



Zimbabwe  
**HUMAN RIGHTS**  
NGO Forum

***“AT BEST A FALSEHOOD, AT  
WORST A LIE”<sup>1</sup>***

***Comments on the Zimbabwe Republic Police  
(ZRP) Reports “OPPOSITION FORCES IN  
ZIMBABWE: A TRAIL OF VIOLENCE”***

**AUGUST 2007**

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<sup>1</sup> The phrase is a quote (corrected to render it grammatical) from the ZRP’s second report: *Opposition Forces in Zimbabwe: The Naked Truth: Volume 2* p27.

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### **GLOSSARY – ABBREVIATIONS:**

CIO	The State security organisation, previously the Central Intelligence Organisation, now renamed as the Department of State Security in the President’s Office
First report	The report published by the ZRP, entitled “Opposition Forces in Zimbabwe: A Trail of Violence”.
Forum, the	The Zimbabwe Human Rights NGO Forum, the author of this report
MDC	The Movement for Democratic Change, the main opposition party in Zimbabwe.
NCA	The National Constitutional Assembly, an organisation campaigning for a new democratic constitution for Zimbabwe.
POSA	The Public Order and Security Act [ <i>Chapter 11:17</i> ]
Second report	The report published by the ZRP, entitled “Opposition Forces in Zimbabwe: The Naked Truth”.
ZANU (PF)	The Zimbabwe African National Union (Patriotic Front), the governing political party in Zimbabwe

ZCTU            The Zimbabwe Congress of Trade Unions

ZADHR           Zimbabwe Association of Doctors for Human Rights

ZRP             The Zimbabwe Republic Police

## INTRODUCTION

The Zimbabwe Republic Police (ZRP) have recently<sup>2</sup> issued two reports, entitled "*Opposition Forces in Zimbabwe: A Trail of Violence*" (the first report) and "*Opposition Forces in Zimbabwe: The Naked Truth, Volume 2*". (the second report). The reports seek to portray opposition parties and civic organisations as grouped together (with the aid and assistance of foreign governments – their "neo-colonial masters"<sup>3</sup>) for the purpose of violently overthrowing the government of President Robert Mugabe<sup>4</sup>. The reports appear to be part of a new public relations offensive by the Zimbabwean government, which has also recently paid for extensive advertising to improve its image in publications elsewhere<sup>5</sup>. The offensive may well be partly motivated by a perceived need to counter the massive and negative publicity generated by the arrest of Movement for Democratic Change (MDC) and civic leaders following their attempt to hold a meeting on March 11th 2007. Pictures of the severe injuries these leaders sustained following brutal and sustained torture while in police custody were broadcast around the world<sup>6</sup>.

While the fact that the reports were issued is itself interesting, being a departure from the ZRP's usual practice of simply ignoring allegations of torture by its officers, or issuing a bare denial, the content of the reports is also interesting and informative, though not because of the factual claims made. Those claims are not only internally contradictory, inherently implausible and manifestly false in many instances, but they are easily overwhelmed by evidence to the contrary contained in numerous press statements, photographs, newspaper reports and other reports that followed the events of March 11<sup>th</sup>. The factual claims will be addressed below, for the record. However, the reason why the reports are interesting and informative is on account of what they naively reveal about the politicisation of the police, the use of state resources for party political purposes and the psychology and occasionally astounding jurisprudential ignorance of members of the ZRP. The ZRP documents might be more aptly entitled "*Confessions of a Zimbabwe Republic Police Officer.*"<sup>7</sup> A confession is often tainted and questionable on account of the ulterior motivations of the confessor. Where, however, the confession is made obliquely and inadvertently and in pursuit of a known but different objective by the confessor, the confession becomes that much more

<sup>2</sup> In April and May 2007

<sup>3</sup> See the second report p22

<sup>4</sup> An edited version of the first report was submitted on request by the Zimbabwe Embassy to the State Department of the US government. Significantly no mention was made in this edited version of the accusations that the US and other Western governments were seeking regime change in Zimbabwe through support to the MDC and other organizations.

<sup>5</sup> See *New African*, May 2007

<sup>6</sup> The camera operator, formerly an employee of the state-run ZTV, and rumoured to have leaked the television footage to the international media, was found murdered shortly after the footage was broadcast: see <http://news.bbc.co.uk/1/hi/world/africa/6529887.stm>

<sup>7</sup> If there be such a thing as slapstick gallows humour, given the numerous malapropisms and solecisms in the documents and clumsy arguments advanced, the comedic redolence of the title would not be inappropriate.

reliable and convincing. And so it is in the instant case. In seeking to reveal the "Trail of Violence" by opposition groups in Zimbabwe, the author unwittingly admits the mechanisms of political oppression deployed by the police in Zimbabwe.

## **WHAT THE REPORTS REVEAL**

The first report opens with the following statement:

"All opposition forces in Zimbabwe and beyond our borders (*sic*) have been, for a long time, working either individually, separately or jointly in strategising for regime change in Zimbabwe. These forces include the following:

- Movement for Democratic Change (MDC) anti-Senate
- Movement for Democratic Change (MDC) pro-Senate
- National Constitutional Assembly (NCA)
- Zimbabwe Congress of Trade Unions (ZCTU)
- Crisis Coalition in Zimbabwe
- Women/Men of Zimbabwe Arise (WOZA/MOZA)
- Zimbabwe National Students Union (ZINASU)
- Zimbabwe Lawyers for Human Rights (ZLHR)
- Christian Alliance"

It is, of course, the role of opposition political parties in any democracy to seek regime change. But in Zimbabwe the state-controlled press has repeatedly accused western governments of interfering in the country's internal affairs and not respecting its sovereignty by expressing a desire to see "regime change" in Zimbabwe. By linking "régime change" with the alleged machinations of foreign governments, the state press has given the term a connotation of something inherently criminal. Even when the term is not linked to foreign interference, it retains that sinister connotation in the patois of the state media. The opening salvo of the first ZRP report needs to be considered in this context. The author clearly has fully internalised the government's political philosophy that any person or body seeking or expressing a desire for regime change is engaged in criminal activity. The reports put beyond doubt that this view is held by a large number of members of the ZRP. This conclusion is fully supported by an analysis of the author's next step, in the first report, which is to outline the "criminal activities" that he or she feels provides evidence for the "trail of violence" by the opposition.

The bulk of the extensive list of "criminal activities" outlined in the reports consists of details of various political gatherings and meetings held by the MDC or civic organizations in Zimbabwe. In order to see this list in its context, it is necessary to examine the past response of the ZRP to public order issues. For several years the police have treated political gatherings and meetings by the opposition or civics as unlawful in themselves, and have used their powers or the Police Reaction Unit (the Riot Police) to prevent these meetings from taking

place or to arrest or disperse those attending the meetings. Although the police have claimed that they are authorized to do this under the draconian Public Order and Security Act (POSA)<sup>8</sup> this is not the case<sup>9</sup>. Although POSA is an extremely repressive piece of legislation, it does not in fact provide the powers that are often claimed by the police. While the police frequently declare that an opposition meeting has been “banned”, they do not have the power to do this unless certain conditions have been met and procedures followed<sup>10</sup>. Furthermore, even if the meeting has been lawfully proscribed by the police, it is only the convener of the meeting who commits an offence, not those attending the meeting. The frequent arrests of such latter persons is therefore unlawful and an abuse of police power. This abuse has resulted in numerous persons being arrested, detained in custody and then subsequently released after the Attorney-General’s Office has been unable to formulate a legitimate charge against them. After some months of harassing opposition groupings in this manner, the police changed tactic (presumably on account of the drain on resources and the strain the numerous arrests placed on the criminal justice system). In 2006, the police opted to mete out “instant justice”. Instead of arresting and detaining demonstrators, in many instances the police forced the demonstrators to sit or lie on the ground, after which they would be beaten as a group with police batons and then told to disperse with warnings not to participate in future demonstrations<sup>11</sup>. The events of March 11<sup>th</sup> are an extreme example of this policy of deterrence.

These events are also a further example of the police claiming more powers than are in fact provided under POSA<sup>12</sup>. On 20<sup>th</sup> February, 2007 the police announced a three month ban of “rallies and demonstrations” in Harare South, purporting to act under section 27 of POSA. The ban, claiming to cover “rallies” was interpreted to include any political gathering. The ban was unlawful on several grounds. Among other things, section 27 of POSA only allows a ban of demonstrations, not public meetings which are differently defined. The ban on demonstrations is only permitted for one month and not three<sup>13</sup>. The unlawful ban was subsequently extended to other areas in and around Harare.

