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Torture Organised Violence and

DeCEMBER 2020

THE MANY FACES OF CORRUPTION

Linking Corruption to Organised Violence and Torture
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ABOUT THE FORUM
The Zimbabwe Human Rights NGO Forum (the Forum) is a coalition of 22 human rights organisations working towards the realisation of a society that respects all human rights in Zimbabwe.

Members of the Forum
- Amnesty International-Zimbabwe (AI-Z)
- Civic Education Network (CIVNET)
- Counselling Services Unit (CSU)
- Gays and Lesbians of Zimbabwe (GALZ)
- Justice for Children (JC)
- Legal Resources Foundation (LRF)
- Media Institute of Southern Africa (MISA)
- Media Monitors (MM)
- Research and Advocacy Unit (RAU)
- Tree of Life (TOL)
- Transparency International-Zimbabwe (TI-Z)
- VERITAS
- Women of Zimbabwe Arise (WOZA)
- Women and Law in Southern Africa (WLSA)
- Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender (ZACRO)
- Zimbabwe Association of Doctors for Human Rights (ZADHR)
- Zimbabwe Civic Education Trust (ZIMCET)
- Zimbabwe Human Rights Association (ZIMRIGHTS)
- Zimbabwe Lawyers for Human Rights (ZLHR)
- Zimbabwe Peace Project (ZPP)
- Zimbabwe Women Lawyers Association (ZWLA)

ACKNOWLEDGEMENTS
The Forum acknowledges the assistance it received from its friends and partners in compiling this report. Members of the Forum as well as institutions that are not members of the Forum participated in the provision of data that forms this report. Several individuals gave testimonials regarding their personal experiences, as well as information about what they witnessed. These accounts are captured in this report. The Forum is indebted to those individuals. The Forum applauds the Secretariat for managing the process and production of this report. All this work would not have been accomplished without the support of our development partners who invest in the dignity of humanity.
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intentionally inflicted on a person for such purposes
suffering, whether physical or mental, is
CAT), to refer to any act by which severe pain or
the purpose of the former against the will of the
another, or on a third person, in order to accomplish
deliberate infliction of acute pain by one person on
opposition. OVT can take virtually unlimited forms,
destroying a community, group or political

organised Violence and

Organised Violence and Torture

Introduction: Corruption and Organised Violence and Torture

The trends of corruption typologies in OVT

Findings of Corruption and OVT in Zimbabwe

Conclusion

Recommendations
METHODOLOGY

This report builds on groundbreaking work by the United Nations documenting the link between corruption and torture, particularly how corruption in places of detention has severely violated the freedom from torture and ill-treatment of inmates in places of detention. The present report extends the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment’s report by exploring not only the relationship between corruption and torture but also includes organised violence, by exploring their linkages in the everyday encounter between authority (focusing mainly on the Zimbabwe Republic Police (ZRP) and individuals through a number of different risk groups – domestic helpers, security guards, unemployed youths, sex workers and informal economy workers– each with troubled and hence exploitable relationships with the state security apparatus.

There are however two challenges that immediately present themselves when exploring these encounters and such linkages. The first challenge is that organised violence and torture (OVT) and corruption are inherently difficult to study empirically. They exist in the real of uncertainties where, in different ways, they incarnate abstract forms of the horrible and the bad. Secondly, both corruption and torture are legal categories grounded respectively in the United Nations Convention against Corruption (UNCAC), and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (UNCAT). However, although they are factual and legal categories, their abstract and illusory nature – as well as the controversy and conflict they are embroiled in – make them less effective as analytical categories. This does not mean that one cannot conduct a forensic analysis of corruption or explore the legal implications of OVT. Rather, we suggest a complimentary analysis of how practices that might be associated with OVT and corruption are linked empirically. This involves a move from legal notions to social practices.

To that end, this report consists of several case studies that focus on different aspects of the linkages between corruption and OVT. The ultimate aim is to explore, through empirical triangulations, the interrelatedness of corruption and OVT from different angles in what we shall call a “cross-sectoral comparison”. The ZRP, established in the colonial era, has a long history of engaging in unprofessional, corrupt, and criminal conduct. Over the years, the ZRP has proved difficult to effectively manage and control and has become largely unaccountable to the citizens it is meant to serve. Although there are still many Zimbabwean police officers conducting themselves in an exemplary manner, working in difficult and often dangerous conditions but for many Zimbabweans, the ZRP has utterly failed to fulfil its mandate of providing public security.

The case studies in chapter 3 of this report inspect how various groups relations with the ZRP through specific encounters across different economic groups. Interviews were conducted at the consent of the interviewees with the explanation and understanding that the information provided would be used in this report. All victims participated on the basis that they would remain anonymous. As a result, where certain officials could easily be identified by the mention of their station, position, or rank, some of this information has been omitted. The objective is to give the human face to corruption.
Definition and discussion of key terms

What is Corruption?

Unfortunately, corruption remains a poorly defined term. The generally accepted definition of corruption derived from the work of international organisations, international treaties and domestic legislation is the abuse of public office for private gain. However, neither the UNCAC nor any other international instrument provides a generic and universally recognised definition of corruption.

