



# **“They Beat Me like a Dog”**

## **Political Persecution of Opposition Activists and Supporters in Zimbabwe**

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## Summary

On July 21, 2008 President Robert Mugabe, leader of the ruling Zimbabwe African National Union–Patriotic Front (ZANU-PF), and Morgan Tsvangirai, leader of the opposition Movement for Democratic Change (MDC), signed a Memorandum of Understanding in Zimbabwe’s capital Harare, paving the way for talks to resolve the country’s political impasse. President Thabo Mbeki of South Africa, appointed by the Southern African Development Community (SADC) to help address Zimbabwe’s ongoing political crisis, is facilitating the talks between the two political parties. Mbeki is expected to brief SADC leaders on the progress of the talks at the annual SADC summit in Sandton, South Africa on August 16 and 17. The summit provides SADC leaders with an opportunity to effectively press Zimbabwe’s leadership to address crucial human rights issues prior to any transitional government arising from the current negotiations. Human Rights Watch believes that no durable solution to the political crisis in Zimbabwe can be found unless the human rights violations that are at the root cause of the crisis are addressed.

The government of Zimbabwe and its proxy forces of youth militia<sup>1</sup> and “war veterans”<sup>2</sup> have committed and continue to commit serious crimes in the context of general elections that took place on March 29, 2008, and the presidential runoff of June 27. This report follows Human Rights Watch’s June 9 report, *“Bullets for Each of You”: State-Sponsored Violence since Zimbabwe’s March 29 Elections*, which gave a comprehensive account of government-sponsored abuses that took place in the aftermath of the March 29 general elections. This report is based on eyewitness accounts from newly elected MDC Members of Parliament (MPs), councilors, activists, perceived MDC supporters and others to demonstrate the serious nature of abuses committed by ZANU-PF supporters and government-backed youth militia and “war

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<sup>1</sup> The youth militia, also known in Zimbabwe as “green bombers” because they often wear olive green military fatigues, are part of a government-run National Youth Service Program. According to the government, the program is aimed at training youths to be good citizens and to take part in community services initiatives.

<sup>2</sup> Many of the “war veterans” implicated in recent abuses are believed to be individuals hired by the government to commit abuses under the guise of “war veterans.” Many are too young to be genuine war veterans or have fought during Zimbabwe’s liberation struggle in the 1970s. However, Human Rights Watch’s evidence indicates that these fake “war veterans” are being led by genuine war veterans who fought during the liberation struggle.

veterans” in the weeks leading up to the June 27 presidential runoff. These abuses include killings, beatings, abductions and torture.

This report also describes abuses by ZANU-PF that continue to take place despite ongoing negotiations between the two parties. Hundreds of MDC activists who fled the violence in the weeks before the June 27 runoff remain in hiding while “war veterans” and youth militia continue to terrorize villagers in the rural areas. According to local non-governmental organizations (NGOs), ZANU-PF and its allies have been implicated in the killing of at least 163 people and the beating and torture of more than 5,000 people over the past three months. Thirty-two of these people were killed after the June 27 runoff, and two since the two parties signed the Memorandum of Understanding. The government has made little effort to dismantle the torture camps and bases that it established in the immediate aftermath of the March 29 elections.

The continued existence of these camps and armed ZANU-PF supporters, youth militia and “war veterans” raises the possibility of further violence and highlights the precarious nature of the human rights situation in the country.

Abuses continue to take place with almost total impunity. Serious crimes are committed without investigation, prosecution or legal redress or compensation for the victims. Police have taken little or no substantial action to investigate the abuses documented in this report. To Human Rights Watch’s knowledge no alleged perpetrators have been questioned or arrested despite victims and witnesses naming them as the abusers. Instead, the police have embarked on a witch-hunt of elected MDC MPs with at least 12 facing what Human Rights Watch believes to be politically motivated criminal charges. The government of Zimbabwe has also failed to investigate, let alone prosecute, ZANU-PF officials and army officers who allegedly planned, coordinated, and implemented or were otherwise implicated in the serious crimes that have taken place since March 29.

The lack of justice and accountability for serious crimes is of grave concern and should be a priority for all those involved in the ongoing talks. Zimbabwe’s longstanding history of impunity for such crimes should not be ignored in the name

of political expediency, and should be immediately addressed by the political parties with the help of SADC and the African Union.