The inclusion in the ZRP reports of public meetings by opposition groups and civics in the list of “criminal activities” is an admission that the police regard such democratic activity as unlawful and are prepared to use their resources to advance the repressive agenda of the government in this regard. Statements made at these meetings in which speakers denounced

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<sup>8</sup> Chapter 11:17.

<sup>9</sup> D. Matyszak: *Democratic Space and State Security – Zimbabwe’s Public Order and Security Act* available at [www.kubatana.com](http://www.kubatana.com)

<sup>10</sup> Sections 24 and 25 of POSA. See generally *Democratic Space and State Security* fn 7 above.

<sup>11</sup> In this regard see Zimbabwe Human Rights NGO Forum 2006: *Gender Based Violence and Opposition Politics in Zimbabwe*.

<sup>12</sup> This phenomenon appears to have become common practice in Zimbabwe.

<sup>13</sup> The error of the ZRP in this regard was probably from the result of an error in the electronic version of the legislation.

government policies are stated by the police to be "attacks" on the government<sup>14</sup>. The meetings then qualify for inclusion as part of the "trail of violence". The author of the ZRP report is completely unabashed at the abuse of the criminal justice system in order to implement this repressive policy. For example, the author, in the first report, provides the following as part of the trail of violence:

"On 6 March 2007 at 1430 hours, sixteen (16) MDC **anti-senate** youths demonstrated at Cameroon Square, Kadoma.

The demonstrators were singing political songs displaying placards inscribed the following (*sic*):

**War veterans remember one man one vote**

**Free and Fair elections 2008**

**ZANU PF yaora**

**Bvisa Mugabe achembera chinja**

**MDC to save Zimbabwe**

**Mugabe must go**

**Chikorokoza zvacharamba Mugabe must go**

Upon seeing Police officers approaching, the demonstrators dispersed but Police managed to arrest the following.....

Accused persons were charged for (*sic*) contravening section 37(b) of the Criminal Law (Codification and Reform) Act Chapter 9:23 "Participating in a gathering with intent to provoke public violence, breaches of the peace or bigotry" (bold font in the original).

The outline of the facts and then the non sequitur of the arrest and criminal charge preferred, seems normal and routine to the author of the ZRP reports. The fact that the essential criminal elements which are required to constitute the offence are absent is not treated as being of any relevance. The same non sequitur appears in most of the "criminal activities" listed by the author, with only the charge preferred against those arrested changing – sometimes that of causing a "criminal nuisance"<sup>15</sup>, sometimes that of "obstructing persons or traffic"<sup>16</sup>. Unsurprisingly, there is never an attempt to link the charge with the facts, as the facts in these cases do not constitute an offence. Also, rather tellingly, the charges are not formulated under POSA, indicating that the ZRP is aware that, although they often purport to act in terms of this legislation, charges under that Act have been thrown out by the courts. The reports thus reveal that, in the minds of numerous ZRP officers, the exercise of freedom of expression by opposition groups is so obviously undesirable and criminal it is assumed the reader will, like the police officers in question, regard the actual criminal charge preferred as a mere legal detail. Neither the fact that the activity in question may not be unlawful and

<sup>14</sup> See for example pp 8 et seq of the second report.

<sup>15</sup> Section 46 of the Criminal Law (Codification and Reform) Act.

<sup>16</sup> Section 38 of the Criminal Law (Codification and Reform) Act.

might be perfectly acceptable in a functioning democracy, nor the blatant abuse of the criminal justice system and police powers for the purpose of political repression, forms any part of the author's considerations. The reports thus starkly expose the extent of the politicisation of the police and a degree of obliviousness to the fact that many of their actions are the implementation of a programme of political oppression and not part of implementing the criminal justice system.

As can be seen from the table below, a total of 141 incidents were described in the first report as occurring as part of the "trail of violence" since January 2007.

**Table 2**  
**Events in ZRP report re-classified.**

No. of events mentioned in ZRP report.	No. of events identified as normal democratic activity.	No. of "criminal" activities alleged
141	112	29
	80%	20%

Of the 141 incidents, 112 [80%] can be re-classified as normal democratic activity in that they refer to meetings, rallies, and demonstrations. In only 29 [20%] cases does the report identify "criminal activity" of any kind and yet in 41 [29%] of the instances arrests were made. Charges were preferred in only six [15%] cases. But even in these instances, the comments made above apply — that charges preferred in the cases of public order offences are not often sustainable as the alleged facts which purportedly give rise to the charges do not constitute an offence.

The report does indicate that a total of 46 persons were arrested specifically in connection with the events of the 11<sup>th</sup> March, and that these persons were arrested for "*public violence*". As can be seen from the table below, the majority of these were members of the MDC, but a large percentage [30%] are not described as having any form of institutional or organisational affiliation.

**Table 3**  
**Frequencies of affiliations of persons mentioned as having been arrested for "public violence".**

	MDC officer	MDC employee	MDC supporter	Student	NCA	ZCTU	Other
<b>Total</b>	6	5	8	9	2	1	14
<b>% of total</b>	13%	11%	17%	20%	4%	2%	30%
<b>% of MDC</b>	32%	26%	42%				
<b>MDC as % of total</b>	41%						

These figures do not tally, however, with the data provided in the report itself. In the introduction to the ZRP report, there is a figure showing the purported frequencies of the criminal activities of various groups mentioned earlier, and the presumption is that this can be



deduced from the incidents reported in the main body of the report. This is erroneous, as can be seen from the table below.

**Table 4**  
**Comparison of ZRP figures with "re-classified figures".**

	ZRP Figures [p2]	Figures obtained from ZRP Report.
<b>CHRISTIAN ALLIANCE</b>	4%	7%
<b>CRISIS</b>	6%	0
<b>MDC</b>	48%	46%
<b>NCA</b>	20%	20%
<b>SAVE ZIMBABWE</b>	0	4%
<b>WOZA</b>	16%	7%
<b>ZCTU</b>	0	15%
<b>ZINASU</b>	6%	2%

The percentages in the left-hand column are taken from the figures given in the first report, whilst the percentages in the right-hand column are taken from the breakdown compiled of the incidents cited in the same report. Whilst there is agreement in respect of the combined MDC [anti-Senate and pro-Senate factions<sup>17</sup>] and the NCA<sup>18</sup>, there is virtually no agreement with the remaining 40% of the incidents and organisations cited. It seems fair to enquire where the ZRP got the data they drew on in compiling the graph shown in the report.

As regards the violence alleged, the report outlines a number of incidents in which violence undoubtedly did occur, but these are a small proportion of the incidents which supposedly make up the trail of violence, as can be seen from the table below.

**Table 5**  
**Types of criminal activity alleged in ZRP report.**

	No. of incidents	% of total
<b>Abuse</b>	8	5.7
<b>Arson</b>	3	2.1
<b>Attacking police station</b>	1	0.7
<b>Attending prayer meeting</b>	17	12.1
<b>Barricading roads</b>	1	0.7
<b>Criticized Mugabe</b>	1	0.7
<b>Culpable homicide</b>	1	0.7
<b>Demonstration</b>	26	18.4
<b>Distributing fliers</b>	8	5.7
<b>Gunshot wound</b>	1	0.7
<b>Hate speech</b>	1	0.7
<b>Illegal demonstration</b>	5	3.5
<b>Meeting</b>	59	41.8
<b>Motor accident</b>	1	0.7
<b>Preparing for demonstration</b>	1	0.7
<b>Property destruction</b>	2	1.4
<b>Resisting arrest</b>	1	0.7

<sup>17</sup> The MDC split into two factions, in November 2005, following a policy dispute as to whether to participate in elections for a newly created senate.

<sup>18</sup> National Constitutional Assembly, an NGO led by Dr. Lovemore Madhuku, which lobbies for constitutional change in Zimbabwe

When the incidents are itemized (Table 5) only 20% of the incidents can be conceivably described as criminal. Furthermore, abuse, hate speech, and “illegal” demonstrations are hardly the hallmarks of the violent campaign which the author seems to be at pains to depict. This is more a “trial of patience” for those trying to engage in non-violent opposition rather than the “trail of violence” claimed. Indeed, the author goes so far as to include, rather egregiously, as part of the “trail of violence”, an ordinary road traffic accident involving the MDC anti-Senate faction leader, Arthur Mutambara, who was subsequently charged with reckless driving.

