



Zimbabwe
HUMAN RIGHTS
NGO Forum

***Who guards the guards?
Violations by Law Enforcement
Agencies in Zimbabwe,
2000 to 2006***

**Report produced by the Zimbabwe Human
Rights NGO Forum.**

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A note on the statistics used in this report.

It is important to note that the statistics in this report are based upon the incidence of violations, and not the numbers of individuals subjected to those violations. Accordingly, where a single person is arrested, unlawfully detained and tortured this is recorded as three violations of human rights. Conversely, where say 10 people are prevented from holding a meeting, this will appear as a single violation. It would, therefore, be entirely possible and consistent with a perceived increase in state oppression, that the number of human rights violations recorded increases, while the number of victims declines. Obviously, in a climate of increased and violent state repression, fewer people are prepared to challenge the State (thus showing a decline in the number of persons affected) while those who do challenge the State are treated with greater brutality and disregard for human rights (thus showing an increase in the total number of violations).

Introduction

A democratic state is one in which the government respects human rights, will freely allow democratic activity, and whose law enforcement agencies will try to protect all persons against violation of their rights, regardless of the political affiliation of the people involved. The role of the police in a democracy is summed up in Article 1 of the United Nations Code of Conduct for Law Enforcement Officials as follows:

Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.¹

In stark contrast, a repressive regime with no respect for human rights will disallow ordinary democratic activity, and will use the law enforcement agencies to stifle dissent and opposition. The law enforcement agencies will themselves become the main human rights violators and a source of fear for those being targeted. A state in which this situation prevails is described pejoratively as "a police state".

The last time the Zimbabwe Human Rights NGO Forum issued a specific report concerning the conduct of members of the Zimbabwe Republic Police [ZRP] was in 2003.² In that report the Forum made serious allegations about the involvement of the ZRP in torture. The 2003 report was based on reports that the Forum and its member organisations had received in the period from January 2001 to August 2002.

The primary focus of the present report is the behaviour by Zimbabwe Republic Police, although it also touches upon the conduct of other law enforcement agencies and the conduct on the part of army personnel when acting in concert with the police force.

This report examines the political environment in which the law enforcement agencies have been operating in Zimbabwe since 2000. It explores the extent to which the law enforcement agencies have become instruments of state repression, and the extent to which the abuses by these agencies are officially condoned, sanctioned or encouraged by their commanders and by the political leaders under whose auspices these agencies operate. As the title of this report indicates, the main issue is: "who guards the guards?" Applied to the law enforcement agencies

¹ This Code was adopted by General Assembly Resolution 34/169 of 17 December 1979

² See Zimbabwe Human Rights NGO Forum *Torture by State Agents in Zimbabwe: January 2001 to August 2002* (2003 Harare,).

the question is: who will guard against abuse of the vast powers possessed by members of law enforcement agencies?

The report explores these issues by making use of the data collected to date by the Human Rights NGO Forum.

The main conclusions of the present report are that:

- The 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;
- 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.

Background

Since the Forum's last report on the police, covering the period up to 2002, the human rights climate in Zimbabwe has seriously deteriorated, and the behaviour of the law enforcement agencies has been a significant cause of this deterioration.

The calamitous economic decline that has been experienced in Zimbabwe has pushed growing numbers of Zimbabweans below the breadline and has badly affected health delivery and other social services.

Although parliamentary elections in March 2005 were accompanied by less violence than previous elections, with reported incidents of intimidation and violence being significantly lower in number,

there were nonetheless many allegations that the elections were rigged.³ Additionally, after these elections there were several reports of reprisals against opposition MDC supporters. In May 2005, soon after these elections, the police conducted *Operation Murambatsvina*. This operation wreaked havoc with the lives of the urban poor, who are predominantly supporters of the opposition, leaving at least 700 000 urban dwellers around the country without shelter or means of support. The most plausible explanation for this campaign of massive destruction was that it was a pre-emptive strike against disgruntled urban people by a government that feared a mass uprising.⁴ This campaign against the urban poor has continued sporadically since May 2005. As economic conditions have worsened, so attempts to mount demonstrations to protest about the situation have increased. However, many of these attempted demonstrations have been brutally broken up by the police.

In 2006, as noted by Human Rights Watch,⁵ the involvement of state agents in the alleged perpetration of gross human rights violations has greatly increased, with the torture of members of the Zimbabwe Congress of Trade Unions [ZCTU] being perhaps the most egregious recent example.

There has been a marked increase in the attention given to Zimbabwe by international human rights groups, as evidenced by the plethora of reports that have been issued since 2003,⁶ and Zimbabwe has also received a number of adverse judgments from the African Commission on Human and Peoples' Rights. Regrettably, the African Union has yet to make any comment upon these determinations by its own human rights body.

³ See *The 2005 Parliamentary Election. Flawed, Unfree and Unfair! April 2005*, a report by the National Constitutional Assembly; Reeler, A.P., & Chitsike, K.C. *Trick or Treat? The effects of the pre-election climate on the poll in the 2005 Zimbabwe Parliamentary Elections*. (IDASA. June 2005. Pretoria)

⁴ See Zimbabwe Human Rights NGO Forum, *Political Repression disguised as Civic Mindedness. Operation Murambatsvina one year later*. (Harare, November 2006).

⁵ See Human Rights Watch "You Will Be Thoroughly Beaten". *The Brutal Suppression of Dissent in Zimbabwe, November 2006*. (Volume 18, No. 10(A), New York).

⁶ See Redress Trust *Zimbabwe. Tortuous Patterns Destined to Repeat themselves in upcoming election campaign. Preliminary Study of Trends and Associations in the Pattern of Torture and Organised Violence in Zimbabwe, July 2001 - December 2003*, (2004 London). This report details the enormous increase in reports on Zimbabwe over the past 5 years.

Law enforcement agencies must respect human rights

Police officers and other law enforcement agents are obliged to abide by the law in carrying out their duties. Police officers have far-reaching powers, such as the power to arrest and detain criminal suspects, and these powers must be exercised within the confines of the law and must not be abused. Thus police officers may arrest and detain only those persons whom they know have committed crimes or whom they have reasonable grounds to suspect of having done so. Any arrest that is not based on just cause is unlawful both under criminal and civil law. A police officer may use reasonable force when it is necessary to overcome resistance to an arrest. But a police officer may not beat an arrested person who has submitted to the arrest and is not resisting. In fact, a police officer is not allowed to beat anyone unless he is using force that is strictly and reasonably necessary to effect a lawful arrest.

The Constitution of Zimbabwe, the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights all prohibit absolutely the use of torture or other cruel, inhuman or degrading treatment or punishment. Torture is also prohibited in terms of international customary law where it has the highest status of *jus cogens*, meaning a peremptory norm that allows for no derogation. In the *Pinochet* case, Lord Browne-Wilkinson was of the opinion that the right against torture was '*jus cogens*' (a peremptory norm) and so of even higher status than customary international law: in his words, "the '*jus cogens*' nature of the international crime of torture justifies states in taking universal jurisdiction over torture wherever it is committed".⁷

It is unlawful under domestic Zimbabwean law for a police officer to torture or assault a prisoner in order to force that person to confess to a crime. Such conduct amounts to assault under Zimbabwean law but in international law it would constitute torture. The United Nations Code of Conduct for Law Enforcement Officials also prohibits such conduct.⁸

It is unlawful for a police officer to torture or assault a person in order to punish him or to deter that person or others from engaging in similar conduct in the future. This is so even if the

⁷ See *Ex Parte Pinochet (Respondent)* (On Appeal from a Divisional Court of the Queen's Bench Division) (No. 3), Judgment of 24 March 1999

⁸ Principle 21 of this Code reads as follows:

1. It is prohibited to take advantage of the situation of a detained person for the purpose of compelling him to confess, to incriminate himself otherwise or to testify against any other person.
2. No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which will impair his capacity of decision or judgment.

conduct which the police officer is seeking to discourage is itself unlawful. Under the Police Act it is a disciplinary offence for a police officer to use unnecessary violence or in any way to ill-treat a person in custody.⁹

In Article 1 of the United Nations Convention against Torture, torture is defined as follows:

... 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 or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him 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.

It is a fundamental right of people to engage in peaceful demonstrations and protests, and the police have a duty to ensure that people are entitled to exercise this right without unreasonable interference. In a democratic country, the laws on protests and demonstrations will merely regulate the way in these rights are exercised to try to prevent violence during these events and to ensure that disruption of traffic is minimised. This can be done by measures such as the provision of police escorts. The police can obviously intervene where a demonstration has become violent or where they have reasonable grounds for believing that the demonstration is likely to be conducted in a violent manner. But even here the police are entitled to use only such force as is reasonably necessary to deal with the situation. In circumstances where it is evident that a demonstration is non-violent, even if it is technically illegal because of non-compliance with prescribed regulatory requirements, the police should try to avoid the use of force. Thus the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provides as follows:¹⁰

In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.

⁹ Section 29 read with s 20 of Schedule of Police Act.

¹⁰ Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

The Police Force in Zimbabwe

Legal provisions relating to police

Under the Constitution of Zimbabwe the Police Force, the Zimbabwe Republic Police, (or the ZRP) is given the function of preserving the internal security and maintaining law and order in Zimbabwe.¹¹ The Police Force is under the command of a Commissioner of Police. The President appoints the Commissioner in consultation with a Board comprised of Presidential appointees.¹² There is a Police Service Commission consisting of persons appointed by the President. This Commission may, after consultation with the Commissioner, carry out any inquiry or investigation into the practices of the Police Force.¹³ The Police Act¹⁴ gives the President and the Minister of Home Affairs the power to give general directions to the Police Force. The Attorney-General has the power to require the Commissioner of Police to investigate and report on any matter relating to the commission of a criminal offence, and the Commissioner must comply forthwith.¹⁵

Increasing size of police and other law enforcement agencies

The size of the Zimbabwe Republic Police force has been greatly expanded, and its expansion has coincided with increasing levels of political repression within the country. The size of the force in early 2006 was about 23 000. In May 2006, the Minister of Home Affairs, Kembo Mohadi, announced that the force size was to be increased to about 50 000. He said that his Ministry has sought for \$21 trillion from Government “for the upkeep of officers and 100 percent expansion of the force through recruitment of officers” and 15 trillion has already been released.¹⁶

It is thought that there are between 8000 and 10,000 personnel in the Central Intelligence Organisation. The unit is under President Mugabe’s direct control. It has a separate and large budget that is not subject to audit by the Auditor-General. Over the last three years its budget

¹¹ Section 93

¹² This Board consists of the Chairman of the Public Service Commission (who is appointed by the President, the retiring Commissioner (if available) and a Secretary to a Ministry appointed by the President.

¹³ Section 55 of the Police Act [*Chapter 11:10*]

¹⁴ Section 11 of the Police Act [*Chapter 11:10*]

¹⁵ Section 76(4a) of Constitution read with s 12 of Police Act.

¹⁶ *Sunday News* (Zimbabwe) 28 May 2006.

has massively increased.¹⁷ Its Director and Deputy Director are both war veterans. It is thought to have played an important role in organising and conducting campaigns to destabilise and harass the political opposition and other organisations perceived to be anti-government.

Politicisation of Police Force

In a democratic country the Police Force will be a politically neutral professional force that will apply the law equally to all persons. Members of the force are expected to refrain from active involvement in politics lest they are perceived to be politically biased in the way in which they perform their duties. Thus in terms of the Police Act in Zimbabwe, it is an offence for police officers actively to participate in politics.¹⁸

In order to understand the political orientation of the Zimbabwe Republic Police and how this affects their behaviour, it is necessary to trace how the police force has been increasingly politicised.

In January 2001, the Commissioner of Police cast off the cloak of political neutrality and announced: "I support ZANU (PF) because it is the ruling party." He said he would resign if another political party came to power.¹⁹ In making this statement Mr Chihuri committed an offence in terms of the Police Act.²⁰ In terms of s 48 to the Schedule to this Act it is an offence for police officers actively to participate in politics.

On 9 January 2002, the service chiefs, including the Police Commissioner, made a joint statement at a press conference to the effect that they would not recognise or salute anyone as President who did not have liberation war credentials. Implicit in the press statement was that if the people elected President Mugabe's chief political opponent, Morgan Tsvangirai, in the forthcoming election, they would not recognise him as President. This was tantamount to a treasonable utterance, but no charges were brought against them.²¹

¹⁷ In the year 2004 the CIO was allocated 62 billion dollars. In 2005 the CIO allocation was increased five-fold to 334 billion dollars, with a further 61 billion dollars supplementary allocation (including 50 billion dollars for the procurement of "equipment"). The 2006 budget estimates for "special services" provides the CIO with a staggering figure in excess of one trillion dollars.

