

Country Advice

Zimbabwe

Australian Government

Refugee Review Tribunal

Zimbabwe – ZWE37927 – Movement for Democratic Change – Violence in 2002, 2003 – Harare – Returnee 14 January 2011

1. Are there any reports of attacks on MDC members or supporters in Harare in 2002 and 2003?

Several reports were found of attacks on MDC members or supporters in Harare and other areas in the periods of 2002 and 2003. Most of the attacks reported were against office bearers of the party, though there were also several incidents of attacks on low level supporters. A report by the Zimbabwe Human Rights NGO Forum details approximately 47 reports of police and ZANU PF attacks on MDC supporters during the period. The report lists 38 killings of MDC supporters in political violence from January to June 2002.¹ In March 2003 it was reported that the MDC was to petition the UN and International Parliamentary Union (IPU) over the "current wave of state terrorism which has seen many opposition members of parliament assaulted or arrested". The party was said to be "concerned with the continued assaults on and arbitrary arrests of its members". The MDC claimed to be spending up to \$10 million (presumably Zimbabwe dollars) monthly in legal and medical fees for its members affected by state-sponsored violence.²

Several attacks were reported in Harare. In 2002 police officers allegedly assaulted an MDC supporter prior to his attendance at a party event at the Harare Provincial Office. An MDC activist was taken to Harare Central Police Station where he was allegedly assaulted and sustained injuries to his backbone. Several attacks are alleged to have occurred during the MDC's celebration of International Youth Day. Four vehicle-loads of police are said to have arrived at the celebration and assaulted people in the crowd. An MDC councillor and three other MDC supporters were taken to cells and beaten. The MDC MP for Highfield was severely beaten by police. An MDC supporter was bundled into an army vehicle and beaten with batons and open hands. A female supporter was beaten unconscious, suffered a dislocated ankle and claims to have miscarried her baby as a result of the assault.³

¹ Zimbabwe Human Rights NGO Forum 2002, *Political Violence Report 1-30 June 2002*, July 2002 <u>http://www.hrforumzim.com/frames/inside_frame_monitor.htm</u>, Accessed 27 August 2002 - Attachment 1

² Mathuthu, M. 2003, 'MDC to Petition UN over Surge in State Terrorism', *Zimbabwe Independent*, 17 March – Attachment 2

³ Zimbabwe Human Rights NGO Forum 2002, *Political Violence Report 1-30 June 2002*, July 2002 <u>http://www.hrforumzim.com/frames/inside_frame_monitor.htm</u>, Accessed 27 August 2002 - Attachment 1

In 2003 the MDC branch chairperson for Kuwadzana 3 was stripped naked and beaten unconscious by ZANU PF youths.⁴ A vehicle carrying two MDC MPs was ambushed by ZANU PF supporters who fired shots at it, forcing the MPs to flee into a maize field for refuge. At an MDC rally in Kuwadzana Extension, one supporter was found bloodied and claimed he had been assaulted by state security agents. When the MDC attempted to hold a rally at Zororo Grounds, ZANU PF supporters were said to have assaulted an MDC supporter who was subsequently hospitalised. It is worth noting though that in this incident the police were said to have taken action, engaging in "running battles with ruling Zanu PF supporters". It was also reported at the Zororo rally that on one occasion MDC supporters "charged towards their [ZANU PF] adversaries".⁵ Two MDC MPs were arrested and assaulted while commemorating the United Nations International Women's Day and another MP arrested and tortured earlier in 2003.⁶

Outside Harare

It is also worth looking at some of the reported attacks outside Harare to gain a better gain a better understanding of the situation for MDC members and supporters in 2002 and 2003. There were three separate reported incidents of assaults by police on security guards manning the home of MDC President Morgan Tsvangirai (currently head of the MDC-Tsvangirai faction). In one incident, the guards were subsequently arrested, tortured and then released without any charges being made against them. MDC members at a meeting in Buhera South were attacked by police officers who ordered them to lie down and assaulted them with batons for "supporting the wrong party and being sell-outs". They were taken to a police station where they were denied water, food and toilet facilities. An MDC member involved in the party's Security Department was targeted by police who assaulted his wife when they failed to locate him. The MDC member alleged that some ZANU PF supporters were being given police uniforms and were joining the officers in assaulting MDC supporters. A district secretary for the MDC in Murambinda was taken to the police station where he was blindfolded, ordered to lie down, and beaten on the buttocks, feet and ribs. Subsequently the police entered his premises and struck him across the face and damaged his property before once again taking him to the police station. An MDC Branch chairman was assaulted while being detained at a police station.⁷ An MDC Office was petrol bombed and then later attacked with stones by some 200 militia members. Numerous incidents of violence against MDC supporters were also reported during the March 2002 general elections including abductions, stabbings, rape, torture, murders, beatings, theft and destruction of homes and property. Those at particular risk in the wake of the elections were MDC polling agents.⁸

