



Home Office

Country Information and Policy Note

Zimbabwe: Opposition to the government

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Preface

This note provides country of origin information (COI) and policy guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the policy guidance contained with this note; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this note has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Policy guidance

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1. Introduction

1.1 Basis of claim

1.1.1 A fear of persecution or serious harm by the state or its proxies because of the person's actual or perceived involvement in political opposition activities against the government.

1.2 Points to note

1.2.1 Actual or perceived involvement in political opposition activities includes: members or supporters of political parties, protestors, journalists, civil society activists and teachers.

1.2.2 People who may be considered as proxies of the state include the Zimbabwe National Liberation War Veterans Association ('the War Veterans'), the Youth Brigades and ZANU-PF members.

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2. Consideration of issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Assessment of risk

a. Opposition party members

2.2.1 In the case of [CM \(EM country guidance; disclosure\) Zimbabwe](#), heard October 2012 and promulgated January 2013, (which modified the Country Guidance in of [EM & others \(Returnees\) Zimbabwe](#), heard October 2010/January 2011 and promulgated March 2011) the Upper Tribunal concluded that as a general matter, there is significantly less politically motivated violence in Zimbabwe compared with the situation considered by the AIT in [RN \(Returnees\) Zimbabwe](#), heard September/October 2008 and promulgated November 2008. In particular, the evidence does not show that, as a general matter, the return of a failed asylum seeker from the United Kingdom, having no significant MDC profile, would result in that person facing a real risk of having to demonstrate loyalty to ZANU-PF [para 215 (1)].

- 2.2.2 [CM](#) also noted that a person without ZANU-PF connections returning from the United Kingdom after a significant absence to a rural area of Zimbabwe, other than Matabeleland North or Matabeleland South, may well find it difficult to avoid adverse attention, amounting to serious ill-treatment, from ZANU-PF authority figures and those they control. The adverse attention may well involve a requirement to demonstrate loyalty to ZANU-PF, with the prospect of serious harm in the event of failure. Persons who have shown themselves not to be favourably disposed to ZANU-PF are entitled to international protection, whether or not they could and would do whatever might be necessary to demonstrate such loyalty (RT (Zimbabwe)) [para 215 (2)].
- 2.2.3 However, the Tribunal in [CM](#) also found that in general those returning to rural areas of Matabeleland North or Matabeleland South would be highly unlikely to face significant difficulty from ZANU-PF elements, including the security forces, even if the returnee is a MDC member or supporter. A person may, however, be able to show that his or her village or area is one that, unusually, is under the sway of a ZANU-PF chief [para 215 (4)].
- 2.2.4 Those returning to all other rural areas from the UK without ZANU-PF connections after a significant absence would face a real risk of persecution because of a continuing risk of being required to demonstrate loyalty to ZANU-PF, with the prospect of serious harm in the event of failure. However, the situation is not uniform across the relevant rural areas and there may be reasons why a particular individual, although at first sight appearing to fall within [this category], in reality does not do so. For example, the evidence might disclose that, in the home village, ZANU-PF power structures or other means of coercion are weak or absent [para 215 (2) and (3)].
- 2.2.5 With regard to urban areas, primarily Harare and Bulawayo, [CM](#) found that a returnee to Harare will face difficulties living in high density areas not faced by those living in other urban areas and those persons perceived to be active in MDC politics may face the risk of targeted reprisals (para 100 referencing para 200 of [EM](#)). However in such areas, in general a person without ZANU-PF connections will not face significant problems unless he or she has a significant MDC profile, which might cause him or her to feature on a list of those targeted for harassment, or would otherwise engage in political activities likely to attract the adverse attention of ZANU-PF, or would be reasonably likely to engage in such activities, but for a fear of thereby coming to the adverse attention of ZANU-PF. A returnee to a low or medium density area in Harare will, however, in general face no significant difficulties. [para 215 (5)]. Returnees to Bulawayo will in general not suffer the adverse attention of ZANU-PF, including the security forces, even if he or she does have a significant MDC profile [para 215 (6)].
- 2.2.6 The situation in Zimbabwe has changed since [CM](#) was promulgated in 2013. The MDC splintered again in 2014/15, boycotted every by-election in 2015 and is less of a political force than it was when EM and CM were heard. A person's MDC profile may no longer be seen as having a relevant significance as the party has changed considerably following its splits and identity changes (see country information: [political opposition](#) and [treatment of those opposing the government](#)).

- 2.2.7 However, the largest MDC faction – the MDC-T – remains the main opposition party and some of its members, along with those of the new political party – People First, lead by the former ZANU-PF vice president, Joice Mujuru – have been subject to harassment, discrimination, arbitrary arrest, abduction and physical abuse.
- 2.2.8 The Zimbabwe Police Force is highly politicised and there are reports of people being arrested for political reasons but most are held for one or two days and then released. However, there are reports of some opponents being tortured or otherwise abused in detention. ZANU-PF critics are prosecuted for insulting the president and people are arrested for online activities perceived as inciting public violence. Politically motivated violence does occur, but tends to fluctuate, often peaking, in particular, around elections (both local and national) (see [curbs on freedom of expression, including state sponsored violence, arrest and detention](#)).
- 2.2.9 It would be for a person to show why they would be targeted for arrest or abuse on return to Zimbabwe
- b. [Distribution of food aid and demolition of “illegal” housing](#)
- 2.2.10 The government is now facing a less defined challenge to its authority as it struggles to manage the economy and provide food for the whole country. It is manipulating the distribution of food aid and agricultural products, favouring government supporters, and demolishing “illegal” households in densely populated areas in an attempt to dilute the political opposition and harass people. These demolitions are most prominent in Mashonaland Central and high density areas in Harare. Such treatment, though, would not be enough to establish a claim to asylum (see [distribution of food and agricultural products](#) and [demolition of housing](#)).
- c. [Demonstrations against the government](#)
- 2.2.11 Demonstrations about the government’s mismanagement of the economy are seen by the authorities as politically motivated even though people without strong political views are taking part, many having been inspired by social media groups. The police sometimes use excessive force to disperse demonstrators and people have been arrested under public order offences, but are generally released within a few days, although there have been reports of longer detentions (see [social media inspired groups](#) and [protests and demonstrations](#)).
- 2.2.12 It is unlikely that someone will be at risk on return purely for having taken part of the demonstration. Those organising a demonstration may be at risk, however, if the government perceives them to be a political agitator, although this will depend on their profile, activities and past experiences with the authorities (see [social media inspired groups](#) and [protests and demonstrations](#)).
- d. [Human rights defenders and members of civil society organisations](#)
- 2.2.13 The authorities use various legal restrictions to make life difficult for civil society organisations who they perceive as being critical of the government. Despite this, harassment, arbitrary arrest and enforced disappearance have declined over recent years. It is now likely to be those prominent members

with a high profile who are particularly vocal in their criticism of the government who may be at risk of serious harm or persecution (see [treatment of civil society groups](#)).

e. Journalists

- 2.2.14 Despite threats from the government, the independent press continued to operate. Journalists are sometimes subject to harassment, arrest and detention (see [treatment of journalists](#)).
- 2.2.15 It would be up to the person to show that they would be at risk of serious harm or persecution on return to Zimbabwe, based on their profile and the nature and content of their writing.

f. Teachers

- 2.2.16 In the country guidance case of [CM](#), the Upper Tribunal found that those who are, or have been, a teacher are at a heightened risk of ill treatment [para 215 (10)].
- 2.2.17 However, recent country information indicates that the situation has changed considerably for teachers. Violence has reduced and they are now subject only to a low level of official discrimination in the form of job losses, particularly around election time (see [treatment of teachers](#)).
- 2.2.18 It is unlikely that a teacher would be able to demonstrate that on return to Zimbabwe they would face persecution amounting to serious harm, but each case must be considered on its individual facts.
- 2.2.19 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.3 Protection

- 2.3.1 As the person's fear is of persecution or serious harm at the hands of the state or proxies of the state, they will not be able to avail themselves of the protection of the authorities (see [state security apparatus](#)).
- 2.3.2 For further information on assessing the availability or not of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Internal relocation

- 2.4.1 Although the person's fear is of persecution/serious harm at the hands of the state they may be able to relocate to mitigate that risk provided that the relocation would not be unduly harsh.
- 2.4.2 As stated by the Upper Tribunal [CM](#), what is a person's home for the purposes of internal relocation is to be decided as a matter of fact and is not necessarily determined by reference to the place a person regards as his or her rural homeland [para 215 (7)].
- 2.4.3 [CM](#) specifically found that as a general matter, it is unlikely that a person with a well-founded fear of persecution in a major urban centre such as Harare will have a viable internal relocation alternative to a rural area in the

eastern provinces if they have no connection there [para 215 (7)]. Harare or Bulawayo may be a more realistic option for relocation of a person facing risk of persecution in rural Zimbabwe as long as such relocation would not be unduly harsh on the facts of the individual case [para 215 (8)].

- 2.4.4 The Upper Tribunal in [CM](#) also noted that relocation to Matabeleland (including Bulawayo) may be unduly harsh because of the risk of discrimination, where the returnee is Shona [para 215 (7)].
- 2.4.5 However, the UT in [EM](#) also recognised that in previous decades there was a significant pattern of migration of Shona to Bulawayo in search of work, and that, as a result, some 20% of the population of that city is Shona. It would, accordingly, not be necessary for the newcomer to speak Ndebele, in order to get by in Bulawayo, although linguistic problems may be relevant in determining the issue of whether it would be unreasonable or unduly harsh for such a person to live in that city [para 225].
- 2.4.6 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#)

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2.5 Certification

- 2.5.1 Where a claim is refused, it is unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.5.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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3. Policy summary

- 3.1.1 While political parties, civil society and the media continue to operate, the government makes it difficult for these groups to function and tightly controls the space within which people can openly express opposition to, or criticism of, the state.
- 3.1.2 A person returning to rural areas of Zimbabwe (other than rural Matabeleland North or Matabeleland South) with a high profile and who is perceived by the government to be critical of it may be subject to treatment amounting to persecution or serious harm. This could include members of the MDC-T, People First and other opposition groups, human rights defenders, members of civil society organisations and journalists. The onus will be on the person to show that their position within a party or organisation or their activities are such that they have come to the adverse attention of the authorities which will place them at risk on return.
- 3.1.3 Those people returning to Bulawayo or Harare are unlikely to face persecution or serious harm unless they have a significant anti-government profile and are returning to a high density area of Harare.
- 3.1.4 People who took part in the protests against the government’s management of the economy may have been fired upon, arrested or experienced other heavy-handed treatment by the police during the demonstrations. However,

it is not likely that the authorities would have a continuing adverse interest in the person merely because of their presence at a protest. Each case must be considered on its own facts and merits.

- 3.1.5 Those at risk are unlikely to be able to access effective state protection.
- 3.1.6 Internal relocation may be a viable option to mitigate any risk, provided that the relocation would not be unduly harsh.
- 3.1.7 Claims are unlikely to be certifiable as clearly unfounded.

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4. The political landscape

4.1 Brief Overview

4.1.1 Zimbabwe is a unitary republic comprising ten provinces (Harare, Bulawayo, Manicaland, Mashonaland Central, Mashonaland East, Mashonaland West, Masvingo, Matabeleland North, Matabeleland South and Midlands)¹.

4.1.2 The Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe' [DFAT 2016 report], published on 11 April 2016, summarised:

'From 1997-2008, Zimbabwe experienced political turmoil and severe economic decline – particularly following the government's implementation of a compulsory land redistribution policy in 1997, which escalated during the 2000s...In March 2008, the main opposition party – the Movement for Democratic Change-Tsvangirai (MDC-T) – secured a parliamentary majority in national elections, sparking a wave of anti-MDC violence. Internationally-brokered negotiations led to the formation of the Government of National Unity (GNU), or Inclusive Government, in February 2009 – a power-sharing arrangement between the ZANU-PF, MDC-T and the other major opposition party, the Movement for Democratic Change-Ncube (MDC-N). This political settlement temporarily stabilised the economy and reduced the level of open political violence. Although marred by infighting, the GNU agreed the text of a new Constitution and held a referendum on constitutional change in March 2013. Approximately 95 per cent of voters approved the new Constitution, which entered into force in May 2013, though many elements of it have not been implemented.

'The July 2013 presidential and parliamentary elections saw the end of the GNU. ZANU-PF and President Mugabe both claimed a landslide victory in these elections, with President Mugabe winning 61 per cent of the vote and ZANU-PF securing 160 of 210 seats in the National Assembly. Although less violent than the 2008 elections, the 2013 elections were judged by international observers to be neither fair nor credible.

'During Mugabe's current and seventh term as President, Zimbabwe's economy has suffered. Internal divisions have distracted the ZANU-PF from key policy issues including the pressing need for political and socioeconomic reform. The MDC-T has splintered and is currently less of a threat to the ZANU-PF. Political violence – mostly in the form of harassment and intimidation – has remained a key feature of the country's landscape.'²

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¹ Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, page 6, Copy provided on request.

² Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, page 4, Copy provided on request.

4.2 Political framework

4.2.1 The Freedom House 'Freedom in the World 2016' report, published in 2016, stated:

'Zimbabwe has a bicameral legislature. In the lower chamber, the 270-seat National Assembly, 210 members are elected through a first-past-the-post system with one member per constituency, and 60 female members are elected by proportional representation. The 80-seat Senate includes 6 members from each of Zimbabwe's 10 provinces who are elected through proportional representation, and 20 appointed members, including 18 traditional leaders and 2 members representing people with disabilities. Members in both houses serve five-year terms.'³

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4.3 Presidential power

4.3.1 The Freedom House report continued:

'The 2013 constitution limited the president to two five-year terms, removed the presidential power to veto legislation and dismiss Parliament, and devolved some powers to the provinces. The term-limit restriction was not retroactive, however, meaning Mugabe, who has been the country's leader since independence in 1980, could serve two more terms. The constitution also empowered the president's political party, not Parliament, to select a presidential successor in the case of a death in office—a critical provision given that Mugabe turned 91 in 2015. The 2013 constitutional referendum was deemed credible by a range of observers, though the vote was preceded by a crackdown on prodemocracy civil society groups.'⁴

4.3.2 The BBC reported on presidential and parliamentary in 2013 election results:

'Zimbabwe's President Robert Mugabe has been declared the winner of the 31 July elections, with 61% of the vote and his Zanu-PF party gaining a two-thirds majority in parliament, but the opposition Movement for Democratic Change (MDC) has claimed massive fraud and says it will go to court.

'International opinion on the poll is sharply divided with Western countries generally condemning it, while most African leaders - except Botswana - have congratulated Mr Mugabe on his re-election.

'Western observers were barred from the election. Monitors from the African Union (AU) and the Southern African Development Community (Sadc) praised the poll for being peaceful but still noted several irregularities. Zanu-PF has denied allegations of fraud.

