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Note from the Field

The Zimbabwean Human Rights Crisis: A Collaborative Approach to International Advocacy

Lorna Davidson and Raj Purohit[†]

Over the past several years, a serious human rights crisis has developed in Zimbabwe, where President Robert Mugabe employs repressive measures to cling to power. Civil society and human rights groups in Zimbabwe are among those who have come under attack by the government, and they face an extremely difficult challenge in bringing about positive change in the country. This article describes the development of the current crisis in Zimbabwe, focusing on the problems faced by local activists and organizations that seek to promote greater respect for human rights. It further discusses one recent initiative launched by the U.S.-based organization Human Rights First, which organized a consultative meeting of regional civil society groups in August 2003. The article addresses the role that can and should be played by international civil society organizations, which must be sensitive to the contextual dynamics particular to the Zimbabwean crisis and to the region. If they are to be in any way effective, such organizations must act in support of local actors and stronger regional networks.

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I. INTRODUCTION

A major human rights and humanitarian crisis has been developing in Zimbabwe for the past several years and has reached a critical juncture. Relative to other trouble-spots in Africa, the nature and dimensions of the crisis in Zimbabwe are simple. There are no rebel forces fighting for control of resources or territory, no secessionist movements seeking to break away, no religious conflicts, and no collapse of state institutions. Rather, Zimbabwe is a classic case of an authoritarian government clinging to power and using whatever methods it considers necessary to ensure its continued survival.

Over the past five decades, a sophisticated language and legal structure have developed to deal precisely with governments abusing their people and invoking the protection of state sovereignty to prevent external criticism or interference. The language of human rights, and the raft of national, regional and international human rights standards that have been adopted as law, provide a framework for addressing such abuses of power and seeking to prevent their repetition.

Yet despite the arsenal of laws, courts, monitoring mechanisms, regional and international agreements, and institutions wielding a range of carrots and sticks, nothing has yet moved the Zimbabwean government to end the violence and repression that it is inflicting upon its people. When it is accused of violating basic rights, it simply dismisses such allegations as part of a western neo-colonial conspiracy designed to destabilize the government and reassert white (British) control. The political opposition is attacked by the government as a stooge of the West and disgruntled white farmers, and civil society groups are branded as agents of the opposition and western organizations. Incredible as these claims appear to the population of Zimbabwe and to external analysts monitoring the crisis, they have been remarkably effective in muddying the waters and preventing condemnation and sanctions at a regional level.

The challenge faced by human rights and civil society groups, both within Zimbabwe and externally, is therefore a difficult one, despite the seeming simplicity of the crisis itself. This article sets out that challenge, describing both the environment within Zimbabwe and the problems faced by local activists and organizations seeking to promote greater respect for human rights. Describing in particular one recent initiative launched by the U.S.-based organization Human Rights First, it further addresses the role that can and should be played by international civil society organizations, which must be sensitive to the contextual dynamics particular to the Zimbabwean crisis and to the region. If they are to be in any way effective, such organizations must act in support of local actors and stronger regional networks.

II. THE CREATION OF A CRISIS

Beginning in the early 1960s, a bitter independence struggle was

fought in Zimbabwe (then Rhodesia) by the black majority population, who had been deprived of their land and subjugated by European settlers since the late nineteenth century. After the Unilateral Declaration of Independence of 1965, by which the white minority regime in Rhodesia sought to break from Britain and ensure their own continuance in power, even more harsh measures were adopted and a system of racial segregation was rigorously implemented. Open armed conflict began in 1972, between the Rhodesian forces and Zimbabwean liberation groups, and over the course of the next seven years 30,000 to 80,000 people were killed as acts of violence and brutality became widespread throughout the country.¹

Following the negotiation of an end to the conflict and the holding of elections, Robert Mugabe and his Zanu-PF party came to power in 1980.² Rather than the backlash against the whites that many had feared, Mugabe preached reconciliation between the white and black populations.³ The white commercial farmers, numbering only around 6000 but owning two thirds of the most productive land in the country, were reassured by this rhetoric and by the terms that had been written into the new constitution, protecting their right to hold on to their land for at least ten years. While the inequality of land ownership remained, in the post-independence honeymoon period, prospects for Zimbabwe's future looked extremely promising; its economy was strong, its population highly educated, and its infrastructure well developed.

One part of Zimbabwe's infrastructure that was retained and effectively used by its new government was the state security machinery. The army, police and intelligence forces had broad powers under emergency regulations that were re-enacted after independence.⁴ Moreover, the climate of impunity for state-sponsored violence and brutality that had prevailed prior to the inception of majority rule was perpetuated through the passing of amnesty laws and the continued service of security officers who had been involved in torture, killing, and disappearances.⁵

While the lives of most Zimbabweans undoubtedly improved with independence and the formal dismantling of racial segregation, the new Zanu-PF government soon proved as ruthless as its predecessor in

1 See LAWYERS COMMITTEE FOR HUMAN RIGHTS, ZIMBABWE: WAGES OF WAR 17 (1986) [hereinafter WAGES OF WAR].

2 See MARTIN MEREDITH, OUR VOTES, OUR GUNS 14 (2002).

3 At a speech on Apr. 17, 1980, Mugabe stated, "It could never be a correct justification that because the whites oppressed us yesterday when they had power, the blacks must oppress them today because they have power. An evil remains an evil whether practised by white against black or black against white." *Id.* at 15.

4 See Ronald Weitzer, *In Search of Régime Security: Zimbabwe Since Independence*, 22 J. MOD. AFR. STUD. 529, 532-33 (1984).

5 See LEGAL RESOURCES FOUNDATION & CATHOLIC COMMISSION FOR JUSTICE AND PEACE, 1 BREAKING THE SILENCE, BUILDING TRUE PEACE: A REPORT ON THE DISTURBANCES IN MATABELELAND AND THE MIDLANDS, 1980 TO 1989 (1997), at http://www.hsforumzim.com/members_reports/matrep/matrepintro.htm [hereinafter LEGAL RESOURCES FOUNDATION].

quashing dissent. In 1982, a campaign was launched against the Ndebele population of the Matabeleland region in southern Zimbabwe, ostensibly to suppress armed dissidents who operated there. Massacres, rapes, torture, arbitrary detention and destruction of property were carried out by security forces over several years.⁶ Local human rights groups have concluded that half of the adult residents of Matabeleland were tortured in this period.⁷

In his determination to make Zimbabwe a one-party state, Robert Mugabe systematically destroyed or disarmed his opponents, and by 1990 he was without significant challengers. For the next decade, a period of relative calm prevailed in the country, but popular discontent with the government was on the rise and new forces for social change emerged. Academics, the student union and the labor movement became increasingly critical of corruption, the continued use of repressive legislation, and the absence of respect for basic political rights.⁸ In 1997, the National Constitutional Assembly (NCA), a large coalition of human rights organizations, churches, trade unions, women's groups, and others, was formed on a platform for a new constitution containing greater rights protections. Subsequently, a new political party, the Movement for Democratic Change (MDC), emerged out of the labor movement, led by Morgan Tsvangirai.