Continuing government restrictions on the distribution of humanitarian assistance including food aid and treatment for people living with AIDS by local and international agencies have had a devastating impact on people in the rural areas of Zimbabwe with millions of people in need of food aid. In the past the government has used food aid as a political weapon to discriminate against opposition supporters. The current suspension points to continuing attempts by the government to control the distribution of humanitarian assistance and deny it to perceived supporters of the MDC.

The continuing violence, repression and suspension of humanitarian aid by ZANU-PF shows the absence of good faith in which Mugabe and ZANU-PF are participating in the current talks. The appalling human rights conditions also call into question ZANU-PF's credibility as a political partner. The political crisis calls for more than mere facilitation by Thabo Mbeki; it requires strong and principled action by SADC leaders and SADC as an institution. SADC leaders should make it clear to Mugabe and ZANU-PF that a resolution to the crisis can only be reached if his government acts immediately to end human rights violations. The government of Zimbabwe must make concrete commitments and take clear action to improve human rights conditions on the ground if the people of Zimbabwe are to have any confidence in the political negotiations.

SADC should insist on a full program of human rights reform as a part of any negotiations towards a transitional government and on measurable human rights progress. If the government of Zimbabwe fails to initiate these measures, SADC should consider excluding Zimbabwe from any future summits and meetings of the regional body.

Human Rights Watch urges SADC leaders to call on the government of Zimbabwe to take the following measures without delay:

- End the violent campaign against MDC activists and perceived MDC supporters by state security forces, ZANU-PF supporters and officials, youth militia and “war veterans.”
- Ensure that the police immediately dismantle all torture camps and bases throughout the country and prosecute those responsible for torture and other mistreatment.
- Cease the politically motivated arrests of MDC officials and activists, and release those arbitrarily detained.
- Ensure that police take swift and impartial action to protect all Zimbabweans from human rights violations and to investigate all politically-motivated killings and assaults.
- Lift the suspension against local and international humanitarian agencies providing assistance in the country.
- Demobilize and disarm all ZANU-PF supporters and officials, youth militia and “war veterans.”
- Suspend from duty, investigate and fairly prosecute government officials, military officers, soldiers, and police officers responsible for serious violations of international human rights.
- In accordance with international standards, convene an independent commission of inquiry to investigate reports of extrajudicial executions, torture and ill-treatment.
- Ensure that those implicated in serious human rights abuses are excluded from any future government.



## Background

Zimbabwe has been in a state of political turmoil since Morgan Tsvangirai and his party, the MDC, defeated incumbent President Robert Mugabe and his party, ZANU-PF, in general elections on March 29.<sup>3</sup> According to the Zimbabwe Electoral Commission, Tsvangirai failed to win the presidential election by a 50-percent-plus-one-vote majority, thus necessitating a presidential runoff against Mugabe on June 27.<sup>4</sup> In a bid to win the runoff, Mugabe and ZANU-PF embarked on a brutal crackdown against MDC MPs, councilors, activists and perceived MDC supporters. In the weeks leading up to the runoff attacks against MDC MPs, councilors and activists intensified. The sustained violence forced Tsvangirai and the MDC to withdraw from the runoff, but Tsvangirai's withdrawal did not bring an end to the abuses. Human Rights Watch documented numerous incidents of intimidation, beatings and torture until the eve of the runoff. By polling day more than 100 people had been killed and some 5,000 had been brutally beaten or tortured.

Many African leaders, who have in the past been reticent to criticize Mugabe's poor human rights record, were shocked at the levels of violence and called for the runoff to be postponed. Mugabe ignored their calls and declared himself president after the one-person presidential runoff.<sup>5</sup> At the annual Heads of State African Union Summit on June 30 and July 1, African leaders issued a resolution calling for negotiations between the two political parties. The resolution also endorsed SADC's previous mediation efforts under President Thabo Mbeki, paving the way for new talks to begin between the two parties. The ongoing talks have not brought an end to serious human rights violations in the country.

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<sup>3</sup> See Human Rights Watch, *Zimbabwe – “Bullets for Each of You”: State-Sponsored Violence since the March 29 Elections*, June 2008, <http://hrw.org/reports/2008/zimbabwe0608>.

<sup>4</sup> Ibid.

<sup>5</sup> “African Union Reject Result in Zimbabwe's Sham Election,” Human Rights Watch news release, June 29, 2008, <http://hrw.org/english/docs/2008/06/28/zimbab19221.htm>.

