

ZIMBABWE HUMAN RIGHTS NGO FORUM

Human rights and Zimbabwe's June 2000 Election

A report by the Research Unit of the
Zimbabwe Human Rights NGO Forum

Special Report 1

January 2001

The Zimbabwe Human Rights NGO Forum (also known as the “Human Rights Forum”) has been in existence since January 1998. Nine non-governmental organisations working in the field of human rights came together to provide legal and psycho-social assistance to the victims of the Food Riots of January 1998.

The Human Rights Forum has now expanded its objectives to assist victims of organised violence, using the following definition:

“organised violence” means the interhuman infliction of significant avoidable pain and suffering by an organised group according to a declared or implied strategy and/or system of ideas and attitudes. It comprises any violent action which is unacceptable by general human standards, and relates to the victims’ mental and physical wellbeing.

The Human Rights Forum operates a Legal Unit and a Research and Documentation Unit.

Core member organisations of the Human Forum are:

- The Amani Trust
- The Catholic Commission for Justice and Peace
- The Legal Resources Foundation
- Transparency International (Zimbabwe)
- The University of Zimbabwe Legal Aid and Advice Scheme
- Zimbabwe Association for Crime Prevention and the Rehabilitation of the Offender
- Zimbabwe Human Rights Association
- Zimbabwe Lawyers for Human Rights
- Zimbabwe Women Lawyers Association

Associate members are: GALZ and ZIMCET

The Human Rights Forum can be contacted through any member organisation or the following personnel:

- The Administrator, c/o P O Box 5465, Harare – email: admin@hrforum.co.zw
- The Lawyer Unit, c/o P O Box 5465, Harare – email: legal@hrforum.co.zw
- The Research Unit c/o P O Box 5465, Harare – email: research@hrforum.co.zw

Telephone/fax: 79222,2 737509, 731660

Website: www.hrforumzim.com

All earlier reports of the Human Rights Forum can be found on the website.

TABLE OF CONTENTS

Introduction	3
Chapter 1. The Constitutional Background	5
The Declaration of Rights	5
Presidential Powers	7
Chapter 2. The Draft Constitution	8
The Politics of Constitutional Reform	8
Changes to the Draft Constitutional Proposals	10
Proposed Changes to the Existing Declaration of Rights	12
Proposed Changes to Existing Presidential Powers	13
Chapter 3. The Referendum Result and Aftermath	14
Setting Up the Referendum	14
Public Opinion Polls	14
The Referendum: 12-13 February 2000	16
The Referendum Results	17
Constitution of Zimbabwe: Amendment 16	18
Early political violence	18
Chapter 4. The Rule of Law: The Electoral Act and its Manipulation	19
Altering Institutionalised Functions	19
Voter Registration	20
Delimiting Constituencies	22
Monitoring Elections	23
Chapter 5. Violations of Political Rights Before and During the Election	25
Violence as a Political Tool	25
Media Reportage of Political Violence	27
Zanu-PF's Position on Violence	28
Chapter 6. Political Violations After The Elections	30
Election Results	30
Electoral Challenges	31
Chapter 7. Human Rights Violations during the Electoral Violence:	
Analysis and Conclusions	34
Violence at Constituency Level	35
Conclusion	36
Appendix 1. List of deaths	37

Table 2. 2000 Election results in relation to political violence: provincial summary	39
Table 3. 2000 Election results in relation to political violence: constituency details	40
References	45

GLOSSARY - ABBREVIATIONS

BBC	British Broadcasting Corporation
CIO	Central Intelligence Organisation
CC	Constitutional Commission
DN	<i>The Daily News</i>
ED	Election Directorate
ESC	Electoral Supervisory Commission
EU	European Union
FG	<i>The Financial Gazette</i>
H	<i>The Herald</i>
JSC	Judicial Service Commission
MDC	Movement for Democratic Change
MP	Member of Parliament
NCA	National Constitutional Assembly
NDI	National Democratic Institute
NGO	Non-Governmental Organisation
PD	<i>Parliamentary Debates</i> (Hansard)
SI	Statutory Instrument (subsidiary legislation)
SM	<i>The Sunday Mail</i>
Std	<i>The Standard</i>
UN	United Nations
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
US	United States (of America)
ZANU	Zimbabwe African National Union
Zanu-PF	Zimbabwe African National Union – Patriotic Front
ZBC	Zimbabwe Broadcasting Corporation
ZESN	Zimbabwe Election Support Network
ZI	<i>The Zimbabwe Independent</i>
ZNA	Zimbabwe National Army
ZNLWVA	Zimbabwe National Liberation War Veterans Association
ZRP	Zimbabwe Republic Police
ZTV	Zimbabwe Television