All in all, corruption is a multidisciplinary phenomenon demanding a response from many fields of study. From a legal perspective, the UNCAC, which has been ratified by 185 States, including Zimbabwe provides the key normative framework for the prevention of corruption and enumerates 10 specific offences which State parties shall, or shall consider to, criminalise within their jurisdiction. The offences set out in the Convention, some of which can also be committed by private actors, most notably include bribery, embezzlement, misappropriation or other diversion of property, trading in influence, abuse of function, illicit enrichment, concealment or laundering of the proceeds of crime and obstruction of justice.

There are many other manifestations of corruption. The present report focuses on several non-exhaustive, illustrative examples. Both corruption occurring in society at large (general corruption), as well as corruption specifically occurring in the law enforcement or other security-related sectors, that has a direct relationship with OVT.

INTRODUCTION: CORRUPTION AND ORGANISED VIOLENCE AND TORTURE

“torture, ill-treatment and corruption are intimately linked in policing practices around the world.”
What are the forms of corruption?

The forms of corruption are diverse in terms of who are the actors, initiators and profiteers, how it is done, and to what extent it is practised? When it comes to torture the special rapporteur has identified the distinction between petty and grand corruption useful.

Petty corruption

Corruption is usually categorised as “petty” or “grand” corruption. “Petty” corruption occurs primarily where people directly interact with mid- or low-level officials when trying to access basic public goods and services and generally involves comparatively modest sums of money or other individualised benefits. Petty corruption is widespread and pervasive in many countries, contexts and situational “niches” throughout the world and has been frequently encountered by the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other anti-torture mechanisms, especially in environments where the risk of torture and ill-treatment is highest, such as in places of detention and other institutionalisation, in extra-custodial police practices.

Grand corruption

By contrast, “grand” corruption involves high-level public officials and often large sums of money or other benefits, such as the misallocation of State resources and the sale or otherwise undue provision of political appointments or lucrative public procurement or licensing contracts. When grand corruption involves the manipulation of policies, institutions and procedures by political decision-makers in order to sustain their power, status and wealth or to secure undue benefits for their relatives and political entourage, it is sometimes also referred to as “political” corruption. Typical examples of this variation of grand corruption include vote buying, illicit campaign funding and the silencing of political opposition. All forms of grand corruption betray good governance and the public interest, deplete or divert public resources, severely undermine the proper functioning of public services and institutions and are conducive to the spread of corruption throughout society. Thus, grand corruption can permeate government policy and law-making, the implementation of the law and the administration of justice in ways which undermine or even paralyse every aspect of the fight against torture and ill-treatment, from misappropriating or otherwise diverting or depleting resources that should have been used for the prevention and redress of torture and ill-treatment, to condoning or enabling torture and ill-treatment or ensuring impunity for such abuse. The deficits from massive embezzlement and misappropriation of police funds can lead the police to routinely demand bribes from complainants to fund criminal investigations and to use torture as their primary tool for collecting evidence from criminal suspects.

Political corruption involves political decision-makers. Therefore, it takes place at the high levels of the political system. Political corruption not only leads to the misallocation of resources, but it also affects how decisions are made. Political corruption is the manipulation of the political institutions and the rules of procedure, and therefore it influences the institutions of government and the political system, and it frequently leads to institutional decay. Political corruption is therefore something more than a deviation from formal and written legal norms, from professional codes of ethics and court rulings. Political corruption is when laws and regulations are more or less systematically abused by the rulers, side-stepped, ignored, or even tailored to fit their interests. OVT can be part of political corruption to
remain in power as the extract below illuminates: The widespread use of torture is not a new development in Zimbabwe, noted the panellists. It dates to the 1970s war for liberation from the white-controlled government of Ian Smith and has been prevalent during various upheavals since then. Epidemiological studies taken in the mid-1970s found that about 10 per cent of Zimbabweans over 30 years had been tortured during the so-called Smith War. Torture was also prevalent during the so-called Gukurahundi period of the 1980s, during which North Korea-trained Five Brigade slaughtered about 20,000 people in Matabeleland. Amani Trust found that 50 per cent of the adult residents of Matabeleland were tortured during that period. Amani Trust documented torture during the 1998 food riots in the capital, Harare, during which Mugabe dispatched police and army units to quell the violence. “Massive amounts” of torture occurred both in the streets and in detention settings, Reeler said. Torture has been rampant since 1999 and has been used primarily against members and suspected members of the Movement for Democratic Change (MDC), the main political party opposing Mugabe’s presidency. Commercial farmworkers, journalists, and others have also fallen prey. Indeed, it has become an unbroken cycle, used by the regime to control populations and suppress opposition to Mugabe and to democratization.

It is however within the type of petty corruption rather than grand corruption and its severe and immediate impact on OVT, that this report is specifically concerned.

