

# **ZIMBABWE REPORT**

## **CRISIS IN ZIMBABWE COALITION**

**JUNE 20, 2002**

The CRISIS IN ZIMBABWE COALITION consists of the eight major civil society coalitions in Zimbabwe, namely the National Constitutional Assembly, the Zimbabwe Election Support Network, the Zimbabwe Congress of Trade Unions, the Women's Coalition, Media Institute of Southern Africa - Zimbabwe Chapter, Transparency International - Zimbabwe, Zimbabwe National Students Union, and the Zimbabwe Human Rights NGO Forum. These coalitions collectively represent over five hundred civil society groups. Two hundred and fifty of these individual organizations are also directly affiliated to the Crisis Coalition. The aim of the Crisis in Zimbabwe Coalition is to amplify the collective voice of civil society in Zimbabwe.

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## Crisis in Zimbabwe Coalition

### TABLE OF CONTENTS

Foreword by Archbishop Pius A. Ncube.....	4
Executive summary .....	5
NEPAD's Commitment to Democracy and Good Governance .....	8
The pledge.....	8
Steps to achieve objectives .....	8
Democracy and Political Governance Initiative .....	8
Censure of deviation from democratic ideals in other countries .....	9
Application of NEPAD standards to Zimbabwe.....	9
Zimbabwe: A Test Case for NEPAD .....	11
Introduction.....	11
Political Violence and Intimidation.....	12
2000 to 2001 .....	12
Violence before and during Presidential election .....	15
Violence and intimidation after Presidential election .....	17
Presidential Election.....	20
Confiscation and Destruction of Identity Cards.....	20
Interference with Political Campaigning .....	21
Pre-Election Pressure from Service Chiefs.....	21
State-controlled Media.....	21
Manipulating Electoral Processes .....	22
Conclusion .....	27
Independence of the Judiciary.....	27
Intimidation of the Judiciary and Packing of the Supreme Court.....	27
The High Court .....	30
Magistrates Courts.....	30
Conclusion .....	30
Attacks on Press Freedom .....	31
The Land Crisis .....	33
Economic Consequences .....	38

Gross Domestic Product and Incomes.....	38
Employment.....	38
Inflation.....	38
Other Macro-economic Figures .....	39
Agricultural Production and the Food Crisis .....	39
Conclusion .....	40
Social Consequences .....	40
Conclusion .....	42
Annexure 1: Extract from NEPAD Document .....	43
Annexure 2: Extract from Election Petition: Mutoko South .....	48
Annexure 3: Cases of Violence: March–May 2002.....	52
Annexure 4: Cases of Post-election Torture.....	75
Annexure 5: Section 158 of the Electoral Act .....	97
Annexure 6: Vote-rigging in the Presidential Election .....	98
Annexure 7: Allocation of Seized Farms .....	103
Annexure 8: Politicisation of Food Programme .....	125

## FOREWORD

Zimbabwe is suffering a very painful time. I commend the organizations that have put together this report, which accurately describes life in Zimbabwe at present.

In the past two years, I have been greatly disheartened to watch the people of Zimbabwe suffer hunger, violence, and pain, and ultimately to watch this swell into anger as their hopes for peace and basic democratic freedoms have been frustrated.

I have witnessed these realities. Over the last two years I have seen a steady deterioration of respect for human dignity and rights in Zimbabwe. In the past two months, I have known of a number of persons who have died of hunger right here in my city. We have seen police and militia threaten, intimidate, and sometimes attack unarmed civilian protesters. We have spoken out, only to be threatened and attacked ourselves.

Writing a report such as this one, by the Crisis in Zimbabwe Coalition, carries great risks. Those risks must be borne by us all if we are to find a more peaceful path into the future.

I pray that readers of this report will do their utmost to assist in stopping the unnecessary suffering that has been brought on this fine land. May God move you to act quickly and decisively.

*Pius A. Ncube*  
*Archbishop of Bulawayo, Zimbabwe*  
*June 2002*

## **ZIMBABWE REPORT**

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### **EXECUTIVE SUMMARY**

#### **Joint responsibility of NEPAD participants for good governance in Africa**

African leaders who participate in the New Partnership for Africa's Development (NEPAD) accept that democracy, good governance, human rights and sound economic management are essential for sustainable development. They therefore undertake joint responsibility for promoting and protecting democracy and human rights in their countries and regions.

NEPAD will succeed only if participating leaders are ready to monitor fellow-participants and ensure the restoration of good governance in any African country that has departed from international norms of democracy and state legitimacy.

Zimbabwe, whose government has departed from most of those norms, is a test case for NEPAD.

#### **Political violence and intimidation in Zimbabwe**

Serious political violence and intimidation in Zimbabwe began in early 2000 and has reached unacceptable levels.

The violence began with invasions of commercial farms and has become widespread, particularly in the rural areas. Since January 2002, 57 people have been killed, 26 "disappeared" and more than 450 tortured. Thousands have been forced to flee their homes areas.

Ninety per cent of the violence has been perpetrated by ZANU (PF) supporters or State security agents, with encouragement from leading members of the government.

#### **The Presidential election**

The Presidential election was neither free nor fair, and met none of the standards set by the SADC Parliamentary Forum.

There were many reasons why the election was vitiated, apart from the prevailing violence. The police prevented the opposition MDC from holding rallies; the heads of the security forces made it clear they would not accept the opposition candidate if he won the election; the State-controlled media ran a propaganda campaign in favour of Mr Mugabe; and the government manipulated the electoral law extensively in Mr Mugabe's favour. In addition, the voters' roll was a shambles and many voters were effectively disenfranchised; urban dwellers, most of whom supported the opposition candidate, were discouraged from voting through restrictions in the number of polling stations; and the number of independent observers allowed to monitor the election was severely limited. Finally, there were indications of vote-rigging on a large scale.

All this calls into question the legitimacy of the government.

### **Attacks on the judicial independence**

The composition of Zimbabwe's Supreme Court, which had come into conflict with the government through its championing of human rights, has been changed to favour the government. Pressure was placed on judges to resign and the Chief Justice was made to retire early. New judges have been appointed, giving the court a pro-government aspect. This is reflected in several of its judgments, in particular a judgment that upheld the legality of the government's land reform programme, which the previous court had held to be unconstitutional.

In the High Court several independent judges have resigned and have been replaced with appointees viewed as sympathetic to the government.

### **Attacks on press freedom**

A new law, the Access to Information and Protection of Privacy Act, requires journalists to be accredited with a government-appointed commission; foreign journalists may be accredited only for short periods.

The Act also makes it a criminal offence for a journalist to "falsify or fabricate information" or to "publish falsehoods" intentionally or otherwise. At least 11 journalists have been arrested for this crime. The stories which have given rise to their arrest range from one that alleged the Presidential election was rigged to one that purported to describe conditions in the police holding cells where the journalist concerned was kept during a previous arrest.

The Act also requires all media organisations to be registered with a government-appointed commission which has power to revoke their registration on relatively trivial grounds. This poses an additional threat to the independent press in Zimbabwe.

### **The land crisis**

Farm invasions, which began in 2000, have continued and have been accompanied by the compulsory acquisition of commercial farms under an Act of Parliament which has been amended to render the acquisition process increasingly unfair and arbitrary. The land programme itself has been anarchic and accompanied by considerable violence, leading to the unlawful eviction of farmers and their workers. Approximately 95 per cent of commercial farms have been seized or are in the process of being seized.

Many beneficiaries of the land programme are not landless peasants but Ministers and other senior government officials and prominent supporters of the ruling party.

### **The economic and social consequences**

The violence and anarchy, together with reckless economic policies and widespread corruption, have devastated the Zimbabwean economy. Gross domestic product has declined 14 per cent in real terms in four years and is forecast to fall by 12 per cent this year. Unemployment is estimated at up to 60 per cent and inflation is over 100 per cent.

Agricultural production has decreased to such an extent that Zimbabwe faces a severe and unprecedented food crisis, with nearly half the population needing emergency food aid.

Destitution is widespread, with over 74 per cent of the population living below the poverty-datum line.

There has been a serious exodus of skilled people seeking better lives elsewhere.

## **Conclusion**

The violence, lawlessness and repression in Zimbabwe represent a disaster for the whole southern African region. Despite this, neighbouring countries appear reluctant even to express open criticism of the Zimbabwean government.

They have the means to influence events in Zimbabwe; whether they do so will be an indication of the seriousness of their commitments in NEPAD to good governance, democracy and state legitimacy.

## **NEPAD'S COMMITMENT TO DEMOCRACY AND GOOD GOVERNANCE**

### ***The pledge***

In the New Partnership for Africa's Development (NEPAD), African leaders pledge to eradicate poverty and to place their countries, both individually and collectively, on a path of sustainable growth and development. Essential steps on this path, according to the programme, are democracy and state legitimacy, which are defined to include as their central elements an accountable government, a culture of human rights and popular participation.<sup>1</sup> Democracy is spreading across Africa, it is stated, backed by the African Union (AU) which has shown a new resolve to censure deviation from the norm; the AU's efforts are reinforced by voices in civil society, including associations of women, youth and the independent media.<sup>2</sup>

### ***Steps to achieve objectives***

To achieve NEPAD's objectives, African leaders pledge to take *joint* responsibility for the following:

- Promoting and protecting democracy and human rights in their respective countries and regions, by developing clear standards of accountability, transparency and participatory governance at the national and sub-national levels;
- Restoring and maintaining macroeconomic stability;
- Building the capacity of the states in Africa to set and enforce the legal framework, as well as maintaining law and order;
- Promoting the development of infrastructure, the development of agriculture and its diversification into agro-industries, and the development of manufacturing to serve both domestic and export markets.<sup>3</sup>

### ***Democracy and Political Governance Initiative***

The programme states<sup>4</sup> that African leaders have learnt that peace, security, democracy, good governance, human rights and sound economic management are conditions for sustainable development and, to this end, will embark on a Democracy and Political Governance initiative. The paragraphs setting out this initiative start by reiterating that development is impossible in the absence of true democracy, respect for

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<sup>1</sup> Paragraphs 71 and 43 of NEPAD. The relevant paragraphs of the NEPAD document are reproduced in Annexure 1.

<sup>2</sup> Paragraph 45 of NEPAD.

<sup>3</sup> Paragraph 49 of NEPAD. Notably, this pledge is fundamentally similar to the Harare declaration of 1991.

<sup>4</sup> Paragraph 71 of NEPAD. These same realisations inform the text of the Harare commonwealth Declaration of 1991. the fact that State practice has been contrary to both the latter and spirit of the Declaration is instructive.



human rights, peace and good governance; they give an undertaking to respect global standards of democracy, whose core components include political pluralism, allowing for the existence of several political parties and workers' unions; and fair, open, free and democratic elections periodically organised to enable the populace choose their leaders freely.<sup>5</sup> States participating in the programme will undertake a series of commitments towards meeting basic standards of good governance and democratic behaviour while, at the same time, giving support to each other.<sup>6</sup> They will dedicate their efforts towards creating and strengthening national, sub-regional and continental structures that support good governance.<sup>7</sup>

### ***Censure of deviation from democratic ideals in other countries***

African leaders participating in NEPAD, therefore, undertake to be jointly responsible for democratic development in Africa; that is to say, they undertake to pursue democratic ideals not only in their own countries *but in neighbouring countries as well*. Joint responsibility is indeed essential to the success of NEPAD. The programme accepts that democracy and state legitimacy are prerequisites for economic development, and experience shows that in Africa they are delicate plants which require careful nurturing. If each individual African country is free to develop its own system of government without regard to international norms and without the committed participation of its neighbours, democracy and state legitimacy are liable to be uprooted at the whim of any aspiring tyrant. *NEPAD will succeed only if participating African governments are ready to censure forthrightly and openly all deviations from internationally-accepted norms of democracy in Africa, and are prepared to adopt all possible means to ensure the restoration of good governance in any African country that has departed from those norms.*

### ***Application of NEPAD standards to Zimbabwe***

Zimbabwe is a landlocked country which depends for its economic survival on South Africa, the main proponent of NEPAD. As this memorandum will demonstrate, over the past two years Zimbabwe's government has abandoned most of the accepted norms of democracy and good governance. The results have been catastrophic for the people of Zimbabwe and the disintegration of the Zimbabwean economy may also have disastrous effects upon neighbouring countries as well.

Zimbabwe is therefore an important test case for NEPAD. The sincerity of African governments' commitment to democracy and state legitimacy must be tested against what

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<sup>5</sup> Paragraph 79 of NEPAD. These values are further entrenched in SADC-PF Minimum Norms and Standards for Free and Fair Elections, signed in Windhoek, Namibia in August 2000. The fact that they were violated with impunity in the March 2002, Zimbabwean Presidential Poll is instructive.

<sup>6</sup> Paragraph 82 of NEPAD. These terms are too nebulous to be of any force or effect.

<sup>7</sup> Paragraph 89 of NEPAD. It is unclear how this is intended to work in the event that the majority of member states are in violation of the agreed principles. Extra-territorial enforcement of these values within Africa is inherently problematic.

they have done, are doing and are prepared to do in order to ensure the restoration of democracy and good governance in Zimbabwe. That is a return to legitimacy.

## **ZIMBABWE: A TEST CASE FOR NEPAD**

### ***Introduction***

Between 1980 and 2000 Zimbabwe was a relatively peaceful, stable and generally tolerant country.<sup>8</sup> Now it is being torn apart by violence which began in March 2000, increased in 2001 and continues in 2002.

At the beginning of 2000 the ruling ZANU (PF) party found its popularity declining rapidly due to a deteriorating economic situation which, in turn, was due largely to the government's reckless economic policies and rampant corruption. As a result it suffered a resounding defeat in the constitutional referendum held on 11 and 12 February 2000. The constitutional Referendum defeat triggered a spate of violent farm occupations.

Beginning mid-March 2000 hundreds of commercial farms were invaded by "war veterans", i.e. people who were alleged to be veterans of Zimbabwe's liberation war but who were in fact mostly unemployed youths too young to have played a part in that war. These farm invasions were not a spontaneous demonstration by landless people against inequitable land distribution in Zimbabwe. There is overwhelming evidence that high-ranking ZANU (PF) members were actively involved in implementing them, together with intelligence and army personnel, and that they formed part of a political strategy to combat the growing influence of the opposition MDC party and to win back rural support by using the promise of land resettlement and crude violence.

Farming operations were disrupted on the invaded farms, land was parcelled out to the new "settlers", and farm workers were violently intimidated and subjected to political indoctrination. Many farm workers were forcibly evicted from their residences. The government encouraged the invasions and refused to enforce numerous eviction orders which farmers obtained from the High and Supreme courts of Zimbabwe. The Commissioner of Police declined to enforce court judgements claiming that the invasions were a political issue, not a legal one, and had to be solved by political means.

Despite the state sponsored events afore-mentioned, the opposition MDC won 47 per cent of the vote in parliamentary elections held in June 2000, securing 57 out of 120 contested seats. (Parliament's total membership is 150, of whom 20 are appointed by the President and 10 are traditional leaders.)

The results of the elections appear to have strengthened the government's resolve to suppress political dissent by every means possible.

Later sections of this memorandum will show that:

- Political violence, instigated largely by government supporters, has increased and is continuing.
- Partly as a result of the violence and partly as a result of electoral fraud, the Presidential election held in March 2002 was neither free nor fair.
- The government has subverted the administration of justice.

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<sup>8</sup> Save for the genocide in Matebeleland between the years 1980 - 1987 in which the Zimbabwean Government caused the death of 20 000 civilians and the disappearance of thousands more.

- The government has almost totally eliminated fundamental rights such as freedom of expression and assembly.
- Farm invasions have been subsumed into a policy of indiscriminate expropriation.

As a result, the economy has gone into terminal decline and the country faces widespread famine.

The origin, and probably the main cause, of Zimbabwe's troubles is the violence that has plagued the country since 2000. This is not to under-play the socio-economic inequities authored firstly by colonialism and fossilized by cold-war politics and the IMF/WB structural adjustment policies. Clearly there has always existed a very strong case for agrarian reform in Zimbabwe.

### ***Political Violence and Intimidation***

#### *2000 to 2001*

As indicated above, the current cycle of violence began in March 2000 with the politically-inspired invasion of commercial farms by militias led by war veterans. The invasions were purportedly aimed at redressing racial imbalance in the ownership of land, but in their real aim was to stamp out political dissent. Press reports at the time gave prominence to attacks on white farmers but this deflected attention from what amounted to a countrywide terror campaign conducted largely by militants of the ruling ZANU (PF) party, against perceived MDC supporters.

The apparent reason for this campaign was that in 1999, for the first time since the country gained its independence in 1980 civil society led by the Zimbabwe Congress of Trade Unions (ZCTU), openly defied the government over issues of economic and political governance. This was done through conduits namely mass cation and constitutional lobby an opposition party emerged which mounted a serious challenge to ZANU (PF)'s hold on power. This opposition party was the Movement for Democratic Change (MDC).

In early 2000 these oppositional forces led a campaign for the rejection of a new draft constitution which would have entrenched the powers of the country's executive President, Mr R.G. Mugabe. Against expectation the campaign was successful and the constitution was resoundingly rejected in a nation-wide referendum. A parliamentary general election was due to be held in mid-2000 and, seeing a threat to its hold on power, ZANU (PF) set out to smash<sup>9</sup> the MDC in the rural areas of the country. Generally unchecked by the government's law enforcement agencies, gangs of up to several hundred militants led by war veterans invaded commercial farms, terrorised villagers and set up bases and torture centres round the country.

As indicated above, the widespread violence did not prevent the MDC from winning 47 per cent of the vote in the parliamentary elections held in June 2000, and securing 57

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<sup>9</sup> It is no exaggeration to use this word. The President, Mr Mugabe, has boasted that his followers "have degrees in violence", and in March 2000 is reported as having said: "Those who try to cause disunity among our people must watch out because death will befall them."

out of 120 contested seats. This result confirmed that the MDC was a serious threat to ZANU (PF)'s continuance in power, and the ruling party continued its violence unabated after the election.

The figures bear out ZANU (PF)'s responsibility for the violence. While human rights violations were committed across the political divide, forces loyal to ZANU (PF) committed the vast majority of atrocities. Up to the end of August 2001 the Zimbabwe Human Rights NGO Forum found that MDC members had perpetrated 55 assaults. In comparison ZANU (PF) supporters, members of war veteran militias, the Police Force, the army and the Central Intelligence Organisation (CIO) had carried out 1 163 assaults.

The following table, taken from a report by the Amani Trust, Matabeleland, indicates who was responsible for the violence:

<b>Perpetrators</b>	<b>Percentage of violence</b>
ZANU (PF) supporters such as war veterans and youths	71,5%
MDC supporters	2,2%
Army personnel	4,4%
Central Intelligence Organisation personnel	0,2%
Persons whose political affiliation is unknown.	7,3%

The victims were overwhelmingly persons known or suspected to be members of the MDC.

The violence caused heavy casualties.

At least 45 MDC officials and party supporters had been killed by December 2001. For only two of these killings are suspects facing trial. Leaders of the MDC were physically attacked and received death threats. MDC Members of Parliament and parliamentary candidates were attacked in their homes. They and members of their families were injured and their property destroyed. Thousands of supporters or suspected supporters of the MDC were hunted down and attacked by militias or abducted. Hundreds more were either severely assaulted or subjected to torture. Resultantly thousands of actual or suspected supporters of the MDC were forced to flee from their home areas and became refugees.

Educated people in the rural areas were (and still are) suspected of sympathising with the MDC, and many teachers, doctors, social workers, civil servants and nurses have been forced to flee to urban areas. Government employees were transferred at the insistence of the war veterans. War veterans warned rural hospitals and clinics not to offer medical treatment to MDC supporters.<sup>10</sup>

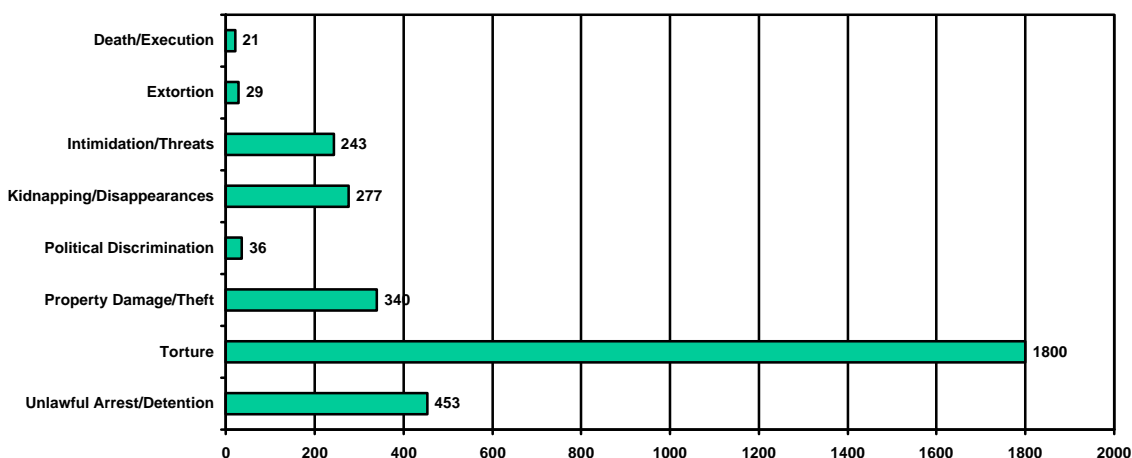
The extent of the violence is indicated in the table below, which is taken from a report by the Zimbabwe Human Rights NGO Forum. The Forum states that the figures

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<sup>10</sup> The incidents of violence are recorded in reports produced by the Zimbabwe Human Rights NGO Forum (their website is [www.hrforumzim.com](http://www.hrforumzim.com)) and in volumes 3 to 5 of the *Zimbabwe Human Rights Bulletin*, produced by the Zimbabwe Lawyers for Human Rights.

are a gross underestimation and represent only cases that could be absolutely confirmed by witnesses reporting to the Forum or from the press.

### Cumulative Totals for Political Violence January-August 2001



**Sources:** Newspaper reports, Amani Trust medical assessments and HR Forum legal statements.

#### Notes to Table:

**Unlawful Arrest/Detention:** Perpetrated by members of the police force.

**Kidnapping/Disappearances:** Victims who have been released and those who are still missing.

**Torture:** Crimes of torture include rape. Rape is a highly underreported crime in Zimbabwe. To date, the HR Forum has only been able to document three cases, all in the month of June. Rape has not been allotted its own category as the low number would minimise the actual occurrences of rape and not effectively illustrate this crime.

**Displacement/Eviction:** This category is not included in the graph, due to the total having increased exponentially to 37,130, a number so high that it could not be included in the graph.

Annexure 2 sets out incidents of violence that occurred in the Mutoko South constituency in the run-up to the parliamentary elections held in June 2000. The annexure is an extract from the High Court's judgment in an election petition<sup>11</sup>, and lists the facts found proved by the court.

War veterans and members of their militias were encouraged to believe they were totally immune from legal responsibility for their actions. They were fortified in this belief by amnesties granted to them by the government, in particular an amnesty granted in October 2000<sup>12</sup> which pardoned all politically-motivated crimes committed in the run-up to that year's elections, except crimes of murder, rape and fraud. And perpetrators of even those crimes enjoyed *de facto* immunity from prosecution since more often than not the police turned a blind eye to their activities.

Law enforcement agencies became increasingly partisan, to the extent that MDC supporters could expect almost no protection from the law. Police officers who sought to carry out their duties professionally and on a non-partisan basis were forced to resign or

<sup>11</sup> The Mutoko South Election Petition, judgment no. HH-68-2001, by Devittie J.

<sup>12</sup> Clemency Order No. 1 of 2000, published in General Notice 457A of 2000.

were transferred. Large numbers of war veterans were recruited into the police force and many of them actually or effectively commanded (and still command) rural police stations. The Commissioner of Police is an avowed supporter of the ruling party. As a result the police would often take no action against ZANU (PF) militants when they attacked MDC supporters but would arrest MDC supporters who engaged in any violence. There were frequent reports of the police arresting MDC victims of violence instead of the perpetrators of the violence.

Encouraging the violence and reinforcing the perpetrators' belief in their immunity, leading members of the ruling party repeatedly proclaimed that the MDC would never be allowed to come to power in Zimbabwe and that a war would be waged against it. Thus a leader of the war veterans, Mr Chenjerai "Hitler"<sup>13</sup> Hunzvi, said in December 2000: "Whosoever is killed, it's tough luck." And in the same month Mr Mugabe told a ZANU (PF) congress that the commercial farmers had "declared war" on the people of Zimbabwe, that the white man was "not indigenous" to Africa and was part of an "evil alliance." He said, "We must continue to strike fear into the heart of the white man, our real enemy." His audience replied with chants of "hondo" (war). "The courts can do whatever they want," he continued, "but no judicial decision will stand in our way ... My own position is that we should not even be defending our position in the courts. We cannot ... brook interference [or] court impediment to the land acquisition programme." These sentiments were echoed by other prominent members of the ruling party. August 2001 Vice-President Msika said that whites were not human beings. And the late Minister of Defence, Mr Mahachi, said in June 2000: "We will move door to door, killing like we did to Chiminya [a murdered MDC official]. I am the minister responsible for defence therefore I am capable of killing." And the Minister of Foreign Affairs, Mr Mudenge, told a gathering at a teachers' college: "You are going to lose your jobs if you support opposition political parties in the presidential election. As civil servants, you have to be loyal to the government of the day. You can even be killed for supporting the opposition and no one would guarantee your safety." A former Minister and Speaker of Parliament, Mr Didymus Mutasa, said in July 2001: "Those who do not understand must be beaten until they do understand." In August 2001 a ZANU (PF) Member of Parliament, Mr Phillip Chiyangwa, was captured on film inciting party youths on commercial farms in these terms:

"If you get hold of MDC supporters, beat them until they are dead. Burn their farms and their workers' houses, then run away fast and we will then blame the burning of the workers' houses on the whites. Report to the police, because they are ours."<sup>14</sup>

### *Violence before and during Presidential election*

President Mugabe set the tone for the Presidential elections when at the ZANU (PF) Congress in December 2001 he told party members to treat the following year's election campaign as a "total war". He said party members must regard themselves as soldiers. "Where we are going, it is not like the June 2000 parliamentary elections, which was like

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<sup>13</sup> His *nom de guerre*, apparently chosen by himself.

<sup>14</sup> The film was shown on BBC television on 7 September 2001.

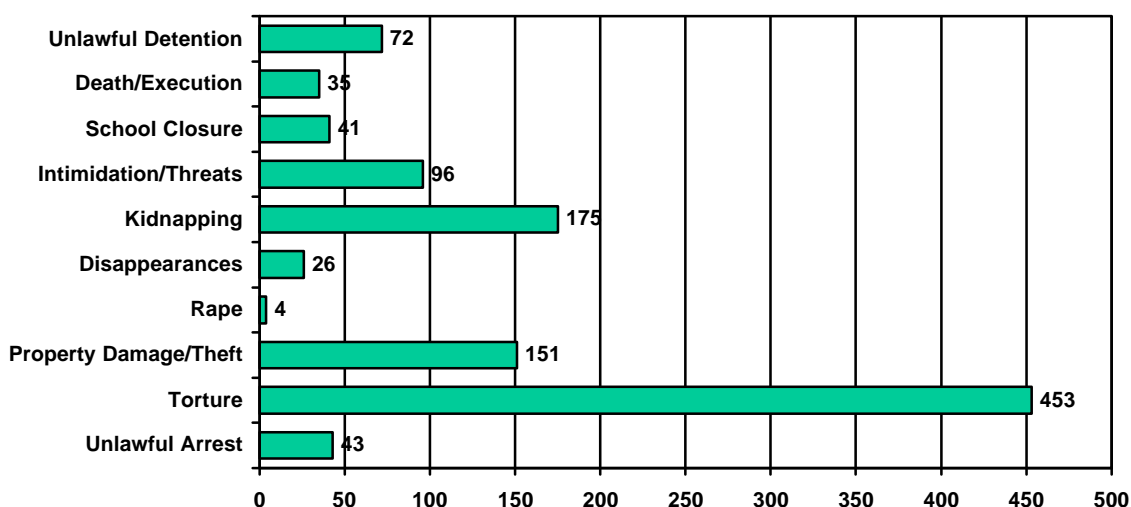
a football game where I was centre striker. This is total war, the Third Chimurenga [uprising].” He also branded city and town dwellers “sellouts” for voting for the MDC.

Disorder and violence increased in the run-up to the Presidential election in March 2002. According to the Human Rights NGO Forum, at least 16 politically-motivated murders were reported in January and February 2002; ruling-party militias set up roadblocks in rural areas throughout the country, harassing travellers who were unable to produce party membership cards. Teachers were attacked, leading to the closing of 35 schools in Masvingo Province alone. In Bindura, opposition supporters were evicted from their homes by ZANU (PF) militants who then used the homes as bases for their own political activities. Over a million people were compelled to buy ZANU (PF) party cards, not because they supported the party but simply in order to avoid being beaten up for failing to produce one. Large parts of the country were declared to be “no-go” areas for MDC supporters.

Militia bases were set up in the run-up to the poll and remained operational with the acquiescence of the State. Nothing was done to ensure that these bases were dismantled and prosecutions were not instituted against those responsible for human rights violations committed in them. In one notable case a High Court order had to be issued to ensure the release of a Mutoko couple who had been kidnapped in February and held for a month at one of the bases.<sup>15</sup>

The extent of the pre-election violence is summarised in the following table prepared by the Zimbabwe Human Rights NGO Forum:

**Cumulative Totals 1 January 2002 – 15 March 2002**



**Notes to Table:**

**Torture:** All cases under torture fall under the definition of torture according to the general definition of torture given in the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman and Degrading Treatment and Punishment.

The four elements of torture are:

<sup>15</sup> Report for 1–15 March 2002, issued by Zimbabwe Human Rights NGO Forum.



1. Severe **pain** and **suffering**, whether physical or mental
2. **Intentionally** inflicted
3. With a **purpose**
4. By a state official or another individual acting with the **acquiescence** of the State.

Contrary to the impression given by the State that there were no incidents of violence during the actual polling days (9–11 March 2002), The Human Rights Forum recorded more than 24 incidents of politically motivated violence in this period. The opposition MDC party alleges that there was a great deal of violence during polling; though the specific allegations which the party has made in its election petition are disputed by the government.

#### *Violence and intimidation after Presidential election*

After the Presidential election in March 2002 ZANU (PF) supporters resumed their campaign of violence against MDC supporters by mounting a country-wide campaign of reprisals against perceived MDC supporters. Large numbers of opposition supporters have been displaced. Particularly in rural areas and commercial farms, this has been accompanied by destruction of property and theft. Torture bases used before the elections have remained operational. Despite the fact that most of these were reported to the law enforcement agencies, in very few cases have there been proper investigations and prosecutions, and the war veterans and their militias have operated with virtual impunity. The publicity given to the arrest in mid-May of one war veterans' leader on charges of extortion (he is alleged to have demanded that Asians should surrender their land) indicates how few such arrests there have been.

Intimidation of opposition party leaders has also continued. Within days after the election the government instituted treason charges against the opposition leader Mr Tsvangirai and two of his deputies. The charges are based on allegations that the opposition leader sought to have Mr Mugabe murdered by a Canadian organisation; the allegations are backed up by blurred video pictures which apparently show Mr Tsvangirai plotting the assassination with officers of the Canadian organisation. The charges are widely believed to be trumped up: the video film appears to have been doctored and the Canadian organisation had worked in the past for the Zimbabwe government — and is working for the government again.

The government's attitude towards the opposition may have been summed up in a speech made by Mr Mugabe on 31 March, in celebration of his victory at the election: "We will make them run. If they haven't run before we will make them run now."<sup>16</sup>

The attack on commercial farmers and their workers has intensified, with incidents of violence and evictions on the increase countrywide. These evictions are illegal and are not being carried out by government officials but instead are being enforced by ZANU (PF) militia and war veterans. Farmers and farm workers have been evicted from their homes with at times as little as an hour's notice. The process has involved high levels of intimidation, property damage and looting. The police have taken little action to curb these illegal evictions.

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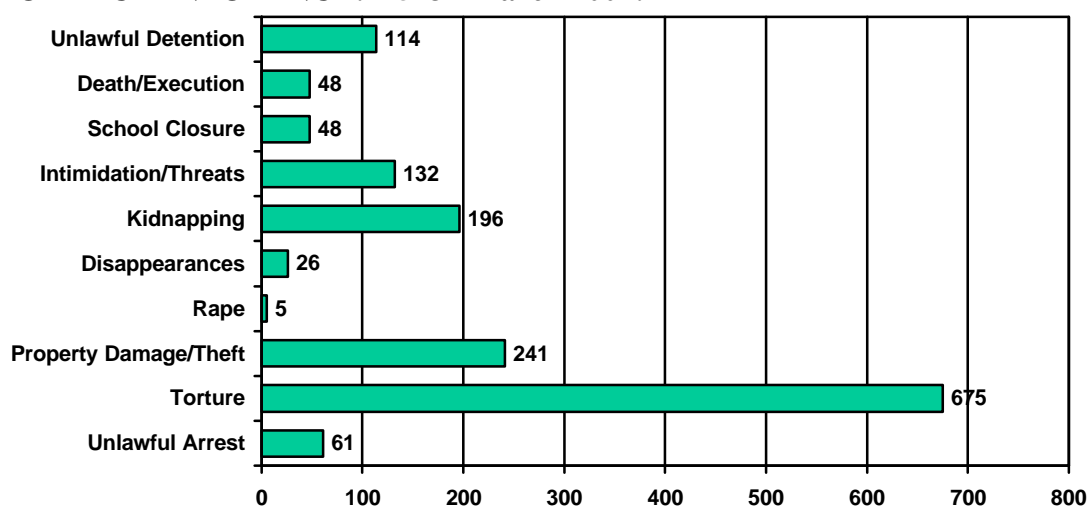
<sup>16</sup> UK *Observer* 26 May 2002.

The outlook for farm workers is bleak. Many have worked at their respective farms all their lives and have no alternative rural homes to go to. Many are now internal refugees with no access to food, water and shelter.

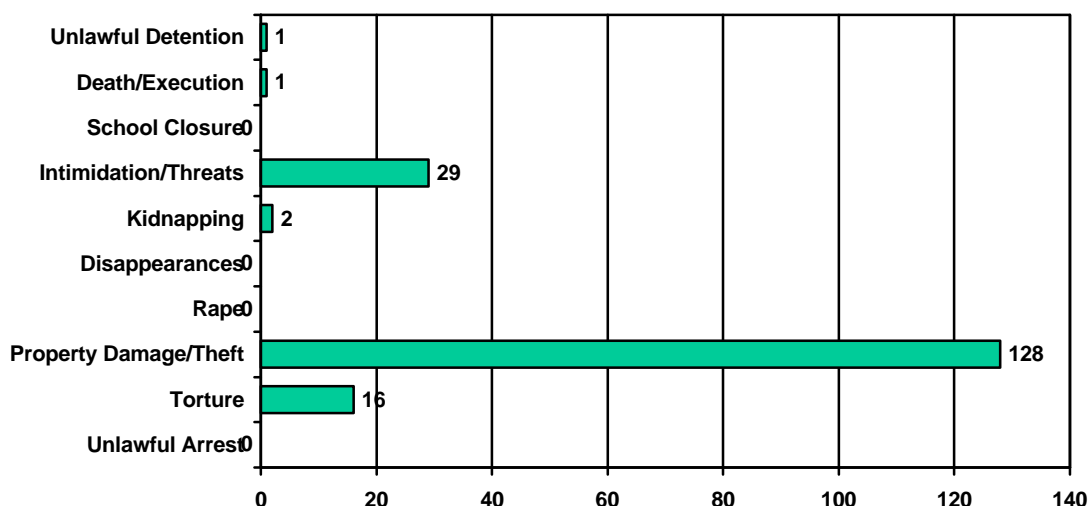
The State-controlled Press gave considerable publicity to a campaign mounted by the Police in May 2002 for the eviction of illegal squatters from commercial farms. In fact this campaign has been restricted to farms owned or occupied by government Ministers and others in the ZANU (PF) hierarchy. The Commercial Farmers' Union, which represents the vast majority of large-scale commercial farmers, reported that no squatters or settlers were being evicted from its members' farms.