¹⁸ See s 48 of the Schedule to the Act.

¹⁹ *Daily News* 16 January 2001.

²⁰ [Chapter 11.10].

²¹ The partisanship of the Commissioner of Police was further illustrated in August 2002 when the Commissioner lashed out at the country's courts for treating leniently MDC members accused of acts of violence. He said that the violence of the MDC was increasing by the day and had reached alarming levels. The Commissioner made no mention of the many crimes of violence, including murder committed against MDC members and that in many instances the police had failed to investigate and bring to court

There have been regular reports that the Police Force has been purged of police officers considered to be sympathetic to the opposition or who have continued to carry out their duties without political bias, and that police officers who have tried to enforce the law on a non-partisan basis have been transferred or demoted. Other officers about whom the Commissioner is distrustful are alleged to have been transferred into a "Commissioner's pool" where they can be kept under surveillance. A number of senior officers have left the force, expressing concern over the political abuse of the police force.²² To justify his purge of senior officers, Commissioner Chihuri alleged that there were reactionary elements in the force, remnants of the Rhodesian Selous Scouts and the British South Africa Police (BSAP).²³ In July 2001, he told a Government-controlled newspaper that police officers thought to support opposition political parties would be sacked. An undisclosed number of officers were dismissed on these grounds.²⁴

"War veterans" in the Police Force have received rapid promotion, and more were recruited into the force.²⁵ A number of them have been placed in effective charge of rural police stations. Allegations have been made that some of these officers have not only refused to assist MDC supporters under attack from ZANU (PF) supporters, but in some instances have actually participated in these attacks.

In March 2006, it was reported that the government had ordered that veterans of the country's liberation war should be promoted to positions of control in the Police Force, and that young officers who did not fight in the 1970s war were to undergo lessons in patriotism and how to smother civil unrest. It is alleged in this article that junior officers from all around the country were being made to attend lessons in patriotism at a depot in Harare. It was alleged that at these lessons senior officers threatened the other officers with dismissal if they sympathised with the MDC. The article also contended that the Commissioner of Police had instructed commanders to submit to him names of all ex-combatants at the stations together with details of their "behaviour and sense of patriotism" for purposes of promotion. Finally, in the article, Home

the perpetrators of these crimes. These utterances were reported in the state controlled *Herald* newspaper on 31 August 2002.

²² *Financial Gazette* 4 June 2001.

²³ *Sunday Mail* 7 June 2001.

²⁴ *Herald* 11 July 2001. Amnesty International researchers interviewed one former police officer on 30 November 2001 who described his experience: "I had twenty years of service, but I was fired because I was accused of supporting the MDC... I liked my job, I was loyal, I was proud to be a policeman to serve my nation, and now it hurts me to see the police officers are working for a political party, not the nation... The police are frightened of the war veterans, they have their own command structure, and if you arrest them, they will get them out of jail. If one is an ex-combatant, one can be promoted to take your position. Only ex-combatants are promoted. We're at the worst stage now, when everyone is doing what he wants."

²⁵ In March 2001 it was reported that more than 300 war veterans were promoted some of whom were said to be illiterate. *Daily News* 20 March 2001. See also *Financial Gazette* 14 June 2002.

Affairs Minister Kembo Mohadi also defended patriotism lessons for junior officers and said promotion of ex-combatants in the police force was "a way of rewarding them for standing by the government in these trying times, when traitors have infiltrated the uniformed forces. There is no going back on that and they really will be promoted soon."²⁶

There are undoubtedly some members of the police force who would like to be able to perform their duties on an apolitical professional basis. There are, however, severe pressures upon them to behave in a politically biased fashion. Like magistrates and prosecutors, they may be subject to severe reprisals from war veterans and members of the youth militia if they take any action perceived to be antithetical to the interests of the ruling party.²⁷

Prior to the June 2000 General Election, there were many instances when the police turned a blind eye to violence being perpetrated against MDC supporters and white farmers. The excuse used for non-intervention in cases involving white farmers was either that it was a political matter, which they could not get involved in, or that they did not have transport to attend the scene. Although some members of the force tried to continue to carry out their duties professionally on a politically neutral basis, there are numerous cases in which the police have failed to intervene or to investigate murder, rape, torture or the destruction of property by the "war veterans". In Marondera, during the lead up to the 2000 Parliamentary elections, a number of white farmers were even abducted from a police station, and one of them killed by "war veterans".

After the 2000 election, the police force became increasingly partisan in favour of the ruling party. Police and army personnel attacked people in urban areas to punish them for voting for the MDC. Selective enforcement of the law has become the norm, with the police arresting anyone connected with the MDC for offences such as inciting or committing public violence, but ignoring similar offences committed by ZANU (PF) supporters.²⁸

In the lead up to the Presidential elections, the MDC alleged that the police frequently arrested their polling agents and party officials on spurious charges in order to disrupt their election campaign. They made similar accusations in the lead up to local council elections held at the end

²⁶ "Mugabe promotes war veterans, sends junior police officers to patriotism classes" *Zim Online* 30 March 2006.

²⁷ One example of this is a *Daily News* report on 2 September 2002 describing how two recently graduated members of the youth brigade beat up a police officer at Harare Central Police Station after they had been arrested on charges of theft and violence.

²⁸ See Appendix 3 for some specific examples of the police ignoring serious crimes committed against opponents of government.

of September 2002.²⁹ The MDC also complain that many of their members who have been arrested have been subjected to brutal beatings whilst in police custody.

In the past the police have regularly carried out raids on MDC party offices and arrested MDC members on flimsy charges.

Statements by leading politicians, from the President downwards, have urged the police to suppress public manifestations of discontent with the Government. The intemperate nature of these statements, some of which are set out in Appendix 1, have undoubtedly encouraged the police to use violent and unlawful means to break up demonstrations and deal with demonstrators.

Declining confidence in the police

The reputation of the Zimbabwe Republic Police [ZRP] has been declining in the eyes of the citizens of Zimbabwe in the past seven years. An Afrobarometer survey in 2004 showed that an appreciable percentage of Zimbabweans (about 52% of respondents) had retained trust in the ZRP, but this had declined by a very significant percentage in October 2005, to only 39% of respondents.³⁰ This diminishing trust in the police is probably attributable, at least in part, to reports and allegations of police brutality. Additionally many Zimbabweans see the ZRP as becoming increasingly ineffective in combating ordinary crime and as being implicated in corruption:

Indeed, Operation Murambatsvina seems to have had the effect of increasing graft within the police force. By October 2005, 62 percent of adult Zimbabweans thought that "some" or "all" of the ZRP were "involved in corruption," a figure that was up sharply from 42 percent in 2004. By bringing police officers into close contact with the populace in an intensive campaign to seize or destroy property, the government created new opportunities for extortion and payoffs. This may have been an unintended effect. Alternatively, it could also be a purposive strategy of a bankrupt government that increasingly finds difficulty in covering the salaries of police and officials.³¹

²⁹ The MDC election director, Mr Nyathi, alleged that 70 of the MDC candidates for the election had been arrested on trumped up charges by the police. He also said that 20 MDC candidates had been assaulted and forty candidates had withdrawn in two districts out of fear for their safety. *Associated Press* report 3 September 2002.

³⁰ See *Afrobarometer (2005), Popular Reactions to State Repression: Operation Murambatsvina in Zimbabwe, Working Paper No. 59.*

³¹ See *Afrobarometer (2005), p.12.*

Suppression of protest

The police have used their extensive powers under the Public Order and Security Act as a weapon against opposition political parties, as well civic activists.³² The police seldom interfere with rallies and protest marches by ZANU (PF) and war veterans. Indeed the police often provide police escorts for these, and in some instances they have failed to intervene when the participants have engaged in acts of violence. On the other hand, the police have very frequently barred political rallies by the MDC and demonstrations by groups perceived to be critical of government, such as the Women of Zimbabwe Arise Organisation [WOZA] and the National Constitutional Assembly [NCA]. When protesters have tried to go ahead with peaceful marches despite police bans, there has usually been a massive police and army presence to thwart them and increasingly brutal measures have been used against the protestors. Many protesters have been arrested and charged under the Public Order and Security Act. These protesters have often alleged that they were beaten when they were in police custody.

A protest called by the ZCTU in September 2006 was prevented at the outset by the police. The police rounded up fifteen trade union leaders who were leading the demonstration and bundled them into the back of a pick-up truck with a canopy. They used batons to beat those who were the last to be loaded into the truck in order to force them into the confined space in the back of the truck. This beating was captured on film. The trade unionists were taken to Matapi Police Station where they were taken into a cell in pairs. The trade unionists allege that in this cell they were tortured for about 15 minutes by persons wearing police uniform. They were severely beaten with batons all over their bodies. *Falanga* was applied to some of them, that is, beating on the soles of their feet.³³ They were also punched and kicked and some of them had their heads banged repeatedly against the wall. A number of them lost consciousness as a result of the beatings. During the beatings police allegedly accused them of "working with the whites," and attempting to overthrow the government.

The police initially denied the unionists access to their lawyers and to medical treatment. Eventually, almost 24 hours after their injuries were inflicted the unionists were taken to hospital. This was done only after their lawyers had obtained a court order that they must be given

³² See *Solidarity Peace Trust, "Disturbing the peace". An overview of civilian arrests in Zimbabwe: February 2003 – January 2004. July 2004.* (2004 Zimbabwe and South Africa)

³³ See Zimbabwe Human Rights NGO Forum, *Only bruises on the soles of their feet. The use of Falanga by the Zimbabwe Republic Police, December 2006,* (in press)

treatment. The unionists sustained injuries ranging from fractured limbs to extensive bruising, deep cuts to the head, and perforated eardrums. The hospital admitted two of the unionists for treatment for extensive injuries including multiple fractures.

President Mugabe commented on widespread condemnation of the assaults by stating that, "when the police tell you to move, you move, otherwise you are inviting the police to beat you".³⁴ The President thus condoned the assaults and went on to suggest falsely that beating had occurred when the ZCTU members had refused to move from the road. While various other implausible excuses to explain the demonstrators' injuries were offered for the benefit of the international community, as Mugabe's statement makes clear, the government was content for the public to take note of the assaults upon the demonstrators and to learn a salutary lesson.

In November 2006, a non-governmental organization advocating constitutional reform, the NCA, tried to stage a demonstration to protest against a statement from President Mugabe that there was no need to have a new constitution. The head of the organization was arrested and taken away. He says he was told that the rest of the protestors were going to be punished by being beaten. The rest of the demonstrators remained seated on the ground, surrounded by the police in Africa Unity Square in the middle of Harare City. In full view of the public, the police officers set upon and the unarmed and unresisting protestors, beating them all over their bodies. There is video footage of this beating. The police then ordered the protesters to run away.

In July 2002, Amnesty International issued a report entitled *Policing to Protect Human Rights*.³⁵ This report accuses the government of transforming the Zimbabwe Republic Police into a partisan force, which had become little more than a party militia. It alleges that the ZRP was perpetrating human rights abuses by using repressive methods; it was using excessive or unjustified force to suppress peaceful protest and was arbitrarily detaining government opponents. The report says:

"In Zimbabwe, the undermining of professional and impartial policing has taken an extreme form in the past two years. Police have been directly involved in the torture, ill treatment and arbitrary arrest of members of the opposition Movement for Democratic Change (MDC). They have also been complicit in nationally widespread acts of violence, arson and rape committed by state-sponsored militia against supporters of the MDC."

³⁴ Addressing delegates at the Zimbabwe embassy in Cairo, Egypt, September 23, 2006 President Mugabe said about the criminal assaults by the police upon unarmed and peaceful protesters: We cannot have a situation where people decide to sit in places not allowed and when police remove them they say no. We can't have that. That is a revolt to the system. Some are crying that they were beaten. Yes you will be thoroughly beaten. When the police say move you move. If you don't move, you invite the police to use force.

