds by suing Justice Minister Patrick Chinamasa and the Government for Z\$500,000,000 in damages suffered when he was unlawfully arrested.

- OCT The Reserve Bank introduces "bearer cheques" in denominations of Z\$5000, Z\$10000 and Z\$20000, as a cash crisis caused by rampant inflation is causing endless bank queues.
8th: Trade Union leaders are arrested during a peaceful march, and Congress of South African Trade Unions reacts, immediately condemning the arrests and demanding their release. In Bulawayo, three trade unionists are arrested and driven into the bush by police, where they are severely tortured and dumped.
26th: a civil society march results in arrests of 400, many of whom are brutally assaulted. Some are dumped in the bush afterwards.
- NOV The MDC appeal against the March 2002 election result is finally heard in the High Court. It begins 18 months after the poll, and after several appeals by MDC to have the case prioritised. MDC Lawyers charge that Mugabe was "player, referee and linesman" in the "fatally flawed" election. Basic arguments are heard without calling of witnesses and the case closes for judgement after a few days. Judgement has still not been made (March 2004).
ZCTU hold protests on 18th against high taxation. In Bulawayo, more than three thousand turn out on the streets. The demonstration is peaceful but as people are dispersing on police instruction, police assault several people.
- DEC Zimbabwe is not invited to the Commonwealth Heads of Government Meeting (CHOGM) in Nigeria. After lengthy consideration, a selected group of Commonwealth leaders decide to continue to suspend Zimbabwe, stating that there has been no improvement in the human rights situation, but Mugabe pulls Zimbabwe out of the Commonwealth on the eve of this announcement.
President Thabo Mbeki writes a letter in which he attacks CHOGM and denounces the use of human rights as a criterion for judging Zimbabwe. "It is clear that some within Zimbabwe and elsewhere in the world, including our country, are following the example set by "Reagan and his advisers", to "treat human rights as a tool" for overthrowing the government of Zimbabwe and rebuilding Zimbabwe as they wish..." states Mbeki.

2004

Zimbabwe begins 2004 with inflation at 600%, no final resolutions in the MDC election challenges, pertaining to both 2000 and 2002 elections. State violence and repression has heightened during the previous year, with POSA being used throughout 2003 to justify the cumulative arrest of thousands of Zimbabweans trying to peacefully protest against different aspects of misrule. The year begins with Zimbabwe more isolated, outside of the Commonwealth, with selected EU sanctions against its leadership being renewed, and with no sign of talks between the two political parties.

Within weeks of the new year beginning, Mugabe passes amendments to the Criminal Act that effectively give the state the right to detain without trial for up to 28 days.

APPENDIX TWO

- a.) **Public Order and Security Act – a brief look**
- b.) **Access to Information and Protection of Privacy Act – a brief look**
- c.) **Statement from ZLHR on September rulings on ANZ.**
- d.) **Presidential Powers Amendment to Criminal Act, Feb 2004.**

a.) Public Order and Security Act – effective from 23 January 2002

The following is a selective summary of those clauses most likely to threaten democracy and a free and fair election.⁴⁹

Public gatherings: in terms of sections 24 and 25, any group of people numbering *three or more*, gathered in a public place in pursuit of a common political purpose is considered a public gathering, and such gatherings have to be authorized four days in advance by the police. Any organizer who fails to seek authorization will be fined or go to jail; there is no provision for spontaneous gatherings. Police have the right to control the timing and length of such meetings, to prescribe the route to be taken to reach the meeting, and can prohibit spontaneous participation, or any people from entering any public place for such a meeting. Any appeal against a decision by the police regarding a public gathering, must be directed to the Minister of Home Affairs (the minister responsible for the police), and not to the Courts.

1. Control of meetings:

In terms of section 29, 2: the police may use all necessary force to disperse an unlawful meeting in terms of other sections, and if a person is killed by the police during dispersal, this killing shall be considered lawful.

