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27 August 2012

A commentary on the August 2012 Zimbabwe Operational Guidance Note

This commentary identifies what the ‘Still Human Still Here’ coalition considers to be the main inconsistencies and omissions between the currently available country of origin information (COI) and case law on Zimbabwe and the conclusions reached in the August 2012 Zimbabwe Operational Guidance Note (OGN), issued by the UK Border Agency. Where we believe inconsistencies have been identified, the relevant section of the OGN is highlighted in blue.

An index of full sources of the COI referred to in this commentary is also provided at the end of the document.

This commentary is a guide for legal practitioners and decision-makers in respect of the relevant COI, by reference to the sections of the Operational Guidance Note on Zimbabwe issued in August 2012. Access the complete OGN on Zimbabwe [here](#).

The document should be used as a tool to help to identify relevant COI and the COI referred to can be considered by decision makers in assessing asylum applications and appeals. This document should not be submitted as evidence to the UK Border Agency, the Tribunal or other decision makers in asylum applications or appeals. However, legal representatives are welcome to submit the COI referred to in this document to decision makers (including judges) to help in the accurate determination of an asylum claim or appeal.

The COI referred to in this document is not exhaustive and should always be complemented by case-specific COI research.

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3.6 MDC supporters, human rights defenders and other perceived opponents of ZANU-PF

Excerpt from the August 2012 OGN

3.6.4 The 2010 Fact Finding Mission (FFM) to Zimbabwe reported sources stated that there were no legal requirements or restrictions when moving and settling in other parts of Zimbabwe. While in theory resettlement to another part of the country was possible, most organisations agreed that relocation to rural areas would be difficult for a number of reasons. Several organisations noted that where this happened, local chiefs (who are usually associated with ZANU-PF) would need to be informed, and would have responsibility for deciding whether land should be allocated to new arrivals. Most organisations stated that relocation to urban areas posed few problems – the main constraint being economic. However, relocation to smaller urban areas may be more problematic for non-economic reasons. [19]

3.6.5 Those returning from overseas to rural areas will, in general, not face problems if they still have family members living there. People are more concerned with current activity rather than past events, and although questions are asked about returnees in rural areas, there is usually no sinister basis for this and those who do not participate in political activity on return will not have any additional problems when compared with other residents. [20]

3.6.6 The FFM went on to state that a major NGO stated that those who had attracted the adverse attention of the main political parties would find it difficult to relocate even in urban areas. However, the Zimbabwe Human Rights NGO Forum believed that MDC supporters would be relatively safe if relocating within MDC dominated areas, noting that the MDC is "quite well organised" and can "protect" those at risk of violence. [21] It is difficult for ZANU-PF supporters to harm MDC supporters in MDC dominated areas because the MDC tend to be quite well organised in those areas and can protect those who might otherwise be at risk of political violence by the threat of retribution. The Forum has not come across any cases of returnees from the UK being mistreated and would expect to know of any such cases because its member organisations are represented across the country. It works closely with the Zimbabwe Association in London and is alerted where there are concerns a returnee might be at risk but has not come across any cases where that is happened. They are unable to say that there have been no such cases but if there have been they have been isolated examples. [22]

3.6.7 A Human Rights activist interviewed during the Zimbabwe FFM stated that movement between two rural areas would be very difficult as many questions would be asked about anyone moving. Moving from a rural area to an urban area, such as Bulawayo, would not cause any problems from an ethnic or safety point of view. Similarly, there would be no such problem when moving between two urban areas. [23]

All of the COI cited in this section of the OGN is from the UKBA Report of the August 2010 Fact-Finding Mission to Harare. The information contained within it is therefore over 2 years old. In addition to being outdated it should be noted that the COI cited as references [19], [20], and [21] in paragraphs 3.6.4-3.6.6 above is from the 'Summary of interview notes' section of the Fact-Finding Mission. These summaries necessarily contain a degree of subjective selection of parts of the interviews, but they also omit relevant responses from the interlocutors and are not fully accurate of the original interviews. An example of inaccurate summarising in the UKBA report can be seen in the highlighted paragraph 3.6.6 above. Compare the highlighted excerpt of the 'Summary of interview notes' to the full interview notes attributed to the Zimbabwe Human Rights NGO Forum:

➤ [UKBA, Report Of Fact Finding Mission To Zimbabwe Harare 9 – 17 August 2010, 27/10/2010](#)

[...] 4.6 The Zimbabwe Human Rights NGO Forum noted:

"The question of moving between different rural areas is not as simple as one of political affiliation; there are also questions of ethnicity. It is always difficult but it would for example be easier for an Ndebele to move to an Ndebele area, and likewise for Shona. There are some mixed areas but even if a member of an

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ethnic group were to move to an area dominated by their own group, they would still face difficulties. Much will depend on the local leadership, with some being more tolerant than others.

“It is, though, difficult for ZANU-PF supporters to harm MDC supporters in MDC dominated areas because the MDC tend to be quite well organised in those areas and can protect those who might otherwise be at risk of political violence by the threat of retribution.

“The Forum has not come across any cases of returnees from the UK being mistreated and would expect to know of any such cases because its member organisations are represented across the country. It works closely with the Zimbabwe Association in London and is alerted where there are concerns a returnee might be at risk but has not come across any cases where that is happened. They are unable to say that there have been no such cases but if there have been they have been isolated examples. They do however have concerns that those who are known to have claimed asylum in the UK would be considered necessarily to have been disloyal to Zimbabwe and may therefore face additional problems reintegrating because the fact that they had claimed asylum would become known. This would not apply to returning economic migrants unless their families were known to be political activists. The Forum considers that the abolition of hate speech against asylum seekers returning from the UK is central to creating a more conducive environment.” [9a] [...]

The full interview notes of the Zimbabwe Human Rights NGO Forum do not state that they believe that MDC supporters would be ‘relatively safe’ if they relocated within MDC dominated areas.

It should also be noted that this ‘Summary of interview notes’ is a summary of the responses received to the question on Internal Relocation: *‘Are there any restrictions on someone moving and settling in another part of Zimbabwe?’* This was the main question posed by the Mission in relation to the possibility of internal relocation, whilst some interlocutors were also asked a follow up question: *‘Is there any requirement to officially register in a new area – if so with whom? If so, how is this enforced?’*

The phrasing of these questions could be read to understand that by ‘restrictions’, legal restrictions were implied and on reading the full interview notes of the Mission, it appears that this is how the question was in general understood by the interlocutors. This question posed by the Fact Finding Mission on internal relocation therefore only addresses one aspect of the relevance of internal relocation, and fails to incorporate the additional issues required for an assessment of the reasonableness of relocation.

Moreover, it should also be understood that interviewees cited in the Fact Finding Mission represent one opinion, and are not necessarily corroborated by other source, including if they are ‘summaries’. For example, the Zimbabwe Human Rights NGO Forum’s contention that the MDC ‘can protect those who might otherwise be at risk of political violence by the threat of retribution’ is not supported by other evidence cited in the Fact Finding Mission, nor elsewhere in the public domain. By comparison, recent COI present below demonstrates that political violence in MDC dominated areas such as Harare continues, and is directed at [persons perceived to support the MDC/oppose ZANU-PF](#) and that persons are still [forced to demonstrate their support of ZANU-PF in Harare](#).

Excerpt from the August 2012 OGN

3.6.8 The geographic spread of political violence and intimidation, and the likely hotspots for escalation in future, remain the same rural areas as experienced the worst violence in 2008. **Matabeleland is very safe, with very little political violence there even in 2008.** This is because ZANU-PF knows it will never win an election there so doesn't waste its time. High density urban areas can be considered as 'quasi rural' in the sense that the people who live there have the same capacity to upset the status quo as those in rural areas, largely because they have little to lose. That is why they are subject to more concerted efforts at political control than those in other parts of the cities. [24]

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The source cited in this section of the OGN is the same UKBA Report of the August 2010 Fact-Finding Mission to Harare. As the COI contained within it is over 2 years old, it is essential that case-specific COI research on the current situation in a particular location is undertaken. See below for a list [of useful sources to consult on the security situation in Zimbabwe](#). It should be noted that the COI in this paragraph of the OGN reports both an outdated and inaccurate situation in both Matabeleland South and Matabeleland North provinces which are currently experiencing severe food insecurity¹ and political bias in food distribution as the following illustrative COI published since the previous Still Human Still Here Commentary of 25th April 2012 demonstrates:

Evidence of political bias in food distribution in Matabeleland

- [Zimbabwe Election Support Network, Ballot Update: Issue 5 May - June 2012, 05/07/2012](#)
[...] ISSUE: Human rights and fundamental freedoms
COMMENT: [...] Reports from Goromonzi West have noted some residents were arrested upon commenting on the prevalence of road blocks in the constituency, a clear infringement of their freedom of expression. [...]

- [Zimbabwe Peace Project \(ZPP\), ZPP Monthly Monitor: May 2012, 03/07/2012](#)
[...] INCIDENTS OF POLITICALLY MOTIVATED VIOLATIONS
[...] Mat North
Assault 1
Theft/Looting 1
Discrimination 1
MDP 1
Harassment/Intimidation 12
Total 15
 - The province witnessed a slight increase in the number of violations compared to the month of April. There were 15 cases during the month under review with the majority of cases being those of harassment and intimidation by being forced to attend Zanu PF meetings.
 - A war veteran from Tsholotsho North allegedly threatened to fire a Sizangobuhle Village headman for refusing to summon people to a Zanu PF restructuring meeting that was held on 7 May 2012.
 - The other major cause of violence in the province has been reported to be around the distribution of food aid under the government's grain loan scheme. [...]Mat South
Assault 1
Harassment/Intimidation 4
Total 5
 - The province has remained relatively calm with five incidents of politically motivated human rights violations having been recorded during the month.
 - One case of assault was recorded at Dambashoko Village in Gwanda North when a ZAPU member had his wife beaten up by a Zanu PF supporter. The perpetrator was demanding that the victim pay back a US\$200 loan that was owed by her late grandfather who died in 2007. The case was reported at Nkwidze Police Station but no arrests have been made. [...]

- [Radio Vop, Govt Probes Food Politicisation, 30/06/2012](#)
Bulawayo, June 30, 2012 -Prime Minister, Morgan Tsvangirai on Wednesday said the Cabinet has set up a team of Ministers to deal with rampant food politicisation by Zanu-PF.
"The Cabinet has already set up a team of Ministers to investigate and deal with the issue of food politicisation.

¹ See [UN News Centre, 1.6 million people will need food assistance in Zimbabwe next year – UN report, 27/07/2012](#)

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“This food is for every Zimbabwean and we want to make sure that deserving people in rural areas benefit from it regardless of the parties which they support,” Tsvangirai told journalists in Tsholotsho after commissioning of a United Nations Children’s Emergency Fund (UNICEF)funded water sanitation and hygiene programme.

Early this year the government announced that it has extended the grain loan scheme to March next year to cushion villagers whose crops were wiped off by a dry spell during this cropping season.

Under the scheme, all households facing food deficits will get maize from state owned Grain Marketing Board. Provinces that are facing food shortages include parts of Manicaland, Masvingo, Matabeleland South and North and some parts of Midlands.

Recently human rights group Zimbabwe Peace Project (ZPP) said hundreds of hungry Zimbabwean villagers are being denied food handouts and forced to denounce their own parties in return for assistance as marauding Zanu PF militants continue to wage war of attrition against perceived political enemies.

The MDC accuses Zanu PF of using local councilors, village heads, and traditional chiefs to sideline their supporters in rural areas from government food lists that are used when distributing food.

According to statistics from the World Food Program (WFP) indicated that more than one million Zimbabweans are currently in need of food aid following the continuous dry spell that has been affecting the national produce.

- [Zimbabwe Election Support Network, Ballot Update Issue 4: April - May 2012, 01/06/2012](#)
[...] Observers in [...] Nkayi North [...] have noted the partisan distribution of maize as only ZANU PF supporters have access to this maize. [...]
- [Sokwanele, Zimbabwe Inclusive Government Watch - Issues 38 & 39, 30/05/2012](#)
[...] March
[...] In the rural areas, hijacking of donor food aid by Zanu-PF officials is becoming increasingly commonplace once again, with food being openly denied to many MDC supporters close to starvation. The main causes of the food deficit are drought conditions - mainly in the traditionally drought-prone provinces - and the collapse of commercial agriculture. [...]
- [Zimbabwe Peace Project \(ZPP\), ZPP Monthly Monitor: April 2012, 24/05/2012](#)
[...] INCIDENTS OF POLITICALLY MOTIVATED VIOLATIONS
[...] Mat North
Discrimination 2
Assault 1
Harassment/Intimidation 5
Unlawful Detention 1
Total Counts 9
 - The province witnessed politically motivated human rights violations around the distribution of food and other forms of aid.
 - Hwange Central MP Brian Tshuma was barred from conducting a constitution update meeting by the Officer commanding Hwange Police Station.
 - 15 members of the MDC-N who were on a membership recruitment drive in Tsholotsho were picked up by the Zimbabwe Republic Police for violating provisions of POSA. A National Youth Development Trust (NYDT) programs officer was unlawfully detained overnight in Lupane for convening a meeting without police clearance. [...]Mat South
Assault 1
Theft/looting 1
Discrimination 1
Harassment/Intimidation 2
Total Counts 5
 - The political environment in the province remained calm during the month under review as the majority of the reported cases were of harassment and discrimination linked to food and other forms of aid distributions

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- Police officers from Gwanda reportedly demanded to know the ZPP's mandate as well as an MOU with the government on the operations of the organisation. The officers threatened to come back again. [...]

➤ [SW Radio Africa, Village heads diverting resources to ZANU PF in Lupane East, 16/05/2012](#)

A total of six traditional leaders in Lupane East constituency of Matabeleland have been accused of working with ZANU PF district structures, in a scheme to deny donated food and other local resources to MDC supporters.

SW Radio Africa correspondent Lionel Saungweme said villagers known to support any MDC formation are being denied everything from maize seed to spray dips for livestock and fair trials at traditional courts. The intensified strategy is meant to force villagers to support ZANU PF in the next election.

Saungweme said: "The six village heads have been co-opted into the DCC (District Coordinating Council) structures of ZANU PF and this is happening in Lupane constituency which is a very big area with many villages."

According to Saungweme, the village heads recruited by ZANU PF are taking control of donations made by NGOs in Lupane East and using them to benefit their party members only.

"Even the bee-keeping projects under Environment Africa are benefitting ZANU PF youth wing members. The NGOs should know this and realise that their donations are being diverted to one party," Saungweme said.

In Lupane's Gomoza Ward, Councillor Janet Mpofu was accused of diverting seed maize meant to benefit the community and distributing it to her entire family, while other villagers went hungry.

Saungweme named village heads Morris Ndlovu of Maphanda, Luke Mguni of Sikhwehle, Jacob Nxele-Moyo of Wolomoka, Joel Tshuma of Siyatshaya and Timothy Sibanda of Nzalikhwa Village as the headman working with Gomoza DCC Chairman Thomas Moyo.

➤ [Zimbabwe Election Support Network, Ballot Update Issue 3 March-April 2012, 04/05/2012](#)

[...] ISSUE Human rights and fundamental freedoms

COMMENT

While violations have been experienced in the Mashonaland provinces as well as Manicaland, the generality of Matabeleland provinces with isolated cases in Insiza have had minimal human rights violations. Observers have reported a common lack of freedom of expression in the provinces mentioned. As a result citizens have become very cautious in the manner they express themselves. Curtailment on freedom of expression has been reported in constituencies such as Insiza, Tsholotsho North, Lupane East and West, Nkayi north, Hwange east, Mangwe, Beitbridge east, Makokoba and Gwanda. [...]

➤ [SW Radio Africa, Hungry villagers urged to report corruption to JOMIC, 26/04/2012](#)

Reports that officials from ZANU PF and the Grain Marketing Board (GMB) are looting grain from a government scheme and only distributing it to their supporters have intensified and the MDC-T is advising villagers to report them to the Joint Monitoring and Implementation Committee (JOMIC).

The coalition government established a grain loan scheme that was intended to help villagers facing starvation in the rural areas, regardless of what political party they support. But the MDC-T says supplies are being diverted to ZANU PF supporters, with some ending up on sale on the black market.

The MDC-T provincial spokesman, Pishai Muchauraya, told SW Radio Africa that villagers should report to their local JOMIC officials because they have lost faith in the police, who respond to politically motivated cases in favour of ZANU PF. [...]

Partisan distribution of the government's grain loan scheme has also been reported by villagers in Matabeleland and Midlands provinces, according to the Daily News newspaper.

The report said: "The GMB has been hit by serious corruption allegations of late, with company officials being arrested or fired at some of its branches." [...]

➤ [Zimbabwe Peace Project \(ZPP\), ZPP Monthly Monitor: March 2012, 25/04/2012](#)

[...] INCIDENCES OF POLITICALLY MOTIVATED VIOLATIONS

[...] Mat North

Discrimination 1

MDP 1

Harassment/Intimidation 2

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- The political situation in the province has remained relatively calm although tension is rising in some constituencies due to the ongoing distribution of food aid through the government's grain loan scheme
- Zanu PF has also started campaigning in the province in preparation for the elections resulting in people's rights being violated. [...]

Mat South

CALM 0

- Although there are no incidents recorded during the month, tensions are likely to rise as a result of the ongoing distribution of food aid around the province. [...]

➤ [Voice of America News, Cabinet Takes Up Food Aid Politicization Amid Deepening Hunger, 24/04/2012](#)

Zimbabwe's cabinet was on Tuesday pre-occupied with the unfolding hunger crisis in the country following complaints by Prime Minister Morgan Tsvangirai's MDC formation that most needy families were being denied food aid by ZANU-PF activists.

The MDC says the situation in most rural communities is becoming untenable with allegations that President Robert Mugabe's ZANU-PF party activists were politicizing food aid ahead of elections that Mr Mugabe wants this year.

After intense debate, the cabinet mandated its task force on food security to ensure there is no politicization of food aid on the ground as details emerged the food crisis had also been underestimated.

Reports also indicate that ZANU-PF officials are using food aid to lure voters in their on-going restructuring exercise that has seen district coordinating committee elections being called around the country.

Some officials in the agriculture ministry and rights groups have also alleged that ZANU-PF officials are hijacking maize from the Grain Marketing Board that is meant for the poor and giving it to their supporters.

The task force is expected to report back to cabinet as soon as it finishes its probe in the communities.

Two weeks ago cabinet resolved to declare five provinces disaster areas following a disastrous farming season. These are Manicaland, Masvingo, Midlands and the two Matebeleland provinces. [...]

Excerpt from the August 2012 OGN

3.6.9 The Zimbabwe Peace Project (ZPP) publishes monthly statistics of human rights violations including murder, rape, kidnapping/abduction, assault, theft/looting, discrimination, MDP (malicious damage to property), unlawful detention, harassment/intimidation and displacement for each province. [25] Reports continued to show a year-on-year decrease in human rights abuses since 2008. Figures from the Zimbabwe Peace Project indicated there were 23,757 incidents reports in 2008, which fell to 14,725 in 2009, 10,691 in 2010, 11,935 in 2011 and 1,767 for January to April 2012. [26]

Whilst political violence figures from the Zimbabwe Peace Project are useful, especially to show geographical trends, the above overview included in the OGN does not provide a detailed explanation of the nature of violence, the perpetrators or the victims as is included in the original reports. Nor do these figures measure the level of fear and intimidation instilled in the population, nor the more subtle means of control experienced. It should also be noted that the OGN fails to include any COI which reports on political violence perpetrated in 2012. It is therefore imperative that case-specific research on the current situation is undertaken which the OGN at least recognises:

Excerpt from the August 2012 OGN

3.6.15 It is however important that case owners ensure that they obtain the latest information about the situation in the relevant province and take that into full account in reaching decisions on asylum claims made by Zimbabweans.

A [list of useful sources to consult on the security situation](#) in a particular location has been provided below.

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Excerpt from the August 2012 OGN

3.6.16 Conclusion. The extant Upper Tribunal country guidance case of RN (see section 2.5 above) was heard 4 years ago against the backdrop of reports of widespread and indiscriminate political violence that marked the election period in 2008 and also before the formation of the Government of National Unity (GNU). In 2008 thousands of people were injured and several hundred killed for supporting or being thought to support the MDC, irrespective of how politically active they were. [...]

The highlighted sentence in paragraph 3.6.16 of the *Conclusion* above is not a fully accurate description of the country guidance case *RN*. Firstly, the 2008 post-election violence experienced in Zimbabwe was not exactly 'indiscriminate' but as the Tribunal determined, was perpetrated against persons unable to demonstrate support for or loyalty to the regime or to ZANU-PF. Furthermore, the case was not heard immediately against the backdrop of the June run-off election violence, but in early September 2008 and was also reconvened on 1st October and 30th October to address the announcements of the power-sharing agreement. By this time the level of violence had improved, but the Tribunal determined that there remained a real risk of violence being perpetrated on those identified as disloyal to the regime and therefore as potential supporters of the MDC and that everything remained in place for the election violence to be repeated:

➤ [RN \(Returnees\) Zimbabwe CG \[2008\] UKAIT 00083](#)

[...] 218. The evidence demonstrates also, in our view clearly and without ambiguity, that the aim of the violence was not limited to delivering for Mr Mugabe victory in the run-off vote, but to ensure that the MDC support base was sufficiently dismantled as to ensure that it ceased to exist in any meaningful way as to remain a threat to Zanu-PF's hold on power. That explains why, notwithstanding the talks taking place following the Memorandum of Understanding and the fact that the elections are, for now at least, concluded, the violence continues. Although this violence is not at the levels seen during the summer of this year, everything remains in place for it to be repeated, should the regime deem this necessary.

219. We are satisfied also that the militias have established no go areas and road blocks to ensure that abuses that continue in rural areas where the MDC had made inroads into the Zanu-PF vote go unreported wherever possible and so that displaced people are not allowed to return to their home areas.

220. For these reasons we do not see that there can be said to be an end in sight to the real risk of violence being perpetrated on those identified as disloyal to the regime and therefore as potential supporters of the MDC.