III. A NEW CENTURY OF ABUSE

The situation in Zimbabwe began to deteriorate rapidly in 2000, a year that was marked by the defeat of the government in a popular referendum on the adoption of a new constitution. Among other things, the constitution that was proposed by a government-appointed commission would have extended presidential powers. This proposal was rejected by the Zimbabwean people following an intensive "no" campaign launched by the NCA and the newly formed MDC. That same year, despite political violence and widespread manipulation of the electoral process by the ruling Zanu-PF party, the MDC succeeded in winning fifty-seven out of the one hundred and twenty popularly elected seats in parliament. Realizing that his hold over the population was rapidly diminishing and that he might not be able to cling to power for much longer, President Mugabe retaliated. He seized on land reform as an emotive issue that could be manipulated to garner popular support in Zimbabwe and that echoed favourably throughout Africa.

⁶ See *WAGES OF WAR*, *supra* note 2, at 29-30, 136-37 (noting that in 1983 at least 1500 Ndebele civilians were summarily killed by security forces and thousands more were beaten, raped and detained; and that in 1984, in addition to further killings, detentions and beatings, several hundred thousand rural Ndebele citizens were systematically deprived of emergency drought relief.) See also *LEGAL RESOURCES FOUNDATION*, *supra* note 6.

⁷ See UNITED STATES INSTITUTE OF PEACE, *ZIMBABWE AND THE POLITICS OF TORTURE* 1 (2002), at <http://www.usip.org/pubs/specialreports/sr92.pdf>.

⁸ See Brian Kagoro, *The Opposition and Civil Society, in ZIMBABWE'S TURMOIL: PROBLEMS AND PROSPECTS* 1, 7 (Richard Cornwall ed., 2003).

There can be no question that the system of land ownership in place in Zimbabwe at independence was grossly inequitable. It has been estimated that about 6000 white commercial farmers owned 15.5 million hectares of land, while 8500 small-scale farmers owned only 1.4 million hectares, and about 700,000 households of black, communal farmers survived off 16.4 million hectares.⁹ In addition, the land comprising the communal farms was generally less suitable for farming than that owned by the large-scale commercial farmers. The independence constitution negotiated with Great Britain had restricted land transfers to those made on a willing buyer-willing seller basis and paid for in sufficient amount. Thus, for ten years the land reform process had proceeded slowly, but in a relatively orderly manner. During the 1990s, there was even less progress in the transfer and settlement process. However, in 2000, immediately following the government's defeat in the constitutional referendum, a new "fast-track" program was launched and between 2000 and the end of 2002, the government had acquired an estimated eleven million hectares of land formerly owned by white commercial farmers. This acquisition was achieved by occupation by groups of "war veterans"¹⁰ and other government-sponsored agents, and was marked by considerable violence and coercion.

While Mugabe and his government have trumpeted the fast-track land reform program as the righting of historical injustices and the fulfilment of liberation for the black majority in Zimbabwe, the reality of the process is one of disempowerment, loss of livelihood, and corruption. Many of those allocated small areas of land under the program have been unable to take up residence and farm the land productively due to lack of resources and infrastructure, rendering much of this land fallow. As a result, farm productivity has collapsed and the economy has gone into free-fall. Black farm workers, who at independence constituted twenty to twenty-five percent of Zimbabwe's workforce and supported roughly two million men, women and children, have lost their means of survival. Large numbers of farm workers and their families were displaced from their homes, and also lost access to vital resources such as schools, health-care, electricity and water. Significantly, less than five percent of the black farm-workers were themselves allocated land under the fast-track program.¹¹ Nevertheless, the government has managed successfully to exploit the issue of land reform in order to evade criticism at a sub-regional, regional and even international level.

The implementation of the fast-track land program was timed

⁹ See Lloyd M. Sachikonye, *The Situation of Commercial Farm Workers After Land Reform in Zimbabwe* (Mar. 2003), at <http://www.sarpn.org.za/documents/d0000359/index.php>.

¹⁰ Members of the black majority population who fought during the liberation struggle became known as "war veterans" and formed various groups to advance their interests. Some of these war veterans have been involved in farm occupations and acts of violence, having been promised land by the Zanu-PF government. Sometimes, however, those referred to as "war veterans" never in fact participated in the liberation war and are, indeed, too young to have been involved in the war.

¹¹ See Sachikonye, *supra* note 10, at 66.

carefully, in order to gain maximum political advantage in the run up to the 2002 presidential elections. These elections were held March 9 and 10, 2002, and President Mugabe was promptly declared the winner, with fifty-four per cent of the vote. However, conditions in the pre-election period were far from conducive to a fair electoral process, and its conduct was marked by widespread irregularities, condemned by numerous local and international independent observers as well as human rights organizations.¹² The commonwealth observer group that monitored the elections described a "climate of fear" surrounding the elections, and the MDC contested the results in the courts. Local human rights groups documented a significant increase in incidents of political violence, detentions, and torture in the period leading up to the elections and in the post-election period.¹³ Zimbabwe was subsequently suspended from the commonwealth and several countries imposed sanctions targeted at President Mugabe and his close supporters.

In the months following the election, President Mugabe and his Zanu-PF party sought to strengthen their grip on power by further attacking the political opposition in a range of ways and suppressing the voices of all who dared to criticize the government. Conforming to a pattern begun much earlier, the government used physical violence and intimidation, arrest and detention on spurious charges under new legislation, the prohibition or disruption of public meetings and demonstrations, and threats and verbal attacks published in the government-controlled press. A variety of groups and individuals were subjected to this treatment, including not only opposition leaders and supporters, but also independent journalists, trade unionists, non-governmental organizations (NGOs), civil society activists, teachers, judges, and lawyers.

Numerous, reliable reports from both local and international human rights and humanitarian organizations, as well as from foreign governments, have documented acts of political violence including serious human rights violations such as torture, physical assault, killings, and rape in Zimbabwe.¹⁴ While the victims and perpetrators of these abuses come

¹² See LAWYERS COMMITTEE FOR HUMAN RIGHTS, *CRISIS IN ZIMBABWE: FLAWED ELECTIONS AND FURTHER HUMAN RIGHTS VIOLATIONS* (Mar. 15, 2002), at www.humanrightsfirst.org/defenders/hrd_zimbabwe/hrd_zim_1.htm.

¹³ The Zimbabwean Human Rights NGO Forum noted in January 2002:

As the presidential campaign begins in earnest, of gravest concern are the 16 politically motivated murders that were reported in the month of January. This figure may be higher as it is possible that other deaths went unreported. This is the highest number of deaths recorded in any one month since the first politically motivated murder that was recorded in March 2000. This confirms the oft-repeated assertion that Zimbabwean elections are almost always accompanied by gross human rights violations and loss of life. These human rights violations undoubtedly build up a climate of fear and terror among the electorate. It also puts paid to any suggestions that political violence may be on the decline when in fact it is increasing at an alarming rate.