2. Identity documents – a new “pass law”:

In terms of section 3: a police officer may at any time in a public place, ask to see your Identity Document. Under section 2, *any person who fails to produce a document on demand*, will be liable to a fine of no more than Z\$5,000 or *6 months imprisonment*. Key informants anticipate that these sections could be used to regulate and record who attends public meetings arranged by the opposition. In the context of the existing widespread violence against known oppositions supporters, this is likely to inhibit attendance at rallies.⁵⁰

3. Political campaigning against current president:

Section 16, subsection 2, b: any person who publicly makes an abusive *or* false statement that undermines the authority of the president, whether against the person or the office, has committed an offence and is liable for one year imprisonment or a fine. *This means it is possible to make a factually correct, critical statement about the president, and to be outside the law.* This law is clearly discriminatory, as it is not possible to criticize the sitting president, who is a candidate for the next presidency, but it is legal for all other candidates to be criticized.

4. “Usurping the functions of the government”:

⁴⁹ This summary is taken from Physicians for Human Rights, Denmark: *Zimbabwe 2002 The Presidential Election: 44 days to go*, 24 January, Denmark, pp 7-9.

⁵⁰ Linked to the deliberate politically motivated theft of ID documents, such as was observed during the run up to the 2002 election, this clause could severely undermine basic rights of citizens.

Section 5, subsection 2, a, II: ***any person who whether inside or outside Zimbabwe usurps the functions of the government of Zimbabwe, or supports or assists anybody doing so, shall be guilty of an offence and liable to prison for up to 20 years without option of a fine.***

While the application of this clause remains to be seen, the potential for controlling any kind of activity, particularly by NGOs engaged in delivery of services, for instance health (including to torture victims), education (including voter education), is clear. Persons or organization who meet with diplomats and discuss Zimbabwe's internal affairs could also be open to prosecution in terms of this clause.

5. Detention without bail:

Section 44 amends the criminal procedure and evidence act. A person detained under section 5, can be held for 48 hours without charge, and for 7 days with no possibility of bail; no argument for bail will be allowed. According to international experience, such a section is likely to facilitate torture in custody, as assault victims can be kept hidden until their injuries have subsided.

6. Freedom of expression - publishing of statements:

Section 21: any person whether inside or outside of Zimbabwe who makes any statement or does any act or thing whatsoever with the intention, or realizing there is the risk or possibility of engendering feelings of hostility towards the police force or exposing the police force to contempt, ridicule or disesteem, is liable to a fine of Z\$20,000 or two years in jail : Section 15 – any person who makes a statement endangering public safety, un

dermining the authority of police, prisons or army, or damaging essential services or the Zimbabwean economy, has committed an offence whether or not the publication results in the above. Such persons will be fined up to Z\$100,000 or imprisoned for up to five years. This applies even where the statement is published in good faith and there is no intention to falsify.

The act further outlaws work stay-aways and strikes, on the ground that they damage the economy. This prevents civil disobedience of any kind, and any criticism of the authorities, as such criticism could undermine tourism and hence the economy.

b.) Access to Information and Protection of Privacy Act

The sections of the AIPPA that have received most attention and faced most criticism from national and international bodies concerned with press freedom worldwide, are linked to the Media and Information Commission. Some of the powers of this commission are reproduced in full below, along with the Act's requirements for how this commission should be appointed. Comments on the implications and applications of the AIPPA to date follow.

PART VII

Media and Information Commission

- (i) to receive, evaluate for accreditation and consider applications for accreditation as a journalist; and
...
- (n) to accredit journalists; and
- (o) to monitor the mass media and raise user awareness of the mass media; and
- (p) to register mass media in Zimbabwe; and
- (q) to investigate and resolve complaints against any mass media service in terms of the provisions of this Act.

40 Appointment and composition of Media and Information Commission

- (1) The operations of the Commission shall, subject to this Act, be controlled and managed by a Board.
- (2) Subject to subsection (3), the Board shall consist of no fewer than five members and not more than seven members appointed by the Minister after consultation with the President and in accordance with any directions that the President may give him.

AIPPA gives the government total control over the media in Zimbabwe. The Media and Information Commission is appointed by the President, and not by an independent civil grouping of specialists in the field. This places the media under direct political control. The Media Commission is the only body in the country to accredit journalists, and any foreign or local journalist wishing to work in Zimbabwe has to be approved by its Board. Every media service or mass media institution also has to apply to this board for permission to operate.