³⁵ See *Policing to protect human rights A survey of police practice in countries of the Southern African Development Community, 1997-2002/ Amnesty International*

Recently members of Women of Zimbabwe Arise organisation were assaulted by the police when they tried to stage a demonstration in Bulawayo.³⁶

Some decided cases on torture of persons in police custody

In the case of *Karimazondo & Anor v Minister of Home Affairs*³⁷, a man and his wife were both arrested on allegations of murder. The charges were subsequently dropped. The man was a serving police officer. His wife was badly tortured while in custody. She was beaten on her genitals with batons; her fingers and toes were stamped on and she was also kicked with boots; she was hung from a beam and beaten on her back and shocked on the back with electricity. As a result of the torture, the woman suffered long-lasting physical and psychological effects, full details of which were disclosed in medical reports. The High Court held that the circumstances of the case were exceedingly grave and warranted a substantial award of damages. The actions of the police were in flagrant and reckless disregard of the rights of the plaintiffs. The fact of the detention in itself created a hardship. The brutality and callousness with which the assaults were perpetrated on the first plaintiff instilled in any right thinking person a sense of horror and shock. The unlawful and inhumane treatment to which the first plaintiff was subjected to was totally unnecessary, vindictive and malicious. The court would make an award which in money terms expressed its disapproval of the seriousness, brutality and humiliating effect of such treatment.

In the case of *S v Reza*³⁸, two police officers beat the complainant on the soles of his feet – this form of torture is known as *falanga*. The beating was done to try to force the prisoner to confess to stock theft. The prisoner did not confess and he was later released. The police officers were charged with assault with intent to cause grievous bodily harm. High Court Judges Chinhengo and Makarau stated that what had been done to the prisoner amounted to torture under international law because the physical assault caused intense pain and was done to try to force a confession. The court said that such action on the part of the police called for severe censure in terms of punishment.

In the case of *Mugwagwa v Minister of Home Affairs and Commissioner of Police*³⁹, the High Court awarded the claimant substantial damages for an assault upon him by the police. The

³⁶ "Zim protesters released "DPA, 2 December 2006; WOZA activists released, two hospitalised. *zimbabwejournalists.com*. 3 December 2006.

³⁷ 2001 (2) ZLR 363 (H)

³⁸ HH-02-2004

³⁹ HH-183-2004

claimant was a member of the Movement for Democratic Change. The court found that after the police had arrested him, supposedly on suspicion that he was involved in the burning of a house belonging to a member of the ruling party, he was made to walk to a police station. During that journey he was made to lie on the ground and he was beaten with batons on the buttocks and groin. On arrival at the police station, he was taken to the charge office where he was beaten for about ten minutes. He was then taken to a tent at the back of the police station. There three members of the Support Unit ordered him to lie face downwards on the ground. The officers pinned him down and he was beaten with batons and what he thought was a whip for about twenty minutes. He lost consciousness as a result of the beating. He was ordered to go back to the charge office but he was unable to walk. He was taken to the cells and held for two days without being given food. He had to rely on his wife to bring him food. When he was taken to court the presiding magistrate was informed about the assault and despite the fact that there were still visible signs of the beating, the magistrate did not order a medical examination. The nephew of the claimant was also assaulted by the police. During the assault in the charge office the officer in charge was encouraging the police officers by saying "beat the pythons" – a term used to refer to MDC supporters.

In the case *S v Sonny Nicholas Masera and Five Others*⁴⁰, the confessions of a number of members of the opposition MDC admitting to murder were rejected on the basis that the police had falsified evidence and the accused persons had been tortured.

Other civil suits against the police

In addition to these cases, there have been a large number of civil suits mounted against the ZRP and the Ministry of Home Affairs, mainly by the Human Rights Forum and its members. The outcomes of these cases were recently summarised in a report from the Forum,⁴¹ but these are briefly described below since they add considerable weight to both the cases described above and the statistical findings which follow.

Of the 291 cases that were brought before the courts, in 114 the plaintiffs complained of assaults and torture by the police at police stations. The cases involved were both political and non-

⁴⁰ HH 50-2004

⁴¹ See Zimbabwe Human Rights NGO Forum, *An Analysis of the Zimbabwe Human Rights NGO Forum Legal Cases, 1998–2006*. (Harare, June 2006).

political cases. This is a large number considering that police stations are supposed to be places of safety. There have been cases where people have gone to police stations to report cases and have ended up either assaulted or arrested. There were 35 cases of *falanga*, the majority of which took place at Harare Central Police station. The pattern in these cases seems to be that people are arrested, taken to different police stations, and then are often moved to Harare Central where they are usually detained and *falanga* frequently takes place. The most common weapons used for *falanga* are batons and wooden planks.

In its report the Forum commented:

Overall, this analysis does not support the claims of the government that it is being vilified by politically motivated groups using false claims of human rights violations, as there is clearly abundant evidence from the courts that state agents, both the police and the army, committed the 'false' gross human rights violations and torture on a massive scale. The data from the legal cases being mounted within the jurisdiction of the Zimbabwean courts themselves are the strongest evidence that the claims by the Zimbabwe government of false reporting are baseless. The legal cases wholly corroborate all the reports issued over the past years.

Other reports alleging torture

Apart from the reports from the Human Rights Forum that are analysed later, there have been a number of other reports from local and international organisations in which allegations of torture by police officers have been made. Both Amnesty International and the International Rehabilitation Council for Torture Victims [IRCT] issued reports during 2000 and 2001 decriing the use of torture and mentioned a number of cases of torture involving the police.⁴²

A number of local human rights organizations produced reports between 2000 and 2002, mainly concerned with the violations during the elections in 2000 and 2002. In these

⁴² See Amnesty International (2000), *Zimbabwe: Terror tactics in the run-up to the parliamentary elections*, June 2000, LONDON: AMNESTY INTERNATIONAL; Amnesty International (2002), *Zimbabwe: The Toll of Impunity*, LONDON: AMNESTY INTERNATIONAL; IRCT (2000), *Organised Violence and Torture in Zimbabwe*, 6th June 2000, Copenhagen and Harare, COPENHAGEN & HARARE: IRCT & AMANI TRUST; IRCT (2001) *Organised Violence and Torture in Zimbabwe*, 24th May 2001, Copenhagen and Harare, COPENHAGEN & HARARE: IRCT & AMANI TRUST. See also Physicians for Human Rights (2002), *Zimbabwe 2002. The Presidential Election: 44 days to go*. Physicians for Human Rights, Denmark, 24 January 2002.; Physicians for Human Rights (2002), *Zimbabwe: Post Presidential Election – March to May 2002. "We'll make them run"*. Physicians for Human Rights, Denmark, 21 May 2002; Physicians for Human Rights (2002), *Zimbabwe: Voting ZANU for Food: Rural District Council and Insiza Elections*, Physicians for Human Rights, Denmark, August to October 2002.

reports, there was reference to cases of torture allegedly perpetrated by the Zimbabwe Republic Police, as well as by the CIO and the army.⁴³

In 2003, the Solidarity Peace Trust reported on a number of cases of torture by the police in connection with the peaceful protests taking place in Bulawayo against the holding of a World Cup Cricket match.⁴⁴ Again in 2003, the Crisis in Zimbabwe Coalition reported on cases of torture involving both the police and the army, both separately and together, in the aftermath of the stay-aways in March 2003.⁴⁵

Involvement of army and other agencies

There are some court cases in which the court has found that army personnel have been involved in the use of torture. The most notorious of these was the case involving the use of torture against two journalists in 1999.⁴⁶ The journalists were removed from police custody and taken to another location where they were subjected to torture. Court orders for the release from military custody were initially ignored in this case. Nearly a year after the incident a case was brought in the Supreme Court to try to force the police to investigate the journalists' allegations of torture and to bring to justice those responsible.⁴⁷ The Supreme Court found that the police had conspicuously failed to carry out any meaningful investigations into the complaints of torture and this had violated the complainants' constitutional rights to protection of the law. The court ordered the Commissioner of Police "forthwith" to conduct a comprehensive and diligent investigation of the alleged offences. Up to the present, however, nothing appears to have been done to comply with this court order.

In January 2003 an MDC MP Job Sikhala and his lawyer Gabriel Shumba were brutally tortured. This received wide international condemnation as it was seen as a direct attack both on the parliamentary opposition as well as on civil society, Shumba being a full-time human rights

⁴³ See, for example, Amani (2002), *Organised Violence and Torture in the June 2000 General Election in Zimbabwe*, HARARE: AMANI TRUST; Amani (2002), *Beating your opposition. Torture during the 2002 Presidential campaign in Zimbabwe*, HARARE: AMANI TRUST;

⁴⁴ See Solidarity Peace Trust (2003), *Peaceful protest and police torture in Bulawayo*. South African & Zimbabwe: Solidarity Peace Trust.

⁴⁵ See *Organised Violence and Torture in Zimbabwe from 20 to 24 March 2003*. Crisis in Zimbabwe Coalition. 31 March 2003.

⁴⁶ See *Wilson v Minister of Defence and Others* 1999 (1) ZLR 144 (H); *Chavunduka and Another v Commissioner of Police and Another* 2000 (1) ZLR 418 (S); *Chavunduka and Another v Minister of Home Affairs and Another* 2000 (1) ZLR 552 (S).

⁴⁷ The judgment in the case is reported as *Chavunduka & Anor v Commissioner of Police & Anor* 2000 (1) ZLR 418 (S).

defender working for the Zimbabwe Human Rights NGO Forum. A combination of State forces was allegedly involved in the arrest and subsequent torture, including CIO and military personnel as well as uniformed and plain-clothed police. The torture was used to force confessions from them. When they were brought to court the evidence of torture was obvious and the charges were dropped.

Section 37 of the Public Order and Security Act has far-reaching provisions that allow the army to be brought in to assist the police in suppressing a civil commotion or disturbance. Essentially the Police Commissioner can request such assistance in a police district. If his Minister is satisfied that such assistance is necessary, the Minister can request the Defence Minister to authorise the army to assist the police. Army personnel so assigned are under the command of the police regulating authority.

When performing this function, a member of the army:

- has the same powers, functions and authority as a policeman;
- is subject to the same responsibilities, discipline and penalties as a policeman;
- is liable for his acts or omissions to the same extent that a policeman would have been liable in the same circumstances;
- has the benefit of any indemnity to which a policeman would be entitled to in the same circumstances.

In the past the army has quite often assisted the police violently to suppress public protest or to exact reprisals for public protests. When the army is brought into these situations, levels of brutality tend to increase. Army personnel are not trained to use minimum force and may well act without reasonable constraint. The army is supposed to be under the command of the police regulating authority. However, in practice the army commanders will often call the tune. In any event police commanders themselves may order or encourage the use of unlawful force.

There have been a number of court cases in which the Ministry of Defence has been successfully sued for damages for the use of excessive force used by the army to suppress protests or deal with persons engaging in strike action.

In the case of *Gweshe v Minister of Defence*⁴⁸ the plaintiff successfully claimed damages from the Minister of Defence for injuries sustained by her in 2003 as a result of being severely assaulted at her home in Harare by members of the Army after deployment of units of the Army in the high-density suburbs of Harare in support of the police following upon protest action.

⁴⁸ Case HH-28-2006

Recently the High Court awarded substantial damages to the widow of a man shot dead by the army. The soldiers had been deployed to deal with strike action at ZISCOSTEEL. The soldiers opened fire on the strikers, killing two strikers and injuring 20 others. The judge said:

The court is more than satisfied that the joint operation of the defendants at ZISCOSTEEL was an unwarranted and excessive use of force, which cost the deceased life and deprived the plaintiff of support from the deceased.⁴⁹

However, in the case of *Munengami v Minister of Defence*⁵⁰ the court found that the assaults committed by the soldiers had had nothing to do with the business of the army or the Ministry of Defence. It could not be said that they were involved in defending the nation or assisting the police in maintaining law and order. What they did was not calculated to advance their employer's interests but purely to further their own nefarious designs.

⁴⁹ Zimonline 26 October 2006

⁵⁰ HH-45-2006

Findings from analysis of Forum's data

Since July 2001 the Zimbabwe Human Rights NGO Forum has been publishing monthly statistics of human rights violations, based on data collected by the Forum's member organisations. These data, in so far as they involve violations committed by State agents, are analysed in Appendix 2. The results are most revealing.

There is a strong relationship between reports published in the news media and the actual cases recorded by the Forum's member organisations. This goes a long way to refute the Government's contention that allegations of human rights violations are being made falsely by politically-motivated groups. As can be seen in Appendix 2, there is near-perfect agreement between the two sources of information, and the area of disagreement, over the temporal distribution of reports, is clearly explained by the closure of the *Daily News* stable of newspapers. Here it was found that there was very good agreement for the years 2001 to 2003, but not thereafter when the *Daily News* had been banned from publishing. This gives some assurance that the victim case reports are valid and representative of the actual situation.