Organised Violence and Torture

Amnesty International was the first organisation that defined torture from a political and operational point of view to be used in eligibility for human rights advocacy. The initial simple and broad definition of torture was used in the “Report on Torture” in 1973: “Torture is the systematic and deliberate infliction of acute pain by one person on another, or on a third person, in order to accomplish the purpose of the former against the will of the latter”

According to the Zimbabwe Human Rights NGO Forum (the Forum), torture is defined as per the United Nations Convention against Torture (UN CAT), to refer to any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

The generic concept of “torture” denotes the intentional infliction of pain or suffering on a powerless person with the aim of achieving a particular purpose. Thus, while the unlawfulness of corruption is derived primarily from the pursuit of an inherently unlawful purpose (undue advantage), the unlawfulness of torture stems primarily from the employment of an inherently unlawful means (purposeful infliction of pain or suffering).

Whereas, organised violence is the purposeful and systematic use of terror and brutality to control individuals, groups and communities. Its methods include causing severe pains and suffering, killing, intimidating, threatening and in some cases
destroying a community, group or political opposition. OVT can take virtually unlimited forms, including physical violence or psychological abuse, sensory deprivation, stress positions, humiliation, coercive interrogation, the instrumentalisation of drug withdrawal symptoms, denial of family contacts or medical treatment, cruel, inhuman or degrading detention conditions or prolonged or otherwise abusive solitary confinement, just to name a few. While not all manifestations of torture and ill-treatment involve the same severity, intentionality and purposefulness, all involve violations of physical or mental integrity that are incompatible with human dignity and, therefore, cannot be justified under any circumstances.


3 General Assembly Resolution 58/4

4 Zimbabwe signed the Convention on 20 February 2004 and ratified it on 8 March 2007.


6 A/HRC/13/39/Add.5, paras. 64–66; A/HRC/37/50, paras. 8, 30–34; and CAT/C/52/2, para. 80.


CHAPTER 2

THE TRENDS OF CORRUPTION TYPOLOGIES IN OVT

This chapter focuses on the trends of corruption in torture and OVT. It will build on the following six predominant patterns of interaction between torture and corruption identified by the Human Rights Council’s special rapporteur’s report: According to this groundbreaking report which is based on broad stakeholder consultations and insightful observations made by the Special Rapporteur. There are six distinguish predominant patterns of interaction between corruption and torture or ill-treatment as highlighted in the table below and explained in separate sections of this chapter.

The categorisation highlighted above does not aim to be comprehensive or free from overlaps, or indeed to exhaust the ways in which such interactions could or should be described for a variety of purposes. Rather, it aims to provide an analytical framework based on distinct degrees of causal proximity between corruption and OVT and, in doing so, to facilitate the identification of pattern-specific measures for the prevention and eradication of OVT in environments affected by corruption, in line with the corresponding obligations reflected in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the UNCAC.

1) Demanding “undue advantages” that that amount to torture or ill-treatment

The clearest link between corruption and OVT occurs in circumstances in which the undue advantage that can be classified as corruption amounts in and by itself to OVT. For example, when a person is forced to engage in a sexual act in return for the performance of official duty, such “undue advantage” would per se constitute cruel, inhuman or degrading treatment and, in some circumstances, may even amount to torture. In addition to sexual acts, undue advantages which may per se amount to torture or ill-treatment can include the trafficking of persons, the provision of forced labour, or similar situations of cruel, inhuman or degrading exploitation. The risk of such profoundly abusive interactions is heightened in contexts of situations marked by a prevalence of unchecked power, generalised or systemic violence, structural discrimination and impunity such as in Zimbabwe.

2) Instrumentalising torture or ill-treatment for “undue advantages”

The next possible clearest direct link between corruption and OVT is where acts or threats of OVT are deliberately employed as a tool for obtaining an undue advantage, enforcing a corruption scheme or preventing accountability for corruption. From the research undertaken for the purposes of this report, it appears that OVT risk associated with
corruption is associated with contexts, systems or situations where officials or those acting on their behalf or with their consent or acquiescence are effectively free to exercise coercion arbitrarily and with impunity, whether as a consequence of a complete breakdown of law and order (e.g. natural disasters), of discriminatory policies and practices (e.g. marginalised communities) or corruption schemes exploiting situational vulnerabilities (e.g. prisoners and other institutionalised persons).

Moreover, institutionalised OVT for undue advantages it is a widespread practice, for example, for corrupt prison staff, soldiers, police officers, border officials to deliberately employ acts or threats of torture or ill-treatment as a tool to extort money and other valuables from victims, their families or friends. Similarly, detainees or their families may be forced to pay bribes to State officials in order to get them to abstain from torture or ill-treatment or to alleviate cruel, inhuman or degrading prison conditions. Seen the other way, the analysis shows acts or threats of violence and abuse amounting to OVT are also deliberately employed as a tool for obstructing the prevention, investigation, prosecution and adjudication of corruption, most commonly through some methods listed in the box below

(a) coercing victims or witnesses not to report corruption;

(b) coercing false confessions, testimonies or denunciations in order to conceal or evade accountability for corruption;

(c) coercing judicial or law enforcement officials into disregarding their duties in the fight against corruption; or

(d) intimidating or even “disappearing” or otherwise suppressing anti-corruption activists

3) Instrumentalising “undue advantages” for OVT

The direct causal link between corruption and OVT can also be in the opposite, that is where undue advantages are deliberately offered or sought for the purpose of inducing acts or threats of OVT, or to protect such abuses from investigation and adjudication. For example, in practice, police officers may be offered money, drugs and other undue advantages in return for intimidating, punishing or coercing persons on behalf of criminal networks or, conversely, criminals may be offered such advantages in order to intimidate, punish or coerce victims, witnesses, political opponents or human rights defenders on behalf of corrupt officials.