The experience of AIPPA and the Media Board is that it has been effectively used to expel from the country all foreign journalists, as their accreditation has been denied by the Board. The AIPPA has also been used to close down *The Daily News*. The use of the law has been entirely selective, with government controlled papers frequently publishing slanderous and untrue stories without comment from this commission, in contrast to the scores of arrests and charges laid against independent journalists and papers.⁵¹

⁵¹ For example, in January 2004 Iden Wetherall of the *Zimbabwe Independent*, was arrested and charged under AIPPA for publishing a true story that stated that President Mugabe had commandeered a plane from Air Zimbabwe for his use, leaving commercial passengers stranded.

c.) ZIMBABWE LAWYERS FOR HUMAN RIGHTS: 17 September 2003

The following statement by Zimbabwe Lawyers for Human Rights gives a brief outline of some of the legal issues *The Daily News* has faced in the last year.

**ANZ SAGA:
FURTHER ASSAULTS ON THE RIGHTS TO FREEDOM OF EXPRESSION.
THE RIGHT TO FREEDOM OF ASSOCIATION: A FRESH CASUALTY**

Further to our preliminary statement issued on 13 September 2003 on developments relating to the Associated Newspapers of Zimbabwe (ANZ) and the forced closure of the *Daily News*, Zimbabwe Lawyers for Human Rights (ZLHR) has been monitoring the legal and human rights aspects of the crisis over the past two days and is in a position to comment on various issues.

Seizure of ANZ equipment

On 16 September 2003 around 30 members of the Zimbabwe Republic Police (ZRP) and other non-uniformed law enforcement agents under the command of Chief Superintendent Madzinga entered the premises of ANZ without a warrant and forcibly searched the offices and *Daily News* newsroom for undisclosed material. They continued barring ANZ employees and executives from entering their offices. At the same time the premises containing a printing press belonging to a separate company were sealed off by police details.

The police proceeded to arbitrarily seize equipment from the premises without the consent of the owners. This process of seizure or confiscation of property without warrant took a number of hours and remains ongoing at the time of this statement.

Vociferous suggestions from lawyers acting on behalf of the ANZ and members of ZLHR that the police conduct was unlawful and a violation of constitutional and universally recognised human rights and fundamental freedoms regrettably made no impact on the law enforcement agents.

Amongst other things, ZLHR observed with great alarm the following aspects of the conduct on the part of police:

- ❑ The search of the premises was effected without a warrant;
- ❑ The seizure of equipment and property was effected without a warrant and included material unrelated to the preferred criminal charges;
- ❑ The police did not fully cooperate with the team of lawyers who had attended the scene on the instructions of the ANZ. They in fact denied that ANZ had a constitutional right to engage as many lawyers to handle their matter as they felt were necessary, and argued that there was no need for “a battalion of lawyers” when one would suffice. This was despite the fact that the police were combing every office in different areas of the building. Eventually they were prevailed upon to allow two lawyers to remain and observe the proceedings.
- ❑ Despite undertakings to lawyers that the property would remain locked in the premises overnight, police returned to the offices after 2000 hours and unlawfully removed property without the presence of representatives from the ANZ and their legal counsel.

Delays in the hearing of the urgent court application by ANZ

ZLHR notes with alarm that despite being served with an urgent court application to prevent the removal of equipment, the police have recklessly continued with their conduct, unconcerned as to the outcome of the court proceedings. In view of the intransigence of the police, ZLHR is concerned that the case for the interdict has not been dealt with as urgently as the circumstances dictate. The urgent application was filed on 16 September 2003, and has not been dealt with at the time of this statement. It is regrettable that this seems to have become the *modus operandi* of the courts when dealing with matters involving universally recognised human rights and fundamental freedoms.

Arbitrary arrests and detentions of journalists

ZLHR has also learnt with deep concern that two journalists, Tsvangirai Mukwazhi and Paul Cadenhead, who were attempting to photograph the police action outside the ANZ offices and report on the unfolding events, were summarily arrested at around 1000 hours on 16 September 2003 and taken to Harare Central police station. Despite the deployment of a legal practitioner the two were only released after being detained and questioned for seven hours.