'AU mission head Olusegun Obasanjo said he had never seen a perfect election and that the discrepancies were not large enough to affect the result - Mr Mugabe gained 938,085 more votes than his rival Morgan Tsvangirai.'⁵

³ Freedom House, 'Freedom in the World 2016', Zimbabwe section, 14 July 2016, <https://freedomhouse.org/report/freedom-world/2016/zimbabwe>. Date accessed: 20 September 2016

⁴ Freedom House, 'Freedom in the World 2016', Zimbabwe section, 14 July 2016, <https://freedomhouse.org/report/freedom-world/2016/zimbabwe>. Date accessed: 20 September 2016

⁵ BBC News, Zimbabwe election: A guide to rigging allegations, 7 August 2013

- 4.3.3 The United States State Department, Country Report on Human Rights Practices for 2015 (USSD 2016 report), published on 13 April 2016, stated:
'Although the constitution provides citizens with the right to choose their government in free and fair periodic elections based on universal and equal suffrage, this right was restricted. The political process continued to be heavily biased in favor of the president's ZANU-PF, which has dominated politics and government and manipulated electoral results since independence in 1980.'⁶
- 4.3.4 The Freedom House, Freedom in the World 2016 report, published in 2016, stated:
'ZANU-PF has dominated politics since Zimbabwe's independence in 1980, though infighting over who will succeed Mugabe has led to the formation of splinter groups... The main opposition party, the MDC [Movement for Democratic Change], has also split into multiple factions—first over whether to contest the 2005 Senate elections, and then after its defeat in the 2013 elections—but the MDC-T remains the largest opposition grouping.'⁷
- 4.3.5 A Financial Times article, 'Mugabe era draws to a close but it will be no ordinary succession', dated 22 February 2016, stated:
'Whether he retires or not, most observers accept that the Mugabe era is drawing to a close. Political allies say the president is still alert and lucid, though some say he occasionally dozes at meetings. Last year, he stumbled in public on more than one occasion and last autumn he read the wrong statement at the opening of parliament.
'The prospect of life after Mugabe is concentrating minds. The international community, which has treated Zimbabwe as an outcast for years, is cautiously preparing to welcome it back into the fold... In Harare, various political actors are jostling for pole position. Among them is believed to be Grace Mugabe, the president's wife, who is four decades his junior and his former office secretary. For most of their marriage, Mr Mugabe's second after the death of his first wife, she has stayed clear of politics, preferring to stick to shopping trips that earned her the moniker "Gucci Grace."
'She had no liberation credentials and little grass-roots support, so few people took her seriously as a potential challenger.
'That began to change at the end of 2014 when she toured the country, making attacks on senior party members thought to be preparing to usurp Mr Mugabe, including Joice Mujuru, then a vice-president. Ms Mujuru, until then seen as a possible successor, as well as other senior Zanu-PF loyalists, were purged from the party.

<http://www.bbc.co.uk/news/world-africa-23591941>. Date accessed: 16 November 2016

⁶ United States State Department, 'Country Report on Human Rights Practices for 2015', 13 April 2016, Zimbabwe section,

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>.

Date accessed: 8 September 2016

⁷ Freedom House, 'Freedom in the World 2016', Zimbabwe section, 14 July 2016,

<https://freedomhouse.org/report/freedom-world/2016/zimbabwe>. Date accessed: 28 September 2016

‘There is a whispering campaign from within Zanu-PF suggesting that Grace is fast gaining influence. Opposition members talk of a “palace coup”. Senior Zanu-PF members say Grace controls access to the president. One close ally of Mr Mugabe quietly expresses concern about her ambition. “People talk about it, debate it,” he says.

‘The succession battle within Zanu-PF is seen as a fight between younger-generation officials around the first lady, collectively known as the G40, and Mr Mnangagwa, the vice-president.’⁸

4.3.6 The International Crisis Group report, ‘Zimbabwe: Stranded in Stasis’, published on 29 February 2016, further explained:

‘In December 2014, then Vice President Joice Mujuru was purged and her rival, Emmerson Mnangagwa, elevated. Since then, over 140 top national and provincial party officials linked to Mujuru have been suspended or expelled from the party, including nine of ten provincial chairpersons and senior cabinet and politburo members. Posited as necessary to end party factionalism, this instead opened a new chapter of division, as those whose interests had converged around Mujuru’s removal sought advantage over each other.

‘Mnangagwa has strong ties with key security sector elements and is viewed by many as well positioned to maintain stability and pilot a recovery. Having slowly consolidated his position, he is firmly in charge of government business and depicted as a driving force behind re-engagement and reform. However, his command of party structures is uneven, and his limited popularity nationally and within the party is tarnished by allegations of complicity in human rights violations. His ambition to succeed Mugabe is opposed by several senior cadres, labelled Generation 40 (G40), who represent a younger generation and have put their weight behind the increasingly influential first lady, Grace Mugabe. Her very public role since late 2014 as chair of ZANU-PF’s women’s league has the president’s backing. Factional battles between the two groups intensified in early 2016, leaving Mnangagwa’s position apparently weakened.’⁹

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4.4 Political freedom

4.4.1 The USSD report covering events in 2015 report stated:

‘The constitution and law provide for freedom of association, but the government restricted this right. Although the government did not restrict the formation of political parties or unions, security forces and ZANU-PF

⁸ ‘Financial Times’, Mugabe era draws to a close but it will be no ordinary succession’, 22 February 2016, <https://www.ft.com/content/c7b4c52e-ce4d-11e5-831d-09f7778e7377>. Date accessed: 30 September 2016

⁹ International Crisis Group, ‘Zimbabwe: Stranded in Stasis’, Africa Briefing No 118, 29 February 2016, <https://www.crisisgroup.org/africa/southern-africa/zimbabwe/zimbabwe-stranded-stasis>. Date accessed: 28 September 2016

supporters continued to interfere with their activities...Organizations generally were free of governmental interference only if the government viewed their activities as apolitical or supportive of ZANU-PF.’¹⁰

4.4.2 The report also stated:

‘The constitution provides for freedom of assembly, but the government restricted this right.

‘The Public Order and Security Act requires that organizers notify police of their intention to hold a public gathering--defined as 15 or more individuals--seven days in advance. Failure to do so may result in criminal prosecution as well as civil liability. The law also allows police to prohibit a gathering based on security concerns but requires police to file an affidavit in a magistrates court stating the reasons behind the denial. Although many groups did not seek permits, other groups informed police of their planned events and the police either denied permission or gave no response.

‘Authorities often denied requests by civil society, trade unions, or political parties other than ZANU-PF to hold public events if the agenda conflicted with ZANU-PF policy positions. There were few reports of political rallies interrupted by opposing political parties.’¹¹

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5. The political opposition

5.1 Overview

5.1.1 The CIA World Factbook listed the political parties in Zimbabwe and their leaders (this is not an exhaustive list):

- Freedom Party [Cosmas Mponda]
- Movement for Democratic Change - Ncube or MDC-N [Welshman Ncube]
- Movement for Democratic Change - Renewal or MDC-R [Sekai Holland]; note - has been ‘kicked out’ of Parliament as of 17 May 2015.*
- Movement for Democratic Change - Tsvangirai or MDC-T [Morgan Tsvangirai]
- Transform Zimbabwe or TZ [Jacob Ngarivhume]
- United Parties [Abel Muzorewa]

¹⁰ United States State Department, ‘Country Report on Human Rights Practices for 2015’, 13 April 2016, Zimbabwe, section 2b, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>. Date accessed: 8 September 2016

¹¹ United States State Department, ‘Country Report on Human Rights Practices for 2015’, 13 April 2016, Zimbabwe, section 2b <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>. Date accessed: 22 September 2016

- Zimbabwe African National Union-Ndonga or ZANU-Ndonga [Wilson Kumbula]
- Zimbabwe African National Union-Patriotic Front or ZANU-PF [Robert Gabriel Mugabe]
- Zimbabwe African Peoples Union or ZAPU [Dumiso Dabengwa] ¹²

*See paragraph 5.5.3.

5.1.2 The International Crisis Group report, 'Zimbabwe: Stranded in Stasis', published on 29 February 2016, stated:

'Zimbabwe is floundering, with little sign of meaningful reform and sustainable, broad-based recovery. Political uncertainty and economic insecurity have worsened; the Zimbabwe African National Union – Patriotic Front (ZANU-PF) government has consolidated power, as the opposition stumbles, but is consumed by struggles over who will succeed President Robert Mugabe... The opposition has yet to recover from devastating 2013 election losses. An early resurgence is unlikely. The largest opposition party, the Movement for Democratic Change-Tsvangirai (MDC-T, led by Morgan Tsvangirai), has fractured further and has limited resources. Mujuru's nascent People First (PF) formation remains an unknown quantity, reportedly flirting with parties across the political spectrum. The new constitution, approved in 2013, provides a framework for civil society advocacy, but this is stymied by limited strategic vision and reduced donor support. Efforts to promote a national convergence of interests have not gained traction.' ¹³

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5.2 Coalition of Democrats (Code)

5.2.1 An International Business Times article, 'Zimbabwe: Five opposition parties form coalition to challenge President Mugabe in 2018 poll', dated 1 June 2016, stated:

'In a push to unseat Mugabe, however, five parties have come together to create the the [sic] Coalition of Democrats – dubbed Code.

'The parties include, Simba Makoni's Mavambo Kusile Dawn (MKD), the Renewal Democrats of Zimbabwe (RDZ) led by Elton Mangoma, the MDC-led by Welshman Ncube, Farai Mbirira's Zimbabweans United for Democracy (ZUNDE) and the Democratic Assembly for Restoration and Empowerment (DARE).

'Gilbert Dzikiti, who heads DARE, was named chairman of the coalition.' ¹⁴

¹² CIA Factbook, Zimbabwe, updated 1 November 2016 <https://www.cia.gov/library/publications/the-world-factbook/geos/zi.html>. Date accessed: 8 November 2016

¹³ International Crisis Group, 'Zimbabwe: Stranded in Stasis', Africa Briefing No 118, 29 February 2016, <https://www.crisisgroup.org/africa/southern-africa/zimbabwe/zimbabwe-stranded-stasis>. Date accessed: 28 September 2016

¹⁴ International Business Times, 'Zimbabwe: Five opposition parties form coalition to challenge President Mugabe in 2018 poll', 1 June 2016, <http://www.ibtimes.co.uk/zimbabwe-five-opposition-parties-form-coalition-challenge-president-mugabe-2018-poll-1563100>. Date accessed: 20 September 2016

5.2.2 The South African broadcaster, SABC, also noted, on 1 June 2016, 'The main opposition parties led by Morgan Tsvangirai and People First's Joice Mujuru have indicated they are not ready to join the group.' It went on to say, 'The group says it's ready to work with any progressive political party that is unhappy with the state of the country and opposed to the current government' and that 'CODE comes after months of negotiations and will be chaired by each party leader on a rotational basis...CODE says it will field a single presidential candidate in the 2018 elections and at all election levels.'¹⁵

5.2.3 The New Zimbabwe reported on 19 October 2016 that ZAPU (Zimbabwe African People's Union) had joined the coalition having consulted its members at its annual congress.¹⁶

5.2.4 All Africa reported on 8 December 2016 that:

'Opposition MDC-T secretary general Douglas Mwonzora has downplayed the prospect and feasibility of a grand anti-Zanu PF coalition, saying with dozens of political parties clamoring for inclusion it would be difficult to accommodate their leaders in a new government...

'The opposition is under pressure to form an electoral coalition against President Robert Mugabe and his ruling Zanu PF party ahead of the crunch 2018 elections.

'But the push has stalled on disagreements over leadership of the coalition with widely supported parties such as the MDC-T concerned that other opposition formations add nothing to the union but leaders eyeing accommodation in a post-Mugabe government.'¹⁷

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5.3 Movement for Democratic Change (MDC)

5.3.1 The MDC has splintered into 3 factions:

- MDC-Tsvangirai (MDC-T);
- MDC-Ncube (MDC-N); and
- MDC-Renewal (MDC-R) (see overview above).

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5.4 MDC-Tsvangirai

5.4.1 The MDC-T remains the main opposition party in Zimbabwe despite suffering two significant splits since 2005 (the MDC-Ncube broke away from the MDC-T in 2005 and MDC-Renewal separated from the MDC-T in 2014-

¹⁵ SABC Zimbabwe's opposition parties form new coalition party, 1 June 2016
<http://www.sabc.co.za/news/a/82c749804cf8ab7b9fbbdfa4a305fcae/Zimbabwe-opposition-parties-form-new-coalition-party-20160601>. Date accessed: 17 January 2017

¹⁶ New Zimbabwe, ZAPU finally endorses CODE coalition deal, 19 October 2016.
<http://www.newzimbabwe.com/news-31818-ZAPU+finally+endorses+CODE+coalition+deal/news.aspx> Accessed 12 December 2016

¹⁷ All Africa, Zimbabwe: MDC-T Scorns 'Fake' Opposition Coalition, 8 December 2016.
<http://allafrica.com/stories/201612090270.html>. Date accessed: 12 December 2016

15). Headquartered in Harare, the MDC-T has offices in most major population centres in Zimbabwe. MDC-T membership is strongest in Harare, Bulawayo, and the Matabeleland North and South provinces. Party recruitment occurs at the branch level.¹⁸

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5.5 MDC-Renewal, Renewal Democrats Zimbabwe (RDZ) and People's Democratic Party (PDP)

5.5.1 MDC-Renewal formed on 26 April 2014 as a breakaway faction from the MDC-T. Led by the former MDC-T Secretary General, Tendai Biti, and the former MDC-T Deputy Treasurer-General, Elton Mangoma, MDC-Renewal formed a coalition with the MDC-Ncube under the United Movement for Democratic Change (UMDC) on 1 March 2015. But the UMDC swiftly splintered on 24 March 2015 because of ideological differences between the groups' leaders.¹⁹

5.5.2 MDC-Renewal split on 3 June 2015, with Elton Mangoma leaving the party to form and lead the Renewal Democrats of Zimbabwe (RDZ). On 10 September 2015, Tendai Biti established the People's Democratic Party (PDP) to replace MDC-Renewal. The PDP has described itself as a social democratic party committed to a broad range of socioeconomic and electoral reforms.²⁰

5.5.3 **NOTE:** Although the CIA Factbook still lists MDC-Renewal as a political party, CPIT was unable to find any information to confirm that it still exists, having split into the RDZ and PDP as detailed above.

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5.6 MDC-Ncube

5.6.1 The MDC-N is one of two parties to emerge from the Movement for Democratic Change (MDC) following the MDC's split in 2005 (the other party was the Movement for Democratic Change-Tsvangirai). Led by Welshman Ncube, the MDC-N's power base is in Bulawayo. The MDC-N has become a fractured and marginalised political force since the July 2013 elections, where it gained one parliamentary seat based on proportional representation of women and its leader, Welshman Ncube, received only 2.68 per cent of the Presidential vote.²¹

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5.7 People First

5.7.1 ZANU-PF has dominated politics since Zimbabwe's independence in 1980, though infighting over who will succeed Mugabe has led to the formation of

¹⁸ Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, page 11, Copy can be given on request. Date accessed: 9 November 2016

¹⁹ Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, page 11, Copy can be given on request. Date accessed: 9 November 2016

²⁰ Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, page 11, Copy can be given on request. Date accessed: 9 November 2016

²¹ Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, page 12, Copy available on request. Date accessed: 9 November 2016

splinter groups. Joice Mujuru, who was replaced as vice president in December 2014 and expelled from ZANU-PF, emerged as the leader of a breakaway faction, People First, during 2015.²²

- 5.7.2 In September 2015, the former ZANU-PF member and Vice President, Joice Mujuru, released the manifesto (called the 'Blueprint to Unlock Investment and Leverage for Development') for a new opposition party – People First. The party itself would largely be comprised of former-ZANU-PF members, including many purged from the party during 2014 and 2015. Joice Mujuru established People First on 11 February 2016.²³

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5.8 Other opposition parties

- 5.8.1 The National Constitutional Assembly (NCA) formed in March 2014 as a coalition between the NCA and the Movement for Democratic Change 99 (MDC-99). The NCA emerged as a political party in September 2013, advocating for constitutional and land law reform. MDC-99 formed in 2010 as a breakaway faction from MDC-N²⁴.