221. As we have seen, by the time the hearing was reconvened on 30th October such a power sharing agreement had been reached but, for the reasons given above, that has not led us to a different conclusion from that we reached at the conclusion of the first part of the hearing when we initially reserved our decision.

222. Even though a form of agreement has now been reached in these talks, it remains to be seen whether that will bring about any reduction in the level of risk to those not able to demonstrate loyalty to Zanu-PF. After all, the Memorandum of Understanding that was signed by Mr Mugabe on behalf of his party and the regime contained assurances about the cessation of politically related violence but that has not been delivered. It is not readily apparent how the militias and War Veterans who have been meting out violence would be disbanded without genuine commitment by Mr Mugabe and his senior supporters to the sharing of power. It is evident from the failure to implement the power sharing agreement that no such intention presently exists.

223. For these reasons we are not satisfied that the power sharing agreement has given rise in itself to any significant change on the ground in Zimbabwe, so far as international protection issues are concerned. There is, moreover, no evidence to show that, in the absence of more effective foreign political or other political pressure, the position is likely to change spontaneously. [...]

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It is therefore relevant to consider whether the loyalty test exists now but also whether it might be introduced in the foreseeable future. Research is suggested on the electioneering tools and security apparatus available to ZANU-PF. Illustrative COI on the [lack of progress of security reforms and the on-going politicisation of security forces](#) has been presented below. Although not including any COI on this issue, the following paragraph of the OGN seems to imply that the situation in Zimbabwe in relation to the security forces has moved on in Zimbabwe:

Excerpt from the August 2012 OGN

3.6.17 In RN, the Tribunal noted that:

263 Although a power sharing agreement has been signed between Mr Mugabe on behalf of Zanu-PF and Mr Tsvangirai on behalf of the MDC, it is too early to say that will remove the real risk of serious harm we have identified for anyone now returned to Zimbabwe who is not able to demonstrate allegiance to or association with the Zimbabwean regime.

264 Further international intervention or some unforeseen upheaval inside Zimbabwe itself may change the position, for example, by giving the MDC real control of the police. In such an eventuality it will be for judicial fact finders to determine the extent to which the evidence before them differs from that which is before us, pending fresh country guidance: see Practice Direction 18.2.

3.6.18 Since then the government of national unity was formed on 13 February 2009 after protracted talks facilitated by the Southern African Development Community (SADC) about the allocation of Cabinet positions particularly the Home Affairs Ministry (which includes oversight of the police) where it was agreed that the portfolio was initially to be co-managed by ZANU-PF and MDC-T.

3.6.19 The fresh country guidance case envisaged by the Upper Tribunal in para 264 of RN was heard by the Upper Tribunal in 2010 and replaced RN. That case (EM and others) has however since been quashed and remitted to the Upper Tribunal for a further hearing. As a consequence RN was reinstated as the extant country guidance on returnees to Zimbabwe. However as Lord Justice Carnwath (now Lord Carnwath) noted in TK (Tamils – LP updated) Sri Lanka CG [2009] UKAIT 00049 "... country guidance is not inflexible; it must be applied by reference to new evidence as it emerges." The situation in Zimbabwe has moved on since 2008 and caseowners should base their decisions on the current situation, not that which pertained in 2008 and was reflected in RN.

It is considered that the co-management of the Home Affairs Ministry by the MDC and ZANU-PF does not in itself equate to meaningful change on the ground in Zimbabwe. Whilst the OGN itself recognises the importance of basing decisions on current information, this section provides no COI on the current state of the security forces in Zimbabwe. However, the on-going politicisation of the police force is noted in the *Actors of Protection* section of the OGN:

Excerpt from the August 2012 OGN

2.3.5 The continued politicisation of the ZRP's upper echelons, mostly composed of war veterans loyal to ZANU-PF, made it difficult for lower ranking police to remain politically impartial or to show support for non-ZANU-PF parties. Police and army personnel suspected of being sympathetic to the MDC or other political parties were threatened with demotion, suspension, incarceration, or transfer to remote areas. Most low-ranking personnel lived in ZRP-provided housing, which allowed the monitoring of their votes during election years in certain districts. [5] The International Crisis Group reported in November 2011 that "the police appear unwilling or unable to provide effective deterrence or remedy" in relation to the issues of violence and repression. [6]

Additional illustrative COI from 2012 on the [lack of progress of security reforms and the on-going politicisation of security forces](#) has been provided below.

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Excerpt from the August 2012 OGN

3.6.16 Conclusion [...] The evidence currently available shows that the political violence that now exists is both at a much lower level and is targeted for reasons other than a mere inability to demonstrate ZANU-PF loyalty or support. It is instead targeted against those who present a particular threat to the hardliners because they are active or high profile members of reformist political or civil society groups. And some of those most at risk in 2008 are now in government. [...]

3.6.20 The country information shows that although since 2008 politically motivated human rights violations continue to be perpetrated against MDC activists and civil society activists they are at a relatively low level compared to previous years (2008 and 2009 especially). Monthly levels of political motivated violations generally declined between May 2011 and April 2012 with a large decrease in the number of incidents between November and December 2011. However, this was followed by a slight increase between December 2011 and April 2012 following President Mugabe's declaration in December 2011 that elections would take place in 2012. As most recent reports of violence and intimidation were related to the uncertainty over the timing of fresh elections, it is not unexpected that the number of violations may continue to rise as speculation over the election timetable increases. [...]

3.6.22 Assessing who may be at real risk from politically motivated violence is not simply a matter of the level of political activity in which the individual has engaged. Violence tends to be targeted at those with a political profile, not necessarily of a high level, and those perceived to be active in MDC politics or other opposition groups. The country evidence does not show that, as a general matter, the return of a failed asylum seeker from the UK, having no, or no significant MDC profile, would result in that person facing a real risk of having to demonstrate loyalty to the ZANU-PF. [...]

It should be noted that no COI is included in this section of the OGN which documents the political violence that has been committed in 2012. The *Conclusion* at 3.6.16 which asserts that political violence is targeted 'against those who present a particular threat to the hardliners because they are active or high profile members of reformist political or civil society group' is not referenced nor is based on any COI which is cited in the OGN. Indeed, this position is not consistent with current COI which demonstrates that persons continue to be forced to demonstrate their support for ZANU-PF and that it is not just MDC activists and civil society activists, but persons perceived to support or be affiliated with the MDC and persons perceived to oppose ZANU-PF that are subjected to political violence in Zimbabwe.

In addition to COI reporting on the lack of progress of security reforms and the on-going politicisation of security forces, sources indicate that violence has been reported to increase when election dates are proposed which supports the *Conclusion* of the OGN at 3.6.20 that it is not unexpected that violence may continue to rise as speculation over the election date increases. Note that the election is constitutionally required by the end of June 2013. The following non-exhaustive COI on these issues which post-dates the previous Still Human Still Here Commentary on Zimbabwe of 25th April 2012 focuses on the situation in Harare, given that this is the most likely city of return or proposed site for internal relocation:

Forced demonstrations of ZANU-PF support (in Harare)

Treatment of perceived MDC supporters/ perceived ZANU-PF opponents (in Harare)

Lack of progress of security reforms and politicisation of security forces

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Forced demonstrations of ZANU-PF support (in Harare)

- [Zimbabwe Election Support Network, Ballot Update: Issue 5 May - June 2012, 05/07/2012](#)
[...] ISSUE: Human rights and fundamental freedoms
COMMENT: [...] Observers in Shamva South, Mazowe Central, Bindura North 6 Hatcliffe Mutoko North, Masvingo South, Zhombe, Mberengwa West, Makoni North, Silobela, Harare South and Hurungwe North have stated that the ZANU PF party usually forces residents to attend its meetings. [...] Observers have also noted that residents in Hatcliffe are being forced to vote for the ZANU PF party in the oncoming election so they are able to secure their stands as well as to purchase ZANU PF membership cards and carry them around with them. Observers in the constituency have also noted the violent actions of a ZANU PF member (name withheld) who vandalised Zambuko Secondary School which was being refurbished by teachers whom he accused of being active supporters of the MDC party. [...]
- [Zimbabwe Election Support Network, Ballot Update Issue 4: April - May 2012, 01/06/2012](#)
[...] ISSUE Human rights and fundamental freedoms
COMMENT
[...] Observers in Harare South have brought to light incidences of coercion as residents are being forced to attend ZANU PF meetings and failure to do so results in residential stands being taken away. [...]
- [The Zimbabwean, Violence on the increase: CHRA, 30/05/2012](#)
Violence is on the increase and most of it is politically motivated, a recent survey by the Combined Harare Residents Association has found. [...] Research found that residents were still being coerced to attend Zanu (PF) rallies and those who refuse to do so are marked for retribution. [...]
- [Sokwanele, Zimbabwe Inclusive Government Watch - Issues 38 & 39, 30/05/2012](#)
[...] The next article, dated 13 April, shows the impunity with which Zanu-PF thugs perpetrate violence - this time in a high-density suburb near Harare. The violent Zanu-PF youth gang, Chipangano that has terrorised residents of Mbare has started campaigning for the party. Innocent residents are being forced to reveal their personal details and are being ordered to vote for Robert Mugabe in the next election. Gang members have been regularly forcing anyone they can find to attend Zanu-PF rallies in the area. In a recent incident on 7 April near Mbare Netball Complex, people with no identity documents had to reveal their personal details to the group, on the promise that Chipangano would approach the Registrar General for 'help' in registering them to vote. [...]
- [MISA-Zimbabwe, Former political detainees threaten vendors, 28/05/2012](#)
Members of the Zimbabwe Ex-Political Prisoners, Detainees and Restrictees' Association (Zeppdra) on 27 May 2012 threatened to attack vendors selling privately-owned newspapers unless the publications give positive coverage to President Robert Mugabe.
Percy Kuzvinzwa, chairperson of the association's Harare provincial leadership, said they had given Newsday and the Daily News a month's notice for the publications to cover President Mugabe positively. Kuzvinzwa accused the newspapers of demonising President Mugabe. "If they continue (demonising President Mugabe), we will attack their vendors in the streets," he said. [...]
- [Zimbabwe Peace Project \(ZPP\), ZPP Monthly Monitor: April 2012, 24/05/2012](#)
[...] INCIDENTS OF POLITICALLY MOTIVATED VIOLATIONS
Harare [...]
 - During the month people were again forced to attend Independence celebrations at the National Sports Stadium as they were free buses to ferry people to the venue.
 - People are being threatened with unspecified action or what happened during 2008 presidential elections if they fail to attend the Zanu PF meetings
 - Zanu PF supporters led by District co-coordinating Committee members, allegedly forced Epworth residents of ward 5 to attend Zanu PF meeting where they were forced to accept leadership positions in ongoing Zanu PF restructuring exercise. [...]

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➤ [Zimbabwe Election Support Network, Ballot Update Issue 3 March-April 2012, 04/05/2012](#)

[...] ISSUE Human rights and fundamental freedoms

COMMENT

[...] Observers reported that in some constituencies, people were forced to attend independence celebrations. This was noted in Muzarabani South, Chakari, Harare North and Zvimba West. Independence celebrations are for all Zimbabweans across the party divide but observers reported that in many places they seemed a ZANU PF affair. The GNU has not been able to ensure that national events are truly national in character and the party divide remains a chasm in these celebrations with some parties feeling more entitled to these celebrations. Observers reported in some cases celebrations resembled political rallies than national event. Market stall owners and vendors were forced to close shop and attend celebrations lest they lose their stands. [...] In Harare North, citizens were required to attend a ZANU PF Branch Restructuring Session and they denounced the MDC's leadership. [...] In Zengeza 4 residents were forced to attend a meeting conducted by ZANU PF. [...]

Treatment of perceived MDC supporters/ perceived ZANU-PF opponents (in Harare)

➤ [SW Radio Africa, Soldiers assault activists for wearing MDC-T t-shirts, 15/08/2012](#)

Two MDC-T activists were assaulted by soldiers at a bar in Epworth on Saturday, and then abducted the following day by the same soldiers who decided to hand them over to notorious thugs from the Chipangano gang in Mbare.

Speaking to SW Radio Africa on Wednesday Kennedy Masiye, from Zimbabwe Lawyers for Human Rights, confirmed that his clients Golden Nyika (19) and Petros Makaza (21) were assaulted for wearing MDC-T party t-shirts.

He said a soldier in uniform accompanied by 3 of his colleagues walked into the bar and approached them, asking why they were wearing party t-shirts. Masiye said there was a scuffle which resulted in his clients being beaten by the soldiers.

"Unfortunately the next morning these gentlemen (soldiers) came to the residence of my clients with eight other guys and abducted them," he said. The youths were then handed over to the Chipangano gang in Mbare for more assaults and torture.

Masiye told SW Radio Africa that his clients, "were thoroughly beaten and one of them had a burnt buttock and the other one had lacerations on his arm and I think his fingers might be broken."

To justify the arrests the soldiers claimed the MDC-T youths had stolen a beret and cellphone from the soldier they scuffled with in Epworth.

"On Sunday I appeared at the police station and the guys appeared visibly injured and I had to negotiate with the officer in charge to go with them to Harare Hospital and unfortunately they were not attended to. We had to find other means of attending to them," Masiye said.

On Wednesday the youths appeared in court and the lawyer says he filed a complaint against the police, as accompanying the soldiers who assaulted the youths was a police officer, stationed in Braeside.

The youths were granted \$30 bail and the next remand hearing is on the 28th August.

SW Radio Africa also understands soldiers have been terrorising residents in Epworth at the Munyuki shops since Friday.

➤ [Nehanda Radio , Soldiers invade census centres, 08/08/2012](#)

Uniformed forces yesterday invaded centres where civilian government workers expecting to undergo training as census enumerators had gathered, leaving the process in limbo.

Chaotic scenes characterised several registration centres in different parts of the country, with security forces taking centre stage in all cases.

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Chaotic scenes characterised several registration centres in different parts of the country, with security forces taking centre stage in all cases. [...]

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The Daily News witnessed near-violent scenes in Harare as armed police pounced on civil servants who had gathered for training at Harare Girls' High School, ordering them to disperse. Some of the civil servants who later regrouped in the adjacent Harare Gardens were forced to flee after vicious police went after them. [...]

➤ [Sokwanele, Zimbabwe Inclusive Government Watch: Issue 41, 30/07/2012](#)

[...] In the category of violence, Zanu-PF secretary for the Women's League and Politburo member Oppah Muchinguri openly admitted to journalists that her party hires militia regularly to unleash violence on political opponents – a fact previously denied. Chipangano, the notorious, militant Zanu-PF group operating in Harare's Mbare suburb, has been accused of murder, violence, robbery, intimidation, coercion, looting and the disruption of businesses owned by 'opposition' activists, although any connection to Zanu-PF has previously been denied. Ironically, Muchinguri is also co-chairperson of the Joint Monitoring and Implementation Committee (JOMIC), tasked with monitoring and documenting violations of the Global GPA. [...]

➤ [SW Radio Africa, Harare ZANU PF ordered to rein in Chipangano gang, 25/07/2012](#)

A senior official within ZANU PF has called for the party's Harare province to rein in the Chipangano gang that has terrorised the capital, admitting the youths aligned to their party are now jeopardizing their electoral chances.

The gang is based in the Mbare high-density suburb where they control most commuter bus ranks, flea markets and council-owned flats, depriving the Harare Council of much needed funds. They operate with impunity in exchange for carrying out the party's dirty work in Harare, which includes forcing people to attend rallies and intimidating MDC supporters.

According to Mbare MP Pinel Denga, ZANU PF's national Secretary for Administration, Didymus Mutasa, appeared on state run television on Tuesday night addressing the party structures in Harare over recent district elections that were marred with violence and chaotic infighting.

Denga told SW Radio Africa that Mutasa warned the Harare province chairman Amos Midzi to make sure that all the violence in Harare is stopped and the unruly youths are brought under control. Mutasa is also said to have admitted that the violent gang is now losing votes for the party. [...]

➤ [Zimbabwe Election Support Network, Ballot Update: Issue 5 May - June 2012, 05/07/2012](#)

[...] ISSUE: Human rights and fundamental freedoms

COMMENT: [...] Observers in Hatcliffe have reported that MDC members are living in fear of intimidation and harassment for their choice of party. In some constituencies, observers have reported the need to be associated with ZANU PF in order to avoid victimisation and discrimination a clear violation of the right to free association and expression. [...]

➤ [Zimbabwe Peace Project \(ZPP\), ZPP Monthly Monitor: May 2012, 03/07/2012](#)

[...] INCIDENTS OF POLITICALLY MOTIVATED VIOLATIONS

Harare

Assault **6**

Harassment/Intimidation **13**

Malicious Damage to Property **2**

Unlawful Detention **1**

Displacement **3**

Total 25

- Police continue to disregard the rule of law and curtail people's freedom of Assembly as evidenced by disruption of MDC-T rallies in Kambuzuma and Highfield constituencies. From Kambuzuma where they arrested three MDC-T activists on a trumped-up charge of having assaulted a commuter omnibus driver and a Zanu PF member. The activists were detained for about five hours and later released without charge.

- At the beginning of the month Zanu PF activists assaulted known MDC-T activists who were organizing a constituency rally to be addressed by their MDC-T MP Simon Hove in Highfield West. Some of the perpetrators are known members of the police neighborhood watch committee. [...]

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➤ [Sokwanele \(Zimbabwe\), Zimbabwe Inclusive Government Watch – Issue 40, 01/07/2012](#)

An analysis of events in Zimbabwe during May demonstrates that President Mugabe and Zanu-PF are gearing up for elections – which could be held later this year but will more likely take place during the first or second quarter of 2013.

The characteristic warning signs are all there, as the articles collected for the month clearly indicate.

- Upscaling of violence: The violence perpetrated by Zanu-PF against any perceived threat or opposition is increasing at a worrying rate, with murders once again becoming more gruesome in order to send out a powerful warning to opposition parties;
- Legal harassment: Harassment by the police of any perceived threat or opposition is building up, with cases becoming more elaborate and drawn out, forcing the MDC to devote additional time and limited resources to litigation;
- Hate speech: Hate speech is increasingly evident in the state-run media and new radio stations are being licensed to Zanu-PF sympathisers. Excessive airtime is being allocated to Zanu-PF, while opposition parties are denied access;
- Disruption of rallies: Zanu-PF is allowed to hold rallies without restriction – which people are forced to attend – while fewer opposition party rallies are approved. Increasingly, opposition rallies are disrupted or broken up completely by Zanu-PF thugs or the police;
- Armed forces' public support for President Mugabe: Senior armed forces officers are making unconstitutional and treasonous statements to their troops and the press in order to intimidate the electorate. On 13 May, The Times (SA) warned that security forces, co-ordinated by Joint Operations Command (JOC) – which brings together army, police and intelligence chiefs – were running covert operations and campaigning underground for President Mugabe and Zanu-PF;
- Strengthening the army: Additional recruits are being recruited, despite agreement at Cabinet level that no additional troops are required;
- Extending patronage: New sources of patronage are being utilised, in particular mechanisms for drawing in the youth – evidenced by the chaotic indigenisation exercise;
- Food as a weapon: Food aid is once again being used as a weapon as there has been a catastrophic crop failure. Opposition party members are either deliberately overlooked and starved, or forced to switch allegiance to Zanu-PF;

Added to this, the new constitution-making process is coming under attack from multiple Zanu-PF avenues as they try to seize control of the exercise in order to amend it for their benefit at the ballot.

A total of 72 media articles were recorded for this month's issue of ZIG Watch, each representing a unique breach of the terms of the Global Political Agreement (GPA). Representative statistics were generated by categorising the articles according to the nature of the breach.

The category with the highest number of recorded violations was the harassment of perceived opposition politicians and supporters using drawn-out litigation, with 18 cases logged. This was followed by the category of violence, intimidation, hate speech, threats, abductions and brutality, with 17 instances. The denial of freedom of speech, or the abuse thereof, took third place with 9 cases, while cases of deliberate or consequential economic destabilisation were fourth, totalling 7 cases. Zanu-PF was either responsible for, or involved in, 100% of all breaches recorded. [...]

➤ [SW Radio Africa, ZANU PF Chipangano gang block construction in Mbare, 26/06/2012](#)

The violent ZANU PF aligned Chipangano gang has once again blocked progress in Mbare high-density suburb, after allegedly threatening workers to stop construction of a ZESA substation that would increase power in the area.

The substation is part of a complex that includes a service station and food court, which would bring jobs and more development to Mbare. But the gang reportedly objects because they accuse the developer, Alex Mashamhanda, of supporting the MDC.

Mashamhanda has denied this but it did not stop Chipangano from physically attacking him back in January. This left “soft tissue injuries” which he reported to the police, but no arrests followed.

The latest threats were reportedly issued on Saturday “within ear shot” of the police, who are based right next door at Matapi Police Station. The gang is said to have resorted to threatening workers after failing to convince the City Council to stop construction of the service station. [...]

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The police at Matapi have appeared helpless in the face of a violent campaign against Mbare residents by Chipangano, who declared the area a no-go zone for supporters of the MDC-T and Prime Minister Morgan Tsvangirai.

This is not the first time the gang has stopped construction that would have helped Mbare residents. A housing project funded by the Bill Gates Foundation stopped construction last year due to interference by Chipangano members.

The gang has also taken over Council properties and are illegally collecting revenue from City-run parking lots, flea markets and minibus operators. Denga said it is estimated that they make up to \$6,000 per day from these illegal ventures. [...]

➤ [MDC, Judge reserves bail judgment in Glen View murder case, 25/06/2012](#)

High Court judge, Justice Chinembiri Bhunu has reserved judgment in the bail application filed today by 29 MDC members seeking leave to appeal for bail at the Supreme Court.

The 29 MDC members facing false charges of murdering a policeman and public violence in Glen View, Harare last year were denied bail by Justice Bhunu when the trial kicked off early this month.

The Judge cited that there were no exceptional circumstances in the bail application to show why the accused be granted bail.

They have been in remand prison since their indictment. [...]

