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The Centre for the Study of
Violence and Reconciliation
20th Anniversary 1989 - 2009



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Subliminal terror?

Human rights violations
and torture in Zimbabwe
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Report prepared for the Centre for the Study of Violence and Reconciliation

by Tony Reeler



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1

BACKGROUND

Although human rights violations have taken place in Zimbabwe over the past three decades, the major focus in this monograph will be upon the period 2000 to 2008, with special reference to 2008. It is evident from reports published over the years that there have been serious violations of human rights prior to this time, both during the Liberation War, and during the 1980s in Matabeleland and the Midlands, and, of course, neither of these two periods should be excluded from any process of accountability. Indeed, Zimbabweans have themselves already argued that there should be a full accounting for all human rights violations since the original occupation of the country in 19th century¹. The kinds of accounting will obviously be very different for the various time periods: prior to 1965, it would seem that a Truth Commission process would be most appropriate, whilst, subsequent to this time, there have been strong arguments that a Truth, Justice, and Reconciliation Commission would be the appropriate mechanism.²

However, the major reason for selecting the period from 2000 onwards is to reflect a number of developments. Firstly, the UN Convention Against Torture only came into force in 1984, whilst the Rome Statute for the International Criminal Court only became operative in 2002. Thus, as regards international jurisdiction, no case of torture prior to 1984 could be considered by an international court, and no case regarding crimes against humanity can be considered in respect of events prior to July 2002, although the UN Security Council could act on its own as it did in the cases of the Former Yugoslavia and Rwanda. Of course, there could be no international objection to Zimbabwe examining all previous human rights violations through the setting up of its own domestic tribunal. After all, domestic remedy is a considerable improvement over international remedy, and indeed international remedy is there mostly to provide for situations where domestic remedy is not possible, for whatever reason.

There is also no reason why an appeal to international customary law may not be considered in respect of any time period. Whether such an appeal to international customary law would have more than either political or symbolic significance is a moot point, but the point should nonetheless be made. However, the period from 2000 to 2008 has mainly been chosen because of the political significance of the various elections during this period, and the particular significance of gross human rights violations perpetrated in the subversion of normal democratic activities. Here the point is to highlight a new and sinister use of violence, what may be termed "subliminal terror". The violations during 2008 are given especial emphasis as, from all reports; it would appear to be the worst year for gross human rights violations since 2000.

Secondly, and this is important, there is considerable evidence that the period since 2000 has seen the most sustained human rights violations in Zimbabwe's history. This is not to argue that this period has seen a great number of deaths, for, compared to the Liberation War or the Gukurahundi of the 1980s, this is not the case, but it is certainly the case, as will be seen below, that the numbers of people affected by the violations since 2000 is much greater than even during the Liberation War. The difference lies in the kinds of violations, and, as will be seen, in the very sinister application of widespread torture in pursuit of political aims.

Thirdly, the violations since 2000 conform strongly to the four-part definition of torture contained in the UN Convention against Torture. To re-iterate this definition, torture:

- Involves the infliction of severe pain and suffering, whether physical or mental;
- Done intentionally;
- Done with a purpose in mind – to intimidate, a force confession, etc;
- Done with the consent or acquiescence of a public official or other person acting in an official capacity.

Torture is significant because it can not only form the basis for individual actions under the 1984 UN Convention Against Torture, but it can also form the basis for a charge of Crimes Against Humanity, as defined in the Rome Statute, where torture can be shown to be widespread and/or systematic.

1 See the Johannesburg Declaration and the Summary of the Johannesburg symposium, reported in *Themba Lesizwe (2004), Civil Society and Justice in Zimbabwe, Proceedings of a symposium held in Johannesburg, 11-13 August 2003, PRETORIA: THEMBA LESIZWE.*

2 See again *Themba Lesizwe (2004), Civil Society and Justice in Zimbabwe, Proceedings of a symposium held in Johannesburg, 11-13 August 2003, PRETORIA: THEMBA LESIZWE.*

An indictment for Crimes Against Humanity can be brought if any or more of the following can be demonstrated:

- Murder;
- Extermination;
- Enslavement;
- Deportation or forcible transfer of population;
- Imprisonment or other severe deprivation of physical liberty in violation of fundamental rule of international law;
- Torture;
- Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law;
- Enforced disappearance of persons;
- The crime of apartheid;
- Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Furthermore these abuses must have taken place outside of obvious war, against a civilian population, and be either widespread or systematic, or both.

As will be seen below, the evidence shows clearly that such violations have taken place on a very large scale since 2000, and, in addition, they have been geographically very widespread. This monograph will establish the existence of systematic torture, and demonstrate its widespread application. It is necessary to establish the existence of systematic and widespread torture, for, whilst any clear case of torture will demonstrate that the Convention Against Torture has been violated, it is necessary to show that torture has taken place on a widespread or systematic scale to bring these crimes within the purview of the Rome Statute as crimes against humanity. Here it will be seen that the violations since 2000 are both widespread, both geographically and in the types of perpetrators involved, and, furthermore, that the violations are systematic in that they are significantly more frequent at times of elections, and not perpetrated in a manner that suggests inter-party political violence.

Thus, this monograph will focus upon two related issues, with particular emphasis on 2008. Firstly, can it be established that there are credible reports of torture and other gross human rights violations, and, secondly, are these reports widespread and systematic?

Widespread can have two meanings. In the first meaning, widespread can be taken to mean “geographically” widespread; that is, occurring in many different places in the country. In the second sense, it can mean applied by many different agencies, and, here, it refers to the widespread use of torture by many different government agencies – police, army, etc - and government-affiliated bodies – politicians, party supporters, etc. Both meanings will be examined here against some of the available data. In either sense, the implication can only be that the violations have taken place with the active consent or the condonation of the Government, and hence both acts of commission or omission can render the Government liable.

As regards systematic, does the pattern of violations suggest some form of plan by the perpetrators and those responsible for the violators? Here it would be crucial to show that the targets of the violence are a specific group in Zimbabwe, suggesting some form of persecution. It would also be significant if the pattern was temporally specific, such as occurring predominantly during elections.

If the violations can be shown to be both widespread and systematic, then, as the Human Rights Forum has argued³, an allegation can be made that these constitute crimes against humanity. Thus this report, using the publicly available reports, will examine to what extent such an allegation can be sustained.

3 See Zimbabwe Human Rights NGO Forum (2008), *Damned Lies? Post Election Violence in Zimbabwe*. Report produced by the Research & Advocacy Unit. August 2008. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

2 OVERVIEW OF TORTURE IN ZIMBABWE

As indicated, torture has been reported in all the past three decades in Zimbabwe, but there have been periods during which torture was relatively uncommon. For example, although political violence accompanied the elections of 1985, 1990 and 1995 very little torture was reported between 1987 and 1998. Outbreaks of organized violence and torture however have been reported for all the national elections since 2000. There was, however, massive torture reported during the Liberation War, the disturbances during the so-called Gukurahundi period of the 1980s, and a return to epidemic levels of torture beginning with the Food Riots in 1998, which have persisted to the present. The work of CCJP (CATHOLIC COMMISSION FOR JUSTICE AND PEACE) in the 1970s was complemented by Amnesty International⁴, and it was clear at the time that torture (and other gross human rights violations) was widespread and systematic.

2.1 The Liberation War

Torture during the Liberation War of the 1970s was documented at the time by the Catholic Commission for Justice and Peace [CCJP], and more extensively documented, and corroborated, much later by the Amani Trust. In a series of publications⁵, CCJP demonstrated the widespread use of torture by the Rhodesian security forces, but this work was discontinued in the face of severe government pressure and the passing of formal impunity, by the notorious Indemnity and Compensation Act, which vitiated all attempts by CCJP to use the legal system to prevent torture and obtain redress for the victims.

Most of this work was concentrated on the violations inflicted by the security forces of the illegal Rhodesian government, but subsequent work by the Amani Trust demonstrated that the guerrilla forces were not exempt from such accusations⁶. However, the Amani work did give an indication of the comparative rates of abuse of the various military forces, and, in the sample described and assessed, 90% of the survivors reported their torture occurred at the hands of the Rhodesian security forces. The Amani Trust, in a series of small epidemiological studies of torture in Mashonaland Central Province – one of the worst affected areas during the Liberation War – estimated that one adult in ten over the age of thirty was a survivor of torture⁷.

It is worth commenting though that many of the victims of guerrilla torture were also executed, and hence it is probable that the sample is skewed in favour of survivors. Of course, the Amani data deals only with survivors, and does not reflect the numbers of people that were killed by the Rhodesian security forces in “counter-terrorism” actions, which also included a number of large massacres in Mozambique and Zambia. It can be credibly asserted that a strong case could be made for war crimes having been committed by both sides during this conflict.

Nonetheless, all of these atrocities did occur during a time of obvious war, and a short and bloody war. By the end of hostilities, it is estimated that 60,000 people had lost their lives, more than 750,000 had been displaced from their homes in the country side to “protected villages”, an equivalent number had been turned into refugees (mostly in Botswana, Mozambique and Zambia), and 100,000 had been injured. Whilst the existence of a state of war might explain these horrors, it does not of course excuse them, but neither reason can be invoked as explaining the next epidemic of violence, the Gukurahundi of the 1980s.

2.2 The Gukurahundi

The organized violence and torture that was inflicted upon the southern half of Zimbabwe during the 1980s occurred quite clearly during a time of peace, although it was also a time during which the new state of Zimbabwe lived in a very dangerous neighbourhood. With wars in Angola, Namibia and Mozambique, and a state of near-insurgency in South Africa, Zimbabwe was a target for continuous attempts by the South African regime to destabilise the country and neutralise its support for the liberation movements of the region.

The organized violence and torture that swept Matabeleland and the Midlands from 1982 to 1987 was partially described again by CCJP and other groups, but the extremely courageous work by the various human rights groups received little public attention, apart from some exposure by a number of newspapers. A government commission, the Chihambakwe Commission, was set up to examine the allegations of gross human rights violations, but its report has never been made public. Thus, the detailed exposure of the human

4 See Amnesty International: *Rhodesia: AI campaign: use of torture in Rhodesia* - Amnesty International 1977; Amnesty International: *Rhodesia: HR violations in Rhodesia 1978/1979* - Amnesty International 1979; Amnesty International: *Rhodesia: Torture in Rhodesia: Extracts of Statements received by AI* - Amnesty International 1977.

5 See CCJP (1975), *The Man in the Middle: torture, resettlement and eviction*, SALISBURY: CATHOLIC COMMISSION FOR JUSTICE AND PEACE IN RHODESIA; CCJP (1976), *Civil War in Rhodesia: Abduction, Torture and Death in the Counter-Insurgency Campaign*, SALISBURY: CATHOLIC COMMISSION FOR JUSTICE AND PEACE IN RHODESIA.

6 See Amani (1998), *Survivors of Torture and Organised Violence from the 1970 War of Liberation*, HARARE: AMANI.

7 See Reeler, A.P., Mbape, P., Matshona, J., Mhetura, J., & Hlatywayo, E. (2001), *The prevalence and nature of disorders due to torture in Mashonaland Central Province, Zimbabwe*, TORTURE, 11, 4-9.

rights violations, and the mass torture, had to wait until the 1990s and the publication of the joint report by CCJP and the Legal Resources Foundation [LRF]⁸.

Despite the publication of the excellent report by CCJP and the Legal Resources Foundation, there is no detailed description of either the extent or nature of the torture during this period. There is however one indication of the scale of the torture which comes from a District epidemiological study, which showed that 90% of the people screened at District medical facilities reported torture during the 1980s, with 50% of the sample showing clinically significant psychological disorder as a consequence⁹. This is five times the rate seen in the sample from the Liberation War, and gives a crude measure of the ferocity of the violence inflicted during the 1980s. The case studies reported in the Breaking the Silence report of the CCJP and the LRF put flesh on the bones of these neutral statistics.

2.3 The Food Riots

The period following the Unity Accord of 1987, and the consequent impunity for the gross human rights violations, can be described as free from political torture, apart, as mentioned earlier, from the political violence that accompanied the elections in 1990 and 1995. However, it was a time of increasing political turbulence, mainly engendered by the economic reforms implemented by ZANU PF in its Economic Structural Adjustment Programme [ESAP]. As inflation and corruption increased and the cost of living rose, the citizens became increasingly disenchanted with the ZANU PF government, leading to labour union-led strikes, the demand for constitutional reform and spontaneous land invasions. When the President, Robert Mugabe, made an enormous unbudgeted payment to the now rebellious war veterans, and the value of the Zimbabwe dollar crashed as a result, the rise in food prices led, in 1998, to large scale riots in a number of Zimbabwean cities.

The response of the state was immediate and violent. The epicentre, Harare and Chitungwiza, saw the unleashing of the riot police and the army, and mass beatings, torture, and arrests ensued¹⁰. One interesting feature of the torture seen during the Food Riots was an apparent increase in *falanga*. As shall be seen, this form of torture has become increasingly prevalent.

The state was unabashed by the allegations of torture, wholly ignoring the recommendation of the UN Human Rights Committee for a Commission of inquiry, and its predilection for the use of torture was seen the following year with the notorious torture of the Zimbabwe Standard journalists, Mark Chavunduka and Ray Choto. The newly-formed Zimbabwe Human Rights NGO Forum also documented other cases of torture during 1999¹¹. However, disturbing as the events of 1998 and 1999 might have been, and with most anticipating political violence in the 2000 elections due to the formation of the Movement for Democratic Change [MDC], few in Zimbabwe anticipated organized violence and torture on the scale that then emerged.

2.4 Post-2000

Although this report will deal in detail with the torture that has been evident since 2000, it is worth briefly summarising the major events and markers of the period since 2000. This will perforce be brief since there have been an enormous number of reports on the violence since 2000: the Redress Trust, in 2004, reported that, of the 166 human rights reports on Zimbabwe since the 1970s, 136 [82%] have reported on violations since 2000 [see Table 1]¹². Clearly, there is an extremely large literature to survey and describe, and Zimbabwe, post-2000, is one of the most documented human rights crises of recent years.

TABLE 1

Reports on Zimbabwe: Human rights reports contrasted with other political reports [1970 to 2004]

Source: Redress Trust (2005)

YEAR	1970S	1980S	1990S	2000S	TOTAL
No. of Human Rights Reports	7	10	13	136	166
Total No. of Reports	11	38	59	310	418
% of decade	63.6	26.3	22	43.9	
% of total	1.67	2.39	3.11	32.5	

8 See CCJP & LRF (1997), *Breaking the Silence-Building True Peace: A Report on the Disturbances in Matabeleland and Midlands 1980 to 1988*, HARARE: CATHOLIC COMMISSION FOR JUSTICE AND PEACE IN ZIMBABWE & LEGAL RESOURCES FOUNDATION; see also Zimrights (1998), *Choosing the Path to Peace and Development: Coming to Terms with Human Rights Violations of the 1982-1987 Conflict in Matabeleland and Midlands Provinces*, Harare: Zimbabwe Human Rights Association.

9 See Amani Trust (1998), *Survivors of Organised Violence in Matabeleland: Facilitating an Agenda for Development - Report of the Workshop*, BULAWAYO: AMANI TRUST.

10 See Zimbabwe Human Rights NGO Forum (1998), *Human Rights in Troubled Times: An Initial Report on Human Rights Abuses During and After Food Riots in January 1998*. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (1999), *A Consolidated Report on the Food Riots 19—23 January 1998*. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

11 See Zimbabwe Human Rights NGO Forum, (1999), *Organized Violence and Torture in 1999*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

12 See Redress (2005), *ZIMBABWE: THE FACE OF TORTURE AND ORGANISED VIOLENCE. Torture and Organised Violence in the run-up to the 31 March 2005 General Parliamentary Election*, LONDON: REDRESS TRUST.

It is clear from Table 1 that the enormous increase in reports after 2000 shows the international profile that has followed the land invasions and the disputed elections for, although there is a dramatic increase in the number of human rights reports, there is an even more dramatic increase in the number of other kinds of reports. This reflects other aspects of the current Zimbabwe crisis: the violations of property rights, the collapsed economy, the humanitarian crisis, etc. Hazarding an educated guess, the number of reports, both human rights and others, would be even larger if such an exercise were to have included reports since 2004.

However, the crisis began with the rejection of the constitution, and the subsequent “farm invasions”, which is where the story post-2000 will begin.

2.4.1 The “Farm invasions”

The beginning of the epidemic of gross human rights violations, and especially torture, began in the aftermath of the referendum on the proposed new constitution for Zimbabwe. With the rejection of the government draft, and the clause requiring the United Kingdom to pay reparations for land acquisitions by the Zimbabwe government, the country witnessed a mass invasion of the white commercial farms. The land invasions coincidentally occurred a mere three months ahead of the general election set for March 2000, and were accompanied by extra-judicial killings, abductions, disappearances, torture, rape, and mass psychological torture¹³. It was apparent to all local human rights groups that the land invasions were a pretext for violent political campaigning, and it came as no surprise that ZANU PF won the election. It was surprise that there had been so much violence in areas that had previously been considered to be “safe” for ZANU PF¹⁴. The MDC immediately challenged the results in 38 constituencies, none of which cases saw finality before the next election in 2005, but all of which contained serious allegations of gross human rights violations¹⁵.

The violence on the commercial farms faded for a short period after the 2000 election but re-emerged with a vengeance as the run-up to the Presidential election in 2002 began. Once again Zimbabwe witnessed gross human rights violations on an epidemic scale, surpassing even the violence seen in 2000, with torture becoming common-place and *falanga* being reported with increasing frequency. Robert Mugabe “won” the election, with the result being highly disputed, and Western countries wholly rejecting the results. With the withdrawal of bi-lateral and multi-lateral donor support, and the imposition of personal sanctions against selected leaders of ZANU PF, Zimbabwe became a pariah state.

The land “problem” was used by all parties as a cause for dispute, but by no party more than ZANU PF, and land became the cornerstone of ZANU PF rhetoric against the West¹⁶. The dispute has continued unabated to date, notwithstanding the signing of the Global Political Agreement. However, there have been few reports dealing systematically with the violations against the commercial farmers and the commercial farm workers, but those that have looked at these groups, in non-anecdotal fashion, have shown a very sombre picture¹⁷. The most recent report from the Justice for Agriculture Trust [JAG] indicates that there were a minimum of 1.3 million violations against farmers and farm workers between 2000 and 2008, but this could be as high as 4.3 million¹⁸. It was calculated that there were an average of 13 violations per person, but torture was much more commonly inflicted on commercial farm workers than their employers: 29% as opposed to 9%.

If the overall number of violations sounds very high, it should be remembered that the commercial farm worker population was estimated to be around 350,000 families of full-time employees and a further 250,000 seasonal workers and their families, and a very high proportion of these workers and their families lived in the provinces in which plantation agriculture was common. These were also the provinces in which gross human rights violations were frequently reported.

Although the existing data on violations on the farms does not allow any inference about the years in which violations took place, it is most probable that there were increased rates of violation during election years, and the next section deals with the picture that pertains to elections.

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- 13 The term “mass psychological torture” was coined by the International Rehabilitation Council for Torture Victims [IRCT] and the Amani Trust to characterise the forced attendance of rural people, both commercial farm workers and residents of the communal lands, at ZANU PF meetings. These meetings were exemplified by threats, beatings, torture, and forced renunciations of allegiance to the MDC. See IRCT (2000), *Organised Violence and Torture in Zimbabwe*, 6th June 2000, Copenhagen and Harare, COPENHAGEN & HARARE: IRCT & AMANI TRUST; IRCT (2001) *Organised Violence and Torture in Zimbabwe*, 24th May 2001, Copenhagen and Harare, COPENHAGEN & HARARE: IRCT & AMANI TRUST.
 - 14 See Zimbabwe Human Rights NGO Forum (2001), *Politically-motivated violence in Zimbabwe 2000–2001. A report on the campaign of political repression conducted by the Zimbabwean Government under the guise of carrying out land reform*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.
 - 15 See Amani (2002), *Neither Free nor Fair: High Court decisions on the petitions on the June 2000 General Election*, HARARE: AMANI TRUST.
 - 16 See Phimister, I., & Raftopoulos, B. (2004), *Mugabe, Mbeki and the Politics of Anti-Imperialism*, Review of African Political Economy, 101, 127-141; Hammar, A., Raftopoulos, B., & Jensen, S. (2003), *Zimbabwe’s Unfinished Business: Rethinking Land, State and Nation in the Context of Crisis*, HARARE: WEAVER PRESS.
 - 17 See Zimbabwe Human Rights NGO Forum (2007), *Adding Insult to Injury. A Preliminary Report on Human Rights Violations on Commercial Farms, 2000 to 2005*. Zimbabwe Human Rights NGO Forum and the Justice for Agriculture Trust [JAG] in Zimbabwe. June 2007. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM. See also JAG/GAPWUZ (2007), *DESTRUCTION OF ZIMBABWE’S BACKBONE INDUSTRY IN PURSUIT OF POLITICAL POWER. A qualitative report on events in Zimbabwe’s commercial farming sector since the year 2000*. Report prepared by the Justice for Agriculture Trust [JAG] & the General Agricultural and Plantation Workers Union of Zimbabwe [GAPWUZ]. April 2008. HARARE: JUSTICE FOR AGRICULTURE TRUST; JAG/RAU (2008), *Land, Retribution, and Elections. Post Election Violence on Zimbabwe’s Remaining Farms 2008*. Report prepared by the Justice for Agriculture Trust [JAG] & the Research and Advocacy Unit. May 2008. HARARE: JUSTICE FOR AGRICULTURE TRUST; JAG/RAU (2008), *Reckless Tragedy: Irreversible? A Survey of Human Rights Violations and Losses suffered by Commercial Farmers and Farm Workers from 2000 to 2008*. Report prepared by the Research and Advocacy Unit [RAU]. December 2008. HARARE: JUSTICE FOR AGRICULTURE TRUST.
 - 18 See again JUSTICE FOR AGRICULTURE TRUST; JAG/RAU (2008), *Reckless Tragedy: Irreversible? A Survey of Human Rights Violations and Losses suffered by Commercial Farmers and Farm Workers from 2000 to 2008*. Report prepared by the Research and Advocacy Unit [RAU]. December 2008. HARARE: JUSTICE FOR AGRICULTURE TRUST.

2.4.2 Elections

As was stated earlier, since 1980, human rights violations have generally been more prevalent during election years, and this has been even more strongly the case since 2000.

