

Country Information and Guidance

Zimbabwe: Political Opposition to ZANU-PF

October 2014

Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of Zimbabwe as well as country of origin information (COI) about Zimbabwe. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether - in the event of a claim being refused - it is likely to be certifiable as 'clearly unfounded' under s94 of the Nationality, Immigration and Asylum Act 2002.

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

Within this instruction, links to specific guidance are those on the Home Office's internal system. Public versions of these documents are available at <https://www.gov.uk/immigration-operational-guidance/asylum-policy>.

Country Information

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

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email: CPI@homeoffice.gsi.gov.uk.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office's COI material. The IAGCI welcomes feedback on the Home Office's COI material. Information about the IAGCI's work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/country-information-reviews/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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1. Guidance

1.1. Basis of claim

1.1.1 Fear of persecution by the state authorities, ZANU-PF aligned groups and/or non-state actors because of the person's actual or perceived opposition to ZANU-PF.

1.2. Summary of issues

- Is the person's account a credible one?
- Are actual or perceived political opponents at risk of mistreatment or harm in Zimbabwe?
- Are those at risk able to seek effective protection?
- Are those at risk able to internally relocate within Zimbabwe?

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1.3. Consideration of issues

Is the person's account a credible one?

1.3.1 Decision makers must consider whether the person's account of their actual or perceived political opposition or activities and of their experiences in Zimbabwe is reasonably detailed, internally consistent and credible as well as being externally credible (i.e. consistent with generally known facts and the country information).

1.3.2 As the Upper Tribunal noted in the country guidance case of [CM \(EM country guidance; disclosure\) Zimbabwe CG \[2013\] UKUT 00059\(IAC\)](#) (31 January 2013), "In certain cases, persons found to be seriously lacking in credibility may properly be found as a result to have failed to show a reasonable likelihood (a) that they would not, in fact, be regarded, on return, as aligned with ZANU-PF and/or (b) that they would be returning to a socio-economic milieu in which problems with ZANU-PF will arise." [Headnote (3). (11)]

Are actual or perceived political opponents at risk of mistreatment or harm in Zimbabwe?

MDC members and supporters and perceived critics of ZANU-PF

1.3.3 In the current country guidance case of [EM & others](#) (as modified by [CM](#)), the Upper Tribunal concluded that as a general matter, there is significantly less politically motivated violence in Zimbabwe compared with the situation considered by the AIT in

See Asylum Instructions on [Considering the asylum claim and assessing credibility and interviewing/assessing the claim](#)

See [Caselaw](#)

See [Caselaw](#)

RN (2008). In particular, the evidence does not show that, as a general matter, the return of a failed asylum seeker from the United Kingdom, having no significant MDC profile, would result in that person facing a real risk of having to demonstrate loyalty to the ZANU-PF.[Headnote (3). (1)].

- 1.3.4 Since EM & others was heard, there has continued to be a significant reduction in the number of politically motivated incidents of human rights violations recorded by the NGO Zimbabwe Peace Project (ZPP).
- 1.3.5 EM & others (as modified by CM) noted that the position is, however, likely to be otherwise in the case of a person without ZANU-PF connections, returning from the United Kingdom after a significant absence to a rural area of Zimbabwe, other than Matabeleland North or Matabeleland South. Such a person may well find it difficult to avoid adverse attention, amounting to serious ill-treatment, from ZANU-PF authority figures and those they control. The adverse attention may well involve a requirement to demonstrate loyalty to ZANU-PF, with the prospect of serious harm in the event of failure. Persons who have shown themselves not to be favourably disposed to ZANU-PF are entitled to international protection, whether or not they could and would do whatever might be necessary to demonstrate such loyalty (RT (Zimbabwe)) [Headnote (3).(2)].
- 1.3.6 Although EM & others (as modified by CM), was heard prior to the July 2013 elections, it remains valid as the situation on the ground has not changed significantly.
- 1.3.7 As was the case before the July 2013 elections, the security apparatus is controlled by ZANU-PF, the enactment of a new constitution has not improved the human rights environment, and there continue to be reports, albeit declining numbers, of ill-treatment of perceived MDC supporters, their families, political activists, student leaders and perceived government critics, particularly in Mashonaland West, Mashonaland Central, Mashonaland East, Manicaland, Masvingo and Midlands provinces and high density areas of Harare.
- 1.3.8 In those places opponents, or perceived opponents, of ZANU-PF may well find it difficult to avoid adverse attention, amounting to serious ill-treatment, from ZANU-PF authority figures and those they control. They would also face a real risk of ill-treatment because of a continuing risk of being required to demonstrate loyalty to ZANU-PF. There are few incidents of similar difficulties being faced by perceived MDC supporters or activists in Matabeleland North, Matabeleland South, low density areas of Harare or in Bulawayo.
- 1.3.9 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 perceived political profile, not necessarily of a

See [country information](#)

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high level, and those perceived to be active in MDC politics.

1.3.10 Following an assessment of the risk on return to Harare airport (see country guidance caselaw of [HS](#) read with [AA](#) and [SM and Others](#)), the assessment of risk on return to a home area will also very much depend on the place in Zimbabwe to which the particular individual would return. There are differences between urban and rural areas (and the situation is not uniform across the rural areas).

See [Caselaw](#)

1.3.11 [EM & others](#) (as modified by [CM](#)), found that in general those returning to rural areas of Matabeleland North or Matabeleland South would be highly unlikely to face significant difficulty from ZANU-PF elements, including the security forces even if the returnee is a MDC member or supporter. A person may, however, be able to show that his or her village or area is one that, unusually, is under the sway of a ZANU-PF chief, or the like [Headnote (3). (4)]. Those returning to all other rural areas from the UK without ZANU-PF connections after a significant absence would face a real risk of persecution because of a continuing risk of being required to demonstrate loyalty to ZANU-PF, with the prospect of serious harm in the event of failure.

1.3.12 [EM & others](#) (as modified by [CM](#)) found in regard to major urban areas, that a returnee to Harare will face difficulties living in high density areas not faced by those living in other urban areas and those persons perceived to be active in MDC politics may face the risk of targeted reprisals (para 200). A returnee to Harare will in general face no significant difficulties, if going to a low-density or medium-density area. Whilst the socio-economic situation in high-density areas is more challenging, in general a person without ZANU-PF connections will not face significant problems there (including a "loyalty test"), unless he or she has a significant MDC profile, which might cause him or her to feature on a list of those targeted for harassment, or would otherwise engage in political activities likely to attract the adverse attention of ZANU-PF, or would be reasonably likely to engage in such activities, but for a fear of thereby coming to the adverse attention of ZANU-PF [Headnote (3). (5)]. Returnees to Bulawayo will in general not suffer the adverse attention of ZANU-PF, including the security forces, even if he or she does have a significant MDC profile.[Headnote (3). (6)].

See [Caselaw](#)

Teachers

1.3.13 In the country guidance case of [EM & others](#) (as modified by [CM](#)) the Upper Tribunal confirmed that those who are, or have been, a teacher are at a heightened risk of ill treatment.

See [Caselaw](#)

1.3.14 The heightened risks associated with being a teacher should be considered alongside the individual circumstances of each case, including their previous employment, any adverse interest by the authorities and an assessment of the risk to them on return to

Zimbabwe whether or not they seek to resume their career as a teacher.

- 1.3.15 Decision makers must also note that in the country guidance case of NN, the Upper Tribunal confirmed that the “geographical filter” identified in EM & others and CM is equally applicable to teachers. Thus, a teacher will generally not face a heightened risk on return to Zimbabwe, on account of his or her occupation or former occupation alone, if his or her destination of return is (a) rural Matabeleland North or Matabeleland South, where a returnee will in general not face a real risk of harm from ZANU-PF elements, including the security forces, even if he or she is a MDC member or supporter; or (b) Bulawayo, where the returnee will in general not face such a risk, even if he or she has a significant MDC profile.

See [Caselaw](#)

Human rights defenders, members of civil society organisations and journalists

- 1.3.16 Those who have been or who are human rights defenders, members of civil society organisations and journalists are similarly at a heightened risk of ill treatment on account of their actual or imputed political opinion. The heightened risks should be considered alongside the individual circumstances of each case, including their previous employment, any activity which might be perceived as being critical of ZANU-PF, any adverse interest by the authorities and an assessment of the risk to them on return to Zimbabwe whether or not they seek to resume their previous profession.

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Are those at risk able to seek effective protection?

- 1.3.17 Where the person’s fear of ill treatment is by the state authorities, they would be unable to apply to these authorities for protection.
- 1.3.18 As regards fear of ill-treatment by non-state actors, victims of political violence are rarely able to rely on the police to pursue justice on their behalf. Police are often unwilling or unable to protect those targeted. It is reported that the police remain partisan on behalf of ZANU-PF, commit serious abuses against perceived supporters of the MDC and government critics with impunity, and in numerous cases fail to intervene or investigate reports that ZANU-PF-aligned individuals engaged in political violence. It is also reported that police sometimes arrest the victims of violence rather than the perpetrators. Court cases in Zimbabwe take a long time to proceed and are regularly postponed. Selective application and interpretation by law enforcement officials and the Attorney General’s Office limit access to justice and the freedoms of political actors opposed to ZANU-PF. ZANU-PF sympathisers use threats and intimidation to force magistrates, who hear the vast majority of cases, particularly rural magistrates, to rule in the government’s favour.

See Asylum Instruction on [Considering the asylum claim and assessing credibility](#); and, where appropriate, [Gender Issues in the Asylum Claim](#)

Are those at risk able to internally relocate within Zimbabwe?

1.3.19 As stated by the Upper Tribunal in [EM & others](#) (as modified by [CM](#)), the issue of what is a person's home for the purposes of internal relocation is to be decided as a matter of fact and is not necessarily to be determined by reference to the place a person from Zimbabwe regards as his or her rural homeland [Headnote (3). (7)].

See Asylum Instruction on [Internal Relocation](#)

See [Caselaw](#)

1.3.20 For those at risk of persecution internal relocation may be an option to escape any risk, as long as the effect of relocation is not unduly harsh. However, careful consideration must be given to the relevance and reasonableness of internal relocation on a case by case basis. This should include the age, gender, health, ethnicity, religion, financial circumstances and support network of the person, as well as the security, human rights and socio economic conditions in the proposed area of relocation, including the person's ability to sustain themselves.

1.3.21 [EM & others](#) (as modified by [CM](#)) specifically found that as a general matter, it is unlikely that a person with a well-founded fear of persecution in a major urban centre such as Harare will have a viable internal relocation alternative to a rural area in the Eastern provinces if they have no connection there. [Headnote 3(7)]. Harare or Bulawayo may be a more realistic option for relocation of a person facing risk of persecution in rural Zimbabwe as long as such relocation would not be unduly harsh on the facts of the individual case.[Headnote 3(8)].

1.3.22 The Upper Tribunal also noted that relocation to Matabeleland (including Bulawayo) may be unduly harsh because of the risk of discrimination, where the returnee is Shona [Headnote 3(7)].

1.4. Policy summary

Perceived MDC members, supporters, their families, political activists, student leaders, human rights defenders, members of civil society organisations, journalists, teachers and other opponents of ZANU-PF, or those perceived to be such, who are returning to rural areas of Zimbabwe (other than rural Matabeleland North or Matabeleland South) may be at risk of persecution.

Those returning to Bulawayo or low-density or medium-density populated areas of Harare are, depending on the profile of the person, unlikely to face such risks.

Those returning to high-density areas of Harare will not face significant problems unless they have a significant MDC profile.

Victims of politically motivated violence are unlikely to be able to access effective state protection.

Internal relocation may be a viable option to mitigate any risk, provided that the relocation would not be unduly harsh. Women, especially single women with no support network, are likely to be vulnerable and may be subjected to destitution.

Those who are at real risk of persecution or serious harm and who cannot avoid that risk by internally relocating will have a well-founded fear of persecution and should normally be granted asylum.

Where a claim falls to be refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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See Asylum Instruction on [Non suspensive appeals certification under section 94 of the NIA Act 2002](#)

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2. Information

2.1. State security apparatus

Overview

- 2.1.1 In its 2014 World Report, Human Rights Watch stated that “The security forces have a long history of partisanship on behalf of President Mugabe and the ruling ZANU-PF party. The partisanship of the security forces’ leadership has translated into abuses by these forces against MDC members and supporters, and civil society organizations. Although the new constitution obligates the security forces to be politically neutral and impartial, this constitutional requirement has been disregarded. Beyond the open endorsement of ZANU-PF, in advance of the 2013 elections, security forces intimidated, beat, and committed other abuses against Zimbabweans perceived to be supporting the MDC or critical of the government. Members of the security forces have committed these abuses with almost absolute impunity.”¹
- 2.1.2 The US State Department report covering events in 2013 also noted that although the constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment, security forces continued to engage in such practices with impunity and with the implicit support of officials affiliated with ZANU-PF. Police used excessive force in apprehending, detaining, and interrogating criminal suspects. Security forces reportedly assaulted and tortured citizens in custody, particularly perceived opponents of ZANU-PF. ZANU-PF supporters--often with tacit support from police--continued to assault and torture scores of persons, including suspected and known MDC members, their families, civil society activists, and student leaders, especially in neighborhoods of Harare and nearby towns. Violent confrontations between various youth groups aligned with ZANU-PF (known as “Chipangano”), MDC-T, or MDC-N continued, particularly in urban areas. ZANU-PF supporters were the primary instigators of political violence. Police sometimes arrested the victims of the violence rather than the perpetrators.²
- 2.1.3 The Foreign and Commonwealth Office report that a culture of impunity is widespread in Zimbabwe. Victims of political violence are rarely able to rely on the police to pursue justice on their behalf. Court cases in Zimbabwe take a long time to proceed and are regularly postponed. Selective application and interpretation by law enforcement officials and the Attorney General’s Office limit access to justice and the freedoms of political actors opposed to ZANU-PF. Several high-profile court cases highlighted these problems during 2013. Officials from the British Embassy in Harare attended many political court hearings, and followed such cases closely.³
- 2.1.4 Freedom House similarly reports that “Security forces abuse citizens with impunity, often ignoring basic rights regarding detention, searches, and seizures. The

¹ Human Rights Watch <http://www.hrw.org/>: World Report 2014 - Zimbabwe, 21 January 2014 <http://www.hrw.org/world-report/2014/country-chapters/zimbabwe> [date accessed 13 August 2014]

² US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1.c Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment . 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dclid=220176> [date accessed 13 August 2014]

³ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern>: Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 13 August 2014]

government has taken no clear action to halt the incidence of torture and mistreatment of suspects in custody. Formed in 2009 as part of the agreement that created the Government of National Unity (GNU), the Joint Monitoring and Implementation Committee helped expose abuses of power by security forces, but the body had almost no enforcement powers and was formally disbanded after the swearing in of the new government in September 2013".⁴

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Police

- 2.1.5 The Zimbabwe Republic Police (ZRP) is an armed, quasi-military organisation modelled more along the lines of a military gendarmerie than a civilian police force. The police service falls under the command of a Commissioner-General of Police. Responsible to the Ministry of Home Affairs, it is deployed throughout the country, although its presence is most evident in cities and towns, becoming thinly spread in rural areas.⁵
- 2.1.6 The official number of police officers was at the centre of a legal challenge at the time of the July 2013 general elections, with Morgan Tsvangirai's Movement for Democratic Change (MDC-T) questioning the number of application forms for the police vote (reportedly 69,000) against approximately 44,000 on the pay roll.⁶
- 2.1.7 The US State Department report for 2013 reported that:

' The Zimbabwe Republic Police (ZRP) are responsible for maintaining law and order. Although the ZRP are officially under the authority of the Ministry of Home Affairs, the Office of the President controlled some roles and missions. The Zimbabwe National Army and Air Force constitute the Zimbabwe Defense Forces (ZDF), under the Ministry of Defense. They are responsible for external security, but the government sometimes used them for domestic operations. The Central Intelligence Organization (CIO), under the minister of state for national security, is responsible for internal and external security.