The scale of violence after the Presidential election is indicated by the following tables from reports prepared by the Zimbabwe Human Rights NGO Forum. The first covers the one-week period 25–31 March, 2002, the second the fortnight 15–30 April, 2002:

**POLITICAL VIOLENCE: 25–31 March 2002:**

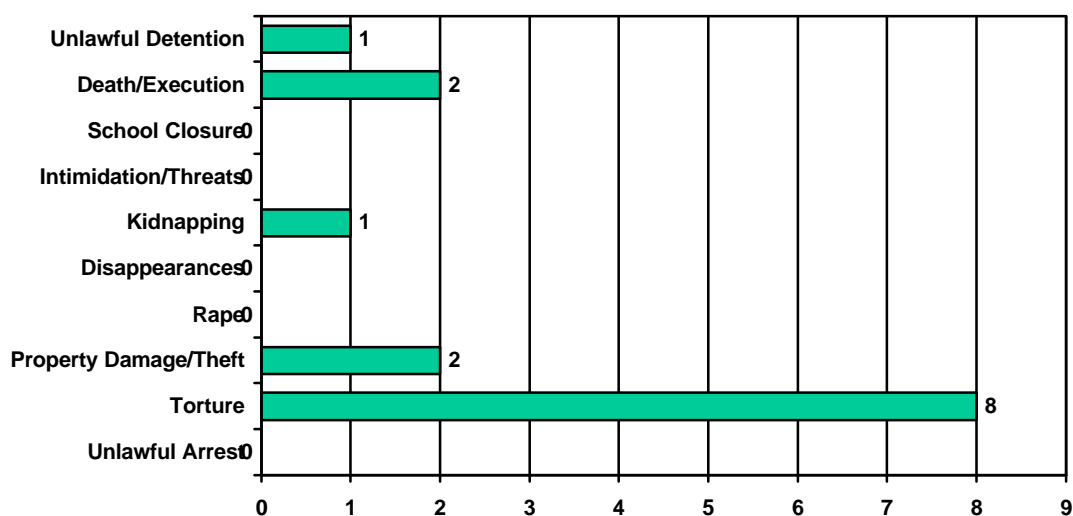


### POLITICAL VIOLENCE: 15–30 April 2002:



During May 2002 instances of political violence decreased, as shown in the next table. The Zimbabwe Human Rights NGO Forum reported a decrease of 50 per cent in the reported cases of torture compared to the month of April. Yet notwithstanding this decline, two lives were reportedly lost in the first fortnight of May, bringing the total of politically related deaths in 2002 to 57.

### POLITICAL VIOLENCE: 1–15 May 2002:



Specific instances of politically-inspired violence occurring since the Presidential election are outlined in Annexure 3 which, again, is taken from reports compiled by the Zimbabwe Human Rights NGO Forum. Further instances of post-election torture are documented in Annexure 4, which is extracted from a report issued on 21 May 2002 by the Danish Physicians for Human Rights.<sup>17</sup>

<sup>17</sup> The report is available at their website, [www.phrusa.org/healthrights/phr\\_denmark.html](http://www.phrusa.org/healthrights/phr_denmark.html)

It is against this background of violent lawlessness that the Presidential election was held.

### ***Presidential Election***

In 2001 the SADC Parliamentary Forum drew up a list of standards for elections in the region, and Zimbabwe has endorsed them. They include the following:

- Voter registration should be conducted on a continuous basis, not just immediately prior to elections, and an updated voters' register must be made available to all stakeholders in the elections. Provision should be made to ensure that prospective voters are provided with a form of national identity card in good time for registration.
- In each State there must be an independent and impartial Electoral Commission to oversee elections.
- Transparency of the electoral process must be ensured, along with the creation of a level playing field for all parties and candidates.
- Opaque wooden ballot boxes should be discarded in favour of transparent boxes.
- The counting of votes should be done at the polling station where the candidates or their agents are present. The candidates or agents should be allowed to remain with the boxes from closure of the polling station to counting of the votes.
- Election observers should be accepted as a mechanism to ensure fair and free elections.
- The role of civil society in election monitoring and civic education should also be recognised.
- Opposition parties should be given equal opportunity and agreed-upon time and space on the state-owned media to put their announcements and broadcasts. Political violence, kidnapping, murder and threats should be outlawed, and the right to vote in secret ensured.
- The sanctity of freedom of association and expression should be protected and strictly adhered to.

Judged by these basic standards, the Presidential election held on 9–11 March, 2002, was palpably neither free nor fair. Not one of the standards was met.

In view of the prevalent politically inspired violence, it would have been well-nigh impossible for a free and fair election to be held. In addition, however, the ZANU (PF) party and the government put many further barriers in the way of the opposition.

### ***Confiscation and Destruction of Identity Cards***

In order to vote, a voter must produce proof of identity in the form of a national ID card, a passport or a driver's licence. There were numerous reports of ZANU (PF) militias forcibly taking away national identity cards from suspected members of the MDC in rural areas. This effectively prevented most of these people from voting because they

were deprived of their sole means of identification (relatively few people in Zimbabwe hold passports or drivers' licences).

### *Interference with Political Campaigning*

On 22 January 2002 a new security law, the Public Order and Security Act, came into operation. Under this legislation an organiser must give four days' notice to the police before holding any meeting, rally or public demonstration, and the police can prohibit a gathering if they believe on reasonable grounds that it will lead to public disorder. The police invoked this Act on a partisan basis and used it extensively to disrupt political campaigning by the MDC. A month after the Act came into operation the leader of the opposition party, Mr Tsvangirai, said that 79 MDC rallies had been disrupted by the police or cancelled by them at short notice. He also said that permission had been withdrawn for two campaign-capping events over the final weekend before the polls, one in Harare and the other in Bulawayo, although after obtaining court orders these rallies eventually went ahead. There was not one reported case of the police using the Act to prohibit a ZANU (PF) rally.

### *Pre-Election Pressure from Service Chiefs*

On 9 January 2002 the army chief, General Vitalis Zvinavashe, in the presence of the Commissioners of Police and Prisons and the head of the intelligence service (the CIO), read out a statement declaring that the military leadership would "not accept, let alone support or salute, anyone with a different agenda that threatens the very existence of our sovereignty, our country and our people". He stated further that the Presidency "is a straitjacket whose occupant must observe the objectives of the liberation struggle" and added: "We will therefore not accept, let alone support or salute, anyone with a different agenda that threatens the very existence of our sovereignty." This statement was a thinly veiled way of saying that the uniformed forces would refuse to accept the election anyone other than President Mugabe, and would not accept Mr Tsvangirai who had no liberation war background. It was tantamount to a threat of a coup in the event of an MDC victory.

The Commissioner of Police, Mr Chihuri, has on a number of occasions proclaimed his total support for ZANU (PF).

### *State-controlled Media*

Radio is the news medium that reaches the greatest number of Zimbabweans. Radio and television broadcasting is state-controlled in Zimbabwe and before the election the ruling party used these media to broadcast constant propaganda on behalf of ZANU (PF). They gave massive and favourable coverage to the ZANU (PF)'s election campaign. When, very occasionally, they reported on the opposition campaign they did so in highly disparaging terms. According to the Media Monitoring Project in their report published on 14 March 2002:

"ZBC television carried a total of 402 election campaign stories in its news bulletins monitored between 1 December 2001 and 7 March 2002, the penultimate day of the election campaign. Of these, 339 of the bulletins (84%) favoured ZANU (PF)'s presidential candidate. Only 38 (or 9%) covered MDC activities, but virtually all of them were used to discredit the opposition party and its candidate. Radio Zimbabwe, ZBC's

most popular station, carried a total of 275 campaign related stories. A total of 237 of them (86%) were promotional stories in favour of ZANU (PF), while 20 (7.3%) were all negative stories about the MDC. ... Out of a total of 14 hours and 25 minutes that ZBC devoted to the presidential election campaign, ZANU (PF)'s candidate was granted a total of 13 hours and 34 minutes, or a little more than 94%. This compares to the national broadcaster's coverage of the MDC and its candidate, of just 31 minutes and 30 seconds, a paltry 4%. But even this was subverted by ZBC, which used the time to attack, denigrate and discredit the MDC."

(ZBC operates the only television station and only radio stations that broadcast in Zimbabwe save for Radio Voice of the People (VOP) a Zimbabwe based independent radio station which broadcasts on short wave.)

The government-controlled daily newspapers, the *Herald* and the *Chronicle*, also waged a propaganda war against the MDC.

### *Manipulating Electoral Processes*

Zimbabwe's electoral laws give the President extraordinarily wide powers to change the rules of an election at will.<sup>18</sup> The Minister of Justice also has extensive powers to pass regulations in relation to the electoral processes. These powers were used to considerable effect. Before and during the election no fewer than 13 amendments were made to the electoral laws, some of them very far-reaching and some of them countermanding earlier amendments. This unprecedented flurry of legislative activity, some of it occurring very shortly before the election itself, caused considerable confusion and uncertainty as to what the law stated. For example, the number of monitors and polling agents who were permitted to be in or near polling stations was changed three times, the last change being promulgated only one day before polling took place.<sup>19</sup>

The persons responsible for conducting elections, in particular the Registrar-General of Elections, are widely viewed as being supporters of the ruling party and as performing their duties in a highly partisan fashion. There is no independent Commission to ensure fairness in the elections since the President (who was himself a candidate) appoints the Electoral Supervisory Commission. The present Commission was seen as being both partisan and ineffectual.<sup>20</sup>

Some of the ways in which the electoral process was tilted to favour Mr Mugabe are set out below:

- **Voter Education:** Under amendments to the electoral law<sup>21</sup>, only the Electoral Supervisory Commission was entitled to conduct voter education; furthermore,

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<sup>18</sup> See sec 158 of the Electoral Act, set out in Annexure 5.

<sup>19</sup> In the Electoral (Amendment) Regulations, 2002 (No. 15) (S.I. 42A of 2002).

<sup>20</sup> When the opposition party applied to the High Court for an order extending polling in the election for a further day, the Minister of Justice (who is a lawyer) appeared before the Court representing the Electoral Supervisory Commission and the Registrar-General. This was a further indication that neither the Commission nor the Registrar-General were independent.

<sup>21</sup> The amendments were contained in a General Laws Amendment Act which was passed by Parliament on 9 January, 2002 after being rejected on its Third Reading the day before. On the 27th February the Supreme Court nullified the General Laws Amendment Act on the ground that it had been improperly passed. Most of the amendments were subsequently re-enacted as subsidiary legislation.

no body except the Electoral Supervisory Commission was permitted to receive foreign funds for voter education. Although the Commission could permit non-governmental organisations to provide voter education, an organisation that was granted permission had to use education materials provided by the ESC.

- **Registration of voters:** In urban areas registration officers required people applying for registration as voters to produce proof that they resided in the constituency in which they were seeking registration. The proof they demanded were documents such as receipts for payment of rates or other service charges.<sup>22</sup> A significant number of voters were unable to produce these documents and so were not registered. This particularly affected young unemployed persons, many of whom are temporary lodgers who often have change their residence because of the difficulty in finding affordable permanent accommodation. Many lodgers and even tenants in high-density urban suburbs have no lease agreements or other proof of tenancy or residence.
- **Registration of additional voters:** The Registrar-General initially announced that the voters' roll was closed as at 10 February 2002 for the purposes of the Presidential election. He then retrospectively extended the date to 27 February. Then, once again retrospectively, he extended the date to 3 March. Many Zimbabweans, especially in the opposition's urban strongholds, did not know that registration was still open up to 3 March, and many who could have benefited were left out of the extended exercise, which sources say was carried out mainly in rural areas. It also emerged that the Registrar-General's office continued to register voters even beyond the final cut-off date of 3 March 2002.<sup>23</sup> It is alleged that the sole reason for the extension of voter registration was intended to swell the numbers of ZANU (PF) voters. The number of persons who were registered after the initial cut-off date and whose names presumably appear on the supplementary voters' roll has not been announced, but it is thought that at least 400 000 people are on that roll. (It is pertinent to note that Mr Mugabe's recorded majority over his opponent was about 420 000.)
- **Disenfranchising voters:** The Registrar-General removed from the roll the names of people who had renounced their Zimbabwean citizenship and had become permanent residents instead of the citizens. Though a judge of the High Court held this was illegal, the Supreme Court reversed the judge's decision in a judgment handed down on 7 March 2002. The Registrar-General's action in this respect was legally permissible, therefore, but the issue was clarified only two days before polling began.

It was not just non-citizens who were disenfranchised, however. Many people who were eligible for foreign citizenship but had never claimed it were not allowed to vote either, even though they were Zimbabwean citizens and even though the Minister of Home Affairs had stated in a letter (correctly) that such people were eligible to vote in the election. The Registrar-General subsequently sent letters of apology to some of them.

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<sup>22</sup> UK *Daily Telegraph* 9 March 2002.

<sup>23</sup> Report in *Financial Gazette* 7 March 2002.

Further disenfranchisement occurred through the requirement that voters in the Presidential election had to vote within the constituencies in which they were registered. This adversely affected several thousand voters who had fled from their home areas because of violence and intimidation.

- **Voters' roll:** The final main voters' roll was not made available to opposition parties in advance of the elections. The MDC had only an out-of-date roll to work with and was not supplied with a copy of the supplementary voters' roll containing the names of people registered after the initial cut-off date.

The voters' roll itself appears to have been a complete shambles. The names of people who had died were not removed from the roll, and people who had moved from one constituency to another were not adequately tracked. One sample survey found that only 50 per cent of the voters whose names appeared on the roll actually lived at the addresses given, and up to 1,8 million of the names should not have been there.<sup>24</sup>

The Registrar-General's own figures suggest how chaotic the voters' roll was. From 10 January 2002 onwards the Registrar-General's office claimed that the number of registered voters in urban areas was 3,4 million and in rural areas 2,2 million. Then on 9 March 2002 the Registrar-General announced figures showing there were far more rural voters than urban.<sup>25</sup>

- **Postal voting:** There are up to a million Zimbabweans living outside the country who would have been eligible to vote in the election. Many of them are probably supporters of the opposition MDC. In an amendment passed in early 2002 postal voting was restricted to members of the armed forces and diplomats outside Zimbabwe.

There were press reports of army and police officers being made to complete postal votes in the presence of their superior officers, thereby imposing pressure upon them to vote for the ruling party. The army and police denied these reports.

- **Polling stations:** Only three days before the election were the numbers and location of polling stations announced.

It is alleged that some polling stations were located at or close to known bases of the ruling party's militia. There was one reported case of the militia closing down a polling station and forcibly relocating it to their base. There were also reports of militia personnel being present at the entrances of polling stations as an intimidating presence.

The number of polling stations in urban areas, where the opposition MDC was perceived to have considerable support, was reduced by between 30 and 50 per cent. In the rural areas, by contrast, the number was greatly increased.

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<sup>24</sup> See generally Annexure 6 for the deficiencies of the roll and how they contributed to the result of the election.

<sup>25</sup> See *Sunday Mail* 10 March 2002.



The number of mobile polling stations was drastically increased to 1 200, but they operated in rural areas where monitoring was problematical. It was alleged that they concentrated on areas considered to be ZANU (PF) strongholds, such as farms where people had been resettled under the fast-track land resettlement programme.

- **Militarising the Election Supervisory Commission:** The Commission was headed by a prominent war veteran, lawyer and retired army officer. His chief elections officer was a retired army brigadier, responsible for supervising the training of 1 080 election supervisors who in turn trained 22 000 election monitors to cover about 5 400 polling stations. The election supervisors also performed the role of voter educators. Retired and serving military officials, some from the intelligence service, headed various sections responsible for monitoring and supervising the presidential election. The Zimbabwe National Army sanctioned the release of 72 of its officers for an indefinite period to the ESC. Four major-generals were among the top-ranked officers included.

Civic society was rightly concerned about the heavy involvement of the military in the electoral process, a civilian process that should be run by civilians and not by the military.

- **Monitors and observers:** In previous elections civic organisations were allowed to monitor elections. Under new electoral provisions passed in early 2002, only public servants were allowed to carry out monitoring functions. The government justified this change by alleging that foreign-funded organisations were biased against the ruling party and would not provide neutral monitors. But public servants were obviously just as likely to be biased in favour of the current government.

Under the amended law election observers had to be accredited by the Electoral Supervisory Commission. The Commission was not allowed to accredit representatives of organisations other than those who had received an invitation from a Minister to observe the election — the Minister of Foreign Affairs in the case of foreign organisations, and the Minister of Justice in the case of local organisations.

In regard to foreign observers, the government made it clear that it intended to invite only representatives of SADC, the African Union and ECOWAZ. Observers from Africa and the Caribbean were also to be invited but, according to the President, whites would probably not receive an invitation. The Information Minister said “enemies of the State” would not be invited to observe. Foreign press representatives perceived to be hostile were refused accreditation.

The delegation from the European Union withdrew from the country after the government refused to accredit its Swedish head of delegation and placed bureaucratic obstacles in the paths of other members of the delegation. The government also refused to accredit a 23-strong delegation from the South African National Non-Government Organisation.

As to local observers, the government tried to limit their number. By 6 March 2002 only 23 local observers had been accredited, the majority of whom were drawn from organisations known to be sympathetic to ZANU (PF) such as the Affirmative Action Group. However on 8 March 2002 the *Herald* reported that earlier in the week 300 local observers had been accredited and that the Minister of Justice had agreed to accredit a further 170. The Zimbabwe Electoral Support Network had applied to have 12 500 observers accredited but the Minister agreed to a maximum of only 500. This agreement came very shortly before the start of polling, too late for many of the observers to be deployed.

- **Slowing down of electoral procedures and manipulation of polling times:** Polling was scheduled to take place over two days, Saturday and Sunday the 9 and 10 March.

In Harare, as already indicated, the number of polling stations was drastically reduced. Despite an earlier Supreme Court ruling that municipal elections be held prior to the Presidential elections, a ruling that was subsequently reversed, the government insisted on holding the municipal elections at the same time as the Presidential elections. This seems to have been part of a deliberate plan to ensure that as few people in Harare as possible voted, Harare being an MDC stronghold. The processing of the large numbers of voters who turned out to vote in Harare was exceedingly slow, some stations dealing with as few as 20 voters an hour.

Large numbers of people were unable to vote after waiting all day in long queues. Some polling stations remained open for several hours after the 7.00 p.m. closing time on the first polling day in order to accommodate some of the many voters still waiting to vote. At the end of the second day of polling the opposition MDC managed to obtain a court order extending polling to a third day. After this ruling the police dispersed many of the people still waiting to vote and told them to come back and vote the next day. The next day, however, the stations did not open at the scheduled time of 7.00 a.m. in Harare, but eventually opened at around 12.00 noon. By that time many people queuing to vote had given up and gone to work. Some of them had been queuing to vote for the entire weekend.

According to official figures more than 70 per cent voted in the rural areas and only 40 per cent in the towns and cities. This is the opposite of what independent analysts had predicted.

- **Ballot boxes:** Although there was a suspicion that ballot boxes would be tampered with in transit from polling stations to counting centres, the electoral laws were amended to bar monitors, polling agents and election agents from travelling in vehicles transporting the ballot boxes. Under the new law monitors and agents were entitled only to inspect such vehicles at the polling stations and at the counting centres, and to follow the vehicles in their own transport. Given the limited transport facilities available to polling and election agents, it was unlikely that many would be able to follow the ballot boxes while they were being transported to counting stations.

- **Stuffing of ballot boxes and vote-rigging:** Foreign correspondents covering the election have alleged there was massive ballot-box stuffing. The *Times* claimed this happened in remote areas of Mashonaland where ZANU (PF) militias denied access to opposition polling agents. The *Telegraph* correspondent who was in Bulawayo during the voting claimed that a ballot box containing 137 officially-listed votes went missing from a mobile polling station in Umguza and, when it turned up, it had an additional 1 000 ballots in it. At another constituency in Tsholotsho opposition polling agents carefully counted 12 000 ballots but when the Registrar-General declared the result the turnout had somehow surged to 21 000.

As no detailed evidence is given of these allegations it is obviously impossible to assess their veracity. The figures set out in Annexure 6, however, suggest that there was massive vote-rigging.

Ballot boxes were not made of a transparent material, as required by the SADC standards, so ballot-box stuffing was not easy to detect.

### *Conclusion*

The essential conditions for the holding of free and fair elections in Zimbabwe were not present, in view of the prevailing violence. Furthermore, the election process was manipulated by ZANU (PF) to give the ruling party an unfair advantage over its opponents. The election was conducted in an unfair manner and SADC norms for the holding of free and fair elections were breached.

The Presidential election cannot therefore be regarded as either free nor fair.

This conclusion calls into question the legitimacy of the Zimbabwean government. The President is not a mere figurehead: he directs government policy and all Ministers, indeed the entire Executive, derive their authority through him. The Constitution requires him to be elected in a fair election.<sup>26</sup> Since he was not so elected, neither he nor the executive arm of his government can be regarded as having democratic legitimacy—nor even, perhaps, constitutional legitimacy.

The opposition candidate in the election has challenged the result by filing an election petition in the High Court, but the outcome of the petition will depend on the integrity of the judges who hear it. That raises the question of the independence of the judiciary, which is the next topic to be considered.

## ***Independence of the Judiciary***

### *Intimidation of the Judiciary and Packing of the Supreme Court*

For some years Zimbabwe's courts, especially the country's highest court, the Supreme Court, had a deserved reputation for upholding human rights and the rule of law. This brought the courts frequently into conflict with the government. For example, the Supreme Court struck down provisions of the Law and Order (Maintenance) Act that restricted the holding of public meetings and prohibited the publication of false news,

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<sup>26</sup> See sec 28(2) of the Constitution as read with Part XXIII of the Electoral Act [*Chapter 2:01*].

thereby upholding freedom of assembly and Press freedom.<sup>27</sup> The Supreme Court also insisted that commercial farmland could be compulsorily acquired only in accordance with the law. This culminated in a landmark judgment given in December 2000 in which the Court declared that the government could acquire land for resettlement only after preparing a proper programme of land reform, as required by sec 16A of the Constitution, and interdicted the government from acquiring more land until it had prepared such a programme.<sup>28</sup> Finally, at the beginning of 2001 the Court ruled that the President could not use his extraordinary regulatory powers to annul the right of unsuccessful candidates to present election petitions challenging the results of the previous year's general election.<sup>29</sup>

The government's criticisms of the judiciary grew increasingly violent.

Among other senior politicians, the Minister of Justice repeatedly attacked the judiciary in the state-controlled media and in Parliament. He was quoted as saying that the government would not rest until there was a complete overhaul of the judiciary. "Eurocentric" judges regarded as being in conflict with the other arms of government and perceived as constituting "the main opposition to the ruling party" would have to go. Judges should be politically correct, and if they behaved like "unguided missiles, I wish to emphatically state that we will push them out". "The present composition of the judiciary reflects that the country is in a semi-colonial state, half free, half enslaved."<sup>30</sup>

The Minister also inveighed against high-ranking blacks who, he alleged, had forgotten their humble origins and "delude themselves into thinking that they are where they are solely through their own merit". He denied intimidating the judges.

The war veterans' leadership backed the Minister. Chenjerai "Hitler" Hunzvi (then a member of Parliament) vowed to oust the entire Supreme Court bench and four non-black High Court judges, and is reported to have said in Parliament:

"We are not afraid of the High Court ... this country belongs to us and we will take it whether they like it or not. The judges must resign. Their days are now numbered as I am talking to you ... I am telling you what the comrades want, not what the law says."

Another war veterans' leader noted: "The judiciary must go home or else we will chase them and close the courts indefinitely until President Mugabe appoints replacements." This particular threat was followed by one to remove judges by force if they did not resign within a fortnight.

In November 2000, "war veterans" and ZANU (PF) supporters physically invaded the Supreme Court. The Minister of Justice signally failed to condemn this invasion. The then Chief Justice Gubbay and Mr Justice Sandura met the acting president, ostensibly to discuss the threats to the judiciary by the "war veterans", but were

<sup>27</sup> See *In re Munhumeso & Ors* 1994 (1) ZLR 49 (S) and *Chavunduka & Anor v Minister of Home Affairs & Anor* 2000 (1) ZLR 552 (S).

<sup>28</sup> See *Commercial Farmers' Union v Minister of Lands, Agriculture & Resettlement & Ors* 2001 (2) SA 925 (ZSC).

<sup>29</sup> See *MDC & Anor v Chinamasa NO & Anor* S-7-2001.

<sup>30</sup> The Minister has a history of inveighing against the judiciary. His castigation of a judge in 1999 led to a charge of contempt of court — which has never been tried despite a ruling by the Supreme Court that the charge was constitutional: see *In re Chinamasa* 2001 (2) SA 902 (ZSC).

reportedly faced with an attack on the judiciary itself which was later repeated by the President.

The Chief Justice was then induced to retire early, first from March and then from July 2001. This occurred five days after the Supreme Court had struck down as unconstitutional regulations made by the President which attempted to nullify the MDC's petitions against results in the 2000 parliamentary elections.

The Minister of Justice personally visited the remaining members of the Supreme Court Bench in an attempt to get them to resign, but was not immediately successful.

The United Nations Special Rapporteur on the Independence of the Judiciary issued a series of statements condemning the harassment and intimidation of judges in Zimbabwe and the threats to the independence of the judiciary. He said that they constituted "a direct assault on the rule of law" and pointed out the rule of law is pivotal for democracy and sustainable development in any country. The International Bar Association also roundly condemned the undermining of the independence of the judiciary in Zimbabwe and criticised the failure by the government to honour an undertaking it had given the IBA concerning the independence of the judiciary.

Mr Justice Godfrey Chidyausiku was sworn in as Acting Chief Justice in mid-March 2001. A former deputy Minister of Justice, he is widely seen as a dedicated supporter of the ruling ZANU (PF) party and an outspoken supporter of the government's policy of land seizure.<sup>31</sup> Some 200 black lawyers petitioned the Judicial Service Commission against his appointment, but in August 2001 he was appointed substantively to the highest judicial post in the land.

Since the replacement of the Chief Justice, one of the four remaining members of the Supreme Court bench has retired, one has resigned and one has died. Even before they left, three new judges were appointed who have shown themselves to be staunch supporters of the government. For example, the newly constituted Supreme Court has set aside the Court's earlier judgment on the land issue and endorsed the government's land acquisition policy;<sup>32</sup> the reasons given for this *volte face* are legally flimsy. The Court issued contradictory orders regarding the dates for the holding of municipal elections in Harare, with the result that the elections were held on the same day as the Presidential election. And the Court refused to entertain an application by the opposition candidate in the Presidential election for a declaration that amendments to the electoral laws were unconstitutional, on the tenuous ground that the applicant did not have legal standing to bring the application.<sup>33</sup> The Court did invalidate the General Laws Amendment Act, which contained numerous amendments to the electoral laws, but the judge who

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<sup>31</sup> He has said on several occasions that land resettlement is a political, not a legal, issue, and while still a judge of the High Court attempted to vary a ruling of the Supreme Court on the issue.

<sup>32</sup> See *Minister of Lands, Agriculture and Rural Resettlement & Ors v Commercial Farmers Union* S-111-2001. The judgment was given by Chief Justice Chidyausiku with the support of the newly-appointed judges. Ebrahim JA, a member of the original Supreme Court Bench, dissented vigorously.

<sup>33</sup> See *Tsvangirai v Registrar-General of Elections & Ors* S-20-2002. Again a member of the original Supreme Court bench (Sandura JA) dissented vigorously.

delivered the lead judgment in that case — one of the original members of the Supreme Court — has since resigned.<sup>34</sup>

### *The High Court*

In the High Court three judges resigned from the Bench amid speculation that they had been intimidated into leaving. All had been criticised by government spokespersons for judgments they had given in politically sensitive cases. They have been replaced by ten judges who are believed to be sympathetic to the government. Some have clearly shown themselves to be so<sup>35</sup>, but some (including a former ZANU (PF) member of Parliament) have displayed commendable independence on several occasions.

### *Magistrates Courts*

Below the High Court in the judicial hierarchy are the magistrates courts, which are situated throughout the country. Magistrates are part of the public service and thus particularly vulnerable to pressure, especially in smaller towns where they have no State protection against either disaffected litigants or people who expect them to make “politically correct judgments”, as one lawyer put it. According to some lawyers in small-town practice, magistrates tend to deal with politically sensitive cases by referring them to other courts.

In some cases, like other civil servants and law enforcement officers, magistrates have been transferred at the behest of the “war veterans”. And, during 2001 there were reports of intimidation. For example, a large crowd, reportedly of ZANU (PF) supporters, demonstrated for three days against a Karoi magistrate after he had granted bail to 106 farm-workers who were charged with public violence for attempting to throw “war veterans” off their farms. Over 200 “war veterans” disrupted proceedings at Harare Magistrate’s Court in protest against the further remand in custody of colleagues on kidnapping and extortion charges. After a Bindura magistrate sentenced 17 ZANU (PF) supporters to three years’ imprisonment each for public violence ahead of a by-election in June, it was reported that other party supporters held “an all-night vigil” outside his home and intimidated his wife.

No such incidents have been reported this year, but the potential for intimidating magistrates remains.

### *Conclusion*

The Supreme Court, the country’s highest court, is now firmly under the control of government sympathisers. It is most unlikely to deliver any judgment that is adverse to essential government interests.

As to the rest of the judiciary the outlook is mixed. In the words of a senior legal practitioner, we have a few independent judges but not an independent judiciary. Some

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<sup>34</sup> See *Biti & Anor v Minister of Justice, Legal & Parliamentary Affairs & Anor* S-10-2002; the judge concerned was Ebrahim JA.

<sup>35</sup> See for example the judgments of Hlatshwayo J in *Igudu Farm (Pvt) Ltd v Commissioner of Police & Ors* HH-143/2001, dealing with the land issue, and *Hove v Gumbo* HH-43-2002, an election petition.

judicial officers will continue to uphold human rights against increasing despotism, but their judgments will be liable to be overruled by a largely subservient Supreme Court.

Without an independent judiciary, human rights in Zimbabwe will depend increasingly on a free Press, which is now under attack as will be explained in the next section.

### ***Attacks on Press Freedom***

In Zimbabwe the wireless media are State owned. The Zimbabwe Broadcasting Corporation has an effective monopoly over radio and television broadcasting, though SW Radio Africa and other broadcasters such as the BBC can be received on short-wave. The State also controls several daily and weekly newspapers, in particular the *Herald* in Harare, the *Chronicle* in Bulawayo and the national *Sunday Mail*. The editorial content of these newspapers is controlled rigidly by the State's Information Department, to the extent that they have become little more than propaganda sheets for the government and the ruling party.

In addition to the State-controlled press there are several independent newspapers, of which the most prominent are the *Daily News*, published in Harare, the *Sunday Standard* and the weekly *Financial Gazette*, *Zimbabwe Independent* and *Zimbabwe Mirror*. The last-mentioned, the *Mirror*, follows what has been called "a nuanced ZANU (PF) line" while the others generally oppose the government's policies though they do not overtly support the MDC.

The government and ruling party have tried for some time to suppress the independent press. Their methods have varied from the violently crude to the subtle. Government agents are suspected of being responsible for bombing the *Daily News'* printing press in January 2001. (The police have made no arrests in connection with this bombing.) Somewhat subtler was the attempt by a sympathiser of the ruling party to take financial control of the *Daily News'* holding company. Most often, however, the government has used the State apparatus to intimidate journalists.

The most notorious case occurred in January 1999, after the *Standard* published a story that there had been a failed military coup. Mark Chavunduka, the editor of the *Standard*, and one of his reporters, Ray Choto, are arrested by the police and handed over to the military who took them to a secret detention centre and subjected them to vicious and prolonged torture. The police do not appear to have made any real effort to investigate the case, despite being ordered to do so by the Supreme Court.

In addition to that case there have been several instances of assaults committed on journalists by members of the army and the Central Intelligence Organisation.

In 2002 the State resorted to legislation to control the Press:

- Section 15 of the Public Order and Security Act [*Chapter 11:17*] (Act No. 1 of 2002) makes it an offence to publish a false statement knowingly or without having reasonable grounds for believing it to be true, if the statement promotes or incites disorder or adversely affects the country's defence or economic interests or undermines public confidence in any of the uniformed forces. Offenders are liable to five years' imprisonment.

- The inaptly named Access to Information and Protection of Privacy Act [Chapter 10:27] (Act No. 5 of 2002) requires all journalists to be accredited by a government-appointed commission; non-Zimbabweans who are not permanently resident in the country cannot be accredited except for limited periods. Section 80 of the Act goes further than the Public Order and Security Act by making it an offence for a journalist to “falsify or fabricate information” or to “publish falsehoods”; anyone contravening the section is liable to two years’ imprisonment.

Although these statutory provisions are probably unconstitutional<sup>36</sup>, the State has made use of them with zeal. In mid-April a journalist was arrested and charged under section 80 of the Access to Information and Protection of Privacy Act, following a story in the *Zimbabwe Independent* that the President’s brother-in-law had tried to enlist his sister’s support in a bid to seize control of a white-owned company, and the editor of the *Daily News* was arrested for publishing a story alleging that the results of the Presidential election had been rigged. On 30 April 2002 two *Daily News* journalists were arrested for publishing a story that a woman had been beheaded by ZANU (PF) militants; the story turned out to be false and the newspaper later retracted the story. A day later the local correspondent of the British *Guardian* and the *Economist* was arrested in connection with the same story, and three days later another journalist was arrested for comments he had made on it. On 16 May the editor of the *Standard* was arrested for publishing a story that the State had purchased anti-riot gear from Israel<sup>37</sup>, and for another story to the effect that policemen were extorting sexual favours from prostitutes. On 20 May the editor of the *Daily News* was arrested for the beheaded woman story. Journalists were also arrested in connection with a story speculating about staff movements at Zimpapers (the company to which the government-controlled newspapers belong) and for reporting on conditions in police where they had been held following their arrest. Altogether by the end of May eleven journalists had been arrested on charges under the Act, some more than once.<sup>38</sup> If convicted they face up to two years in prison.

There has no pretence at even-handedness in the application of the law. The State media has published news stories containing falsehoods since the Act came into operation, yet the people responsible have not been prosecuted.

Apart from these immediate threats, the Access to Information and Protection of Privacy Act poses a longer-term menace to press freedom.

In the first place, the government-appointed commission set up by the Act will have power to draw up a code of conduct for journalists, and any journalist who fails to comply with the code may have his or her accreditation withdrawn, with the consequence that he or she will not be allowed to continue practising as a journalist in Zimbabwe.

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<sup>36</sup> Section 80 of the Access to Information and Protection of Privacy Act is certainly unconstitutional, on the reasoning adopted by the Supreme Court in *Chavunduka & Anor v Minister of Home Affairs & Anor* 2000 (1) ZLR 552 (S). As indicated above, however, the complexion of the Supreme Court has changed since that case was decided and in future cases the Court may take a more pro-government line.

<sup>37</sup> South African press reports suggest the story may have been substantially true.

