



January 2011

country summary

## Zimbabwe

Two years into Zimbabwe's power-sharing government, President Robert Mugabe and the Zimbabwe African National Union- Patriotic Front (ZANU-PF), have used violence and repression to continue to dominate government institutions and hamper meaningful human rights progress. The former opposition party, the Movement for Democratic Change (MDC), lacks real power to institute its political agenda and end human rights abuses.

The power-sharing government has not investigated widespread abuses, including killings, torture, beatings, and other ill-treatment committed by the army, ZANU-PF supporters, and officials against real and perceived supporters of the MDC.

### Political Violence during Constitutional Outreach Program

In 2010 the power-sharing government began a series of community outreach meetings called the Constitutional Outreach Program to elicit popular views on a new constitution. However, the meetings were marked by increasing violence and intimidation, mainly by ZANU-PF supporters and war veterans allied to ZANU-PF. In February police disrupted MDC-organized preparatory constitutional reform meetings, beat participants, and arbitrarily arrested 43 people in Binga, 48 in Masvingo, and 52 in Mt. Darwin. The violence worsened in Harare, the capital, and led to the suspension of 13 meetings in September.

On September 19, ZANU-PF supporters attacked MDC supporters and prevented some from attending an outreach meeting in Mbare, Harare. The meeting ended when violence broke out. ZANU-PF supporters and uniformed police assaulted 11 residents and MDC supporters from Mbare with blunt objects as they left the meeting. One resident, Chrispen Mandizvidza, died from his injuries on September 22.

### Human Rights Violations in Marange Diamond Fields

Diamond revenue, particularly from the Marange diamond fields in eastern Zimbabwe, is providing a parallel source of revenue for ZANU-PF and its repressive state apparatus. Companies with connections to ZANU-PF are mining diamonds in Marange, where military control and abuses continue. Corruption is rife, and smuggling of diamonds by soldiers in

the fields is prolific. The diamond revenues continue to benefit a few senior people in the government and their associates rather than the people of Zimbabwe. Soldiers continue to perpetrate abuses in Marange, including forced labor, beatings, and harassment, which Zimbabwe's government has failed to investigate or prosecute.

State security agents have harassed local civil society organizations attempting to document smuggling and abuses in the fields. On June 3, police arrested Farai Maguwu, the head of the Centre for Research and Development, after he provided sensitive information on the activities of soldiers in the fields to Abbey Chikane, a monitor appointed by the Kimberley Process Certification Scheme, an international body that oversees the diamond trade (also known as the Kimberley Process). Police also beat, arrested, and detained members of Maguwu's family. Maguwu was charged with "communicating and publishing falsehoods against the State with the intention to cause prejudice to the security or economic interests of the country" under section 31 of the Criminal Law (Codification and Reform) Act.

The Kimberley Process has struggled to address state abuses in the fields. It's mandate narrowly defines "blood diamonds" as those mined by abusive rebel groups, not abusive governments. In November 2010, at their annual meeting in Jerusalem, Israel, Kimberley Process members failed to reach a consensus on whether Zimbabwe should be allowed to resume exports of diamonds from parts of the Marange diamond fields. However, Zimbabwe threatened to go ahead with diamond exports, arguing that it had met the minimum standards required by the Kimberley Process.

## **Media Freedom and Freedom of Expression**

With ZANU-PF still in control, the power-sharing government continues to use an arsenal of repressive legislation and unlawful tactics to restrict the right to freedom of expression, and harass and punish critical journalists. While the government has lifted restrictions on the international media and allowed independent local daily papers to resume operations, it has not reformed media-related laws as promised. It has also not reviewed criminal defamation laws that impose severe penalties, including prison terms, on journalists. The government continues to block free expression through senior officials aligned to ZANU-PF and partisan state security agents.

Journalists and media practitioners routinely face arrest for allegedly violating the state's repressive media laws. On January 17, police arrested Barnabas Madzimore and Fortune Mutandiro, two directors of a distribution company for *The Zimbabwean*, a weekly newspaper published in South Africa and distributed in Zimbabwe. The police questioned

them for two hours about the operations of the newspaper and then released them. On February 11, they were charged as accomplices in "publishing falsehoods prejudicial to the state" in violation of the Criminal Law (Codification and Reform) Act.