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

Security forces were infrequently held accountable for abuses. Senior government officials often dismissed allegations of excessive force and torture, claiming that such actions were necessary to maintain public order. Authorities routinely ignored court orders for investigations into allegations of abuse. ZRP leadership loyal to ZANU-PF stifled, derailed, or did not authorize the efforts of those police who sought to investigate political violence and corruption. Police were reluctant or refused to record reports of politically motivated violence or property destruction

⁴ Freedom House <http://www.freedomhouse.org/>, Freedom in the World 2014 - Zimbabwe, 23 January 2014 <http://freedomhouse.org/report/freedom-world/2014/zimbabwe-0> [date accessed 13 August 2014]

⁵ Jane's Sentinel Security Assessment: Southern Africa. Zimbabwe. Security and Foreign Forces, updated 25 July 2014. www.janes.com (subscription source) [date accessed 8 September 2014]

⁶ Jane's Sentinel Security Assessment: Southern Africa. Zimbabwe. Security and Foreign Forces, updated 25 July 2014. www.janes.com (subscription source) [date accessed 8 September 2014]

perpetrated by ZANU-PF-aligned individuals against political opponents, often blaming the lack of fuel for vehicles for their failure to investigate.

The continued politicization 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. There were reports of police and army personnel suspected of being sympathetic to the MDC's or other political parties' being 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.' Government efforts to reform the security forces were minimal, and there were no reports of disciplinary actions against security officers who erred in ZANU-PF's favor in their official conduct. Training on allegiance to ZANU-PF for securing the nation's sovereignty was commonplace, while authorities rarely provided training on nonpartisan implementation of the rule of law. There were no internal or external entities to investigate security force abuse. On numerous occasions prior to elections, police failed to intervene or investigate reports that ZANU-PF-aligned individuals engaged in political violence.⁷

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Military

- 2.1.8 The Zimbabwe National Army and Air Force constitute the Zimbabwe Defence Forces (ZDF), under the Ministry of Defence, are responsible for external security, but the government sometimes used them for domestic operations.⁸
- 2.1.9 Jane's Sentinel Security Risk Assessment, Country Profile: Zimbabwe, section on the Armed forces, updated 23 July 2014, noted that "The Zimbabwe Defence Force has an official authorised strength of 42,000 but there are thought to be only 34,000 troops currently serving. 30,000 men and women serve in the ZNA, which has an authorised strength of 42,000, and 4,000 serve in the AFZ. Financial constraints saw the army reduced to 30,000 from the previous 46,000 in 2006" and also noted that "ZANU-PF loyalists from the liberation war dominate the senior echelons of the [armed forces] and have vested interests in perpetuating ZANU-PF's political dominance."⁹
- 2.1.10 The 2013 U.S. Department of State report notes that "There were reports that ZANU-PF officials in the government discriminated against, harassed, or removed persons perceived to be MDC supporters from the civil service and the military".¹⁰

⁷ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1.d Role of the Police and Security Apparatus. . 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 13 August 2014]

⁸ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1.d. Role of the Police and Security Apparatus 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 13 August 2014]

⁹ Jane's Sentinel Security Assessment: Southern Africa updated 23 July 2014 www.janes.com Subscription source – copies available on request [date accessed 13 August 2014]

¹⁰ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 4. Corruption and Lack of Transparency in Government, 27 February 2014 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 13 August 2014]

Central Intelligence Organisation

- 2.1.11 Human Rights Watch reports that the Central Intelligence Organisation (CIO) has no legislative framework guiding its institutional set up and operations. Although it is a department within the President's Office, in practice "the CIO has operated more as a ZANU-PF intelligence agency and has been implicated in serious human rights abuses against ZANU-PF's political opponents and civil society activists including torture, beatings, harassment and enforced disappearances".¹¹ Many Zimbabweans think the organisation has a network of informers that extends into the Zimbabwean diaspora.¹² The US State Department reports that members of the CIO have been repeatedly identified as perpetrators of violence.¹³ It further reports that "CIO agents and informers routinely monitored political and other meetings. Authorities targeted persons deemed to be critical of the government for harassment, abduction, interrogation, and sometimes torture. [...] CIO personnel at times assumed faculty and other positions or posed as students at public and some private universities to intimidate and gather intelligence on faculty and students who criticized government policies and actions. CIO officers regularly attended classes in which noted MDC activists were lecturers or students. [...] Police and the CIO regularly followed and harassed consultants working with international and local human rights organizations".¹⁴
- 2.1.12 Ahead of the 2013 elections Human Rights Watch recorded that "civil society leaders and the media had reported on the CIO conducting surveillance and intelligence gathering on their work and on other people and groups within civil society and political parties, perceived as hostile to ZANU-PF. (...) Local groups, including Zimbabwe Human Rights NGO Forum and Zimbabwe Peace Project, have since October 2012 documented an increase in the number of politically motivated human rights violations involving CIO agents. Often this involved torture that took place in police detention. In most cases, victims identified the perpetrators as CIO agents as they often introduced themselves as members of the CIO, and the fact that only state agents, or the police, have access to detainees in police custody, for purposes of interrogation."¹⁵

¹¹ Human Rights Watch <http://www.hrw.org>, The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Election, 5 June 2013, V. Zimbabwe's Security Sector Legal Framework http://www.hrw.org/sites/default/files/reports/zimbabwe0613webwcover_0.pdf [date accessed 13 August 2014]

¹² Washington Post <http://www.washingtonpost.com/>. Zimbabwe's security sector. 28 March 2008. <http://www.washingtonpost.com/wp-dyn/content/article/2008/03/28/AR2008032802339.html> [date accessed 13 August 2014]

¹³ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2012 - Zimbabwe, Section 1.d Role of the Police and Security Apparatus. 19 April 2013. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204183> [date accessed 13 August 2014]

¹⁴ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 2a, Freedom of Speech and Press, Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights, 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 13 August 2014]

¹⁵ Human Rights Watch <http://www.hrw.org>, The Elephant in the Room: Reforming Zimbabwe's Security Sector Ahead of Election, 5 June 2013, Central Intelligence Organization http://www.hrw.org/sites/default/files/reports/zimbabwe0613webwcover_0.pdf [date accessed 13 August 2014]

Judiciary

- 2.1.13 As with the previous constitution, the new constitution provides for an independent judiciary, but executive influence and interference remains a problem. In May 2013 the newly formed Constitutional Court (composed of all the members of the Supreme Court) ordered the government and President Mugabe to call for general elections no later than 30 June 2013. The government appealed for an additional month and the court granted it. The government did not comply with the 2012 Supreme Court ruling to hold by-elections by March 2013, nor was the court able to compel compliance.¹⁶
- 2.1.14 The US State Department also reported that during 2013 the government often refused to abide by judicial decisions and routinely delayed payment of court costs or judgments awarded against it in civil cases. Judicial corruption was widespread, extending beyond magistrates and judges. NGOs reported that senior government officials continued to undermine judicial independence, including by giving farms and homes to judges.¹⁷
- 2.1.15 Magistrates hear the vast majority of cases. Legal experts claim that defendants in politically sensitive cases are more likely to receive a fair hearing in magistrates' courts than in higher courts, where justices are more likely to make politicised decisions. ZANU-PF sympathisers use threats and intimidation to force magistrates, particularly rural magistrates, to rule in the government's favour. Other judicial officers not covered by the 2010 Judicial Services Act, such as prosecutors and private attorneys, also face pressure in politically charged cases, including harassment and intimidation. Some urban-based junior magistrates, however, demonstrate a greater degree of independence and have granted MDC and civil society activists bail against the government's wishes.¹⁸
- 2.1.16 In January 2014, Freedom House noted that pressure from the executive has substantially eroded judicial independence,. The accused are often denied access to counsel and a fair, timely trial, and the government has repeatedly refused to enforce court orders. It has also replaced senior judges or pressured them to resign by stating that it could not guarantee their security; judges have been subject to extensive physical harassment. Vacancies for scores of magistrate posts have caused a backlog of tens of thousands of cases.¹⁹
- 2.1.17 The Bertelsmann Foundation, in a report covering the period from 31 January 2011 to 31 January 2013, notes that "Judges have been appointed by President Mugabe without any involvement of Prime Minister Tsvangirai and the Movement for Democratic Change (MDC). In the review period, few if any judges in the Supreme Court or High

¹⁶ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1e. Denial of Fair Public Trial. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 13 August 2014]

¹⁷ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1e. Denial of Fair Public Trial. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 13 August 2014]

¹⁸ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1e. Denial of Fair Public Trial. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 13 August 2014]

¹⁹ Freedom House <http://www.freedomhouse.org/>, Freedom in the World 2014 - Zimbabwe, 23 January 2014. <http://freedomhouse.org/report/freedom-world/2014/zimbabwe-0> [date accessed 13 August 2014]

Court can be considered independent. They are closely tied to the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and to Mugabe, receiving rewards such as farmland, houses and cars. Even worse, a majority of appointees are perceived as being insufficiently qualified. Judges who rule against ZANU-PF policies risk being subjected to immense pressure or intimidation”.²⁰

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Human Rights Commission

- 2.1.18 On 15 October 2012 the government gazetted the Zimbabwe Human Rights Commission Bill that gave the nine member commission powers to investigate rights violations in the country. A clause in the Bill allows Human Rights Commissioners only to look at rights abuses after they were sworn into office on 13 February 2009. The passage of the Bill in parliament was delayed due to opposition from MDC-T legislators who felt it did not address the contentious issues of killings, torture, and politically motivated violence preceding the 2008 presidential run-off election.²¹ In December 2012 the chairperson for the Human Rights Commission resigned, citing a lack of resources and legislative enforcement mechanisms necessary for the commission to fulfil its mandate.²²
- 2.1.19 The US State Department report covering 2013 noted that ‘the national Human Rights Commission (HRC) remained severely underfunded and was largely a symbolic institution. Its continued lack of resources and the necessary legal enforcement mechanisms rendered it unable to fulfill its mandate to investigate and resolve reports of human rights violations.’²³
- 2.1.20 In its March 2014 Human Rights and Democracy Report update, the Foreign and Commonwealth Office stated that “We continue to be concerned at the lack of progress in operationalising the Zimbabwe Human Rights Commission (ZHRC). The ZHRC has been allocated funding by the Ministry of Finance and has begun recruiting a secretariat, but the commission is not yet fully operational. In February 2014, the ZHRC appointed Elasto Mugwadi as the new chairperson.”²⁴ And in its June 2014 update “The Zimbabwe Human Rights Commission (ZHRC) continues to be dogged by

²⁰ Bertelsmann Foundation <http://www.bti-project.org/bti-home/>, BTI 2014; Zimbabwe Country Report, 2014, Independent Judiciary <http://www.bti-project.de/fileadmin/Inhalte/reports/2014/pdf/BTI%202014%20Zimbabwe.pdf> [date accessed 14 August 2014]

²¹ SW Radio Africa <http://www.swradioafrica.com/>, Zimbabwe Human Rights Commission Bill signed into law, 15 October 2012, <http://www.swradioafrica.com/2012/10/15/zimbabwe-human-rights-commission-bill-signed-into-law/> [date accessed 13 August 2014]

²² US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2012 - Zimbabwe, Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights. 19 April 2013. [\http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204183 [date accessed 13 August 2014]

²³ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 13 August 2014]

²⁴ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human-Rights-and-Democracy-Report-2013:Zimbabwe-Country-of-Concern-update-31-March-2014>, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern-latest-update-31-march-2014> [date accessed 13 August 2014]

administrative challenges and limited fiscal support, though a \$2 million allocation by the Treasury in April 2014 led to the establishment of the commission's secretariat in May. Its budgets are tightly controlled by the Ministry of Justice. In April, the ZHRC begin outreach into the community and conducted a national survey on human rights concerns to help establish a baseline and guide for future activities.²⁵

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Other pro-ZANU-PF groups

War Veterans

2.1.21 The Zimbabwe National Liberation War Veterans' Association (ZNLWA) emerged as a major pro-government pressure group in the 1990s, leading the occupation of white-owned farms in early 2000 and some forming pro-ZANU-PF militias to attack MDC supporters during the 2000 election campaign. War veterans have been able to act with impunity as the police have refused to restrain their activities. Indeed, the police, Zimbabwe Defence Force (ZDF) and Central Intelligence Organisation (CIO) are all run by veterans of the liberation war and genuine war veterans are technically stipended reserve force members of the ZDF, numbering about 55,000.²⁶ Jane's Sentinel Security Assessments have also noted that: "Some 55,000 registered war veterans from the liberation war have also been included in the reserve force [of the army] and receive a gratuity (increasingly sporadically) from the Ministry of Defence for being technically available for duty."²⁷

ZANU-PF militia/youth militia

2.1.22 As presently construed, national service ostensibly serves as a political introduction for employment in government service, be it the civil service or a military career. However, there is a heavy paramilitary element to the service and critics say that it aims to produce a political-military reserve force to back up or replace the war veterans as they die out. Training is certainly paramilitary in style, with uniforms and weapons handling. An estimated 6,000 young Zimbabweans undergo training in the residential youth camps every year. However, the dire economic circumstances currently facing the government make it unlikely that the youth service is adequately funded or operating at full capacity.²⁸

2.1.23 In March 2012 it was reported that a total of nearly 6,000 youths from ZANU-PF's militia squads, who had been paid for unspecified jobs since 2008, were recently removed from the government payroll following a government ordered audit which showed many of the youths had been hired "irregularly" and had no qualifications. It was said that the youths were listed as "ward officers" but the Public Service Minister is reported as

