

Vote ZANU-PF or Starve

Zimbabwe: August to October 2002



20th November, 2002

Physicians for Human Rights, Denmark

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Physicians for Human Rights, Denmark (PHR-DK) has published two previous reports on torture in Zimbabwe:

- ***Zimbabwe 2002. The Presidential Election: 44 days to go.* Physicians for Human Rights, Denmark, 24 January 2002.**
- ***Zimbabwe: Post Presidential Election – March to May 2002. “We’ll make them run”.* Physicians for Human Rights, Denmark, 21 May 2002.**

Photograph 1: Cover

The child on the front of this report is from an MDC supporting family in Midlands that allegedly has been consistently denied access to food, including to WFP donor food, on political grounds.

On 28th October 2002, the child was diagnosed as having kwashiorkor, a condition caused by protein and calorie deficiency.

This opinion was reached based on the following symptoms:

- distended abdomen
- oedema of dorsum of feet and hands
- flaky, discolouring skin
- sparse hair, beginning to straighten
- apathy

For full details of this case, see this report, page 26.

Note: the visible umbilical hernia is irrelevant medically speaking and is not linked to starvation.

PHYSICIANS FOR HUMAN RIGHTS DENMARK

We are an independent group of Danish medical doctors (founded 1990) whose goal is to bring the skills of the medical profession to the protection of human rights. Members of PHR-DK have participated (in some cases as consultants to other NGOs) in fact finding missions to several countries such as Israel and The Occupied Territories, Chile, El Salvador, Guatemala, Venezuela, Turkey, Northern Ireland, Cyprus, Kuwait, Kenya, Romania, Uruguay, Lithuania, Latvia, Pakistani and Indian held Kashmir, Sri Lanka, Mexico, Nepal, Croatia, Bosnia, Thailand, The Philippines, Punjab, Kosova, Jamaica, and Zimbabwe.

PHR-DK co-operates with several other human rights organisations, notably IFHHRO (International Federation of Health and Human Rights Organizations).

DOCUMENTATION OF TORTURE

This has been the purpose of *all* our missions. Mainly done by interviews with and medical examinations of torture victims, dead or alive.

We have, from time to time, co-operated with several NGOs in- and outside the countries in which we have worked, notably Physicians for Human Rights/USA (Health Care Situation in Kuwait during the Iraqi occupation), Human Rights Watch Asia (Kashmir), PHR/UK (investigation of long-term effects of acoustic shocks used by Soviet elite soldiers OMON during uprising in Lithuania), , FAST (Families Against State Terrorism, Jamaica), CCFS, CIFA (Centre for International Forensic Assistance), several NGOs in Israel and Occupied Territories (autopsies of Palestinians who died in Shabak custody), and OSCE (Kosova).

Examples of missions: Four fact finding missions to both Pakistani and Indian held Kashmir. Fact finding missions to Thailand (Burmese refugees) and to Punjab. A recent case (March 2002) was an investigation in Jamaica: seven young men had been shot dead by local special police ("Crime Management Unit"). A Danish forensic specialist observed the seven autopsies in Kingston and concluded that the cause of death was multiple gun shots and the manner of death homicide. July 2000: fact finding mission to Mexico where two non-violent AmerIndian environmental activists were examined while in prison. Conclusion: the two AmerIndians, Rodolfo Montiel Flores and Teodoro Cabrera Garcia, had suffered severe torture carried out by the army. They were released after the Foreign Ministry of Mexico contacted PHR/DK to have some information confirmed. January and May 2002: members of PHR/DK visited Zimbabwe and documented after-effects of severe physical torture: flogging with barbed wire leaving typical, absolutely unequivocal wounds.

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Previous reports by PHR-[DK on human rights violations in Zimbabwe are available at:
www.phrusa.org/healthrights/phr_denmark.html

“We would be better off with only six million people, with our own people who support the liberation struggle. We don’t want all these extra people”.*

**Didymus Mutasa: Zanu-PF Organising Secretary,
10th August 2002**

***Zimbabwe has a population of 13 million**

“By December, we estimate that 6.7 million Zimbabweans will be in need of food aid, but so far we only have food for 3.9 million ...

Food is coming in but it is not coming in fast enough ... Within two months many more people will be hungry. We are looking at the possibility of major famine, major death. And yet the government is still obstructing food deliveries. I don't know why they are doing it at this point. They are hurting their own people ...

Government officials confirmed to me that they will not allow those non-governmental organisations to distribute food aid for political reasons, because the government views them as loyal to the opposition party. I said that is unacceptable. They are major international organisations with fine reputations for non-partisan activity."

**Tony Hall: US representative to the UN Food and Agriculture Organisation,
commenting on the closure of donor feeding schemes in Binga; cited in *The Guardian, UK*, 17 October 2002.**

Contents

	Page
Summary and Conclusions	6
1. Introduction	8
2. Structure of the report and approach towards compiling material	9
3. Erosion of democracy	10
3.1 Historical background: key events August to October 2002	11
3.2 The Rural District Council and Insiza elections as events triggering politically motivated violence	15
4. Abuse of food as a political weapon	19
5. Results of interviews and field visits conducted to investigate allegations of political abuse of food, August to November 2002	22
5.1 Case examples by district	23
5.2 Conclusions	28
6. Results of examinations of individuals exposed to human rights violations in Zimbabwe, August to November 2002	29
6.1 Clinical case summaries	30
6.2 Summary of observations	
6.3 Conclusions	
7. Corroboration of findings by other organisations	57
8. Annexes to the report	

Photographs

Photo 1, front cover:	Child with kwashiorkor	
Photos 2, 3 and 4:	Burnt homesteads, Binga	14
Photos 5 and 6:	Case C: pellet gunshot wound and chest X-ray	37
Photo 7, back cover:	Case L: scalp wounds inflicted with stones	

Summary and Conclusion

This report is the third report in 2002 on torture in Zimbabwe by Physicians for Human Rights, Denmark (PHR-DK). In January and May 2002, earlier reports concluded that mutilating torture was being practised by government supporters against the political opposition, and that perpetrators operated on the assumption of total impunity.

We document in this report that in the second half of 2002, torture and ill treatment beyond any doubt is still being practised by government supporters against their political opponents in Zimbabwe. The fact that perpetrators continue not to care whether they torture people who can identify them, or whether their acts of torture or ill treatment leave marks that can easily be recognised as caused by torture, underlines a clear assumption on their part of impunity.

This assumption appears well founded: no prosecutions against perpetrators have been made in any of our documented cases of torture and ill treatment. This includes to date, no prosecution linked to any case from the January or May reports. Furthermore, one of the interviewees in the current report, was also featured as a victim in the May report – a victim re-victimised with impunity.

Our current findings further reinforce our previous conclusion that there is a deliberate policy of torture and impunity by the authorities.

The May report also reflected concern at the clamp down on the Zimbabwean judiciary, media and civil society and its impact on the flow of information on human rights abuses to the international community. We warned that in the Zimbabwean context, fewer formal reports about abuses did not indicate that fewer abuses were taking place. Rather it indicated that repressive legislation and a growing government campaign against independent voices had succeeded in decreasing the information flow.

The current report documents that attacks on independent voices in the media, the judiciary and civil society have indeed continued, and are predicted to escalate yet further in the next few months, in the form of further repressive legislation, as well as attacks on individuals. Government officials in the last few months, have ignored court rulings and condoned attacks on court officials who made rulings unfavourable to government. The appointment of a new Minister of Home Affairs appears to have coincided with an escalation of reported torture perpetrated by the police.

Furthermore, the May report documented a phenomenon last seen in Zimbabwe in 1984 – *the political manipulation of hunger in some areas to exclude from all routes of gaining staple food, those labelled as opposition supporters*. In rural areas, access to the staple food of maize is controlled by government mechanisms such as “food for work”, and through regulation of all maize sales through the parastatal Grain Marketing Board.

This latest report demonstrates that the political manipulation of food, including at times of donor food, continues to this day in Zimbabwe, and that the threat of being deliberately starved by the Government if the opposition won votes, was used to profoundly influence vulnerable rural voters in recent elections in Zimbabwe.

JOHANNESBURG, 20 November 2002

Introduction

The intention of this report, as with the two previous PHR-DK reports this year, is to focus on patterns of human rights abuses in Zimbabwe, as observed by the authors, or as reported to them by victims and key informants. A task force from Denmark visited Zimbabwe and their findings are summarised here. This report covers the time period August to October 2002.

It is apparent that torture of the opposition and the political manipulation of food increased significantly in the weeks before and immediately after the Rural District Council elections of 28th and 29th September.¹ Abuse included destruction of houses and property both before and after the elections, as well as physical torture of individuals. Similar patterns of abuses were noted in relation to the Insiza parliamentary by-election of 26th and 27th October. This is in accordance with previous findings by ourselves and other commentators that political abuses are directly linked to elections, and that persons who are perceived to be supporters of the opposition Movement for Democratic Change (MDC) are the most likely victims of such abuses. Supporters of the ruling Zanu-PF continue to be the most common perpetrators of political human rights abuses.²

Abuse of food has become an entrenched means of intimidating populations perceived as hostile to Zanu-PF.

This is now more widely acknowledged than it was a few months ago, including within diplomatic and international circles.³ The Zimbabwean government at times admits, and at other times denies, that this is an official or condoned policy.⁴

This report documents incidents that point towards systematic control of who has the right to purchase food from the government controlled Grain Marketing Board (GMB). It further documents exclusion of perceived MDC supporters from the right to participate in government “money/food for work” schemes.

As in the May report, this report once more documents political abuse of donor food. While it must be clearly stated that by no means all, or even most, donor feeding schemes are being subjected to political manipulation, attempts by the Zimbabwean government to use donor food as a weapon to punish those supporting the opposition has become more blatant and widespread in the last two months, at the very same time that hunger has become more widespread.

This has resulted in a US Government official stating on 4th November 2002 that they would consider “very intrusive and interventionist measures to ensure food is delivered to all Zimbabweans who need it, regardless of political affiliation”.⁵

¹ See current report and also: Amnesty International (AI), *Zimbabwe: Political violence intensifies ahead of September local elections*, 8 August 2002. AI, *Zimbabwe: government authorities intensify their campaign to silence dissent*, 2 September 2002. AI, *Zimbabwe: orchestrated campaign targeting opposition intensifies in the run up to local elections*, 11 September 2002. AI, *Zimbabwe: Appeal to President Mbeki on African Day of Human and Peoples’ Rights*, 21 October 2002. Zimbabwe Human Rights NGO Forum monthly reports showed a temporary reduction in reported political violence during June 2002, which then escalated ahead of rural elections.

² See all refs cited in previous note, as well as current report.

³ *Zimbabwe: the politics of national liberation and internal division*. International Crisis Group 17 October 2002, Harare and Brussels; *Food as a weapon*. Dr Keith Martin, M.D., M.P. OP-ED submission to House of Commons, Canada, 31 October 2002; see also op cit PHR-DK, 21 May 2002

⁴ see comment by Tony Hall on page 2 of current report for apparent government acknowledgement of this policy in November 2002.

Structure and method of compiling the report

Comprehensive information on the causes of the current famine and its status are well covered in other available reports⁶. Furthermore, there have been several statements and extensive reports released nationally and internationally, evaluating political and economic events in Zimbabwe.⁷ The current report does not seek to duplicate this information available elsewhere.

- We comment briefly on the continued erosion of democracy and the rule of law, based on information available from media and other reports, including key informant interviews by the authors.
- We provide an overview of some aspects of the Rural District Council elections and the Insiza parliamentary by-election, highlighting generally available information on the destruction of property, political manipulation of food, and use of violence, in the context of these elections.
- We then conduct in-depth interviews with a range of people claiming political abuses, including denial of access to food, property loss and torture.
- We conduct field trips to observe for ourselves, claims regarding burning of properties and manipulation of food. We conduct clinical examinations of persons claiming torture.
- We conclude that our findings in the field, and our medical findings, are in keeping with general claims of a systematic policy of (a) the abuse of food, (b) the destruction of property and (c) physical torture, as integrated parts of the Zimbabwe government's approach to opposition supporters, and to rural election campaigns August to October 2002.

⁵ Mark Bellamy, Dep Sec of State for African Affairs, US State Dept, quoted in The Washington Post, 2 November 2002. See also statement on Page 2 of current report, by Tony Hall.

⁶ UN agencies including their Relief and Recovery Unit releases regular situational update reports, the most recent at the end of October. The NGO Food Security Network, FOSENET, an alliance of 24 Zimbabwean NGOs, releases monthly updates summarising their collective information on the national food situation, entitled *Community assessment of the food situation in Zimbabwe*. The most recent is their August/September 2002 report.

⁷ These include: International Crisis Group, op cit, 17 October 2002. AI, Urgent Actions of 5 and 8 August 2002, 13 and 17 September 2002. AI, Press releases op cit, on 8 August, 2 and 11 September 2002. AI, statement, op cit, 21 October 2002. Lawyers Committee for Human Rights, New York, *Independent lawyers and judges targeted in Zimbabwe*, statement 22 August 2002, ZHRNGO Forum, op cit.

Current state of the rule of law and democracy:

Key events August to October

The last two years in Zimbabwe have seen a rapid decline in the rule of law and the functioning of democratic institutions. The May PHR-DK report predicted that this trend would continue. Furthermore it predicted that as repressive legislation against the media took effect, the government would turn more attention on trying to silence independent voices in civil society.

The following is a brief summary of some of the key events that illustrate that the undermining of all democratic freedoms and voices has indeed continued.⁸

Undermining of the courts and the judiciary

- The physical assault of a magistrate in Chipinge and the destruction of property belonging to an attorney in Chipinge on 16th August 2002. The attack on Mr. Walter Chikwanha was by war veterans in retaliation for the fulfillment of his duties as a magistrate. Mr. Langton Mhungu, a local lawyer, was then pursued by the same group, who vandalized his car in apparent retaliation for his representation of clients belonging to the opposition Movement for Democratic Change (MDC).
- The physical assault on magistrate Godfrey Gwaka in Zaka, Masvingo Province on 26th August. He was dragged from his courtroom and stabbed by suspected war veterans after a ruling which released MDC supporters without charge.
- Defiance of a high court ruling made on 17th July 2002 against cabinet minister Patrick Chinamasa. He was sentenced to three months in jail for contempt of court. The Supreme Court subsequently over turned this ruling.
- Detention at midnight of the by-then retired high court judge responsible for the initial ruling against Chinamasa. This three-day detention of Justice Blackie was widely condemned as an act of vendetta by government. The UN rapporteur on the independence of judges and lawyers, commented that, “When judges can be arrested, detained and charged on trumped up facts for exercising their judicial functions, then there is no hope for the rule of law in such countries.
- The government defied a Supreme Court order to hand over a complete version of the voters’ roll as used in the 2002 presidential election, which the MDC had requested as part of their appeal against the election outcome. To date, 8 months after the election, the MDC still does not have a copy of the voters’ roll.
- The International Commission of Jurists (ICJ) in late September criticized the government for refusing to allow them to send a fact finding delegation into Zimbabwe to investigate threats against the judiciary and lawyers.