What is more, corruption whose purpose is to “protect” the practice of OVT, is most notable in the obstruction or interference with oversight mechanisms or the judicial system. This may include a variety of actions, including some that are listed in the box below:

(a) bribery of witnesses or public officials as a means of preventing or obstructing an investigation, prosecution or other aspects of the justice process in relation to torture and ill-treatment;

(b) State officials trading in influence in order to obstruct investigations, prosecutions and other aspects of the justice process in relation to torture and ill-treatment;

(c) State officials condoning, through inaction or inadequate measures, abuse inflicted by private individuals, corporations and other non-State actors in return for financial, political or other undue advantages being granted to them or any other person or entity, including their own Government.
In all the examples above, undue advantages are offered or requested in return for conduct violating obligations derived from the prohibition of OVT. This pattern of OVT involves corruption as a mere “facilitator” and, therefore, cannot be effectively addressed through anti-corruption efforts alone, but requires a broad understanding of the key factors contributing to a particular environment conducive to torture and ill-treatment such as confessions-based investigative methodologies, misconceived and discriminatory policies in areas such as counter-terrorism, law enforcement, minority protection and immigration, systemic failings in providing humane conditions of detention and a general failure of the justice system to prevent impunity, including for corruption and torture or ill-treatment. See the recommendation section.

4) Exploiting exposure to torture or ill-treatment for “undue advantages”

There is also a strong causal relationship between corruption and OVT where State officials demand the transfer of undue advantages by deliberately exploiting a pre-existing exposure of persons to acts, threats or risks of OVT on the part of other perpetrators. For example, in urban policing, violent areas or hotspots may be exploited for profit by law enforcement officials demanding bribes and other undue advantages from inhabitants, particularly from the informal sector such as street vendors in return for protection.

5) Torture or ill-treatment as a foreseeable “side effect” of corruption

In some cases, the link between corruption is not as visible and immediate than is commonly perceived. However, even with that in mind, corruption can cause or contribute to the exposure of persons to OVT or pose an obstacle to its prevention, investigation, or redress and rehabilitation. For instance, corrupt practices may include, high-level officials taking bribes or other undue advantages from extractive companies or other corporate actors in return for contracts involving resource exploitation or similar activity, such as mining, deforestation or construction contracts which, in the circumstances, pose a real risk of coercive practices against persons such as local residents, indigenous populations, activists and workers, including threats, harassment, violence and forced evictions, or living or working conditions amounting to cruel, inhuman, or degrading treatment or even torture. An illustration is the protection of Chinese factory bosses from ill-treatment of workers across the country with
impunity and protection from the politicians.

Furthermore, corruption may foreseeably cause or contribute to the exposure of persons to OVT through misallocation, misappropriation, diversion or depletion of financial or other resources allocated to key public services. The Forum has identified the lack of resources to the ZRP and other security personnel as a key contributor to corruption and OVT in some cases.

6) Torture or ill-treatment and corruption as foreseeable “side effects” of other policies and practices

Finally, policies, laws and practices which do not, in themselves, constitute or involve acts of corruption or of OVT can be instrumental in exposing persons to various combinations of corruption and OVT. Indeed, States’ failure to prevent corruption or OVT can often be traced to high-level policies and decisions that do not deliberately aim to facilitate corruption or OVT but may concern a wide range of issues, such as the conclusion or denunciation of international agreements, memorandums of understanding or soft-law instruments; the criminalisation or decriminalisation of certain conduct and the systematic incarceration of certain persons; the allocation of resources and the introduction of budget cuts; the organisation of institutions and the delivery of public services; the structure and practice of law enforcement and criminal justice systems; and, more generally, the policies and practices adopted in contexts such as public security, migration, the protection of minorities and social and economic welfare.

In sum, even in the absence of any deliberate aim to do so, high-level political decisions may give rise to policies and practices conducive to corruption and OVT.