## **Ongoing Abuses by ZANU-PF and Government-Backed Militias and “War Veterans”**

While levels of violence have decreased since the June 27 presidential runoff, Human Rights Watch remains seriously concerned by ongoing rights abuses in some parts of the country. ZANU-PF and its allies continue to use camps and bases to beat and torture perceived MDC activists and supporters. With certain parts of the country such as Mashonaland East, West and Central still not accessible to NGOs and the media, it is likely that the intimidation and violence documented in this report are only a small sample of the actual cases that have occurred.

For example, on July 17 a group of ZANU-PF supporters and “war veterans” severely assaulted police officer Kingswell Muteta in Mudzi, Mashonaland East province.<sup>6</sup> Muteta was visiting Mudzi to see his mother who had recently been assaulted by the same group of supporters and “war veterans.” The “war veterans” and supporters accused Muteta of visiting MDC supporters and sympathizing with them. They took Muteta to a base in Mudzi called Chimukoko and brutally beat him. Muteta was admitted at Kotwa hospital in Mashonaland East and later transferred to Avenues clinic in Harare where he died on July 25 from injuries sustained during the beating. Four other victims assaulted at the base by the “war veterans” and supporters were hospitalized at a private hospital in Harare and remain in serious condition.<sup>7</sup>

Local NGOs reported that on July 23, a group of “war veterans” and ZANU-PF supporters abducted MDC activist Fungisai Ziome from her home in Glendale, Mashonaland Central. Her burned and mutilated body was discovered in a maize field three days later.<sup>8</sup>

Human Rights Watch also received reports that in Buhera South, Manicaland province, an army colonel was patrolling and beating up villagers and preventing

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<sup>6</sup> Human Rights Watch interview with Ian Kay and Pineal Denga, MDC Executives who interviewed and helped the police officer, Harare, July 28, 2008.

<sup>7</sup> Human Rights Watch interview with Ian Kay and Pineal Denga, Harare, July 28, 2008.

<sup>8</sup> Human Rights Watch telephone interview with local NGOs, Harare, July 29, 2008.

them going to seek medical attention. On July 17, a group of ZANU-PF militia severely beat more than 15 MDC activists in the area.<sup>9</sup>

In Chimanimani West, local NGO contacts informed Human Rights Watch that ZANU-PF supporters had set up a new base in a place called Gonzoni and were beating MDC activists at the base on a daily basis.<sup>10</sup> The ZANU-PF supporters would take people to the base and question them about their links to the MDC and then mete out punishments ranging from performing “community service,” to payments of “fines” such as a cow or a goat, to beatings.

### **Government Ban on Humanitarian Assistance**

On May 29, 2008, minister of social welfare Nicolas Goche issued a directive prohibiting the major international aid agency CARE International from distributing food in Masvingo province.<sup>11</sup> Goche alleged that international aid agencies were using food distribution programs, set up to reach Zimbabwe’s population in need, to support the campaign of the MDC. On the same day, the minister of local government, Dr. Ignatius Chombo, issued a separate directive stating that all rural areas would fall under the jurisdiction of his ministry and that all food aid distribution would be carried out through local government structures. On June 4, the government suspended the operations of all local and international aid agencies.<sup>12</sup> Despite appeals by the United Nations (UN) and international aid agencies about the critical and worsening food security situation in the rural areas, the government is yet to lift the suspension. In a statement on August 3, the United States government aid agency USAID expressed concern about the continued suspension and stated that UN agencies have been blocked when trying to access areas of greatest need.<sup>13</sup> The agency went on to say that humanitarian workers were routinely harassed and intimidated. Representatives from two local and international humanitarian agencies

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<sup>9</sup> Human Rights Watch telephone interview with local NGOs, Harare, July 29, 2008.

<sup>10</sup> Human Rights Watch telephone interview with local NGO, Chimanimani, July 29, 2008.

<sup>11</sup> “Zimbabwe: Reverse Ban on Food Aid to Rural Areas,” Human Rights Watch news release, June 4, 2008, <http://hrw.org/english/docs/2008/06/04/zimbab19022.htm>.

<sup>12</sup> See Human Rights Watch, *Zimbabwe – “Bullets for Each of You”: State-Sponsored Violence since the March 29 Elections*, June 2008, <http://hrw.org/reports/2008/zimbabwe0608>.