The findings from the analysis of the victim case reports are startling. The Uniform Branch of the ZRP was mentioned in virtually all cases, but the police were from time to time accompanied by a variety of other groups, with non-state actors – ZANU (PF) supporters, war veterans [ZNLWVA] , and youth militia - being involved in nearly 20% of the reports. Multiple state agencies were involved in 11% of reports, whilst reports involving state and non-state actors comprised 17% of all reports. There were no surprises in the distribution of the alleged perpetrators. The ZRP Riot Squad, ZANU (PF) supporters, and the youth militia were significantly more likely to have been involved in a violation at places other than police stations.

Members of the MDC were the major complainants, but so were members of the NCA; members of these two groups comprised 60% of all complainants. As regards the alleged violations reported, the patterns that emerge are largely similar to those observed in the press reports. There were no direct reports made to the Human Rights Forum, or its members, by Zanu(PF) supporters alleging human rights violations.

A number of other differences emerged in the patterns of abuse in relation to victims. MDC members are more likely to have experienced violations in places other than police station. The ZCTU and students were more likely to have experienced the violation at police stations. MDC

members were as likely to report violations outside election period as during elections. NCA, the Combined Harare Residents' Association [CHRA], and the ZCTU members were targets outside of elections.

As regards the violations themselves, police stations were significantly associated with unlawful arrest, unlawful detention, and torture, whilst death threats, property destruction, interference with freedoms, kidnapping [abductions], political intimidation, and displacement usually occur in places other than police stations. The number of different violations reported was significantly greater in those who reported that the violations had taken place at police stations, and violations were more likely to occur at police stations at non-election times.

Property destruction and displacements were associated with elections, as has been frequently noted before, whilst only death threats were more common outside of election periods. All the other types of violation were as likely to occur during elections as at other times.

There were interesting differences between rural and urban areas. Violations in the rural areas were more frequently reported for the years 2001 (the lead-up to the Presidential election), 2002 (the year of the Presidential Election), and 2003. The pattern then reversed and violations were more likely in the urban areas, such as in 2005, when both a Parliamentary election and *Operation Murambatsvina* took place. There were also significant differences between the two groups – rural and urban - in the frequency with which violations took place at police stations, with the urban group more frequently reporting violations at police stations.

Members of the MDC were more likely to report their violation having occurred in the rural areas, as was the case with those who had no expressed affiliation, and these two groups accounted for over 75% of the rural sample. All the other activist groups were more likely to have reported a violation taking place in an urban area. Apart from property destruction and displacements, most other violations were more frequently reported in those victim cases from the urban areas. Assault, unlawful arrest, unlawful detention, and torture were significantly more common in the urban group. Furthermore, urban victims reported experiencing different types of violations than victims from the rural areas, and here the trend towards an increasing frequency of violations in 2006 must be noted again.

As regards activism, non-activists were more likely to report a violation in 2002, the year of the Presidential election, and a time when partisanship was running extremely high, but there is a shift towards activists being more frequently targeted during 2006, which compliments the more general findings that violations are dramatically increasing in 2006 [see Table 1]. Activists were

more likely to report that their violation had occurred at police stations, and Harare Central Police station were significantly more frequently mentioned by activists than other police stations. Most important amongst these are the findings that activists are more likely to have experienced serious violations and multiple violations at police stations. Harare Central Police Station was significantly more commonly reported than any other police station. Harare Central Police Station was also found to be significantly associated with senior police officers, and there was a significant trend for more senior officers to be more frequently mentioned in 2006. Activists were also more likely to experience torture at the hands of more senior police officers.

As regards the ZNA, it was found that the ZNA were significantly more likely to be mentioned in reports that involved both the ZRP and the CIO, and significantly more likely to be named as a perpetrator by members of the MDC. The NCA members, by way of contrast were much more likely to mention the ZRP rather than the ZNA as the perpetrators. There were few differences in the alleged violations, and the only association with the army was with kidnappings [abductions] in which the ZRP and ZNA were alleged to be involved. However, whilst there were no other significant differences, it should be noted that two trends approximated statistical significance; assaults and torture were both mentioned as more frequent in the ZRP/ZNA group, and the frequencies were very high indeed.

Clearly these are findings that must cause considerable concern about the conduct of the ZRP since 2000, and it is evident that the reports of serious violations taking place are not spurious or mischievous as alleged by the Zimbabwe Government.

Conclusions

As mentioned above, the Human rights Forum has expressed deep concerns about the involvement of the Zimbabwe Republic Police in gross human rights violations, and it is evident that the concerns expressed in 2003 – and in many subsequent statements and reports – have met with little remedial or preventive action. The Zimbabwe Republic Police continue to be involved in human rights violations, and, if anything, the abuses have become worse in the past three years.

It is clear, from all the sources of information cited above (including decisions by the Zimbabwean courts), that the law enforcement agencies are a major source of human rights abuses in Zimbabwe. The main agency involved in these abuses is the Zimbabwe Republic Police,

and, regrettably there is evidence implicating senior officers in some of the violations, and some of these officers are alleged to have been involved in many different violations. It is also clear that this is not a case of a few “bad eggs”, but that the alleged violations take place on a widespread scale and have been happening for a long time.

These agencies are being used to help the ruling party to suppress opposition and retain power. Again it is clear that the victims are not random, but that the targets are overwhelmingly members of opposition political parties and civic activists. However, whereas human rights abuses by non-state actors such as ZANU (PF) supporters, war veterans, or the youth militia, are mostly connected with elections, abuses by the Zimbabwe Republic Police continue to be committed whether or not there are elections. The inference that arises from this is that it appears that the Zimbabwe Republic Police is involved in systematic abuse of the groups mentioned above.

When these agencies operate in conjunction with the army, there are often increased levels of brutality. This is the clear conclusion to be drawn from all the data before the Human Rights Forum, beginning in 1998 with the Food Riots. Furthermore, it is alarming to note that there are a significant number of cases in which the police, the army and the Central Intelligence Organization [CIO] are alleged to operate in concert.

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 by the state. Furthermore, statements by police officers made on these occasions are often similar in nature to those of the politicians. A clear illustration of this was the various statements of all state parties – politicians and police officers – before and after the alleged torture of the ZCTU leaders recently.

The protection of the law has largely been removed from those considered to be hostile to ZANU (PF). It is rather the case that the law, and especially the Public Order and Security Act, has become an instrument of repression, with unlawful arrest and detention becoming prevalent. The increase in arrest and detention since 2002 underlines this point. Normal civic activity, of the kind accepted in most democracies, has become impossible, and any civic activity must take place with the knowledge that arrest, detention, and even torture, may be the consequence of citizens exerting their constitutional rights.

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. The Human Rights Forum has received over 20,000 reports of gross human rights violations since July 2001 [see Appendix 2]. The prevalence of human rights abuses is also supported by the various criminal cases and civil suits, and by the cases reported to human rights groups and reported by the media. Additionally there must be many cases in which the persons who have suffered violations do not report out of fear or for other reasons. The prevalence of violations creates a general climate of fear in the wider community. It is also the case that public confidence in the Zimbabwe Republic Police has dramatically weakened, with a majority of Zimbabweans believing that they will not receive appropriate assistance from the police and that they believe that the police have become corrupt.⁵¹

On the other hand, many of the perpetrators of these abuses remain immune from legal responsibility for their actions and this impunity encourages them to continue to commit abuses.⁵² Presidential amnesties have been granted to some of these perpetrators, such as those who benefited from the amnesty granted in 2000.⁵³ Even where no such legal immunity has been granted, the failure to bring perpetrators to book gives them *de facto* immunity. No case illustrates this better than the notorious case of Joseph Mwale, who has yet to put on trial for his alleged involvement in the brutal murder of two MDC members several years ago. The failure to investigate the allegations of human rights violations by Henry Dowa is another case in point.⁵⁴ Instead of denying that any such abuses are taking place, and accusing the human rights organisations of fabricating these, the government should properly investigate all these allegations and, where they are found to have substance, ensure that the perpetrators are brought before the courts.

It is relevant to point out here that the constitutional obligation of the government is not merely to desist from unlawful actions, but also to ensure that they do not take place: omission is as blameworthy as commission. The violations of human rights by the Zimbabwe Republic Police require a strong and positive response from the Zimbabwe government, and here the Human Rights Forum can only repeat its recommendations of 2003:

⁵¹ See again Afrobarometer (2005), *Popular Reactions to State Repression: Operation Murambatsvina in Zimbabwe*, Working Paper No. 59.

⁵² See Amnesty International *The Toll of Impunity* (London June 2002)

⁵³ See for example, Zimbabwe Human Rights NGO Forum (2000), *Report on Pre-election Political Violence in Mberengwa*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

⁵⁴ See Redress, *The Case of Henry Dowa: The United Nations and Zimbabwe under the Spotlight, January 2004* (London: Redress Trust, 2004), 4.

- The international community should carry out independent, impartial investigations into human rights violations and should work with Zimbabwean civil society in such investigations;
- Government, regional and international action is needed to reform the Zimbabwe Republic Police in order to promote the accountability and effectiveness of the police;
- Government, regional and international action is needed to promote the Zimbabwe judiciary's independence and effectiveness;
- The Zimbabwean government should review legislation to repeal or amend those laws that are unconstitutional or violate human rights;
- The Zimbabwe Government should ratify the Convention Against Torture as soon as possible.

Appendix 1

Statements in 2006 by ZANU (PF) leaders threatening to crush demonstrations

8 April 2006

State Security Minister Didymus Mutasa reiterated threats that armed soldiers and police would crush mass protests and that protesters would be shot. He said that no one should expect the government to "keep its security organs in the camps" in the face of opposition-instigated protests meant to oust it. "We will not fold our arms while the country burns. Organs of security are there to maintain security and no sane government in this world will keep its security organs in the camps while some mischievous elements destabilise the country, even threatening to remove a democratically elected government by force."

When put to Mutasa that security commanders might refuse to order their men to fire at civilians, he responded: "Do you think disciplined forces like the CIO, the army and the police would not listen to orders or let Tsvangirai have his way?"

"If Tsvangirai is brave as he says he is, then he should march alone, along Samora Machel Avenue to the Head of State's offices. Then he shall see that we mean business."

11 April 2006

State Security Minister Didymus Mutasa in response by the MDC to stage peaceful mass protests said:

"Anyone, particularly Tsvangirai who threatens peace and stability in this country will get capital punishment ... and we mean it. We maintain organs of national security such as the army to protect the stability and integrity of our country. They will be instructed to use all resources at their disposal, including guns (to stop protests). We have shed blood before to achieve independence. So let no one be fooled that we will fold our arms while they (the opposition) cause mayhem and violence to remove democratically elected governments. They will pay and pay dearly."

18 April 2006

At the country's 26th birthday celebrations, President Mugabe threatened MDC leader Morgan Tsvangirai, saying any effort to force him out of power would be "dicing with death". Security forces have been on high alert for political trouble since February.

30 May 2006

President Mugabe in response to plans by the MDC to stage peaceful mass protests said:

“We hear others say we want to go into the streets to demonstrate, to unseat a legitimately elected government. It will never happen and we will never allow it. If a person now wants to invite his own death, let him go ahead.”

15 July 2006

President Mugabe said the police should be given “extra” powers to deal with the protesters whom he said were being sponsored by foreigners to destabilise the country. He was addressing his party's Central Committee meeting at the party's headquarters in Harare.

“Let them take heed of our free advice that any sinister efforts designed to challenge the authority of Government through any illegal way will meet the full wrath of our law. Those who will engage in it will naturally be dealt with. We shall not sit back and allow any group of persons to circumvent the democratic process and aspire to power through illegitimate and unconstitutional means. Those who seek to run the country must get to the seat of government by engaging the people through an election. Any other means is rebellious and shall be treated as such.”

15 August 2006

President Robert Mugabe warned critics that Zimbabwe's army stood ready to “pull the trigger” against anyone seeking to topple him as a mounting political and economic crisis raises fears of unrest.

21 September 2006

President Mugabe blithely dismisses the vicious assaults on trade union leaders by the police as “overzealousness of one or two police, exaggerating their role.” (He did not say that the police officers responsible for these assaults would be punished.)