See ZIMBABWE HUMAN RIGHTS NGO FORUM, *POLITICAL VIOLENCE REPORT* (Jan. 19-31, 2002), at http://www.hrforumzim.com/monthly/january02_02.htm (emphasis removed).

¹⁴ A vibrant and committed human rights community has developed in Zimbabwe in the

from across the political spectrum, as well as from around the country, in the vast majority of reported cases the victims are members or supporters of the MDC, or people accused of supporting the MDC. In such cases, victims and witnesses generally allege that the perpetrators of abuse are officers from the Zimbabwean police and security forces, or members of government-supported militias, such as so-called war veterans groups and youth militias (known as Green Bombers). The climate of impunity that prevailed from the civil war and through the violence in Matabeleland in the 1980s continues to protect these perpetrators of serious human rights violations.

Reporting cases of political violence in Zimbabwe is a difficult and risky endeavor. Many incidents undoubtedly go undocumented, particularly in cases of rape and sexual assault, which victims are often unwilling to report. However, groups such as the Amani Trust and the Human Rights NGO Forum have been able to compile lengthy reports based on victim and witness accounts of particular incidents, and have identified certain patterns and trends. These groups have noted a significant increase in political violence in the period from 2000 to present, with peaks showing around local, parliamentary and presidential elections. In addition, while the number of killings has remained relatively low, there has been a huge increase in the reported incidents of torture and other forms of physical mistreatment. The Human Rights NGO Forum reported 1061 documented incidents of torture in 2002, as well as fifty-two assaults, twenty-nine disappearances, fifty-eight murders and seven rapes.¹⁵ From January 1 to July 31, 2003, a further 390 incidents of torture were recorded by the forum, along with 238 assaults, four disappearances, eight murders, and six rapes.¹⁶ The methods of physical abuse also demonstrate patterns, and particular centers such as youth training camps have been identified as locations where certain types of abuse are common.¹⁷

past decade and a remarkable number of civil society groups and NGOs operate in the country despite the risks that this entails. These groups have been a vital source of information about the situation in the country. As discussed further below, some organizations in the region have also played an important role in drawing attention to deteriorating conditions inside Zimbabwe, in addition to groups in Europe and the United States.

¹⁵ See ZIMBABWE HUMAN RIGHTS NGO FORUM, POLITICAL VIOLENCE REPORT (Dec. 2002), at http://www.hrforumzim.com/monthly/dec_02.htm [hereinafter DECEMBER REPORT].

¹⁶ See ZIMBABWE HUMAN RIGHTS NGO FORUM, POLITICAL VIOLENCE REPORT (July 2003), at <http://www.hrforumzim.com/monthly/july03.doc>.

¹⁷ For example, several disturbing reports were publicized in 2002 and early 2003 of the use of electrocution and the forcing of detainees to drink urine and other noxious substances, during detention by the police. One such case was that of human rights lawyer Gabriel Shumba and MDC Member of Parliament Job Sikhala, who were detained for three days in mid-January by the police. Following their torture (beating, electric shocks, and being forced to drink urine), they were hospitalized and subsequently fled the country. In other cases, individuals and groups describe being severely beaten with sticks, rifles, chains, and other weapons, in their homes, on the streets, and at places of detention.

Camps have been established ostensibly for the purpose of carrying out the government's national youth service training program. Numerous reports indicate, however, that these camps are used to train youth militias and are the sites of significant violence and abuse, both of the youth themselves, members of the opposition, and individuals perceived to be

A public strike called by the MDC in March 2003 generated a strong public response and many people stayed away from work for two days. At this time, a notable increase in the number of incidents of torture and physical abuse was recorded by human rights groups. Common among the cases recorded were abductions of people from their homes at night, serious physical mistreatment in homes and in detention, and threats of further harm should the victims report their attacks. Several cases of sexual assault were also recorded at this time, and the numbers of such cases are likely to be significantly higher than actually reported.

Zimbabwe's human rights crisis involves the denial of economic rights to the vast majority of the population, in addition to the ongoing violations of civil and political rights. With inflation in 2003 running at an estimated 300 to 500 percent, most families can no longer afford the basic food required for survival. At the beginning of 2003, the United Nations estimated that 7.2 million people were at risk of starvation.¹⁸ Despite this chronic situation, the Zimbabwean government has insisted on the retention of the state's monopoly on the import of maize and wheat, the staple grains. Through its Grain Marketing Board, the government is able to control who among its population is given access to these essential supplies. Numerous reports indicate that this power is regularly abused to deny food to communities considered supportive of the MDC.¹⁹ The government also seeks to influence the distribution of food by donor agencies and has prevented food distribution by non-governmental organizations and aid agencies in some areas.²⁰

Through corruption, mismanagement, and the disastrous implementation of the fast-track land reform program, Zimbabwe's economy, once considered the strongest in Africa, has crumbled, and more than seventy-five percent of the population lives in poverty. Unemployment has risen from thirteen percent in 1980 to eighty percent in 2002. Since independence, life expectancy has gone down by over ten

supportive of the opposition. See THE SOLIDARITY PEACE TRUST, *National Youth Service Training: Shaping Youths in a Truly Zimbabwean Manner, An Overview of Youth Militia Training and Activities in Zimbabwe, October 2000 - August 2003* (2003), at

http://www.kubatana.net/docs/chiyou/youth_militia_030905_pix_sml.pdf.

¹⁸ United Nations Relief and Recovery Unit, *Zimbabwe Humanitarian Situation Report* (Jan. 29, 2003), at

<http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/b4352487d8368ba6c1256cbe003e3bc3?OpenDocument>.

¹⁹ In August 2002, one Zanu-PF official noted that Zimbabwe would be better off with only six million people (implying that half of the current population should indeed starve to death), if those six million people were supporters of the liberation struggle (indicating Zanu-PF supporters). U.S. Dep't of State, *Zimbabwe's Man-made Crisis* (Feb. 2003), at <http://www.state.gov/g/drl/rls/16501.htm> (quoting the Foreign Secretary Didymus Mutasa of Mugabe's ruling ZANU-PF party).

²⁰ For example, in August 2003, the Zimbabwean government released a policy directive that withdrew responsibility from the World Food Programme for the selection of beneficiaries and the distribution of food aid, replacing the agency with local government structures and village authorities. See U.N. Integrated Regional Information Networks, *ZIMBABWE: UIN Forced to Close Provincial Offices* (Sept. 2, 2003) at <http://www.irinnews.org/report.asp?ReportID=36344>.

years, in part due to the HIV/AIDS epidemic. Food shortages required the import of up to 1.3 million metric tons of maize in 2003 to 2004 to prevent mass starvation.²¹

The acute food shortage and the control of distribution of aid supplies by the government and its agents have a particularly detrimental effect on the large number of displaced farm workers (especially those of foreign descent), women, the elderly, orphaned children, and people living with HIV/AIDS. In addition, as noted above, the government's fast-track land reform program has resulted in the destruction of the infrastructure of social services in many rural areas, including healthcare and basic education.