<sup>13</sup> “USAID Calls on Zimbabwe to Allow Humanitarian Access to Needy People,” USAID, press statement, July 31, 2008, <http://www.usaid.gov/press/releases/2008/ps080731.html>, (accessed July 31, 2008).

informed Human Rights Watch that the humanitarian ban was having a devastating impact on people in Zimbabwe's rural areas.<sup>14</sup>

The representatives also told Human Rights Watch that it was very difficult to conduct a thorough assessment of the impact of the suspension on the population because a number of provinces remained inaccessible to outsiders and were under the control of ZANU-PF supporters, militia and "war veterans." The collapse in Zimbabwe's food production has caused a serious food deficit, affecting some five million people (more than one-third of the population).<sup>15</sup> Hundreds of thousands of people in rural areas are entirely dependent on food assistance carried out by international agencies. The humanitarian situation has also been compounded by the deteriorating economic situation in the country with official inflation at around 2.2 million percent.<sup>16</sup> According to the World Food Program, crop production in Zimbabwe decreased by 28 percent from last year.<sup>17</sup> In addition, local humanitarian agencies informed Human Rights Watch that months of violence in the rural provinces had contributed to decreased crop production.

Human Rights Watch reports in 2003 and 2005 documented how food assistance was used as a political weapon and denied to suspected supporters of Zimbabwe's main opposition party and to residents of former commercial farms resettled under the country's "fast-track" land reform program.<sup>18</sup> Human Rights Watch believes that the government's suspension of humanitarian assistance by local and international humanitarian agencies is yet another attempt by the government to control food aid distribution around the country and deny assistance to those it perceives as supporting the MDC.

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<sup>14</sup> Human Rights Watch telephone interviews with representatives of two local humanitarian agencies, Harare, August 4, 2008.

<sup>15</sup> World Food Program, Zimbabwe country page, [http://www.wfp.org/country\\_brief/indexcountry.asp?country=716](http://www.wfp.org/country_brief/indexcountry.asp?country=716), (accessed August 11, 2008).

<sup>16</sup> "Official Zimbabwe Inflation at 2.2 million percent," Associated Press, July 17, 2008, <http://ap.google.com/article/ALeqM5g2RPSaqbbqphRvYYIaUsAV27LZwD91VM5Ooo>, (accessed August 11, 2008).

<sup>17</sup> World Food Program, Zimbabwe country page, [http://www.wfp.org/country\\_brief/indexcountry.asp?country=716](http://www.wfp.org/country_brief/indexcountry.asp?country=716), (accessed August 11, 2008).

<sup>18</sup> Human Rights Watch, *Not Eligible: The Politicization of Food in Zimbabwe*, October 2003, <http://www.hrw.org/reports/2003/Zimbabwe1003/>; Human Rights Watch, *Not a Level Playing Field: Zimbabwe's Parliamentary Elections in 2005*, March 2005, <http://hrw.org/backgrounder/africa/zimbabwe0305.pdf>.

## Extrajudicial Killings Prior to the Presidential Runoff

ZANU- PF and its allies were implicated in the killing of at least 60 MDC activists in June 2008 alone. Thirty-two people were killed after June 27 and two more were killed after the signing of the Memorandum of Understanding on July 21.<sup>19</sup> To the best of Human Rights Watch's knowledge at the time of writing, no arrests have been made nor have the authorities questioned any witnesses in any of the cases documented in this report.

### *Archiford Chipiyo – Son of MDC Councilor Philimon Chipiyo, Ward 19, Unit F, Chitungwiza*

Philimon Chipiyo's son and two friends were killed by a group of alleged ZANU-PF supporters who attacked his home on June 18. Chipiyo told Human Rights Watch:

At around 10 p.m., about 30 ZANU-PF youths came to my house. They were singing songs denouncing the MDC and myself as the newly elected councilor for my ward. I was inside the house with my family and several relatives and about 10 youths from our party. They [the ZANU-PF supporters] started shouting abuses saying the MDC will never rule Zimbabwe and that I am a mere dog for the white man... When the ZANU-PF youths saw that there were many [MDC] youths and relatives coming out of my house they retreated and disappeared in the darkness. At around 11 p.m. more than 200 ZANU-PF supporters and youths came to the house again singing war songs. This time they had four trucks without registration number plates and a commuter bus. Immediately, those on foot scaled the wall of my house and started throwing stones on the roof. I got my family to get out of the house and scale the wall at the back to escape the attack. My son Archiford and two of his friends decided to stay in the house and defend our property. One of the advancing ZANU-PF youth threw a petrol bomb inside one of the rooms and set it ablaze. Everything in the room was destroyed by the fire. They used their truck to ram down the wall and all the people rushed inside.