²⁵ Foreign and Commonwealth Office [https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human Rights and Democracy Report 2013: Zimbabwe - Country of Concern update, 30 June 2014](https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human-Rights-and-Democracy-Report-2013:Zimbabwe-Country-of-Concern-update,30-June-2014) <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern-update-30-june-2014> date accessed 13 August 2014

²⁶ Jane's Sentinel Security Assessment: Southern Africa Internal Affairs. Executive Summary 7 January 2008. www.janes.com (subscription source) date accessed 13 August 2014

²⁷ Jane's Sentinel Security Assessment: Southern Africa. Zimbabwe. Armed Forces, updated 19 August 2014. www.janes.com (subscription source) [date accessed 8 September 2014]

²⁸ Jane's Sentinel Security Assessment: Southern Africa. Zimbabwe. Armed Forces, updated 19 August 2014. www.janes.com (subscription source) [date accessed 8 September 2014]

saying that she did not know what they actually did. The Minister of Youth and Indigenisation told a parliamentary portfolio committee in 2011 that the “ward officers” coordinate government activities in wards. But Zimbabweans know the youth militia as the violent “Green Bombers” [also nicknamed, ZANU-PF Youth Militia], responsible for assaulting MDC supporters. Nearly 7,000 were recruited by the Mugabe regime just weeks before the 2008 presidential election runoff. The youths were implicated in the violent campaign against the MDC and any perceived enemies of ZANU-PF, committing brutal acts of assault, torture and murder.²⁹

- 2.1.24 ZANU-PF militias operate as de facto enforcers of government policy and have committed assault, torture, rape, extralegal evictions, and extralegal executions without fear of punishment.³⁰ Minority Rights Group reports that the Zimbabwean government was also accused of reintroducing youth militias to create fear among political opponents prior to the 2013 elections.³¹
- 2.1.25 The programme was discontinued under the Government of National Unity following complaints by opposition parties over violent involvement of National Youth Service members in the election campaign. After Mugabe's electoral victory of July 2013, Zanu-PF Youth in September 2013 called for the resumption of National Youth Service. In October 2013, the government announced plans to resuscitate the National Youth Service as compulsory for all. In March 2014, representatives of the National Defence College travelled to Nigeria to learn about its National Youth Service Corps and how to manage its members and issues of insecurity that may arise.³²

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2.2. Political landscape

- 2.2.1 President Mugabe and ZANU-PF's monopoly on power was not seriously challenged until the formation of the Movement for Democratic Change (MDC) in 1999. The MDC split in 2005 - the larger faction, MDC-T, led by Morgan Tsvangirai and the smaller, MDC-M, led by Arthur Mutambara. Mutambara was replaced as leader by his party's Secretary-General, Welshman Ncube, in January 2011 (and became known as MDC-N). In March 2008, for the first time since Independence, ZANU-PF lost its Parliamentary majority and Mugabe lost in the first round of Presidential elections to Tsvangirai (by 47.9% to 43.2%). However, Tsvangirai did not pass the 50% threshold required for outright victory. The run up to the second round of voting held in June 2008 was marred by widespread and orchestrated violence against MDC supporters, leading Tsvangirai to withdraw and leaving Mugabe to stand unopposed. In Parliament, MDC-T became the largest party in the House of Assembly, winning 100 of the 210 seats to ZANU-PF's 99. In the Senate (Upper House), ZANU-PF held a majority. Given the parliamentary stalemate and the disputed presidential election, the Southern African Development Community (SADC) mandated Thabo Mbeki, the then President

²⁹ SW Radio Africa <http://www.swradioafrica.com/> ZANU PF youth militia removed from government payroll 26 March 2012 <http://www.swradioafrica.com/2012/03/26/zanu-pf-youth-militia-removed-from-government-payroll/> [date accessed 13 August 2014]

³⁰ Freedom House <http://www.freedomhouse.org/>, Freedom in the World 2013 - Zimbabwe, 3 June 2013 <http://www.refworld.org/docid/51aefaae27.html> [date accessed 13 August 2014]

³¹ Minority Rights Group International <http://www.minorityrights.org/>, State of the World's Minorities and Indigenous Peoples 2013, 24 September 2013 <http://www.minorityrights.org/12071/state-of-the-worlds-minorities/state-of-the-worlds-minorities-and-indigenous-peoples-2013.html> [date accessed 13 August 2014]

³² Jane's Sentinel Security Assessment: Southern Africa. Zimbabwe. Armed Forces, updated 19 August 2014. www.janes.com (subscription source) [date accessed 8 September 2014]

of South Africa, to broker a power-sharing agreement - the Global Political Agreement (GPA) - between ZANU-PF and the two MDC parties. The GPA was signed in September 2008 and created a coalition government - the Government of National Unity (GNU). Tsvangirai was sworn in as Prime Minister - a newly created post - in February 2009, with Mutambara as one of his Deputies and an expanded portfolio of Ministerial positions divided between the parties.³³

- 2.2.2 Mistrust between members of the GNU delayed crucial reforms agreed under the 2008 GPA.³⁴ But a constitutional referendum was held successfully on 16 March 2013. It was widely reported as well-managed and peaceful by the SADC observers and Civil Society Organisations.³⁵ The new constitution stipulated all security forces and government institutions, including state media, must be impartial, and genuine reforms on freedom of speech must be implemented. However, by calling for elections to be held at the end of July, Mugabe had made sure there would not be enough time for all reforms to take place.³⁶ Remarks by senior leaders of the army, police and intelligence services stating their preferred election outcome fuelled fears that the security forces – which had been implicated in the 2008 election violence – would again try to influence the next election in favour of ZANU-PF. Mugabe and Tsvangirai publicly spoke out against political violence; however, no concrete measures were taken in 2012 to end partisan activities of the security forces.³⁷ In its annual report covering 2013 Human Rights Watch reports that “The enactment of a new constitution has not resulted in improving the human rights environment, largely due to ZANU-PF’s failure to implement the rights provisions in the new constitution. The government has neither taken steps to enact new laws to operationalize the constitution, nor has it amended existing laws as necessary to bring them in line with the new constitution’s provisions. The government also needs to fully and impartially enforce domestic laws by holding accountable all those responsible for human rights abuses and politically motivated violence”.³⁸
- 2.2.3 The GNU came to an end with the presidential and parliamentary elections held on 31 July 2013. Mugabe won the presidential election with a 61.09% share of the votes and former Prime Minister Tsvangirai received a 33.9 % share.³⁹ ZANU-PF won 160 seats in the House of Assembly, MDC-T 49 and one seat was won by an independent candidate.⁴⁰

³³ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern> Country Profile; Zimbabwe April 2012 <http://www.factba.se/fco-page.php?bc=ZW> [date accessed 13 August 2014]

³⁴ Amnesty International <http://www.amnesty.org/> Report 2013 - The State of the World's Human Rights - Zimbabwe 23 May 2013. http://www.ecoi.net/local_link/248081/358373_en.html [date accessed 13 August 2014]

³⁵ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern> Human Rights in Countries of Concern: Quarterly Update on Zimbabwe, January to March 2013) 31 March 2013. http://www.ecoi.net/local_link/244485/386801_en.html [date accessed 13 August 2014]

³⁶ The Guardian <http://www.theguardian.com/uk>. Zimbabwe's 2013 elections explained 29 July 2013 <http://www.theguardian.com/global-development/2013/jul/29/zimbabwe-elections-2013-mugabe-tsvangirai> [date accessed 13 August 2014]

³⁷ Amnesty International <http://www.amnesty.org/> Report 2013 - The State of the World's Human Rights - Zimbabwe 23 May 2013. http://www.ecoi.net/local_link/248081/358373_en.html [date accessed 13 August 2014]

³⁸ Human Rights Watch, <http://www.hrw.org/> World Report 2014 - Zimbabwe, 21 January 2014 <http://www.hrw.org/world-report/2014/country-chapters/zimbabwe> [date accessed 13 August 2014]

³⁹ Zimbabwe Electoral Commission (ZEC) (via Kubatana <http://archive.kubatana.net/index.htm>), Results – Harmonised elections 31 July 2013, updated 3 August 2013, http://www.kubatana.net/html/archive/elec/130801kubres.asp?sector=ELEC&year=0&range_start=1 [date accessed 13 August 2014]

⁴⁰ Zimbabwe Electoral Commission (ZEC) (via Kubatana <http://archive.kubatana.net/index.htm>), Results – Harmonised elections 31 July 2013, updated 3 August 2013,

- 2.2.4 However, the elections were marred by widespread irregularities raised by local monitors, including reports of voter intimidation by Zimbabwe's security forces, traditional leaders coercing villagers to vote for ZANU-PF, a high number of "ghost" or duplicate voters present on the voters' roll, and credible reports that large numbers of people were unfairly turned away from polling stations. The Zimbabwe Electoral Commission (ZEC) failed to make available the voters' roll to political parties in advance of elections as required by law.⁴¹
- 2.2.5 The Southern African Development Community (SADC) and African Union (AU) endorsed the elections and said they were "free, peaceful and generally credible", though their initial reports highlighted a number of irregularities and flaws. The UK believes the conduct of the elections was seriously flawed, with clear evidence of voting irregularities raising serious doubts about their credibility. The US and Canada said the Zimbabwe election was deeply flawed, while Australia called for a re-run. Botswana, alone among regional states, publicly raised concerns about the credibility of the election. The AU final election observation report also captured several election shortcomings. The biggest domestic observer, Zimbabwe Election Support Network (ZESN), said, "the credibility of the 2013 Harmonised Elections is seriously compromised by a systematic effort to disenfranchise urban voters of up to a million votes."⁴² According to Freedom House, "While voting day was largely peaceful, the run-up saw crackdowns on civil society and some independent media. Pro-ZANU-PF security forces and militias were deployed to intimidate voters in swing provinces such as Masvingo and Manicaland and to "encourage" turnout in provincial strongholds like Mashonaland and Midlands".⁴³
- 2.2.6 The MDC presidential candidate, Morgan Tsvangirai, challenged in court the validity of the election in which Robert Mugabe won the presidential vote with his ZANU-PF party winning over two thirds of the parliamentary vote. When the court refused to compel ZEC to provide material that could be used to show electoral malpractices and irregularities, Tsvangirai withdrew his court petition paving the way for Mugabe to be sworn as president on 22 August 2013.⁴⁴
- 2.2.7 The ruling ZANU-PF is ridden with internal fissures as factional groups are said to be positioning themselves to succeed their elderly leader, President Robert Mugabe. One Zanu-PF faction is reportedly led by the country's, and party's, vice-president Joyce Mujuru. The Zanu-PF secretary of legal affairs, Emerson Mnangagwa, allegedly leads another. The opposition Movement for Democratic Change-Tsvangirai (MDC-T) is equally ridden with divisions amid calls for its leader Morgan Tsvangirai to step down due to his repeated failure at the polls since 2002.⁴⁵

http://www.kubatana.net/html/archive/elec/130801kubres.asp?sector=ELEC&year=0&range_start=1 [date accessed 13 August 2014]

⁴¹ Human Rights Watch <http://www.hrw.org>: World Report 2014 - Zimbabwe, 21 January 2014 <http://www.hrw.org/world-report/2014/country-chapters/zimbabwe> [date accessed 13 August 2014]

⁴² Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern>: Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 13 August 2014]

⁴³ Freedom House <http://www.freedomhouse.org/>: Freedom in the World 2014 - Zimbabwe, 23 January 2014 <http://freedomhouse.org/report/freedom-world/2014/zimbabwe-0> [date accessed 13 August 2014]

⁴⁴ Human Rights Watch <http://www.hrw.org>: World Report 2014 - Zimbabwe, 21 January 2014 <http://www.hrw.org/world-report/2014/country-chapters/zimbabwe> [date accessed 13 August 2014]

⁴⁵ Inter Press Service <http://www.ipsnews.net/>. News Agency. Zimbabwe Traverses a Rugged Political Terrain. 24 March 2014. <http://www.ipsnews.net/2014/03/zimbabwe-traverses-rugged-political->

- 2.2.8 It was reported at the end of April 2014 that Morgan Tsvangirai had expelled Tendai Biti, the MDC secretary-general from the MDC along with eight other members with Tsvangirai saying that Mr Biti was an "opportunist" who was being manipulated by President Robert Mugabe's Zanu-PF party. This followed an earlier meeting of the MDC national council where a faction led by Mr Biti said Mr Tsvangirai had been suspended from the MDC because of a "remarkable failure of leadership". Mr Tsvangirai dismissed that meeting as "illegal, unconstitutional, illegitimate and bogus". Many MDC supporters are said to be worried that the split could strengthen President Mugabe and ZANU-PF.⁴⁶

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2.3. Treatment of actual and perceived political opponents

MDC members and supporters and perceived critics of ZANU-PF

- 2.3.1 The Foreign and Commonwealth Office reports that the July 2013 elections which could have been a potential trigger for violence and for the human rights situation to deteriorate, were largely peaceful and levels of overt violence were lower than in previous election periods. Freedom of association and assembly was frequently constrained by partisan police action, such as the use of repressive legislation, including the Public Order and Security Act and the Criminal Procedure and Evidence Act, to prevent and break up protests and rallies organised by the MDC political parties and civil society groups.⁴⁷ Amnesty International reports in November 2013 that it "remains concerned about politically motivated violations of the rights to freedom of expression, association and assembly, especially during elections and other political processes in Zimbabwe. People living in rural areas often do not have any form of protection against politically motivated discrimination, harassment and intimidation. The land tenure system in rural areas renders people perceived to hold views different to those of the ruling party susceptible to internal displacement, eviction and violence. Police are often unwilling or unable to protect those targeted. Perpetrators of these violations enjoy total impunity as police are unable or unwilling to bring them to justice".⁴⁸
- 2.3.2 The U.S. State Department report for 2013 notes that "Authorities targeted persons deemed to be critical of the government for harassment, abduction, interrogation, and sometimes torture. [...] The ZLHR [Zimbabwe Lawyers for Human Rights] stated that by September it had assisted more than 70 individuals who had been arrested by police for violating Section 33 of the Criminal Law (Codification and Reform) Act, which

[terrain/?utm_source=rss&utm_medium=rss&utm_campaign=zimbabwe-traverses-rugged-political-terrain](#) [date accessed 13 August 2014]

⁴⁶ BBC News <http://www.bbc.co.uk>. Zimbabwe: Tsvangirai 'expels' Tendai Biti from MDC. 29 April 2014. <http://www.bbc.co.uk/news/world-africa-27212025#> [date accessed 13 August 2014]

⁴⁷ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern>: Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 13 August 2014]

⁴⁸ Amnesty International <http://www.amnesty.org/> Zimbabwe: Human rights agenda for the government, 2013 – 2018, 25 November 2013 <http://www.amnesty.org/en/library/asset/AFR46/017/2013/en/e19f252d-9dc4-4d87-882c-99e3e476d645/af460172013en.pdf> [date accessed 14 August 2014]

authorities routinely invoked against political and human rights activists as well as ordinary citizens for allegedly making seemingly innocuous jokes about the president”.⁴⁹

See also para 2.3.33 below.