At the time, the 2000 general election was reckoned to have been the most violent election since 1980, but it was soon eclipsed by the 2002 Presidential election. Against the background of the now-notorious land invasions and nationwide political violence, ZANU PF retained power in 2000, but with a greatly reduced majority and the loss of its previous two-thirds majority. Again the election was disputed and the MDC immediately lodged petitions with the High Court of Zimbabwe, alleging that there had been serious irregularities with the elections in 38 constituencies. ZANU PF lodged one petition. Contrary to the intention of the Electoral Act, there was no speedy processing of the petitions and, furthermore, in order to purge the judicial system of "unsympathetic" judicial officers, the government began a process of vilifying Supreme and High Court judges and placing them under pressure to leave the bench. This resulted in the resignation of the chief justice and the resignation in quick succession of other Supreme and High Court judges. This affected the resolution of electoral petitions.

Clearly the intention of the Electoral Act is that election petitions are heard speedily as it is antithetical to the very objective of elections that incumbents who may have been unlawfully elected occupy and exercise their powers of office.,

The need for speedy resolution of these disputes was made all the more imperative by the reaction of the international community to the elections. However, as the most comprehensive analysis of the petition process observed, of the 39 original election petitions, only 16 were eventually heard by the High Court, which ruled that the results should be overturned due to electoral fraud and/or violence in seven of the cases¹⁹. Appeals against High Court rulings were made to the Supreme Court in 13 cases, with the MDC appealing six of the rulings against it and ZANU PF appealing all of the rulings against it. In the end, all petitions fell away, or became academic, due to the new election in 2005

This has meant that there was no legal resolution in Zimbabwean law of the alleged irregularities and that those Members of Parliament (MPs) who were the subject of the petitions, apart from those who have died, saw out the term of the 2000 parliament. This most certainly was not the intention of the process envisaged under the Electoral Act. This meant also that the problems surrounding the 2000 parliamentary elections persisted throughout the lifetime of the 2000-2005 parliament and created considerable enmity between the two parties.

Thus, the stage was set for the 2002 presidential election. The expectation was that this would be the acid test of Robert Mugabe's popularity. If few expected the violence that accompanied the 2000 parliamentary election, no one expected the 2002 presidential election to be less violent and some were surprised when it was not more violent.

The Commonwealth had given an adverse report on the 2000 poll and had been trying hard through the Abuja Agreement to resolve the land dispute²⁰. It made further attempts to influence the electoral process by putting pressure on Zimbabwe through the Commonwealth Minister's Action Group. Shortly before the 2002 election the unusual step of warning the Zimbabwe government that failure to adhere to the principles of the Harare Declaration could lead to Zimbabwe's suspension from the Commonwealth²¹.

The European Union (EU) declared "targeted" sanctions against a number of Zimbabwean political and other leaders, as did the United States under the Zimbabwe Economic and Democratic Recovery Act [ZEDERA]. There was considerable international concern that the election would not conform to basic democratic principles.

The 2002 election was more acrimonious and violent than the previous one and, because there was expectation of widespread irregularities, monitoring of the process was far more diligent than in 2000. Several monitoring systems had been set in place since 2000. The Zimbabwe Human Rights NGO Forum had been providing monthly reports, while the Zimbabwe Election Support Network had been developing its skills further by monitoring the by-elections in 2000 and 2001. A number of international organisations, such as Amnesty International, the International Bar Association, the International Crisis Group and Human Rights Watch had provided their own reports.

The 2002 election itself became mired in multiple controversies, especially relating to the many legal challenges and the changes to the laws and regulations governing the elections, which continued right up to the start of the poll. The legal and procedural basis for the 2002 election was unclear right up to the morning of the first day of the election and continued through the election, with urgent applications being made to the courts to extend polling by another day because of the slowness in processing voters and the enormous queues of people unable to vote in urban areas before the polls closed.

19 See Solidarity Peace Trust (2005), *Subverting Justice: The role of the Judiciary in denying the will of the Zimbabwe electorate since 2000*. MARCH 2005. ZIMBABWE & SOUTH AFRICA: SOLIDARITY PEACE TRUST.

20 See Zimbabwe Human Rights NGO Forum (2001), *Evaluating the Abuja Agreement*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2001), *Evaluating the Abuja Agreement: Two Months Report*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2003), *Zimbabwe, the Abuja Agreement and Commonwealth Principles: Compliance or Disregard?* 8 September 2003, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

21 At the 18th Meeting of CMAG, the following was agreed: *The group expressed support for the initiative by the Southern African Development Community (SADC) in encouraging a peaceful outcome to the situation in Zimbabwe in accordance with the rule of law and respect for human rights.*

The poll itself was different from 2000 in that the polling days saw a significant number of violent incidents. In the largely two-horse race of the 2002 presidential election Robert Mugabe was re-elected with an approximate majority of 400 000 votes, which was roughly equal to the number of voters on the disputed supplementary voters' roll.

The consequences included division in the opinions of the international observers, rejection of the result by the MDC, the mounting of yet another election petition and the suspension of Zimbabwe from the Commonwealth. In contrast to the period of quiet and the absence of violence following the 2000 poll, the months following the presidential election saw an escalation of violence in the country. Analyses of the pre-election climate during the presidential election make strong allegations about the perpetration of gross human rights violations and quite clearly implicate government agencies and ZANU PF supporters as overwhelmingly the most frequent offenders in these allegations²².

Once again the MDC sought remedy through the courts and, in the vein of the previous petitions, saw the pattern of juridical prevarication and delays continue. The presidential election petition was not resolved by the time the "harmonised" elections took place in 2008, more than five years later²³. Thus the problem of illegitimacy was compounded, with both the executive and the legislature tainted by the accusations of electoral fraud and the use of violence. ZANU PF and Robert Mugabe continued to govern, but the tide of critical international opinion began to mount and a greater range of punitive measures was applied against the government.

Although the election in 2005 was generally agreed to be less violent than the two previous elections, it was nonetheless repudiated by all Western nations. Only "solidarity" African observer missions approved the process. Local and regional civil society bodies monitoring these elections agreed that the elections were less violent (but not free from violence), but also noted the high rates of intimidation, treating, and the use of partisan food-relief to ensure voter compliance²⁴. The MDC saw their share of the Parliament reduced, and ZANU PF regained its two-thirds majority in Parliament.

Thus, it seems evident that elections since 2000 continue the pattern observed since 1980, but, if anything, generally result in increasingly serious and organized violence and torture. ZANU PF seemed in an unassailable position in March 2005, and thus it was with amazement that the nation watched the events of May 2005 unfold as a massive onslaught against the urban populations of Zimbabwe, *Operation Murambatsvina*, was mounted in itself a "crime against humanity" as will be seen below.

2.4.3 *Operation Murambatsvina*

According to the Zimbabwe government, this operation was an attempt at "urban renewal", but certainly was not seen as such by anyone else. Beginning with an announcement on 19 May 2005 by the ZANU PF Mayor of Harare, days later the police moved into the high-density suburbs around Harare and Chitungwiza, and began demolishing "illegal" structures²⁵. This action was replicated right around the country, and in a matter of months more than 800,000 people had been displaced. The operation even attracted the attention of the United Nations that sent a Special Envoy to Zimbabwe to investigate the consequences²⁶.

Apart from the destruction of property, theft, and displacement, gross human rights violations were reported on a large scale. According to the Action Aid International report, 27% of their sample reported being assaulted in police custody, 43% reported deaths or injuries as a result of police actions, and there were a significant number that reported being held in custody for periods longer than the statutory 48 hours²⁷. Torture was not reported as such, but it can be inferred from the high number assaulted in police custody that some of these cases would amount to torture as defined in the UN Convention.

Special Envoy, Anna Tibajuka, equivocated in her report on the operation that there were prima facie grounds for considering that a crime against humanity had been committed, but that the operation should not be considered as such and hastened to add that the situation ought not evoke the Responsibility to Protect on behalf of the international community. This view – that there were no grounds for asserting a crime against humanity – were not shared by other commentators, and, in an influential legal opinion, the Oxford Pro Bono Publico group laid out the grounds for *Operation Murambatsvina* constituting a crime against humanity²⁸. As the Oxford group stated:

Taking into consideration the size of and the manner in which the Operation was conducted, it is reasonable to conclude that it constituted an attack both widespread and systematic against a civilian population. Furthermore, the orchestration of the Operation has led to the conclusion that it was conducted pursuant to a State policy to commit such attack.

22 See Zimbabwe Human Rights NGO Forum (2002), *Are They Accountable?: Examining alleged violators and their violations pre and post the Presidential Election March 2002*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

23 These elections were referred to as "harmonised" as Municipal, Parliamentary and Presidential Elections took place simultaneously. Given the acrimony between the parties, "synchronised" would have been a more accurate term.

24 See NCA, *The 2005 Parliamentary Election. Flawed, Unfree and Unfair!* April 2005, NATIONAL CONSTITUTIONAL ASSEMBLY; Reeler, A.P., & Chitsike, K.C (2005), *Trick or Treat? The effects of the pre-election climate on the poll in the 2005 Zimbabwe Parliamentary Elections*. June 2005. PRETORIA: IDASA.

25 While many shanties were destroyed, so too were brick and mortar homes with rate paying occupants.

26 See *Report of the Fact-Finding Mission to Zimbabwe to assess the Scope and Impact of Operation Murambatsvina by the UN Special Envoy on Human Settlements Issues in Zimbabwe*.

27 See ActionAid (2005), *An in-depth study on the impact of Operation Murambatsvina/Restore Order in Zimbabwe*. ActionAid International in collaboration with the Counselling Services Unit (CSU), Combined Harare Residents' Association (CHRA) and the Zimbabwe Peace Project (ZPP). November 2005.

28 See Oxford Pro Bono Publico Group (2005), *ARE THE ACTIVITIES CONDUCTED DURING OPERATION MURAMBATSVINA CRIMES AGAINST HUMANITY WITHIN THE MEANING OF ARTICLE 7 OF THE ROME STATUTE?* International Law Opinion. University of Oxford, November 2005.

Despite the international outcry, *Operation Murambatsvina* passed quickly into the annals of history, and the assertions that urban renewal was a subterfuge for pre-empting urban unrest remained untested.

2.4.4 The 2008 elections and the Global Political Agreement

The 2008 Harmonised Elections, held in March 2008, were probably the most peaceful and least conflictual elections since 1980, but the inconclusive result of the Presidential Poll led to arguably the most violent election. The elections in 2008 had been preceded by at least very egregious episodes of torture. The first, in 2006, involved the arrest and torture of the leadership of the Zimbabwe Congress of Trade Unions [ZCTU], whilst the second in 2007 (which did raise the concern of the international community and even the ire of SADC) involved the torture while in police custody of the senior leaders of the MDC and others after attempting to hold a public prayer meeting for peace.

The Zimbabwe government attempted to mitigate the international opprobrium by releasing a report from the Zimbabwe Republic Police [ZRP]²⁹, alleging that these actions had been in response to violence by the MDC, but the assertions were so outrageously incorrect that they were easily refuted³⁰. The blatant torture did however goad SADC into action, and steps were taken to engage ZANU PF and the MDC in dialogue ahead of the proposed elections in 2008. Whilst few expected these elections to conform to international standards, the negotiations produced one surprise, the insistence that the results of the poll be posted publicly outside each and every polling station, and this proved to be ZANU PF's undoing.

Whilst little else in the run-up to the election vaguely approached the much-vaunted SADC Principles and Guidelines for the holding of Democratic Elections, the process was peaceful, and the results were astonishing. The Tsvangirai faction of the MDC won an overall majority in the election for the House of Assembly, majorities in most of the local government constituencies, broke even with ZANU PF in the Senate election, and, when the results of the Presidential election were finally announced (after a delay of five weeks), Morgan Tsvangirai had beaten Robert Mugabe into second place. Since Tsvangirai had not obtained an absolute majority, a run off was required under Zimbabwean law. Determined to ensure that Mugabe did not suffer a second defeat, a campaign of violence against the MDC was immediately planned and implemented³¹.

The violence will be dealt with in detail later, but here it is enough to note that it was so extreme as to force the withdrawal of the Tsvangirai and the MDC from the second election, and the repudiation of the result by all and everyone; not even SADC or the AU could countenance accepting this result. The way forward surprisingly was not to return to the results of the March poll, but for SADC to push for an agreement to set up a government of national unity under the facilitation of Thabo Mbeki, who was still then President of South Africa. This resulted, after much acrimony, in the signing of a "Global Political Agreement" on 15th September, 2009, and the establishment of an "Inclusive" Government" six months later.

It is worth making a few comments here about the March elections. It was evident from careful analysis that the results tediously published by the official Zimbabwe Electoral Commission [ZEC] conformed very strongly to the results published by other bodies, such as the NGO, Sokwanele, for the House of Assembly and the Senate. In fact the fit between the ZEC results and the results obtained from Parallel Voter Tabulation [PVT] was remarkably good, and the correlation between the two polls was hugely significant statistically speaking³². The crunch question was whether Morgan Tsvangirai had obtained an overall majority [more than 50%] on the Presidential poll, and here Zimbabwe and the world had to wait for weeks while ZEC delayed the result, in so doing ZEC violated the law in many ways³³.

The waiting for the result was given added flavour by the announcement by the MDC-T that they had won the Presidential poll with an absolute majority (which resulted in the Secretary-General, Tendai Biti, being charged with treason) and also by the Zimbabwe Election Support Network [ZESN] announcing the result of their Sample Based Observation, which gave Morgan Tsvangirai the overall majority with 49.4%, but with a possible range of between 47% to 51.8%³⁴. Independent analysis suggested that Tsvangirai had won with 50.76%, with an argument based on the improbability of Simba Makoni receiving the 8% alleged by ZESN in their SBO, and the high probability of many ZANU PF voters voting for their party in the House of Assembly, Senate, and Local Government elections, but not for Robert Mugabe in the Presidential election³⁵. This cannot be conclusively proved in the absence of ZEC publishing all the results of the March poll. It should also be noted that, in the March poll, MDC-T made a much better showing than usual in the rural areas, winning sufficient rural seats to give it a majority in Parliament. The ratio behind the requirement in electoral systems for a run off is to determine the placement of the vote for those who had voted for other candidates where there are more than two contestants.

However, despite all the evidence to the contrary, and ignoring the clearly demonstrated political will of the Zimbabwean electorate, SADC put its energy behind the requirement for a run off between Morgan Tsvangirai and Robert Mugabe.

29 The ZRP actually released two reports. See "*Opposition Forces in Zimbabwe: A Trail of Violence*" (the first report) and "*Opposition Forces in Zimbabwe: The Naked Truth, Volume 2*". (the second report).

30 See Zimbabwe Human Rights NGO Forum (2007), *At Best a Falsehood, At Worst a Lie? Shooting Oneself in the Foot? Comments on the Zimbabwe Republic Police Report "Opposition Politics in Zimbabwe. A Trail of Violence.* June 2007. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

31 It can be plausibly argued that the SADC decision to support the run off, and not push politically for the acceptance of the March poll, was an incentive for ZANU PF to unleash the violence. The rationale here is that, whatever the result of the Presidential poll, Morgan Tsvangirai had a majority, and this could have been used by SADC as the basis for negotiating a transfer of power. Here see Kwinjeh. G (2008), *Starting a gift horse in the mouth. Death Spiral in Zimbabwe: Mediation, Violence and the GNU.* 18 June 2008.

32 See SITO (2008), ZIMBABWE ELECTIONS 2008. *Examining The Popular and Presidential Choice - Hiding or Run Off?* IDASA: PRETORIA.

33 See SITO (2008), *The Inconvenient Truth. A complete guide to the delay in releasing the results of Zimbabwe's presidential poll.* Prepared by Derek Matyszak of the Research and Advocacy Unit, Zimbabwe. IDASA: PRETORIA.

34 In a very belated report ZESN reported that Tsvangirai had actually received 47.9%.

35 See SITO (2008), *What happened in the Presidential election?* Research & Advocacy Unit, Zimbabwe. IDASA: PRETORIA.

3 PAST AND PRESENT TORTURE

As was pointed out previously, it is not surprising that torture would emerge on an epidemic scale in 2008, since all governments since 1965 have resorted to its use when the political stakes were raised high enough. Nonetheless, there seems a correspondingly poor appreciation of the long-term consequences of the widespread use of torture, and it is fortunate that there are a good number of studies that demonstrate the long-term effects of torture. Before examining the prevalence and nature of the torture since 2000, and especially 2008, it is worth looking briefly at what are the likely consequences to the victims of this recent epidemic.

This section is based on a series of unpublished reports by the Amani Trust, and involves a contrast between chronic survivors – those from the Liberation War of the 1970s – and a sample of acute survivors seen by the Amani Trust between 2000 and 2002. For this report, there were 988 cases available, which were obtained from a data base relating to the 1970s [402], as well as the data relating to the period 2000 to 2002 [586]. This data was combined into a single data set, using all the indicators that were common to the two periods. Since the assessment procedures were not exactly the same, there were some indicators and measures that were unique to one of other of the periods, and these were eliminated from the data set. At any rate, the unique indicators or measures had been previously reported upon³⁶.

This gave 40 fields in common for the two data sets. Some measures could be edited for the purposes of comparison. For example, the 1970's assessment used the Self-Reporting Questionnaire [SRQ-20], whilst contemporary assessments made use of the SRQ-8. However, since the items forming the SRQ-8 are drawn from the SRQ-20, the study was able to extract the common items, and hence compare the two groups on a common psychiatric screening instrument³⁷.

As regards the whole sample [988], there were some interesting findings, but, demographically, there were no surprises: 70% were male, nearly half [45%] were married, just over 70% had either primary or secondary school education, and over 75% were unemployed. About 11% had been detained, whilst 35% had had an adult witness their ill-treatment, and 23% had had a child witness such ill-treatment.

There were a high number of different torture types reported, with psychological torture being the most common, and certainly the most common if combined with witnessing. Of the physical abuse reported, beatings and severe beatings were far and away the most common forms of abuse reported, as is generally the case in all studies of torture. The probability of experiencing Impact torture³⁸ and Psychological torture³⁹ together was very high, which was unsurprising.

The survivors reported many symptoms, both physical and psychological. On the Present Health Status Questionnaire⁴⁰, they reported more physical than psychological symptoms, and some had so many symptoms that they could be diagnosed as suffering from somatoform disorder. 46% reported a problem with sleeping.

More than a third of the sample [34.9%] reported scores on the SRQ-8 that were in the clinically significant range. However, the instruments used in assessment appear to have different properties, as was noted in other Zimbabwean studies⁴¹. It would appear that the Present Health Status Questionnaire [PHSQ] picked up symptoms related to physical abuse, whilst the SRQ-8 picked up psychological disturbance, as would be expected.

When the data was examined with regard to time period, then a number of differences emerged between the 1970s and post-2000. The 1970s group reported significantly higher rates of Impact torture, as well as many more types of torture overall, as well as there being a much greater probability of a survivor's abuse being witnessed in the 1970s. However, there were much higher rates of detention taking place in the recent time period [2002 to 2002]. The mean SRQ-8 score was significantly higher in the 1970s group, which suggests that chronicity may be operating here. Reported sleep problems were more common in the 2000-2002 groups.

36 See Amani (2005), *The Medical and Psychological Consequences of the Liberation War. A report on survivors from Mashonaland Central Province, Zimbabwe*. HARARE: AMANI TRUST [unpublished]; Amani (2005), *Organised Violence and Torture in Contemporary Zimbabwe [2000 to 2002]*. A Report prepared by the Amani Trust. September 2005. HARARE: AMANI TRUST [unpublished].

37 The Self-Reporting Questionnaires [SRQ-20 and SRQ-8] are psychiatric screening instruments, originally developed by the WHO, and widely used in Zimbabwe and throughout the Third World. See Reeler, A.P.(1991), *Psychological disorders in primary care and the development of clinical services: An African perspective*, THE PSYCHOLOGIST, 4, 349-353.

38 Impact torture was defined in the Amani studies as both forms of physical abuse and deprivation. Simply, each of these categories resulted in physical pain, either by inflicting abuse, such as a beating, or removing something (to the same effect), such as deprivation of food or water.

39 Psychological torture was defined as psychological torture, such as threats, sensory overstimulation, and witnessing.

40 The Present Health Status Questionnaire [PHSQ] is a 22-item self-report questionnaire comprised on items on symptoms commonly seen in torture survivors and was derived from an early study of torture survivors. Here see Rasmussen, O.V. (1990), *Medical Aspects of Torture: Torture types and their relation to symptoms and lesions in 200 victims, followed by a description of the medical profession in relation to torture*, DAN. MED.BULL., 37, 1-88. See also Amani (1997), *Assessment of the Consequences of Torture and Organised Violence: A manual for field workers, (revised)*, HARARE: AMANI.

41 See, for example, Amani (1998), *Survivors of Torture and Organised Violence from the 1970 War of Liberation*, HARARE: AMANI.

When the presence of psychological disorder was taken as an independent variable [SRQ-8 score of 4 or more], it would appear that there were no factors associated strongly with the development of subsequent psychological disorder, apart from a few differences in educational levels, and the overall finding that Cases – SRQ-8 score of 4 or more - were more common in the groups from the 1970s.

Impact torture however was an important factor. When Impact torture was taken as the independent variable, there was a significant trend for the Impact torture group to report higher frequencies of all types of torture. There were no differences in the frequency of reported detention, but significant differences were found in the frequency of reported witnessing in the Impact group. Impact torture was associated with the total score on the PHSQ, and with the Physical score on the same instrument, but, interestingly, not with the Psychological score. The SRQ-8 did not distinguish the two groups.

It would appear that self-declared activism, whether in the 1970s or post-2000, does not necessarily contribute to worse treatment, or subsequent health consequences. There were some demographic differences, but these would be expected and hence were largely trivial.

Detention was again, as in other studies, significantly related to a number of factors. Only 107 [11.1%] reported being detained, but the detained group reported high rates of most types of torture, with Impact torture and the overall number of different torture types strongly significant. Once again, it was found that detention was significantly associated with worse torture, and there were some unexpected differences in the health consequences for the two groups: those not detained were more likely to score high on the SRQ-8, as well as more frequently reporting sleep disorder.

Perhaps the most interesting finding was to do with chronicity. The one strong finding was that the 1970s group was more likely to have both higher SRQ-8 scores and report more serious torture. However, when torture was examined as a factor, this did not distinguish the groups in terms of the SRQ-8 score. Thus, it was concluded that the probability of acquiring a clinically significant psychological disorder increases as a function of the time between the original ill-treatment and the time of assistance rather than being only a function of ill-treatment itself. It was also significant that there were a significantly larger number of cases of psychological disorder in the 1970s group. Survivors who had experienced Impact torture were not more likely to experience subsequent psychological disorder than those who had not, but they were more likely to report physical symptoms, which would seem to reflect both physical disability and chronic pain.

Thus, the overall finding, that chronic survivors were more likely to suffer subsequent psychological disorder, stands, and is a stark reminder that the failure to provide proper care to the survivors of organized violence and torture may condemn people to a life of considerable misery. It seems clear that, in the field of treating torture survivors, the old rule of thumb from medicine generally applies: early detection and early treatment indicates a better prognosis.