Undermining of Parliament

- Parliament once again in September had its Standing Orders and Rules suspended in order to allow the government to fast track further amendments to the Land Acquisition Bill. This was after several commercial farmers had successfully challenged their evictions in the high court.

⁸ See all AI releases op cit; LCHR, New York, op cit; ICG op cit. Also Legal Resources Foundation website, www.lrf.co.zw, for report on defiance of court rulings and attacks on legal officials in 2002.

Continued “de facto” impunity for perpetrators of politically motivated violence⁹

- The previous trend of failure of police to arrest and prosecute perpetrators of “political” crimes continues: human rights groups report that it is not possible for victims to open cases or bring their persecutors to justice; this is in accordance with information given by victims in this report (see all cases in this report and the two previous reports by PHR-DK in 2002).
- Evidence that those who committed “political” human rights violations before the general election in 2000, have continued to do so without police restraint, until the present.
- Impunity has been consolidated for the State by obscuring its hand in politically motivated violence: the war veterans and now the “youth militia”, are increasingly the agents enforcing the violent policies of ZANU-PF.

Undermining of freedom of the press and of expression

- On 29th August, one of two independent radio stations in Zimbabwe, “Voice of the People” was destroyed in a midnight bomb explosion.
- A total of 18 journalists have been arrested and charged since July this year under the Access to Information and Protection of Privacy Act (AIPPA). Geoffrey Nyarota who is editor of the only independent daily paper, the *Daily News* currently faces 6 charges under the act.
- Further repressive amendments to the AIPPA are in the process of being forced through parliament and will further undermine the rights of journalists.
- In terms of the AIPPA, all media houses have been forced to apply for registration at the discretion of a government appointed board.
- Zanu-PF supporters including militia and war veterans continue to attack vendors selling copies of the *Daily News* in small rural business centers in many districts in Mashonaland and Manicaland.
- The International Federation of Journalists stated in late September that Zimbabwe was among the most dangerous countries in the world for journalists.

Undermining of non governmental organisations (NGOs)

- 29 August, Dr Frances Lovemore of Amani Trust was arrested and detained overnight on charges of publishing falsehoods. Amani Trust works with victims of torture and Lovemore was accused of falsely saying that youth militia raped MDC supporters in their camps.
- Amani Trust and the ZHRNGO forum were accused of “creating cases of political violence” that had not occurred and were threatened by the Minister of Home Affairs with unspecified action. The Amani Trust was also accused of being “British sponsored” and MDC aligned, in multiple media releases in government papers and on radio and state television.
- 13 September the government published a notice advising NGOs to register in terms of section 6 of the PVO Act or stop operating. Concern was expressed in NGO circles and by Amnesty International that this is an ominous move aimed at greater legal control of NGO activities.
- 22 September, 10 priests arrested in February 2002 for praying on the pavement for their detained colleague, will after all be charged under the POSA.

⁹ The pattern of impunity in Zimbabwe has been documented in May PHR -DK report, by LRF, op cit, and Amnesty International, June 2002 and 21 October 2002, op cit.

- 22 September, National Pastors Conference alleges that the government is harassing and torturing pastors for offering spiritual services to perceived MDC supporters.

Attacks on teachers

- *Teaching them a lesson: A report on the attacks on Zimbabwean teachers*, ZHRNGO Forum, 23 September 2002. This documents a policy of attacks on teachers, particularly in rural schools, affecting those perceived not to support the ruling party. The 238 individually documented violations in this report include unfair dismissal, assault, torture, abduction, and the political closure of 29 schools, during an 18 month period.
- At least 13 teachers are reported as not reporting for duty in Masvingo and Manicaland provinces when schools reopened in September 2002. According to the Progressive Teachers' Union of Zimbabwe (PTUZ), this is because of "rampant intimidation and assaults" by war veterans and Zanu-PF youths. During the school holidays, 3 teachers reported assault and others reported death threats.
- At the beginning of the new term, teachers in Matabeleland South including a headmaster, reported being forced by "war veterans" to leave their schools because they are opposition party supporters. The four affected schools are all in Gwanda North, an MDC stronghold.
- 70 schools in Binga were forced to close as all teachers were forced to attend a Zanu-PF campaign rally on 6 September, ahead of the RDC elections. Notes sent to headmasters warned them to identify teachers who did not attend the meeting at Binga center.
- 2 October 2002: PTUZ called for a nationwide strike to demand higher pay for teachers, who now earn less than soldiers. They also appealed for an end to harassment of teachers.
- The General Secretary of the PTUZ, Raymond Majongwe, was arrested on Thursday 10th October and held in prison for 4 days. During this time he was severely tortured. He was released and then re-detained on 16th October 2002.
- The strike went ahead in spite of government threats on 8th October, and on 15th October 2002, the Public Service Commission dismissed 627 secondary school teachers in Harare and Bulawayo. In 3 schools in Harare and one in Bulawayo, this has left entire schools with no staff at all. Pupils are weeks away from writing final examinations.
- 17th October 2002: South African Democratic Teachers Union releases a press statement, *Recognise Workers' Rights in Zimbabwe; Stop Harassment of Teachers' and their Union Leaders*, condemning the attacks and unfair dismissals in Zimbabwe.
- 21st October 2002: 25 teachers from Gwanda North who fled their schools after political threats, report that at a meeting with 2 senior government officials, they were told their safety could only be guaranteed if they supported Zanu-PF. Abednico Ncube, Dep Minister of foreign Affairs is reported as having said: "If you want to be in politics, join Zanu-PF because it is the government. If you want to join another party, wait until it is in government."
- 4 November 2002 it is reported that Organising Secretary for Matabeleland PTUZ, Innocent Moyo, was a few days' earlier severely assaulted by police officers in Bulawayo Central Police Station, sustaining facial injuries and suspected broken rib.

A brief summary of the Rural District Council and Insiza elections

A brief overview of the nationwide Rural District Council (RDC) elections, and the Insiza Parliamentary by-election, is given here. This is in order to contextualise the following sections in this report, which will give specific instances illustrating the manipulation of food, destruction of property, and use of torture that occurred during the campaign period and in the aftermath of these elections.¹⁰

The last two years in Zimbabwe have shown that it is in the rural areas of Zimbabwe that Zanu-PF retain most of their support. In the elections of 2000 and 2002, including several municipal elections, urban centres nationwide voted overwhelmingly for MDC¹¹. In 2000, in Matabeleland rural and urban areas, 21 out of 23 parliamentary seats were won by MDC .

According to a report entitled: *Report on Local Authority Election 28-29 September 2002*, by Zimbabwe Electoral Supervisory Network (ZESN): “To ZANU PF the election was conceded to be a battle for supremacy and political space. As a ruling party, its aim was to consolidate power at all levels of governance starting from central to local governance using any means at their disposal.”

It has also become apparent over the last two years of documented human rights abuses, that the rural areas remain most vulnerable to political intimidation; throughout 2002, attacks by war veterans and youth militia have occurred systematically, particularly in rural Zanu-PF stronghold areas such as Mashonaland and parts of the Midlands.¹²

The Rural District Council elections set for September 2002 were considered key by Zanu-PF, who needed to hold these areas to compensate for the erosion of their control in urban areas.

A particularly key reason for wanting to control the rural areas politically at this time is the strategic role being played by Rural District Councillors in the sale and distribution of GMB food, and control over who is eligible for government “Food For Work” programmes. The current authors will document in the following section, how abuse of food sales is, in some instances, enriching Zanu-PF officials at the rural level, while simultaneously depriving MDC supporters of food.

RDC: Nomination and campaign processes

During the process of nomination for this election, it was clearly indicated that Zanu-PF intended to maintain its dominance of all Rural District Councils.

MDC held primary elections and intended to field candidates in all wards.

However, out of 1,397 contested seats, MDC candidates were only able to register their nominations in 646 wards nationwide.

Before a single vote had been cast, Zanu-PF had a clear majority of seats. MDC protested that the grounds of prevention from nomination were incorrect or illegal in the vast majority of cases.

Circumstances which prevented MDC candidates from registering included:

¹⁰ The current summary is based on media reports, key interviews and statements released by international commentators including Amnesty International and the International Crisis Group. The advance copy of a report entitled: *Report on Local Authority Election 28-29 September 2002*, by Zimbabwe Electoral Supervisory Network (ZESN), Harare, October 2002, was also used.

¹¹ the exception to this is the Kadoma mayoral election, won by Zanu-PF but condemned by MDC as fraudulent.

¹² Previous PHR-DK reports op cit; ZHRNGOForum reports op cit.

- War veterans besieged nomination offices making it impossible for MDC candidates to enter the offices and register (reported in Chegutu, Shamva, Murewa; see also clinical Case L in this report).
- War veterans and other Zanu-PF supporters threatened prospective candidates and their supporters with violence and denial of food, causing them to withdraw candidature (see affidavit following on Nkayi page XX, and entire section on food).
- Physical attack on lives and property of candidates, including murder of one person, Nikoniari Chibvamudeve. Violence caused the withdrawal of candidatures nationwide.
- Districts where political violence was indicated as marring the pre-registration and pre-election period included: Shurugwi, Chirumhanzu, Mberengwa West, Zvishavane, Tsholotsho, Nkayi, Hurungwi, Mberengwa East, Chimanimani, Gutu South, Gutu North, Bikita West, Zaka and Masvingo. All these areas reported assaults, property destruction and fleeing candidates.
- War veterans intercepted MDC candidates en route for the nomination offices and destroyed their completed applications. These included signatures by ten promoters, and it was not possible for candidates to replace the forms in time (reported to authors as occurring in Tsholotsho, for example).
- Last minute unpublished changes were made to ward boundaries, disqualifying prospective candidates (ZESN, op cit).
- Some candidates were arrested in the days prior to nomination (ZESN, op cit).
- Government officials deliberately gave MDC candidates the wrong information as to the documentation needed for registration.
- Officials demanded documentation from MDC candidates not previously required in terms of the Act.

On 27th September 2002, the MDC placed an urgent application in the High Court, requesting the suspension of the elections, scheduled to begin the next day. They cited widespread violence and intimidation. However, the High Court ruled against them, saying the application was not urgent, and the election went ahead.

28th and 29th September: the RDC elections – “fear of hunger and fear of assault”¹³

Zanu-PF won the vast majority of the 646 contested seats in the Rural District Council elections. The election days were typified by voter apathy, with some councillors being elected with between 100 and 200 votes in their wards. In Binga, a remote rural district in Matabeleland North, MDC won convincingly with 16 seats out of 21, but apart from this district, MDC seats were scarce and mainly restricted to parts of Matabeleland North and South. ZESN (op cit) comments: “Results were announced in the counting centres and have also been published in the print media. However it is of concern that not all the results have been published and the district results which were announced on ZTV on Wednesday 2 October do not tally. As such the official results remain the exclusive property of the Registrar-General’s office so far.”

- Some polling day violence was reported, including the abduction and severe assault of 4 named MDC polling agents in Masvingo.
- There were claims by MDC and by other unofficial observers that food was used to bribe voters on voting days. In Chimanimani, Roy Bennet, the MDC Member of Parliament, was arrested with two others and held for 2 days, after they witnessed maize packs being given only to those

¹³ ZESN, op cit, page 8, refer to voters as dominated by these two emotions during the voting process.

voters who agreed to vote as illiterates, in the immediate wake of their voting. ZESN (op cit) also comments in detail on the use of food to bribe voters on voting days.

- ZESN (op cit) comments on the high numbers of assisted voters nationwide : “some people ask for assistance so that they can tell polling agents who they want to vote for and therefore leave no doubt as to their support for a particular candidate or party.”
- In Masvingo Province, voting started only at 2 pm on 28th after voting material arrived late, and commentators referred to the situation as “tense”.
- ZESN (op cit) notes that some MDC candidates fled their constituencies and were not able to campaign at all, nor were they present during the voting process.

30th September to 15th October: retribution

In the post RDC election phase, there were reports from around the country of attacks on MDC individuals and their property. Such attacks targeted those who had successfully, or unsuccessfully, stood for MDC in the elections, as well as MDC polling agents and nominators of candidates.

- In Mutasa District, “celebrating” Zanu-PF youths destroyed five homesteads all belonging to MDC supporters (names available).
- In Binga, the government suspended all donor food to starving school children. Officials were quoted as saying this was to punish the region for its strong MDC vote. The Catholic Church was ordered to stop its feeding, as were “Save the Children” and “Oxfam Great Britain”.
- The Catholic Bishop in Hwange was successfully pressured to close the Catholic Commission for Justice and Peace (CCJP) offices in Binga; this human rights organization was accused by government of having campaigned for the opposition.
- Three MDC families, two of whom had fielded candidates in the Binga elections, had their properties burnt down as a lesson to MDC (see photos 2 to 4 in this report).
- In Kamativi ward in Hwange, Zanu-PF supporters severely assaulted a winning MDC candidate and his wife after the election outcome (see Clinical Cases M and N in this report).
- In Bulilimamangwe District, Ward 12, Zanu-PF supporters threatened a violent backlash after MDC won the seat here. Villagers were warned that there would be no food from government to the ward because they had voted MDC.
- In Muzarabani District, the Zanu-PF MP reportedly evicted those considered to be MDC supporters from his district, in particular those originally from Masvingo.

Threats and crossing the floor

Furthermore, the authors were informed in personal interviews of two instances in which MDC winning candidates in the RDC elections had already, within two weeks of election outcome, been pressured to cross the floor to Zanu-PF.

The 2 duly elected MDC councillors capitulated after being threatened with death by Zanu-PF, and also with the withholding of government food from their wards to punish the wards for being MDC. The two affected wards are both in Matabeleland South, generally acknowledged as being among the most at-risk areas in the current famine.

The concerned councillors represent Ward 3 of Gwanda South, and Ward 8 in Matobo.

The Insiza by-election

The death of the MDC Member of Parliament for Insiza resulted in an October parliamentary by-election in this constituency. The campaign period was marred by widespread reports of violence by Zanu-PF supporters and the open political abuse of food, including of donor food, by Zanu-PF.