Journalists and media outlets have also been subjected to threats and harassment from the authorities and security forces, creating major obstacles to reporting on Zimbabwe's political system and continuing abuses by ZANU-PF. On January 16 freelance journalist Stanley Kwenda was forced to flee the country, following death threats from a senior police officer. The death threats were prompted by a story that Kwenda wrote for *The Zimbabwean*. The story reported that a named senior police officer had barred Prime Minister Morgan Tsvangirai from visiting police stations across the country.

In an example of restrictions on freedom of expression, police arrested artist Owen Maseko on March 26 after he displayed an exhibition that portrayed massacres that took place in Matabeleland in the 1980s, allegedly carried out by troops loyal to President Mugabe. Maseko was initially arrested on charges of violating section 33 of the Criminal Law (Codification and Reform) Act for insulting or undermining the authority of the president. The charges were later altered to section 31 of the same act which deals with the publication of false statements prejudicial to the state. Maseko spent four days in police custody before he was released on bail, and is awaiting trial at this writing.

## Human Rights Defenders

The working environment for human rights defenders continues to be restrictive. For example, 83 men and women from the group Women of Zimbabwe Arise were arrested in Harare on September 20 as they demonstrated against the lack of professionalism by the Zimbabwean police. The group was detained at the Harare Central Police Station for two days. On September 22 they were charged with criminal nuisance under the Criminal Law (Codification and Reform) Act and released on free bail.

In a raid at the offices of the organization Gays and Lesbians of Zimbabwe (GALZ) on May 21, police arrested staff members Ellen Chadenama and Ignatius Mhambi, charging them with possession of "obscene, indecent or prohibited articles" and confiscating educational material. On May 24 a Zimbabwean magistrate's court added the charge of "undermining authority of or insulting [the] president" because the GALZ office displayed a placard that made a critical reference to President Mugabe. Two days later police searched the house of the acting director of GALZ, confiscating his birth certificate, several GALZ magazines, books, and business cards. Chadenama and Mhambi spent six days in detention before they were released on bail; they

pleaded not guilty to the charges. Mhambi and Chadenama reported that they were physically assaulted by the police while in custody. Mhambi said that police hit him with empty glass bottles on his knees. The arrests, which Human Rights Watch considers to be politically motivated, occurred shortly before the opening of the Constitutional Outreach Program, through which GALZ is seeking to remove discriminatory provisions and secure constitutional protections for lesbian, gay, bisexual, and transgender people. The trial is ongoing at this writing although Mthambi has been acquitted of the first charge.

## **Rule of Law**

In a worrying development for respect for the rule of law, heads of state of the Southern African Development Community (SADC), at their annual summit in August, upheld Zimbabwe's objections to the jurisdiction of the SADC Tribunal. Zimbabwe formally withdrew from the tribunal, arguing that the court did not exist by law. In 2008 the tribunal ruled in favor of 79 white commercial farmers who took the government to the tribunal in a bid to block the compulsory acquisition of their farms by the state, and has made a number of other rulings against the state. Zimbabwe's courts have refused to enforce rulings by the tribunal.

## **Key International Actors**

The South African government deepened its engagement with the power-sharing government, but failed to make full use of its leverage to ensure meaningful human rights improvements. Despite visiting the country several times, President Jacob Zuma and his mediation team have failed to engage the power-sharing government on critical issues that include cessation of human rights abuses, institutional reform targeting constitutional and electoral processes, as well as security sector reform.

Instead Zuma and other heads of state from the SADC community have called for the lifting of targeted sanctions against President Mugabe and his inner circle, arguing that these were a major obstacle to the progress of the power-sharing government. In September SADC announced that it had asked for regional leaders to embark on a tour of the United States and European Union calling for the lifting of sanctions. In the absence of meaningful progress, the US and the EU have maintained targeted sanctions on Mugabe and others within his government.