Although the other serious offences alleged – arson, attacking a police station, property destruction, and stoning buses – are a small proportion of the incidents alleged, the author has made every effort to exaggerate the number of these incidents and their scale. In so doing, the author has lied in a transparent manner in an attempt to bolster his or her argument. For example, on page 15 we are told that ZUPCO bus registration number AAS 0969 was stoned and had its windows smashed by a group of youths in Waterfalls suburb on March 11<sup>th</sup>, 2007. We are then later shown a picture on page 35 of what is alleged to be another bus with smashed windows. The caption underneath indicates that this bus was stoned by “MDC thugs” on March 13<sup>th</sup> 2007 along Simon Mazorodze Road (page 35). The bus in the picture has the number plates AAS 0969 and is clearly the same bus as the first. Immediately below that is a picture of what is manifestly the same bus, but with the caption: “Another ZUPCO bus that was stoned in Glen View by MDC supporters”. A further picture of the same bus appears on page 36 with the caption: “MDC supporters had set on fire the ZUPCO bus in picture (*sic*) on 18 February 2007”. The author has attempted, in a rather puerile fashion, to turn one incident of an attack on a bus into four, by photographing the same bus (in the same place) from three different angles and adding a written account of a fourth incident. Quite obviously this could not be a single bus<sup>19</sup> attacked on at least three different occasions in at least three different places. It is the same bus attacked once. Similarly, pictures of “two” police officers injured in petrol bomb attacks, appear to be the same officer given different names in each picture (pages 40 & 41 of the first report). In deploying such transparent falsehoods, the veracity of other evidence presented in the report immediately becomes suspect — if it were not before. Hence one’s initial impression that the bus (this time different) pictured on page 3 of the first report appears to have crashed into the elevation adjacent to the road, rather than being the victim of MDC “thuggery” as claimed, is bolstered somewhat. Almost four pages of the report are given over to large photographs of a petrol bomb attack on a single house<sup>20</sup> in a complex housing police officers.

<sup>19</sup> Which would be entitled, in that event, to nurse a deep persecution complex.

<sup>20</sup> Although the first report claims, (page 38) that petrol bombs and tear smoke canisters hit houses numbers 43 and 52 it is later stated house number 52 was not hit by a petrol bomb and that a five litre

Although unable to establish any nexus with the MDC or civic groupings in relation to this attack, the author contents him or herself with the phrase "suspected MDC sponsored youths" hoping, by including the petrol bombings, to implicate the MDC and all civic organisations mentioned in the report, with guilt by association. Using the same method of "guilt by association", the report seeks to implicate various foreign ambassadors and the countries they represent in the trail of violence by showing that they appeared at the Harare Magistrates Courts to express their concern for those injured and taken to court after the events of March 11<sup>th</sup>.

From the above it should be clear that the ZRP report does not make a plausible case that the groups (and countries) mentioned above are bent on a violent overthrow of the government, but rather makes the case that these groups are adopting normal democratic activity as their methods of opposing the government. As indicated above, the author shows no concern that the ZRP is used as an instrument of oppression to prevent them from doing so.

## **FURTHER REVELATIONS**

The author is equally unperturbed by the use of state resources for party political purposes, and blithely puts this information into the public domain. The sections of the reports dealing with meetings of civics and the opposition have obviously been drawn from documents compiled by spies employed to monitor the activities of these organisations. The instruction to those conducting the surveillance is equally clear, as all the reports follow the same format: the surveillance agents are briefed to state the time and date of the event, the estimated number of people attending, the names and official positions of any known persons attending, to which faction of the MDC such persons belong, and a brief summary of what each speaker said. The extent of the surveillance is revealed in the fact that even in small gatherings of relatively obscure civic organisations, there is infiltration by a surveillance agent who is able to report on what was said at the meeting<sup>21</sup>. The ZCTU<sup>22</sup> appears to be particularly heavily infiltrated, with a group as small as nine people apparently containing an undercover agent<sup>23</sup>. In addition, the final part of the first report reveals extensive monitoring of ambassadorial staff and their vehicles (pages 45 et seq). Whether those carrying out the surveillance are part of the Presidents Office or Central Intelligence Organisation, (C.I.O),<sup>24</sup> or ZRP itself, the report confirms the popular perception that taxpayers' money is utilised to

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container of petrol aimed at that house "missed" (page 42).

<sup>21</sup> See pages 11 and 19 of the second report.

<sup>22</sup> Zimbabwe Congress of Trade Unions

<sup>23</sup> See p 9 of the first report.

<sup>24</sup> The State security organisation run from the President's office, with funds that need not be accounted for to the legislature, continues to be referred to as the C.I.O although the organisation was renamed to The Department of State Security in the President's Office some years ago.

create an extensive network of surveillance and spies who monitor the activities of a legitimate political opposition, civic organisations and accredited ambassadorial staff. The author has no qualms in publishing this abuse of state resources and obviously believes the surveillance activities, and the reports based on such surveillance, to be part and parcel of the mandate of the ZRP.

### **A FINAL ADMISSION**

One further confession made in the report is worthy of specific consideration, and that is the cavalier approach to the use of firearms by the ZRP. The two cases involving injuries (and in one case a death) from firearms mentioned in the first report are both at the hands of the ZRP<sup>25</sup>. The United Nations Basic Principles on the Use of Force and Fire Arms by Law Enforcement Officials makes it clear that firearms should only be used as a last resort and when the circumstances so demand. In terms of section 42 of the Criminal Procedure and Evidence Act<sup>26</sup> in Zimbabwe (in which the police should be well versed) only such force as is reasonably justifiable in the circumstances may be used, and deadly force must only be used where it is reasonably justified and the offence is a first schedule offence. Furthermore, the person or persons against whom the firearm is used must be aware that an attempt is being made to arrest them, must have attempted to resist the arrest or attempted to flee, and there must be no other means to affect the arrest or prevent the escape. Even in these circumstances, wherever possible, before using a firearm the police officer must give a verbal warning, fire a warning shot and only then may shoot at the suspect, but such shot should not be aimed to kill and should be directed at the legs of the suspect rather than at the suspect's torso or head.

On the ZRP's own account<sup>27</sup>, the death of an MDC youth, Gift Tandare, occurred after warning shots had been fired and the ZRP officer was then simply directed to "shoot the ring leader". The ZRP's wanton use of firearms did not end there. When people gathered at the home of Gift Tandare in Glen View, police went to disperse the mourners and in the process shot two more activists, wounding both of them. Shortly thereafter, a police squad returned to Tandare's home at night, and ordered mourners to lie down, before assaulting them with batons. One activist, who had been shot the night before, was shot again in the same arm and four others were wounded in the fresh onslaught. The desperate acts of the police to prevent the death of Gift Tandare from becoming a rallying point will be returned to below.

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<sup>25</sup> The death is that of Gift Tandare (p 16 of the first ZRP report), the injury appears at p17 of the same report.

<sup>26</sup> Chapter 9:07

<sup>27</sup> Page 16 of the first report.

The second incident mentioned, in the ZRP's first report, occurred when youths suspected of stoning vehicles fled into a maize field. Without meeting any of the requirements given above the police, on their own account,<sup>28</sup> appear to have sprayed bullets at random into the maize field, injuring one of the suspects.

## **WHAT THE REPORTS ATTEMPT TO CONCEAL**

As suggested above, the ZRP reports appear to be an attempt to counter, deflect and distract from the negative publicity arising after the events following March 11<sup>th</sup>, 2007. It is necessary to outline those events briefly in order to rebut the false claims made in this regard in the first ZRP report.