➤ [MDC, MDC youth member assaulted in Mbare, 20/06/2012](#)

An MDC youth member, Decent Rutsito (22) was yesterday assaulted by a gang of Zanu PF youths led by one Chiraundi in Mbare.

The Zanu PF hooligans ganged up against Rutsito, who was going for a VID test around 11am and took him to a room at Njere flats in the suburb where they heavily assaulted him with fan belts for supporting MDC. A former branch chairperson for Majubheki, Rutsito is a well-known MDC activist in the area. He reported the matter to Mbare Police Station before he passed out. He was only assisted after the intervention of fellow MDC members who got a tip-off from Mbare residents.

Rutsito has since been hospitalised.

➤ [MDC, Armed police take over High Court security operations, 05/06/2012](#)

Heavily armed riot police details this morning bulldozed their way into the High Court and illegally denied entrance to hundreds of MDC members and relatives who wanted to attend the trial of the 29 MDC activists who are facing false murder charges.

The trial started yesterday with the riot police firing teargas at the MDC supporters and relatives who were outside the High Court waiting to enter the court for the hearing.

Today, armed riot police blocked anyone from entering Court A.

Even attempts by the defence lawyers to intervene on the grounds that the police moves were illegal as the trial was taking place in an open court, failed to persuade the law enforcement agents to reverse the action.

The accused have been in remand prison for over a year since their arrest last year in May on false charges of murdering a police officer in Glen View, Harare.

➤ [SW Radio Africa, Violent ZANU PF youth evicting suspected MDC supporters, 05/06/2012](#)

Residents in the high density suburb of Epworth just outside Harare have reported an invasion by violent ZANU PF youth, who are allegedly evicting any suspected supporters of the MDC formations.

These forced evictions are reported to have displaced nearly a hundred families, including women with young children, who have found themselves out in the cold without any legal recourse.

According to the Daily News newspaper, residents said the ZANU PF youths “wreaked havoc” in Epworth this week, “forcibly displacing” residents suspected of being MDC supporters and taking over their residential stands and properties.

The report said police in Epworth intervened only after a report was made by a local joint MDC – ZANU PF peace committee. Many families had already lost everything by the time police got involved. [...]

➤ [Zimbabwe Election Support Network, Ballot Update Issue 4: April - May 2012, 01/06/2012](#)

[...] ISSUE Human rights and fundamental freedoms

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COMMENT

[...] Observers in Harare South and Mutoko North have reported that not all parties are free to wear their party regalia. [...]

Observers in Harare South have brought to attention incidences of MDC supporters who are being given eviction notices by chiefs (names withheld) [...]

➤ [Sokwanele, Zimbabwe Inclusive Government Watch - Issues 38 & 39, 30/05/2012](#)

[...] March

During March, it became increasingly clear that President Mugabe and a significant number of his powerful 'old guard' are driving a call for general elections as early as mid-2012 and are bent on determining when they are held. Mugabe has also threatened to abandon the completion of a draft new Constitution and force through elections under the old 'Lancaster House' Constitution of 1979, which some believe could effectively and irrevocably collapse the Global Political Agreement (GPA), signed in September 2008.

Violence is reported by Movement for Democratic Change (MDC) politicians and NGOs to be on the increase, both in rural and urban areas, to the extent that some MDC MPs cannot safely enter their own constituencies. Zanu-PF's evolving 'parallel administration' is openly seeking support and resources from China and Iran, while diamonds are reportedly being clandestinely siphoned off and sold to build up Zanu-PF's 'war chest'. Indigenisation Minister Saviour Kasukuwere is brazenly admitting that the indigenisation exercise is designed to be a vote-buying exercise to benefit Zanu-PF supporters.

On the ground, Zanu-PF's entrenched abuse of State apparatus is clearly demonstrated in the current and almost routine banning of numerous MDC rallies and gatherings, and the illegal arrest of their members for attending legitimate private party meetings. [...]

A total of 78 media articles were recorded during March for ZIG Watch, each representing a unique breach of the terms of the GPA. Representative statistics were generated by categorising the articles according to the nature of the breach.

The greatest number of violations involved the category featuring cases of legal harassment of perceived opposition politicians and supporters. This was followed by cases of violence, intimidation, hate speech, threats, abductions and brutality. Next were cases of denial of the right to freedom of speech, or the abuse of freedom of speech, while the fourth highest involved cases of deliberate or consequential economic destabilisation. Zanu-PF was either responsible for, or involved in, all breaches recorded.

Of particular note is the number of cases of legal harassment, at 38.5% of the total, which far outstripped the second highest category of violence and intimidation - at 16.7%. This is clearly owing to the deliberate use of delays and postponements by amenable judges and State prosecutors to drag out cases as long as possible. The strategy is to keep MDC supporters and perceived opponents of Zanu-PF tied up in court or on remand, to curtail their political activities, cripple them financially and systematically demoralise them, thus limiting their effectiveness.

Within the 78 recorded breaches for March are at least 13 different cases of legal harassment. These range from a high-profile murder trial to the clandestine harassment by police of the mainstream Anglican Church in Harare which is being victimised by ex-communicated Anglican bishop Nobert Kunonga, an ardent supporter of President Mugabe. [...]

April

[...] A total of 61 media articles were recorded during April for ZIG Watch. As was the case in March, the greatest number of violations involved cases of violence, intimidation, hate speech, threats, abductions and brutality. This was followed closely by cases of legal harassment of perceived opposition politicians and supporters. Cases of deliberate or consequential economic destabilisation shared a joint third place with cases of subversion of legal, or legally established processes. Zanu-PF was either responsible for, or involved in 98.4% of all breaches recorded. [...]

Armed police officers raided the Harare residence of MDC-T Chief of Staff, Abisha Nyanguwo, at around 5am on 22 March, searching for weapons of war. [...]

➤ [The Zimbabwean, Violence on the increase: CHRA, 30/05/2012](#)

Violence is on the increase and most of it is politically motivated, a recent survey by the Combined Harare Residents Association has found.

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“Zanu (PF) is still holding on to council premises, from which council is supposed to be earning rent. But all the money is being pocketed by the party’s youth militia. Only a quarter of business operators in Mbare pay the monthly service charges. Most operators who do not sympathize with Zanu (PF) have been chased away from Magaba, Siyaso, Mupedzanhamo and Masimbi,” says the report.

CHRA reported previously that Mbare market stalls have been turned into Zanu (PF) districts, with regular party meetings being held and funds collected. Now it says the party has penetrated residential areas.

“A classic example is Carter House which was violently seized by Chipangano and currently houses more than 20 youth militia. Efforts by council to regain the property have on several occasions proved to be bloody, as these youths can simply unleash violence without fear of consequences,” says the report.

It adds that “about 87.5% of residents who were knowledgeable of national institutions like JOMIC and the organ on national healing said these bodies had failed to mitigate violence”. [...]

➤ [Zimbabwe Peace Project \(ZPP\), ZPP Monthly Monitor: April 2012, 24/05/2012](#)

[...] EXECUTIVE SUMMARY

Politically motivated human rights violations continued on the upward trend as the talk of holding elections this year gathered momentum. Since the beginning of the year ZPP has been witnessing a steady increase in politically motivated human rights violations across the country. The elections mantra was also laced up with controversies around the constitution making process with Zanu PF officials trashing the first draft produced by COPAC.

The month also saw some government officials suggesting that by-elections, which have been stalled because of the GPA agreements, should be held this year. [...]

[...] INCIDENCES OF POLITICALLY MOTIVATED VIOLATIONS

Harare

Assault 8

Harassment/Intimidation 16

Theft/ Looting 1

Displacement 1

Total Counts 26

- During the month people were again forced to attend Independence celebrations at the National Sports Stadium as they were free buses to ferry people to the venue.

- People are being threatened with unspecified action or what happened during 2008 presidential elections if they fail to attend the Zanu PF meetings

- Zanu PF supporters led by District co-coordinating Committee members, allegedly forced Epworth residents of ward 5 to attend Zanu PF meeting where they were forced to accept leadership positions in ongoing Zanu PF restructuring exercise. [...]

➤ [Daily News, Police disrupt MDC rally, 07/05/2012](#)

Armed police yesterday disrupted a rally called by Prime Minister

Morgan Tsvangirai’s MDC in Kambuzuma in Harare claiming they were looking for people who had attacked a police officer.

The disruption of the rally comes as tensions rise in the country ahead of elections expected next year, although President Robert Mugabe and his Zanu PF hardliners insist the elections will be held this year.

The unexpected arrival of the police caused pandemonium amongst MDC supporters who were gathered at Kambuzuma Section 3 Shopping Centre for the meeting.

The rally was organised by the MDC Harare province leadership.

The rally was attended by MDC national organising secretary and Kuwadzana MP Nelson Chamisa, MP for Glen View and Harare province chairman Paul Madzore and Kambuzuma MP Willias Madzimure.

The police descended on the rally as Chamisa was in the middle of his address and rounded-up two youths at the rally claiming they were the ones who had attacked the unnamed officer.

As panic-stricken MDC supporters started jostling to leave, Chamisa pleaded with them to stay. [...]

➤ [SW Radio Africa, ZANU PF intensifies violence and intimidation against MDC-T, 07/05/2012](#)

Prime Minister Morgan Tsvangirai’s MDC says ZANU PF and the security forces in Harare are intensifying a campaign of violence and intimidation against its party member, in advance of elections the former ruling party want this year.

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The MDC-T MP for Kambuzuma, Willias Madzimore, said ZANU PF is in the process of creating a climate of intimidation and political violence that could prevent free and fair voting.

'We had a rally in Kambuzuma which was disrupted by armed police on Sunday. Can you imagine the same police going to a ZANU PF rally and disrupting it for whatever reason?' asked the MP. The legislator added: 'It shows there is a hidden hand in what the security forces are doing.'

The crackdown on the MDC in Harare is increasing as the country moves closer to elections. Mugabe, 88, who has ruled since independence in 1980, wants another five-year term as president despite his candidature in ZANU PF causing a rift in the party.

The ageing leader is facing the toughest electoral challenge of his rule and in an effort to gain greater control, his militants are forcing people to support the divided party.

The militants also went on orgy of violence in Highfields where they left six MDC-T members hospitalised following the violent attack. The MDC-T said three houses were damaged in the same attack. [...]

➤ [Zimbabwe Election Support Network, Ballot Update Issue 3 March-April 2012, 04/05/2012](#)

INTRODUCTION

[...] Observers have reported increased political party activity as parties restructure and conduct district elections in the case of ZANU PF. This increase in political party activity is a clear indication that parties are gearing up for elections. [...]

Observers in Harare North have reported that only ZANU PF has been able to conduct rallies and other parties have been terrorised by the militia group Chipangano. [...]

➤ [Zimbabwe Peace Project \(ZPP\), ZPP Monthly Monitor: March 2012, 25/04/2012](#)

[...] EXECUTIVE SUMMARY

Politically motivated human rights violations continued on the upward trend as the talk of holding elections this year gathered momentum. The elections mantra was also laced with attacks on the constitution making process as the Zanu PF leadership threatened to go for an election with or without a new constitution.

[...] INCIDENCES OF POLITICALLY MOTIVATED VIOLATIONS

[...] Harare

Assault	6
Harassment/Intimidation	18
Theft/ Looting	1
Total	25

- The political environment in the province is very tense as Zanu PF supporters are going on a door to door campaign mobilising people to take up leadership roles in their restructuring exercise in Epworth
- The month also saw Munyaradzi Gwisai and five others being convicted and sentenced for plotting to incite public violence by a Harare Magistrate. [...]

➤ [Crisis in Zimbabwe Coalition, Protect media freedoms, 13/04/2012](#)

Crisis in Zimbabwe Coalition is shocked and outraged by today's attack on the staff of the Daily News by a self-proclaimed ZANU PF supporter identified as Sheila Svesve who threatened to bomb the newspaper offices because of its coverage of the alleged illness of President Robert Mugabe. The Coalition calls upon the police to arrest and hold accountable the hooligan for her reprehensible actions. The Ministries of Home Affairs and Information must publicly deplore such acts of hooliganism and disregard for the constitution.

According to eyewitness reports from The Daily News, Svesve entered the newspaper's offices in Harare's Central Business District at around 11am claiming to have a story for the paper. Upon entry, the misguided Zanu PF supporter threatened to bomb the offices and to beat up staffers whom she accused of disrespecting President Mugabe by reporting on his alleged ill-health. Svesve claimed that she had brought back-up in the form of the infamous Mbare based Chipangano terror group before taking off her pants and shamelessly urinating on the floor inside the offices. She exited the offices an hour later after management at the private media house contacted the police. [...]

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Lack of progress of security reforms and politicisation of security forces

➤ [SW Radio Africa, ZANU PF's draft charter revisions dismissed as "outrageous", 23/08/2012](#)

There have been harsh words, shock, disbelief and anger expressed by officials from the MDC-T, civic groups and ordinary Zimbabweans, in response to the revised draft charter submitted by ZANU PF this week.

Robert Mugabe finally delivered ZANU PF's amended draft Constitution to the other Principals after Tuesday's cabinet meeting. The draft contains amendments that ZANU PF is demanding, before the country holds an All Stakeholders Conference, ignoring the fact that the final draft has already been signed by all the negotiators.

ZANU PF said they were not happy with the current draft, insisting it did not represent the views of the people and the liberation values of the party.

The changes demanded by ZANU PF include a return of executive authority to the President, instead of the proposed system of having Cabinet share the power. They remove the proposed public interview process for the appointment of judges, leaving it to the President to make appointments. Presidential immunity was also retained.

Several provisions in the Bill of Rights were amended and all references to democratic society were deleted. ZANU PF also wants to introduce mandatory national youth service, ban any possibility of dual citizenship for those who are Zimbabwean by descent or registration and abolish the Peace and Reconciliation Commission.

On the contentious issue of security sector reform, ZANU PF removed provisions that require them to be non-partisan and professional. They also oppose the establishment of a national prosecuting authority, choosing to retain the current office of attorney general.

Responses to ZANU PF's amendments came fast and furious, with the MDC-T dismissing them outright. The Minister for Parliamentary Affairs, Eric Matinenga, described the ZANU PF draft as "outrageous" and defying any logic.

"There is no doubt those proposals are an indication that they don't want a new constitution. The agreed draft was produced after lengthy and intensive negotiations. For ZANU PF to come up with this position is inexplicable. Nobody in their right sense would do this," Matinenga told SW Radio Africa.

He said the ZANU PF proposals ignore the millions of dollars that were spent on the Constitutional outreach process and the compromises people were willing to make to get to a referendum. But Matinenga said he believes common sense will prevail and ZANU PF will eventually agree to continue with the original draft. [...]

➤ [SW Radio Africa, Concern that ZANU PF securing funds for future election violence, 21/08/2012](#)

Concern remains high that ZANU PF is securing international funding ahead of the next presidential elections, to recreate the 2008 election scenario that secured Robert Mugabe's place in power.

Political analyst Professor John Makumbe warned on Tuesday that ZANU PF still has links to high earning international companies, who do not want to risk their business interests in Zimbabwe. He said this puts the party in a position to secure funding, while these companies turn a blind eye to potential human rights abuses.

"The real concern is that funds from overseas companies will be used to secure a war chest ahead of the elections. And if that happens, Zimbabwe will be plunged back into the same situation we saw in June 2008, if not worse," Makumbe warned. [...]

One of these deals involved top South African businessman (and government Minister) Tokyo Sexwale who indirectly loaned Gertler more than US\$100 million in 2008. The loan was made through the joint venture company between Sexwale's Mvelaphanda Holdings and the Och Ziff group, responsible for the loan to Mugabe that same year.

Professor Makumbe said this kind of complicated circle of business dealings is a small part of how "ZANU PF is supported by multinational companies." He said these companies are "linked to bootlicking the regime to secure their fortunes in Zimbabwe." [...]

➤ [Radio Vop, Zanu PF, Army Smuggle 10,000 Enumerators in Census: MDC, 10/08/2012](#)

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Harare, August 10, 2012 - Prime Minister Morgan Tsvangirai's MDC party on Thursday said about 10,000 soldiers and ZANU PF youth officers were recruited to be enumerators in the coming census to falsify data as cabinet ordered the removal of security personnel from the process.

"A record 10,000 army and Zanu PF youth officers are reported to have been conscripted into the census at the expense of school teachers and other civil servants who have traditionally carried this exercise for the country," the MDC said.

"The involvement of the army, the intelligence and Zanu PF youth officers is a well planned move to militarise this civilian process. It is clearly meant to falsify the results of the census, which results may provide pointers in areas where elections were rigged to suit Zanu PF in the past."

"The MDC therefore, hails the decision of the cabinet at the behest of the Minister of Finance to order the removal of soldiers and youth officers from this exercise," the party said.

Acting Minister of Finance, Gordon Moyo told journalists at a news conference Thursday that the training of enumerators has been suspended "indefinitely" falling short of naming soldiers and intelligence officers as the ones behind the violent disruptions of the recruitment of the population counters. [...]

➤ [Sokwanele, Zimbabwe Inclusive Government Watch: Issue 41, 30/07/2012](#)

[...] The date of Zimbabwe's next election has still not been set, but the Zanu-PF hierarchy – with President Mugabe (88) still at the helm after 32 years – is already intensifying well-honed strategies to ensure the party retains power. Despite being split by bitter factionalism, greed and an escalating internal power struggle, Zanu-PF is united in its efforts to weaken Prime Minister Morgan Tsvangirai's Movement for Democratic Change (MDC-T) party and manipulate the electorate.

The threat of violence has always been the strongest weapon in Zanu-PF's arsenal. The mass-scale violence that characterised the 2008 pre-Presidential run-off poll was described by a team of retired South African generals sent by President Mbeki to Zimbabwe to investigate as a 'horrifying picture' involving "horrific" cases of "extreme brutality". One commented it was the worst they had seen outside a war zone. Already in the rural areas, fear levels are growing and there is intense concern that the lives and livelihoods of these vulnerable people in particular will be at risk once again.

Historically, the continued support of the armed forces has been crucial for Zanu-PF's election strategy and their role in perpetrating violence is well documented. Defence Minister Emmerson Mnangagwa's demand this month for an additional US\$2.5 million from the fiscus to bankroll salaries for 5,000 new recruits therefore came as no surprise. It resulted in a furious altercation between Finance Minister Tendai Biti (MDC) and Mnangagwa (Zanu-PF) after Biti had turned down the additional defence funding. Mnangagwa reportedly threatened to send army generals to Biti's office but Biti stuck to his guns.

The following week, veteran journalist Jan Raath reported that more than 10,000 people had been hired illegally in Zanu-PF-run ministries, including those responsible for the army and police. Senior military personnel continued to proclaim their support for Zanu-PF, with Chief of Staff Major-General Trust Mugoba declaring at a public parade mid June that they would not even allow the MDC to go into office.

[...] In this issue of ZIG Watch, we have recorded a total of 77 media articles, each representing a unique breach of the terms of the Global Political Agreement (GPA). Representative statistics were generated by categorising the articles according to the nature of the breach.

The category with the highest number of recorded violations was again that of the harassment of perceived 'opposition' politicians and supporters through litigation, with 23 cases having been recorded. Second place was taken up by violations in the form of deliberate or consequential economic destabilisation.

Instances of violence, intimidation, hate speech, threats, abductions and brutality came in third, while cases of deliberate non-cooperation with GPA partners came fourth. Zanu-PF was either responsible for, or involved in, 98.7 percent of all breaches recorded. [...]

➤ [Zimbabwe Human Rights NGO Forum, Politically motivated violence- a set back to democracy, 25/07/2012](#)

[...] Political environment

Zimbabwe is increasingly becoming a failed state and could be heading towards an environment of more repression and violence as we approach the elections. This has been compounded by the fact that the 2008 infrastructure of violence and repression is still intact and active and the principals to the GPA have not taken steps to implement the reforms necessary for the holding of free and fair elections that are a

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corner stone of democracy. While there have been repeated calls for peace by the principals to the inclusive government, there is still widespread state-sponsored political violence upon civil society, human rights defenders, teachers, journalists and some political activists. The use of excessive force, torture, assaults, arbitrary arrests, and unlawful detentions and abductions has been persistent for the past years. [...] As we head for elections the country is increasingly sliding back into its violent past abetted by impunity. Unless sufficient reforms to guarantee democratic, non-violent free and fair elections are implemented, the next elections could be a repeat of the 2008 presidential run-off election. [...]

➤ [Voice of America News, Outgoing US Ambassador to Zimbabwe Fears Violent Elections, 24/07/2012](#)

HARARE — The outgoing U.S. ambassador to Zimbabwe, Charles Ray, says he fears the African nation's next elections could be violent, judging by recent trends.

Speaking at his last media briefing in Harare, retiring U.S. Ambassador Charles Ray said elections in Zimbabwe might turn violent, "There are disturbing signs of potential of violence," he stated. "That could be problematic in an election environment." [...]

➤ [Zimbabwe Europe Network, Zimbabwe: Elections and succession on hold, intimidation not, 19/07/2012](#)

The Zimbabwe Europe Network, a coalition of the main European non-state actors involved with Zimbabwe, has followed the debate on the situation in Zimbabwe with keen interest. Following consultations with key Zimbabwean civil society stakeholders earlier this month ZEN is issuing this briefing paper which while it recognises and encourages the positive trend of increased engagement from all sides, cautions over impressions given in some media and governmental quarters that the situation in the country is improving seamlessly.

Introduction

Key unresolved issues are the need for elections under free(ish) and fair(ish) conditions with an autonomous electoral commission (ZEC) and reform of the degraded voters roll. There needs to be a referendum on the new constitution before then. Commentators see the situation as moving quickly to a new Global Political Agreement (GPA), as the problems of succession in ZANU PF are nearly insurmountable. 'It is clear that the problems are not merely with Zimbabwe's constitution, but with ZANU PF's constitution too' – human rights activist.

There is continuing battle over indigenisation, and abuses of diamond resources, the post-Mugabe agenda, SADC engagement including security sector 'governance'. Regional leaders receiving churches and NGOs lobbying on these issues expressed greater reservations about Mugabe and ZANU-PF, including worries over the vacuum expected on Mugabe's death. Churches see their task as peace building in a situation of divided communities, but worry that if senior politicians/ military get more involved, semi-controlled violence will re-ignite.