IV. RESTRICTIONS ON HUMAN RIGHTS ADVOCACY

Rigorous documentation of human rights violations is the most basic element of human rights advocacy, necessary to ensure the dissemination of accurate information and the building of legal cases, and to create pressure for action domestically and internationally. In Zimbabwe, such documentation is significantly hampered by the efforts of the authorities, which in addition to using threats, violence, and intimidation against those seeking to record human rights abuses, also makes use of new legislation that significantly restricts the scope for criticism of state institutions and seeks to prevent civil society and political organizing.

The *Public Order and Security Act* (POSA), a draconian law adopted in January 2002 to replace the Rhodesian *Law and Order Maintenance Act*, is used routinely by the Zimbabwean police to arrest and detain members of the opposition and others perceived as supportive of them, such as civil society activists. The law is also used to prevent and disrupt peaceful meetings, as it requires police permission to hold any kind of public gathering. The provisions of POSA are themselves contrary to constitutional provisions on freedom of expression, association, and assembly, as well as being in violation of international human rights law.²² Often, individuals are arrested and detained for several hours, ostensibly under the authority of POSA. However, in many such cases, no charges are ever brought and the detention is used simply as a means of intimidation. In others, baseless charges are filed, and cases are initiated but never brought to trial, again as a method of harassment and intimidation.²³

²¹ See U.S. Agency for Int'l Dev., *Famine Early Warning Network, Monthly Food Security Update* (Feb. 27, 2003) at <http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/0e803ddec1b4b1fb49256cf60008c703?OpenDocument>.

²² See Lawyers Committee for Human Rights, *Background Statement on the Public Order and Security Bill Before the Zimbabwean Parliament* (Dec. 19, 2001) at http://www.humanrightsfirst.org/defenders/hrd_zimbabwe/hrd_zim_6.htm.

²³ For example, among those who have been arrested, detained and/or charged on the basis of POSA are the president and secretary of the Zimbabwe Law Society, a range of trade union leaders, a group of 350 women National Constitutional Assembly members, and demonstrators at World Cup cricket matches being played in Zimbabwe. Often those arrested

The threat of arrest and prosecution under the POSA hangs over all human rights defenders, whose exposure of government-sponsored violence and other human rights violations is considered threatening by Mugabe and his ministers. Even before the enactment of the Act, such groups and individuals had been subjected to a variety of tactics seeking to silence them.

Throughout 2001, the government sought to discredit human rights organizations, such as the Amani Trust, an independent group that provides assistance to torture victims and exposes the practice of torture in Zimbabwe. Using government-controlled newspapers, the authorities accused such groups of supporting neo-colonialism and engaging in fraudulent activity. In April 2002, the government-controlled newspaper *The Chronicle* reported that a war veterans' leader associated with the Zanu-PF regime had called for the removal of passports from NGO representatives and said that they should be "punished" for spreading "anti-Zimbabwe propaganda." The paper also quoted this leader as issuing a threat that "after the commercial farmers we will move to the NGOs and remove all employees working against the interests of Zimbabwe."²⁴

In May 2002, press reports quoted the then Home Affairs Minister, John Nkomo, as stating that the government was moving to adopt measures for the deregistration of NGOs engaged in activity that it considered "anti-Zimbabwe."²⁵ Another government official reportedly stated that the government wanted all NGOs operating in Zimbabwe to be registered so that their activities could be monitored. At the opening of parliament in July 2003, President Mugabe indicated that the government would soon introduce a Non-Governmental Organisations Bill, designed "to ensure that the operations of Non-Governmental Organisations are consistent with and support Government policies and programmes," and "to prevent foreign interests from using the NGO structures to subvert our sovereignty."²⁶

The Amani Trust has repeatedly been the target of threats and vilification in the government press. Amani Trust staff have been threatened, including its medical director Dr. Frances Lovemore, who was arrested and detained in August 2002. The organization has been accused of constituting a threat to Zimbabwe's peace and security by Zanu-PF officials and was singled out in November 2002 as being in contravention of the restrictive Private Voluntary Organizations Act. Government representatives stated that the Amani Trust would be dealt with "strongly," and shortly thereafter, the organization was forced to suspend its operations due to concerns about the safety of its staff.

and detained are physically abused and sometimes tortured while in custody.

²⁴ *Withdraw Passports of Sellouts and . . . Ban Anti-Zim NGOs*, THE CHRONICLE (ZIMBABWE), Apr. 18, 2002, at 1 (on file with authors).

²⁵ See NEWS 24 (SOUTH AFRICA), *Gov't Threatens to Clamp Down on NGOs*, May 12, 2002 (on file with authors).

²⁶ See Lawyers Committee for Human Rights, *Advocacy Alert* (July 24, 2003) at http://www.humanrightsfirst.org/defenders/hrd_zimbabwe/hrd_zimbabwe.htm.

The POSA has also been used along with the Access to Information and Protection of Privacy Act (AIPPA) to stifle independent reporting by the press about the situation in Zimbabwe. Journalists in Zimbabwe are required to register with a largely government-appointed media commission under the terms of the AIPPA, or face criminal prosecution. Several provisions of the AIPPA have been challenged in the courts, and on May 7, 2003, the Supreme Court ruled that an article which criminalized "publishing falsehoods" violated the constitutional protection of freedom of expression.

Media workers continue to be threatened, attacked, arrested, and prosecuted, and foreign journalists have been labeled by the government as spies and forced to leave the country. Journalists have also been among the victims of serious physical abuse. The main independent daily newspaper had its offices attacked on several occasions and was eventually shut down by the police as it tried to continue publishing without being registered under the terms of the AIPPA.²⁷ During public strikes held in March and June 2003, journalists covering the protests were arrested and physically assaulted, as well as having equipment confiscated.

Moreover, civil society groups and Zimbabwean citizens are unable to rely upon the courts to vindicate their rights, due to the subversion of the judiciary by the government in recent years.²⁸ An independent judiciary is key to ensuring the rule of law in any society, and in Zimbabwe the judiciary has come under increasing governmental pressure since early 2000. Through general intimidation as well as specific threats, several senior judges who demonstrated their independence from government influence have been removed. In early 2001, Chief Justice Anthony Gubbay was among those forced to step down. In March 2002, another Supreme Court judge known for his independence, Judge Ahmed Ebrahim, also announced his resignation, only days after issuing a ruling that declared President Mugabe's electoral amendments prior to the presidential election illegal.

Judges and magistrates have also been physically attacked and arrested. In August 2002, a magistrate in Chipinge was assaulted by a mob of so-called war veterans after he handed down a ruling in favor of two Movement for Democratic Change members. In September, former High Court Justice Fergus Blackie was arrested and detained for several days, without adequate food, clothing and necessary medication, in apparent retaliation for an earlier ruling in which he had found the Minister of

²⁷ The Associated Newspapers of Zimbabwe, which publishes the independent newspaper, the *Daily News*, challenged the constitutionality of the provisions of the AIPPA requiring registration. However, in September 2003, a court ruled that the ANZ had no standing to bring a constitutional challenge if it didn't first register with the media commission. The ANZ then sought to register the *Daily News*, but its application was denied by the media commission and police occupied its offices and confiscated equipment. At the time of writing, the *Daily News* remained unable to publish.