<sup>38</sup> According to the S.A. *Mail & Guardian* 24 May 2002



Secondly, not only will journalists have to be accredited by a government-appointed commission, but all “mass media services” (a term which includes newspapers) will have to be registered with the commission as well. Newspapers will not be registered unless they are controlled, directly or indirectly, by Zimbabwean citizens, and their registration may be cancelled for various reasons, amongst other things if they do not give a right of reply to anyone whose rights or lawful interests have been “impinged on” by a story they have published. The future existence of the independent newspapers is problematic after the 15th June, when they have to be registered under the Act.

Without an independent Press the last vestiges of democracy in Zimbabwe will vanish, for there will be no way in which an opposition party or any other dissenting group will be able to make its voice heard by the people. And there will be no one to inform the people of the enormities of the land seizures that are being carried on in the guise of “resettlement”. That is the subject of the next section.

### ***The Land Crisis***

Before Zimbabwe gained its independence in 1980 most productive agricultural land was reserved for ownership by white settlers. The indigenous black people were restricted to “Tribal Trust Lands”, where land was communally owned, and “African Purchase Areas”, where blacks were allowed to own land for small-scale agriculture. As the population increased and the Tribal Trust Lands became overcrowded, the inequities of this system became more and more obvious and became a major issue in the liberation war that led to independence.

The way in which the land issue evolved into a crisis in the years between 1980 and December 2000 was outlined clearly and objectively by the judges of the Supreme Court in the case of *Commercial Farmers’ Union v Minister of Lands, Agriculture & Resettlement & Ors*<sup>39</sup>. Their outline is reproduced in the following paragraphs, with italicised interpolations to clarify some of the points they mention:

“In so contentious an issue as land it is probably impossible to set out impartially the story of land rights in Zimbabwe. Suffice it to say that over one hundred years ago white settlers moved into what is now Zimbabwe bringing with them a concept of land ownership which was quite foreign to the local people. Over the years they laid claim to extensive areas of agricultural land, moving the local people off as they did so. During the civil war of independence in the 1970s a great deal of stress was laid on the land question and it was an issue at the Lancaster House conference at which the Constitution of Zimbabwe was agreed. That Constitution made provision for land acquisition on a willing-buyer-willing-seller basis. [*Section 16 of the Constitution required an acquiring authority “to pay promptly adequate compensation” for any land acquired compulsorily*] Certain undertakings were given by the British Government to assist in a programme of land reform. There is a dispute as to whether and to what extent those promises were fulfilled.

For ten years the constitutional provisions as to land acquisition were immutable [*i.e. the Constitution prohibited their amendment for ten years after 1980*]. From 1990 various amendments were made to s 16 of the Constitution (protection from deprivation of property) with the object of making it easier for Government to acquire land. The Land Acquisition Act was

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<sup>39</sup> 2001 (2) SA 925 (ZSC) at 934–6; the judgment was delivered in December 2000.

introduced in 1992 and amended on 7 November 2000. The introduction of s 16A to the Constitution on 19 April 2000 constituted an assertion that:

- ‘(a) under colonial domination the people of Zimbabwe were unjustifiably dispossessed of their land and other resources without compensation;
- (b) the people consequently took up arms in order to regain their land and political sovereignty, and this ultimately resulted in the independence of Zimbabwe in 1980;
- (c) the people of Zimbabwe must be enabled to reassert their rights and regain ownership of their land;

and accordingly—

- (i) the former colonial power has an obligation to pay compensation for agricultural compulsorily acquired for resettlement, through an adequate fund established for the purpose; and
- (ii) if the former colonial power fails to pay compensation through such a fund, the Government of Zimbabwe has no obligation to pay compensation for agricultural land compulsorily acquired for resettlement.’

*[The amendment to the Land Acquisition Act of November 2000 took advantage of this last provision (paragraph (ii)) by stating that where agricultural land was compulsorily acquired, compensation would be payable only for improvements, not for the land itself, and the amount of compensation would be fixed by a government-appointed committee in accordance with principles laid down in the Act.]*

A certain amount of land reform took place between 1980 and 1983, the effectiveness of which is a matter of some debate. 2,7 million hectares of commercial farming land were purchased for resettlement in that period. Then, in about 1992–1993 a further 900 000 hectares were acquired. The resettlement exercise was largely unsuccessful because of lack of finance for the provision of infrastructure. According to Mr Hasluck, the CFU director, ‘the co-operative system failed, much of the acquired land began to be under-utilised, and Government began to parcel out land to senior officials and servants of the State and the governing party’.

On 28 November 1997, against a background of growing economic hardship and political pressure for land reform,

‘a list of 1 471 commercial farms was published in the *Gazette* as preliminary notice of Government’s intention to acquire such properties on a compulsory basis for resettlement purposes. Contrary to the practice in the early 1990s where properties for resettlement were usually identified and targeted for resettlement by ... officials in the Ministry of Lands and Agriculture, the properties listed in November 1997 were identified by the Governors of the various provinces with the help and participation of members of the ruling ZANU (PF) party.’

Most farmers lodged objections, as provided for in the legislation. 512 farms were later withdrawn from the list.

In September 1998 an International Donor Conference was held to raise financial and other support for the country’s resettlement objectives. A policy framework document was produced by Government — the Land Reform and Resettlement Programme, Phase II; the conference issued a joint communiqué setting out the way forward; it was proposed to acquire initially a limited number of properties to test a variety of alternative resettlement models; a number of committees were to be established; and a chairman was appointed. After a short time, however, all further progress came to a stop.

Instead, in November 1998 Government issued some 800 orders, in terms of s 8 of the Land Acquisition Act, acquiring the properties remaining from the 1997 list although the objection

proceedings had not been completed. This necessitated confirmation proceedings in the Administrative Court in terms of s 7(1)(b) of the Act. The Government was unable to comply with the proceedings and the exercise came to a halt in February 1999 with the ruling in [*an unreported case*]. It must be recorded that the courts were blamed for these events although they came about as a result of Government's failure to comply with its own legislation.

To date [*December 2000*] 2 345 properties have been listed for acquisition, covering more than 5 million hectares.

In February 2000 a referendum was held on a proposed new Constitution for Zimbabwe. The defeat of that proposal was followed

‘within a matter of days by the beginning of a series of land invasions. Although these began as a supposedly peaceful demonstration they quickly gathered such momentum that it became obvious that the exercise was actually being driven by or had been taken over by Government.’ (Hasluck)

The story of these demonstrations/invasions is set out in graphic detail in the CFU's papers ... Murders (in the early stages), serious assaults, trespass, arson, stock-theft, poaching and malicious injury to property became rife throughout the commercial farming areas. The reaction of the police was either nil or negligible, with isolated exceptions. War veterans, landless peasant farmers and unemployed youths moved onto farms, ferried in some cases in Government vehicles, encouraged by party politicians. Some were aggressive, forcing the farmers to flee, burning down workers' houses, forbidding the reaping or planting of crops. Others cut fences and cut down trees to make temporary shelters. Others again were more passive, simply making temporary shelters for themselves and leaving when the subsidy they were given [*by the government*] ran out. The situation throughout the commercial farming areas remained, and remains, tense and volatile. The harassment continues and in many cases has intensified.

Meanwhile endeavours were made to resolve the matter in the courts. Mr Justice Garwe made the order referred to [*earlier in the judgment*]. In that matter the CFU was the applicant. The respondents were Governor Border Gezi, war veterans' chairman Hunzvi, the Zimbabwe National Liberation War Veterans Association and the Commissioner of Police. The order was detailed and specific.

In brief summary the order declared (by consent of all the parties) that the occupation of farms since 16 February 2000 by persons claiming a right to do so in pursuit of a right to demonstrate was unlawful. All such persons were ordered to vacate with 24 hours. The Commissioner of Police was specifically ordered to direct his officers and members to enforce the law.

Despite the consent, the Commissioner applied within a few days to amend parts of the order. His application was heard by Chinhengo J on 10 April 2000. In a judgment handed down on 13 April 2000, *sub nom Commissioner of Police v Commercial Farmers' Union* 2000 (9) BCLR 956 (ZH) [2000 (1) ZLR 503], the learned judge dismissed the application. There was talk of an appeal but nothing eventuated.

The order of the court was not obeyed. In some areas the situation eased. Politicians urged further ‘demonstrations’ and the police pleaded insufficiency of manpower and what might be termed ‘superior orders’.

Finally on the legal front — although actually this took place after the hearing of this application on 6 and 7 November 2000 — mention must be made of a further order by consent. In case SC 314/2000 the CFU was again the applicant. The respondents were the same four Ministers as in the present case, the Commissioner of Police and the eight Provincial Governors. The order again declared that the entry of uninvited persons on commercial farming properties was unlawful. It required the respondents, and those under their control, not to give sanction to

the entry upon or continued occupation of farms by persons involved in resettlement until all legal requirements for such settlement had been fulfilled.

It appears there has been some compliance with this order, but also some open defiance of it. The fact that it is an order by consent seems simply to have been brushed aside.”

The court held that a programme of land reform was a constitutional prerequisite before land could be acquired compulsorily for resettlement, and went on to observe that such a programme was “necessary and indeed essential for the future peace and prosperity of Zimbabwe”. Resettlement, however, had to be carried out in conformity with the law. Although the land issue was a political question, the political method of resolving it was by enacting laws.

In the result the court interdicted the government from taking any further steps in the acquisition of land for resettlement, but postponed the operation of the interdict until 1 July 2001. The postponement, while illogical from a legal point of view, was granted to enable the government to produce a workable programme of land reform, and to satisfy the court that the rule of law had been restored in the commercial farming areas.

Following this decision, and to forestall court-ordered evictions of illegal occupiers, the government fast-tracked a new Act through Parliament, the Rural Land Occupiers (Protection from Eviction) Act [*Chapter 20:26*]. This Act gave a six-month immunity from eviction to all farm occupiers who had occupied farms in anticipation of resettlement. It suspended the operation of court orders ordering the eviction of settlers and it precluded the courts from ordering the eviction of these occupiers. It also protected the settlers against criminal and civil liability for unlawful occupation of properties and damage caused on the properties. The Act thus retrospectively legalised the invasions of land that had taken place and prevented owners of occupied properties from taking legal action to recover possession of their land.

Even after 1 July 2001, when the Supreme Court’s interdict came into effect, notices for the compulsory acquisition of land under the Land Acquisition Act continued to be issued, and rural land continued to be occupied by “settlers”.

In September 2001 the government returned the issue to the Supreme Court for a decision on whether a programme of land reform had been put in place and whether the rule of law had been restored in the commercial farming area. By this time the government had replaced the Chief Justice and three new judges had been appointed to the court. All the new appointees sat when the issue came before the court again, together with only one of the judges who had presided in the previous case. As expected, the majority of the court, consisting of the Chief Justice and the three newly-appointed judges, decided that the government had put in place a programme of land reform that was lawful and complied with the Constitution and that the programme was being carried out in accordance with the law. The manner in which the programme was being implemented, the majority considered, was a policy matter outside the court’s purview; indeed, land acquisition and redistribution was essentially a matter of social justice and not strictly speaking a legal issue. But in any event, the majority held, the government had taken sufficient steps to restore the rule of law on commercial farms. The one judge who had sat in the earlier case dissented vigorously and eloquently from all aspects of the majority decision.

The majority decision simply tracked through the laws passed by the government to give a veneer of legality to a violent and chaotic process, and largely avoided the issue of what was happening on the ground. The decision however provided the legal legitimacy the government had been seeking for its land “programme”.

The legislation which gives the land “programme” its veneer of legality is inherently unfair. The Land Acquisition Act has been amended extensively three times since November 2000 to bring the law to its current state. The process of land acquisition begins with a preliminary notice under section 5 of the Act, which informs the landowner that the land is to be acquired and enables the acquiring authority (the government, in the case of land acquired for resettlement) to prohibit the owner from carrying on any activity on the land. The preliminary notice is followed by a notice under section 8 of the Act, which vests ownership of the land in the acquiring authority and allows the acquiring authority to survey, demarcate and allocate the land to settlers for agricultural purposes. Following the issue of a section 8 notice the landowner must cease farming activities within 45 days and must vacate his house within a further 45 days. A section 8 notice may be issued even if the land owner contests the acquisition, as he is entitled to do in terms of the Constitution, and before a court has adjudicated upon his objections. This makes it largely futile for landowners to contest the acquisition of their land, since even if a court were to uphold their objection the land will have been allocated to settlers who will already have established their occupation. It should also be pointed out that a section 8 notice may be issued before the landowner has received any compensation.

The manner in which the land “programme” is being carried out is anarchic and corrupt. The murders, assaults, abductions, unlawful evictions and intimidation which have occurred on occupied farms have been extensively documented<sup>40</sup> and have continued since the Presidential election. Preliminary (and incomplete) results from a survey conducted by the Commercial Farmers’ Union indicate that following the election owners or managers were evicted from 125 farms by 30 April, and at least 12 201 workers and their families were evicted from 451 farms. Assets worth about Z\$6,4 million have been seized, impounded or looted from 518 farms, and nearly 285 000 head of livestock have had to be disposed of. At least 95 per cent of the land owned by C.F.U. members has been gazetted for compulsory acquisition.

There has been corruption in the allocation of farms that have been seized by the State. The ostensible reason for the land resettlement programme was to benefit landless peasants, but under the so-called “A2” commercial farmer resettlement scheme farms have been allocated to ruling party supporters including Vice-Presidents, Ministers, the Commissioner of Police, security forces personnel, police officers, prominent war veterans and businessmen, many of whom could well afford to acquire land for themselves.<sup>41</sup> Landless peasants, indeed, are the least likely to benefit from the land settlement “programme”, since they have been provided with little or no support by way of infrastructure such as roads or by way of assistance such as equipment, fertilisers and seeds. They have few if any resources of their own and without massive government

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<sup>40</sup> In particular, see the weekly reports of the Commercial Farmers’ Union, available at their website on <http://www.samara.co.zw/cfu/farmininforbul.htm>.

<sup>41</sup> A list of some of the beneficiaries of the A2 scheme is set out in Annexure 7.

assistance cannot be expected to contribute significantly to the country's economy for many years.

The Minister of Lands, Agriculture and Rural Resettlement seems to have realised this belatedly, because on 24 May he announced that the government intended to suspend compensation for commercial farmers so as to channel resources to the settlers. This amounts to robbing Peter to pay Paul, and apart from its injustice is likely to have an adverse impact on the country's financial system since many commercial farmers are indebted to financial institutions.

### ***Economic Consequences***

With its rich natural resources and developed infrastructure, Zimbabwe has great economic potential. However, even before 2000 the Zimbabwean economy had been damaged by reckless economic policies, the hugely expensive military intervention in the Democratic Republic of Congo and rampant corruption. The widespread political violence and the chaotic land seizures have caused further economic devastation. In September 2001 the IMF said that the Zimbabwean economy was "rapidly deteriorating and poverty is rising."

The economic impact of this has been summed up as follows by a leading economist:

#### *Gross Domestic Product and Incomes*

1. GDP has fallen 14 per cent in real terms since 1998. Income per head has declined 20,8 per cent since 1997.
2. In 2002, GDP is forecast to fall by 12 per cent. With population growth estimated to be flat, income per head will fall by the same amount.
3. Real per capita incomes in 2001 were the lowest since 1971.

#### *Employment*

1. Formal-sector employment peaked at 1 348 000 in 1998, falling by between 116 000 and 232 000 in 2000. There are no official figures for 2001 yet, but it is estimated that at least another 40 000 jobs were lost last year, taking employment to 1 192 000 — the same level as in 1990.
2. There are no official unemployment figures. Assuming informal sector employment of 1 300 000 people, that is including 1 000 000 communal sector farmers, unemployment is roughly estimated at around 35 per cent. If the informal sector is treated as unemployed, the figure exceeds 60 per cent.

#### *Inflation*

Inflation reached a temporary peak of 116,7 per cent in January 2002. It has since declined — temporarily — to 113,3 per cent in March. It is forecast to exceed 150 per cent by the third quarter of 2002. Food prices have more than doubled in the last year, while the price of medicines has risen 222 per cent, educational books by 198 per cent and school uniforms by 169 per cent. School fees have gone up 65 per cent.

### *Other Macro-economic Figures*

1. The annual budget deficit for 2001 was 9 per cent of GDP. The forecast for 2002 is 14,9 per cent but is likely to be substantially higher because of the election costs, the need to import maize and other foodstuffs, food subsidies and food aid programmes, as well as declining revenue.
2. Exports have fallen by a third from their peak in 1997 while imports have declined 42 per cent.
3. Foreign direct investment has fallen from a peak of US\$436 000 000 in 1998 (the bulk of which was the BHP platinum project) to US\$5 000 000 in 2001.
4. The balance of payments deficit in 2001 was US\$625 000 000 compared with a zero balance in 1999 and a deficit of \$171 000 000 in 2000.
5. Industrial production in 2001 was no higher than in 1980 and 15 per cent below its 1991 peak.
6. The volume of mining production in 2001 was lower than in 1990. Gold production fell by a third between 1999 and 2001.

### *Agricultural Production and the Food Crisis*

1. An estimated 250 commercial farmers have been evicted from their farms. Some 5 070 farmers have been served with land acquisition notices. This is 85 per cent of the estimated number of commercial producers (6 000). A total of 10 200 000 hectares of commercial land out of 11 100 000 hectares (93 per cent<sup>42</sup>) is now covered by acquisition orders.
2. Zimbabwe faces a grave food crisis in 2002-3. The government says it needs 400 000 tonnes of maize by the end of May 2002, but as of May 8 had sourced only 230 000 tonnes. The 2002 harvest of just under 600 000 tonnes is less than a third of annual consumption (1 800 000 tonnes). This means that the country will need to import between 1 000 000 and 1 500 000 tonnes of maize over the next year. This will cost a minimum of US\$200 000 000 to US\$250 000 000 in foreign exchange.
3. There are very real concerns over the level of likely agricultural production in 2002-3. Very few tobacco farmers are currently planning to plant a crop for 2003, and there is a possibility that the 2002 auction sales will be the end of tobacco marketing in Zimbabwe as we have known it. May 15 is the deadline for wheat plantings for the 2002 winter crop, but all indications suggest that wheat production will be no more than one-third of consumption and that Zimbabwe will need to import substantial volumes of wheat as well as maize and soya beans in 2002-3.<sup>43</sup>

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<sup>42</sup> The Commercial Farmers' Union estimates 95 per cent.

<sup>43</sup> Preliminary results from the Commercial Farmers' Union impact assessment suggest that farmers are planning to plant only 33 000 hectares of maize in 2002-3, as against 150 000 hectares planted in 1999-2000.

4. The acute shortage of maize has resulted in a grave shortage of stock-feed. This is already impacting on the economy in the form of sharply higher prices for meat and chicken. The situation will worsen over the next six months.

### *Conclusion*

Zimbabwe's economic decline has passed the point where remedial measures can redress the situation. The damage now being inflicted in terms of the collapse of commercial agriculture, the erosion of the value of the currency, the emigration of skills and the promotion of a culture of "business banditry" will not be remedied within a few years. The damage is now assuming permanent proportions.

It is obvious that there can be no recovery without radical political change. It is equally obvious that there will be no recovery without extensive foreign aid.

### **Social Consequences**

The consequences of Zimbabwe's misgovernment have been social as well as economic.

The farm invasions have resulted in thousands of farm workers being put out of work and made homeless. Together with their families they have been rendered destitute.

Poverty, already widespread, is becoming more general. According to a recent report by the Consumer Council, over 74 per cent of the country's 12,5 million people are living below the poverty datum line.

The drought that occurred at the end of 2001 destroyed much of the maize crop that had been planted. Because of the disruption and chaos caused by the government's land reform "programme" the country lacks food stocks to tide it over until the next harvest, and there is little prospect that the next harvest will be adequate to feed the country. As a result Zimbabwe faces an unprecedented food crisis. About six million people, nearly half the total population, need emergency food aid, according to the UN World Food Programme and the Food and Agriculture Organisation.<sup>44</sup> The distribution of food aid gives a further opportunity for political repression and corruption, as indicated in Annexure 8, which is taken from a report issued on 21 May 2002 by the Physicians for Human Rights, Denmark.

There has been a huge exodus of black-middle class professionals, including doctors, nurses, teachers, accountants and other people with skills that are badly needed. The small white population has also shrunk considerably as younger, often skilled, people leave to seek better lives elsewhere.

Zimbabwe's health delivery system, once the pride of the region, has been ranked among the worst in the world by the World Health Organisation and is expected to deteriorate further if the government fails to provide adequate funding.

In an attempt to alleviate the social costs of inflation, the government has reintroduced price controls on a wide variety of goods such as agricultural chemicals, baby foods, bread, bricks, cement, cooking-oil, maize-meal, milk, meat, soap, sugar and

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<sup>44</sup> *Financial Gazette* 30 May 2002.



vehicle tyres. The ruling party appears to regard price control as a panacea for inflation, despite warnings by economists that it merely inhibits production.. When there were protests from the business community, Mr Mugabe warned that the government would take over businesses that withheld products or closed down in protest against price controls. Economists immediately said that these threats would cost the country billions in foreign investment.

The widespread political violence has had a devastating social impact. Many people have been injured many others have been secondary victims in that they have witnessed family members being assaulted. The involvement of youths in perpetrating violence against members of their community has not only resulted in physical injuries but has been a fundamental affront to traditional norms which emphasise respect for elders by young people. This deliberate use of the youths has also created longer-term problems in controlling violence on the part of young people.

The violence has also severely disrupted social services in rural areas. Many teachers and medical staff have been driven out of these areas because they have been suspected of sympathising with the main opposition parties. This has further depleted the already meagre educational and health facilities in the rural areas.

## CONCLUSION

The widespread violence, lawlessness and repression outlined in this paper reveal a degree of misgovernment that amounts to a human disaster not only for Zimbabwe but for the whole southern African region. The economic decline and violence in Zimbabwe have already had seriously adverse effects on its neighbours. The decline in the South African Rand is at least partially attributable to the crisis in Zimbabwe. The fall in tourism in Botswana by about 50 per cent is clearly connected with the Zimbabwean crisis.

The situation in Zimbabwe is not improving: it is getting worse. And as it deteriorates its effects on the region are likely to become more serious as further decline and widespread famine drive Zimbabwean refugees across the country's borders into neighbouring countries.

Despite this, neighbouring countries such as South Africa are doing little to alleviate the situation. Their efforts culminated in Abuja, Nigeria, when they extracted an undertaking from Zimbabwe in September 2001 to restore the rule of law to the process of land reform<sup>45</sup>, and in Harare later in the same month, when they received an assurance from Mr Mugabe to stop violence and uphold the rule of law<sup>46</sup>. These undertakings were not honoured: political violence and farm occupations have continued unchecked. Since that time Zimbabwe's neighbours have refrained from publicly castigating the government for its human-rights abuses and instead have confined themselves to "quiet diplomacy", which has admittedly failed.<sup>47</sup>

South Africa's President Mbeki is reported to have said on 29 November 2001: "If you have elections in Zimbabwe which were not seen by the people as legitimate and where the (new) government was not considered legitimate, you would probably end up with a situation worse than it is now."<sup>48</sup> Mr Mbeki's fears have been realised: the election was not legitimate and the situation has become worse.

The conduct of Zimbabwe's government over the past two years is antithetical to every ideal of good governance that is expressed in the NEPAD document. Zimbabwe is an impoverished country whose survival depends increasingly on the support and goodwill of her neighbours, particularly South Africa. They have the means to influence events in Zimbabwe if they choose to exercise them. Whether they do so depends on the seriousness of their joint commitment in NEPAD to good governance, democracy and state legitimacy.

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<sup>45</sup> According to the text of the Abuja agreement, reported in the S.A. *Star* on 7 September 2001.

<sup>46</sup> According to President Muluzi of Malawi, reported in the UK *Guardian* on 13 September 2001.

<sup>47</sup> On 29 November 2001 South Africa's President, Mr Mbeki, is reported to have said of quiet diplomacy: "Those efforts have not brought the results we wanted to see." (UK *Financial Times* 30.11.2001). And South Africa's Defence Minister, Mr Mosiuoa Lekota, is reported to have admitted the failure of quiet diplomacy in the S.A. *Saturday Star* on 11 May 2001, though he said subsequently he was expressing a purely personal view.

<sup>48</sup> U.K. *Financial Times* 30 November 2001.

**Annexure 1: Extract from NEPAD Document**

**EXTRACT FROM THE NEW PARTNERSHIP FOR AFRICA'S  
DEVELOPMENT, Abuja October 2001**

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**III. THE NEW POLITICAL WILL OF AFRICAN LEADERS**

42. The *New Partnership for Africa's Development* recognises that there have been attempts in the past to set out continent-wide development programmes. For a variety of reasons, both internal and external, including questionable leadership and ownership by Africans themselves, these have been less than successful. However, there is today a new set of circumstances, which lend themselves to integrated practical implementation.
43. The new phase of globalisation coincided with the reshaping of international relations in the aftermath of the Cold War. This is associated with the emergence of new concepts of security and self-interest, which encompass the right to development and the eradication of poverty. Democracy and state legitimacy have been redefined to include accountable government, a culture of human rights and popular participation as central elements.
44. Significantly, the numbers of democratically elected leaders are on the increase. Through their actions, they have declared that the hopes of Africa's peoples for a better life can no longer rest on the magnanimity of others.
45. Across the continent, democracy is spreading, backed by the African Union (AU), which has shown a new resolve to deal with conflicts and censure deviation from the norm. These efforts are reinforced by voices in civil society, including associations of women, youth and the independent media. In addition, African governments are much more resolute about regional and continental goals of economic co-operation and integration. This serves both to consolidate the gains of the economic turnaround and to reinforce the advantages of mutual interdependence.
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46. The changed conditions in Africa have already been recognised by governments across the world. The United Nations Millennium Declaration, adopted in September 2000, confirms the global community's readiness to support Africa's efforts to address the continent's underdevelopment and marginalisation. The Declaration emphasises support for the prevention of conflict and the establishment of conditions of stability and democracy on the continent, as well as for the key challenges of

eradicating poverty and disease. The Declaration further points to the global community's commitment to enhance resource flows to Africa, by improving aid, trade and debt relationships between Africa and the rest of the world, and by increasing private capital flows to the continent. It is now important to translate these commitments into reality.

47. The *New Partnership for Africa's Development* centres around African ownership and management. Through this programme, African leaders are setting an agenda for the renewal of the continent. The agenda is based on national and regional priorities and development plans that must be prepared through participatory processes involving the people. We believe that while African leaders derive their mandates from their people, it is their role to articulate these plans as well as lead the processes of implementation on behalf of their people.
48. The programme is a new framework of interaction with the rest of the world, including the industrialised countries and multilateral organisations. It is based on the agenda set by African peoples through their own initiatives and of their own volition, to shape their own destiny.
49. To achieve these objectives, African leaders will take joint responsibility for the following:
  - Strengthening mechanisms for conflict prevention, management and resolution at the regional and continental levels, and to ensure that these mechanisms are used to restore and maintain peace;
  - Promoting and protecting democracy and human rights in their respective countries and regions, by developing clear standards of accountability, transparency and participatory governance at the national and sub-national levels;
  - Restoring and maintaining macroeconomic stability, especially by developing appropriate standards and targets for fiscal and monetary policies, and introducing appropriate institutional frameworks to achieve these standards;
  - Instituting transparent legal and regulatory frameworks for financial markets and auditing of private companies and the public sector;
  - Revitalising and extend the provision of education, technical training and health services, with high priority given to tackling HIV/AIDS, malaria and other communicable diseases;
  - Promoting the role of women in social and economic development by reinforcing their capacity in the domains of education and training; by the development of revenue-generating activities through facilitating access to credit; and by assuring their participation in the political and economic life of African countries;
  - Building the capacity of the states in Africa to set and enforce the legal framework, as well as maintaining law and order;
  - Promoting the development of infrastructure, agriculture and its diversification into agro-industries and manufacturing to serve both domestic and export markets.

...

## V. PROGRAMME OF ACTION: THE STRATEGY FOR ACHIEVING SUSTAINABLE DEVELOPMENT IN THE 21ST CENTURY

59. The *New Partnership for Africa's Development* differs in its approach and strategy from all previous plans and initiatives in support of Africa's development, although the problems to be addressed remain largely the same.
60. The *New Partnership for Africa's Development* is envisaged as a long-term vision of an African-owned and African-led development programme .
61. The Action Programme includes the top priorities structured in the same way as the strategy outlined and these priorities may be revised from time to time by the Heads of State Implementation Committee. The Programme covers what needs to be done in the short term, despite the wide scope of the actions to be taken.
62. Although long-term funding, is envisaged under the initiative, the projects can, however, be expedited to help eradicate poverty in Africa and place African countries, both individually and collectively, on a path of sustainable growth and development and thus halt the marginalisation of Africa in the globalisation process.
63. Although, there are other urgent priorities, those selected here would have a catalytic effect for intervention in other priority areas in the future.
64. While growth rates are important, they are not by themselves sufficient to enable African countries achieve the goal of poverty reduction. The challenge for Africa, therefore, is to develop the capacity to sustain growth at levels required to achieve poverty reduction and sustainable development. This, in turn depends on other factors such as infrastructure, capital accumulation, human capital, institutions, structural diversification, competitiveness, health and good stewardship of the environment.
65. The objective of the *New Partnership for Africa's Development* is, to provide an impetus to Africa's development by bridging existing gaps in priority sectors to enable the continent catch up with developed parts of the world.
66. The new long-term vision will require massive and heavy investment to bridge existing gaps. The challenge ahead for Africa is to be able to raise the required funding under the best conditions possible. We therefore call on our development partners to assist in this endeavour.

...

## A. CONDITIONS FOR SUSTAINABLE DEVELOPMENT

### • The Peace, Security, Democracy, and Political Governance Initiative

71. African leaders have learnt from their own experiences that peace, security, democracy, good governance, human rights and sound economic management are conditions for sustainable development. They are making a pledge to work, both individually and collectively, to promote these principles in their countries, sub-regions and the continent.

#### (i) Peace and Security Initiative

72. The Peace and Security Initiative consists of three elements as follows:

- Promoting long-term conditions for development and security;
  - Building the capacity of African institutions for early warning, as well as enhancing African institutions' capacity to prevent, manage and resolve conflicts;
  - Institutionalising commitment to the core values of the *New Partnership for Africa's Development* through the leadership.
73. Long-term conditions for ensuring peace and security in Africa require policy measures to address the political and social vulnerabilities on which conflict is premised. These are dealt with by the Political and Economic Governance Initiatives, the Capital Flows and Market Access Initiatives and the Human Development Initiative.
74. Efforts to build Africa's capacity to manage all aspects of conflict must focus on the means necessary to strengthen existing regional and sub-regional institutions, especially in four key areas:
- Prevention, management and resolution of conflict;
  - Peacemaking, peacekeeping and peace enforcement;
  - Post-conflict reconciliation, rehabilitation and reconstruction;
  - Combating the illicit proliferation of small arms, light weapons and landmines.
75. The leadership of the *New Partnership for Africa's Development* will consider, within six months of its establishment, setting out detailed and costed measures required in each of the four areas above. The exercise will also include actions required of partners, and the nature and sources of financing such activities.
76. The envisaged Heads of State Forum will serve as a platform for the *New Partnership for Africa's Development* leadership to seek to enhance the capacity of African institutions to promote peace and security on the continent, to share experience and to mobilise collective action. The Forum will ensure that the principles and commitments implicit in the initiative are fulfilled.
77. Aware of that requirement, Africans must make all efforts to find a lasting solution to existing conflicts; strengthen their internal security and promote peace among the countries.
78. At the Lusaka Summit, the African Union decided to take drastic measures in reviving the organs responsible for conflict prevention and resolution.

## **(ii) Democracy and Political Governance Initiative**

79. It is now generally acknowledged that development is impossible in the absence of true democracy, respect for human rights, peace and good governance. With the *New Partnership for Africa's Development*, Africa undertakes to respect the global standards of democracy, which core components include political pluralism, allowing for the existence of several political parties and workers' unions, fair, open, free and democratic elections periodically organised to enable the populace choose their leaders freely.
80. The purpose of the Democracy and Governance Initiative is to contribute to strengthening the political and administrative framework of participating countries,

in line with the principles of democracy, transparency, accountability, integrity, respect for human rights and promotion of the rule of law. It is strengthened by and supports the Economic Governance Initiative, with which it shares key features, and taken together will contribute to harnessing the energies of the continent towards development and poverty eradication.

81. The Initiative consists of the following elements:

- A series of commitments by participating countries to create or consolidate basic governance processes and practices;
- An undertaking by participating countries to take the lead in supporting initiatives that foster good governance;
- The institutionalisation of commitments through the *New Partnership for Africa's Development* leadership to ensure that the core values of the initiative are abided by.

82. The *New Partnership for Africa's Development* states will also undertake a series of commitments towards meeting basic standards of good governance and democratic behaviour while, at the same time, giving support to each other. Participating states will be supported in undertaking such desired institutional reforms where required. Within six months of its institutionalisation, the *New Partnership for Africa's Development* leadership will identify recommendations on appropriate diagnostic and assessment tools, in support of compliance with the shared goals of good governance, as well as to identify institutional weaknesses and to seek resources and expertise for addressing these weaknesses.

83. In order to strengthen political governance and build capacity to meet these commitments, the *New Partnership for Africa's Development* leadership will undertake a process of targeted capacity-building initiatives. These institutional reforms will focus on:

- Administrative and civil services;
- Strengthening parliamentary oversight;
- Promoting participatory decision-making;
- Adopting effective measures to combat corruption and embezzlement;
- Undertaking judicial reforms.

84. Countries participating in the initiative will take the lead in supporting and building institutions and initiatives that protect these commitments. They will dedicate their efforts towards creating and strengthening national, sub-regional and continental structures that support good governance.

The Heads of State Forum on the *New Partnership for Africa's Development* will serve as a mechanism through which the leadership of the *New Partnership for Africa's Development* will periodically monitor and assess the progress made by African countries in meeting their commitment towards achieving good governance and social reforms. The Forum will also provide a platform for countries to share experiences with a view to fostering good governance and democratic practices.

## **Annexure 2: Extract from Election Petition: Mutoko South**

### **MUTOKO SOUTH ELECTION PETITION**

High Court, Harare

Devittie J

Election Petition

15 March and 27 April 2001

Judgment No. HH-68-01

*Elections — corrupt practices — responsibility of candidate for — extent of responsibility —  
candidate contributing money to persons who engaged in violent intimidation of voters*

*E Matinenga*, for the petitioner

*A G Matika*, for the respondent

**DEVITTIE J:** In this petition, in which it is prayed that the election of the respondent be declared void, every conceivable complaint which may be made against an election has been made and, for the most part, has not been made with the necessary degree of precision required by the law. It would take much time to set out in any detail the allegations made but I shall give a brief summary.

The charges made are many and they include the following: that the election was not conducted in accordance with the principles laid down in the Act; that corrupt and illegal practices occurred; that there was gross unreasonableness in regard to the procedures for accreditation of polling agents and letting persons vote who were not on the roll; opening ballot boxes in the absence of MDC polling agents and refusal to secure ballot boxes; that there was a gross infringement of the petitioner's constitutional right in that the Government of Zimbabwe deliberately unleashed war veterans, bandits and vigilantes in the rural areas and commercial farms thereby preventing opposition political parties and their leaders and in particular the Movement for Democratic Change from having access to the rural electorate; that camps of torture were established in the constituency for the purpose of re-educating villagers suspected to be members of the MDC; that the petitioner was unable to campaign because of the levels of intimidation; that the Zimbabwe Republic Police condoned the violence and intimidation perpetrated in Mutoko South; and that in consequence of this the petitioner's constitutional freedom of expression, freedom of association, equal protection of the law and freedom from discrimination on political grounds were infringed.

...

The first question I shall consider therefore is whether the evidence brought before the court has proved the occurrence of corrupt practices. I do not propose to traverse the great mass of evidence that was led in this regard. ... I have confined the summary of that evidence for present purposes to specific acts of violence and intimidation.