Security/ violence

Most believe that ZANU-PF is gearing up for elections using their favoured tactics of repression, denial of political space, intimidation and misinformation – 'disenfranchisement through voter roll chicanery, gerrymandering of constituencies and manipulation of polling stations.' With no movement on security sector 'governance', there are concerns that 'retrenched' soldiers are still on the payroll, busy organising structures of violence. Alleged military demands for 30% of seats for 'retired' service chiefs are deeply unpopular with ZANU PFs MPs and members. ZANU-PF 'moderates' do not want an early election despite the Mugabe calls for one in 2012 and are waiting for Mugabe's demise.

Constitution

Before any election can be held there must be a new constitution, as almost everyone now agrees. As a sign of transparency and openness COPAC co-chair Paul Mwonzora reported to civil society earlier this month on the final draft having been agreed. This draft of the constitution has reportedly some progressive elements, however the process for implementing these is unclear. It contains measures for devolution, dual citizenship, limited terms for presidential office, two vice presidents and a women's quota through proportional elections to the senate with 'zebra' gender obligations on the political parties on their lists to those elections. The worry is that if recurring delays are not technical ones, then the anticipated referendum date of 30 September might again be moved further into the future. [...]

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➤ [Sokwanele \(Zimbabwe\), "I Can Arrest You": The Zimbabwe Republic Police and Your Rights, 15/07/2012](#)

1 EXECUTIVE SUMMARY

[...] Today in Zimbabwe, more than three years into the shaky and widely discredited power-sharing arrangement, arrests are escalating, corruption is rampant, human rights violations are rising once more and the Rule of Law has not been restored. All indicators are there to alert Zimbabweans, the Southern African Development Community (SADC) and the international community that an increasingly desperate and unpopular ZANU-PF is gearing up for the next election.

This report focuses on the risk of arrest at the hands of the partisan Zimbabwe Republic Police (ZRP) under the command of Commissioner-General Augustine Chihuri, who has publicly acknowledged his allegiance to ZANU-PF. Chihuri has served as police head since 1993 and his contract has been renewed by President Mugabe 13 times since 1997. Chihuri is a member of Joint Operations Command (JOC), the junta which continues to control Zimbabwe.

In a country where the Rule of Law is no longer operational and the security forces operate with impunity, every citizen is vulnerable. A chance remark in a taxi, at a pub or even at a funeral could lead to arrest and possible incarceration in one of the country's disgracefully maintained jails. Those who stand up for their rights and join demonstrations or canvass for political parties other than ZANU-PF face possible arrest, severe beatings and torture in custody.

Bribery and corruption have become rampant. In a survey published by Transparency International in 2011, Zimbabwe ranked 154 out of 182 countries in terms of its level of corruption. The ZRP topped the list as the most corrupt institution and stood out as the biggest recipient of bribes among service providers.

The proliferation of roadblocks across Zimbabwe's appallingly maintained road network has led to growing frustration among road users due to the inevitable delays and the demands for bribes from increasingly brazen police officers. Although one of the most important roles of a roadblock should be to reduce the number of vehicle accidents, their contribution is seen as questionable – and rather as a money-making racket both for the police force per se and also for individual self-enrichment.

The controversy surrounding the roadblocks extends beyond bribery and corruption to their more sinister roles during elections: their use as a mechanism for blocking food aid to opposition strongholds, for stopping people injured in election violence from seeking medical help and to prevent opposition officials and activists from canvassing or holding rallies. [...]

SW Radio Africa reported on April 5, 2012 that the problem of soliciting bribes from innocent civilians at roadblocks and imposing illegal fines on minibuses was so widespread that some mini bus drivers were using alternate routes to avoid paying bribes of up to US\$100 per day, which they said were driving them out of business. For example, a trip from Harare to Bulawayo could have as many as 15 roadblock, with officers issuing tickets for 'obscure' violations. [36] [...]

➤ [Zimbabwe Election Support Network, Ballot Update: Issue 5 May - June 2012, 05/07/2012](#)

[...] ISSUE: The GPA

COMMENT

The GPA remains a troubled coalition characterised by the usual bickering that has become a typical feature of the coalition. The parties continue to fight against each other on the constitution making process, on the role of SADC and the Mediator in Zimbabwe as well as the security sector. Internally parties also show fractures as they squabble for leadership and control of the reins of the parties. The infighting within political parties increases the instability of the GNU and makes it impossible for effective implementation of programmes. Parties are expending huge amounts of energy on the intra and inter-party squabbles without a focus on the development needs of the country. [...]

➤ [Crisis in Zimbabwe Coalition, Zimbabwe Briefing Issue 76: Zimbabwe Civil Society Statement on the Conditions to be met Before Elections, 30/05/2012](#)

Zimbabwe civil society organisations have issued a set of minimum conditions which are to be met in order to ensure that Zimbabwe holds democratic elections. These are summarized below

A new, democratic constitution that conforms to local and regional expectations and to international best practice and standards must be in place before elections are held.

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All security agents including the Central Intelligence Organisation and the Attorney General's Office must speak and act in a manner consistent with professionalism, independence and non-partisan conduct in the exercise of their constitutional mandate and be answerable to parliament on terms of the law.

All military and security operatives currently deployed across the country be recalled immediately to the barracks and be confined there.

All Security Chiefs must respect results of elections regardless of their outcome and refrain from interfering with, and making unlawful political pronouncements on political and electoral matters.

The independence, non-partisanship and professionalism of the Zimbabwe Electoral Commission (ZEC) must be ensured. In this regard ZEC must be accountable to Parliament and not to a minister, as is currently the case.

ZEC must legally empowered to take full responsibility and control of the process to establish clean and credible voters' roll.

The Inclusive Government must ensure a safe space for women's effective participation in all democratisation processes, including the adoption of a mixed electoral system that provides for effective participation of women in politics.

There be urgent repeal or extensive amendment of repressive laws such as AIPPA, BSA, Criminal Law (Codification and Reform) Act and the Interception of Communications Act that continue to impinge on free journalism enterprise, free expression and the right to information access.

SADC should ensure that Zimbabwe elections are held in full compliance with SADC Principles and Guidelines Governing Democratic Elections.

Given the abnormal situation obtaining in Zimbabwe where the pre and post election periods are characterised by widespread violence, SADC and the AU are urged to deploy long-term monitoring and observation teams for six months after the elections to monitor the prevailing conditions and prevent state sponsored violence and intimidation. [...]

➤ [News 24, Zanu-PF shoring up army illegally, 18/06/2012](#)

Harare - More than 10 000 people have been hired "illegally" in Zimbabwe by ministries run by President Robert Mugabe's Zanu-PF party, including those responsible for the army and police, Finance Minister Tendai Biti has warned.

Biti is tasked with implementing austerity measures, as the southern African country tries to dig itself out of a deep economic hole.

But the minister, who is a member of the former opposition Movement for Democratic Change (MDC) - Zanu-PF's partner in government - has had trouble reigning in ministries run by Mugabe's party.

"The two chief culprits are the ministry of defence, which employed 4 600 since January, and the ministry of home affairs which has recruited 1 200 personnel without Treasury approval," Biti told Parliament last week.

The addition of new recruits was exacerbating the acute shortage of food at army barracks and adding to a wage bill Zimbabwe could not afford, he said.

"Even if they are 'illegal,' they are now part of the force," said Biti.

But their recruitment has raised even deeper concerns in the country where polls have been fraught with violence over the past decade.

"All the indications are that the military is preparing for elections and for a violent election, like there was in 2008," said Dewa Manhinga, a South Africa-based political analyst for Crisis Coalition, an international think tank. [...]

Last week the army's Chief of Staff Major-General Trust Mugoba declared at a public parade: "We will not even allow them (the MDC) to go into office."

When Biti at a ministerial meeting last week refused to pay the wages of the new army recruits, Defence Minister Emmerson Mnangagwa reportedly threatened him with violence. [...]

➤ [News Day, Mugabe chosen by God — police, 15/06/2012](#)

Police graduates in Harare yesterday threw out of the window their professional motto "For the People, For the Country, For the Law", declaring allegiance to President Robert Mugabe whom they described, in rehearsed worship recitations, as "the only God-chosen leader of Zimbabwe".

They promised Mugabe that they would effectively deal with people that attempted to disturb the constitutional referendum and the subsequent elections.

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"You are our God-chosen leader and we hereby stand by you and remind the EU (European Union) and its allies that they can rule the rest of the world but not Zimbabwe anymore. Long live Gushungo," the recruits chanted in unison.

"We promise that we will spread the revolutionary gospel and as we prepare for the referendum and national elections, the environment will remain peaceful. Those bent on causing mayhem, be warned, the long arm of the law will catch up with you."

Mugabe, who was the reviewing officer at the passout parade for 561 recruits at Morris Depot, however, urged them to be impartial as they went about their duties to maintain law and order.

He told them to create an atmosphere that allowed Zimbabweans to freely vote for political parties and leaders of their choice. He described as "dirty minds" people that sought to tarnish the constitution-making process.

The recruits — 406 male and 155 female — sang pro-Zanu PF songs including those of the Mbare Chimurenga Choir and showered the veteran leader with praises. [...]

➤ [SW Radio Africa, Another military chief declares loyalty to ZANU PF, 06/06/2012](#)

The issue of security sector institutions being partisan in favour of ZANU PF has raised its ugly head again, as the main political parties struggle to negotiate a roadmap towards a peaceful election.

Addressing mourners at the funeral of the late Lieutenant-Colonel Thabani Khumalo, Major General Trust Mugoba reportedly said that military ideology is best represented in ZANU PF's mission.

The comments come just weeks after another senior army chef, Major General Martin Chedondo, said that military officials should be allowed to participate in the country's political activities.

In a statement, the MDC-T said: "Mugoba's statement raises serious doubts on the professionalism of the army, more so, when it comes from a general who is supposed to lead by example.

The party called for "immediate security sector reforms", saying this would guarantee the secrecy of the vote and ensure the security of the voter in the next election. [...]

The police force has also clearly shown through their actions that they have unspoken instructions not to arrest ZANU PF thugs who perpetrate violence. Victims of ZANU PF violence who report the incidents to the police almost always end up being arrested instead.

Another example of the police's partisan behaviour was seen following the death of MDC-T chairman for ward 1 Mudzi North, Cephass Magura, who was killed by a ZANU PF mob last week. Police officials had ignored pleas for help from people at the rally raided by the ZANU PF gang, and also stood by as the mob assaulted innocent rally goers.

Gonese said it is the top officials in the army, police and intelligence units who are partisan, and not most of the junior officers who are given orders. [...]

➤ [Radio Vop, EU Condemns Mudzi Murder And Violence, 06/06/2012](#)

The European Union delegation in Zimbabwe on Tuesday denounced violence that caused the death by stoning of a supporter of the Movement for Democratic Change (MDC) led by Prime Minister Morgan Tsvangirai's party within two weeks after the visit of the UN rights chief Navi Pillay.

Cephass Magura, an MDC supporter, was murdered in cold blood last week after clashes between MDC and Zanu (PF) supporters at Chimukoko business centre in Mudzi Mashonaland East province, in full view of police officers who were deployed to monitor meetings carried out by the two main political parties.

"The European Union Delegation deplores that politically motivated violence flared once again in Zimbabwe soon after the visit of the UN High Commissioner for Human Rights, and after repeated appeals from the Inclusive Government Principals to put an end to such acts," the EU delegation in Zimbabwe said.

"Reports indicate that the rally was properly authorised but was disrupted violently by a parallel demonstration by Zanu (PF) militants, without the Zimbabwe Republican Police being able or willing to stop them. It is worrying to note reports indicating that Zanu (PF) local politicians and the MP for the area were present at the events." [...]

➤ [Zimbabwe Election Support Network, Ballot Update Issue 4: April - May 2012, 01/06/2012](#)

[...] ISSUE: The GPA

COMMENT

The GNU continues to battle with a gamut of issues which compromise its ability to be effective. Among other complicating issues, are the succession battles that have reared their head in ZANU PF. In terms of

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implementation, the GNU, the outstanding issues have not been resolved. In addition, institutions of government have not been reformed to be politically neutral as evidenced by the selective application of the law in the police. Observers reported the inability of other parties such as MDC to conduct meetings and organise for themselves through police disruptions and the presence of groups such as Chipangano who terrorise other political parties. This is a clear violation of contravention of Article XIII of the GPA as the police continue to show themselves partisan in their discharge of duties. [...]

➤ [OHCHR, Opening remarks by UN High Commissioner for Human Rights Navi Pillay at a press conference during her mission to Zimbabwe, 25/05/2012](#)

[...] It is rare that I spend five days on an official country visit, as I have done here. Yet, I would like to stress from the outset that I am wary of drawing too many conclusions, given that I have seen little of the country beyond the centre of Harare, and I am well aware that many of the most serious problems are affecting people in the remoter rural areas.

Another reason why I am wary is that I am aware that there are two dramatically opposing narratives. Despite the existence of the Inclusive Government, involving the three main political parties, which is a product of the extremely important Global Political Agreement (GPA) brokered by SADC in September 2008, the polarization in Zimbabwe – everyone agrees – is still extremely pronounced.

This polarization is acting as a major impediment on a number of fronts, including the advancement of human rights. Concern is also rising both inside and outside the country that, unless the parties agree quickly on some key major reforms and there is a distinct shift in attitude, the next election which is due some time in the coming year could turn into a repeat of the 2008 elections which resulted in rampant politically motivated human rights abuses, including killings, torture, rapes, beatings, arbitrary detention, displacements and other violations. On a more positive note, several people told me they believe that if the country can get through the next 18 months or so without another political and human rights disaster, then it could finally turn the corner towards renewed stability and prosperity. [...]

➤ [SW Radio Africa, Human Rights violations still rampant in Zimbabwe, 22/05/2012](#)

The visiting United Nations High Commissioner for Human Rights, Navi Pillay has been told incidents of torture and intimidation still persist in Zimbabwe despite government denials.

During her meeting with Justice Minister Patrick Chanamasa on Monday, Pillay was told that ‘torture chambers’ do not exist in the country as reported by Civil Society Organisations (CSO’s).

But on Tuesday, the human rights chief held a closed door meeting with over 45 CSO representatives and was told the government’s position on human rights abuses was false.

Dewa Mavhinga, a human rights lawyer and leading pro-democracy activist told SW Radio Africa on Tuesday that the briefing she got from Chinamasa was just an attempt by government to distort the true picture of human rights in the country.

‘We were very clear as civil society leaders that the position by government was obviously false. We do have serious human rights challenges continuing in Zimbabwe,’ Mavhinga said.

In the past decade there have been several dossiers compiled detailing incidents of extra-judicial killings and torture of innocent people by law enforcers. This is despite Zimbabwe’s commitment to a United Nations resolution to stop such human rights violations.

‘We detailed presentations from various civil society groups focusing on what is happening, including political violence, violence against women, the non-implementation of a number of international human rights treaties that Zimbabwe has ratified.

‘We still face challenges in the deregulation of NGO’s, food distribution on a partisan line and extreme polarisation of the Zimbabwe environment, particularly the militarisation of state institutions as we draw closer to an election,’ explained Mavhinga. [...]

➤ [Civil Society Monitoring Mechanism \(CISOMM\), Periodic Report January to March 2012, 09/05/2012](#)

[...] Institutional and Legislative Reform

Very little tangible progress has been seen in the period under review. Collaboration within the IG for reform is slipping ever further away, particularly with unilateral decisions made and antagonistic campaign-oriented politicking. While Parliamentary committees and members attempt to provide an oversight role on the business of government, they are constrained in terms of ability to implement and

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different Ministries are also vulnerable to internal sabotage. Traditional chiefs, the Attorney-General, the Police, and uncontrolled quasi-state militias mainly contravene the demand for state organs and institutions to remain independent and impartial in the discharge of their duties. [...]

One other pertinent area of concern in the period under review concerned the overtly political and threatening behaviour of traditional leaders in some parts of the country. Chiefs were reported to be asking to be issued with weapons and ammunition in order to protect themselves, and at the grassroots level reportedly threatened communities with serious consequences if they did not 'repent' their (MDC) political affiliation. [...]

4. Human Rights & Operating Environment

Introduction

2012 did not bring much in the form of change within the Human Rights and Operating Environment cluster. Whilst voices of the three Principals in the Inclusive Government (IG) could be heard preaching the word of peace and desisting from violence, what happened on the ground within communities gave a different picture.

The election mode, which all the political parties got into at the end of last year, still seems to be reigning, notwithstanding their different stances on when they think elections should be held. The delays experienced in concluding the constitution-making process have increased the restive mood, thus creating an environment conducive for violence amongst the various political parties and abuse of power by State agents. In a nutshell the instances of compliance are still outweighed by those of non compliance, as the examples cited below illustrate. This therefore shows that there is still a lot to be done in terms of fulfilling the spirit of the G.P.A. [...]

➤ [Radio Vop, Top Army Officer Says Soldiers Support Zanu \(PF\), 09/05/2012](#)

Harare, May 09, 2012 - Major General Martin Chedondo told state media that soldiers in the country are supporters of President Robert Mugabe's Zanu (PF) party.

"As soldiers, we will never be apologetic for supporting Zanu (PF) because it is the only political party that has national interests at heart," Chedondo said.

"We cannot be seen supporting a political party that is going against the ideals of a nation, which came by as a result of a liberation struggle, which saw many of the country's sons and daughters losing their lives. As soldiers we must support ideologies that we subscribe to, I for one will not be apologetic for supporting Zanu (PF) because I was part of the liberation struggle."

Chedondo's statements comes months after Major General Douglas Nyikayaramba stirred a storm when he said he supported the former ruling party because MDC were sell outs.

Nyikayaramba, who said the statements when he was a brigadier, has since been promoted to the post of Major General. [...]

➤ [Zimbabwe Election Support Network, Ballot Update Issue 3 March-April 2012, 04/05/2012](#)

[...] ISSUE The GPA

COMMENT

The GNU continues on its fragile course, characterised by mistrust and constant tensions. The GNU has to a large extent failed to address the structural causes of the conflict to work towards democratic reform for Zimbabwe. As a vehicle of reconciliation it has been rather moribund given the ineffectiveness of the Organ on national healing in dealing with political conflict and past human rights violations. The divisions remain more pronounced as parties fail to agree on the contentious issues in the constitution making process

[...] ISSUE: Militarisation of ZANU PF?

COMMENT

The media in the period under observation, reported increased desires by the senior military officers, retired or otherwise, to enter into the political fray as members of parliament for the various constituencies including Nyanga South and Epworth to mention a few. While ZESN notes that in the third decade of independence the state was significantly militarised with retired brigadiers running ministries and parastatals. This has had serious consequences on access to these public institutions and transparency in the way they are managed. The further militarisation of political parties such as ZANU PF has serious ramifications for the enjoyment of freedoms by citizens. If the campaign of terror that was unleashed on citizens by the army as they campaigned during the 2008 Run Off election is anything to go by then

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progressive Zimbabweans need to brace themselves for yet another violent episode as ex- military and CIO personnel vie for political office. [...]

Excerpt from the August 2012 OGN

3.6.23 The risks to a particular individual will also very much depend on the place to which he or she would return. There are differences between urban and rural areas (and the situation is not uniform across the rural areas). Matabeleland is very safe, with very little political violence there even in 2008. [35] It is also difficult for ZANU-PF supporters to harm MDC supporters in MDC dominated areas because the MDC tend to be quite well organised in those areas and can protect those who might otherwise be at risk of political violence by the threat of retribution [36], so those returning to these MDC dominated rural areas would generally be highly unlikely to face significant difficulty from ZANU-PF elements, including the security forces. Those returning to other rural areas from the UK after a significant absence would face a real risk of persecution because of a continuing risk of being required to demonstrate loyalty to ZANU-PF (including those who may have no political opinion at all). However in such circumstances internal relocation to Harare or, in particular, Bulawayo may be a viable option for a person facing risk of persecution in rural Zimbabwe subject of course to the requirements that such relocation should not be unduly harsh. If internal relocation is unreasonable or unduly harsh in the circumstances of the particular case then the principle established in RT applies with regard to those with no political opinion and such claimants, like those who do hold political views opposing ZANU-PF, will qualify to be recognised as refugees.

The source referenced as [35] and [36] above are from the UKBA Report of the August 2010 Fact Finding Mission. See [above](#) for a discussion on the currency and reliability of this source, especially in relation to the contention that the MDC ‘can protect those who might otherwise be at risk of political violence by the threat of retribution’. It should also be noted that the subsequent assertion ‘so those returning to these MDC dominated rural areas would generally be highly unlikely to face significant difficulty from ZANU-PF elements, including the security forces’ cannot be attributed to the sources cited in the Fact Finding Mission, or COI cited elsewhere in the OGN, but is the OGN’s own contention.

It is interesting that whilst elsewhere the OGN argues that *RN* is no longer reflective of the current situation in Zimbabwe, in the highlighted section of 3.6.23 above the OGN states the finding of *RN* that persons returning from the UK would face a real risk of persecution because of a continuing risk of being required to demonstrate loyalty to ZANU-PF. This is supported by recent COI above which documents the [forced demonstrations of support for ZANU-PF in Harare](#).

No COI is presented to support the contention that internal relocation to Harare or Bulawayo might be a viable option. For additional analysis of this point, see the [Internal relocation](#) section of this commentary. Rather, as the COI presented above demonstrates, recent COI demonstrates a requirement [to demonstrate loyalty to ZANU-PF](#) in Harare and the [treatment of perceived MDC supporters/ perceived ZANU-PF opponents in Harare](#).

