

The Hard Road to Reform



*Zimbabwe lawyers fail to gain access to their clients, accused of treason:
Harare High Court, February 2011.*

SOLIDARITY PEACE TRUST

JOHANNESBURG

13 APRIL 2011

“The story of Zimbabwe sanctions has its roots firmly on the West’s selfish desire to deny Zimbabweans the right to be in charge of their economy and destiny. It is about making sure that we are not in control of our own resources, particularly land. It is about making us continue to wallow in colonialism-induced poverty. It is about blocking people’s empowerment so that whites remain in charge, remotely controlling our economy.”¹

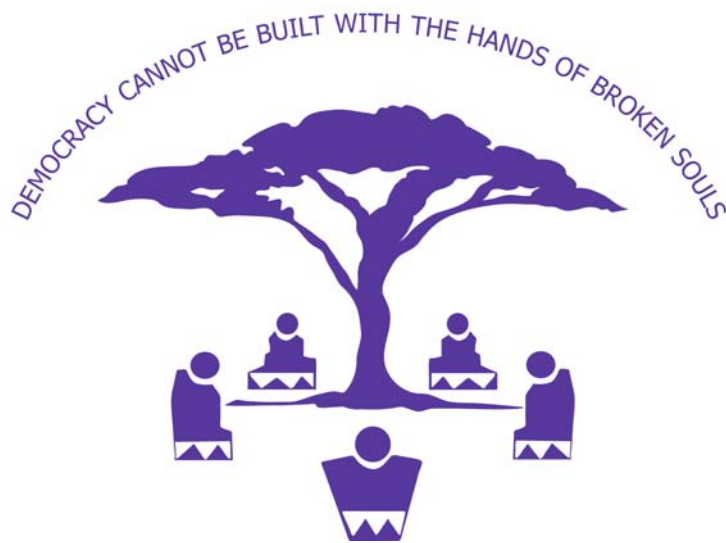
“What the two MDC formations did on Tuesday is what they should have done in the 2008 harmonised elections, and should do in future polls if they are sincere in their struggle to dump Zanu PF in the dustbin of history.....Tsvangirai and Ncube should subordinate their personal differences and agendas and fight from the same corner against Mugabe’s tyranny. Tsvangirai has a clear obligation to accommodate and create a working relationship not only with the smaller formation of the MDC, but should reach out to their political parties and leaders like Makoni along with civic society.”²

“Zimbabwe cannot be expected to accept an intrusive SADC team of so-called officials funded by regime change donors to come and work in our country to plot the so-called electoral roadmap with a view to ensuring that the forthcoming general election is decidedly organized in a manner that ensures regime change with President Zuma’s endorsement simply because he has been used to make the ridiculous proposal. We will not allow that to happen. Never ever!”³

¹ Zanu PF, ‘Sanctions are Real: They are not Targeted.’ March 2011.

² Editors Memo: Alliance key to dislodging Zanu PF. www.theindependent.co.zw/comment/30470-alliance-key-to-dislodging-zanu-pf.ht.. Accessed on 04/04/2011.

³ Jonathan Moyo, ‘Unmasking SADC Troika circus in Zambia.’ [www.zimpapers.co.zw/index.php?view=article&catid=39%3Aopinion&id=2629%](http://www.zimpapers.co.zw/index.php?view=article&catid=39%3Aopinion&id=2629%3A) Accessed on 04/04/2011.



THE SOLIDARITY PEACE TRUST

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The objectives of the Trust are:

To assist individuals, organisations, churches and affiliated organisations in southern Africa, to build solidarity in the pursuit of justice, peace and social equality and equity in Zimbabwe. It shall be the special concern of the Trust to assist victims of human rights abuses in their efforts to correct and end their situation of oppression.

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CONTENTS

I. The Hard Road to Reform:	6
1. Introduction	6
2. The Ambiguities of the GPA	6
3. The MDCs and the GPA	15
4. SADC and the GPA	17
5. Conclusion and way forward	19
II. Human Rights Violations in Zimbabwe: 1 January to 31 March 2011	23
A. Closing of democratic space: fear of a revolution	23
1. ZANU PF -> the revolutionaries (and double standards)	23
2. Treason charges	26
3. Arbitrary arrests	28
4. Harassment of civil society organizations	29
5. Social media and censorship of expression	30
6. Increased levels of surveillance and informers	31
7. Conclusion	32
B. Political Violence	32
1. Distribution of the violence	32
2. Gender and age of victims	34
3. Prevalence and intensity of the violence	34
4. Contexts of the violence: Harare	35
i. Mbare, Epworth and Warren Park	35
ii. Targeting of party and civics regalia	39
iii. Maize slashing protests	39
iv. Protests against foreign businesses	39
v. Treason trialists	39
vi. Banning of rallies, meetings and marches	40
5. Violence in other areas	40
6. Perpetrators	41
i. MDC as perpetrators	42
7. Type of physical offences reported	43
8. Medical findings	44
9. Conclusion	46
C. Violations of the rights of the Dead	47
1. Mount Darwin exhumations	47
2. Attack on mourners at a memorial service, Harare, 6 April 2011	49
3. Minimal scientific standards for exhumation and analysis of human remains	49

Graphs

<i>Graph 1: Towns /districts with confirmed victims of political violence: 1 Jan to 31 March 2011</i>	33
<i>Graph 2: Numbers of cases represented by month: January to March 2011.</i>	34
<i>Graph 3: Cases by perpetrator, January to March 2011</i>	41
<i>Graph 4: Showing perpetrators by general grouping: January to March 2011</i>	42
<i>Graph 5: Types of physical offences reported by victims: January to March 2011</i>	44
<i>Graph 6: Medical findings corroborating reports of victims: January to March 2011</i>	45
<i>Graph 7: Degree of severity of medical injuries as assessed by doctors: Cases Jan to March 2011</i>	45

Photographs

<i>Cover photo: Zimbabwe lawyers fail to gain access to their clients, accused of treason: Harare High Court, February 2011.</i>	
<i>Photo 1: People in rural Matabeleland pray at the beginning of a COPAC meeting, July 2010</i>	9
<i>Photo 2: The three COPAC chairmen share a joke.</i>	9
<i>Photo 3: People displaced by political violence from Mbare during February 2011</i>	22
<i>Photo 4: Gwisai and 45 others being brought to court under tight security: February 2011</i>	27
<i>Photo 5: Gwisai and five others are taken to court after being charged with treason</i>	27
<i>Photos 6 and 7: Displaced victims of political violence, Mbare, February 2011</i>	38
<i>Photo 8: ZANU Youth in commandeered vehicles, downtown Harare, February 2011</i>	39
<i>Photos 9 and 10: Skeletons exhumed in Matabeleland in the 1990s, show expert forensic work.</i>	51
<i>Photo 11: Mount Darwin exhumation, March 2011.</i>	51
<i>Back cover: Launch of ZANU PF Anti-Sanctions Campaign, Harare, 2 March 2011</i>	

ABBREVIATIONS

AU	African Union
CIO	Central Intelligence Organisation
COPAC	Constitutional Parliamentary Committee
GPA	Global Political Agreement
JOMIC	Joint Monitoring and Implementation Committee
MDC	Movement for Democratic Change (President Welshman Ncube)
MDC-T	Movement for Democratic Change (President Morgan Tsvangirai)
MLF	Mthwakazi Liberation Front
MP	Member of Parliament
NGO	Non- Governmental Organisation
PISI	Police Internal Security Intelligence Unit
SADC	Southern African Development Community
WOZA	Women of Zimbabwe Arise
ZANLA	Zimbabwe African National Liberation Army (armed wing of ZANU)
ZANU PF	Zimbabwe African National Union – Patriotic Front
ZAPU	Zimbabwe African Peoples Union
ZCTU	Zimbabwe Congress of Trade Unions
ZIPRA	Zimbabwe Peoples Revolutionary Army (armed wing of ZAPU)
ZLHR	Zimbabwe Lawyers for Human Rights

I. The Hard Road to Reform

1. Introduction

Since the signing and initiation of the Global Political Agreement in Zimbabwe in September 2008 and February 2009 respectively, the politics of the country has been convulsed with a recurring set of problems even as it has allowed for a certain political and economic stabilization. The agreement, with its attendant Inclusive Government, was set up to establish the conditions for a free and fair election. However it was always clear that, in a more determinate sense, it would provide the site for intense struggles over the state between the contending parties, with Zanu PF always in an advantageous position because of its control of the coercive arms of the state. It is thus not surprising that the Mugabe regime has used its control of the police, security and military sectors to contain the constrained promise of the GPA to open up democratic spaces. It is also clear that both MDCs have made strategic mistakes that have added to the already difficult challenges that confronted them at the outset of the process. Moreover the problems of the GPA have, on occasion, been compounded by the different roles of SADC and the West.

In recent months the Zimbabwean crisis has been somewhat overshadowed by the uprisings in North Africa and the Middle East, as well as the violence that has broken out over the contested election in the Ivory Coast. Both events, but particularly the developments in North Africa, have predictably forced comparisons with the Zimbabwe situation. This has often lead to over-optimistic hopes for an 'Egypt moment' in Zimbabwe, that are based less on a concrete analysis of the conditions in the country, than a desperate yearning that Zimbabwe's authoritarian state face such a reckoning. The complex politics of the GPA in the context of the particularities of Zimbabwe's history make any simple comparisons with North Africa difficult to sustain. This report thus sets out to think through the politics of the last two years in Zimbabwe, setting out the challenges that have had to be confronted, but also noting the opportunities it has provided, and the possibilities for the near future.

2. The Ambiguities of the GPA

There is no shortage of preliminary analyses of the GPA that provide details of its failures and deadlocks around all the key articles of the agreement. Whether on the constitutional process, electoral reforms, the legislative reform agenda, the media, national healing, sanctions or the constitutional commissions, it is clear that Zanu PF has continually blocked serious reform measures through its monopoly hold over the instruments of force. It has also done this through a combination of simply ignoring those areas of the GPA it found inconvenient, and manipulating

the ambiguities of the agreement, for the most part under the nose of the SADC facilitator.⁴ In recent months MDC-T ministers have been arrested and harassed on spurious charges while the capacity of both MDCs to conduct their party campaigns has been undermined by state interventions.⁵ In addition civic leaders and human rights defenders have also been subject to state harassment. Overall attempts to deal with the outstanding issues of the GPA have been 'negligible.'⁶ Under these circumstances Morgan Tsvangirai has expressed frustration at Mugabe's unwillingness, or inability to stop the continued, though admittedly lower levels of violence, against his membership. In exasperation he has noted the 'increasing polarization' within the government 'as the starkly conflicting visions of the main political parties lead to delay, deadlock or dispute over even the simplest of policies or reforms,'⁷ concluding that there is a 'third force within the government, which acts with impunity.'⁸

The response of the Mugabe regime to the GPA is based on the fact that it draws its legitimacy, less from a representative and democratic state than from its legacy in the liberation struggle. The party's conception of sovereignty is thus based on its self perception as a revolutionary vanguard party that embodies the general will of the people of Zimbabwe, not through elections but because of blood spilled under its auspices during the war of liberation. This makes it extremely difficult for Zanu PF to formulate its conception of sovereignty in a settled fashion, through more stable functioning state institutions, because it views itself as a privileged minority that persistently distinguishes itself from the rest of the citizenry through a state that it regards as a party state. Moreover while it controls this state it also regards itself as above any structures of accountability within it, and within this view there is no substantive place for stable representative institutions.⁹ In the last decade Zanu PF has consistently undermined and weakened functioning state structures. It is within this context that Mugabe himself can persistently be seen to be above 'normal' political accountability, as witnessed in a comment by Defense Minister Emmerson Mnangawa in March 2011: "Mugabe will continue to rule this country. Nobody will stop him, even if the GPA collapses he will continue ruling. Zimbabweans

⁴ Zimbabwe Lawyers for Human Rights, 'ZLHR's Position on Key Political Processes and Imperatives'. Press Statement, Harare, 20 January 2011; Derek Martyszak and Tony Reeler, 'Articles of Faith: Assessing Zimbabwe's "GPA" as a mechanism for change: A Legal Perspective.' RAU, Harare, May 2011.

⁵ Moses Matenga, 'Police crush MDC rally.' NewsDay, 21st March 2011

⁶ Veritas, 'Inclusive Government still failing to Implement 24 Agreed Points.' 2nd Feb. 2011.

⁷ Morgan Tsvanigirai, 'Adress by the Prime Minister Tsvangirai to the New Zimbabwe Lecture Series', Harare, 15th Feb. 2011. www.newzimbabwe.com/news/printVersion.aspx?newsid=4487 Accessed on 17/02/11.

⁸ Guthrie Munyuki, 'Bob losing grip, says Tsvangirai.' www.dailynews.co.zw/news/34-news/1947-bob-losing-grip-says-tsvangirai.html Accessed on 29.03/11.

⁹ Charles Taylor, **Modern Social Imaginaries**, Duke University Press, Durham and London, 2007.

you are actually lucky to have a brave man like him.”¹⁰ It is also the reason that the Police Commissioner Chihuri, can state: “This country came through blood and the barrel of the gun and it can never be re-colonised through a simple pen which costs as little as 5c.”¹¹ Zimbabwe post colonial history, particularly since 2000, is replete with such declarations.