²⁸ See Legal Resources Foundation, *Justice in Zimbabwe*, Sept. 30, 2002 (on file with the authors).

Justice in contempt of court. Justice Blackie was charged with violating the Prevention of Corruption Act, although these charges were dropped in June 2003, due to lack of evidence.

Lawyers in Zimbabwe who have sought to uphold basic constitutional and human rights have also been subjected to attack and persecution. Lawyers are routinely equated with their clients by police forces and are harassed, threatened, and obstructed, particularly in cases where their clients are MDC members. Many lawyers report incidents where they have been denied access to their clients or have been given false or misleading information by the police in an effort to prevent them from performing their tasks. Lawyers have also, on occasion, been themselves arrested and physically abused by police as they have sought to represent their clients.²⁹

Independent trade union representatives working to promote and protect the basic rights of Zimbabwean workers have also been threatened, arrested, physically abused, and harassed. Even church leaders who denounce state-sponsored violence and the economic hardships faced by the Zimbabwean people are targeted by threats, intimidation, and abuse.

V. INTERNATIONAL SUPPORT FOR LOCAL ACTIVISTS

In light of these repressive measures, designed to silence local activists and inhibit the exercise of basic rights, members of civil society groups inside Zimbabwe have looked abroad for support from their counterparts, both within the immediate region and more widely, as well as from the international community as a whole. Faced with a government adept in transforming any overseas criticism into another example of western manipulation, the challenge facing non-Zimbabwean and, particularly, non-African activists is to ensure that whatever approach is taken to the Zimbabwe crisis is not counter-productive.

Indeed, external groups wishing to take action in support of their Zimbabwean colleagues have to contend not only with a hostile Zimbabwean government but sometimes also with dismissal by or hostility from other governments in the region. President Mugabe has had remarkable success in retaining the support of key African heads of state and government, despite the evidence of human rights abuses committed by his agents and the economic collapse of the country, which has had serious consequences for neighboring countries. Such support has been most evident in meetings of the Southern African Development Community (SADC) and during the discussion of Zimbabwe's suspension from the commonwealth.³⁰ South African President Thabo Mbeki has gone

²⁹ For example, Gabriel Shumba was tortured in January 2003. See DECEMBER REPORT, *supra* note 16. And Gugulethu Moyo was assaulted in March 2003. See Lawyers Committee for Human Rights, *Advocacy Alerts* (Jan. 17, 2003; Mar. 25, 2003) at http://www.humanrightsfirst.org/defenders/hrd_zimbabwe/hrd_zimbabwe.htm.

³⁰ Zimbabwe was suspended from the commonwealth in March 2002 following the presidential elections. The question of whether the suspension should be lifted was addressed by the commonwealth Heads of State and Government at a meeting in Abuja, Nigeria in

so far as to brand those who raise concerns about human rights in Zimbabwe as using the issue as a “tool for overthrowing the government.”³¹ Such comments significantly increase the risk for human rights activists inside Zimbabwe, as well as impugning the motives of those outside the country.

International groups³² concerned with the rapid deterioration of the rule of law and the consequent increase in human rights violations being committed in Zimbabwe are faced with a series of choices and critical questions to consider. For instance, should such groups engage with the Zimbabwean government, and is it useful to engage key international players such as the United States and the European Union? Should they rely on data being compiled by Zimbabwean civil society groups or is it necessary to visit Zimbabwe in order to assess the situation independently? Should groups from overseas even attempt to compel the Zimbabwean government to refrain from violence by adopting the classic strategy of shaming the perpetrators?

To a certain extent, either while working in coalition or independently, several different international organizations have embraced each of these options. In part this diverse approach is a reflection of the operational differences of the groups working to stem the ongoing human rights violations in Zimbabwe.

For groups within Africa, key sticking points have been access to accurate information about the situation within Zimbabwe, the absence of sufficient resources to engage in sustained advocacy at a national and regional level on the Zimbabwe crisis, and in many cases the intransigence of their governments on the issue of Zimbabwe. Misinformation spread by the Zimbabwean government and the perception that the country’s problems are based on racially polarized disputes over land have contributed to confusion and a certain amount of reluctance to become embroiled in the situation. Nonetheless, in several countries, human rights groups, trade unions, church leaders, and women’s organizations have expressed great concern about the crisis in Zimbabwe and have sought to engage with their governments and regional institutions on the issue.³³

Toward the end of 2001, Human Rights First, a U.S.-based non-governmental organization that works to promote and protect human rights both domestically and around the world, began to refocus attention

December 2003. The issue threatened to split the commonwealth with countries such as South Africa, Zambia, and Mozambique arguing in favor of readmission. The decision was finally taken to continue the suspension and President Mugabe responded immediately by declaring Zimbabwe’s withdrawal from the commonwealth.

³¹ Thabo Mbeki, *We Will Resist the Upside-Down View of Africa*, ANC TODAY, Vol. 3, No. 49, at 12-18 (Dec. 2003), www.anc.org.za/ancdocs/anctoday/2003/at49.htm (internal quotation omitted).

³² The term “international” is here used to denote non-Zimbabwean organizations rather than organizations that operate in more than one country.

³³ Notable examples are Ditshwanelo (the Botswana Centre for Human Rights), The Namibian Society for Human Rights, and various human rights, church, and trade union groups in South Africa.

on the human rights situation in Zimbabwe. Due to both organizational constraints and preferred methods of operation, Human Rights First did not seek to engage in on-the-ground fact gathering at that time. Rather, staff relied upon reports provided by local sources and other human rights and humanitarian organizations working within Zimbabwe, and analyzed and channeled this information in order to attract greater international attention to the crisis.³⁴ Despite the significant amount of information on political violence and other rights violations available from Zimbabwean groups, it became clear during 2002 that there was still a real need to educate policy-makers, broader civil society actors, and the public around the world, in order to counter some of the misinformation emanating from the Zimbabwean government and its allies. As noted above, by smearing the reputation of local and international NGOs and claiming that groups such as Amnesty International are stooges of colonial interests, President Mugabe has had some success in shifting the focus of individuals who may care deeply about Zimbabwe from the abuses of his government to a macro policy debate on land, colonial rule and the West's questionable approach to African affairs.

The importance to human rights advocacy of credible documentation and effective dissemination cannot be underestimated, and Human Rights First's efforts to play a greater role in getting the facts to the public on Zimbabwe became an increasingly central part of its work. Other international groups, including the International Crisis Group, Amnesty International, and Physicians for Human Rights, have also recognized the need for such reporting. The resulting series of high-quality, well researched reports, coupled with outstanding journalism from the ever-growing ranks of Zimbabwean and non-Zimbabwean reporters who have been forced to flee the country, have helped to build the foundation for subsequent advocacy at national, regional, and transnational levels.