4 PREVALENCE OF TORTURE SINCE 2000

There are no direct investigations of the prevalence of torture since 2000 comparable to the work done by the Amani Trust or the Gukurahundi, but one small study on the prevalence of Common Mental Disorders [CMD] does allow some inferences to be drawn⁴².

This study demonstrated a marked increase in the prevalence of CMD. The study showed an overall point prevalence of 38%, more than 10% higher than the previously recorded rates of 10.5% to 26% in the 1990s. However, it was the risk factors associated with CMD that were instructive. The experience of violence [once, twice, or more than twice] was significantly associated with the risk of developing CMD, as did experience of rape or sexual assault and having witnessed violence. Having belongings taken away by authorities was found to be the highest risk factor, and persons reporting this were 14 times more likely to experience CMD. Since there was no investigation of gross human rights violations, it can only be inferred that the risk factors identified were related to organized violence and torture, but, as will be seen from analysis of the subsequent reports, this is an extremely plausible inference.

4.1 Zimbabwe Human Rights NGO Forum

The most comprehensive source of data on the human rights violations since 2000 is provided by the Zimbabwe Human Rights NGO Forum, the "Human Rights Forum". Since July 2001, the Human Rights Forum has put out 89 monthly reports on the political violence, as well as about 32 analytical reports. The analysis that follows is based mostly upon the 89 Political Violence Monthly reports, from July 2001 to December 2008, which were compiled into a data base and examined statistically. The data for these reports comes from a variety of sources: cases reported by the 16 members of the Human Rights Forum, affidavits taken from victims seen by the Public Interest Unit of the Legal Resources Foundation, and cases reported in the media.

As is seen in Table 2 below, there is a steady but linear increase in the total number of violations reported over the past 5 years, and, interestingly, 2008 shows the highest number of violations per year over the period. This corroborates the findings of the ActionAid survey, which showed the highest rates of trauma in 2005. However, as was found in the ActionAid survey, the types of violation reported by the Human Rights Forum have changed over the years. This is clearly shown in Table 2 [see over].

A total of 40,559 human rights violations have been reported by the Human Rights Forum since July 2001. As stated before, it should be borne in mind that this can only be seen as a sample without any indication of scale, but, as was seen earlier, the indications from community surveys, suggest that these violations have been very common and widespread⁴³. Furthermore, there is no data from 2000, and only six months for 2001. Hence it is probable that the total number of cases is considerably higher, and it must additionally be borne in mind that the Human Rights Forum reports are monthly reports, dealing only with the cases seen or reported during that month: cases from earlier months that report later – which is extremely common in the experience of Zimbabwean human rights groups – are not included in these reports or the totals. It is also the case that these reports cannot be assumed to reflect the number of persons affected. Since victims frequently report more than one violation type, as well as the observation that individual reports may concern more than one person, the total number of persons affected may be either greater or smaller than 40,559.

⁴² See *Report on Common Mental Disorders in Harare*, August 2006. Counselling Services Unit, University of Zimbabwe [Departments of Community Medicine & Psychiatry], City Health Department, & Ministry of Health and Child Welfare.

⁴³ As will be seen in the summary of the JAG survey, the number of violations could be as high as 1.3 million, and this only in the commercial farming areas. If the violations outside of the commercial farms are considered, then the high estimate given by JAG, of 4.3 million, seems credible.

TABLE 2.**Cases of gross human rights violations reported to Human Rights Forum,
July 2001 to December 2009.**

Source: Reports of the Human Rights Forum.

	2001	2002	2003	2004	2005	2006	2007	2008	TOTALS
Abductions	116	223	52	62	18	11	19	137	638
arrest & detention	670	274	627	389	1286	2611	2766	922	9545
Assault	0	86	388	401	530	486	865	1914	4670
attempted murder	0	2	10	10	1	3	0	8	34
death threats	0	12	80	35	9	7	7	51	201
disappearance	0	28	4	0	0	0	0	19	51
displacement	0	11	208	189	609	55	0	629	1701
Freedoms	12	39	809	760	1036	1866	3500	2532	10554
Murder	34	61	10	3	4	2	3	107	224
Political discrimination	194	388	450	514	476	288	980	2787	6077
property violation	356	807	153	132	61	55	16	396	1976
Rape	0	7	6	3	4	1	0	6	27
school closure	0	45	1	0	0	0	0	26	72
Torture	903	1172	497	389	136	366	603	723	4789
Total	2285	3155	3295	2887	4170	5751	8759	10257	40559
Monthly average:	380.8	262.9	274.6	240.6	347.5	479.3	729.9	854.8	

As can also be seen from Table 2, the average number of violations per month has been rising steadily since 2005, with 2008 far and away the worst year since 2000. This again is similar to the trends reported later.

A brief digression is necessary here on the issue of detention or imprisonment. It may seem contentious to argue that imprisonment is a human rights violation, especially when this occurs pursuant to a law that is in place, but various studies have demonstrated the wide-spread misapplication of the Public Order and Security Act [POSA], the Criminal Law [Codification & Reform] Act, and the Criminal Procedure and Evidence Act, the former a piece of legislation that has even been criticized by the African Commission on Human and Peoples' Rights⁴⁴. In a comprehensive analysis of the application of POSA in 1225 cases, the Solidarity Peace Trust showed clearly that the legislation was being used as an instrument of repression⁴⁵. As the study showed:

- 735 persons [60%] were charged under POSA;
- 266 persons [22%] under the Miscellaneous Offences Act;
- 23 persons [2%] under the Criminal Procedure and Evidence Act;
- 17 persons [1%] were charged with Incitement to Violence;
- 51 persons [4%] were charged with various offences ranging from murder to malicious injury to property;
- 133 persons [11%] were not charged at all.

However, the most telling statistic of all, the number of convictions, showed that there had been not one single successful prosecution under POSA, and, by the end of 2003, only 190 [16%] cases had been concluded, with 902 [73%] unresolved. As the Solidarity Peace Trust concluded:

- In 133 cases [11%], detainees were released without charges ever being laid;
- In 85 cases [7%], those arrested were acquitted by the courts;
- In 55 cases [5%], deposit or admission of guilt fines have been paid;
- In 50 cases [4%], charges were withdrawn.

44 The African Commission, in its resolution of 5 December 2005, called for the repeal or substantial amendment of POSA, amongst other pieces of legislation.

45 See *Solidarity Peace Trust (2004), "Disturbing the peace": An overview of civilian arrests in Zimbabwe: February 2003 – January 2004. July 2004.* ZIMBABWE & SOUTH AFRICA: SOLIDARITY PEACE TRUST.

A similar study, by the Zimbabwe Institute⁴⁶, made similar points in respect of the way in which MDC members of parliament have been treated by the Mugabe regime, practices which even drew the condemnation of the International Parliamentary Union⁴⁷, and which continue today. This brief reference to POSA is made in order to highlight a changed tactic of in the repression, and a move away from blunt violence to intimidation, most probably in response to the enormous criticism that the regime was experiencing from the exposure of the violations. However, it is apparent that there was a strong return to the use of blunt violence in 2007 and 2008, with reports of abductions, assaults, murder, and torture all increasing.

Torture shows a steady decline from the peak of 2000, but shows an increase from 2005. There are very dramatic increases in unlawful arrests and detentions, and most dramatically from 2005. There is a large increase in displacements in 2005, presumably all associated with Operation Murambatsvina, but then a subsequent decline, whilst interference with basic freedoms shows a steady increase from 2004 onwards.

It is pertinent here to point out that there have been frequent references to the relationship between elections and gross human rights violations, but infrequent analysis that could establish whether this was a deliberate tactic in respect of elections⁴⁸. A quick analysis of the Human Rights Forum's data with reference to elections confirms the view that gross human rights violations are more common during elections than at other times. Such violations are also more common at times when the state is threatened by public dissent, such as during strikes, stay aways, and protests. As can be seen from Table 11, there are significant relationships between the frequency of some types of violation and elections.

The Human Rights Forum data was then categorized into months in which there were elections, and months in which these did not occur. This gave 22 months in which "elections" had occurred, with a total number of 15,530 violations reported, and 67 months in which 24,467 violations were reported. The difference between "election" and "non-election" months was strongly statistically significant: this is not a mere trend, but rather a clear and empirically verified pattern of violations. As can be seen from Table 3, torture, political discrimination, death threats, interference with basic freedoms, property violations, assaults, and abductions are all significantly more frequent during "election" months, and the average number of violations during election months is nearly double that reported in other months. It seems fair to conclude that this represents a deliberate strategy, and, if not, certainly not a situation that the Zimbabwe Government has avoided, and rather mostly condoned.

TABLE 3

Comparison of "Election" and "Non-election" months, July 2001 to December 2008.

Source: Reports of the Human Rights Forum.

	ELECTION	NO ELECTION
Abductions	344*	259
Arrest & detention	2137*	7402
Assault	2454*	2216
Attempted murder	18*	14
Death threats	136*	65
Disappearance	5	28
Displacement	846	861
Interference with basic freedoms	2805	7749
Murder	131*	77
Political discrimination	3101*	2964
Property violation	1028*	879
Rape	15*	12
School closure	27*	6
Torture	2483*	1935
Total	15530*	24467
Monthly average:	705.9	365.2

*statistically significant at $p=0.01$ or greater

46 See Zimbabwe Institute (2004), "Playing with fire". Personal accounts of human rights abuses experienced by 50 opposition Members of Parliament in Zimbabwe, and 28 opposition election candidates. March 2004.

47 See IPU (2004), Committee on the Human Rights of Parliamentarians: Report of its mission to Zimbabwe, 28 March - 2 April 2004. GENEVA: INTERNATIONAL PARLIAMENTARY UNION.

48 See Reeler, A.P., & Chitsike, K.C (2005), Trick or Treat? The effects of the pre-election climate on the poll in the 2005 Zimbabwe Parliamentary Elections. June 2005. PRETORIA: IDASA; NCA, The 2005 Parliamentary Election. Flawed, Unfree and Unfair! April 2005, NATIONAL CONSTITUTIONAL ASSEMBLY.

Thus, the data from the Human Rights Forum provides strong *prima facie* evidence that gross human rights violations have been widespread during the period under consideration, and particularly during elections, but the most important findings relate to the decisions of the Zimbabwean courts in respect of torture.

4.2 Evidence from the Zimbabwe courts

Since 1998, the Zimbabwe Human Rights NGO Forum has been litigating for civil damages on behalf of victims of gross human rights violations that seek the assistance of the Forum⁴⁹. A report of the Human Rights Forum dealt with 291 cases seen since 1998, but the Forum has represented considerably more since then.

Of the 291 cases, the majority was drawn from Harare Province, which is unsurprising since this is the Human Rights Forum's major place of operation, and, additionally, only victims with easy access to the Human Rights Forum are in a position to make the continued contact with the Forum needed to pursue litigation.

Of the cases concluded or still in progress, which was the majority, it is noteworthy that the Human Rights Forum was successful in nearly 90% of the cases that were concluded. This strongly refutes the views of the Zimbabwe Government that the Human Rights Forum and other human rights groups indulge in mischievous and politically-motivated reporting.

TABLE 4

Status of cases in progress and concluded

Source: Human Rights Forum (2006)

	NUMBER [N=131]	%	% OF OVERALL SAMPLE
Cases in progress:			
Initial notice	11	8.4	3.8
Pleadings	50	38.17	17.18
Awaiting trial	17	12.98	5.84
Awaiting pre-trial conference	53	40.46	18.21
Cases concluded:	[n=57]		
Dismissed	5	8.77	1.72
Judgement for plaintiff	51	89.47	17.53
Appealed	1	1.75	0.34

What was most interesting and relevant for the purposes of this present report was the association between the violations reported and various events. As can be seen from Table 5, there is not strong trend for violations to be associated with political events, although 2003 is clearly different, and here the events were mostly to do with the various civic protests that took place during that year.

TABLE 5

Association of frequency of violations with political events

Source: Human Rights Forum (2006)

	NON POLITICAL [N=159]	POLITICAL [N=132]
1998	25.8%*	0
1999	1.9%	1.5%
2000	6.3%	0
2001	6.3%	11.4%
2002	12.6%	12.1%
2003	27.7%	59.9%*
2004	15.1%	10.6%
2005	2.5%	4.6%
2006	1.9%	0

*[$p=0.005$]

⁴⁹ This section draws strongly upon a previous report of the Human Rights Forum. See *Zimbabwe Human Rights NGO Forum (2006), An Analysis of the Zimbabwe Human Rights NGO Forum Legal Cases, 1998–2006. Published by the Zimbabwe Human Rights NGO Forum. June 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.*

As can be seen from Table 6, there is a very strong association for assaults and torture to be associated with political events, and shootings not to be so; according to the Human Rights Forum report, shootings were almost wholly in connection with the Food Riots in 1998, and with the ZRP rather than the Zimbabwe National Army [ZNA].

TABLE 6

Association of type of violations with political events

Source: Human Rights Forum (2006)

	NON POLITICAL	POLITICAL
Assault	20.8%	30.3%*
Assault [GBH]	64.2%	66.7%
Murder	1.9%	0
Property violations	5.03%	6.1%
Theft	1.3%	0
Torture	57.2%	75.8%**
Unlawful arrest	11.9%	11.4%
Unlawful detention	18.9%	20.5%
Shooting	11.3%**	1.5%

*[p=0.05]; **[p=0.005]

Regarding the alleged perpetrators, the legal cases indicate that both the ZRP and the ZNA are complicit.

TABLE 7

Alleged perpetrators of torture

Source: Human Rights Forum (2006)

	NO TORTURE	TORTURE
ZRP [Uniform branch]	30.3%	42.1%*
ZRP [CID]	1.01%	13.7%*
ZRP [PISI]	1.01%	0.5%
ZRP [Riot Squad]	24.2%	15.8%
ZRP [Support Unit]	6.1%	6.3%
Zimbabwe National Army	28.3%	44.7%*
CIO	0	0.5%
ZANU PF	5.1%	1.1%

*[p=0.05]; **[p=0.01]

Thus, the legal cases completed before the Zimbabwean courts, as well as hundreds more awaiting completion, strongly corroborate the other reports of the Human Rights Forum, and it is significant that the allegations of torture and other gross human rights abuses are supported by decisions of the Zimbabwean courts themselves. These may only be civil suits, in which the burden of proof may be lower than criminal prosecutions, but there are also a small number of criminal court cases in which torture by the ZRP has been proven⁵⁰.

4.3 Amani Trust

The Amani Trust carried out a small investigation of the violations experienced by commercial farm workers in 2002.

A very high percentage (71%) reported an experience of torture or repressive violence, whilst 90 cases, or 65%, had had some experience of torture or repressive violence prior to the present episode. The sample also reported that many adults' families had witnessed their torture. 82 cases [59%], had had other adults witness their torture, and this was usually a spouse. Other family members were also reported as having experienced violence: 76 cases, or 55%, had a similar experience to the interviewee. Even children were not exempt. 77 interviewees [55%] reported that children in their families had witnessed the violence they had suffered.

50 See *S vs Reza*, HH-02-04, Crim. Appeal 159/03; See also Redress (2005), *ZIMBABWE: THE FACE OF TORTURE AND ORGANISED VIOLENCE. Torture and Organised Violence in the run-up to the 31 March 2005 General Parliamentary Election*, LONDON: REDRESS TRUST; Redress (2004), *The Case of Henry Dowda: The United Nations and Zimbabwe under the spotlight*, January 2004, LONDON: REDRESS TRUST.

Of the types of torture reported, physical assaults were the most common, with beatings of one kind or other the most common. The study did not report the frequencies of assaults, but the sample apparently reported more than one encounter with organised violence and torture. The study also reported high rates of psychological torture (threats, death threats, etc), and, as indicated above, high rates of witnessing torture. Much of the torture and abuse happened publicly, and frequently at so-called “pungwes”. This public gathering of people, usually taking place from sunset to sunrise, and the subsequent abuse and “loyalty testing” led the IRCT to term this “mass psychological torture”⁵¹, as mentioned previously.

4.4 ActionAid

The next study that is considered is that produced by ActionAid International in 2005, referred to briefly earlier. This work was carried out as a response to the mass displacements that took place in 2005, the so-called *Operation Murambatsvina*, or “*Operation Restore Order*” (the English moniker does not accurately reflect the *chiShona* which means “drive out the trash”). In a series of studies, ActionAid International and various Zimbabwe partners demonstrated the catastrophic nature of these displacements on ordinary Zimbabwe citizens⁵², and a subsequent study focused particularly upon trauma, which included a survey of the types of trauma suffered both during *Operation Murambatsvina* and in previous decades⁵³.

The survey finally drew on a sample of 1195 persons, drawn from Harare, Bulawayo, and Mutare⁵⁴. Apart from a questions dealing with *Operation Murambatsvina* itself, the survey also used the SRQ-8 and a locally-used version of the Harvard Trauma Questionnaire [HTQ] in order to determine the prevalence of psychological disorder and the types of trauma experienced.

TABLE 8.

Trauma over the years: Percentage of persons reporting trauma Experience per year.

Source: ActionAid International.2005.

	HARARE	BULAWAYO	MUTARE
<1980	27%	45%	46%
1980-1987	30%	58%	47%
1990-1997	57%	62%	70%
1998-2000	81%	65%	90%
2001-2004	89%	82%	98%
2005	97%	93%	100%

As can also be seen from Table 8, high rates of trauma events were reported generally with the frequency of trauma reportedly increasing over the years, with the most dramatic shift occurring after 1998. There was also a significant difference seen in Bulawayo in the period 1980-1987, which corresponds to the period of the Gukurahundi⁵⁴.

TABLE 9

Frequency of gross human rights violations, 1980 to 2005.

Source: ActionAid International. 2005

	SEVERE BEATING	TORTURE	IMPRISONMENT	RAPE
Pre-1980	6.1%	5.3%	5.2%	2%
1980-1987	6.9%	8.1%	4.8%	3.3%
1990-1997	5.3%	2.8%	4.3%	1.7%
1998-2000	24%	16%	16.4%	8.4%
2001-2004	31%	21.7%	20.6%	10.7%
2005	19.9%	13.9%	23.4%	8.2%

51 See again IRCT (2000), *Organised Violence and Torture in Zimbabwe*, 6th June 2000, Copenhagen and Harare, COPENHAGEN & HARARE: IRCT & AMANI TRUST; IRCT (2001) *Organised Violence and Torture in Zimbabwe*, 24th May 2001, Copenhagen and Harare, COPENHAGEN & HARARE: IRCT & AMANI TRUST.

52 See *A Study on the Impact of “Operation Murambatsvina/Restore Order” in 26 Wards of Harare High Density Housing Areas ActionAid International in Collaboration with Combined Harare Residents Association (CHRA) July 2005; A Study on the impact of “OPERATION MURAMBATSVINA/RESTORE ORDER” in Zimbabwe, ActionAid International – Southern Africa Partnership Programme (SAPP-ZIMBABWE) in collaboration with Combined Harare Residents Association (CHRA) and Zimbabwe Peace Project (ZPP), August 2005.*

53 See ActionAid (2005), *An in-depth study on the impact of Operation Murambatsvina/Restore Order in Zimbabwe. ActionAid International in collaboration with the Counselling Services Unit (CSU), Combined Harare Residents’ Association (CHRA) and the Zimbabwe Peace Project (ZPP). November 2005; ActionAid (2006), “PRIMUM NON NOCERE”. The consequences for the mental health of Zimbabweans affected by “Operation Murambatsvina”. ActionAid International in collaboration with the Counselling Services Unit (CSU), Combined Harare Residents’ Association (CHRA) and the Zimbabwe Peace Project (ZPP). January 2006.*

54 See CCJP & LRF (1997), *Breaking the Silence Building True Peace A Report on the Disturbances in Matabeleland and the Midlands 1980 to 1989. Catholic Commission for Justice and Peace and the Legal Resources Foundation; ZIMBABWE HUMAN RIGHTS ASSOCIATION (1999), Choosing the Path to Peace and Development: Coming to Terms with Human Rights Violations of the 1982-1987 Conflict in Matabeleland and Midlands Provinces, HARARE: ZIMBABWE HUMAN RIGHTS ASSOCIATION.*

As regards the trauma events that would be classified as gross human rights violations, it can be seen from Table 9 that these selected trauma increase dramatically from 1998, with the frequency of all increasing by significant magnitudes, as would be expected from the many reports of gross human rights violations since 1998.

Nearly 70% of the sample reported clinically-significant psychological disorders, as measured by the SRQ-8. As can be seen from Table 10, strong, statistically-significant relationships were found; between the presence of psychological disorder [SRQ-8], the total trauma score [*the number of different types of trauma reported*], the score on organized violence and torture [OVT] items [*the number of trauma types reflective of organized violence and torture*], the score on items reflecting OM [*the number of trauma types reflective of forced displacement*], and the number of different years in which trauma was experienced.

TABLE 10

Correlations between Trauma scores and psychological disorder.

Source: ActionAid International.2005.

	SRQ-8	TOTAL TRAUMA SCORE	SCORE ON OVT ITEMS	SCORE ON OM ITEMS	NO. OF DIFFERENT YEARS AFFECTED
Harare [n=570]	5.4[2.3]	6.9[4.5]	1.5[1.7]	3.4[2.2]	3.8[1.4]
Bulawayo [n=386]	3.7[2.5]	5.2[3.7]	1.2[1.5]	2.6[1.7]	4.1[1.4]
Mutare [n=239]	4.9[2.5]	6.7[3.6]	1.5[1.5]	3.1[2.03]	4.5[1.3]
Total:	4.8[2.5]	6.3[4.2]*	1.4[1.6]*	3.1[2.03]*	4.03[1.4]*

* $p=0.01$

Although the strongest relationships were found with OM [*Operation Murambatsvina*], there were nonetheless very strong relationships found with types of trauma reflective of gross human rights violations [OVT items] – torture, severe beatings, imprisonment, etc.

TABLE 11

Relationship of torture and violence to overall OVT.

Source: ActionAid International.2005.

	<1980	1980-1987	1990-1997	1998-2000	2001-2004	2005
Torture as % of OVT.	18.75	17.29	9.55	13.62	14.57	11.28
Total violence as % of OVT.	39.46	36.46	27.53	34.04	35.35	27.36

Table 11 shows the relationship between torture and violence as a percentage of the overall trauma scores. Except for the period 1990 to 1997, torture is a significant proportion of the total organized violence reported, and total violence [torture and severe beatings] becomes a very significant proportion of the trauma reported.

The ActionAid International data could be criticized for being survey data, and hence subject to all the response biases to which surveys are prone, except for the additional data derived from the use of a psychiatric screening instrument. In addition to the trauma questionnaire used, the survey included a psychiatric screening instrument that has been widely used within Zimbabwe for community surveys, both of mental health and organized violence and torture. This was indicated partially in Table 8 above. 69% of the sample reported clinically significant psychological disorders, and the instrument used, the Self-Reporting Questionnaire [SRQ-8], was significantly correlated with the reports of trauma. As is seen in Table 11, the SRQ-8 correlated with the total trauma score, and especially from 1998 onwards.