With the Zanu PF elite having spread its tentacles in several key areas in the economy such as the land and the diamonds, the party must nevertheless continually confront the disparities between its elite and the growing number of the poor in the country. This it has done, since 2000 in particular, through a combination of coercion and a repertoire of election mobilization strategies relating to various aspects of the liberation struggle. In 2000, faced with the prospect of losing state power, Zanu PF mounted the ‘Third Chimurenga’ around the land question, with the momentous effects that these events have had, while in 2011 the election campaign has been constructed around the sanctions issue and the indigenization of the economy, the ‘Last Chimurenga’, about which more will be said below.

One of the problems with the many commentaries of the GPA that have been written by the civic groups, is that they have overlooked or underestimated the fact that the agreement, notwithstanding its multiple problems, has provided certain parameters of accountability for Zanu PF. This has taken various forms that have had different levels of effectiveness. In cabinet and parliament, Zanu PF have had to deal with serious contestations over their interventions, that have then provided markers of the ways in which the Mugabe regime has obstructed the full implementation of the GPA. Even in the Joint Monitoring and Implementation Committee (JOMIC), which has been heavily criticised for its ineffectiveness, the operations of this body have served as an ongoing negotiation forum for the parties to the GPA, ‘operating by way of a “continuing dialogue” between the parties.’¹² In the constitutional process which has seen many delays, logistical and funding challenges, the arrest of the co-chair of COPAC MDC-T MP Douglas Mwonzora, and varying levels of intimidation, the outreach programme has nevertheless provided an important means for Zimbabweans to air some of their views on constitutional reform. A report by Freedom House and the Mass Public Opinion Institute published in March 2011 observed on the COPAC process:

¹⁰ Pindai Dube, ‘Mugabe will rule Zimbabwe forever: Mnangagwa.’ Daily News, 25 March 2011.

¹¹ The Editor, ‘Through the barrel of a gun.’ www.thezimbabwean.co.uk/index.php?view=article&catid=64&id=35906%3Ath Accessed on 12/03/11.

¹² Joram Nyathi, ‘Jomic: misplaced expectations.’ www.newzimbabwe.com/blog/?p=725&print=1 Accessed on 30/10/09.



Photo 1: People in rural Matabeleland pray at the beginning of a COPAC meeting: July 2010.



Photo 2: The three COPAC chairmen share a joke

“Despite the expectations that the COPAC process would be violent, due to the contested nature of a new constitution and politicization of the process, the survey trend was one of relative contentment with the process, and observations that violence only played a small role in it. This was the case in both rural and urban areas, and across the provinces. Harare province reported the highest incidence of violence in the COPAC process...”¹³

¹³ Freedom House/MPOI, “Changing Perceptions in Zimbabwe-Nationwide Survey of the Political Climate in Zimbabwe November 2010-January 2011.” Harare, 4 March 2011, p42.

In the economic sphere the MDC-T has demanded more accountability over missing diamond revenues amounting to some US\$300 million, and an audit of public sector employees.¹⁴ Moreover in his budgetary interventions since 2009 the MDC-T Minister of Finance Tendai Biti has moved away from Zanu PF's populist approach, towards greater accountability of internal factors in causing the economic meltdown in the country, even though some blame continues to be placed on exogenous factors such as drought and sanctions.¹⁵

Thus in all these areas the Mugabe regime has had to face greater accountability, a condition it is unaccustomed to. It was therefore predictable that Zanu PF, always uncomfortable in more stable structures of accountability, would start pushing for the end of the GPA, in order to attempt to end even the limited power sharing arrangements of the GPA. Additionally there are additional factors that may have propelled this strategy. Firstly Mugabe's age and health have become a serious concern for the Zanu PF hardliners, who would prefer Mugabe at the helm of any election campaign in the near future, because of the continued succession battles in the party. Secondly Zanu PF is feeling stronger than it did in 2008 and perceives that the MDCs have been weakened over the last two years. The Freedom House/MPOI opinion poll published 2011 indicated that there may be some substance to this claim, with MDC-T suffering a drop in support from 55% in 2009 to 38% in 2010, while Zanu PF support appears to have increased by 5% over the same period from 12-17%. The poll does note however that a substantial 42% of respondents chose not to declare their vote preference, and that it 'remains possible that the MDC-T retains substantial levels of hidden support.'¹⁶ Thirdly, at least until the SADC Troika summit in Zambia in March 2011, Zanu PF felt confident of the solidarity support of the regional body, particularly around the sanctions issue. Moreover with the AU preoccupied with events in the Ivory Coast and North Africa, Zimbabwe had become a less contentious issue for the continental body.

Given this position Zanu PF intensified its obstructive behavior with regard to the GPA from 2010 with Mugabe giving notice in October 2010 that he was reluctant for the Inclusive Government to go beyond the two year mark in February 2010 because of what he claimed were the 'absolutely foolish and stupid' things happening in the Inclusive Government.¹⁷ Thereafter and quite arbitrarily Mugabe made claims that the Inclusive Government must end in February 2011. In his words:

¹⁴ Dumisani Muleya, 'Biti wants to meet Mpofu over diamond revenues.' Zimbabwe Independent, 4th March 2011.

¹⁵ Godfrey Kanyenze (Ed), *Beyond the Enclave Economy*. (Forthcoming 2011) Weaver Press/Ledriz.

¹⁶ Freedom House op cit p6.

¹⁷ 'Mugabe calls for end of unity government.' www.zimonline.co.za/Article.aspx/Articled=6395 Accessed on 19/10/2010.

The constitution-making process has to be accelerated because the life of this creature is only two years.....The Inclusive government was not meant to be a permanent establishment and if there is no consensus or political agreement to come up with a new constitution, I have the constitutional right to dissolve parliament and call for elections.¹⁸

Zanu PF strategist Jonathan Moyo set out the party's position around this:

The one compelling and irrefutable reason why a general election must be held as soon as possible this year is that our country does not have a fully representative and properly functioning government, not only because the GPA has failed to produce a requisite government due to the fact that the political parties that signed it cannot mix oil and water, but also because there's no party in the House of Assembly with at least 105 seats out of 201 necessary to command the mandate to properly govern in the national interest on behalf of the masses.¹⁹

From the preceding discussion it could be inferred that Zanu PF's strategy is thus to push for an early election, while Mugabe is still alive, and to aim for at least 10-15 more seats that would give the party a majority in Parliament. Zanu PF may feel that through a combination of fear, their own support base and a decline in MDC-T support they could achieve this, while maintaining the presence of the MDC-T in parliament as a junior partner, with whom it no longer had to share some of its power.

At Zanu PF's National Conference held between 15-19th December 2010 in Mutare, the party set out a number of resolutions that would lay the groundwork for its election campaign. These included:

- ...that at the expiry of the term of the global political agreement with two MDC formations...the country must hold harmonized elections without fail.
- Unanimously endorses....R.G. Mugabe as the Party's state presidential candidate in the 2011 harmonised elections.
- Urges the party and government to ensure that funds are made available to COPAC in order to complete the constitution making process.
- Directs the party to call upon government to enforce the law of treason against any individual, corporate body or entity which calls for the imposition of sanctions...

¹⁸ Faith Zaba abd Dumisani Muleya, 'Mugabe in a GNU tight corner.' www.theindependent.co.zw/local29905-mugabe-in-gnu-tight-corner.html= Accessed on 14/02/2011.

¹⁹ Jonathan Moyo, 'Elections inevitable this year.' www.newzimbabwe.com/news/printVersion.aspx?newsID=4424 Accessed on 08/02/2011.

- Directs the party and government to ensure that NGOs being used for regime change and deviating from their mandate by interfering in Zimbabwe's internal affairs should be registered.
- Urges the party to launch, without delay, a worldwide anti-sanctions campaign agitating for the immediate and unconditional lifting of the illegal sanctions imposed against the country.
- Resolves that the party, through government, accelerates and broadens the indigenization and empowerment programmes and that sufficient resources are provided for the purpose.

In early 2011 Zanu PF set about putting its resolutions into action. Against the background of the wave of uprisings in North Africa, Zanu PF preemptively organized its own 'popular' demonstrations in Harare with Zanu PF supporters carrying banners reading 'No to foreigners controlling our economy' and 'Foreigners, sanctions have destroyed our economy so we want to control our wealth.' The demonstrations were violent and destructive causing enormous damage to property at the Gulf shopping mall in the city.²⁰ They were also carried out on the eve of the EU meeting to review the targeted measures against key Zanu PF figures, almost in an attempt to ensure that measures were not removed as the sanctions issue was a key message in the Zanu PF election campaign.

Moreover Zanu PF began a clampdown on any attempts to organize Egypt style demonstrations. In February 45 civic activists were arrested while watching a video and having discussions on the events in North Africa, and charged with treason for plotting to overthrow a constitutionally elected government.²¹ Zanu PF's Defense Minister Mnangagwa warned activists: "Those who may want to emulate what happened in Egypt and Tunisia will regret. Everybody is warned to keep the peace in the country. The police are told that wherever violence rears its ugly head it should be crushed."²² Additionally MDC-T leader Tsvangirai was threatened with arrest for supporting the demonstrators in North Africa. In an interview with Fox News Tsavanigrai stated that, "To me when people take their rights and start demanding more rights, there is nothing

²⁰ Tichaona Sibanda, 'Harare descends into chaos as Zanu PF militia loots.' www.swradioafrica.com/news070211/hararedescends070211.htm Accessed on 08/02/2011. See also Section II of the current report.

²¹ Lance Guma, 'Gwisai and 45 activists charged with treason.' www.swradioafrica.com/news230211/gwisai230211.htm Accessed on 24/02/2011.

²² 'Demonstrations in Zimbabwe will be crushed'. www.radiovop.com/national-news/5463-demonstrations-in-zimbabwe-will be crushed Accessed on 07/02/2011.

wrong with that including in Zimbabwe. That was the whole purpose of our struggle for the last 10 years.”²³

It was around the combined sanctions and indigenization campaign however that Zanu PF placed enormous energy. In early March 2011 Zanu PF launched its National Anti-Sanctions Campaign seeking to gather two million signatures from Zimbabweans opposed to sanctions. Amongst the many charges that the campaign made against sanctions were:

- Sanctions are an attack on ALL ZIMBABWEANS.
- Sanctions are a challenge to our National sovereignty.
- Sanctions are a RACIST ATTACK on an African people.
- Sanctions are a tool for REGIME CHANGE.²⁴

In taking this message forward, Zanu PF tied this strategy to its indigenization strategy of ensuring that foreign businesses with an asset base of more than US\$500,000 submit plans to localize at least a 51% share of their holdings. The indigenization debate began in earnest in the mid 1990s during the economic liberalization policy phase in the country, when emerging business people formed organizations like the Indigenous Business Development Centre (IBDC) and the Affirmative Action Group (AAG) to lobby the state for cheaper credit in order to be able to enter the private sector on more competitive terms. These groups had close links with the state and their ideas grew in influence in the late 1990's, with their programme largely being overtaken by the land seizures of the 2000's.²⁵ As the land programme declined in resonance after the late 2000's a new mobilization strategy developed around the sanctions/indigenization coupling. In the words of a pamphlet given out during the launch of the Anti-Sanctions Campaign:

The story of Zimbabwe sanctions has its roots firmly on the West's selfish desire to deny Zimbabweans the right to be in charge of their economy and destiny. It is about making sure that we are not in control of our own resources, particularly land. It is about making us continue to wallow in colonialism-induced poverty. It is about blocking people's empowerment so that whites remain in charge, remotely controlling our economy.²⁶

²³ 'Tsvangirai warns of uprising.' www.thestandard.co.zw/local/28221-tsvangirai-warns-of-uprising-html?tmpl=co
Accessed on 31/01/2011.

²⁴ Government of Zimbabwe, 'Ten Strong Reasons why you must sign against illegal sanctions.' Sunday Mail, 27th March 2011.

²⁵ Brian Raftopoulos and Daniel Compagnon, 'Indigenisation and Neo-Authoritarian Politics in Zimbabwe.' In Staffan Darnoff and Liisa Laakso (Eds), *Twenty Years of Politics in Zimbabwe*, Pargrave, London, 2003.

²⁶ Zanu PF, 'Sanctions are Real: They are not Targeted.' March 2011.

Jonathan Moyo continued the messaging by arguing that the battle against the 'regime change sanctions' strategy is the latest in a series of historic ant-colonial struggles to 'reclaim' the rights of the 'indigenous people' of Zimbabwe. Thus the battles against the colonial regime were followed by land struggles of the post 2000 period, culminating in the fight to impose majority indigenous control over the entire economy. Key to this struggle, cast in a Fukuyama style 'end of history' gambit, is the intention to mobilize the youth as the key beneficiary of the process:

In the same way that the armed struggle in the Second Chimurenga was necessary to fulfill the objectives of the First Chimurenga against colonialism, the transformation of the ownership of the majority equity in our country through indigenization is necessary as an expression of the Last Chimurenga to complement the economic gains of the Third Chimurenga against neo-colonialism.....