In February and March 2007, civil society activists attempted to hold numerous meetings and demonstrations in response to the deteriorating political and economic conditions within the country. It had also become apparent by then that President Mugabe was planning to set the next parliamentary and presidential election for March 2008, and opposition parties attempted to hold several meetings to launch their election campaigns. The ZRP did everything possible to try to prevent this activity from taking place. They disrupted, tear gassed and banned meetings and demonstrations, and arrested some 400 people while implementing this policy in February 2007 alone<sup>29</sup>. Many of those arrested over this period were tortured while in police custody, usually at the hands of the notorious Law and Order Section of the ZRP. On 18<sup>th</sup> February, 2007 the police responded to notice<sup>30</sup> given by the MDC of a rally in Highfields suburb, in typical fashion, by declaring the rally prohibited. However, the MDC obtained an order from the High Court which allowed the rally to go ahead. The ZRP defied the court order and prevented people from entering the venue by bringing in the Police Reaction Unit (Riot Police), firing teargas and beating people with batons. Angry youths retaliated by throwing stones at the police. The ZRP used the mayhem that resulted as an excuse to impose an (unlawful<sup>31</sup>) ban on "demonstrations and rallies"<sup>32</sup>. In addition, an unofficial curfew was enforced in various high density<sup>33</sup> areas of Harare, through random beatings by the ZRP of persons found on the streets after dark. Although it was not necessary to do so, to ensure that a proposed meeting convened for March 11<sup>th</sup> 2007 by a civic organisation Save Zimbabwe Campaign fell outside the ambit of the "ban", the organisers

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<sup>28</sup> Page 17 of the first report.

<sup>29</sup> See *Bashing Dissent: Escalating Violence and State Repression in Zimbabwe* Human Rights Watch Volume 9, No 6(A) May 2007 generally and which has been drawn on for some of the information used here.

<sup>30</sup> Given in terms of section 24 of POSA.

<sup>31</sup> See above (p 4) for a discussion of this point.

<sup>32</sup> With effect from 20/02/07

<sup>33</sup> "High density areas" refers to areas of housing occupied by the poorer sections of Zimbabwean urban society where houses are closely grouped in contrast to the affluent "low density areas" where houses typically stand on land of one or two acres and often more.

changed the proposed meeting into a “prayer meeting” to be addressed by various pastoral figures<sup>34</sup>. Nonetheless, the ZRP believed the meeting to be in defiance of the ban and were determined to prevent it from taking place.

Early on the morning of 11<sup>th</sup> March, 2007 the ZRP invaded the proposed venue of the meeting with heavily armed riot police and surrounded the venue. The suburb was sealed off though a network of roadblocks. Although aware of the roadblocks, MDC supporters and civil society activists nonetheless successfully slipped through the cordon to reach the venue. The police reacted by charging at the activists with “batons, rifle butts, everything”<sup>35</sup>, tear gassed the crowd and then fired live ammunition, killing one protestor<sup>36</sup> after youths had responded by throwing stones at the police. The police arrested over 50 opposition leaders and civil society activists who had tried to make their way to the meeting. About 30 were taken to Machipisa police station. Others such as MDC president Morgan Tsvangirai were arrested when they went to the Machipisa police station to locate their colleagues. Eyewitness accounts of what followed at Machipisa were given by several victims, some of which are reproduced below. The activists were held in a fenced court yard outside the police cells. A group of 15 men and some women then entered the court yard and ordered the arrestees to lie on the ground. They then commenced beating the activists with batons, iron bars, buckled belts and whips and kicking and jumping on them. The assaults continued for three hours, with the assailants working in teams of four. Prominent leaders, among them Morgan Tsvangirai, Tendai Biti, Lovemore Madhuku, Grace Kwinjeh, Nelson Chamisa, and Sekai Holland (aged 65), were singled out for special treatment. Nelson Chamisa was whipped for almost twenty minutes and Morgan Tsvangirai passed out three times during the course of the assault, losing a large amount of blood from a head wound. An amputee was callously beaten on the stump of his leg and a man who had been disabled from polio had his disabled leg smashed at the ankle with an iron bar. Over 48 hours would pass before any medical attention was allowed to the injured. Zimbabwe Doctors for Human Rights (ZADHR) later noted the following concerning people treated by their members:

“Some of the injuries documented were consistent with beatings with blunt objects heavy enough to cause the following:

- Fractures to hands, arms and legs in 5 individuals including Lovemore Madhuku with a fractured ulna. 3 of these, Elton Mangoma, Sekai Holland and Morgan Tsvangirai sustained multiple fractures.
- Severe, extensive and multiple soft tissue injuries to the backs, shoulders, arms, buttocks and thighs of 14 individuals.
- Head injuries to 3 individuals, Nelson Chamisa, Morgan Tsvangirai and Lovemore Madhuku with the latter two sustaining deep lacerations to the scalp.

<sup>34</sup> The MDC also mounted a legal challenge to the ban, which was not attended to for urgent determination by the High Court.

<sup>35</sup> See HRW report fn 29 p14

<sup>36</sup> See above on the ZRP’s use of firearms p11.

- A possible ruptured bowel in 1 individual due to severe blunt trauma to the abdomen.
- A split right ear lobe sustained by Grace Kwinjeh.
- Prolonged detention without accessing medical treatment resulted in severe haemorrhage in Morgan Tsvangirai leading to severe anaemia, which warranted a blood transfusion.
- Injuries sustained by Sekai Holland were also worsened by denial of timely access to medical treatment, which led to an infection of deep soft tissue in her left leg.
- Denial of access to treatment in another individual suffering from hypertension lead to angina".<sup>37</sup>

After the assaults, the arrestees were ordered to board a truck. A group had to lift the prone body of Morgan Tsvangirai onto the truck. The group was taken to Harare Central Police Station and again put into a courtyard where they were questioned by police officers and members of the CIO. In a technique frequently used to make it difficult for lawyers to locate their clients, they were then ordered back onto the truck and dispersed at various police stations around Harare. Further beatings were inflicted on some of the activists at these police stations.

These brutal assaults and torture, corroborated by medical evidence, obvious physical injuries and consistent accounts of the victims, are addressed in two sentences in the first ZRP report:

"[Tsvangirai] was not assaulted whilst in police detention" (page 15).

"As the police officers were trying to arrest [Madhuku] in terms of law for being abusive and defiant, he violently resisted and he was injured whilst resisting police arrest" (page 15).

The government's bland denial of the violence perpetrated on Tsvangirai was made farcical after pictures of his injuries, particularly a deep gash on his head, were broadcast world wide, so various other explanations were proffered by government representatives. Among the more fanciful was a claim that Tsvangirai and Madhuku had launched an attack on Machipisa police station and that the police acted in self defence. David Mangota, the Secretary for Justice, suggested to representatives from the International Commission of Jurists and a delegation from the Pan African Parliament investigating the incident that the pictures of Tsvangirai's wounds were the work of make-up artists. In an interview on 13<sup>th</sup> March, 2007 broadcast on South Africa's radio SAfm, government spokesperson, Nathan Shamuyarira, floundering in his attempts to deny the obvious, stated that the assaults were "part of the normal interaction with the police". All these attempts at obfuscation were undone by President Mugabe himself who stated in relation to Tsvangirai:

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<sup>37</sup> See the March 2007 Monthly Political Violence Report by the Zimbabwe Human Rights NGO Forum p10.

“Of course he was bashed. He deserved it. I told the police to beat him a lot. He and his MDC must stop their terrorist activities<sup>38</sup>.”

After the arrests and assaults, the ZRP denied the activists access to both legal practitioners and the urgent medical attention they required. Lawyers attempting to insist on their rights in this regard were themselves assaulted<sup>39</sup>. A court order compelling the police to allow such access was ignored by the police.<sup>40</sup> Shamuyarira, in the interview referred to above, was asked why the police had denied the arrestees access to lawyers and medical attention. He was left embarrassed when, having denied that this was the case, the interviewer crossed by telephone to the lawyers waiting outside the court in Harare who were, as Shamuyarira spoke, struggling to get the court order for access enforced. In regard to this complete disregard for the rule of law and violation of court orders, the ZRP’s second report simply states:

“The lawyers also falsely (*sic*) that Police deny them access to their clients whenever they get arrested and ask for legal representation.”

Lawyers representing those arrested finally managed to have the court order enforced late on Tuesday 13<sup>th</sup> March, 2007 and their clients were admitted into the Avenues Clinic for medical attention. However, in further defiance of the court order and with singular callousness, later that night the police arrived at the hospital, removed “the accused” from their beds and took them down to the magistrate’s court. The court was, unsurprisingly, deserted. Notwithstanding the fact that most were receiving treatment at the hospital as in-patients, the accused were told to return to the court at 9.00 a.m. the following day. When they did so, some of them in wheel chairs, there was no one there prepared to undertake the prosecution or to sit to hear the matter. In accordance with the High Court order, the “accused” left the court without being charged. No charges have ever been preferred in this matter.