9 A/HRC/13/39/Add.5,
10 A/HRC/13/39/Add.5, paras. 27
11 A/HRC/13/39/Add.5,
12 A/HRC/13/39/Add.5,
13 Nowak M, Report of the Special Rapporteur On Torture And Other Cruel, Inhuman or Degrading Treatment or Punishment A/HRC/13/39/Add.5, para. 64
14 Ibid; and CAT/C/52/2, paras. 80 and 84.
15 Ibid, paras. 69–70; and CAT/C/THA/CO/1, para. (14) (b)).
16 Ibid, para. 70.
Around Zimbabwe, many people from certain classes of the society have been in contact with or interrogated by the police—have been tortured or at least ill-treated. Many are interrogated for long hours, held in detention, denied their dignity, paraded as criminals to force them to admit to wrongdoing. This inhumane practice—or interrogations”—exists to extract illicit payments. Yet, corruption induced OVT during interrogations draws only limited attention. Most of the victims are people from poor and marginalised backgrounds who often find it challenging to access legal assistance to assert their rights and represent themselves when facing criminal charges.

The Forum has documented cases of corruption induced OVT over the years. The following narratives include cases received in over a decade. Some of them not actionable because of limited awareness of the linkages between corruption and OVT. In many societies, there is a widespread belief that torture and ill-treatment is a technique of police interrogation so long it leads to a conviction. Therefore, many cases may have gone unnoticed. Moreover, after being released most of the victims will be “grateful” to their tormentors a few would follow-up to report these cases. Making these cases almost invisible. The nature of such corruption induced OVT means that a few people/no people have made cases against the authorities making it invisible.

While data on corruption induced OVT in Zimbabwe is hard to come by, available evidence shows that certain classes of people often at the risk of experiencing corruption-related OVT. Indeed, torture and ill-treatment on the one hand, and corruption on the other, have long been addressed in both academia and policy circles as two separate domains of knowledge and practice. This despite the fact that police corruption is well documented in Zimbabwe. The police often make little effort to veil their demand for bribes, brazenly doing so in public and rarely bothering to question those in
detention about any alleged crime. Those who fail to pay are often threatened and unlawfully detained, and at times sexually assaulted, tortured in police custody. Many of these abuses are perpetrated as a means to further extort money from ordinary citizens or from fearful family members trying to secure the freedom of those detained. For the first time in Zimbabwe, this special report brings the two together using a few selected cases discussed in the next sections. We focus on how the Forum member organisations understand such connections and secondly on how it plays out in relation to a number of different risk groups – domestic helpers, security guards, unemployed youths, sex workers and informal economy workers—each with troubled and hence exploitable relationships with the state security apparatus.

**Domestic helpers**

Due to the live-in requirement, domestic workers’ are often suspects of many crimes such as theft and robberies at the employers house. This is exacerbated where families sometimes compel their domestic employees to work outside of their homes in family-run businesses or to work for multiple households. Often times, families collude with the police to torture their domestic helpers to admit committing crime. It is very common for domestic helpers to be arrested at the instigation of their employers, illegally detained, suffer torture and ill-treatment to forced them to make statements that may connect them to or implicate them in criminal activity.

Caroline (not real name) described that happened to her after she was accused of stealing from her employer:

> I came to Harare from my rural home of Murewa to work as a domestic worker so that I could earn income for my family, which is very poor. I worked from 14-20 hours a day. My employer had a side family business making coffins. If I finished my job quickly, my boss made to work in the workshop. I did not get extra pay for this. In fact I was not getting paid in time for my work. One day money was missing in the house. My boss accused of stealing the money. She called the police to investigate. She paid the police US$80 for their transport and trouble. They took me to the Police station at a nearby police station. There I was put in a small interrogation room. The police officer gave a notebook to write my statement admitting that I had stolen the money. When I refused, they started assaulting me all over the body with open hands and a baton stick. One of the officers kicked [me], slapped me, pulled my hair and beat me all over my body with a button stick. The other officers used only abusive words. They didn’t hit me… but they were saying words like, “You are a thief, we are taking you to Chikurubi. Rather than crying, it would be better if you just admit that you have stolen the money.” They kept calling me a thief.

**Security Guards**

As with domestic workers, security guards are often the main suspects of theft and robberies at their
workplaces. For example, when a burglary, robbery or theft at workplace occurs the tactic is to narrow the scope of suspects to those with knowledge of the security procedures. This puts security guards vulnerable to be suspects. Not only are security guards subjected to harrowing experiences such as illegal arrests, long-time detention adds to the injustice done against them by the police. Security guards in Zimbabwe, often a derided and underpaid. One victim of this abuse explains how he was tortured being forced to admit to a crime.

“...I work as a security guard at a filling station. Armed robbers came and took money from the safe. They acted in such a way that they knew the security protocols. The next day my employer did not dismiss me after work as usual but instead, he asked me to assist the police with investigations. I was taken to the police station. The police started to accuse me as the inside guy who gave the robbers information about the security protocols. The police officers were taking instructions from my employer who was present at all the times during my interrogations. They beat me on my back and all over the body. Cold water was poured on my body, it was very painful. They then said "Speak!" and I said: "What shall I say?" They continued to beat me all over. It took up two days, and then they said they were going to take me straight to remand prison because the courts had a backlog. At that point, I broke down. I signed a statement admitting to a crime I did not commit under pressure while in police custody."