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<sup>19</sup> Human Rights Watch Interview with local NGOs, Harare, July 29, 2008.

My son and his two friends locked themselves inside one of the rooms but ZANU-PF youths broke down all the window panes and doors in the house and entered the room where the three young men were hiding. We were watching helpless from a distance when they began to assault the young men using iron rods. After assaulting them they shot them in the head, three times each. They were using AK-47 [military assault] rifles. We attempted to rescue my son and his friends but the attackers fired at us and narrowly missed me. We were forced to retreat. After that we saw them take the bodies to a crèche [nursery school] nearby, where they used axes to crush their heads. They killed all three men: Archiford my son, 28, Ngoni Knight, 27, and Yona Gent, 22. A fourth victim was a young man who just happened to be passing by through my street at the time. No one knows who he is and up to now the body is still at the mortuary at Harare hospital.<sup>20</sup>

The councilor provided Human Rights Watch with a post-mortem report that was conducted and written by a government doctor at the request of the police. The postmortem indicated the cause of death for all the victims as skull fractures and head injuries due to gunshot wounds.

*Gibbs Chironga – MDC Councilor, Chiweshe*

Gibbs Chironga was killed by a group of 150 armed ZANU-PF supporters, youth militia and “war veterans” on June 20. His brother Hilton Chironga, who witnessed the killing and was himself shot and subjected to vicious beatings by the ZANU-PF gang, told Human Rights Watch:

It was early in the morning around 8 a.m. when they came to our home. They approached from different directions and completely surrounded the house. I was in the house with my brother Gibbs, who had been elected MDC councilor for our ward during the March 29 elections, my sister Sandra, my mother Nelia, and my nephew Frank. About 20 people in the group were armed with AK-47 rifles and pistols. My

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<sup>20</sup> Human Rights Watch interview with Philimon Chipiyo, Chitungwiza, July 6, 2008.

brother Gibbs kept a pistol in the house for protection because of the threats he was getting. When the people demanded that we come out of the house with hands raised my brother led us out and fired four warning shots in the air. However, ZANU-PF militia continued to advance. Three of the militia then fired at my brother and shot him in the left shoulder and both legs. He collapsed. They also shot me in the left thigh and I fell. We were all ordered to lie down and they began to beat us on the shoulders, back and buttocks with wooden sticks. Before beating us they dipped the sticks and tree branches into an herbicide known as paraquat, which is used to kill weeds in tobacco fields. Then they used the wet sticks dripping poison to beat us. They were shouting that we were “traitors” and they beat us all up, including my 70-year-old mother.<sup>21</sup>

The group of ZANU-PF supporters and “war veterans” later took the five victims to a ZANU-PF rally and paraded them before the crowd. One of the ZANU-PF leaders allegedly asked for a volunteer in the crowd to get a gun and execute Gibbs Chironga as an example to “all traitors of how MDC dogs were treated.” Hilton Chironga told Human Rights Watch:

Immediately some youths started beating us with iron bars and my mother passed out. A member of the group volunteered to execute my brother. He took a rifle [identified by Hilton as an AK-47] and forced my brother to sit upright before shooting him seven times in the chest and head. I fainted and my mother fainted again.<sup>22</sup>

Hilton Chironga also witnessed the execution of two other MDC activists by ZANU-PF supporters at the same time as his brother. He identified one of the victims as Hama Madamombe, a well-known MDC activist in the area.

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<sup>21</sup> Human Rights Watch interview with Hilton Chironga, Harare, June 30, 2008.

<sup>22</sup> Ibid.

Hilton Chironga's ordeal and that of his mother and sister did not end with the killing of his brother. He told Human Rights Watch:

We were later put on a truck and driven to a base at Tetra Commercial Farm together with the bodies of my brother and the two other victims. They dumped their bodies at Tetra farm. We were put in an open area and ordered to drink paraquat poison, which they told us would finish us off. As they forced us to drink the poison I shouted to my mother and sister not to swallow the poison. However my neighbor (who was Hama Madamombe's brother) did not hear the warning and swallowed the poison. Four of us were forced to drink the poison, myself, my mother, my sister and Madamombe. Afterwards they said, "Let us leave them here to die. We shall collect the bodies after a week." After they left my sister managed to crawl and call for help.<sup>23</sup>

Hilton Chironga and his mother were taken to Harare hospital and his sister was admitted at Mvurwi hospital. The police did not look for the assailants but arrested Hilton Chironga, his mother and sister on charges of public violence. His sister, upon being discharged from hospital, was immediately arrested and taken to Bindura police station. Hama Madamombe's brother later died in the hospital, according to Chironga, as a result of the poison he was forced to drink.