## **OTHER OMISSIONS**

It is not intended here to detail the many unlawful assaults, abductions and arrests which ensued in the days following March 11<sup>th</sup> 2007 but simply to outline the more egregious acts which are relevant to the events mentioned in the ZRP reports and that which the reports deliberately conceal. The reports fail to mention the despicable acts which followed the killing of Gift Tandare. The ZRP made every effort to try to prevent mourners from gathering, as is traditional in Zimbabwe, at Tandare’s house, and beside shooting and wounding several

<sup>38</sup> President Robert Mugabe addressing a ruling party rally on 29/03/07.

<sup>39</sup> See for example HRW report p 31

<sup>40</sup> The courts seem to be getting inured to this sort of defiance. Giving judgment in the case of *S v Mabika & Ors* CRB B472-84/07, Kamocha J recalled that the police had been ordered to afford the accused persons medical attention. He went on: “Needless to say ... the court order was defied by the police.”



mourners who had managed to arrive, as indicated above, barricaded the roads leading to his house to prevent other mourners from gathering. Tandare's family were unable to retrieve his body from the mortuary. His body was subsequently surreptitiously removed from the mortuary by state security agents and conveyed to the family's rural home and the area cordoned off with police road blocks. Many of Tandare's close relatives were thus unable to attend the funeral. Several ZANU PF officials were, however, in attendance and the state controlled newspaper, the *Herald*, cynically reported that the State had "assisted" in the burial.

The reports also fail to mention that the ZRP continued its harassment of Grace Kwinjeh and Sekai Holland, both of whom required medical treatment outside Zimbabwe as a result of the torture suffered on 11<sup>th</sup> March. On 17<sup>th</sup> March, 2007 both were detained at Harare Airport *en route* to obtaining such treatment and were unable to leave the country for several days as a result. Similarly, on the 18<sup>th</sup> March 2007, Nelson Chamisa, the Spokesperson for the Anti-Senate MDC, was brutally attacked by eight unknown assailants at the Harare International Airport in full view of ZRP officers who did nothing to prevent the attack. The opposition spokesperson was on his way to an African-Caribbean-Pacific-European Union Parliamentary Assembly meeting in Belgium.

## **TORTURE AND ABUSE BY THE ZRP**

As indicated at the outset, the Forum has received frequent reports of abuse and torture by the ZRP, and this is no less the case with the events after 11<sup>th</sup> March. The Forum's Monthly Political Violence Report for March 2007, indicates that nearly 2,000 violations were reported to the Forum in March, and this includes 168 cases of torture. The March figures are nearly double those of the previous month, February, and three times greater than January 2007.

In cross-referencing the names provided in the ZRP's first report with reports received by the Forum, a disturbing picture emerges. A total of 126 individual names are mentioned in the ZRP report, with some individuals being mentioned on multiple occasions. According to the Forum data, 24 [19%] of all of those named in the report reported some form of abuse at the hands of the ZRP, and as many as 53% of those named as having been arrested for "*public violence*" reported torture at the hands of the ZRP. As can be seen from the table below, the frequency of various forms of abuse was much greater in the group arrested on allegations of public violence than in those generally mentioned in the report.

**Table 6**  
**Violations reported by those mentioned as having been arrested for "public violence".**

	<b>Tortured</b>	<b>assault</b>	<b>detention</b>	<b>falanga</b>	<b>abduction</b>
Number	24	27	20	2	1
% of total	18.9	21.3	15.7	1.6	0.8

% of those named in connection with violence	53.3	60.0	44.4	4.4	2.2
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This is unsurprising and, as the Forum pointed out in a recent report on violations by law enforcement agencies, the probabilities of being tortured or abused by the ZRP increased with detention and where senior officers were present.<sup>41</sup> This trend is maintained in the cases reported after 11<sup>th</sup> March.

As can be seen from the case histories below, the abuse and torture was severe. Some of the cases have already been widely reported in the public domain, but where they have not, no personal details are provided in order to protect the victims. It is evident that gross human rights violations were being perpetrated by the ZRP well in advance of the events of 11<sup>th</sup> March, as the case below illustrates, and also as is amply demonstrated in the Monthly Political Violence Reports of the Forum for both February and March 2007.<sup>42</sup>

**Torture: Assault and Detention [28 February 2007]**

The victim claims that on the morning of 28/02/07 at around 0845hrs he was at Mwamuka Petrol Service Station when he noticed the presence of police officers who approached and ordered him to stay seated where he was. Suspecting trouble, he considered fleeing but stopped when police brandished a pistol. He was then handcuffed and beaten using clenched fists. He and some colleagues in his company were taken to a police station where they were locked in the PISI [a police intelligence unit] room and ordered to remove their shoes. They were asked what their aim was. When they told the police they were going into town to the NCA offices they were accused of wanting to go into town to destroy cars and loot. An officer came in and he asked his colleagues if they had tortured the victim and friends so as to get information. They were then beaten under the feet using a baton and another officer stamped on their toes. They were then ordered to pay a fine of \$2500 for an unspecified charge. It was now around 1500hrs. After paying the fine at the charge office they were taken back to the offices and interrogated again. The victim was told by the police to go and look for and bring to them another person who had run away. The victim's address was taken down and he was then released around 1700hrs.

The denials by the ZRP and state officials of any ill-treatment of the MDC and other civil society organisation members are contradicted by the numerous confirmatory statements of people that were abused over this period. As the following examples of transcripts of accounts by victims demonstrate, there were multiple abuses — all witnessed, and subsequently confirmed on medical examination.

**Torture: Assault and Detention [11 March 2007]**

The victim claims that on the 11/03/07, police arrested him when he was in his car. He was then loaded in a pickup truck and taken to Machipisa Police Station. He was then with Mr. Tendai Biti, the Secretary General of the MDC. They were followed soon after by Nelson Chamisa and his driver. Thereafter came Dr Madhuku, Mrs. S Holland and Ms Grace Kwinjeh. They were then a group of about 28 within the compound of Machipisa Police station. At about 12 noon, an angry order was given to handover all their cell phones and to lie down facing down and pretend to go to sleep. An orgy of indiscriminate beatings then started. A few people were singled out for special beatings. At this point the President

<sup>41</sup> See Zimbabwe Human Rights NGO Forum (2006), *“Who Guards the Guards? Violations by Law Enforcement Agencies in Zimbabwe, 2000-2006”*.

<sup>42</sup> See Zimbabwe Human Rights NGO Forum (2007), *Monthly Political Violence Report for February 2007 and Monthly Political Violence Report for March, 2007*

Mr. Tsvangirai, his driver and bodyguard were thrown in, and the frenzy of beatings were taken to a higher level. The victim was beaten on the buttocks and when he turned over he was hit on the legs. The blows to the left leg fractured his knee cap. One of the female assaulting team jumped on his tummy claiming it was "fat from Tony Blair's money". When these assaulters got tired, they stopped and once again they were told to lie down with faces downwards. They were then ordered to get into the truck and once more, lie face downwards. The injured were not given any treatment.

**Torture: Assault and Detention [11 March 2007]**

The victim claims that on 11/03/07 he had accompanied Mr. Tsvangirai to Machipisa Police Station as his body guard, to see other officials of the party who had been arrested. When they arrived and parked their car almost two hundred officers were gathered outside the police station. They walked into the police station and a woman officer told them to go to the fenced court yard where they found their officials being battered all over with gum poles, batons and metal bars. When the police saw Mr. Tsvangirai the whole police camp jeered telling him to call Bush and Blair to help him. Next it was flying kicks all over Mr. Tsvangirai. The victim saw three Policemen beating Mr. Tsvangirai with large sticks and metal objects on the head and he passed out three times. They came to victim and asked him why he was a bodyguard to Bush and Blair's' puppet. He was beaten all over the body especially on the head and was left when he passed out. When he came to, he was assaulted again, until he vomited blood. They were then thrown in a big lorry, packed like fire wood, lying on their stomachs and taken to Harare Central Police Station where again they were ordered to lie prone on the tarmac facing on the ground. They were held in police cells.

Many more cases could be given to illustrate the point that torture and ill-treatment were meted out to those accused of "public violence", but this is unnecessary. As was seen above, the trend seen so commonly in the past was repeated on 11<sup>th</sup> March and subsequently continued as this case below illustrates, and this case also illustrates the frequent use of proxy forces by the law enforcement agencies.