Reported violence:

- An MDC official was shot in a police station, in front of police, by the Zanu-PF MP-candidate, Andrew Langa. (see Case C in this report for affidavits and photographs relevant to the incident).
- The victim and 11 MDC associates were subsequently charged with “inciting violence” against themselves, and the aggressor walked free. All these MDC officials were banned the right to enter Insiza until after the election, seriously undermining MDC’s capacity to campaign.
- Armed Zanu-PF militia fired on an MDC convoy 3 days before the election. Siyabonga Malandu Ncube, the MDC candidate was in the convoy and went into hiding afterwards.
- Ncube also reported that he had been stopped at a road block prior some time prior to the shooting and had been told he could not enter his own constituency by the police. He was eventually allowed to enter, and 10 km later was ambushed by the armed militia.
- Hundreds of residents of Insiza were reported in the media to have fled ahead of the election after being accused of supporting MDC and being threatened with violence.

Reported food abuse:

- In mid-October, the World Food Programme (WFP) suspended food aid “until further notice” in Insiza District, citing political interference with WFP food ahead of the by-election. The WFP reported that Zanu-PF activists had seized 3 tonnes of maize being distributed by the Organisation of Rural Associations for Progress (ORAP) and had distributed it solely to Zanu-PF supporters, “in an unauthorised manner”.
- “Relief food distributions are not the place for any kind of political activity. WFP will only distribute its food on the basis of need and without regard to partisan affiliations,” WFP Zimbabwe Representative Kevin Farrell said. The agency said it was seeking urgent assurances from the authorities that a similar incident would not happen again. The food seized was the monthly ration for 6,780 people in two wards in the district.¹⁴
- On 22nd October, the MDC cancelled a rally in Insiza after they found Jonathan Moyo, the Minister of State for Information and Publicity, and Dr Joseph Made, the Minister of Lands, Agriculture and Rural Resettlement, distributing maize seed at Mahole, the venue of the planned MDC rally. The rally was supposed to be addressed by Gibson Sibanda, the MDC vice-president, and MDC claimed the distribution of maize had been deliberately timed to coincide with the timing of their rally.

The election went ahead and Zanu-PF won the vote. Andrew Langa, who, in a politically motivated attack, is alleged to have shot a man in a police station days before the election, is now a Member of Parliament in Zimbabwe.

¹⁴ IRIN, 18 October 2002

Destruction of homesteads

During October and November 2002, the task team from PHR-DK conducted field visits to areas where it had been alleged that properties had been destroyed, or threatened with destruction. This included Binga and Filabusi.

In Binga, the team found that homesteads had been destroyed as reported in the media. [photographs 2-4, following page].

Photographs 2 and 3: homesteads belonging to 2 different duly elected MDC Rural District Councillors in Matabeleland North, burnt down by Zanu-PF supporters in October 2002.



Photograph 4: twenty-seven goats were burnt to death in this hut in October 2002. They belonged to an MDC supporter in Binga, Matabeleland North, whose property was destroyed by Zanu-PF supporters after election results were announced.



AFFIDAVIT BY Q

I, The undersigned Q, ID number XX do hereby make oath and state that:

- 1 I am unemployed and I reside at number 222, YY suburb in Bulawayo.
- 2 I am legally married to L with whom I have five minor children, though I have got other children born from my first wife.
- 3 On 18 October 2002 while I was at my home in YY, my wife arrived from my rural home.
- 4 On her arrival she advised that my homestead has been burnt down.
- 5 My wife advised that on 17 October 2002, three men whom I believed to be war veterans came to my home and asked for her MDC party card.
- 6 My wife enquired as to why they needed the membership card.
- 7 The three men then proceeded to burn down my bedroom which is attached to the lounge, the girls bedroom, and all the moveable property worth about \$800, 000 was destroyed.
On 19 October I travelled to my rural area to evaluate the damage.
- 8 I have not reported the matter to the Police as I am afraid of the repercussions.
- 9 I need to report the matter, but I have difficulty as I have been subjected to torture in the past.
- 10 The perpetrators whom I can identify were one Moyo and two other War Veterans who illegally settled themselves at a nearby farm owned by one Gordon who has since left.
- 11 Currently I am a member of the MDC and I campaigned for the MDC before the Rural Council Elections held on the 28th and 29th September 2002.

The facts stated above are to my best knowledge, information and belief true and correct.
This is done at Bulawayo this day of October 2002.

Signed: Q

Commissioner of Oaths: BB

Vote Zanu for food

"Why do I get the impression, that I have to beg you to feed your people?" ¹⁵

*It is the intention in this section of the report, to focus on **specific evidence of the political abuse of food**, as witnessed by or reported to the authors, rather than to write a comprehensive overview of the entire famine situation in Zimbabwe at this time.*

The evidence we have here is limited, including geographically, covering only certain districts in the western half of the country. This is for practical reasons; media and other reports indicate that political abuse of food, particularly of government controlled food, is to be found nationwide, and could affect tens of thousands of people, including small children. ¹⁶

Furthermore, we readily acknowledge that it is not only opposition party supporters who are currently at risk of starvation. In all, more than half the nation does not have enough to eat. Those who are ill with HIV, the old and the orphaned are high risk groups, regardless of their political affiliation¹⁷. However these groups are not being deliberately or systematically deprived of food by government, and are groups that in any famine situation would face a high risk of starvation, because of their already poor health and/or socio-economic status.

This chapter is focused on those groups *deliberately* excluded from access to food, by state agents and supporters for political reasons.

Nkayi – food situation, March to October 2002

This is a summary of the difficulties being experienced by MDC supporters in purchasing food in Nkayi district in Matabeleland North, from the presidential election up to the present. Some of the information is taken from written lists handed to one of the authors in August 2002, together with personal testimony from Nkayi from August to October. The discrimination has steadily continued since the outcome of the Presidential election in March, until the present.

Those spoken to reported that they did not know of any donor feeding schemes operating in their particular wards, and that the only way to get food in their home areas was through Grain Marketing Board (GMB) sales or through “food for work” (FFW).¹⁸ Both are reported to be widely politically manipulated.

Lists were compiled by people resident in the wards – not all are clearly dated however. All refer to people discriminated against for their political affiliation, but the lists are not always specific. Some say people are listed “for food purposes” or refer to “people not getting help”.

¹⁵ Tony Hall, the special US Ambassador to the World Food Program stated that he had asked July Moyo, the Minister responsible for the food aid program in Zimbabwe, this question in mid-October 2002.

¹⁶ *Daily News* reports on alleged political abuse of food on: 3, 9, 18, 20, 21, 24 September 2002; 3, 14, 21, 28 October 2002; *SABC News*, 5 November 2002. Reports in *Daily News*, *Natal Mercury RSA*, and *News24 RSA*, 6 November 2002, all express concern at government abuse of access to food, to mention but a few media reports on the issue.

¹⁷ ICG, 17 October op cit; FOSENET, August /September, op cit.

¹⁸ As the WFP is continually expanding its programme, there could be donor feeding in some wards of Nkayi at the time of writing this chapter.

TOTAL: *1,437 people alleging food/food for work violations in terms of access denied on political grounds.*

The longer notes accompanying explain that MDC people are being excluded from “food for work” programmes, or are not being paid for their work. They also implicate war veterans and Zanu-PF supporters or officials as the culprits preventing MDC members from accessing food.

This discrimination seems to be policy, judging by some of the notes accompanying the lists, which include a note written by Councillor LN of Nkayi. He is a Zanu-PF councillor and his note clearly orders political discrimination against MDC, even recommending they have the size of their fields reduced as by voting MDC they demonstrated they “don’t want land”.¹⁹

They also indicate that veterans and Zanu-PF are refusing MDC people access to GMB grain and even to commercial stores.

In two cases the notes explain that MDC people are told they cannot benefit from the government. This view is backed up by the letter from the Councillor LN, who states that food should only go to Zanu-PF and that MDC should “go stay with their whites and their Tsvangirai”. This note also recommends reducing the homestead size of MDC families resident in Nkayi, as they have voted in a way that shows they do not want land.

The notes are included here in full (hand written originals in authors’ possession):

*Nkayi RDC
P. O. Box 20
Nkayi*

19 March 2002

Beloved Councillor M

Congratulations man for winning against Tshombe and his whites. I saw Mr N that you sent in connection with the case of the sellouts from S, N and his whole family from S. Listen handsome guy here at YY we will have party celebrations on Saturday at the clinic. ZANU PF is celebrating its victory in the last elections. We invite you and your youth that you mentioned. I think we still need to meet the elders (you and me), because these people have clearly demonstrated that they don’t want land, even the size of their fields should be really reduced. They should go stay with their whites and their Tsvangirai. Food for work money should be paid to ZANU PF people.

(author’s underlining).

Yours who will die for Zanu-PF.

Councillor LN

People who are supposed to be watched in the party

¹⁹ This note was handed to one of the authors from a very reliable source, with a plausible story of how it was obtained.

1. *G N's mother – BN*
2. *Miss P's mother*
3. *M*
4. *In jail (prison) the guards were accused of treating Mr B nicely*
5. *There are three people who are said to have been thrown into a dip tank with their hands tied to their backs. This was said by RM who is in jail. He alleges that the person who committed the crime was K.*

Note accompanying list from: Sikhobokhobo, Ward 12

“These names are for people who have not been assisted because they belong to MDC. We have been labelled duikers [small antelope easy to hunt and kill], we don't receive anything from the present government since pre-elections up to now. We are not allowed to join “food for work” programmes as we are said to go to our father MDC and get fed there.”

Note accompanying list from: Manguni I

“The names listed below are for people who have worked in the “food for work” programme but have not been paid.²⁰ Even if grain from GMB comes we are not allowed to buy because we are supporters of MDC. We are also living in a tough situation because the Zanu-PF youths have come back to their bases although we have not observed what they are actually doing. The payments and the grain is manned by the war veterans and the Zanu-PF party personnel who state that we cannot benefit from anything from the government.”

Number of Names on lists:

Adults: 1,114
 Family members indicated: 211 (only a few lists include numbers of dependants)
 Children indicated: 112 (only a few lists include children per family)

3 children chased from school by war veterans are also mentioned.

The numbers are not comprehensive as most lists do not indicate number of dependants in affected families, which is why number of children is so low. The lists are also not covering all affected families in all wards, but those the councillor /other informant knows about.

By Ward:

Gwelutshena, Ward 4:	23 adults	(food)
	3 children	(chased from school by war veterans)
JoJo West Ward 8:	181 adults	
Jojo East, Ward 9:	103 adults,	14 youths
Jojo South, Ward 10:	144 adults	
Sivalo, Ward 11:	16 adults	
Sikhobokhobo, Ward 12:	92 adults	(explanatory note translated in full below)

²⁰ Other districts in Matabeleland North have also reported the phenomenon of MDC supporters being allowed to take part in FFW programmes but then not getting paid when the money comes. See section on Bubi following.

Faroni, Ward 15:	49 adults	
Philip, Ward 16;	37 adults	
Malindi, Ward 19:	185 adults	(explanatory note)
Sibangelani II	27 adults,	6 “youth”
Malandu East	31 adults,	129 family members, 11 disabled adults, 34 family members
Manguni I:	58 adults – worked for FFW but were not paid	
Manguni II:	34 adults,	12 children – FFW denied
Kenilworth:	6 adults,	48 family members

On 25th October 2002, a sworn statement was made in the presence of one of the current authors and a commissioner of oaths. It relates how a prospective MDC candidate for the RDC elections in Nkayi was forced to withdraw after relentless intimidation.

It further relates how even after pulling out of the election, he was threatened in the wake of the elections. This has resulted in him having to leave his home, being deprived of his livelihood, and also being deprived of his right to purchase food.

The original affidavit lists the full names and ID numbers of 27 other families in this one ward of Nkayi who were removed from FFW programmes in *October, after the RDC election*. They were accused of being MDC. These same families have further been threatened that their fields will not be ploughed by RDC tractors as their fields are “government land”, and they do not support government.

The full affidavit can be read on page XX. Those parts of the affidavit relating to political discrimination have been underlined by the authors to highlight them.

Mberengwa East, food situation August to October.

The previous PHR-DK report documented many instances of political abuse of donor food in this district. Recent statements and three field visits during October indicate that the political abuse of food continues in Mberengwa East. This has been indicated by at least ten different informants, and confirmed by on site visits to homesteads.

The child on the front of this report is from an MDC supporting family in Mberengwa East that allegedly has been consistently denied access to food, including to Care International food, on political grounds.

On 28th October 2002, this 2 year-old child was diagnosed in a clinical evaluation as having kwashiorkor, a condition caused by vitamin deficiency.

This opinion was reached based on the following symptoms:

- child’s distended abdomen
- oedema of dorsum of feet and hands
- flaky, discolouring skin
- sparse hair, beginning to straighten

[Note: the visible umbilical hernia is irrelevant medically speaking and is not linked to starvation.]

Interview with mother of child

The mother of this child is a widow with three other young children. She was an active MDC supporter before the Presidential elections and has had trouble having access to food as a result. After the RDC elections, which Zanu-PF won with large majorities in this district, her food situation was desperate. She realised that her children were starving and did not know what to do. She realised that MDC was not in a position to help, and that as long as she remained an MDC supporter, she would not get food, because that is what everyone in her ward has repeatedly been told by Zanu-PF officials.

On 14th October 2002, she attended a meeting to revise lists for donor food from Care International in her ward. She was one of ten families that were called out by name by a Zanu-PF official (named), in front of a Care International official, and ordered to stand up and leave the meeting as they were MDC and Care food was not for MDC.

After this, she realised that her children would starve to death if she did not surrender her MDC membership and join Zanu-PF. She therefore, a few days before this interview, underwent a process of being “baptized” by Zanu-PF. Others also took part in this process. This involved crawling on her knees up to Zanu-PF officials and surrendering her MDC card and other MDC material including pamphlets and a t-shirt. She then purchased a Zanu-PF card, and her name was then added to Care International feeding lists.

Three out of the ten families mentioned as being thrown out of this meeting on the 14th October independently confirmed these events in separate interviews.

On 25th October 2002, a sworn affidavit was made in the presence of one of the authors, giving further detailed background on the abuse of Care International food in Mberengwa East. It further indicates denial of access to borehole water on political grounds, a type of discrimination previously documented in the May PHR-DK report. The full affidavit is on page YY.