The..key factor of the Last Chimurenga is that its demographic content is defined by young Zimbabweans, most of them in their teens, twenties and thirties and others in their forties who are not only in the trenches of the struggle for economic empowerment through indigenization but also who, along with their offspring, are the main beneficiaries of that struggle.²⁷

It is a symptom of the major political challenges that currently confront Zanu PF, that one of its key strategists has begun to talk about the 'Last Chimurenga', as though the struggle for indigenization, any more than the land struggles, can reach some kind of finality. Perry Anderson has written that 'they who speak of the end of history do not escape it'²⁸ and it is clear that in the complex struggles of history these and other issues will continue to be fought over, defined and redefined and will not be cut short by the crude messaging of a party hack. This symptom became even more apparent after Zanu PF war veterans 'located' a mass grave in the Mount Darwin area in Mashonaland Central, and attempted to use it to add grist to its anti-colonial indigenization campaign. In the words of the Zanu PF Minister of Empowerment, Saviour Kasukuwere, "After taking our resources, they had the audacity to throw our people in mine shafts. It's an insult. We need to understand that the white people are not here for charity."²⁹ The local outcry against the way the remains of the dead were treated by Zanu PF soon lowered the tempo of this campaign, fraught as it was with uncovering different layers of historical culpability that could well have included the Mugabe regime itself.³⁰

²⁷ Jonathan Moyo, 'Indigenisation: The Last Chimurenga.'

www.zimpapers.co.zw/index.php?view=article&catid=39%3Aopinion&id=2347 Accessed on 14/03/2011.

²⁸ Perry Anderson, *A Zone of Engagement*, Verso, London-New York, 1992.

²⁹ Jason Moyo, 'Mass grave becomes Zim election fodder'. Mail and Guardian 25-31 March 2011.

³⁰ Shari Eppel, 'The Silencing of the Bones.' SPT-Zimbabwe Update, No.2. March 2011.

3. The MDCs and the GPA

Over the period of the GPA the MDCs and the civic movement have faced major challenges. Looking firstly at the MDCs, both faced problems of capacity on entering the Inclusive Government, having for the most part, had no experience of utilizing the structures of the state. The task of deploying suitable individuals, particularly in the case of the MDC-T which had to deal with more appointments, proved difficult and placed the parties on a very steep learning curve against an adversary that had become adept at manipulating and undermining the instruments of the state. This was particularly difficult because of the lack of an alternative military power base, and the problems of the GPA document itself. In coming to terms with some very limited measure of state power both MDCs had also to deal with simultaneously putting in place strategies to strengthen their own party structures, a task that had always proved difficult in the face of a combination of constant past state repression and internal disunity both before and after the 2005 split.

The focus on state power under the Inclusive Government also led to increasing tensions within both MDC formations. In 2010 the internal struggles reported in the MDC-T were in important ways reminiscent of the tragic battles that had led to the split in the unified MDC in 2005, while the smaller MDC formation was further handicapped by another break-away group, MDC99 led by Job Sikhala.³¹ This fracturing of the smaller MDC was exacerbated by the embarrassing refusal of its former leader, Arthur Mutambara, to accept defeat at the party's national congress in January 2011, and the refusal of Mugabe to appoint the new leader of this formation, Welshman Ncube, into the Prime Ministerial position in the Inclusive Government. The result of this was that Mutambara effectively became a 'Mugabe surrogate'.³²

At a strategic level, the MDC-T in particular, had to deal in the first part of 2011 with increased state harassment of its senior figures, while both formations have, since 2009, had to confront the obstructionist tactics of Zanu PF over the full implementation of the GPA. By October 2010 Tsvangirai, frustrated by the inability of the Principals of the GPA to deal with the outstanding issues over key unilateral appointments by Mugabe, declared that there was 'nothing short of a

³¹ For a broader discussion of the politics of the GPA see Brian Raftopoulos, 'The Global Political Agreement as a 'Passive Revolution': Notes on Contemporary Politics in Zimbabwe.' *The Round Table*, 99: 411, 705-716, December 2010.

³² 'Mutambara is Zanu PF-Ncube.' www.theindependent.co.zw/local/29879-mutambara-is-zanu-pf-ncube.html?tmp Accessed 14/02/2011.

Constitutional crisis' in the country, in which he had asked SADC to intervene.³³ At its National Council Meeting on 16th December the MDC-T passed various resolutions amongst which were:

- A call for an immediate meeting of the SADC Organ on Politics, Democracy and Security Cooperation to discuss outstanding GPA issues and a road map to elections.
- Implementation of the 24 agreed issues of the GPA in accordance with the agreement reached by the principals on the 4th August 2010 and endorsed by the SADC summit later that month.
- An election in 2011 should be for the Presidency only to put to rest the question of the illegitimacy associated with the Presidential run-off election in June 2008.³⁴

Responding to the Zanu PF strategy to frustrate the GPA and rush to an early election, the MDC-T threatened to boycott such an election. Additionally Tsvangirai embarked on a widespread visit to SADC leaders to lobby them ahead of the SADC Summit in Lusaka at the end of March 2011. Prior to this however both MDC formations had cooperated in the vote for a new speaker of parliament, in a way that they had not been able to do since the MDC split in 2005. Following a long standing case brought by Jonathan Moyo and MDC-M against the election of MDC-T member Lovemore Moyo as speaker of the House of Assembly, the Supreme Court set aside the election of the latter in 2011. In the vote for a new speaker the smaller MDC formation members voted for the MDC-T candidate thus returning Lovemore Moyo to the post, with a total of 105 votes against 93 for the Zanu PF candidate. The vote count indicated that not only had the Ncube formation voted for Moyo, but so had two members of Zanu PF, showing the continuing tensions within the party. Reflecting on this important cooperation between the two MDCs one editorial made the pointed comment that:

What the two MDC formations did on Tuesday is what they should have done in the 2008 harmonised elections, and should do in future polls if they are sincere in their struggle to dump Zanu PF in the dustbin of history.....Tsvangirai and Ncube should subordinate their personal differences and agendas and fight from the same corner against Mugabe's tyranny. Tsvangirai has a clear obligation to accommodate and create a working relationship not only with the smaller formation of the MDC, but should reach out to their political parties and leaders like Makoni along with civic society.....

³³ 'Statement by Prime Minister Rt Hon Morgan Tsvangirai.' www.zimbabwesituation.com/oct8_2010.html Accessed 08/10/2011.

³⁴ Bill Watch 53/2010. billwatch@veritas.co.zw Accessed 17/01/2011.

Tsvangirai should be wary of surrounding himself with deadwood advisors, some of whom have proven to be merchants of division, which does not take his aspirations, dreams and desires and above all the cause of most Zimbabweans forward.

Members of the kitchen cabinet collapsed unity talks between the MDC formations before the 2008 elections only because they felt they would be eliminated from the feeding trough.³⁵

4. SADC and the GPA

Since 2009 the SADC facilitation team has struggled to find ways to ensure the full implementation of the GPA, largely due to the refusal of the Mugabe regime to move on the outstanding issues. At the SADC summit in Namibia in August 2010 the parties agreed that the completion of the constitutional reform process and the referendum should be followed by an election. Moreover the Summit agreed that:

- The parties, assisted by the Troika, should discuss the outstanding issues in keeping with the decisions of the Maputo Troika summit and resolve them within one month as part of a confidence-building measure, based on appropriate consultation in keeping with Zimbabwe's law and any other relevant instrument.
- The Inclusive Government and the Zimbabwe political parties should find an uninterrupted path towards free and fair elections and the removal of impediments as and when they arise.
- The Troika should persuade SADC to help Zimbabwe to draw up guidelines for a free and fair election where intimidation and violence would not play any part and where the result of such elections would be credible.³⁶

Following this summit there was continued lack of movement on the GPA, with Zanu PF persisting in its refrain that it would make no further 'concessions' until sanctions had been lifted. Frustrated with these developments both MDCs expressed frustration with the South African facilitation team in January 2011. Welshman Ncube commented that South Africa's conduct was 'nothing short of disgraceful' and that 'South Africa rather than SADC should be

³⁵ Editors Memo: Alliance key to dislodging Zanu PF. www.theindependent.co.zw/comment/30470-alliance-key-to-dislodging-zanu-pf.ht.. Accessed on 04/04/2011.

³⁶ Press Statement by the MDC Secretary General Hon Tendai Biti on the outcome of the 30th SADC Summit in Windhoek, Namibia. www.sokwanele.com/thisiszimbabwe/archives/5940 Accessed on 12/08/2011.

blamed for the Zimbabwe crisis.’ Nelson Chamisa, the MDC-T spokesperson agreed noting that the ‘action of our guarantors, SADC and the African Union, is in deficit.’³⁷

This seeming lethargy of the SADC facilitation took a dramatic turn at the SADC Trioka summit in Zambia on the 31st March. Noting with ‘grave concern’ the political polarization in Zimbabwe characterised by the ‘resurgence of violence, arrests and intimidation’, the Summit made five resolutions on Zimbabwe:

- There must be an immediate end of violence, intimidation, hate speech, harassment, and any other form of action that contradicts the letter and spirit of the GPA.
- All stakeholders to the GPA should implement all the provisions of the GPA and create a conducive environment for peace, security, and free political activity.
- The Inclusive Government should complete all the steps for the holding of the election including the finalization of the constitutional amendment and the referendum;
- SADC should assist Zimbabwe to formulate guidelines that will assist in holding an election that will be peaceful, free and fair, in accordance with the SADC Principles and Guidelines Governing Democratic Elections.
- The Troika of the Organ shall appoint a team of officials to join the Facilitation Team and work with the Joint Monitoring and Implementation Committee (JOMIC) to ensure monitoring, evaluation and implementation of the GPA. The Troika shall develop the Terms of Reference, time frames and provide regular progress reports, the first, to be presented during the next SADC Extraordinary Summit. Summit will review progress on the implementation of the GPA and take appropriate action.³⁸

Without naming Mugabe directly, these resolutions were arguably the most forthright diplomatic criticism that SADC had issued of the Mugabe regime, with the recommendations largely echoing the demands that the MDCs and the civic movement had been making since 2009. Moreover for the first time since SADC began discussing the outstanding issues of the GPA the sanctions issue was not mentioned, an issue that consistently kept the region in solidarity with Mugabe. The

³⁷ Paidamoyo Muzulu, ‘Zuma mediation ‘disgraceful’: MDC’. www.theindependent.co.zw/local/29551-zuma-mediation-disgraceful-mdc.html/t.. Accessed on 17/01/2011. The African Union Summit in Addis Ababa in January 2011 had steered clear of the Zimbabwe situation, with the AU Commission Secretary Jean Mfasoni observing that Zimbabwe was not on the agenda because it was ‘now calm and these days there is no more fear that the situation will degenerate into a crisis.’ www.voanews.com/english/news/africa/southern/African-Union-Sidelines-Discussion-On-Zimbabwe-Despite-Political-Crisis-114577139.html Accessed on 27/01/2011.

³⁸ Communiqué: Summit of the Troika on Politics, Defence and Security Cooperation, 31st March, Livingstone, 31st March 2011.

style of diplomatic intervention shifted significantly from Mbeki's 'quiet diplomacy', which the Zuma team had largely adopted on taking over the reins of the facilitation. At this point it might be argued that the reasons for the change in SADC's approach were the result of a combination of factors. These included: increased international pressure in the wake of events in North Africa; the growing frustration of SADC with the obstructive behavior of the Mugabe regime; and the persistent pressure of the lobbying of the MDCs and civil society in both Zimbabwe and South Africa. It remains to be seen whether SADC has the united political will to follow this through.

The response to the SADC resolutions by the Mugabe regime was, to say the least, apoplectic. On April 1st Mugabe complained at a Zanu PF Politburo meeting:

The facilitator is the facilitator and must facilitate dialogue. (Zuma) cannot prescribe anything. We prescribe what we should do in accordance with our own laws and our agreement.³⁹

Following this a series of vitriolic anti-Zuma and anti SADC rants followed in the Zanu PF's media mouthpieces. Nathaniel Manheru, thought to be presidential spokesman George Charamba complained that while 'Zanu (PF) has all along depended on SADC support in its fight against imperialism, it should remember that in the final analysis, it may have to confront imperialism alone. This urges for a non-but-ourselves approach,⁴⁰ The Sunday Mail editorial went further and carried out a personal attack on South African President Zuma. It attacked Zuma's bungled personal life and 'astounding' duplicity.⁴¹ However the most extended diatribe came from chief Zanu PF propagandist Jonathan Moyo:

With all due respect, and please take note there is a lot of it, the mere fact that President Zuma of South Africa voted for the atrocities that the US and its NATO allies are committing in Libya under UN Resolution 1973 makes him an undesirable SADC facilitator on the political and security situation in Zimbabwe. Zuma can no longer be trusted if he ever was....

Zimbabwe cannot be expected to accept an intrusive SADC team of so-called officials funded by regime change donors to come and work in our country to plot the so-called electoral roadmap with a view to ensuring that the forthcoming general election is

³⁹ Sibusiso Ngalwa, Zoli Mangena, and Sunday Times corespondent, 'Zuma, Mugabe at war.' Sunday Times, 3rd April 2011.

⁴⁰ Nathaniel Manheru, 'Zanu PF: Keeping the eye off the ball.' www.herald.co.zw/index.php?view=article&catid=48%3Ablogs&id=6509%3Ama.. Accessed on 04/04/2011.

⁴¹ Editorial, Sunday Mail, 'Has SADC been hijacked?' www.zimpapers.co.zw/index.php?view=article&catid=39%3Aopinion&id=2597%3A.. Accessed on 04/04/2011.

decidedly organized in a manner that ensures regime change with President Zuma's endorsement simply because he has been used to make the ridiculous proposal. We will not allow that to happen. Never ever!..