TABLE 12

Correlations between SRQ-8 and Total Trauma [Experiences] score per year.

Source: ActionAid International.2005.

<1980	1980-1987	1990-1997	1998-2000	2001-2004	2005
0.034	0.022	0.064*	0.098**	0.11**	0.113**

* $p=0.01$; ** $p=0.05$

Thus, it would seem fair to conclude from these data, that human rights violations have been very common, especially since 1998, and provides strong prima facie evidence that gross human rights violations, and torture, have been widespread since 2000. However, these are verbal reports of torture rather than reports of torture measured directly, and here it is important to compare the survey data with that derived from more empirical sources. However, before doing this, it is useful to compare the survey data with that obtained from human rights groups.

4.5 WOZA survey

The ActionAid survey is strongly corroborated by research carried by Women of Zimbabwe Arise [WOZA]⁵⁵. WOZA provides very interesting data as it is concerned with the experiences of activists – frequently protesting in public - as opposed to the general public, and allows a good understanding of the treatment meted out to those seen as dissident by the Zimbabwe state.

Using comparable methodology to the ActionAid study, and including the Harvard Trauma Questionnaire [HTQ], the WOZA research provided very similar findings to the ActionAid survey. Of a total sample of 1,983 women interviewed, the HTQ was completed by 1,505 [76%] of the sample.

TABLE 13

Comparison of trauma between provinces: Pre-1980 and 1980-1999

Source: WOZA.2008⁵⁶

	MASHONALAND	MATABELELAND
Pre-1980 [Experienced]	1.11	1.59*
Pre-1980 [Witnessed]	1.11	1.59*
Pre-1980 [OVT]	0.22	0.33*
Pre-1980 [Displaced]	0.43	0.53
1980-1999 [Experienced]	2.26	2.70*
1980-1999 [Witnessed]	2.45	3.55*
1980-1999 [OVT]	0.30	0.46*
1980-1999 [Displaced]	1.36	1.37

* $p=0.001$

Since WOZA derives a substantial part of its membership from Matabeleland, they reported upon a contrast between their Matabeleland and Mashonaland members for the period before Independence [Pre-1980] and also for the period from Independence to immediately prior to the growth of mass repression in 2000. As can be seen from Table 13, the Matabeleland sample reported significantly high rates of reported trauma than their Mashonaland counterparts, and clearly much of this had to do with Gukurahundi, as was also shown by a contrast between the older [over 35 years] and younger members in the Matabeleland sample. Thus, the WOZA data also provides strong corroboration of the earlier assertion that organized violence and torture has been a common feature of the Zimbabwean political landscape for several decades.

The WOZA study also provided good evidence for the trend, seen in the Human Rights Forum and the ActionAid data, of dramatically increasing rates of reported trauma, which includes gross human rights violations since 2000, as can be seen from Table 14. Interestingly, the WOZA data reports higher rates of “experienced” trauma than “witnessed” trauma, but it should be remembered that this data, unlike the ActionAid data, derives from an “activist” organization, and hence from women that were deliberately facing the possibility of being abused for their activities.

TABLE 14

Trauma scores by year 2000-2007

Source: WOZA.2008⁵⁷

	2000	2001	2002	2003	2004	2005	2006	2007
HTQ[Total]	1.1	0.7	2.1	1.4	1.4	2.7	3.3	4.01
HTQ[Experienced]	0.6	0.4	1.1	0.8	0.8	1.4	1.8	2.1
HTQ[Witnessed]	0.5	0.4	1	0.6	0.64	1.3	1.4	1.96
HTQ[OVT]	0.1	0.03	0.11	0.1	0.1	0.2	0.5	0.4
HTQ[Displaced]	0.4	0.3	0.7	0.5	0.54	0.97	1.04	1.3

As can be seen from Figure 1 [over], which compares the frequency of reported trauma for Matabeleland and Mashonaland, the trends are very similar for the years 2000 to 2003, but then the Matabeleland sample shows significantly elevated rates until 2006. WOZA was formed in 2003 with a largely Matabeleland membership in their civic actions, and hence it is not surprising that the rates of trauma reported by the Matabeleland members were higher in the early years of the organization. However, this trend changes markedly in later years, and most drastically in 2007.

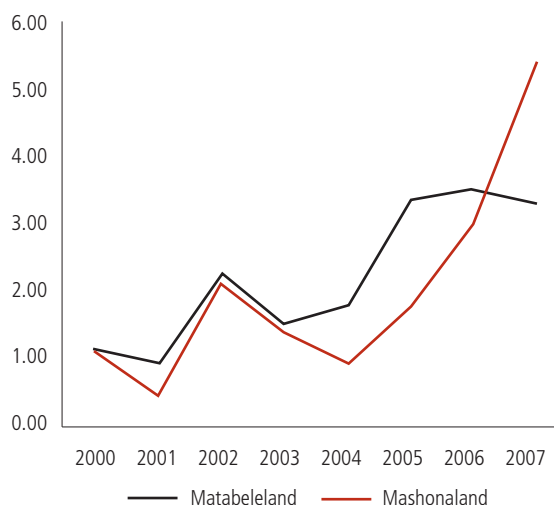
55 See WOZA (2008), *The effects of fighting repression with love*. A report by Women of Zimbabwe Arise (WOZA). March 2008. ZIMBABWE: WOMEN OF ZIMBABWE ARISE; WOZA (2008), *The traumatic consequences of gross human rights violations suffered by WOZA women*. HARARE: WOMEN OF ZIMBABWE ARISE.

56 See WOZA (2008), *The traumatic consequences of gross human rights violations suffered by WOZA women*. HARARE: WOMEN OF ZIMBABWE ARISE.

57 See again WOZA (2008), *The traumatic consequences of gross human rights violations suffered by WOZA women*. HARARE: WOMEN OF ZIMBABWE ARISE.

FIGURE 1**AVERAGE NUMBER OF TRAUMA EVENTS REPORTED BETWEEN 2000 & 2007:****Comparison between Mashonaland & Matabeleland.**

Source: WOZA.2008



The actual violations reported in by WOZA (as opposed to trauma events) are equally remarkable. As can be seen from Table 15 [over], there are marked regional variations in the frequencies of the violations reported, but overall the frequencies are very high indeed. Torture, both physical and psychological, are very high in both Bulawayo [26% & 25% respectively] and Harare [47% & 59% respectively], with most torture being reported as having occurred at the hands of the ZRP and in police stations.

TABLE 15**Violations according to location⁵⁸**Source: WOZA.2008⁵⁹

	BULAWAYO	HARARE	INSIZA
Violations	n=657	n=703	n=564
Assault	283[43%]	433[62%]	77[14%]
Death threats	194[30%]	392[56%]	325[58%]
Forced to attend political meetings	240[37%]	615[87%]	442[78%]
Humiliating or degrading treatment	404[61%]	474[67%]	336[60%]
Insults by police officers	441[67%]	568[81%]	199[35%]
Political threats	371[56%]	631[90%]	493[87%]
Psychological torture	167[25%]	415[59%]	110[20%]
Physical torture	174[26%]	327[47%]	109[19%]
Unlawful detention [longer than 48 hrs]	260[40%]	400[57%]	43[8%]
Forced removal of underwear in custody	46[7%]	214[30%]	7[1%]

As regards the perpetrators, the WOZA reports, mainly because of their direct, public actions, indicate the ZRP in its various branches as the major perpetrators [52%]. The majority of the violations either took place in custody or was assaults during demonstrations and civic actions. Of the various branches of the ZRP, the Uniformed Branch was most frequently mentioned

58 The percentages have been added and not provided in the original WOZA report.

59 See WOZA (2008), *The effects of fighting repression with love*. A report by Women of Zimbabwe Arise (WOZA). March 2008. ZIMBABWE: WOMEN OF ZIMBABWE ARISE.

TABLE 16**Alleged Perpetrators [Number & % of total]**Source: WOZA.2008⁶⁰

	[N=1482]
ZRP Uniformed Branch	851 [20%]
ZRP Riot Squad	725 [17%]
ZRP CID Law and Order Section	416 [10%]
Zanu (PF) members	366 [9%]
ZRP PISI	145 [3%]
War veterans	380 [9%]
Youth militia	280 [7%]
Members of Presidents Office/Central Intelligence Organisation (CIO)	97 [2%]
District Administrator	78 [2%]
Zimbabwe National Army	58 [1%]
Member of Parliament	99 [2%]
Provincial Administrator	73 [2%]
Traditional leaders	380 [9%]
Others	180 [4%]
Total:	4128

Thus, the WOZA reports extend the findings of the ActionAid survey, and indicate that gross human rights violations, and torture, have been highly prevalent in the period since 2000. This data also establishes that the probability of experiencing a gross human rights violation and torture increase appreciably with the likelihood of a person being an activist and actually being active.

4.6 Justice for Agriculture survey

The violations that accompanied the so-called "land reform" programme have been covered by a large number of anecdotal reports, but little in the way of systematic reporting. The Justice for Agriculture Trust [JAG], together with the Research and Advocacy Unit [RAU] and the General Agricultural and Plantation Workers Union of Zimbabwe [GAPWUZ], have been carrying out detailed investigations of the violations that took place on the commercial farms since 2000. JAG has issued a number of reports⁶¹, the most relevant of which for present purposes described the information obtained from a 10% sample of all commercial farmers; that is, 418 out of 4,500 farmers that were on farms in 2000. This is an important study because it provides the strongest statistical support about the prevalence of gross human rights violations in the period under consideration. The study is critical because it provides data from a discrete population, and bases its conclusions on a valid sample of this population.

The JAG report estimated that, between 2000 and 2008, there were a probable minimum of 1.4 million human rights violations against commercial farmers and commercial farm workers, with the vast majority of these violations being perpetrated against commercial farm workers. Torture and assault was more frequently reported by farm workers than farmers, and the farm workers accounted for more than 90% of the total minimum violations. The JAG report provided startling information about the alleged perpetrators. The data indicate, as can be seen from Table 17, that once again ZANU PF supporters are in the majority of the alleged perpetrators. It can also be seen that the rankings for perpetrators are very similar for both farmers and farm workers.

60 The percentages have been added and not provided in the original WOZA report.

61 See Zimbabwe Human Rights NGO Forum (2007), *Adding Insult to Injury. A Preliminary Report on Human Rights Violations on Commercial Farms, 2000 to 2005*. Zimbabwe Human Rights NGO Forum and the Justice for Agriculture Trust [JAG] in Zimbabwe. June 2007. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; JAG/ GAPWUZ (2007), *DESTRUCTION OF ZIMBABWE'S BACKBONE INDUSTRY IN PURSUIT OF POLITICAL POWER. A qualitative report on events in Zimbabwe's commercial farming sector since the year 2000*. Report prepared by the Justice for Agriculture Trust [JAG] & the General Agricultural and Plantation Workers Union of Zimbabwe [GAPWUZ]. April 2008. HARARE: JUSTICE FOR AGRICULTURE TRUST; JAG/RAU (2008), *Reckless Tragedy: Irreversible? A Survey of Human Rights Violations and Losses suffered by Commercial Farmers and Farm Workers from 2000 to 2008*. Report prepared by the Research and Advocacy Unit [RAU]. December 2008. HARARE: JUSTICE FOR AGRICULTURE TRUST.

TABLE 17**Percentage of alleged perpetrators for farmers and farm workers**Source: Justice for Agriculture.2008⁶²

	FARMERS	FARM WORKERS
Police-Riot Squad	2%	2%
Police-Support Unit	13%	9%
Police-PISI	14%	11%
President's Office	24%	15%
Provincial Administrator	26%	18%
Provincial Governor	26%	20%
Army	27%	20%
Police-CID	28%	20%
Member of Parliament	29%	22%
Farm Employee	35%	24%
CIO	46%	29%
District Administrator	51%	36%
Police-Uniformed Branch	53%	40%
ZANUPF member	72%	64%
War Veterans & Youth Militia	83%	73%

It is also worth noting the number of government officials mentioned by the sample: governors, provincial administrators, district administrators, and even members of parliament. As regards the last, it should be noted [see section 4.9, *Command Responsibility*] that MPs are also mentioned in connection with violations during elections, and the JAG report makes specific comment that the "land invasions" were strongly linked to election campaigning, especially in 2000 and 2002⁶³. As can be seen in Table 18, the pattern of violations was different in many ways between the two groups. For example, denial of food relief was markedly more common for farm workers than farmers, as was displacement, and there was a pronounced difference in the frequency with which farm workers or their children were forced to contribute or join ZANU PF. This speaks to the contention in the JAG report (and other reports) that the "land invasions" were a pretext for election campaigning in 2000 and 2002.

62 Note that the number of perpetrators does not add up to 100%, as there was frequently more than one type of alleged perpetrator involved in an incident.

63 Similar comment is made in other reports. See, for example, Zimbabwe Human Rights NGO Forum (2001), *Politically motivated violence in Zimbabwe 2000–2001. A report on the campaign of political repression conducted by the Zimbabwean Government under the guise of carrying out land reform*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

TABLE 18

Frequency of violations against farmers, their families, and their employees.

Source: JAG/RAU.2008⁶⁴

Field	FAMILY		EMPLOYEES	
	Min	Max	Min	Max
Abduction or kidnapping	0.56	0.18	0.03	0.34
Assault	3.4	1.24	1.23	2.36
Death threats	12.75	17.19	2.21	3.36
Denied food relief if not a member of ZANU PF	0	0	8.17	10.69
Disappearance	0	5.58	0	0.11
Displacement	0	0	21.97	14.98
Forced to attend political meetings	8.11	2.01	19.95	19.29
Forced to contribute to ZANU PF	8.13	1.86	19.1	14.35
Held hostage	8.81	1.56	0.1	1.06
Murder	0	0.25	0	0.02
Political intimidation	20.03	24.84	22.53	14.85
Rape	0	0	0.01	0.04
Intimidation of foremen	0	0	0.67	1.1
Torture	0	0.92	0.4	1.47
Unlawful arrest	1.79	0.74	0.07	0.58
Unlawful detention	0.31	0.38	0.02	0.66
Children forced to join ZANU PF	0	0	3.55	14.75
Violation Total	29,003	325,920	1,135,321	3,951,129
GRAND TOTAL	Min	1,164,324	Max	4,277,049

4.7 Refugee reports

The refugee population from Zimbabwe is another important source of information about the prevalence of gross human rights violations, and with an extremely large number of Zimbabweans now living outside Zimbabwe provides a very contentious population upon which to generate any estimate of these violations. It is contentious in the main because there is denial, especially in South Africa, that this population is anything more than economic migrants. This assertion is strongly refuted by several studies in South Africa. The first of these was carried out by the Zimbabwe Torture Victims/Survivors Project then run by Idasa⁶⁵. This was a “snap” survey of 236 Zimbabweans living in 5 different areas of Gauteng, which showed that 85% had gone to South Africa after 2000, with 34% indicating that they had left Zimbabwe for political reasons, and 30% reporting that they had been direct victims of torture in Zimbabwe.

A second report from the same project (now run by CSVr), which focused on female survivors, indicated that over 84% of the sample had arrived since 2004⁶⁶. They were generally young, with an average age of 29 years, and were mostly single. Most [63%] reported that they had had some form of employment in Zimbabwe prior to leaving, and 37% reported that they had held jobs in the formal sector. Most [67%] reported being politically active in some way, with 43% reporting membership of the Movement for Democratic Change [MDC]. The largest percentage came in 2005 [34%], the year of *Operation Murambatsvina* and a general election, but there were also significant percentages coming in 2000 [9%] and 2002 [18%]. Thus, years in which there had been large national events comprised 61% of the total sample. More than half had experience of more than one violation, and the frequencies of form of psychological torture were high. The frequency of reported rape was much higher than in previous reports: the Human Rights Forum, for example, had no more than 27 cases in over 40,000 violations reported.

64 This table has been altered from the original to represent the frequencies as percentages so as to allow comparability with other reports.

65 See Idasa (2005), *Between a Rock and a Hard Place. A window on the situation of Zimbabweans living in Gauteng*. A report by the Zimbabwe Torture Victims Project. September 2005. PRETORIA: IDASA.

66 See CSVr (2006), *Women on the run: Women survivors of torture amongst refugees in South Africa*. A report by the Zimbabwe Torture Victims Project. September 2005. JOHANNESBURG: CENTRE FOR THE STUDY OF VIOLENCE AND RECONCILIATION.

TABLE 19**Frequency of reported violations**

Source: CSVR.2006

VIOLATION	FREQUENCY
Severe psychological torture	78%
Threats	76%
Witnessing violation	70%
Harassment	67%
Beatings	63%
Sensory over-stimulation	41%
Unlawful arrest/detention	17%
Victim of Murambatsvina	15%
Rape	15%
Burnings	8%
Indecent assault	8%
Falanga	4%
Electrical shock	2%

The most frequent perpetrators reported were ZANU PF supporters, which was different to the WOZA women, where perpetrators were most commonly members of the ZRP.

The last report has a similar importance to the JAG report was carried out by the South African Centre for Survivors of Torture, formerly the Zimbabwe Torture Victims/Survivors Project⁶⁷. This was a survey of the four major refugee reception centres in South Africa, and a total of 285 Zimbabwean refugees were interviewed. This was also useful as it used similar methodology to the ActionAid and WOZA studies, making use of the HTQ and the SRQ-8 as well as questions about the violations experienced and the refugee experience. Over 90% had come to South Africa since 2006, and high numbers sample reported experiences of violence or torture [46%], political intimidation [62%], and the denial of food assistance [38%]. 56% reported coming to South Africa for primarily political reasons, with only 28% cited primarily economic reasons, and this was a similar finding to another 2006 study of refugees and migrants⁶⁸.

The study found that both the number of persons affected by trauma and the number of trauma events have increased significantly. In the case of the number of trauma events experienced or witnessed, there has been a three-fold increase since 2000, whilst the number of persons affected by at least one trauma event had doubled. The data from this refugee sample showed the same increasing trend of reported trauma, both "experienced" and "witnessed" as was seen in the ActionAid and WOZA samples. This convergence of findings from different samples strongly supports the general view that gross human rights violations have been both common and worsening since 2000.

Thus, all these reports together make a very strong case that gross human rights violations, and torture, have been common in Zimbabwe since 2000. They lay the ground for understanding the context of 2008, and the understanding that the events of 2008 are not an aberration, but the continuation of an approach by the Zimbabwean state to dealing with political challenge, and especially the challenge that accompanies elections, the ultimate challenge to political power. The events of 2008 are thus not unique but rather a more severe example of the events that have preceded it since 2008. The rates of reported torture vary considerably according to the sample examined. For example, the Human Rights Forum reports a frequency of 12% in the victims seen by the Forum and its members, whilst the JAG report indicates a frequency of between 1% for farmers and 2% for their employees, but a frequency of only 2% of the commercial farm workers represents nearly 61,000 individuals as opposed to 4,800 *violations* – not individuals – in the Forum's data. So it is important to distinguish between frequencies and numbers in talking about torture in Zimbabwe. Furthermore, it seems that the rates of reported torture increase markedly in frequency when the population can be described as *activist*, whether the activists are supporters of the MDC, WOZA, or farm workers employed by commercial farmers who were MDC supporters. It is also evident that, as was seen in the analysis of the Human Rights Forum data, all violations, and especially torture, increase significantly during elections.

Thus, all the reports prior to 2008 can be taken to be prima facie evidence that torture has been a systematic tactic to both influence elections and suppress civil (and peaceful) dissent. It has also clearly been widespread, both in the sense of occurring rights around Zimbabwe and also in the sense that a wide range of government agencies and supporters have been involved in its perpetration. It is against this background that the events of 2008 can be examined, but, before doing so, it is worth taking a brief look at the allegations of who has been responsible overall for the violations.

67 See SACST (2008), *Victims of Organized Violence and Torture in Zimbabweans attending Refugee Reception Offices in South Africa: Prevalence & Associated Features*. March 2008. JOHANNESBURG: THE SOUTHERN AFRICAN CENTRE FOR SURVIVORS OF TORTURE.

68 See See Makina, D (2007), *Profile of Migrant Zimbabweans in South Africa: A Pilot Study*. Research Report.

4.8 Command responsibility

In any allegation of state involvement in gross human rights violations the matter of command responsibility is extremely important, and this involves evidence of two kinds. Firstly, that state agents with command responsibility can be shown to have been involved in the perpetration of gross human rights violations, either by being present at such abuses, or by evidence showing that they issued instructions for the violations to take place. Secondly, since the state has an obligation under constitution and law to prevent and halt such abuses, that there is evidence that the state or its agents failed to exercise this duty. The first, for obvious reasons, is generally very difficult to prove, although plausible allegations can frequently be made. The second is less difficult, since the existence of reports of gross human rights violations should lead to the state taking positive steps to investigate reports and take actions to stop such abuses.

In the case of Zimbabwe, the second of these issues – failure to prevent or investigate – has received considerable attention from 2000 onwards. There are a number of high profile cases in which the Zimbabwean government has shown no inclination to investigate, even under instruction from the Zimbabwean courts themselves. The notorious case involving the alleged murder of two MDC members by Joseph Mwale is well known, and Joseph Mwale remains at large despite a ruling by a High Court judge that he be investigated and attempts by the Attorney-General's Office to force the ZRP to conduct such investigation⁶⁹. However, there are many such other cases, and the most high profile case occurred on 11 March 2007 when the now Prime Minister, Morgan Tsvangirai, Minister of Finance, Tendai Biti, and 28 others were brutally tortured in police custody⁷⁰. On the contrary, several hundred people were arrested at and around the MDC headquarters in Harare shortly before the SADC meeting. 30 of this group were systematically tortured at the Harare Central Police Station over a two day period, the motivation appearing to be the extraction of confessions of having participated in several bombings which had taken place around the country and thus provide a justification for the March 11th strong arm tactics that Mugabe could present to his SADC peers. This led to the Southern African Litigation Centre SALC submitting a dossier to the National Prosecuting Authority [NPA] of South Africa, seeking an indictment for 14 individuals on the basis of their command responsibility and actual involvement in the torture. This case is still pending more than a year later.

This incident provided good evidence of the Zimbabwe government's omission in dealing with its constitutional responsibility, as none of the ZRP officers were even investigated, and even the President of Zimbabwe, Robert Mugabe, publicly condoned the March 11th torture. As the President said:

*"Of course he was bashed. He deserved it. I told the police to beat him a lot. He and his MDC must stop their terrorist activities."*⁷¹

This public condonation of gross human rights violations is not an isolated incident, but, as a report of the Human Rights Forum demonstrates, it has been continually recorded since 2000, and even earlier⁷². The Zimbabwe government, officers of the government, members of the ZANU PF party, and even state agents are endlessly recorded making statements inciting violence, condoning violence, propagating hate speech, and making racist remarks. The public record here is very clear and strongly establishes the omission of the ZANU PF government of Zimbabwe in exercising its constitutional and legal duty.