The interviewee recounts how:

- An impartial committee democratically elected in his ward to compile Care food lists was “sacked” by Zanu-PF officials ahead of the RDC elections, and was replaced with an entirely Zanu-PF committee, which allegedly removed MDC names from the food lists. He is among those sacked.
- “Pungwes” were held at night and Zanu-PF officials used as part of their campaign strategy, the threat that those who voted MDC would not receive Care International food.
- 3 names are given of people who surrendered MDC cards to get their names on to Care International lists
- 12 more names are given of families still denied food, allegedly because they are MDC
- The interviewee is facing eviction orders, on the basis that he is an “MDC criminal”.
- The interviewee was on spurious grounds denied the right to vote on the first day of voting in the RDC elections, although he was eventually allowed to vote the following day.
- The interviewee witnessed voters being routinely pressured to vote as “illiterates” with the “help” of Zanu-PF officials, thus ensuring that these votes were for Zanu-PF.

Results of examinations of individuals exposed
to human rights violations in Zimbabwe
August to October 2002

All the interviews and examinations took place after 10th August and up to 15th November 2002. The cases summarised here represent only a fraction of approximately 80 people who, during this period, reported ill treatment or torture to one of the authors.

Interviews and findings

All examinations were carried out in the following manner: the history of torture or ill treatment (a) is compared to the examinee's description of ensuing symptoms (b) and the results of the clinical examination (c). In each individual case, it is appraised whether there is consistency between these three elements (a-c), thereby on medical grounds, assessing the validity of the statements of torture.

The exception is Case C, where case details were compiled with permission from two affidavits made by those involved in his case, in one instance an eye-witness and in the other instance, the specialist surgeon who operated on the victim.

In the following case descriptions, "Present Violence" summarises the accounts the examinees gave to us.

All examinees reported that they had been attacked for political reasons, some being supporters of the Movement for Democratic Change, the dominant opposition party in Zimbabwe, and others being assumed to be so. Some were reportedly attacked as part of a general repression of their community. Bearing in mind the possibility of being accused of usurping government functions (POSA), and with the probability of immediate deportation and data confiscation, it was considered too risky to approach the supporters of the ruling party to get information about possible human rights abuses committed by the political opposition; documentation of such violations has been done before.

All examinees agreed to be interviewed and examined with a view to publishing evidence of violence committed during the period August to October 2002. Furthermore they agreed that photographs of their injuries could be published as long as their faces were not exposed. Permission was given for the use of the photograph of the child on the title page.

In this report, all examined persons are anonymous, and exact location of incidents is omitted, to protect interviewees and their families from reprisals. The exception to this is Case C, which received media attention and which is already in the public domain.

The definition of torture as defined in the *UN Convention against torture and cruel, inhuman or degrading treatment or punishment*, was used to assess whether interviewees qualified for the definition of torture.

“Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/ her or a third person information or a confession, punishing him for an act s/he or a third person has committed or is suspected of having committed, or intimidating or coercing him/her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”

Case A

Male MDC supporter assaulted by the police together with others, in a police station [see Case B for another account of the same incident]

Date of incident: 9 October 2002

Place of incident: rural district business centre, Matabeleland North

Date of interview: 11 October 2002

Personal history

Interviewee is a rural farmer in his thirties, and is **an active member of the MDC**.

Present violence

On 9 October 2002 at around 7 pm, the interviewee passed through the rural business centre on his way home from work.. He went in to S Trading store to buy some food when 3 men entered; one was in Support Unit police uniform and the other 2 were recognized as “war veterans” who work at the Zanu PF offices. The policeman had a gun. One of the others had a long baton stick and the other a short baton and a sjambok.

The one in uniform grabbed the interviewee by the belt and lifted him up, ordering him to leave his groceries, which were stolen by one of the many youth militia nearby. The 3 led him to a police defender vehicle some 10 metres away. In the defender there were about 4 men inside, who are known to the interviewee as MDC supporters.

In the police vehicle, the interviewee also recognised the Officer In Charge of the local police post and 2 others. They demanded his ID card, handcuffed his hands behind his back and pushed him into the vehicle. They drove around looking for others for about 10 km. They found and bullied an old man who was travelling in a donkey cart towards T, after which they returned to the business centre. Here, the vehicle stopped for a policeman, who had a local MDC activist with him, whom the interviewee recognized as T; he had been beaten severely on the head and was bleeding. His shirt was blood-soaked. He was forced into the vehicle with the others.

The police then drove to the Charge Office. They told the interviewee and others to remove shoes, belts and other clothing. The police took the interviewee into a storeroom and told him to lie face down, after which they used big baton sticks to assault him. He was beaten on the back for some minutes, after which he was beaten on the soles of both feet. He was handcuffed behind the back during the beating, and felt his arm being lacerated with a sharp object, but as he was face-down, he

could not see the instrument used. The interviewee was then told to sit down with the others, and a policeman called Mr T then hit on the head, all of those seated. He took his baton stick and poked them all hard in the abdomen.

The interviewee was then handcuffed with his left hand to N, and they were ordered to bark like dogs and crawl on hands and knees for some 500 metres to the cells. The police followed the two, kicking them all the way back to the cells. The police assaulted them with sticks again as they got into the cells.

Overnight, there were 8 MDC supporters in the one cell, lying without blankets on the concrete floor. They received neither food nor water for the 20 hours they were in the cells.

The next morning at 11 am, the 8 were taken one at a time to the CID offices. The interviewee was asked which political party he supported and he claimed not to support any, and was accused of lying; the police said they knew he was an MDC supporter. The handcuffs were removed and the interviewee was beaten again with a baton stick by a policeman, who also put the interviewee's head in between his knees and hit him on the back with a fist.

After further intimidation, including being forced to sing songs and to sit in the sun, the 8 were released. They were told to remain in the region of that business centre and never to go to outlying rural areas, in case they were campaigning for MDC.

Present health and psychological observations

The interviewee reports pain in the chest, pelvic area, left index finger, and soles of feet. He further reports that since the assault 2 days ago, his urine has been red in colour. He has a painful, swollen left index finger. He is lucid and gives a clear account, but is anxious and angry about the assault on himself and his colleagues.

Clinical findings

Torso

Some tenderness on palpation of left hypogastrium, no guarding. Lower spine and both renal areas, left more so than right, painful on percussion.

Left forearm: dorsal aspect of left forearm: 6 cm long, curved uninterrupted laceration. Superficial, clean, serrated.

Left index finger: Swollen, reduced mobility in middle and proximal joints; 1 cm long, full thickness of skin laceration over lateral aspect of middle joint, clean, gaping wound on index finger; painful on movement.

Left and right wrists and forearms: lacerations encircling both wrists.

Soles of feet: sensitive to touch.

Interviewee claims that his urine was red in colour until the morning of day of examination; now macroscopically clear.

Opinion

The statement of torture, the reported symptoms and the clinical findings are all consistent with one another. The lacerations on the wrists are in accordance with the report of the interviewee having been cut with a sharp instrument while face down in handcuffs, and the tenderness in the renal area and

lower spine is consistent with beatings to the back. The sensitive soles are in accordance with beatings to them.

The aspect of lacerations, none of which are encrusted, is consistent with a time frame of less than two days old lesions, in accordance with the history.

The clinical findings, in particular the open lesions, highly corroborate the interviewee's story of torture.

Case B

Male MDC supporter assaulted by police together with others, in a police station [see Case A for another account of same incident]

Date of incident: 9 October 2002

Place of incident: rural district business center, Matabeland North

Date of interview: 11 October 2002

Personal history

Interviewee is a rural farmer in his thirties and is **an active MDC member**.

Present violence

On Wednesday 9 October 2002 the interviewee reports having spent the day in the local rural business centre looking unsuccessfully for maize meal. At around 7 pm the interviewee was met by 3 youth militia in civilian clothing. They are known to the interviewee as they were operating in his area during the presidential campaign - one name given - this named youth militia is referred to as being now involved in selling grain at the local GMB depot. They were not carrying any visible weapons, but were in the company of a local Support Unit policeman in riot gear with a baton stick.

One of the militia blocked the interviewee's way and asked for his ID card. He did not have it, but the named militia identified the interviewee. The policeman poked the interviewee in the stomach with his baton stick which was very painful.

The policeman accused the interviewee of being one of those who whistle at the terminus at night and said he should be taken to the police station. [this is a reference to the fact that MDC youth commonly blow whistles as part of their campaigning strategy].

He was taken to a white twin cab, with "Zanu PF" painted on it. He was ordered to sit in the back. The interviewee recognized three people in the car - names given. They are known to the interviewee as from Criminal Investigations Department (CID) and from the police. They drove around for about 30 minutes, looking for others, before meeting a police defender vehicle. In the defender there were 3 policemen. There was also HM (client A), T, I, H, D and L. They were handcuffed in twos while HM had his hands cuffed behind his back. Both vehicles drove to the police station, where the men, now numbering eight, were made to take off clothing and shoes and were taken one at a time to a nearby store-room. This was almost empty except for a baton stick and a sjambok which was used to beat them.

Interviewee B was the third to go into the small room. He was led by one policeman and found 2 others in the store room, all wearing police uniforms. They made him lie face down on the floor, and

told him not to move while he was beaten. He was then beaten with a sjambok, and later with a baton stick under both feet and on his the back. The 3 policemen took turns at beating him. The beating lasted for some 10 minutes. He was handcuffed throughout.

After the beating, he was put with the two others who had been beaten earlier. They were ordered to bark like dogs. B reports being handcuffed to A (see previous account) and being forced to crawl to the cells, a distance of some 500 metres away. They were beaten with baton sticks on their backs while on all fours all the way to the cells. Before they opened the gates, the police ordered them to stand. The police then slapped them once on the face, but if they ducked, they got slapped again. The interviewee was slapped twice at the same time. The police also hit them on the toes with baton sticks.

Eight men slept in one small cell without any blankets, food or water. The interviewee states that he did not sleep that night because of his pain, the cold weather and the hardness of the floor.

In the morning, a policeman (named) told the interviewee to produce an MDC card. The interviewee denied having an MDC card or supporting the MDC. He was immediately contradicted by another policeman (named) and a member of the Central Intelligence Organisation (CIO). The latter slapped him on the face, accusing him of supporting the MDC. The interviewee protested that he used to support the MDC but did not do so any longer.

The policemen warned the interviewee that he should not be seen with his co-accused and told him if he associated with those in the MDC he would be shot or locked up for the rest of his life.

He was ordered to the Charge Office and from there was taken to the same room where he had been assaulted on the previous night, and he was once more assaulted on the back, 3 times. All those in detention were then ordered to sing and sit in the sun, before finally being released. On release they were issued another warning not to support the MDC.

The interviewee reports that it took them a long time to walk home as they were in great pain. He arrived at his home after taking 3 hours to walk 4 km. His grandfather gave him money to go to Bulawayo to get treatment.

Present health and psychological observations

The interviewee moves with discomfort and his feet are sensitive when walking or standing. He reports pain on both feet and on his back.

He furthermore reports insomnia and lack of appetite. He is anxious and very angry about having been beaten for no reason.

Clinical findings

Torso: no visible lacerations; darkening of skin and sensitivity to touch in the lumbar region.

Left wrist: no lesion; sensitivity to touch.

Lower limbs:

Left knee: patchy abrasions (very superficial) below left knee. 1 cm x 1 cm scabbed lesion, just below tuberositas tibiae.

Right knee: below right tuberositas tibiae, 1.6 cm x 8 mm dry scab on irregular lesion. Below right patella 5 cm x 5 cm dry scab on irregular lesion.

Sole of left foot: haematoma in stripes.

Sole of right foot: Second toe plantar proximal has confluent haematoma in 3 stripes.

Medial aspect of hallux and proximally, haematomata in stripes plus one blow at base of hallux, filled with blood. Skin over head of metatarsals I and II with blue discoloration

Towards the arch of foot and heel a discoloration, almost circular, 5 mm in diameter.

Opinion

The statement of torture, the reported symptoms and the clinical findings are all consistent with one another. The swelling and sensitivity, particularly in the lumbar region, is in accordance with being beaten by a blunt instrument. Sensitivity in the wrist is in accordance with being forced to crawl while handcuffed to another, and the scabs on the knees further corroborates this history.

The visible haematoma to the soles of both feet are highly corroborative of beatings to the soles with a blunt instrument. The state of the injuries is consistent with a time frame of less than two days since trauma, in accordance with the history.

The clinical findings, in particular the haematoma of the feet, place the interviewee's story of torture beyond reasonable doubt.

Opinion of cases A and B assessed together

The fact that two separate interviewees interviewed and examined separately from one another gave close to identical accounts of events, and revealed similar clinical findings, further corroborates the claims of torture of multiple victims in the same police station in the same night

Case C: Darlington Kadengu and eleven others

MDC campaign official involved in by-election to elect a new Member of Parliament in Insiza District, shot in the back by the prospective Zanu-PF candidate, in a police station in front of police.

The victim and eleven others with him were subsequently charged with "public violence", while the aggressors have remained at large. The Zanu-PF candidate, who allegedly fired the gun, has in fact since become the duly elected Zanu-PF Member of Parliament for Insiza District.

Date of incident: 15 October 2002

Place of incident: Filabusi Police Station

Date of medical examination: 17 October 2002

This incident has been well publicised and is now a matter before the courts. The name of the injured campaign manager and of some other individuals involved have therefore not been removed from the account of events, although others have. The account of events is extracted from 2 sworn affidavits, one of which was placed before the High Court on 22nd October 2002 and is therefore a matter of public record. This affidavit is by an eye witness to events in Filabusi; the eye witness is an Alderman to the City of Bulawayo of 11 years' standing. The other affidavit is by the specialist surgeon who operated on Darlington Kadengu. Photographs included are taken by the operating surgeon.

Summary of eye witness account of the shooting: full affidavit is available

On Tuesday 15 October a vehicle left Bulawayo heading for Filabusi for MDC campaign purposes. The car contained posters, t-shirts and Z\$ 5 million in cash. Those in the vehicle noticed they were being followed by two other vehicles. They speeded up to try to get away and one overtook them and blocked their path, about 7 km from the MDC campaign centre in Insiza. Three occupants wielding guns disembarked from the front vehicle (car model and registration given), and became threatening. Those in the MDC campaign vehicle picked up stones, but realised these would be useless against guns, and fled away from the road.

They observed the armed men removing all the campaign material including the Z\$5 million from the MDC vehicle, which they loaded into their own vehicle and left. The MDC officials returned to their car and reported the theft at the nearest police station, who referred them to Filabusi police station. They arrived at the Filabusi police station around midnight and began making a report. One of those present recognised one of the two vehicles that had been involved in the theft earlier, which had no number plates, passing the police station. People were disembarking from this vehicle and pulling down MDC campaign posters near the police station. The police were informed that this was happening.