It has become very clear that Zimbabwe's national security interests do not lie in SADC or AU pacts given the Judas Iscariot fact that is now rampant in the region. The time to forge strategic partnerships that really matter in today's geopolitics has come. The summit in Livingstone was an early warning signal for our country to move rapidly to make defence pacts with real friends with real power.⁴²

These statements clearly showed that for Zanu PF and Mugabe, who had since 2000 clearly articulated a strategy that sought to displace the Zimbabwe crisis on to the SADC region and the African continent through a discourse of Pan Africanism and anti-imperialism and in so doing tie both into a solidarity pact, the Troika resolutions in Livingstone represented a decisive crack in the strategy. From a consistent chorus of praise for the regional body Zanu PF once again showed the ugly grimace of its disapproval for all who dared to question its interpretation of the Zimbabwean crisis. Moyo's suggestion that Zimbabwe should start forging 'strategic partnerships that really matter' clearly pointed in the direction of China, which it should be noted is the only foreign country exempted from the Indigenisation and Empowerment Act.⁴³ However it was also clear that through such pronouncements Zanu PF exposed itself to the threat of being engulfed by its own political hubris, a fact which soon became clear as Mugabe's spokesman attempted some damage control a few days later by distancing the government from such statements.⁴⁴

5. Conclusion and Way Forward

This report has argued that it is a mistake to overlook the ambiguities of the GPA and the opportunities it has provided for moving Zimbabwe politics forward, notwithstanding its limitations. Through the structures of the agreement and the broader regional accountability it provided, the GPA forced Zanu PF into forms of accountability that it would not have tolerated before 2008, and which it continued to find unpalatable. Thus the politics of the GPA, in the context of wider regional, continental and international pressures, reminded Zanu PF that its

⁴² Jonathan Moyo, 'Unmasking SADC Troika circus in Zambia.' [www.zimpapers.co.zw/index.php?view=article&catid=39%3Aopinion&id=2629%](http://www.zimpapers.co.zw/index.php?view=article&catid=39%3Aopinion&id=2629%3A) Accessed on 04/04/2011.

⁴³ Owen Gagare, 'Kasukuwere exempts Chinese from Indigenisation.' NewsDay 03/03/2011.

⁴⁴ George Charamba stated: 'The opinion of the Sunday Mail has been conflated with opinion of the Government of Zimbabwe. I hope this article which reflects views and concerns of the Government puts this needless conflation to rest.' Tobias Manyuchi, 'Zuma's team in Harare.' www.zimonline.co.za/Article.aspx?ArticleID=6659. Accessed on 07/04/2011.

narrow and selective idea of sovereignty, lauded arrogantly over the generality of the Zimbabwean citizenry for so long, was unsustainable. In the words of the Zambian President Rupiah Banda, at the beginning of the SADC summit in Livingstone, 'If there is anything that we must learn from the upheavals going on in the northern part of our continent it is that the legitimate expectations of the citizens of our countries cannot be taken for granted.'⁴⁵

For authoritarian regimes like Zanu PF it is often the slow, cumulative processes of reform that are most troublesome for their agendas. For once such processes begin to gain traction, especially under structures of accountability that go beyond the national sphere, the possibility of a diffusion of power to broader levels of society increases, making the control of the outcomes of such processes, much more problematic. The GPA has been fraught with difficulties but given the balance of forces in Zimbabwe that gave rise to the Agreement, it also provided opportunities for its weaker participants. Within a very short period of time at the end of March, Zanu PF suffered two serious political setbacks, the first through the loss of the Speakership in Parliament and the second through the new diplomatic position taken by SADC. In the first case it robbed Zanu PF of control of a key position in the legislature in the event of a succession vote in Parliament should Mugabe pass on in the near future. In the second the setback temporarily dislocated a key aspect of the Mugabe regime's survival strategy through regional solidarity. These developments by no means sealed the fate of Zanu PF, but they provided important indications of hope, especially with the possibility of more considered cooperation between the two MDCs.

As a way forward there are a number of steps that need to be taken:

1. Lobbying by both the MDCs and the civic movement needs to be heightened within SADC and the AU in order to ensure that the resolutions of the Livingstone summit are enforced as fully as possible.
2. Efforts must be made to draw Zanu PF's international allies, particularly the Chinese Government, into a more constructive dialogue over its continued support for authoritarian politics in Zimbabwe.
3. Zimbabwean civic groups must mobilize civil society in the region into more extended cooperation in order to sustain the pressure on SADC and the AU.
4. Continuous and up to date monitoring of the situation in Zimbabwe.
5. It is unlikely that the Mugabe regime will simply ignore the SADC resolutions. However if they decide to follow such a course and to call for an early election without SADC

⁴⁵ Wongai Zhangaza, 'Mugabe warned about uprising.' www.theindependent.co.zw/local/30450-mugabe-warned-about-uprising.html?tmp.. Accessed on 08/04/2011.

approval, then the democratic forces in Zimbabwe must unite in a boycott of such an election and mobilize a campaign for a global isolation of the regime.



Photo 3: People displaced by political violence from Mbare during February 2011

II. Human rights violations in Zimbabwe:

1 January to 31 March 2011

A. Closing of democratic space – fear of a revolution

2011 has been characterized first and foremost, by the closing of democratic space, with a surge of bans on rallies, marches and meetings, accompanied by a large number of associated arrests, that peaked in February and early March, and have continued to date. This can be viewed as a direct response to events in North Africa, where several popular revolutions have led to heightened concern among the Zimbabwe military and Zanu PF about the possibility of an uprising in Zimbabwe. While such an uprising is in fact highly unlikely to occur for reasons raised in the earlier part of this report,⁴⁶ the state has moved to clamp down dramatically on the rights of freedom of movement, assembly and expression. In terms of POSA, meetings taking place inside a building do not require the police to be informed, but this is being routinely ignored, as even meetings in private buildings are being repeatedly raided and shut down.

This move to close spaces of association can be viewed as a preemptive strike: if people are unable to gather in groups, even inside buildings, then they cannot organize or discuss an uprising. Arrests, often followed by release the same day or within a day or two, are also not very newsworthy internationally, whereas open assaults of people taking part in peaceful protest are more newsworthy. By adopting a policy of restricting gatherings in the first place, the state clearly aims to keep control of space without resorting to generalized violence, which could in turn lead to being further censured by SADC.

1. ZANU → the revolutionaries (and double standards)

In a further bid to claim the streets for themselves and thus pre-empt any remote possibility that democratic forces might do so, there has been a spate of public shows of force in Harare, undertaken by Zanu and Zanu youth. These have been couched in revolutionary and anti imperialist rhetoric, associating Zanu with the revolutionaries in North Africa, rather than with their dictators!

On 7th February in central Harare, protests against foreign run businesses took place. These were led by *Upfuma Kuvadiki*, a group of apparently well heeled Zanu youth, and resulted in looting of

⁴⁶ For a considered argument as to why there will be no Egyptian style uprising in Zimbabwe, see Solidarity Peace Trust, Zimbabwe Update No 1:

Nigerian and Chinese owned shops. Several bystanders were also beaten up, resulting in moderate to serious physical injuries. The police stood by and only intervened at a late stage in the looting and violence.⁴⁷

Zanu youth also rampaged through the streets early in the year, protesting the slashing by the MDC-T city council, of maize growing in undesignated areas, and in the process the demonstrators beat up several bystanders.

On 2nd March, Zanu PF launched its “Anti Sanctions Campaign” with a large open-air rally in central Harare, which has been followed up subsequently with launches around all major centres in Zimbabwe. Thousands of people were forced to attend these launches, and are now being coerced into signing this petition, often very threateningly. There have been at least two arrests linked to refusal to sign the petition, one in Bulawayo and one in Victoria Falls.⁴⁸

One week in March – bans on civic events

These Zanu-led events were allowed to proceed at a time when civic society was having its rallies, marches and meetings banned. For example, on 3rd March in Bulawayo the ZCTU were told they could not proceed with a march to commemorate Women’s Day the following week, a youth group called YIDEZ was banned from holding an indoor meeting in Pumula, and the Bulawayo Progressive Residents’ Association and the Evangelical Fellowship of Zimbabwe were both banned from conducting public activities.⁴⁹ Such bans were said to be in keeping with a nationwide directive banning all meetings and marches. The ZIPRA Veterans Trust threatened to approach the High Court after its civic education meetings on political violence in rural Matabeleland were banned, and their director arrested and later released without charge during a meeting in Masvingo.⁵⁰

Between the 28th February and the 7 March, which was Women’s Day, 28 WOZA activists were arrested in five different swoops by the police.⁵¹ Several of these activists reported being beaten by the police in custody, and one woman, denied the right to breastfeed her baby during several days in jail, developed a breast abscess as a result of engorgement. Also on Women’s Day, 34

⁴⁷ T Chipangura, *Newsday*, 8 February 2011: *Violence rocks Harare*; O Garare, *Newsday*, 8 February 2011: *Eight nabbed for violence*. Also testimonies and medical records from those injured in the events.

⁴⁸ N Ndlovu, *Newsday*, 25 March 2011: *Sanctions... Khupe driver arrested*. An MDC-T activist was arrested in Victoria Falls on 26 March, for refusing to sign the petition, and was in remand until the 6 April when he was released on USD 100 bail.

⁴⁹ T Karimakwenda, *SWRadioAfrica.com*, 4 March 2011: *Police ban ZCTU march commemorating Women’s Day*.

⁵⁰ Radio VOP, 7 March 2011: *Political violence meeting banned*.

⁵¹ Women and Men of Zimbabwe Arise: press statement, 8 March 2011.

women members of the ZCTU were arrested in Bulawayo for proceeding with their own march in defiance of a police prohibition.

Bans on political rallies and gatherings

In this same week in March, coinciding with their own Anti Sanctions campaign outreach, all (other) political meetings and gatherings were banned, with police in Bulawayo, Midlands North, Mashonaland West, Chitungwiza, Masvingo, all refusing to sanction meetings to allow the MDC-T to hold rallies and restructuring exercises.⁵² MDC-T is heading for its five-yearly congress in May 2011, and its attempts to organize local elections for its structures around the country are being routinely interfered with.

The Commissioner of Police prepared a report for Cabinet in early April, in which he claimed that 94% of MDC meetings had been approved by the police.⁵³ He confirmed the refusal to allow 38 meetings out of 682 applied for by MDC-T so far this year: he does not indicate when these 38 meetings were disallowed, but it seems likely that all 38 of these refusals were within a short time span in March. Significantly, the refusals affected several attempts by the MDC-T to organize a rally featuring Morgan Tsvangirai, thus denying him a public platform.

Both MDCs had rallies banned in February and March, and then after the police were forced to lift this ban after a Cabinet decision, on two consecutive weekends MDC-T was told that the venue they requested for a peace rally was previously committed. They were told by the police that Harare Stadium was already booked every weekend until the end of the year, which was denied by the Harare city council. On 19th March, a rally planned for Glamis Stadium was banned at the last minute, and police waiting at the venue beat up MDC –T supporters who arrived in expectation of the rally.⁵⁴ That same weekend, the MDC's rally in Chitungwiza was also banned.⁵⁵ On Saturday 26th March, MDC-T headquarters were invaded by police, preventing Mufakose primary elections.⁵⁶ On Sunday 27 March, they banned a Harare MDC-T rally on grounds that it clashed with the burial of the Governor of Harare.⁵⁷

⁵² I Madongo, swradioafrica.com, 7 March 2011: *MDC banned from holding office, home or public meetings.*

⁵³ Newzimbabwe.com, 6 April 2011: *94% of MDC-T rallies approved: Chihuri.*

⁵⁴ L Guma, swradioafrica.com, 21 March 2011: *15 hospitalised as ZANU PF youths and police disrupt MDC rally.* Also victim reports and medical records.

⁵⁵ The Zimbabwean, 21 March 2011: *MDC N campaign prohibited.*

⁵⁶ P Nyangove, the Standard, 27 March 2011: *Police raid MDC-T offices, officials flee.*

⁵⁷ AFP, 27 March 2011, *Police ban rally by Zimbabwe PM's party.*

And then the weekend of 2 April, the police accused MDC-T of *failing* to hold a rally that the MDC-T had not applied to hold, and threatened to use this against them in the future, saying they had wasted police time providing security for a rally that never happened...!⁵⁸

2. Treason charges

Munyaradzi Gwisai and others

There have been two groups charged with treason during February and March, which is further evidence of the state's deep concern about the possibility of peaceful protest leading to revolution. The first group to be arrested was that of Munyaradzi Gwisai and 44 others, arrested on 17 February in Harare, while viewing footage of the Egyptian and Tunisian uprisings. This gathering had also been intended to commemorate the death of an HIV- AIDS activist, N Mungoni, which meant that many people at the meeting were there because they were HIV+ rather than because they were regular members of the International Socialist Organisation. This HIV+ group were denied regular access to their ARVs during their incarceration. Several of the group were brutally tortured during interrogations.⁵⁹

Eventually, six of these arrestees were charged with treason, and the others released without charge, but not before spending more than two weeks in jail. The primary accused were kept first in remand cells and then in Chikurubi High Security jail until the 16 March, almost one month. The state invoked Section 121 of the Criminal Procedures and Evidence Act, which gave them the right to deny bail for an extra week after it had been awarded by the state.⁶⁰

Gwisai et al were denied access to medical care, after appearing in court clearly having been tortured and showing difficulty walking. After more than two weeks, they were seen by a prison doctor. They were also denied adequate access to their lawyers, even after the courts ruled that they must have such access – and their lawyers were informed on the way to the court that the accused were being charged with treason, without them having been afforded any time to confer with their clients (see cover photo).