INTRODUCTION

This is the first in the series of Special Reports issued by the Research Unit of the Zimbabwe Human Rights NGO Forum. It displaced the original proposal to deal with gender and constitutional issues. This change was necessitated by the wave of lawlessness which resulted in massive human rights abuses during most of 2000. These abuses were reflected in the political violence which started just before the Constitutional Referendum in February and continued for months after the June elections. As most independent media commentators have indicated, they originated in the abrogation of the rule of law by Zimbabwe's executive.

Article 21 of the United Nations Universal Declaration of Human Rights notes that:

'(1) Everyone has the right to take part in the government of his [sic] country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his [sic] country.

(3) The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.'

As the NDIⁱ has noted, '[t]he exercise of the right to democratic elections cannot be realised without the exercise of related fundamental human rights [also recognised in the UDHR], including the right to freedoms of opinion, expression (including to seek, receive and impart information), association, assembly, movement, equality before the law and due process of law (including equal protection of the law and to an effective remedy for violations of rights), as well as to life, liberty and security of the person (UDHR Article 19). These rights are not only applicable in Zimbabwe through international obligations; they are applicable directly through the Constitution of Zimbabwe (Articles 11-26, The Declaration of Rights).'

This report therefore attempts to examine all of the facets of the human rights abuses during the electoral period, not merely the election violence itself, which has been extensively reported elsewhere. The electoral period starts with the Referendum on the draft constitutional proposals, and works through the Parliamentary elections to the first by-election held in late November.

In the Referendum in February 2000, a majority of Zimbabweans who voted rejected the Government's constitutional proposals. The abuse of human rights started in the week before voting, and increased in intensity in the run-up to the general elections in June 2000.

The process of constitutional reform was only temporarily halted by the Referendum, despite Government sulking over the result. The constitutional problems, especially regarding the powers of the executive presidency and the abuse of executive power, have not been resolved. Pressure is again building from civil society to address them. Constitutional reform must resume and remains vitally important for human rights in Zimbabwe.

Zimbabwe's existing Constitution was inherited from the decolonisation process and has already been amended 16 times. Many of these amendments strengthened the Executive (particularly by creating the Executive Presidency and recurrently extending its powers), in ways that altered its earlier relationship to the legislature and judiciary and endangered basic political rights. The draft constitution proposed to strengthen the executive presidency still further. It is widely believed that those provisions were responsible for the rejection of the whole draft.

The issue of the balance and separation of powers between legislature, judiciary and executive is the key to the violations of fundamental human rights (guaranteed in the existing Constitution) which occurred before, during and after the elections. The human rights abuses were, essentially, an attempt to prevent the deepening of democratic entitlements and authority in Zimbabwe, and to consolidate further the executive power which had been arrogated through many constitutional amendments since the introduction of an executive presidency in 1987. The growth of executive power, mainly through the constitutional amendments creating the extraordinary executive presidency, has led to the executive disregarding the rule of law. Violations of human rights (guaranteed in the existing Constitution) have been instigated and gone unpunished by an executive bent on maintaining its position.

Pre-election violence intimidated voters mainly in Zanu-PF's traditional rural strongholds. Retaliatory post-election violence occurred mainly in urban constituencies won by the major opposition party, the Movement for Democratic Change. Violence characterised both of the early by-elections, in Marondera West and Bikita West. Systematic violence and electoral manipulation is widely expected in the period before the Presidential elections in 2002.

Zimbabwe has already suffered international disapproval for its breaches of democratic entitlements and its executive's effective abrogation of the rule of law. Perhaps the most publicised (and resented by the government) was the United States' 'Zimbabwe Democracy 2000 Act', which was unfinished business when the US Senate recessed. The US Congress agreed with its founding premises, based largely on the pre-election report of the National Democratic Institute, that:

'(1) Deliberate and systematic violence, intimidation, and killings have been orchestrated and supported by the Government of Zimbabwe and the ruling Zanu-PF party against members, sympathisers and supporters of the democratic opposition, farmers, and employees. The violence has resulted in death, a breakdown in the rule of law, and further collapse of Zimbabwe's economy. (2) The lawlessness, harassment, violence, intimidation and killings directed at the opposition and their supporters, farmers and farm employees continues as President Mugabe's explicit and public urging despite two court rulings that the occupations are illegal and must be ended... (6) It is therefore the policy of the United States to support the people of Zimbabwe in their struggles to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.'ⁱⁱ

Notes

ⁱ *Statement of the NDI Pre-Election Delegation to Zimbabwe* (pp. 3-4).