- (a) The evidence was that the petitioner received a report on 16 May 2000 that one Mationa Mushaya, the chairman of an MDC ward in the constituency, and his son, also an MDC supporter, were attacked at their village by war veterans and died as a result of the injuries



received. It was not disputed in evidence that these two persons had suffered a violent death and that they were MDC activists. The respondent however stated in passing that her understanding was that the cause of the conflict that led to their death had to do with a dispute over chieftainship. However, the petition contained an affidavit by Wilson Mushaya who deposes to the fact that Mationa Mushaya was his brother and that he was murdered together with his son. He states that Mationa Mushaya was the ward chairman for the MDC and that the entire Mushaya family were firm supporters of the MDC. He states that the war veterans arrived at their homestead on 16 May 2000 and brutally assaulted Mationa until he fell and lay prostrate. He said that Mationa sustained a broken arm. The war veterans then covered Mationa with a blanket and his wife was dragged out and ordered to lie on her belly. She was assaulted with sticks until she lost consciousness. By this stage, Mationa's son, that is Omas, has also been rendered unconscious by assaults. The two of them were covered with blankets and carried to the homestead of one of the Mationa brothers which was nearby. He said that Mationa and his son died at that homestead. He continues to state that the war veterans left in a white vehicle and the police collected the bodies three days later.

He said that Pana, Mationa's wife, was treated at Kotwa Hospital where the police had taken her. He mentioned by name eight war veterans who were involved in the murder. It was also led in evidence and not disputed that some war veterans had been arrested on charges of murder and a docket opened at Marondera Police Station.

- (b) The petitioner gave evidence of having received death threats from unknown persons and he testified as to the general intimidation in the constituency which made it impossible to campaign or conduct normal political activity. He gave an example of a rally they had arranged at the Mutoko Centre on 14 June which had to be cancelled when he was informed that the war veterans had occupied the venue. He said that in consequence of this organised intimidation he had to confine his campaign to putting up posters and distributing other campaign material at night. The petitioner's evidence was also that one Kingston Mwiye had been ordered to dig his grave by war veterans and was assaulted with utmost severity. He said that Kingston was now in extremely poor physical condition as a result.
- (c) Then there was the evidence of Matthew Rukwata who was kidnapped on 20 April 2000 by war veterans. This witness said that he was initially the candidate for the MDC in the area until his abduction. He said that he was kept at the Mutoko Club where there was a base for war veterans for three weeks and that in that period he was under close guard and could not escape. He said upon his abduction he was asked why he had joined a white man's party. He was tortured and assaulted upon numerous occasions. In the first few days of his captivity, he was handcuffed to a bench at the club and slept on the floor. He said that during this period other persons who had been abducted would come to the centre and after being assaulted they would be released. He said that during his captivity he was on one occasion taken to village 16 where the war veterans had organised an attack on the MDC supporters at that village. Evidence of what happened at village 16 was given by the witness Muradzi and I shall recount this shortly. Aruja Jimu also told the court that he was abducted by the war veterans and taken to the war veterans' base at the Mutoko camp where he was severely assaulted and kept in captivity for a number of weeks. During his captivity, he said that he went on at least six missions which were organised by the war veterans to attack MDC supporters and he gave evidence as to the methods used on these occasions and what had transpired. He said that the war veterans had bases in the constituency at Kushinge Chitiriga, Zvidozuenya. He also accompanied the war veterans on the attack that was launched on village 16 and he gave details of that experience.

- (d) Rukwata and Jimu were cross-examined by the war veterans whom they had named as the persons at the base camp where they were kept in captivity, and these war veterans were Gwishiri, Ndemera and Hodzi. That Rukwata and Jimu were at the base camp at the Mutoko club for the period they stated was not disputed. To the extent that there was any dispute as to the evidence given, it was whether as a consequence of their stay at the base camp, they had not been re-educated and shown the error of their ways and come to realise and appreciate the need to support ZANU (PF). That was the tenor of the cross-examination.
- (e) I must make comment in this regard on the demeanour of the leader of this group, namely, Hodzi, the war veteran. By all accounts an intelligent and disciplined person, albeit in military terms, his honesty was refreshing. He gave the witnesses *noms de guerre* during their captivity and it was an expression he used in court. He seemed convinced that there was a political crisis which called upon him to engage in methods used in the war of liberation in defending the cause for which he fought. He said that there had been a programme launched in the constituency to re-educate the youth in the area who it was considered had lost direction and whose political consciousness was a matter of concern because they did not seem to realise or appreciate the reasons for which the war was fought and the experience that the people had undergone during the war of liberation. He said that he regretted that after this campaign was launched some persons under his control became over-zealous. Hodzi stated that during the time that Rukwata was at the base camp he, Hodzi, at one time contemplated using Rukwata as a double agent who would leave the base camp and run as an MDC candidate. He said that he changed his mind when he began to have doubts as to Rukwata's allegiance. I hasten to add however that I have no hesitation in accepting the evidence of Rukwata and Jimu that they were abducted, kept at the Mutoko Club base camp against their will for several weeks and that certainly in the first week of their captivity they were subjected to a harrowing experience in the form of physical assaults and abuse. The witness Jimu, carried a haunted look on his face and he seemed frightened in the witness box. Rukwata was a truthful witness and both witnesses were not challenged in cross-examination as to the essential details in their evidence. What was put to Rukwata was that he had willingly gone to the base camp and had in the course of his stay there accepted allegiance to ZANU (PF).
- (f) Four witnesses, namely, Muradzi, Jimu and Rukwata gave evidence on the attack by the war veterans at village 16 in the resettlement area. Muradzi stated that they were asleep with his family at the village when their house was attacked by persons who were throwing stones and smashing windows and threatening to kill their occupants. He said that his family in the nearby houses woke up and came to his assistance and these persons fled. He then went to his father's house where he saw that a number of war veterans were ransacking his father's bedroom. These persons said that they wanted MDC T-shirts. He said that members of his family who were in the village managed to repulse the invaders and they took flight. He said one of them, not realising that his colleagues had fled, remained and the Muradzi family severely assaulted this person. The Muradzi group then went to the vehicle towards which their attackers were fleeing. This was a vehicle with the inscription "DDF Mutoko"<sup>49</sup> and they smashed the windscreen of this vehicle which they described as a Nissan High Rider. The persons fleeing tried to start their vehicle but it would not start. They then left the vehicle and made their flight on foot. The following day the war veterans returned to the village. They were chanting slogans and were being led by a war veteran named Gwishiri who announced that they wanted to teach the people

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<sup>49</sup> DDF stands for "District Development Fund", a government fund used for agricultural development in rural areas.

at the village a lesson and that they would burn their houses. These threats were about to be carried out when the member in charge for Mutoko<sup>50</sup>, named Masuku, arrived in the company of the respondent. The member in charge ordered the war veterans to leave and they complied. Muradzi said that he and one other member of his family were charged with misconduct arising out of the incident that night but they were tried and acquitted. The only dispute about this evidence is whether the respondent arrived with police officer Masuku as testified. She denied this. Not much turns on whether she was present or not.

Lastly, I must mention that the tenor of the evidence as a whole was directed at proving general violence and intimidation, which it is claimed was organised on a systematic basis and pervaded the entire Mutoko South constituency. The specific incidents of violence and intimidation to which I have made reference were meant to support that conclusion, as was the evidence of a general nature that it was not possible to campaign in the area as the war veterans would disrupt any meeting; and that the war veterans had bases at strategic points throughout the constituency from which they would launch campaigns of violence and intimidation against MDC supporters.

I have accepted therefore that violence and intimidation did occur in the Mutoko South constituency as testified, and in particular I have found that Matthew Rukwata, who had been nominated as the MDC candidate, was abducted on 20 April 2000 by war veterans and taken to a base camp where he was kept in captivity for three weeks and assaulted in the manner he described. This base camp was manned and organised by the war veterans including Hodzi and others. The persons at this base camp who were under the control of the war veterans conducted regular forays in the constituency for the purpose of intimidating MDC supporters as was the case with the incident at village 16 and the attack on the workers at the granite quarry which, as I understand, is not within the Mutoko South constituency. I accept the evidence of Jimu without hesitation. As I have indicated, the evidence of these witnesses was not really challenged in cross-examination and it is understandable why this was so. The events to which they testified did occur.

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<sup>50</sup> That is, the police officer in charge of the Mutoko police station.

### ***Annexure 3: Cases of Violence: March–May 2002***

## **INCIDENTS OF POLITICALLY-INSPIRED VIOLENCE SINCE PRESIDENTIAL ELECTION IN MARCH 2002**

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The cases listed below are taken from reports compiled by the Zimbabwe Human Rights NGO Forum for March to May 2002.

### **Cases of Political Violence**

**Note:** The identities of victims whose names have not been published in the press, and who are not public officials, are protected by the use of initials.

### **Bikita West**

*9 May 2002*

- Justice Muriwo, an MDC polling agent during the Presidential Elections, was reportedly severely assaulted by Zanu PF supporters. Muriwo was also threatened with having his house set on fire and was subsequently given 30 days to leave the country. During the attack at his home, \$2000 was stolen from Muriwo who has now fled Bikita and sought refuge in Masvingo. Muriwo claims that his family has been subjected to harassment and intimidation since the announcement of the election results.

### **Bindura**

*13 March 2002*

- Clemence Masawi, an MDC activist was evicted from his house. It was turned into torture base by Zanu-PF supporters.

*15 March 2002*

- An unnamed farm security guard and his wife, both MDC supporters, were abducted and detained overnight by Zanu-PF youths. The guard was severely beaten (no details were given about what happened to his wife). They were both released the following morning and ordered to leave Benridge farm.

*10 April 2002*

- Zanu PF militia, forcibly evicted Abednico Chikuvanyanga, Godfrey Mumbamarwo, Joyce Dokotera and Transwell Koti, MDC members from Chiwaridzo, from their homes. Their homes were then completely trashed after their occupancy had been restored by a court order. The damage to their properties was Z\$105 450, Z\$960 000, Z\$972 241 respectively. The damage to Koti's home is still to be assessed.

*9-13 April 2002*

- Bob Duncan, the farm manager, and the workers at Leopardvlei Farm were chased off the farm by Reward Marufu and other unnamed Zanu PF members. Duncan was locked in an office while all the keys and some personal property were removed by Marufu. Marufu then ordered Duncan to remove all his property from the house but later stole it from removal trucks that were being used to transport the property. The group also started harvesting standing crops and claimed all property on the farm as now belonging to them. The crop theft was reported to Bindura Police Station and recorded as case number RB 081276.

*5 May 2002*

- **Genus Ngamira** of Chipadze in Bindura was allegedly killed by Zanu PF supporters at the Junction of Chipadze Road and Mhaka Street in Bindura. Ngarima was attacked together with his two brothers, Christopher who sustained head injuries and David Joseph who escaped without injury. Seven members of the Timoti family, who are well known Zanu PF supporters in the area, attacked the trio with iron bars and sticks. One of the family members was reportedly dressed in the uniform of the National Youth Service. The group that attacked Ngamira then carried his body and dumped it about 50 metres from the scene of the attack but would not let the family retrieve the body until they went and fetched a police officer from Bindura Police Station. Ngarima was then taken to Bindura Hospital where he was pronounced dead 20 minutes after arrival. All seven family members were reported to have been arrested, however it is unclear whether they were charged with murder or not.

### **Bubi-Umguza**

*19 April 2002*

- Mike Wood, owner of Glencurragh farm in Nyamandlovu was reportedly assaulted with an iron bar by unnamed Zanu PF supporters. He sustained a broken shoulder from the assault.

### **Budiriro**

*15 March 2002*

- An unnamed college lecturer was ordered to sit then run while chanting Zanu-PF slogans. While doing that he was being assaulted with whips, sticks and iron bars. His right hand and arm were broken while he was trying to shield his head from the blows. The assault came after his copy of the Daily News fell out of his folder.

*21 March 2002*

- GN had gone to attend a meeting at the shopping centre when riot police came and started beating up people. He was beaten with a baton stick on his buttocks and fore arms.

*24 March 2002*

- JM was at home after her evening meal. She sent a child to close the gate. At the gate the child was ordered by riot police to go back into the house. After a few minutes she heard people crying from the next room and when she went to investigate she found the whole passage-way full of riot police. She was ordered by one officer to go back into her room. After a while another officer called for her to come out. The riot police started to assault her with open hands, booted feet and baton sticks, there were about eight of them. Outside they started taking turns to beat her and another girl. The assault only stopped after one of the

officers ordered the eight to stop. JM doesn't know why they were assaulted. The next day she went to a private doctor who refused to treat her fearing that she would die of internal injuries. He wrote a letter and referred her to the police. The police (Glen View) just wrote a letter but did nothing about the assault.

- An unnamed man was assaulted by riot police at around 6.45 pm while walking around the suburb. He was part of the fifteen people assaulted by the riot police. No reason was given for the assault.
- TM was also assaulted by members of the riot police at her place of residence. A group of ten officers came to her place, 2 armed with rifles and one with a walkie talkie and others with baton sticks entered the house. they ordered the victim and family members to get out. They started to beat them up with baton sticks.
- KMM was assaulted by members of the riot police at her place of residence. A group of ten officers came to her place, 2 armed with rifles and one with a walkie talkie and the others with baton sticks. When they entered the house they ordered the victim and family members to get out. They started to beat them up with baton sticks. The victim fell down after being tripped by one of the officers. The assaults continued all over the body including thighs. The officer with the walkie talkie ordered the others to stop the assault.

*5 April 2002*

- CM was at the shopping centre in Budiriro 2 when soldiers arrived, accusing large numbers of people of being MDC supporters. They beat up CM before he managed to escape and ran home. As a result of the assault, CM sustained a fractured forearm, a laceration to the back of his head, and has fading scars across his back. He is also still suffering from backache.

### **Buhera North/South**

*12 March 2002*

- Two huts belonging to a Zanu-PF supporter were torched, damaging property worth Z\$33 000.

*14 March 2002*

- LM was attacked by Zanu-PF supporters and war veterans who accused him of being an MDC activist and going around putting up MDC posters. They attacked him using knobkerries and beat him all over the body. He was saved from further assaults by good samaritans who ferried him in their vehicle.

*7 May 2002*

- Teddy Mugwari, Leonard Usavi, Benjamin Mwandifura, all teachers, and Godfrey Marongwe, the deputy headmaster of Murambinda Secondary School allege that they were assaulted by war veterans and instructed to leave their jobs on accusations that they supported the MDC.

### **Bulawayo North-East**

*19 March 2002*

- Absolom Chidoma and an unnamed friend (Zanu-PF) were assaulted by suspected MDC supporters.

### **Chikomba**

*March 2002*

- **Lawrence Kuvehya**, an MDC supporter was allegedly killed by Zanu-PF supporters and war veterans for voting for MDC.
- JB boarded a bus intending to come to Harare. At Sengwe two men (Zanu-PF youths) instructed her to get off the bus. They took her to a bush near the township and interrogated her on where she was going. She was accused of being an MDC supporter and having attended a workshop organised by Ndanga the MDC parliamentary candidate in Chikomba for 2001. JB was beaten up as they wanted to know who else had attended the workshop. They were using logs and whips.

### **Chimanimani**

*24 April 2002*

Joseph Mwale, a CIO agent, had his house in Nangu Village petrol bombed by MDC supporters including Shadreck Duma, Fundisayi Chimuka, Jasper Gabaza, Pardon Magutu, Tendai Maphosa, Jenias Mangwanani and Kenias Nyakuvimba. Eleven MDC supporters were arrested over the attack. Joseph Mwale was named as one of the killers of Tichaona Chiminya and Talent Mabika who were murdered with a petrol bomb in April 2000. Mwale was summoned to testify in the Buhera North electoral petition but disappeared and failed to appear in court following which High Court Judge James Devittie gave a directive to Attorney General Andrew Chigovera to prosecute him and another co-accused for the murders but no action has been taken so far.

### **Chinhoyi**

*13 March 2002*

- Biggie Matare, Hurungwe East co-ordinator, MDC, and Cosmos Nheya, an MDC polling agent, were severely assaulted by Zanu-PF supporters and hospitalised with 'life-threatening injuries.

*6 May 2002*

- Leo Chegura, an MDC member, was allegedly assaulted at his home in Cold Stream for his support of the opposition party. The fourteen attackers, who are Zanu PF supporters, arrived and began to verbally abuse him, in particular about the MDC loss in the elections. They were armed with iron bars, bottles and sticks and also attacked his wife's younger sister, Melody Butawo. Chegura alleges that when he collapsed during the assault, the attackers stole \$5000 from him and pulled him from out of his house leaving him unconscious. Chegura was taken to Chinhoyi Provincial Hospital by the police where he was treated for the injuries he sustained during the assault. Following the assault, Chegura has been left with

painful swellings on his head, a laceration to his left cheek, impaired hearing and sight, painful jaws, chest pains, and nail marks across his throat.

### **Chipinge North**

*20 March 2002*

- Checheche, Chisumbanje, Gumira, Machona, Rimbi, Vheneka Primary Schools and Rimbi High School were closed after teachers suspected to have voted MDC were assaulted. The schools were forcibly closed and the pupils fled home.

### **Chipinge North / Buhera South**

*20 March 2002*

- Elton Mudzungu, Tawanda Musawonge, Kudzai Chisirimunhu and 38 unnamed MDC polling agents from Chipinge North, Buhera South and Birchenough Bridge had their homesteads attacked at night forcing their families to flee. They were assaulted, and are now living under Birchenough Bridge.

### **Chipinge North / South**

*May 2002*

- Men dressed in army uniform assaulted Hlupe Muyambo and Morgan Mushunje, both of the MDC. They sustained bruises all over their bodies and were treated at the Avenues Clinic in Harare. It is alleged that soldiers in two green Peugeot 306 vehicles drove around the constituencies taking down the names of MDC supporters and following this another group went on a rampage in Chipinge beating up known and suspected supporters of the MDC. They allegedly used iron bars and sticks.

### **Chipinge South**

*15 March 2002*

- James Moyana, Chikukwa and 6 unnamed teachers from Checheche in rural Chipinge were severely assaulted with knobkerries, iron bars, chains, sticks. Four teachers were admitted to Chipinge hospital with serious injuries, one was unable to walk.

*16 March 2002*

- Three unnamed MDC supporters were severely assaulted by soldiers as punishment for voting for the opposition. They all died at their homes following the assault. The three were among seven people assaulted by the soldiers. The other four were admitted to Chipinge hospital.

*7 April 2002*

- HM, from Chief Gardwa area, reported that while he was at home, seven Zanu PF supporters arrived at his house accusing him of being an MDC supporter and asked him for his MDC card and t-shirt. H.M. refused to show them the said items and as a result was severely assaulted. He was stoned, and then beaten up with iron bars and knobkerries, across his back, legs and left upper arm. During the assault, H.M. collapsed and was dragged into the bush and dumped there. He was found some time later when his brothers and cousins came looking for him and took him home. When the police were notified they came and took a statement from the victim and then took HM to the hospital for treatment. At the hospital he had to



undergo an operation on his left upper arm to repair cartilage damage, and was treated for injuries sustained to his head, back, left buttock and left ankle. HM is still suffering from headaches, dizziness, numbness and pain in his arms, legs and a backache.

### **Chitungwiza**

*13 April 2002*

- PM was making her way to an MDC rally at Chibuku Stadium when she was allegedly confronted and beaten by a group of Zanu PF youths because she was wearing an MDC t-shirt. The physical assault included blows to the head resulting in her sustaining a 3cm laceration. She now has a continuous severe headache.

### **Dzivarasekwa**

*11 March 2002*

- SC was on his way from Dzivarasekwa polling station when he met up with ±30 Zanu-PF youths. He was part of the MDC security and was with 9 other colleagues. The youths grabbed him and took him to their base at a home in Dzivarasekwa. There they beat him with sjamboks, sticks and empty bottles all over the body. The youths then took him to the police station where their assault continued in front of the police.

*15 March 2002*

- Colin Nyowani was attacked with bricks by Zanu-PF supporters. He suffered head and facial injuries.

### **Glen View**

*20 March 2002*

- Last Maengahama, national co-ordinator and MDC HC councillor ward 32, Otilia Mandishona, his wife, Pardon and Bingo Kapofu, the acting co-ordinator, of Left Wing ( a splinter group from Zimbabwe chapter of International Socialist Organisation) had their offices raided at 4am after Left Wing had commended ZCTU for calling 3-day strike. The police assaulted staff at the offices.

### **Gokwe**

*13-20 March 2002*

- Brighton Chipere and unnamed MDC polling agents and local leaders had their homes and property torched by Zanu-PF supporters. They fled to a safe house in Rimuka, Kadoma. Chief Raymond Saurombe was allegedly part of the group that carried out these attacks.

### **Gokwe Central**

*2 May 2002 (went missing 10 April 2002)*

- The body of Tipason Madhobha, an MDC polling agent in the Presidential elections who went missing on April 10, was found in a shallow stream near Ganye Dam. His body was taken to Gokwe Hospital for a post mortem. No details have yet been given about the results of the post mortem. Madhobha left home with four neighbours to go and look for his 5

missing cattle. The search led them to Ganye where they were informed that Zanu PF youths in Ganye did not tolerate any strangers there. While in the area the group encountered and were summoned by some unidentified people following which they fled in different directions. Madhobha went missing in the resultant panic. Furere Makumucha (who was with Madhobha) went and made a report at Sasame Police Base where the police assisted him in carrying out a search for Madhobha. Madhobha was an MDC polling/election agent at Sungwiza Primary School. His wife says her husband did not clash with Zanu PF supporters at any time before his disappearance.

### **Gokwe East**

*13 March 2002*

- Seventeen unnamed MDC polling agents were assaulted and had their homes torched. They fled to urban areas, Gweru, Kwekwe and Kadoma. Blessing Chebundo, the MDC MP for Kwekwe, said MDC was receiving a daily average of 15 reports of arson against them.

### **Gokwe North**

*16 March 2002*

- GM was near his home when a stone was thrown at him causing him to fall down. He was then confronted by a group of 5 Zanu-PF youths and beaten with iron bars. They poured water over him when he fainted from the beating. By the time he regained consciousness they were gone. GM was a polling agent during the Presidential Elections.

### **Gokwe West**

*13 March 2002*

- Seven unnamed MDC polling agents were assaulted and had their homes torched by Zanu-PF supporters. They consequently fled to town Gweru, Kwekwe and Kadoma.

### **Guruve North**

*15 March 2002*

- FW was a polling agent at Nyambudziya Polling Station. When he tried to go back to work at ARDA he was confronted by two guards who took him to Chakasara where he was beaten with clubs on his buttocks. His hands were handcuffed and legs tied up in barbed wire. He was also beaten under the feet. He was later released having been beaten from about 7am to 9am.

*19 March 2002*

- **Ernest Gatsi** (MDC) was severely assaulted during the campaigning period. Hospitalised and died on the 19 March at Guruve hospital.

### **Guruve South/North**

*12 March 2002*

- DC had his homestead destroyed on 29 November 2001 by a group of more than 500. He was accused of being an MDC supporter and was not wanted in the area. He reported the matter to

the headman who informed him that his home had been destroyed by a huge group of Zanu-PF youths. The leaders were war veterans Kachasu and Nyuwoyembudzi. Since then he has been living in Marondera. On the 8th of March he went back to Guruve and voted at Hambe. When he went to Hambe Shopping Centre on the 12 March 2002 he was waylaid by a group of Zanu-PF youths who asked him where he was coming from and where he had been staying. They made him lie down and assaulted him with a log on the buttocks and back. He managed to escape and left the following morning.

### **Gutu North**

*14 March 2002*

- **Amos Misheck Maseva**, (ZNLWVA) was assaulted by group loyal to Berita Mahofa. He was hospitalised at Gutu Mission Hospital for 3 weeks before he died of 'pneumonia. His relatives refused to bury him before Shuvai Mahofa paid Z\$4 million (or Z\$2 million + 40 cattle) in compensation. Maseva and Berita had been among initial invaders of Northend farm, nearly two years ago. He had occupied the farmhouse and refused to vacate, even though it stood on land Berita had been allocated. Dispute polarised all occupiers and ended in a fight. Berita says this is plot by Masvingo Zanu-PF politicians to get at her mother.

### **Harare East**

*11 March 2002*

- SB was driving along Tongogara Avenue due west and wanted to make a right into 6th street. He was stopped by soldiers and told to go to the booms at the corner of 7th street and Josiah Tongogara. They pointed guns at him and threatened to shoot him. He was ordered out of the car and made to lie down. The soldiers beat him up on the on the buttocks, back, and ribs with truncheons. He was taken to Central Police Staion where his particulars were taken from him before being released. The soldiers accused him of showing MDC signs.

*13 March 2002*

- MK was taken from her home at around 5am and taken to Borrowdale Police Station. They alleged that she and others had been committing public violence in Hatcliffe. Kimu is the cell treasurer. She was placed in a cell where she was assaulted with baton stciks and open hands by police officers.

*15 March 2002*

- War veterans namely Mai Muza and others came to AA's premises and accused them of having voted for MDC. They threatened to beat them up at night and destroy their premises. Now AA is unable to sleep at night because of fear. She stays with her blind daughter and grandchild.

### **Harare Central**

*22 March 2002*

- Ten unnamed MDC members including a security guard were arrested and held at Harare Central. The arrests were confirmed by Percy Makombe, MDC Information Officer.

## **Harare South**

*20 March 2002*

- SK was driving along Borrowdale Road when he stopped at State House and made a 'U' turn because he was lost. He was stopped by the police who took him to Harare Central Police Station where he was assaulted and interrogated after a thorough search of his vehicle. He sustained a ruptured eardrum and bruises on the left side of his face.

## **Harare**

*20 March 2002*

- Philip Mabika, MDC national youth executive member, had his house stoned by Zanu-PF supporters.

## **Hatfield**

*March 2002*

- An unnamed MDC farmworker was assaulted with sticks and hosepipes in his home when he refused to surrender his MDC card. He was then force-marched to Epworth and assaulted him until he passed out.

*21 March 2002*

- J C worked for ZESN during the elections. He had two t-shirts enscribed "Local Observer" hanging on the washing line. Zanu-PF youths came to his house on Saturday and threatened him. They came back to his house on 21 March 2002 with the police. TC (JC's wife) was arrested for being an unaccredited observer. When JC went to visit his wife on Friday he was also arrested. They were first detained at Epworth before being taken to Mabvuku, then to Hatfield and finally Central Police Station, Law and Order Section. They were then taken back to Epworth where they were released later on in the day.

## **Highfield**

*May 2002*

- Thomas Shambira, an MDC supporter, alleges that he was awoken at one o'clock in the morning by the sound of loud knocking at his door. He opened the door and heard a gunshot. Four men, claiming to be Zanu PF supporters forced their way into the house and handcuffed him. He was then forcibly taken outside and into a white Toyota Corolla Sprinter. He was driven to Mahusekwa where he was taken out of the car into the bushes and beaten up for three hours. The assailants were joined by another group of eight men in a Mazda 323. T.S. managed to escape when the handcuffs were removed. He suspects that some of the assailants might have been members of the Central Intelligence Organisation (CIO). The assault has left the victim with swelling and bruises to the forehead, a tear on his lower lip and a possible fracture with swelling, bruises and scratches to his right forearm. Shambira has also been left with train-track marks and bruising to his shoulders and chest, multiple bruises and tears across his back and buttocks and left arm, as well as pain in the genital region and upper thighs. The soles of his feet are discoloured and painful and he is unable to walk without experiencing pain.

## **Hurungwe East**

*March 2002*

- An unnamed MDC activist was severely assaulted by Zanu-PF supporters and hospitalised with 'life-threatening injuries'.

*11 March 2002*

- Three unnamed people who were MDC polling agents were beaten up by Zanu-PF supporters.

*12 March 2002*

- VC was an MDC polling agent in Hurungwe East. On going back to his home he met a Zanu-PF youth, Petros Jingura, who vowed that they (Zanu-PF) were going to sort him out for allegedly selling out. The following day he threatened that VC's father, who works as a temporary teacher, was going to be dismissed from work. He also vowed that violence against the opposition was going to start as soon as the foreign observers left Zimbabwe. This was going to be code named operation 'chenesamusha'. VC was advised by one police officer who is also his neighbour to flee because even if he reported nothing was going to be done. VC also alleges that the Town Council was cutting off water supplies to MDC supporters and polling agents regardless whether their bills are paid or not. He also alleges that there is a base at Rufaro Hotel, room 13 where MDC supporters are being taken to and beaten by Zanu-PF supporters.

## **Hwange East**

*14 March 2002*

- Unnamed MDC supporters in Victoria Falls Monde settlement had their homes torched by war veterans.

*16 March 2002*

- Patson Mlotshwa and other unnamed MDC supporters were assaulted after Zanu-PF held a mock funeral for Morgan Tsvangarai following the election result. One woman was admitted at Victoria Falls hospital with severe injuries. There were about 200 Zanu-PF supporters.

## **Hwedza**

*7 April 2002*

- DM was travelling to Harare when the bus he was in was stopped at Madzimbabwe Business Centre by a group of Zanu PF supporters. DM was reportedly dragged off the bus by the militia and taken to their office. He was beaten on the soles of his feet with a heavy stick. DM already had a previous sore on his ankle, which was then re-opened by one of the assailants using a pair of dirty pliers. They also attempted to strangle him. DM was kept at the offices overnight, and was only released the next morning upon the orders of a couple of senior Zanu PF officials. DM is suffering from painful feet, abdominal pains, and his ankle wound has turned septic.

### **Kadoma Central**

*23 April 2002*

- Solomon Muzvidzwa, the MDC district youth chair and Isaiah Nyakidzino were en route home from a campaign rally for the Kadoma Mayorship in Rimuka. They were confronted by Phiri and other unnamed Zanu PF youths who demanded the pair's MDC t-shirts. When they refused to hand them over they were assaulted and stripped of their t-shirts. The matter was reported to the police following which Phiri was picked up and briefly detained then released.

### **Kuwadzana**

*9 April 2002*

- Biggie Husvu and Norman Chidza were stopped by approximately twenty-five youths wearing t-shirts inscribed "Third Chimurenga". The two were assaulted with electrical cords, fists and shod feet for refusing to chant Zanu PF slogans and not having Zanu PF party cards. The pair was also robbed of all the money they had.

*12 April 2002*

- JN was accosted by a group of Zanu PF supporters. He was struck on the head with an iron bar and lost consciousness. He is suffering from a severe headache, impaired concentration and memory, bruising to both hands and a painful tear in his left abdomen.

### **Kwekwe**

*16-18 March 2002*

- Anyway Mbano and eleven unnamed MDC members were admitted to Stanley House clinic after being severely assaulted over the weekend by members of the Zimbabwe National Army and Zanu-PF. The assaults occurred on a plot belonging to Philemon Cox (commercial farmer), but unclear whether these were his workers.

*22 April 2002*

- George Hungwe, an MDC ward chair in Redcliff, had his house broken into by suspected Zanu PF supporters at around 8.30pm. The house was set alight after the family was locked up in a bedroom. They managed to escape through the window after the burning ceiling started to collapse. Hungwe's wife and children suffered minor injuries while property worth Z\$5 million was destroyed.

### **Mabvuku**

*13 March 2002*

- Margaret Takaendesa, Zanu-PF chair Robert Mugabe district, had her house stoned, windows broken, and durawall damaged by four MDC supporters. The total damage was valued at Z\$120 000.

### **Makokoba**

*13-15 March 2002*

- Unnamed Daily News newspaper vendors were assaulted, 150 papers destroyed and sales money stolen by Zanu-PF supporters. The police declined to comment, except to say the issue was 'political'.

### **Makoni East**

*20 March 2002*

- Tongai Manomano, Munyaradzi Mupingo and two Daily News vendors were abducted and force-marched to Zanu-PF offices in Rusape by fifteen members of Zanu-PF and war veterans. They were assaulted with sticks, sjamboks and the falanga method was also used. Money from paper sales was taken by the attackers. The Daily News was 'banned' in Rusape by Didymus Mutasa.

*14 April 2002*

- Amos Kutiya, an MDC supporter, was threatened with death by Zanu PF supporters if he did not leave the village where he lives in Chirimutsitu Resettlement Scheme. The roof of his house was doused with petrol before two petrol bombs were thrown into the house. One failed to ignite, while the other destroyed sofas and other furniture. Kutiya and his three daughters managed to escape from the burning house without injury.

*16 April 2002*

- Elvis Mhiripiri, who was an MDC election agent and his wife, were evicted from their home by pistol-wielding Zanu PF youths. The youths reportedly assaulted his wife and ordered him and his family to go to Britain. They then torched his and six adjacent homes belonging to MDC members including those of Cephas Makungwa, Fungai Kanda and Taurayi Nyamapote.

### **Marondera East**

*8 March 2002*

- SR was one of the ZESN drivers on the way to Marondera Hotel to meet the ZESN observers team. Two defenders overtook and blocked them. They were asked why they had observers' stickers yet they had no accreditation. The occupants of the vehicle got out and were assaulted by Zanu-PF youths wearing Zanu-PF t-shirts. They were assaulted with fists, booted feet and open hands in the presence of police officers. SR was assaulted on his face, nose and lower lip. He lost receipts, a C25 cellphone, a watch and \$41 300 in the attack. He was made to drive his car to Marondera Central Police Station. Now he is being accused of inscribing MDC on a Tenda bus and distributing MDC fliers. He was detained to the 9th of March and was only released when the police realised that there was no offence committed.

*10 March 2002*

- FT was assaulted by soldiers. They were using their hands and their gun. Sustained a swollen left arm and bruises on the left buttock. She was returning from a funeral.

- KJ a security guard suspects that he was poisoned at a polling station for asking a Zanu-PF agent to send a war veteran away from the polling station.

*15 March 2002*

- John Rutherford, a commercial farmer, and his wife (MDC) were accused of ordering the destruction of farm occupiers' housing on the farm and giving a cellphone to a worker to tell the MDC about illegal settlers. They were severely assaulted by members of Zanu-PF early in the morning in the presence of Constable Chikowe. They were admitted to Marondera Hospital where their condition was described as stabilized. His wife was forced to witness the assault and afterwards she told she would be killed. The victim and his farmworker, who died as a result of the assault, were accused of sympathising with MDC. Constable Chikowe allegedly witnessed the assault but did not intervene. Later two suspects were arrested and seven are being sought by the police.
- Darlington Vikaveka a farmworker at Oxford Farm was severely assaulted in early morning in presence of Constable Chikowe. He died en route to the Marondera Hospital. The victim and his injured white employer were accused of sympathising with MDC.
- David Pattison and Stuart, both of the MDC, were barricaded inside the farmhouse for 8 hrs by Zanu-PF supporters. They were told to vacate the farm immediately. They were later released unharmed. The two were accused of organising their workers to vote for MDC.

### **Marondera East / West**

*9 April 2002*

- One hundred and twenty farm workers from Chakadenga Farm, who were accused of supporting farmowner Derrick Hind, were evicted from the farm by war veterans.

### **Marondera West**

*11 March 2002*

- TM was a polling agent for the MDC at Chitandara School in Marondera. After the polls Zanu-PF youths kept threatening him with death. He fled to Harare as a result. On the day that he fled the youths burnt his house.

*16 March 2002*

- At around 1000hrs Zanu-PF youths and war veterans came and took OM from his homestead. They took him to the show grounds where he was locked up in a secluded room. He was beaten up with sticks on his buttocks and shoulder. He was made to hit his forehead against the wall. The reason given for the beating was that he was an MDC polling agent during the Presidential elections. He was released at around 1900hrs on the same day after the police had intervened.