⁵⁸ ZTV 8 pm news bulletin, 4 April.

⁵⁹ Statements from the accused, March 2011.

⁶⁰ While this section has been on the books since the 1990s, it is only since 2008 that it has been regularly invoked against political activists, as a way of defying court orders to release accused persons on bail.



Photo 4: Gwisai and 45 others being brought to court under tight security: February 2011



Photo 5: Gwisai and five others are taken to court after being charged with treason

One of the accused in this case, who received severe beatings from police during interrogation, is a woman who has had three brain surgeries during the last year. Since her release from prison she has suffered “continuous headaches, uterus problems and asthma attacks caused by dust in the cells and (Central) Police and in prison”. The torture and the interrogations were recorded on video camera by the police.⁶¹

⁶¹ Statement from the accused, March 2011.

Mthwakazi Liberation Front

In early March, three members of the Mthwakazi Liberation Front (MLF) in Bulawayo, a small separatist movement, were arrested and charged with treason, on the strength of a pamphlet they were distributing calling for a separate Mthwakazi state in Matabeleland. As with the Gwisai group, it took several weeks for two of the accused to establish bail. Once more, Section 121 was invoked to delay bail from taking effect, while Paul Siwela, their leader, has simply been denied bail and is in custody at this time, more than one month later. Siwela's wife has also been harassed during this time.⁶²

The MLF is the latest manifestation of a separatist sentiment that has existed for decades in the west of the country and which has had several previous incarnations. The MLF, formed in November 2010, began circulating calls during February this year for a referendum on a separate state, inspired by events in southern Sudan.⁶³

ZLHR split

The MLF trial has led to resignations of five Bulawayo lawyers from the Zimbabwe Lawyers for Human Rights (ZLHR), over the perceived reluctance of ZLHR to represent the MLF. The Front are being represented by a new group of lawyers called "Abammeli" – SiNdebele for "Represent them" – which has been formed to represent people in Matabeleland that these lawyers perceive to be not receiving adequate legal support.⁶⁴ However, ZLHR claim that they have never been able to take on all cases requesting help in any area of the country and they remain ready to take on cases in Matabeleland as they have always done in the past.

Events surrounding both the formation of the MLF - and the significantly differently driven formation of Abammeli - are indicative of a growing sense of frustration and marginalization in Matabeleland. The nation as a whole needs to acknowledge and deal with this. Factional fighting within the MDC-T in Bulawayo has also taken on a worryingly ethnic face, ahead of their May congress, and has resulted on more than one occasion in intra party violence, including a stabbing.

3. Arbitrary arrests

There has been a dramatic increase in arrests, in particular of key, high profile members of the opposition. ZLHR report that in February, they were called to respond to between two and five cases of arrest each day, and that these arrests took place in all ten provinces of the country.

⁶² R Muponde, News Day, 25 March 2011: *State invokes 121 for Mthwakazi trio.*

⁶³ The Standard, 26 Feb 2011: *Secessionists pile pressure on Mugabe.*

⁶⁴ Newzimbabwe.com, 16 March 2011: *Mthwakazi trio's case splits lawyers.*

ZLHR have provided legal support in 577 different cases in the last two months, involving politically motivated arrests, selective application of the law and malicious prosecutions.⁶⁵ Arrests peaked during February, and have declined somewhat during March, although they remain at above-normal levels based on the usual ZLHR case-load.

In February, Nyanga MP Douglas Mwonoro was arrested after violence in his constituency, and was held in prison for several weeks. He has been charged with During late March and early April 8 MDC-T MPs were reportedly being hunted by the police for arrest, in what was seen as an attempt to prevent them voting for the Speaker in Parliament. In the event, only Energy Minister Elton Mangoma was in jail on the day of the Speaker's election, and thus denied his right to vote in this key election.

ZLHR has further commented that many of the arrests this year have shown a high level of police planning and preparedness. On both occasions that Energy Minister Elton Mangoma was arrested in March, the state's papers were well organized and ready in advance. There is currently also a trend of the police going back through very old cases that have been on file for years, and re-invoking old charges. Once again, this requires a reasonable level of police organization and time, pointing to a strategy.⁶⁶

Arrests have, in keeping with the pattern established over recent years, been very selective. MDC-T MPs and activists have been arrested on malicious charges, and people going to report political violence against themselves, have been arrested instead of a docket being opened in their support.⁶⁷ In contrast Zanu PF MPs, such as Ignatius Chombo who stand accused of corruption over property purchases, have not been arrested or properly investigated, and most perpetrators of violence go unpunished as long as they support the ruling party.⁶⁸

4. Harassment of civil society organisations

On 3rd March, Police Commissioner Chihuri indulged in an attack on civic organisations when summoned to testify on political violence by a parliamentary portfolio committee. He accused them of "destructing and interjecting" President Robert Mugabe and his delegation at regional

⁶⁵ Interview, ZLHR, Harare, 4 April 2011.

⁶⁶ Ibid. For example, five year-old charges from 2006 were recently revived against Lovemore Madhuku, president of the National Constitutional Assembly.

⁶⁷ SPT has noted this over the years in previous reports – see "Policing the state", 2006 for a good example.

⁶⁸ It must be noted that in downtown Harare 8 ZANU youth who took part in looting shops were arrested.

(SADC) and international (UN) summits. He accused them of staying in fancy hotels and questioned where they got the money to do this.⁶⁹

It was therefore no surprise when later in the month, attacks on human rights NGOs intensified. On the 12th March, Crisis in Zimbabwe Coalition director McDonald Lewanika was briefly detained and the Crisis offices searched. On 30th March, Abel Chikomo, director of the Zimbabwe Human Rights NGO Forum, was charged with running an illegal organization, after two months of harassment. The police are claiming that the ZHRNGO Forum should be registered under the Public Voluntary Organisations Act, whereas it is in fact a Common Law Association, which is a legally recognized entity in the Constitution of Zimbabwe.

Civic leaders have been warned that there is an intention by the state to harass and interfere with those human rights organisations that are most responsible for the collection and coordination of evidence of human rights violations by the state.⁷⁰ These are the organisations that “interject” at SADC meetings.

5. Social media, and censorship of expression

In February, a Bulawayo man was arrested for commenting on the MDC-T Facebook page that: *“what happened in Egypt is sending shockwaves around the world. No weapon but unity of purpose – worth emulating, hey.”*

This arrest, based on a Facebook entry, is among the first such in the world. It reflects an awareness and a vigilance in Zimbabwe’s security sector towards the fact that social media has played a role in other parts of the world in terms of providing forums for organizing protests. Vikas Mavhudzi, on the basis of these few words, has been charged with ‘subverting a government by unconstitutional means’, and spent several weeks in jail before finally being released on bail on 31 March. The trial has yet to begin.⁷¹

In late February, a Facebook page calling for a “million man march” appeared, launched by unknown persons and calling for a million people to take to the streets on 1 March. This appears to either have been the work of an agent provocateur, or of a Zimbabwean safely in the Diaspora. In any event, on the prescribed day, there was no evidence at all of a “million man march”, although the day before the march, the police in Harare drove their riot tanks through

⁶⁹ Radiovop.com, 4 March 2011: *Chihuri lashes out at NGOs.*

⁷⁰ Interviews with Harare civics, 4 and 5 April 2011.

⁷¹ HRD’s Alert, 31 March 2011: *Facebook user granted bail after quashing of magistrate’s ruling.*

the centre of the city in a show of force. Conditions in Zimbabwe are such that it is simply impossible to imagine any large groups being able to take to the streets at this time.

The state has also clamped down on artistic expression – the theatre group “Rituals”, which has been performing a drama that deals with the need for transitional justice and reconciliation in Zimbabwe, has been harassed throughout 2011, facing repeated arrests and interference from the state, in spite of being endorsed by the government’s Organ of Healing.

“Insult” laws

ZLHR have confirmed a dramatic increase in the use of “*insult laws*”, in which a person can be found guilty of insulting the President. They have noted at least 20 such cases in the last six months.⁷² A typical example is the arrest in early March of three MDC-T youth in Bulawayo, who found a cartoon of President Robert Mugabe in the streets.⁷³ They were laughing at it when the police noticed them, and they were immediately arrested and charged with insulting the president. Taxi commuters and drivers in Harare have commented that they are afraid to talk about anything other than the most superficial topics, as several commuters have been arrested and charged for making negative comments about the state of the nation while on their way to work.⁷⁴

6. Increased levels of surveillance and informers

Intelligence academy

A state of the art intelligence base is currently being constructed in Chitamba Farm in the Mazowe Valley, by the Chinese. This “Robert Mugabe National School of Intelligence” was launched in November 2007. Recent additions to this base are believed to have given it the capacity to monitor diplomatic, domestic, commercial, and military communications, although this cannot be independently verified.⁷⁵ However, it is clear from speaking to senior politicians in the opposition that surveillance and tapping devices are being widely used, and have been found recently in the private homes of key individuals. Mobile phones are routinely tapped.

Network of informers

⁷² Interview, 4 April 2011, ZLHR.

⁷³ L Saungweme, the Zimbabwean, 2 March 2011: *MDC youths in court for laughing*.

⁷⁴ Radiovop.com, 7 March 2011: *Culture of fear grips Zimbabweans*

⁷⁵ The Zimbabwean, 2 March 2011: *Chinese spy centre taps diplomats?* Interviews with opposition politicians.

Lawyers in Harare and other members of civic organisations have reported a dramatic increase in efficiency in state information networks on the ground across the country. State agents seem to have very good information of any meeting that takes place, whether at the level of a rural community or in the towns, and frequently move to prevent such meetings, even when they are religious in orientation or clearly have nothing to do with politics.⁷⁶ The speed with which police in rural centres get to hear about such meetings and respond, points to a very good network of informers across the country – and improved cell phone reception across rural areas.

In Bulawayo in February, a group of fifteen young teachers who met in a private home to discuss setting up a teachers' association to represent the interests of new teachers, had their meeting disrupted by plain clothes police, who burst into this private home. These young teachers were rounded up, taken to the police camp in Bulawayo and were brutally beaten overnight before being released without charge. Their plans had obviously been overheard, or one of their group was a paid informer. There is clearly a general order out to disrupt, prevent or infiltrate almost any gathering in Zimbabwe at this time.

7. Conclusion

Cumulatively, the measures of banning meetings, heightened surveillance and new attacks on civic society, as well as dramatically increased numbers of political arrests, have combined to shut down the democratic space significantly in Zimbabwe at this time. The combination of measures being used by the state points to a deliberate – and effective - strategy of repression of the freedoms of expression, movement and association.

B. Political Violence

1. Distribution of violence

Political violence has been a notable factor during the first three months of 2011, with most of the political violence corroborated to date having taken place in greater Harare⁷⁷. The cases

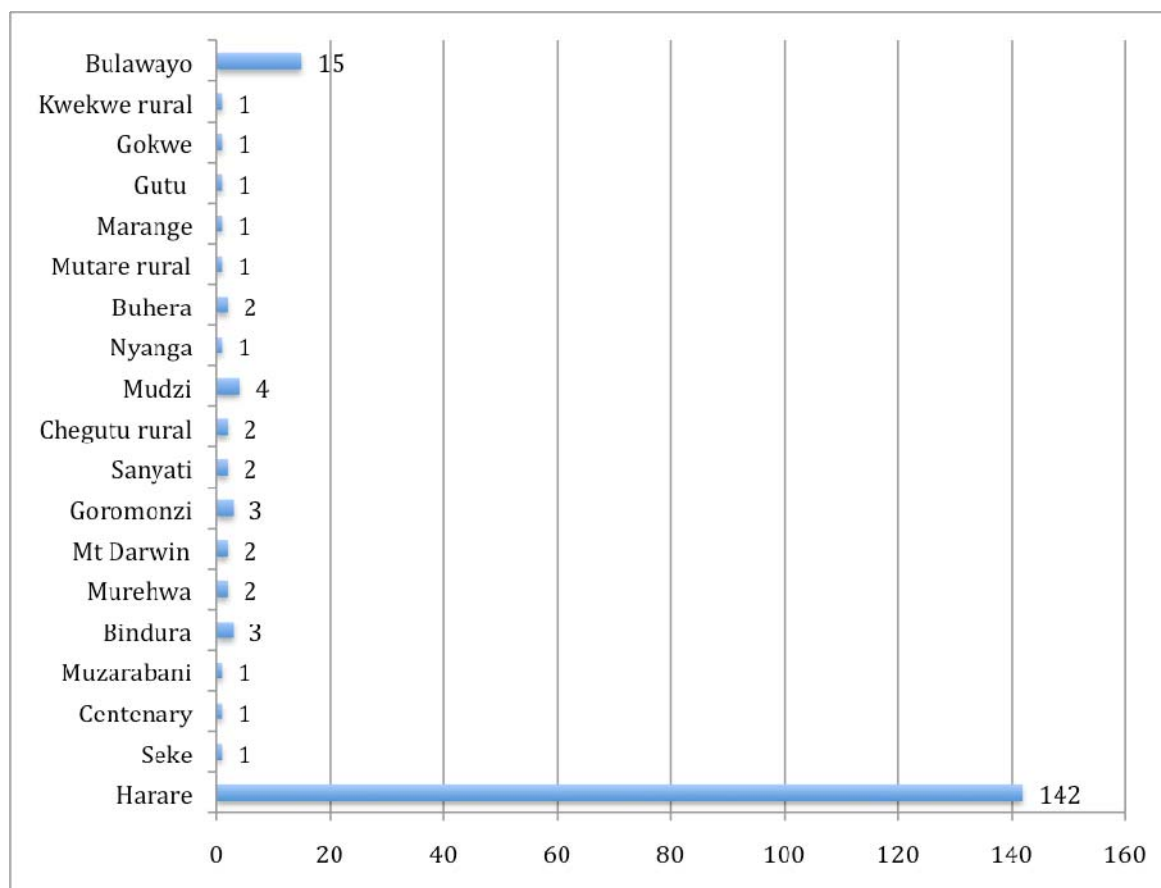
⁷⁶ Interviews with a variety of civics over February and March, also own personal observations.