Three of the MDC campaign party entered a vehicle and trailed the car without number plates. They later returned in a state to the police station and reported that they had been shot at by the occupants of this vehicle, after which they had fled back to the police station. Within minutes, this same vehicle without number plates approached the police station at high speed and everybody fled in fear into the police charge office.

The Zanu-PF candidate, Andrew Langa was witnessed shooting the MDC official Darlington Kadengu in the back with a gun, right in the police Charge Office and in front of the police. An MDC election agent, Wilson Phiri, was furthermore assaulted in the Charge Office in front of the Officer-in-Charge by the Zanu-PF election agent, Mr Hove.

The police station erupted into chaos. Police reinforcements were called in from other stations over the radio, and the police told the MDC officials that they should stay in police detention for their own safety. The police referred to the fact that the Zanu group were prepared to shoot somebody in the police station. Therefore any MDC official leaving the police station that night could face a sorry fate. The police spoke at length to those in the Zanu-PF campaign group, but refused to speak to the MDC group. The shot and wounded person was also not allowed to leave the police station overnight, although he was transferred the next day to Filabusi and then Gwanda hospitals.

In the morning on 16th, Andrew Langa returned and warned the MDC officials against campaigning. He stated that the theft of materials was simply a warning and worse would follow. The group with Langa deflated all the car tyres on the MDC campaign vehicles parked outside the police station, and threatened to burn the cars. They further threatened to “separate the head from the neck” of the sworn witness. All of these threats and the vandalism on the vehicles was in full view and hearing of police officers.

The MDC officials were later advised that a docket would be opened, and at first assumed this meant a docket against Andrew Langa. However, it became apparent that they were themselves now the accused! At 4 pm on the 16th, they were placed in police cells, having spent the day in the charge office. At 11 pm they were driven to Gwanda police station where they were verbally harassed by police and then locked in the cells.

On 17th October, they were taken before Gwanda Court, paid bail and were released. They were not advised of the charges they were facing and made no warned and cautioned statement. Part of the bail conditions forbade the “accused” all of whom are key MDC officials from returning to the district of Insiza, thus severely undermining MDC campaign activities ahead of the by-election there on 26th and 27th October 2002.

Statement by the operating surgeon, including his medical findings

“The Daily News reported on 17th October 2002 the wounding of MDC agent, Darlington Kadengu, apparently by the ZANU-pf candidate, Andrew Langa, intent on shooting his way into parliament. That this occurred within a police station, and the victim was subsequently arrested is hardly credible.

- Mr Kadengu was ferried from Filabusi via Gwanda to Bulawayo, where he was noted to be in stable condition with no neurological deficit, and no respiratory problems.
- There was a 7 cm linear laceration on the lower left back opposite the 10th rib.
- An attempt had been made in Gwanda to extract a shotgun pellet which was noted on anteroposterior and lateral chest radiographs. These show the metallic foreign body, entirely consistent with a shotgun pellet, lying just inferior to the left 10th rib approximately in its mid-portion.
- No pneumo- or haemo-thorax is noted. Lung fields are normal.
- Following discussion with Mr Kadengu, it was resolved to attempt to search for and extract the said foreign body, with the reservation that sometimes this is either not possible or would involve excessive dissection to be indicated.
- Operation was carried out in the prone position under lignocaine local anaesthesia, with added sedation using 10 mg medazolam intravenously. The wound was extended superiolaterally by 5cm, after location of the position of the foreign body by the radiographs available. No foreign body could, however, be palpated in the position described.
- Image intensification radiology in theatre subsequently demonstrated that the foreign body was lying behind the 10th rib inside the chest. Extraction would involve opening the pleura, which was not considered justified. The wound was closed in layers.
- The condition of the patient post-operatively was fully conscious, and haemodynamically stable, breathing quietly on room air.

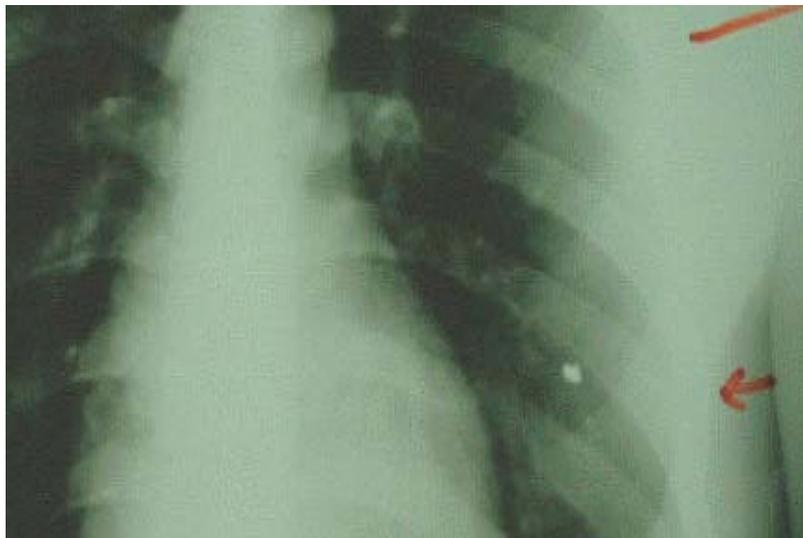
Attached are photographs taken in theatre of (a) the wound, (b) the anteroposterior chest radiograph.”

M.H.C, MA, MBBS, FRCS, FACS, FCS(ECSA).
Consultant Specialist Surgeon

Photograph 5: the wound photographed by the surgeon who subsequently operated on Case C.



Photograph 6: the x-ray of the chest of Case C, showing the foreign metallic body behind the 10th rib.



Cases D, E, and F

Assault of 3 civilians, 2 female, 1 male, in the same vehicle when pulled over by police on a main road, and then further assaulted at a police station

Date of incident: Sunday 18th August 2002

Place of incident: rural district in Matabeleland North, at road block and police station

Date of interview/s: interviewees D and E were examined briefly on 20 August and in detail on 2 September 2002.

Interviewee F was examined on 28 August 2002.

Personal history

The 3 interviewees are husband, wife and sister-in-law. They are office workers with tertiary education and are in their forties.

Present violence

Interviewee E owns a small business in a rural business centre in addition to having an urban job. The family had leased land for the store from the Forestry Commission, but the lease expired at the end of 2001. They had continued to trade and the police had in August 2002 imposed a fine of \$500 and confiscated 10 bags of mealie meal and a box of soap.

Interviewee E went early in the afternoon of 18th August to the local police station to pay his fine, accompanied by his wife (D) and sister-in-law (F). He had not been expecting the matter to be problematic. However, the Sergeant whom he had dealt with before was not there and the duty officer became very threatening. He threatened to imprison them all and to impose new fines of \$50,000. He also insulted them for not being able to speak to him in Shona, and for being Ndebele speaking. Disagreement and argument followed. Interviewee E decided to leave the police station and to come back when the original sergeant was on duty and could sort it out.

All three of them got into their vehicle, accompanied by three other men one of whom is a cousin, and also by the two minor children of D and E, aged 5 and 11 years. They were not prevented from departing. They started to drive towards the nearest town. However, when they were 9 km down the road, a police defender vehicle with sirens and hooter sounding, forced their vehicle off the road, almost causing an accident.

Interviewees D, E and F were dragged from the vehicle while the engine was still running and were beaten about the body with booted feet and baton sticks. They were handcuffed and thrown bodily into the back of the police defender. Six non-uniformed police officers directed by a Sergeant C were involved in the assaults. These assaults all took place in front of their two small children, who were deeply traumatized and crying.

They were taken back to the police station, where the assault with baton sticks and booted feet continued inside the police station. They were assaulted in the open and in the Charge Office. *Interviewee F further reports that the wives of the assailants were cheering their husbands on during the attack, and that 4 baton sticks broke in the course of the assaults on the 3 of them.*

For the following 24 hours, D and F, who are both female, were detained in a guarded room in the police station. They were not given food, but were able to draw water from a tap in the yard. They were denied medical attention and access to a lawyer.

For the following 24 hours, interviewee E was detained in a small cell with his brother in law and 3 other men (5 altogether in a single cell). During this time he requested, and was denied, access to medical attention, access to a lawyer, access to food and access to water.

The police threatened him with large fines and 20 years in prison. Ultimately, he, his wife and his sister and brother-in law were each fined \$500 for “conduct likely to provoke a breach of the peace”, under the Miscellaneous Offences Act Chapter 9:15.

They established that one of the men left behind in their vehicle when they had been dragged away, had driven off in a state of deep shock and fear. He went to the nearest town, looking for a lawyer, and in the process the fan belt broke and engine damage was suffered by the vehicle.

The following day (20th August) D, E and F sought medical treatment with a private doctor.

Case D: wife of E

The interviewee was unable to submit to full examination due to the severe pain and psychological discomfort in the immediate wake of the assault, so was examined in detail 15 days after the assault. She was examined briefly in her private practitioner’s room on 20th August. The injuries seen at this time were recorded in more detail on 2nd September. The x ray of the left hand was seen on 20th August.

Present health and psychological observations

Lucid, fully orientated woman, giving a clear account. However, speaking of the event and being examined is obviously traumatic for her. While she wants her case recorded and wants prosecution of those who beat her, she is very anxious and upset about the events.

She is deeply upset about the fact that her two small children aged 5 and 11 years were forced to witness police violence against her and her husband. They also had to witness their parents being more or less abducted and dragged away by the police, leaving them in a state of shock and ignorance of their parents’ fate for the next day. She feels it has disturbed them greatly and that they are in need of counselling.

Clinical findings

Head

Upper face: Linear bruise below left lower eye lid. Healing.

Jaws: Tender painful masseter muscles at both angles of jaws. Teeth and jaws normal. Movement normal.

Chest: no visible injury on soft tissue. Some tenderness on breast bone (manubrium). Tender on “springing” ribs

Upper limbs

Right arm: shoulder tip has diffuse (poorly defined edge) heavy bruise 5 cm x 4 cm

At posterior lateral surface of the upper third of right forearm, a healing bruise, 1 cm x 5 cm oblique bruise, and on postero-medial surface, a healing bruise. 2 cm x 5 cm

Left arm: at upper outer third of upper arm, a healing bruise, 6 cm x 8 cm.

Over radial head of left forearm, a D shaped bruise, healing, 5 cm x 4 cm.

Left hand: in below-elbow plaster of paris cast on 2nd September 2002. Seen on 20th August 2002 in the family doctor's room – swollen and tender along the hypothenar part of hand and painful, tender, swollen base to 5th finger.

X-ray report of left hand: 20th August 2002

5th Left Proximal Phalange: base closed comminuted fracture (3 fragments) Not into joint. Good position.

5th Left Metacarpal. Simple closed fracture, good position.

X-ray film seen, examined and findings agreed with the family doctor on 20th August 2002.

Plaster of paris cast applied on 20th August 2002.

Lower limbs

Left buttocks: diffuse area of swelling and tenderness central. Bruising of skin and subcutaneous tissue. Black in colour

22 cm x 7 cm irregular edge. 12 cm x 12 cm.

Right buttock: skin bruise 9 cm x 3 cm. Healing irregular edge.

Thighs: *Left front thigh,* side black. Upper diffuse area of bruising of skin and subcutaneous tissue. Irregular unclear edge (10 cm x 15 cm) – lateral - bruising skin, black (2cm x 14cm)

Right thigh: 3 black/yellow bruises, 10 cm x 2 cm, 10 cm x 2 cm, 9 cm x 2 cm. On the outer mid-thigh, bruising, 5 cm x 5 cm, healing.

Left leg: Left antero-lateral skin bruise, black, 10cm x 2cm, just above knee.

Opinion

The injuries and features observed and recorded above are consistent in time with severe trauma to arm, shoulder, left hand, both buttocks and both legs. Heavy multiple blows with wide blunt instruments were likely used.

There is full agreement between the description of severe ill treatment, the described symptoms and the clinical findings. The lesions, markings and tenderness are all compatible with two week old injuries, and their high number and location are highly consistent with the statement of assault.

Case E

Examined 15 days after assault, as his wife was not ready to be examined prior to this.

Present health and psychological observations

Lucid, fully orientated man giving a clear account. He expressed great concern for his wife who was more severely assaulted than himself and was angry about the attack. He intends to press legal charges against the police.

Clinical findings

Right shoulder: a tender boggy area over the supra spinatus area, ill defined.

Wrist: Small circumferential linear scar (3 cm) a few bruises on the anterior (ventral) aspect of the lower third forearm.

Left hand: tender whole middle finger. 3rd M.C/P.P joint swollen. No evident fracture, full range of movement.

Right knee: indurated boggy tender area in the popliteal fossa. 4 cm x 2 cm.

Left hip: indurated tender swollen area of the subcutaneous fatty tissue, ill defined edges approximately 10 cm x 5 cm.

Opinion

Above injuries are consistent with blows about body (upper limb, trunk and lower limb) The marks on the right wrist are consistent with handcuffs.

There is full agreement in time and place between the description of torture, the described symptoms and the clinical findings. The injuries are highly consistent with the statement of assault.

Case F: female, relative of D and E

Examined on 28th August 2002

Present health and psychological observations

The interviewee is experiencing some pain which is slowly resolving at 10 days.

She is generally quiet, with normal affect. She is lucid and clearly concerned for the health of her sister and brother in law.

Clinical findings

Head

Scalp: boggy area of the left temporal scalp, roughly circular, difficult to define beneath the hair, approximately 10 cm circumference. Slightly tender.

Face: A healing linear bruise approximately 3 cm under the left lower eyelid, slightly swollen. Not tender.

Back

Mid Back: in central lower neck region, mid scapular region fading bruises, not swollen not tender not well defined. Covering about a hand breadth in area.

Left Deltoid Area: heavy irregular bruise. Somewhat swollen, highly evident, resolving subcutaneous bruising with black/yellow colouring.

Left front thigh

Heavy oblique linear bruise. Swollen, approximately 5 cm wide x 12 cm long. Highly evident, resolving subcutaneous bruising with black/yellow colouring.

Opinion

The injuries are highly consistent with the given history of heavy blows about body with broad wide blunt smooth object some 10 days prior to this examination.

There is full agreement between the description of assault, the described symptoms and the clinical findings.