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5.9 Social media inspired groups

- 5.9.1 The International Business Times (IBTimes) reported that:

'Since May 2016, a flurry of citizen or civil activism movements have been rising and spreading, and are calling for much yearned social, political and economic change – areas where they believe standard opposition politics have not delivered as hoped. The country has been rocked by two peaceful campaigns known as #ThisFlag and #Tajamuka – both of which have vowed to protest until Mugabe steps down.'²⁵

- 5.9.2 IBTimes interviewed the spokesperson for Tajamuka, Promise Mkwanzi, in the report of 29 July 2016 who said it is a 'non-violent campaign looking to hold Mugabe's government accountable for socio-economic and political challenges plaguing Zimbabwe but is also believes the veteran leader must relinquish power...Tajamuka is comprised of 14 political parties that fully subscribe to the idea of the campaign, and more than 30 civil society organisations and youth pressure groups.'²⁶ (See [protests and demonstrations about the state of the economy: para 7.2.5](#) and [treatment of those opposing the government: para 7.1.3](#))

²² Freedom House, 'Freedom in the World 2016', Zimbabwe section, 14 July 2016, <https://freedomhouse.org/report/freedom-world/2016/zimbabwe>. Date accessed: 20 September 2016

²³ Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, page 11, Copy available on request. Date accessed: 9 November 2016

²⁴ Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, page 12, Copy available on request. Date accessed: 9 November 2016

²⁵ International Business Times, 'We are at the tip of the end of President Mugabe' Zimbabwe's Tajamuka campaign says, 29 July 2016. <http://www.ibtimes.co.uk/we-are-tip-end-president-mugabe-zimbabwes-tajamuka-campaign-says-1573282> Accessed 16 November 2016

²⁶ International Business Times, 'We are at the tip of the end of President Mugabe' Zimbabwe's Tajamuka campaign says, 29 July 2016. <http://www.ibtimes.co.uk/we-are-tip-end-president-mugabe-zimbabwes-tajamuka-campaign-says-1573282> Accessed 16 November 2016

6. State security apparatus

6.1 Overview

6.1.1 The USSD report covering events in 2015 stated:

'The constitution provides for a National Security Council (NSC) composed of the president, vice president, and selected ministers and members of the security services. The NSC, chaired by the president, is responsible for setting security policies and advises the government on all security-related problems. The Zimbabwe Republic Police (ZRP) is responsible for maintaining law and order. The Department of Immigration and the ZRP are primarily responsible for migration and border enforcement. Although the ZRP is officially under the authority of the Ministry of Home Affairs, the Office of the President controlled some ZRP roles and missions. The Zimbabwe National Army [ZNA] and Air Force constitute the Zimbabwe Defense Forces under the Ministry of Defense...The Central Intelligence Organization (CIO), under the Office of the Vice President, is responsible for internal and external security. All security sector chiefs report directly to the president, who is commander in chief of all security services.'²⁷

6.1.2 Freedom House, in its 2016 Freedom in the World report, covering events in 2015, noted:

'Security forces abuse citizens, frequently ignoring basic rights regarding detention, searches, and seizures. In September 2015, the Constitutional Court struck down a section of the Criminal Procedures and Evidence Act that allowed prosecutors to override court decisions granting bail to detainees for seven days by stating an intent to appeal. This provision had been routinely used to block bail for political detainees.'²⁸

6.2 Police

6.2.1 The Zimbabwe Republic Police (ZRP) is an armed, quasi-military organisation modelled more along the lines of a military gendarmerie than a civilian police force. The police service falls under the command of a Commissioner-General of Police. Responsible to the Ministry of Home Affairs, it is deployed throughout the country, although its presence is most evident in cities and towns, becoming thinly spread in rural areas.²⁹

6.2.2 The DFAT 2016 report noted:

'Headquartered in Harare and organised provincially, estimates of the size of the ZRP, including reserves, range from 40,000-60,000, though there are no

²⁷ United States State Department, 'Country Report on Human Rights Practices for 2015', 13 April 2016, Zimbabwe, section 1d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>. Date accessed: 4 November 2016

²⁸ Freedom House, 'Freedom in the World 2016', Zimbabwe section, 14 July 2016, <https://freedomhouse.org/report/freedom-world/2016/zimbabwe>. Date accessed: 20 September 2016

²⁹ Jane's Sentinel Security Assessment: Southern Africa. Zimbabwe. Security and Foreign Forces, updated 25 July 2014, <http://www.janes.com/> (subscription source). Date accessed: 8 September 2014

official figures. Specialist and support roles include the ZRP Law and Order Section (riot police); the Police Support Unit (a paramilitary branch); the Criminal Investigation Department; and the Police Internal Security and Intelligence unit. Numerous ZRP units suffer from inadequate training and chronic under-funding, which has resulted in equipment and personnel shortages. Corruption in the ZRP is likely to exist at all levels.³⁰

6.2.3 The USSD report covering events in 2015 stated:

‘Implicit assurances of impunity and a culture of disregard for human rights contributed to police use of excessive force in apprehending and detaining criminal suspects. Ignorance of the provisions of the constitution compromised the quality of police work. Police were ill equipped, underpaid, and poorly trained, particularly at the lower levels. A lack of sufficient fuel and resources reduced police effectiveness. Poor working conditions, low salaries, and high rates of dismissal resulted in corruption and high turnover.

‘There were no internal or external entities to investigate abuse by the security forces. There were reports authorities investigated and arrested corrupt police officers for criminal activity during the year, but there were also reports of police officers punished or arrested on arbitrary charges for failing to obtain or share illicitly gained funds.’³¹

6.2.4 In contravention of the law, active members of the police... openly campaigned for and ran as ZANU-PF candidates in the elections.³²

6.2.5 The DFAT, in their 2016 report noted that ‘reliable sources inform DFAT that the ZRP is a highly partisan force’: ‘Top police commanders are appointed, and expected to support ZANU-PF; political affiliation can impact on the effectiveness of police investigations, particularly in cases involving criminal and political violence; and ZRP personnel regularly use the POSA to restrict freedom of assembly and expression in support of ZANU-PF interests.’³³

6.2.6 The same source also noted, ‘There are regular and credible reports of ZRP personnel using excessive force to disperse demonstrators and when making arrests ... There are regular and credible reports of ZRP personnel using excessive force to disperse demonstrators and when making arrests.’³⁴

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³⁰ Australian Department of Foreign Affairs and Trade ‘DFAT Country Information Report – Zimbabwe’, 11 April 2016, pages 18, copy available on request. Date accessed: 14 November 2016

³¹ United States State Department, ‘Country Report on Human Rights Practices for 2015’, 13 April 2016, Zimbabwe, section 1d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>. Date accessed: 4 November 2016

³² United States State Department, ‘Country Report on Human Rights Practices for 2015’, 13 April 2016, Zimbabwe, section 3, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>. Date accessed: 4 November 2016

³³ Australian Department of Foreign Affairs and Trade ‘DFAT Country Information Report – Zimbabwe’, 11 April 2016, pages 18, copy available on request. Date accessed: 14 November 2016

³⁴ Australian Department of Foreign Affairs and Trade ‘DFAT Country Information Report – Zimbabwe’, 11 April 2016, pages 18, copy available on request. Accessed 14 November 2016

6.3 Military

- 6.3.1 The armed forces are responsible for external security, but the government sometimes used them for domestic operations³⁵.
- 6.3.2 An African Leadership magazine 2014 study of the most powerful armies in Africa ranked Zimbabwe last out of the 16 covered. The study stated, 'The Zimbabwe Defence Forces (ZDF) include the Zimbabwe National Army and the Air Force of Zimbabwe. Being a landlocked country, they lack a naval force. The country also holds a strong paramilitary force with its own air wing. ZDF includes 30,000 active personnel, 20,000 reserves, 325 armoured fighting vehicles, and 92 aircraft.'³⁶
- 6.3.3 There were reports that ZANU-PF officials in the government discriminated against, harassed, or removed persons perceived to be MDC supporters from the civil service and the military³⁷.
- 6.3.4 In contravention of the law, active members of the...army openly campaigned for and ran as ZANU-PF candidates in the elections³⁸.

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6.4 Central Intelligence Organisation

- 6.4.1 'The Central Intelligence Organization (CIO), under the Office of the Vice President, is responsible for internal and external security.'³⁹ Furthermore 'CIO agents and informers routinely monitored political and other meetings. ...CIO personnel at times assumed faculty and other positions or posed as students at public and some private universities to intimidate and gather intelligence on faculty and students who criticized government policies and actions. CIO officers regularly attended classes in which noted MDC activists were lecturers or students.'⁴⁰ Moreover, 'The CIO remains closely tied to the

³⁵ United States State Department, 'Country Report on Human Rights Practices for 2015', 13 April 2016, Zimbabwe, section 21d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>. Date accessed: 4 November 2016

³⁶ African Leadership, 16 Most Powerful Militaries In Africa, 2014 <http://africanleadership.co.uk/16-most-powerful-militaries-in-africa-view-list/>. Date accessed: 14 December 2016

³⁷ United States State Department, 'Country Report on Human Rights Practices for 2015', 13 April 2016, Zimbabwe, section 1d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>. Date accessed: 4 November 2016

³⁸ United States State Department, 'Country Report on Human Rights Practices for 2015', 13 April 2016, Zimbabwe, section 3, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>. Date accessed: 4 November 2016

³⁹ United States State Department, 'Country Report on Human Rights Practices for 2015', 13 April 2016, Zimbabwe, section 1d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>. Date accessed: 4 November 2016

⁴⁰ United States State Department, 'Country Report on Human Rights Practices for 2015', 13 April 2016, Zimbabwe, section 2a, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>. Date accessed: 4 November 2016

presidency and free from any substantial regulation by the legislature or civilian bureaucracy.’⁴¹

- 6.4.2 Freedom House, in its 2016 Freedom in the World report covering events in 2015, went on to note:

‘Former ruling party elites and those involved in the political struggle to succeed long time president Robert Mugabe reported receiving threats or being subjected to surveillance by the Central Intelligence Office (CIO) during 2015... CIO agents were said to be watching the movements of current and former ZANU-PF elites on behalf of Mnangagwa, a former CIO chief and presidential aspirant. The CIO also continued to threaten opposition leaders.’⁴²

- 6.4.3 The Zimbabwe Human Rights NGO Forum in its third quarterly review (July-September 2016) of human rights violations in Zimbabwe concluded that ‘There was apparent connivance between the ZRP, ZNA and CIO in these violations.’⁴³

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6.5 Other pro-ZANU-PF groups

- 6.5.1 The DFAT 2016 report noted that the state-sponsored Zimbabwe National Liberation War Veterans Association (ZNLWVA) and the Youth Brigades are the country’s main militia groups. The report continued:

‘Members of these groups were the ‘shock troops’ for farm invasions, assaults on farm labourers, and attacks on opposition party members during the 2000s, particularly in rural areas. The ZNLWVA comprises approximately 30,000 active and 10-15,000 inactive members. The Youth Brigades, also known as ‘Green Bombers’, were established as part of the National Youth Training Service in 2001. There are approximately 15,000 Green Bombers.

‘...DFAT is aware of recent media reports which indicate that ZANU-PF is seeking to increase the size of the Youth Brigades. A number of militia groups are allegedly linked to key political players. Many of these groups are reported to include security personnel, and they have been widely used to protect individual and party political and economic interests.’⁴⁴

- 6.5.2 The USSD report covering events in 2015 stated:

‘ZANU-PF trained and deployed youths and war veterans to harass and disrupt the activities of MDC members, labor groups, student movements, civic groups, and journalists considered critical of ZANU-PF.’⁴⁵

⁴¹ Freedom House, ‘Freedom in the World 2016’, Zimbabwe section, 14 July 2016, <https://freedomhouse.org/report/freedom-world/2016/zimbabwe>. Date accessed: 20 September 2016

⁴² Freedom House, ‘Freedom in the World 2016’, Zimbabwe section, 14 July 2016, <https://freedomhouse.org/report/freedom-world/2016/zimbabwe>. Date accessed: 20 September 2016

⁴³ Zimbabwe Human Rights NGO Forum. Quarterly Political And Human Rights Violations Report July - September 2016. Conclusion p.21. <http://www.hrforumzim.org/wp-content/uploads/2016/11/Third-quarterly-Political-Human-Rights-Violations-Report.pdf>. Date accessed: 14 December 2016

⁴⁴ Australian Department of Foreign Affairs and Trade ‘DFAT Country Information Report – Zimbabwe’, 11 April 2016, pages 18, copy available on request. Accessed 14 November 2016

⁴⁵ United States State Department, ‘Country Report on Human Rights Practices for 2015’, 13 April

- 6.5.3 However, Aljazeera reported on 8 August 2016 that the ZNLWVA had boycotted a speech by Robert Mugabe and called for him to step down:
'The Zimbabwe National Liberation War Veterans Association (ZNLWVA) last month denounced Mugabe, 92, as a divisive ruler, in a jolting rebuke underlining mounting anger over economic woes.
'The ZNLWVA executive was absent from National Heroes Day celebrations in the capital to honour living and dead fighters of the 1970s liberation war against white minority rule.
'This is the first time leaders of the group have failed to attend the celebrations since ZNLWVA was formed in 1990.'⁴⁶
- 6.5.4 With reference to traditional leaders the USSD report covering events in 2015 noted:
'Government officials pressured local chiefs and ZANU-PF loyalists to monitor and report on persons suspected of supporting political parties other than ZANU-PF... While the law obliges traditional chiefs to be impartial, in rural areas ZANU-PF used traditional leaders to mobilize voters and canvass support. In return traditional leaders continued to receive farms, vehicles, houses, and other benefits.'⁴⁷

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7. Treatment of those opposing the government

- 7.1 Curbs on freedom of expression, including state sponsored violence, arrest and detention
- 7.1.1 The USSD report covering events in 2015 stated
'The constitution provides for freedom of speech and press, but the law limits these freedoms in the "interest of defense, public safety, public order, state economic interests, public morality, and public health." The government continued to arrest, detain, and harass critics, and journalists practiced self-censorship.'⁴⁸
- 7.1.2 The Freedom House 'Freedom in the World 2016' report, published on 14 July 2016, stated:

2016, Zimbabwe, section 2b,
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>.
Date accessed: 4 November 2016

⁴⁶ Aljazeera, Zimbabwe war veterans boycott Mugabe speech, 8 August 2016.
<http://www.aljazeera.com/news/2016/08/zimbabwe-war-veterans-boycott-mugabe-speech-160808141101278.html>. Date accessed: 30 January 2017

⁴⁷ United States State Department, 'Country Report on Human Rights Practices for 2015', 13 April 2016, Zimbabwe, section 1f and 3
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>.
Date accessed: 4 November 2016

⁴⁸ United States State Department, 'Country Report on Human Rights Practices for 2015', 13 April 2016, Zimbabwe, section 2d,
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>.
Date accessed: 4 November 2016

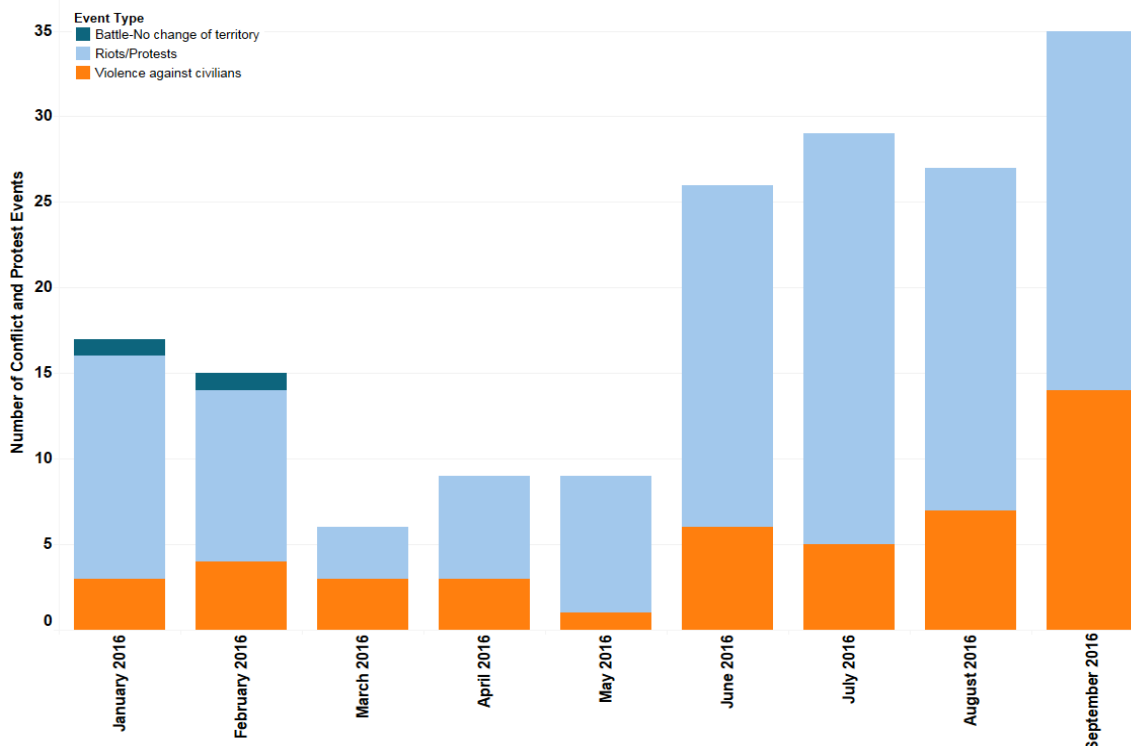
'Zimbabweans enjoy some freedom and openness in private discussion, but official monitoring of public gatherings, prosecution of offenses like insulting the president, and the threat of political violence serve as deterrents to unfettered speech.