Appendix 2

Analysis of Data Published by Zimbabwe Human Rights NGO Forum

Since the Human Rights Forum began publishing statistics of human rights violations in its Monthly Political Violence Reports in July 2001, a total of 20,624 violations have been recorded.

This is a very large number of violations, and, since many of these reports involve multiple victims, the total number of victims is far greater than 20,624. There would be an even greater number of violations if additional cases from 2000 were to be included in the data provided by the Monthly Political Violence Reports.

Table 1
Total violations reported, July 2001 to September 2006.
[Source: Monthly Political Violence Reports of the Human Rights Forum]

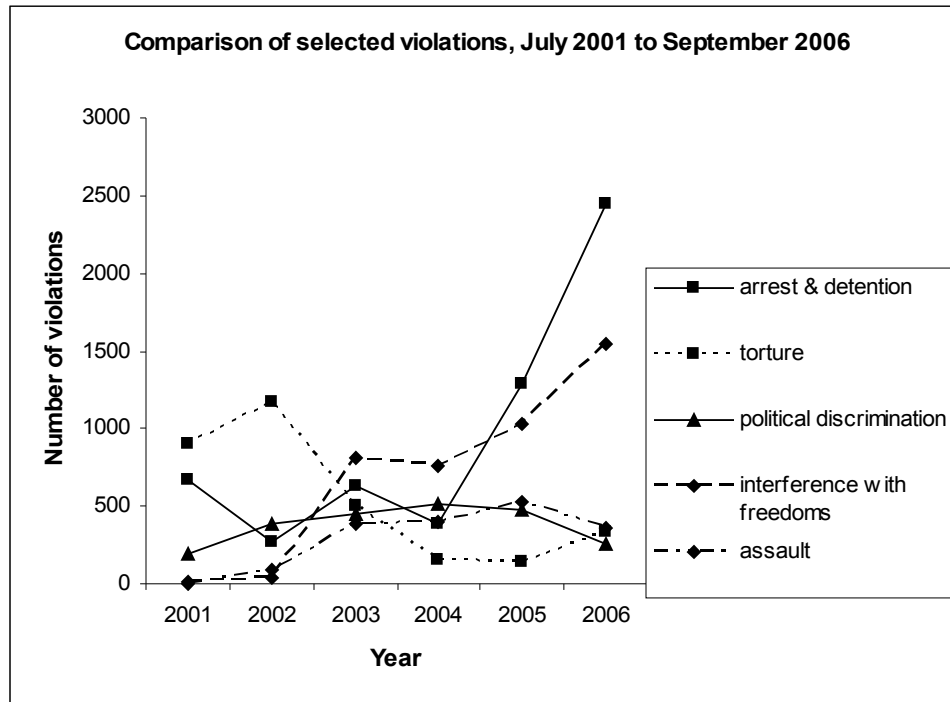
	2001	2002	2003	2004	2005	2006	Total [violation]
abduction	116	223	52	62	18	9	480
arrest & detention	670	274	627	389	1286	2440	5686
assault	0	86	388	401	530	364	1769
attempted murder	0	2	10	8	1	2	23
death threats	0	12	80	35	9	6	142
disappearance	0	28	4	0	0	0	32
displacement	0	11	208	189	609	54	1071
interference with freedoms	12	39	809	760	1036	1546	4202
murder	34	61	10	3	4	2	114
political discrimination	194	388	450	514	476	252	2274
property violation	356	807	153	132	61	53	1562
rape	0	7	6	3	4	0	20
school closure	0	45	1	0	0	0	46
torture	903	1172	497	160	136	335	3203
Total[years]	2285	3155	3295	2656	4170	5063	20624

It is clear that the situation is not improving. Instead, violations are increasing, with 2006 already the worst year on record, despite the fact that the data only covers a period of nine months. At the current monthly average rate, 2006 may record nearly 7,000 violations by the end of the year.

However, it is also evident that the pattern of violations has been changing over the years, with some violations — murder, disappearances and school closures — greatly diminishing. However, other violations such as unlawful arrests and detention, and interference with civil and political freedoms, have been increasing. Most disturbing is the fact that in 2006 torture has again increased markedly. Some violations — political discrimination and assaults — seem to be

relatively steady in their occurrence. The variation in the violations is described in Figure 1, which sets out the variations for a number of selected violations.

Figure 1



It can be seen that there are increases in unlawful arrest and detention and interference with freedoms, which largely correspond to the promulgation and use of the Public Order and Security Act [POSA]. The ZRP use POSA as a pretext for frequent arrest, but rarely are able to obtain convictions.⁵⁵ Recently the charges against members of WOZA were dismissed in two recent court cases.⁵⁶ A similar charge against Dr Madhuku of the NCA was also recently dismissed.

Torture showed a steady decline from the peak of 2002, but started to increase again in 2006. Assaults seem to be maintained at a steady level since 2003.

The reason for examining the involvement of the ZRP in human rights violations is obvious: there are an enormous number of reported violations since 2001, and even more if data from 2006 was included in the data provided by the Monthly Political Violence Reports. This can all be termed

⁵⁵ See *Solidarity Peace Trust (2004), "Disturbing the peace". An overview of civilian arrests in Zimbabwe: February 2003 – January 2004. July 2004.* (Zimbabwe and South Africa 2004)

⁵⁶ "Victory for WOZA again as Bulawayo activists acquitted" *SW Radio Africa Zimbabwe news*, 7 November 2006.

political violence if only carried out by non-state actors, but the matter becomes altogether more serious if state agents such as the police are involved.

Methodology

The Human Rights Forum has maintained two distinct data bases on human rights violations since 2000. The first, which has been in operation since 1999, has recorded cases of human rights violations reported in the public press; the second, which has been in operation since 2000, contains the records of actual reports of violations made to the Human Rights Forum itself of the various members of the Human Rights Forum.

These two data bases were searched for cases involving allegations of violations committed by the ZRP, and then the data sets were analysed. The data was first described generally as frequencies. The data was compared in various ways according to a number of hypotheses that were derived from the findings of previous reports. Here only statistically significant findings are reported.

Comparison of data bases

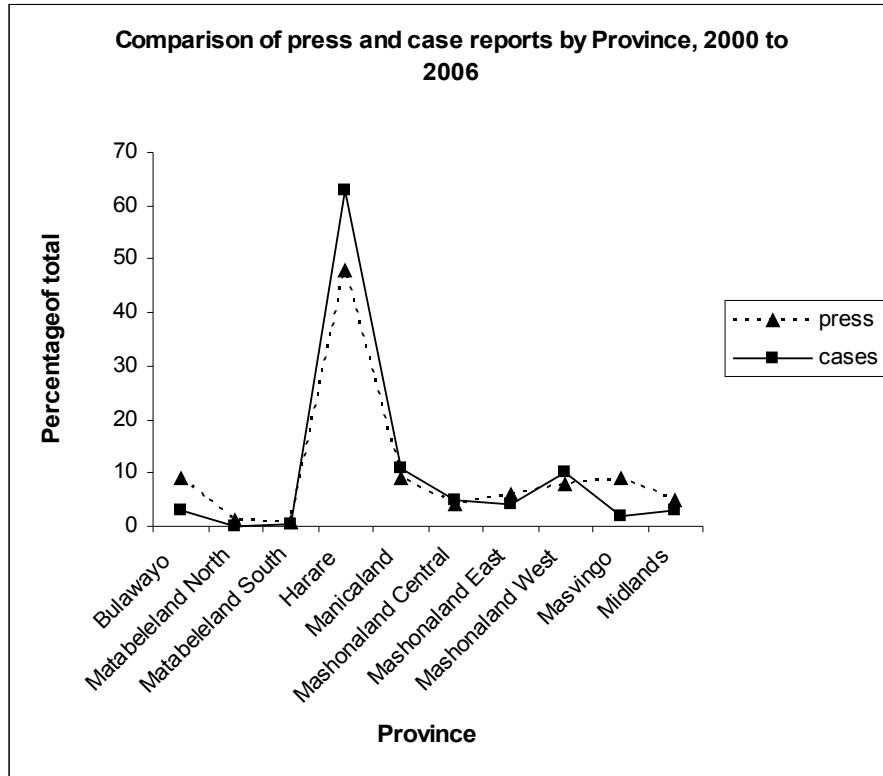
A basic question always to be asked in any statistical analysis concerns the quality and reliability of the data. The Human Rights Forum had two data bases drawing from different sources, as indicated above. One, the press reports database, comprises reports of gross human rights violations reported in the media, and mainly the print media ("press reports"). This contains 444 reports in which the Zimbabwe Republic Police were mentioned as being involved in a human rights violation. The second, the case reports database ("Forum data"), consists of actual reports made by victims of alleged human rights violations to the Human Rights Forum or one of its members ("victim reports"). Clearly, if the data in these two databases is valid, then there should be strong agreement between the two data sets in most respects.

Thus, the data from the press reports [n=444] was compared, where possible, with the data taken from the reports actually given to the Human Rights Forum [n=1237]. Four comparisons were made where possible with the gross frequencies: the frequency of reports per Province, the frequency of reports per year, the frequency of alleged perpetrators, and the frequency of alleged violations.

As regards the frequency of reports per Province, it was evident that there was no difference in the distributions between the two data sets. In fact, the agreement was exceptionally strong, as can be seen from Figure 2. The majority of the reports in both data sets came from Harare, with a greater percentage from Harare being reported in the victim reports. There were very few

cases from Bulawayo or the two Matabeleland Provinces in either data set. The strongest finding was that the correlation between the two data sets was strong and positive.⁵⁷ So both data sets indicate that violations were widespread across Zimbabwe in the period 2000 to 2006.

Figure 2

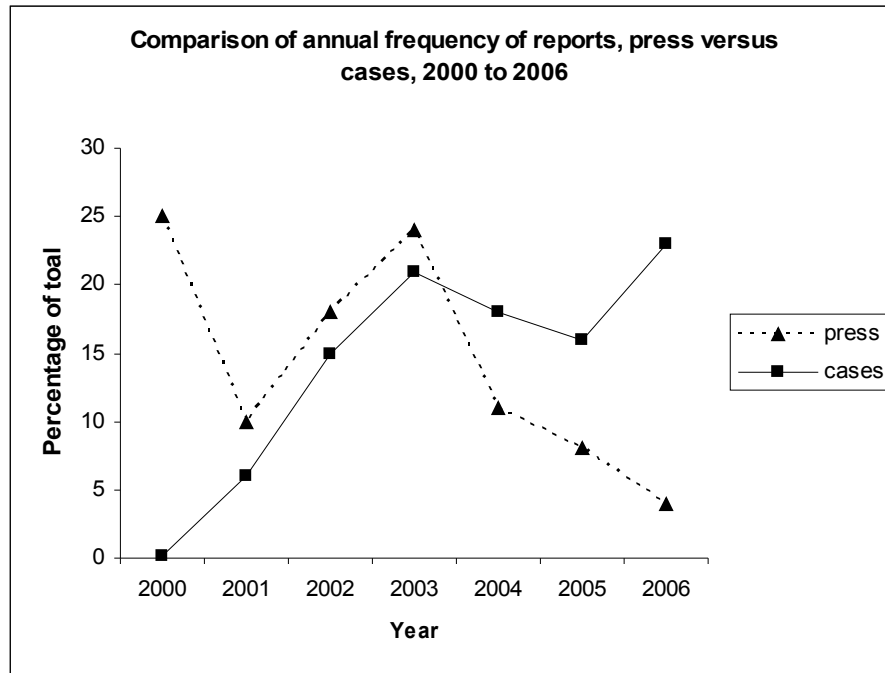


The same effect was not found for the frequency of reports by year. It can be seen in Figure 3 [over] that the trends from 2001 through 2003 are largely similar, but they diverge strongly thereafter, and, in fact, there is a negative relationship between the two data sets.⁵⁸ This requires further comment [see below].

⁵⁷ Rank order correlation between press and cases reports, frequencies per Province [0.98; p=0.01].

⁵⁸ Rank order correlation between press and case reports, frequencies over time [-0.41; non-significant].