- 2.3.3 In the pre-election climate, especially in the first quarter of the year, politically motivated violence was widespread, particularly by ZANU-PF youth supporters. Torture methods included beating victims with sticks, clubs, whips, cables, and sjamboks (a heavy whip); burning; falanga (beating the soles of the feet); solitary confinement; and sleep deprivation.⁵⁰
- 2.3.4 It was reported that in the build-up to elections there was an increase in low-level intimidation and violence towards political opponents.⁵¹ During 2013, ZANU-PF trained and deployed youths and war veterans to harass and disrupt the activities of MDC members, labour groups, student movements, civic groups, and journalists considered critical of ZANU-PF.⁵²
- 2.3.5 The severity of pre-election harassment varied, but was targeted at opposition party members to instil fear. For example, in early July 2013, the British Embassy in Harare received reports that Gift Chimankire, an MDC-T minister in the previous government, and MDC-T supporters in his community, were attacked by a group of ZANU-PF youths for election campaigning.⁵³
- 2.3.6 Freedom House also noted in a January 2014 reports that “State-sponsored political violence against the political opposition is a serious and chronic problem, although violence was much less severe in 2013 than in previous election years, especially in the post-election period. In general, MDC politicians, activists, and supporters were still subject to harassment, assault, and occasional arbitrary detention by security forces, militias, and supporters of ZANU-PF. Some attacks were also perpetrated by affiliates of the MDC. According to the Zimbabwe Human Rights NGO Forum, between July and September 2013, 66 percent of political violence cases targeted MDC-T supporters, the victims of 31 percent of cases had unknown party affiliations, 2 percent targeted other

⁴⁹ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 2 a. Freedom of Speech and Press, 27 February 2014 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 13 August 2014]

⁵⁰ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1 c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, 27 February 2014 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 13 August 2014]

⁵¹ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern>: Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report - Section IX: Human Rights in Countries of Concern - Zimbabwe, April 2013 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/186688/Cm_8593_Accessible_complete.pdf [date accessed 13 August 2014]

⁵² US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 2. b. Freedom of Peaceful Assembly and Association. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 13 August 2014]

⁵³ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern>: Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 13 August 2014]

MDC formations, and 1 percent targeted ZANU-PF supporters. [...] Female members of the opposition often face particular brutality at the hands of security forces.”⁵⁴

See also: [Country information and Guidance. Zimbabwe - Women](#)

- 2.3.7 In a June 2013 report, Human Rights Watch accused the army of deploying troops to threaten, and in some cases attack, potential MDC supporters or government critics; it also alleged that the army exploited channels such as food-aid distribution and education projects to campaign for ZANU-PF in communities across the country. Traditional leaders—especially in more rural provinces like Mashonaland Central, Mashonaland West, Mashonaland East, Manicaland, and the Midlands provinces—were often “encouraged” to ensure their villages voted for ZANU-PF under the threat of collective retribution. In December 2012, 24 of 29 MDC members who had been detained for 19 months on charges of murdering a Harare policeman were released on bail, and 21 were acquitted of the charge in September 2013.⁵⁵
- 2.3.8 In May 2013, the Inter Press Service reported that MDC-T supporters were forced to flee their rural home in Hurungwe district after ZANU-PF militias threatened them for encouraging people to participate in the then recently-ended mobile voter registration. Since 2012, the Jochomondo militia has allegedly terrorised residents in Zimbabwe’s northern Hurungwe district in Mashonaland West Province, a ZANU-PF -stronghold, making it almost impossible for opposition parties to campaign in the region. ZANU-PF-linked militias who call themselves Al-Shabaab, named after Somalia’s Islamic terrorist group, are alleged to have threatened the electorate in Midlands Province. Officials from Marondera, the capital of Mashonaland East Province, situated some 72 km east of Harare, said villagers were forced by suspected ZANU-PF -linked militias to participate in the voter registration process. Police from Mashonaland Central Province’s Bindura and Mazowe towns, which are located about 90 km north of Harare, said that people there still live in fear of a repeat of the violence that ensued during the country’s previous elections. Many are scared just to publicly support political parties. “Nobody wears MDC-T shirts here after the 2008 violent elections that left thousands of people maimed. Zanu-PF is going to use this to win this election, by reminding people about the June 2008 atrocities,” a top police official told IPS.⁵⁶
- 2.3.9 During 2013, the authorities often denied requests by civil society, trade unions, or political parties other than ZANU-PF to hold public events if the agenda contradicted ZANU-PF positions. Unlike in previous years, there were fewer reports of political rallies interrupted by opposing political parties; analysts attributed this to close observation of the pre-electoral environment by regional actors, such as the SADC, as part of the assessment of the July elections.⁵⁷
- 2.3.10 There were reports of individuals arrested for political reasons throughout 2013, including MDC officials, their supporters, NGO workers, and civil society activists.

⁵⁴ Freedom House <http://www.freedomhouse.org/>: Freedom in the World 2014 - Zimbabwe, 23 January 2014 <http://freedomhouse.org/report/freedom-world/2014/zimbabwe-0> [date accessed 13 August 2014]

⁵⁵ Freedom House <http://www.freedomhouse.org/>: Freedom in the World 2014 - Zimbabwe, 23 January 2014 <http://freedomhouse.org/report/freedom-world/2014/zimbabwe-0> [date accessed 13 August 2014]

⁵⁶ Inter Press Service <http://www.ipsnews.net/>, Zimbabwe’s Ruling Party Militias Spread Fear of Voting, 21 May 2013 <http://www.ipsnews.net/2013/05/zimbabwes-ruling-party-militias-spread-fear-of-voting/> [date accessed 13 August 2014]

⁵⁷ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 2. b. Freedom of Peaceful Assembly and Association. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 13 August 2014]

Authorities held many such individuals for one or two days and released them, while they held others for weeks or months. Political prisoners and detainees did not receive the same standard of treatment as other prisoners or detainees, and prison authorities arbitrarily denied access to political prisoners. During the year police beat and tortured numerous political and civil society activists while they were in detention.⁵⁸ There were credible reports of politically motivated abductions and attempted abductions during 2013. Leaders of both the Movement for Democratic Change parties reported that state security agents and ZANU-PF party supporters abducted and tortured MDC-T and Movement for Democratic Change-Ncube (MDC-N) members, civil society members, and student leaders as part of an effort to intimidate them. Authorities rarely punished perpetrators.⁵⁹

- 2.3.11 The US State Department reported that during 2013 “ZANU-PF supporters - often with tacit support from police - continued to assault and torture scores of persons, including suspected and known MDC members, their families, civil society activists, and student leaders, especially in neighborhoods of Harare and nearby towns. Violent confrontations between various youth groups aligned with ZANU-PF (known as “Chipangano”), MDC-T, or MDC-N continued, particularly in urban areas. ZANU-PF supporters were the primary instigators of political violence. Police sometimes arrested the victims of the violence rather than the perpetrators.⁶⁰
- 2.3.12 In a July 2013 report, the International Crisis Group noted the reported growing links between ZANU-PF and criminal groups, such as the Chipangano gang in Mbare, outside Harare.⁶¹
- 2.3.13 According to local NGOs, sporadic evictions continued during the year, especially of tenants and informal vendors suspected of supporting the MDCs. ZANU-PF youths reportedly evicted owners and occupants and placed their party’s supporters in properties controlled by local councils, without paying rent, and leased market stalls to ZANU-PF cardholders only. As a result, ZANU-PF youth controlled almost all markets in Harare. In addition to markets, ZANU-PF youth expanded into the “kombi” (minibuses used for public transport) market, where they extorted both drivers and passengers.⁶²

⁵⁸ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1c. Political Prisoners and Detainees. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 13 August 2014]

⁵⁹ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1b Disappearance, 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 13 August 2014]

⁶⁰ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 13 August 2014]

⁶¹ International Crisis Group <http://www.crisisgroup.org/>, Zimbabwe’s Elections: Mugabe’s Last Stand, 29 July 2013. [http://www.crisisgroup.org/~media/Files/africa/southern-africa/zimbabwe/b095-zimbabwes-elections-mugabes-last-stand.pdf](http://www.crisisgroup.org/~/media/Files/africa/southern-africa/zimbabwe/b095-zimbabwes-elections-mugabes-last-stand.pdf) [date accessed 13 August 2014]

⁶² US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 1f Arbitrary Interference with Privacy, Family, Home, or Correspondence, 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 13 August 2014]

Post-election retribution

2.3.14 The Zimbabwe Peace Project report covering August 2013 – the first month after the elections – noted that violations did not rise significantly across the country in August 2013 when compared to July 2013. The report noted that:

‘The trend observed over the years has been that human rights violations usually rise two months before the election, decrease during the election month and only to escalate soon after the election. The post-election retribution thus is directly felt a month or the period directly after the elections. This trend continued to play out and violations did not rise that much across the country in August 2013 when compared to July 2013. With a total of 525 incidents having been recorded compared to 496 in July 2013.

‘Manicaland recorded the highest number of violations, 120, followed by Mashonaland Central with 87, Midlands with 82. Matabeleland South and Bulawayo had the least violations recording 5 and 7 cases respectively. The period under review witnessed a rise in the number of post-election violence. A large number of people were displaced and others were threatened with evictions for allegedly voting wrongly. Sadly, one person died in Mashonaland East under yet unclear circumstances. An MDC-T activist was found dead on 9 August 2013 near Two Boys Shopping Centre in a suspected case of political violence. The report also recorded that all the Mashonaland Provinces, Manicaland, Masvingo and Midlands witnessed cases of displacements targeting MDC-T candidates and their election agents. Harare, being the most affected with thirty five incidents, followed by Mashonaland Central with eighteen cases.’

‘Cases of malicious damage to property also rose as a number of houses belonging to MDC-T members were set on fire or destroyed by suspected ZANU-PF supporters. Traditional leaders violated their constitutional mandate of being neutral and non partisan in their work. For example, Chief Mahenye from Chipinge South summarily dethroned 22 village heads whom he accused of allowing their subjects to vote for MDC-T during elections which caused ZANU-PF to lose the ward. In Gutu North, at Makumbe village ward 12 on 28 August 2013 the village head chased away an MDC-T member from a GMB food distribution scheme saying he and other MDC- T activists will never get food as long as ZANU-PF is in power.’⁶³

2.3.15 In September 2013, SW Radio Africa reported that MDC-T supporters are being denied drought relief food aid. Reports from several areas around the country indicate that post-election retribution is at the heart of these illegal acts by ZANU PF agents and the police are said to be opening case files without pursuing investigations further.⁶⁴ SW Radio Africa further reported in September 2013 on recent incidents of intimidation and violence against MDC-T members and supporters including an attack on Mashonaland East official Silent Dube, who was abducted from his farm in Beatrice and later dumped at a nearby army barracks, was part of a wider campaign of political retribution against the MDC-T. Most recently, about 13 families accused of supporting the MDC were

⁶³ Zimbabwe Peace Project <http://www.zimpeaceproject.com/> Monthly Monitor. August 2013, 31 August 2013, http://www.zimpeaceproject.com/index.php?option=com_phocadownload&view=category&download=127:zpp-august-2013-monthly-report&id=9:2013-reports&Itemid=107 [date accessed 13 August 2014]

⁶⁴ SW Radio Africa <http://www.swradioafrica.com>, MDC-T supporters denied drought relief food aid, 10 September 2013 <http://allafrica.com/stories/201309100227.html> [date accessed 13 August 2014]

reportedly evicted from a farm owned by ZANU PF Minister Nicolas Goche in Shamva.⁶⁵

- 2.3.16 The Zimbabwe Peace Project reported that during September 2013 “The major sources of conflict during the period under review revolved around post-election issues which ranged from harassment, arson, land invasions and displacements mainly perpetrated by Zanu PF supporters”.⁶⁶ Furthermore, Midlands province “continues to record incidents of post-election retributive violence with MDC-T election candidates and their agents as the major targets. The violations have mainly been witnessed in newly resettled areas around Mberengwa, Chirumanzu and Gokwe districts. On 9 September [2013], in Chishuku Resettlement Area in Chirumanzu Sebagwe ward 14, an MDC-T supporter was assaulted by Zanu PF supporter and war veteran only identified as Gumira with a knobkerrie and he lost consciousness”.⁶⁷ The ZPP report for October 2013 noted that post-election retribution cases continued throughout the country with hundreds of families reportedly left homeless as a result of forced evictions. Hundreds of families in Banket, Mashonaland West were left homeless after police allegedly set their houses on fire during the month of October claiming they were illegal settlers.⁶⁸
- 2.3.17 Amnesty International reports in November 2013 that “Following the general elections on 31 July [2013], human rights monitors recorded at least 150 people who became internally displaced following threats by village heads after they refused to be assisted to vote, which would have compromised the secrecy of their vote. Cases of politically motivated internal displacements were recorded in Mashonaland East, Mashonaland West, Mashonaland Central and Midlands provinces as well as in Harare”.⁶⁹
- 2.3.18 The FCO reported that 12-year-old Christpowers Maisiri was killed when the hut of his father, a local MDC-T party official, was set on fire on 23 February 2014. The police investigation concluded that the fire was a result of the explosion of tobacco chemicals and ammonium nitrate fertiliser in the thatched hut the boy was sleeping in. It is widely believed within the MDC-T and by human rights commentators that this was politically motivated arson.⁷⁰
- 2.3.19 In May 2014, the Zimbabwean reported that thousands of villagers were displaced by the Tokwe Mukosi floods and were living in appalling conditions in Chingize holding camp since January. In April, many villagers walked 130 km to Ngundu Growth Point to demonstrate against government neglect. Since then, food aid and other donations have been withheld and they have been accused of trying to tarnish the image of

⁶⁵ SW Radio Africa <http://www.swradioafrica.com>, MDC-T slam ‘political attacks’ on supporters, 17 Sept 2013 <http://allafrica.com/stories/201309180259.html> [date accessed 13 August 2014]

⁶⁶ Zimbabwe Peace Project <http://www.zimpeaceproject.com/> Monthly Monitor September 2013, 30 Sept 2013 http://www.zimpeaceproject.com/index.php?option=com_phocadownload&view=category&download=125:june-2013-monthly-report&id=9:2013-reports&Itemid=107 [date accessed 13 August 2014]

⁶⁷ Zimbabwe Peace Project <http://www.zimpeaceproject.com/> Monthly Monitor September 2013, 30 Sept 2013 http://www.zimpeaceproject.com/index.php?option=com_phocadownload&view=category&download=125:june-2013-monthly-report&id=9:2013-reports&Itemid=107 [date accessed 13 August 2014]