Again, while most reported attacks were on MDC office holders there were also reports of attacks on low level supporters by police and ZANU PF militia.⁹ ¹⁰ ¹¹ ¹² The director of

⁴ 'ZANU PF YOUTHS ATTACK MDC SUPPORTER IN KUWADZANA' 2003, *The Daily News*, 25 February – Attachment 3

⁵ 'VIOLENCE HITS HARARE' 2003, *The Daily News*, 19 March – Attachment 4

⁶ Mathuthu, M. 2003, 'MDC to Petition UN over Surge in State Terrorism', *Zimbabwe Independent*, 17 March – Attachment 2

⁷ Zimbabwe Human Rights NGO Forum 2002, *Political Violence Report 1-30 June 2002*, July 2002

http://www.hrforumzim.com/frames/inside_frame_monitor.htm, Accessed 27 August 2002 - Attachment 1 ⁸ Amnesty International 2002, *ZIMBABWE: The toll of impunity*, 25 June, AI-index: AFR 46/034/2002, Section - Using "militias" to commit human rights violations during illegal land occupations

http://www.web.amnesty.org/ai.nsf/index/afr460342002 - Accessed 3 September 2002 - Attachment 5 ⁹ Zimbabwe Human Rights NGO Forum 2002, *Political Violence Report 1-30 June 2002*, July 2002

http://www.hrforumzim.com/frames/inside_frame_monitor.htm, Accessed 27 August 2002 - Attachment 1 ¹⁰ Zimbabwe Human Rights NGO Forum 2002, *Political Violence Report 1-30 June 2002*, July 2002

http://www.hrforumzim.com/frames/inside_frame_monitor.htm, Accessed 27 August 2002 - Attachment 1

Amani Trust claimed in August 2002 that there was a "sustained campaign by police to harass MDC supporters", and an "an alarming rise in reports of torture by police", with up to 600,000 victims of torture in the previous two years.¹³

2. Would a low-level male MDC supporter with family connections to the Zimbabwe Congress of Trade Unions be likely to be of interest to the ZANU-PF and in what way, were he to return to Zimbabwe now?

MDC Involvement

Being a low-level MDC supporter is likely to attract some interest from the ZANU PF. However the extent of this interest and the degree to which it includes targeting and violence depends on the person's level of activism within the MDC. Active members and supporters, and their families, continue to endure threats, violence, kidnappings, torture and killings at the hands of the ZANU PF and, occasionally, at the hands of soldiers. There has been a decline in the numbers of attacks on MDC members since the formation of a unity government in late 2008; nevertheless, and despite peace-rhetoric from Mugabe, the overall number of incidents remains high.

Violent incidents perpetrated against opposition members and supporters have declined since the 2008 election campaign and the subsequent formation of the unity government. The US Department of State reports that in 2009 "at least 3,316 victims of torture and assault received medical treatment during the year, a reduction from the 6,300 victims recorded in 2008".¹⁴

Despite the decline in recorded incidents, violence perpetrated against MDC members is far from having completely abated. A July 2010 MDC-T (the faction led by Morgan Tsvangirai) report states that between March 2008 and May 2010 more than 500 of its members and supporters were murdered by ZANU-PF militants and Zimbabwean state security agents.¹⁵ At the end of 2009 the MDC-T reported that approximately two hundred members and supporters remained missing since the election violence of 2008 and were presumed to be dead.¹⁶ In October 2009 the MDC-T suspended cooperation in the unity government. Immediately following the commencement of this boycott, a rise in violent attacks on MDC-T members was recorded by the party.¹⁷ In the same month, the UN special rapporteur on torture, Manfred Nowak, arrived in Zimbabwe to investigate the apparent escalation in