*13 April 2002*

- Guy Cartwright, owner of Waltondale Farm, and his family were forcibly driven off his undesignated farm. The war veterans that presided over the evictions confiscated all



equipment from the farm, valued at Z\$400 million, 700 head of cattle, and 260 tonnes of reaped tobacco. The farmhouse was also looted.

### **Mazowe East**

*17 March 2002*

- Israel Mukwaira, (ZNNP+ co-ordinator, Gwingwizha support group) was assaulted at 10pm by 3 youths. The youths alleged that the group was being funded by MDC. He was badly bruised and 34 of the support group's chickens were stolen.

### **Mazowe West/East**

*13 April 2002*

- Nicholas Brown, owner of Wooller and Glen Grey Farms , and his one hundred and seventy six workers were evicted from both properties by war veterans and Zanu PF supporters. Farm guards Enock Chidhakwa and Chamunorwa Radzira were reported as having been assaulted during the eviction process.

### **Mazowe West**

*13 March 2002*

- Sixty MDC farmworkers including polling agents and voters were assaulted and chased away from their jobs at several farms in Mvurwi farming area.

*14 March 2002*

- Unnamed tenants of Biggie Chigonero were ordered to close the shop indefinitely. Chigonero had cardboard coffin delivered to him with 'RIP Chigonero' inscribed on it.

### **Mbare**

*4 May 2002*

- A group of approximately fifteen men and women arrived at GM's home at approximately 2100hrs. Twelve of the group were in police uniform. He was ordered to accompany the group, but GM requested to see the police officers' identity cards. None of them produced any identification, so GM refused to go along with them. A struggle ensued during which GM received some blows with an iron bar. He was then handcuffed and taken outside the house. GM's aunt followed the group outside and alerted neighbours of his plight. As the men tried to force GM into an unmarked car, the gathering mob stoned the car until the assailants fled. At this point, a policeman described by GM as "friendly", removed his handcuffs and advised him to stay away from the police camp as it had been taken over by Zanu PF youths and war veterans. During the assault, the victim sustained a large bruise and a tear to his forehead, and a large deep bruise to his left cheek.

### **Mbare East**

*23 March 2002*

- MS was assaulted by a group of Zanu-PF supporters. They were using iron bars and fists. One of them asked where he and his friend were coming from. MS suffered bruises all over the face and back.

### **Mbare East / West**

*18 April 2002*

- EM was an MDC polling agent during the elections. On the 18<sup>th</sup> of April, he was accosted by a large group of Zanu PF supporters who beat him up with planks, punched him with clenched fists and kicked him. He was then handcuffed and taken to their office where the beating continued. EM was then released after his I.D. and a cash amount of \$300 was taken off him. The victim's back is covered with a pattern of painful bruises. CM has a pain in his left lower side, and a headache from receiving blows to the head.

### **Mbare West**

*21 March 2002*

- RC had accompanied a friend when he was attacked by Zanu-PF youths. He was rescued by police on patrol from Crest Breeders. RC is an MDC activist and assailants knew it. There were about four of them including one Edmore Ndambakuwa.

### **Mberengwa East**

*13-20 March 2002*

- 5000 unnamed MDC villagers fled to Zvishavane after being threatened by Zanu-PF supporters. This was reported by MDC supporter, Thandi Mlilo, who claimed that MDC membership in Mberengwa East was about 18 000 (but only 3128 were counted as having voted for Morgan Tsvangarai in the presidential elections).

*20 March 2002*

- An unspecified number of villagers who are MDC members are being excluded from the government programmes. GMB workers were ordered to divert maize from GMB depot, Mataga, to Chief Mataga's homestead, where those intending to buy 50 kg for Z\$1300 had to be vetted as Zanu-PF card holders before they could buy maize. This was reported by MDC Youth Vice-Chairman Mberengwa East, Sifelani Dube and co-ordinator Tongiso Mutsungi.

### **Mhondoro**

*14 March 2002*

- An unnamed farmowner was evicted from his farm by Zanu-PF supporters. Stephen Arumango (a cook) was forced to let the looters into the farmhouse at gunpoint. Two pistols, two shotguns and property worth Z\$3,5 million was stolen. The farm had been attacked earlier on 1.3.02 when a farm guard's cellphone, irrigation equipment and 60 litres of diesel

were stolen. The police recovered two-thirds of the property and firearms on Msasa farm on 19<sup>th</sup> of March.

*18 March 2002*

- **Terry Ford** was allegedly killed by members of Zanu-PF and ZNLWVA. Two farm occupiers demanded Ford's gun late at night but he refused after phoning neighbours and the police. He fired a shot to scare them off. He was struck with an axe on the head and assaulted with a gun butt and an axe. The farmer was run over by his truck and finally shot five times. His body was found by a security guard in the morning, who had heard five shots during the early hours but had been too scared to investigate.

### **Mount Darwin**

*18 April 2002*

- On 15 April 2002, the local Zanu PF chairperson came to GR's house and told him that he had to contribute \$1500 towards the Independence Day celebrations. The chairperson left after GR told him that he did not have the money. On the 18<sup>th</sup> of April 2002 (Independence day) the chairperson, accompanied by ten youths, returned to GR's home and accused him of being uncooperative and told him that he must leave the area. GR was then beaten on the buttocks and slapped on the face. Thirty-eight of his chickens were then burnt alive. GR is now receiving dental treatment in Harare.

### **Mount Darwin North**

*15 March 2002*

- **Owen Manyara**, an MDC activist, was severely assaulted by members of Zanu-PF, ZNLWVA and militia. The assault resulted in his death.

### **Mpopoma**

*11 March 2002*

- Alexander Sibanda, a Zanu-PF supporter, arrived at GG's residence in the afternoon. He accused GG of being an MDC supporter and used abusive language to threaten her. She was told that she would be punished for supporting the MDC. Sibanda then left but later returned in the company of 10 other youths who live in the same neighbourhood. They came chanting Zanu-PF slogans and stoned GG's house. More threats have followed since this incident and GG now fears for her safety.

*18 March 2002*

- A Bulawayo woman was attacked while she walking on a footpath with her older sister. She was dragged into a bush and gang-raped 'for voting MDC'. Her clothes were taken. The elder sister escaped after her clothes were torn. The two were attacked by National Youth Service youth in uniform. A report was made to Mzilikazi police after NRZ workers had chased away the assailants.

### **Mutasa**

*12 March 2002*

- JC a polling agent was at the counting centre on the day in question. There were youths outside the centre who were threatening the agents and hence they decided to leave the place. He hiked to Bonda where a defender belonging to Zanu-PF dropped some youths near them. The youth assaulted the agents asking them what MDC was planning to do and the location of their war arms. They were driven in the truck for about four hours before stopping by a river where were told that they were going to be tied up and thrown in the river. They were stripped naked and thrown out of the car before being beaten up again and left for dead.

*13-25 March 2002*

- Evelyn Masaiti (MDC MP for Mutasa) received numerous phoned death threats immediately after the announcement of the election result. The threats were from Zanu-PF and members of the police. She has consequently gone 'underground' for a fortnight. Masaiti had earlier been assaulted by Zanu-PF militia when investigating the arrest of 10 MDC polling agents by Ruda police.

### **Mutoko North**

*13 March 2002*

- An unnamed MDC polling agent was allegedly abducted and tortured to death. Details were not given as to where the body was found

### **Mutoko South**

*12 March 2002*

- **Tafireyinyika Gwaze** an MDC polling agent was abducted from a bus and taken to a torture camp by Zanu-PF and ZNLWVA militia. He was savagely beaten overnight before being released the following day. He died of multiple injuries.

*13 March 2002*

- FM was a polling agent for MDC in Mutoko. In October 2001 he was assaulted and had his ID and MDC card confiscated by Zanu-PF activists. After the presidential election the youths were sent by Jongororo and Makuni, the base leader to abduct him. At the base he was assaulted with sticks and fists for allegedly not voting at the nearest polling station. It is alleged that many MDC activists were told to vote at the Zanu-PF base.

### **Muzarabani**

*11 March 2002*

- JM who was an MDC polling agent was accosted by a police officer named Pswarayi who demanded the keys to the MDC vehicle from him. When JM and his colleagues refused to comply, the police officer pulled out a pistol and ordered all MDC polling agents out of the counting centre. They fled when the policeman fired live bullets at them. JM twisted his knee while running away.

*13-20 March 2002*

- Thirty four unnamed MDC members had their houses torched by Zanu-PF and ZNLWVA members. The members were also assaulted by the attackers.

*15 March 2002*

- David Karamba, David and Charles Madziwana who were MDC polling agents had their houses torched by Zanu-PF supporters.

### **Nkulumane**

*16 March 2002*

- The People's Market Co-operative office was allegedly torched when a petrol bomb missed the Zanu-PF offices which were being targeted. The attackers are suspected MDC supporters.
- A house in the suburb was petrol-bombed by MDC supporters. The fire was extinguished before doing any damage. Police investigations are still underway.
- Patricia Kodoke (Zanu-PF women's league) had a petrol-bomb hurled through a window broken in prior February violence. The fire was extinguished with damage only to a curtain. This bombing was allegedly carried out by the gang which mistakenly bombed the People's Co-operative Market office instead of the Zanu-PF sub-office.

### **Nyanga**

*13-25 March 2002*

- Leonard Chirowamhangu (MDC MP for Nyanga) received numerous phoned death threats immediately after the election result announced. These threats came from Zanu-PF and police officers. He fled the area and has gone 'underground'.

### **Seke**

*13-20 March 2002*

- Lewis Murisa (headman) and unnamed villagers from 70 households fled to Chitungwiza after being denied the right to buy GMB Aspindale maize (20 kg for Z\$375). The maize was being sold from ZNLWVA bases in Seke. This incident was confirmed by MDC MP Tumbare-Mutasa, who was personally approached by some 70 party supporters who had been denied maize.

### **Shamva**

*12 March 2002*

- Fifteen unnamed MDC mineworkers were evicted from their housing for having voted for Morgan Tsvangarai. They were told to get jobs from Morgan Tsvangarai in Harare.

*13 March 2002 onwards*

- Unnamed villagers who are members of the MDC fled their homes after receiving death threats from Zanu-PF youths. They were being accused of having voted for Morgan Tsvangirai.

*23 April 2002*

- Rogers Chakanda, Prince Chikono, Douglas Hamamauswa, Tito Kaifu, Mishek/Shake Kanengosha, Tedi Maiswa, Morgan Makunda (MDC polling agents ) Brian Mudzinga and twenty unnamed MDC mineworkers had their houses stoned, torched and property worth Z\$550 000 damaged/destroyed. They were also threatened with death if they did not leave the mine. Eight MDC polling agents were allegedly forced to resign by mine managers sympathetic to / instructed by Zanu PF, after being absent from work for 5 days because they had been evicted from their mine housing and had fled the area. Mudzanga fled to Kwekwe after receiving death threats from Zanu PF youths brought to the mine by Zanu PF managers.

### **Shurugwi**

*22 April 2002*

- Unnamed MDC residents of Nash 1 Mine compound were rounded up at gunpoint and accused of supporting MDC. They were assaulted with 84 huts and property worth Z\$500 000 being torched. Everyone was ordered out of the burning compound or risk being shot. Three soldiers and six other people were remanded to 10 May 2002 on bail of Z\$2000 each by Gweru magistrate Mzinyathi. Fana and Madzima were also charged with armed robbery of Z\$60 000 from one worker on the same day.

### **Zaka West**

*12 March 2002*

- TDS was an MDC coordinator during the elections for Zaka West and East. He was leaving the counting centre at Jerera with the intention of going to the counting centre in Zaka East. As he was passing through the growth point he was confronted by Zanu-PF militia. The leader Hazvidi hope approached him and told him that he would be beaten for what he was doing. One of the militia struck him with a fist on the nose then Hazvidi hope threw a stone at close range and struck TDS on the right of the lower lip. He was also struck on the head above the left ear. TDS then passed out.

### **Zengeza**

*27 April 2002*

- Davis Mtetwa, MDC Provincial Secretary for Chitungwiza who was severely assaulted by policemen and soldiers during the election died and was due to be buried at Masimbe village, Chipinge South. Since the beating he had not been well. Last year Davis was tortured after being accused with Stephen Chasara of having taken part in the abduction and subsequent murder of Cain Nkala.

## **Zvimba South**

*14-21 March 2002*

- Unnamed MDC farmworkers were forced to attend night-time pungwes because they did not attend Zanu-PF rallies before the election. Some were tortured and fled to neighbouring farms. They were threatened with death by armed war vets. War vets invaded the farm immediately after Zanu-PF's victory was announced.

*16-21 March 2002*

- Tom Bayley (farmowner), his wife and a farm worker Paso were refused permission to leave farmhouse by armed farm occupiers for allegedly paying each worker Z\$700 to vote for Morgan Tsvangirai. The farm owner was ordered to pay off and dismiss all workers by the 23 March 2002. The war vets invaded the farm immediately after Zanu-PF's victory was announced and started torturing workers.

*26 April 2002*

- Unnamed farmworkers and 1300 families were evicted from a farm in the area and not allowed to take their property by Zanu PF supporters and war veterans. This led to an intra-party dispute with Kowo and the group based at Dzivarasekwa 5 upholding farmworkers' rights to collect their property while a Mai Zvikaramba(Zanu PF) who had occupied the farmhouse refused. The police intervened when Kowo's group petrol-bombed the other group and were in turn stoned.

## **Violence on Commercial Farms (April 2002)**

The illegal evictions of farmers and their workers has continued unabated. Farmers and farmworkers are being ordered to leave their farms with as little as an hours notice by Zanu PF militia / war veterans. The following are some narratives detailing evictions:

## **Marondera East**

*19 April 2002*

- Mike Colahan, owner of Ke se Ra Farm, was ordered to pack a few personal effects and leave his farm within the hour. The Zanu PF militia established on his farm told him not to lock his house, as they were moving in to "guard" the remaining household effects until he could return and collect them. He was informed that the farm equipment and crops no longer belonged to him as they had been taken over by the settlers. All his workers were ordered to leave by 20 April 2002. The Marondera Police informed Colahan that it was not an issue for them and that he must go and see the District Administrator, as he knows the farms from which farmers and workers are supposed to be evicted. The District Administrator is a Mr Simunda, who is also the Chairman of the Mashonaland East War Veterans' Association.

*20 April 2002*

- Bruce and Vicki Campbell and their daughter, Katharine Reimer, were evicted illegally from their farm by a war vet known as Black Ganda, and an Army officer, a Colonel Mangachena. The Marondera Police details present stood by and watched, but took no action to restrain them. The lorry loaded with the household effects was searched as it left for " farm equipment", and the invaders removed a generator found on the lorry. All the farm

implements, livestock , irrigation equipment and crops, amounting to millions of dollars have been appropriated by these individuals with the tacit approval of the CIO and the DA and Police . Asst Inspector Mafu was near the scene earlier in the day, but stated that as there had been no violence he could not see that there was a problem requiring Police intervention.

In the Ruzawi Valley in Marondera the following have been evicted:

- Chipesa Farm: Iain Kay and all workers evicted on the 27th of March, despite a High Court Order preventing such.
- Gresham Farm: Trevor Steel and all workers evicted early April.
- Waltondale Farm: Guy Cartwright evicted 11th April.
- Lendy Farm: Raymond Cartwright evicted 12th April.
- Gorejena Farm: Katherine Reiemer evicted 16th April;
- Eirene Farm: Hamish Charters and most workers, evicted 27th April (in defiance of a High Court Order).
- Brondesbury Farm: Dave Carey & Chris Carey evicted 29th April.
- Presmenan Farm: Kim Nilson, Dick Rice, and all workers were evicted 29th April.
- Marirangwe Dairy: All workers evicted 1st May, B Taylor , the owner, is away.

Those under imminent threat of eviction:

- Uitkyk Farm: Angus Campbell and all workers were ordered to leave on the 29th of April in defiance of a High Court Order barring this.
- Makarara Farm: Pete Smales orderd to leave on 29th April.
- Munemo Farm, John Harris ordered to leave 29th April,(in defiance of a High Court Order) and he is currently beseiged in his house;
- Mushangwe Farm, Alan Burl ordered to leave.
- Dindingwe Farm, Julian Peel ordered to leave on 29th April.

The above are evictions for commercial farms in only one constituency out of Zimbabwe's 120 constituencies; they indicate the scale of illegal evictions currently under way.



## LIST OF DEATHS RESULTANT FROM POLITICAL VIOLENCE 1 JANUARY 2002 – 15 MAY 2002

*Note: This list is subject to update and correction as and when new/additional information becomes available.*

**Name**, Political Affiliation if known, Date of Death, Province, Constituency

- 1) **BHEBHE, Newman** (MDC), February 2002, Matabeleland North, Nkayi
- 2) **CHATUNGA, Richard**, (MDC), 20 January 2002, Masvingo, Bikita East
- 3) **CHIDARI Micah**, (Zanu PF), 2 April 2002, Mashonaland West, Mhondoro
- 4) **CHITEHWE, Mr.** (ZNLWVA), January 2002, Harare, Hatfield
- 5) **DUBE, Nqobizita**, (MDC), 1 March 2002, Bulawayo, Nkulumane
- 6) **FORD, Terry**, (commercial farmer), 18 March 2002, Mashonaland West, Mhondoro
- 7) **GATSI, Ernest**, (MDC) 19 March 2002, Mashonaland Central, Guruve North
- 8) **GWAZE, Tafirenyika**, (MDC polling agent Rukwenjere), 12 March 2002, Mashonaland East, Mutoko South
- 9) **GWIDZIMA, Noah**, (Zanu PF), 4 April 2002, Manicaland, Makoni North
- 10) **JEFTHA, Peter**, 3 March 2002, Harare, Harare South
- 11) **JEKA, Petros**, (MDC polling agent), 4 April 2002, Masvingo, Masvingo North
- 12) **JERANYAMA, Donald**, (MDC polling agent), 25 March 2002, Manicaland, Mutasa
- 13) **KATSAMUDANGA, Tichaona** (MDC), 5 February 2002, Harare, Harare North
- 14) **KUMALO, Khape**, (MDC), 6 February 2002, Mashonaland West, Mhondoro
- 15) **KUVHEYA, Lawrence**, (MDC), March 2002, Mashonaland East, Chikomba
- 16) **MADHOBHA, Tipason**, (MDC polling agent), 2 May 2002, Midlands, Gokwe Central
- 17) **MAHUNI, Funny**, 13 March 2002, Midlands, Kwekwe
- 18) **MANYARA, Owen**, (MDC), 17 March 2002, Mashonaland Central, Mount Darwin
- 19) **MAPHOSA, Richard**, (MDC), 20 January 2002, Masvingo, Bikita East
- 20) **MAPHOSA, Stephen**, (Zanu PF), 2 February 2002, Harare, Budiriro
- 21) **MAPINGURE, Atnos**, , 9 January 2002, Masvingo, Zaka
- 22) **MASARIRA, Gibson** ,(Zanu PF), 9 January 2002, Masvingo, Zaka
- 23) **MASEVA, Amos Misheck**, (ZNLWVA), 8 March 2002, Masvingo, Gutu North
- 24) **MATOPE, Kenneth**, (MDC), 13 January 2002, Mashonaland Central, Guruve
- 25) **MIJONI, Simwanja**, 15 January 2002, Midlands, Kwekwe
- 26) **MOYO, Henry**, (MDC), 7 February 2002, Masvingo, Masvingo Central
- 27) **MPOFU, Muchenje**, (MDC), 19 January 2002, Midlands, Mberengwa East
- 28) **MTETWA, Davis** (MDC), 27 April 2002, Harare, Zengeza
- 29) **MUKAKAREI, Tabudamo**, (MDC), 14 February 2002, Masvingo, Masvingo North

- 30) **Munyaradzi** (no surname given) (farmworker), 14 February 2002, Mashonaland East, Marondera East
- 31) **MUNIKWA, Isaac**, (Zanu PF), 17 January 2002, Masvingo, Zaka
- 32) **MUPAWAENDA, Takatukwa Mamhova**, 16 February 2002, Mashonaland West, Zvimba South
- 33) **MUTEMARINGA, Fungisai**, (MDC), 27 January 2002, Mashonaland East, Murehwa
- 34) **NCUBE, Sambani** (MDC), 17 March 2002, Matabeleland North, Hwange East
- 35) **NCUBE, Mthokozisi**, (MDC), 26 January 2002, Bulawayo, Pelandaba
- 36) **NEMAIRE, Solomon**, (MDC), 23 January 2002, Manicaland, Makoni
- 37) **NGAMIRA, Genus**, (MDC), 5 May 2002, Mashonaland Central, Bindura
- 38) **NGUNDU, Shepherd**, (MDC), 5 February 2002, Mashonaland Central, Mount Darwin South
- 39) **NHITSA, Takesure**, (MDC), 20 February 2002, Mashonaland Central, Rushinga
- 40) **NYANZIRA, Tariro**, (Zanu PF), 8 February 2002, Manicaland, Buhera North
- 41) **PILOSI, Simon**, (MDC), 26 March 2002, Mashonaland West, Zvimba South
- 42) **ROMIO, Edwin**, (MDC polling agent), March 2002, Mashonaland East, Mutoko
- 43) **SANYAMAHWE, Kuziva**, (MDC), 18 January 2002, Mashonaland East, Murehwa South
- 44) **SHELTON, Lloyd**, (Zanu PF) 27 February 2002, Mashonaland East, Chikomba
- 45) **SIBANDA, Charles**, (MDC), 2 March 2002, Midlands, Zhombe
- 46) **SIBANDA, James**, (MDC), February 2002, Matabeleland North, Nkayi
- 47) **SIBINDI, Halaza**, (MDC), 30 January 2002, Matabeleland North, Tsholotsho
- 48) **SIBINDI, Joseph**, (MDC) January 2002, Bulawayo
- 49) **SICWE, Jameson**, (MDC), 29 January 2002, Matabeleland North, Lupane
- 50) **Unnamed**, (2), (farm guards), 23 January 2002, Masvingo, Mwenezi
- 51) **Unnamed**, 26 February 2002, Bulawayo, Makokoba
- 52) **Unnamed** (3 MDC supporters) 16 March 2002, Manicaland, Chipinge South
- 53) **VIKAVEKA, Darlington**, (MDC), 15 March 2002, Mashonaland East, Marondera East
- 54) **WHITE, Fanuel**, (MDC polling agent), 29 March 2002, Mashonaland Central, Guruve North

**Total of 57 deaths**

(Political affiliation: MDC—38; Zanu PF—7; ZNLWVA—2; Unknown/none—10)

#### **Annexure 4: Cases of Post-election Torture**

### **RESULTS OF EXAMINATIONS OF INDIVIDUALS EXPOSED TO HUMAN RIGHTS VIOLATIONS IN ZIMBABWE MARCH TO MAY 2002**

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*All the interviews and examinations took place after 15<sup>th</sup> March and up to 10 May 2002. The cases summarized here represent some of the most severe cases seen, but represent only a fraction of approximately 60 people who reported ill treatment or torture to one of the authors during this period.*

#### **Interviews and findings**

All examinations were carried out in the following manner: the history about torture (a) is compared to the examinee's description of ensuing symptoms (b) and the results of the clinical examination (c). In each individual case, it is appraised whether there is consistency between these three elements (a-c), thereby on medical ground assessing the validity of the statements of exposure to violence.

*In the following case descriptions, "Present Violence" summarises the accounts the examinees gave to us.*

All examinees reported that they had been attacked for political reasons, some being supporters of the Movement for Democratic Change, the dominant opposition party in Zimbabwe, and others being assumed to be so. Some were reportedly attacked as part of general repression of their community.

Bearing in mind the possibility of being accused of usurping government functions (POSA), and with the probability of immediate deportation and data confiscation, it was considered too risky to approach the supporters of the ruling party to get information about possible human rights abuses committed by the political opposition; documentation of such violations has been done before on a small scale.

All examinees agreed to be interviewed and examined with a view to publishing evidence of violence committed during the pre-election period in January 2002. Furthermore they agreed that photographs of their injuries could be published as long as their faces were not exposed. Specific permission was given to include the photograph of the baby.

In this report, all examined persons are anonymous to protect them and their families from reprisals.

#### **Case 1: N, aged 32 years (see photos 1 and 2)**

**Peri-election torture of a supposed MDC supporter causing permanent disablement.**

Date of incident: 3<sup>rd</sup> March 2002

Place: Bulawayo

Date of interview: 2<sup>nd</sup> May 2002

**Present violence:** N was with a friend, next to the Central Police Station at around 4 pm, when a group of men came, seized his resisting friend and then himself, right in front of the police. They recognised their attackers as ZANU supporters. They were forced into a Toyota vehicle and taken by a circuitous route to the X militia camp in the north of the city. At the camp they were removed from the vehicle and were ordered to remove their shoes, as their kidnappers chanted ZANU slogans.

The militia started to beat him and his friend on the soles of their feet – 5 people beat him and another 5 beat his friend. They handcuffed his hands behind his back. He was beaten all over the body and burnt with cigarettes on both upper arms and on his head. His fingers and head were also badly beaten. *The militia found his passport on him and accused him of being an MDC supporter because he had a visa in his passport and was therefore an international person.* The militia stepped on his abdomen with their heavy police boots.

One person took a flaming log from the fire in the camp. One person sat on his chest and another held his right foot. This foot was forced against the burning log and held there. The pain was so terrible that he fainted momentarily. Other people were beating him as his foot was being burnt. The log was then removed and the militia beat the burnt foot, while somebody else held the burning log to his left foot. They then beat both burnt feet.

He was in agony and begged for water to drink. They offered him urine to drink. Then one of the militia said that he should be given water. He and his friend, who had been given similar treatment, were taken to the toilet and water was poured on to them. This was at around 10 pm – they had been kidnapped at 4 pm, and had been beaten more or less continuously since then. They were then left in the toilet until around 11 pm. At this time civilian police arrived – he does not know how they heard about them – and took them to the X police station to take details of the attack. The police then took them to the hospital.

The interviewee is self employed and now cannot do anything. He wants compensation. He was nearly two months in hospital and had major kidney problems in addition to his severely burnt feet and other assault injuries.

The interviewee has in his possession a signed and witnessed confession from one of those responsible for the abduction and torture, admitting he assaulted and burnt N and his friend, and guaranteeing to pay their medical bills and support the victims' families. However, to date only Z\$4,000 (approx US\$ 13) has been paid by the perpetrator towards medical expenses, which is virtually nothing, and no other costs have been met. The perpetrator did this as a result of pressure from the parents of the victims and with the intention of settling out of court and avoiding prosecution. However the victims are very bitter and wanting justice, especially as they realise the perpetrator will not compensate them after all. The police are fully informed of the case, but it is not clear if any action will be taken by them to prosecute.

**Present health and psychological observations:** The interviewee is depressed and has severe chronic pain in his feet. He is also very angry and anxious about his financial

situation and his family's well-being. It is now two months since his assault, and he is still entirely incapacitated and it remains unclear whether he will ever walk again. He also worries that he has medical bills to pay. He reports that he cannot hear properly and that he has headaches. He reports feeling "electric shocks" in the joints of three right fingers on movement, with loss of sensation in these fingertips. He is unable to walk except with the help of a walking frame and then with extreme difficulty and great pain. He uses the toes of his left foot only, to carry his weight.

**Quotation from hospital record cards:**

Date of admission: 4/3/02

Date of discharge: 24/04/02

4/03/02: Patient has abdominal trauma and burns on the soles of the feet.

Extensive swelling of both feet with abrasion on the legs.

Extensive swelling of right hand.

Laceration and deformed right index finger.

Facial swelling with bruises

Cardiovascular and respiratory systems – no abnormalities detected.

Full blood count: \* Haemoglobin –8,5 gm/dl

Bladder grossly distended – there is post micturation urinary retention. Both kidneys: moderate hydronephrosis. Normal spleen, urea/creatinine raised grossly.

20/3/02: 3 units packed blood cells transfused.

Debridement of both palmar surfaces of feet done. Wound dressed with betadine.

16/04/02: silver sulphadiazine cream dressing done. Patient skin grafted but graft did not take well. Patient has requested to go home.

Discharged on 24/04/02

9/05/02: wound on sole of right foot smelly: 10 cm x 8 cm. Pus swab taken.

Sole of left foot: wound 5 x 4 cm.

Wounds on hand have healed; pigmented lesions on right lower back.

**Clinical findings:**

*Forehead: circular scar 1 cm in diameter.*

*Right and left upper arms: circular scars approx 1 cm in diameter on lateral aspects of forearms, one on each.*

*Right and left hand: similar circular scars on the back of each hand, 1cm.*

*Right foot: the foot is swollen from the ankle downwards. The sole of the foot has an open wound approx 14 cm by 9 cm that encompasses the entire foot from the upper edge of the heel to midway down the ball of the foot, reaching all the way through the fat layer. The bottom of the wound is covered with inflammatory tissue and anatomical structures cannot be identified. The wound is very smelly and oozes thick dark liquid as soon as the dressing is removed. The toes are swollen and discoloured. Any movement of the leg or foot is painful. Any touch to the sole of the foot is extremely painful. (see photo 1)*

*Left foot:* rounded wound approx 7cm by 8 cm in centre of sole of foot, with a deeper area in the centre approx 5 cm x 4 cm, with total destruction of fat layer. A tendon is visible at the base of this wound. This foot is also extremely painful, but as the wound is more contained, the toes are able to take some weight. **(see photo 2)**

**Opinion:** There is full agreement between the description of mutilating torture, the described symptoms and the clinical findings. The circular scars on his arms and forehead are consistent with cigarette burns. The wounds on the soles of his feet are completely consistent with deep burns inflicted on purpose. Kidney failure diagnosed in hospital could have been caused by rhabdomyolysis (extensive destruction of muscular tissue with muscular substance sedimenting in the kidneys).

*He has beyond any reasonable doubt been tortured as described.*

On the ground of massive destruction of tissue of the sole of the feet, particularly the right one, we find it very unlikely that the wounds will heal, which will leave him with an extremely painful (right) foot vulnerable to serious infections, or he can opt for amputation of the foot. In any case, he will be *permanently disabled.*

### **Case 2 and 3: Baby 4 months old, and mother of child: interview with mother**

#### **Continuation of pre- and peri-election persecution of MDC supporter, into post-election period**

Date of incident: from November 2001 and still continuing in April 2002

Date of interviews: 12 April 2002 to early May 2002.

Place: Midlands

**History of violence: (see photo 3):** B is four months old. When he was only 8 days old, on 19 January 2002, he was taken from his mother at midnight by twelve war veterans, and held upside down by his ankles. The war veterans said that he was a whip and they would use him to beat others. They slapped him on the face and all over the body and said that he should die, because he was “an MDC property”. The mother was gagged and beaten and her struggles and the screams of the baby brought the neighbours and those heading to catch the bus at M. The war veterans then dropped her son and left. B’s face was swollen for several weeks afterwards and his eye wept.

His mother is still on the run; she has three times been attacked by war veterans and ZANU supporters, the second time severely when she was 8 months pregnant with B, on 28 November 2001. This second attack involved her being kicked in the groin and lower abdomen until she bled profusely from her vagina. She was unable to go for treatment at the local M Clinic, or anywhere else, as she is among those blacklisted as an MDC supporter.

Throughout her pregnancy she was refused **health care**, and delivered on her own at home. She went to M clinic when 5 months pregnant to try and get antenatal care, and Sister N at the clinic told her she should “go to Tsvangirai’s place” and refused to treat her. She had no pre, peri or post natal health care. She was also unable to access health care after all three beatings. MDC supporters cannot get health care in this district – some clinics allegedly have lists of people approved by the local headmen and if your name is not on the list, you are assumed to be MDC and will not get treatment. B has also

received no medical attention whatsoever – his birth is officially unrecorded and he has not had his BCG, usually administered within three days of birth, nor his other immunisations. His mother was too afraid to even take him to the local clinic, especially because one of her friends has been turned away recently while trying to have her baby immunised. *She acted as a polling agent in the recent election* and is now afraid to be seen in M, where MDC people are at permanent risk of beatings.

Neither mother nor child had access to health care after this incident, and had to go into hiding. The mother treated him with hot packs until the swelling of the face subsided.

After her first beating before the general election in 2000, B's mother was left too badly injured to move. A friend took her to the clinic 2 km away, in a wheel barrow. The clinic refused to treat her, saying she needed a letter from the police first. The police refused to write the letter, saying she was against the government and therefore should get no help from them. She had to go into the bush with her friend and recover there without any treatment and unable to go home for fear of further beatings. She only returned home after the general election.

However, at the moment she is still on the run and has not been able to go home. She is extremely worried about the well being of her ten year old son, whom she had to leave behind the night she fled, with her injured one week old baby.

**Present health:** B's mother is in severe pain. She cannot move without pain in her lower back. She also has serious voiding problems of the bladder. She needs urgent specialist attention for her back and needs to see a urologist to establish the nature of the bladder problem. These problems started from her beating when 8 months pregnant, in November 2001. She received her first medical attention this week, outside of the public health system, in April, in another province of the country.

**Opinion:** Testimony of physical ill treatment and harassment for political reasons of pregnant woman and her new born baby. They report that they still live underground for fear of reprisals, in the post election period. The baby does not have a birth certificate and mother and baby have not had access to public health.

The history is remarkable as to the violence against a newborn baby; but otherwise it is in agreement with other testimonies of reprisals against MDC supporters.

#### **Case 4: D, 48 years old, peasant farmer**

##### **Post election torture of an MDC supporter**

**Previous violence:** D was assaulted before election 2000, by ZANU-PF youth near his home. They accused him of being MDC and he was hit with a brick on the leg. He made a police report and nothing was done.

##### **Present violence:**

Date of incident: 9 April 02

Date of interview: 12 April 02

Place: Midlands

D lives in a remote rural area and on 9 April, he caught a bus to this business centre with the intention of buying maize from the Grain Marketing Board (GMB) to feed his children. The bus arrived at M at 730 pm, which was too late to buy maize that day. He stayed with his cousin for the night.

At 11 pm, he and the cousin heard people shouting and shaking the front door. They were demanding to see the interviewee. They were shouting “why are you putting up that man in your home? He is an MDC member.” The interviewee is an organising secretary at Ward level for the MDC.

D decided that he had no option but to go out. He felt that neither he nor the cousin could afford to pay repairs to the room if it was damaged. He therefore opened the door and went out. He saw around 11 to 15 people outside. Most of them were young, being youth militia, but he recognised a few war veterans by face only. One of them was holding a long metal bar. He was immediately assaulted as he stepped out, and hit on the head with the metal bar, without one word of discussion. The blow to his head floored him – he had no chance whatsoever to defend himself.

At least two of the assailants had sjamboks with metal nuts and bolts tied to their ends. Other used fists and boots. He was beaten on the face, the chest and the back. The assault lasted around 5 minutes although it might have been longer as he feels he may have lost consciousness briefly after the blow to the head. As they beat him, they accused him of being a member of MDC.

**Attitude of the police:** After the beating, they just left. D struggled to stand and walked slowly to the police station and made a report to the policeman on duty. He is an ex-policeman himself and he feels strongly that the police should enforce the law. The policeman on duty refused to give D his name. D demanded that the culprits should be arrested. The policeman said: “M Growth Point is a no-go area occupied by ZANU-PF youth. Anyone suspected of being MDC will be beaten up.” He was hostile towards D.

As he had nowhere else to go, D insisted that the police let him stay there for the night. He had no transport to take him to the hospital 19 km away. D had reservations about going to M Hospital, as he had heard that the doctors there were afraid of treating MDC supporters and that some previous political victims had even been re-attacked in this hospital. He felt his injuries were severe and he wanted proper treatment. D therefore managed to be transported to another hospital 100 km away, and then went to Bulawayo for further treatment.