⁷⁷ There is often a time delay in victims traveling from rural areas to a larger centre to seek medical attention, so figures, particularly for March victims, will increase during April. In *Desperately seeking sanity*, SPT (2008) we noted that a few victims could take up to 90 days or even longer to report their injuries and seek attention. Ironically it is often those more severely injured who cannot access help as they cannot walk to catch a bus, for example. The case profile here could shift somewhat during the next few months, therefore. On the other hand, increased mobile

included in this report are all backed by medical records or legal records or both, and as such are confirmed cases. In terms of violence requiring medical attention, Harare reported 142 cases out of the countrywide total of 190 (75%), followed by Bulawayo with 15 cases (8%). However, in Bulawayo the violence injuries remained mainly in the “slight” category, with only three cases requiring a night’s hospitalization. The remaining 33 cases of confirmed violence to date, reflect isolated cases across the country, as shown in Graph 1.

Graph 1: Towns /districts with confirmed victims of political violence:

1 January to 31 March 2011



phone networks and well established networks of how to report on violent events within the opposition parties, means that changes in statistics should not be dramatic and the current cases are a good indication of the prevalence of more serious (ie medically significant) violence.

2. Gender and age of victims

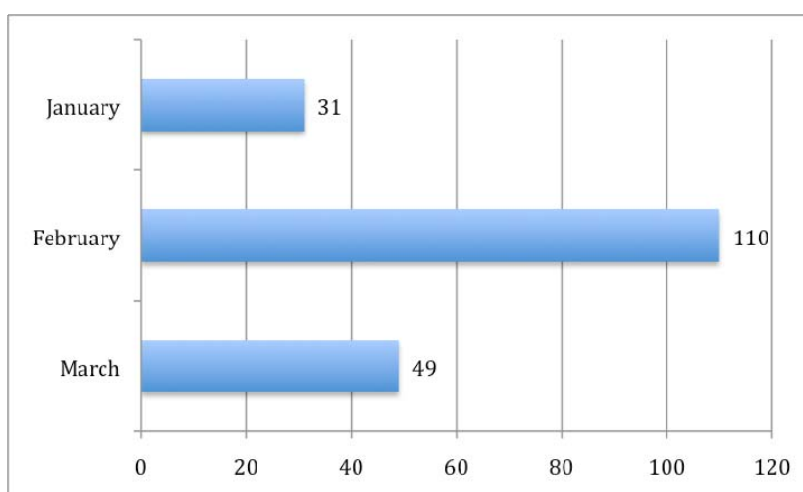
20% of victims were female, and the average age was 33,5 years.

The oldest victim was 75, and the youngest was only 12 years old, indicating that the violence spares no-one at times. The 12 year old was attacked by 3 ZANU youths because his mother is an MDC activist.

3. Prevalence and intensity of violence

The violence so far this year was at its most intense in February and dropped off again in March. This is in keeping with the pattern of political arrests, which were also most numerous during February and have now declined somewhat.

Graph 2: numbers of cases represented by month: January to March 2011.



The media, and civics in conversation with the author, have referred at times to the danger of violence escalating to the scale of the violence of 2008.

While it is alarming that around two hundred individuals have suffered physical and psychological injuries as a result of politically motivated violence - including 95 cases of torture - it is important to remember that during the three months of April to June 2008, the current authors reported on 3,320 victims that had accessed services using the same access routes as the current cases.

This means that the violence of the last three months has affected around 6% of the numbers reporting for medical support during a comparable time span in 2008. It is also important to note that in 2008, the violence was very intense in a large number of rural districts in much of the

country, while the current violence has occurred mostly in Harare – in Mbare and central Harare in fact – with very few significant injuries being treated from rural areas.

In the authors' opinion, what is happening in Zimbabwe at the moment is what we call "matchbox rattling". If in 2002, your house was burnt down, and in 2008, your neighbour's house was burnt down, then in 2011 the local war veterans only have to stand in the village and "rattle the matchbox" to invoke very high levels of fear and anxiety in the entire village.

The authors, and others who document violence, are noting some violence countrywide, but what is more significant is the level of *intimidation*, which combined with the deliberate and effective closure of spaces noted in the previous section, is resulting in keeping entire communities in a state of heightened tension and fear.⁷⁸ The deployment of soldiers in some rural areas has added to this sense of fear. Villagers in Mudzi, for example, have reported that gangs of Zanu PF youths patrolling up and down their villages are creating such an atmosphere of fear that people are afraid to go and work in their fields.⁷⁹ The 4 assault victims from Mudzi who have received treatment for actual violence injuries, are therefore a small indication of a much greater atmosphere of repression, one which is forensically difficult to measure.

The memories of violence from 2008 in particular, as well as the fact that those who murdered and beat others have not been charged or brought to justice, means that it does not take much to keep people afraid and compliant. This greater context has to be remembered when assessing the specific numbers of forensically measurable injuries treated so far this year.

4. Contexts of the violence – Harare

Most of the victims of violence have been from Harare, as previously noted. These can be broadly linked to particular events and processes.

i. Mbare, Epworth, Warren Park

The biggest group of victims consists of 33 men and women who were injured during the violence that has taken place in Mbare and other central suburbs, mainly during late January into February. Mbare is one of Harare's biggest and most central high-density areas, and is also a large informal trading market. There is a pattern of Mbare being targeted by the state that goes back at least as far as the demolitions of 2005, when Mbare market was more or less razed to the ground during Operation Murambatsvina. There have been running battles over accommodation in council flats over the years, with Zanu PF supporters forcibly evicting presumed MDC-T

⁷⁸ See Zimbabwe Peace Project monthly report for January this year, which corroborates our conclusions.

⁷⁹ Interviews in Mudzi, February 2011.

activists. In 2011, the violence has been once more linked to access to resources - who gets to have vending and housing stands in Mbare.

This battle for control of resources is part of a bigger battle by Zanu PF to try and gain political control of this large, urban constituency, in the middle of Harare - currently an MDC-T stronghold. Over the years, they have established both the “Chipangano”, a group of violent Zanu PF supporters, and more recently the Upfumi Kuvadiki (wealth to the youths). Mbare, being so central, is also the area from which residents are forcibly bussed to Zanu PF rallies in Harare, the most recent being the anti sanctions launch. Various people in civics commented to the authors that what partly drives the violence in Mbare is the battle within Zanu PF for the governorship of Harare, which is seen as being contested by Amos Mudzi and Hubert Nyanhongo. This battle will have intensified following the death of the current governor during March, so it could be predicted that violence in Mbare may worsen again.⁸⁰

Groups of Zanu youths numbering in excess of 200 patrolled the area in January, and known MDC-T supporters were evicted from their homes and beaten up, during the middle of the night. The MDC-T councillor for the area had his house smashed to pieces, along with all his possessions including electrical items. The MDC-T offices in Mbare were also badly damaged during attacks, with windows smashed and equipment looted or broken. Vending stalls are frequently hijacked and all the goods destroyed. Police either actively took part, or stood by and watched, while these crimes were perpetrated. The following statement from an Epworth victim is a typical example of these political evictions.

Around 2300hrs I heard a knock at the door and I asked who it was and they said it was the owners of the place. I looked through the window and saw a group of people. As I went out I was told to pack my stuff and leave the house. It is my house that I built from the ground. It was M who happens to be a Zanu PF youth leader. They said my crime was that I possessed an MDC card. I packed my things and I asked them if I could hire some metal wheel carriers to carry my stuff but they refused. I was carrying my sofa on my head whilst holding the TV in my hands, my wife was carrying the radio home theatre and the speakers. My children, 11yrs and 15yrs were carrying plates and dishes. One of the people said let them just hire a vehicle. During the process of moving the things they started beating me with whips, wooden logs and sticks. I was beaten all over the body, kicking and stepping on my head. They insulted and assaulted me for close to 3 hours. I sustained injury to my back, left hand, headaches and am unable to pass a stool since Monday. My house was completely destroyed. My brother assisted me in taking us to their home.... I am fearing for my life.⁸¹

⁸⁰ Interviews, April 4 and 5, Harare.

⁸¹ Statement from victim, March 2011

This victim presented with moderate-to-severe soft tissue damage and head injuries.

Activists who went to report on violence against them were subsequently arrested and further beaten by police, and several activists reported being arrested and tortured by police and CIO in police cells, particularly in Warren Park.

Several victims reported being tortured in Carter House, a building in Mbare which appears to house various small enterprises, but which also has the reputation for being a torture centre for ZANU PF. The following two testimonies both are among those that mention Carter House as a site of torture:

I was returning from work... from Chitungwiza, and when I reached the corner of Runyararo Street and Samuriwo in Mbare I was put into a white Combi by Zanu-PF youths. They started beating me in the Combi with sticks, iron bars and tyres. I was beaten on the head, back and buttocks and they pulled my dread-locks. They took me and 3 other men to **their base at Carter House** in Mbare. There we were severely beaten and at around 5pm taken to Mbare Police Station. We were arrested and denied any medical treatment. I spent 2 nights there with the charge of public violence.⁸²

I was at work at ... and at around 1400hrs Zanu-PF youths came and told the security guard that they wanted to see me and M... When we went outside the company premises they held our belts and put us in a Combi whilst slapping us. They took our cell phones and drove to **Carter House**. When we arrived there they started beating me with wooden planks and logs. Inside Carter House they beat me under the feet and buttocks and poured beer into my nose. When I tried to block the plank they used to beat me with, they hit me on my left arm and [the plank] broke. They beat me from 1400hrs to around 1900hrs. After beating me they took us to Mbare Police Station where we were detained without charge.⁸³

These victims both presented with severe soft tissue and head injuries, and both also had clear evidence of falanga – beating on the soles of the feet.

One of the worst consequences of the Mbare violence was the displacement of at least 140 residents including women and children, who were then housed in Harvest House, MDC-T party headquarters, and subsequently in various church centres including Silvierra House. The police raided the churches housing the displaced, and took large groups of men and women into custody for some hours.

⁸² Statement from victim, March 2011.

⁸³ Statement from victim, March 2011. Interestingly, Carter House was also used as a centre by the Youth League to rape and beat women during the Bus Protests of 1956 – interview with Zimbabwe activist and historian.



Photos 6 and 7: Displaced victims of political violence, Mbare, February 2011.



Reciprocal violence by MDC-T

The violence in Mbare has not been entirely one sided. On 7 February, a Zanu PF activist had his stand in Mbare petrol bombed.⁸⁴ Reading the testimonies of victims tortured by the police, they were often being tortured to try and extract information about who was responsible for particular assaults on named Zanu PF supporters on given dates.⁸⁵ Civic leaders in Harare

⁸⁴ J Moyo, Mail and Guardian, 11-17February 2011: *ZANU-PF's new coercion tactic*. Eye witness testimonies from victims.

⁸⁵ See statement quoted ahead in this report.

confirmed that at times the violence in Mbare has been more in the nature of skirmishes, as MDC-T supporters have stood their ground at times to defend their stands and homes. However, the bulk of violence has been driven by Zanu PF, who have predictably also been given impunity for their acts.

ii. Targeting of party and civics regalia

Six individuals reported being physically attacked for wearing an MDC-T t-shirt. One man was thrown off a moving truck on which he was hitching a ride, for wearing an MDC-T t-shirt, and was lucky to survive the experience. Although not included in the violence statistics as they did not receive physical injuries, three women in Bulawayo were forced by police to remove ZCTU t-shirts in the middle of the public street, thus humiliating them.

iii. Maize slashing protests

Ten individuals were beaten up by Zanu PF youths early in the year, when they rampaged through Harare in protest at the slashing of some maize stands by the MDC-T city council.



Photo 8: ZANU Youth in commandeered vehicles, downtown Harare, February 2011

iv. Protests against foreign businesses

Several people reported being beaten up by Zanu supporters when they ran and drove through the streets attacking foreign owned businesses in central Harare in February.

v. Treason trialists

Forty five activists were jailed and subjected to varying degrees of physical abuse, ranging from terrible torture to deprivation of access to their ARVs, after being arrested while watching videos of events in Egypt.

vi. Banning of rallies, meetings and marches

A large number of victims reported being beaten or tortured while trying to attend rallies that they did not know had been banned, such as the one at Glamis Stadium on 19th March - or for attending MDC-T meetings including those inside buildings which are not in fact subject to POSA. On several occasions, the entrance to Harvest House or other MDC-T offices have been besieged by ZANU activists or by the police, resulting in injuries.