Arbitrary arrests and detentions of NCA leadership and members

We have also received complaints that around 120 members of the National Constitutional Assembly (NCA) including the chairman, Dr Lovemore Madhuku, were arrested by the police for exercising their right to freedom of expression and assembly in protest against the government action of summarily closing the *Daily News* and confiscating the equipment without an order of court. The attending legal practitioner has been denied access by the police to his clients. The police conduct is in violation of the Constitution of Zimbabwe and international law. Sadly, such conduct by the police has become endemic when it comes to cases involving human rights defenders.

Recommendations

We call upon the government to comply with its obligations in terms of both domestic and international law to allow the citizens of Zimbabwe to enjoy their right to freedom of expression without undue interference. In particular we demand that the government act:

1. To immediately ensure that the property of ANZ is restored to their possession until such time as the urgent court application has been finalised;
2. To ensure that the police cease their conduct of arbitrary search and seizure without warrants or court orders in matters where there is no evidence that an offence is being committed;
3. To allow citizens to freely express themselves without harassment in their quest for alternative sources of news and other information.

Further, we reiterate that the police must allow lawyers **unimpeded access** to their clients and desist from arbitrary arrest and detention of citizens of Zimbabwe, in particular human rights defenders.

ZLHR is afraid that if the government fails to address the above concerns as a matter of urgency, then there is a real danger of the country sliding into complete anarchy and lawlessness, which would in turn worsen the political and humanitarian crisis that Zimbabwe currently faces.

**d.) Statement regarding the Presidential Powers Regulations
published on 13th February 2004**

We have now had an opportunity to read the full text of the Presidential Powers Regulations and note that this is yet another example of the chicanery of the Mugabe regime. In the Government controlled press the propaganda line taken to justify these draconian and unconstitutional regulations is that they are needed to combat economic crimes such as corruption and money laundering. Indeed the “explanatory note” to the regulations establishes this subterfuge as it reads as follows:

“EXPLANATORY NOTE

(This note does not form part of the regulations, but merely explains their contents)

The amendment to the Criminal Procedure and Evidence Act effected by these regulations is intended to facilitate the investigation and prosecution of crimes affecting the economic interests of Zimbabwe, such as corruption, the laundering of the proceeds of crime, the externalisation of foreign currency (whether directly or through transfer pricing), the smuggling of gold and precious stones and the illegal export of agricultural products controlled under the Grain Marketing Act [*Chapter 18:14*].”

The regime clearly thinks they can deceive the public by sweetening the regulations with the explanation that they are designed to combat corruption. There is an understanding within the leadership of the regime that the public is so angry about the flagrant acts of corruption committed by the ZANU (PF) elite and their supporters that the public would tolerate such appalling provisions that violate fundamental constitutional rights if disguised as an attempt to combat corruption. But these regulations are nothing less than a Trojan horse which effectively usher in provisions that give the regime State of Emergency powers without actually declaring a State of Emergency.

This is so because of the effect of section 2 of the regulations as read with section 10 of the Third Schedule of the Criminal Procedure and Evidence Act. These provisions apply these regulations not only to “economic crimes” (as the propaganda would have us believe) but to none other than the Public Order and Security Act (POSA)! Section 10 of the Third Schedule reads as follows:

“Contravening section 5, 6, 7, 8, 9, 10 or 11 of the Public Order and Security Act [*Chapter 11:17*].”

Section 5 of POSA is the provision used to detain most of the MDC leadership over the last year and indeed today in Bulawayo several MDC members are in court facing spurious allegations of contravening this section which reads:

“5 Subverting constitutional government

(1) In this section-

'coercing' means constraining, compelling or restraining by-

(a) physical force or violence or, if accompanied by physical force or violence or the threat thereof, boycott, civil disobedience or resistance to any law, whether such resistance is active or passive; or

(b) threats to apply or employ any of the means described in paragraph (a);

'unconstitutional means' means any process which is not a process provided for in the Constitution and the law.