**Present health and psychological observations:** D is angry and outspoken. He gave a coherent account of events. He is indignant at the behaviour of the police these days, as an ex-policeman. He reports being in pain, and moving with difficulty. He refers to pains in his back, chest, head, face and lips. He has not slept for the three nights since the attack because of pain. . He refers to himself as “having a bad time”.

#### **Clinical findings:**

X-ray of the head indicates no fracture

X-ray of the ribs indicates one fractured rib

*Lesions:* allegedly from beatings with sjamboks, some of which had nuts and bolts tied to the end.



*Head:* linear encrusted lesion, across entire left side of face from just above the left ear onto the mouth. This 14 cm long x 5 mm wide lesion terminating in lesions of both lips. On the upper lip, 2 external lesions, one 1 cm long, the other 3 mm long, and 2 internal lesions, 5 mm each, appearing white at the bottom. On lower lip, irregular lesion, approx 15 mm, with a white coverage.

Around both eyes, there is visible swelling and bruising, which continues down the left side of the face. The left eye has sub-conjunctival bleeding.

*Neck and abdomen:* lesion on right side of neck, 2 lines of encrustations along borders of lesion, 7 cm x 2-4 mm wide, with larger encrustations at lower ends (6 mm).

From neck running across right front of chest, long linear lesion approx 15 cm, ending in lesion 4 cm x 1 cm, irregular and encrusted.

Minor lesion on mid abdomen, horizontal, linear, 3 cm long.

Right chest: swelling over rib cage. 2 horizontal markings, one 10cm long, the other 12 cm long, by 1 cm wide.

*Upper Back:* linear criss cross markings, all approx 20 cm x 30 cm long and 1 –2 cm wide. These are indicated by swelling and discolouration, but no breaking of the skin.

3 of these markings end in irregular, skin breaking lesions, 3 to 5 cm long and 5 mm wide

*Lower back:* visible swelling and bruising across entire lumbar region, 40 cm x 10 cm band. 4 darker linear markings in the bruised area, 10 cm x 5 mm. 1 fine linear encrusted lesion, 5 cm x 1 mm.

*Left arm:* 2 dark linear markings, 10 cm and 15 cm long, by 15 mm wide.

*Left elbow:* irregular lesion, 1 cm x 6 mm.

*Left thumb:* superficial irregular lesion on knuckle, 4 mm x 3 mm, not encrusted.

*Right arm:* swelling above elbow, 6 cm x 5 cm. Bruise 2 cm x 1 cm below right elbow.

*Right knee:* visible bruising around joint region.

**Opinion:** There is full agreement between the description of torture, the described symptoms and the clinical findings. The lesions and markings are all compatible with few days old lesions and their high number, location and linearity put his statement about torture beyond any reasonable doubt.

**Case 5: E aged 29 years, male (see photo 4)**

**Case 6: A aged 24 years, male: brother of E**

**Case 7: PP aged 31 years, male**

**Case 8: S aged 24 years, male: brother of P**

Cases of reported post election collective punishment - including torture - of a community.

**Others involved in same incident: 4**

Date of incident: 3 April 02

Date of interview: 7 April 02

Place: Sikola Business Centre, Bulawayo; Llewellyn Army Barracks, Queens Park Police Station and Esigodini Police Station.

**Present violence:** E and A were both at the business centre at 10 pm buying supplies. E was in the butcher shop buying meat and his brother A was in another store buying soap. There was a commotion in the business centre, and they saw *around 20 soldiers wearing combat gear and red berets* entering the shops. They were shouting to everybody to get out and were beating people at the same time. E was the only man in the butcher. He tried to run away and was grabbed by the soldiers and forced to lie face down. He was beaten for about five minutes with sticks, rubber sjamboks, batons and kicked with boots. A, in another store, had a similar experience.

E and A were among those who were then grabbed and made to get into a big army truck. There were a total of 8 people in the truck by then. The army were claiming that earlier in the day some people had insulted the militia at that business centre and they were looking for those people to punish them. They accused those in the truck of being MDC and of beating soldiers. Those in the truck knew nothing about the alleged incident.

On the way to Llewellyn Barracks, the army spotted P who was walking home. They shouted that he was the brother of S, whom they were looking for, and they stopped the truck and forced P to get into it. They then made P direct the soldiers to his home, where his brother S was in bed asleep. S was dragged out of bed and into the truck, while being beaten.

P reports that S had been drunk earlier in the day, and he had had to bring him home, at around 1700 h. S cannot remember what happened before or during his drinking spree, but thinks it is possible that he was rude to the militia and ZANU youths in the bar while drunk, although he does not believe he assaulted anyone. He knows the ZANU youth and usually they co-exist fairly peacefully. This may have been the offence that the soldiers were blaming everybody for. It is the pattern in that area that when the militia get offended with anyone, they summon the soldiers with the red berets who then come and beat people up – this is not the first such incident. During the election campaign period, the ZANU youth called the same army people in the red berets to beat up MDC supporters who were trying to distribute materials, resulting in the MDC youth running away. It seems the militia there work closely with this army unit.

The truck took them to *Llewellyn Barracks* where they were further beaten for about one hour. The victims were now handcuffed together by the soldiers, two by two at the wrists. These handcuffs remained on the victims for the next day, throughout the beating that took place, at the barracks and at the two subsequent police stations.

At around 11 pm, the 8 were put into the truck again and were taken to *Queens Park Police Station*. The same soldiers continued to beat them at this police station. A phone call was made to Esigodini Police Station from Queens Park Police Station.

At around 1 am, a police Defender arrived from Esigodini with five officers in it: two were in uniform and 3 were plain clothes. These officers took over 6 of the victims. They were herded into the police Defender and 3 policemen, two in uniform and one plain clothes got in the back with them. The police continued with the beatings. They

stamped on the side of the heads of the victims, and kicked them with booted feet, and also hit them with batons, while the vehicle was moving. At one point on the trip back to Esigodini, the Defender stopped and the two officers in the front came to the back and joined in the beatings. They reached Esigodini at around 3 am.

At Esigodini they were beaten while being taken into the charge office and in the charge office as well. The police became tired and started jumping on the victims on the ground instead of beating them. They were then taken to the police cells.

*Thursday 0300 h until Saturday 6 April, 1800 h:* The 4 interviewed victims were kept in a cell with 3 others – a total of 7 in their cell - and during this time, they received no food whatsoever, no water, and no access to bathing. They were continually threatened as they had been before, but were not beaten again with the exception of Sam who was beaten again. They were told they would never leave alive, that MDC was bad, that they were wrong if they thought that Tsvangirai could make anything better for anyone and that they would continue to suffer.

At noon the victims were taken one by one to the charge office and told that if they signed admission of guilt forms and each paid a Z\$500 fine, then they could be released. As they were hungry and ill and scared, they all did so (photocopies available). Const Gwatirinda was the person who made them do this, badge no 38549A, Esigodini. They have no idea who it is they were supposed to have assaulted and no name of a victim is on the charge form.

After this, they were taken back to the cells before being finally released at 1800H. however, one person, MM could not leave the cells as he did not have Z\$500 on him to pay the fine.

*Present health and Clinical examinations: 7 April 2002*

In all 4 cases following, lesions were encrusted unless otherwise stated.

### **Case 5: E, aged 29 years**

#### **Present health and psychological observations:**

E is anxious and angry, and gave an articulate and coherent account of events. He reports that he cannot sleep because his body has so many aches and pains, and that last night, his first night out of the cells he woke confused as to where he was and thought he was still in the cells. He is afraid. He also reports almost no appetite in spite of not having eaten for 4 days, apart from a meal on the evening of 6<sup>th</sup> April. He was unable to eat properly during this meal, because he says that his mouth is so sore from no water for 3 days that he could not swallow properly and his jaw and throat hurts. His stomach is painful. He reported that on the morning of 7 April he had the urge for a bowel movement but only passed blood, no stool. He reports headaches and a very sore right index finger in addition to exhibiting general all over soreness on palpation, particularly on the back. He also reports having had a blood nose after being kicked in the nose, and pain and blurred vision in the left eye after being hit in the face.

#### **Clinical findings:**

*Head:* the bridge of the nose has a swelling. The left eye has sub-conjunctival (the white of the eye) bleeding with swelling around the eye.

*Neck:* bruise, 2 cm x 1 cm. Swelling on skull behind left ear.

*Abdomen: middle of right rib cage area:* 2 linear lesions, parallel, joined at lower end, approx 7 cm x 2-5 mm, thickly encrusted.

*Back:* visible bruising in lumbar region in a band about 20 cm wide and 10 cm deep. One raised bruise with slight encrustations in left lumbar region, 5 cm x 2 cm.

On right of spinal column, 2 near-vertical linear lesions, 7 cm x 2 mm, multiple minor linear markings on left of spine.

*Right arm:* linear lesion consisting of linear arrangement of 12 smaller lesions, in total around 8 cm long from elbow down the forearm.

*Right hand:* index finger: distal digit very swollen and very painful. No movement possible – X ray indicated a fracture.

*Left arm:* in elbow region, linear lesion, vertical, approx 7 cm x 2mm. 2 cm x 2mm lesion on anterior upper arm. **(see photo 4)**

*Left lower forearm:* completely encircled by horizontal lesion placed about 7 cm above the wrist. This lesion is thickly encrusted in places and not encrusted in others. It is around 7 mm wide and the borders are swollen. In places it is oozing fluid.

*Right leg:* multiple small irregular lesions, stretching from knees down to ankles. Approx 16 lesions, 1 to 2 cm in size.

*Left leg:* 5 lesions, 1 to 2 cm in size, in area of the knee. Two further lesions, 5 mm x 5 mm each, one on the medial aspect of the ankle, one above the big toe.

An X-ray of the hand confirmed the fracture of the right index finger.

**Opinion:** There is full agreement between the description of torture, the described symptoms and the clinical findings. The lesions are all compatible with few days old lesions and their appearance and their linear arrangements all over the body, including in regions that are not normally exposed to everyday trauma, highly corroborate the description of torture. The deep horizontal lesion entirely encircling the left wrist is in agreement with the wearing of handcuffs during beatings.

#### **Case 6: A, aged 24 years:**

**Present health and psychological observations:** A looks depressed and is not talkative apart from agreeing with his brother's statement of what happened. He said that he cannot sleep because of body aches and pains. He reports particular tenderness to the hips and shoulders. He had difficulty eating his first meal the day before, but reports that he is now able to eat without a problem. He has headaches, back ache, and aches in the upper arms, from the beatings.

He further reports that he cannot hear properly in either ear, after his head was jumped on by the police, and that his ears itch inside.

Furthermore, he reports red urine on 6 April.

#### **Clinical findings:**

*Back:* bruising across lumbar region, 20cm by 10 cm.

5 light linear markings, 5 to 7 cm long, on left side of spine: skin not broken.

*Left arm:* approx 5 to 7 cm above the wrist, two parallel encrusted lesions 4 cm to 7 cm long and approx 6 mm broad, encircling wrist.

A group of 7 horizontal linear lesions 2 cm x 7 cm long, on the inner wrist area, about 2mm wide.

Multiple minor lesions on left arm , 2 to 4 cm long. Swelling and pain on palpation of upper arm. Skull X-ray indicated no abnormalities.

**Opinion:** There is full agreement between the description of torture, the described symptoms and the clinical findings. The lesions are all compatible with being a few days old and the linear appearance of some of them, and the bruising on low back region which is not normally exposed to everyday trauma, *highly corroborate the description of torture*. The deep horizontal lesion partially encircling the left wrist is in agreement with the wearing of handcuffs during beatings. The trauma in the lumbar region could have affected the kidney causing blood in the urine. Red urine could also have been caused by rhabdomyolysis (se case 1)

### **Case 7: PP, aged 31 years:**

**Present health and psychological observations:** P received fewer beatings than the others and is not known why this is the case.

He was hit in the face several times, however, and reports blurred vision and headaches. However, he could read at a distance. He says at times he is dizzy and then his vision blurs. He has headaches but says he is eating and sleeping all right. He appeared very anxious, but was articulate and coherent in his account.

**Clinical findings:** PP has no visible lesions or bruising.

**Opinion:** Testimony of ill treatment by army, police and plain clothes forces. P's mental state, including his reported dizziness and blurred vision, in is keeping with a person who has been through a stressful situation and who has suffered food and water deprivation and beating to the head.

### **Case 8: S, aged 24 years:**

**Present health and psychological observations:** S seems calm and articulate. He reports that he is eating and sleeping normally, but that he has headaches and a very painful left ribcage. He is unable to take deep breaths. His mouth and face generally are painful, after being punched and booted in the face several times. He reports pain in his right foot after falanga with a baton. He seems mentally strong and comments that all the beating is now over and that he feels he is now recovering.

**Clinical findings:** *Head and face:* lateral to left eye, the area is swollen and has dark, un-encrusted lesion, 3cm x 1 cm. Above right eyebrow, circular lesion, no crust, 5 mm round. At the edge of right nostril, circular lesion, no crust, 5 mm round.

Inside upper lip – 4 cm long lesion.

Right front neck region, 2 lesions, 1 horizontal, 1 vertical, each 1-2cm in length by 2 mm wide.

Left front neck region, 3 de-pigmented linear lesions, no crust. These are 4 cm, 2 cm and 1 cm long, by 3 mm wide.

*Front torso:* ribcage shows swelling in middle left region, and is painful on palpation.

Right mid ribcage region, linear lesion, semi vertical, 5 cm x 2mm.

*Right shoulder:* 4 faint linear markings, 10 cm x 2 mm, skin not broken. Cluster of 6 small encrusted lesions, one circular, 1cm round. The others are 1 cm x 2mm in length.

*Left shoulder:* visibly swollen and tender.

*Left scapula:* bruise and lesion, 2cm x 1 cm.

*Left elbow:* 1 cm linear lesion, encrusted.

*Left wrist:* horizontal lesions, 7 cm above the wrist. 5 lesions partially encircling the wrists, mainly located at the lateral and medial aspect, where they appear in groups of parallel lines, 3 cm by 2 mm, skin not broken.

*Right foot:* swelling on sole and painful on palpation. Gait compromised to avoid weight on right foot.

X-ray of chest in fact indicated no rib fracture.

**Opinion:** There is full agreement between the description of torture, the described symptoms and the clinical findings. The lesions are compatible with few days old lesions and the linear appearance of some of them, including in regions that are not normally exposed to everyday trauma, *highly corroborate the description of torture*. The horizontal lesion partially encircling the left wrist is in agreement with the wearing of handcuffs during beatings.

#### **Case 9: P, male aged 42, peasant farmer (see photo 5 and 6)**

##### **Peri election assault to MDC polling agent.**

Date of incident: 10<sup>th</sup> March

Date of interview: 23 April

Place: Matabeleland South

**Present violence:** P was a polling agent for MDC in the recent Presidential elections on 9<sup>th</sup> and 10<sup>th</sup> March 2002. He was stationed at T School. On the 10<sup>th</sup> March at 9 pm he was in a vehicle with 4 others, on his way from the polling station when they were ambushed by around 20 people. Some of the perpetrators were war veterans and others were in the uniform of the “green bombers”, the youth militia. This group ambushed the car by blocking the road. They were carrying sticks, shovels, iron rods and stones.

The driver tried to escape, but in his panic he stalled the car. The perpetrators immediately rushed to the car, and those inside quickly tried to climb out and run away. P was hit by several stones, one very severely on his right forearm. His hand began bleeding.

The perpetrators caught one man but the others managed to get away. They had to walk through the dark for three hours before they were found by the police, who had heard of the incident and were looking for them. They reported to the police that one of

them had been abducted, and the police went to the war veterans' place to try and rescue him. The police found the abducted man locked in a store room after a severe beating

The police took the victims together with 4 perpetrators to the police station to take statements. The police took statements from the victims first, and they were told to go. However, as soon as they were gone, the perpetrators were released. Minutes later, the perpetrators caught up with the victims outside and laughed at them. The interviewee is very bitter about the fact that no formal charges were laid and no justice will be done. He does not know the names of the perpetrators but would recognise them by face

The severely injured person was taken to hospital in Bulawayo. The interviewee went to Mpilo hospital where an X-ray established that no bones were broken. He was given some paracetamol (a minor pain killer) and discharged.

**Present health and psychological observations:** P has now come to Bulawayo to seek more medical treatment as his arm continues to be very painful and swollen, six weeks after the injury, and he has extremely limited movement from the elbow down. He is angry about the lack of justice.

#### **Clinical findings:**

Right forearm and hand: movement:

The elbow has full flexion, and pronation.- supination is slightly reduced.

Wrist almost immobile.

Fingers: when held spontaneously in semi extended way, almost immobile, approx 10 degree flexion. (see photo 5 and 6)

#### *Lesions and other observations:*

Lesions are thickly encrusted and appear infected.

Lesion on mid dorsal side of forearm, 1 cm by 5 mm. Lesion close to elbow on dorsal side of arm, 3 cm by 1 cm. Other smaller lesions along dorsal side of arm. The forearm and hand are diffusely swollen and irregularly darkly discoloured. There is an area 6 cm by 3 cm in middle of lower arm where there is fluctuation below the skin. The entire forearm is extremely sore.

On the forearm, backs of fingers and palm of the hand skin is scaling.

Examination by specialist surgeon indicated that there probably was an infection encompassing most of dorsal forearm region. Initial intervention was antibiotic treatment with likelihood of surgery.

**Opinion:** Agreement between history of severe trauma to the arm and the clinical finding of lesions and severe dysfunction of forearm that is probably infected.

#### **Case 10: S, male, 48 years, peasant farmer**

##### **Post election ill-treatment of MDC supporter.**

Date of incident: 19<sup>th</sup> March

Date of interview: 10 April 2002

Place: Matabeleland North

**Previous violence:** S says that he was regularly threatened by war vets during the 2000 parliamentary election campaign. They demanded that he and his family should leave the area because they were labelled bad elements as supporters of MDC. He said that they vowed to kill him and he had to move from place to place.

**Present violence:** S says the war veterans wanted to kill him because he is an MDC branch chairman and he has been very active in recruiting MDC membership.

On the 19<sup>th</sup> March, war vets and militia burnt down his hut while he hid and watched. He tried to escape and report to the police but they chased after him and caught him. He was beaten all over the body with knobkerries and sticks. He sustained injuries and was left unconscious. After some time he woke up and made a report to the police who came and arrested only the base commander, whom they released later on.

On the day they burnt down his hut they also cut the hoof off the left hind leg of his donkey.

S was prevented from seeking medical help and thus his wounds healed without intervention. He said that he didn't go for treatment because there was a militia camp at the local rural health centre and others who had tried to get help before him were subject to further beatings.

**Present health:** Anxious, depressed, and angry. He reports pain in his right foot and on walking.

**Clinical findings:** Face: 4, 5 cm by 2,5 cm partially encrusted lesion on left side of upper lip. General swelling of left side of upper lip and left chin.

Right leg: below the knee 1,5 by 2 cm encrusted lesion and 4 linear lesions all approx 1 mm broad, 3 to 15 cm in length.

Right foot: diffusely swollen around the ankle and distinct swelling of second toe. Scattered haematomas all over the dorsal side of the foot and ankle. 3 partially encrusted lesions in same location, the largest approx 1,5 cm.

**Opinion:** There is agreement between the history of ill treatment and his present symptoms and clinical findings.

### **Case 11: Z, self employed male, aged 28 (see cover photos and 7)**

#### **Post election torture of MDC supporter.**

Date of incident 1 April

Date of interview: 16 April

Place of incident: Midlands

**Present violence:** Z was a known MDC supporter in his home village and has been frequently threatened over the last two years. On 1 April late at night, a group of ZANU-PF supporters and militia came to his homestead and yelled that he should come out. He tried to pretend that he was not there, but they threatened to set fire to the house. He therefore decided to open the door. As he opened the door he tried to make a run for it. The group then seized him and he was attacked all over with leather sjamboks. He reports that he was beaten on his legs with an iron bar and with a chain. They knocked him to the ground and beat him for some time. The perpetrators, some of whom are known by the



victim, then left him. He was severely injured and unable to walk. The next morning, some of his neighbours took him to the local hospital, where an x-ray confirmed that he had a broken right fibula.

### **Clinical findings:**

*Front torso:* more than 20 linear lesions, the longest 35 cm long, the broadest approx 20 mm. Some of the lesions represent partially healed abrasion-like lesions, some being hyper-pigmented, some depigmented. Some lesions appear double stranded. (see **back cover photo**)

*Right shoulder and arm:* 22 linear and curved lesions, the longest being 25 cm long, the widest being 7 mm. Irregular 2 x 3 cm partially healed depigmented abrasion on right front shoulder area. On the right hand, 6 small depigmented lesions on the knuckles of fingers 3 to 5.

*Left shoulder and arm:* 11 linear hyper-pigmented lesions, length 15 cm to 2 cm, and a few mm broad.

Elbow swollen and painful to touch and on movement.

Left hand; 3 small encrusted lesions on 2<sup>nd</sup> and 3<sup>rd</sup> fingers.

*Back and proximal posterior aspect of the neck:* 49 linear hyper-pigmented and depigmented lesions in all directions, with 8 of these being between 25 and 40 cm long and approx 5 mm broad, the rest varying between 12 and 2 cm long and a few mm broad. Some lesions are partially encrusted at some point in their length. (see **front cover photo**)

*Right thigh:* 30 cm long lesion from the groin almost encircling the leg, irregularly curved, one section on back of thigh approx 10 cm long by 1-2 cm broad, de-pigmented and irregularly scarified. Another section 10 cm long x 12 mm broad consists of multiple parallel oblique individual marks approx 2 cm long – “candy stripes” ( see **photo 7**).

Furthermore, approx 25 linear hyper-pigmented lesions from 20 cm to 4 cm long, the broadest being 10 mm., going in all directions.

*Right lower leg:* in plaster cast - fibular fracture close to ankle diagnosed in hospital.

*Left buttock, thigh and leg:* 22 linear lesions in all directions, partially hyper-pigmented, partially de-pigmented, 20 cm to 5 cm long up to one cm broad. 8 of these lesions consist of double-stranded lesions. Furthermore, multiple smaller linear marks and lesions.

On the anterior aspect of the thigh and left knee, 5 circular lesions 1 – 2 cm in size.

**Opinion:** There is full agreement between the description of torture and the numerous clinical findings. All lesions are compatible with lesions approx two weeks old. The majority of the lesions have clearly been inflicted with straight instruments like sjamboks. The “candy striped” lesion is fully consistent with an injury caused by beating with a chain. The number and appearance of the lesions, all over the body, put his statements about torture beyond any doubt.

### **Case 12: T, aged 24 years:**

#### **Post election torture of MDC official**

Date of incident: 6<sup>th</sup> May

Date of interview: 10 May

Place of incident: Midlands

**Present violence:** On 6<sup>th</sup> May T arrived in his rural home area and went to visit friends. At around 3 pm they went to the nearby business centre, where there was a ZANU-PF party taking place. Around 200 people were at the party wearing 3<sup>rd</sup> Chimurenga t-shirts as well as clothing with Mugabe's picture on it. They were in the beer garden having a drink, when they saw a group of ZANU PF youth coming towards them carrying sticks. They grabbed one friend, but by slipping out of his shirt, he managed to escape.

Ten people including a known business man and a known war veteran manhandled T to the businessman's shop, where they handcuffed him and put him in the store room. He was then beaten with sticks until 7 pm. They removed his shoes and put him at the back of a Mazda truck with 7 ZANU-PF youths. When the car stopped he tried to escape, but they caught up with him and beat him. A known person, who was previously in the presidential guard, hit him on the right eye with a stick. It swelled instantly and he was not able to see with that eye.

He was forced back into the car which continued for a while and then stopped in the bush. They told T they wanted to punish him and that he knew why they were doing this – it was because T is an MDC supporter and security officer. Three men pushed him about 100 meters from the road, and he was forced to lie on his stomach. Two held him while the third beat him with a stick on the back of the thighs, buttocks and back. Meanwhile four youths drove away. The youths who stayed behind attempted to remove the hand-cuffs, but they only made them sink deeper in. They continued beating him until the car hooted and they forced him to the car beating him all the way. T failed to get into the car, which made them beat him again. They took him to a local paramilitary neighbourhood committee. They pushed him out of the car and he fell. T then proceeded with all of them to the office of the neighbourhood committee where he was chained to a bed.

He fainted and was having trouble breathing so the neighbourhood watch person took T to the hospital. It was around 10.00 pm. A male doctor asked the nurses to take T to the ward. A paramilitary neighbourhood committee member refused to let T lie on the bed. Instead he handcuffed T to the base of the bed, in such a way that he had to lie on the floor. In the morning they wrote him a medical card and asked him to wait until later in the day in order to have an x-ray of the back.

The neighbourhood committee came to collect T to go with him to a hospital and to the police. On arrival at N police post, the committee member told the officers that T had been beating up people.

T was kept there until 8 May, without anything to eat from Sunday afternoon until Monday evening. There were 2 other detained youths in the cell. Police were surprised why T had to come all the way from a place in the Midlands to another province to be handed to the police. Three young men paid him a visit at 1.00 pm on the 8<sup>th</sup> May, and he was released after this.

**Present health and psychological observations:** T gave a calm and coherent account of his abuse. He reported being in pain and not having slept well for several days. He was anxious about being taken into custody again and remains on the run.

**Clinical findings:**

*Face:* left chin, 2 un-encrusted lesions approx 3 mm x 2 mm. On lower lip, 4 lesions 3 mm x 2 mm, 1 un-encrusted. On inside of lower lip, swelling with 2 cm x 2 mm lesion. Lower teeth –1 and –2 caused slight deep pain in the gum on palpation.

Right eye: small lateral sub-conjunctival bleeding.

*Back: upper area:* group of 3 linear lesions, partially encrusted from neck to right lower scapular region, approx 25 cm long x 1-2 mm broad. Furthermore approx 12 encrusted linear lesions, 1 to 3 cm long, 1-2 mm broad, at the level of the scapula.

One vertical linear lesion to left of the spine approx 15 cm x 1-2 mm, partially encrusted.

In the lumbar region, 2 horizontal encrusted, linear lesions, approx 10-12 cm x 2 mm. An area of approx 12 cm x 8 cm with visible swelling and bruising. In the same location, 12 superficial hyper-pigmented marks, 3 cm to 8 cm by 1-2 mm.

*Right shoulder:* irregular encrusted abrasion 4 cm x 3 cm.

*Right arm:* 5 cm above the wrist a series of 3 parallel superficial lesions, 1 –2 mm broad, almost totally encircling the forearm. In the same region at lateral and medial aspects, slight to moderate swelling.

On upper arm, horizontal 4 cm x 1 mm un-encrusted lesion.

On elbow 2 small lesions and on right hand 3 similar lesions, all encrusted.

*Left shoulder:* multiple predominantly encrusted lesions, 10-15 mm long x 1-3 mm wide, arranged in 2 groups.

*Left arm:* 3 linear lesions on back side of upper arm, 5 to 6 cm long, 1 mm broad, partially encrusted.

Elbow: 2 cm x 1,5 cm encrusted area and 2 linear lesions, 2 to 5 cm long.

*Left wrist:* 4 cm above the wrist, 4 lesions almost encircling the forearm, the individual lesions being 2 to 6 cm long and 3 to 10 mm broad, partially encrusted.

Small haematoma under nail of 3<sup>rd</sup> finger and a blood filled blister at tip of 2<sup>nd</sup> finger.

**Opinion:** There is agreement between history of torture and the numerous clinical findings. All lesions are compatible with lesions a few days old. The very high number of lesions their appearance and their localisation all over the body highly corroborate his statement about torture.

**Case 13: M, male, aged 42 (see photo 8)**

**Severe ill-treatment of urban resident, post election because MDC activists came close to his house**

Date of incident: March 30

Date of interview: April 3

Place of incident: Bulawayo

**Present violence:** At 1 am Saturday morning, 30 March 2002, two MDC youths who were wearing MDC t-shirts were running away from ZANU-PF youth militias in Sizinda

and they jumped into the garden of a house in Sizinda to evade capture. They jumped straight over the other wall and ran away.

The house belongs to Mrs N, a widow, and the one next door to Mr and Mrs M. They are neighbours.

The noise of people running and shouting and of the house next door being smashed up woke up Mr M and his wife. They were afraid that the trouble would come to their home and so they got up and started to put on clothes. They could hear windows being smashed.

Then somebody came to the door and said, “Open - it’s police”. M looked out of the window and saw somebody in a police uniform. He opened the door and many youth militia immediately entered the room and began to beat him repeatedly. About 8 youths were involved in the beating, and they were using sjamboks. About 15 people altogether entered his house. Police dressed in support Unit uniforms allowed this to happen. His house was also smashed up, and several valuable belongings. They destroyed his TV, radio and wardrobe. They beat him, his wife and two children aged 15 and 17, both boys. Mr M was seriously beaten. They also looted some money –about \$ 5,000. He tried to run away into his yard and fell over several times while running, severely hurting his knees and his right hand. They continued beating him as he tried to run away.

The youth militia took nine beaten people to the base camp. When they got there, the police came and rescued them. The police took the leaders of the militias aside and talked to them. The police promised to come the next day with ambulances, but they did not do this. The victims arranged their own transport. They were treated at Mpilo, and also by the Railways clinic. They reported the case to the police.

**Present health, psychological symptoms:** The client complains of pains from his bruises and lesions, but is able to move fairly easily. He appears anxious and also angry.

**Clinical findings:** The following skin lesions were all partly encrusted.

*Lesions indicated as being sustained from the beating*

*Right Shoulder:* Front right: lesion, 2cm x 3cm on top of swelling.

Top and back right: multiple small lesions: one group of 16, each approx 5mm x 2-5 mm.

Top of shoulders, and back of neck: multiple small lesions, approx 30, the largest 1 cm x 3mm.

*Back:* Right scapular region: area approx 8 cm by 4 cm partially encrusted excoriation, containing multiple linear lesions, the largest 7cm x 3-5mm. (see photo 8)

Left scapular region: thickly encrusted lesion, approx 10 cm long x 5 mm wide and an encrusted lesion 2 cm x 1cm.

Left of spine, mid back; One linear lesion, thickly encrusted, approx 15 cm long with width varying from 1 cm to 3 cm. One linear lesions crossing the major one, partially encrusted, 7 cm by 2 mm. Further small lesions in same vicinity, numbering 5, each 3 cm x 2-3 mm.

To the right of the spine; long vertical lesion, with a curve in the top 7 cm, approx. 35 cm in total length, and approx. 2-3 mm wide. A further 7 lesions in close vicinity, linear, varying from 5 cm long to 2 cm long and 2 mm wide.

Left lumbar region: cluster of lesions, small, circular, approx 2-3 mm x 2-3 mm.

Mid lumbar region: 12 lesions, 2 – 4 cm long, 2-3 mm wide.

Visible bruising and swelling along the lumbar spine, approx 10 cm long and 10 cm wide.

Right side of lumbar region, moving round on to abdomen; cluster of lesions, circular and linear. 2 circular lesions approx 1cm x 1 cm, 3 linear approx 3 cm x 2-3 mm.

*Front of torso:*

Right side; 2 rounded lesions, 1 cm x 5mm and 2 lesions, 5 cm x 1-2 mm.

Left side; circular lesion 3 cm x 2 cm.

Lower right abdomen: 6 linear lesions, the longest 5 cm x 1mm.

Lower abdominal, 2 linear lesions, 4-5 cm long x 3 mm.

*Left arm:* Left upper arm, anterior aspect; linear lesion 4 cm by 5 mm.

Elbow and forearm; two large clusters of small lesions, forming linear patterns. First group is 10 cm x 1 cm in shape, the other is 6 cm x 1 cm.

Multiple small lesions down forearm to wrist, in 7 linear arrangements, the longest single lesion being 7 cm x 2 mm.

Left hand; 6 rounded lesions above backs of fingers, the largest being 2 cm x 1 cm and the smallest 2 mm x 2 mm.

*Right arm:* On elbow 2 lesions of 3 cm x 1 cm lesion and 1 cm x 3 mm. 6 small circular lesions 5 mm x 3 mm, along forearm.

*Lesions indicated as being sustained by falling over while running away during the beating*

*Right hand:* one rounded lesion, approx 5 cm by 4 cm. encrusted around the edges, but without crust in the middle.

*Right leg:* anterior aspect of knee and lower thigh: a multitude of encrusted excoriations covering a total area of approx. 20 by 15 cm, the largest individual lesion approx 3cm by 4 cm.

*Left leg:* 2 rounded encrusted lesions, 2 cm x 1 cm and 3 cm x 2 cm.

**Opinion:** There is full agreement between the description of severe ill treatment, the described symptoms and the clinical findings. The clinical findings are all compatible with few days old lesions and their appearance, some being long and linear, their very large number nearly all over the body, including in regions that are not normally exposed to everyday trauma, highly corroborate the description of ill treatment.

## SUMMARY OF OBSERVATIONS

### ***Reported motive for attacks:***

In 9 out of 13 cases, the reported motive for attack was the victim's real or supposed affiliation to the MDC.

In 4 cases, the attack was rather a lesson to the community at large, after a verbal attack by one person on the local youth militia.

***Reported perpetrators:***

In all cases, groups affiliated to the present government were held responsible for the violations. In 6 cases the *youth militia* were implicated. In one of these cases, a youth militia signed an admission of guilt statement and agreed to compensate the victim (Case 1). This statement was negotiated by family members of the victim, in the presence of police and prison authorities.

In 6 cases, war veterans were implicated.

In 4 cases *ZANU supporters* were implicated.

In 4 cases, the *army* were implicated.

In 5 cases uniformed *police* and in 4 cases, plain clothes police were implicated.

In 6 cases, the victims of ill treatment and torture recognized some of their perpetrators as villagers from their own communities.

***Time period of attacks:***

9 cases were ill-treated or tortured after the elections

2 cases were peri- election, taking place during election week or over the weekend of voting. Both of these cases suffer long term sequelae from the assault or torture, and both were interviewed initially more than a month after the election and their injuries, and have therefore been included in this series.

2 cases (mother and baby) were attacked pre-election but still at the time of the issuing of this report they are under pressure, persecuted and live under ground with no access to feeding schemes or government health services. For these reasons, they are included in this series.

***Location of incident:***

The incidents encompass three provinces and one city in terms of location – Matabeleland North and South and Midlands provinces, and the city of Bulawayo.

***Loss of property:***

One case reported that the perpetrators burnt down his hut and mutilated his donkey. Another one reported that the perpetrators destroyed his tv, radio and wardrobe and looted about Z\$ 5,000.

***Type of reported ill-treatment or torture:***

All 13 were beaten, and the majority were also kicked or jumped on with booted feet.

6 were beaten with sjamboks; in one case the sjamboks had metal bolts tied to the tips. 2 were beaten with iron bars and one with a chain.

6 were handcuffed during beatings.

One victim was burnt with flaming logs and cigarettes.

***Health service after torture and ill-treatment, according to the examinees:***

One person with severe burns of the feet was hospitalised for a long period. Another that had had breathing difficulties during beating, was taken to a hospital where he spent the night handcuffed to the bed in such a way that he had to lie on the floor.

One had treatment for a fibular fracture, and one had a clinical examination.

Two persons said that they knew they needed health care, but were scared of reprisals if recognized as MDC victims by government supporters in or near the hospital. They therefore did not go for treatment.

The mother and the baby were refused health care on several occasions, on political grounds as MDC supporters.

Three persons suffer serious health sequelae from the reported torture and ill-treatment.

Case 1 is seriously disabled because of severe burns on the soles of his feet. He has severe chronic pain, and risks serious infections. In our appraisal, beyond any doubt, he will have a permanent serious handicap.

Case 3 reports chronic bladder problems and chronic back pain, that has persisted for six months after assault to her abdomen and back during her pregnancy.