'[In March 2015], ZANU-PF politicians received threatening text messages that were thought to have come from factional rivals. Youth brigades affiliated with ZANU-PF factions led by First Lady Grace Mugabe and Saviour Kasukuwere, on the one hand, and Vice President Emmerson Mnangagwa, on the other, engaged in brawls around the capital during the year. CIO agents were said to be watching the movements of current and former ZANU-PF elites on behalf of Mnangagwa, a former CIO chief and presidential aspirant. The CIO also continued to threaten opposition leaders. Zimbabwe's ethnic Shona majority dominates both major political parties, and some members of the Ndebele minority have complained of political marginalization. An MDC splinter party headed by Welshman Ncube, an Ndebele, has been accused of tribalism by its rivals. The small white minority has faced years of hostile speeches and policies from ZANU-PF.'

7.1.3 ACLED [Armed Conflict Location and Event Data Project], in its Zimbabwe October 2016 update, noted:

'The number of political violence and protest events increased over the past month in Zimbabwe. The spike in violence is largely due to an increase in the incidence of violence against civilians, which doubled between August and September:

Figure 1: Conflict and Protest Events by Event Type, Zimbabwe, January 2016-September 2016



⁴⁹ Freedom House, 'Freedom in the World 2016', Zimbabwe section, 14 July 2016, <https://freedomhouse.org/report/freedom-world/2016/zimbabwe>. Date accessed: 20 September 2016

'This spike in violence against civilians comes after months of upheaval against the Mugabe regime by protesters from various pressure groups. Protesting against the regime is a mixture of organised political opposition, unions and seemingly spontaneous social movements.

'The #Tajamuka and #ThisFlag campaign represent examples of popular movements which have protested against the government on the street and online. #ThisFlag seems to function as an avenue by which ordinary Zimbabweans can demonstrate their grievances against the government with the group's leader, Pastor Evan Mawarire, calling for Zimbabweans to engage in passive strikes and stayaways to make their voices heard. In contrast, the #Tajamuka campaign is focused on forcing Mugabe to step down before the 2018 elections and has been engaged in active protests and riots in Harare and Bulawayo. Protesting with these social movements is the National Vendors Union of Zimbabwe (NAVUZ) which is also demanding an end to Mugabe's administration. (See [social media inspired groups](#)).

'In response, the conventional opposition parties are concerned about losing relevance as the mouthpiece of anti-Mugabe sentiment; they have formed an alliance and also engaged in widespread protest against the government...

'With Mugabe and the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) facing both internal coalition competition and popular discontent, the regime has defaulted to violence in order to cow the opposition into submission.

'The spokesperson of the #Tajamuka campaign and the leader NAVUZ have both been abducted and tortured by unidentified men suspected to be security agents (Dewa, 14 September 2016; Ncube, 29 September 2016). The manner in which these individuals were targeted echoes the disappearance of Itai Dzamara, who led a protest against the Mugabe regime and is yet to be found (Nehanda Radio, 8 May 2016). This sends a clear message to those orchestrating the anti-Mugabe protests that they can also be made to disappear altogether if necessary.'⁵⁰

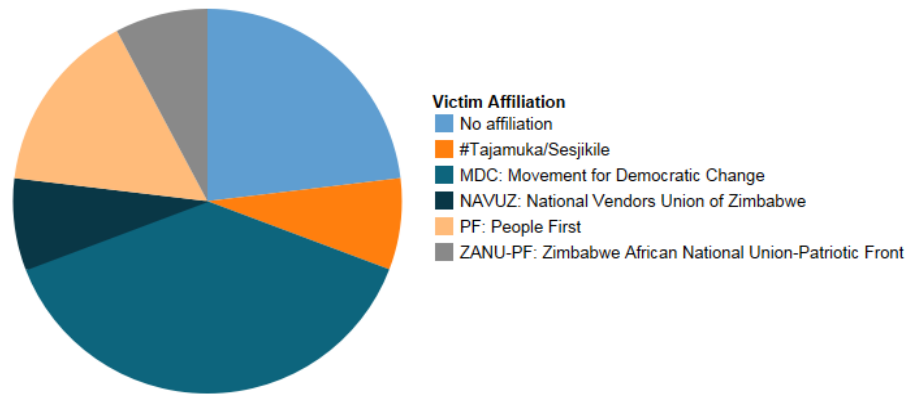
7.1.4 The update looked at victim affiliation, and noted:

'ZANU-PF is also continuing its campaign of violence against the street-level machinery of the opposition with ward councillors from both the MDC and PF assaulted by ruling party cadres. While the regime is seeking to decapitate the unions and social movements by intimidating their leaders, it is aiming to cripple the political opposition by removing its supporters and lower level functionaries.'⁵¹

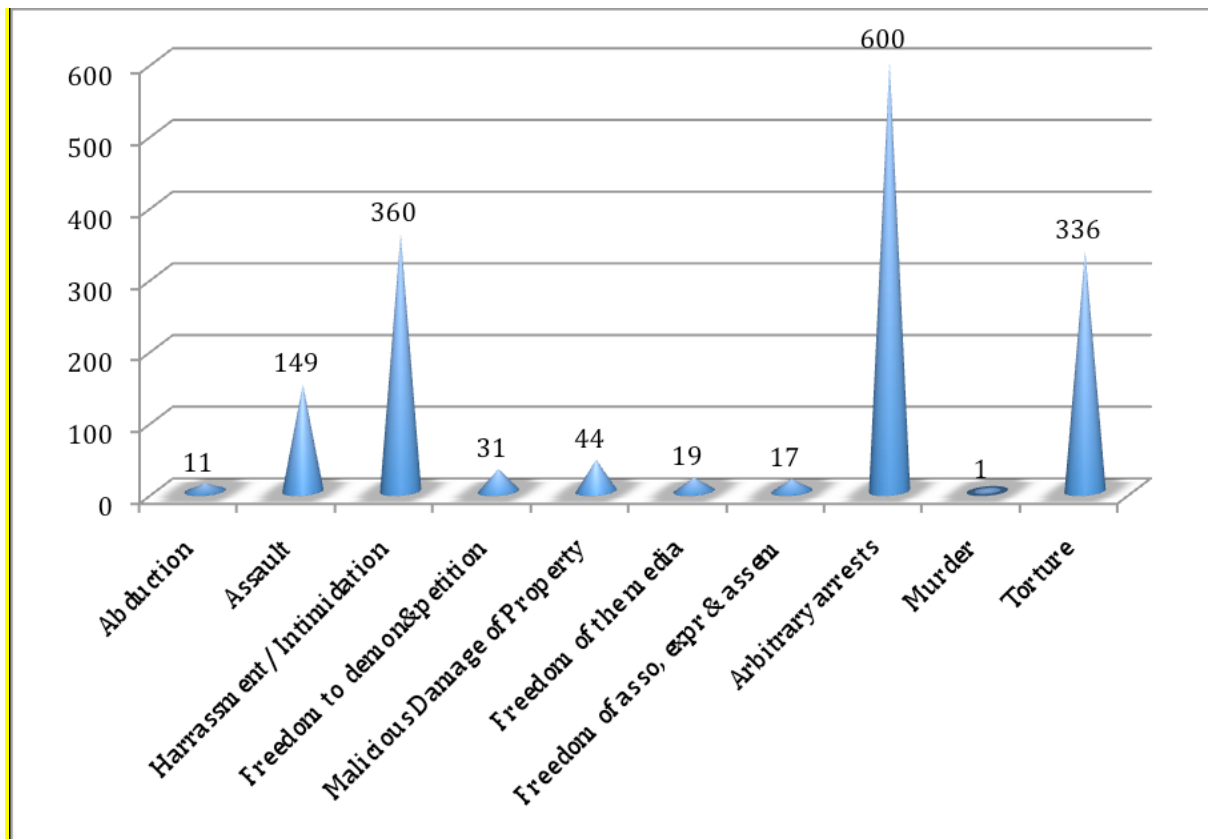
⁵⁰ ACLED, October 2016 Zimbabwe update, <http://www.crisis.acleddata.com/zimbabwe-october-2016-update/> Accessed 14 December 2016

⁵¹ ACLED, October 2016 Zimbabwe update, <http://www.crisis.acleddata.com/zimbabwe-october-2016-update/> Accessed 14 December 2016

Figure 2: Violence Against Civilians by Victim Affiliation, Zimbabwe, September 2016



7.1.5 The Zimbabwe Human Rights Forum, in its third quarterly review for 2016, stated that 1568 cases of political violence were recorded during the quarter:



[Source: Consolidated statistics from the Forum, member and partner organisations and verified press reports.]⁵²

7.1.6 The forum noted:

⁵² Zimbabwe Human Rights NGO Forum. Quarterly Political And Human Rights Violations Report July - September 2016. 20 November 2016. <http://www.hrforumzim.org/wp-content/uploads/2016/11/Third-quarterly-Political-Human-Rights-Violations-Report.pdf>. Date accessed: 14 December 2016

'The violence surge observed during the quarter was mainly associated with demonstrations against deteriorating socio-economic and political conditions in the country, resulting in state-sponsored violence through attacks on peaceful demonstrations by riot police. Key violence episodes were linked to police violent repressions of peaceful demonstrations and attacks of participants at MDC-T and Zimbabwe People First rallies by ZANU PF youths. An unnerving characteristic of the violations was abductions. A total of 11 abductions were recorded.'⁵³ 'ZRP was responsible for 64 % of the violations, ZANU-PF: 27%, District Council: 3%, CIO: 2%, ZNA: 1% and Municipal Police: 1%, ZPF [Zimbabwe People First]: 1% and 'State Agents Mixed: 1%.'⁵⁴

7.1.7 It further noted that 'over 600 citizens were arbitrarily arrested nationwide following social unrest in the country.'⁵⁵

7.1.8 The DFAT report 2016 stated:

'The political environment in Zimbabwe remains repressive despite the country experiencing a period of relative calm since general elections in July 2013. This calm is largely attributable to the pervasive threat of the state security apparatus and to the lack of strong political opposition because key opposition groups have splintered. However, the state-sponsored security apparatus remains intact and continues to harass and intimidate civil society organisations, activists and opposition party members...

'The level of politically motivated violence in Zimbabwe has declined significantly since 2008 as a result of the stabilising effect of the GNU; a deliberate change in tactics by ZANU-PF; and the MDC-T's loss in the 2013 elections, which fractured and severely weakened the country's main opposition party. But levels of politically motivated violence fluctuate and appear to have increased in 2015...

'The MDC-T has splintered twice since 2005 and boycotted every by-election in 2015. In this context, the state-sponsored security apparatus has shifted its focus from overt physical violence to more subtle forms of intimidation. These new tactics include manipulating courts; vote rigging; intimidating journalists and civil society activists; manipulating the distribution of food and agricultural products in rural areas; and using land distribution and housing destructions to establish political and electoral influence.'⁵⁶

⁵³ Zimbabwe Human Rights NGO Forum. Quarterly Political And Human Rights Violations Report July - September 2016. 20 November 2016. <http://www.hrforumzim.org/wp-content/uploads/2016/11/Third-quarterly-Political-Human-Rights-Violations-Report.pdf>. Date accessed: 14 December 2016

⁵⁴ Zimbabwe Human Rights NGO Forum. Quarterly Political And Human Rights Violations Report July - September 2016, 20 November 2016. <http://www.hrforumzim.org/wp-content/uploads/2016/11/Third-quarterly-Political-Human-Rights-Violations-Report.pdf>. Date accessed: 14 December 2016

⁵⁵ The Zimbabwe Human Rights NGO Forum, Quarterly Political And Human Rights Violations Report July - September 2016, page 11, 20 November 2016 <http://www.hrforumzim.org/wp-content/uploads/2016/11/Third-quarterly-Political-Human-Rights-Violations-Report.pdf> Accessed 13 December 2016

⁵⁶ Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, pages 10-11, copy available on request. Date accessed: 14 November 2016

7.1.9 The Freedom House 'Freedom in the World 2016' report, published on 14 July 2016, stated:

'The ruling party uses state institutions as well as violence and intimidation to punish opposition politicians, their supporters, and critical political activists. Itai Dzamara, a journalist and activist who had called for Mugabe to resign, was abducted in March 2015, allegedly by government agents. The authorities denied any knowledge of his whereabouts, and he remained missing at year's end. In September, seven MDC-T lawmakers reportedly received death threats via mobile-phone text messages that appeared to warn them against disrupting Mugabe's annual speech to Parliament.'⁵⁷

7.1.10 In its 2016 'Freedom on the Net' report covering the period June 2015–May 2016 Freedom House reported that 'Catching onto citizens' increasing online engagement, government officials regularly decried the destabilizing effects of social media and reportedly blocked access to WhatsApp for several hours during the July protests. Meanwhile, several individuals were arrested for online activities throughout the year, including Pastor Evan Mawarire for his videos on social media that the authorities perceived as inciting public violence, as well as several ordinary users for their WhatsApp messages that criticized aging President Mugabe.'⁵⁸

7.1.11 The Foreign and Commonwealth Office, 'Human Rights & Democracy – The 2015 Foreign and Commonwealth Office Report' [FCO 2016 report], published on 21 April 2016, stated:

'In 2015, the human rights situation in Zimbabwe remained fragile. Although conditions have improved since 2008, violations still occur. Harassment and discrimination continue to make up more than 60% of reported incidents... Progress in 2015 was patchy and a number of issues remain. Citizens' ability to enjoy their rights continues to be defined by their political affiliation. Intra- and inter-party violence continues at a low level, with worrying peaks around by-elections.'⁵⁹

7.1.12 The update of July 2016 added:

'While freedom of speech and assembly are protected by the 2013 constitution, in practice the police continue to use unaligned legislation to restrict the ability of political actors to meet and demonstrate against government policy. Meetings of opposition groups have been broken up by police, and political activists arrested. Police have also consistently refused to grant applications from opposition parties to hold rallies and demonstrations, whilst granting similar applications by the ruling party.