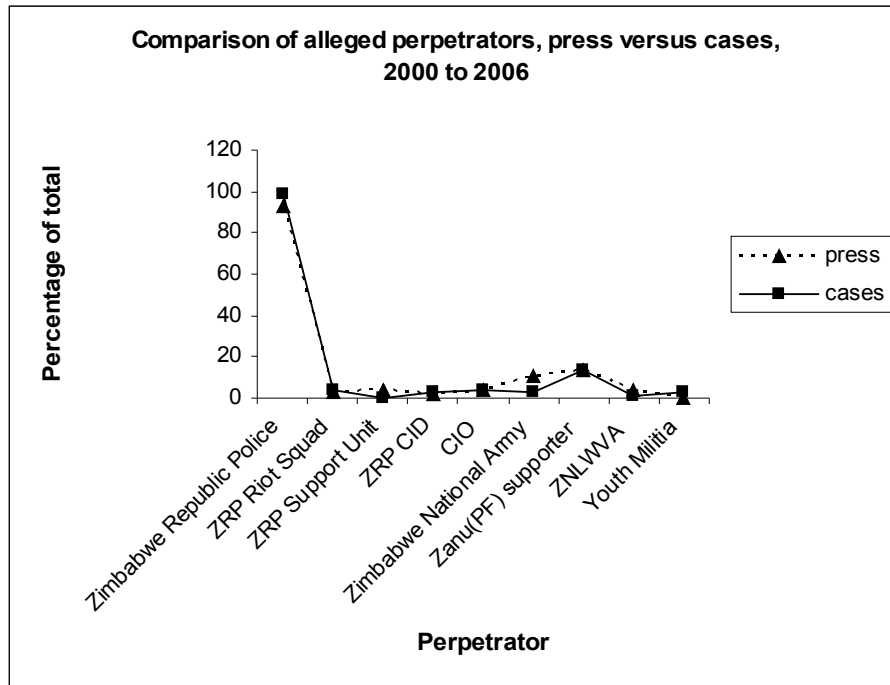
Figure 3



Again a very strong relationship was found between the two data sets as regards the alleged perpetrators of human rights violations. As can be seen from Figure 4 above, there is no difference in the frequencies of alleged perpetrators in either the press reports or the victim cases that were presented to the Human Rights Forum, and, statistically, the correlation was remarkably strong and positive.⁵⁹

⁵⁹ Rank order correlation between press and case reports, frequencies of alleged perpetrators [0.99; $p=0.01$].

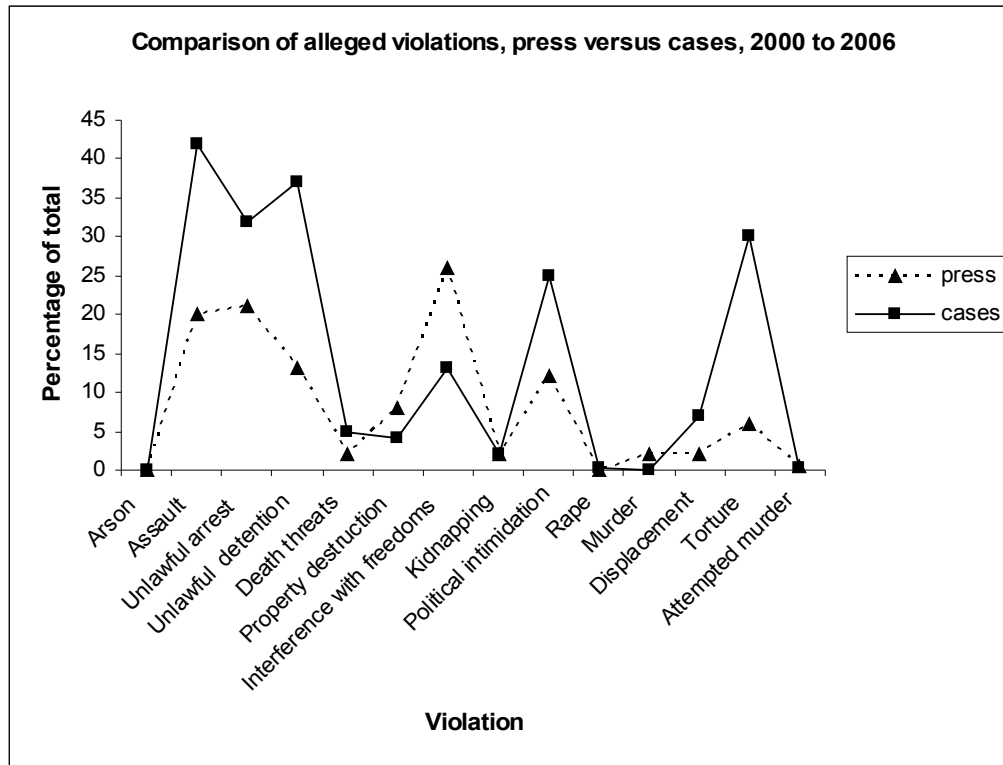
Figure 4



Finally, as can be seen in Figure 5 [below], a similar effect was found in comparing the frequencies of alleged violations between the two data sets. The relationship was still statistically significant, but was not as strong as that found for the alleged geographical distribution or the frequency of alleged perpetrators.⁶⁰ There was much wider variation between the two data sets than was apparent for geographical distribution or alleged perpetrators, but the correlation was still positive and significant.

⁶⁰ Rank order correlation between press and case reports, frequencies of alleged violations [0.70; p=0.01]

Figure 5



It seems clear, therefore, that there is substantial agreement between the two data sets, and hence the case reports are likely to have good validity. In both data sets, there is strong agreement over the geographical distribution of cases, the frequency of the alleged perpetrators, and the frequency of the alleged violations. The only difference is in the temporal distribution, but, whilst this was a negative correlation, it can be seen that there a degree of agreement for three of the seven years.

The contrast between the two sets of data regarding the temporal distribution is interesting. As will be recalled, the *Daily News* and the *Daily News on Sunday* were banned in September 2003, and this seems to be reflected in the sharp decline in reports of human rights violations in the press thereafter. The *Daily News* was assiduous in following the political violence that emerged after the referendum in 2000, and this unjustly earned the paper a reputation that it was supporting the MDC. The newspaper reported on a large number of cases of political violence during its short existence, and many of these were confirmed by other sources. With the newspaper's closure in 2003, this type of reporting diminished dramatically. Thus, it can be seen in Figure 3 that there is a sharp decline in the number of reports per year from the closure of the *Daily News* onwards. However, this does not affect the more general findings, as stated above,

but merely suggests that the Zimbabwe Government's strategy to close the media space has not affected the human rights reporting by agencies other than the press in any important way.

Reported cases

The next data available for analysis came from the actual victim cases reported to the Human Rights Forum and its partners. This produced a sample of 1237 cases involving the ZRP from 2000 to 2006. The data base of reports contains a larger number than those recorded in the Monthly Political Violence Reports, as the data in the Monthly Political Violence Reports only reflect cases that actually occurred during a particular month, and reports may come in after a monthly report has been made. This is a common occurrence, and hence many cases do not get included in the report as they are out of time for any particular month.

The majority of the cases came from Harare, as was the case with the data from the press reports, but the proportion in the victim cases was higher – 63% as opposed to 48%.⁶¹ For the victim cases, there are few cases from 2000 and 2001,⁶² but thereafter there are a consistent number of victim cases reported each year, as well as a trend towards matters worsening in 2006.

The Uniform Branch of the ZRP was mentioned in virtually all cases,⁶³ but was accompanied by a variety of other groups, with non-state actors – Zanu(PF) supporters, war veterans [ZNLWVA] , and youth militia - being involved in nearly 20% of the reports. Multiple state agencies were involved in 11% of reports, whilst reports involving state and non-state actors comprised 17% of all reports.

There were no victim reports made to Human Rights Forum, or its members, of Zanu(PF) supporters alleging human rights violations. Members of the MDC were the major complainants, but so were members of the NCA; between these two groups they comprised 60% of all reports.⁶⁴ As regards the alleged violations reported, the patterns that emerge are largely similar to those observed in the press reports.⁶⁵

The next level of analysis was similar to that undertaken for the press reports, and involved examining a number of hypotheses as before.

⁶¹ See Table 2, Appendix 3.

⁶² See Table 3, Appendix 3.

⁶³ See Table 4, Appendix 3.

⁶⁴ See Table 5, Appendix 3.

⁶⁵ See Table 6, Appendix 3.

Violations at Police stations

The first analysis was concerned with whether violations had occurred at a Police Station or not.

There were no major differences between the various provinces in the frequency of alleged violations taking place at police stations,⁶⁶ but a number of differences emerged in the temporal distribution [see Table 8].

Table 8
Comparison of violations at Police stations and elsewhere, Temporal distribution, 2000 to 2006.

	Police station [n=236]	No Police station [n=995]
2000	0	3[0.3%]
2001	19[8%]	52[5%]
2002	21[14%]	166[17%]
2003	32[14%]	226[23%]*
2004	88[37%]*	137[14%]
2005	29[12%]	170[17%]
2006	46[20%]	236[24%]

**p=0.005*

During 2003, the year of mass stay aways and the “big push”, most violations occurred at places other than at police stations, and, from the files, a large number of the violations reported came from Buhera, where there was a pogrom against MDC supporters. During 2004, a large number of the violations involved the NCA and WOZA, who undertook frequent public demonstrations.

There were no surprises in the distribution of the alleged perpetrators.⁶⁷ The ZRP Riot Squad, Zanu(PF) supporters, and the youth militia were significantly more likely to have been involved in a violation at places other than at police stations, as would be expected. A number of differences also emerged in the victims, with the MDC more likely to have experienced their violations at places other than at police stations. Members of ZCTU and students were more likely to have experienced the violation at police stations.⁶⁸

As regards the violations themselves,⁶⁹ police stations were significantly associated with unlawful arrest, unlawful detention, and torture, whilst death threats, property destruction, interference with freedoms, kidnapping [abductions], political intimidation, and displacement were more likely at places other than police stations. Such a pattern would be expected.

⁶⁶ See Table 7, Appendix 3.

⁶⁷ See Table 9, Appendix 3.

⁶⁸ See Table 10, Appendix 3.

⁶⁹ See Table 11, Appendix 3.

The number of different violations reported was significantly greater in those who reported that the violations had taken place at police stations.⁷⁰ Thus, different patterns of abuse and perpetrators emerged from this analysis, but these would largely be expected.

Elections

As with the public domain data, an analysis was carried to examine the relationship between violations and elections. A majority of the reports came in the periods outside of elections; i.e., in 2001, 2003, 2004, and 2006.

A number of differences were found in the geographical distribution of the alleged violations, and these were somewhat unexpected. The only association with elections was in Manicaland Province, and significant differences were found in Mashonaland West, Masvingo, and the Midlands, where the violations were not associated with elections.⁷¹

There were no major differences in the alleged perpetrators, and the only difference found was that the ZRP Riot Squad were more likely to have been involved during election times.⁷² Violations were more likely to occur at a police station at non-election times.⁷³

The MDC were targeted during elections and at other times, whilst organisations like the NCA, the Combined Harare Residents' Association [CHRA], and the ZCTU were targets outside of elections.⁷⁴ Property destruction and displacements were associated with elections, as has been frequently noted before, whilst death threats were more common outside of elections. Otherwise, all the other violations were as likely during elections as at other times.⁷⁵

Thus, it does not appear from cases involving the police that elections result in more frequent violations by the police; rather that these alleged violations have been a continuous feature of the past years.

Severity of ill-treatment: Multiple versus Single violations

771 [63%] cases reported experiencing more than one violation type, which gives an indication of the severity of ill-treatment. The data did not indicate whether a person had experienced

⁷⁰ Number of different violations: Police station v no police station [2.36 v 1.88; p=0.00001].

⁷¹ See Table 12, Appendix 3.

⁷² See Table 13, Appendix 3.

⁷³ This was significantly different on a test of frequency: Violations at police station [non-election versus election; 22% v 13%; p0.005].

⁷⁴ See Table 14, Appendix 3.

⁷⁵ See Table 15, Appendix 3.

violations on more than one occasion, but this will be rectified in a subsequent report when the detailed narratives will be examined.

No major differences were found in either the geographical or the temporal distribution of the cases between those who experienced only a single type of violation as compared with those who had multiple violations. Again no differences were found between the two groups in the alleged perpetrators, except that there was significant association between multiple violations and Zanu(PF) supporters.⁷⁶

There were several differences between the two groups as regards the victims, with the NCA, the ZCTU and students being the most likely to report multiple violations.⁷⁷

There was a cluster of associations with those that reported multiple violations, as would be expected.⁷⁸ Assault, unlawful arrest, unlawful detention, death threats, property destruction, kidnapping, political intimidation, and torture were all more frequent in the multiple violations group. However, overall the ZRP and its various branches were not more likely to have been involved in multiple violations than any other group.