(2) Any person who, whether inside or outside Zimbabwe-

(a) organises or sets up or advocates, urges or suggests the organisation or setting up of, any group or body with a view to that group or body-

(i) overthrowing or attempting to overthrow the Government by unconstitutional means; or

(ii) taking over or attempting to take over Government by unconstitutional means or usurping the functions of the Government; or
(iii) coercing or attempting to coerce the Government;
or
(b) supports or assists any group or body in doing or attempting to do any of the things described in subparagraphs (i), (ii) or (iii) of paragraph (a);
shall be guilty of an offence and liable to imprisonment for a period not exceeding twenty years without the option of a fine.”

The intention of the regime is clear. They understand that the region and South Africa cannot afford a declaration of a State of Emergency, which the regime desperately needs to facilitate detention-without-trial-provisions last used by the Smith regime and the Mugabe regime during the Gukurahundi period. So now under the guise of combating corruption the regime has introduced 30 day detention provisions which will undoubtedly be used preventatively, and/or punitively, to detain those who promote peaceful and non violent methods of civil disobedience. Furthermore given this regime’s predilection for torturing its opponents whilst they are in police custody there is equally no doubt that these provisions will be used to torture opponents more effectively and, more importantly, to prevent those tortured from receiving timeous medical attention.

All of this begs the question – what does the application of these Presidential Powers Regulations to section 5 of POSA have to do with “prosecuting crimes affecting the economic interests of Zimbabwe such as corruption”? Of course it has nothing whatsoever to do with combating corruption. The irony is that these regulations will be used against the very people who are protesting against corruption which is now endemic within the regime.

This appears to be yet another fruit of “quiet diplomacy”.

David Coltart MP
Secretary for Legal Affairs
MDC
17th February 2004

APPENDIX THREE

Bibliography: international

Amnesty International: AI has continued to produce regular statements and Urgent Actions, expressing their deep concern about the continued abuse of human rights in Zimbabwe, and the repression of human rights activists and civil society.

Amnesty International (AI), Zimbabwe: Political violence intensifies ahead of September local elections, 8 August 2002. AI, Zimbabwe: government authorities intensify their campaign to silence dissent, 2 September 2002. AI, Zimbabwe: orchestrated campaign targeting opposition intensifies in the run up to local elections, 11 September 2002. AI, Zimbabwe: violence mars rural district council elections, 1 October 2002. AI, Zimbabwe: Appeal to President Mbeki on African Day of Human and Peoples' Rights, 21 October 2002. AI, Zimbabwe: Government steps up harassment of human rights defenders, 16 November 2002. AI, Appeal Release: AFR 46/013/2002, Appeal to the Commonwealth Heads of Government meeting, Coolom, Australia (1 March 2002). AI, Appeal Release: AFR 46/017/2003, Rights Under Siege: Torture in police custody of opposition M.P. Job Sikhala (1 May 2003). AI, Press Release: AFR 46/001/2003, Latest wave of arrests and torture signal bleak future (24 January 2003). AI, Press Release: AFR 46/046/2002, Local elections marred by state-sponsored violence (1 October 2002). AI, Press Release: AFR 46/042/2002, Orchestrated campaign targeting opposition intensifies in run up to local elections (11 September 2002). AI, Report: AFR 46/005/2002, The Unfair Prosecution of MPs Fletcher Dulinzi Ncube, Moses Mzila Ndlovu and Sixteen others (January 2002). AI: AFR 46/14/2000, Terror tactics in the run-up to parliamentary elections (8 June 2000). AI, Urgent Action: AFR 46/038/2002 (8 August 2002). AI, Urgent Action: AFR 46/006/2003 (11 March 2003).

International Crisis Group: *Zimbabwe: the politics of national liberation and internal division.* 17 October 2002, Harare and Brussels

International Rehabilitation Council for Torture Survivors (IRCT): this is an independent, international health professional organization, which promotes and supports the rehabilitation of torture victims and works for the prevention of torture worldwide. They have produced their objective findings in two reports, in May 2000 and in June 2001.