⁵⁷ Freedom House, 'Freedom in the World 2016', Zimbabwe section, 14 July 2016, <https://freedomhouse.org/report/freedom-world/2016/zimbabwe>. Date accessed: 20 September 2016

⁵⁸ Freedom House, 'Freedom on the Net 2016, Zimbabwe section, November 2016 <https://freedomhouse.org/report/freedom-net/2016/zimbabwe>. Date accessed: 18 January 2017

⁵⁹ Foreign and Commonwealth Office, 'Human Rights & Democracy – The 2015 Foreign and Commonwealth Office Report', 21 April 2016, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/518658/FCO755_Human_Rights_Report_2015_-_WEB.pdf. Date accessed: 21 October 2016

Zimbabwean courts have repeatedly overruled these police refusals, notably in regards to large opposition demonstrations in Harare and Bulawayo.⁶⁰

7.1.13 The USSD report covering events in 2015 stated:

‘Security authorities continued to restrict freedom of speech and arrest individuals, particularly those who made or publicized comments critical of President Mugabe or made political statements opposing ZANU-PF or the government’s agenda. CIO agents and informers routinely monitored political and other meetings. Authorities targeted persons deemed to be critical of the government for harassment, abduction, interrogation, and physical abuse.

‘...There were numerous reports that security forces arbitrarily arrested political and civil society activists and then released them the next day without charge.’⁶¹

7.1.14 The same report also noted:

‘There were reports of individuals arrested for political reasons throughout the year [2015], including opposition party officials, their supporters, NGO workers, and civil society activists. Authorities held many such individuals for one or two days and released them. Political prisoners and detainees did not receive the same standard of treatment as other prisoners or detainees, and prison authorities arbitrarily denied access to political prisoners. There were reports police beat and physically abused political and civil society activists while they were in detention.’⁶²

7.1.15 The Zimbabwe Peace Project in its October 2016 update provided statistics for politically motivated violence in the country:

‘In spite of the violations related to the Norton [small town in Mashonaland West, 46km west of Harare⁶³] by-election [an October 2016 by-election marred by violence⁶⁴], ZPP recorded a sharp drop of 655 victims of politically motivated violence from 1320 in September and 1416 in August. The drop resonates with the June and July statistics that stood at 356 and 647 victims respectively. The violations documented at provincial level also show that there has been a decrease. During the month of October nine provinces reported less than 30 cases with Mashonaland West reporting the highest violations ranging between 30 and 60 cases. In August, however, seven

⁶⁰ Foreign and Commonwealth Office, ‘Human Rights & Democracy – The 2015 Foreign and Commonwealth Office Country Update Report’ January to June 2016, updated 21 July 2016 <https://www.gov.uk/government/publications/zimbabwe-human-rights-priority-country/human-rights-priority-country-update-report-january-to-june-2016>. Date accessed: 14 December 2016

⁶¹ United States State Department, ‘Country Report on Human Rights Practices for 2015’, 13 April 2016, Zimbabwe, section 2d, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>. Date accessed: 4 November 2016

⁶² United States State Department, ‘Country Report on Human Rights Practices for 2015’, 13 April 2016, Zimbabwe, section 1e <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>,. Date accessed: 22 September 2016

⁶³ Britannica <https://www.britannica.com/place/Norton-Zimbabwe> Accessed 13 December 2016

⁶⁴ The Standard, Norton: Zanu PF shows its ugly side ahead of 2018, <https://www.thestandard.co.zw/2016/10/23/norton-zanu-pf-shows-ugly-side-ahead-2018/> Accessed 13 December 2016

provinces reported less than 30 violations and in September there were six. During August and September Harare had the highest violations as over 90 cases were reported during both months. While the victims by political party have not remained constant, MDC-T has had its members as the majority of victims...The violations recorded in October totalled 186 having reduced by 110 from 296 violations reported in September and 321 reported in August.⁶⁵

- 7.1.16 In its November 2016 update the same organisation noted that it 'reported a surge in politically motivated violations during November largely due to the by-election that was held in Chimanimani West and two protests held in Harare...In November there was an increase in violations by type to 208 from 186 in October. Forty-four cases of violence were recorded in Harare with Mashonaland Central, Mashonaland West, Manicaland and Mashonaland East recording 28, 26, 26 and 20 respectively...There is a distinct convolution between the party and state as Zanu PF and the police maintain a lead as perpetrators of violence.'⁶⁶
- 7.1.17 The Zimbabwe Human Rights NGO Forum recorded 31 cases of organized violence and torture (OVT) for the month of November 2016 'from victims that received medical treatment for injuries sustained in incidences of politically motivated violence across the country. ZANU-PF supporters and mixed groups of suspected state agents continue to account for the larger share of violations that were recorded during the period...Violations for the month of November involved torture, rape, abduction, arson, displacement and assaults...The organised violence and torture observed in November is a build-up of on-going violence from January 2016 and should be reviewed in that context. A total of 691 victims of organised violence and torture were recorded between January and November 2016...The Zimbabwe Republic police are the main perpetrators of organized violence and torture while members of the CIO systematically carry out abductions.'⁶⁷
- 7.1.18 Human Rights Watch summarised the situation in 2016 as follows, 'Police abuse increased, and there was excessive use of force to crush dissent. Human rights defenders, civil society activists, journalists, and government opponents, were harassed, threatened or faced arbitrary arrest by police. Widespread impunity continues for abuses by police and state security agents.'⁶⁸

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⁶⁵ Zimbabwe Peace Project, Human Rights Violations Monthly Monitoring Report: October 2016 http://www.zimpeaceproject.com/?page_id=14. Date accessed: 13 December 2016

⁶⁶ Zimbabwe Peace Project, Human Rights Violations Monthly Monitoring Report: November 2016 <http://www.zimpeaceproject.com/wp-content/uploads/2016/01/MMR-November-2016.pdf>. Date accessed: 18 January 2017

⁶⁷ Zimbabwe Human Rights NGO Forum, Organised Violence & Torture Report 01 November – 30 November 2016, 16 December 2016 <http://www.hrforumzim.org/news/november-2016-organised-violence-and-torture-report/>. Date accessed: 18 January 2017

⁶⁸ Human Rights Watch, World Report 2017 - Zimbabwe, 12 January 2017 <https://www.hrw.org/world-report/2017/country-chapters/zimbabwe>. Date accessed: 18 January 2017

7.2 Protests and demonstrations about the state of the economy

7.2.1 Freedom House, in its 2016 Freedom in the World report, covering events in 2015, noted:

'Freedom of assembly is limited, though protests do occur. POSA requires police permission for public meetings and demonstrations, allows police to impose arbitrary curfews, and forbids criticism of the president. In 2015, a number of assemblies by perceived government opponents were blocked or violently dispersed through the deployment of police and soldiers. Those affected included women's rights activists, street vendors protesting tighter state regulation, and MDC-T supporters.'⁶⁹

7.2.2 Human Rights Watch reported that:

'In June 2016, police began a campaign of politically motivated abuses against activists engaged in countrywide protests against poverty, corruption, rights abuses, and lack of electoral reform. Police resorted to heavy-handed tactics, indiscriminately using water cannons, teargas, and batons to violently crush largely peaceful protests.

At various times since June 2016, hundreds of protesters, including student activists, human rights activists, and opposition supporters were arrested, detained, and later released on bail without charge.'⁷⁰

7.2.3 The Zimbabwe Human Rights NGO Forum reported on 'police use of brutal force on protesters' in July 2016. Although these protests are not specifically politically based they are about the failing economy and the damaging effects of corruption which the government are blamed for:

'Since the beginning of the year [2016], citizens have been holding protests over the never ending economic crisis exacerbated [sic] by corruption; the disregard of the rule of law; failure by the government to account for the missing \$15 billion in diamond revenue; the promulgation of the Statutory Instrument 64 of 2016 which bans the importation of certain good and basic products; the alarming number of police roadblocks in all roads in Zimbabwe; lack of public confidence in the consultative structures designed to resolve citizens grievances and concerns; and the failure by the government to pay civil servants and pensioners on time among other issues.

'The protests reached their peak on Monday 4 July 2016, when public transport operators in Ruwa, Mabvuku, Tafara, and Epworth protested in and around Harare against increased police roadblocks. The police responded by use of teargas and water cannons on the protesters and innocent civilians. In Epworth for example, police moved door to door indiscriminately assaulting citizens. School children were also caught up in the crossfire.'⁷¹

7.2.4 A further report by the same group in September 2016 noted that:

⁶⁹ Freedom House, 'Freedom in the World 2016', Zimbabwe section, 14 July 2016, <https://freedomhouse.org/report/freedom-world/2016/zimbabwe>. Date accessed: 20 September 2016

⁷⁰ Human Rights Watch, World Report 2017 - Zimbabwe, 12 January 2017 <https://www.hrw.org/world-report/2017/country-chapters/zimbabwe>. Date accessed: 18 January 2017

⁷¹ Zimbabwe Human Rights Forum, Statement on police use of brutal force on protesters, 5 July 2016. <http://reliefweb.int/report/zimbabwe/statement-police-use-brutal-force-protesters>. Date accessed: 14 November 2016

'Arbitrary arrests and torture of citizens became widespread, with Zimbabwe Lawyers for Human Rights (ZLHR) estimating that 600 protest-related arrests were made between June and August 2016. A total of 19 journalists were either assaulted or arrested and detained while conducting their lawful and constitutionally protected responsibility of reporting. Over 300 cases of torture were recorded by various civil society organisations. Government violated citizens' rights to personal security; liberty; freedom from torture, inhuman and degrading treatment and punishment; and arbitrary arrests and detention.

'Social media and the independent press captured human rights violations by the police. Despite the availability of irrefutable image and video evidence of torture perpetrated by police, government remained unresponsive to public concerns on police violence against citizens. Government even went further to attempt to clamp down on social media to stifle generation and public sharing of evidence of police brutality.

'These rights violations culminated in the deprivation of liberty, injuries, physical and economic displacement. The cross-section of national and international organisations unanimously agreed that the observed levels of police brutality were excessive.'⁷²

7.2.5 Reuters reported on 29 August 2016:

'Zimbabwe has charged 68 people with public violence following violent clashes between protesters and the police last week and a magistrate court will on Tuesday rule whether they should be released from custody while they await trial.

'Police fired tear gas and water cannon at opposition leaders and hundreds of demonstrators at Friday's protest before unrest swept across large parts of the capital, Harare...

'Police arrested three people waving banners criticizing 92-year-old President Robert Mugabe, who is facing rising public anger at the dire state of the economy, in particular shortages of cash and unemployment estimated at over 80 percent.

'Defense lawyers will argue that those arrested last week were innocent people caught up in the violence.

'Magistrate Tendai Mahwe earlier refused bail for political activist Promise Mkwanzani and another man charged with public violence following a protest by opposition youths on Aug. 24 [2016].

'Mkwanzani is linked to the social media movement #Tajamuka, which joined forces last month with the #ThisFlag campaign of pastor Evan Mawarire to organize a 'stay-at-home' protest billed as the biggest strike in Zimbabwe since 2007.

⁷² Zimbabwe Human Rights NGO Forum, The Economic Costs Of Police Brutality In Zimbabwe, September 2016. <http://www.hrforumzim.org/wp-content/uploads/2016/11/THE-ECONOMIC-COSTS-OF-POLICE-BRUTALITY-IN-ZIMBABWE-2.pdf>. Date accessed: 13 December 2016

'Mahwe ruled that Mkwanzani faced serious charges and should not be freed on bail. His lawyer, Tonderai Bhatasara, said he would appeal the ruling at the High Court.'⁷³ (See [Social media inspired groups](#)).

7.2.6 The Zimbabwe Human Rights Forum, in its third quarterly review for 2016, stated that:

'Since January 2016, the country has witnessed close to 40 civilian led protests...In a bid to silence dissenting voices, police used brute force to quell the protests resulting in several citizens being arbitrarily arrested and injured. Lawyers for Human Rights recorded 600 such arrests during the period. Among the victims were social and political activists; human rights defenders; journalists and citizens who were caught up in the ensuing battles between the police and the protestors. Some of the protestors were denied access to justice spending as much as 82 days in remand prison as in the case of one Linda Masarira...Those that were arrested were subjected to severe torture, degrading and inhuman treatment. During the period a total of 336 cases of torture were recorded.'⁷⁴

The International Crisis Group (ICG), in a report of 6 October 2016 'Confrontation in Zimbabwe Turns Increasingly Violent', stated, 'Under the banner of the National Electoral Reform Agenda (NERA), eighteen opposition parties including the two most influential, Movement for Democratic Change-Tsvangirai (MDC-T) and Joice Mujuru's Zimbabwe People First (ZPF), have embarked on a series of protests that state security services are determined to stamp out. On multiple occasions in August and September [2016] police have resorted to tear gas and water cannon to disperse anti-government demonstrations; in late August the police introduced a ban on protests in Harare. They subsequently defied a court ruling overturning the ban by extending it to mid-October.'⁷⁵ In December 2016 Harare police chief Newbert Saunyama announced that a ban would be imposed on "holding of public demonstrations" for one month, despite the earlier protest ban in Harare being overturned by the courts in late November 2016.'⁷⁶

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⁷³ Reuters, Zimbabwe charges 68 with violence after protests, activist denied bail. 29 August 2016 <http://www.reuters.com/article/us-zimbabwe-protests-court-idUSKCN11410Q>. Date accessed: 16 December 2016

⁷⁴ Zimbabwe Human Rights NGO Forum. Quarterly Political And Human Rights Violations Report July - September 2016. <http://www.hrforumzim.org/wp-content/uploads/2016/11/Third-quarterly-Political-Human-Rights-Violations-Report.pdf>. Date accessed: 14 December 2016

⁷⁵ International Crisis Group (ICG), Confrontation in Zimbabwe Turns Increasingly Violent, 6 October 2016, available at: <http://www.refworld.org/docid/57f653494.html>. Date accessed: 14 November 2016

⁷⁶ Times Live, Zimbabwe police announce new ban on Harare protests, 5 December 2016 <http://www.timeslive.co.za/africa/2016/12/05/Zimbabwe-police-announce-new-ban-on-Harare-protests1>. Date accessed: 18 January 2017

7.3 Distribution of food and agricultural products

7.3.1 The FCO 2016 report, published April 2016, noted ‘the preferential treatment of ruling party supporters in the distribution of food aid’ as an issue of concern in Zimbabwe⁷⁷. However the update of 21 July 2016 stated:

‘The number of incidents of politicised distribution of food aid appears to have reduced in the second quarter of the year. This positive move has been supported by statements from the President emphasising the right of all Zimbabweans, regardless of political persuasion, to have access to food. Zimbabwe Peace Project reports suggest that government feeding programmes have improved their reach across the country, although concerns have been expressed over military involvement in food distribution.’⁷⁸

7.3.2 However, the Zimbabwe Human Rights Forum, in its third quarterly review for 2016, stated that:

‘During the months of July and August, Heal Zimbabwe recorded a total of 91 cases of unfair food aid distribution. Although partisan distribution of food was recorded in most parts of the country, the most affected provinces were Masvingo, Mashonaland Manicaland and Mashonaland East.’⁷⁹

7.3.3 Moreover, the Zimbabwe Peace Project, in its October 2016 monthly update, stated:

‘...during October, a time when most parts of the country were receiving food aid from the Department of Social Welfare delivered at Grain Marketing Board (GMB) depots in some areas, there was reportage of the largest number of food violations... The numbers have increased to 52 cases of unfair food distribution in October from 28, 21, 35 and 37 cases in June, July, August and September, respectively. It is anticipated that as the lean season has set in and Zimbabwe heads towards the 2018 elections and Zanu PF persists with vote buying, the food violations will continue to increase.’⁸⁰

7.3.4 The Zimbabwe Human Rights Commission stated, at a press conference of 7 September 2016:

‘...the Commission proceeded to investigate complaints of alleged discrimination in the distribution of agricultural inputs and food aid in some

⁷⁷ Foreign and Commonwealth Office, ‘Human Rights & Democracy – The 2015 Foreign and Commonwealth Office Report’, 21 April 2016, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/518658/FCO755_Human_Rights_Report_2015_-_WEB.pdf. Date accessed: 21 October 2016

⁷⁸ Foreign and Commonwealth Office, ‘Human Rights & Democracy – The 2015 Foreign and Commonwealth Office Report’ Zimbabwe, updated 21 July 2016, <https://www.gov.uk/government/publications/zimbabwe-human-rights-priority-country/human-rights-priority-country-update-report-january-to-june-2016>. Date accessed: 13 December 2016

⁷⁹ Zimbabwe Human Rights NGO Forum. Quarterly Political And Human Rights Violations Report July - September 2016. <http://www.hrforumzim.org/wp-content/uploads/2016/11/Third-quarterly-Political-Human-Rights-Violations-Report.pdf>. Date accessed: 14 December 2016

⁸⁰ Zimbabwe Peace Project, October 2016 update, <http://www.zimpeaceproject.com/wp-content/uploads/2016/01/MMR-October-2016.pdf>. Date accessed: 13 December 2016

constituencies that include Bikita East, Buhera North, Mazoe Central and Muzarabani North and South as well as Zvimba South.