Cases G and H

Two MDC youth assaulted by police after accusation of theft

Date of incident: 1 August 2002

Place of incident: rural district, Midlands Province

Date of interview: 23 August 2002

Personal history

Both interviewees are male, single, rural farmers aged in their twenties.

Present violence

The interviewees were picked up by 2 Support Unit policemen, while at a funeral near their rural homes. The names of the policemen are known to the interviewees. The police accused the two of stealing some turkeys from a neighbour.

Interviewee G reports that he was kicked on his left front side of his knee, and on the left side of his chest. He was furthermore whipped on his back and on his left shoulder with the buckle of a policeman's uniform belt. He was handcuffed by his right wrist to his friend H's left wrist. The two were made to walk approx 9 km from home to ZRP police station at the rural center, accompanied by ZRP uniformed constables. The police jerked them along the route, causing wrist injuries to both handcuffed wrists.

Interviewee H reports being kicked with booted feet and beaten with sticks on his back and in his chest, as well as having wrist injuries caused by the handcuffs cutting into his wrist while being beaten and pulled along. He also reports being forced to walk 9 km to the police station. .

It is the perception of the interviewees that the beatings were related to politics. This perception is based on the fact that when the police beat them, they stated that the people of their area were MDC and should be made to suffer. The two were released without charges being laid against them, which they claim further points to political harassment; if they had really been suspected of theft, they should have been charged.

Case G

Present health and psychological observations

The interviewee was examined 22 days after the reported assault.

He reports pain in his left flank when working or bending and chest pain at night especially after heavy work(e.g digging) or in a cloudy weather. He did not get these pains prior to the assault. He complains of constant pain in the right wrist and joint at night. He also has a cough with white sputum, no haemoptysis.

He has normal affect, but is resentful of the assault and what he perceives as its political motivation.

Clinical findings

Back: 2 scars (both similar size and shape)

- (1) Left shoulder tip- irregular, E shaped, heavy superficial scar 3.5 x 10 cm
- (2) (2) Mid-left back over mid scapular irregular L Shaped scar 3.5 x10 cm

Right Wrist: Moderate tenderness of both wrist bones (heads of radius and ulna). Linear healing circumferential marks around a narrow part of wrist.

Left knee some superficial healing scars of the skin on patella and at insertion of patellar ligament to tibia.

Opinion

The statement of assault, the reported symptoms and the clinical findings are consistent with one another. The observed injuries are in keeping with the given history of two blows to the back and left shoulders with a sharp object and blunt trauma to left knee. Abraded trauma to skin wrist is in keeping with being beaten and pulled in handcuffs. All injuries are at a stage of healing consistent with injuries inflicted between 10 to 30 days prior to examination.

Case H

Present health and psychological observations

The interviewee was examined 22 days after the reported assault.

He reports chest pains and pains all over the body when working or walking. He claims this is from being kicked with booted feet. He coughs up white sputum at times - no haemoptysis (blood in sputum). He is pain free at night.

His left hand has pricking intermittent pain from wrist to fingers, and is painful when he is using his hands. He has a deep pain in the bones of his wrists.

His affect is normal and he reports no sleep problems or headaches.

Clinical findings

Torso: slight general tenderness on manual rib compression, slight tenderness lower breastbone (xiphisternum).

Left hand: normal size, shape, movement and strength, no muscle wasting, normal sensation.

Left Wrist: healing scar around narrow part of the wrist – incomplete circumferential scar. Healing linear scar in the circumference, 7 cm long x between 0.8 and 1 cm wide; slight tenderness on both wrist bones (heads of radius and ulna).

Opinion

The statement of assault, the reported symptoms and the clinical findings are consistent with one another. The observed injuries are in keeping with the given history of blunt trauma, with heavy blunt

moderate force to central chest. Abraded trauma to the skin wrist is in keeping with being beaten and pulled in handcuffs. All injuries are at a stage of healing consistent with injuries inflicted between 10 to 30 days prior to examination.

Case J

Physical and psychological ill treatment of an NGO project officer involved in civic education in M Province, by Zanu-PF officials and war veterans

Date of incident: 10 September 2002

Place of incident: a communal living area in M Province

Date of interview: 13 September 2002

Personal History

Trainer in civic education for local NGO, middle aged, female.

Present violence

The interviewee states that she was in a rural district on 10 September 2002 where she was supposed to conduct a training workshop for members of her NGO, dealing with constitutional rights. There were 30 participants. At around 10.00 am, 2 trucks, one labelled Zanu-PF and another written DDC (District Development Council), arrived and then departed. One of the workshop conveners became anxious, as he knows that NGOs are regarded with suspicion in rural areas, and said the workshop should be ended and everyone should leave at once.

The interviewee states that she proceeded shortly thereafter to the main road some 3 km away, but there she was accosted by a well known local war veteran called M and 2 others in a vehicle. M insisted on the interviewee accompanying the 3 of them in their vehicle, saying that she wanted to turn Zimbabwe into a colony and that she was anti Zanu-PF. The interviewee was forced to accompany the 3 to the Zanu-PF headquarters.

She was taken into an office where there was a bench, a table and a chair. In the office she noticed MDC scarves and MDC T-shirts, which she assumed had been confiscated. A man named HH and a middle aged woman interrogated her. H told her that she was going to die and that her soft legs were going to turn black.

The register for the participants, payment forms and the list of district and local committee members was confiscated. These included the constitution, leaflets and a notebook which had the names and phone numbers of people that the interviewee had met. HH demanded to know why the interviewee was in that district. The interviewee was told that Zimrights (Zimbabwe Human Rights), NCA (National Constitutional Assembly), ZCTU (Zimbabwe Congress of Trade Unions) were anti-governmental and that she was pro-MDC, but disguised as an NGO.

One of those present told the interviewee that she should not be a heroine, because that would lead to her death. Twenty four others came in and asked the interviewee the same questions about her presence in the district.

She was taken to a place on a river bank, where she was threatened with death. She reports seeing many footprints, human faeces and blood coloured pools in the riverbed.

She was also made to sit on a bench during the interrogation and the back of her head repeatedly banged against the wall behind her.

One war veteran came with a plank that had nails stuck on it and told the interviewee to put her feet on it. She said that she was diabetic and that any injuries would lead to complications in healing. She had some relief from a siNdebele speaking person who dealt less harshly with her and gave some helpful advice on how to respond.

However, she was forced to stand on the plank, but managed to do so with extra care and not to put a lot of pressure on the nails. She had punctures to her feet, but there was no bleeding.

The 24 present forced her to sit with legs outstretched and put cushions on her thighs. About five of them then started treading on her thighs with booted feet. They told her the cushion was to avoid leaving distinct marks on her skin. They were also singing “Hondo Yeminda”²¹ during the stamping. They did this for several minutes. She reports that she felt nauseated, in addition to her other physical pain.

On opening the flip chart that the interviewee was using at the training centre they realized that she had written “\$31 000 for projects”, and they accused her of campaigning for the MDC. The interviewee told them that this was for projects for people in that district and at that time they stopped harassing her. They wanted to know how they could access the money and she told them that if she survived, then they could get the money.

A police officer from the next office was called in. His name is EZ (address given). They then ordered the interviewee to write a statement stating that they had taken her to Zanu-PF offices and that they had not tortured her either mentally or physically and that nothing had been taken from her. The interviewee then signed the statement together with one war veteran and the police officer who also stamped the letter. The statement remained with the war veterans.

The interviewee was escorted at around 3.00pm to the local business centre, where she was forced to buy 4 litres of opaque beer, soft drinks and food for about 20 war veterans.

The interviewee then boarded a taxi which had about 20 passengers in it. The war veterans entered the bus and ordered everyone to sing “Hondo Yeminda”.

She reported her harassment at M Police Central, but the police kept referring her to the next person and then the next, because they felt the case was too sensitive. An Inspector M eventually opened a complaint (file number and crime report numbers given). The following day the same inspector recorded statements from her.

On leaving the district the interviewee noted that she was being followed by a well-known CIO who is also a notorious war veteran, known for his violence (car registration given).

The following day the interviewee visited her doctor, who was scared to deal with her in view of a circulating document which talks about invasion of Ndebele homes and denying them education in order to destroy them.

²¹ This song is the trade mark song associated with the land invasions of the last two years.

Losses

She had her teaching materials taken away. She may have lost some money initially taken from her, then returned.

Present health and psychological observations

The interviewee feels pain and stiffness all over the body, especially in the neck and arms. She reports some pain in the abdomen. She states that she has a headache and painful eyes. She further reports a stiff right jaw and discomfort opening her mouth.

She has a painful bruise over the inner left arm over the site of a “Norplant” insertion (contraceptive implant).

She has pain in the soles of her feet.

The interviewee is very angry and weepy and feels that she has lost her identity. She feels violated. She also feels very cold all the time, and reports that she is smoking too much for her health. She is wondering whether she is going mad.

She reports that she has loss of appetite, insomnia, and is very fearful; she keeps doors and windows closed and locked, and believes the Shonas are going to destroy the Ndebeles.

Past Medical History

Mild diabetic / hypoglycaemic managed by diet only for 30 years. She has palpitations needing treatment. She is asthmatic.

Clinical findings

Head:

Extreme tenderness over the whole occipital area as far as the occipito – parietal area. No wounds or break in the skin. Somewhat boggy feeling subcutaneously. Very tender posterior neck muscles

Face: tender over the right jaw and cheek. Rest of face normal

Left upper arm: A tender bruise over the upper mid medial surface of the arm overlying the visible and palpable insertion scar (of the norplant)

Right Upper Arm: Some slight muscle tenderness

Thighs: Both anterior thighs slightly swollen and very tender to palpation.

Right foot: Sole: on the 3rd and 4th toes, two punctate marks over the heads of the proximal phalanges.

All toes tender to palpation.

Left Foot: Three punctate marks in the inner arch of the foot. A shallow abrasion with subcutaneous bleeding over the head of the first metatarso – phalangeal joint.

All toes tender to palpation.

Opinion

Injuries observed are consistent with blows / contact to back of head with blunt or plane object. (Consistent with head banging). The observed tenderness of neck, arms and thigh is consistent with pressure and rough handling. The observed punctate marks to the feet are consistent with light pressure of sharp objects.

The physical injuries should heal.

The psychological and mental disturbance will need much supportive and counselling therapy; and will need to be reviewed (at intervals) before a full assessment can be made.

There is agreement between the description of physical ill treatment, the described symptoms and the clinical findings. The markings and tenderness are compatible with few days old injuries, and are consistent with the statement of assault.

The obvious psychological trauma exhibited by the interviewee is a corroborative indicator of the claimed psychological intimidation and assault.

Case K

Assault of MDC supporter by war veterans during rural district council election campaign
**** NB – this same interviewee was a victim featured in the May PHR report: this is his second political assault this year.**

Date of incident: 6 September 2002

Place of incident: rural district, Matabeleland North

Date of examination: 10 September 2002

Personal history

Elderly communal farmer, married, 5 children. He was assaulted and had property destroyed in late March, in the wake of the presidential elections this year.

Present violence

Interviewee states that on the 6th September around 2.00 pm, B came to his home and told him that there was a meeting at S School to discuss who should stand as the Zanu-PF candidate in the forthcoming council elections. There was some disagreement over who the candidate should be, among the Zanu supporters present. The meeting ended around 3 pm, and those present went to the shops. The interviewee was having a beer, when M came to him and said people wanted to see him (several names given).

The interviewee feared foul play, and indeed as he stood up, J hit him in the face with the back of an axe. He sustained two blows to the right temple with the blunt side of a metal axe. He fainted for some time. While prone he thinks he sustained blows to face with fists and boots. He knows and can name the perpetrators (At least three from a crowd of 8 men)

When he regained awareness he heard the assailant saying that he should be killed. The interviewee drew his knife and as he stood up, he stabbed his attacker, who fled.

The police were called in and they took the interviewee to N hospital where he stayed for three days until the 9th of September 2002. He was given painkillers at the hospital and was never seen by doctor. He recognized his assailants as Zanu Pf supporters. The interviewee has been charged with assault because he stabbed one of his assailants. His assailants have not been charged with assault of the interviewee.

Present health and psychological observations

The interviewee is lucid and gives a clear history. He feels pain on the right temporal region when opening his mouth during eating. The pain is not getting worse. He also states that he has dizziness

and has headaches at times. His vision is disturbed, he cannot see at all with the right eye, since the assault. He feels dizziness and has a staggering gait which he says started after the beating incident. His sleep is disturbed since the assault. He is very anxious about events, in particular the pending assault case against him and the prospect of jail. When talking about the current assault and the one a few months ago, which included major property loss, he weeps openly. He is bitter that he has had to pay such a heavy price for expressing his preference for another political party.

Clinical findings

Face:

Right eye: deep subconjunctival bleeding and bleeding into anterior chamber of eye. Pupil not seen (Possible iris damage)

Vision – light detection **only**

Left eye: normal vision (Snellen's chart) **6/18**

Right temple: a boggy area above right ear. Ill-defined edges about 10 cm in diameter, somewhat tender. Skin intact.

Above right eye: diagonally through eyebrow, a contused laceration, irregular edge un-sutured. Partial thickness 3 cm. Early healing.

Right cheek close to ear: 2 lesions forming a linear irregular wound, partial thickness of skin, 2 cm long. Early healing.

Right nostril: Encrusted lesion 4 mm x 2 mm, rim of right nostril, un-encrusted lesion, 2 cm x 5 mm along rim.

Mouth: whole upper lip swollen, marked bruising evident. Left of centre on top lip: contused area with lesion, 2 cm x 1 cm, partially encrusted.

Right knee: A few healed skin scars, a linear oblique healed scar on antero - medical aspect 4 cm x 1 cm

Left knee: a few small healed skin scars.

Central nervous system:

Somewhat slow speech, fully oriented in time and space. Walking with staggering gait, without loss of balance.

No localizing signs. All reflexes intact and equal. Full power all four limbs. Cranial nerves intact - except right eye.

Old injuries noted: loss tip right middle finger healed scar across back, Left Hand. Near heads of metacarpals 2,3,4. No disability.

Intervention

Patient referred as an emergency to the Eye Unit for urgent treatment by ophthalmologist.

Final assessment of disability can only be given when the condition/s stabilize.

Opinion

Injuries are consistent with history of trauma to head, right eye and face, with blunt rough object using moderate force some 4 to 7 days prior to examination. There is full agreement between the description of ill treatment, the described symptoms and the clinical findings. The lesions on right eye, nose and top lip are in a straight line with each other, consistent with one heavy blow across face with a heavy blunt object.