Nelia Chironga, the 70-year-old mother of Gibbs and Hilton, told Human Rights Watch:

I am an old woman and they beat me like a dog, no, a wild animal. They insulted me; they beat me on the back and in the ribs. My only crime was that my son was an MDC councilor. I am in great pain. The poison badly affected me. I am old and may not recover from this experience. Now my son is in the mortuary, I am unable to bury him. I will not be there when he is buried, if he is buried. I regret being alive.

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<sup>23</sup> Ibid.



My life is ruined, my home is destroyed and my son's life was taken in cold blood.<sup>24</sup>

*Abigail Chiroto – Wife of MDC Councilor Emmanuel Chiroto, Harare*

Abigail Chiroto, 27, and her four-year-old son were abducted from their home by a group of alleged ZANU- PF militia on June 16. The alleged kidnappers later abandoned Chiroto's son at a nearby police station unharmed. Abigail Chiroto's body was eventually found on a farm in Borrowdale, Harare. Emmanuel Chiroto's nephew Jim Rudairo, who spoke to neighbors who witnessed the abduction of Chiroto's son, spoke to Human Rights Watch about the abduction and killing:

The ZANU-PF militia went to my uncle's house looking for him. When they failed to find him they petrol-bombed the house and took his wife and son. The abductors abandoned the boy at Borrowdale police station unharmed, but two days later Abigail's body was found at a farm in Borrowdale. My uncle is in hiding and was not even able to bury his wife as the people who killed his wife may still be looking for him. The police are not offering any protection; in fact they have been harassing well-wishers who came to bury Abigail. We buried Abigail on June 25. No one witnessed her murder but her skull was crushed and we have no idea what instrument was used.<sup>25</sup>

**Politically Motivated Arrests, Detentions and Police Harassment of MDC MPs**

Between March 29 and June 27, 2008, the police brought criminal charges against up to 20 newly elected MDC MPs and senators. Some are in detention, some have been released with charges pending, and others are in hiding, wanted by the police. Human Rights Watch believes that many of the charges are politically motivated, and designed to instill fear in the minds of the MPs and prevent them from taking their seats in the House of Assembly and Senate.<sup>26</sup>

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<sup>24</sup> Human Rights Watch interview with Nelia Chironga, Harare, June 30, 2008.

<sup>25</sup> Human Rights Watch interview with Jim Rudairo, Harare, June 28, 2008.

<sup>26</sup> Constitution of Zimbabwe, 1979. Sections 41, 42 and 43 of the Constitution provide that a member forfeits his or her seat if absent from 21 consecutive sittings during any session without the leave of the Senate or the House of Assembly, and if the House concerned resolves, by the affirmative votes of more than one-half of its total membership, that seat shall become

*Ian Kay – MDC MP for Marondera Central Constituency*

Ian Kay spent two weeks in remand prison on charges of inciting political violence. Police first issued an arrest warrant against him on May 7 and arrived at his home on May 14 to carry out the search. The police informed Kay that they wanted to search his property because he was “allegedly taking pictures of a political nature and sending them outside the country.” When they did not find what they were looking for, the police told Kay to report to Marondera police station on May 20. Kay complied, went to the station and after several hours was told that he would be detained, even though police did not initially bring any charges against him.

Eventually Kay was charged with inciting violence in rural Marondera. He was denied bail and remanded in custody for five days at St. Thomas prison in Marondera. Police later transferred him to Murehwa prison where he spent another week before being released on bail. A hearing for Kay’s case was scheduled for August 4, 2008. He told Human Rights Watch:

I was granted bail under strict conditions. I had to surrender my passport and have to report to the police station twice a week. I am now being followed. On at least two occasions I discovered that I was being followed by a black Mercedes-Benz with four male occupants inside. I do not know who these people are or their business and I fear for my life. There has been too much abduction targeting MDC activists. I no longer sleep at my house.<sup>27</sup>

On August 4, Ian Kay appeared in court where his lawyers applied for the case to be dismissed. The ruling in the matter was reserved. Kay’s lawyers requested the court to relax Kay’s bail conditions and return his passport, but the court refused to do so in an August 6 ruling. Kay is due back in court on August 19.