On 19th March 2011 I came from Budiriro with the intention of attending the MDC rally at Glamis Station. As I passed near the Harare Showgrounds I met some ZRP officers and I saw a group of Zanu-PF supporters chanting slogans and songs. I went to the right side of the road trying to avoid them. Some of the Zanu-PF youths came towards me and grabbed me. They took my cellphone and US\$83 in cash. The gang assaulted me everywhere with booted feet, clenched hands and they used some mechanical instrument to spray my face. I was assaulted in front of the Police and they only responded after I was down on the ground. They trod on me. I was taken with others to Harare Central Police Station where we reported our cases. We were released and went to Harvest House and they took us to a private clinic for treatment.

5. Violence in other areas

Violence around the country has occurred in a similarly mixed series of contexts, and is also often about political control of resources, including food, projects, wheelbarrows and vending stands. The following statement tracks disputes around vending stands in a small business centre in Mashonaland Central. What is noteworthy is that the *police are shown to have made some effort to act fairly in the situation*, which did end with 15 Zanu PF youth being charged with theft and damage to property. What is also clear is the high levels of intimidation under which many Zimbabweans are forced to live – there is little physical violence in this incident, but few people would be brave enough to withstand such psychological pressure and daily threats, and the loss of substantial property.

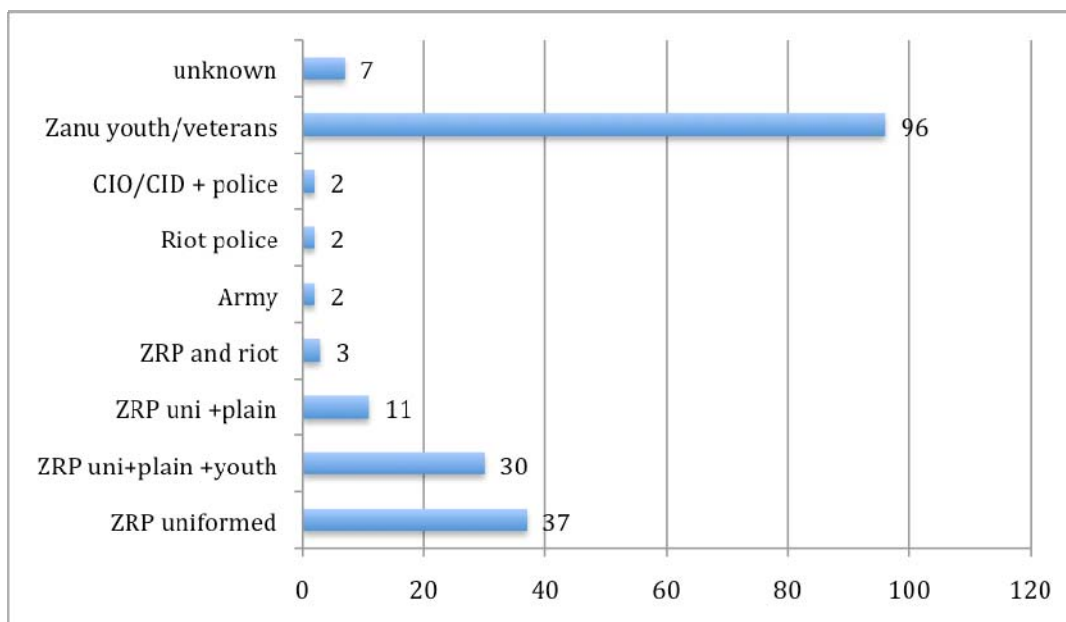
Just then I was grabbed by my collar from behind. He called me Tsvangirai's dog.... I was pulled to the back of the shop by C and pushed against the wall and I hit my head. He wanted to kick me and a man called J (soldier) came to restrain him. He ordered me to go back to the market place. I went to the police to report and they told me to come back the following day. I went back to the market and started business as usual. The following day around 11am, they [Zanu youth] came and called me again. They said I should pack my things and leave the market place.... I returned to the police to report the matter and was waiting to see the Member in Charge when the group of Zanu PF youth arrived. When I went into the office of the member in charge they followed. When they were told

to wait outside they refused. I was told to go out and then he called me in again but the youths went to the windows to listen to what I had to say. He then asked me if I went to the council, but when I was at the council the youths went and took all my vegetables. They started scolding everyone at the council. They said they wanted to cut my head. They said they wanted me to feel the pain of sanctions. They said I should sell my vegetables at Tsvangirai's house because he refused to sign the anti-sanctions papers. At my stand they also took my two cell phones and US\$70. I went back to the police and asked about my case. The police told me that if I was not expelled by the council, I should go back and sell my produce. The goods taken by the youths cost around US\$350.

The following day (Monday) 14th March 2011 I went to the police, they called the [Zanu PF] Councillor and he said the market was for Zanu PF supporters. I was given a police officer to go and count the things they had taken. There were things missing. They said I should get them from Tsvangirai. The Councillor said we should carry our sticks because there will be war. I started running. I was beaten on the back with a fist, then I ran away and hid in the bush. I went to Kadoma and reported the case to the police. 15 youths were arrested and they said they would notify me of the court dates.⁸⁶

6. Perpetrators

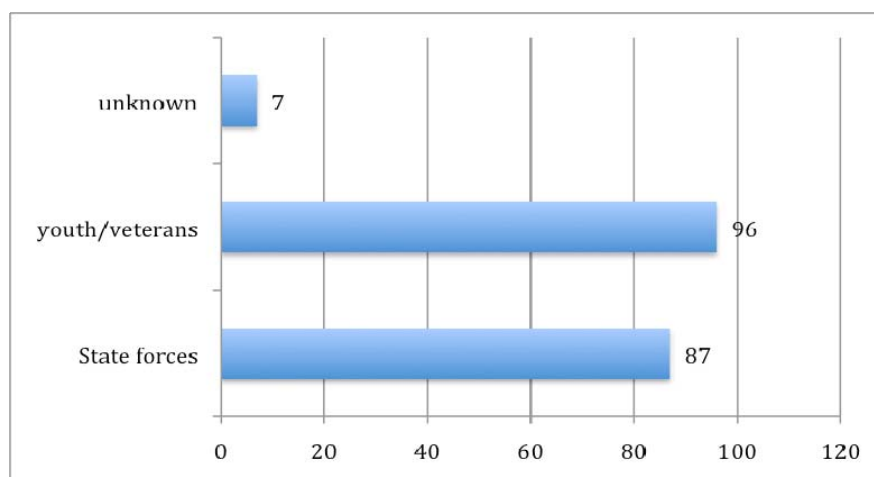
Graph 3: Cases by perpetrator, January to March 2011



⁸⁶ Statement from victim, March 2011.

Of great concern is the clear involvement of state agents in the political violence of the last three months, with a total of 87 out of 190 victims, or 46%, indicating that their beatings and torture were meted out by police, mostly in uniform. Many cases of shocking torture were reported as having taken place in police stations, in particular Warren Park Police Station.

Graph 4: Showing perpetrators by general grouping: January to March 2011



Two victims reported being tortured by soldiers, and in 30 cases, victims reported ‘police working together with youth’ were responsible for attacks on them. This is indicative of a continued policy of state-led political violence, with the police showing blatant support for, and at times collusion with, violent Zanu PF supporters. Yet again this reinforces a clear message that Zanu youth have impunity to act violently.

i. MDC-T as perpetrators

This situation, of the state and Zanu PF supporters having impunity to commit often horrendous acts against the presumed opposition, leads to reciprocal violence. As already indicated in the section on Mbare, at times the MDC-T resorts to violence, but this seems to be most generally in response to violence against themselves, to which the police refuse to respond.

There was a major confrontation in Nyanga constituency on 13th February, in which 30 Zanu PF supporters provoked a group of several hundred MDC-T supporters who were trying to hold a meeting in the open. This resulted in several Zanu PF supporters receiving severe injuries, including in one instance the loss of an eye, and in at least one Zanu PF supporter having her home burnt to the ground.⁸⁷

⁸⁷ K Nyathi, The Standard, Feb 27-March 5: *Minister linked to Nyanga reign of terror.*

Violence by the MDC is to be condemned, as is violence by any person in Zimbabwe. There is an urgent need for the police to adopt a non-partisan approach to political violence and prosecute all perpetrators impartially. What needs to be even more roundly condemned is the following account of shocking torture of several innocent MDC-T activists by the police, while in pursuit of those who had beaten ZANU PF activists. The complainants confirmed those brutally tortured, including a mock execution, were not their assailants...

I was arrested by police and detained at Warren Park Station. They were accusing me of gathering a meeting at Njanike township, and beating Zanu PF supporters. Around 2000hrs the police officers came and started calling us one by one to the PISI department office. They started interrogating and beating us. I was then called they started interrogating me. They wanted me to accept the charges they were laying on me.... I was assaulted with thick wooden sticks and iron bars. I was beaten on the head, buttocks, left eye and also kicked on the chest with booted feet. M's face was tied with jacket and the other with a plastic. They took 2 pistols. They switched off the light and said they were going to shoot us. They removed the jacket and told us to go and lie in the corner. We were then asked to stand up and jog singing a Zanu PF song called 'team'. Around 10am we were taken to Harare Central Police. We went to pick up the complainant who said we were not the people who beat [him]. The CID at Harare Central police said we should go back to Wilpark to correct the papers. Our lawyer followed and at first they denied him. Our lawyer at first thought we were injured during the fight with Zanu PF supporters but he learned that it was the police who assaulted us. We went back to Harare Central Police. We were detained in cells overnight. On Saturday we were taken to CID department. The complainant identified person who beat him and we were released.⁸⁸

7. Type of physical offences reported

The fact that 50% of victims (95) experienced torture is to be totally condemned. By definition, torture takes place at the hands of a state agent. Zimbabwe is signatory to several international conventions that prohibit torture and it is shocking that it remains so widespread among the police force, and is a routine method of interrogation.

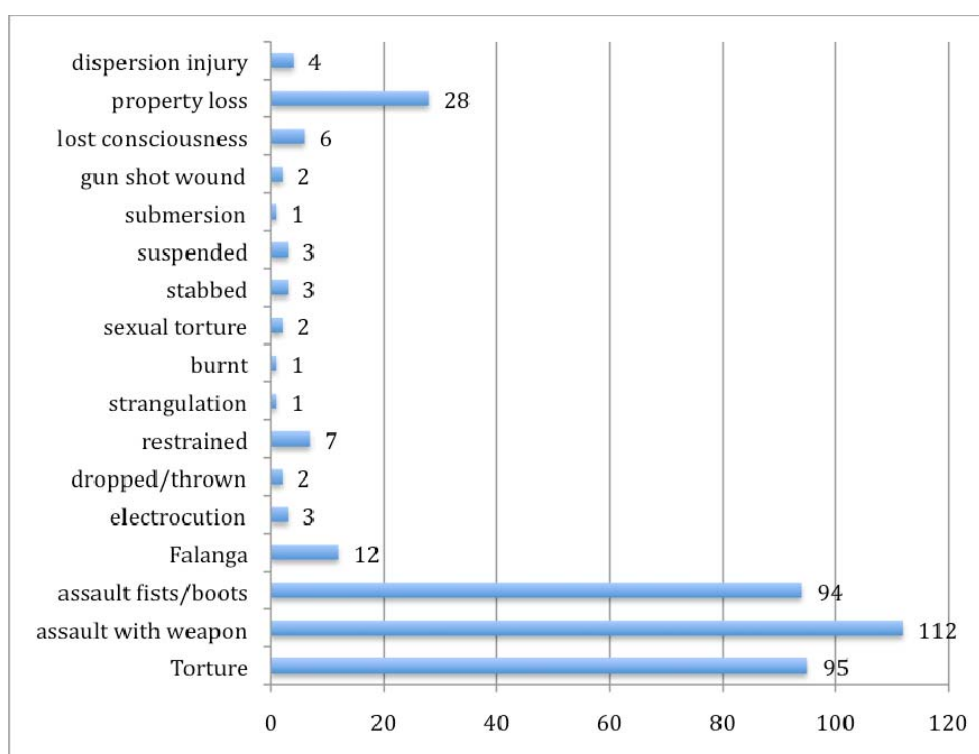
Twelve people reported falanga, a pernicious form of torture that involves beating the soles of the feet. This can lead to permanent damage to nerve endings and can inhibit walking. Small numbers of victims reported other extreme forms of torture, including electroshocks, being suspended while being beaten, being submersed in water to the point of almost drowning, being

⁸⁸ Statement by victim, March 2011.

strangled, genital torture, and being beaten while restrained. Others reported being beaten with a weapon by a state agent.