Unemployed youths

Due to prevalent economic challenges in Zimbabwe, many young people are not in employment. There are a lot of figures for the rate of unemployment in Zimbabwe ranging, from 95% to 5%, which makes it challenging to come up with an accurate estimate of any indicator. However, the main distinction between very high and very low figures depends largely on the definition of unemployment different commentators and experts use.

Definitional issues aside, many young people in Zimbabwe face the risk of corruption-related OVT because of their social and economic status. While police ill-treatment, which sometimes amounts to torture, happens for different reasons, much of it happens with the specific purpose of extracting payments and asserting authority (sometimes politically).

The police see unemployed youths as a burden and as adding to their workload. In addition, police face pressure from the public to do 'more' to deal with unemployed youths, who are stereotypically seen as committing crimes and engaging in other illicit activities, such as selling drugs. There is evidence that unemployed youths are often arrested in large numbers during police raids and patrols in order to boost and manipulate crime prevention statistics, as well as to demonstrate to the public that they are doing something about crime. Further, it appears that unemployed youths’ inability to pay bribes due to their unemployed status or defiance of law enforcement officials’ authority increases this risk.

One youth from Harare townships said:

“We entered the town, and two Panzer armoured vehicles were waiting there, and the police stopped us and ordered us into the van, stripped and then brutally beat us in the road. Then we were taken to Mbare police
station and the beating continued endlessly although we kept saying we were unlawfully money changers. They were beating us with button sticks, a hose pipe as well as open hands and booted feet indiscriminately all over the body. They wanted to put me in a cell, but I appealed and begged. They had mercy on me and told me to pay a certain amount. [It was around] 800 bond [$25]... I paid the police because they said, “You need to clear this.”... I was afraid to go to jail. I asked to call my mother who came and she had to give them money in order to release me—about. I gave the money to the member in charge.

Another 19-year-old unemployed youth from the eastern suburbs of Harare said:

There was a burglary at my neighbour’s house the night after I was there playing cards. The next morning the police picked me from my house for questioning. My neighbour came to give her testimony I was told to wait outside. I overheard them talking about payment for the police “logistics”. When I was invited back in the police cabin two officers [then] just jumped on me and started beating me [for] more than 30 minutes. They beat me with a stick and [baton]. [They] beat me on the arms and neck. They beat me and I lay down on the ground. I was crying. I was not even able to stand up. I was carried into the holding cells. After a night in the holding cells, I was released without a charge when my family paid back for the goods that were stolen... I didn’t complain to people. I didn’t have anyone to complain [to].

**Sex workers**

Sex workers face pervasive stigma and bias and are among the most marginalised, enduring stigma and discrimination in every sphere of life—personal, professional and public. Criminalisation of sex work exacerbates their vulnerability to corruption related OVT and other adverse outcomes. Despite the court victory by one of our members, Zimbabwe Lawyers for Human Rights (ZLHR) in 2014, which appears to have resulted in significant change in relations between sex workers and the police following the arrest and conviction of nine women in Harare for solicitation. The ZLHR successfully argued that the law was unconstitutional. Our investigations revealed that that the relative powerlessness of commercial sex workers leaves them vulnerable to corruption in their dealings with law enforcement officials.

Sex workers are routinely arrested, detained and tortured and ill-treated. Sex workers complained about having to pay bribes to the police to avoid being arrested and assaulted. They also spoke about being sexually abused by the police. OVT is therefore used to assert and reinforce power and status relations, rather than simply to illicit bribery, as with other cases discussed in this chapter.

Below are excerpts from the interviews that conducted with sex workers about their violent encounters with the police:

On 15 January 2019, the victim who is a sex worker went to Anton Bar in Epworth Harare. Upon arrival, soldiers chased away everyone and forced the bar to close. The victim went t back to her place around 10 pm then around 11 pm as she was accompanying her friend to her house, she saw 3 armed soldiers outside her house. The soldiers asked what the victim was doing outside and she told them that she was accompanying her friend. The soldiers instructed the victim and her friend to undress. They complied as they were afraid that if they refused, they would be assaulted or shot. One of the soldiers raped the client without using protection even though she told...
him that she was HIV positive. After raping her they told her to get into the house before they left.

“I was on a corner waiting for clients... and two officers approached me,” she said. “They pulled me onto the (police) van... They saw that the area was empty... They started to ask me for a fine.” They said if I do not pay, they were going to take me to the police station for the whole weekend and wait for court on Monday or Tuesday. It was on a Friday night. I decided to pay them US$15 to avoid long detention. They didn’t issue a receipt. There was nothing.”

**Informal economy workers**

Countless ordinary Zimbabweans attempting to make precarious ends in the informal economy as unlicensed taxi drivers, market traders, unlicensed shopkeepers, street vendors among others are accosted daily by unscrupulous police officers who demand bribes and commit human rights abuses against them as a means of extorting money. Those who fail to pay are frequently threatened with arrest and physical harm. Far too often these threats are carried out. Meanwhile, victims of crime are obliged to pay the police from the moment they enter a police station to file a complaint until the day their case is brought before a court.