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vacant. Section 42 provides that a member automatically loses his or her seat if convicted and sentenced to death or imprisonment for six months or more. Section 43 provides for expulsion of a convicted MP sentenced to a lesser sentence, if the House concerned decides by a vote of at least two-thirds of its total membership that the MP is unfit to continue in office.

<sup>27</sup> Human Rights Watch interview with Ian Kay, Harare, July 10, 2008.

*Eric Matinenga – MDC MP for Buhera South Constituency*

When a regiment of the army unleashed violence in Buhera against MDC supporters, Eric Matinenga took the Zimbabwe National Army to court and secured a provisional high court order directing the army to cease all violence and confine their work to their constitutional mandate of protecting civilians.<sup>28</sup> The police then arrested Matinenga on May 31, 2008 on charges of public violence. He was detained for 72 hours without being brought before a court of law, in violation of Zimbabwe's laws, which require an accused to be brought before a court within 48 hours of arrest. Matinenga's lawyers challenged his continued arrest as unlawful, contending that his arrest was politically motivated and a form of persecution and retribution because he had taken the army to court.

On June 5, after Matinenga had spent four days in custody, the court ruled that there were no grounds for placing Matinenga on remand since facts presented before the court by the police failed to disclose any offense. He was released only to be re-arrested on June 7, but now on a charge of inciting public violence. On June 8 his lawyers made an urgent High Court application to have Matinenga released. The order was issued but the police defied the court order. Matinenga was only released on June 24 under stringent bail conditions requiring him to report daily to the Rhodesville police station in Harare. Matinenga is due back in court in on August 18, 2008. His lawyer, Trust Maanda of the Zimbabwe Lawyers for Human Rights, told Human Rights Watch:

This is a clear case of persecution of Advocate Matinenga, which is by no means unique to him. Many MDC leaders are facing similar persecution of being arrested and detained on fabricated charges and hauled before courts to go through lengthy, costly and utterly meaningless trials. In the case of Eric Matinenga I noticed that the police were working in cahoots with the army and were actually receiving instructions from the army on the arrest of Matinenga and what charges to prefer against him.<sup>29</sup>

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<sup>28</sup> Case no: HC2624/08, May 19, 2008, on file with Human Rights Watch.

<sup>29</sup> Human Rights Watch telephone interview with Trust Maanda, London, August 6, 2008.

*Shepherd Mushonga – MDC MP for Mazowe Central Constituency*

Shepherd Mushonga won his seat in Mazowe Central constituency in Mashonaland Central, a predominantly ZANU-PF area. His constituency has seen some of the highest levels of government-perpetrated violence since March 29. At the time he spoke with Human Rights Watch, Mushonga was wanted by the police on charges of causing political violence and was in hiding. He told Human Rights Watch:

The attacks are particularly brutal in Mashonaland Central. After my victory all hell broke loose. The most gruesome murders and beatings took place in my constituency. At Nzvimbo Growth Point there is a very big and notorious base where abducted people are kept. Armed ZANU-PF thugs are patrolling and terrorizing people. The police are part of the state machinery deployed by ZANU-PF to destroy the MDC so they cannot help us. I have to live in hiding and at the same time try to help people in my constituency who look up to me.<sup>30</sup>

*Pineal Denga – MDC MP for Mbare Constituency, Harare*

Pineal Denga is wanted by the police on charges of political violence. At the time he talked with Human Rights Watch, he was in hiding. He spoke about the continued harassment that he and other MDC MPs have faced since March 29:

Harassment of MDC MPs has not abated. ZANU-PF's objective is to reduce the MDC's majority in parliament by any means necessary. Firstly by election petitions challenging MDC victories in court, but also by creating conditions for by-elections in as many constituencies that the MDC has won as possible, either through arrests or even killings of elected MDC MPs. Only last Friday on July 4, police stormed an MDC national council meeting at Mandel Training Centre in Harare. They told those manning the reception that they were aware that an MDC meeting was going on and they wanted to arrest me and Mashonaland East Provincial Youth Chairperson Samuel Kamundarira. We were warned and had to scale the fence at the back of the complex to make

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<sup>30</sup> Human Rights Watch interview with Shepherd Mushonga, Harare, July 1, 2008.

our escape. The police were in plain clothes, eight of them armed with rifles and pistols. I have no idea why the police want to arrest me. I am tired of living in hiding, feeling helpless and unable to work in my constituency to improve the lives of people who voted me into office. I am staying in the bush, not working and being hunted by ZANU-PF thugs day and night. We are fugitives in our own country.<sup>31</sup>

## **Attacks and Beatings**

In the days before the June 27 runoff, many MDC activists were abducted and brutally beaten and tortured by ZANU-PF supporters, youth militia and “war veterans.” Their families were also victimized and subjected to similar torture and beatings.