The lesions, markings and tenderness are all compatible with few days old injuries, and their location and linearity, are highly consistent with the statement of assault.

Ophthalmologist's report and follow up for several weeks after the injury shows poor prognosis for the right eye, which seems unlikely to regain any vision as a result of damage to the retina.

The patient may also have suffered damage to the brain.

Case L

Assault on MDC Rural District Council candidate on nomination day, Matabeleland North.

Date of incident: 5 September 2002

Place: outside Rural District Council nominations court, a Matabeleland North district

Date of interview: 11 September 2002

Personal History

Married, with 3 surviving children. A retired man now residing in rural areas. A standard five level of education. A Zapu supporter who joined MDC in 1999.

Present violence:

On the 5th September at about 11 am the interviewee arrived at the N Rural District Council offices in order to register his nomination as a candidate in the rural district council elections. Mr K, the incumbent ZANU-PF councillor, insulted the interviewee, saying "the dogs have arrived, dogs that support whites. But now that we are here, they shiver, "(look at them)". LT, a war veteran came and said, "this is a white man's dog." "Msathanyoko, Msunukanyoko, awulanqondo" – he insulted the interviewee (calling him by his mother's private parts).

*Photograph 7: two lesions on crown of head, reportedly caused by blows with stones.
Findings in complete agreement with this.*



During lunch hour the interviewee feared going around and remained there. On return one ZANU-PF member and former councillor of the area asked why he didn't join them for lunch. Was it because he was now MDC?

At 2000 hours on 5th September the interviewee finally left the nominations court, having registered his intention to stand for election, along with other candidates who belonged to both MDC and ZANU-PF. By the door, the area councillor Mr K called him names, saying "Here comes a white man's dog".

K swiftly grabbed the interviewee by the collar and some ZANU-PF supporters held him from behind. The interviewee saw Mr LT (a known war veteran) approach from the side, and he was assaulted by LT on the head. The interviewee noted that LT was carrying a stone. LT hit the interviewee again, so that he fell down with blood oozing from his head. Mr K then kicked the prone interviewee in the stomach, hips and back. This took place right outside the Nominations Court.

Before they could beat the interviewee further, two police officers who were accompanying the Registrar in charge of the Nominations Court came over towards the scene of the attack. The assailants, including K, LT and S jumped into their pick-up and fled. The police took the interviewee in an MDC vehicle to hospital where he received five stitches and was advised to return on the following day. On the 6th he returned to meet the Doctor at N hospital. A medical report was made and handed over to him. He proceeded to the police station (N) where a docket was opened. The Police said they were going to inform the interviewee about the court date. The doctor's report is in the hands of the police attached to the docket.

Further political intimidation

On the 7th the interviewee went to M clinic where he was informed that the ZANU-PF youth were looking for him to further assault him under the instructions of Mr K in liason with Mr S, the local councillor. The interviewee was further told that one of his neighbours Mr LG had been beaten, and the local kraalhead Mr D was threatened. These assaults and threats are the latest in a longstanding attack on those traditional leaders perceived not to support ZANU-PF. According to the interviewee, the traditional leadership, which operates on a system of inheritance over generations, has been "dismissed" and replaced with a selected committee of political structure under ZANU-PF, revised every three months. This was done by councillors S and K. the interviewee gave the names of 4 suspended traditional leaders, "dismissed" in July.

4 ZANU-PF supporters have been appointed in their place and these are in charge of all activities which normally fall under the traditional leadership. Their main activity is to distribute maize and "money for work". The local chief has condemned this suspension of the kraal heads, but in vain.

Present health and psychological observations

The interviewee is a lucid man in good general health. He is very angry about the treatment he has received and became agitated when relating his story. He is nervous about the possibility of further assault, and concerned about how he can conduct an election campaign in such an atmosphere.

Clinical findings

Head

Left temple - a shaved area just above the ear. (About 15cm circumference) with overlying gauze dressing. 2 wounds

- i. Horizontal – 5 cm irregular edged wound with surrounding contusion. Sutured with nylon (5 stitches) dressed with gentian violet; healing
 - ii. Vertical oblique. 2 cm contused wound, partial thickness of skin, 4 cm posterior to first wound.
- Left Hip:* A diffuse area of moderately swollen skin and subcutaneous tissue over central area of the hipbone (ilium), ill defined margins approximately 12 cm diameter. Movement in both hips normal.

Opinion:

There is full agreement between the description of torture, the described symptoms and the clinical findings. The position of the lesions on the head and their severity highly corroborates the description of assault, indicating:

- i. Blows (at least two) to head with blunt moderately heavy object using moderate force.
- ii. Blow or blows to left hip with moderately heavy object using moderate force.

Case M

Assault of wife of elected MDC rural district councillor, in Matabeleland North

Date of incident: 12 October 2002

Place of incident: rural home in Matabeleland North

Date of interview: 22 October 2002

Personal History

Community health worker, married with 3 children.
Secretary for local branch of MDC.

Present violence

On 29th September 2002, her husband won the position of elected councillor for his ward in the Rural District Council elections. He stood for the MDC, and ZANU-PF was very angry that he and 3 other MDC candidates won seats out of 15 being contested.

On 12th October 2002 she was outside her house washing, when she was attacked by a group estimated at 200 men and women. They were ZANU PF district members with militia and local people.

Their group also assaulted her husband (Case Z) who came out when she called for help. She was struck on the head, right elbow and the front of the chest and back. Stones, iron bars, knobkerries, logs and fists were used. She had some treatment at the local clinic (medical records not seen).

The crowd also seriously vandalised the house, breaking 24 window panes, and 3 metal doors. A TV set, kitchenware, and blankets were destroyed. Radio cassettes, food (maize meal and sugar) and money (estimated \$5 to 6 thousand) were looted.

Present health and psychological observations

The interviewee is lucid and articulate. She reports that she has headaches, insomnia, and some difficulty in breathing, but no cough. Other functions normal. She has been a well person, never previously seriously ill.

She becomes nervous when relating the story, and frequently covers her face with her hands. She also shows anxiety and stress when listening to her husband relating his story, and reports that she was preoccupied throughout the attack on herself with fears that her husband would be killed. She and her husband are still afraid to return to their home, for fear of further attacks, although they are determined to do so in order to fulfil their commitments to the constituency.

She is also very angry about the deliberate destruction of their material possessions, in particular the television, which is considered irreplaceable.

Clinical findings

Head: sutured elliptical laceration 3 cm long (3 stitches) right occipital region of head. Semi-encrusted lesion, 1 cm x 3 mm, approx 5 cm behind sutured lesion. Entire skull sensitive to touch.

Neck and upper chest: multiple linear markings, from 7 cm to 1 cm in length and approx 2 -3 mm wide.

Chest: Clinically clear. Tender and spongy ribs. Calval left chest: 4 cm laceration, shallow, healing well, partial thickness (not sutured)

Right arm: Sutured elliptical laceration 3 cm long, with 3 stitches, over point of right elbow. Full thickness of skin. Elbow very sensitive to touch. Multiple linear markings both above and below elbow, the longest being 15 cm long, with 3 others approx 10 cm in length. All are approx 2 mm wide.

Left arm: wrist is tender, but no evidence of fracture. 2 linear markings, approx 5 cm in length and 2 mm wide, above the elbow.

Back: distinctive half-moon shaped wound consisting of semi-circular lesion, partial circumference being 7 cm long, with vertical lesion off lower end, 3 cm long, at level of T.4 just off midline on line of 7th rib, healing, partial thickness. Left middle back, a further lesion, de-pigmented, 3 cm by 2 cm, irregular in shape.

10 linear markings spread all over back, horizontally and diagonally, the longest being 30 cm, the shortest being 5 cm, and all being between 2 to 5 mm wide.

Tender muscles of thighs and lower back, minor linear markings.

Knees: irregular grazes. On left knee, one lesion approx 2 cm long, 5 mm wide, with some subcutaneous tender bogginess.

Opinion

The injuries seen are consistent with blows to the trunk and arms with blunt rough objects. The circular wound on the back could be due to a thrust with a circular object (a pipe for example). The injury to the knee could be due to blows with rough blunt objects or fall on to rough surface.

There is full agreement between the description of torture, the described symptoms and the clinical findings. The lesions, markings and tenderness are all compatible with few days old injuries, and their high number, location and linearity, are highly consistent with the statement of torture.

Case N

Assault of elected MDC rural district councillor, in Matabeleland North

Date of incident: 12 October 2002
Place of incident: rural home in Matabeleland North
Date of interview: 22 October 2002

Personal History

Middle aged male, welder, self employed, married with 3 children.
MDC councillor elected on 29th September 2002 in Rural District Council elections.

Present violence

On 29th September 2002, the interviewee won the position of elected councillor for his ward in the Rural District Council elections. He stood for the MDC, and ZANU-PF was very angry that he and 2 other MDC candidates won seats out of 15 being contested.

On 12th October 2002 at 1400 hours, he was attacked by a group of (estimated) 200-300 Zanu PF District members with militia and local people (some known to him, names recorded). They subjected him to challenges and insults of political nature. He was subjected to unprovoked attack as he left his house to answer the call of his wife EM, who was attacked first while she was washing plates outside. He was taken some metres away to a thicket where stones, iron bars, knobkerries, logs and fist were used to beat his head, left arm and back. The assault, in the interviewee's assessment, lasted about 1 ½ hours.

He fainted and was left for dead. He was revived by a passer by throwing water on him and was taken to the nearby clinic.

He had his head wounds sutured and was transferred from the clinic to the nearest hospital St Patrick's Mission Hospital.

His left arm and hand were x-rayed, and he was told he had two broken bones in his left arm. (medical records not available at the time of examination).

Legal Action: The interviewee is intending to take his case to a lawyer for prosecution.

Present health and psychological observations

The interviewee is a lucid man, giving a clear history. He is slightly anxious, also at times angry, but controlled.

He reports aches and pains all over the body. He has a temporary change in his urine colour and bladder function.

He has a pain in his right eye and reports some dimming of vision

He has had no serious illnesses prior to the assault.

His sleep is disturbed by his physical discomfort and disturbing thoughts (of his experiences). His physical injuries also mean that in his assessment, he is not able to do a full-time job.

He is deeply concerned about the damage to his house (see Case Y for inventory of losses) and states the losses are irreplaceable. He is also anxious about the fact that his inability to work means loss of income, as does the fact that he is currently not feeling safe enough to return to his home area. He is unhappy about being away and has a strong sense of commitment to his constituency.

The interviewee is anxious and angry about having had death threats, and is very obviously deeply concerned about his wife and the assaults on her. He was witness to part of his wife's beating and resents that he could not save her from it.

Clinical findings

Head

Eyes: right eye ball normal, pupil normal, infected right conjunctiva, possible early cataract. Left eye normal.

Ears: old healed perforation in left eardrum; right ear normal

Top of head: healing irregular lacerations in left parietal, central, right parietal, and temporal areas, all approx 3 cm in size. Some bogginess in the subcutaneous tissue. All evidently treated.

Back: small punctate healing wounds, left back in posterior axillary line, at level of 6th rib and in nape of the neck.

Chest: Normal auscultation but tender on springing; ribs worse on right side.

Right arm: 4 cm laceration over the head of the ulna. Full thickness. Healing well.

Left arm: in below-elbow plaster cast, index finger dressed in a light plaster cylinder.

Opinion

There is full agreement between the description of torture, the described symptoms and the clinical findings. The possibility of visual loss, loss of function and disability in the use of his left forearm and index finger exist. The final outcome can be established in or after 3 months. The lesions, markings and tenderness on the head, left arm and trunk, are all compatible with ten days old injuries, and their location and appearance are highly consistent with the statement of assault, placing his given history beyond reasonable doubt.

Summary of observations

Reported motive for attack:

In 9 out of 13 cases, the reported motive for attack was the victim's real or supposed affiliation to the MDC.

In 4 of the above 9 cases, the motive for attack was that the interviewee is an official representative of the MDC: in one of these 4 cases, the victim was an official involved in election campaigning, and in 3 cases, they were candidates or office bearers for Rural District Council structures.

In 5 of the above 9 cases, ordinary affiliation for the MDC was the motive of attack.

In 1 further case, the interviewee is employed in civil society and was on these grounds accused of being part of the MDC

In the 3 remaining cases, the motive for attack was reported as being partially on the grounds that the victims were Ndebele and did not speak Shona.

Reported perpetrators:

In all cases, either government officials or groups affiliated to the present government were held responsible for the violations; in many cases, perpetrators were from more than one group.

In 7 cases the police force and /or PISI and /or CIO were implicated in the assaults.

In 6 cases, "war veterans" were implicated in the assaults.

In 4 cases, youth militia were implicated in the assaults.

In 3 cases Zanu-PF officials were implicated in the assaults

In 3 cases, Zanu-PF supporters not already covered by one of the above categories were implicated in the assaults.

In every single case, the actual names of at least some of the perpetrators were known to the victims, including the names of police officials implicated.

In 6 cases, those involved in perpetrating the attacks are villagers from the same community as the victims.

Time period of attacks:

5 cases occurred in August 2002 and were not directly linked to election campaigns.

3 cases occurred in September 2002 and were reported as being linked to the Rural District Council election campaign.

4 cases occurred in October 2002 in the immediate period after the Rural District Council elections and were reported as directly linked to the election outcome.

1 case occurred in late October 2002 and was directly linked to the by-election campaign for a new Member of Parliament in Insiza District.

Location of incidents:

The incidents involved 3 provinces – Matabeleland North, Matabeleland South and Midlands. All assaults took place in rural districts.

In 6 cases, the assaults took place in a police station.

In 1 case, the assault took place in a Zanu-PF office.

In 4 cases, the assaults took place in a public, well-witnessed setting.

In 2 cases, the assaults took place in the victims' homestead, in a well witnessed setting.

Loss of property:

2 interviewees who are married, reported extensive damage to their home including 24 smashed windows and 3 broken doors. They also report the damage or loss of household property including their television set, blankets, food and money.

In 1 case, MDC election material and Z\$5 million was stolen.

In 1 case, civic education material was stolen.

Type of reported torture:

12 cases reported beating of some kind.

1 reported being shot with a pellet gun.

10 reported assaults with booted feet.

6 reported beatings while wearing handcuffs.

9 reported beatings with police batons or wooden sticks.

5 reported assaults with sharp objects, including a police buckle, and an axe.

2 reported deprivation of food and water for one day.

1 reported delay in access to health care, after being shot.

Attitude of the police:

In 7 out of 13 cases, the police were reported as playing a primary role in the torture.