Case 9 has serious dysfunction after trauma to his right arm, such that it is practically non-functioning due to pain and probably an infection. He is at the moment seriously handicapped two months after the trauma, and we find the prognosis for his recovery dubious.

Three of the other examinees had fractured bones, evidenced by x-ray examination.

***Attitude of the police:***

In Case 1, who is obviously disabled because of the effect of severe torture, the police is informed about the case and the identity of the perpetrators, but according to the knowledge of the victim, the police detained at least one of the perpetrators for some unclear period of time, after which he signed a confession and was released from jail, but at the time of our examination, no legal process is on-going to the knowledge of the examinee.

In Case 5 to 8 the police were implicated as playing a primary role in the torture. The torture partially took place in police stations. All 4 interviewees were forced to sign an admission of guilt, and to pay a fine of Z\$500 before they could be released from the police station. The 4 men who were tortured in the police stations were deprived of food and water for the full 3 days of their detention.

Case 4 reported his assault by war veterans and militias to the police, who told him that the area was a “no go area for MDC supporters” who could expect to be beaten up. The police took no action at all.

Case 13 reported that the perpetrators destroyed some of his property and looted money, while uniformed police from Support Unit, watched and did not intervene.

In one case, police rescued a victim abducted by war veterans and arrested some perpetrators; the latter were held in the police station to make statements, but were released immediately without charge.

Apart from Case 1, which is unclear in this respect, in no other case of the persons examined in this series, was a perpetrator arrested and charged.

***Clinical assessment of the validity of statements:***

Testimonies were assessed by comparing history of ill treatment or torture with ensuing symptoms and clinical findings.

Seven cases clearly fulfilled UN criteria for torture.

In 3 of these cases, we find the history of torture to be beyond any reasonable doubt.

In 4 cases, symptoms and findings highly corroborated the testimonies of torture.

In 3 cases of ill treatment, there were presence of symptoms and clinical findings in agreement with the history; in one case the numerous clinical findings highly corroborated the history.

In 3 cases of ill-treatment, including the mother and the baby, there were no visible clinical findings, but the description of symptoms of the two adults were consistent with their history of ill-treatment.

## **CONCLUSION OF CLINICAL EXAMINATIONS**

- Our investigation shows beyond any doubt that political motivated torture continues to be a problem post election.
- Groups affiliated to the government commit torture and ill-treatment, as indicated consistently by all cases examined in our series.
- The fact that all were tortured or ill treated for politic motives, and the fact that no prosecutions against perpetrators have been made in any of the cases, points to a deliberate policy by the authorities.
- The pattern of impunity is further underlined by the fact that perpetrators do not care whether they torture people who can identify them, or whether their torture or ill treatment leaves marks that can easily be recognised as caused by torture.
- Our findings are in complete agreement with the findings of the January 2002 mission, and with the descriptions of recent cases given by other NGOs



**Annexure 5: Section 158 of the Electoral Act****SECTION 158 OF THE ELECTORAL ACT [Chapter 2:01]****158 Regulatory powers of President**

(1) Notwithstanding any other provision of this Act but subject to subsection (2), the President may make such statutory instruments as he considers necessary or desirable to ensure that any election is properly and efficiently conducted and to deal with any matter or situation connected with, arising out of or resulting from the election.

(2) Statutory instruments made in terms of subsection (1) may provide for—

- (a) suspending or amending any provision of this Act or any other law in so far as it applies to any election;
- (b) altering any period specified in this Act within which anything connected with, arising out of or resulting from any election must be done;
- (c) validating anything done in connection with, arising out of or resulting from any election in contravention of any provision of this Act or any other law;
- (d) empowering any person to make orders or give directions in relation to any matter connected with, arising out of or resulting from any election;
- (e) penalties for contraventions of any such statutory instrument, not exceeding the maximum penalty referred to in section *one hundred and fifty-five*.

## ***Annexure 6: Vote-rigging in the Presidential Election***

### **HOW DID MUGABE WIN RE-ELECTION?**

*By R.W. Johnson*<sup>51</sup>

The man who knows the secrets of Mugabe's re-election is Tobaiwa Mudede, the Registrar-General, the outspokenly pro-Mugabe official who runs all Zimbabwe's elections. More than a month before the election Mudede told a meeting at the International School in Harare that he could imagine no circumstances in which he would declare anyone other than Mugabe the election winner. Pictures in the State-run *Herald* of how the results were announced are almost beyond parody. In the centre sits Obriel Mpofu, who announced the results on TV, flanked by Mudede and a series of other Mugabe loyalists, including the Police Commissioner, Augustine Chihuri, in full uniform. These are not only the men who know the secrets of the results but also the men who, in large part, manufactured them.

A great deal of the mystery of Zimbabwean elections resides in the electoral register. Although the law says that the public have the right to inspect the register at will, in practice Mudede keeps it a tight secret. It took the Zimbabwe Civic Education Trust (Zimcet) no less than four court orders to finally get Mudede allow them to see a copy — making them the first citizens ever to see the document — and despite three further court orders requiring him to show them the supplementary voters' roll, he has still to comply with that request.

The register Zimcet saw of 5,2 million voters was supposed to be closed. However, in the remaining two months Zanu-PF rushed out and illegally registered 400 000 extra voters in rural areas, all of whom Mudede added to his final roll which came out at 5 612 272 voters. The MDC made urgent application to the Supreme Court that this clandestinely compiled supplementary roll not be used but Mugabe's hand-picked Chief Justice, Godfrey Chidyausiku, declined to make a ruling on this application — and indeed has yet to do so.

It is child's play to show that this voters' roll of 5,6 million is nonsense. The intercensal survey of 1997 suggests that there are only 12 million Zimbabweans, and market research organisations such as Probe Market Research (a Gallup subsidiary) still use that figure today: while the birth rate is high there is also a calamitous AIDS death rate and many continue to leave to seek work in South Africa. With an average family size of six children, over 50% of Zimbabweans are under 15 and 60% are under 18. This leave only 4,8 million adults of voting age. Probe's research shows that the maximum who have ever registered to vote is 80%, suggesting that the maximum number of names on the roll

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should be 3 840 000. Thus around 1,8 million of the people on Mudede's roll do not really exist — thus providing him and Zanu-PF with a vast reservoir of fictional voters who can be “mobilised” at will when the going gets tough.

Zimcet's audit of the roll — carried out for them by Probe on a representative national sample — reveals that only 50% of the names on the roll actually live at the addresses given and are thus entitled to vote in their constituency. Generously assuming that a further 10% have moved but stayed within the same constituency, Zimcet came up with the figure of only a maximum of 2 304 600 being legally able to vote (i.e. 60% of 3 840 000). Even if one then assumes a voter turnout of 75%, this means that the number of votes cast could not exceed 1 728 450. Let us, however, be generous and assume that the total population is 12,5 million, that the over-18 population is thus 5 million, that the maximum number on the roll is thus 4 million. With only 60% of them then being found in their right constituencies there would then be 2,4 million legally entitled voters which, on a 75% turnout, comes to 1,8 million votes actually cast. Even if one bumps this figure up a little to allow for army/police/other public servants allowed a postal vote out of their constituency, it is difficult to see how one gets to 1,9 million votes cast. In addition, however, let us assume — generously — that as many as 200 000 voters now living outside their constituencies travel back there in order to vote. This would bring total votes cast to 2,1 million.

In practice, though, the number was bound to be very much lower because of the strenuous attempts made by the Mugabe government to strike opposition voters off the roll. First, anyone with any claim to a foreign passport (often even if they had renounced such a claim) was struck off, including even Sir Garfield Todd, a citizen of 67 years' standing. Then the million Zimbabweans abroad were disenfranchised and many scores of thousands of farm workers were driven off their farms and out of the constituencies in which they were registered. And, most notoriously of all, the government went to elaborate lengths to depress turnout in the opposition's urban bastions, reducing the number of polling stations to the point where it would have taken Harare citizens nine whole days to vote if they had all tried to. This made certain that turnout was far less than 75%. Indeed, the biggest province — Harare — turnout was 50% by express design.

According to Mudede the results were as follows:

Registered voters .....	5 612 272
Total votes cast .....	3 048 752
Mugabe.....	1 688 939
Tsvangirai.....	1 254 930
Kumbele .....	31 179
Maya.....	12 376
Siwela.....	12 169
Spoilt .....	49 156

(Oddly, the totals in the second column come to 3 048 749, leaving 3 votes missing)

In fact these numbers are quite impossible. Fraud is not only patent but clearly took place on an overwhelming scale. The key was the fact that the MDC were unable to monitor 52% of polling stations and nine out of 120 counting stations. The name of the

game was stuffed ballot boxes. But it was perfectly clear, even by March 10, what was going on — with huge turnouts being recorded for Mashonaland villages in which observers saw almost no one queuing to vote at all. The *Economist* (March 16, p 29) records some of the absurdities this produced with villages of 300 producing turnouts of 1 000 and so on. But it is important to start from the global situation set out below.

Even if one takes the higher population estimate any figure over 1,9 million voters is suspect and any figure above 2,1 million is a downright fraud. In fact, according to Mudede no less than 3 048 752 people voted. The implication is that somewhere between 900 000 to 1,1 million votes were manufactured. It's not difficult to see how. According to Zimcet 27% of the names on the register were either dead, abroad or no one at all knew where they were. It's quite possible that Mudede has just been leaving dead people's names on the list for years and years past. In addition, of course, huge numbers more are now living out of their constituencies so if someone votes in their name in their constituency this can only be because they have travelled the necessary distance to do so — or by fraud.

One begins to understand why Mudede has been so reluctant to allow anyone to inspect the roll, indeed why he has defied repeated court orders requiring him to do so, and why he has also turned down generous offers from foreign donors to help carry out a comprehensive re-organisation and verification of the roll. As it is the roll is a shambles — Zimcet found that only 31% of the population actually appeared on the roll in the constituency in which they said they had registered — but it has been an extremely useful shambles for Zanu-PF. One result of the work Zimcet and I have done to date is to make one realise that the official turnout given for the 2000 Parliamentary elections of 2 490 496 is also way too high. In those elections the MDC trailed with 47,1% to Zanu-PF's 48,3% — on the official figures. In fact, putting together the Zimcet figures with the fact that in two separate Probe surveys which I carried out on the 2000 elections the figure for turnout varied between 69% and 71% — which one may standardise at 70%. Assuming that the higher figure of 2,4 million were legally entitled to vote, one may calculate that the right number of votes cast should have been 1 680 000 plus, again, 100 000 postal votes from public servants plus 200 000 more travelling back to their home constituencies to vote — giving 1 980 000 votes as a maximum.

The implication is that the MDC would really have won the June 2000 elections handily but for a minimum of 510 000 manufactured votes. If we assume that all these votes were Zanu-PF votes and that the figures for Others (115 000) and MDC (1 172 000) were genuine, one may recalculate those figures. On that assumption we find that the MDC would have won 59,2% of the vote to Zanu-PF's 35% and Others 5,9%, a landslide which would have robbed Mugabe of a parliamentary majority — and thus control of the government — two years ago. Thus massive electoral fraud is not new in Zimbabwe: without it, Mugabe would have been out of power some time ago.

We are now in a position to understand the even greater fraud perpetrated last week. The first element was, of course, terror. In 2000 we found in two separate surveys that 13% of voters admitted that they had voted against "the party I really preferred" because of intimidation. We suspect the real number was greater, not only because 31% of voters said they knew people who had voted in this fashion but because it is rather humiliating — and perhaps unsafe — for voters to own up to having been successfully bullied. Be

that as it may, the scale of terror in 2002 was vastly greater than in 2000. The number of voters forced to vote against their convictions by direct physical threat must have been at least 13% again — and was probably far more. Throughout the province of Mashonaland West men were noticed sitting in polling stations taking the names of those who voted and in what order, a clearly intimidatory device for villagers had been told it would then be possible to divine how each of them had voted — and woe betide those who had cast a ballot against Mugabe.

Second, there were the deliberate disenfranchisements noted above — and third the forcible way in which police and army personnel were made to cast postal ballots for Mugabe under the eyes of the authorities: angry letters from policemen made to vote thus against their will are now appearing pseudonymously in the independent press here. Fourth, there were the deliberate ruses used to prevent voters in Harare from being able to cast their ballots — the insistence, against court rulings, on having council and mayoral elections on the same day in the capital so that voting would take three times longer; the illegal closure of polling stations for many hours, also in the face of court rulings; the deliberately slow handling of voters by officials within the stations which sometimes slowed throughput to as little as 20 voters an hour; the use of police to harass and tear-gas voting queues and of Zanu-PF youths to barge into the queues, creating disturbances and frightening the timid away and, when they had voted, to stand in the queues again in order to lengthen them; and then the arrest of people in particularly long queues for “attempting to vote twice”.

But most of all there was ballot stuffing. As one examines the results one can see that this must have gone on quite generally. In the MDC strongholds of Harare, Bulawayo and the two Matabeleland provinces not only was turnout down but, in the last two months when 400 000 names were clandestinely added to the rolls, the numbers registered in these four provinces either stagnated or actually fell — an astonishing outcome. Across the country MDC monitors were abducted, arrested, assaulted or chased away from 52% of all polling stations, according to their candidate, Morgan Tsvangirai — thus creating the possibility for the police to ship in extra ballot boxes full of Mugabe votes, doubtless prepared well in advance. Given that the officials in charge of polling stations were army, police, civil servants or war vets all hand-picked for their pro-government loyalties, the insertion of these boxes would not have been difficult. Then, in nine of the 120 counting stations the MDC agents watching the count were jailed, assaulted or driven away. In all nine cases there were large and unaccountable increases in turnout — with over 60 000 extra votes cast than the doubtless already inflated totals for 2000 — massively in favour of Mugabe.

Only the addition of these extra boxes of Mugabe votes can account for the fact that turnout soared in all the safest Zanu-PF areas even though observers on the ground found almost no one voting there on the second day and generally predicted a very low turnout there. Thus compared to turnout in 2000 (an already inflated figure) turnout rose by 82 000, 80 000 and 60 000 in the three Mashonaland provinces, by 96 000 in Masvingo, 90 000 in Manicaland and 78 000 in Midlands — while in the MDC areas it rose little or actually fell. What is particularly striking was the ability of the government to achieve politically convenient results in particular areas. Thus Manicaland had swung clearly to

the MDC in 2000, much to Mugabe's fury and Zanu-PF was determined to get it back. Yet in 2002 Eddison Zvobgo, the Zanu-PF boss of Manicaland<sup>52</sup> almost openly sided with Tsvangirai, making it a hopelessly lost cause for Mugabe. Yet somehow the votes piled up so exactly that Mugabe came out just 3 000 ahead in Manicaland and thus able to claim a triumph there. Similarly, Jonathan Moyo, Mugabe's information minister, had been humiliatingly beaten by more than 2:1 in Tsholotsho in 2000 — it was one of the safest MDC seats in the country. Thus it was of great symbolic importance for Moyo that Mugabe should win Tsholotsho this time — and so, miraculously, he did, by just 0,5% on a swing suspiciously four times higher than the national average. Similarly, it was of symbolic importance for Mugabe that he win his birthplace of Zvimba by a particularly large margin — and so he did, so much so that in Zvimba South (a tiny village) more votes were cast than in a large town like Kwekwe in the Midlands — a complete absurdity. In the constituency of Mudzi Mugabe excelled himself by achieving the miracle of a 100% turnout. But the beauty of Mudede's voters' roll is that there are so many dead or non-existent people on it that there is huge room for ballot-stuffing without such suspicious results really being necessary at all.

As we have seen the number of manufactured votes in 2002 was somewhere between 900 000 and 1,1 million. It must have been the work of many months to get this many ballots filled in, ballot boxes sealed etc — that is, the fraud must have been devised and carried out a long time back. This would, of course, explain Mugabe and Zanu-PF's air of blithe confidence in a campaign which on any normal basis they should have expected to lose. One would, at the least, have expected to see Mugabe wear an air of frantic worry. We now see why he was so serene. In fact, it seems certain that despite the effects of terror and intimidation that he did actually lose the election quite heavily. For one must assume that the 900 000–1,1 million manufactured votes were all cast for him and his winning margin was given as 434 009. Even if we take the lower number of 900 000 stuffed ballots then it would appear that Tsvangirai actually won the election by 466 000 votes — that is, Mugabe's correct total should have been just under 790 000.

The extraordinary thing is that only the Norwegian observers seem to have spent any time considering the defects of the register. Most of the African observers were so concerned to find the elections free and fair that they actually delivered their verdicts before the results containing these extraordinary anomalies were even declared. In the extreme case of the South African observers, who had arrived with strict instructions to legitimate Comrade Mugabe's victory, almost all the observers had returned home even before the results came out.

R.W. Johnson  
19 March, 2002

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<sup>52</sup> *Sic.* In fact, Zvobgo's base is Masvingo.

## ***Annexure 7: Allocation of Seized Farms***

### **ALLOCATION OF SEIZED FARMS**

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Allocation of prime farming land under the A2 resettlement scheme. This scheme is intended to allocate land taken over from white commercial farmers to new black commercial farmers.

Many top government officials have been allocated commercial farms or portions of farms under this scheme. These include:

#### *Vice Presidents*

Vice President Joseph Msika

Vice President Simon Muzenda

#### *Ministers and Deputy Ministers*

Edward Chindori-Chininga (Minister of Mines and Energy)

Nicholas Goche (Minister of State for National Security)

Shuvai Mahofa, (Deputy Minister of Youth Development and Employment Creation)

Paul Mangwana (Deputy Minister of Justice, Legal & Parliamentary Affairs)

Elliot Manyika (Minister of Youth Development & Employment Creation)

Kembo Mohadi (Deputy Minister of Local Government, Public Works and National Housing)

Swithun Mombeshora (Minister of Transport and Communications)

Samuel Mumbengegwi (Minister of Higher Education and Technology)

Herbert Murerwa (Minister of Industry and International Trade)

David Parienyatwa (Acting Minister of Health)

Sidney Sekeremayi (Minister of Defence)

#### *Zanu (PF) Members of Parliament and former Members of Parliament*

David Chapfika

Nobbie Dzinzi

Saviour Kasukuwere

Witness Mangwende

Ambrose Mutinhiri

Irene Zindi (former Member)

#### *Provincial Governors*

Peter Chanetsa

Josaya Hungwe  
 Obert Mpofu  
 Stephen Nkomo

*Local government officials*

Webster Bepura (Mayor of Bindura)  
 Joseph Macheke (until recently Mayor of Chitungwiza)

*War veteran leaders*

Joseph Chinotimba  
 Andy Mhlanga  
 Mike Moyo  
 Patrick Nyaruwata  
 Plus a number of members of the war collaborators association

*Uniformed services chiefs*

Army commander, Constantine Chiwengwa  
 Police chief, Augustine Chihuri  
 Director of Prisons, Paradzayi Zimondi  
 Deputy Commissioner Godwin Mataga  
 Police spokesman, Wayne Bvudzijena  
 Retired commander of the army, Solomon Mujuru  
 Plus a number of junior officers in the Central Intelligence Organisation

*Judicial officers*

Tendai Uchena, president Administrative Court

*Election officials*

Registrar-General Tobaiwa Mudede  
 Chairman of Electoral Supervisory Commission, Mariyawanda Nzuwa

*Zimbabwe Broadcasting Corporation staff*

Reuben Barwe, Chief Correspondent ZBC  
 Admire Taderera

*Relatives of Prominent People*

Chinamasa (sister of Minister of Justice)  
 Sabina Mugabe (the President's sister)  
 Reward Marufu (the President's brother-in-law)  
 Mrs Mohadi (wife of Deputy Minister of Local Government)  
 Mr Muzenda (son of Vice-President)



Sam Parirenyatwa (son of Minister of Health)

**CONFIRMED VIP'S ALLOCATIONS**  
**- Working Document No 1 as at**  
**16 May 2002**

**This is the list of prominent persons who appear to have been allocated farms. Please note that the information contained in this document was prepared from information received by the Commercial Farmers Union. This information was taken from various sources including the lists (February 2002) published in the Sunday Mail by the Ministry of Lands and Agriculture. It is released as a working document in the interests of transparency and fairness. We recognised that the list is based on initial information and invite comment from those listed to achieve complete accuracy.**

<i>Name of VIP and title</i>	<i>Farm</i>	<i>Owner</i>	<i>Area (ha)</i>	<i>District</i>	<i>Province</i>	<i>Comment</i>
Barwe Reuben ZBC Chief Correspondent	Sunnyside	Sunnyside is owned by Kevana Investments	830 ha	Norton	Mash West	Announced his presence at Sunnyside farm last year.
Bepura, Webster, Mayor of Bindura	Avondur	Mr Roy Guthrie	150 ha	Bindura	Mash Central list 3rd Feb	
Black Ganda War vet	Gorajena and Igava	Bruce & Vicki Campbell daughter Katharine Reimer.			Mash East	
BUDE W - War Veteran	DOUNE	DOUNE FARM P/L	965 ha	Hwedza	Mash East 24 Feb list	
Bvudzijena, Wayne Dongo - ZRP Spokesman	1. Mabubu as per advert 2. Koodoo Hill, by presence	1. Bernard Thorn 2. Vernon Nicole		GURUV E	Mash Central list 3rd Feb	Chopping down trees in pastureland
Chamunogwa Mr - Chief Labour Officer Mwenezi	Soetveld Ranch	Ledwood Ranch PL	6250 ha	Mwenezi	Masvingo	

Chanetsa Peter Governor Mash West	1. Biri 2. Greensleeves	1. K. Nicolle 2. Derek Van Royen	1. 638 ha 2. 625 ha		
Chapfika David - Member of Parliament Mutoko North	The Groove	STAUNTON AG & SONS P/L	1086	Goromo nzi	Mash East list 17 Feb
Charumbira A Chief	Lot 6 of Mkwesine Central	Paul Spear, Mkwesine Estate or LT Engels	Chiredzi	Masvingo	
Charumbira C Chief	Sangokwe North, Mwenezi, Masvingo	Johannes du Plessis Sangokwe			
Charumbira D Chief	Lot 5 of Mkwesine Central	Paul Spear, Mkwesine Estate	Chiredzi	Masvingo	
Chatiza A S Mr & Mrs Director Ministry of Employment Creation	1 of Umvukwe Flats	NORVER P/L	195 ha	MAZOW E	Mash Central list 3rd Feb
Chauke Elliot MP for Chiredzi North	Farm 748 / Ngwindi Sugar Estate	MJS and JPF / P. Tennant	380 ha	Chiredzi	Masvingo
Chawasarira Freddy, CEO Zimtrade	Goede Hoop	BIGBURRY FARM P/L	1492 ha	Mazoe	Mash Central list 3rd Feb
Chawawa M (Dr)	The Groove	STAUNTON AG & SONS P/L	1086	Goromon zi	Mash East list 17 Feb
Chidyausiku Boniface Retired Lt Col Ambassador/ permanent representative to the United Nations	ESTEES PARK	MILLAR AL & SONS P/L	895 ha	Mazoe/C onscessi on	Mash Central list 3rd Feb
CHIGUME V - War Veteran	BRANTINGHAM	John Malzer		Hwedza	Mash East 24 Feb list

CHIGUMIRA T W - War Veteran	Membge	Martin Stewart	304 ha	MARON DERA	Mash East 24 Feb list	
Chigwedere F F Gudo - War Veteran	Scorror Estate	Ian Duvenage	1500 ha	Hwedza	Mash East list 17 Feb	
Chihuri Augustine- Police Commissioner	Woodlands A	Pat Butler		Shamva	Mash Central	
CHIKAZAZA E.- War Veteran	CHIFUMBI NORTH	ARUSHA FARMING P/L	623 ha	GOROM ONZI	Mash East 24 Feb list	
Chikova Mr - District Administrator Gutu	Swaarverdion	C. Erasmus		Chatsworth	Masvingo	
Chikumbirike J & M Prominent Lawyer	1. Harmony and also listed for Danbury Park	Ferrar Farming and TS Bayley		Mazoe	Mash Central list 3rd Feb	
CHIMAIWACHE F - War Veteran	1. Brechin and 2. Merryhill	Brechin Merryhill /		Hwedza	Mash East 24 Feb list	
CHIMONYO P - War Veteran	MERRYHILL	MERRYHILL P/L		Hwedza	Mash East 24 Feb list	
Chinamasa - Sister to P. Chinamasa	BUFFALO DAWNS	BUFFALO DOWNS P/L	1304 ha	HURUN GWE	Mash West	Arrive on the farm and identified herself to the owner as Chinamasa's sister.
Chindori-Chininga Edward, Minister of Energy	Unnamed farm, Mashonaland Central					
Chingosho Christopher - Provincial Administrator - Provincial Lands Chairman	MAKARARA / SHOWERS B / SOLITUDE / RETREAT OF SANZARA / CHIGORI / RAPIDS /	Hamish Charters		MARON DERA	Mash East 24 Feb list	<b>6 farms were listed to C. Chingosho and one in Chiredzi</b>

Chingosho Christopher Prov Admin Mash East	Lot 6 of Mkwasine Central	Paul Spear, Mkwasine Estate or LT Engels	Chiredzi	Masvingo	
CHINGWERE G T - War Veteran	ALEXANDRA	CRADOCK ENTERPRISES P/L	MARON DERA	Mash East	24 Feb list
Chinotimba, Joseph, ZFTU Vice President / Political Commissar Hre Central	1. Part of Pimento Farm, Mash Central 2. Watakai, Mazoe	1. Oliver Newton 2. Walter Barton	1. 3209 ha 2. 1240 ha	MAZOW E	Mash Central list 3rd Feb He was ploughing on Pimento Park but has appeared in the press as the proud owner of Watakai
CHINWADA F - War Veteran	SHOWERS B	Timothy Millwarde		MUREH WA	Mash East 24 Feb list
CHINYANI C T - War Collaborator	VOORSPOED	S. Du Plessis Meyer		Beatrice	Mashonaland East list 24 Feb
CHIPORE S - War collaborator	BRANTINGHAM	John Malzer		Hwedza	Mash East 24 Feb list
CHIPUNGU P - War Veteran	BRANTINGHAM	John Malzer		Hwedza	Mash East 24 Feb list
Chirava, Nigel War Vet	Highlands Farm, Chinhoyi	GM Moyse			He demanded that the homestead should be spotlessly clean and tidy before his move into 'his' new home.
CHIREMBA T - War Veteran	BRANTINGHAM	John Malzer		Wedza	Mash East 24 Feb list
CHISANGO D. - War Veteran	WOODLEIGH	DRAPER W & SON P/L	1249	HARARE	Mash East 24 Feb list
CHIWENGA Constantine General - War Veteran	RISUMBE EXT	Shepherd Hall / Chakoma Estates	1276 ha	GOROM ONZI	Mash East 24 Feb list
Chiweshe E Brigadier	Greenhithe	PB Arnott - P & R Farming		Harare West	Mash Central list 3rd Feb

Chiwewe, Willard Perm Sec Foreign Affairs	Maxton	C. Rorbye				
CHOKOWO A - War Veteran	MERRYHILL	MERRYHILL P/L		Hwedza	Mash East	24 Feb list
CIO Unnamed	Part of Umguza Block	Cold Storage Company adjoining farm	Also owns an			The CIO has been given a small section at the bottom of the farm
Clophers	Rapids Farm, Marondera North, Mash East	M. Pereira	1300 ha			Arrived 07.04.02, with youth - harassed the occupant. The message was to go in 'Peace or Pieces'.
Colonel X	The Carse	R. Pascoe	1190 ha			
DHLIWAYO D (DR)	LAUREL	WIGGIL CK	1327 ha	MARON DERA	Mash East	24 Feb list
Dube Edson Brigadier	LECONFIELD	LENCONFIELD FARMS	1081 ha	HURUNG WE	Mash West	Said to be a Brigadier based at Magunjebag
Dzinzi Nobbie Member of Parliament Mzarabani	Dendere	Lawrence Staunton	450 ha	Centenar y	Mash Central	list 3rd Feb
GAMBARA P. - War Collaborator	MT SHANNON M/DOWS	MT LOTHIAN ESTATE P/L	572 ha	GOROM ONZI	Mash East	24 Feb list
Gata Dr - sister to President Mugabe - Director Research and Specialist Services				Tsatsi	Mash Central	Gata Sydney is ZESA Board Chairman
GAYAHAYA T - War Collaborator	SHOWERS B	Timothy Millwarde		MUREH WA	Mash East	24 Feb list
Goche, Nicholas Minister of State for Nat. Security	Ceres, Mash Central	Tish Morkel			Mash Central	
GONDO G - War Collaborator	MERRYHILL	MERRYHILL P/L		Hwedza	Mash East	24 Feb list

Gonesu, Cosmos Author/ executive Officer NGO	Constance	G. R. Richards	2000 ha		Masvingo	Executive officer of Astrek NGO that broke away from ZIRCON
GURURE M - War Veteran	ALEXANDRA	CRADOCK ENTERPRISES P/L		MARON DERA	Mash East 24 Feb list	
Gwasira, Sheperd OC Mash West - former Senior police HR officer at HQ	Mete, Raffingora, Mash West	Nick Arkell				The police official already owns a 2000 ha farm but has been allocated another 110 ha farm as it abound with game.
Hungwe Josaya Governor Masvingo	Lot21A of NRA (Nuanetsi Ranch) 2. Winterton 3. Lot 1 of Constance (Piananda lodge)	1. Brian Caywood CSC 3. G. R. Richards		2.	Masvingo	Running cattle on Wintertons
Hungwe Mawasa Family member	- Lot21A of NRA (Nuanetsi Ranch)	Brian Caywood			Mwenezi	
JONGA L - War Veteran	SHOWERS B	Timothy Millwarde		MUREH WA	Mash East 24 Feb list	
Jumbi Flight Lt - Airforce	Koodoo Hill Mash West	Vernon Nicole			Mash West North	
KANETA C. - War Veteran	RISUMBE EXT	Shepherd Hall / Chakoma Estates	401 ha	GOROM ONZI	Mash East 24 Feb list	
Kanhanga Brigadier. William	Stella	BARTON SD	425 ha	MAZOW E		
Kanhanga E William, Brigadier	Stockwill	SURREY ENTERPRISES P/L	2443	MAZOW E	Mash Central list 3rd Feb	
Kapare Mr, - Business man	Northdale	H. Jovner	2900 ha	Chatswor th	Masvingo	

Kapembeza C Dr.	Sanga	SANGA FARMS P/L	1137 ha	Goromon zi	Mash East list 17 Feb	
Kara, Comrade - Regional liaison officer of Defence Force	Farm 36	G. Henning		Chiredzi	Masvingo	Allocated himself this farm
Kasukuwere Donald Brother to Saviour	Usaka and Sangokwe North, Mwenezi	USAKA FARMS P/L / H du Plessis	2705	MAZOW E	Mash Central list 3rd Feb	
Kasukuwere Saviour, Member of Parliament / chairman of a Parliamentary Committee	1. Part of Pimento Farm, Mashonaland Central 2. Bamboo Creek, Shamva	1. Oliver Newton R. Morkel	2. N Richardson /			
KOCHI J T - War Veteran	DOUNE	DOUNE FARM P/L	965 ha	Hwedza	Mash East 24 Feb list	
KUMBAWA P - War Collaborator	BRANTINGHAM	John Malzer		Hwedza	Mash East 24 Feb list	
MABHAUWA.E. - War Collaborator	WOODLEIGH	DRAPER W & SON P/L	1249	HARARE	Mash East 24 Feb list	
Macheka Joseph J - Former Mayor of Chitungwiza and ZANU PF official	Cairnsmore	D. Elson	3000 ha	Tsatsi	Mash Central list 3rd Feb	
Mafiosi Dickson Mashonaland Central ZANU PF youth chairman	1. Part of Pimento Farm, Mashonaland Central 2. Melfort	1. Oliver Newton 2. Reed/ Frank Roger Godwin		Mazoe	Mash Central list 3rd Feb	



Magadu S Fungai ZANU PF Official	Mackay and Stockwell	MILLAR AL & SONS P/L	1773 ha	Mazoe/Concession	Mash Central list 3rd Feb	
Mahofa Shuvai ,Member of Parliament and Deputy Minister of Employment Creation/ ZANU PF Political Commissar Masvingo	1, Lothian, Gutu 2. Plots at the ZAKA Scheme 3. Spring Sp 4. Lochinvar 5. Eyrie/Lauder/Wragley	1. A. R. Millar 3. M. Firth 4. G. Olds 5. H. S. Veldman			Masvingo	Is said to visit the area shopping around.
Mahova - War vet	Sub div B of Shashe Fox / Felixburg	M. Macintosh		Felixburg	Masvingo	Claiming managers homestead
Maisiri Wonder Former CEO ZNCC	Nyambanje	SMITH DN	1345 ha	Goromonzi	Mash East list 17 Feb	
MAKOMBE S W - War Collaborator	DOUNE	DOUNE FARM P/L	965 ha	Hwedza	Mash East 24 Feb list	
MANDIGORA CHRISTINE - War Veteran	Enter Rios and WYCHWOOD	ENTRE RIOS ESTATE P/L and CR Barker		Bromley	Mash East 24 Feb list	
Mandiwanzira, S., ZBC Anchorman, Nephew in law to Grace Mugabe*	Lang Glen	PAYNE DW	1921	SEKE	Mashonaland East list 24 Feb	
Mandizha Albert Snr assistant Comm. Bulawayo	Sanga	SANGA FARMS P/L	1200 ha	Goromonzi	Mash East list 17 Feb	

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\* The ZBC Anchorman has denied that he is this "S. Mandiwanzira".