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http://www.web.amnesty.org/ai.nsf/index/afr460342002 - Accessed 3 September 2002 - Attachment 5 ¹³ Meldrum, A. 2002, 'I want the world to know we are living in Hell...', *The Observer*, 25 August http://www.guardian.co.uk/world/2002/aug/25/zimbabwe.andrewmeldrum – Accessed 11 January 2010 –

¹⁵ Zulu, B. 2010, 'Zimbabwe's MDC Releases Report Naming Perpetrators of Political Violence', *VOA News.com*, 6 July <u>http://www.voanews.com/zimbabwe/news/politics/Zimbabwes-MDC-Releases-Report-Naming-Perpetrators-of-Violence-97876909.html</u> – Accessed 28 September 2010 – Attachment 8

¹¹ Amnesty International 2002, *ZIMBABWE: The toll of impunity*, 25 June, AI-index: AFR 46/034/2002, Section - Using "militias" to commit human rights violations during illegal land occupations

http://www.web.amnesty.org/ai.nsf/index/afr460342002 - Accessed 3 September 2002 - Attachment 5 ¹² Amnesty International 2002, *ZIMBABWE: The toll of impunity*, 25 June, AI-index: AFR 46/034/2002, Section

Attachment 6

¹⁴ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Zimbabwe*, 11 March, Section 1b, 1c – Attachment 7

¹⁶ US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – Zimbabwe*, 11 March, Section 1.a – Attachment 7

¹⁷ Smith, D. 2009, 'Zimbabwe back from brink as Morgan Tsvangirai calls off boycott', *Guardian Unlimited*, 6 November – Attachment 9

violence, only to be denied entry.¹⁸ The MDC-T resumed participation in the unity government in November 2009.

On 19 September 2010 four MDC-T activists were assaulted by members of the ZANU PF in the Harare suburb of Mbare during a public hearing on proposals for a new constitution. According to news agency ZimOnline, when they reported the assaults they were arrested and detained by the police.¹⁹ *The Zimbabwean* reports that at the same public hearing another MDC activist was bashed and subsequently died from his injuries. *The Zimbabwean* reports that the family of the victim "pointed out the suspected murderers to the police, who have…refused to take action".²⁰ Such reports suggest that ZANU PF militants are prepared to assault MDC activists in full public view, in the knowledge that they enjoy considerable immunity from arrest. It is noting that younger low level MDC supporters have also been assaulted. The aforementioned 2003 assault at the MDC rally at Zororo Grounds was of an 18 year old MDC supporter.²¹

In the recent past, political violence in Zimbabwe has been cyclically orchestrated and the decline in recorded incidents of violence in 2009 is not likely to represent a longer-term downward trend. It is probable that 2008 saw high levels of violence because it was an election year. New parliamentary elections are scheduled for May 2011 and Mugabe has told ZANU PF loyalists that the party "must not be defeated...We must win resoundingly and regain the constituents we lost".²² However, a ZANU PF victory can only be guaranteed by an MDC-T boycott of the next election and in September 2010 Tsvangirai stated that the MDC-T might do just that if 2011 campaign violence reaches intolerable levels.²³ The danger of such a warning is that it may provide an incentive for ZANU PF militants to replicate the violence of 2008.

While maintaining a desire to regain a monopoly control over government, in April 2010 *The Guardian* reported that Mugabe made "an unprecedented appeal for an end to politically motivated violence". Mugabe told a 30,000 strong crowd at a ceremony celebrating the thirtieth anniversary of independence that "[y]our leadership in the inclusive government urges you to desist from any acts of violence that will cause harm to others and become a blight on our society...As Zimbabweans, we need to foster an environment of tolerance and treat each other with dignity and respect irrespective of age, gender, race, ethnicity, tribe, political or religious affiliation". NGO Zimbabwe Democracy Now was however unconvinced of Mugabe's sincerity. *The Guardian* suggests that the aging leader is merely