Rural versus Urban

As before, contrasting rural and urban areas revealed interesting findings. The overall sample was overwhelmingly urban (and mostly from Harare), but a fair percentage [30%] came from the rural areas.

The distribution over the years is interesting. Violations in the rural areas were reported for the years 2001 (the lead-up to the Presidential election), 2002 (the year of the Presidential Election), and 2003.⁷⁹ The pattern then reversed and violations were more likely in the urban areas, which included 2005, when both a Parliamentary election and *Operation Murambatsvina* took place.

There were no major differences between rural and urban areas in the alleged perpetrators, except that the CIO and the youth militia were more commonly reported to be the perpetrators in the rural areas.⁸⁰ There were also significant differences between the two groups in the

⁷⁶ Zanu(PF) supporters, single versus multiple violations [10% v 16%; p=0.005].

⁷⁷ See Table 16, Appendix 3.

⁷⁸ See Table 17, Appendix 3.

⁷⁹ See Table 18, Appendix 3.

⁸⁰ See Table 19, Appendix 3.

frequency with which violations took place at police stations, with the urban group more frequently reporting a violation occurring at police stations.⁸¹

Members of the MDC were more likely to report their violation having occurred in the rural areas, as was the case with those who had no expressed affiliation, and these two groups accounted for over 75% of the rural sample.⁸² All the other activist groups were more likely to have reported a violation taking place in an urban area.

Apart from property destruction and displacements, most other violations were more frequently reported by those from the urban areas. Assault, unlawful arrest, unlawful detention, and torture were significantly more common in the urban group.⁸³ Furthermore, urban victims reported experiencing a greater number of different types of violations than victims from the rural areas.⁸⁴

Thus, there were different patterns of violations involving the ZRP in the rural and urban areas.

Activism and violations

It was noted above that there seemed to be differences in the experiences of activists – MDC, NCA, ZCTU, etc – and others. Such differences would seem to point to a specific targeting of particular groups, and leads to the allegation that the violations are systematic. A comparison was therefore carried out between activists and those who did not profess to be activists. However, members of the latter group could still be targeted on the basis that they were suspected of being activists and victims often reported that they were targeted on the basis that they were suspected of being a supporter of the MDC or some other group, even though this might not be true.

There were few differences between the two groups in terms of temporal distribution, save that non-activists were more likely to report a violation in 2002, the year of the Presidential election, and other times when partisanship was running extremely high.⁸⁵ Also there has been a shift towards activists being more frequently targeted during 2006, and here the severe treatment meted out to the ZCTU, the NCA and WOZA should be mentioned.

There were interesting differences observed between activists and non-activists in terms of the alleged perpetrators. As can be seen from Table 23, all groups of the less commonly-reported

⁸¹ These were significantly different: Rural versus urban, violation at police stations [10% v 25%; p=0.005]; Violation took place at Harare Central Police station [9% v 4%; p=0.005].

⁸² See Table 20, Appendix 3.

⁸³ See Table 21, Appendix 3.

⁸⁴ Urban versus rural, number of different violation types [2.02 v 1.85; p=0.005].

⁸⁵ See Table 22, Appendix 3.

perpetrators – ZRP Riot Squad, the CIO, the ZNA, and the youth militia – were more frequently reported by the non-activist group.⁸⁶ However, activists were more likely to report that their violation had occurred at police stations, and Harare Central Police station was significantly more frequently mentioned by activists.⁸⁷

There were very interesting differences reported between the two groups in terms of the alleged violations [see Table 24 below extracted from Appendix 3]. Activists were significantly more likely to report serious violations, and, additionally, activists were more likely to report multiple violations.⁸⁸

Table 24
Comparison of activists and no-activists, Alleged violations, 2000 to 2006.

	Non-activist [n=326]	Activist [n=905]
Arson	0	0
Assault	144[44%]	372[41%]
Attempted murder	4[1%]	0
Death threats	10[3%]	48[5%]
Displacement	55[17%]*	25[3%]
Interference with freedoms	12[4%]	146[16%]*
Kidnapping	14[4%]	15[2%]
Murder	0	0
Political intimidation	52[16%]	251[28%]*
Property destruction	32[10%]*	14[2%]
Rape	1[0.3%]	2[0.2%]
Torture	37[11%]	141[16%]
Unlawful detention	83[26%]	368[41%]**
Unlawful arrest	86[26%]	313[35%]**

* $p=0.005$; ** $p=0.01$

Thus, a number of important differences emerged between those who openly expressed political or civic affiliation and others. Most important amongst these are the findings that activists are more likely to have experienced serious violations, multiple violations, occurring at police stations, and, of police stations, Harare Central Police station was significantly more commonly reported than any other police station.

Involvement of senior police officers

There were a large number of names given as the alleged perpetrators, and, amongst these, were a fair number of police officers of senior rank. Additionally, a number of these names are mentioned on more than one occasion. This is of great concern, and leads immediately to speculation about the systematic nature of the human rights violations. Accordingly, an analysis

⁸⁶ See Table 23, Appendix 3.

⁸⁷ These were significantly different: Non-activist versus activist, violation at police stations [16% v 20%, $p=0.025$]; Violation took place at Harare Central Police station [4% v 8%; $p=0.025$].

⁸⁸ Non-activist versus activist, number of different violation types [1.84 v 2.02; $p=0.005$].

was undertaken of the role of ranking officers, in order to determine whether any patterns could be observed.

No differences were observed between senior and low ranking police officers in the geographical distribution of reports, and, as regards the temporal distribution, the only difference found was a significant trend for senior officers to be more frequently mentioned in 2006.⁸⁹ Harare Central Police station was also found to be significantly associated with violations by senior police officers.⁹⁰

In terms of the victims, no differences were noted except that members of the NCA were more likely to suffer violations at the hands of senior police officers.⁹¹ However, as can be seen from Table 25 below extracted from Appendix 3, the reports indicated that victims were more likely to suffer assault from low ranking members of the ZRP, but, very seriously, also more likely to experience torture at the hands of more senior police officers.

Table 25
Comparison of senior ZRP officers and other ranks, Alleged violations, 2000 to 2006.

	Senior police officers [n=76]	Other officers [n=246]
Arson	0	0
Assault	24[32%]	81[48%]**
Attempted murder	0	0
Death threats	0	2[1%]
Displacement	0	5[3%]
Interference with freedoms	14[18%]	18[11%]
Kidnapping	6[8%]	16[9%]
Murder	0	0
Political intimidation	17[22%]	27[16%]
Property destruction	4[5%]	2[1%]
Rape	0	0
Torture	59[78%]*	91[53%]
Unlawful detention	12[16%]	42[25%]
Unlawful arrest	17[22%]	55[32%]

* $p=0.005$; ** $p=0.025$

Involvement of army

Although this report is primarily concerned with the Zimbabwe Republic Police, it is evident from the Food Riots in 1998 onwards, that the Zimbabwe National Army [ZNA] has also been involved in gross human rights violations.⁹² There have also been numerous reports since 2000, alleging

⁸⁹ Senior police officers versus other police, 2006 [21% v 7%; $p=0.005$].

⁹⁰ Senior police officers versus other police, Harare Central Police Station [12% v 4%; $p=0.025$].

⁹¹ Senior police officers versus other police, NCA members [20% v 10%; $p=0.025$].

⁹² See *Zimbabwe Human Rights NGO Forum (1999), A Consolidated Report on the Food Riots 19–23 January 1998*, (1999 Harare); see also *Zimbabwe Human Rights NGO Forum, An Analysis of the Zimbabwe Human Rights NGO Forum Legal Cases, 1998–2006* (Harare 2006). Published by the Zimbabwe Human Rights NGO Forum. June 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

the involvement of the ZNA in situations outside the declaration of martial law or a state of emergency, which, under the Zimbabwe Constitution, are the only times that it would be expected that the army would be deployed. For example, in a recent High Court judgement, it was ruled that the deploying of the ZNA in order to quell a strike was an unnecessary use of force [see earlier].

For the purposes of the present report, however, the concern was to examine those cases in which the army are cited as alleged perpetrators acting in concert with the ZRP. This gave a very small sample of cases [n=34], but this sample was then compared with the cases in which the ZNA were not mentioned at all

There were no real differences between the two groups, save a weak association between the ZRP and ZNA in Mashonaland West Province.⁹³ However, there were some very interesting differences in the temporal distribution, with the ZNA significantly more likely to be operating with the ZRP in 2000 and 2004.⁹⁴

The ZNA were significantly more likely to be mentioned in reports that involved both the ZRP and the CIO,⁹⁵ and significantly more likely to be named as perpetrators by members of the MDC.⁹⁶ The NCA members, by way of contrast were much more likely to mention the ZRP rather than the ZNA as the perpetrators.⁹⁷

There were few differences in the alleged violations, and the only association with the army was with kidnappings [abductions] in which the ZRP and ZNA were alleged to be involved. However, whilst there no other significant differences, it should be noted that two trends approximated statistical significance; assaults and torture were both mentioned as more frequent in the ZRP/ZNA group, and the frequencies were very high indeed.⁹⁸

Finally a large number of ZRP members are identified by name in the case reports, some with a high frequency indeed. Of the worst offenders, nearly half of those named [46%] were persons holding some rank above that of constable. This is shocking indeed, and it is more shocking when it is realized that, of the entire sample of cases in which the perpetrators were named, persons holding rank above constable are 31% of this sample. Names could be provided for 19%

⁹³ ZRP & ZNA versus ZRP only, Mashonaland West Province [21% v 10%; p=0.1].

⁹⁴ ZRP & ZNA versus ZRP only, 2002 [30% v 15%; p=0.05]; ZRP & ZNA versus ZRP only, 2004[32% v 18%; p=0.05].

⁹⁵ ZRP & ZNA versus ZRP only, CIO [21% v 3%;p=0.005].

⁹⁶ ZRP & ZNA versus ZRP only, MDC [53% V 35%; P=0.05].

⁹⁷ ZRP & ZNA versus ZRP only, NCA [0 v 25%; p=0.005].

⁹⁸ See Table 26, Appendix 35.

of the whole sample, so it does not appear that the ZRP force members make much attempt to hide their illegal activities.

Table 26
Distribution of named persons by Province

	Percentage of total names	Percentage of names with rank
Bulawayo	5	36
Harare	23	29
Manicaland	27	29
Mashonaland Central	6	0
Mashonaland Eastl	9	25
Mashonaland west	15	9
Masvingo	10	0
Midlands	6	31

As can be seen from Table 26, the identification of alleged perpetrators varies across the Provinces. In Bulawayo, Harare, Manicaland, Mashonaland East, and the Midlands, at least 25% of those named were officers above the rank of constable. By their active involvement in alleged human rights violations more senior officers are setting a bad example and this also suggests that these violations are at least condoned by the command structure of the ZRP.⁹⁹

Some of those named are already notorious: Joseph Mwale of the CIO and Detective Inspector Dowra of the Law and Order Section of the CID are well-known names and have drawn considerable comment already. Other names have been mentioned in court cases, such as the name Chatapura who was found to have inflicted torture on a person in police custody in the case where the claimant was awarded damages for being tortured whilst in police custody.¹⁰⁰ It is also clear that Harare Central Police Station has an unenviable reputation for torture and human rights violations, with a number of names being clearly identified with this police station.

⁹⁹ This is well-illustrated by the recent torture of the ZCTU, where no member of the ZRP, or indeed the government, condemned the violations, but rather most claimed that this was deserved.

¹⁰⁰ The case in question is *Mugwagwa v Minister of Home Affairs and Commissioner of Police* HH-183-2004

Appendix 3

Tables

Table 2
Reported cases, Geographical spread, 2000 to 2006.

	Number [Percentage]
Bulawayo	37[3%]
Harare	776[63%]
Manicaland	129[11%]
Mashonaland Central	56[5%]
Mashonaland East	51[4%]
Mashonaland West	121[10%]
Masvingo	22[2%]
Matabeleland North	1[0.1%]
Matabeleland South	2[0.2%]
Midlands	34[3%]

Table 3
Reported cases, Temporal distribution, 2000 to 2006.

	Number [Percentage]
2000	3[0.2%]
2001	71[6%]
2002	187[15%]
2003	258[21%]
2004	225[18%]
2005	199[16%]
2006	282[23%]

Table 4
Reported cases, Alleged perpetrators, 2000 to 2006.