Lawyers Committee for Human Rights, New York, *Independent lawyers and judges targeted in Zimbabwe*, statement 22 August 2002.

Physicians for Human Rights, Denmark. *The Presidential Election: 44 days to go*, January 2002, Johannesburg; *We'll Make Them Run*, May 2002, Copenhagen; *Vote Zanu-PF or Starve*, November 2002, Johannesburg.

Rehabilitation and Research Centre for Torture Victims: an independent international organization based in Denmark, with 17 years' experience in treatment of torture survivors. In February 2001, they released a report on election violence linked to a by-election in Zimbabwe in January 2001.

“Report of the Commonwealth Observer Group on the Parliamentary Elections in Zimbabwe, 2000,” General Abdulsalami Abubakar, Chairperson.

International Legal Materials

African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987.

The International Covenant on Civil and Political Rights, (1966), 999 U.N.T.S. 171.

International Covenant on Economic, Social and Cultural Rights, (1966) 993 U.N.T.S. 3.

Books

M. Meredith, *Our Votes, Our Guns: Robert Mugabe and the Tragedy of Zimbabwe* (New York: Public Affairs, 2002).

H. Kindred, ed., *International Law*, 5th ed. (Toronto: Emond Montgomery Publications Limited, 1993).

Articles, Press Releases, and Letters

A. Meldrum, "Mugabe to run food aid distribution" *The Guardian* (20 August 2003), on-line: www.guardian.co.uk/international/story/0,3604,1021918,00.html.

B. Peta, "Mugabe orders aid agencies to surrender food" *The Independent* (20 August 2003), on-line: www.news.independent.co.uk/world/africa/story.jsp?story=435382.

C. Mavhunga, "Court throws out treason charges against Sikhala" *The Daily News* (6 February 2003) 3.

Letter of A. Bhebhe to Inter-Parliamentary Union, Geneva, Switzerland (undated).

"M.P. says he was brutally assaulted by riot police" *The Daily News* (19 March 2003).

Z. Chengetai, "M.P. beaten up as poll begins" *The Daily News on Sunday* (31 August 2003) 1.

"Zimbabwe closes UN food offices" *BBC On-line* (5 September 2003)
www.news.bbc.co.uk/2/hi/business/3083698.stm.

Internet Web Sites

Amnesty International - www.web.amnesty.org/library/eng-zwe/index.

BBC - www.news.bbc.co.uk/1/hi/world/africa/county_profiles/1064589.stm.

Human Rights Watch - www.hrw.org/doc?t=africa&c=zimbab.

United Nations High Commissioner for Human Rights – www.unhchr.ch.

University of Minnesota Human Rights Library – www.unm.edu/humanrts.

Yahoo News - www.ca.fullcoverage.yahoo.com/fc/Canada/Zimbabwe.

Zimbabwe News - www.zwnews.com.

Bibliography: Zimbabwe

The Legal Resources Foundation, The Catholic Commission for Justice and Peace in Zimbabwe, "Breaking the Silence, Building True Peace: A Report on the Disturbances in Matabeleland and the Midlands 1980 to 1988," (Harare, Zimbabwe, February 1997, reprinted October 2001).

The Solidarity Peace Trust, "National youth service training – 'shaping youths in a truly Zimbabwean manner:' An overview of youth militia training and activities in Zimbabwe, October 2000 – August 2003," September 5, 2003.

Zimbabwe Elections Support Network, 2000 Parliamentary Report: Rural District Council September 2002 Report on Local Authority Elections.

Zimbabwe Human Rights NGO Forum, "Who is responsible? A preliminary analysis of pre-election violence in Zimbabwe," July, 2001.

Zimbabwe Human Rights NGO Forum, "Are They Accountable?". An analysis of violence linked to the Presidential election in Zimbabwe, July 2002.

Zimbabwe Human Rights NGO Forum: Violence monitoring: a forum of Zimbabwean, Harare-based NGOs that have monitored the violence systematically and have produced systematic reports on abuses in the country.



Funeral of Trymore Midzi, campaign manager for Elliot Pfebve. Murdered by ZANU PF youth militia in January 2002.