**Torture: Assault and Detention [25 March 2007]**

The victim reported that after the Zimbabwe/ Morocco Soccer match he was in a party of 15 who were distributing NCA fliers, they were caught by 5 men in plain clothes who accused them of petrol bombing police stations. They were taken to the base (known as ZANU PF base in Mbare called Chipangano base) They were beaten up by 8 men until they started bleeding from the mouth and nose. They were then told to go wash their clothes to erase evidence of victimization. They put on their wet clothes and were taken to Rufaro Stadium, where they were beaten up again. They were being pinched and pain inflicted on their private parts. The client and his group started crying out and screaming until riot police came to their rescue. They were then handcuffed and taken to Mbare Police Station. Before the riot police came they had been searched and their money was taken, the victim had \$110,000 stolen. They were then held at Mbare Police Station, the following morning 5 police officers came and beat them with fists and kicked and punched them. (The perpetrators told the client that they were ZANU PF militia).

The ZRP response to dissent to government policy, as revealed in its own report, is of concern, but is entirely in keeping with other reports in this regard. It is significant that over the ten-year period since 1998, the Forum and its members have frequently documented and publicised the involvement of the ZRP in the perpetration of gross human rights violations. The Forum has issued numerous reports on torture and other gross human rights violations, and members of the ZRP have featured prominently as perpetrators in all these reports. Two reports have been issued specifically on the ZRP, and in both of these reports the Forum

made serious allegations about the involvement of the ZRP in torture and other violations.<sup>43</sup> These allegations have been supported and matched in their conclusions by the reports of respected international human rights groups, such as Amnesty International and Human Rights Watch, and have received support from the African Commission on Human and Peoples' Rights Fact Finding Mission of 2002.

The allegations have not been idle or frivolous, as is often claimed by the Zimbabwe government, and, as the Forum demonstrated in a report issued last year (2006), the allegations are supported by judgments emanating from Zimbabwe's High Court.<sup>44</sup> As was shown in the 2006 report, in the completed cases, the allegations of the complainants, supported by the Forum, have been upheld by the court in nearly 90% of the cases, many of which were determined after state counsel effectively acknowledged the truth of the complainants' allegations by consenting to the orders sought. This is an extraordinary trend and one that strongly supports the views of the Forum and others in regard to violations of human rights by the ZRP. The Forum continues to support similar civil suits against the ZRP and its governing ministry, the Ministry of Home Affairs, and it is worth noting that the Forum has filed further notices of intention to sue in 127 cases related to the violations which have occurred since 11<sup>th</sup> March 2007.

These cases provide evidence of systematic and egregious abuse of power by the ZRP. A recent judgment in the High Court<sup>45</sup> provides further indication of abuse by the police. In March this year the ZRP descended on Harvest House where the MDC has its main offices. Several small enterprises also operate from the building. In violation of the Criminal Procedure and Evidence Act and Constitution, which requires a reasonable suspicion of the commission of an offence, the police indiscriminately arrested everyone in the building, being customers of the small businesses, the business employees and MDC officials. Most of those arrested were detained for the day at Harare Central while a "screening" process took place. None were informed of the reason for their arrest. The group was whittled down to 18 MDC officials and members, some of whom had been arrested in different places around Harare. Under cover of darkness and over a period of two consecutive nights, the police then engaged in systematic torture of those remaining in custody. This torture consisted of brutal beatings that included falanga, a well-known torture technique in which the victim is beaten on the soles the feet. The torture appeared partly aimed at extracting confessions from the victims that they had been involved in the spate of petrol bomb attacks referred to in the ZRP reports. Unable to obtain any evidence in this manner, the police set about fabricating the same. After forcing one victim to sign a document confessing to various offences, the ZRP

<sup>43</sup> See Zimbabwe Human Rights NGO Forum (2003), *Torture by State Agents in Zimbabwe: January 2001 to August 2002* & "Who Guards the Guards?" Fn 41.

<sup>44</sup> See Zimbabwe Human Rights NGO Forum (2006): *An Analysis of the Zimbabwe Human Rights NGO Forum Legal Cases, 1998–2006*.

<sup>45</sup> *S v Mabika & Ors* CRB B472-84/07, delivered by Kamocho J on 24th July 2007.

eventually preferred charges of undergoing military training for the purposes of engaging in insurgency and acts of banditry against 15 of those detained and took these accused to court. Until this time, the accused had been denied access to legal and medical practitioners. At the Court the magistrate refused to hear the matter until the accused had been given medical treatment. The intervention of the magistrate came at a crucial moment for one victim of the torture who had collapsed at the court and whose condition appeared life threatening. Although the magistrate had ordered that the remand of the accused take place in hospital, later that night police arrived at the hospital, removed the drips from the arms of the in - patients and took them to the remand prison. When the matter came to court, in sworn affidavits and other testimony the ZRP presented false evidence in an attempt to support their allegations that the 15 members and office-bearers of the MDC had undergone military training in South Africa with a view to overthrowing the Zimbabwean government by force. On the basis of this perjury, all 15 accused persons were denied bail from the time of their arrest and most spent four months in custody as a result. In ultimately ordering the release on bail of some of the 15, in a judgment delivered on the 24<sup>th</sup> July, 2007, the judge noted that the allegations against them were vague and that the police kept revising even the dates on which they were supposed to have undergone training, first alleging that it had taken place in 2006, and then, presumably to counter the alibis proffered by the accused, changed the dates to a period extending from 2002 to 2006.<sup>46</sup> Not only that, but the Court concluded that the place where ZRP alleged the training took place did not exist:

“The police had alleged that the applicants had trained at a farm known as Lala Bundu Farm. When challenged to show on the map where Lala Bundu Farm was they failed to do so. It turned out to be non-existent.”<sup>47</sup>

Accomplices who were said to have implicated the accused persons “vigorously denied doing so.” Other alleged accomplices, it transpired, were fictitious:

“The applicants [i.e. the accused] went on to further point out that in a desperate attempt the State even claimed that it had evidence from one Peter Chindodana and one John Zhiwawo but these turned out to be fictitious persons who did not exist. When the State was ordered by the court to produce these individuals to show that they existed it failed to do so.”<sup>48</sup>

Significantly, the judge observed that all the accused persons had proffered alibis

“which the police had never bothered to investigate in an effort to rebut them. Their alibis therefore remain intact.”<sup>49</sup>

During the raid on the Harvest House offices, much of the MDC’s office equipment, including computers, was confiscated or damaged. The torture and extended incarceration of the MDC

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<sup>46</sup> Page 2 of the judgment.

<sup>47</sup> Page 7 of the judgment.

<sup>48</sup> Page 7 of the judgment.

<sup>49</sup> Page 2 of the judgement.

officials and members took place without the police having any evidence that they had been involved in the petrol bombing. These events thus indicate that the raid on Harvest House had more to do with the continued suppression of the opposition in Zimbabwe than any real desire to determine the identity of those involved in the petrol bomb attacks.

In view of all this, it is not surprising that the considered view of Zimbabwean civil society, as a whole, is that the State is complicit in violations of human rights and, as was concluded at a Symposium in Johannesburg in 2003, the extent of the violations leads strongly to the conclusion that the violations may constitute crimes against humanity.<sup>50</sup> As was stated in the Symposium Summary:

“From 2000 onwards, there have been increasing levels of violence resulting in pervasive human rights abuses. All available evidence indicates that the government has engaged in a **widespread, systematic, and planned campaign of organized violence and torture** to suppress normal democratic activities, and to unlawfully influence electoral process. The government has also created, and the law enforcement agencies have vigorously applied, highly repressive legislation. These measures were directed at ensuring that the government retained power rather than overcoming resistance to achieving equitable land redistribution and correcting historical iniquities”. [emphasis added]

The recent ZRP reports thus fly in the face of the facts.

## **POLITICAL VIOLENCE IN ZIMBABWE**

The Forum has issued 24 major reports on political violence and gross human rights violations since its formation in 1998, and, since 2001, the Forum has felt it necessary to issue monthly reports on the political violence that has become endemic in Zimbabwe. Since January 2001, the Forum has issued a total of 68 Monthly Political Violence Reports.

These reports describe a picture of the gravest possible concern, showing as they do that gross human rights violations have been committed continuously since 2001, and that torture has been one of the commonest violations alleged by the victims that reported to the Forum and its members. This can be seen in Table 1 below, which shows the gross statistics of the cases seen by the Forum to date.