In addition to focusing on the critical need to get the facts out on Zimbabwe, international groups like Human Rights First have been required to assist local efforts to facilitate Zimbabwean civil society. By drawing attention to individual cases where civil society actors are harassed, threatened, or abused, these efforts afford a measure of protection to activists, and provide an indicator of the level of severity of the human rights crisis. The strategies employed to achieve this goal vary, but have been enhanced in recent years by technological developments that allow for the dissemination of information and the targeting of key governments for e-advocacy. Throughout 2002, Human Rights First sought to highlight cases of individual Zimbabwean activists and NGOs that were being singled out by the government for their role in exposing human rights violations, advocating reform or defending the victims of government violence.³⁵ In addition, it focused some attention on legislative

³⁴ In channelling information provided by local sources, staff were always mindful of the security situation for local activists and organizations, and took this into account when attributing material.

³⁵ See Lawyers Committee for Human Rights, *Advocacy Alerts*, at

developments in Zimbabwe that had, or potentially could have, a negative impact on the work of local human rights defenders.

In a similar vein, a Zimbabwean civil society initiative was launched in early 2003, to create a Human Rights Defenders Emergency Fund. This fund is designed to be supported by international groups concerned to ensure that local human rights defenders are able to operate in Zimbabwe. The Zimbabwe Lawyers for Human Rights and other local groups are administering the fund, which has been set up to support the "rapid reaction" provision of legal services to human rights defenders across Zimbabwe who have been arrested, detained or otherwise targeted by state organs or affiliates as a result of their work in the human rights and civil society sector.³⁶ The Fund is used to cover emergency legal fees for lawyers provided to human rights defenders who have been detained or arrested.

This initiative resembles the approach taken during the struggle against apartheid in South Africa, whereby the "Defence and Aid in South Africa" fund (which became the International Defense and Aid Fund for Southern Africa - IDAF) was formed. The IDAF was a vital instrument in the fight against apartheid, and its importance was underscored during the final IDAF meeting in 1991 when Oliver Tambo, the anti-apartheid leader and former national chairperson of the ANC, said:

Today I cannot but recall many very special and personal memories of the numerous ways in which the Fund was able to help our people in their time of need. How many more of our political prisoners would have been executed? How many more detainees would have been brutally tortured? How many families of those detained and imprisoned would have been destitute, if it had not been for IDAF? Above all, IDAF stood with us during our darkest days.³⁷

Assistance from international civil society groups to their Zimbabwean counterparts cannot, however, be limited to the external dissemination of information and intermittent attempts to help protect individual human rights defenders. During a mission to Zimbabwe and South Africa in February and March 2003, the authors discussed how best a U.S.-based NGO such as Human Rights First could be supportive of local civil society actors. This dialogue confirmed our opinion that supporting the advocacy efforts of the Zimbabwean groups would be counter-productive if it followed the usual model of western-based organizations, taking the lead in raising concerns at a governmental and inter-governmental level

http://www.humanrightsfirst.org/defenders/hrd_zimbabwe/hrd_zimbabwe.htm.

³⁶ Press Release, Zimbabwe Lawyers for Human Rights, The Human Rights Defenders Emergency Fund (Apr. 24, 2003), at

<http://www.kubatana.net/html/archive/hr/030424zlh.asp?sector=HR>.

³⁷ Oliver Tambo, Speech at the Final Conference of International Defence and Aid Fund for Southern Africa (May 24, 1991), at <http://www.anc.org.za/ancdocs/history/or/or91-2.html/>.

without genuine collaboration with the affected groups themselves. This belief was grounded in part on an understanding that: (a) the Zanu-PF government was successfully dividing the world community by using "anti neo-imperialism" arguments; and (b) an effective response to this strategy required pressure for the cessation of human rights violations to come from Zimbabwe's direct neighbors in Africa and other powerful African states.

VI. THE AFRICAN CIVIL SOCIETY CONSULTATION ON ZIMBABWE

Following these discussions in early 2003, Human Rights First determined that its most effective role in the broader advocacy work would be to commit to organizing a consultative meeting of African civil society groups to tackle the Zimbabwe crisis. It was recognized that important regional civil society actors included representatives of the Christian churches, trade unions, human rights NGOs, youth groups, and women's organizations, and that each of these groups should be brought into the discussions. Crucially, Zimbabwean civil society leaders were the main proponents of the meeting and felt that the right role for Human Rights First to play was that of convener, because it had the capacity to bring together representatives of each of these sectors from several African countries. While Human Rights First staff were then able to make the necessary practical arrangements, reach out to the desired participants, create a structure for the two-day event and outline an agenda for the discussions, it must be emphasized that at all stages the role of the organization was one of facilitation, rather than substantive participation.

Such a collaborative approach required the close cooperation and involvement of all of the participants in the meeting, and particularly that of a local partner organization in the host country. Recognizing the practical difficulties of holding the type of meeting planned within Zimbabwe itself, it was determined that Botswana was the most appropriate venue, for reasons of accessibility, proximity to Zimbabwe, infrastructure, and its government's more open position on Zimbabwe.³⁸ Based in Botswana's capital, Gaborone, DITSHWANELO (the Botswana Centre for Human Rights) was identified as the preferred local partner organization, for it had already engaged in advocacy on Zimbabwe and in efforts to raise awareness about the crisis within Botswana. Collaboration with a local organization should be a necessary prerequisite for any western NGO seeking to hold a meeting in the global south. While this may seem obvious, discussions with African colleagues suggest that this approach is regularly not followed by western NGOs, often leading to southern groups feeling frustrated, marginalized and disrespected in superficially collaborative initiatives.

³⁸ It should be noted that careful consideration of security was also required within Botswana, and Human Rights First consulted closely on this issue with Ditshwanelo and the Zimbabwean participants.

The "African Civil Society Consultation on Zimbabwe" was held in Gaborone on August 5 and 6, 2003. It provided an opportunity for Zimbabwean human rights and civil society activists to meet with their counterparts from Botswana, South Africa, Kenya, Namibia, Zambia, and Malawi to exchange information, ideas, experience, and strategies. The consultation was the first time that such a broad range of regional civil society groups had met to focus entirely on the crisis in Zimbabwe, as well as to think together about methods to individually and jointly address that crisis.³⁹ It provided an opportunity for the Zimbabwean participants to give details about the current situation in Zimbabwe and to counter the tremendous amount of misinformation that exists in the region concerning Zimbabwe. Such a sharing of information was extremely useful for the non-Zimbabwean groups represented, as the details provided by the Zimbabwean participants gave them the necessary tools to engage in advocacy on Zimbabwe upon their return to their home countries. For the Zimbabweans, the consultation was an important occasion to meet their regional counterparts, to learn from their experiences and to share ideas, all of which provided them with crucial support and encouragement for their ongoing struggle.