'The complaints were submitted and investigations conducted between the periods May to August 2016.

'The long and short of the findings or outcomes of the investigations was that there was unbridled maladministration on the part of some public officials who were allegedly performing their duties partially and with bias against persons of particular political affiliations in contravention of the provisions of the Public Service Regulations SI 1/2000 which requires public officials to be apolitical and discharge their duties impartially and objectively.

'In all the five districts covered by the investigations, community leaders such as Village Heads, Headmen, Village Secretaries and District Administrators and in the case of Bikita East the Councillors who are all members of the ruling party were alleged to be biased in favour of members of their own party and against members of the opposition whom they told openly that those affiliated to the opposition would never get food aid.'⁸¹

7.3.5 The same statement included the 'key finding':

'In all the five districts covered by the investigations, community leaders such as Village Heads, Headmen, Village Secretaries and District Administrators and in the case of Bikita East the Councillors who are all members of the ruling party were alleged to be biased in favour of members of their own party and against members of the opposition whom they told openly that those affiliated to the opposition would never get food aid.'⁸²

7.3.6 The DFAT 2016 report noted:

'In rural areas, ZANU-PF uses its patronage network of village chiefs to manipulate the distribution of government-funded food and agricultural products. There are regular and credible reports of ZANU-PF distributing these goods at party meetings or requiring recipients to possess ZANU-PF identity cards. This has occurred throughout Zimbabwe, particularly in Mashvingo province and areas where there is perceived support for opposition parties, including Matabeleland and Midlands provinces. On 21 November 2015, village leaders and a ZANU-PF ward chairperson in Bindura North distributed fertilizer exclusively to those who attended ZANU-PF meetings. This form of harassment reportedly increases during election periods.'⁸³

⁸¹ ZHRC statement on reported food aid cases at a press conference held in the 2nd floor boardroom on 7 September 2016. <http://www.zhrc.org.zw/index.php/2014-07-02-07-41-38/speeches-presentations/156-zhrc-chairperson-commissioner-elasto-hilarious-mugwadi-s-statement-on-reported-food-aid-cases-at-a-press-conference-held-in-the-2nd-floor-boardroom-on-7-september-2016>. Date accessed: 14 November 2016

⁸² ZHRC statement on reported food aid cases at a press conference held in the 2nd floor boardroom on 7 September 2016. <http://www.zhrc.org.zw/index.php/2014-07-02-07-41-38/speeches-presentations/156-zhrc-chairperson-commissioner-elasto-hilarious-mugwadi-s-statement-on-reported-food-aid-cases-at-a-press-conference-held-in-the-2nd-floor-boardroom-on-7-september-2016>. Date accessed: 14 November 2016

⁸³ Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, pages 10-11, copy available on request. Accessed 14 November 2016

7.3.7 In its November 2016 update the Zimbabwe Peace Project noted that:

‘During distributions of aid, claims are made that aid coming from government schemes is provided for Zanu PF supporters only. For instance, this report states how some opposition activists were blacklisted from receiving aid in Muzarabani North. In a sign of desperation some opposition supporters in Bubi crossed the floor to join Zanu PF to ensure that they get aid. With the impending Zanu PF conference people have also been coerced into contributing varying amounts of money towards transport fares for Zanu PF members to attend the party conference slated for Masvingo in December. As a result food and other aid violations record the highest statistics.’⁸⁴

7.3.8 With reference to arbitrary interference with privacy, family, home, or correspondence, the USSD report 2016 noted:

‘The constitution and law prohibit such actions, but the government did not respect these prohibitions. Government officials pressured local chiefs and ZANU-PF loyalists to monitor and report on persons suspected of supporting political parties other than ZANU-PF...Government entities manipulated the distribution of government-provided food aid, agricultural inputs, and access to other government assistance programs to exclude suspected MDC supporters and to compel support for ZANU-PF.’⁸⁵

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7.4 Demolition of housing

7.4.1 Freedom House, in its 2016 Freedom in the World report, covering events in 2015, noted:

‘Property rights are not respected. In January 2015, police officers demolished the homes of at least 200 families living in an area where Grace Mugabe reportedly planned to create a wildlife sanctuary, although the courts have shown independence in multiple rulings against the interests of the first lady in this venture. The authorities also continued to demolish, without court orders, homes around Harare that were deemed to have been built illegally, affecting thousands of residents.’⁸⁶

7.4.2 The DFAT report noted:

‘...on 13 July 2015 the Harare City Council demolished 11 ‘illegal’ houses belonging to MDC-T supporters in Glen Norah, Harare; ...

‘In urban and peri-urban areas, government authorities have demolished so-called ‘illegal’ households in order to dilute political opposition in high density suburbs. This constitutes a significant form of harassment of ‘ordinary’

⁸⁴ Zimbabwe Peace Project, Human Rights Violations Monthly Monitoring Report: November 2016 <http://www.zimpeaceproject.com/wp-content/uploads/2016/01/MMR-November-2016.pdf>. Date accessed: 18 January 2017

⁸⁵ United States State Department, ‘Country Report on Human Rights Practices for 2015’, 13 April 2016, Zimbabwe, section 1f, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>. Date accessed: 4 November 2016

⁸⁶ Freedom House, ‘Freedom in the World 2016’, Zimbabwe section, 14 July 2016, <https://freedomhouse.org/report/freedom-world/2016/zimbabwe>. Date accessed: 20 September 2016

people in Zimbabwe, and is most prominent in Mashonaland Central and high density areas in Harare.’⁸⁷

7.4.3 The USSD report covering events in 2015 also noted that ‘The government forcibly displaced persons from their homes.’⁸⁸

7.4.4 The FCO 2016 report, updated 21 July 2016 stated:

‘Despite commitments made by the government of Zimbabwe, enforcement of property rights remains weak. Government bodies have, on multiple occasions, failed to respect the provisions of the constitution regarding eviction and demolition of property. In January a number of homes on the Airport Road outside of Harare were demolished on the basis that they were illegally constructed on land owned by the Civil Aviation Authority of Zimbabwe. Residents claimed that land had been legally sold to them or apportioned to them by ZANU PF (Zimbabwe ruling party) and that they had legal electricity and water connections. It is not clear that the authorities had obtained the necessary court order before the demolitions.’⁸⁹

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7.5 Violence targeted against opposition party members

7.5.1 The USSD report covering events in 2015 stated:

‘ZANU-PF supporters, sometimes with government support or acquiescence, intimidated and abused members of organizations perceived to be associated with other political parties... Although the constitution allows for multiple parties, elements within ZANU-PF and the security forces intimidated and committed abuses against other parties and their supporters and obstructed their activities. In contravention of the law, active members of the police and army openly campaigned for and ran as ZANU-PF candidates in the elections.’⁹⁰

7.5.2 The Freedom House ‘Freedom in the World 2016’ report, published on 14 July 2016, stated:

‘Zimbabwe in 2015 continued to suffer from factionalization of the two major parties and a deepening economic malaise. Over the course of more than 20 by-elections, held mostly as a result of lawmakers being expelled from both major parties, the ruling Zimbabwe African National Union–Patriotic Front (ZANU-PF) greatly increased its share of seats in the National Assembly

⁸⁷ Australian Department of Foreign Affairs and Trade ‘DFAT Country Information Report – Zimbabwe’, 11 April 2016, pages 10-11, copy available on request. Accessed 14 November 2016

⁸⁸ United States State Department, ‘Country Report on Human Rights Practices for 2015’, 13 April 2016, Zimbabwe, section 1f,

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>.
Date accessed: 4 November 2016

⁸⁹ Foreign and Commonwealth Office, ‘Human Rights & Democracy – The 2015 Foreign and Commonwealth Office Report’ Zimbabwe, updated 21 July 2016,

<https://www.gov.uk/government/publications/zimbabwe-human-rights-priority-country/human-rights-priority-country-update-report-january-to-june-2016>. Date accessed: 13 December 2016

⁹⁰ United States State Department, ‘Country Report on Human Rights Practices for 2015’, 13 April 2016, Zimbabwe, section 2b,

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>.
Date accessed: 8 September 2016

during the year. The main opposition party, the Movement for Democratic Change–Tsvangirai (MDC-T), boycotted these elections, leaving ZANU-PF to run against several small opposition parties and its own former members. Even with the lack of competition, some of the contests were characterized by voter-roll discrepancies, large numbers of assisted voters, and episodes of violence.

‘The 2015 parliamentary by-elections featured a number of shortcomings. There were reports of violence, particularly in the Hurungwe West constituency, where Temba Mliswa, who had been expelled by ZANU-PF, ran to reclaim his seat as an independent. Candidates in several constituencies said they were threatened by ZANU-PF supporters, who also allegedly visited voters to record their registration numbers and threaten repercussions if they failed to vote. Reports that traditional leaders were both threatened and provided with assistants to campaign and monitor voting behavior, combined with allegations that CIO agents were deployed to by-election constituencies, suggest that such illegal campaigns were overseen by central authorities. Election monitors and non-ZANU-PF candidates also widely reported the use of fraud, including manipulation of the voter roll and fabrication of votes.’⁹¹

7.5.3 The International Crisis Group report, ‘Zimbabwe: Stranded in Stasis’, published on 29 February 2016, further noted:

‘The ruling party has invested heavily in recent by-elections... Monitors say campaigns were “characterised by threats, intimidation, physical violence and vote buying”, a familiar carrot and stick combination. Violence was most prevalent in Mliswa’s constituency. Former party insiders caution a weakened ZANU-PF will employ “well known thuggish tactics” when it feels challenged. Several incidents of abduction and assault, including the well-publicised disappearance of activist Itai Dzamara, have sent a clear signal to opponents. ZANU-PF and associates allegedly are the primary perpetrators, but internal division means many victims are now also party members.’⁹²

7.5.4 The International Crisis Group (ICG), in a report of 6 October 2016 ‘Confrontation in Zimbabwe Turns Increasingly Violent’ noted;

‘Reports of abductions and beatings of activists by militias and covert security units have increased significantly and echo previous cycles of resistance and repression. A brutal assault on 25 September by ZANU-PF supporters on four senior ZPF leaders, including Brigadier General (Rtd) Agrippa Mutambara, former ambassador to Mozambique, confirms a trajectory toward more ruthless tactics.’⁹³

7.5.5 The DFAT 2016 report noted:

⁹¹ Freedom House, ‘Freedom in the World 2016’, Zimbabwe section, 14 July 2016, <https://freedomhouse.org/report/freedom-world/2016/zimbabwe>. Date accessed: 30 September 2016

⁹² International Crisis Group, ‘Zimbabwe: Stranded in Stasis’, 29 February 2016, p.8 <https://d2071andvip0wj.cloudfront.net/b118-zimbabwe-stranded-in-stasis.pdf>. Date accessed: 28 September 2016

⁹³ International Crisis Group (ICG), Confrontation in Zimbabwe Turns Increasingly Violent, 6 October 2016, available at: <http://www.refworld.org/docid/57f653494.html>. Date accessed: 14 November 2016

'Inter-party violence is most common during election periods and political rallies – particularly those perceived to be contrary to ZANU-PF interests. On 1 November 2015, MDC-T supporters and ZANU-PF youths clashed in Hopley, South Harare, destroying a number of homes and businesses in the area despite the reported presence of ZRP personnel. Official rhetoric also highlights the on-going threat of violence from the state-sponsored security apparatus. On 29 September 2015, Zimbabwe's National Army Director for Civil-Military Relations, Colonel Charles Matema, publically announced that the Zimbabwe Defence Force (ZDF) was prepared to 'eliminate' insurgent threats, highlighting the 2007 'attempt by the MDC to topple' President Mugabe as an example of such a threat.'⁹⁴

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7.6 Violence and discrimination against MDC and spin off factions

7.6.1 Regarding the MDC, the DFAT 2016 report stated:

'Credible sources have told DFAT that MDC-T members are subject to a greater level of official discrimination than members of other opposition parties because of the MDC-T's status as the country's main opposition party. This affects senior and low-level party members. On 8 October 2015, the ZRP arrested an MDC-T supporter for publically criticising President Mugabe for reading the wrong speech during the State of the Nation Address in Parliament in August; and on 8 November 2015, the ZRP arrested a MDC-T MP, Eric Murai, and 16 party supporters for holding an unlawful public gathering. Harassment of senior MDC-T party members currently mostly takes the form of legal proceedings targeting their economic interests, such as court proceedings against party Secretary-General Mwonzora.

'MDC-T members are subjected to occasional violence, mostly from ZANU-PF youths and supporters. The situation in 2016 therefore contrasts with practices in earlier years, when senior members were at greater risk of physical violence. In March 2007, ZRP personnel arrested and assaulted MDC-T leader, Morgan Tsvangirai, in Harare for attempting to attend a prayer meeting authorities had deemed to be an illegal gathering.

'DFAT assesses that all MDC-T members face a moderate level of official discrimination throughout Zimbabwe. MDC-T members and their families also suffer indirectly from the government's partisan distribution of food and agricultural products, as well as its demolition of illegal households. MDC-T members face a moderate threat of violence from ZANU-PF supporters.'⁹⁵

7.6.2 The USSD report covering events in 2015 stated also noted, 'The government routinely interfered with MDC-T-led local governments.'⁹⁶

⁹⁴ Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, pages 10-11, copy available on request. Date accessed: 14 November 2016

⁹⁵ Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, pages 10-11, (weblink not available – copy can be given on request)

⁹⁶ United States State Department, 'Country Report on Human Rights Practices for 2015', 13 April

7.6.3 The same source noted:

'On April 24, ZANU-PF supporters and state security agents allegedly killed Pepukai Mudzembiri, Zaka North District Chairperson of the Democratic Change-Tsvangirai (MDC-T). Police investigators stated that he was killed in a hit-and-run accident, a point disputed by human rights organizations and MDC-T party officials.

'According to NGOs, security forces reportedly assaulted and tortured citizens in custody, including perceived opponents of ZANU-PF. In some cases police arrested the victims of violence and charged victims with crimes instead of perpetrators.

'Human rights groups reported the continuance of physical and psychological torture perpetrated by security agents and ZANU-PF supporters. Reported torture methods included beating victims with sticks, clubs, whips, cables, and sjamboks (a heavy whip); burning; falanga (beating the soles of the feet); use of electric shocks; solitary confinement; and sleep deprivation.

'According to one NGO, from January through September [2015], 155 persons sought treatment for injuries and trauma sustained from security force abuse, compared with 169 persons in 2014. During the same period, the NGO reported that 165 persons sought treatment for injuries and trauma sustained from abuse by ZANU-PF supporters, compared with 88 persons in 2014. Nearly 40 percent of the cases took place in Harare, and the vast majority of the victims were affiliated with the MDC-T...

'ZANU-PF supporters - often with tacit support from police - continued to assault and mistreat scores of persons, including civil society activists and known Movement for Democratic Change (MDC) members and their families, especially in Harare neighborhoods and nearby towns. Violent confrontations between youth groups of the ZANU-PF (known as "Chipangano") and the MDC-T, or the MDC-Ncube (MDC-N) continued, particularly in urban areas. ZANU-PF supporters were the primary instigators of political violence.