At least one detailed analysis of command responsibility has been carried out on the violence, albeit dealing only with the period 2000 to 2003⁷³. In this analysis, which was based on the public reports of the Human Rights Forum⁷⁴, a total of 1,352 individual names were recorded in the reports given to the Human Rights Forum.

69 See Redress (2005), *ZIMBABWE: THE FACE OF TORTURE AND ORGANISED VIOLENCE. Torture and Organised Violence in the run-up to the 31 March 2005 General Parliamentary Election*, LONDON: REDRESS TRUST. See also "Editorial", *The Zimbabwean*, 6 May 2009, where it was that Joseph Mwale was seen sitting 4 rows away from Robert Mugabe at the latter's birthday celebration, clearly demonstrating the impunity accorded to violators of human rights by the Zimbabwean government. [<http://www.thezimbabwean.co.uk/index>].

70 See Zimbabwe Human Rights NGO Forum (2007), *At Best a Falsehood, At Worst a Lie? Shooting Oneself in the Foot? Comments on the Zimbabwe Republic Police Report "Opposition Politics in Zimbabwe. A Trail of Violence"*. June 2007. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

71 President Robert Mugabe addressing a ruling party rally on 29/03/07.

72 See Zimbabwe Human Rights NGO Forum (2007), *Their Words Condemn Them: The Language of Violence, Intolerance and Despotism in Zimbabwe*, May 2007, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

73 See Reeler, A.P. (2003), *The Perpetrators of Gross Human Rights Violations in Zimbabwe from February 2000 to March 2003*, Paper presented to "Civil Society and Justice in Zimbabwe: A Symposium", organised by the Zimbabwe Human Rights NGO Forum, Themba Le Sizwe and the International Bar Association, Holiday Inn, Johannesburg, 11-13 August 2003.

74 Zimbabwe Human Rights NGO Forum (2000), *Who is responsible? A preliminary analysis of pre-election violence in Zimbabwe*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2001), *Who was responsible? A consolidated analysis of pre-election violence in Zimbabwe*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2002), *Are They Accountable?: Examining alleged violators and their violations pre and post the Presidential Election March 2002*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

TABLE 20**Total numbers of times persons in each category identified as a perpetrator**

Source: Reeler.2003

CATEGORY OF PERPETRATOR	NOS.	NOS. OF TIMES MENTIONED.	%
Member of Parliament	26	58	4.2
Central Intelligence Organisation	7	9	0.65
Zimbabwe Republic Police	56	88	6.31
Zimbabwe National Army	3	9	0.65
Zimbabwe Prison Service	1	0	0
Zimbabwe National Liberation War Veterans Association	25	150	10.8
ZanuPF PF (Supporter)	464	1045	74.9
ZanuPF PF (Youth)	6	13	0.93
ZanuPF PF (Official)	8	7	0.5
Government & local government officials	12	15	1.08
Total:	608	1,394	

As can be seen from Table 20 above, ZANU PF supporters of one kind or another are the most commonly mentioned by the victims, but ZANU PF officials, state agents from all branches of the security services, and government and local government officials are also mentioned in the reports of the victims. Most serious of all are the 28 Members of Parliament identified by the victims. So clearly the issue of command responsibility can be raised by the data relating to the period 2000 to 2002, and most of this data is concerned with the elections in 2000 and 2002.

TABLE 21**Ranks of Officers identified as committing gross human rights violations.**

Source: Reeler.2003

RANK	NUMBER	PERCENTAGE
District Commanding Officer	1	1.7
Officer-in-Charge	6	10.2
Chief Superintendent	1	1.7
Chief Inspector	1	1.7
Inspector	12	20.3
Assistant-Inspector	4	6.8
Detective	2	3.4
Sergeant	14	23.7
Constable	18	30.1

Analysis of the reports involving the ZRP demonstrated that a very high percentage of officers of rank were alleged to have been involved in gross human rights violations.

Additionally, there is the matter of state facilities being reported as places in which gross human rights violations and torture are reported. In the above analysis, it was shown – again derived from the reports of the Human Rights Forum – that “bases” were frequently found in facilities owned by the government. The association between “bases” and torture is frequently made in the human rights reports around the 2000 and 2002 elections, and the above analysis points out that the number of bases identified increased from 39 to 123 from 2000 to 2002. This is probably due to better reporting by human rights groups, and should not be interpreted as a trend.

Whilst the existence of bases is alone a matter for concern, the serious concern is in the actual positioning of these bases, and, as the above analysis pointed out, the use of state facilities and public buildings implicates the Zimbabwe government in a very serious way.

TABLE 22**Positioning of militia bases in Parliamentary [2000] and Presidential Elections [2002].**

Source: Reeler.2003

	SCHOOLS	OFFICIAL BUILDING	PUBLIC BUILDING	FARM
2000	0	22%	61%	17%
2002	41%	18%	19%	22%

All of the foregoing suggests very strongly that, at the least, the Zimbabwe government has been guilty of omission in its constitutional and legal duty to prevent gross human rights violations taking place. But it also suggests, much more seriously, that the Zimbabwe government, and certainly state officials and members of the government, have been involved in the perpetration of these violations.

5 TORTURE IN 2008

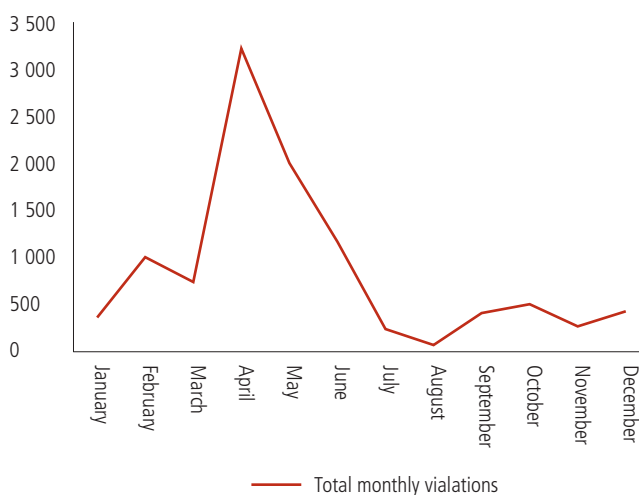
As indicated earlier, the run-up to the Harmonised Elections in March 2008 were largely peaceful, although it could not be additionally claimed that the polling conditions resembled the conditions laid out in the SADC Principle and Guidelines⁷⁵. However, the defeat of Robert Mugabe in the Presidential poll precipitated organized violence and torture far in excess of anything seen since 2000.

As was seen earlier in the discussion of the Human Rights Forum's reports, the trend towards increasing violations has been evident since 2005, and has markedly increased from 2007. However, 2008 eclipsed all previous years, and, in fact, represent 25% of the total number of violations seen by the Human Rights Forum since July 2001. Additionally, of the 10,256 violations reported to the Human Rights Forum in 2008, 62% of these occurred during the run-up to the re-run of the Presidential election. This can be graphically seen in Figure 2.

FIGURE 2

Monthly distribution of violations in 2008

Source: Monthly report of the Human Rights Forum 2008



The data reported by the Human Rights Forum was mostly derived from actual reports made to the Forum or its members, and hence will represent potentially skewed sample. It is thus interesting to compare the Forum data with that of the Zimbabwe Peace Project [ZPP] that also reported on the same period. The ZPP data is derived from reports made by its nation-wide network of monitors, who provide monthly reports about the violations in their Districts, and hence provides a much broader view of the 2008 period⁷⁶. Thus, there are two different methods in obtaining this information, and the contrast can be instructive. The comparison between the two data sets was only comparable for the months January to August 2008.

75 Zimbabwe Human Rights Forum (2008), *Can the elections in Zimbabwe be Free and Fair?* Paper produced by the Research and Advocacy Unit [RAU] for the Human Rights Forum, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

76 It is worth commenting here is widely assumed that it was the existence of this network that led the ZRP to abduct and torture the Director of the Zimbabwe Peace Project (amongst others) in an effort to prove that the ZPP were involved on behalf of the MDC in recruiting for military training in Botswana.

FIGURE 3

Monthly Comparison of violations: Human Rights Forum and Zimbabwe Peace Project, 2008

As can be seen from Figure 3, the trends are similar, although the magnitudes are different, with the ZPP reporting many more violations than the Human Rights Forum. Both data sets show a marked increase in reports of gross human rights violations from March to June 2008, and thereafter a decline. Another comparison is possible with the data from the Solidarity Peace Trust, but only for the months from April to June.

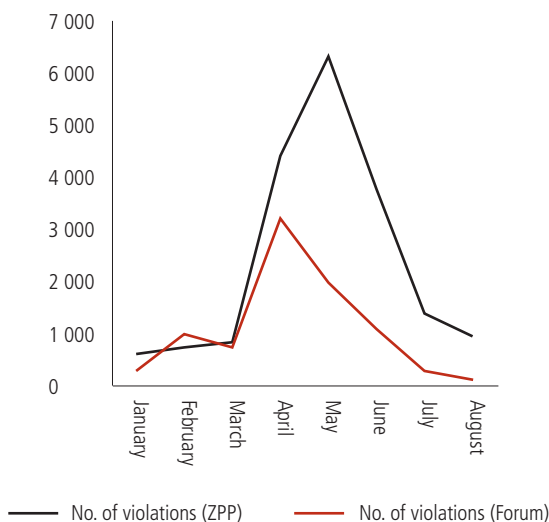


TABLE 23

Frequency of violations [Number & %] for April, May, & June 2008:

Zimbabwe Peace Project, Human Rights Forum, & Solidarity Peace Trust⁷⁷

	APRIL	MAY	JUNE	TOTAL
Zimbabwe Peace Project	4375 [33%]	6283 [47%]	3730 [28%]	14388
Human Rights Forum	3168 [51%]	1973 [32%]	1060 [17%]	6201
Solidarity Peace Trust	907 [27%]	1364 [41%]	1049 [32%]	3320

There is greater convergence – as percentages - between the data from the Zimbabwe Peace Project and the Solidarity Peace Trust than there is between the Human Rights Forum and the other two, but all of these organizations nonetheless report very high numbers of violations during these three months. Thus, all organizations support the view that the period leading up to the Presidential run-off was excessively violent.

The distribution of reports per Province is generally similar between the data sets from the Human Rights Forum and the Zimbabwe Peace Project [see Table 24], but, although correlated, this was not significant [0.42; $p < 0.05$]. The difference lies in the lack of reports to the Human Rights Forum, which is turn is due to the wider coverage of the country by the Zimbabwe Peace Project.

⁷⁷ ZPP (2008), *POST RUN-OFF PRESIDENTIAL ELECTION REPORT NO.4*. July 2008. HARARE: ZIMBABWE PEACE PROJECT; Solidarity Peace Trust (2008), *Desperately Seeking Sanity: What Prospects for a New Beginning in Zimbabwe?* 29 July 2008. DURBAN: SOLIDARITY PEACE TRUST ; Zimbabwe Human Rights NGO Forum (2008), *Damned Lies? Post Election Violence in Zimbabwe*. Report produced by the Research & Advocacy Unit. August 2008. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

TABLE 24

Distribution of violations per province:

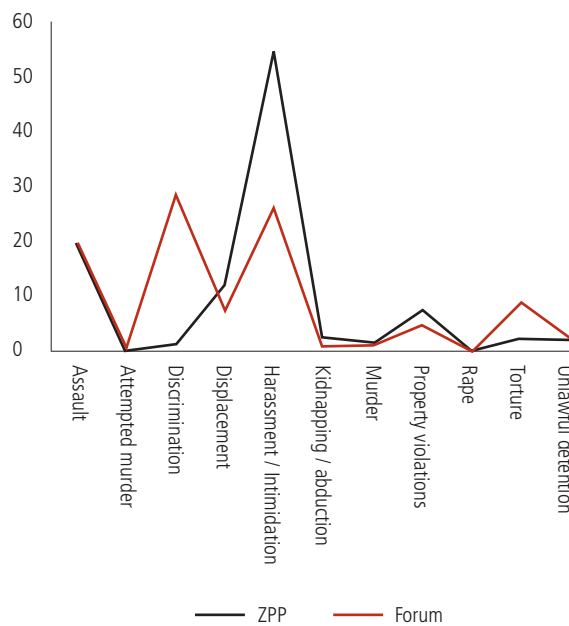
Zimbabwe Peace Project & Human Rights Forum, 2008

	ZPP [N=1123]	FORUM [N=529]
Bulawayo	13	12
Harare	201	154
Manicaland	245	54
Mashonaland Cent	93	107
Mashonaland East	92	61
Mashonaland West	122	136
Masvingo	176	3
Matabeleland North	18	0
Matabeleland South	30	0
Midlands	133	2

There is similar convergence between the Human Rights Forum and the Solidarity Peace Trust in respect of the types of violations.

FIGURE 4

Comparison of violation types: Zimbabwe Peace Project and Human Rights Forum, 2008



The trends are very similar, although the magnitudes for each violation were different. However, the percentage frequency and ranks of the violations from the two data sets was highly significant [0.61; $p=0.01$]. Hence, two different data bases, drawing on different forms of report, showed similar trends, and confirm the trends seen in previous elections.

TABLE 25

Comparison of violation types [Percentages & ranks]:

Zimbabwe Peace Project & Human Rights Forum, 2008

	ZPP	ZPP [RANK]	FORUM	FORUM[RANK]
Assault	19.10	2	20.34	3
Attempted murder	0.06	11	0.09	10
Discrimination	0.88	9	28.08	1
Displacement	11.93	3	7.40	5
Harassment/intimidation	53.61	1	25.50	2
Kidnapping/abductions	2.36	5	1.38	8
Murder	1.04	8	1.26	9
Property	6.60	4	4.50	6
Rape	0.17	10	0.07	11
Torture	2.10	5	8.25	4
Unlawful detention	2.15	6	2.54	7

Thus, in respect of 2008, there is considerable convergence between different sources of data (as there has been generally since 2000), and it is significant that the trends, the frequencies of violations, and the geographical spread seen in both data sets corroborate each other so strongly. It is therefore indisputable that there were serious numbers of gross human rights violations perpetrated in 2008, and mostly during the period between the Harmonised Elections in March and the Presidential run-off in June.

However, it can be argued that, as the Zimbabwe government has done through reports by the Zimbabwe Republic Police, this merely represents *political violence* that accompanies elections and disputes between political parties. To assert that these were *gross human rights violations*, and possibly crimes against humanity, it is necessary to show that the violations were perpetrated mostly by government agencies (and government supporters), and that, furthermore, that the violations were systematic and/or widespread.

5.1 The victims

There is considerable evidence from the many reports dealing with 2008 that the majority of the victims were either members of the Movement for Democratic Change [MDC], members of the Zimbabwe Election Support Network [ZESN], or other civil society organizations. There were reports from three organizations in particular that allow a good description of the victims; these were the Solidarity Peace Trust [SPT]⁷⁸, the Zimbabwe Human Rights NGO Forum [the Human Rights Forum]⁷⁹, and the Zimbabwe Peace Project [ZPP]⁸⁰. The best detail concerning the victims and perpetrators comes from SPT, but reports from the other two organizations provide solid support for the assertions of SPT. The reports from Zimbabwean organizations are also corroborated by the reports from international human rights organizations⁸¹.

From all reports it is evident that members of the MDC, people suspected of being affiliated to the MDC, election observers, and members of other civic groups constituted the overwhelming majority of the victims. It is difficult to get clear figures from the ZPP report due to a very indistinct graph, but a crude count suggests that, between January and August 2008, over 90% of the victims were members of the MDC⁸². This is supported by the data from the Human Rights Forum in their August report, where they report that, in April 2008, 88% of the victims were members of the MDC⁸³. In both reports, the numbers of ZANU PF supporters were insignificant. These reports would strongly suggest a campaign directed against the MDC rather than political violence between opposing political parties, but additional evidence from SPT makes this point more strongly.

In the first SPT report [SPT1]⁸⁴, which was published in May 2008, there were no cases of ZANU PF being reported as victims, but, for a large percentage [17%], their affiliation was unclear or unknown. It is doubtful that these were ZANU PF supporters, however, and more likely to have been ordinary citizens to whom MDC support was attributed, as has been the case in previous elections. It was also reported that there had been a dramatic shift in the character of the targets of violence. Although the majority were members of the MDC, there was a marked change in the numbers of MDC leadership that experienced a gross human rights violation: this had increased from 7% prior to March to 22% by May 2008.

78 See Solidarity Peace Trust (2008), *Punishing Dissent, Silencing Citizens: The Zimbabwe Elections 2008*. 21 May 2008. JOHANNESBURG: SOLIDARITY PEACE TRUST; Solidarity Peace Trust (2008), *Desperately Seeking Sanity: What Prospects for a New Beginning in Zimbabwe?* 29 July 2008. DURBAN: SOLIDARITY PEACE TRUST.

79 See Zimbabwe Human Rights NGO Forum (2008), *Damned Lies? Post Election Violence in Zimbabwe*. Report produced by the Research & Advocacy Unit. August 2008. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

80 See ZPP (2008), *POST RUN-OFF PRESIDENTIAL ELECTION REPORT NO.4*. July 2008. HARARE: ZIMBABWE PEACE PROJECT.

81 See Human Rights Watch (2008), *"Bullets for Each of You": State-Sponsored Violence since the March 29 Elections*. June 2008. NEW YORK: HUAMN RIGHTS WATCH.

82 See graph on page 17 of ZPP (2008), *POST RUN-OFF PRESIDENTIAL ELECTION REPORT NO.4*. July 2008. HARARE: ZIMBABWE PEACE PROJECT.

83 See graph on page 6 of Zimbabwe Human Rights NGO Forum (2008), *Damned Lies? Post Election Violence in Zimbabwe*. Report produced by the Research & Advocacy Unit. August 2008. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

84 Solidarity Peace Trust (2008), *Punishing Dissent, Silencing Citizens: The Zimbabwe Elections 2008*. 21 May 2008. JOHANNESBURG: SOLIDARITY PEACE TRUST.

The more detailed analysis in the second SPT report [SPT2]⁸⁵ largely confirmed the findings of SPT1. MDC supporters were 61% of all victims, with members holding leadership positions being 18% of the total. Election observers comprised 6% of the total, with the percentage of persons from whom affiliation was unclear increasing to 31%, but these victims all attributed their ill-treatment to ZANU PF supporters. On the other hand, ZANU PF supporters were only 1% of the total. The most disturbing findings on the victims came from SPT2's description of them⁸⁶:

- 211 of those seeking medical help after either beatings or more often illness owing to displacement were aged less than 3 years – 7%.
- A further 77 were aged 4 to 10 years old – 3%.
- 113 were aged 11 to 20 years – 4%
- 177 victims were aged over 60, and some of these suffered extremely severe injuries including multiple fractures, which are difficult to heal at that age.
- 80% of the victims were aged between 21 and 60.

So, not even children or the elderly were spared, and 10% of those under displaced were under 10 years old.

5.1.1 Gender analysis

Few of the studies show the data disaggregated for gender, and hence it is difficult to be precise about the effects for women, although the studies from previous years indicate that a high percentage of the victims are women.

SPT2 reports several individual cases in which severe abuse of women is described but provides no breakdown of the gender distribution. However, the report does comment that there are reports that gang rape was widespread in Mashonaland and Manicaland⁸⁷. SPT1 reports that 16% of the victims were women. Another report suggests that as many as 2,000 cases of rape during the period March to June 2008⁸⁸. The Human Rights Forum reports that 21% of the victims between March and June were female, but has no reports of rape. ZPP does not give a clear indication of the percentage of women for the period March to June 2008, and reports rape and attempted rape as less than 1% of the total violations recorded.

Clearly there are huge discrepancies in the estimates of rape in various reports available – from 50 cases to 2,000 – and this makes it difficult to be accurate in this regard about the Presidential runoff period.

However, subsequent ZPP reports do allow some better estimates to be made of the proportion of women being affected. When the statistics for July and August 2008 are combined, then female members of the MDC emerge as 10 times more likely to report a human rights violation than female members of ZANU PF. This figure could be much higher if the cases of women with unknown affiliation are included, and it is probable, as the Solidarity Peace Trust points out, that cases of unknown affiliation are very unlikely to be members or supporters of ZANU PF.

In the absence of any clear gender analysis, it is thus not possible to make any clear statements about women, and this affects the later analysis of the types of violation experienced by women. It would be crucial that subsequent analyses of this data, should this take place, disaggregate the data according to gender. It also seems crucial that some attempt be made to understand the actual prevalence of rape.

5.2 The perpetrators

All reports have similar findings: that the overwhelming majority of the alleged perpetrators are supporters of the ZANU PF party, and that state agents too are reported as perpetrators with high frequency.

The Solidarity Peace Trust, in both its reports, indicates that ZANU PF Youth were the most frequent perpetrators identified, and that ZANU PF, as a whole, was the most common perpetrator. With the inclusion of "war veterans", these groups comprise 83% of all alleged perpetrators. This is wholly in keeping with previous reports. It can also be seen that state agents – ZRP, ZNA, and CIO – are also a significant percentage [18%] of the total perpetrators, but the percentage drops in later months from 27%. As the Solidarity Peace Trust reports [SPT2], this drop seems to have been predicated on the state agents having completed their role in driving the violence and having set in train processes that could continue without their management. This can also be seen in the rankings, where the ZNA drops from third to fourth as the most common perpetrators from April to the end of June 2008.

85 Solidarity Peace Trust (2008), *Desperately Seeking Sanity: What Prospects for a New Beginning in Zimbabwe?* 29 July 2008. DURBAN: SOLIDARITY PEACE TRUST.

86 See page 33 of SPT2.

87 See Solidarity Peace Trust (2006), *Desperately Seeking Sanity: What Prospects for a New Beginning in Zimbabwe?* 29 July 2008. DURBAN: SOLIDARITY PEACE TRUST. p35

88 See reports at www.aids-freeworld.org.

TABLE 26**Frequency of alleged perpetrators.**

Source: Solidarity Peace Trust

	APRIL 2008		APRIL TO JUNE 2008	
	NUMBER	%[RANK]	NUMBER	%[RANK]
War Veterans	173	14 [4]	730	21 [2]
ZPF Youth	439	35 [1]	1599	45 [1]
ZPF Supporter	257	21 [2]	600	17 [3]
ZRP	140	11 [5]	230	7 [5]
ZNA	188	15 [3]	304	9 [4]
CIO	18	1 [7]	57	2 [6]
MDC/other	30	2 [6]	44	1 [7]
Total:	1245		3564	

These findings are replicated by the reports from the Human Rights Forum and the Zimbabwe Peace Project.