**Table 1**  
**Total human rights violations: July 2001 to February 2007**  
**[Source: Monthly Political Violence Reports of the Forum ]**

	2001	2002	2003	2004	2005	2006	2007	Total
Abductions	116	223	52	62	18	11	8	490
Arrest & detention	670	274	627	389	1286	2611	994	6851
Assault	0	86	388	401	530	486	356	2247

<sup>50</sup> See Themba Lesizwe (2004), *Civil Society and Justice in Zimbabwe*, Proceedings of a symposium held in Johannesburg, 11-13 August 2003.

Attempted murder	0	2	10	8	1	3	0	24
Death threats	0	12	80	35	9	7	3	146
Disappearance	0	28	4	0	0	0	0	32
Displacement	0	11	208	189	609	55	0	1072
Interference with Freedoms	12	39	809	760	1036	1866	1444	5966
Murder	34	61	10	3	4	2	2	116
Political discrimination	194	388	450	514	476	288	892	3202
Property violation	356	807	153	132	61	55	3	1567
Rape	0	7	6	3	4	1	0	21
School closure	0	45	1	0	0	0	0	46
Torture	903	1172	497	160	136	366	254	3488
<b>Total</b>	<b>2285</b>	<b>3155</b>	<b>3295</b>	<b>2656</b>	<b>4170</b>	<b>5751</b>	<b>3956</b>	<b>25268</b>
<b>Mean annual</b>	<b>381</b>	<b>263</b>	<b>275</b>	<b>221</b>	<b>348</b>	<b>479</b>	<b>1319</b>	

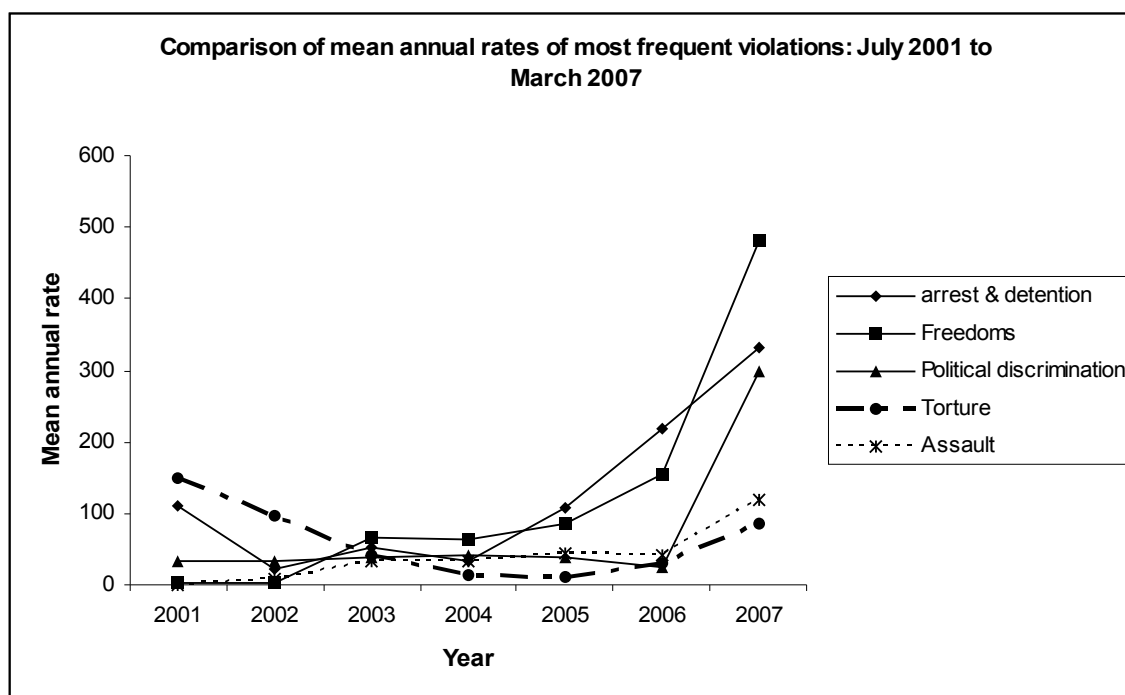
Firstly, it is evident that although incidents of gross human rights violations have risen and fallen since reporting began, the general trend shows increasing violations since 2005, and, if the current trend for 2007 continues, 2007 will be the worst year yet by a considerable margin. As the Forum commented in a recent report,<sup>51</sup> this may have everything to do with the run up to an election in 2008, as previous election years have always shown such an increase. The Forum stated in this report:

When the data from the Forum's Monthly *Political Violence* Reports were classified according to whether the month was an election month (or a month in which a significant national political event occurred, such as a national stay-away), this gave a total of 40 months without elections or national events, and 17 months in which there were national elections, by-elections, or national events such as the stay away of June 2003. Interestingly, the 40 months without elections gave a total of 9,549 violations (56.5% of the total), while the 17 months in which there were elections or national events had a total of 7,352 violations (43.5% of the total). On average, election months produced 432 violations per month, while non-election months produced only 239.

Secondly, it is evident that, on mean monthly rates of occurrence, torture has been increasing in frequency since last year: having declined from a peak of nearly 117 cases a month in 2001 (mostly associated with the run-up to elections in 2002), the frequency of torture declined until last year. If the trend to date in 2007 continues, then it is clear that 2007 will be the worst year since the Forum began issuing its Monthly Political Violence Reports in 2001.

This trend is illustrated in the graph below, which shows the mean annual rates of selected violations since July 2001.

<sup>51</sup> See Zimbabwe Human Rights NGO Forum (2006), *An Analysis of the Zimbabwe Human Rights NGO Forum Legal Cases, 1998–2006*.

**Figure 1**

In other reports, the Forum has paid particular attention to the ZRP and allegations against the police. Analysis of the data described above, indicate a very disturbing picture.<sup>52</sup> The findings indicate that the ZRP has changed from a generally professional force, respected for even-handedly enforcing the country's laws, to a force used by the ruling party, Zanu-PF, to suppress all perceived opposition and retain power. The ZRP's own reports under consideration here, is clear evidence of this contention.

In the Forum's report "Who Guards the Guards", the police were named as torturers and police premises as places of torture and other abuses in hundreds of cases. Torture by police was often carried out by senior police officers. Since 2000, officers of the rank of sergeant or above were named as perpetrating torture in 59 cases, with constables identified in 91 cases. Harare Central Police Station was significantly associated with torture by senior police officers.<sup>53</sup> The report determined that a combination of government, regional and international action was needed to reform the Zimbabwe police so it becomes an accountable force that offers all citizens protection under the rule of law. As the report concluded:

- *Law enforcement agencies are a major source of human rights abuses in Zimbabwe;*
- *These agencies are being used to help the ruling party, ZANU (PF), to suppress opposition and retain power;*
- *When these agencies operate in conjunction with the army, there are often increased levels of brutality;*

<sup>52</sup> See again "Who Guards the Guards?" fn 41.

<sup>53</sup> See Appendix 2 [p.44] of "Who Guards the Guards?" fn 41.



- *Statements made by high-ranking members of the ruling party encourage the law enforcement agencies to perpetrate these abuses and it can be argued that the widespread abuses are state sponsored or at least condoned;*
- *The protection of the law has in many cases been denied to those considered hostile to ZANU (PF);*
- *For these persons, the law enforcement agencies have become an instrument of violence against them rather than an institution that offers them protection. They live in fear of the very agencies that are supposed to protect them;*
- *On the other hand, the perpetrators of abuses against these persons have often been immune from legal responsibility for their actions, and this impunity encourages them to continue to commit abuses.*

Neither this particular report – “*Who Guards the Guards?*” - nor any of the previous recent reports have received any response from the ZRP. In fact, the ZRP, through the office of the Commissioner of Police, indicated to the Forum last year that the force did not wish to receive reports from the Forum in the future. The rationale offered for refusing reports was that the ZRP were not offered a right to respond to the reports of the Forum before they were published. The fact that the ZRP has ignored this and other reports of violence by ZANU PF and ZANU PF militia, but has chosen to issue two reports responding to allegations of violence by MDC members and civic organisations, is in itself a clear indication of the politicisation and partisanship of the ZRP.