The following sources are recommended to consult when researching the security situation in a particular location in Zimbabwe:

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Useful sources to consult on the security situation in Zimbabwe

Source	Type of source	Website's search function
Crisis in Zimbabwe Coalition	Crisis in Zimbabwe Coalition is a conglomeration of more than 350 civic society organisations. The Coalition operates under five committees, Advocacy, Information, Peace building, Youth and Human Rights. It provides: <ul style="list-style-type: none"> ○ Crisis comments ○ Statements ○ Thematic reports ○ Weekly Zimbabwe briefings 	<ul style="list-style-type: none"> • Simple search function which allows for key word search only (cannot order search results by date)
International Crisis Group, (ICG) Zimbabwe pages	The ICG is a leading independent NGO recognised as a source of analysis and advice to governments and intergovernmental bodies such as the UN on the prevention and resolution of deadly conflict. It publishes: <ul style="list-style-type: none"> ○ Thematic reports ○ Crisis watch (a monthly bulletin which briefly summarises developments in situations of current or potential conflict, including Zimbabwe) 	<ul style="list-style-type: none"> • Simple search function which allows for keyword and BOOLEAN searches (AND, OR, NOT) and searches for phrases ("...") only (cannot order search results by date)
Kubatana Trust of Zimbabwe	Kubatana Trust of Zimbabwe is a repository of human rights reporting, organised by sector which archives over 20,500 articles, reports and other documents about Zimbabwean civil society. <p>It also provides a database of over 250 NGOs and Community Support Organisations (CSOs) working in Zimbabwe by sector.</p>	<ul style="list-style-type: none"> • To search by sector select 'Archive' and choose the issue for research from the drop down box on the top right hand side of the webpage. • NGOs can be searched by sector, alphabetically and by city of operation • Search function powered by google supports BOOLEAN searches (AND, OR, NOT) and searches for phrases ("...")
Sokwanele	Sokwanele is a "people's movement". It provides a 'Zimbabwe Inclusive Government Watch' (ZIG Watch) which tracks media articles and reports that provide examples of violations of the agreement between the ZANU-PF and the MDC factions, and a section on the 'Constitution' providing resources and analysis.	<ul style="list-style-type: none"> • Simple search function which allows for keyword searches • Predictive search function which matches search terms to entries in the database
Zimbabwean Election Support Network (ZESN)	ZESN is a coalition of NGOs formed to co-ordinate election activities in Zimbabwe. In provides: <ul style="list-style-type: none"> ○ Election Results ○ An Election Update section and a Ballot Update tab which analyses the political environment in the 210 constituencies where it deploys long term observers. 	<ul style="list-style-type: none"> • Simple search function which allows for keyword searches only.
Zimbabwe Peace Project (ZPP)	ZPP was established in 2000 by a group of Zimbabwean NGOs. It publishes a monthly 'ZPP Monitor' which details	<ul style="list-style-type: none"> • Simple search function which allow for 'all word', 'any word' and 'exact phrase' search. Search results can be limited by

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	'incidences of politically motivated violations by province' and 'other forms of aid related violations'.	document type, and ordered by date; category; popularity or alphabetically
Zimbabwe Situation	The Zimbabwe Situation is a comprehensive archive of daily news articles and newspaper commentaries published on Zimbabwe. The information is saved by date in reverse chronological order. Archived information by month can be viewed by scrolling down on the left hand side of the home page.	<ul style="list-style-type: none"> • Simple search function, which allows for keyword searches and phrases ("...") • Unfortunately, searches cannot be limited by date. If you are undertaking a search, enter the year/ month you require as an additional search term.

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3.8 Gay men, lesbians, bisexual and transgender person

This category of claim relies heavily on the findings of [LZ \(homosexuals\) Zimbabwe CG \[2011\] UKUT 00487 \(IAC\)](#). Whilst the OGN accurately cites the case law findings, limited COI is presented which post-dates the 13th-14th October 2011 hearing of the case. The following COI published after the hearing of LZ details the state and societal treatment of and attitudes towards perceived members of the LGBT community:

State treatment of and attitude towards LGBT persons

Societal treatment of and attitude towards LGBT persons

State treatment of and attitude towards LGBT persons

➤ [Radio Vop, ZANU\(PF\) Youths Launch Blitz Against Gays, 26/08/2012](#)

A hoard of Suspected ZANU(PF) youths in Harare at an up market bar in the city centre Friday night brutalised four young men accusing them of practising homosexuality.

It all started with the victims quarrelling amongst themselves at the bar counter before they dragged each other to the bar toilet.

The scuffle attracted the attention of suspected ZANU PF youths who were patrons in the bar who followed the group to the toilet shouting that they have an order to eliminate homosexuals in the country. ZANU PF has maintained its stance against the practice of homosexual and judging by the language the assaulters were in line with the party's view on homosexuals.

After some few minutes the victims escaped from the bar through the assistance of sympathizers but it was too late as they were bleeding.

Radio VOP spoke to the leader of the youths who said they knew the group as being gays who regularly patronise up market bars in the city centre.

"We are on a national blitz on gays. They are antagonising our culture. The President has on uncountable occasion said this practice should not be tolerated in this country. More these gays always patronise this beer garden. We are saying from today onwards we are going to track them down," the youths leader said.

The issue of homosexuals has aroused emotions in the country with ZANU (PF) in forefront of denouncing the vulnerable group.

Over the past two weeks in Harare the police have been harassing members of the Gays and Lesbian association of Zimbabwe until Thursday when they finally pressed charges against them.

The harassment has been condemned worldwide with EU pledging its support to GALZ.

In his comment ZANU (PF) Harare province chairperson person Jim Kunaka who said they will not tolerate homosexuals.

"We will not allow the enemy smuggle their western ideologies into this country. Every country has its own culture and homosexuality is not part of our culture. Herein Zimbabwe what is normal is the marriage between males and females period," [...]

➤ [SW Radio Africa, Zimbabwe: Police Intensify Campaign Against Gay Activists, 20/08/2012](#)

Police in Harare have intensified a campaign against members of the Gays and Lesbians of Zimbabwe (GALZ), initiating a manhunt for the 44 members that were detained last week and attempting to raid their offices again on Monday.

According to the Zimbabwe Lawyers for Human Rights (ZLHR), the activists are being visited at their homes and those that were not found have been ordered to report to their local police stations.

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Lawyer Kumbirai Mafunda said two truckloads with about 20 police officers raided the GALZ offices Monday afternoon, claiming they were searching for illegal data and offensive materials. No search warrant has been produced.

"We have not been advised of any charges being brought by the police. We have deployed lawyers to monitor the situation and they have not been shown any search warrant by the police," Mafunda told SW Radio Africa.

Last week riot police, some of them "visibly drunk", disrupted a party at the GALZ offices that was held following a meeting to discuss the new draft constitution. The group had also launched their Violations Report, detailing abuses against the gay community in Zimbabwe. It is believed this may be the reason for the raid. [...]

➤ [Amnesty International, Zimbabwe: Halt police intimidation of LGBTI activists, 17/08/2012](#)

The Zimbabwean authorities must immediately halt police harassment and intimidation of lesbian, gay, bisexual, transgender and intersex (LGBTI) people, Amnesty International said today.

Since Thursday, police have reportedly detained and interrogated at least 10 members of the organization, Gays and Lesbians of Zimbabwe (GALZ), before releasing them. GALZ activists believe the present police operation is aimed at tracking down 44 of their members who had previously been arbitrarily arrested and unlawfully detained on 11 August as they took part in a peaceful gathering at the NGO's offices in the capital, Harare.

"This is an outrageous breach of the rights of these activists, who are being harassed for their real or perceived sexual orientation," said Audrey Gaughran, Amnesty International's Africa director.

"The authorities must call a halt to the ongoing arbitrary detention and interrogation of GALZ members. The police action is a blatant violation of the basic human rights of these individuals. They have not committed any crime under Zimbabwean law."

At the time of the 11 August arrests, the GALZ activists had not committed any offence – they were simply exercising their rights to freedom of association and peaceful assembly. These rights are fully recognized in Zimbabwe's current constitution and in the African Charter on Human and Peoples' Rights and other international human rights treaties binding Zimbabwe.

The latest police action is likely to force LGBTI people in Zimbabwe to go into hiding, as they fear arrest and exposure in a context where there is widespread discrimination against LGBTI individuals. Such a development could seriously compromise their human rights, including by severely limiting their access to healthcare and other services, and forcing them to live away from their families and social support systems.

According to information received by Amnesty International, the individuals were initially arrested while attending the launch of a report by the organization and a briefing on the Second Draft Constitution of Zimbabwe.

Four police officers attempted to gain entry to the offices, before being joined by approximately 15 riot police officers, who forcibly entered and proceeded to attack GALZ members with batons and fists.

Thirty-one men and 13 women were detained overnight in Harare Central police station without charge, and were released the following morning.

Some of the activists who were detained required medical treatment as a result of being beaten by the police.

"As well as significantly hampering the work of human rights defenders, these acts of harassment and intimidation by police contribute to a climate of discrimination, harassment and fear for individuals who may be targeted for violence on the basis of their real or perceived sexual orientation or gender identity," said Audrey Gaughran.

➤ [The Herald, Zimbabwe: Chihuri Slams False Prophets, Homosexuals, 11/06/2012](#)

Police Commissioner General Augustine Chihuri has criticised false prophets and homosexuals, saying they must not be accommodated in Zimbabwe.

Comm-Gen Chihuri was speaking yesterday at a church service at Morris Deport held for recruits. [...]

Comm-Gen Chihuri took a swipe at homosexuals and said the practice is not welcome in Zimbabwe because it is a sin against God.

"Tell lesbians and gays that it is a big sin, unAfrican and an abomination to God," he said.

"Homosexuals are misusing God's design. He does not make errors and He is not a God of mistakes."

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Comm-Gen Chihuri urged members of the police force to remain loyal and protect the country from foreign intrusion. [...]

➤ [ILGA, Zimbabwe's president dismisses gay rights, 29/05/2012](#)

[...] Robert Mugabe, 88, speaking at a women's HIV/Aids and gender rights conference in Harare, said the "gay world" goes against nature.

After earlier remarks by UN human rights chief Navi Pillay referring to the criminalization of homosexuality in some countries, Mugabe said Zimbabwe and Africa won't recognize same-sex marriage because it leads to human "extinction."

He said male homosexuality took away women's traditional rights of being mothers. [...]

➤ [Amnesty International, Annual Report 2012, Zimbabwe, 24/05/2012](#)

[...] Rights of lesbian, gay, bisexual and transgender people

Persecution of people based on their sexual orientation continued.

On 20 October two men, Lionel Girezha, aged 27, and Ngonidzashe China, aged 28, were arrested in the suburb of Mbare in Harare and charged with sodomy. They deny the charges. They were beaten by the people who reported them before being taken into police custody. When the trial started, members of the ZANU-PF-linked Chipangano gang harassed and threatened the lawyers with violence for representing people suspected of being gay. Police failed to protect the lawyers, who had to appeal to the High Court to have the location of the trial changed from Mbare. [...]

➤ [Pink News, Zimbabwe rejects gay rights, says gay people will be imprisoned, 21/05/2012](#)

[...] After meeting with the UN human rights chief, the justice minister of Zimbabwe vowed not to recognise any gay rights, and also rejected all allegations that the country harbours state-sponsored violence. Navi Pillai, the UN High Commissioner for Human Rights was in Harare today, in order to assess the human rights situation there, while, in a joint statement, 36 different groups said they will boycott a meeting with her arranged by the justice ministry at the Parliament, on account of it being "fraudulent."

Patrick Chinamasa, the country's justice minister claimed in a press conference that there was no state-sponsored violence, and that he had conveyed as much to Ms Pillai. However, he added that Zimbabwe will continue to arrest members of the same-sex engaging in sexual activity which is illegal in the country. Mr Chinamasa told reporters: "We made it clear that in our law homosexual activities are criminalized and that any person who commits homosexual activities will be arrested." [...]

➤ [Zimbabwe Lawyers for Human Rights \(ZLHR\), Fresh evictions feared as Chombo stokes up persecution and displacement of villagers, 15/05/2012](#)

Zimbabwe Lawyers For Human Rights (ZLHR) condemns in the strongest possible terms utterances attributed to the minister of Local Government, Rural and Urban Development, Ignatius Chombo as reported in an article published in the State-run Chronicle newspaper on Friday 11 May 2012, entitled "Kick out gays: Minister".

In the article, minister Chombo is alleged to have urged chiefs to banish "people who support homosexuality" from their communities and take away their land. According to the newspaper article, Chombo made the remarks when he addressed hundreds of villagers during the installation of Vusumuzi Nicodmus Mabhikwa in Jotsholo, Lupane, Matabeleland North province as Chief Mabhikwa Khumalo.

ZLHR is concerned that such utterances will give rise to an increase in incidents of harassment, persecution, as well as unlawful arbitrary evictions and seizure of property, which evictions and deprivations are a violation of our national laws, as well as the African Charter on Human and Peoples' Rights, to which Zimbabwe is a signatory.

Chombo's appetite for forced evictions, especially in the month of May, is reminiscent of the scorched earth programme of Operation Murambatsvina which had far-reaching consequences on a large portion of the Zimbabwean population. [...]

➤ [UN Committee on the Elimination of Discrimination Against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women, Zimbabwe 01/03/2012](#)

[...] Violence against women

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23. [...] The Committee is also concerned about acts of violence, perpetrated by state and non-state actors, against lesbian, bisexual and transgender women. [...]

- [Gays and Lesbians of Zimbabwe \(GALZ\), Report on Discrimination against Women in Zimbabwe based on Sexual Orientation and Gender Identity Submitted to the Committee on the Elimination Discrimination against Women on 6 January 2012 for the 51st session, to be held in Geneva, 23/04/2012](#)

[...] Lesbian, bisexual and transgender (LBT) people living in Zimbabwe are confronted by systemic discrimination on a daily basis by the patriarchal hegemony that prevails within communities and primarily instituted by the State. This degree of State power creates a culture of fear, hatred and exclusion. The consequences for LGBT communities are multiple and severe. Some of these consequences include extreme forms of poverty, denial of access to government services such as health and safety. The continued attacks on the bodies of Lesbians, Bisexuals and Transwomen and Transmen are experienced as a daily struggle for survival. There is limited space to exercise any form of expression pertaining to sexuality. Our desire to live without fear and to freely move in spaces with an assertive form of agency and to live in a society that appreciates and respects human rights is a goal we are fighting to achieve. [...]

- [Pink News, Robert Mugabe attacks gays in birthday rant, 27/02/2012](#)

Zimbabwean president Robert Mugabe used a speech at his 88th birthday party to attack the West and its promotion of equal rights for gays.

He appeared to add that his dog would be offended were it to be compared with British prime minister David Cameron following his support for equal marriage.

Mugabe was described by state media as "his usual energetic self" when he delivered the homophobic speech at Sakubva Stadium in Mutare on Saturday.

According to New Zimbabwe, he told the reported 20,000 attendees: "We reject [gay marriage] outright and say to hell with you.

"You, David Cameron, are you suggesting that you don't know that or is it some kind of insanity or part of the culture of Europeans.

"In their newspapers, that's one of my sins. That I called [gays] worse than pigs and dogs because pigs know there are males and females.

"I won't even call him a dog because my own dog will complain and say, but what have I done? It's even in the Bible that you create through the system of marrying. That's how we were born, so we reject that outright and say, to hell with you.

"You are free as a man to marry a woman and that is what we follow. That's what produced you and me. This kind of insanity is now part of the culture."

Mugabe previously dubbed the UK's approach to redirecting aid away from central governments who deny gays equal rights "satanic". [...]

- [Radio Netherlands Worldwide, Zimbabwe: MP 'Detained for Calling Mugabe Gay', 29/12/2011](#)

A Zimbabwean parliamentarian was held in custody for seven days after saying President Robert Mugabe had gay sex with another politician, state media reported Thursday.

The state charged Lynette Karenyi, of the Movement for Democratic Change, with saying "Robert Mugabe, president of Zanu-PF, had homosexual relations" with another politician, according to The Herald newspaper.

"Karenyi is alleged to have insulted President Mugabe, while addressing an MDC rally held on December 9 at Nhedziwa football grounds in Chimanimani," the paper reported.

Mugabe who is known for saying that gays and lesbians are "worse than pigs and dogs" last month labelled British Prime Minister David Cameron "satanic" for saying that countries that want aid from London must accept gays rights. [...]

- [Zimbabwe Standard, Villagers denounce homosexuality, 30/10/2011](#)

[...] Speaking at a rally at Pashu Secondary School in Binga South, Tsvangirai said he did not understand why people were making such a fuss about his views on gays.

"I am not gay, but I will not persecute someone who wishes to make his or her own choice about their sexual orientation, it is their own business," he said.

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But he admitted that homosexuality was a "very controversial subject" in Zimbabwe. "Surely we cannot spend time talking about gays and lesbians.

Do you think that I have time to be responding to what I meant or did not mean when I made reference to the issue of gays? There are more serious issues to talk about, such as how to take care of the well-being of the people," Tsvangirai told the rally. [...]

➤ [BBC, Zimbabwe's Chinamasa attacks Tsvangirai on gay rights, 25/10/2011](#)

Zimbabwe's Justice Minister Patrick Chinamasa has rejected calls by Prime Minister Morgan Tsvangirai to enshrine gay rights in a new constitution.

Mr Chinamasa told the BBC that gay rights could not be "smuggled" into the constitution because most Zimbabweans opposed it. [...]

Last year, Mr Tsvangirai said "the ancestors would turn in their graves" if gay rights became enshrined in a new constitution.

Patrick Chinamasa Justice minister

But Mr Tsvangirai signalled a shift in policy in an interview with the BBC's Newsnight programme.

"It's a very controversial subject in my part of the world. My attitude is that I hope the constitution will come out with freedom of sexual orientation, for as long as it does not interfere with anybody," Mr Tsvangirai said.

"To me, it's a human right."

In his reaction, Mr Chinamasa said Zimbabweans had firmly rejected gay rights when they were consulted on a new constitution during the government's outreach programme.

"We all know what people said about gay rights - it's a total no; an almost 100% no," he told the BBC's Network Africa programme.

Societal treatment of and attitude towards LGBT persons

➤ [Gays and Lesbians of Zimbabwe \(GALZ\), Report on Discrimination against Women in Zimbabwe based on Sexual Orientation and Gender Identity Submitted to the Committee on the Elimination Discrimination against Women on 6 January 2012 for the 51st session, to be held in Geneva, 23/04/2012](#)

[...] **'Exclusion'**: Many LBT people are excluded from participating publically and openly without fear. In addition, the concerns and human rights abuses experienced by LBT people are often excluded from campaigns for women's rights.

During the Sixteen Days of Activism members of the LGBT community were asked by the Police Commissioner in Bulawayo to leave a march (during which we were protesting against the corrective rape of lesbians) organised by women's organisations in Bulawayo, citing the criminal law as the reason for the exclusion of the LGBT community⁴. The discrimination against the wider LGBT community as a result of the criminal law violates the freedom of speech, freedom of expression and freedom of conscience.

During the CEDAW reporting planning meetings held in Harare in October 2011, GALZ was not invited to participate in the process and this has resulted in the organisation producing this report independently. The exclusion of LBT people in the women's rights space is a challenge as issues that are presented by women's organisation and coalitions fail to reflect abuse and violations experienced by this 'minority group' and serve to highlight homophobia within the women's human rights space.

'Restriction': Many LBT people are unable to live openly because of their fear of stigma and discrimination. LBT people have been denied employment on the basis of their sexual orientation⁵; women have been denied custody, guardianship or access to their children on the basis of their sexual orientation⁶. During the Constitution-making process LBT people were subjected to discriminatory and derogatory attacks, undermining the 'people-centred' process, which was the rationale of the Constitution-making. [...]

'Nullifying the recognition, enjoyment or exercise by women': LBT people are not recognised or protected in the current Constitution of Zimbabwe. Although the criminal law does not explicitly criminalise same-sex sexual conduct between women, the 'sexual deviance' law, which sought to criminalise any act that was perceived to be 'homosexual' has a serious impact on LBT people. The mere existence of laws

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criminalising homosexual acts impacts societal perceptions about 'female' sexuality prevent women from living openly as LBT.⁸ In Zimbabwe, not only are the rights of LBT people not recognised, but the violations of LBT people's rights are often unpunished and justified. In August 2011 a lesbian woman was brutally assaulted with a bottle to the head after receiving threats for practicing homosexuality in a country where the president is opposed to such activities. 9 [...]

Lesbians, bisexual women and transgender persons are among the least understood and most elusive population affected by the AIDS pandemic. It is impossible to estimate lesbians' risk of exposure with any king of accuracy as there little or no evidence to this effect. This situation makes it difficult for LGBT organisations to convince LBT people who have sex with women that they need to take precautions against contracting HIV and other sexually transmitted infections¹³. Lesbians, bisexual women and transwomen persons do not only engage in sexual intercourse with women and as such the whole HIV and AIDS and STI discourse excludes this group. As a result of stigma, misunderstanding, ignorance, shame and lack of information, LBT people do not seek medical care. GALZ also notes that healthcare providers are homophobic and do not have adequate understanding of sexual orientation, gender identity and gender expression¹⁴. As a result, LBT people are unwilling to seek healthcare. [...]

➤ [UN Committee on the Elimination of Discrimination Against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women, Zimbabwe 01/03/2012](#)

[...] Violence against women

23. [...] The Committee is also concerned about acts of violence, perpetrated by state and non-state actors, against lesbian, bisexual and transgender women. [...]

➤ [Zimbabwe Standard, Villagers denounce homosexuality, 30/10/2011](#)

[...] Prime Minister Morgan Tsvangirai was on Friday greeted by placard waving villagers during his tour of Matabeleland. Tsvangirai, who appeared to be playing into Zanu PF's hands when he told the BBC last week that gay rights were also a "human right," was eventually forced to address the thorny issue at a rally in Binga. Villagers in Lupane and Tsholotsho carried placards with messages such as, "No to homosexuals." [...]

➤ [ILGA, Renegade Bishop in Zimbabwe Uses LGBTI Community to Maintain Power, 14/10/2011](#)

[...] Excommunicated Bishop Nolbert Kunonga, a loyalist of longtime ruler President Robert Mugabe, has been using the visit of Rowan Williams, The Archbishop of Canterbury, to stigmatise LGBTI persons and maintain his illegitimate control of church assets. The Archbishop of Canterbury, Rowan Williams, told more than 15,000 mainstream Anglican worshippers gathered for mass at a city stadium that Anglican worshippers are constantly "tortured by uncertainty and risk of attack" and have endured "mindless and Godless assaults," in the southern African country.