The substantive discussions began with a keynote address by Rev. Pius Ncube, the Archbishop of Bulawayo and one of Zimbabwe's best known and respected human rights advocates. Thereafter, presentations were given by other Zimbabwean participants on three broad themes: political violence; restrictions upon human rights defenders; and economic and social rights. These topics were then discussed in detail by all of the participants, who divided into three break-out groups. Each break-out group was charged with sharing ideas and formulating strategies to address the various issues raised. In addition, the participants discussed regional and international advocacy mechanisms that could be utilized by civil society groups to bring pressure for an end to ongoing human rights violations in Zimbabwe. This fourth discussion topic was considered particularly useful by many of the participants, who had not had previous experience in accessing and utilizing these mechanisms.

At the close of the consultation, the participants adopted by consensus a concluding statement, as a public advocacy document.⁴⁰ In addition, an internal document was created that laid out a program for action by African civil society groups on the Zimbabwean crisis, and each of the

³⁹ While individual organizations in several African countries, including South Africa, Botswana, and Namibia, had been raising concerns about the situation in Zimbabwe for some time, and such concerns had been expressed at regional meetings such as the African Commission on Human Rights, there had not yet been a regional meeting devoted to discussion of Zimbabwe involving such diverse groups from so many different countries. In addition, coordination of advocacy on human rights in Zimbabwe at a national level had not occurred in any African country apart from South Africa. There, a Zimbabwe Advocacy Campaign was created in 2003 to coordinate activities among a range of civil society groups.

⁴⁰ AFRICAN CIVIL SOCIETY CONSULTATION ON ZIMBABWE, CONCLUDING STATEMENT (Aug. 6, 2003), at http://www.humanrightsfirst.org/defenders/hrd_zimbabwe/African-Civil-Society-Consultation.pdf. The full text is available as the appendix to this article.

participants committed to taking specific steps to pursue this program. The concluding statement included a strong expression of condemnation, directed primarily at the Zimbabwean government and its agents. The participants recognized that the current situation in Zimbabwe constitutes “a human rights and humanitarian crisis” and demanded an immediate end to all human rights violations. Tackling the question of land reform, they emphasized the need for a non-partisan and equitable system of land redistribution, taking into account the rights of landless peasants and farm workers. They also stressed that supplies of food aid should be delivered to the population in a non-partisan manner. The participants then set out specific demands addressed at regional governments and institutions, as well as the international community. In particular, they focused on the African Union, the African Commission on Human and Peoples’ Rights, the Southern African Development Community (SADC), the commonwealth, and the United Nations.

After the consultation, the organizers and participants distributed the concluding statement widely, both within Zimbabwe and to all of the governments and institutions mentioned in the document itself. Upon returning to their own countries, participants also engaged in local media outreach in order to encourage greater media coverage within Africa of the reality of the crisis in Zimbabwe. The statement was also used strategically, interjected at appropriate moments such as the meeting of SADC heads of state in late August 2003, and of the commonwealth foreign ministers in September. This approach was intended to ensure that the voices of African civil society groups were at least raised during discussions traditionally restricted to government leaders. In addition, subsequent statements were issued by the consultation participants as a group at strategic moments, in order to demonstrate their ongoing solidarity and commitment to ending the human rights crisis in Zimbabwe.⁴¹

All of the participants in the consultation recognized the importance of developing regional civil society networks with a view to pressuring regional governments to address the human rights crisis in Zimbabwe, and, indeed, in other parts of the region. There was also a clear recognition that advocacy from such networks could help to counter the efforts of President Mugabe and his supporters to construct and maintain their façade of being engaged in an anti-colonial struggle. A recent increase in initiatives by Zimbabwean civil society groups to foster such networks is indeed evident. For example, shortly after the consultation in Botswana, a group of Zimbabwean women traveled to South Africa to speak out about their experiences of rape and sexual violence at the hands of Zanu-PF agents and supporters. In another initiative around the same time, groups

41 For example, the participants issued an End of Year Statement in December 2003, reiterating their concerns and particularly addressing developments in the commonwealth and SADC. The statement can be found at AFRICAN CIVIL SOCIETY CONSULTATION ON ZIMBABWE, END OF YEAR STATEMENT (Dec. 23, 2000), at http://www.humanrightsfirst.org/defenders/hrd_zimbabwe/hrd_zim_16.htm.

met in Johannesburg to discuss torture and political violence in Zimbabwe, and to focus on questions of accountability and impunity.

However, it should also be noted that keeping momentum going after a meeting, such as the consultation, can be difficult and requires sustained effort. Particularly where different groups are drawn from broad sectors of civil society and from a range of countries, it is hard to sustain attention on an issue. Many of the non-Zimbabwean groups that attended the consultation are already overstretched dealing with issues in their own countries that form their primary mandates. There is therefore a problem of capacity and resources for such external groups to engage in ongoing advocacy. Thus, it falls to the conveners of a meeting such as the consultation to act as an ongoing resource and instigator of regional initiatives. This is not ideal where the convenor is a western-based international NGO, and it would be preferable to ensure that adequately resourced regional networks are in place that are in a position to take on this role.

VII. CONCLUSION

In cases of apparently intractable crisis, it is often difficult to measure the effectiveness of any particular advocacy approach or strategy. Where the signs of positive change are faint and shifting, it becomes tempting to despair of human rights as a concept and a tool wielding any real power. However, history has shown that the language of rights and the legal mechanisms that have been constructed to ensure their protection can be used effectively by those suffering under a repressive regime. For this to happen, the voices of such people need to be heard both at home and abroad.

Civil society actors have become a powerful force in many countries, providing an alternative voice for the people and challenging their governments and state institutions. Such actors become stronger as they learn from one another and from their counterparts in other countries and regions. Recognizing the challenge presented by strong civil society groups, undemocratic and abusive governments seek to destroy or diminish them and to prevent their interaction with the outside world. In those privileged countries where civil society organizations can operate free of such restrictions, and where there are more readily available resources for their work, it is incumbent upon such organizations to support and assist their colleagues elsewhere. Taking on an organizational and facilitative role for regional meetings is one way in which support and assistance can be useful.

With regard to Zimbabwe, the need for authentic partnerships between international and local groups is particularly pressing given the dynamics of that situation and the attempts of the government to frame political debate along racial and neo-colonial lines. The many individuals and organizations within Zimbabwe who are engaged in the difficult struggle for basic rights are under constant threat and should be listened to closely

to ensure that external efforts to assist them are in fact useful and effective. Closer collaboration with such activists, as well as with their counterparts in the southern African region, is imperative for western organizations at this critical stage for Zimbabwe. In a world that is increasingly fractured and multi-polar at a political level, western NGOs must be willing to discard old methodologies that saw them leading advocacy efforts in the global South, rather than working in a collaborative fashion with civil society from the affected country or region.