⁶⁸ Zimbabwe Peace Project <http://www.zimpeaceproject.com/>, . Montly Monitor October 2013, http://www.zimpeaceproject.com/index.php?option=com_phocadownload&view=category&download=129:zpp-october-2013-report&id=9:2013-reports&Itemid=107 [date accessed 13 August 2014]

⁶⁹ Amnesty International <http://www.amnesty.org/> Zimbabwe: Human rights agenda for the government, 2013 – 2018, 25 November 2013 <http://www.amnesty.org/en/library/asset/AFR46/017/2013/en/e19f252d-9dc4-4d87-882c-99e3e476d645/afr460172013en.pdf> [date accessed 13 August 2014]

⁷⁰ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern>: Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 13 August 2014]

President Robert Mugabe and Zanu (PF). “All the people linked to organising the demonstration and those who participated are being victimised and denied relief food aid. They are starving,” said a villager who refused to be named for fear of victimisation.”⁷¹

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⁷¹ The Zimbabwean <http://www.thezimbabwean.co/> Politicisation of food aid hits Chingwizi holding camp, 14 May 2014 <http://www.thezimbabwean.co/news/zimbabwe/71653/politicisation-of-food-aid-hits.html> [date accessed 14 August 2014]

Statistics

- 2.3.20 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 banned/disrupted political meetings and displacement for each province.
- 2.3.21 ZPP reports have shown a steady overall decrease in incidents of human rights abuses since 2008 as follows:⁷²

Year	Incidents
2008	23,755 ⁷³
2009	14,703 ⁷⁴
2010	10,703 ⁷⁵
2011	10,188 ⁷⁶
2012	5,096 ⁷⁷
2013	5,024 ⁷⁸
2014 (Jan – July)	1,534 ⁷⁹

⁷² Zimbabwe Peace Project <http://www.zimpeaceproject.com/>, report archive

http://www.zimpeaceproject.com/index.php?option=com_phocadownload&view=categories&Itemid=107

⁷³ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human-Rights-and-Democracy-Report-2013-Section-XI:Human-Rights-in-Countries-of-Concern-Zimbabwe>, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 13 August 2014]

⁷⁴ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human-Rights-and-Democracy-Report-2013-Section-XI:Human-Rights-in-Countries-of-Concern-Zimbabwe>, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 13 August 2014]

⁷⁵ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human-Rights-and-Democracy-Report-2013-Section-XI:Human-Rights-in-Countries-of-Concern-Zimbabwe>, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 13 August 2014]

⁷⁶ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human-Rights-and-Democracy-Report-2013-Section-XI:Human-Rights-in-Countries-of-Concern-Zimbabwe>, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 13 August 2014]

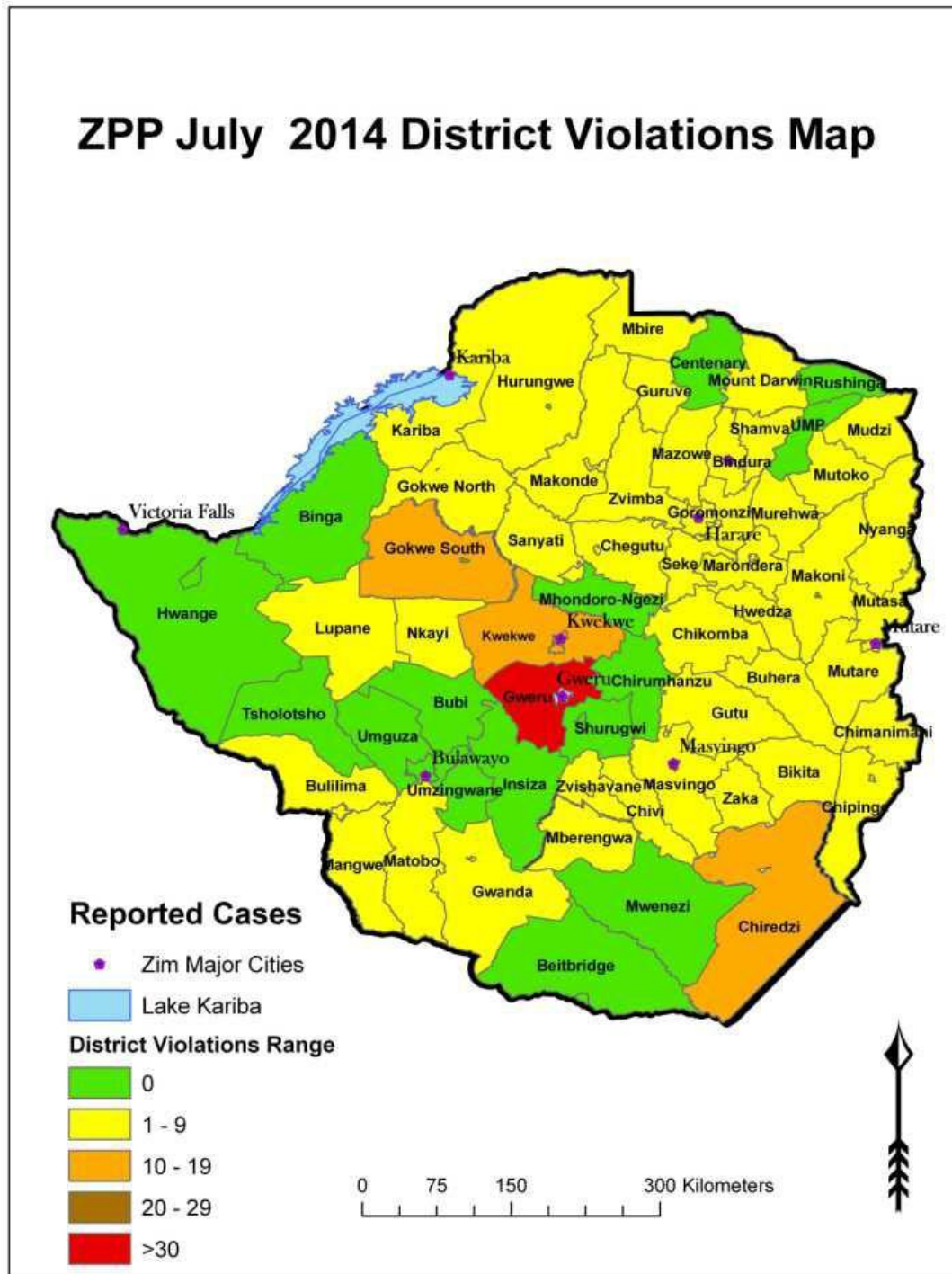
⁷⁷ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human-Rights-and-Democracy-Report-2013-Section-XI:Human-Rights-in-Countries-of-Concern-Zimbabwe>, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 13 August 2014]

⁷⁸ See Zimbabwe Peace Project <http://www.zimpeaceproject.com/> Monthly Monitor December 2013, 31 Dec 2013 http://www.zimpeaceproject.com/index.php?option=com_phocadownload&view=category&download=131:december-2013-report&id=9:2013-reports&Itemid=107 [date accessed 13 August 2014] and Zimbabwe Peace Project <http://www.zimpeaceproject.com/> Monthly Monitor July 2013, 15 August 2013 http://www.zimpeaceproject.com/index.php?option=com_phocadownload&view=category&download=125:june-2013-monthly-report&id=9:2013-reports&Itemid=107 [date accessed 13 August 2014]

⁷⁹ Zimbabwe Peace Project <http://www.zimpeaceproject.com/> Monthly Monitor July 2014, 29 August 2014 http://www.zimpeaceproject.com/index.php?option=com_phocadownload&view=category&id=6:latest-national-report&Itemid=157 [date accessed 9 September 2014]

Note: Decision makers should refer to the original reports which also provide a detailed explanation of the nature of the violence, the perpetrators, victims, and geographical breakdown

2.3.22 In its most recent ZPP report which covers July 2014, ZPP recorded violations by district in July 2014 as follows⁸⁰:



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⁸⁰ Zimbabwe Peace Project <http://www.zimpeaceproject.com/> Monthly Monitor July 2014, 29 August 2014 http://www.zimpeaceproject.com/index.php?option=com_phocadownload&view=category&id=6:latest-national-report&Itemid=157 [date accessed 9 September 2014]

Teachers

- 2.3.23 Around 45,000 teachers left Zimbabwe between 2004 and 2008 to escape the economic crisis or political violence. Many thousands more were reportedly afraid to leave their homes in 2008 due to the political violence, which halted education in most schools, particularly in the rural areas⁸¹ where they were the victims of political violence and extortion by war veterans and ZANU-PF supporters who accuse them of supporting the MDC, with some reports of teachers being targeted to join ZANU-PF.⁸² Teachers were specifically targeted in post-election violence and some schools were taken over as torture bases.⁸³
- 2.3.24 In August 2012, the Zimbabwe Peace Project reported that in Matabeleland South “The Census exercise saw the harassment of teachers in some training stations as they were unceremoniously dismissed by senior police officers from their training stations”.⁸⁴ In September 2012, a teacher from Mutoko was beaten by soldiers who accused him of attending a MDC rally and of being an activist masquerading as a teacher.⁸⁵ In September 2012, in Mutasa South, teachers were forced against their will to join the ZANU-PF by war veterans.⁸⁶
- 2.3.25 In January 2013, Newton Kachepa, the MP from Mudzi North, reportedly fired all school teachers in his constituency who were not ZANU-PF supporters and were not raised in the area.⁸⁷
- 2.3.26 In May 2013, the Zimbabwe Independent reported that ZANU PF was targeting teachers in rural areas and intimidating and coercing them to support the party.⁸⁸ Community Tolerance Reconciliation and Development (COTRAD) reported in July 2013 that the CIO was targeting teachers “in Mwenezi district and has since started victimizing teachers in the areas around Maranda, Neshuro and Saraure of Mwenezi East Constituency. The victimization has included the de-listing of particular teachers from participating in the voter registration.”⁸⁹ In July 2013, teachers at a rural school in

⁸¹ United Nations Educational, Scientific, and Cultural Organisation (UNESCO) [https://en.unesco.org/ Education under attack: 2010](https://en.unesco.org/Education%20under%20attack). (page 101) <http://unesdoc.unesco.org/images/0018/001868/186809e.pdf> [date accessed 12 August 2014]

⁸² Education International <http://www.ei-ie.org/en/>, Teachers under fire in Zimbabwe, 30 March 2011 http://www.ei-ie.org/en/news/news_details/1755 [date accessed 12 August 2014]

⁸³ Foreign and Commonwealth Office, <https://www.gov.uk/government/publications/zimbabwe-country-of-concern> Annual Human Rights report 2008; Zimbabwe <http://www.fco.gov.uk/resources/en/pdf/pdf15/human-rights-2008> [date accessed 12 August 2014]

⁸⁴ Zimbabwe Peace Project <http://www.zimpeaceproject.com/>, Summary on politically-motivated human rights and food-related violations – August 2012, 17 September 2012 http://www.kubatana.net/docs/hr/zpp_monthly_monitor_aug_2012_120917.pdf [date accessed 12 August 2014]

⁸⁵ The Zimbabwean <http://www.thezimbabwean.co/>, Mutoko teacher living in fear after army attack, 25 September 2012 <http://www.thezimbabwean.co.uk/news/zimbabwe/61001/mutoko-teacher-living-in-fear.html> [date accessed 12 August 2014]

⁸⁶ SW Radio Africa <http://www.swradioafrica.com/>, Teachers forced to join ZANU PF structures in Mutasa South, 18 September 2012 <http://www.swradioafrica.com/2012/09/18/teachers-forced-to-join-zanu-pf-structures-in-mutasa-south/> [date accessed 12 August 2014]

⁸⁷ SW Radio Africa <http://www.swradioafrica.com/>, Teachers fired and ordered to leave by ZANU PF MP Kachepa, 11 January 2013 <http://www.swradioafrica.com/2013/01/11/teachers-fired-and-ordered-to-leave-by-zanu-pf-mp-kachepa/> [date accessed 12 August 2014]

⁸⁸ Zimbabwe Independent <http://www.theindependent.co.zw/>, Zanu PF intimidates teachers, 17 May 2013 <http://www.theindependent.co.zw/2013/05/17/zanu-pf-intimidates-teachers/> [date accessed 12 August 2014]

⁸⁹ Community Tolerance Reconciliation and Development (COTRAD) <http://www.cotradtrust.org/>, Intimidation resurfaces, 11 July 2013

Nyanga North were threatened by state security agents after they refused to grant Zanu-PF permission to hold the party's primary elections at the school premises during learning time.⁹⁰ IRIN reports that in the run up to the July 2013 elections, Heal Zimbabwe Trust (HZT), an NGO working to promote peace, reported cases of soldiers assaulting MDC supporters, death threats being issued against teachers, villagers being forced to attend Zanu-PF rallies and even abductions of political opponents.⁹¹ Ahead of the July election, the media reported several cases of names of teachers being removed from the ZEC lists for being MDC-T supporters and replaced by persons perceived as either politically neutral or as known ZANU-PF supporters.⁹²

2.3.27 The Zimbabwe Peace Project reports that on the day of the July 2013 elections, incidences of voters being shepherded to polling stations by ZANU-PF activists such as traditional leaders, war veterans and youths were reported throughout the country. Very articulate and educated people like teachers were forced to vote as assisted voters. In areas such as Mutare South, Mazowe, and other areas, ZANU-PF leaders and traditional leaders had books "Zanu PF supervisor's election data book" where voters were entered after voting. According to Zimbabwe Electoral Commission figures the number of assisted voters nationally amounted to a massive 206,901 regardless of the fact that Zimbabwe boasts of a 96% literacy rate. This high number of assisted voters compromised the integrity and secrecy of the ballot".⁹³

2.3.28 Reporting on attacks on education in 2013 the Global Coalition to Protect Education from Attack notes that "the PTUZ (Progressive Teachers Union of Zimbabwe) reported that teachers were intimidated with threats of physical harm into supporting a particular party during the parliamentary and presidential elections in July. The union said that in Mashonaland Central province teachers were drafted into ZANU-PF structures and forced to campaign for the party against their will. On voting day, they were told that they should plead illiteracy so that they could be 'assisted' to vote by ZANU-PF supporters. In Mashonaland West, the teachers were forced to withdraw their membership from the PTUZ as the organisation complained about the harassment of teachers. The Zimbabwe Election Support Network reported as an illustrative critical incident during the voting process the fact that some known teachers in Chimanimani East, Manicaland, asked for assistance to vote on election day. The African Union Observation Commission noted that levels of voter assistance were high, with more than one in four voters 'assisted' in some polling stations at schools".⁹⁴

http://www.kubatana.net/html/archive/demgg/130711cotrad.asp?sector=EDUTRA&year=0&range_start=1 [date accessed 12 August 2014]

⁹⁰ The Standard <http://www.thestandard.co.zw/>, Nyanga teachers threatened for refusing Zanu PF access to school, 7 July 2013

http://www.kubatana.net/html/archive/edutra/130707zimstand6.asp?sector=EDUTRA&year=0&range_start=1 [date accessed 12 August 2014]