He praised the worshippers for being "active and courageous" amid a bitter dispute between the followers of breakaway Bishop Nolbert Kunonga and mainstream Anglican church worshippers.

Kunonga, a loyalist of longtime ruler President Robert Mugabe, was excommunicated in 2007 by the main Anglican Province of Central Africa and the worldwide head of the church. He was accused of inciting violence in sermons supporting Mugabe's party. The Anglican Church in Zimbabwe has been divided since Kunonga's excommunication. He has taken over the main cathedral, schools and the church's bank accounts...Meanwhile Sunday, Kunonga and his supporters demonstrated outside Harare's main cathedral against Williams' visit.

Kunonga insists he split from the Anglican church because of its position on gay marriage.

Leaders of the global Anglican Communion have condemned gay relationships as a violation of Scripture. However, the Anglican Communion is loosely organized without one authoritative leader such as a pope, so some individual provinces have decided on their own that they should move toward accepting same-gender unions.

Mugabe is a bitter critic of homosexuality.

Kunonga led the demonstrations Sunday because he said Williams' visit to Zimbabwe is a "crusade for gays."

"This is a demonstration against homosexuality. I told people to come and demonstrate if they wanted," Kunonga said. "Rowan Williams erred by accepting homosexuality and that has broken up the church all over." [...]

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3.9 General humanitarian situation

The OGN recognises the importance of nutrition for persons living with HIV/AIDS and the political interference of the distribution of food aid:

Excerpt from the August 2012 OGN

3.9.5 HIV infection can lead to malnutrition, while poor diet can in turn speed the infection's progress. [63] The country's economic collapse in the past decade has significantly strained the ability of poor HIV-positive Zimbabweans to feed themselves and their families when on ARVs. [64] In December 2011 the Zimbabwean reported that NGOs in Zimbabwe have embarked on a feeding programmes to benefit people living with HIV and AIDS in Marange and Bocha but have been affected by the politicisation. The villagers are meant to receive food hampers containing packets of beans, cooking oil, mealie meal, rice, soap and many other items, on a weekly basis. However, some ZANU-PF officials and war veterans in Marange have taken over the programme and are demanding that all beneficiaries join the party if they want to continue receiving the hampers. Some NGOs distributing food aid and medication in the district have suspended their operations following interference by ZANU-PF. [65] The Zimbabwe Peace Project (ZPP) publishes monthly statistics of food and other forms of aid related violations by province. [66](see also 4.4.5 for difficulties in accessing medical treatment).

However, this section has not been updated since the April 2012 OGN. COI illustrating the [political bias in food distribution in Matabeleland](#) has been presented above.

Excerpt from the August 2012 OGN

3.9.8 Conclusion. [General country conditions are stable](#). There is sufficient food in the shops for those who can pay for it. Generally, poverty and lack of resources will not amount to a breach of Article 3 ECHR, however, each case should be considered on its individual merits taking into account factors including the age and state of health of the applicant.

3.9.9 Where the conditions on return will be so extreme that returning the applicant would, taking his or her individual characteristics and circumstances into account, give rise to a real risk of inhuman or degrading treatment, a grant of Discretionary Leave will be appropriate.

As this section of the OGN has not been updated since the April 2012, no COI documenting the current food insecurity in Zimbabwe has been included. To illustrate:

➤ [UN News Centre, 1.6 million people will need food assistance in Zimbabwe next year – UN report, 27/07/2012](#)

An estimated 1.6 million people are likely to need food assistance in the coming “hunger season” from January to March in Zimbabwe, according to a new report released today by the United Nations and its partners.

“The UN World Food Programme (WFP) and our partners are gearing up to respond to this large rise in food needs,” said WFP’s Country Director for the African nation, Felix Bamezon. “Our field staff are already reporting signs of distress in rural areas, including empty granaries and farmers selling off their livestock to make ends meet.”

The Zimbabwe Vulnerability Assessment estimates national food insecurity levels, and is conducted annually by the Government in collaboration with UN agencies and non-governmental organisations.

The report notes that this year’s cereal harvest was 1.076,772 metric tons – one third lower than last year, making it the lowest since 2009. In addition, the number of people in need is 60 per cent higher than the one million who needed food assistance during the last lean season.

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Factors that have affected food security in the country this year include erratic rainfall and dry spells, limited access to agricultural inputs such as seeds and fertilizers, a reduction in the planted area, poor farming practices and inadequate crop diversification.

To meet the increased food needs, WFP and its partners will undertake food distributions with regionally procured cereals as well imported vegetable oil and pulses, the agency said in a news release. Cash transfers will also be used in areas where there are functioning markets so that people have the flexibility to choose where and from whom they purchase their cereals. In addition, cereal imports from neighbouring countries will be needed to meet food shortages in the coming months.

The report identifies the regions of Masvingo, Matabeleland North and South, and parts of Mashonaland, Midlands and Manicaland as the worst-affected areas.

WFP said its Seasonal Targeted Assistance programme is due to run until the end of March next year to help address the food shortages. However, while the programme has been budgeted at \$119 million, it is currently facing a shortfall of approximately \$87 million.

In order to research the food security and humanitarian situation in a specific location, a [list of useful sources to consult on the humanitarian/medical situation in Zimbabwe](#) has been provided below.

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3.10 Prison conditions

Excerpt from the August 2012 OGN

3.10.9 Conclusion Prison conditions in Zimbabwe are harsh and taking into account the levels of poor sanitation, levels of abuse including torture and lack of food may reach the article 3 threshold in some cases but assessment must be done on a case by case basis. The individual factors of each case should be considered to determine whether detention will cause a particular individual in his particular circumstances to suffer treatment contrary to Article 3, relevant factors being the likely length of detention, the likely type of detention facility and the individual's age, gender and state of health. Where individual applicants are able to demonstrate a real risk of imprisonment on return to Zimbabwe (and exclusion is not justified), a grant of Humanitarian Protection may be appropriate.

It should be noted that the concluding guidance for this section of the OGN indicates an apparently improved situation since the April 2012 OGN was published, given that the previous Zimbabwe OGN found by comparison that 'Prison conditions in Zimbabwe are severe and taking into account the levels of poor sanitation, prevalence of disease, absence of medical facilities, levels of abuse including torture and lack of food, *are likely* to reach the Article 3 threshold in individual cases'. It is interesting to note that the current August 2012 OGN no longer lists the prevalence of disease amongst those factors contributing to the poor conditions in Zimbabwe, although these continue to be reported by the 2011 U.S. State Department report and included in an earlier section of the OGN:

Excerpt from the August 2012 OGN

3.10.5 [...] Poor sanitary conditions resulted in disease, including diarrhoea, measles, tuberculosis, and HIV/AIDS-related illnesses. Medical care, lighting, and ventilation were inadequate. There were insufficient mattresses, warm clothing, sanitary supplies, and hygiene products. [75] [...]

Limited new COI is presented to support the departed position from the April 2012 OGN. Indeed, the only COI included which is published after the previous OGN of April 2012 is the U.S. State Zimbabwe report on Human Rights Practices covering the year 2011. This does report an improvement in prison conditions as is included in the OGN as follows:

Excerpt from the August 2012 OGN

3.10.3 Consideration. Conditions in the 46 main prisons and 22 satellite prisons were harsh, although there were some improvements during the year. . Prison guards beat and abused prisoners. [...]

However as can be seen from this excerpt, the U.S. State Department considers that despite these improvements (which it is important to note are not specified), prison conditions remained harsh. Moreover it should be understood that given the reporting period of the source, any improvement relates to the situation in the year 2011 compared to 2010, and is not indicative of an improvement since April 2012, when the previous OGN on Zimbabwe was published. Indeed, no COI documenting prison conditions in 2012 at all is included in this section of the OGN, let alone an improving situation. The following non-exhaustive COI from 2012 is illustrative that prison conditions remain harsh and life threatening and have not markedly improved since 2011:

➤ [New Zimbabwe, Zimondi denies prisons overcrowded, 10/08/2012](#)

PRISON services chief, retired Major General Paradzayi Zimondi, has insisted conditions are improving in the country's detention centres, denying reports that most facilities were overcrowded with diseases and food shortages rife.

Local human rights groups claim overcrowding is rife in Zimbabwe's prisons; with the 55 prisons holding approximately 22,500 inmates at any given time against an official capacity of 17,000.

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It is also estimated that 30 percent of the prison population is awaiting trial and many detainees have remained in pre-trial detention for up to 10 years.

But Zimondi told NewZiana that the number of inmates was well below the prisons' holding capacity.

"Our holding capacity is 17,000. At the moment we have under 15,000 inmates. We are below capacity and the only prison that is overcrowded is the Harare Remand Prison, but the ones for convicted prisoners, the population is below capacity," he said.

Rights groups also claim that lack of food, insufficient access to medical care, absence of clothing and lack of legal assistance are common realities in Zimbabwean prisons, allegations dismissed as inaccurate by Zimondi.

"Situation in our prisons has improved a lot. We have food and a lot of maize from our farms. We have also several trucks to transport prisoners to court but they are not enough," he said.

Still, the permanent secretary for justice, David Mangota, admitted last September that conditions in the country's prisons were appalling adding the government was struggling to feed the inmates.

"Over-crowding is evident mostly in our remand prisons and these prisoners (must be looked after even though they are) producing nothing of benefit to society. When that takes place the nation suffers in very great measure," he said.

"These prisoners must be fed, clothed, provided with soap, blankets, medicines and other necessities of life which must all be met by tax payer money."

Officials say the country's prisons system was not spared from economic hardships of the last decade which President Robert Mugabe and his Zanu PF party blame on sanctions imposed by the West.

Budgetary constraints caused by the sanctions are said to have led to food shortages and the proliferation of diseases such as tuberculosis, scabies as well as diet-related illnesses in the prisons.

➤ [PBS, HIV Behind Bars: How Prisons and Jails Are Battling an Epidemic, 18/07/2012](#)

BULAWAYO, Zimbabwe - The hand-written notice is pinned in a dark corner inside the main entrance of Khami Maximum Security Prison:

"It was observed that there was a movement of three lions within the farm prison recently ... Officers, you are advised to warn your dependents and yourself."

But people like prison medical officer Dr. Taurai Rugara, don't stop often to read signs like that. On this prison farm in the middle of the Zimbabwean countryside, there's something much more deadly lurking than big game: HIV. Approximately 28 percent of the 2,500 inmates here are infected with it -- nearly double the prevalence rate in the rest of the country.

And fighting the disease in a place like this isn't easy. "We've got challenges," Rugara said. To name just a few: The cornmeal and beans given to most inmates don't come close to the "high-protein" diet advised for most HIV-positive patients. The machines are slow and outdated. And when electricity blinks out, as it does often, everything remains dark and warm for days -- a major problem for medication and blood supplies that need to be refrigerated. Sometimes the medical team even needs to perform surgery by candlelight.

And that's aside from the recent Zimbabwe parliamentary report that made public the fact that -- at least in some places in Khami's four prison facilities -- the inmates sleep on the floor, rain leaks into their cells, toilets don't work and "plastic and cardboard box materials were put up as doors." After years of debilitating economic inflation and political unrest, the Zimbabwean government simply has no money to fix all the problems.

"But we are trying," Rugara said, pointing out that the news isn't all bad. Despite the challenges, HIV-positive inmates are usually much healthier in Khami than before (and often after) they're incarcerated. [...]

➤ [Radio Vop, Police Cells Stink: Judges, 15/06/2012](#)

By Professor Matodzi Harare, June 15, 2012 - Zimbabwe's Supreme Court on Thursday described the detention cells at Harare Central Police Station as stinking after they inspected the chambers.

Five Supreme Court judges namely Justice Vernanda Ziyambi, Justice Rita Makarau, Justice Paddington Garwe, Justice Yunus Omerjee and Justice Anne-Mary Gowora inspected the holding cells to ascertain their conditions after a pressure group; Women of Zimbabwe Arise (WOZA) leaders petitioned the court to declare them as uninhabitable.

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“One of the cells on the first floor had a stench but the floor appeared to have been cleaned. In that cell there were six blankets lying on the built on concrete beds. In each cell that we inspected there were six built in beds with no mattresses....Around each of the toilets there was a concrete block which was about a meter high but without a door,” said Justice Ziyambi, who read out the Supreme Court’s observations in court after the inspection. The hearing continues.

WOZA leaders Jenni Williams, Magodonga Mahlangu, Celina Madukani and Clara Manjengwa through their lawyers from Zimbabwe Lawyers for Human Rights (ZLHR) petitioned the Supreme Court seeking an order compelling the government to ensure that holding cells at Harare Central Police Station meet basic hygienic conditions. [...]

➤ [Sokwanele, Zimbabwe Inclusive Government Watch - Issues 38 & 39, 30/05/2012](#)

[...] Chihuri sucked in underwear fight

Daily News (ZW): 02/03/2012

Police commissioner-general Augustine Chihuri is involved in a fight with women activists who claim police are forcing them to remove their underwear in dirty police holding cells, while withholding sanitary wear. Lawyers for the women are taking legal action against Chihuri after he admitted to holding female suspects in male prison cells and vowed not to provide sanitary wear for the inmates. So appalling are the conditions at Harare Central Police Station holding cells that one of the women taking Chihuri to court says she was advised by a male police officer to use bare hands to clean herself after using the toilet because there was no toilet paper, according to court papers. [...]

➤ [Civil Society Monitoring Mechanism \(CISOMM\), Periodic Report January to March 2012, 09/05/2012](#)

[...] Compliance

[...] Prisons

The Zambia Prison Services Commissioner, Percy Kangwa Chatu, who was in the country for a five day official visit, says Zimbabwe Prison Services provides friendly conditions which are suitable for rehabilitation of inmates. In an interview with ZBC News after touring Chikurubi Maximum Prison, Commissioner Chatu said despite economic hardships Zimbabwe offers one of the best correctional services in the region. He said the rehabilitation programmes offered to inmates will go a long way in transforming the prisoners into law abiding citizens. On conditions in the country’s prisons, Senator Obert Gutu (Deputy Minister of Justice) also said that it was encouraging to note that the prison population had been greatly reduced, a move which has eased congestion and the spread of communicable diseases. As of now, prison population stands at 15 241 and there is a holding capacity of 17 000. Harare Central, Chikurubi and Khami maximum security prisons are above their holding capacities however due to the facilities for dangerous D Class prisoners being at these three prisons only.2 [...]

Non-compliance

[...] Prisons

The food situation in prisons continues to be one of serious concern after government banned food assistance from humanitarian organisations. The International Committee of the Red Cross (ICRC) and other humanitarian organisations, that had been providing additional food assistance to prisons for the past few years, were stopped last year.“ Contrary to the report of the Zambian Prison Service Commissioner, Senator Obert Gutu said the food situation at Chikurubi was dire which was a gross violation of prisoners’ rights, promising also to immediately engage the relevant authorities to ameliorate the food situation.. “It would appear that the decision to phase off help from Red Cross was premature and ill-advised.

Prisoners are now surviving on a diet of sadza eaten with nzungu as relish.” In most cases, said Gutu, a prison diet consists of sadza and roasted groundnuts or occasionally beans or half-boiled cabbages. Inmates are also given porridge in the morning, which in most cases does not have sugar. Investigations of prisons by the Parliamentary Thematic Committee on Human Rights in 2010 showed prisoners’ conditions had become so dire that some of them were suffering from food deficiency diseases such as scurvy and pellagra. This also demonstrates that it has long been a problem affecting the IG’s ability to provide humanitarian conditions. Apart from food shortages, prisoners have a critical shortage of uniforms and stay in rooms where they are packed like sardines especially at Chikurubi and Harare Central Prisons.This has resulted in the spread of communicable and water-borne diseases such as diarrhoea, cholera and

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typhoid. For example Chikurubi, which has a carrying capacity of 800 inmates currently accommodates 1 780 prisoners. [...]

➤ [Daily News, Prison conditions appalling: Minister, 29/04/2012](#)

Prisoners are living in dire conditions exposing them to diseases and malnutrition due to poor diet and lack of utilities, a government minister has said.

Justice minister Patrick Chinamasa, who has in the past said the situation in prisons is improving, yesterday admitted that the state of the country's jails is unfortunate and needs urgent attention.

The minister said government lacked the capacity to solve the problem and appealed to the public and corporate world to assist.

Chinamasa said government is failing to provide uniforms for prison guards.

"Our prison guards are now washing their uniforms on a daily basis because they have one pair, we have no plates, no pots, no cups and we are not producing enough food," said Chinamasa.

He said this at a function to receive 500 uniforms worth \$10 000 for prisoners from the Law Society of Zimbabwe (LSZ).

The minister took an aim at corrupt judicial officers whom he accused of running down the profession and at times contributing to the increase in crime.

"Some of the people are in prisons because of lawyers. I would like to see a situation where we have a corrupt-free justice system that has sound integrity," Chinamasa said.

"It is so sad that even prison guards are involved in this vicious cycle, they actually advise accused persons on which lawyer to approach, which magistrate to go to and even which prosecutor to bribe so that they are released," Chinamasa said. [...]

➤ [Foreign and Commonwealth Office, Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report, 30/04/2012](#)

[...] Section IX: Human Rights in Countries of Concern

[...] Zimbabwe

Access to justice and the rule of law

A culture of impunity is widespread in Zimbabwe. Victims of politically motivated violence are rarely able to rely on the police to pursue justice on their behalf.

[...] Torture

Torture is regularly used by the police when interrogating suspected criminals. The security sector continues to use torture during politically motivated interrogations. In 2011, we continued to provide assistance for victims of torture. [...]

➤ [New Zimbabwe, Minister barred from prisons visit, 19/04/2012](#)

DEPUTY Justice and Legal Affairs Minister Obert Gutu claimed Thursday that ministry officials are preventing him from visiting the country's prisons where inmates are said to be living under appalling conditions with inadequate food and other basic requirements.

Senator Gutu said he had managed to visit prisons in and around Harare since assuming office in June 2010 but claimed ministry officials were blocking his attempts to tour facilities in other parts of the country.

"In September, 2010, I requested the Permanent Secretary in the Ministry to arrange and facilitate the second leg of my prison tour ... (but) was then advised that ... the Ministry did not have any resources," Senator Gutu told NewZimbabwe.com Thursday.

"I took this to be a lame excuse because my prison visits do not gobble a lot of money. All I need is fuel for my official government vehicle and perhaps, hotel accommodation if I was going to sleep over; plus a few dollars allowances for my official driver and aide."

The Parliamentary Thematic Committee on Human Rights recently reported that prisoners were "living in hell-holes" where they lack basic necessities such as clothing, blankets, towels and soap among other day to day requirements.

Most were said to be using tattered blankets for clothing because they have no uniforms and surviving on a single meal per day of sadza and roasted peanuts or boiled cabbage with no salt. However Prisons chief, Retired Major General Paradzai Zimondi dismissed the reports as inaccurate. [...]

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“All the basic needs that are needed by prisoners are there and it is unfair for members of the media to report falsehoods,” Major General Zimondi told state radio.

➤ [MDC, Government should look into the plight of prisoners, 19/04/2012](#)

The MDC implores the inclusive government to urgently look at the deplorable conditions at the country's prisons where prisoners across the country have been condemned to starvation and nutrition related sickness.

The party is disturbed by a recent report by the Parliamentary Thematic Committee on Human Rights which says prisoners are living in hell holes where they lack basic necessities such as clothing, blankets, towels and soap among other day to day requirements.

The MDC calls upon the government to eat its pride and send an SOS message to development partners appealing for aid to avoid a repeat of the pre-2008 period, which led to the deaths of thousands of prisoners due to a serious lack of food and sanitary facilities.

As the MDC, we know that the government through the Treasury cannot do a lot in terms of meeting the needs of the prisoners as it is still emerging and recovering from a period that had been collapsed by the Zanu PF regime.

It is shocking that the prisoners are using tattered blankets as clothing because they have no uniforms. The inmates are having a single meal per day of sadza and roasted peanuts or half boiled cabbage with no salt.

This pathetic diet does not in any way comply with government's prison dietary policy and leads to serious malnutrition, exposing the prisoners to the deadly pellagra and other contagious diseases. A jail sentence should not be a death sentence.

Prisons that are severely affected by food and uniforms shortages for the inmates are; Chikurubi Maximum Prison, Harare Central Prison and Remand, Khami Maximum Prison in Bulawayo and Hwahwa Prison in Gweru.

At Hwahwa Prison, inmates are being served meals from plastic papers as the prison does not have proper plates.

The MDC commends prison officials at some of the prisons who have resorted to use their meagre personal funds to assist in the running of the prisons by providing inmates with food.

However, we find it strange that officials from the Ministry of Justice and Legal Affairs are making it impossible for the Deputy Minister of Justice, Hon. Obert Gutu from visiting prisons especially those in the southern part of the country.

Senator Gutu since his appointment as a minister has visited several prisons and alerted the world of the deplorable conditions of the prisons and called for better conditions.

To stop him from pursuing this positive agenda, the ministry is now making it almost impossible for the minister to visit the other prisons claiming they have no resources. [...]

➤ [IRIN News, ZIMBABWE: Imprisoned youths open to abuse, 11/04/2012](#)

[...] Simon Dube*, 15, has just been released from a Zimbabwean jail after serving a three-month sentence for theft. After his arrest he was detained for two days in a holding cell in Harare, where he alleged police assaulted him to extract a confession that he stole goods from his neighbour's home.

Dube's mother, who declined to be identified, told IRIN that after her son's return from jail he had become withdrawn, has frequent temper tantrums, as well as a persistent cough and symptoms of scurvy.

“He suffers frequent nightmares and often wakes up crying. He doesn't tell us much about his experiences in jail but it is easy to see that he went through a tough time,” she said.

Dube was remanded in custody for seven weeks prior to his trial.