TABLE 27**Reported affiliation of alleged perpetrators**[n=285]⁸⁹

ALLEGED PERPETRATOR	NUMBER [%]
CIO	11 [4%]
MDC	2 [0.7%]
War Veterans	45 [16%]
Zimbabwe National Army [ZNA]	69 [24%]
ZANU PF Youth	102 [36%]
ZANU PF Supporter	77 [27%]
Zimbabwe Republic Police	43 [15%]
Zimbabwe Republic Police [CID]	10 [4%]
Zimbabwe Republic Police [Riot]	10 [4%]
Unknown	24 [8%]

Since the Forum reports on violations as opposed to individual cases, strict comparison between their data and the Solidarity Peace Trust is not possible. For the Forum data [table 27], ZANU PF supporters in total – ZANU PF Youth, ZANU PF supporters, and “war veterans” – comprise the majority. When the rankings of the frequencies are compared between the Forum and the Solidarity Peace Trust for the month of April, then the correlation between the two data sets is highly significant [0.96; $p=0.01$].

The profile of the alleged perpetrators in 2008 is different in several important respects from the reports compiled in 2000 and 2002. A previous analysis of the named perpetrators between 2000 and 2003 also showed that non-state actors - ZANU PF Youth, ZANU PF supporters and officials, and “war veterans” - were the most commonly identified perpetrators by a considerable margin, but indicated that the ZNA was infrequently identified (less than 1% of the named perpetrators)⁹⁰. The reports from 2008 by contrast indicate that the ZNA was significantly involved in the gross human rights violations, and, for April 2008, even more frequently mentioned than the ZRP.

The following report, taken from the Human Rights Forum’s Monthly Political Violence Report for May 2008 is illustrative of the involvement of the ZNA:

⁸⁹ Note that the number of perpetrators does not add up to 100%, as there was frequently more than one type of alleged perpetrator involved in an incident.

⁹⁰ See again Reeler, A.P. (2003), *The Perpetrators of Gross Human Rights Violations in Zimbabwe from February 2000 to March 2003*, Paper presented to “Civil Society and Justice in Zimbabwe: A Symposium”, organised by the Zimbabwe Human Rights NGO Forum, Themba Le Sizwe and the International Bar Association, Holiday Inn, Johannesburg, 11-13 August 2003.

The male victim, a headmaster at a Primary School in Nyanga South Constituency, reports that he was abducted and assaulted together with his wife by suspected ZANU PF supporters. Four men came to his home at the school where he works accusing him of selling computers that had been donated to the school by the President. Among the four men were one Colonel Masamore and his driver. They handcuffed him and slapped him on the face. His wife and children tried to assist him but one of the four men fired a shot into the air, scaring them off. The victim was forced into a Mitsubishi twin cab truck without number plates. His wife also forced herself into the truck despite three warning shots fired to deter her from doing so. They were driven into a thick pine forest about 1,5km away. When the assailants eventually stopped they switched off the headlights and assaulted the victim and his wife with a whip. During the assault the assailants were chanting ZANU PF slogans. The assailants then stripped the victim and his wife naked and further assaulted them. The victim was told to teach the teachers and students at his school ZANU PF slogans. He was also accused of encouraging the teachers at his school to vote for MDC. The victim and his wife were warned not to report the abduction and assault or else they would face harsher consequences. After the assailants had left, the victim's wife assisted him to the nearest timber compound where they got clothes and transport to a hospital. After being discharged from hospital both the victim and his wife moved to Harare fearing that the assailants would return.

A second difference lies in the identified involvement of ZANU PF party officials. The 2003 analysis mentioned above reported that MPs, and candidates from ZANU PF, were frequently mentioned in reports given to the Human Rights Forum. As this report indicated, MPs and government officials comprised 6% of all the named perpetrators, and 38 MPs and government officials were mentioned 73 times in reports [see Table 20 above]. Whilst SPT2 makes mention of the involvement of MPs and government officials, the frequency is not given.

Thus, while there seems to be a shift in the types of perpetrators, the overall tactics do not seem to have changed much since the previous elections in 2000 and 2002. The election in 2005 is somewhat different in tactics, and definitely was not as violent as these other three elections⁹¹. The tactics in 2008 emphasised the use of "bases", militia groups led by "war veterans", the co-operation of the ZRP – both in violence and in covering up the violence – and the near-public presence of the ZNA.

5.2.1 Gender analysis

Previous reports on elections since 2000 (as well as other human rights reports of other events) have made mention of the involvement of women as perpetrators of gross human rights violations and torture. It is generally unusual in the human rights literature for women to be so involved. One of the first reports to make mention of the involvement of women in torture was given in 2000, where a victim reported that he was abducted, and initially beaten by 5 women⁹². There were also a number of reports, mostly in the rural areas, where women, accompanying militia gangs, were involved in burning houses, destroying and stealing property, and severe assaults on MDC supporters. The circumstances in which these women were involved could very plausibly be described as torture, conforming in all aspect to the CAT definition.

Neither the Solidarity Peace Trust reports nor those of the Forum in 2008 make mention of the role of women in perpetrating gross human rights violations. The Zimbabwe Peace Project does provide such an analysis, and the frequency with which women were alleged to be perpetrators is noteworthy. According to the ZPP report for July 2008, female members of ZANU PF were identified in 267 cases, as opposed to 6 cases in which female members of the MDC were alleged to be perpetrators. Thus, while female ZANU PF supporters are 10 times less likely to be a victim, they are over 40 times more likely to have been a perpetrator!

5.3 Types of torture

There have been several reports prior to 2008 detailing the use of torture in Zimbabwe. The most detailed of these dealt with the torture of the MDC leadership and other civic leaders in 2007⁹³.

91 See NCA, *The 2005 Parliamentary Election. Flawed, Unfree and Unfair!* April 2005, NATIONAL CONSTITUTIONAL ASSEMBLY; Reeler, A.P., & Chitsike, K.C (2005), *Trick or Treat? The effects of the pre-election climate on the poll in the 2005 Zimbabwe Parliamentary Elections*. June 2005. PRETORIA: IDASA.

92 See Cases D & I, IRCT (2000), *Organised Violence and Torture in Zimbabwe*, 6th June 2000, Copenhagen and Harare, COPENHAGEN & HARARE: IRCT & AMANI TRUST.

93 See OSISA (2007), *"We have degrees in violence". A Report on Torture and Human Rights Abuses in Zimbabwe*. A Report by The Open Society Initiative for Southern Africa, The Open Society Institute, & The Bellevue/NYU Program for Survivors of Torture. December 2007. JOHANNESBURG: OPEN SOCIETY FOR SOUTHERN AFRICA.

The forms of torture described in this report have been described again in 2008. As SPT2 described this:

- 252 fractures have been treated;
- 163 cases of *falanga* – beating on the soles of the feet – have been treated. This is a very serious form of torture with long term health consequences for people, leaving them with sore feet possibly for life;
- 450 people have reported partial or total loss of their property to political violence;
- 1798 assaults were reported of which 75% involved the use of weapons, usually sticks, but including iron bars, barbed wire, knives;
- 420 reports of torture were recorded, including being burnt with burning grass or plastic bags (12); being submerged in water either to induce severe cold and to increase the pain of being assaulted or to induce temporary suffocation (20); being restrained and/or blindfolded (89);
- 309 people reported abductions and 109 were detained;
- 8 gun shot wounds (GSW) were treated;
- There were literally thousands of reports of soft tissue damage of different types, including haematomas, welts, bruising, swelling, lacerations and abrasions. These varied from mild injuries to very severe;
- There were 205 head injuries treated: all head injuries are potentially serious and can leave long term damage, including loss of eye sight, minimal brain damage, neck injuries.

This picture was wholly corroborated by the reports of the Zimbabwe Association of Doctors for Human Rights [ZADHR].

It is evident from the SPT2 report that the injuries were very severe, and consonant with extreme physical abuse. However, it also seems that the SPT2 report may, in an effort to be conservatively accurate, have underestimated the amount of torture, and it is not clear that the 163 cases of *falanga* are counted as part of the 420 reports of torture, or are an additional number. In the latter case, SPT2 would have recorded 583 cases of torture, or 13% of the total 3320 cases reported upon.

There are obvious difficulties in deciding how much torture took place in 2008. SPT2 reports that 75% of the 1798 cases of assault involved the use of weapons, or what would be termed aggravated assault or assault with intent to cause serious bodily harm, according to Section 89 (3)(d) of the Criminal Law Codification and Reform Act (Chapter 09:23)⁹⁴. In the SPT2 report, assault was 54% of the total of 3320 cases, but, if 75% of these cases could be classified as *torture*, then torture could be claimed in as many as 41% of all cases in the SPT2 report. However, such a re-classification would not only depend on the use of a weapon, but also on whether the perpetrators could be identified as either government agents or persons acting with the condonation of the government. As was seen from the earlier section on the perpetrators, it is possible to claim that much of the violence classified as assault could be re-classified as torture since all the various groups identified as perpetrators are strongly affiliated to ZANU PF and hence the government.

In the Human Rights Forum report from August 2008, reporting on 285 cases seen by the Forum, 74% of the cases were classified as *assault [GBH]*, a figure that is almost identical to that reported in SPT2⁹⁵. The Human Rights Forum in the same report argues that 44% of the cases seen could be classified as torture, and report asphyxiation (10%), burns (2%), the use of restraints (3%) and *falanga* (4%). The Human Rights Forum also reports very high rates of what would be classified as psychological torture – threats (49%), intimidation (89%), and forced displacement (19%). Thus, it does seem that there is strong agreement between the SPT reports and those of the Human Rights Forum.

Of the various types of torture, *falanga* is of particular interest because it is indisputably torture. The Human Rights Forum, in its most recent report, examined this form of torture, commenting that it was infrequently documented prior to 2000⁹⁶. Although cases were reported during the Liberation War, it does appear that *falanga* has now become very common. In an analysis of the cases seeking civil damages, 35 (12%) cases of alleged *falanga* were carried out mostly by the ZRP. It is also the case that the use of *falanga* is only restricted to cases in which the victim was perceived to be a political opponent⁹⁷.

However, the use of *falanga* has spread outside of the ZRP, as the Human Rights Forum reported in 2009:

An analysis of all the cases of torture reported to the Human Rights Forum and its members during May 2008 was undertaken. There were 377 cases reported in May, and 49 [13%] of these explicitly reported falanga. However, the sample reported very high rates of aggravated assaults (assaults involving the use of weapons or other instruments), with 262 [70%] reporting such assaults, and 29 [59%] reporting other forms of torture. Falanga was significantly associated with assault, other forms of torture, abductions, and much more likely to have been carried out by members of ZANU PF youth than any other group. There was also a significant association in the group specifically mentioning falanga between ZANU PF Youth and War Veterans. Thus, the oft-quoted relationship between gross human rights violations, elections, and supporters of the ZANU PF party is once again found to be the case for May 2008⁹⁸.

94 Since there is no domestic crime of torture in Zimbabwean law, any case of torture would be classified as one kind of assault or other.

95 Here bear in mind the earlier comment about assault in Zimbabwean law. The Human Rights Forum is clearly using an older terminology, which, in Zimbabwean criminal law, should be better described as "serious assault".

96 See Zimbabwe Human Rights NGO Forum [2009], *Only Bruises on the Soles of their Feet? Torture and Falanga in Zimbabwe*. Report produced by the Zimbabwe Human Rights NGO Forum. February 2009. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

97 *S vs Reza*, HH-02-04, Crim. Appeal 159/03. Here the Zimbabwe High Court found the ZRP guilty of using *falanga* against an alleged criminal suspect.

98 See Zimbabwe Human Rights NGO Forum [2009], *Only Bruises on the Soles of their Feet? Torture and Falanga in Zimbabwe*. Report produced by the Zimbabwe Human Rights NGO Forum. February 2009. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM (p13).

According to the Forum report, 98% of the cases of *falanga* took place in the rural areas, with the majority coming from one of the three Mashonaland Provinces, and, of these, Mashonaland Central accounting for over 50%. As was also reported in SPT2, much of the torture was carried out at places that are probably best described as torture centres, commonly known as “bases”. In the Forum report, 43% reported that their torture took place at a so-called ZANU PF “base” and a further 37% of the victims reported that their abuse took place at a public building. This is a repeated pattern in previous reports on torture⁹⁹.

Thus, it is evident that the use of *falanga*, mostly seen previously in cases of torture by the ZRP, has spread to non-state agents, and has been reported to have been increasingly perpetrated by non-state agents: as the Human Rights Forum reports, it is *much more likely to have been carried out by members of ZANU PF youth than any other group*. The only conclusion to be drawn here is that there has been instruction in the use of torture, and *falanga* in particular¹⁰⁰.

5.4 Command responsibility

Command responsibility, as indicated earlier, is an important issue in allegations of gross human rights violations and torture, and is crucial to any allegation of crimes against humanity. As was pointed out, allegations about command responsibility and state responsibility can draw on two sorts of evidence: evidence that an official of the state was directly involved in or ordered torture or some other gross human rights violation, or that an official or the state did not take steps to prevent such abuse or deal with the perpetration of this abuse.

The record is clear on the 2008 period in respect of the latter. The state, its officials, and members of the government took no steps to prevent the violence, took no steps to react to the violence (even when the reports of the violence were so extreme that SADC had to intervene), and has subsequently made very poor efforts to investigate the reports and prosecute the offenders. This is common cause, and it is unnecessary to go into detail here. After all, the result of the Presidential run-off was rejected by the entire international community (with some notorious exceptions), and it is even conceded by ZANU PF, in the Global Political Agreement GPA, that it is necessary to investigate the violence of 2008¹⁰¹.

However, the phrasing of the GPA is vague in respect of blame for the violence in 2008, stating this in general terms in Article 18:

18.1 Noting the easy resort to violence by political parties, State actors, Non-State actors and others in order to resolve political differences and achieve political ends.

18.2 Gravely concerned by the displacement of scores of people after the election of March 29, 2008 as a result of politically motivated violence.

This generality, necessary as it might be to draft a political agreement, is wholly at variance with the facts, as has been seen above, and makes no reference to any of the violence that accompanied the previous seven years, or the elections in 2000 and 2002. As was seen in the analysis of those two previous elections, state officials, the ZRP, the ZNA, and even members of Parliament were alleged to have been involved in the perpetration of gross human rights violations and torture. In the examination of the reports relating to 2008, similar allegations can be made.

Firstly, the enormous increase in reports alleging the involvement of the ZNA demonstrates that the state was directly involved in the commission of the crimes reported. Serving army officers do not normally participate in election campaigning on behalf of a political party, let alone lead and control violence, without the command structure of the army being involved. If the ZANU PF government tried to claim that all these personnel had taken leave and were acting in their private capacity, this argument would fail for the obvious reason that, once the reports emerged of military involvement in political violence, there is no evidence that the military hierarchy took any steps to correct the situation. SPT1, in an appendix, even provides evidence of military involvement with a key informant interview on the strategy developed by JOC for the Presidential runoff¹⁰².

Secondly, the many reports of the use of state assets – vehicles, buildings, etc – also support the assertion that the government had at the very least condoned what was going on. For example, SPT2 (and the ZPP reports) indicate the widespread establishment of bases, and there are frequent references to bases, but no detailed analysis of these, their number, their geographical positioning, etc.

99 See Solidarity Peace Trust (2006), *Desperately Seeking Sanity: What Prospects for a New Beginning in Zimbabwe?* 29 July 2008. DURBAN: SOLIDARITY PEACE TRUST; Zimbabwe Human Rights NGO Forum (2002), *Are They Accountable?: Examining alleged violators and their violations pre and post the Presidential Election March 2002*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Reeler, A.P. (2003), *The Perpetrators of Gross Human Rights Violations in Zimbabwe from February 2000 to March 2003*, Paper presented to “Civil Society and Justice in Zimbabwe: A Symposium”, organised by the Zimbabwe Human Rights NGO Forum, Themba Le Sizwe and the International Bar Association, Holiday Inn, Johannesburg, 11-13 August 2003.

100 There have been frequent allegations that instruction in torture has taken place. Here see Solidarity Peace Trust (2003), *National youth service training – “shaping youths in a truly Zimbabwean manner”. An overview of youth militia training and activities in Zimbabwe, October 2000 – August 2003*. 5 September, 2003. ZIMBABWE & SOUTH AFRICA: SOLIDARITY PEACE TRUST.

101 See ARTICLE XVIII. *SECURITY OF PERSONS AND PREVENTION OF VIOLENCE*. AGREEMENT BETWEEN THE ZIMBABWE AFRICAN NATIONAL UNION-PATRIOTIC FRONT (ZANU-PF) AND THE TWO MOVEMENT FOR DEMOCRATIC CHANGE (MDC) FORMATIONS, ON RESOLVING THE CHALLENGES FACING ZIMBABWE.

102 There was also a document circulating amongst civic groups that purported to be a list of the army personnel involved and their areas of operation. However, this document has never been verified, and therefore can be no credibility.

Thirdly, as mentioned above, there is the enormous number of reports in the public domain in which the President, Ministers, Members of Parliament, ZANU PF officials, and many others are on record with statements condoning violence, propagating hate speech, and never repudiating any of these, rarely demanding that the ZRP stop the violence, and taking no active steps to create the conditions for a proper election conforming to just the SADC Principles and Guidelines. On the few occasions there have been calls to refrain from electoral violence these have been seen to be a token pandering to observers or more ominously a threat to MDC supporters given the partisan application of the law in this regard.

Of course, proving command responsibility this will require a massive change in the current political climate and the establishment of an independent commission of inquiry. However the prima facie evidence is strong, that the violence seen in 2008, between April and June (and even thereafter) was under the control of the government and its agents.

6 CONCLUSIONS

When political violence occurs on the scale seen in Zimbabwe since 2000, and especially in 2008, no brief analysis of the reports in the public domain, even if based upon empirical reporting, can do justice to the problem. However, it is apparent from this review that torture (and other gross human rights violations) has been perpetrated on an epidemic scale. Torture, moreover, has been a persistent feature of Zimbabwean political life for decades, and there is little sign that it will disappear in the near future. Current cases involving Jestina Mukoko and her fellow abductees, that are now a huge blemish upon the GPA, are a microcosm of what has come before.

As was seen from the review of published reports prior to 2008, torture has been prevalent since 2000, and has been increasing in frequency since 2005. The events of 2008 are different in magnitude, but not in kind, and it is apparent that all the features of the elections in 2000 and 2002 – “bases”, involvement of “war veterans”, widespread involvement of militia composed of ZANU PF supporters, the active involvement of the ZNA, and both the participation and covering up by the ZRP – have all re-emerged with a vengeance in 2008.

Was this merely political violence, or is the evidence pointing to something much more serious: crimes against humanity? Although the incidents of torture seem clearly to conform to the definition in the United Nations Convention Against Torture [CAT], it should be borne in mind that torture is not merely an individual crime in international human rights law, but, if it can be shown to have been committed systematically, on a widespread scale, against a civilian population, and in a time of peace, then this will be *prima facie* grounds for asserting that a crime against humanity was committed.

Was torture widespread?

On the data reviewed here, the answer can be unequivocal: torture was widespread during the period under review. On all reports reviewed, torture had increased since 2005 and was most frequent in 2008.

Cases of torture were found in nearly every district of Zimbabwe for which data was available, and, although the frequency varied over the districts, with some districts reporting many more cases of torture, all districts reported cases of torture. The violence (and the torture) was much worse in the three Mashonaland Provinces, Manicaland, Masvingo, and the Midlands, and this was strongly reminiscent of the pattern seen in the elections in 2000 and 2002.

Torture was also widespread in the sense that it was perpetrated by a very wide range of groups. As was seen in this review, supporters of ZANU PF, the so-called “war veterans”, the Zimbabwe Republic Police, the Zimbabwe National Army, and the Central Intelligence Organization have all been implicated in the reports given to Zimbabwean human rights groups. Furthermore, there is considerable consistency and corroboration between the various reports.

Of special interest is the widespread application of particular forms of torture, and here the enormous increase in cases of *falanga* deserves special mention. Firstly, *falanga*, because it requires restraint, is unequivocally torture when applied by any person who is either an agent of the state or acting with the approval of the state. Secondly, because it would appear that *falanga* has become widespread, it suggests that training in the technique for the perpetrators.

It should also be mentioned that other kinds of systematic beatings support the notion that torture has been widespread. The numbers of reports in which there have been systematic beatings of the buttocks have proliferated since 2008. These reports – of systematic beating of the buttocks or *falanga* – are not consonant with political violence as is commonly understood - as violent clashes between members of opposing political parties. Forensically, the kinds of injuries seen in violent battles between (usually) men are not targeted on focused parts of the body, but will be seen in injuries distributed all over the bodies of the injured.

It is thus possible to assert with a high degree of confidence (and strongly supported by the few detailed medical examinations of victims published)¹⁰³ that torture has been widespread in Zimbabwe in 2008, and also in the years since 2000.

¹⁰³ Here see IRCT (2000), *Organised Violence and Torture in Zimbabwe*, 6th June 2000, Copenhagen and Harare, COPENHAGEN & HARARE: IRCT & AMANI TRUST; IRCT (2001) *Organised Violence and Torture in Zimbabwe*, 24th May 2001, Copenhagen and Harare, COPENHAGEN & HARARE: IRCT & AMANI TRUST; Physicians for Human Rights (2002), *Zimbabwe 2002. The Presidential Election: 44 days to go*. Physicians for Human Rights, Denmark, 24 January 2002; Physicians for Human Rights (2002), *Zimbabwe: Post Presidential Election – March to May 2002. “We’ll make them run”*. Physicians for Human Rights, Denmark, 21 May 2002; OSISA (2007), *“We have degrees in violence”. A Report on Torture and Human Rights Abuses in Zimbabwe*. A Report by The Open Society Initiative for Southern Africa, The Open Society Institute, & The Bellevue/NYU Program for Survivors of Torture. December 2007. JOHANNESBURG: OPEN SOCIETY FOR SOUTHERN AFRICA.

Was torture systematic?

Again it would seem that the answer is unequivocal. Firstly, it is evident that the perpetrators are disproportionately drawn from groups affiliated to the ZANU PF government of Zimbabwe. The perpetrators range from formal state agents, such as the police and the army, through to militia groups, such as war veterans or the youth militia, for whom the government has publicly taken responsibility (and even pays them), and finally numerous ZANU PF party supporters, always evident during elections. There are an insignificant number of alternative perpetrators, and the MDC are only mentioned in respect of elections, and then in trivial numbers proportionately. These perpetrators are all identified by very different data sets from different organizations, and, in respect of the state agents, further confirmed by the findings of the Zimbabwean judiciary.