¹⁹ Sebatha, L. & Manyuchi, T. 2010, 'Victims of violence arrested: MDC', ZimOnline, 22 September

http://www.zimonline.co.za/Article.aspx?ArticleId=6355 – Accessed 27 September 2010 – Attachment 11 ²⁰ Kwaramba, F. 2010, 'Family says police won't arrest murder suspects', *The Zimbabwean*, 25 September http://www.thezimbabwean.co.uk/index.php?option=com_content&view=article&id=34452:family-says-police-wont-arrest-murder-suspects&catid=69:sunday-top-stories&Itemid=30 – Accessed 27 September 2010 – Attachment 12

²² 'Robert Mugabe rallies ZANU PF party in Zimbabwe' 2009, *BBC News*, 13 December
<u>http://news.bbc.co.uk/2/hi/africa/8410357.stm</u> – Accessed 24 December 2009 – Attachment 13
²³ 'Zimbabwe PM Tsvangirai anger over violence' 2010, *BBC News*, 21 September
<u>http://www.bbc.co.uk/news/world-africa-11381711</u> – Accessed 27 September 2010 – Attachment 14

¹⁸ Smith, D. 2009, 'UN torture investigator refused entry to Zimbabwe', *The Guardian*, 29 October <u>http://www.guardian.co.uk/world/2009/oct/29/zimbabwe-blocks-un-torture-investigator</u> – Accessed 27 September 2010 – Attachment 10

²¹ 'VIOLENCE HITS HARARE' 2003, The Daily News, 19 March – Attachment 4

attempting to resurrect his international reputation before retirement or death.²⁴ Despite this scepticism of Mugabe's appeal, Morgan Tsvangirai remarked in September 2010 that he believes that Mugabe is sincere, while driven by a desire to rehabilitate his international reputation. Tsvangirai adds, however, that the danger of violence ahead will depend on the decisions and behaviour of the "senior lieutenants of Mr Mugabe", once Mugabe dies or becomes too weak to govern".^{25 26}

Family Member of Someone Involved with ZCTU

With regard to the family members of people involved with the ZCTU (Zimbabwe Congress of Trade Unions) there was no information found on whether people with such profiles would be of interest to ZANU PF.

A search on the treatment of family members of those involved with the MDC – an organisation more threatening to the ZANU PF than the ZCTU – found only reports of family members of active MDC members as being of interest to ZANU PF. In April 2010, *SW Radio Africa* reported that Mike Chiwodza, a ZANU PF district chairman in Mashonaland East, had threatened to "deal with family members should their targeted MDC activists flee the crackdown. He said if the MDC activists escaped, they would find their spouses and children and kill them, after the World Cup showcase in South Africa".²⁷ In May 2010, IRIN News reported that the wife of an MDC official in Muzarabani district, died from injuries sustained while trying to escape ZANU-PF thugs in 2009.²⁸ Human Rights Watch (HRW) reported in August 2009, the July 2009 bashing of 73 year old Athanacia Mlilo, the mother of the MDC's international relations coordinator. HRW stated that Mlilo was attacked by suspected ZANU PF militants "with iron bars".²⁹ Also, despite the signing of the MDC-ZANU PF powersharing deal in 2008, the families of MDC MPs and officials continue to be harassed by authorities and groups allied to ZANU PF.^{30 31}

²⁶ Tendi, B.M. 2010, 'After Robert Mugabe', *The Guardian*, 1 September

 ²⁴ Smith, D. 2010, 'Robert Mugabe rejects violence as Zimbabwe turns 30', *The Guardian*, 18 April
<u>http://www.guardian.co.uk/world/2010/apr/18/robert-mugabe-violence-zimbabwe-30</u> – Accessed 27 September
2010 – Attachment 15

²⁵ "Split personality' Mugabe doesn't want to be remembered as a villain' 2010, *The Sydney Morning Herald*, source: *The Daily Telegraph*, 21 September <u>http://www.smh.com.au/world/split-personality-mugabe-doesnt-want-to-be-remembered-as-a-villain-20100921-15kb9.html</u> – Accessed 27 September 2010 – Attachment 16

http://www.guardian.co.uk/commentisfree/2010/sep/01/robert-mugabe-zimbabwe – Accessed 27 September 2010 – Attachment 17

 ²⁷ Sibanda, T. 2010, 'ZANU PF threatens crackdown on MDC after SA World Cup', *SW Radio Africa*, 22 April http://www.swradioafrica.com/news220410/zanuthreatens220410.htm – Accessed 16 September 2010 – Attachment 18