Dzimbabwe Chimnga, programme manager of local NGO Zimbabwe Lawyers for Human Rights (ZLHR), said juveniles were jailed for numerous crimes, including armed robbery, theft, fraud, rape and murder, but his organization was “alarmed that the minors are lumped up with hard core criminals in cramped conditions” while awaiting trial, sometimes for six months.

“Zimbabwe has no policy of separating the juveniles, whether they are awaiting trial or have been convicted, and this trend is pervasive throughout the country. It is a fundamental human rights violation as it subjects them to sexual, physical, psychological and emotional abuse, not to mention the fact that the health and food situations are horrible,” he said. [...]

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➤ [New Zimbabwe, Khami prison has no doors: report, 08/04/2012](#)

[...] KHAMI Prison is using "plastics and cardboard box material" as doors and handcuffs as locks, a shock report by MPs has revealed.

The report, compiled by the Senate Thematic Committee on Human Rights, says cells at one of the country's largest detention facilities are frequently flooded during the rainy season because of dilapidated roofing.

Prisoners also sleep on the floor because there are no beds or mattresses.

Khami Prison Complex on the outskirts of Bulawayo consists of four penitentiaries: Maximum, Medium, Remand and the women's prison, Mlondolozhi. It holds over 2,000 of the country's estimated 15,000 inmates.

In their report published this week, the Senators said: "The Committee heard that the Zimbabwe Prison Services was failing to maintain the prison complex particularly the infrastructure.

"For example, there were no locks on some doors, some wooden doors had been attacked by termites and were beyond repair. Plastic and cardboard box materials were put as doors.

"The ablution facilities for Khami Remand were not functional and said to be beyond repair. The situation was worsened by lack of adequate water to flush the system. All this was blamed on the unavailability of funds.

"Window panes were broken and needed to be repaired. Some roof sheets were blown away by winds resulting in rain leaking into the cells.

"The Committee also heard that prisoners lie on the floor because Zimbabwe Prison Services was unable to provide beds or mattresses. [...]

➤ [SW Radio Africa, Food situation in prisons is critical, 28/03/2012](#)

The food situation in the country's prisons has once again become a crisis and inmates are surviving on just sadza and groundnuts, the deputy Minister of Justice has revealed.

Senator Obert Gutu told SW Radio Africa on Wednesday that he was disheartened to get first hand reports of the desperate food situation inside the prisons.

The deputy Minister was at Chikurubi Maximum Security prison where he was visiting the MDC-T youth chairman, Solomon Madzore.

'I met Solomon for 90 minutes, he's in good spirits but he did describe the food situation as bad. I was able to get confirmation of this from senior prisons officers at the complex.

'Prisoners are now surviving on a diet of sadza eaten with nzungu (groundnuts) as relish. On a lucky day they get sadza and boiled cabbages,' Gutu said.

The deputy Minister described as disastrous government's decision to tell the Red Cross the economy had improved and they no longer needed to supply food to the prisons, which they had been doing since 2009. They had been supplying prisoners with beans, groundnuts and oil and this enhanced the nutritional status of inmates, and vastly improved management of the food supply chain.

But last year the Red Cross withdrew food aid to the prisons after government indicated the prison services would take over the nutritional needs of inmates.

'That decision was not only premature but ill-advised. It's clear Treasury doesn't have the financial material and resources to run prisons in as far as food and uniforms are concerned.

'I saw prisoners who were 75 percent naked because they don't have adequate uniforms. So the prison officers implored upon me to re-engage the Red Cross and see if they could offer some help again,' the Senator added.

'If the situation does not improve, we will soon have prisoners suffering from food deficiency diseases such as scurvy and pellagra,' he said.

➤ [Zimbabwe Lawyers for Human Rights \(ZLHR\), Legal Monitor - Issue 132, 27/02/2012](#)

Rebecca Mafikeni and Yvonne Musarurwa have just spent close to nine months in solitary confinement at Chikurubi Maximum Prison.

Prison authorities allowed them only 20 minutes a day out of the confined cell.

In these 20 minutes, the women were expected to complete all chores human beings are expected of in a day - from laundry and bathing to exercising and just "enjoy" a bit of sunlight out of their dingy prison holes. Raw sewer would flow inside the prison cell, and according to Rebecca and Yvonne, the officer-in-

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charge at Chikurubi identified as Emelda Chifodya would force them to clean the sewer using their bare hands.

The two women's story paints a disgusting picture of the grave situation of Zimbabwe's inmates, especially those arrested on political grounds.

Made to suffer the worst of prison's inhumane conditions, political prisoners such as Rebecca and Yvonne epitomise how universally guaranteed human rights are stripped off political prisoners.

"We had been touching the (raw) sewer with our bare hands because at one time they ran out of gloves. When we asked her about the situation she (Chifodya) said 'It is not my health. It is your health and I don't care'. She pointed out that even prison officers were living under similar conditions and we insisted that this was because the officers didn't know their rights. We knew our rights," says Yvonne.

Yvonne and Rebecca are part of Glen View residents rounded up by police last year as suspects in the murder of Petros Mutedza, a police inspector, who was allegedly stoned to death in May last year. [...]

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4.4 Medical treatment

Excerpt from August 2012 OGN

4.4.5 In 2012, Human Rights Watch noted that despite "a decline in HIV prevalence over the past decade and the adoption of new guidelines on treatment in 2011, the number of HIV-positive Zimbabweans requiring but not receiving treatment remained high". [84] In November 2011, Medecins Sans Frontieres reported that "most HIV/AIDS patients are now failing to get free ART due to high admission fees charged by government hospitals", with some hospitals "charging as much as \$30 and most people, especially those in rural areas, cannot afford these fees". [85] AIDS Portal reported that city health officials were "struggling to cope with ever-growing waiting lists of people in need of HIV treatment", [86] Nurses in Harare reportedly told IRIN news that low wages had sometimes led staff to sell ARVs that were available for free to HIV-positive people. [87] The Zimbabwean reported that Tinotenda Mabvure had to pay \$50 to bribe the nurse to access ARVs at her local satellite clinic [88] and also that ZANU-PF supporters had prevented MDC supporters living with HIV and AIDS from accessing treatment. [89]

The COI included in this section of the OGN has not been updated from the April 2012 version of the OGN. COI published after Still Human Still Here's Commentary on the April 2012 OGN continues to document that persons living with HIV/AIDS are failing to access free anti-retroviral (ARV) treatment, are experiencing high hospital fees, and that the treatment supply is affected by corruption and politicisation as is reported in the above excerpt of the OGN:

[General access to free ARV treatment](#)

[Private cost of ARV treatment and hospital fees](#)

[Corruption and politicisation of ARV supply](#)

General access to free ARV treatment

➤ [IRIN PlusNews, Activists slam poor management of ARV supply, 01/08/2012](#)

HIV/AIDS activists in Zimbabwe have criticized the government's poor management of the national HIV treatment programme after an audit revealed that life-prolonging antiretroviral (ARV) drugs expired on the shelves of public health facilities.

An audit report released in May by the Comptroller and Auditor-General's department found that some 15,088 bottles of various ARVs had expired between 2006 and 2010 while in stock at 15 pharmacies. The audit also showed that 33,241 bottles of HIV drugs belonging to the Ministry of Health and Child Welfare expired at the National Pharmaceutical Company (Natpharm), the national distribution point for all drugs in Zimbabwe.

"This is the most annoying issue, where a country like ours has gone through so much in the fight against HIV/AIDS, to have drugs expire while thousands of people are in need of ARVs," HIV activist Evelyn Mushamba told IRIN/PlusNews.

Zimbabwe has 1.2 million people living with HIV, which translates to a prevalence rate of 13.6 percent. Some 347,000 people are on treatment, but 600,000 are thought to need the drugs. The treatment gap has widened since Zimbabwe adopted new UN World Health Organization treatment guidelines, which recommend starting treatment for patients with a CD4 count (a measure of immune strength) of 350, compared to a CD4 count of 200 in earlier treatment guidelines.

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The Comptroller and Auditor-General's report also found that the Ministry of Health and Child Welfare was failing to fully utilize funds allocated to it by the treasury and the National AIDS Council (NAC), which meant that some patients did not start treatment on time, there was poor monitoring of patients on treatment, and poor record maintenance.

It is like somebody is experimenting on our lives... A lot is taking place and nobody wants to take responsibility... it is frustrating" There is so much mismanagement taking place on the ground, it is like somebody is experimenting on our lives. Drugs are being changed without adequate notification and proper patient education when switching drugs," said Mushamba, who has been living with HIV for more than 10 years. "A lot is taking place and nobody wants to take the responsibility - from the service providers to the so-called policy bearers. It is frustrating."

Tinashe Mundawarara, project manager for HIV, human rights and law at Zimbabwe Lawyers for Human Rights, also expressed concern about the poor management of the national HIV/AIDS programme.

"Any profile of problems faced by people living with HIV around the country will reveal a narrative of drug stock-outs... with people living with HIV being forced to share ARVs in provinces like Bulawayo. People living with HIV are usually forced to share ARVs when stocks allocated are inadequate, but when you hear that drugs expiring on the shelves, it is worrying," said Mundawarara.

"Diagnostic equipment is also not easily accessible for people living with HIV, with some provinces like Masvingo [in eastern Zimbabwe] having people living with HIV going for more than two years without having a CD4 count repeated because machines are either down or unavailable."

➤ [National AIDS Council, Patients on ARVs at risk as donor funding declines, 09/07/2012](#)

Chronicle Reporter

DECLINING donor funding for HIV/Aids support has induced fear among people living with the disease amid reports the country already has a \$39 million budget deficit for the procurement of anti-retrovirals for 2012. The development might cripple the provision of treatment services to the estimated 1,3 million people that are living with HIV and Aids in Zimbabwe.

Speaking during the National Aids Council (NAC) media capacity building workshop that ended in Kwekwe on Friday, NAC director of finance Mr Albert Manenji said the country could soon be thrown into a crisis if concerted measures were not taken.

"The largest supporter of our Hiv/Aids support programmes is the donor community.

"Given the recession in the developed countries most donors are pulling out support," said Mr Manenji.

"For 2012 alone we have a deficit of \$39 million and if donors pull out anytime there is a risk that some patients will not receive treatment.

"There is a huge funding gap, which might affect the supply of drugs and access to treatment.

"At the moment we only have ARVs stocks worth \$6 million of which \$3 million of that supply is from local manufacturers.

"We also procure drugs from India because of procurement regulations since drugs are relatively cheaper there." [...]

Mr Manenji said although the National Aids Trust Fund, commonly known as Aids Levy, collections were on the increase, the funding was not enough as only 30 percent of the economically active population was contributing. [...]

He said the total number of people requiring ART in Zimbabwe was 503 678 adults above 15 years and 89 490 children under 15 years of age.

Mr Manenji said the number of patients in need of ART had also increased over the years from 350 000 in 2009 to 503 000 in 2010 and 593 168 last year.

"The overall ART coverage in 2011 was 78,1 percent.

"However, this coverage remains below the universal access target of 80 percent more so for the paediatric age group which is at 45 percent," he said. [...]

➤ [The Standard, Hospital fails to make ARVs order, 17/06/2012](#)

SCORES of people receiving anti-retroviral (ARV) drugs from Harare Central Hospital were early last week told to buy their own drugs as the hospital allegedly "forgot" to order the life-prolonging drugs.

A beneficiary of the government-free ARV programme showed The Standard his health card where "out of stock" had been written against the second line drug alluvia which is used together with tenolam. [...]

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"They said they do not have the drugs," the beneficiary said. "I was advised to buy the drugs but I currently do not have the money to do so. This will affect me as I may take long to get the money for the drugs."

Vice-president of Zimbabwe HIV and Aids Activists Union, Stanley Takaona said his organisation had been told the hospital did not make an order for the month of June.

"We have made a follow-up with the hospital together with the ministry and we were told the drugs are there at the national pharmacy but the hospital did not make an order for this month," Takaona said.

Takaona said such alleged negligence on the part of the hospital was disturbing as those on ARVs were supposed to take the tablets consistently, without skipping any days, for effectiveness. [...]

➤ [Radio Vop, AIDS Patients Bitter Over Poor Service Delivery, 19/05/2012](#)

At least 3800 people living with HIV most of them women are set to stage a strike over poor services they are getting from local clinics in Harare.

Chairperson of a consortium of organisations of people living with HIV and AIDS for Budiriro, Mufakose and Glen View Spiwe Phiri told Radio VOP in Harare Friday that a stake holder meeting has been held over the issue of poor services they are receiving from local clinics.

"We are not happy at all with the way we are being treated by local clinics where we get our drugs. Nurse there are not listening to our grievances and we are very disappointed.

"When we visit these centres for tablet collection we spend the rest of the day standing while they will be attending to other patients. Imagine standing for the whole without food and after having taken some tablets in the morning. We want to be treated like Tuberculosis patients who come and collect their tablets without waiting for hours like we are doing.

"Recently we held a stakeholders meeting at the National AIDS Council offices with them and if this persists we are going to stage a massive demonstration over this issue because it's going too far", she said. Although the number of Zimbabweans on anti-retroviral therapy (ART) has almost doubled to over half a million issues of getting access to the treatment still needs to be addressed.

Phiri said as a result of poor services from the health institutes most people living with HIV and AIDS are getting assistance from their relatives at their homes.

Trying to help the situation Zimbabwe National Network of People Living with HIV and AIDS (ZNNP+) distributed tones of home based care kits to be used by people living the pandemic failing to access services.

"Apart from the issue of poor services and discrimination people living with HIV and AIDS here are encountering, there is also the issue of user fees which continue to be unbearable. Realising this we found it prudent to bring these home based kits for those failing to get treatment so that they use them at their homes," Zimbabwe National Network of People Living with HIV and AIDS (ZNNP+) Advocacy and Communications officer Paidamoyo Magaya told Radio VOP. [...]

➤ [Zimbabwe Guardian, 350,000 Zimbabweans fail to access ARVs, 14/05/2012](#)

More than 350,000 people living with HIV and Aids might fail to access anti-retroviral drugs because of lack of donors.

Many western donors were severely crippled by the 2008-9 'great recession' and most of the donor funds have dried up.

The government of Zimbabwe's HIV/AIDS programme has relied heavily on donors in the past, with government contributing only 24 percent of the total amount.

The rest is provided by donors.

Currently 35 percent of people receiving ARVs are funded by the Global Fund, 18 percent by USAid, 24 percent by the National Aids Trust Fund (collected from the Aids levy) and 22 percent from the Expanded Support Programme (ESP).

The ESP is supported by various western donors.

The Global Fund has been supporting HIV and Aids, tuberculosis and malaria programmes in the past 10 years, but will suspend support in 2014, due to holes in its budget. The Fund is also said to be riddled with internal management problems which have crippled its capacity to deliver global programmes with the same efficiency as it did since it was founded. [...]

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In 2011, the The Global Fund announced at a board meeting in Accra, Ghana that it was canceling its next round of fundraising and is changing its management. No new grants or funding will be made until 2014, and will be at a reduced level from previous years.

The new stark reality however is that in this next three-year phase, an era of austerity, angst and uncertainty, robust growth by the Fund will not likely happen.

Zimbabwe, for example, is likely to face a US\$227 million deficit by 2018, according to reports from the just-ended Zimbabwe Parliamentarians against HIV workshop in Kadoma at the weekend.

National Aids Council director for finance Mr Albert Manenji said Zimbabwe should come up with alternative funding to deal with the anticipated deficit caused by the withdrawal of donors.

“The financial gap for HIV is actually quite huge. This gap is progressing and is expected to get wider,” said Mr Manenji.

“As of 2012, the gap will be US\$10 million and by 2018 it will be US\$227 million and about 358 000 people who will need treatment will not be able to afford it.

“The gap would be compounded by the withdrawal of Global Fund that has been funding 35 percent of our people on ARVs; they have not committed themselves beyond 2014,” he added.

At least 300,000 people are on ARV treatment on the Government programme in Zimbabwe out of over 600,000 that are in need of the drugs. [...]

➤ [National AIDS Council, National ARV uptake doubles, 14/05/2012](#)

The number of Zimbabweans on anti-retroviral therapy (ART) has almost doubled to over half a million while 115 577 are on the waiting list to start the life-saving treatment. This is a massive jump from the recent 300 000 who were receiving the treatment through the Government-subsidised anti-retroviral (ARV) programme in 2010. In an interview with The Sunday Mail last week the director of the HIV, Aids and Tuberculosis Unit, Dr Owen Mgurungi, said 320 320 are women. Unfortunately due to the low uptake of ARVs amongst children, only 41 441 youngsters are benefiting from this programme while a mere 9 942 children are on the waiting list. The Clinton Health Access Initiative (formerly Clinton Foundation) has been the sole funder supporting the paediatric formulations since 2006. “The figures appear to show women as the biggest beneficiaries of anti-retroviral therapy, meaning that men have other avenues of getting the drugs. Most of them have been absorbed by the private sector through their medical aid facilities,” said Dr Mgurungi. [...]

The increase in ARV uptake follows the adoption by the country of the WHO guidelines that require treatment to commence for people living with HIV when their CD4 count reach 350. Zimbabwe used to initiate treatment at a lower CD4 count of 200.

While the Government has been lauded for successfully fundraising from international partners to supply the ARV drugs, it has been criticised for failing to adequately fund the programme.

“The biggest ARV support comes from the Global Fund which is supporting 193 500 people taking ARVs through the Government programme.

“This translates to 44 percent of the total number of people on ART. Government, through the Aids levy is catering for 100 000 people who account for 23 percent of the total.

“The United States is providing support for 80 000 people (18 percent), with the British DFID supporting 43 324 people (10 percent) while the Expanded Support Programme (a basket fund supported by financing from Britain, Norway, Sweden, Canada and Ireland) is providing for 23 989 (five percent),” said Dr Mgurungi. [...]

➤ [UNGASS, GLOBAL AIDS RESPONSE PROGRESS REPORT 2012, ZIMBABWE COUNTRY REPORT, Reporting Period: January 2010-December 2011, undated \(accessed 27/08/2012\)](#)

[...] Target 4: Have 15 million people living with HIV on antiretroviral treatment by 2015

Year	2007	2009	2011
4.1 Percentage of eligible adults and children currently receiving antiretroviral therapy.	26.5% [MOHCW, ART Database]	56.1% [MOHCW, ART Data base]	79.7%

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4.2 Percentage of adults and children with HIV known to be on treatment 12 months after initiation of antiretroviral therapy.	93.1% [MOHCW, ART Database]	75.0% [Global Fund R-5 Cohort Analysis Survey]	85.7% [NAC Cohort data 2009 - 2011]
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3.2.2 Treatment and Care

3.2.2.1 Antiretroviral Therapy

[...] 3.2.2.1.2 Achievements

Meanwhile, there was almost doubling in terms of HIV infected clients in need of ART after MoHCW [Ministry of Health and Child Welfare] adopted the new CD4 thresholds from the 2010 WHO recommendations for clients eligible to be initiated on ART.^{49, 50} Nevertheless, ART coverage increased from 55% (326 241 adults and children; 28149 children at a coverage of 31.5%) in 2010 to 79.7 % (436181 adults; children 40140 at a coverage of 46.1%) by December 2011.¹¹ This success was underpinned by linkages between the ART and health sector programmes like HTC, PMTCT, SRH, ANC and NTP (TB/HIV) among others. In addition, there was further decentralization of ART services (see table 6 below) and an increased number of health workers were trained in both Paediatric and Adult ART components.⁵¹ Percentage of adults and children with HIV known to be on treatment 12 months after initiating antiretroviral therapy was 85.7 % according to the NAC October 2009 Cohort data that was analysed in 2010. This data shows that the ART programme was performing well with regards to patient retention. In line with 2010 WHO ART recommendations of transitioning patients to less toxic regimens, ART programme started implementation of new regimens by allowing clinicians to substitute Zidovudine for Stavudine among children and substitute Tenofovir fo Stavudine among adolescents and adults from April 2011 onwards. By December 2011, about 78% (target 100% for 2011) children had been transitioned to the Zidovudine based regimen whilst about 9.5% (target 20% for 2011) of adults and adolescents had been transitioned to Tenofovir based regimen.⁵²

The main sources of funding for the ART programme between 2010 and 2011 were NATF, Global Fund, USG, ESP and Clinton Foundation. Other partners that have supported the ART programme directly include MSF (Holland, Belgium and Spain).

3.2.2.1.3 Challenges

Challenges for the ART programme between 2010 and 2011 were high staff attrition, limited financial resources, inadequate and constant breakdown of CD4, biochemistry, hematology machines. In addition, there were inadequate related consumables and reagents for the lab machines. Another constrain for the ART programme was poor reporting of M & E to the national office. [...]

3.2.3.2 Nutrition

3.2.3.2.1 Background

Nutritional health is essential for PLHIV to get the most out of the period of asymptomatic infection, in order to mount an effective immune response to fight opportunistic infections and to optimize benefits of ART. The association of malnutrition with opportunistic infections which is further aggravated by HIV and AIDS is a significant factor among adults but more severe among children. Furthermore, poor nutrition in children is associated with risk of children's faltered growth, impaired mental development and even death. The GoZ has supported therapeutic and supplementary feeding of children and adults living with HIV who suffer from severe and moderate acute malnutrition respectively.⁵⁸

3.2.3.2.2 Achievements

Therapeutic foods were procured and distributed via the Nutrition Unit of MoHCW to the malnourished children including those that were HIV infected. Health workers were trained in community management of acute malnutrition activities.

3.2.2.3.3 Challenges

Environmental factors and low food production are associated with food and nutrition insecurity at household level. In addition, there is lack of a national strategy or policy addressing food and nutrition insecurity in vulnerable households with PLHIV. There is insufficient programmatic data on nutrition and other related interventions (e.g. food distribution) to ensure quality and comprehensive nutrition programming, decision-making and advocacy. Furthermore, unsustainable supply chain for nutritional commodities has been observed. [...]

3.2.2.4 Community Home Based Care (CHBC)

3.2.2.4 .1 Background

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Community and home-based care (CHBC) is an integral component of the continuum of care and support. Services provided in Zimbabwe include palliative care, nursing care, counseling and psychosocial support, spiritual support, and nutrition and referral services. Provision of these services is premised on the partnership between government, civil society organizations, support groups of PLHIV and the communities themselves. The number of people receiving CHBC increased from 489,000 in 2008 to 697,000 at the end of 2009.