ⁱⁱ *Daily News* 10.8.00.

CHAPTER ONE

THE CONSTITUTIONAL BACKGROUND

The Declaration of Rights

(a) The Origins of Zimbabwe's Current Declaration of Rightsⁱⁱⁱ

The Declaration of Rights in the Constitution of Zimbabwe was inherited from colonial Rhodesia, but has been substantially modified and only became fully justiciable well after Independence. In the 1969 Constitution of Rhodesia the Declaration of Rights appeared only as an appendix (the Second Schedule), which was non-justiciable. Section 84 did not permit **any** court to 'enquire into or pronounce upon the validity of **any** law on the ground that it [was] inconsistent with the Declaration of Rights'. Thus under this Constitution any existing or future law would prevail even if it conflicted with the Declaration of Rights. Section 11 of the Second Schedule further suspended a number of rights under conditions of war or a state of emergency. These included rights to personal liberty, property, privacy of the home, the protection of the law, freedom of conscience and discrimination.

In 1979, the Constitution of Zimbabwe Rhodesia upgraded the Declaration of Rights from the Second Schedule to Chapter VIII of the text and section 134 introduced for the first time the possibility of direct application to the Appellate Division of the High Court (now the Supreme Court) when fundamental rights were contravened. Section 135 continued to exempt **existing** statutes and subsidiary legislation from 'inconsistency' with the Declaration of Rights. But any future Acts would **not** enjoy the same blanket exemption as did past legislation. The 1980 Constitution of Zimbabwe drew upon the 1979 Declaration of Rights.

The Zimbabwe Constitution^{iv} laid down the 1980 Constitution of Zimbabwe. It shifted the Declaration of Rights from Chapter VIII to Chapter II. Otherwise it made few substantive changes to fundamental rights. (One specified redress was dropped and property protections were revised.) However, the 1980 Constitution of Zimbabwe also deliberately exempted fundamental rights from court enforcement, under two circumstances.

Under a state of emergency, the courts could not enforce certain fundamental rights. For as long as the emergency lasted, section 25 suspended rights to personal liberty, property, privacy of the home, freedom of expression, assembly and association, and movement, and protection from discrimination. The state of emergency lasted nearly 10 years into Independence. Zimbabweans have reason to fear any re-introduction of a state of emergency.

Moreover, for five years, until 1985, section 26(3) also exempted all laws existing on the statute books in 1980, and all re-enactments of existing laws, from any enforcement using the Declaration of Rights. Because existing law intruded so extensively upon fundamental human rights, this exemption meant that the new state had a largely unfettered hand in ignoring human rights.

So for five years most and for ten years some of Zimbabweans' fundamental rights 'guaranteed' in the Constitution of Zimbabwe were not able to be exercised, in much the same way as they had not been enforceable under the Constitution of Zimbabwe-Rhodesia. The new, independent Government was given this five-year exemption so that it would have time to amend the Rhodesian laws which offended against human rights and which previous Rhodesian constitutions had exempted altogether from court 'enquiry'.

(b) After Independence

The new Government ignored the opportunity it was given to overturn its colonial inheritance of human rights abuses. It continued the state of emergency and deliberately left in place laws which offended against the Declaration of Rights. Among these – which specifically affected political rights - were the Unlawful Organisations Act, the Law and Order (Maintenance) Act, the Censorship Act and the Broadcasting Act. It also legislated after Independence to continue indemnity for gross breaches of human rights, in the 1982 Emergency Powers (Security Forces Indemnity) Regulations.

Following Zimbabwe's change to an executive presidency in 1987, Government amended the Constitution, not the offending statutes, when the Supreme Court found that specific laws offended against constitutional principles and rights. Delay in executing death row prisoners is one case in point. The Supreme Court upheld the view that extended delays, of years after sentence was confirmed, constituted inhuman treatment. The Constitution was promptly changed, in 1993, to allow such delays.

However, especially in recent years, there have been many achievements in enforcing basic constitutional rights, against both inherited and new legislation. Various state monopolies, together with the 1995 Private Voluntary Organisations Act and certain provisions of the Law and Order (Maintenance) Act, have been deemed unconstitutional. These court decisions have strained the relationship between Zimbabwe's admirably independent judiciary and what many have seen as an increasingly dictatorial executive.