## **CONCLUSIONS**

As is so frequently the case in Zimbabwe, government denials of gross human rights violations ring hollow against the facts. This time, however, the denial put forward by the ZRP in many respects confirms the facts previously alleged. The ZRP report, “*Opposition Politics in Zimbabwe: A Trail of Violence*”, provides further evidence that the government and the ZRP act in concert to suppress dissent and the opposition in Zimbabwe.

As our analysis of the ZRP reports shows, virtually all of the “subversive” activities alleged by ZRP would be treated as normal democratic activities in most countries of the world, and as a sign of a healthy and functioning democracy. In unashamedly treating political meetings, rallies and demonstrations as part of “a trail of violence”, the ZRP reports are evidence, from the horse’s mouth as it were, of the ZRP’s politicisation, intolerance of democratic opposition and violent suppression of opposition parties and leaders who try to exercise their civil rights and occupy such limited democratic space as remains available.

## **Appendix 1**

### **Brief reports given by some of those mentioned in the first ZRP report as being involved in "public violence".**

#### **Torture: Assault and Detention [28 February 2007]**

The victim alleged that on the date in question at around 0800hrs he arrived at Mwamuka Services station in Mbare to join the NCA demonstration. Two police officers came over to where they were, about 15 of them. Some ran away however, seven of them were caught and they were taken to Mbare police station. They were beaten with batons, hands, and booted feet. The victim was made to pay a fine of \$2500 and was released at 1700hrs.

#### **Torture: Assault and Detention [3 March 2007]**

The client reported that he went to Sunningdale on 03/03/07 to attend an MDC rally. When he got to Sunspark Shopping Centre, he and his colleagues asked the vendors where the rally was actually taking place. The vendors started shouting that the client and his colleagues were thieves who had come to cause trouble in the area. The client denied this saying that he was only an MDC activist. Staff from a bakery at the shopping centre came out and started accusing the client of looting and destroying their bakery since earlier MDC and Zanu PF supporters had clashed there and caused damage to property. The client with his colleagues started walking away, but soon they realised that the bakery staff was following them. The client was then stopped and the bakery staff started assaulting everyone calling them MDC thieves. The client tried to explain that he had not been involved in the looting and was only trying to attend a rally. Two security guards from Fawcett came and stopped the assault. However, the perpetrators continued to follow the client and his colleagues. They went back towards the shopping centre and as the client was walking he was assaulted on his back with booted feet, fists and sticks after which he passed out. The client was carried by his colleagues to the shopping centre where he was again assaulted. The client tried to get into the shopping centre as there were police there. When the gate to the shopping centre was opened the client was assaulted on his face and his whole body. The client passed out and came around when he was dragged into a room in the bakery. The client was left in a room with a police officer, a plain clothes officer instructed the officer to take him to Braeside Police Station. The police and the owners of the bakery went away to talk while he was being put into the police car. The client was taken out of the car and again brought into the bakery where two men wearing masks started assaulting the client accusing him of looting. The client's head was put into a toilet chamber, while a police officer took the client's wallet and money (\$150 000.00). The officer continued assaulting the client asking about the MDC leadership. The client was then taken to Braeside Police Station, where he was given his wallet but it now only had \$14 000.00. The client was then taken to Avondale Police Station and only released on 06/03/07 after going to court.

#### **Torture: Assault and Detention [10 March 2007]**

The client alleges that on the date of the incident he was putting up fliers with his friend when they met police officers who arrested them and took them to Stoddart Police Station where they were detained. The victim claims that a policeman by the name Zviayo came at around 0200 hours and started to beat him up for about 1 hour 30 minutes. On the second day Zviayo allegedly came back at around 0200 hours and took him from the cells and started to beat him again. When the Member-in-Charge heard him crying he stopped the police officer, Zviayo, and detained him again. The client alleges that after the beating, nothing else happened until they were taken to Harare Central Police Station on Wednesday. The client claims that while they were at Harare Central Police Station at around 1300 hours, some police officers told them to lie on prone position and started beating him with bricks and batons. He then paid a fine of \$2 500.00 and went to MDC offices where they were referred for treatment.

**Torture: Assault [10 March 2007]**

The victim was assaulted by police with batons and boots. A police officer jumped and landed on his lower back whilst he was lying prone.

**Torture: Assault and detention [11 March 2007]**

The victim claims that he is Mr. Chamisa's driver. Around 12pm they were driving to Machipisa Police Station to see some colleagues who had been detained by the police. When they were close to Machipisa Shopping Centre, they encountered riot police who stopped them and took Chamisa away and ordered the victim to come with them to Machipisa Police Station where he was ordered to join the other MDC supporters who had been detained. They were then ordered to lie down on their backs and the riot police beat them with batons on the back and buttocks. They were detained and released at midnight on 13th March 2007.

**Torture: Assault and detention [11 March 2007]**

The client alleges that he was at Musasiwa Garage in Waterfalls sitting and chatting to a friend. A police pick up truck came to the garage. 5 police officers were in the truck (2 females and 3 men). As soon as the police got out of the car, they immediately started assaulting the client with baton sticks. The client was assaulted on his right arm and leg, The assault went on for about ten minutes. The client was put into the police truck and taken to Machipisa Police Station. He was immediately taken to the cells, where he was left from Sunday 11/03/07 until he was released on Tuesday 13/03/07.

**Torture: Assault and Detention [11 March 2007]**

The victim reported that as they were being assaulted by the police in the station at Machipisa in Highfield his spectacles fell off. When he tried to save them, he was ordered to lie down and the beatings continued. The glasses were completely smashed and nothing could be retrieved. from Machipisa he was taken to Matapi Police Station and all his inquiries about fate of glasses produced no positive result. He is very short sighted and he is unable to work or drive.

**Torture: Assault and Detention [11 March 2007]**

The victim reported that he was assaulted by police at Machipisa Police station with batons on the head, back and arms.

**Torture: Assault and Detention [11 March 2007]**

The victim claims that on the date in question he was arrested by the police while he was driving his car in Highfield. He was taken to Machipisa Police Station where he was detained at around 1200hrs. A rowdy group of a combination of the riot police and Zanu PF youth militia invaded the holding cells and demanded everybody to lie down on their stomachs. He was severely assaulted, beaten and harassed. His private organs were pressed inside and he was beaten on his back, buttocks, head and the chest. They used rifle butts and batons on his body. This all happened for almost 30minutes. He started bleeding from the nose and the various cuts on his body.

**Torture: Assault and Detention [11 March 2007]**

Incident occurred at Harare Central Police Station. The client reported that he was assaulted in police cells and was bitten by lice while he as in the cells.

**Torture: Assault and Detention [11 March 2007]**

The victim claims that on Sunday 11 March 2007, he was in his car that was part of a convoy of vehicles in a Save Zimbabwe team dispatched to Highfield to observe police activists that had resulted in blocking the prayer scheduled for that day. The client alleged that as they drove along an unmarked road in the Canaan Section of Highfield to the Zimbabwe grounds,

they were suddenly stopped by armed riot police who subsequently took them to Machipisa Police Station. The victim claims that he was in the company of Elton Munyama, Treasurer of the MDC and his uncle Tariro Dengezi. At Machipisa Police Station they were dumped in an open yard. At around 1330hours a new set of persons dressed as policeman invaded and told them to surrender their phones and to lie prone facing downwards on the ground. They were then assaulted. The police then begun to pick them out one by one, the first was Lovemore Madhuku, followed by Grace Kwinje and last Sekai Holland. Eventually with bodies bleeding and limbs broken they were dumped in a Nissan UD truck and asked to lie face down again. The victim alleges that they were then taken to Harare Central Police Station where they were made to lie face down on the hot tarmac surface. The police then told them one by one to go to a tap to wash, beginning with Morgan Tsvangirayi, Lovemore Madhuku and the victim. Morgan Tsvangirayi was bleeding profusely and he had to wash his head for minutes on the tap.

**Torture: Assault and Detention [11 March 2007]**

The client alleged that he was assaulted by ZRP, with rubber batons, rubber sjamboks and kicked with booted feet on head, chest, back, buttocks, knees and hand.

**Torture: Assault and Detention [11 March 2007]**

The victim reported that he was assaulted using baton sticks and whips and was detained.

**Assault [11 March 2007]**

Client was beaten on 11/03/07. Assailant used a baton stick.

**Assault [13 March 2007]**

Assaulted using baton stick, whips and canister.

**Assault [13 March 2007]**

The client was assaulted while in police custody, with baton sticks. The incident occurred at Harare Central Police Station.