The largest group of physical offences reported, involved being beaten with a weapon (112), while other clients reported being kicked and punched. A few reported being burnt, being shot or being stabbed. A few people reported fairly minor injuries incurred while running away during the dispersal of gatherings by riot squads, during which they fell over or fell into ditches and sustained injuries

Graph 5: Types of physical offences reported by victims: January to March 2011



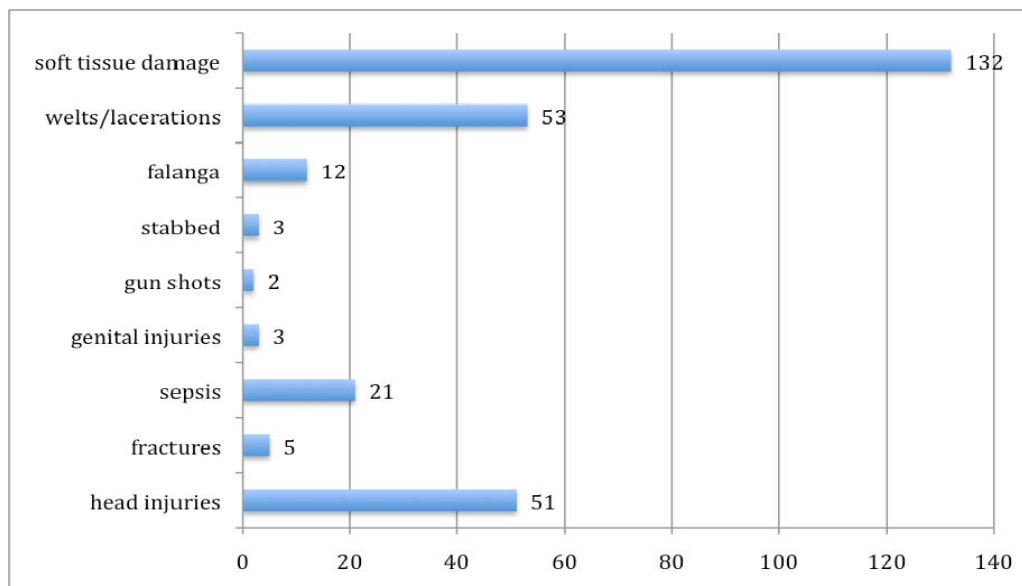
8. Medical findings

Medical findings showed a high degree of corroboration with the claims of victims.

- There were a large number of soft tissue injuries –bruises, haematomas and disfigurement. 69% of clients showed such injuries.
- 53 clients showed welts and lacerations, specific soft tissue injuries that are highly corroborative of claims to have been beaten with sticks, electrical cable and other long, narrow weapons.
- Those who claimed falanga, gunshot wounds, burns, stabbings and genital torture, were all found to have injuries consistent with their claims.

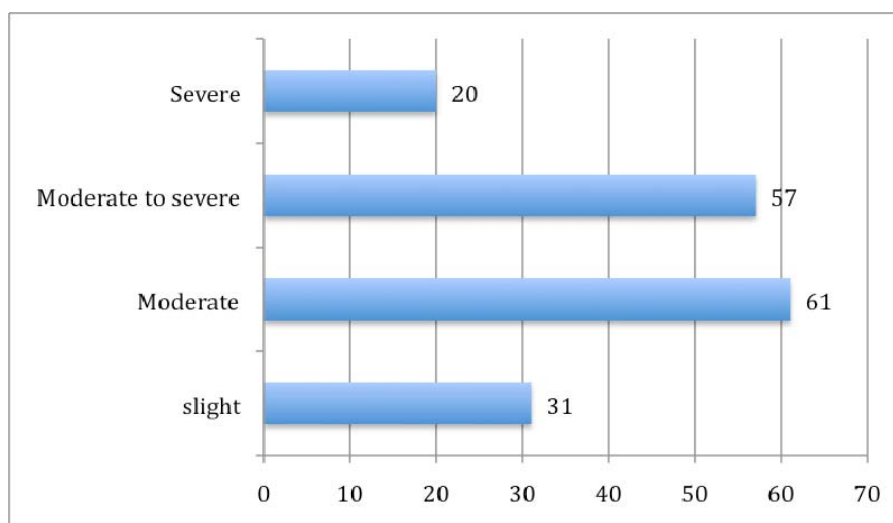
- Five clients were found to have fractures in either small or long bones. Small bone fractures in the hand are indicative of injuries sustained while blocking other parts of the body from beatings with weapons.

Graph 6: Medical findings corroborating reports of victims: January to March 2011



Of great concern is the fact that 51 clients had visible evidence of head injuries, some of these severe, and six clients reported having been beaten until they lost consciousness. These individuals are at risk of brain damage.

Graph 7: Degree of severity of medical injuries as assessed by doctors: Cases January to March 2011



40% of clients were judged to have injuries in the severe, or moderate to severe category, with a further 32% sustaining moderate injuries.

9. Conclusion

Political violence has affected several hundred people in Zimbabwe already this year. In 46% of cases, agents of the state, in particular the police, are alleged to be the perpetrators. Torture remains very widespread, and the injuries being sustained are in some cases likely to have permanent negative effects on the health of victims. Of particular concern is the high number of head injuries. Violence has been prevalent in a range of contexts, all linked to political contestation at one level or another. However, worrying as any political violence may be, the violence of 2011 is currently very significantly less intense than in 2008, and the state strategy at the moment seems to be largely to rely on intimidation, backed by some violence. Mbare and surrounding areas have been an exception to this, where violence has been more widespread at times, and has resulted in displacements as well as injuries and damage to property.

Violations during the rest of 2011

It is likely that the rest of 2011 will be characterized by a continuation of the trends established already this year, in particular the shutting down of democratic spaces. The state is likely to become more directed and more targeted in terms of whom it arrests, and whom it beats. As SADC and others are keeping events in Zimbabwe under scrutiny in the wake of the recent SADC meeting in Zambia, it is NOT likely that Zanu PF will use a sledgehammer at this stage, and will rather intensify intimidation methods. These can be very effective in breeding apathy and fear, and in distancing people from opposition political activities, yet are very difficult to measure forensically.

The state will concentrate on continuing to harass and wear down those NGOs that it considers most threatening, which are those that document human rights abuses. While intense and widespread state organized violence during 2011 seems unlikely to the authors at this stage, Zanu PF is a party that has regularly shown that when all else fails, violence is considered a good fallback. Mugabe's uncertain health, and the general uncertainty of Zimbabwean politics as evidenced over the last decade, means that 2011 remains unpredictable in human rights terms. However, the agreement to establish a SADC committee to work alongside JOMIC in Harare could be an important step towards reducing blatant human rights violations.

C. Violations of the rights of the Dead

1. Mount Darwin exhumations

During the last month, the discovery of bodies in a series of shafts and tunnels in Mount Darwin has resulted in a group of previously unknown war veterans, “the Fallen Heroes’ Trust” undertaking shambolic and unskilled exhumations. ZBC-TV footage shows unqualified individuals heaving around parts of skeletons and what may be mummified human remains, separating upper and lower torsoes and throwing random bones and skulls into plastic bags. This trust claims that they have “exhumed” in excess of 600 bodies to date, with hundreds more still in the area. It is claimed that these are all victims of the Rhodesian army, killed during the war for independence in the 1970s. The exhumations are clearly intended as a propaganda stunt to bolster the anti-white and anti-west rhetoric of Zanu PF, as part of their campaign strategy.

These exhumations have been a violation of the rights of the dead to be treated respectfully and in a way that does not dismember them and result in their remains being arbitrarily scattered around. The exhumations have destroyed the possibility of accurately identifying who these individuals are, and has seriously reduced the likelihood of dating when these murder victims entered the gravesite. The latter process usually relies on artefacts that are contiguous with the human remains, and the site is now severely contaminated and damaged.

The expert practice of exhuming human remains of those believed to have died as a result of human rights violations by governments and guerrilla forces, is well established in parts of the world. Protocols of minimum standards that must be complied with in such instances have been written and accepted by the United Nations. Such gravesites are crime scenes and inexperienced interference with them destroys forensic evidence.

The Argentinean Forensic Anthropology Team (EAAF) were, in 1983, the first to train and exhume for purposes of identifying people who had been deliberately murdered and disappeared in their own country. Since then the Argentinean team has undertaken exhumations in 40 countries and has helped found and train exhumation teams in many Latin American countries.

In Africa, the Argentineans have exhumed or worked in South Africa, Namibia, Angola, Democratic Republic of Congo, Ethiopia, Sudan, Togo, Ivory Coast, Kenya – and in south-western Zimbabwe in the 1990s.

Who is in the Mount Darwin Graves?

The government and the Fallen Heroes' Trust are claiming that those in the Mount Darwin graves are ZANLA combatants and civilians killed by the Rhodesians during the war of liberation in the 1970s.

Discussions with ex-ZIPRA combatants in Matabeleland have suggested that they do not contest that probability, but believe that their own combatants could also be in these graves, as ZIPRA was very active in Mashonaland West and parts of Mashonaland Central during the 1970s. Furthermore, concerns have been expressed that some of the dead may be from the Gukurahundi era of the 1980s, when there was a purge of ZAPU supporters.⁸⁹ While this purge affected mainly the south-western provinces of the country, ZAPU did have political support in parts of Mashonaland and it is not impossible that these graves contain victims of the 1980s.

Activists have also expressed concerns that there are some people who went missing during the political violence of 2008, whose remains may also be in this grave. Yet others have wondered whether it is possible that villagers murdered in Chiadzwa, Manicaland, where there have been allegations of massacres linked to the diamond mines, may have been transported and dumped in these graves. The concern about recent murder victims being in this grave has arisen because many of the bones being exhumed are clearly not skeletonised, and have tissues on them. Whether these are mummified tissues or more recent, rotten soft tissues, needs an expert to decide.

Court order to stop the exhumations

On Thursday 7th April, the ZIPRA Veterans Trust won a court order in the High Court of Bulawayo, stopping the exhumations. This Trust claims that as ZIPRAs could be in this grave, they are an interested party and need to be consulted on the way forward. They have demanded that a government-led legal process should replace the haphazard exhumations currently taking place. The ZIPRA Veterans Trust has sought advice from the EAAF on the UN Minimum Standards for Exhumation, which are reproduced in this report.

Solidarity Peace Trust adds its voice to those calling for experts to be brought in at this stage, to assess the degree of damage done to date in Mount Darwin, and to advise on how to rescue at least something of forensic significance from this site.

We appeal to all those who have long standing desires for exhumations of graves in their areas, particularly in Matabeleland where graves from the massacres of the 1980s abound, not to follow

⁸⁹ See CCJP and LRF, 1998: "Breaking the silence, Building true peace: a report on the Disturbances in Matabeleland and the Midlands 1980- 1988" for details of these post independence massacres.

the bad example of the “Fallen Heroes’ Trust” and rather to lobby for their right to expert exhumations undertaken by professionals.

Exhumations carried out by casual individuals will forever silence the bones and the truths they may tell – let us respect their right to speak and bring them the experts they need to be heard.

2. Attack on mourners at a Memorial Service, Harare, 6 April

Solidarity Peace Trust condemns unreservedly the attack on families and friends of five MDC activists, who had gathered to honour these dead and unveil their tombstones at Warren Park Cemetery on 6 April. The five being honoured were Abigail Chiroto, Tonderai Ndira, Better Chokururama, Cain Nyevehe and Godfrey Kauzani, all of whom are believed to have been brutally murdered by state agents during the political violence of 2008. The mourners were beaten by riot police and three people trying to serve food were deliberately trapped in their tuck shop and a tear gas canister was thrown inside. Three people were hospitalized after this event.

While it is never acceptable for police to attack and teargas peaceful gatherings, it is particularly reprehensible to attack those who are undertaking their cultural, religious and personal rights to mourn and commemorate their dead.

The dead have the right to be mourned, and the living have the right to mourn their dead, without vicious state reprisals.

3.

MINIMAL SCIENTIFIC STANDARDS FOR THE EXHUMATION AND ANALYSIS OF HUMAN REMAINS

This document, summarizes what are the minimum scientific standards in the recovery of human remains in any kind of context. It is based on the 28 years of experience of the Argentine Forensic Anthropology Team (EAAF) in working in 40 countries in the recovery and analysis of human remains in complex cases, particularly those related to human rights violations.

Basic concepts

- The recovery and exhumation of bodies is a very sensitive process that goes beyond just the technical aspects and has consequences in the Legal, Psychological, Religious, Humanitarian, Economic and Political fields which must be taken into consideration and evaluated before beginning the work.

- To open a grave, without the due preparation, could result in an extra damage for those persons that lost relatives in the past and still are looking to know about their loved ones.
- The victims' families and communities must be considered a central and fundamental part of the investigative process, before, during and after the process itself. It is advisable to inform them as early as possible in this process of the real possibilities – of, e.g. finding and identifying the bodies– so as not to create false expectations.
- A mass or single grave, or bodies in the surface, could be a crime scene with records of criminal activities.
- Excavation is a unique process and the mistakes made during this process cannot be repaired. Once the body is removed by a non trained person, the damage is done, and essential information that could help in the identification process could be lost for ever.
- Whatever is recovered are not only objects but also information.
- This is not simply about excavating and recovering a body but also about interpreting the findings in the appropriate context and relating both to the preliminary investigation and the laboratory analysis.
- Forensic archaeology is the scientific discipline with the necessary capacity and knowledge to analyze a “crime scene” that involves exhumation of bodies, recovery of remains and objects spread about the surface.
- In the absence of forensic archeologists, the work should stop until proper specialists, with proved experience, can plan the process.
- The work of the forensic anthropologists could assist in establishing if the remains are human or not; approximate time of death according to conservation of the bodies and objects associated with the bodies; to establish the context; to avoid commingling between different bodies; to avoid post mortem damage.
- There has to be a proper record as well chain of custody, for every body and object removed from the grave or other location.
- The remains and other associated objects, have to be stored in an adequate laboratory with proper custody.
- The analysis of the remains has to be done by a team composed of a forensic pathologist and a forensic anthropologist, at least.



Photos 9 and 10: Skeletons exhumed in Matabeleland in the 1990s, show expert forensic work.



Photo 11: Mount Darwin exhumation, March 2011.



Launch of ZANU PF Anti-Sanctions Campaign, Harare, 2 March 2011