⁹¹ IRIN <http://www.irinnews.org/>, Zimbabwe's elections maybe peaceful, but fair?, 30 July 2013

<http://www.irinnews.org/report/98499/zimbabwe-s-elections-may-be-peaceful-but-fair> [date accessed 12 August 2014]

⁹² US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>, 2013 Country Reports on Human Rights Practices - Zimbabwe, Section 4 Corruption and Lack of Transparency in Government, 27 February 2014

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 12 August 2014]

⁹³ Zimbabwe Peace Project <http://www.zimpeaceproject.com/>, Monthly Monitor July 2013, 15 August 2013

http://www.zimpeaceproject.com/index.php?option=com_phocadownload&view=category&download=126:july-2013-monthly-report&id=9:2013-reports&Itemid=107 [date accessed 12 August 2014]

⁹⁴ Global Coalition to Protect Education from Attack <http://www.protectingeducation.org/>, Education under Attack 2014, 27 February 2014 http://protectingeducation.org/sites/default/files/documents/eua_2014_full_0.pdf [date accessed 12 August 2014]

- 2.3.29 A report in the Standard on 6 October 2013 stated that ZANU-PF youths and war veterans in Masvingo had started a witch-hunt, haunting teachers perceived to be sympathetic to the MDC-T and ordering their transfer from Masvingo West constituency. A petition that was set to be handed to the Ministry of Education was circulated in and around Masvingo town, where people were urged to sign, denouncing about 13 teachers at different schools.⁹⁵ The president of the Progressive Teachers Union of Zimbabwe (PTUZ) reported in October 2013 that the “PTUZ offices were daily inundated by calls from teachers from all provinces who have been dismissed by the Civil Service Commission (CSC) for contesting the [31 July 2013] polls on an MDC ticket”.⁹⁶
- 2.3.30 In an interview with the PTUZ published in January 2014, the Global Coalition to Protect Education from Attack notes that “According to PTUZ, political violence in Zimbabwe has extensive impacts on all levels of education. The group claims that the country’s teachers, lecturers, and students teach and learn under threat of arrest, abduction, torture, or assassination by police and state-sanctioned youth militias. Schools and colleges have become militarized environments. Youth militias coerce secondary school students to join military drills. Militia bases have been established in schools and near school premises. PTUZ states that militias, war veterans, and political party members tend to intervene on campus at schools and universities with some regularity, harassing students, particularly student leaders, forcing them to join political parties, and engaging them in spying on their professors. Such events tend to intensify during election periods. For example, according to PTUZ, the period leading up to the most recent elections in July 2013 saw the establishment of militia bases in or near schools throughout the country, and youth militia leaders invaded two schools following the elections, accusing them of having voted for the opposition party. The schools have since been closed indefinitely”.⁹⁷
- 2.3.31 The Zimbabwe Peace Project reports that in December 2013 “In a clear violation of the constitution, headman Madzonga from Makoni West in Manicaland allegedly denied teachers for Dewedzo Primary and secondary schools farming inputs on 13 December 2013 accusing them of belonging to the MDC-T. The farming inputs were from the Presidential Inputs Scheme”.⁹⁸ The Zimbabwe Peace Project further reports that “On 25 February [2014], Zanu PF activists led by the Member of Parliament for Chipinge South Enock Porusingazi together with Zanu PF leaders Rusangawanye and Shumba reportedly went to Checheche Primary school where they mobilized all the teachers at the school to a meeting. During the meeting convened by the MP, the teachers were told to join Zanu PF or be forced out of employment. To further their point, the teachers were told to form a Zanu PF branch at the school where every teacher will get a post”.⁹⁹ The same February 2014 report notes that in Mashonaland East Province, during

⁹⁵ The Standard <http://www.thestandard.co.zw/>. Zimbabwe: Zanu-PF After Teachers With Links to MDC-T. 6 October 2013. <http://allafrica.com/stories/201310060133.html> [date accessed 12 August 2014]

⁹⁶ SW Radio Africa <http://www.swradioafrica.com/> Teachers fired in ongoing Zanu PF retributive campaign, 8 October 2013 <http://www.swradioafrica.com/2013/10/08/teachers-fired-in-ongoing-zanu-pf-retributive-campaign/> [date accessed 12 August 2014]

⁹⁷ Global Coalition to Protect Education from Attack <http://www.protectingeducation.org/>, Newsletter: January 13, 2014 <http://www.protectingeducation.org/news/newsletter-january-13-2014> [date accessed 12 August 2014]

⁹⁸ Zimbabwe Peace Project <http://www.zimpeaceproject.com/>, ZPP Monthly Monitor December 2013, 31 Dec 2013 http://www.zimpeaceproject.com/index.php?option=com_phocadownload&view=category&download=131:december-2013-report&id=9:2013-reports&Itemid=107 [date accessed 12 August 2014]

⁹⁹ Zimbabwe Peace Project <http://www.zimpeaceproject.com/>, ZPP Monthly Monitor February 2014, 28 February 2014 http://reliefweb.int/sites/reliefweb.int/files/resources/ZPP_Monthly_Monitor_February_2014.pdf [date accessed 12 August 2014]

preparations for President Mugabe's 90th birthday, "people including school teachers were subjected to various forms of harassment such as being forced to contribute money ranging from \$1 up to \$5 towards the celebrations bash."¹⁰⁰

2.3.32 In its April 2014 report, the Zimbabwe Peace Project stated that harassment and intimidation became prevalent around Independence Day when Zanu PF activists forced community members and teachers to contribute towards the celebrations. It noted that "These incidents were quite prevalent in Manicaland, Masvingo, Mashonaland Central, Mashonaland East and Mashonaland West." In Masvingo between the 15th and 16th April 2014 a public service Inspector reportedly ordered school heads and other government department heads to urge their subordinates to contribute \$5 towards the celebration or face being labelled opposition functionaries rendering them ineligible for promotion.¹⁰¹

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Human rights defenders and members of civil society organisations

2.3.33 Human Rights Watch reports that "Both the power-sharing government prior to August 2013 and the new administration have failed to amend repressive laws, such as the Access to Information and Protection of Privacy Act (AIPPA), the Public Order and Security Act (POSA), and the Criminal Law Codification and Reform Act, which severely curtail basic rights through vague defamation clauses and draconian penalties. Sections of AIPPA and POSA that provide criminal penalties for defamation, or for undermining the authority of, or insulting the president, have routinely been used against journalists and human rights defenders. Police often misuse provisions of POSA to ban lawful public meetings and gatherings. Activists and journalists continue to be wrongly prosecuted and charged under these laws."¹⁰²

See also para 2.3.2 above.

2.3.34 Amnesty International reports that "The space in which human rights defenders can operate is restricted in two ways – firstly, through arbitrary arrests and unlawful detentions of perceived government critics, which may be followed by prosecutions; and secondly, through the actions of non-state actors, including traditional leaders and local party activists who enjoy impunity for harassing and intimidating human rights defenders to prevent them from freely carrying out their legitimate work in their communities".¹⁰³

2.3.35 The 2013 US State Department report recorded that:

¹⁰⁰ Zimbabwe Peace Project <http://www.zimpeaceproject.com/>, ZPP Monthly Monitor February 2014, 28 February 2014 http://reliefweb.int/sites/reliefweb.int/files/resources/ZPP_Monthly_Monitor_February_2014.pdf [date accessed 12 August 2014]

¹⁰¹ Zimbabwe Peace Project <http://www.zimpeaceproject.com/>, ZPP Monthly Monitor April 2014, 23 May 2014 http://www.zimpeaceproject.com/index.php?option=com_phocadownload&view=category&download=135:zpp-april-2014-monthly-monitor&id=17:zpp-2014-reports&Itemid=107 [date accessed 12 August 2014]

¹⁰² Human Rights Watch, <http://www.hrw.org/> World Report 2014 - Zimbabwe, 21 January 2014 <http://www.hrw.org/world-report/2014/country-chapters/zimbabwe> [date accessed 15 August 2014]

¹⁰³ Amnesty International <http://www.amnesty.org/> Zimbabwe: Human rights agenda for the government, 2013 – 2018, 25 November 2013 <http://www.amnesty.org/en/library/asset/AFR46/017/2013/en/e19f252d-9dc4-4d87-882c-99e3e476d645/afr460172013en.pdf> [date accessed 15 August 2014]

'The government harassed NGOs it believed would expose abuses by government personnel or which opposed government policies, and it continued to use government-controlled media to disparage and attack human rights groups. Articles typically dismissed the efforts and recommendations of NGOs that criticized the government and charged that their real agenda was regime change.¹⁰⁴

Police arrested or detained local NGO members and harassed their leaders, often in connection with NGO meetings or demonstrations.¹⁰⁵

Police and the CIO regularly followed and harassed consultants working with international and local human rights organizations. There were multiple reports of authorities turning around Western development and human rights experts at Harare airport without explanation and forcing them to depart on the earliest flight out of the country.'¹⁰⁶

- 2.3.36 A campaign of politically motivated abuses against civil society by the police began in December 2012 under the coalition government, and continues under the new administration. Police repeatedly arrested members of Women of Zimbabwe Arise as they peacefully protested human rights violations and the economic situation.¹⁰⁷
- 2.3.37 In the lead-up to the July 2013 elections, police charged a number of civil society leaders, including Jestina Mukoko, director of the Zimbabwe Peace Project, Okay Machisa, director of Zimbabwe Human Rights Association, and Abel Chikomo, director of Zimbabwe Human Rights NGO Forum, with alleged violations of various laws under what appeared to be politically motivated attempts to curtail the human rights work of civil society organizations.¹⁰⁸
- 2.3.38 Human Rights Watch reported in March 2013 that police harassment and arrests of civil society activists worsened as elections got closer and that police actions against civil society groups appear to have had the approval of the highest levels of the police.¹⁰⁹ Amnesty International have also noted that ZANU-PF was especially suspicious and hostile of human rights groups and other critics of its policies and record in government. The party claimed CSOs were part of a Western conspiracy to effect "illegal regime

¹⁰⁴ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

¹⁰⁵ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

¹⁰⁶ US Department of State: <http://www.state.gov/j/drl/rls/hrrpt/index.htm> Country Report on Human Rights Practices 2013 - Zimbabwe, Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

¹⁰⁷ Human Rights Watch www.hrw.org: World Report 2014 - Zimbabwe, 21 January 2014 <http://www.hrw.org/world-report/2014/country-chapters/zimbabwe> [date accessed 15 August 2014]

¹⁰⁸ Human Rights Watch www.hrw.org: World Report 2014 - Zimbabwe, 21 January 2014 <http://www.hrw.org/world-report/2014/country-chapters/zimbabwe> [date accessed 15 August 2014]

¹⁰⁹ Human Rights Watch, Zimbabwe www.hrw.org: End Police Crackdown on Civil Society, 19 March 2013 <http://www.hrw.org/news/2013/03/19/zimbabwe-end-police-crackdown-civil-society> [date accessed 15 August 2014]

change” in Zimbabwe. For example, at the party’s 13th National People’s Conference held in Gweru from 5 to 9 December 2012 delegates passed a resolution instructing “the Party to ensure that the Government enforces the de-registration of errant NGOs deviating from their mandate.” Such allegations are often followed by police raids, arrests, prolonged detention and long trials. This discourse has also fuelled impunity for human rights violations against human rights defenders, media workers, NGOs and supporters of other political parties creating a narrative in which targeting of perceived critics of ZANU-PF is legitimised.¹¹⁰

- 2.3.39 The Foreign and Commonwealth Office also report that “during 2013, human rights defenders (HRDs) were continually harassed by the state, often beaten and arrested on false charges. This includes the harassment of prominent human rights lawyer Beatrice Mtetwa who, in March, was charged with obstructing the course of justice, whilst defending a client. She was detained for eight days, despite a High Court order for her release. High Court judge, Justice Charles Hungwe, who initially ordered the release, was professionally and personally attacked by state media for his actions. The state appointed a new judge to preside over the case, amid allegations of misconduct. This attack by state media could have long-term implications for other judges presiding over politically sensitive cases. The political interference is indicative of the problems in the justice system in Zimbabwe.”¹¹¹
- 2.3.40 Harassment of HRDs continued throughout May 2013 as elections drew closer, with the arrest of prominent community mobilisers and information providers from within civil society organisations (CSO) community (Zimbabwe Peace Project, ZimRights, and National Youth Development Trust). These incidents highlighted the tight control the government holds over information.¹¹²
- 2.3.41 After the July 2013 elections, local CSOs and HRDs, which were targeted by ZANU-PF and state security forces pre-election, continued to be fearful of retribution and a clamp-down on democratic space. In July and August 2013, local CSOs received over a dozen reports of politically motivated cases of retribution, intimidation (e.g. threats of violence, death and abduction) and displacement. This included the attack on Mashonaland East official, Silent Dube, who was abducted from his farm. The CSO Women of Zimbabwe Arise has faced repeated restrictions on its freedom of expression and assembly. In February [2013], approximately 30 members were beaten by ZRP officers while taking part in a peaceful demonstration. Five members were detained at Bulawayo Central Police Station and 13 members required medical treatment. This continued throughout the year and on 19 and 20 September [2013], members were arrested twice in one week for peaceful demonstrations to mark International Day of

¹¹⁰ Amnesty International <http://www.amnesty.org/>, “Walk the Talk”: Zimbabwe must respect and protect fundamental freedoms during the 2013 harmonized elections, 12 July 2013, 4.1 Human Rights Violations Against Human Rights Defenders <http://www.amnesty.org/en/library/asset/AFR46/009/2013/en/843a7898-1d70-419d-86d1-490a40d08d84/afr460092013en.pdf> [date accessed 15 August 2014]

¹¹¹ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human-Rights-and-Democracy-Report-2013-Section-XI:Human-Rights-in-Countries-of-Concern-Zimbabwe>, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 15 August 2014]

¹¹² Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human-Rights-and-Democracy-Report-2013-Section-XI:Human-Rights-in-Countries-of-Concern-Zimbabwe>, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 15 August 2014]

Peace. In January [2013], regulations were introduced requiring all youth organisations to be registered with the Zimbabwe Youth Council or be banned.¹¹³

- 2.3.42 In response to this, on 18 January 2014, the Office of the UN High Commissioner for Human Rights issued a statement condemning the crackdown on NGOs and others who were seen as critical of the President in the run-up to the Constitutional Referendum in March 2013. The statement urged the government of Zimbabwe to respect international human rights norms and standards. On the same day, CSOs issued a joint statement condemning the “unashamed intimidatory and repressive tactics” used by the government of Zimbabwe against CSOs and their leaders.¹¹⁴
- 2.3.43 In a news article on 22 May 2014, Amnesty International stated that “Public order, security and criminal laws are being used to deny people their rights to freedom of expression, association and peaceful assembly, despite guarantees under the new Constitution” and that it “has documented numerous cases over the last year where meetings or activities have been barred and human rights defenders have been arrested and charged. In April 2014 alone nearly a dozen demonstrators and community activists were arrested for organizing and taking part in peaceful protests in Masvingo.”¹¹⁵