'On April 23, ZANU-PF supporters attacked 13 MDC-T supporters, including Member of Parliament (MP) Costa Machingauta, in the Glen View suburb of Harare. The victims reported being attacked on their way to and from a rally addressed by Morgan Tsvangirai. Machingauta was hospitalized for three days for a head injury that required 21 stitches...

'Unlike in normal criminal proceedings, which proceed from investigation to trial within months, in cases of members of political parties or civil society critical of ZANU-PF, prosecuting agents regularly took abnormally long to bring accused persons to trial. As with many other cases in which authorities granted bail to government opponents, they did not conclude investigations and set a trial date but instead chose to "proceed by way of summons." This left the threat of impending prosecution remaining, with the accused person

2016, Zimbabwe, section 2b,
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>.
Date accessed: 8 September 2016

eventually being called to court, only to be informed of further delays. The prosecutors and police routinely retained material confiscated from the accused as evidence.

'Prosecutions for corruption continued but were selective and generally seen as politically motivated. The government targeted MDC-T officials, persons who had fallen out of favor with ZANU-PF, and individuals without high-level political backing.

'Discrimination with respect to political affiliation also occurred. In May a village headman in Marondera was fired for being affiliated with the MDC-T. In June a headman in Makoni Central denied a MDC-T-affiliated applicant a job in the rural health clinic because he said the clinic could not employ an opposition party member'⁹⁷

7.6.4 The DFAT report considered the Movement for Democratic Change-Renewal (MDC-Renewal), now split into the Renewal Democrats Zimbabwe (RDZ) and the People's Democratic Party (PDP):

'DFAT assesses that the PDP and RDZ face a low risk of official discrimination because they do not presently pose a significant threat to ZANU-PF. However, like all opposition parties, the PDP and RDZ are subjected to official discrimination in the form of restrictions on their freedom of expression and assembly.

'Credible sources have told DFAT that Zimbabwean authorities occasionally arrest MDC-N members but generally regard the MDC-N as a defeated political force. DFAT assesses that MDC-N members are subject to a low level of official discrimination because they do not presently pose a significant threat to ZANU-PF.'⁹⁸

7.6.5 The same report considered MDC-N: 'Credible sources have told DFAT that Zimbabwean authorities occasionally arrest MDC-N members but generally regard the MDC-N as a defeated political force. DFAT assesses that MDC-N members are subject to a low level of official discrimination because they do not presently pose a significant threat to ZANU-PF.'⁹⁹

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7.7 Violence and discrimination against other political groups

7.7.1 The DFAT report noted that ZANU-PF supporters allegedly abducted and violently assaulted six People First supporters in Chitungwiza in December 2015.¹⁰⁰ The New Zimbabwe reported in March 2016 that supporters at a

⁹⁷ United States State Department, 'Country Report on Human Rights Practices for 2015', 13 April 2016, Zimbabwe, section 1a, c & e, 4 and 7d.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>. Date accessed: 8 September 2016

⁹⁸ Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, pages 10-11, copy available on request. Date accessed: 14 November 2016

⁹⁹ Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, pages 10-11, copy available on request. Date accessed: 14 November 2016

¹⁰⁰ Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, pages 10-11, copy available on request. Date accessed: 14 November

People First rally in Harare were pelted with stones allegedly by ZANU-PF youth members.¹⁰¹ The DFAT assessed that supporters of People First face a moderate risk of violence from ZANU-PF supporters and a moderate level of official discrimination because of the party's potentially wide support base.¹⁰²

- 7.7.2 CPIT was unable to find information relating to violence meted out to members of other political parties and the DFAT assesses that the less significant opposition parties 'presently face a low level of official discrimination because they do not presently pose a significant threat to ZANU-PF, but are subjected to the same restrictions on their freedom of expression and assembly.'¹⁰³

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8. Treatment of civil society groups

- 8.1.1 A March 2016 briefing paper for the Universal Period Review by the International Service for Human Rights (ISHR), Zimbabwe Lawyers for Human Rights (ZLHR) and Lawyers for Lawyers, Zimbabwe (ZLFL) noted that attacks on human rights' defenders [HRDs] increase around the time of elections, with a total of 3,629 HRDs subject to arbitrary arrests or malicious prosecution and deprivation of liberty and received legal assistance from Zimbabwe Lawyers for Human Rights (ZLHR) between January 2012 and December 2015:

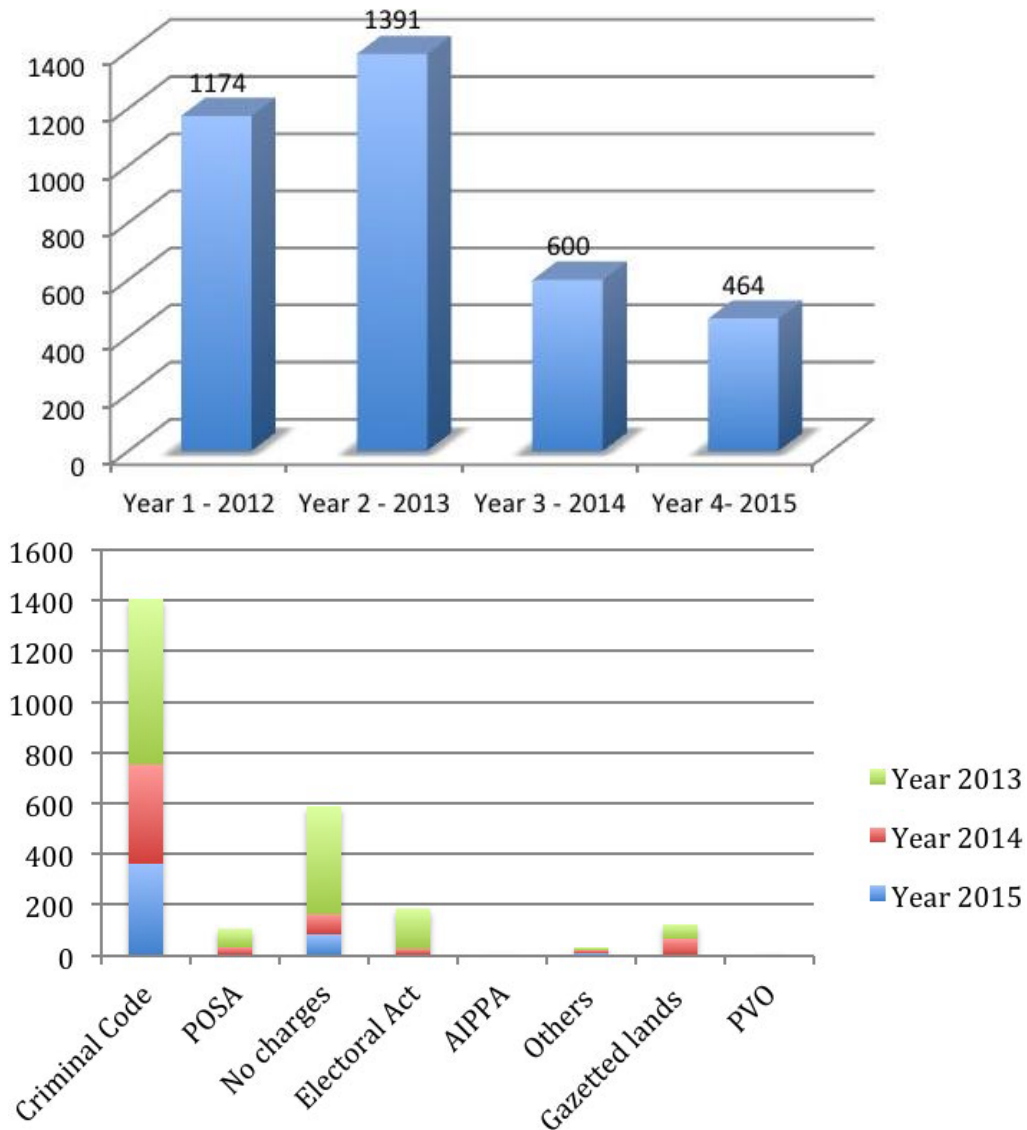
2016

¹⁰¹ New Zimbabwe, Mujuru supporters attacked at Harare rally, 12 March 2016
<http://www.newzimbabwe.com/news-28186-Mujuru+supporters+attacked+in+Harare/news.aspx>. Date accessed: 13 December 2016

¹⁰² Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, pages 10-11, copy available on request. Date accessed: 14 November 2016

¹⁰³ Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, pages 10-11, copy available on request. Date accessed: 14 November 2016

Number of HRDs arrested 2012 - 2015



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- 8.1.2 The report, covering the period January 2012 – December 2015, noted: ‘The Public Order and Security Act (POSA), which regulates public gatherings, demonstrations, and marches, continues to be applied to disrupt the activities of HRDs [human rights’ defenders] and CSOs [civil society organisations]. The POSA requires notification for ‘public gatherings’; places restrictions on speech and advocacy activity, especially where the speech or advocacy is critical of government policy or focused on politically unpopular causes; and requires written notice of five to seven days in advance of a demonstration. In addition the police often ‘misinterpret’ these provisions and harass members of opposition political parties and CSOs who hold private

¹⁰⁴ International Service for Human Rights (ISHR), Zimbabwe Lawyers for Human Rights (ZLHR) and Lawyers for Lawyers, Zimbabwe (ZLFL), The Situation Of Human Rights Defenders, Zimbabwe, March 2016. <https://www.ishr.ch/sites/default/files/documents/zimbabwe.pdf>. Date accessed: 13 December 2016

meetings by requiring that they notify the police every time they want to hold a meeting even if it does not constitute a public gathering.’¹⁰⁵ The report further noted that during the reporting period at least 38 CSOs were targeted by state actors through ‘raids, visits or search of offices, and/or seizure of property’.¹⁰⁶

8.1.3 The USSD report covering events in 2015 stated:

‘A number of domestic and international human rights groups operated in the country, investigating and publishing their findings on human rights cases. Such groups were subject to government restrictions, interference, monitoring, confiscation of materials and documentation, and other forms of harassment. Major domestic NGOs included the Crisis in Zimbabwe Coalition, Zimbabwe Human Rights NGO Forum, Zimbabwe Election Support Network, ZLHR, Zimbabwe Peace Project, ZimRights, National Constitutional Assembly, Students Solidarity Trust, and Women and Men of Zimbabwe Arise.

‘The government harassed NGOs it believed would expose abuses by government personnel or which opposed government policies, and it continued to use government-controlled media to disparage and attack human rights groups. Articles typically dismissed the efforts and recommendations of NGOs that criticized the government, and their authors charged that the real NGO agenda was regime change.

‘Police arrested or detained local NGO members and harassed their leaders, often in connection with NGO meetings or demonstrations.’¹⁰⁷

8.1.4 The same report also noted:

‘On July 24 [2015], authorities arrested three civil society activists for allegedly failing to comply with an officer’s directive while attempting to visit 16 jailed vendors at Harare Remand Prison. On July 25, authorities arrested another three activists at the Rotten Row Magistrates Court when they attempted to pay bail for those arrested the previous day.’¹⁰⁸

8.1.5 The ‘Amnesty International Report 2015/16 – The State of the World’s Human Rights’, published in 2016, stated:

¹⁰⁵ International Service for Human Rights (ISHR), Zimbabwe Lawyers for Human Rights (ZLHR) and Lawyers for Lawyers, Zimbabwe (ZLFL), The Situation Of Human Rights Defenders, Zimbabwe, March 2016. <https://www.ishr.ch/sites/default/files/documents/zimbabwe.pdf>. Date accessed: 13 December 2016

¹⁰⁶ International Service for Human Rights (ISHR), Zimbabwe Lawyers for Human Rights (ZLHR) and Lawyers for Lawyers, Zimbabwe (ZLFL), The Situation Of Human Rights Defenders, Zimbabwe, March 2016. <https://www.ishr.ch/sites/default/files/documents/zimbabwe.pdf>. Date accessed: 13 December 2016

¹⁰⁷ United States State Department, ‘Country Reports on Human Rights Practices for 2015’, 13 April 2016, Zimbabwe, section 5 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dclid=252745#wrapper>. Date accessed: 22 September 2016

¹⁰⁸ United States State Department, ‘Country Reports on Human Rights Practices for 2015’, 13 April 2016, Zimbabwe, section 5 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dclid=252745#wrapper>. Date accessed: 22 September 2016

'On 25 July, six civil society activists from the Crisis in Zimbabwe Coalition, Chitungwiza Residents Trust and the OAUS were arrested at Harare Central Remand Prison. They were handed over to the police and charged under Section 5(2) of the Protected Places and Areas Act Chapter 11:12 with failing to comply with a directive from an authorized officer regulating conduct and movement. The six were among about 50 activists who had visited 16 informal traders held on remand after being denied bail.'¹⁰⁹

8.1.6 The Human Rights Watch 'World Report 2016', published in 2016, stated:

'Itai Dzamara, a pro-democracy activist and human rights defender, was forcibly disappeared on March 9, 2015. Dzamara, the leader of Occupy Africa Unity Square—a small protest group modelled after the Arab Spring uprisings—had led a number of peaceful protests concerning the deteriorating political and economic environment in Zimbabwe in 2014 and 2015. He had petitioned Mugabe to resign and for reforms to the electoral system. Police ZANU-PF supporters assaulted him on several occasions, including during a peaceful protest in November 2014, when about 20 uniformed police handcuffed and hit him with batons until he lost consciousness. When Kennedy Masiye, his lawyer, tried to intervene, the police beat him up, breaking his arm.

'Zimbabwe authorities denied any involvement in Dzamara's abduction, but state authorities have not conducted any meaningful investigation. When Dzamara's wife, Sheffra Dzamara, approached the high court in Harare to compel state authorities to search for her husband, government officials failed to comply with the court order to report on the investigation's progress.

'On April 25, activists organized a car procession to raise awareness about Dzamara's case. Police arrested 11 activists and detained them for six hours, then released them without charge.'

The [HRW report](#) goes on to give details of the arrest and conviction of several other activists.¹¹⁰

8.1.7 The FCO 2016 report noted 'The government of Zimbabwe has still not properly investigated the disappearance of political activist Itai Dzamara.'¹¹¹

8.1.8 The 2016 DFAT report stated:

'Although Zimbabwe has an active civil society sector, NGOs are subject to a range of legal restrictions under the POSA [Public Order and Security Act], AIPPA [Access to Information and Protection of Privacy Act], Criminal Law (Codification and Reform) Act (CLCRA) and Private Voluntary Organisations

¹⁰⁹ Amnesty International, 'Amnesty International Report 2015/16 – The State of the World's Human Rights', Zimbabwe section, 2016, <https://www.amnesty.org/en/countries/africa/zimbabwe/report-zimbabwe/>. Date accessed: 21 October 2016

¹¹⁰ Human Rights Watch 'World Report 2016', 2016, Zimbabwe section, <https://www.hrw.org/world-report/2016/country-chapters/zimbabwe>. Date accessed: 22 September 2016

¹¹¹ Foreign and Commonwealth Office, 'Human Rights & Democracy – The 2015 Foreign and Commonwealth Office Report', 21 April 2016, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/518658/FCO755_Human_Rights_Report_2015_-_WEB.pdf. Date accessed: 21 October 2016

Act ('PVO Act'). According to Zimbabwe Lawyers for Human Rights, police arrested 1,390 female human rights defenders between March 2013 and March 2015 for staging street protests or advocating for political and socioeconomic reform. Authorities have also used state-controlled media organisations to undermine NGOs which criticise government policies. On 8 August 2015, The Herald published an article claiming that Western countries are using NGOs to 'impose puppet governments in Africa.' On 16 October 2015, Zimbabwe's First Lady, Grace Mugabe, publically accused NGOs of being involved in 'sinister' activities.

'Under the PVO Act, NGOs must register with the Registrar and PVO Board. Credible sources have told DFAT that registration procedures are complex, lengthy and partisan, with the PVO Board often giving vague reasons for rejecting applications. Penalties for operating an unregistered organisation include fines and imprisonment. The Act also allows authorities to suspend the activities of NGOs or inspect 'any aspect of their affairs or activities.'