In addition to the evidence that groups affiliated to the state have been systematically applying torture, there is also the evidence that the targets of this abuse have been overwhelmingly from one group, but not exclusively, as was evident in the review of reports prior to 2008. Commercial farmers, commercial farm workers, members of WOZA, members of the NCA, members of the Zimbabwe Congress of Trade Unions [ZCTU], students, and even ordinary citizens that are merely suspected of belonging to the MDC have all been targets for systematic abuse.

But in 2008, it was the MDC that was the focus for abuse and terror. The torture and the other gross human rights violations were wholly aimed at intimidating people into either voting for ZANU PF or at the least in not voting for the MDC. The purpose of the torture was to intimidate and the intention was to effect this by fear induced through torture, and the fear would be spread throughout the nation by the victims in their families and their communities. The effectiveness of this campaign can be seen by comparing the March 2008 poll, where torture and intimidation were at the lowest frequency in any election since 2000. When fear (allied perhaps to determination) was low, the citizens of Zimbabwe voted comprehensively to defeat ZANU PF by voting for an MDC majority in the House of Assembly. And the result was a return to the tactics of 2000 and 2002, the re-emergence of terror and torture, and Robert Mugabe "winning" the Presidential runoff unopposed. ZANU PF retained political power through a crime against humanity, and rather than receiving isolation and condemnation from SADC, its "punishment" was to be brought to the negotiating table, and to end up in a government of national unity in which it remains the dominant partner. It is also highly probable that the final result will be yet another statute of impunity.

If, however, the allegations of crimes against humanity are to be taken seriously, then it will require the concerted action of Zimbabwean civic groups, and the international community to challenge the *de facto* (and probably later *de jure*) impunity that protects the perpetrators and their commanders. It will also require a massive effort to comprehensively document the violations, for, despite the courageous efforts of various Zimbabwean human rights groups and civil society organizations, it is apparent that the reports to date can only give a sample of what has happened. The hard, more comprehensive work is yet to be done. Healing a nation such as Zimbabwe, with decades of trauma due to gross human rights violations and torture, will be no easy task, but breaking the silence will be a necessary first step.

7 RECOMMENDATIONS

There are many recommendations that can be made in the aftermath of 2008 and all the previous decades, and it is worth being practical. Whether Zimbabwe is in transition or is still in a pre-transition phase, it remains the case that those accused of gross human rights violations are still in power, and hence the immediate recommendations must aim primarily at creating peace and an absence of further violence. The issue of crimes against humanity must wait for a future in which there is greater acceptance in Africa that serious violations have taken place in Zimbabwe, and, in all probability, will have to await the judgement of the Zimbabwean people themselves.

In all complex emergencies, a priority must be to stabilize the situation. If this is within the compass of the national political power, this is the best start, but, in the case of Zimbabwe, will require an assertive international response, and this lays an immediate responsibility upon SADC. Here it is critical that SADC acknowledge what has happened since 2000, and ceases to downplay the violence that has taken place as it has done in the past. It is no longer acceptable to take the view that the crisis in Zimbabwe is merely economic and humanitarian: the complex emergency that is Zimbabwe has certainly seen the destruction of the economy in all its aspects, but it has also seen mass violence and the wholesale disruption of its social capital. People have become refugees, as well as internally displaced; families and communities have become polarized and antagonistic; and hundreds of thousands have been traumatized through deliberate violence by the state or its proxies.

It is beyond the scope of this review, which was concerned with torture and gross human rights violations, to propose the strategy by which all the ills may be healed, and hence the recommendations will focus on dealing with torture and its remediation.

Creating Peace

- A fundamental pre-requisite for peace will be the placing all security forces, as well as any militia, under complete civilian control;
- The structure of the National Security Council should be immediately reformed to exclude the presence of any serving security chiefs, and should be solely composed of members of the Unity Government;
- Civilian policing must be enforced with urgency, and the ZRP should no longer be entitled to carry weapons of war, except in states of emergency which shall be the sole prerogative of Parliament to declare.

Creating healing

- As has been indicated in Article 7 of the GPA, national healing must be a priority;
- It must be recognized that reconciliation is a goal and not a process in the strategy for healing, and that healing is a pre-requisite for reconciliation;
- Any system aiming to provide healing for the victims of torture and other gross human rights violations must conform to the best practice principles well-known in dealing with complex emergencies:
- *The co-ordination of mental health care;*
- *Good basic assessment of the problems and the establishment of a monitoring process;*
- *Implementation of an early intervention phase;*
- *Utilisation of the de-facto mental health system;*
- *Emphasis on training and education;*
- *Implementation, management, and the of monitoring of a culturally competent system of care;*
 - *Stress on ethics and community participation;*
 - *Care to prevent negative mental health consequences in mental health providers;*
- *Commitment to outcome assessment and research.*

Creating justice

- All healing will need to be accompanied by justice for the victims, and such justice should be predicated on the acceptance of four basic rights for the victims:
- *The Right to Know;*
- *The Right to Justice;*
- *The Right to Non-Recurrence;*

– *The Right to Reparation [Restitution; Compensation; and Rehabilitation];*

- The form that these rights will take in Zimbabwe must be articulated by the victims and survivors through a process of consultation with them;
- No transitional justice system shall be set up before there has been effective consultation with the victims.

APPENDIX 1

Bibliography on Torture in Zimbabwe

ActionAid International

ActionAid (2005), *A Study on the Impact of "Operation Murambatsvina/Restore Order" in 26 Wards of Harare High Density Housing Areas*. ActionAid International in Collaboration with Combined Harare Residents Association (CHRA) July 2005.

ActionAid (2005), *A Study on the impact of "OPERATION MURAMBATSVINA/RESTORE ORDER" in Zimbabwe*, ActionAid International – Southern Africa Partnership Programme (SAPP-ZIMBABWE) in collaboration with Combined Harare Residents Association (CHRA) and Zimbabwe Peace Project (ZPP), August 2005.

ActionAid (2005), *An in-depth study on the impact of Operation Murambatsvina/Restore Order in Zimbabwe*. ActionAid International in collaboration with the Counselling Services Unit (CSU), Combined Harare Residents' Association (CHRA) and the Zimbabwe Peace Project (ZPP). November 2005.

Amani Trust:

Amani (1996), *An Investigation into the Sequelae of Torture and Organised Violence in Zimbabwean war veterans*, HARARE: AMANI.

Amani (1997), *Report on Compensation claims made by AMANI clients (1995-1997)*, HARARE: AMANI.

Amani (1997), *Report on Psychological Disorders in Clinics and Hospitals in Mount Darwin District, Mashonaland Central Province*, HARARE: AMANI.

Amani (1998), *Report on Psychological Disorders in Clinics and Hospitals in Muzarabani District, Mashonaland Central Province*, HARARE: AMANI.

Amani Trust (1998), *Survivors of Organised Violence in Matabeleland: Facilitating an Agenda for Development - Report of the Workshop*, BULAWAYO: AMANI TRUST.

Amani (1998), *Survivors of Torture and Organised Violence from the 1970 War of Liberation*, HARARE: AMANI.

Amani (1998), *The Psycho-Social Needs of Survivors of Organised Violence and Torture in the Community*, HARARE: AMANI.

Amani (1999), *A Report on the Exhumation and Reburial Exercise Overseen by the AMANI Trust in Gwanda District, 25 July to 3 September 1999*, BULAWAYO: AMANI TRUST.

Amani (2000), *Statistical Summary of Database: After the Parliamentary Elections*, BULAWAYO: AMANI TRUST.

Amani (2000), *Training nurses in the assessment and management of psychological disorders: Report of Amani Trust's programme in Mashonaland Central Province, Zimbabwe*, HARARE: AMANI TRUST.

Amani (2001), *Healing the dead to transform the living: exhumation and reburial in Zimbabwe*, BULAWAYO: AMANI TRUST.

Amani (2002), *Neither Free nor Fair: High Court decisions on the petitions on the June 2000 General Election*, HARARE: AMANI TRUST.

Amani (2002), *Beating your opposition. Torture during the 2002 Presidential campaign in Zimbabwe*, HARARE: AMANI TRUST.

Amani (2002), *Organised Violence and Torture in the Bye-Elections held in Zimbabwe during 2000 and 2001*, HARARE: AMANI TRUST.

Amani (2002), *Organised Violence and Torture in the June 2000 General Election in Zimbabwe*, HARARE: AMANI TRUST.

Amani (2002), *Preliminary Report of a Survey on Internally Displaced Persons from Commercial Farms in Zimbabwe*, HARARE: ZIMBABWE.

Amani (2002), *"At the boiling point of the pain". Report of a pilot study examining the efficacy of psychotherapy for torture survivors*, HARARE: AMANI.

Amani (2002), *Heroism in the Dock: Does testifying help victims of organised violence and torture? A pilot study from Zimbabwe*, HARARE: AMANI TRUST.

Amani (2002), *A PILOT STUDY ON THE EFFECTIVENESS OF PROBLEM SOLVING THERAPY ON PRIMARY CARE PATIENTS WITH PSYCHOLOGICAL PROBLEMS. A Report prepared by the Mashonaland Programme of the AMANI Trust*. HARARE: AMANI TRUST.

Amani (2005), *The Medical and Psychological Consequences of the Liberation War. A report on survivors from Mashonaland Central Province, Zimbabwe*. HARARE: AMANI TRUST [unpublished].

Amani (2005), *Psycho-Social assistance to Survivors of the Liberation War. A report on Mashonaland Central Province, Zimbabwe*, HARARE: AMANI TRUST [unpublished].

Amani (2005), *Organised Violence and Torture in Contemporary Zimbabwe [2000 to 2002]*. A Report prepared by the Amani Trust. September 2005. HARARE: AMANI TRUST [unpublished].

Amani (2005), *The Medical and Psychological Consequences of the Contemporary Political Violence in Zimbabwe [2000 & 2001]*, HARARE: AMANI TRUST [unpublished].

Amani (2005), *Acute versus Chronic effects of Organised Violence and Torture: Comparing the Victims in Contemporary Zimbabwe with the Survivors of the Liberation War*. HARARE: AMANI TRUST [unpublished].

Mbape, P., (1997), *A Community based Programme for Torture survivors*, paper presented to Cornerstones of Mental Health, an International Congress of the World Federation for Mental Health, (July 1997), Lahti & Helsinki, Finland.

- Mbape, P., (1997), *The Single Therapeutic Interview*, paper presented to Cornerstones of Mental Health, an International Congress of the World Federation for Mental Health, (July 1997), Lahti & Helsinki, Finland,.
- Mbape, P. (1998), *Survivors of Organised Violence in Mashonaland Central Province*, at "Survivors of Organised Violence in Matabeleland: Facilitating an Agenda for Development", workshop held by AMANI Trust at Hotel Rio, Bulawayo, 21-22nd July 1998.
- Mhetura, J (1999), *Living with trauma: justice and reparation after the Liberation Struggle in Zimbabwe*, HARARE: AMANI TRUST.
- Mhetura, J (2000), *The neglected issues in rehabilitation of old victims of organised violence and torture: Areas of importance with regards to Zimbabwe victims of organised violence from 1972 to 1980*. HARARE: AMANI TRUST.
- Mhetura, J (2000), *A multi-stage approach to rehabilitation of trauma survivors in Zimbabwe: the case of the Amani Trust*, HARARE: AMANI TRUST.
- Mupinda, M. (1997), *Loss and grief among the Shona: the Meaning of Disappearances*, LEGAL FORUM, 9, 41-49.
- Reeler, A.P. (1995), *Trauma in Mozambican refugees: Findings from a training programme for refugee workers*, TORTURE, 5, 18-21.
- Reeler, A.P. (1991), *Psycho trauma: Some thoughts and observations*, Paper based on a presentation to, "NOT MAKING MATTERS WORSE: RECOGNIZING AND ENHANCING THE STRENGTHS OF DISPLACED CHILDREN AND THEIR FAMILIES", Chimanimani, Zimbabwe, 1-6 December 1991.
- Reeler, A.P., & Immerman, R. (1993), *A preliminary investigation into psychological disorders amongst Mozambican refugees: Prevalence and clinical features*, Paper presented to VIth International Symposium on "Torture as a challenge to Doctors and other Health Professionals", BUENOS AIRES, OCTOBER 1993.
- Reeler, A.P., & Immerman, R. (1993), *Psychological disorders in Mozambican refugees: Report of a primary care management programme*, Paper presented to VIth International Symposium on "Torture as a Challenge to Doctors and other Health Professionals", BUENOS AIRES, OCTOBER 1993.
- Reeler, A.P. (1994), *Is torture a post-traumatic stress disorder?* TORTURE, 4, 59-65.
- Reeler, A.P. (1995), *Community-based care of survivors: The AMANI experience in Mount Darwin, Zimbabwe*, Paper presented to VIIth International Symposium on "Torture as a Challenge to the Medical Profession", Cape Town, 14-17 November 1995.
- Reeler, A.P. (1995), *Surviving Torture: A Zimbabwean Experience*, Paper presented to "Old Ways - New Theories: Traditional and Contemporary Family Therapy. Connect in Africa", an International Conference, Harare, 31 July -3 August 1995.
- Reeler, A.P. (1997), *Epidemic violence and the community: A Zimbabwean case study*. Paper based on a presentation to: "Conflict Management and Peace Building Through Community Development", A Colloquium of the International Association for Community Development, Pretoria, 5-9th May 1997.
- Reeler, A.P. (1997), *Psychological disorders due to torture and their management: A Zimbabwean experience*, Paper presented to a Conference on "The Sexual Harassment of Women in the Workplace", Harare, 23-24th July 1997.
- Reeler, A.P. (1999), *Community-based rehabilitation services for survivors of organised violence and torture: Outcome and evaluation*, Paper presented to "Traumatic Stress in South Africa: Working Towards Solutions", African Society of Traumatic Stress Studies, Johannesburg, 27-29th January 1999.
- Reeler, A.P. [1998], *The Torture of Women*, testimony to "1998 Zimbabwe Women's Rights Violations Tribunal", held at the Holiday Inn, July 30th 1998.
- Reeler, A.P. [1998], *Social and Community Consequences of Torture*, "Caring for Torture Survivors", a Conference organised by The Centre for Victims of Torture, Radisson Hotel Metrodome, Minneapolis, Minnesota, 7 October 1998.
- Reeler, A.P. [1998], *Individual and Family Psychotherapy*, "Caring for Torture Survivors", a Conference organised by The Centre for Victims of Torture, Radisson Hotel Metrodome, Minneapolis, Minnesota, 7 October 1998.
- Reeler, A.P. (1998), *Epidemic violence and the community: A Zimbabwean case study*, COMMUNITY DEVELOPMENT JOURNAL, 33, 128-139.
- Reeler, A.P. (1998), *Epidemic violence and the community: A Zimbabwean case study*, JOURNAL OF SOCIAL DEVELOPMENT IN AFRICA, 13, 41-51.
- Reeler, A.P. [1999], *Can you have a reparations policy without justice?* Paper presented to: VIIIth International Symposium on Torture: Torture as a Challenge to the Health, Legal and Other Professions, 22-25 September 1999, New Delhi, India.
- Reeler, A.P. [1999], *Care for Care Givers*, Paper presented to: VIIIth International Symposium on Torture: Torture as a Challenge to the Health, Legal and Other Professions, 22-25 September 1999, New Delhi, India.
- Reeler, A.P. (2000), *Can you have a reparations policy without justice?* LEGAL FORUM, 12, 202-209.
- Reeler, A.P. [2000], *Organised violence and torture: A Zimbabwe case study*, Paper presented to "Human Rights Monitoring and Reporting", the Southern African Human Rights NGO Network, 27-30 November, Harare, Zimbabwe.
- Reeler, A.P. [2001], *State Sponsored Organised Violence and Torture in Zimbabwe*, Paper presented to "Civil Society and Media Freedoms Training Workshop", Organised by MISA-Zimbabwe Chapter, Leopard Rock Hotel, 4-5 July 2001.
- Reeler, A.P. [2001], *The Extent of Political Violence in Zimbabwe*, Paper presented to "The Responsibility of Religions in Times of Crisis", Organised by the Catholic Commission for Justice and Peace in Zimbabwe, Great Zimbabwe Safari Lodge, 11-13 July 2001.
- Reeler, A.P. [2001], *The Leaders of Death: State Sponsored Violence in Zimbabwe*, Paper presented to "Crisis in Zimbabwe: Implications for South Africa and Southern Africa", South African Institute of International Affairs, 14 February 2001, Johannesburg, South Africa.
- Reeler, A.P. (2003), *Torture or Crimes against Humanity?* Paper presented to "Constructing Solutions for the Zimbabwean Dilemma," A Conference Organised by Idasa and Sponsored by the Netherlands Institute for Multi Party Democracy, Zebra Country Lodge, Pretoria South Africa, 4-6 March 2003.
- Reeler, A.P. (2003), *The Perpetrators of Gross Human Rights Violations in Zimbabwe from February 2000 to March 2003*, Paper presented to "Civil Society and Justice in Zimbabwe: A Symposium", organised by the Zimbabwe Human Rights NGO Forum, Themba Le Sizwe and the International Bar Association, Holiday Inn, Johannesburg, 11-13 August 2003.
- Reeler, A.P. (2003), *Empowering survivors of torture and organized violence*. Paper prepared for Khulamani Trust (2003).
- Reeler, A.P. (2003), *The role of militia groups in maintaining ZanuPF's political power*. ZWNews, March 2003.

Reeler, A.P (2003), *Old wine in new bottles: A human rights-based paradigm for victim empowerment?* Paper presented to 2nd National Victim Empowerment Conference, Temba LeSizwe, MidRand, January 2003. Reeler, A.P (2004), *Militarised youth in Zimbabwe*. Paper presented to 2nd National Conference on Victim Empowerment, "Ten Years of Democracy: From Victims' Needs to Victims' Rights?" 31 August to 2 September 2004, ICC, Durban, Temba LeSizwe.

Reeler, A.P (2004), *Sticks and Stones; Skeletons and Ghosts*, in D. Harold-Berry (Ed), *Zimbabwe: The Past is the Future. Rethinking Land, State and Nation in the Context of Crisis*, HARARE: WEAVER PRESS.

Reeler, A.P., & Immerman, R. (1994), *An initial investigation into psychological disorders in Mozambican refugees: Prevalence and clinical features*, CENTRAL AFRICAN JOURNAL OF MEDICINE, 40, 309-315.

Reeler, A.P., & Mbape, P. (1998), *A pilot study of a brief form of psychotherapy for survivors of torture: The Single Therapeutic Interview*, TORTURE, 8, 120-126,

Reeler, A.P., & Mhetura, J. (2000), *The psychosocial effects of organised violence and torture: A pilot study comparing survivors and their neighbours in Zimbabwe*, JOURNAL OF SOCIAL DEVELOPMENT IN AFRICA, 15, 137-169.

Reeler, A.P., & Mupinda, M. (1995), *Community-based rehabilitation for survivors of organised violence: Some preliminary findings*, Paper presented to an International Conference on "Mental Health in Africa: A Multidisciplinary Approach", Harare, 3-7 April 1995.

Reeler, A.P., & Mupinda, M. (1996), *Investigation into the sequelae of Torture and Organised Violence amongst Zimbabwean War Veterans*, LEGAL FORUM, 8, 12-27.

Reeler, A.P., Mbape, P., Matshona, J., Mhetura, J., & Hlatywayo, E. (2001), *The prevalence and nature of disorders due to torture in Mashonaland Central Province, Zimbabwe*, TORTURE, 11, 4-9.

Amnesty International

Amnesty International (2000), *Zimbabwe: Terror tactics in the run-up to the parliamentary elections*, June 2000, LONDON: AMNESTY INTERNATIONAL.

Amnesty International (2002), *Zimbabwe: The Toll of Impunity*, LONDON: AMNESTY INTERNATIONAL.

Amnesty International (2003), *Zimbabwe. Rights under siege*. LONDON: AMNESTY INTERNATIONAL.

Amnesty International (2005), *Zimbabwe An assessment of human rights violations in the run-up to the March 2005 parliamentary elections*. LONDON: AMNESTY INTERNATIONAL.

Amnesty International and Zimbabwe Lawyers for Human Rights (2006), *Zimbabwe. Shattered lives - the case of Porta Farm*. 31 March 2006. LONDON: AMNESTY INTERNATIONAL.

Amnesty International (2008), *Zimbabwe. Time for Accountability*. LONDON: AMNESTY INTERNATIONAL;

Amnesty International (2006), *Zimbabwe. No Justice for the victims of forced evictions*. LONDON: AMNESTY INTERNATIONAL;

Amnesty International Report 2003 - Amnesty International.

Amnesty International: *Annual Report 2002* - Amnesty International

Amnesty International: *Annual Report 2004* - Amnesty International

Amnesty International: *Annual Report 2005* - Amnesty International

Amnesty International: *Annual Report 2006* - Amnesty International

Amnesty International: *Annual Report 2007* - Amnesty International

Amnesty International: *Annual Report 2008* - Amnesty International

Amnesty International: *Rhodesia: AI campaign: use of torture in Rhodesia* - Amnesty International 1977

Amnesty International: *Rhodesia: Full report* - Amnesty International 1980

Amnesty International: *Rhodesia: HR violations in Rhodesia 1978/1979* - Amnesty International 1979

Amnesty International: *Rhodesia: The death penalty and executions in Rhodesia* - Amnesty International 1977

Amnesty International: *Rhodesia: Torture in Rhodesia: Extracts of Statements received by AI* - Amnesty International 1977

Amnesty International: *Zimbabwe: Detentions, torture and killings in Matabeleland* - Amnesty International 1983

Amnesty International: *Zimbabwe: Some recent cases of detention without trial* - Amnesty International 1986

Amnesty International: *Zimbabwe: Torture and detention without trial* - Amnesty International 1989

Catholic Commission for Justice and Peace in Zimbabwe

Auret, D (1992), *Reaching for Justice: The Catholic Commission for Justice and Peace, 1972-1992*, GWERU: MAMBO PRESS.

CCJP (1975), *The Man in the Middle: torture, resettlement and eviction*, SALISBURY: CATHOLIC COMMISSION FOR JUSTICE AND PEACE IN RHODESIA.

CCJP (1976), *Civil War in Rhodesia: Abduction, Torture and Death in the Counter-Insurgency Campaign*, SALISBURY: CATHOLIC COMMISSION FOR JUSTICE AND PEACE IN RHODESIA.

CCJP & LRF (1997), *Breaking the Silence-Building True Peace: A Report on the Disturbances in Matabeleland and Midlands 1980 to 1988*, HARARE: CATHOLIC COMMISSION FOR JUSTICE AND PEACE IN ZIMBABWE & LEGAL RESOURCES FOUNDATION.