What is more, OVT meted out by security officers worsened after the government’s-imposed curfews to contain the spread of COVID-19. Recently documented cases by the NGO Forum members explores linkages between corruption and OVT as it is understood by police officers, and how they legitimize their extortionist and exploitative practices. The NGO Forum spoke with several people nationwide from the informal sector who discussed the problems of drivers trying to protect their rights.

On 28 June in Guruve at Chinamakire Primary School, 2 men were harassed by soldiers and police officers at a checkpoint along Guruve-Harare road. The officers accused the men of illegally ferrying commuters during the lockdown. Reports indicate that the men were harassed and they were only allowed to pass after bribing the police officers with US$10.

On 30 June In St Mary’s, Chitungwiza, street battles between police officers and vendors were witnessed at Huruyadzo and Chigovanyika Shopping Centres. Vendors were not allowed to operate at the shops and in the streets. Those caught unaware were raided and taken to Makoni police station to pay a fine. However, many of them were released after paying bribes ranging between USD2.00 to USD5.00.

On 18 June Seven (7) police officers stationed at Gweru Rural Police Base were recently arraigned before Midlands Provincial Magistrate Tayengwa Sangster for criminal abuse of duty and for extortion during the lockdown as defined in the Criminal Law Codification and Reform Act. The seven (7), Magumise Mugwagwa, Goodhope Chitimbe, David Mandimutsira, Bruce Chikwanda, Freddy Mahupete, Tonderai Comana and Joyful Magumise were granted $3000 each. They are accused of going around town demanding bribes from outlets selling alcohol during the lockdown period.

14 April In Mufakose in Harare, it was reported that people were selling fruits and vegetables on various streets. It was reported that ZRP officers conducted violent raids against the vendors. It was further reported that some of the vendors retaliated in the Magandanga and Samuriwo areas. It was also reported that there were confrontations between police officers and owners of illicit bars who were resisting the directive to close their illicit bars. One of the vendors was detained in a police vehicle and released 3 hours later, after allegedly paying a USD10 bribe.
5 June in Mbare, Harare, police officers were allegedly soliciting for bribes from vendors. In a reported incident, a vendor came across police officers at 4am near Engen Service Station. When he failed to produce an exemption letter, the police officers gave the vendor two options, either to be arrested or to pay a bribe. As a result of the pressure and harassment, the vendor gave the police officers ZWL195 before they let him go.

In another incident on 9 June in Chipinge town centre, it was reported that illegal foreign currency dealers have flooded street corners despite the heavy police and military presence in the town. It was alleged that the illegal foreign currency dealers have resorted to paying law enforcement officers on patrol USD10 bribes per day to allow them to operate.
Traditionally torture has been associated only with a violation of the individual by a dysfunctional state and corruption as a transgression of the market and the functioning of the state. However, this research has uncovered from the viewpoint of everyday life, that these two social evils cannot be reduced to either human rights transgressions or ‘bad’ governance. Torture and corruption are interrelated, often systematic, closely associated with state making processes and national political configurations. In conclusion, the research has shown through the use of local case studies, new insights about how the connection between torture and corruption plays out in different social and economic contexts.

The case studies in Chapter three were used in order to secure a paradigm shift from understanding corruption as a “victimless” economic crime to addressing it as a human right concern, indeed as a human right violation. In other words, moving from an economic and political perspective on corruption towards a human rights approach involves a shift in perception whereby corruption is viewed not as being solely a misappropriation of wealth and distortion of expenditure (which harms the economic and political stability of a country), but rather as a potential violation of human rights.

Above all, as stated in the methodology and introduction the present report primary aim was to analyse the relationship between corruption and torture including organised violence, by exploring their linkages in the everyday encounter between authority focusing mainly on the ZRP and individuals through a number of different risk groups– domestic helpers, security guards, unemployed youths, sex workers and informal economy workers– each with troubled and hence exploitable relationships with the state security apparatus.

All things considered, the linkage between anti-corruption measures and human rights can promote access to human rights mechanisms to combat corruption. A wide range of mechanisms exists for monitoring compliance with human rights at the national, regional and international levels. These mechanisms can receive individual complaints of alleged human rights violations and review the overall implementation of human rights by States.


19ibid.

CHAPTER 5

RECOMMENDATIONS

Key recommendations to fight corruption and OVT

- To the Government of Zimbabwe
  
  - Establish an independent commission of inquiry to conduct a transparent, comprehensive, and impartial investigation into systemic corruption within the ZRP. The commission should focus its investigation on determining:
    
    - The extent of the embezzlement and misappropriation of public funds by senior police officials and its impact on police conduct and services;
    
    - The extent to which senior police officials sell

As a general rule, therefore, while individual accountability is an indispensable element of any serious fight against corruption or OVT, neither phenomenon can be eradicated through criminal prosecution alone, as individualised criminal justice cannot adequately address systemic and structural factors conducive to both corruption and OVT, and more comprehensive, systemic measures are required in response. Recruitment practices, training, professional culture, remuneration and conditions of work can, for example, play an important role in increasing or mitigating the risk of both police brutality and corruption. Corruption and OVT or related ill-treatment can interact in a variety of different context-specific ways, each of which may require a tailored set of measures in terms of prevention, accountability and redress.
for personal profit the services of junior-level officers to private individuals and companies and its impact on police conduct and services;

- The extent to which monetary “returns” are passed up to the senior leadership of the ZRP and the impact of this system of returns on police conduct and services;

- Prosecute without delay and according to international fair trial standards any police officer implicated in corruption and other serious abuses; and

- Improve financial oversight of the ZRP.