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Journalists

- 2.3.44 The constitution provides for freedom of speech and press, but the law limits these freedoms in the “interest of defense, public safety, public order, state economic interests, public morality, and public health.” Making a false statement prejudicial to the government carries a maximum prison sentence of 20 years. During 2013 the government continued to arrest, detain, and harass its critics, and journalists practiced self-censorship. The authorities continued to restrict freedom of speech and arrest individuals, particularly those who made or publicized comments critical of President Mugabe or made political statements opposing ZANU-PF. CIO agents and informers routinely monitored political and other meetings. Authorities targeted persons deemed to be critical of the government for harassment, abduction, interrogation, and sometimes torture. The Ministry of Media, Information, and Publicity (MMIP) routinely threatened independent news organizations with the loss of their licenses for criticizing ZANU-PF and President Mugabe.¹¹⁶
- 2.3.45 Zimbabwe saw a slight improvement in media plurality in 2013, with two new radio licences granted. The Broadcasting Authority of Zimbabwe received 21 applications for

¹¹³ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human-Rights-and-Democracy-Report-2013-Section-XI:Human-Rights-in-Countries-of-Concern-Zimbabwe>, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 15 August 2014]

¹¹⁴ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human-Rights-and-Democracy-Report-2013-Section-XI:Human-Rights-in-Countries-of-Concern-Zimbabwe>, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 15 August 2014]

¹¹⁵ Amnesty International <http://www.amnesty.org/>. Zimbabwe: Anniversary of new Constitution no cause for celebration. 22 May 2014. <http://www.amnesty.org/en/news/zimbabwe-anniversary-new-constitution-no-cause-celebration-2014-05-22> [date accessed 15 August 2014]

¹¹⁶ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 2. a. Freedom of Speech and Press. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

new commercial radio stations. During the election period, Zimbabwe's first independent TV channel was launched, 1st TV, which provided a platform to disseminate non-partisan information, but was not allowed to broadcast from within Zimbabwe. In December, a new newspaper was launched, the Zimbabwe Mail. It becomes the second daily paper to be launched this year, after the Bulawayo-based regional daily, the Southern Eye. However, it is reported that Transport Minister Obert Mpofu is the owner, adding to the number of state-aligned newspapers, rather than bringing greater diversity.¹¹⁷

- 2.3.46 Repressive legislation, now not aligned with the new constitution, such as the Access to Information and Protection of Privacy Act (AIPPA), continues to be applied by the state to limit media freedoms, which affects all Zimbabweans. Key legislative reforms designed to ensure an independent media and impartial security services were not completed ahead of the elections, as required by the Global Political Agreement. As a result, the Zimbabwean media is still dominated by state-owned outlets, and space for independent media remains severely limited.¹¹⁸
- 2.3.47 The Broadcasting Services Act continues to be used to suppress the media, and access to information in rural areas in particular. Through its selective application, the Zimbabwean police (ZRP) have banned alternative sources of media and seized short-wave radios. The ZRP issued a warning on 20 February 2013 calling on NGOs not to distribute "communication gadgets" to rural areas. Many Zimbabweans, especially in rural areas, rely on shortwave radio as a key source of information. They also use it to pick up independent and international stations in preference to the state-run stations, which transmit pro-ZANU-PF messages. The ZRP raided the offices of ZESN in February, stating that they were looking for subversive materials, gadgets and illegal immigrants. The offices of Radio Dialogue were also raided in March 2013, when 180 solar and kinetic energy-powered radios were seized by authorities.¹¹⁹
- 2.3.48 The Criminal Law Act, which criminalises defamation and insulting or undermining the authority of the President, was increasingly used by the police throughout the beginning of 2013. In May, the editor and chief reporter of The Independent newspaper, Dumisani Muleya and Owen Gagare respectively, were arrested and charged for allegedly publishing falsehoods, in a story claiming the MDC-T was in negotiations with military and police service chiefs aimed at preventing political instability. However, positive steps were taken by the Constitutional Court, when, on 8 November 2013, it declared this law unconstitutional. It also moved to challenge the constitutionality of other sections of the Criminal Law Act, including the arrest of journalists on allegations of publishing falsehoods.¹²⁰

¹¹⁷ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human-Rights-and-Democracy-Report-2013-Section-XI:Human-Rights-in-Countries-of-Concern-Zimbabwe>, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 15 August 2014]

¹¹⁸ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human-Rights-and-Democracy-Report-2013-Section-XI:Human-Rights-in-Countries-of-Concern-Zimbabwe>, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 15 August 2014]

¹¹⁹ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human-Rights-and-Democracy-Report-2013-Section-XI:Human-Rights-in-Countries-of-Concern-Zimbabwe>, 10 April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 15 August 2014]

¹²⁰ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human-Rights-and-Democracy-Report-2013-Section-XI:Human-Rights-in-Countries-of-Concern-Zimbabwe>, 10 April 2014

- 2.3.49 On 1 October 2013 the government tightened controls on electronic media and enacted new postal and telecommunications regulations, which permit security agencies to intercept telephone calls, text messages and internet communications. Shortwave radios and the sending of bulk text messages were banned.¹²¹
- 2.3.50 The US State Department report that both MDC and ZANU-PF supporters assaulted journalists during 2013. International media groups reported that they had expressed concerns to the leadership of political parties and members of the government of national unity following the continued attacks on journalists from both political parties ahead of the July 2013 elections.¹²²
- 2.3.51 On 6 June 2013, MDC-T security details detained Mashudu Netsianda, a reporter with the Chronicle newspaper. Netsianda was covering a meeting between former prime minister Tsvangirai and businessmen in Bulawayo. His notebook was confiscated and his recordings were deleted. The following day, MDC-T members assaulted Hebert Moyo, a reporter with the Zimbabwe Independent newspaper, as he tried to report on MDC-T members protesting against the choice of candidate for their constituency. On 8 June 2013, MDC-T supporters in Masvingo harassed Bernard Mapwanyire, a reporter for the independent Masvingo Mirror newspaper, who was covering MDC-T primary elections. On 18 June 2013, ZANU-PF youth seized 40 copies of NewsDay, published by Alpha Media Holdings Private Limited, from newspaper vendor Emmanuel Mhorombe. The newspaper claimed that the youth were angered by the lead story headlined, "Coalition against Mugabe Grows." On 21 June 2013, police and ZANU-PF security agents detained five journalists from both public and private media and reportedly forced them to delete their pictures and recordings.¹²³
- 2.3.52 Security forces arbitrarily harassed and arrested local and foreign journalists who reported unfavorably on government policies or security force operations. Senior ZANU-PF officials also criticized local and foreign independent media outlets for allegedly biased reporting that discredited President Mugabe and misrepresented the country's political and economic conditions.¹²⁴
- 2.3.53 On 7 May 2013, police arrested Dumisani Muleya, the editor of the Zimbabwe Independent weekly newspaper, Owen Gagare, one of his reporters, and the newspaper's secretary for publishing alleged falsehoods in a front-page story by Gagare in the newspaper's 26 April edition. All three were held for seven hours in a Harare police station before being released. Police interrogated the two journalists

April 2014 <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 15 August 2014]

¹²¹ Foreign and Commonwealth Office <https://www.gov.uk/government/publications/zimbabwe-country-of-concern: Human Rights and Democracy Report 2013 - Section XI: Human Rights in Countries of Concern - Zimbabwe, 10 April 2014> <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern#access-to-justice-and-the-rule-of-law> [date accessed 15 August 2014]

¹²² US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 2. a. Freedom of Speech and Press. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

¹²³ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 2. a. Freedom of Speech and Press. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

¹²⁴ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 2. a. Freedom of Speech and Press. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

about their sources for the story, which claimed that Morgan Tsvangirai had met secretly with senior military officers ahead of the coming elections. The journalists were released without charge.¹²⁵

- 2.3.54 On 14 August 2013, police detained and questioned Jan Raath, correspondent of The Times (UK), after his newspaper published a story alleging that the government had arranged a secret deal to export uranium raw materials to Iran for the manufacture of nuclear weapons. Raath was questioned for two hours and released. On 5 August 2013, Raath returned to the Harare Central Police Station's Law and Order Section, where he signed an affidavit detailing his contribution to the newspaper article after interrogation that lasted for an hour. He was released without further charges.¹²⁶
- 2.3.55 The Committee to Protect Journalists reports that "At least two journalists reported being attacked, threatened, and obstructed in January 2014 in Zimbabwe, while a third was summoned to court a year after being charged, according to news reports. Godfrey Mutimba, correspondent for the independent Daily News newspaper, said he was attacked on January 22, 2014, in Masvingo, the capital town of southeastern Masvingo province, while reporting on a meeting hosted by the U.S. embassy. He said assailants hit him with their fists, tore his jacket, and threatened him, saying they knew he wrote "propaganda for Western imperialists" and "negative things" about the ruling party. The journalist said that police in plainclothes who were at the meeting ignored the attack and that he did not report the assault to officials".¹²⁷
- 2.3.56 In a news article on 22 May 2014, Amnesty International said that independent journalism is under threat with journalists regularly arrested and charged. On 28 April, the editor of NewsDay, Nevanji Madanhire, and a reporter of the same paper were charged with contravening the criminal law after publishing allegations of police responsibility following the death of a four-year old who was killed by a minibus fleeing from the police. On 3 May [2014], police banned a planned World Press Freedom Day march in Harare.¹²⁸
- 2.3.57 On 20 June 2014, it was reported that police in Zimbabwe had arrested the editor of a state-owned newspaper who was appointed two months previously. Sunday Mail editor Edmund Kudzayi was detained after computers were seized from his office. A police spokeswoman told the state-owned Herald paper that he was being held over articles he had written. Earlier in June President Robert Mugabe accused his information minister of using state-owned media to sow divisions in the ruling Zanu-PF party.¹²⁹ The FCO reports that he is charged with "attempting to commit an act of insurgency, banditry, sabotage or terrorism" and "subverting the constitutional government". All the

¹²⁵ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 2. a. Freedom of Speech and Press. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

¹²⁶ US Department of State <http://www.state.gov/j/drl/rls/hrrpt/index.htm>: Country Report on Human Rights Practices 2013 - Zimbabwe, Section 2. a. Freedom of Speech and Press. 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220176> [date accessed 15 August 2014]

¹²⁷ Committee to Protect Journalists <https://cpj.org/> Zimbabwean journalists report being attacked, threatened, 25 February 2014 <https://cpj.org/2014/02/zimbabwean-journalists-report-being-attacked-threa.php> [date accessed 15 August 2014]

¹²⁸ Amnesty International <http://www.amnesty.org/>. Zimbabwe: Anniversary of new Constitution no cause for celebration. 22 May 2014. <http://www.amnesty.org/en/news/zimbabwe-anniversary-new-constitution-no-cause-celebration-2014-05-22> [date accessed 15 August 2014]

¹²⁹ BBC News <http://www.bbc.com/>. Zimbabwe arrests Sunday Mail editor Edmund Kudzayi. 20 June 2014. <http://www.bbc.co.uk/news/world-africa-27937794#> [date accessed 15 August 2014]

charges carry a life sentence upon conviction. He is accused of attempting to subvert a constitutionally elected government and communicating statements that are prejudicial to the state. He is also accused of running a fictional Facebook profile called Baba Jukwa, which is critical of ZANU-PF.¹³⁰

2.3.58 However in June 2014, the Foreign and Commonwealth Office reported that in general a more vibrant and more independent media environment is slowly emerging with more newspapers and radio stations emerging and fewer reports of the harassment of journalists.¹³¹

2.3.59 The Committee to Protect Journalists reports that police detained a reporter for the independent Daily News on 3 July 2014 for several hours, according to local journalists Helen Kadirire was held in Mutoko after she started to cover a demonstration by the Mutoko North Development Trust, a local community organization.¹³²

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¹³⁰ Foreign and Commonwealth Office [https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human Rights and Democracy Report 2013: Zimbabwe - Country of Concern update, June 2014](https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human-Rights-and-Democracy-Report-2013-Zimbabwe-Country-of-Concern-update-June-2014) <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern-update-30-june-2014> [date accessed 15 August 2014]

¹³¹ Foreign and Commonwealth Office [https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human Rights and Democracy Report 2013: Zimbabwe - Country of Concern update, June 2014](https://www.gov.uk/government/publications/zimbabwe-country-of-concern:Human-Rights-and-Democracy-Report-2013-Zimbabwe-Country-of-Concern-update-June-2014) <https://www.gov.uk/government/publications/zimbabwe-country-of-concern/zimbabwe-country-of-concern-update-30-june-2014> [date accessed 15 August 2014]

¹³² Committee to Protect Journalists <https://cpj.org/>. In Zimbabwe, journalist detained for covering demonstration, 9 July 2014 <https://cpj.org/2014/07/in-zimbabwe-journalist-detained-for-covering-demon.php> [date accessed 15 August 2014]

Map of Zimbabwe



UN Cartographic Section, Map of Zimbabwe, updated January 2004, accessed on 7 October 2013: <http://www.refworld.org/docid/460b6f992.html>

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Caselaw

NN (Teachers: Matabeleland/Bulawayo: risk) Zimbabwe CG [2013] UKUT 198(IAC) (10 May 2013). The “geographical filter” identified in EM and Others (Returnees) Zimbabwe CG [2011] UKUT 98(IAC) and confirmed more recently in CM (EM country guidance; disclosure) Zimbabwe CG [2013] UKUT 59(IAC) is equally applicable to teachers. Thus, a teacher will generally not face a heightened risk on return to Zimbabwe, on account of his or her occupation or former occupation alone, if his or her destination of return is (a) rural Matabeleland North or Matabeleland South, where a returnee will in general not face a real risk of harm from ZANU-PF elements, including the security forces, even if he or she is a MDC member or supporter; or (b) Bulawayo, where the returnee will in general not face such a risk, even if he or she has a significant MDC profile

CM (EM country guidance; disclosure) Zimbabwe CG [2013] UKUT 00059(IAC) (31 January 2013).