²⁸ 'Freddie Matonhodze, "We fear there could be a blood bath" 2010, *IRIN News*, May

http://www.irinnews.org/HOVReport.aspx?ReportId=89084 – Accessed 16 September 2010 – Attachment 19 ²⁹ Human Rights Watch 2009, *False Dawn: The Zimbabwe Power-Sharing Government's Failure to Deliver Human Rights Improvements*, 31 August p.5-6 – Attachment 20

³⁰ Bell, A. 2008, 'MDC MP's wife detained as pressure on members continues', *SW Radio Africa*, 9 September <u>http://www.swradioafrica.com/news090908/mdcwife090908.htm</u> – Accessed 16 September 2010 – Attachment 21

³¹ Karimakwenda, T. 2008, 'MDC Mayor's wife found dead and ZESN observer murdered', *SW Radio Africa*,

¹⁸ June <u>http://www.swradioafrica.com/news180608/mdcmayorswife180608.htm</u> – Accessed 16 September 2010 – Attachment 22

3. Are failed asylum seekers known to be mistreated by authorities on return to Zimbabwe?

While authorities see the Zimbabwean diaspora as a security threat, there is little information to suggest the mistreatment by authorities of people because they return to Zimbabwe from overseas. This will depend on the returnee's profile, whether it is known that they sought asylum, and where they are returning from.

In September 2010, the UK Home Office's Border Agency interviewed seven returned asylum seekers and found that none had experienced problems on re-settling in the country or from officials upon passing through Harare airport.³² Information in the report was obtained during a fact-finding mission to Zimbabwe in August 2010 and is based on the experiences of Zimbabweans who had claimed asylum in the UK and voluntarily returned to Zimbabwe during 2009 and 2010. The interviewees were independently selected by the International Organisation for Migration. All had low political profiles and feared harm from the ZANU PF Party.³³ The report also provides the opinions of two human rights NGOs which are consistent with the views of the interviewed returnees. The report states that the Zimbabwe Association of Doctors for Human Rights assessed that returnees to rural areas (who do not participate in political activity) do not face additional problems compared with other residents:

Those returning from overseas to rural areas will, in general, not face problems if they still have family members living there. People are more concerned with current activity rather than past events, and although questions are asked about returnees in rural areas, there is usually no sinister basis for this and those who do not participate in political activity on return will not have any additional problems when compared with other residents.³⁴

The Zimbabwe Human Rights NGO Forum was also unaware of mistreatment of any returnees and states that it "considers that the abolition of hate speech against asylum seekers returning from the UK is central to creating a more conducive environment". The Forum expected that it would be informed of harm against returnees through either its nationwide member organisations or the London-based Zimbabwe Association. The Forum does maintain concerns, however, that failed asylum seekers would be considered disloyal and therefore face additional problems re-integrating. It adds that while returning economic migrants may not face these problems, they are still possible if the returnee has family members known to be political activists.³⁵

Since the formation of the unity government following the 2008 elections, Tsvangirai has called for the diaspora to return to Zimbabwe and help rebuild the economy and the democracy.³⁶ This also suggests a confidence on behalf of the MDC that returnees will not be exposed to harm.

³² UK Border Agency, 2010, *Report of Fact Finding Mission to Zimbabwe Harare* 9 – 17 August 2010, 21 September, pp. 46-52 – Attachment 23

³³ UK Border Agency, 2010, *Report of Fact Finding Mission to Zimbabwe Harare* 9 – 17 August 2010, 21 September, pp. 6, 46-52 – Attachment 23

³⁴ UK Border Agency, 2010, *Report of Fact Finding Mission to Zimbabwe Harare* 9 – 17 August 2010, 21 September, p.43 – Attachment 23

³⁵ UK Border Agency, 2010, *Report of Fact Finding Mission to Zimbabwe Harare* 9 – 17 August 2010, 21 September, p. 44 – Attachment 23

³⁶ 'Tsvangirai urges exiles to return to Zim' 2009, ZWNews, 1 August <u>http://www.zwnews.com/issuefull.cfm?ArticleID=21304</u> – Accessed 4 January 2009 – Attachment 24