Mangachena. Colonel Army officer	Gorajena	Bruce & Vicki Campbell daughter Katharine Reimer.	Maronde ra	Mash East	
Mangwana Paul, the deputy Minister of Justice and Member of Parliament	Faun , Chegutu				Continues to apply pressure on the owner to vacate the homestead
Mangwende, Witness, Minister of Higher Education and Member of Parliament	Rudolphia	GOOD RETURN INVESTMENTS P/L	800 ha	HARARE	Mash East 24 Feb list
Manyika Elliot, Minister of Youth Employment and Gender / ZANU PF National Political Commissar/ Singer / Member of Parliament	Duiker Flats	Linabo Estates PL			Mash Central
MARIMBIZHKE A. - War Collaborator	MANDALLAY/ Manderley	JM Fick		GOROM ONZI	Mash East 24 Feb list
Marufu, Inspector Officer Commanding Gwanda	Glenala Park, Esigodini	Alistair Coulson			
Marufu, Reward, Brother in law to President	Leopards Vlei, Glendale, Central	Ian Duncan, Duncan	Manager Bob	Mash Central list 3rd Feb	Former Ambassador
Mashoka, Mr - Business man Gutu	Northdale	H. Jovner	2900 ha	Chatswor th	Masvingo
Masoka Ngoni Perm Sec for Lands and Agriculture	Dunmaglas	CRAFTHOLE ENTERPRISES P/L	378 ha	MAZOW E	Mash Central list 3rd Feb

MATANGA G T - War Veteran	S/D M OF CARRUTHERSVILLE	John Harris	1314 ha	MARONDERA	Mash East 24 Feb list	
Matanga, Godwin Deputy Police Commissioner and Chairman National Wheat Lands Task Force	Nurenzi, Hwedza	Southlawn, Orphanedis	Harry	MARONDERA		
Matangira, War Veteran	Thrums, Bindura	Christopher Crawford				Neighbour to Reward Marufu
Matize Mr , Chief Prisons Officer	Kiaora	Vernon Nicole				
MATONGA FORBES (REV)	FAROE	BREYTENBACK WP	1271 ha	MUREHWA	Mash East 24 Feb list	
MATONGO I K - War Collaborator	ALEXANDRA	CRADOCK ENTERPRISES P/L		MARONDERA	Mash East 24 Feb list	
MATSENGARWODZI S. - War Veteran	Ruware Ext and MANDALLAY/ Manderley	Lamsdolme Est /JM Fick		HWEDZA	Mashonaland East list 24 Feb	
MAUTSA T - Consort to General and Mrs Chiwenga	SHERPERD HALL	SHEPHERD HALL FARM P/L	256	GOROMONZI	Mashonaland East list 24 Feb	
Mazamban, Mr David - Wing Commander, Suri-Suri air base	Exwick, Chegutu	Italian national				
Mbedzi Mr J - DA Beitbridge	BEA Ranch	R. Roth - Kayalami Ranch		Beit Bridge / Mwenezi	Masvingo	Has moved 142 head of cattle onto the farm

Mbedzi Mr Phillimon - Chief War Vet	BEA Ranch	R. Roth - Kayalami Ranch	Beit Bridge / Mwenezi	Masvingo	Reports to the DA Mbedzi
Mbizvo Peter (Perm Sec Gender, Employ Creation)	Lazy 7 Ranch of BARWICK ESTATE	BEATTIE RA & SONS P/L	6659 ha	Tsatsi	Mash Central list 3rd Feb
Mhlanga, Endy Secretary General War Vet Assn	Nalire	HALE HI P/L	270 ha	MAZOW E	Mash Central
MLAMBO G - War Veteran	S/D M OF CARRUTHERSVILLE	John Harris	1314 ha	MARON DERA	Mash East 24 Feb list
Mohadi Kembo - MP - Deputy Minister of Local Government and Housing	BEA Ranch	R. Roth - Kayalami Ranch	Beit Bridge / Mwenezi	Masvingo	
Mohadi Mrs - Wife to Minister	BEA Ranch	R. Roth - Kayalami Ranch	Beit Bridge / Mwenezi	Masvingo	
Mombeshora Swithun, Minister of Transport	Ormeston, Lions Den, Mash West	Lesley de Jager	1265 ha		
Moyo Mike - War veteran	Mayfield, Masvingo	Makamba PA / AFRICAN INDEPENDENT CHURCHES CONFERENCE			
Moyo, Gen Manager Gath Mine, Mashava	Worrington of Cokpoxi	G. R. Richards			
Mpeperekhi Sheunesu	Masvingo				
Mpofu Obert , Mat North Governor	Part of Umguza Block	Cold Storage Company in Nyamandhlovu			Mpofu (Obert) has the section with the camp Mpofu is out their almost every weekend hunting. Said to be leasing pasture

Msika Joseph, Vice President of Zimbabwe	Part of Umguza Block	Cold Storage Company in Nyamandhlovu			Umguza block - The Vice president is said to be leasing grazing.
MUDADI L. - War Veteran	MANDALLAY/Manderley	JM Fick		GOROM ONZI	Mash East 24 Feb list
MUDANGWE N - War Veteran	LOT 1 OF HULL	ENGLAND P/L	D 485 ha	Hwedza	Mash East 24 Feb list
Mudarikwa. Cde War Vet Chairman - Chief Lands Officer	Elka	Mr Von Breeda		Karoi	Mash West
Mudede, Tobaiwa, Registrar General	Ballineethy, Mash Central	Catherine Townsend	3147 ha	Nyabira	Mash Central list 3rd Feb
MUDIMU J. - War Veteran	MANDALLAY/Manderley	JM Fick		GOROM ONZI	Mash East 24 Feb list
MUFANDAEDZA J - War Collaborator	Laasgedenk	Petros Botha	572 ha	Beatrice	Mash East 24 Feb list
Mugabe Sabina MP Zvimba Sister to R. G. Mugabe	Gowrie Farm, Norton	Mr Terry Ford			
Mugadza, Philip ZIFA Board member - Chairman Market Giant Holdings	Kiaora	Vernon Nicole			Assaulted the farmer and his son. Normally armed. Also has interests in the UK - Fabulous Beauty Salons
MUGARISANWA S - War Veteran	MERRYHILL	MERRYHILL P/L		Hwedza	Mash East 24 Feb list
MUHLWA E - War Veteran	ALEXANDRA	CRADOCK ENTERPRISES P/L		MARON DERA	Mash East 24 Feb list

Mujuru Solomon, Retired General and Politburo member	Elim and Alamein in Beatrice	Guy Watson Smith				Movable assets valued at over Z\$ 120 million taken from the Owner. They were illegally auctioned off under the guise of providing gratuity packages to farm workers.
Mukonowengwe Felix - Senior ZANU PF Official	Watakai, Mazoe	Walter Barton	1240 ha			
Mumbengegwi, Samuel Dr. ZANU PF chair for Masvingo and Minister of Higher Education	Irvine Farm (a), Gutu	Mr. and Mrs Cias Vosloo,				Brother to Simbarashe Mumbengegwi who is Zim's High Commissioner to the UK; brother to Dr. Clever Mumbengegwi University of Zimbabwe.
Mungwindi Mr works for UNDP	Northdale	H. Jovner	2900 ha	Chatsworth		
MUNYARADZI AGRIPAH - War Veteran	DOUNE	DOUNE FARM P/L	965 ha	Hwedza	Mash East 24 Feb list	
Munyoro, David (Perm Sec Gender, Employ Creation)	Pentland, Mash Central	Colin Waddell	2400 ha			
MURANGANWA M - War Veteran	ALEXANDRA	CRADOCK ENTERPRISES P/L		MARONDERA	Mash East 24 Feb list	
Murerwa, Herbert Dr. Member of Parliament / Minister of Industry and International Trade	Rise Holm, Arcturus	CB Allison	500 ha	GOROM ONZI	Mash East 24 Feb list	
MUSENGEYI R - War Collaborator	BRANTINGHAM	John Malzer		Hwedza	Mash East 24 Feb list	
MUSONZA C. - War Veteran	MANDALLAY/ Manderley	JM Fick		GOROM ONZI	Mash East 24 Feb list	

Musoro Mr - Chief Lands Officer Masvingo	Farm 748 / Ngwindi Sugar Estate	MJS and JPF / P. Tennant	380 ha	Chiredzi	Masvingo	
Mutenja Daniel - Military	Igava	A. V. Campbell		Marondera	Mash West	
Mutero Mr, works in Lands Office Ministry of Lands and Agriculture Masvingo	Farm 31	P. Werrem		Chiredzi		
Mutinhiri, Ambrose, Retired Brigadier Member of Parliament Marondera West	Waltondale Farm, Marondera West	Guy Cartwright				Also forcibly seized equipment valued at \$400 million.
Muzariri Livingstone - President Office (CIO) Central Intelligence Organisation)	Avondur	Mr Roy Guthrie	150 ha	Avondur, Bindura	Mash Central list 3rd Feb	
Muzenda Mr, Son to VP Muzenda and MD Zim Alloys	1. Chindito Gutu 2. Endama, Gutu	1. Chris Nel	2. F Smit			Son of the Vice President
Muzenda, Simon Vice President of Zimbabwe	1. Chindito Gutu 2. Endama, Gutu	1. Chris Nel	2. F Smit			Negotiations have been very cordial. Farmer hoping to receive compensation of about \$15 million for farm assets.
MUZHAMBAMBA J S - War Veteran	DOUNE	DOUNE FARM P/L	965 ha	Wedza	Mash East 24 Feb list	
MUZOREWA S - War Veteran	Laasgedenk	Petros Botha	572 ha	Beatrice	Mash East 24 Feb list	
Mwashita Everson (Husband to Vivian)	Dendere	Lawrence Staunton	450 ha			

Mwashita Vivian - former MP and ZANU PF Official (Women's league official)	Watakai	RHODESIA LANDS LTD	6195	MAZOW E	Mash Central list 3rd Feb	
Nare, Selo	Mat South					
NGAVI B. - War Veteran	CHIFUMBI MEADOWS	EDWARDS HL & SONS P/L	1364 ha	GOROM ONZI	Mash East 24 Feb list	
NGOMBE T.F. - War Veteran	MANDALLAY/ Manderley	JM Fick		GOROM ONZI	Mash East 24 Feb list	
Ngulube Mr - CIO Harare	BEA Ranch	R. Roth - Kayalami Ranch		Beit Bridge / Mwenezi	Masvingo	Said to be one of the Presidents Bodyguard
Nkomo Stephen - MP and Governor Matabeleland South	BEA Ranch	R. Roth - Kayalami Ranch		Beit Bridge / Mwenezi	Masvingo	
NYAMUNDANDA C - War Veteran	ALEXANDRA	CRADOCK ENTERPRISES P/L		MARON DERA	Mash East 24 Feb list	
Nyaruwata, Patrick, chairman Zim War Veterans Assn	Nalire	HALE HI P/L	270 ha	MAZOW E	Mash Central	
Nzuwa Mariyawanda M - Chairman Electoral Supervisory Commission - and Public Service Commission	Stella	BARTON SD	425 ha	MAZOW E	Mash Central list 3rd Feb	
Paradza Kindness, Journalist turned politician and NDA coordinator / consort of Mutuma Mawere	Manicaland					



Parirenyatwa Dr. David, Acting Minister of Health and Member of Parliament	Rudolphia	GOOD RETURN INVESTMENTS P/L	802 ha	HARARE	Mash East 24 Feb list	
Parirenyatwa Sam Brother to Minister	Danbury Park	Tommy Bayley		Mazoe	Mash Central list 3rd Feb	
Pasipamire Christopher- ZANU PF official	Mayfield					
POLI GIFT - War Veteran	MERRYHILL	MERRYHILL P/L		Hwedza	Mash East 24 Feb list	
RUSIKE J. - War Collaborator	WYCHWOOD	CR Barker		Bromley	Mash East 24 Feb list	
RUWAZA M - War Veteran	ALEXANDRA	CRADOCK ENTERPRISES P/L		MARON DERA	Mash East 24 Feb list	
SAMHOKORE I - War Veteran	VOORSPOED	S. Du Plessis Meyer		Beatrice	Mash East 24 Feb list	
Samkange, J. Attorney with Byron Venturas & Partners	Sheba Ranch / Weipe	Michael Gawler	14487 ha	Mwenezi	Masvingo	Apparently represents the President RG Mugabe and Governor Masvingo
Sekeramayi Sydney, Minister of State Security and MP	Maganga Estate			MARONDERA	Farm not listed??	
Senior Army Finance Officer	Bundale Estate	Bruce Laver		GOROMONZI		
SHONIWA K. - War collaborator	MANDALLAY/ Manderley	JM Fick		GOROM ONZI	Mash East 24 Feb list	
Shumba, Mr Christopher District Administrator	Maine Farm	Graham and Taunton	Trevor	Ayrshire	Norton	

SIGUDU FLORENCE - Managing Director of Metropolitan Bank	DUNEDIN	SMITH RPM	584 ha	SEKE	Mash East 24 Feb list	
Siziba, Mr Deputy Director of Prisons	Glenala Park, Esigodini	Alistair Coulson				
TADERERA ADMIRE - ZBC Head of Sportsnet	GLEN WYVIS	Mark Sanderson	2460 ha	MUREH WA	Mash East 24 Feb list	
TAKAWIRA P. - War Veteran	MT SHANNON M/DOWS	MT LOTHIAN ESTATE P/L	572 ha	GOROM ONZI	Mash East 24 Feb list	
Tamirepi T, Major	Nan Terra	RADOO FARMING P/L	916 ha	MAZOW E	Mash Central list 3rd Feb	
Taveringie Dr - Medical Practitioner	Northdale	H. Jovner	2900 ha	Chatsworth	Masvingo	
TIVAONE T - War Veteran	LOT 1 OF HULL	ENGLAND D P/L	485 ha	Wedza	Mash East 24 Feb list	
TSODZO THOMSON - Permanent Secretary in Gender & Employment Creation	LIZZIESDALE	EAD Finaughty		MARON DERA	Mash East 24 Feb list	
Uchena Tendai and P - President, Administrative Court	Eastwolds	Gordon Chance		Umvurwi	Mash Central list 3rd Feb	
WASHAYA G (DR)	BRECHIN	BRENCHIN ESTATES P/L	6309	HARARE	Mashonaland East list 24 Feb	
ZHANDA Paddy T Colcolm / Cotton Co / Chair ZANU PF east	CHIFUMBI MEADOWS	EDWARDS HL & SONS P/L	1364 ha	GOROM ONZI	Mash East 24 Feb list	

Zimondi Paradzayi - Upton Head of Prisons		PART - POSSIN INVESTMENTS P/L	1029	Goromon zi	Mash East list 17 Feb	
Zindi Oscar	Rutherland	COLESBURY INVESTMENTS P/L	251 ha	SHAMVA	Mash Central list 3rd Feb	
Zindi Shelton	Rutherland	COLESBURY INVESTMENTS P/L	251 ha	SHAMVA	Mash Central list 3rd Feb	
Zindi, Irene , Member of Parliament Norton	Howickvale, Mash Central	AJ Laurie		Tsatsi	Mash Central list 3rd Feb	
Zindove Mr - District Administrator Mwenezi	Soetveld Ranch	Ledwood Ranch PL	6250 ha	Mwenezi	Masvingo	
Zitsanza Nancy and Elliot - Deputy Perm Sec Lands and Agriculture	Ballineethy, Mash Central	Catherine Townsend	3147 ha			



## ***Annexure 8: Politicisation of Food Programme***<sup>53</sup>

### **FOOD: A POLITICISED COMMODITY IN ZIMBABWE, 2002**

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The entire southern African region currently faces severe food shortages, largely as a result of a serious drought. Worst hit countries include Malawi and Zimbabwe. In Zimbabwe the food situation has been exacerbated by the farm invasions which have reduced the production of maize and other staple crops to a fraction of normal output. The disintegration of the commercial farming sector also means that the likelihood of Zimbabwe feeding itself as a nation in the foreseeable future is bleak.

Estimates of how many Zimbabweans face imminent starvation vary from 600,000 to 3 million, and the maize shortfall is estimated at between 400,000 and 1 million tonnes.<sup>54</sup> Maize is the staple diet of Zimbabweans.

*There are three main ways of rural dwellers accessing maize at the moment. These are:*

1. **Government “food for work” programmes:** it is a long standing policy that in times of drought, families with no harvest and no money to purchase food should perform public labour, for example repairing rural roads, in return for food.
2. **Purchasing of maize through the government controlled Grain Marketing Board (GMB):** by government ruling, all sales and movement of maize, including the price, is controlled by the government. GMB depots are found in all rural districts, and are the only buying points for maize at this time.
3. **Donor feeding schemes for school children and under-fives,** controlled to varying degrees depending on the district and the donor policy, by the donors themselves, the government, and the ruling party and its affiliates at ground level. This latter group include ZANU controlled rural district councils, traditional leadership, youth militia and war veterans.

Other bodies including the official opposition have no recognised role in food distribution. At the rural level, in some places it has been documented the MDC are completely excluded from participation and control.

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<sup>53</sup> This is an extract from a document entitled “Zimbabwe: Post Presidential Election: March to May 2002: We’ll Make Them Run”, published by the Physicians for Human Rights Denmark who describe themselves in the document as an independent group of Danish medical doctors (founded 1990) whose goal is to bring the skills of the medical profession to the protection of human rights. Their e-mail address is omv@dadlnet.dk.

<sup>54</sup> UN and WFP quoted in the last few months: *Bloomberg*, 10 April; *Financial Gazette*, 25 April; *News 24*, 2 May, *Natal Mercury*, RSA, 16 May 2002.

***Hunger is politically abused in Zimbabwe at this time***

The first two maize access mechanisms are run entirely at the discretion of government employees, and are particularly open to political selectivity: in rural areas, and also some urban areas, only known ZANU supporters are allowed to benefit.

Those who do not carry a ZANU card are not allowed to purchase maize from GMB even if they have the money to do so, and known MDC supporters report having maize stolen from them if they are lucky enough to buy it.<sup>55</sup> It is also documented, including in the cases in this report, that members of “MDC families” are not able to take part in “food for work” programmes.

***International donor feeding schemes are at times politically abused.***

Denial of access to food, particularly when children are victimised for the perceived political beliefs of their parents, should be considered a serious violation of human rights. It is apparent that an important window of opportunity to influence government policy on distribution of food, is through donor pressure and control at their own feeding points. It is precisely because donor food remains the only viable option at all, for so many thousands of children who will otherwise starve, that this report is dealing in detail with the reality of food discrimination.

It is also categorically clear that donors are aware of the potential for political manipulation of food, and are pro-actively prepared to intervene when problems arise, and to correct them (see first two cases following). The purpose of this section is therefore not to suggest that all donor feeding is being manipulated but to highlight that problems currently exist in some areas, and could lead to politically-determined starvation.

Donor practice can make a difference, one that at times may reach beyond access to food and positively influence access to other facilities within the vicinity of feeding points (see Example 2, following).

The national scale of abuse of donor feeding schemes is not known at this time. In some districts, *donor feeding* is running apparently without problems, for example in most districts of Matabeleland, even though Matabeleland residents report widespread control of government-sourced maize.

Discrimination has been reported in rural areas where ZANU has a strong support base and MDC is a minority party, such as parts of the Midlands and Mashonaland. In these districts, donor food is at some feeding points manipulated by ZANU to exclude MDC children (see following).

It appears that this food discrimination is most easy to manipulate in the under five feeding. The names of “MDC children” do not exist on some feeding scheme lists, as the lists are drawn up in the first instance by committees consisting entirely of ZANU supporting government structures. Such structures include: rural district councils, chiefs, headmen, headmasters and other prominent community members (see following).

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<sup>55</sup> *The Daily News*, 18<sup>th</sup> March and 25<sup>th</sup> March, key informant interviews from 8 districts. See also section following.

## KEY INFORMANT INTERVIEWS, MARCH 2002

*All names of places, organisations, victims and perpetrators are known by us. To protect the communities from being victimised, names have been removed from the following reports. Interviews following are from informants in three districts in Zimbabwe.*

### **1. Case report, Midlands school feeding scheme:**

We received the following account from a local community in a rural Midlands district.

The central feeding point in this area is YY primary school. There have been problems here since the scheme was set up, and X International donor has reacted in the past to try and solve the problem. However, the interventions were reported in March as not having been successful.

At the YY school itself, there has been no problem – the headmaster is doing his best to ensure that all children receive food. However, the under fives are fed through three local headmen some kilometers away from the school, A, B and C, as well as through other local points that fall under these headmen.

From the beginning these headmen made it clear to the villagers that the food was not for MDC children but only for ZANU children. The way mothers solved the problem was to take their children to the central feeding at the school to bypass the problematic headmen.

The school then queried why there were so many under fives coming there; the issue of children not being fed was raised and X donor sent out a representative to deal with the problem. The X representative was very clear to those gathered that the food should be for everyone, and this was agreed to, including by the headmen. However, as the X representative got on to his motor bike to drive away, before he was even 500 m away, the local ZANU-PF councillor announced that: “Even if stone was to melt, MDC children will not get the food, because it is ZANU food.”

There was an immediate commotion among the parents. The meeting dispersed but word of the problems was received by X who came back the next day, and after further consultations, he moved the feeding scheme to another villager. For a few weeks, the feeding scheme was fine.

However, in early February, the wife of D, a war veteran, came to this homestead and demanded that the food be moved back to A’s place. The food was just taken away and back to the original feeding point.

Since February, the food has been back at A’s place, and from that time until late March, the MDC families have been unable to access the food. Informants reported in March that X has not come back to check on the scheme and nothing has changed. People feel that it will be hard to overcome the political interference here, but hope that something can be done.

The feeding under headman B and C is similarly problematic — children of MDC families are not listed and are not being fed. Informants gave the names, ages and parents’ names of 13 children aged from 11 months to 5 years who had been excluded by A.

It was indicated that around 40 to 50 under fives are being excluded in this one target area alone.

For follow up by donors, see below.

***On site assessment of feeding schemes in same district: May 2002***

To verify information about dysfunctional feeding schemes, we personally visited and did interviews in one community repeatedly referred to as problematic in this regard by our contact persons. In the first place we sought general information from key informants and then performed interviews with members of families referred to by key informants as affected by hunger. We wanted to explore accessibility of food via all three usual food delivery routes [*specified on the first page of this annexure*], and to analyse possible problems in this regard.

The following information was given to us in the first week of May 2002 during an on site visit to one district in Midlands Province. The situation in the district is described as very unstable and violent, with across the board discrimination.

1. *International X donor feeding scheme at YY primary school: improved functioning through monitoring*

The feeding scheme at this school was brought to X's attention as a problem area during March 2002 (see above section). A representative of this community gave the following update.

He reported in person on 6 May that this scheme is currently running very well since the feeding was resumed. He reports that *X donor has made it very clear that it is food for all or food for nobody*, and so far the old trouble makers in this area are reluctantly complying. People from this vicinity are visibly delighted at this turn around, and the fact that "MDC children" are now on the feeding lists. However, he also reports that the ZANU-PF structures are extremely angry about the fact that MDC families are now accessing food, and are conducting something of a witch hunt to try to find where to lay the blame, and establish who blew the whistle on them.

*The situation will need to continue to be monitored, to ensure that there are no reprisals against individuals and to ensure that the current fair feeding processes continue.* Without close monitoring, it seems likely that discrimination will return – but for now, it has been a very positive experience for those who were being discriminated against, to see for themselves that their voices are sometimes heard.

2. *Example: donor intervention positively affects access to government clinic*

An informant reported that X donor had held a meeting in M area recently and had declared that it would pull out feeding altogether if it continued to be discriminatory and to exclude MDC families. This informant was unable to comment on whether this had made a difference to the feeding, as he is not eligible anyway, but he did report that since this meeting, the local clinic has informally announced that it will now treat MDC sympathisers – a very recent break through, as the clinic has been turning away MDC members for many months. *This new policy of non discriminatory access to the clinic had been in effect for a week at the time of the interview.* The clinic has no drugs and little to offer in any case, but this is at least now a non discriminatory problem.



### 3. *MA School, International donor X2*

A key informant reported that since January, feeding has allegedly been discriminatory in this scheme. Part of the problem is that all the “MDC” traditional community leaders were illegally deposed around the elections. The names of three targeted leaders were given. They have been “dismissed” from community leadership positions by other traditional leadership, which predominantly supports ZANU in this region; these three leaders are therefore not consulted in terms of feeding.

The ZANU-PF people running the area include a school teacher, several war veterans and a business man, all named. Five problematic ZANU-PF youth leaders in this area were also named: one of them actually feeds under fives from her homestead, making discrimination easy.

*Problems with feeding:* Donor X2 has not been told of the problem of discriminatory feeding at MA school; children of MDC families are excluded from the under five feeding. People here live with routine discrimination across the board and did not feel complaining could change anything. The headmaster of MA school is a staunch ZANU-PF supporter – in fact he is a committee member of the local ZANU-PF structure, being Treasurer. At the school itself, the feeding is referred to as not discriminatory, but it is reported that the headmaster is in charge of dispensing food to community leaders involved in feeding and is aware that the under five feeding is discriminatory.

Under five feeding often takes place at private homesteads, making it more prone to corruption and politically-motivated manipulation than school feeding.

*The informants were able to provide a list of 44 named families with dependents who were alleged to be destitute and excluded from the under five scheme because of their MDC sympathies.*

The ZANU-PF vice chairman for the area is a local businessman. The feeding of under fives is done partly at his uncle’s home and is reportedly discriminatory; no MDC children are on the feeding lists.

*Discriminatory selling and confiscation of bought food:* The ZANU councillor for this area (named) is reported as denying MDC members access to food through every route – donor feeding, food for work and also buying from GMB.

One informant reported that on 30 April an MDC member bought 50kg of maize at the local business centre. As she left the business centre a group of ZANU supporters, including a named businessman and a named war veteran, noticed that she had maize. They surrounded her and tried to take her maize away, which she had paid for. They told her that MDC people were not supposed to have food and were supposed to starve because they voted for Morgan Tsvangirai. They said the MDC people were supposed to starve for the next five years in punishment. She shouted for help, and others came to her assistance, and she was able to keep her maize after an argument. However, on other occasions, people reportedly have had their maize stolen here.

### 4. *A new scheme: discriminatory before it has begun*

**An individual example:** BM aged 24, reported her experiences of trying to get her 21 month old baby girl food by any means. There have been several meetings about food, some to decide on a list of who should be allowed to buy food from the GMB, and others

held by International donor X3 to set up an under five feeding scheme. In all cases, the outcome is the same: the same families are excluded from everything in this area, including “food for work”, buying maize, and X3 donor food. She has tried to register for “food for work” and been chased away as an MDC supporter.

*International donor X3:* The lists have been drawn up for this scheme which appears about to start, but it is already set to be discriminatory. It was made very clear by the local leadership ahead of the X3 registration that only those families that qualify for “food for work” should even bother to try and register for X3 schemes – in other words, only ZANU members would benefit. This statement was made by a named local leader. On 1 May the MDC supporters were again told categorically by him that they would not be on the X3 lists and would not benefit from any food schemes, whether government or donor, in his area.

The final X3 lists were supposed to be sent to the region for families to acknowledge and sign on 5<sup>th</sup> May, but Ms M did not even bother to go and check for her baby’s name as she knows it will not be there. The family appears destitute – there is no breadwinner, no husband, no assets and no food harvested this year.

*GMB – discriminatory selling:* There was a general announcement that *everyone* should come to a community meeting on 1 May to register for food, bringing their particulars, and so MDC supporters including this young mother, went as well. However, once there, some ZANU-PF people including the war veterans called “H” and “B”, chased away the MDC sympathisers, who were forced to stand up by name and were told to leave the meeting. This involved a large number of people, but as people just left the meeting and went to their own homes on being told to leave, it is hard to give a number of affected families. Allegedly lists saying who can buy GMB food are going to be compiled based on this 1 May meeting, and the mother knows that this means she will be unable to buy food for the baby through GMB.

The baby is losing weight according to its clinic cards. The mother depends on good will from other equally poor family members.

*Same area – people who refused to vote as “illiterates” have access to food denied.* Two women in their forties from this same village reported that because they had refused to vote as illiterates on March 10<sup>th</sup> – which would have effectively meant asking a ZANU-PF polling officer to place the cross on their ballot papers for them – they are now blacklisted, as everybody in their village had been ordered by war veterans to vote as illiterates so that they could be sure that all people voted for ZANU-PF. The women are unable to buy food at GMB, or to register for “food for work” programmes. The practise of forcing competent, literate adults to vote in this way was widely reported in the wake of the 2002 election (see second report, 27<sup>th</sup> March 2002).

##### 5. *BB school: X4 Donor Food Programme*

A key informant reports that the process of drawing up lists of people to benefit from X4 donor feeding is more or less complete in this area. However, the lists are alleged to be discriminatory. The names of 13 destitute families who have been deliberately excluded from this feeding programme was passed on, with a total number of dependents numbering 57. The area was visited and three families received house calls to establish

the situation on the ground. They confirmed that they were excluded from the programme.

It was pointed out that BB school is immediately adjacent to a militia camp, and that this is highly inappropriate. MDC supporters are regularly dragged into that camp for intimidation and it is not a politically neutral venue for feeding in this area.

*Access to borehole: discrimination, BB Ward:* Several key informants reported that war veterans and militia guard the borehole near this school during the day, preventing MDC families from gaining any water from the borehole. MDC families have to sneak to the borehole at night to draw their water.

*Home visit and interview with S aged 56:*

*Excluded from social welfare.* S is 100% blind and is a widower responsible for 5 children, 4 of whom are under the age of 15, although none are currently in school.

The S family is clearly destitute and has harvested nothing since S's wife died in 1998. The children are all out of school as there is no money for fees and the children in any case do not appear strong enough to walk to school.

He joined MDC before the 2000 elections, and has been outspoken at MDC rallies since then. Before the last elections, his MDC membership was not a problem, but this year he has been affected by his affiliation. In February this year, he went to inquire if he could qualify for *social assistance programmes* that were coming into place then, as an elderly disabled person. However, he was told that he had been "blacklisted".

He was told by government officials in the social welfare department to go and get money from "his boss Tsvangirai".

His daughter in her twenties has been refused the right to "*food for work*" programmes because of her father's political affiliations.

The family has been refused *the right to buy food at GMB*, because they are MDC.

The family has no source of income apart from a few hundred Z dollars a month (monthly income of 2 or 3 US\$) earned by S making door mats out of mealy leaves, which he sells at the local mission. Yet with the little they have, they have to pay their neighbours to buy food for them at GMB, as they cannot buy it directly.

*Donor X3 feeding scheme and Family S:* Donor X3 recently came to this area and registered families for under 5 feeding. At the homestead, two children at the S household are under 5 and should qualify. The family was left off the first list for political reasons; only ZANU-PF families were invited to the meetings to decide on who should be on the lists. However, when the lists came back with no MDC families on them, on Monday 29<sup>th</sup> April, the MDC ward chairperson went to both the chief and to a named X3 employee. He insisted that S's name be added to the list. He also insisted that two old women (named) should be added to the list. There were other families as well whom he felt were deserving, but felt these three were really at risk.

On Friday 3<sup>rd</sup> May the lists were brought back to the region – and although S's name and the others had in theory been added on the Monday, they were missing from the list again by Friday. The MDC chairperson again made a fuss and their names were added once more. The list has not yet been returned to the community for final vetting before

feeding starts, but there is deep concern among 13 MDC families (named) that they will have been somehow struck off the list again.

*The W family: home visit:* During a home visit, W reported to us that on 28<sup>th</sup> February 2002, he had his hut burnt down by his ZANU neighbour - who is also a cousin. He lost all his kitchen utensils – this hut was recently built and all his savings were put into the building. The hedge of branches was also deliberately burnt allowing cattle into the field and they destroyed the entire crop, which would probably have been about four bags of maize.

On 27<sup>th</sup> March 2002, this same W was captured by the militia and severely tortured in their camp nearby. He is now a refugee and living with his three destitute children elsewhere. His children are not in school as there is no money for fees, and the family is of no fixed abode at this time.

*Effect on W's children:* Mr W reports deep concern about the effects of the violence on his children. After MDC lost the election, the local ZANU officials made coffins with the names of MDC officials on them – one had his name on, and this has deeply upset his children.

The children of local ZANU officials have imitated their parents and threaten W's children with death. The children are also now resentful of their parents for their MDC affiliation – saying that if it was not for that, they would not have been deprived of their home and safety. The parents are isolated for political reasons and so are the children.

*W's brother: home visit:* W's brother who lives across the road, reported that he has been persecuted time and again because of his affiliation to MDC. He was interviewed from his place where he has been hiding for 3 months, and not at his homestead. However, his homestead was visited in his absence, and his two small children were found without supervision. They are aged 7 and 8 years. Both should currently be in school, but were sitting unkempt and without energy on a rock. They have been out of school since January 2002. They were trying to break open marula pips with rocks, to get the tiny nuts inside, and this is how they spend their days. This, and other wild fruit is their major food source.

Their father has been on the run since January and does not dare to come home, and the mother spends her days away trying to raise money by buying and reselling sugar cane. The children were present at the homestead in August last year when their father was severely harassed by war veterans in front of them. They were reportedly deeply traumatised by witnessing this. They also witnessed the burning of their uncle's hut (see in background of picture).

These children are not currently benefiting from any feeding scheme, although they should be eligible for the scheme starting at BB School. However, they are not under 5 and not attending school either.

## 6. *donor feeding scheme*

A key informant reported that there is a feeding scheme in the vicinity of ZZ Primary School where families are also being denied access to Donor X2 feeding on political grounds. Two children were named as being of particular concern, T aged 12 and B aged 4. T is deaf and dumb and cannot walk upright. B is deaf. Neither child is in school. The

caretakers of the children were accused of being MDC supporters, and on these grounds the children are being denied access to feeding programmes.

Two named persons are allegedly responsible for keeping them out of the scheme. One is the person who receives the food and is the head's assistant. The chief himself is alleged to have personally given a directive that only ZANU-PF supporters should benefit from food aid.

Two other highly deserving families were also named as being excluded from food aid, one with 5 children and one with 4. The latter family also has a deaf and dumb child (not one of those indicated above).

*Borehole: discriminatory access:* The borehole area near this school is also reported to be sealed off to MDC supporters; only ZANU-PF people can have access to the water.

#### 7. *Complaint issued to donor from a different district to all above cases*

The following letter was sent to the donor concerned, who immediately stopped the feeding and investigated the complaints. The basic facts were later confirmed by the donor.

*C School  
April 2002*

*Co-Ordinator*

*Donor Food Programme*

*Dear Sir*

#### **Re: Food Complaints**

*After complaining to Mr V about MDC members left out from Food Programme, V set a day to solve this problem.*

*The meeting was held on the X April 2002, but we were surprised to see Mr V bringing with him a Councillor Chairman who is not our Ward Councillor, and who is also a ZANU PF Provincial member. Also attending, were the Assistant District Administrator and another prominent ZANU PF member Mrs B and some ZANU PF supporters who were wearing party T-shirts - to an NGOs meeting.*

*The presence of these people compounded our problems. Our ward councillor Mr M used slogans attacking us for not complaining to him - yet he was not informing us about these meetings. The most shocking incident was Mr V who raised his fist shouting a ZANU PF slogan. I quote (Pamberi ne Zunde ramambo, pamberi nekubatana, pasi nevasingadi) We were astonished by such a behaviour done by an international food scheme employee. Who was now to solve our problem - ZANU PF or the donor? ZANU PF dictated the course to take instead of Mr V to whom we had reported the issue.*

*Now the Councillor Chairman came and attacked MDC members saying that those who have lost elections must not complain, but should surrender to ZANU PF and get food aid. I quote, (Nganga ikakonewa kushopera inovuya ne hakata dzayo topisa. Munofanirwa kutevera vazhinji kuti mugute. Usingateveri vazhinji uchwounda nenzara.)*

*This statement simply means we must surrender to ZANU PF to get food aid. We feel Mr V was never impartial in this case.*

*Even Food for Work is not given to MDC members. Porridge for children under five years are discriminated.*

*Signatories: (six names of local leadership).*

6. *District 3: Matabeleland South – on site visit reveals food discrimination 15 May 2002*

Mrs P went to a rural business centre to buy maize delivered the same day by army trucks. She and others from her area did not get any maize, as Mr U, the district ZANU-PF chairman said the MDC supporters should not benefit. Mr U and a friend of his had come in two trucks on this day, and they loaded the 50 kg bags into these cars and drove away, apparently to sell the maize elsewhere. They were ambushed by youths from the area (with no particular political affiliation ) and forced to sell the maize in their trucks to the villagers.

### **Summary and conclusion**

- During one short visit to one district, many first and second hand testimonies were collected about politically discriminatory practices against MDC supporters affecting all avenues of access to food, including that distributed by international NGOs, and including access to water. Interviews from other districts also indicate food discrimination elsewhere.
- In all cases of problematic food distribution, those implicated in politically manipulating access to food are ZANU-PF supporters; such abuse of power is not limited to war veterans, youth militia and elected councillors, but includes headmasters, businessmen, chiefs and traditional leadership.
- In the two cases of selective feeding practices brought to their attention during late March 2002, the international donor intervened and brought an end to the discriminatory practice. Information collected in May has been forwarded and assurances given that intervention will once more be made.
- Donors are able to restore non selective practice of feeding schemes through a firm policy of “Food for everybody or food for nobody”.
- Where donor practice has changed owing to complaints, the experience has been empowering for those previously discriminated against.
- However it is clear that some schemes have been discriminatory for months without the donor being aware. This points to a need for much closer monitoring on the ground.
- Monitoring should include verification that all qualified villagers are on the feeding lists. This will imply contact with key informants from the local community other than the ZANU-PF dominated leadership; “ZANU leadership” clearly includes not just those structures that are normally assumed to be political, such as elected councillors and government officials, but also school staff, business people and traditional leadership.
- Particular monitoring is needed for feeding points that are placed outside of large institutions, where the programme depends on the ethical behaviour of single individuals.