'The type and level of harassment and intimidation of CSOs, activists and human rights lawyers has changed since 2008. Earlier, individuals at all levels were more likely to experience harassment, arbitrary arrest and enforced disappearance. While this has declined, the National Prosecution Authority has brought legal proceedings against all major CSOs in Zimbabwe, and regularly prosecutes individual human rights lawyers for contempt of court and obstruction of justice. Human rights organisations have told DFAT that since 2013 authorities have mostly targeted high-profile human rights advocates through surveillance, arrests and spurious legal proceedings. ZRP personnel assaulted and detained the leaders of the October 2014 'Occupy Africa Unity Square' movement in Harare. The disappearance in March 2015 of Occupy Africa Unity Square leader, Itai Dzamara, is significant given Dzamara's vehemently anti-Mugabe stance during the protests (see 'Enforced or Involuntary Disappearances' below).

'The Government has also harassed and intimidated prominent members of vendors' advocacy groups, which have become increasingly vocal in their attacks on the Government for failing to follow through election promises to create millions of new jobs. On 12 July 2015, Municipal Police arrested the Director, Chairperson and other members of the National Vendors Union Zimbabwe (NAVUZ) in Harare for allegedly defying a Government directive to vacate land they were using for 'illegal' markets.'¹¹²

8.1.9 The Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 : Zimbabwe, 23 August 2016 included the following submissions:

- 'human rights defenders continued to face harassment, violence, arbitrary arrest and malicious prosecution - [ISHR (International Service for Human Rights)]

¹¹² Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, pages 10-11, (weblink not available – copy can be given on request)

- ‘human rights defenders, particularly those working on issues of corruption, public accountability and democratic governance, have been subjected to intimidation and harassment by the Central Intelligence Organization - FLD [Front Line Defenders, Dublin]’¹¹³

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9. Treatment of journalists

9.1.1 The FCO 2016 report noted ‘the restrictions on the freedom of the media’ as an issue of concern in Zimbabwe¹¹⁴.

9.1.2 The USSD report covering events in 2015 stated:

‘The constitution provides for freedom of speech and press, but the law limits these freedoms in the “interest of defense, public safety, public order, state economic interests, public morality, and public health.” The government continued to arrest, detain, and harass critics, and journalists practiced self-censorship...

‘The criminal code makes it an offense to publish or communicate false statements prejudicial to the state. The law allows authorities to monitor and censor “the publication of false statements that will engender feelings of hostility towards-or cause hatred, contempt, or ridicule of-the president or acting president.” Any person who “insults the president or communicates falsehoods” is subject to imprisonment.

‘Newspapers also exercised self-censorship due to government intimidation and the prospect of prosecution under criminal libel laws.’¹¹⁵

9.1.3 The report also noted:

‘The government continued to use the law to control media content and the licensing of journalists, although many provisions of the law are inconsistent with the constitution. The main provisions of the law give the government extensive powers to control the media and suppress free speech by requiring the registration of journalists and prohibiting the “abuse of free expression.”

‘On May 28, then Minister of Media, Information, and Broadcasting Services Jonathan Moyo threatened to use legal instruments to force journalists to observe ethical practices. Moyo’s threats came days after a story by the privately owned Newsday newspaper alleging that the president owed businessman Ray Kaukonde \$30 million. Moyo accused Newsday of using

¹¹³ UN Human Rights Council, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 : Zimbabwe, 23 August 2016, A/HRC/WG.6/26/ZWE/3, paragraph 58 available at: <http://www.refworld.org/docid/57f651c04.html> Accessed 14 December 2016

¹¹⁴ Foreign and Commonwealth Office, ‘Human Rights & Democracy – The 2015 Foreign and Commonwealth Office Report’, 21 April 2016, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/518658/FCO755_Human_Rights_Report_2015_-_WEB.pdf. Date accessed: 21 October 2016

¹¹⁵ United States State Department, ‘Country Report on Human Rights Practices for 2015’, 13 April 2016, Zimbabwe, section 2a <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>. Date accessed: 22 September 2016

invented sources to support falsehoods and said the fabrications appeared aimed at inciting public disaffection against President Mugabe...

'Security forces arbitrarily harassed and arrested journalists who reported unfavorably on government policies or security operations. Senior ZANU-PF officials also criticized local and foreign independent media for allegedly biased reporting that discredited the president and misrepresented the country's political and economic conditions.'¹¹⁶

9.1.4 The report noted, however, that independent newspapers continued to exist:

'Despite threats and pressure from the government, independent newspapers continued to operate. The Zimbabwe Media Commission, which conducts media regulation, registration, and accreditation, licensed independent newspapers and magazines. During the year authorities threatened independent media vendors and confiscated copies of their newspapers. Security services also prevented print journalists from covering events that would expose government excesses.'¹¹⁷

9.1.5 The Freedom House 'Freedom in the World 2016' report, published on 14 July 2016, stated:

'Criticizing the government in some cases is also punished extrajudicially, particularly when it involves Mugabe. Journalists are subject to beatings or arrests while reporting on demonstrations.'¹¹⁸

9.1.6 The 'Amnesty International Report 2015/16 – The State of the World's Human Rights', published 25 February 2016, stated: 'At least 10 journalists from both the state-controlled and private media were arrested for writing articles critical of government officials and faced charges including publishing "falsehoods" under the Criminal Law (Codification and Reform) Act.'¹¹⁹

9.1.7 See the [Amnesty report](#)¹²⁰ for full details of all the journalists' arrests and subsequent release.

9.1.8 In its 2016 'Freedom on the Net' report covering the period June 2015–May 2016 Freedom House reported that 'Online journalists and ICT users often

¹¹⁶ United States State Department, 'Country Report on Human Rights Practices for 2015', 13 April 2016, Zimbabwe, section 2a
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>.
Date accessed: 22 September 2016

¹¹⁷ United States State Department, 'Country Report on Human Rights Practices for 2015', 13 April 2016, Zimbabwe, section 2a
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>.
Date accessed: 22 September 2016

¹¹⁸ Freedom House, 'Freedom in the World 2016', Zimbabwe section, 14 July 2016,
<https://freedomhouse.org/report/freedom-world/2016/zimbabwe>. Date accessed: 30 September 2016

¹¹⁹ Amnesty International, 'Amnesty International Report 2015/16 – The State of the World's Human Rights', Zimbabwe section, 25 February 2016,
<https://www.amnesty.org/en/countries/africa/zimbabwe/report-zimbabwe>. Date accessed: 21 October 2016

¹²⁰ Amnesty International, 'Amnesty International Report 2015/16 – The State of the World's Human Rights', Zimbabwe section, 25 February 2016,
<https://www.amnesty.org/en/countries/africa/zimbabwe/report-zimbabwe>. Date accessed: 21 October 2016

faced harassment, intimidation, and violence for their online activities in the past year. During the July 2016 anti-government protests, journalists were reportedly arrested and forced to delete images covering the demonstrations as part of an effort to suppress reporting and sharing of information via social media.¹²¹

- 9.1.9 A Reporters Without Borders report, 'RSF decries Zimbabwean government's harassment of journalists', dated 29 July 2016 (updated 1 August 2016), stated:

'Reporters Without Borders (RSF) condemns the harassment of journalists in recent weeks by President Robert Mugabe's government and the ruling ZANU-PF party. Journalists have been the targets of intimidation attempts, physical attacks and arrests without justification.

'The harassment is related to a wave of anti-government protests that began several months ago and were sparked by revelations about the vast sum (more than 700,000 euros) that the state lavished on Mugabe's 92nd birthday celebrations despite a deep economic crisis.

'As a result of the growing grass-roots opposition, the authorities are clamping down on all those perceived as possible critics of the government and ZANU-PF – including journalists.'¹²²

- 9.1.10 The [RSF report](#) continued, giving details of individual journalists targeted during June and July 2016 by the government. It also noted that Zimbabwe is ranked 124th out of 180 countries in RSF's 2016 World Press Freedom Index.¹²³

- 9.1.11 A 'Daily News' (Zimbabwe) report, 'Journalists attack condemned', dated 5 August 2016, stated:

'Journalists and human rights organisations have condemned the brutal assault of journalists by police during Wednesday's protest against bond notes and rising unemployment.

'The demonstration, sanctioned by the courts, turned bloody as the police teargassed and attacked the protestors, including journalists... Tanaka Marazi, an unemployed graduate, was later admitted to hospital after he was injured in the police attacks.

'This comes after the Daily News' senior reporter Mugrove Tafirenyika was assaulted last week at the Zanu PF headquarters while covering an event... Media Institute of Southern Africa programmes coordinator, Nyasha Nyakunu, said the repeated assault of journalists, despite them displaying

¹²¹ Freedom House, 'Freedom on the Net 2016, Zimbabwe section, November 2016

<https://freedomhouse.org/report/freedom-net/2016/zimbabwe>. Date accessed: 18 January 2017

¹²² Reporters Without Borders, 'RSF decries Zimbabwean government's harassment of journalists', 29 July 2016 (updated 1 August 2016), <https://rsf.org/en/news/rsf-decries-zimbabwean-governments-harassment-journalists>. Date accessed: 30 September 2016

¹²³ Reporters Without Borders, 'RSF decries Zimbabwean government's harassment of journalists', 29 July 2016 (updated 1 August 2016), <https://rsf.org/en/news/rsf-decries-zimbabwean-governments-harassment-journalists>. Date accessed: 30 September 2016

their press cards, showed that the safety and security of journalists was at risk.’¹²⁴

9.1.12 The USSD report covering events in 2015 stated:

‘The law grants the government a wide range of legal powers to prosecute persons for political and security crimes that are not clearly defined. For example, the extremely broad Official Secrets Act makes it a crime to divulge any information acquired in the course of official duties. Authorities used these laws to restrict publication of information that criticized government policies or public officials.’¹²⁵

9.1.13 The DFAT 2016 report added:

‘The POSA [Public Order and Security Act], Official Secrets Act and the Criminal Law (Codification and Reform) Act limit what journalists may publish and prescribe harsh penalties for violators, including imprisonment for up to 20 years. On 19 June 2014, police charged the editor of the state-owned Sunday Mail with insurgency and terrorism in his alleged role as an administrator for the online government critic, Baba Jukwa; and on 6 January 2016, authorities arrested two NewsDay journalists for their role in publishing an article about the Central Intelligence Organisation. However, DFAT understands that there has been an overall decline in the number of arrests of journalists in the past few years.’¹²⁶

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10. Treatment of teachers

10.1.1 The Freedom House ‘Freedom in the World 2016’ report, published on 14 July 2016, stated:

‘Political pressure on teachers and academics has eased in recent years, though the state still responds with force to student protests. Prominent academics rank among the government’s most vociferous critics, and some are allowed to operate with little interference. Mugabe serves as the chancellor of all eight state-run universities, and the Ministry of Higher Education supervises education policy at universities. Nevertheless, there is respect for academic freedom in many government institutions.’¹²⁷

10.1.2 The 2016 DFAT report stated:

‘Teachers in Zimbabwe have historically been well-regarded and predominantly middle-class. Since 2000, however, the ruling party has discriminated against teachers because of their actual or perceived support

¹²⁴ ‘Daily News’ (Zimbabwe), ‘Journalists attack condemned’, 5 August 2016, <https://www.dailynews.co.zw/articles/2016/08/05/journalists-attack-condemned>. Date accessed: 30 September 2016

¹²⁵ United States State Department, ‘Country Report on Human Rights Practices for 2015’, 13 April 2016, Zimbabwe, section 2a <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>. Date accessed: 22 September 2016

¹²⁶ Australian Department of Foreign Affairs and Trade ‘DFAT Country Information Report – Zimbabwe’, 11 April 2016, pages 13, (weblink not available – copy can be given on request)

¹²⁷ Freedom House, ‘Freedom in the World 2016’, Zimbabwe section, 2016, <https://freedomhouse.org/report/freedom-world/2016/zimbabwe>. Date accessed: 30 September 2016

for opposition parties. These perceptions have reportedly emerged because schools have been used to hold politican [sic] meetings during election periods and because teachers appointed as electoral officers reported cases involving ZANU-PF electoral fraud during national elections from 2000-2008.

'There has been a significant reduction in the level of official discrimination against teachers since 2008. This discrimination has also changed from overt violence (no teachers have been killed since 2008) to other forms of harassment and intimidation. The authorities reportedly removed several teachers from their positions during the 2013 elections; and police allegedly arrested and assaulted three members of the Rural Teachers Union of Zimbabwe on 4 January 2016. Credible sources have told DFAT this harassment and intimidation is most prominent in Mashonaland East, West and Central, Masvingo, and Manicaland provinces.'¹²⁸

10.1.3 In January 2017 News Day reported that:

'The Amalgamated Rural Teachers' Union of Zimbabwe president, Obert Masaraure, in an interview said Zanu PF had resorted to manipulating desperate teachers through offering "petty financial rewards" to campaign for the party. He said defiant teachers had received threats of violence, as well as displacements from their work stations. "You will know that teachers are not getting their salaries on time and they have become subjects of manipulation. We have also received reports of teachers from Bikita West receiving death threats if they do not campaign for Zanu PF." ... Teachers from Zanu PF strongholds, particularly rural constituencies, have often fallen victim to the ruling party's violence, as they are often blamed for sympathising with the MDC-T.'¹²⁹

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11. Freedom of movement

11.1.1 The DFAT 2016 considered the potential for relocation and concluded that 'there are no major restrictions on internal relocation for MDC-T members':

'The Constitution guarantees the right to freedom of movement and residence within Zimbabwe. Credible sources have told DFAT that internal relocation involving opposition party members was most prevalent in 2008, when up to 300 MDC members were killed, although there were some reports of political opponents relocating from the Mashonaland provinces during national elections in 2013. DFAT assesses that opposition party members who relocate within Zimbabwe would not be subjected to adverse attention solely because of their place of residence, including in Harare and Bulawayo. DFAT understands that opposition party members in Bulawayo

¹²⁸ Australian Department of Foreign Affairs and Trade 'DFAT Country Information Report – Zimbabwe', 11 April 2016, pages 10-11, Copy available on request. Accessed 28 October 2016

¹²⁹ News Day, 'Zanu PF manipulates hungry teachers ahead of Bikita West by-election', 16 January 2017

<https://www.newsday.co.zw/2017/01/16/zanu-pf-manipulates-hungry-teachers-ahead-bikita-west-election/> Accessed 23 January 2017

are less subjected to harassment and intimidation than elsewhere in Zimbabwe.’¹³⁰

- 11.1.2 Both the USSD and the DFAT noted that in-country movement was made difficult by the police regularly mounting checkpoints nationwide along most major routes and scattered throughout each city or town. In urban areas a single road could have several roadblocks in the span of a few miles.’¹³¹ ¹³²

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¹³⁰ Australian Department of Foreign Affairs and Trade ‘DFAT Country Information Report – Zimbabwe’, 11 April 2016, page 20, Copy available on request. Accessed 14 December 2016

¹³¹ United States State Department, ‘Country Report on Human Rights Practices for 2015’, 13 April 2016, Zimbabwe, section 2d

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252745#wrapper>.

Date accessed: 22 September 2016

¹³² Australian Department of Foreign Affairs and Trade ‘DFAT Country Information Report – Zimbabwe’, 11 April 2016, page 18, Copy available on request. Date accessed: 14 December 2016

Version Control and Contacts

Contacts

If you have any questions about this note and your line manager or senior caseworker cannot help you or you think that this note has factual errors then email the [Country Policy and Information Team](#).

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Clearance

Below is information on when this version of this note was cleared:

- version **2.0e**
- valid from **31 January 2017**

Changes from last version of this note

- presented in a different style template
- updated country information
- updated policy guidance

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