Human Rights First learned a great deal from both the advocacy surrounding the August 2003 African Civil Society Consultation on Zimbabwe and the substantive discussion itself. In particular it should be noted that our instinct to organize the event jointly with a local NGO was even more important, from a strategic perspective, than we had initially believed. Without the prominent public positioning of DITSHWANELO at the forefront of the consultation, all of our efforts to ensure a genuinely consultative process would have been marginalized by sustained Zimbabwean government attacks painting the consultation as one hosted by British and U.S. lackeys.

From an inter-NGO perspective the partnership with DITSHWANELO was also very important. By reaching out and working collaboratively with DITSHWANELO and the other organizations involved in the consultation, Human Rights First appropriately created a partnership that set the tone for the meeting. Ensuring an environment in which all NGOs seek to listen to and learn from one another, and provide input on areas of their greatest expertise is ultimately a more effective and sustainable advocacy strategy.

APPENDIX

CONCLUDING STATEMENT OF THE

AFRICAN CIVIL SOCIETY CONSULTATION ON ZIMBABWE

August 6, 2003

WE the representatives of the under-mentioned civil society groups from Zimbabwe, Botswana, South Africa, Kenya, Malawi, Zambia and Namibia, concerned with the human rights and humanitarian crisis in Zimbabwe, held a Consultative Meeting in Gaborone, Botswana between August 5-6, 2003, organized by DITSHWANELO - the Botswana Centre for Human Rights, and the US-based Lawyers Committee for Human Rights, to consider the human rights and humanitarian crisis in Zimbabwe:

RECALLING the United Nations General Assembly Resolution 53/144 of 9 December 1998 which outlines the Rights and Responsibilities of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

NOTING that the manipulation of recent constitutional and electoral processes in Zimbabwe have exacerbated divisions and polarization whereby principles of good governance, the rule of law and respect for human rights have been violated,

STRESSING that the prime responsibility and duty to promote and protect human rights and fundamental freedoms in Zimbabwe lie with the State,

EMPHASIZING the important role that individuals, civil society organizations and groups play in the promotion and protection of human rights and fundamental freedoms,

NOTING further that a fact-finding mission of the African Commission on Human and Peoples' Rights visited Zimbabwe in June 2002,

COMMENDING the efforts that have been undertaken by civil society, in particular the Churches, in trying to resolve the human rights and political crisis in Zimbabwe,

NOTE with grave concern that:

- Serious violations of internationally recognized human rights standards are widespread in Zimbabwe and constitute a human rights and humanitarian crisis;

- The human rights and humanitarian crisis in Zimbabwe is characterised by, *inter alia*:
serious food shortages, massive job losses, collapse of public health delivery services, an increase in the HIV/AIDS pandemic, political violence, torture, inhuman and degrading treatment, arbitrary detention, attacks on human rights defenders, systematic violence against women, forceful indoctrination, repressive legislation, attacks upon the independence of the judiciary, the politicisation of state institutions such as the police, denial of freedom of expression and association, partisan distribution of food aid and the resultant exodus of Zimbabwean refugees;
- The Government of Zimbabwe is indoctrinating and militarizing the youth and children in militia camps where they are subjected to sexual abuse including rape, sodomy and exposure to sexually transmitted diseases and HIV/AIDS, [sic]
- These human rights violations undermine the objectives established in the Harare Declaration, the African Union Constitutive Act and the NEPAD framework on democracy, good governance, human rights and development;
- The perpetrators of human rights violations in Zimbabwe are overwhelmingly government officials, agents and state-sponsored militias. While criminal responsibility lies with individual government officials, agents and militias general responsibility for these violations lies with the Zimbabwean government;
- The human rights and humanitarian crisis in Zimbabwe affects the entire African continent and must be addressed as a matter of urgency by African states and institutions, with the involvement of local and regional civil society groups.

THE MEETING RESOLVES AND DEMANDS:

1. THAT the government of Zimbabwe:
 - Immediately restores the rule of law and ensures the immediate end to all human rights violations in the country;
 - Holds all perpetrators of serious human rights abuses accountable for their actions, including being criminally prosecuted where their actions constitute crimes under domestic and/or international law;
 - Distributes food and food aid in a non-partisan and equitable manner and full access for local and international humanitarian agencies is guaranteed;

- Must ensure the fair, non-partisan and equitable redistribution of land in a transparent manner. The process must take into account the rights of the landless peasants, the farm workers and the nation's food security;
- Invites human rights investigative mechanisms of the United Nations and the African Commission on Human and Peoples' Rights to visit the country and investigate human rights violations falling within their mandate;
- Agrees to subject itself to scrutiny by the NEPAD Peer Review Mechanism;
- Immediately ratifies the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and its optional protocol, and incorporate its provisions into domestic legislation;
- Repeals all repressive legislation such as the Public Order and Security Act, the Access to Information and Privacy Act and the Broad Casting Services Act.

2. THAT East and Southern African governments must strongly condemn the human rights violations in Zimbabwe and must work individually and collectively to bring an end to these violations.

3. THAT Countries in the region party to the Convention Against Torture investigate and prosecute all individuals responsible for torture in Zimbabwe who come within their territory.

4. THAT SADC should examine the compliance of the Zimbabwe authorities with the provisions of the Windhoek Declaration, condemn the human rights violations and exert pressure on the government to take specific measures to remedy the situation.

5. THAT the President of the AU Commission should issue a public statement condemning the human rights violations in Zimbabwe and request the Conflict Management Division to immediately carry out a proactive fact finding mission to Zimbabwe. The Division should recommend immediate steps to be taken by the AU and the Zimbabwean government to prevent a possible violent confrontation.

6. THAT Zimbabwe's suspension from the Commonwealth should continue until its government complies with the Harare Declaration and takes concrete steps to restore the rule of law, restores respect for human rights and holds perpetrators of human rights violations

accountable.

7. THAT the African Commission on Human and Peoples' Rights should make its report on the fact finding mission public at its next session in October 2003. The Commission should then consider its mission report together with submissions of civil society organisations and decide in line with Article 58 of the African Charter on Human and Peoples' Rights that a situation of serious and massive violations of human rights exists in Zimbabwe and brings this to the attention of the Chairperson of the African Union and further, make recommendations on immediate steps to be taken by the Zimbabwean government to end the human rights violations.

8. THAT the member states of the Non-Aligned Movement should jointly condemn human rights violations in Zimbabwe and work individually and collectively to bring an end to these violations.

9. THAT the Special Rapporteurs on torture, independence of the judiciary, freedom of expression, the right to food and violence against women and the UN Secretary General's Special Representative on Human Rights Defenders should urgently request permission from the government to visit Zimbabwe to examine the human rights crisis. Should this request be denied or ignored, the UN High Commissioner for Human Rights should issue a public statement denouncing human rights violations in Zimbabwe, as reported to him by local and international human rights organisations.

10. THAT the situation in Zimbabwe constitutes a threat to regional peace and security and consideration should be given either by the Secretary General of the UN or member states of the SADC, EAC and the AU to place the question of the crisis in Zimbabwe before the UN Security Council under Chapter 7 of the UN Charter.