	Number[percentage]
CIO	42[4%]
Youth Militia	40[3%]
Zanu(PF) supporter	166[14%]
Zimbabwe National Army	33[3%]
Zimbabwe Republic Police	1212[99%]
ZRP Riot Squad	47[4%]
ZRP Support Unit	3[0.2%]
ZRP CID	34[3%]
ZNLWVA	9[0.7%]

Table 5
Reported cases, Alleged victims, 2000 to 2006.

	Number[percentage]
CHRA	7[0.6%]
MDC	437[36%]
NCA	293[24%]
Students	37[3%]
WOZA	65[5%]
ZANU(PF)	0
ZCTU	66[5%]
ZCTU	66[5%]

Table 6
Reported cases, Alleged violations, 2000 to 2006.

	Number[percentage]
Arson	0
Assault	516[42%]
Attempted murder	4[0.3%]
Death threats	58[5%]
Displacement	80[7%]
Interference with freedoms	158[13%]
Kidnapping	29[2%]
Murder	0
Political intimidation	303[25%]
Property destruction	46[4%]
Rape	3[0.3%]
Torture	363[30%]
Unlawful arrest	399[32%]
Unlawful detention	451[37%]

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Table 7
Comparison of violations at Police stations and elsewhere, Geographical spread, 2000 to 2006.

	Police station [n=236]	No Police station [n=995]
Bulawayo	5[2%]	32[3%]
Harare	142[60%]	634[64%]
Manicaland	20[0.9%]	109[11%]
Mashonaland Central	18[8%]	38[4%]
Mashonaland East	16[7%]	35[4%]
Mashonaland West	20[9%]	101[10%]
Masvingo	2[0.9%]	20[2%]
Matabeleland North	0	1[0.1%]
Matabeleland South	0	2[0.2%]
Midlands	12[5%]	22[2%]

Table 9
Comparison of violations at Police stations and elsewhere, Alleged perpetrators, 2000 to 2006.

	Police station [n=236]	No Police station [n=995]
CIO	8[3%]	34[4%]
Youth Militia	0	40[4%]*
Zanu(PF) supporter	8[3%]	158[16%]*
Zimbabwe National Army	2[0.9%]	31[3%]
ZNLWVA	0	9[1%]
Zimbabwe Republic Police	235[99%]	977[98%]
ZRP Riot Squad	1[0.4%]	46[5%]*
ZRP Support Unit	0	3[0.3%]
ZRP CID	11[5%]	23[2%]

* $p=0.005$

Table 10

¹⁰¹ Rank order correlation [0.86]

Comparison of violations at Police stations and elsewhere, Alleged victims, 2000 to 2006.

	Police station [n=236]	No Police station [n=995]
CHRA	0	7[0.7%]
MDC	53[23%]	384[39%]*
NCA	4[21%]	244[25%]
Students	13[6%]**	24[2%]
WOZA	18[8%]	47[5%]
ZANU(PF)	0	0
ZCTU	52[22%]*	14[1%]
Other	64[27%]	298[30%]

* $p=0.005$; ** $p=0.025$

Table 11

Comparison of violations at Police stations and elsewhere, Alleged violations, 2000 to 2006.

	Police station [n=236]	No Police station [n=995]
Arson	0	0
Assault	107[45%]	409[41%]
Attempted murder	0	4[0.4%]
Death threats	4[2%]	54[5%]**
Displacement	1[0.4%]	79[8%]*
Interference with freedoms	21[9%]	137[14%]**
Kidnapping	1[0.4%]	28[3%]**
Murder	0	0
Political intimidation	38[16%]	265[26%]*
Property destruction	1[0.4%]	45[5%]*
Rape	1[0.4%]	2[0.2%]
Torture	57[24%]*	121[12%]
Unlawful arrest	151[64%]*	248[25%]
Unlawful detention	165[70%]*	286[29%]

* $p=0.005$; ** $p=0.025$

Table 12

Comparison of election & non-election months, Geographical spread, 2000 to 2006

	No election [n=840]	Election [n=389]
Bulawayo	28[3%]	9[2%]
Harare	541[64%]	235[60%]
Manicaland	29[4%]	100[26%]*
Mashonaland Central	43[5%]	13[3%]
Mashonaland East	37[4%]	14[4%]
Mashonaland West	111[13%]*	10[3%]
Masvingo	20[2%]**	2[0.5%]
Matabeleland North	1[0.1%]	0
Matabeleland South	1[0.1%]	1[0.3%]
Midlands	29[4%]**	5[1%]

* $p=0.005$; ** $p=0.025$

Table 13

Who guards the guards? Violations by the Zimbabwe Republic Police, 2000 to 2006

Comparison of election & non-election months, Alleged perpetrators, 2000 to 2006

	No election [n=840]	Election [n=389]
CIO	34[4%]	8[2%]
Youth Militia	29[4%]	11[3%]
Zanu(PF) supporter	112[13%]	54[14%]
Zimbabwe National Army	19[2%]	14[4%]
ZNLWVA	6[0.7%]	3[0.8%]
Zimbabwe Republic Police	833[99%]	379[97%]
ZRP Riot Squad	23[3%]	24[6%]*
ZRP Support Unit	3[0.4%]	0
ZRP CID	20[2%]	14[4%]

* $p=0.005$

**Table 14
Comparison of election & non-election months, Alleged victims, 2000 to 2006**

	No election [n=840]	Election [n=389]
CHRA	7[0.8%]**	0
MDC	290[35%]	147[38%]
NCA	215[26%]**	78[20%]
Students	25[3%]	12[3%]
WOZA	43[5%]	22[6%]
ZANU(PF)	0	0
ZCTU	59[7%]*	7[2%]
Other	226[27%]	136[35%]*

* $p=0.005$; ** $p=0.05$

**Table 15
Comparison of election & non-election months, Alleged violations, 2000 to 2006**

	No election [n=840]	Election [n=389]
Arson	0	0
Assault	337[40%]	179[46%]
Attempted murder	3[0.4%]	1[0.3%]
Death threats	49[6%]**	9[2%]
Displacement	46[6%]	34[9%]*
Interference with freedoms	103[13%]	55[14%]
Kidnapping	20[2%]	9[2%]
Murder	0	0
Political intimidation	210[25%]	93[24%]
Property destruction	24[3%]	22[6%]*
Rape	1[0.1%]	2[0.5%]
Torture	249[27%]	114[29%]
Unlawful arrest	271[32%]	128[33%]
Unlawful detention	318[38%]	133[34%]

* $p=0.025$; ** $p=0.01$

Table 16

Who guards the guards? Violations by the Zimbabwe Republic Police, 2000 to 2006

Comparison of victims with single or multiple violations, Alleged victims, 2000 to 2006.

	Single violations [n=462]	Multiple violations [n=771]
CHRA	3[0.7%]	4[0.5%]
MDC	191[41%]*	246[32%]
NCA	80[17%]	213[28%]*
Students	7[2%]	30[4%]**
WOZA	17[4%]	47[6%]
ZANU(PF)	0	0
ZCTU	14[3%]	52[7%]*
Other	157[34%]**	205[27%]

* $p=0.005$; ** $p=0.01$

Table 17

Comparison of victims with single or multiple violations, Alleged violations, 2000 to 2006

	Single violations [n=462]	Multiple violations [n=771]
Arson	0	0
Assault	170[37%]	345[45%]**
Attempted murder	3[0.7%]	1[0.1%]
Death threats	2[0.4%]	56[7%]*
Displacement	22[5%]	58[8%]
Interference with freedoms	11[2%]	147[19%]
Kidnapping	2[0.4%]	27[4%]*
Murder	0	0
Political intimidation	49[11%]	254[33%]*
Property destruction	4[0.9%]	42[6%]*
Rape	1[0.2%]	2[0.3%]
Torture	53[12%]	124[16%]**
Unlawful arrest	19[4%]	380[49%]**
Unlawful detention	53[12%]	397[52%]*

* $p=0.005$; ** $p=0.01$

Table 18

Comparison of rural versus urban areas, Temporal distribution, 2000 to 2006.

	Urban [n=856]	Rural [n=369]
2000	1[0.1%]	2[0.5%]
2001	41[5%]	30[8%]**
2002	119[14%]	68[19%]**
2003	146[17%]	111[30%]*
2004	173[20%]**	52[14%]
2005	157[18%]*	42[12%]
2006	215[25%]**	66[18%]

* $p=0.005$; ** $p=0.01$

Table 19

Who guards the guards? Violations by the Zimbabwe Republic Police, 2000 to 2006

Comparison of rural versus urban areas, Temporal distribution, 2000 to 2006.

	Urban [n=856]	Rural [n=369]
CIO	23[3%]	19[5%]**
Youth Militia	14[2%]	26[7%]*
Zanu(PF) supporter	118[14%]	48[13%]
Zimbabwe National Army	21[3%]	12[3%]
ZNLWVA	4[0.5%]	5[2%]
Zimbabwe Republic Police	846[99%]	364[99%]
ZRP Riot Squad	22[3%]	25[7%]*
ZRP Support Unit	1[0.1%]	2[0.5%]
ZRP CID	23[3%]	11[3%]

* $p=0.005$; ** $p=0.025$

**Table 20
Comparison of rural versus urban areas, Alleged victims, 2000 to 2006.**

	Urban [n=856]	Rural [n=369]
CHRA	5[0.6%]	2[0.5%]
MDC	277[32%]	160[43%]*
NCA	232[27%]*	61[17%]
Students	29[3%]	8[2%]
WOZA	53[6%]**	12[3%]
ZANU(PF)	0	0
ZCTU	53[6%]**	13[4%]
Other	236[26%]	124[34%]**

* $p=0.005$; ** $p=0.025$

**Table 21
Comparison of rural versus urban areas, Alleged violations, 2000 to 2006.**

	Urban [n=856]	Rural [n=369]
Arson	0	0
Assault	381[45%]**	133[36%]
Attempted murder	3[0.4%]	1[0.3%]
Death threats	45[5%]	13[4%]
Displacement	35[4%]	45[12%]*
Interference with freedoms	118[14%]	40[11%]
Kidnapping	17[2%]	12[3%]
Murder	0	0
Political intimidation	216[25%]	86[23%]
Property destruction	19[2%]	27[7%]*
Rape	2[0.2%]	1[0.3%]
Torture	138[16%]**	40[11%]
Unlawful arrest	299[35%]**	99[29%]
Unlawful detention	344[40%]*	106[29%]

* $p=0.005$; ** $p=0.01$

Table 22

Who guards the guards? Violations by the Zimbabwe Republic Police, 2000 to 2006

Comparison of activists and no-activists, Temporal distribution, 2000 to 2006.

	Non-activist [n=326]	Activist [n=905]
2000	0	3[0.3%]
2001	26[8%]	45[5%]
2002	71[22%]*	116[13%]
2003	68[21%]	190[21%]
2004	57[18%]	168[19%]
2005	53[16%]	146[16%]
2006	48[15%]	234[26%]*

* $p=0.005$

**Table 23
Comparison of activists and no-activists, Alleged perpetrators, 2000 to 2006**

	Non-activist [n=326]	Activist [n=905]
CIO	22[7%]*	20[2%]
Youth Militia	25[8%]*	15[2%]
Zanu(PF) supporter	35[11%]	131[15%]
Zimbabwe National Army	15[5%]**	18[2%]
ZNLWVA	1[0.3%]	8[1%]
Zimbabwe Republic Police	319[98%]	893[99%]
ZRP Riot Squad	27[8%]**	20[2%]
ZRP Support Unit	3[1%]	0
ZRP CID	11[3%]	23[3%]

* $p=0.005$; ** $p=0.025$

**Table 26
Comparison of cases involving ZRP & ZNA with other cases, Alleged violations, 2000 to 2006.**

	ZRP & ZNA [n=34]	ZRP only [n=1195]
Arson	0	0
Assault	19[56%]	497[42%]
Attempted murder	0	4[0.3%]
Death threats	2[6%]	56[5%]
Displacement	2[6%]	78[7%]
Interference with freedoms	1[3%]	157[13%]
Kidnapping	4[12%]*	25[2%]
Murder	0	0
Political intimidation	6[18%]	297[25%]
Property destruction	2[6%]	44[4%]
Rape	0	3[0.3%]
Torture	15[44%]	348[29%]
Unlawful arrest	5[15%]	394[33%]**
Unlawful detention	4[12%]	447[37%]**

* $p=0.005$; ** $p=0.025$