### *Harrison Mudzuri – MDC MP for Zaka Central Constituency*

On June 24, a group of armed soldiers and ZANU-PF youths attacked the home of Harrison Mudzuri. Mudzuri told Human Rights Watch:

The armed soldiers and ZANU-PF youths arrived at my home at around 4 a.m. and cut the fence to gain entry. They shot a security guy guarding the house. They shot him twice, once in the left thigh and the other in the right thigh. Many shots were fired; after they had gone, we recovered 54 empty spent bullet shells from what we believe were AK-47 rifles. Seven people were beaten and seriously injured including my 80-year-old father. They destroyed all our household property and stole whatever they could. The house was left bare. Everything was destroyed.<sup>32</sup>

### *Ernest Jena – Lawyer Representing the MDC, Bindura*

Ernest Jena, a lawyer who had represented MDC activists in Bindura, Mashonaland Central province, was abducted on June 24 by ZANU-PF activists, and spent two days

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<sup>31</sup> Human Rights Watch interview with Pineal Denga, Harare, July 10, 2008.

<sup>32</sup> Human Rights Watch interview with Harrison Mudzuri, Harare, July 5, 2008.

in their custody without food and water before they released him. Jena was subjected to numerous beatings and assault over the two days.

On the morning of June 24, six unknown men wearing ZANU-PF t-shirts visited Jena's offices in Bindura and demanded to see him outside the offices. When Jena informed the men they would have to make an appointment, the men grabbed him and forced him into a green car which had several ZANU-PF stickers on its sides. The men drove about 10 kilometers outside of Bindura before they stopped in a secluded area and assaulted Jena. He told Human Rights Watch:

They forcibly removed my pants and proceeded to beat me on the buttocks and on my back using thick tree branches. It lasted for 30 minutes and they ordered me to surrender all MDC materials. When I told them that I did not have any MDC materials they said I was being uncooperative and that they were going to teach me a lesson. They put me in the back of the car, drove towards Bindura and handed me over to a ZANU-PF gang leader who is well known in Bindura for beating and killing people opposed to ZANU-PF. He was brandishing an AK-47 rifle and ordered me to get in the car with him. He was in the company of three others who were also wearing ZANU-PF regalia. They drove me to some unknown place along Chiweshe communal farming area. Again I was ordered to lie prone on my stomach and they started beating me on the buttocks with wooden sticks and sjamboks. I was told I was a sell out for being an MDC lawyer and I had to die for that.<sup>33</sup>

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<sup>33</sup> Human Rights Watch interview with Ernest Jena, Harare, July 3, 2008.

## Addressing Impunity

The current negotiations meant to lead to a transitional or power-sharing agreement will not ensure an end to the violence in Zimbabwe. The government of Zimbabwe at the highest levels is responsible for numerous, systematic human rights violations. As highlighted in this report and in *“Bullets for Each of You”: State-Sponsored Violence since Zimbabwe’s March 29 Elections*, ZANU-PF, the military and government-backed militia forces, have committed and continue to commit serious crimes with the apparent knowledge and at times the involvement of senior government, military and ruling party officials. The extent to which the highest levels of the government, including President Mugabe, are responsible for ordering crimes or as a matter of command responsibility remains to be investigated.

The refusal of the Zimbabwean government to prosecute politically motivated crimes reflects the country’s longstanding history of impunity for perpetrators of human rights abuses. Human Rights Watch strongly believes that accountability for serious past crimes is the foundation for a durable transition and Zimbabwe’s longer term political stability based on the rule of law and respect for human rights. Impunity for atrocities committed in the past sends the message that such crimes may be tolerated in the future. Ending political strife and obtaining justice for past abuses should be seen as complementary, not contradictory, objectives.

Any future government in Zimbabwe will need to address the issue of accountability for past and recent human rights violations by government officials, including at the highest levels. Independent, impartial and transparent investigations and prosecutions in accordance with international fair trial standards are a necessary component to finding justice and ending Zimbabwe’s long political nightmare.