The nature of community CHBC service has evolved overtime given the impacts of ART on patients that were previously bed ridden are now ambulant. Consequently, new services have emerged based on demand such as promoting treatment adherence, addressing issues of stigma and providing social protection, and strengthening capacity of households to initiate and implement sustainable livelihoods.

3.2.2.4 .2 Achievements

CHBC kits were procured and distributed to the communities. Besides supporting the bedridden, activities aimed at promoting treatment adherence for PLHIV clients on ART and TB treatments and strengthening capacity of households to initiate and implement sustainable livelihoods were carried out. Trainings were conducted for CHBC providers

3.2.2.4 .3 Challenges

CHBC service providers have limited skills and experience. There is lack of standards and quality assurance for CHBC services. Inconsistent supply of CHBC kits and other supplies also pose challenges to the programme. In addition, there are weak referral and M& E systems of CHBC services. [...]

5.0 Major Challenges and Remedial actions

5.1 Weak TB/ART Integration

The integration of TB and ART activities has been weak between 2010 and 2011 resulting in missed opportunities in terms of ART initiation among TB and HIV clients. For example, ART coverage was at 55% among eligible HIV infected clients whilst an estimated 23% of estimated TB and HIV clients were on ART in 2010. Aggravating the situation is the fact that there has been slow roll out of M & E tools for tracking provision of ART among TB and HIV clients. To address this challenge, NTP and ART programmes need to further strengthen TB and HIV collaboration by quickly rolling out M & E tools for tracking provision of ART to TB and HIV clients. In addition, there is need to conduct more TB and HIV trainings in the context of Basic Integrated HIV Training as well as TB and HIV training. Both programmes should conduct joint support and supervision visits to sites to monitor and evaluate TB and HIV collaborative activities.

5.2 Human Resources Shortages

Staff shortages were mainly due to high staff turnover which were further worsened by the fact that posts continued to be frozen in the public health sector between 2010 and 2011. Moreover, the staff establishment was last reviewed in the early 1980s. Meanwhile, the country's population has almost doubled since the early 1980s whilst the staff establishment has remained static resulting in further workload among health workers. Further increasing the workload among health workers are HIV related ailments which are linked to the top 5 causes of consultations in the health sector. There is need for more funds to be allocated to the health sector according to the Abuja Declaration so that there will be resources to improve the working conditions of health workers. If adequate resources are mobilized staff establishment will be reviewed, vacant posts will be filled and subsequently new posts created. Global Fund Round 5 which supported a lot of staff in the health sector came to an end in June 2010.

5.3 Inadequate Funding for the national HIV/AIDS response

Funding gaps have led the national ART programme to adopt and implement targets for 2010 and 2011 below universal coverage in terms of ART provision in adults and children. Gaps in terms of funding were further widened when Zimbabwe adopted the 2010 WHO ART guidelines in terms of CD4 thresholds for initiating ART in both adults and children resulting in the doubling of the number in need of ART. In addition, adoption of the TDF based regimen (twice as expensive compared to D4T based regimen) recommended by WHO in 2010 in adults broadened the gap in terms of funding. Consequently, a phased approach was taken in terms of transitioning adults from D4T to TDF based regimens due to limited funds. The pending expiry of Global Fund Round 8 in 2014 presents further resource challenges in future. There is need to broaden the tax base by ensuring that the informal sector contributes to the AIDS levy. Besides resource mobilization for domestic funding, there is need to resource mobilize from international partners to fill the gaps that have been identified in terms of HIV programming. [...]

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Private cost of ARV treatment and hospital fees

- [The Standard, Hospital fails to make ARVs order, 17/06/2012](#)

SCORES of people receiving anti-retroviral (ARV) drugs from Harare Central Hospital were early last week told to buy their own drugs as the hospital allegedly "forgot" to order the life-prolonging drugs. A beneficiary of the government-free ARV programme showed The Standard his health card where "out of stock" had been written against the second line drug alluvia which is used together with tenolam. [...] "Those are the most expensive ARV drugs, costing US\$120 for a month's supply and most people who are on the government programme cannot afford them." [...]
- [Medecins sans Frontieres, HIV patients should not bear financial burden of donor retreat, 13/06/2012](#)

In Zimbabwe, there are at least 66 000 people living with HIV who face the prospect of losing their current access to lifesaving antiretroviral treatment because of a dangerous shortfall of international funding for local treatment programmes. To make up the shortfall, various segments of the health sector proposed that certain HIV patients pay for their ARVs themselves. But what might initially appear as a cost saving measure will actually carry far greater costs—both in money and in lives—because it will undermine treatment adherence, quality and outcomes, as well as efforts to prevent more people from contracting the virus. MSF, which supports treatment for more than 228,750 HIV patients in more than 20 countries, is deeply concerned by these and similar proposals that involve shifting the financial burden of buying ARVs from state budgets and donor funds to HIV patients themselves [...]. Most people accessing ARVs in high-burden countries through government health care, as in Zimbabwe, are already impoverished because they have lost income due to the disease and are shouldering ancillary health care costs. The majority of patients in Zimbabwe and similar low-income countries often live below the poverty line and already struggle to pay costs related to care, be it for drugs to treat opportunistic infections, registration and hospitalisation fees, x-rays, laboratory tests, or transport to clinics or hospitals. [...]
- [IRIN News, ZIMBABWE: Burial societies provide for the here and now, 08/06/2012](#)

In low-income suburbs like Chitungwiza, a dormitory town about 30km south of the Zimbabwean capital Harare, burial societies have long played an important role in helping their members meet the costs of burying family members, but increasingly they are helping to boost livelihood opportunities for the living. [...] "The majority of the people who belong to burial societies are poor and unemployed. They don't qualify for life assurance policies because they are not in formal employment," said John Robertson, an economic consultant, who notes that burial societies are evolving in response to changing times. [...]

Medical loans

Nzira Yedu (Our Way) Social Club, another burial society in Chitungwiza, started a tombstone-making project eight months ago that employs two people as stone carvers but is yet to generate a profit. However, the society has managed to accrue enough savings from its 85 members' monthly \$10 subscriptions to extend loans for medical expenses. "Hospital fees are beyond the reach of many. Even when a person is involved in an accident, we assist with loans," said Raina Mhembere, Nzira Yedu's treasurer. She added that many of the society's members were living with HIV/AIDS and regularly approached her for loans to cover the costs of treatment for opportunistic infections. [...]
- [National AIDS Council, National ARV uptake doubles, 14/05/2012](#)

[...] The number of Zimbabweans on anti-retroviral therapy (ART) has almost doubled to over half a million while 115 577 are on the waiting list to start the life-saving treatment. This is a massive jump from the recent 300 000 who were receiving the treatment through the Government-subsidised anti-retroviral (ARV) programme in 2010. In an interview with The Sunday Mail last week the director of the HIV, Aids and Tuberculosis Unit, Dr Owen Mgurungi, said 320 320 are women. Unfortunately due to the low uptake of ARVs amongst children, only 41 441 youngsters are benefiting from this programme while a mere 9 942 children are on the waiting list. The Clinton Health Access Initiative (formerly Clinton Foundation) has been the sole funder supporting the paediatric formulations since 2006. "The figures appear to show

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women as the biggest beneficiaries of anti-retroviral therapy, meaning that men have other avenues of getting the drugs. Most of them have been absorbed by the private sector through their medical aid facilities," said Dr Mgurungi.

It costs US\$7 per person per month to access the treatment. [...]

Corruption and politicisation of ARV supply

➤ [Radio Vop, Clinic Turns Away MDC Supporters, 22/08/2012](#)

Nurses believed to be war veterans and Zanu (PF) supporters are allegedly denying perceived Movement for Democratic Change supporters medical treatment at Mukore clinic.

Member of Parliament (MP) for the area, Jani Vharendini, said: "We are now worried because our officials based in Bikita are no longer able to get a medical treatment at some clinics. They are just turned away without any concrete reason. Those who insist on getting treatment are just neglected until they leave the clinic without getting any service."

He said the matter had been reported to the Joint Monitoring and Implementation Committee (JOMIC) in Masvingo to intervene.

"It's true that some rogue war veterans who are nurses at the two hospitals and their young militia nurses who we are certain underwent the Border Gezi training before being recruited as nurses by Zanu (PF) are sending away our supporters," MDC provincial Information director, Honest Makanyire, also told this Radio VOP reporter who had visited the area.

"They are denying them treatment because they say the medical institutions belong to Zanu (PF) and this is dangerous to villagers who end up losing their lives, while struggling pregnant mothers are left with no option than to deliver their babies at home."

Makanyire alleged the nurses were being led by their leader who is a self-proclaimed war veteran, Tafara Mabasa at Bikita district hospital. He alleged Mabasa had openly declared the institution was a no go area for the MDC's at a Zanu (PF) rally held in Bikita early this year. [...]

➤ [Institute for War and Peace Reporting, HIV Patients Exposed to Expired Drugs, 15/05/2012](#)

Zimbabwe's Ministry of Health and Child Welfare is letting crucial HIV/Aids drugs expire in government hospital pharmacies as thousands of desperate patients battle to access the life-prolonging drugs, a Daily News on Sunday investigation has established.

An investigation on the anti-retroviral (ARV) drugs distribution network in Harare and Chitungwiza has established that many people living with HIV/AIDS were resorting to getting drugs on the black market, while tonnes of drugs are expiring in government pharmacies.

Minister of Health and Child Welfare Henry Madzorera admitted that hospitals were stocking expired drugs, but said this was done for accounting purposes.

"What I can say is that it is possible for expired drugs to be found in government hospital pharmacies. They can even take years in storage until officials from the Ministry of Finance board come and audit their value," he said.

"The reason is that the finance ministry is the one which gives us funds to procure drugs. This may take long, because of capacity," said Madzorera, adding that his ministry would investigate any cases of people diverting such drugs. [...]

Our investigation discovered a skewed distribution channel which is not user-friendly, prone to corruption, generally slow, and insensitive to the needs of people living with HIV/AIDS.

Thousands of patients are forced to wake up early in the morning to congregate at the many distribution centres, only to be served late in the afternoon.

Due to the shortage of drugs, the system is also affected by corruption which results in those who can pay their way getting the drugs first.

Health workers told the Daily News on Sunday in separate interviews that tonnes of expired ARV drug Stavudine which the World Health Organisation (WHO) phased out last year, are finding their way to the patients, most of whom are poor and desperate.

These are often given away to the patients by either relatives of the patients working in the hospitals for onward distribution or some unscrupulous health workers who sell them at giveaway prices.

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ARVs drugs are sold for about 15 to 20 US dollars a course in pharmacies but health workers are selling them for between 1 and 5 dollars.

Stavudine was phased out by WHO after it was deemed to have serious life-threatening side-effects. It has since been replaced by Tenofovir. [...]

Our investigations traced the expired drugs to hospital staff, especially those manning Opportunistic Infection (OI) units.

Most of those falling victim are bedridden AIDS patients who are no longer able to visit health care centres to collect their supply.

Caregivers have also been identified as culprits in this life-threatening development, as they are administering expired drugs. Some of them say they have no option but to distribute the drugs, as they are always inundated with desperate patients. [...]

Furthermore, given the importance of nutrition for persons living with HIV/AIDS as is recognised in the [General humanitarian situation](#) section, the politicisation of food aid distribution in particular location is also a relevant issue for research. See above for COI in relation to [political bias in food distribution in Matabeleland](#). The following sources are useful to consult on the humanitarian/medical situation in Zimbabwe:

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Useful sources to consult on the humanitarian/medical situation in Zimbabwe

Source	Type of source	Website's search function
AIDSPortal Zimbabwe country page	<p>AIDSPortal is an initiative of the UK Consortium on AIDS & International Development seeking to achieve its mission by maintaining a global information hub (www.aidsportal.org) for Community Based Organisations and those involved in the response to HIV, acting as an information facilitator.</p> <p>The Zimbabwe country page includes:</p> <ul style="list-style-type: none"> ○ Latest resources published on Zimbabwe and HIV/AIDS ○ Latest news ○ Upcoming events in Zimbabwe 	<ul style="list-style-type: none"> ● Advanced search function which allows for: <ul style="list-style-type: none"> ○ BOOLEAN searches (AND, OR, NOT) ○ It is not possible to search within particular time frames
AlertNet Zimbabwe news pages	<p>Humanitarian news site from Thomson Reuters providing information on natural disasters, conflicts, refugees, hunger, diseases and climate change. Country pages include sections on:</p> <ul style="list-style-type: none"> ○ Breaking stories ○ Aid agency news feed ○ Zimbabwe crisis ○ Zimbabwe country profile 	<ul style="list-style-type: none"> ● Country page ● Advanced search function which allows for: <ul style="list-style-type: none"> ○ Keyword search ○ Searches limited by source; content partner; aid agency; country; topic; sub-topic; crisis and by time frame ○ Search results can be organised by date ○ Searches within time frames (From: To) ○ BOOLEAN searches (AND, OR, NOT, ALL)
Avert Zimbabwe pages	<p>AVERT is an international HIV and AIDS charity, based in the UK, working to avert HIV and AIDS worldwide, through education, treatment and care. Its country pages provides information on:</p> <ul style="list-style-type: none"> ○ Pattern of the HIV and AIDS epidemic so far ○ The government's response ○ Political issues in Zimbabwe ○ HIV prevention in Zimbabwe ○ HIV and AIDS treatment in Zimbabwe ○ Other major issues 	<ul style="list-style-type: none"> ● Country and thematic pages ● Simple search function which allows for keyword searches only.
Internal Displacement Monitoring Centre (IDMC) Zimbabwe country page	<p>The IDMC is an international body which monitors conflict-induced internal displacement worldwide. Its country pages include:</p> <ul style="list-style-type: none"> ○ Statistics ○ Maps ○ Internal Displacement Profile ○ IDP News alert ○ Key documents; news and reports from other organisations on the situation and treatment of IDPs and returnees. ○ The Zimbabwe Country Profile was last updated in December 2011 	<ul style="list-style-type: none"> ● Country and thematic pages ● Advanced search function which allows for: <ul style="list-style-type: none"> ○ BOOLEAN searches (AND, OR, NOT) ○ Searches for phrases ("...") ○ It is not possible to search within particular time frames

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IRIN News Zimbabwe Country page	<p>A service of the UN Office for the Coordination of Humanitarian Affairs. It provides:</p> <ul style="list-style-type: none"> ○ Humanitarian news and analysis by country and theme 	<ul style="list-style-type: none"> ● Country and thematic pages ● Advanced search function which allows for <ul style="list-style-type: none"> ○ Keyword searches (Exact Wording; All the Words; Any Words) ○ Limits searches by Services; Country; Theme; Report Type ○ Searches within time frames (From: To)
IRIN Plus News Zimbabwe country page	<p>PlusNews is the global online HIV and AIDS news service of the United Nations Integrated Regional Information Networks (IRIN). It provides:</p> <ul style="list-style-type: none"> ○ News and analysis on HIV and AIDS 	<ul style="list-style-type: none"> ● Country and thematic pages ● Advanced search function which allows for <ul style="list-style-type: none"> ○ Keyword searches (Exact Wording; All the Words; Any Words) ○ Limits searches by Services; Country; Theme; Report Type ○ Searches within time frames (From: To)
Kubatana, HIV/AIDS Archive	<p>Kubatana Trust of Zimbabwe is a repository of human rights reporting, organised by sector which archives over 20,500 articles, reports and other documents about Zimbabwean civil society. It provides</p> <ul style="list-style-type: none"> ○ Archived material for the HIV/AIDS sector by date 	<ul style="list-style-type: none"> ● Search function powered by google supports BOOLEAN searches (AND, OR, NOT) and searches for phrases ("...")
National Aids Council of Zimbabwe	<p>National AIDS Council (NAC) is an organization enacted through the Act of Parliament of 1999 to coordinate and facilitate the national multi-sectoral response to HIV and AIDS. It provides:</p> <ul style="list-style-type: none"> ○ News and events ○ Information on program areas ○ Annual reports 	<ul style="list-style-type: none"> ● Simple search function which allows for: <ul style="list-style-type: none"> ○ BOOLEAN searches (AND, OR, NOT) ○ Searches for phrases ("....")
Relief Web Zimbabwe country page	<p>Relief Web is a database of reports from international and non-governmental organizations, governments, research institutions and the media for news, reports, press releases, appeals, policy documents, analysis and maps related to humanitarian emergencies worldwide. It provides:</p> <ul style="list-style-type: none"> ○ In-depth profiles, updates and reports on countries and disasters ○ Maps ○ Database of who's reporting 	<ul style="list-style-type: none"> ● Country and thematic pages ● Advanced search function which allows for: <ul style="list-style-type: none"> ○ BOOLEAN searches (AND, OR, NOT) ○ Searches for phrases ("....") ○ Limits searches by: Country; source; theme; content format; feature; disaster type; vulnerable groups; published date (by month); language
UNAIDS, Zimbabwe pages	<p>UNAIDS' Zimbabwe country page includes:</p> <ul style="list-style-type: none"> ○ Overview: Country situation analysis ○ UNGASS progress reports ○ National Commitments and policies instrument ○ News ○ HIV and AIDS statistical estimates ○ Thematic fact sheets 	<ul style="list-style-type: none"> ● Advanced search function which allows for <ul style="list-style-type: none"> ○ BOOLEAN searches (AND, OR, NOT) ○ Searches for phrases ("....") ➤ Limits searches by: content format; publication date (by month); language

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UNOCHA Zimbabwe pages	<p>OCHA's Zimbabwe country page includes:</p> <ul style="list-style-type: none"> ○ Monthly humanitarian update reports ○ Thematic and reference maps ○ Zimbabwe 2012 at a glance ○ 2012 Consolidated appeal 	<ul style="list-style-type: none"> ● Not available
World Health Organisation (WHO) Zimbabwe pages	<p>WHO's Zimbabwe country page includes:</p> <ul style="list-style-type: none"> ○ Statistics ○ Country health profile ○ Overview of: <ul style="list-style-type: none"> ○ Outbreaks and crises ○ Mortality and burden of disease ○ Health service coverage ○ Health systems ○ Nutrition ○ Risk factors 	<ul style="list-style-type: none"> ● Advanced search function which allows for: <ul style="list-style-type: none"> ○ BOOLEAN searches (AND, OR, NOT) ○ Searches for phrases ("...") ○ Limits searches by: content format; language; location of search terms ○ Can sort results by date

2.4 Internal relocation

It should be noted that whilst the OGN emphasises that 'Case owners should ensure that they obtain the latest information about the situation, remembering that the question is simply whether taking all relevant material into account, internal relocation would both avoid the risk and would not be unduly harsh', only limited excerpts from one source of COI is included in this section of the OGN. This one source cited is the August 2010 UKBA Fact Finding Mission report. Indeed the excerpt cited is almost exactly the same excerpt as cited in section 3.6 MDC supporters, human rights defenders and other perceived opponents of ZANU-PF. Compare:

Excerpt from the August 2012 OGN

2.4.3 The 2010 Zimbabwe Fact Finding Mission (FFM) sources stated that there were no legal requirements or restrictions when moving and settling in other parts of Zimbabwe. While in theory resettlement to another part of the country was possible, most organisations agreed that relocation to rural areas would be difficult for a number of reasons. Several organisations noted that where this happened, local chiefs (who are usually associated with ZANU-PF) would need to be informed, and would have responsibility for deciding whether land should be allocated to new arrivals. [13]

2.4.4 Most organisations stated that relocation to urban areas posed few problems – the main constraint being economic. However, relocation to smaller urban areas may be more problematic for non-economic reasons. A major NGO stated that those who had attracted the adverse attention of the main political parties would find it difficult to relocate even in urban areas. However, the Zimbabwe Human Rights NGO Forum believed that MDC supporters would be relatively safe if relocating within MDC dominated areas, noting that the MDC is "quite well organised" and can "protect" those at risk of violence. [14]

Excerpt from the August 2012 OGN

3.6 MDC supporters, human rights defenders and other perceived opponents of ZANU-PF

[...] 3.6.4 The 2010 Fact Finding Mission (FFM) to Zimbabwe reported sources stated that there were no legal requirements or restrictions when moving and settling in other parts of Zimbabwe. While in theory resettlement to another part of the country was possible, most organisations agreed that relocation to rural areas would be difficult for a number of reasons. Several organisations noted that where this happened, local chiefs (who are usually associated with ZANU-PF) would need to be informed, and would have responsibility for deciding whether land should be allocated to new arrivals. Most organisations stated that relocation to urban areas posed few problems – the main constraint being economic. However, relocation to smaller urban areas may be more problematic for non-economic reasons. [19] [...]

3.6.6 The FFM went on to state that a major NGO stated that those who had attracted the adverse attention of the main political parties would find it difficult to relocate even in urban areas. However, the Zimbabwe Human Rights NGO Forum believed that MDC supporters would be relatively safe if relocating within MDC dominated areas, noting that the MDC is "quite well organised" and can "protect" those at risk of violence. [21] It is difficult for ZANU-PF supporters to harm MDC supporters in MDC dominated areas because the MDC tend to be quite well organised in those areas and can protect those who might otherwise be at risk of political violence by the threat of retribution. The Forum has not come across any cases of returnees from the UK being mistreated and would expect to know of any such cases because its member organisations are represented across the country. It works closely with the Zimbabwe Association in London and is alerted where there are concerns a returnee might be at risk but has not come across any cases where that is happened. They are unable to say that there have been no such cases but if there have been they have been isolated examples. [22]

The same criticisms of the August 2010 Fact Finding Mission set out above in the section [on 3.6 MDC supporters, human rights defenders and other perceived opponents of ZANU-PF](#) equally apply to

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this section on internal relocation. In place of relying on this outdated source, case-specific research that takes account of an individual's circumstances is required. [Suggested sources to consult on the political situation in a specific location or site of relocation](#) have been identified, together with [suggested sources on the humanitarian/medical situation in Zimbabwe](#).

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