CSVR

CSVR (2006), *Women on the run: Women survivors of torture amongst refugees in South Africa*. A report by the Zimbabwe Torture Victims Project. September 2005. JOHANNESBURG: CENTRE FOR THE STUDY OF VIOLENCE AND RECONCILIATION.

Human Rights Watch

Human Rights Watch (2002), *Fast track land reform in Zimbabwe*, NEW YORK: HUMAN RIGHTS WATCH.

Human Rights Watch (2003), *The Politics of Food Assistance in Zimbabwe*. A Human Rights Watch Briefing Paper. August 12, 2004. NEW YORK: HUMAN RIGHTS WATCH.

Human Rights Watch (2003), *Under a Shadow: Civil and Political Rights in Zimbabwe*. A Human Rights Watch Briefing Paper. June 6, 2003. NEW YORK: HUMAN RIGHTS WATCH.

Human Rights Watch (2004), *Not a Level Playing Field: Zimbabwe's Parliamentary Elections in 2005*. A Human Rights Watch Briefing Paper. March 21, 2005. NEW YORK: HUMAN RIGHTS WATCH.

Human Rights Watch (2006), *"You Will Be Thoroughly Beaten": The Brutal Suppression of Dissent in Zimbabwe*. A Human Rights Watch Briefing Paper. November 2006. NEW YORK: HUMAN RIGHTS WATCH.

Human Rights Watch (2006), *Unprotected Migrants. Zimbabweans in South Africa's Limpopo*. A Human Rights Watch Briefing Paper. June 2006. NEW YORK: HUMAN RIGHTS WATCH.

Human Rights Watch (2008), *All Over Again Human. Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*. A Human Rights Watch Briefing Paper. March 2008. NEW YORK: HUMAN RIGHTS WATCH.

Human Rights Watch (2008), *"Bullets for Each of You": State-Sponsored Violence since the March 29 Elections*. June 2008. NEW YORK: HUMAN RIGHTS WATCH.

Human Rights Watch (2008), *"They Beat Me like a Dog". Political Persecution of Opposition Activists and Supporters in Zimbabwe*. A Human Rights Watch Briefing Paper. 2008. NEW YORK: HUMAN RIGHTS WATCH.

Human Rights Watch (2009), *Crisis without Limits Human Rights and Humanitarian Consequences of Political Repression in Zimbabwe*. A Human Rights Watch Briefing Paper. 2009. NEW YORK: HUMAN RIGHTS WATCH.

Idasa

Reeler, A.P., & Chitsike, K.C (2005), *Trick or Treat? The effects of the pre-election climate on the poll in the 2005 Zimbabwe Parliamentary Elections*. June 2005. PRETORIA: IDASA.

Idasa (2005), *Between a Rock and a Hard Place. A window on the situation of Zimbabweans living in Gauteng*. A Report by the Zimbabwe Torture Victims Project. September 2005. PRETORIA: IDASA.

International Parliamentary Union

IPU (2004), Committee on the Human Rights of Parliamentarians: Report of its mission to Zimbabwe, 28 March - 2 April 2004. GENEVA: INTERNATIONAL PARLIAMENTARY UNION.

International Rehabilitation Council for Torture Victims [IRCT]

IRCT (2000), *Organised Violence and Torture in Zimbabwe*, 6th June 2000, Copenhagen and Harare, COPENHAGEN & HARARE: IRCT & AMANI TRUST.

IRCT (2001), *Organised Violence and Torture in Zimbabwe*, 24th May 2001, Copenhagen and Harare, COPENHAGEN & HARARE: IRCT & AMANI TRUST.

Legal Resources Foundation

CCJP & LRF (1997), *Breaking the Silence-Building True Peace: A Report on the Disturbances in Matabeleland and Midlands 1980 to 1988*, HARARE: CATHOLIC COMMISSION FOR JUSTICE AND PEACE IN ZIMBABWE & LEGAL RESOURCES FOUNDATION.

Legal Resources Foundation (2002), *Justice in Zimbabwe*. A report compiled by the Legal Resources Foundation, HARARE: LEGAL RESOURCES FOUNDATION.

Justice for Agriculture Trust

JAG/GAPWUZ (2007), *DESTRUCTION OF ZIMBABWE'S BACKBONE INDUSTRY IN PURSUIT OF POLITICAL POWER. A qualitative report on events in Zimbabwe's commercial farming sector since the year 2000*. Report prepared by the Justice for Agriculture Trust [JAG] & the General Agricultural and Plantation Workers Union of Zimbabwe [GAPWUZ]. April 2008. HARARE: JUSTICE FOR AGRICULTURE TRUST;

JAG/RAU (2008), *Land, Retribution, and Elections. Post Election Violence on Zimbabwe's Remaining Farms 2008*. Report prepared by the Justice for Agriculture Trust [JAG] & the Research and Advocacy Unit. May 2008. HARARE: JUSTICE FOR AGRICULTURE TRUST.

JAG/RAU (2008), *Reckless Tragedy: Irreversible? A Survey of Human Rights Violations and Losses suffered by Commercial Farmers and Farm Workers from 2000 to 2008*. Report prepared by the Research and Advocacy Unit [RAU]. December 2008. HARARE: JUSTICE FOR AGRICULTURE TRUST.

Physicians for Human Rights

Physicians for Human Rights (2002), Zimbabwe 2002. *The Presidential Election: 44 days to go*. Physicians for Human Rights, Denmark, 24 January 2002.

Physicians for Human Rights (2002), *Zimbabwe: Post Presidential Election – March to May 2002. "We'll make them run"*. Physicians for Human Rights, Denmark, 21 May 2002.

Physicians for Human Rights (2002), *Zimbabwe: Voting ZANU for Food: Rural District Council and Insiza Elections*, Physicians for Human Rights, Denmark, August to October 2002.

Physicians for Human Rights (2009), *Health in Ruins. A Man-Made Disaster in Zimbabwe*. An Emergency Report by Physicians for Human Rights. January 2009. WASHINGTON: PHYSICIANS FOR HUMAN RIGHTS.

Redress Trust

Redress (2003), *Reparation for Torture: A Survey of Law and Practice in 30 Selected Countries (Zimbabwe Country Report)*, May 2003. LONDON: REDRESS TRUST.

Redress (2004), *The Case of Henry Dowa: The United Nations and Zimbabwe under the spotlight*, January 2004, LONDON: REDRESS TRUST.

Redress (2004), *Zimbabwe: From Impunity to Accountability. Are reparations possible for victims of gross and systematic violations?* March 2004. LONDON: REDRESS TRUST.

Redress Trust (2004), *ZIMBABWE. TORTUOUS PATTERNS DESTINED TO REPEAT THEMSELVES IN UPCOMING ELECTION CAMPAIGN. Preliminary Study of Trends and Associations in the Pattern of Torture and Organised Violence in Zimbabwe*, July 2001 - December 2003, LONDON: REDRESS TRUST;

Redress (2005), *Torture in Zimbabwe, Past and Present Prevention, Punishment, Reparation? A Survey of Law and Practice*. June 2005. LONDON: REDRESS TRUST.

Redress (2005), *ZIMBABWE: THE FACE OF TORTURE AND ORGANISED VIOLENCE. Torture and Organised Violence in the run-up to the 31 March 2005 General Parliamentary Election*, LONDON: REDRESS TRUST.

Research and Advocacy Unit

Pigou, P (2008), *Defining violation: Political violence or crimes against humanity?* Paper commissioned by the Research and Advocacy Unit, SITO: IDASA;

RAU (2008), *Re-inventing the Wheel? Transitional Justice in Zimbabwe*. SITO: IDASA;

RAU (2008), *Facilitating the transition: Possibilities for civil society*. June 2008. HARARE: RESEARCH & ADVOCACY UNIT;

Research & Advocacy Unit (2009), *Transitional Justice in Zimbabwe: A pilot survey of the views of activists & victims*. Report produced by the Research & Advocacy Unit. January 2009. HARARE: RAU;

Reeler, A P (2008), *Dealing with the "Complex Emergency" in Zimbabwe: Thoughts on Psycho-social support to the community*. HARARE: RESEARCH & ADVOCACY UNIT [www. Kubatana.net].

Reeler, A., Chitsike, K., Maisva, F., & Reeler, B (2008), *The Tree of Life. Empowering and healing the survivors of torture*. Torture [in preparation];

Southern African Centre for Survivors of torture

SACST (2008), *Victims of Organized Violence and Torture in Zimbabweans attending Refugee Reception Offices in South Africa: Prevalence & Associated Features*. March 2008. JOHANNESBURG: THE SOUTHERN AFRICAN CENTRE FOR SURVIVORS OF TORTURE;

Solidarity Peace Trust

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

Solidarity Peace Trust (2003), *National youth service training – "shaping youths in a truly Zimbabwean manner". An overview of youth militia training and activities in Zimbabwe*, October 2000 – August 2003. 5 September, 2003. ZIMBABWE & SOUTH AFRICA: SOLIDARITY PEACE TRUST.

Solidarity Peace Trust (2004), *"NO WAR IN ZIMBABWE". An account of the exodus of a nation's people*. November 2004. ZIMBABWE & SOUTH AFRICA: SOLIDARITY PEACE TRUST.

Solidarity Peace Trust (2004), *"Disturbing the peace". An overview of civilian arrests in Zimbabwe: February 2003 – January 2004*. July 2004. ZIMBABWE & SOUTH AFRICA: SOLIDARITY PEACE TRUST.

Solidarity Peace Trust (2005), *Out for the count: Democracy in Zimbabwe. 2005 Zimbabwe Parliamentary Election Fact Finding & Observer Mission By South African Church and Civil Leaders*. May 2005. ZIMBABWE & SOUTH AFRICA: SOLIDARITY PEACE TRUST.

Solidarity Peace Trust (2005), *Subverting Justice: The role of the Judiciary in denying the will of the Zimbabwe electorate since 2000*. MARCH 2005. ZIMBABWE & SOUTH AFRICA: SOLIDARITY PEACE TRUST.

Solidarity Peace Trust (2005), *Discarding the Filth: operation murambatsvina. Interim report on the Zimbabwean government's "urban cleansing" and forced eviction campaign May/June 2005*. ZIMBABWE & SOUTH AFRICA: SOLIDARITY PEACE TRUST.

Solidarity Peace Trust (2005), *"Crime of poverty": Murambatsvina Part II, incorporating "Hide and seek": An account of finding the forcibly displaced in rural Matabeleland, July – September 2005*, October 2005. ZIMBABWE & SOUTH AFRICA: SOLIDARITY PEACE TRUST.

Solidarity Peace Trust (2006), *"Meltdown"- Murambatsvina one year on*, 5 August 2006. ZIMBABWE & SOUTH AFRICA: SOLIDARITY PEACE TRUST.

Solidarity Peace Trust (2006), *Operation Taguta/ Sisuthi. Command Agriculture in Zimbabwe: its impact on rural communities in Matabeleland*. April 2006. ZIMBABWE & SOUTH AFRICA: SOLIDARITY PEACE TRUST.

Solidarity Peace Trust (2006), *Desperately Seeking Sanity: What Prospects for a New Beginning in Zimbabwe?* 29 July 2008. DURBAN: SOLIDARITY PEACE TRUST.

Solidarity Peace Trust (2007), *Destructive Engagement: Violence, mediation and politics in Zimbabwe*. 10 July 2007. JOHANNESBURG: SOLIDARITY PEACE TRUST.

Solidarity Peace Trust (2008), *Punishing Dissent, Silencing Citizens: The Zimbabwe Elections 2008*. 21 May 2008. JOHANNESBURG: SOLIDARITY PEACE TRUST.

Themba LeSizwe

Themba Lesizwe (2004), *Civil Society and Justice in Zimbabwe, Proceedings of a symposium held in Johannesburg*, 11-13 August 2003, PRETORIA: THEMBA LESIZWE.

Themba Lesizwe (2004), *Out of the Frying Pan into the Fire. A report on Zimbabwean political refugees in South Africa*. May 2004. PRETORIA: THEMBA LESIZWE.

WOZA

WOZA (2007), ZIMBABWE: WOMEN OF ZIMBABWE ARISE;

WOZA (2008), *The effects of fighting repression with love*. A report by Women of Zimbabwe Arise (WOZA). March 2008. ZIMBABWE: WOMEN OF ZIMBABWE ARISE;

WOZA (2008), *The traumatic consequences of gross human rights violations suffered by WOZA women*.

HARARE: WOMEN OF ZIMBABWE ARISE.

Zimbabwe Association of Doctors for Human Rights

ZADHR (2003), *Victims of Organised Violence and Torture 2 - 9 June 2003*, Harare: Zimbabwe Association for Doctors for Human Rights.

Zimbabwe Human Rights NGO Forum

Zimbabwe Human Rights NGO Forum (1998), *Human Rights in Troubled Times: An Initial Report on Human Rights Abuses During and After Food Riots in January 1998*. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (1999), *A Consolidated Report on the Food Riots 19—23 January 1998*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum, (1999), *Organised Violence and Torture in Zimbabwe in 1999*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2000), *The Unleashing of Violence: A report on violence against peaceful protestors in Harare*. A report compiled by the Zimbabwe Human Rights Non-Governmental Organisations Forum. April 2000, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2000), *Report on political violence in Bulawayo, Harare, Manicaland, Mashonaland West, Masvingo, Matabeleland North, Matabeleland South and Midlands*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

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

Zimbabwe Human Rights NGO Forum (2000), *Who is responsible? A preliminary analysis of pre-election violence in Zimbabwe*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2000), *A report on Post-Election Violence*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2000), *Organised Violence and Torture in Zimbabwe in 2000*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2001), *Evaluating the Abuja Agreement*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2001), *Evaluating the Abuja Agreement: Two Months Report*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2001), *Human Rights and Zimbabwe's June 2000 election*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2001), *Politically motivated violence in Zimbabwe 2000–2001*. A report on the campaign of political repression conducted by the Zimbabwean Government under the guise of carrying out land reform, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2001), *Report on Election-related Political Violence in Chikomba*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2001), *Who was responsible? A consolidated analysis of pre-election violence in Zimbabwe*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2001), *Enforcing the Rule of Law in Zimbabwe*. September 2001. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2001), *Organised Violence and Torture in Zimbabwe in 2001*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2002), *"Are They Accountable?: Examining alleged violators and their violations pre and post the Presidential Election March 2002"*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2002), *Human Rights and Zimbabwe's Presidential Election: March 2002*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2002), *Teaching them a lesson*. A report on the attack on Zimbabwean teachers, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2003), *Zimbabwe, the Abuja Agreement and Commonwealth Principles: Compliance or Disregard?* 8 September 2003, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2003), *Torture by State Agents in Zimbabwe: January 2001 to August 2002*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO (2005), *It's the Count that Counts: Food for Thought. Reviewing the Pre-election Period in Zimbabwe*. March 2005. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2005), *Of Stuffed Ballots and Empty Stomachs. Reviewing Zimbabwe's 2005 Parliamentary Election and Post-Election Period*. July 2005, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2005), *Order out of Chaos, or Chaos out of Order? A Preliminary Report on Operation "Murambatsvina"*. June

2005. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2005), *The Aftermath of a Disastrous Venture. A Follow up report on "Operation Murambatsvina"*. August 2005. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2006), *Exploring Transitional Justice Options in Contemporary Zimbabwe*. January 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2006), *An Analysis of the Zimbabwe Human Rights NGO Forum Legal Cases, 1998–2006*. Published by the Zimbabwe Human Rights NGO Forum. June 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2006), *Zimbabwe's Failure to meet the Benchmarks in the Cotonou Agreement*, November 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2006), *Meeting the EU'S Benchmark's – Zimbabwe and the Cotonou Agreement*. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2006), *Political Repression Disguised as Civic Mindedness. Operation Murambatsvina One Year Later*. November 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2006), *A Woman's Place is in the Home? Gender Based Violence and Opposition Politics in Zimbabwe*. Published by the Zimbabwe Human Rights NGO Forum. December 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2006), *Who Guards the Guards? Violations by Law Enforcement Agencies in Zimbabwe, 2000 to 2006*, December 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2007), *Revisiting the Commonwealth and Zimbabwe: What is to be done? An Assessment of Zimbabwe's Performance since its Withdrawal from the Commonwealth & Suggestions for Re-engagement by the Commonwealth*. February 2007. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2007), *Sitting on the Lid: Banning Demonstrations in Zimbabwe*. March 2007. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM [Unpublished].

Zimbabwe Human Rights NGO Forum (2007), *Their Words Condemn Them: The Language of Violence, Intolerance and Despotism in Zimbabwe*, May 2007, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2007), *A Case note and Comment on the African Commission's Decision on Communication 245/2002 Submitted by the Zimbabwe Human Rights NGO Forum*. May 2007, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2007), *Adding Insult to Injury. A Preliminary Report on Human Rights Violations on Commercial Farms, 2000 to 2005*. Zimbabwe Human Rights NGO Forum and the Justice for Agriculture Trust [JAG] in Zimbabwe. June 2007. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2007), *At Best a Falsehood, At Worst a Lie? Shooting Oneself in the Foot? Comments on the Zimbabwe Republic Police Report "Opposition Politics in Zimbabwe. A Trail of Violence"*. June 2007. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Human Rights Forum (2008), *Can the elections in Zimbabwe be Free and Fair?* Paper produced by the Research and Advocacy Unit [RAU] for the Human Rights Forum, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Zimbabwe Human Rights NGO Forum (2008), *If you can't join them, beat them! Post-election violence in Zimbabwe. An alert of the Zimbabwe Human Rights NGO Forum & the Research and Advocacy Unit*. 5 May 2008. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM;

Zimbabwe Human Rights NGO Forum (2008), *Damned Lies? Post Election Violence in Zimbabwe. Report produced by the Research & Advocacy Unit*. August 2008. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM;

Zimbabwe Human Rights NGO Forum [2008], *What Happened to the Victims of the Food Riots 19–23 January 1998?* Report produced for the Zimbabwe Human Rights NGO Forum. December 2008. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM;

Zimbabwe Human Rights NGO Forum [2009], *Only Bruises on the Soles of their Feet? Torture and Falanga in Zimbabwe*. Report produced by the Zimbabwe Human Rights NGO Forum. February 2009. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM;

Zimbabwe Lawyers for Human Rights

Zimbabwe Lawyers for Human Rights (2003), *Human Rights in Zimbabwe: a baseline report January to June 2003*. Harare: Zimbabwe Lawyers for Human Rights.

Zimbabwe Lawyers for Human Rights (2004), *An overview of the human rights situation in Zimbabwe, with specific reference to repressive legislation, impunity, the state of the administration of justice and selective application of the law*. Harare: Zimbabwe Lawyers for Human Rights.

Miscellaneous

Annual Report on Press Violations in 2002 - Reporters Without Borders.

Annual Report on Press Violations in 2003 - Reporters Without Borders.

Center for Rehabilitation of Torture Victims (2003), Report on a Survey of Torture and Violence In Zimbabwe.

Conflict in Zimbabwe: The Matabeleland Problem - Institute for the Study of Conflict 1983

Containing Violence: Poisoning and Guerrilla / Civilian Relations in Memories of Zimbabwe's Liberation War - JoAnn McGregor 1999.

Crisis in Zimbabwe Coalition (2003), *Organised Violence and Torture in Zimbabwe, 20-24 March 2003*. Harare: Crisis Coalition of Zimbabwe.

Crisis in Zimbabwe Coalition (2003), *Mastering Patience or Mastered by Apathy: An Update on the Zimbabwean Situation - July/August 2003*. Harare: Crisis in Zimbabwe Coalition.

De Bourbon, A (2003), Litigation - human rights in Zimbabwe, Past, present and future.

Department of State Human Rights Report 2000 - U S Department of State February 2001.

Detention without trial of political prisoners in Zimbabwe - Amnesty International 1985

Detention without trial of political prisoners in Zimbabwe - Amnesty International 1985

Disappearances and political killings: human rights crisis of the 1990s - a manual for action (pre-publication version): Chapter C-4: Zimbabwe: Drawing a line through the past - Amnesty International 1993.

Freedom of association and assembly - Article 19 March 2001

Feltoe, G (2001), *The onslaught against democracy and rule of law in Zimbabwe*, Paper presented to "Crisis in Zimbabwe: Implications for South Africa and Southern Africa", South African Institute of International Affairs, 14 February 2001, Johannesburg, South Africa.

Gukurahundi: The Development of the Zimbabwe Defence Forces 1980-1987 - Michael Evans, Strategic Review for Southern Africa 1988

Is Zimbabwe on the Brink of Genocide? - Authors Anonymous January 2003. ZWNNews.

OSISA (2007), *"We have degrees in violence". A Report on Torture and Human Rights Abuses in Zimbabwe*. A Report by The Open Society Initiative for Southern Africa, The Open Society Institute, & The Bellevue/NYU Program for Survivors of Torture. December 2007. JOHANNESBURG: OPEN SOCIETY FOR SOUTHERN AFRICA.

Oxford Pro Bono Publico Group (2006), *ARE THE ACTIVITIES CONDUCTED DURING OPERATION MURAMBATSIVINA CRIMES AGAINST HUMANITY WITHIN MEANING OF ARTICLE 7 OF THE ROME STATUTE?* Legal Opinion. University of Oxford, November 2005.

Psychiatric Association of Zimbabwe (1990), *Report on an International Conference on "The Consequences of Organised Violence in Southern Africa*, HARARE: PAZ.

Psychiatric Association of Zimbabwe (1991), *Regional Workshop Report on the Consequences of Organised Violence in Southern Africa*, HARARE: PAZ.

Report on Internally Displaced Farm Workers Kadoma, Chegutu and Kwekwe - Zimbabwe Development Community Trust 2003.

Report on the National Disability Survey of Zimbabwe - Ministry of Labour and Social Services & Unicef 1983

Representing Violence in Matabeleland, Zimbabwe: Press and internet debates - Jocelyn Alexander and JoAnn McGregor 1999.

Rhodesia: a Legal Study - International Commission of Jurists.

The Parliamentary Elections in Zimbabwe 24-25 June 2000 - Commonwealth Observer Group 30 June 2000 (Elections)

Semwayo, M (2004), *An Investigation Into The Causes of Political Violence During the March 2002 Presidential Election In Zimbabwe, With Particular Reference To Rusitu Valley, Chimanimani District*. Mutare: Africa University.

The torture victims who dare not speak - Sokwanele Reporter 28 June 2004.

Zimbabwe - Country reports on Human Rights Practices 2003 - US Bureau of Democracy, Human Rights and Labour 25 February 2004.

Zimbabwe Presidential Election 9-11 March 2002 - Commonwealth Secretariat March 2002.

Zimbabwe Under Siege - Canadian Civil Society Perspective, September 2004.

Zimbabwe: Wages of War. *A Report on Human Rights* - Lawyers Committee for Human Rights 1986

Zimbabwe Institute (2004), *Playing with Fire*. Cape Town: Zimbabwe Institute.