**To the National Assembly**

- Subject the ZRP to greater legislative oversight by requiring the commissioner-general of police to submit quarterly expenditure reports, and the status and outcome of investigations into incidents of police corruption and other serious abuses;

- Hold regular public hearings into the conduct of the ZRP in the respective police affairs committees in the Parliament; and

- Amend the National Human Rights Commission Act to increase the independence of the commission and empower it to prosecute cases of human rights abuses.

**To the Police Service Commission**

- Establish mechanisms for police whistleblowers to anonymously report directly to the Police Service Commission incidents of police extortion, embezzlement, and other corrupt practices; and

- Strengthen the investigatory capacity of the Police Service Commission by providing adequate funding, staff, and training to enable the Department of Discipline to independently investigate complaints of police corruption and other serious abuses.

**To Independent Government Accountability Agencies**

- Strengthen the investigatory capacity of the Police Service Commission by providing adequate funding, staff, and training to enable the Department of Discipline to independently investigate complaints of police corruption and other serious abuses;

- The General-Auditor should complete and publicize an investigation into police corruption and abuse, including both budgetary irregularities and performance shortfalls;

- The Zimbabwe Anti-Corruption Commission (ZACC) should continue to investigate and prosecute high-level police corruption cases;

- The ZHRC should develop the capacity to investigate and take action on human rights violations.
complaints, in accordance with its mandate; and

• The Independent ZHRC should more actively investigate and document alleged human rights abuses, including those abuses involving the police, and publicise that information.

• To Civic society and To Zimbabwe’s Regional and International Partners

• Issue public and private statements denouncing corrupt practices, including bribery, extortion, and embezzlement, and other serious abuses associated with these corrupt practices such as extrajudicial killings, sexual assault, and torture committed by members of the ZRP, and call on the Zimbabwean government to hold abusive police officers accountable;

• Condition funding to the Zimbabwean government, including financial and technical assistance to the ZRP, on measurable progress on holding accountable police officers implicated in corruption and other serious abuses;

• Target funding and technical assistance for the Zimbabwean government to initiatives that directly improve financial transparency and address accountability for corruption and other serious abuses committed by members of the ZRP;

• Require police officers who participate in international missions or training courses to publicly declare the total value of all personal assets; and

• Impose visa bans on senior police officers credibly implicated in corruption and other serious abuses.
To the National Assembly

• Amend the National Human Rights

• Hold regular public hearings into the conduct

• Subject the ZRP to greater legislative

• Improve financial oversight of the ZRP.

• Prosecute without delay and according to

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Commission Act to increase the

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and address accountability for corruption

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shortfalls;

budgetary irregularities and performance

corruption and other serious abuses; and

publicly investigate and take action on human rights

prosecute high-level police corruption cases;

(ZACC) should continue to investigate and

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police corruption and other serious abuses;

independently investigate complaints of

enforce the Department of Discipline to

adequate funding, staff, and training to

Police Service Commission by providing

Police Service Commission by providing

• To Independent Government Accountability

• To the Police Service Commission

• The ZHRC should develop the capacity to

• The Zimbabwe Anti-Corruption Commission

• The General-Auditor should complete and

• Strengthen the investigatory capacity of the

• Establish mechanisms for police

incriminated police and other corrupt practices; and

whistleblowers to anonymously report

investigate and document alleged human

rights abuses, including those abuses

involve the police, and publicise that

impose visa bans on senior police officers

incredibly implicated in corruption and other

assets; and

publicly declare the total value of all personal

and

Key recommendations to

• The extent to which senior police officials sell

• The extent of the embezzlement and

• Establish an independent commission of

• Target funding and technical assistance for

• Condition funding to the Zimbabwean

• The Independent ZHRC should more actively

• To Civic society and To Zimbabwe’s Regional

• For example, corruption and other serious abuses associated with these

bribery, extortion, and embezzlement, and

denouncing corrupt practices, including

information.

improving financial and

technical assistance to the ZRP, on

government, including financial and

accountable police officers implicated in

measureable progress on holding

corrupt practices such as extrajudicial

killings, sexual assault, and torture

serious fight against corruption or OVT, neither

accountability is an indispensable element of any

As a general rule, therefore, while individual

fight corruption and OVT

recruitment practices,

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factors conducive to both corruption and OVT, and

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training, professional culture, remuneration and

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conditions of work can, for example, play an

important role in increasing or mitigating the risk

of both police brutality and corruption. Corruption

phenomenon can be eradicated through criminal

serious fight against corruption or OVT

enigmatic campaign or prevention, accountability and redress.

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