In 5 of these 8 cases, these assaults by police took place in a police station.

In 2 cases, the victims were assaulted in a public context by the police.

In 1 further case, the victim was assaulted by a Zanu-PF official inside a police station, in the presence of the police.

In 1 further case, the victim was assaulted in a Zanu-PF office adjacent to a police station, and with the knowledge of the police.

In 5 of the above 9 cases, charges were actually laid by the police against the victims, rather than against the perpetrators (which included themselves).

In the remaining 4 cases, the victims were threatened with being charged in the future, if they continued to support the MDC, but were released without charge, and without being able to lay charges against their perpetrators.

In the 4 remaining cases, victims were assaulted by government supporters.

In 1 case, the assault took place in the presence of the police in front of Rural District Council offices. The police intervened to prevent further assault, and accompanied the victim to the clinic. CASE OPENED?? CHECK

In 1 case, where the interviewee was attacked and subsequently assaulted his attackers, the police took him to hospital and opened a case against the interviewee, but not against those who had hit him with an axe.

In the 2 remaining cases, the interviewees were unable to persuade the police to open a case against their attackers in the immediate aftermath of the attack, but have the intention of trying to press charges.

In none of the above 13 cases, was an actual perpetrator arrested or charged.

Clinical assessment of the validity of statements:

Testimonies were assessed by comparing history of torture with ensuing symptoms and clinical findings.

All 13 cases fulfil the UN criteria for torture.

In all 13 cases the clinical findings placed the victims' testimonies beyond reasonable doubt.

Conclusion of clinical examinations

- **The physical findings in all 13 cases are consistent with the allegations of the time and methods of torture suffered. Furthermore, the medical histories of the examinees are consistent with the development of symptoms as described in medical science. The medical histories, the symptoms and the positive findings lead to the conclusion that the events took place at the times and in the ways described by the examinees.**
- **Our investigation shows beyond any doubt that in the second half of 2002, politically motivated torture continues to take place in Zimbabwe.**
- **Groups affiliated to the Government commit torture and ill-treatment, as indicated consistently by all cases examined in our series.**
- **The extremely high number of cases – 7 out of 13 – in which police officers are indicated as perpetrators, supports the assertion by other commentators that there is an increase in torture perpetrated by the police.**
- **The fact that all individuals were tortured or ill treated for political motives, and the fact that no prosecutions against perpetrators have been made in any of the cases, points to a deliberate policy by the authorities.**
- **The pattern of impunity is further underlined by the fact that perpetrators do not care whether they torture people who can identify them, or whether their torture or ill treatment leaves marks that can easily be recognised as caused by torture.**
- **Our findings are in complete agreement with the findings of both the January and May 2002 missions, and with the descriptions of recent cases given by other NGOs.**

AFFIDAVIT BY S

I the undersigned S, ID No. ABC do hereby make oath and state as follows:

1. I reside at X Ward under Chief M in Midlands Province.
2. I am a member of the opposition MDC and I am the district chairperson.
3. Sometime in July 2002 a committee was elected in my ward to facilitate distribution of maize to be donated through Care International.
4. A register of qualifying villagers for the benefit was compiled by the committee and handed to the kraalhead who later handed the same to the acting councillor G.
5. The acting councillor together with one BS the notorious war veteran destroyed the register, and replaced the committee set up by the villagers with a Zanu-PF appointed committee comprising of Zanu-PF members only.
6. A new register of villagers set to receive the assistance was drafted after being vetted by the new committee.
7. In this new register all opposition MDC supporters were left out, and this was then forwarded to Mr C, the Care International official by the acting councillor.
8. The ruling party members held night vigils as they did during the war, which were termed “re-education vigils”.
9. During the night meeting it is alleged that people were urged to vote for the ruling party or Care International food will not be given to the ward.
10. Some people were asked to surrender their opposition MDC membership cards to enable them to be included in the Care food register.
11. The following are the names of some of the people who gave up their MDC kit to enable them to get registered with Care.

3 names given

12. Sometime at a date unknown I was summoned by the Kraalhead to a disciplinary hearing at which my wife was accused of disrespecting the kraal head E.
13. I was ordered to pay \$500.00 as a fine, which I refused to pay.
14. I was then ordered to move out of the village together with my family on allegations that I was an MDC criminal.
15. I was denied water from the community borehole, asked to pay \$200 which I was prepared to pay to enable me and my family to get water, but no one was prepared to receive the money.
16. It has been difficult for me and my family to get food, and only resorted to buying maize at Z\$1, 500 for a 20 litre tin from those who received more than they required, namely FM, who benefits from Care International food for work programmes, and is also able to buy from the GMB as she is a member of Zanu-PF.
17. The following people have benefited from all the food schemes and are also involved in dismissing other beneficiaries:
 - KM – Zanu-PF
 - RM -war veteran
 - BS – war veteran whose wife was arrested as she was found to be in possession of a lot of bags of maize.

18. The following people have been denied food in 2 kraalheads in one ward:

12 names given, 9 with full ID numbers: total of 110 families under these kraalheads

19. Before the council election my wife was selected to represent my ward in the rural council election to be held on 28 to 29 September 2002.
20. During the election most of the MDC candidates had fled their wards namely:
 - H - returned 2 days before elections
 - AM
 - PH - was forced to withdraw his candidature by the local war veterans
 - FM - returned one day before the election
 - MD
21. On the voting day I was denied the right to vote on the first day and was then allowed to vote the following day.
22. The officer manning the station would ask every voter whether they needed assistance with voting. This enabled the polling assistants, who were Zanu PF, to ensure that the person voting voted for Zanu PF.

From the best of my information, knowledge and belief, the information stated above is true and correct.

This done at Bulawayo this 25th day of October 2002.

Signed: S

Commissioner of Oaths: BB

Affidavit by Z from Nkayi

I the undersigned N, ID No. 222, do hereby make oath and state as follows:

1. I reside at M, Ward 00, in Nkayi district in Matabeleland.
2. I am under the chieftainship of M
3. I am a member of the opposition MDC party in Zimbabwe, and a district committee member.
4. On or about 10 August 2002, I was chosen by my party MDC to be a candidate for the rural council election for Ward 13.
5. The elections were to be held on 28 to 29 September 2002.
6. I attended the nomination court on 14 September 2002 at the local District Council, no problems being encountered.
7. The harassment started at the time of campaigning, as our request for permission to hold meetings in the ward was denied.
8. The reasons for the denial was that we were behind the time required to give such notice as required by POSA.
9. The same reason was also given to other 8 MDC candidates in my district.
10. I tried to do door to door campaigning but this proved to be difficult in that people avoided talking to me, for the following reasons.
11. Meetings were held at S and M Primary School, where it is alleged that the Zanu-PF candidate P and the most feared war veteran known as K told the people to avoid talking to me and other known MDC members.

12. It was further indicated to the electorate that any villager that will be seen talking to me or my agents will be denied food sold by GMB, denied participation in food for work programmes.
13. On 23 September 2002, a light blue truck with the Zanu-PF logo on its doors, with five war veterans who included K, and one villager, one M, a former councillor came to my home.
14. I was not at home; K inquired from my wife my whereabouts and threatened to beat up my wife, accusing me of being a sell-out wanting to sell the country to the white man.
15. My wife R was later advised to talk me into withdrawing from the election, and was also told that I should apologise to M, and one Mrs N who works for the rural district council.
16. I therefore withdrew my candidature from the rural district council elections, leaving Zanu-PF unopposed.
17. There were no problems during the election days.
18. On 30 September 2002, during vote counting, problems started with the unopposed Zanu-PF incumbent who started making slogans saying down with black Europeans who want to sell the land to the whites.
19. After the counting K started making threats to beat us up and the Zanu-PF youths started monitoring our movements.
20. We had to hide until it was dark and then walked to our homes during the nights.
21. We then came to the MDC offices for financial assistance.
22. On 17 October 2002 a truck-load of 10 kg maize meal arrived, one CM, a war veteran was in charge and we were scared to go for the maize-meal.
23. Known former MDC members who had surrendered their membership cards after the Presidential election were denied the maize meal on accusation that they voted for me.
24. I was building at S Primary school. I was made to terminate my work and have been removed from the "food for work" programme together with the following people because of their MDC membership:

27 names with full ID numbers given

25. Threats have been made by the new Zanu-PF councillor that MDC members will not be allowed to plough fields as it is government land.
26. Villagers are no longer allowed to employ me or any MDC person to do any work at their homesteads.
27. NB, the headman's first wife, had her bag of maize meal confiscated after she had bought it with money earned after working on "food for work" programme, as she was a former MDC supporter.

From the best of my information knowledge and belief the information stated above is true and correct.

This is done to at Bulawayo this **25th day of October 2002**

Signed: Z

Commissioner of Oaths: BB

AFFIDAVIT BY CASE Y

I the undersigned EM, do hereby make oath and state as follows:

- 1 I reside at number XX in A ward, together with 3 my children and my husband MM.
- 2 I am married to MM, and my marriage is not registered.
- 3 On 8 October 2002 three ladies passed on the road next to my home, namely DS, NCM, and AM, the wife of the losing Zanu- PF candidate JM.
- 4 As the three were passing by they exchanged words with two young men who were talking to me.
- 5 The young men intended to see my husband who was asleep in the house.
- 6 A few minutes later the young men saw and indicated to me that a group of people was approaching from the side of the beer garden.
- 7 The group was led by DS, the Zanu PF chairlady district, AM, and NCM.
- 8 DS, said to me today we want to fix you together with your husband. "We have indicated before that we do not want you here".
- 9 The youths started throwing stones at me as I ran into the house.
- 10 We closed and locked the door, but the doors and windows were broken down, and the group started burning the house as it was no longer safe.
- 11 My husband came out and they started beating my husband with stones, sticks and iron bars, saying "Bulala idonki" - kill this donkey.
- 12 I followed my husband and I was also beaten with stones sticks and knobkerries and a sharp instrument was used to stab me on the right elbow.
- 13 The losing Zanu PF candidate JM, who was also part of the group commanded the group to leave me and follow the other group who were frog marching my husband to the bush.
- 14 JM who was chanting "more fire" led the group that assaulted me.
- 15 The following are the people whom I recognised and are known to me, namely: JM, GM, chairman of the war veterans, DM, BZ, EN and about six other war veterans whom I cannot remember their names but I can identify.
- 16 Some youths from K Vocational College took part in the beating and other members of the ruling party who included one S from S, about 8km from K.
- 17 The matter was reported by me at Dete Police Station on my way to the Hwange Hospital, and I was given a letter by the police to take to the hospital.
- 18 I could not report the matter in K, as the Police Station was occupied by the ruling party Zanu PF mob, who were demanding my husband's head.
- 19 From the best of my knowledge and belief the facts mentioned above are true and correct

This is done at Bulawayo this 22nd day of October 2002.

Signed: EM

AFFIDAVIT BY MM

I the under signed MM, ID no XX do hereby make oath and state as follows:

- 1 I reside at house ZZ in K and my postal address is P Bag YY.
- 2 I am customarily married to EM with whom I have 3 minor children.

- 3 On September 1998, I was elected as councillor on a Zanu PF ticket, and remained a Zanu PF member until July 2001 when there were misunderstandings within the party, and I was taken to court on false allegations of theft.
- 4 My term as a councillor was to end on 30 August 2001.
- 5 I decided to leave ruling Zanu PF and join in the opposition MDC sometime in June 2002 and I was made a candidate for the opposition MDC for the rural council elections that took place on 28 – 29 September 2002 in June.
- 6 On the nomination day, I was accused of forging someone's signature so that he could be one of my witnesses.
- 7 The matter was reported to the Police and brought to the court in October 2002, which court session I could not attend as I was in hospital after the beating.
- 8 The fact is on Saturday, 12 October 2002, at about 2pm, a group of people who numbered about 300 came to my house where I was resting.
- 9 The group started throwing stones at my house and my wife screamed for help.
- 10 I opened the door, but I could not come out as missiles were thrown at my house, breaking all the windows and the 3 doors that lead outside.
- 11 I came out of the house as the house was no longer safe for me and my wife; I was hit with stones, sticks and iron bars, and I fell down.
- 12 I stood up and I was bleeding a lot. I was frog-marched towards the bush to be killed.
- 13 I believed the intention was to kill me because some were saying I should say good-bye to the day, as I was going to be killed.
- 14 I fainted on the way and the group then left me lying on the ground
- 15 I only woke up and discovered that one VM was with me and was also bleeding.
- 16 I was made to believe that V was assaulted as he tried to stop the mob from assaulting me.
- 17 I requested one FS, a neighbour to assist me to get to the clinic which was not far from the scene.
- 18 From the clinic, I was taken to X Hospital, together with V.
- 19 My wife joined me about two hours later, after she had been assisted by two gentlemen employed by a local store.
- 20 I was discharged on 16 October, 2002, from the hospital.
- 21 The matter was not formally reported to the Police, though the police were involved in writing a letter that enabled me to be treated at the clinic, and requested for a medical report.

From the best of my knowledge and belief, the afore-stated facts are true and correct

This is done to at Bulawayo this 22nd day of October 2002,

Before me, Commissioner of Oaths: DD

Signed: MM

AFFIDAVIT BY J

I, The undersigned JS, ID number XX do hereby make oath and state that:

- 12 I am unemployed and I reside at number 222, YY suburb in Bulawayo.
- 13 I am legally married to L with whom I have five major minor children, though I have got other children born from my first wife.
- 14 On 18 October 2002 while I was at my home in YY, my wife arrived from my rural home.
- 15 On her arrival she advised that my homestead has been burnt down.

- 16 My wife advised that on 17 October 2002, three men whom I believed to be war veterans came to my home and asked for her MDC party card.
- 17 My wife enquired as to why they needed the membership card.
- 18 The three men then proceeded to burn down my bedroom which is attached to the lounge, the girls bedroom, and all the moveable property worth about \$800, 000 was destroyed.
- On 19 October I travelled to my rural area to evaluate the damage.
- 19 I have not reported the matter to the Police as I am afraid of the repercussions.
- 20 I need to report the matter, but I have difficulty as I have been subjected to torture in the past.
- 21 The perpetrators whom I can identify were one Moyo and two other War Veterans who illegally settled themselves at a nearby farm owned by one Gordon who has since left.
- 22 Currently I am a member of the MDC and I campaigned for the MDC before the Rural Council Elections held on the 28th and 29th September 2002.

The facts stated above are to my best knowledge, information and belief true and correct.

This is done at Bulawayo this day of October 2002.

Signed: JS.

Commissioner of Oaths: BB