- (1) There is no general duty of disclosure on the Secretary of State in asylum appeals generally or Country Guidance cases in particular. The extent of the Secretary of State's obligation is set out in *R v SSHD ex p Kerrouche No 1* [1997] Imm AR 610, as explained in *R (ota Cindo) v IAT* [2002] EWHC 246 (Admin); namely, that she must not knowingly mislead a court or tribunal by omission of material that was known or ought to have been known to her.
- (2) The Country Guidance given by the Tribunal in EM and Others (Returnees) Zimbabwe CG [2011] UKUT 98 (IAC) on the position in Zimbabwe as at the end of January 2011 was not vitiated in any respect by the use made of anonymous evidence from certain sources in the Secretary of State's Fact Finding Mission report of 2010. The Tribunal was entitled to find that there had been a durable change since RN (Returnees) Zimbabwe CG [2008] UKAIT 00083. The Country Guidance in EM does not require to be amended, as regards the position at that time, in the light of:
 - (a) the disclosure by the Secretary of State of any of the materials subsequently disclosed in response to the orders of the Court of Appeal and related directions of the Tribunal in the current proceedings; or
 - (b) any fresh material adduced by the parties in those proceedings that might have a bearing on the position at that time.
- (3) The only change to the EM Country Guidance that it is necessary to make as regards the position as at the end of January 2011 arises from the judgments in RT (Zimbabwe) [2012] UKSC 38. The EM Country Guidance is, accordingly, re-stated as follows (with the change underlined in paragraph (5) below):
 - (1) As a general matter, there is significantly less politically motivated violence in Zimbabwe, compared with the situation considered by the AIT in RN. In particular, the evidence does not show that, as a general matter, the return of a failed asylum seeker from the United Kingdom, having no significant MDC profile, would result in that person facing a real risk of having to demonstrate loyalty to the ZANU-PF.
 - (2) The position is, however, likely to be otherwise in the case of a person without ZANU-PF connections, returning from the United Kingdom after a significant

absence to a rural area of Zimbabwe, other than Matabeleland North or Matabeleland South. Such a person may well find it difficult to avoid adverse attention, amounting to serious ill-treatment, from ZANU-PF authority figures and those they control. The adverse attention may well involve a requirement to demonstrate loyalty to ZANU-PF, with the prospect of serious harm in the event of failure. Persons who have shown themselves not to be favourably disposed to ZANU-PF are entitled to international protection, whether or not they could and would do whatever might be necessary to demonstrate such loyalty (RT (Zimbabwe)).

- (3) The situation is not uniform across the relevant rural areas and there may be reasons why a particular individual, although at first sight appearing to fall within the category described in the preceding paragraph, in reality does not do so. For example, the evidence might disclose that, in the home village, ZANU-PF power structures or other means of coercion are weak or absent.
- (4) In general, a returnee from the United Kingdom to rural Matabeleland North or Matabeleland South is highly unlikely to face significant difficulty from ZANU-PF elements, including the security forces, even if the returnee is a MDC member or supporter. A person may, however, be able to show that his or her village or area is one that, unusually, is under the sway of a ZANU-PF chief, or the like.
- (5) A returnee to Harare will in general face no significant difficulties, if going to a low-density or medium-density area. Whilst the socio-economic situation in high-density areas is more challenging, in general a person without ZANU-PF connections will not face significant problems there (including a “loyalty test”), unless he or she has a significant MDC profile, which might cause him or her to feature on a list of those targeted for harassment, or would otherwise engage in political activities likely to attract the adverse attention of ZANU-PF, or would be reasonably likely to engage in such activities, but for a fear of thereby coming to the adverse attention of ZANU-PF.
- (6) A returnee to Bulawayo will in general not suffer the adverse attention of ZANU-PF, including the security forces, even if he or she has a significant MDC profile.
- (7) The issue of what is a person’s home for the purposes of internal relocation is to be decided as a matter of fact and is not necessarily to be determined by reference to the place a person from Zimbabwe regards as his or her rural homeland. As a general matter, it is unlikely that a person with a well-founded fear of persecution in a major urban centre such as Harare will have a viable internal relocation alternative to a rural area in the Eastern provinces. Relocation to Matabeleland (including Bulawayo) may be negated by discrimination, where the returnee is Shona.
- (8) Internal relocation from a rural area to Harare or (subject to what we [the Tribunal] have just said) Bulawayo is, in general, more realistic; but the socio-economic circumstances in which persons are reasonably likely to find themselves will need to be considered, in order to determine whether it would be unreasonable or unduly harsh to expect them to relocate.
- (9) The economy of Zimbabwe has markedly improved since the period considered in RN. The replacement of the Zimbabwean currency by the US dollar and the South African rand has ended the recent hyperinflation. The availability of food and other goods in shops has likewise improved, as has the availability of utilities in Harare. Although these improvements are not being felt by everyone, with 15% of the population still requiring food aid, there has not been any deterioration in the

humanitarian situation since late 2008. Zimbabwe has a large informal economy, ranging from street traders to home-based enterprises, which (depending on the circumstances) returnees may be expected to enter.

- (10) As was the position in RN, those who are or have been teachers require to have their cases determined on the basis that this fact places them in an enhanced or heightened risk category, the significance of which will need to be assessed on an individual basis.
 - (11) In certain cases, persons found to be seriously lacking in credibility may properly be found as a result to have failed to show a reasonable likelihood (a) that they would not, in fact, be regarded, on return, as aligned with ZANU-PF and/or (b) that they would be returning to a socio-economic milieu in which problems with ZANU-PF will arise. This important point was identified in RN and remains valid.
- (4) In the course of deciding CM's appeal, the present Tribunal has made an assessment of certain general matters regarding Zimbabwe as at October 2012. As a result, the following country information may be of assistance to decision-makers and judges. It is, however, not Country Guidance within the scope of Practice Direction 12 and is based on evidence which neither party claimed to be comprehensive:
- (a) The picture presented by the fresh evidence as to the general position of politically motivated violence in Zimbabwe as at October 2012 does not differ in any material respect from the Country Guidance in EM.
 - (b) Elections are due to be held in 2013; but it is unclear when¹³³.
 - (c) In the light of the evidence regarding the activities of Chipangano, judicial-fact finders may need to pay particular regard to whether a person, who is reasonably likely to go to Mbare or a neighbouring high density area of Harare, will come to the adverse attention of that group; in particular, if he or she is reasonably likely to have to find employment of a kind that Chipangano seeks to control or otherwise exploit for economic, rather than political, reasons.
 - (d) The fresh evidence regarding the position at the point of return does not indicate any increase in risk since the Country Guidance was given in HS (returning asylum seekers) Zimbabwe CG [2007] UKAIT 00094. On the contrary, the available evidence as to the treatment of those who have been returned to Harare Airport since 2007 and the absence of any reliable evidence of risk there means that there is no justification for extending the scope of who might be regarded by the CIO as an MDC activist.

Supreme Court. RT (Zimbabwe) & others v Secretary of State for the Home Department [2012] UKSC 38 (25 July 2012) The Supreme Court ruled that the rationale of the decision in HJ (Iran) applies to cases concerning imputed political opinion. Under both international and European human rights law, the right to freedom of thought, opinion and expression protects non-believers as well as believers and extends to the freedom not to hold and not to express opinions. Refugee law does not require a person to express false support for an oppressive regime, any more than it requires an agnostic to pretend to be a religious believer in order to avoid persecution. Consequently an individual cannot be expected to modify their political beliefs, deny their opinion (or lack thereof) or feign support for a regime in order to avoid persecution.

¹³³ Note: The elections were subsequently held on 31 July 2013

Note: The judgment is based on the situation in Zimbabwe as disclosed by [RN \(Returnees\) Zimbabwe CG \[2008\] UKAIT 00083](#) which was at that time exceptional and the country guidance held that generally those who were unable to demonstrate their loyalty to the regime were at risk of persecution. Thus, those with no political beliefs could not be required to profess their loyalty to the regime to avoid persecution and were entitled to refugee status.

As the appellate court, the Supreme Court was concerned only with the question of whether the Tribunal determinations under appeal had correctly applied the law and country guidance at the time that the determinations were promulgated. The Supreme Court was therefore required to consider [RN](#) because it was the country guidance case in force at the time that the determinations under appeal were promulgated by the Tribunal. The Supreme Court heard no evidence as to what the current country situation in Zimbabwe was as at the date of hearing. Consequently, the statement of Lord Dyson that the cases under consideration by the Supreme Court fell to be decided in light of the “latest country guidance for Zimbabwe” was no more than a reference to the requirement mentioned above and, following the quashing of [EM and Others](#), a statement of fact as to the then most recently promulgated country guidance case. The case should not be read as authority for the proposition that [RN](#) reflects the current country situation in Zimbabwe.

EM and Others (Returnees) Zimbabwe CG [2011] UKUT 98(IAC) (14 March 2011).

The determination in this country guidance case was, by consent, quashed by order of the Court of Appeal on 13 June 2012 for procedural reasons; and the matter was remitted to the Upper Tribunal for further determination.

The Upper Tribunal handed down its further determination on 31 January 2013 in the case of [CM \(EM country guidance; disclosure\) Zimbabwe CG \[2013\] UKUT 00059\(IAC\)](#) (see above) and re-stated the country guidance in [EM](#) with an amendment to account of [RT \(Zimbabwe\) \[2012\] UKSC 38](#).

RN (Returnees) Zimbabwe CG [2008] UKAIT 00083 (19 November 2008)

This country guidance case was removed from the Upper Tribunal’s Country Guidance list on 14 March 2011 and replaced by [EM and Others \(Returnees\) Zimbabwe CG \[2011\] UKUT 98\(IAC\)](#) (see above).

HS (returning asylum seekers) Zimbabwe CG [2007] UKAIT 00094(29 November 2007)

1. Failed asylum seekers do not, as such, face a risk of being subjected, on return to Zimbabwe, to persecution or serious ill-treatment. That will be the case whether the return is voluntary or involuntary, escorted or not.
2. The findings in respect of risk categories in [SM and Others \(MDC – internal flight- risk categories\) CG \[2005\] UKIAT 00100](#), as adopted, affirmed and supplemented in [AA \(Risk for involuntary returnees\) Zimbabwe CG \[2006\] UKAIT 00061](#) are adopted and reaffirmed. The Tribunal identifies one further risk category, being those seen to be active in association with human rights or civil society organisations where evidence suggests that the particular organisation has been identified by the authorities as a critic or opponent of the Zimbabwean regime.
3. The process of screening returning passengers is an intelligence led process and the CIO will generally have identified from the passenger manifest in advance, based upon such intelligence, those passengers in whom there is any possible interest. The fact of

having made an asylum claim abroad is not something that in itself will give rise to adverse interest on return.

4. The Tribunal adopts and reaffirms the findings in AA in respect of the general absence of real risk associated with any monitoring of returnees that might take place after such persons have passed through the airport and returned to their home area or re-established themselves in a new area.
5. Country conditions have continued to deteriorate but are not generally such as to bring about an infringement of Convention rights for returnees or to require the grant of humanitarian protection.

AA (Risk for involuntary returnees) Zimbabwe CG [2006] UKAIT 00061 (1 August 2006)

1. A failed asylum seeker returned involuntarily to Zimbabwe does not face on return a real risk of being subjected to persecution or serious ill-treatment on that account alone.
2. SM and Others (MDC – internal flight- risk categories) CG [2005] UKIAT 00100 is reaffirmed. Two further risk categories are identified: those whose military history discloses issues that will lead to further investigation by the security services upon return to Harare Airport and those in respect of whom there are outstanding and unresolved criminal issues.
3. A deportee from the United Kingdom who, having been subjected to the first stage interview at the airport, is allowed to pass through the airport is likely to be the subject of some monitoring in his home area by the local police or the CIO but the evidence does not indicate a real risk of persecutory ill-treatment for those who are being monitored solely because of their return from the United Kingdom.
4. The general country conditions are extremely difficult but those difficulties will not generally be sufficiently severe to enable an appellant to rely upon article 3 to resist removal.

SM, TM, MH (MDC - Internal flight - Risk categories) Zimbabwe CG [2005] UKIAT 00100 (11 May 2005)

A summary of the country guidance give in this case is set out in Paragraph 51 of the determination as follows:

- (a) There does continue to be a real risk of persecution for those who are or are perceived to be politically active in opposition to and for this reason of serious adverse interest to the present regime. This can potentially include the categories identified in paragraph 43 [of the determination] but none of these factors by itself is determinative. Each case must be looked at on its own individual facts. Some categories are more likely to be at risk than others such as MDC activists and campaigners rather than supporters but we do not exclude the possibility that in exceptional cases those with very limited political involvement could in their particular circumstances find themselves at real risk.
- (b) The risk to political opponents is increased both before and immediately after elections but this fact is of limited importance and is only likely to have any material bearing in borderline cases.
- (c) There does continue to be a risk for teachers with an actual or perceived political profile of support for the MDC.
- (d) Records are kept by various groups and authorities including the CIO, local police and ZANU-PF party organisations and the war veterans but the existence of these records

does not materially add to the assessment of the risk of persecution in an individual case which depends on the applicant's profile and background. It seems to us unlikely that someone who has been caught up in random and intimidatory violence would without more be regarded as of continuing interest to the authorities. However, the fact that these records exist may indicate that an applicant found to be at risk is unlikely to be able to relocate in safety. In this context it will also be important to take into account whether the risk is from the authorities or from a local branch of ZANU-PF or locally based war veterans.

- (e) The current atmosphere of hostility to the return of failed asylum seekers does not of itself put at risk those who would otherwise not be at real risk but does serve to reinforce the fact that asylum claims must be considered with care and where there is any uncertainty, any doubts must be resolved in the applicant's favour.
- (f) The fact of being a white Zimbabwean does not of itself put an applicant in danger.
- (g) Where an applicant is at risk in his home area, the assessment of internal relocation must take into account the fact that there is a network of information available to the authorities, ZANU-PF and war veterans. An applicant who is regarded as an active political opponent in his home area may not be able to relocate in safety but this is a question of fact to be assessed in the circumstances of each case.
- (h) The use of grain distribution as a way of taking reprisals against political opponents does not arise in this appeal. We do not rule out the possibility of a case succeeding on this ground alone but the evidence would have to be clear and compelling. In so far as this was an issue in Ndlovu [2004] EWCA Civ 1567, the case turned on the findings of fact made by the Adjudicator. The Court of Appeal held that the Tribunal was wrong to find that the Adjudicator had erred in law but also emphasised that the adjudicator's decision did not and could not create a factual precedent of any kind.
- (i) There is no general risk for failed asylum seekers of a breach of article 3 as a result of the current hostility towards such returnees.
- (j) This determination is to be treated as updating and superseding all previous country guidance cases most of which were decided in 2002. The following cases are therefore no longer to be regarded as providing country guidance: LS (Persecution - CIO) Zimbabwe [2002] UKIAT 03342, LM (MDC) Zimbabwe [2002] UKIAT 03916, BN (MDC) Zimbabwe [2002] UKIAT 05518, BS (Liberty Party - CIO airport) Zimbabwe [2002] UKIAT 06461, AB (Persecution - CIO) Zimbabwe [2002] UKIAT 03598 and FN (Risk -relocation - MDC) [2003] UKIAT 00163.

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Change Record

Version	Date	Change References
1.0	14/10/2014	First version of updated country information and guidance.

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