Whether they Sought Asylum

The returnees in the aforementioned UK Home Office report had been cautious, however, not to reveal that they had sought asylum overseas; some from a general uncertainty of how people would react, others from fear that doing so would result in discrimination against them, for example in employment, and one from a fear of reprisals from ZANU PF. A June 2008 opinion piece in *The African Executive* argues that the Zimbabwean diaspora is seen by the state and ZANU PF as "a security threat...a source of political and economic competition" who are "working against the ruling party".³⁷ Another June 2008 article claims that all of Zimbabwe's policies were geared toward "countering foreign threats including the 'threats' from Zimbabweans abroad, who are seen as working against the ruling party".³⁸ A December 2009 UK Home Office report adds that anyone who returns to Zimbabwe through Harare airport, as they pass through immigration, has their details fed into a "central system as part of Zimbabwe's paranoia to detect undesirables, like journalists, or trade unionists".³⁹ However, given that the diaspora is estimated to be anywhere between three and four million⁴⁰, it is highly unlikely that Zimbabwe's Central Intelligence Organisation (CIO) has been able to monitor the political activities of most of this population, including whether they had sought asylum while overseas.

Returnees from the West

Information was found to suggest that those returning from Western states were sometimes suspected of spying for these states. There were, however, conflicting views as to the extent of this and whether it would result in returnees being mistreated or targeted.

A *BBC News* article from 2005 cites claims by lawyers for Zimbabwean asylum seekers in Britain that "Zimbabweans deported home are regarded as traitors or spies by Robert Mugabe's government". They stated that "Authorities believe returning asylum seekers are being deliberately sent back as 'agents of regime change". However, the UK Home Office argued that while returnees were subject to "in-depth questioning" by the CIO, they were not at "real risk of persecution". The article states that Zimbabwean authorities took a particular interest in those returning from Britain due to the perception that the Blair Government was leading the international campaign for "regime change" in Zimbabwe.⁴¹ Furthermore, the UK Asylum and Immigration Tribunal assessed in a 2005 case that "it was clear that Zimbabwean security services believed returning asylum seekers were British spies".⁴²

DFAT provided advice in February 2008 in relation to an individual from Zimbabwe who had claimed that her neighbours would assume that because she had travelled overseas and sent her children overseas for education, she must be receiving money from the MDC. DFAT, however, assessed that the individual would not be likely to be targeted by her neighbours as

³⁷ Kundishora, H. 2008, 'Zimbabwe Must not Persecute its Diaspora', *The African Executive*, 11-18 June <u>http://www.africanexecutive.com/modules/magazine/articles.php?article=3211#</u> – Accessed 30 October 2009 – Attachment 25

³⁸ Kundishora, H. 2008, 'Zimbabwe Must not Persecute its Diaspora', *The African Executive*, 11-18 June <u>http://www.africanexecutive.com/modules/magazine/articles.php?article=3211#</u> - Accessed 30 October 2009 – Attachment 25

 ³⁹ UK Home Office 2009, *Country of origin information report: Zimbabwe*, 23 December, p49 – Attachment 26
⁴⁰ Matibe, P. 2009, 'Zimbabwe Diaspora hold the key to Economic revival', *The Zimbabwe Telegraph*, 4

December <u>http://www.zimtelegraph.com/?p=4722</u> – Accessed 5 August 2010 – Attachment 27

 ⁴¹ 'Zimbabwe returnees regarded spies' 2005, *BBC News*, 6 October
<u>http://news.bbc.co.uk/2/hi/uk_news/4315122.stm</u> – Accessed 7 September 2009 – Attachment 23

⁴² ^{(Q} and A: Zimbabwe asylum ruling' 2006, *BBC News*, 11 April <u>http://news.bbc.co.uk/2/hi/uk_news/4901202.stm</u> - Accessed 4 November 2009 – Attachment 25

described.⁴³ In October 2009, a UK based Zimbabwean asylum seeker charity reported the story of a returnee from the UK who was allegedly murdered by ZANU PF youths "for being a 'sell-out".⁴⁴

Attachments

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⁴³ DIAC Country Information Service 2008, *Country Information Report No.* 08/05 – Imputed Political Opinion, (sourced from DFAT advice of 2 February 2008), 5 February – Attachment 28

⁴⁴ 'Concern Raised as UK Threatens Deportations' 2009, *All Africa*, source: SW Radio Africa, 31 October – Attachment 27

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