



United Nations International Day in Support of Victims of Torture 2008

The Zimbabwe Human Rights NGO Forum (Hereinafter referred to as the Human Rights Forum) annually commemorates the ***UN International Day in Support of Victims of Torture*** on 26 June. The United Nations (UN) first observed the Day on 26 June 1998. This date was chosen and remains significant because on the same day in 1987, the *UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (UN CAT) came into force and on 26 June 1948 the *United Nations Charter* was signed. *Zimbabwe has ratified the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights, which prohibit torture in Articles 5 and 7 respectively.*

The Zimbabwe Human Rights NGO Forum has been documenting political violence since its inception in 1998 and, since July 2001, has been issuing Monthly Political Violence Reports. In addition, the Human Rights Forum has issued a total of 34 special reports, many of these concerned with violence during elections. The Human Rights Forum has consistently indicated that the majority of violence recorded has been undertaken by both state agents and supporters of the ZANU (PF) party. The Human Rights Forum has been vindicated in its allegations, both by reports of independent human rights organisations and bodies as well as by the decisions of the Zimbabwean courts.

Human rights violations and politically motivated violations have reached endemic levels in Zimbabwe following the 29 March Harmonised Elections and in the impending Presidential Run - Off between President Robert Mugabe and opposition leader Morgan Tsvangirai. Numerous reports of egregious crimes being committed primarily by state agents including the police, army and central intelligence officers, have been reported to the Human Rights Forum and other human rights organisations since 1 April 2008. In the violence that has ensued and engulfed the country there have been reports of violence from both the ZANU PF and the MDC.

The following table supports the contention that political violence is on the increase in Zimbabwe.

Consolidated statistics [numbers of violations reported] per year: July 2001 to March 2008

[Source: Human Rights Forum. March 2008]

	2001	2002	2003	2004	2005	2006	2007	2008	totals
Abductions	116	223	52	62	18	11	19	17	518
Unlawful arrest and detention	670	274	627	389	1286	2611	2766	234	8857
Assault	0	86	388	401	530	486	865	372	3128
Attempted murder	0	2	10	10	1	3	0	0	26
Death threats	0	12	80	35	9	7	7	6	156
Disappearance	0	28	4	0	0	0	0	0	32
Displacement	0	11	208	189	609	55	0	0	1072
Freedoms	12	39	809	760	1036	1866	3500	612	8634

Murder	34	61	10	3	4	2	3	0	117
Political discrimination	194	388	450	514	476	288	980	764	4054
Property violation	356	807	153	132	61	55	16	9	1589
Rape	0	7	6	3	4	1	0	0	21
School closure	0	45	1	0	0	0	0	0	46
Torture	903	1172	497	389	136	366	603	36	4102
Total	2285	3155	3295	2887	4170	5751	8759	2050	32352
Monthly average	380.8	262.9	274.6	240.6	347.5	479.3	729.9	683.3	

Traits and Characteristics of the Violence preceding the 27 June Presidential Run-off Election

Some reports made to the Human Rights Forum reflect the contention that the violence prevailing can be attributed to overzealous youths. However, the violence suggests an orchestrated plan to perpetuate the rule of the incumbent party.

These characteristics were noted in an alert produced by the Human Rights Forum soon after the 29 March 2008 elections. The Characteristics remain as follows

- All reports show that the violence has been disproportionately one-sided, and against the MDC and other groups not supporting ZANU PF;
- All reports show that the violence attributed to ZANU PF is different to the violence attributed the other groups, both in the scale and in the nature;
- The violence attributed to ZANU PF shows evidence of systematic torture, abductions, disappearance, summary executions and extra-judicial killings, and this is very rarely the case with violence attributed to other groups such as the MDC;
- The systematic torture shows a strong association with officials of the State – members of parliament, the police, the CIO, and other officials – as well as an association with groups closely affiliated to the ZANU PF political party – “war veterans”, youth militia, ZANU PF youth, ZANU PF supporters, ZANU PF party officials, etc;
- The evidence shows there are plausible allegations of the involvement of senior party and government leaders, and there are many statements from victims implicating such persons;
- There is no, or very little evidence, of any attempt by the executive or organs of the State to proactively deal with the violence.

Ban on the operation of NGOs and its influence on the election

The illegal ban enforced on Private Voluntary Organisations by Minister Goche has severely constrained their activities, resulted in closure of many and loss of humanitarian aid to many people. It has also negatively affected the work of human rights non-governmental organisations, human rights defenders and those providing

voter education. This too will severely compromise knowledge of the voting process, especially in rural areas.

The Human Rights Forum calls on the Government to rescind this prohibition and observe its own laws.

The Election

The current level of political violence in Zimbabwe lays serious questions on the government's responsibility to protect the people of Zimbabwe as incorporated in the Constitutive Act of the African Union and casts serious doubts on whether the Run-off of the Presidential Election on 27 June 2008 can possibly be free and fair and should indeed proceed.

While the recent violence has largely been attributed to ZANU (PF) and will undoubtedly influence the voting pattern of the electorate, retributive violence has also been perpetrated by the MDC and the possibility of a democratic result at the polls on 27 June 2008 is remote.

Conclusion

In conclusion, on the data available to the Human Rights Forum, it is clear that very serious violations have taken place since the March 2008 poll. The evidence before the Human Rights Forum corroborates all recent reports, and indicates that state agents and supporters of ZANU PF are allegedly the predominant perpetrators of these violations. The responsibility of the Zimbabwe government for protecting its citizens stands seriously questioned, and even more so given the utterances of some senior government and political figures that there is a situation akin to a war.

There is an urgent need for the international community, and especially SADC, to bring the strongest possible pressure to bear on the Zimbabwe government to obey its constitutional responsibility, to ensure that all state agents act within the law, and that all proxy militia groups and party supporters are brought under civilian control.