For example, in the eyes of many, Zanu-PF has recurrently used political violence as its policy in matters electoral and the State President has abused, on numerous occasions, his constitutional prerogative of mercy to pardon those responsible for the political abuse of fundamental rights. He has on three occasions in the past decade pardoned members of his own party whom the courts have convicted of assault, torture and even attempted murder. Most recently, in October 2000, he granted amnesty for all but the gravest misdeeds (murder, rape and theft) during the political violence. Torture, kidnapping, arson and other breaches of property rights were all condoned. Some 750 criminal cases, overwhelmingly against Zanu-PF supporters, had to be dropped, leaving the victims only civil recourse through the courts. Many more complaints were not even investigated.

(c) Basic rights in 2000

Zimbabweans currently enjoy constitutional protection of the following basic rights: to life; to personal liberty; to protection from slavery, forced labour, inhuman treatment, degrading punishment and arbitrary search and entry; to freedom of conscience, expression, assembly, association and movement; to protection from discrimination on the grounds of race, tribe, place of origin, political opinions, colour, creed and gender. All of these rights are subject to the overall qualification that their enjoyment may not infringe the rights and freedoms of others. The Constitution also includes specific derogations from these rights, including the death penalty and the physical punishment of minors. The protection of property has been severely hedged by Amendments 14 and 16, which exclude land (especially but not exclusively farmland) owned under freehold title from the protections afforded to other forms of property. All family, personal and customary law is excluded (by s.23) from constitutional regulation of any discrimination it may practise. Finally, the specific provisions for protection of the law depend on the State upholding the rule of law, and during 2000 there have been numerous instances in which the State has failed to act in accordance with court orders. Most but not all of these cases have involved property rights of various kinds.

Moreover, few international treaties, conventions, and agreements to which Zimbabwe is signatory have yet been incorporated as domestic statutes, as required by Constitutional Amendment 12 of

1993. They include the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). The International Convention against Torture (CAT) has not been ratified because Zimbabwe has constitutionalised the death penalty and corporal punishment of minors.

Presidential Powers

Zimbabwe inherited a Westminster-style Government headed by a Prime Minister, whose party had won a majority of seats in a general election. Its bicameral legislature had a 100-member House of Assembly elected by voters on two rolls, one effectively reserved for whites, and a much smaller appointed Senate representing various interest groups. Until the Constitutional Amendments of 1987, Zimbabwe had a ceremonial president as Head of State, established in the late 1960s.

In 1987, the serving Prime Minister became an executive State President until the first presidential election in 1990. The incumbent later argued that this three-year period did not count as a (full) term of office. The post of Prime Minister and the Senate were disestablished.

In 1990, the two-term limitation on holding presidential office was simply removed^v by the tenth Constitutional Amendment, which also expanded presidential powers to ignore Cabinet advice on various decisions, including the dissolution of Parliament and the appointment, removal and functions of ministers.

At present, the President is duty-bound to ‘faithfully execute’ the Constitution and all other laws in force when exercising any of his powers. These include prerogative powers to appoint and accredit diplomatic envoys, enter into international agreements, proclaim and end martial law and war, and confer honours; and any other powers that may be conferred on him by the Constitution and/or Acts of Parliament. He exercises, ‘subject to such lawful conditions as he may think fit to impose’, the prerogative of mercy, the right to impose a state of emergency for up to 14 days without Parliamentary ratification, and is protected from court enquiry into how he ‘has exercised his discretion’ or whether he has heeded any advice tendered.^{vi}

Notes

ⁱⁱⁱ This sub-section is taken largely from the *Human Rights Monitor* no 5 (August 2000).

^{iv} Order in Council of the UK: SI 1979/1600.

^v This rather clumsy amendment rendered uncertain, in the remaining clause, whether any incumbent could legally serve more than one term, but this ambiguity was never tested in the courts.

^{vi} Constitution of Zimbabwe, s.31.

CHAPTER TWO

THE DRAFT CONSTITUTION

The Politics of Constitutional Reform

The Constitutional Review Commission, later known as the Constitutional Commission (CC), was gazetted on 28 April 1999, after government ministers unsuccessfully tried to dictate to the civil organisation called the National Constitutional Assembly (NCA) the terms on which it might participate. Zanu-PF tried to reconstruct history by claiming to have initiated the process. MPs^{vii} stressed that a government review of the Lancaster House Constitution was initially demanded by the Mutare Zanu-PF congress on 6 December 1997, but this was actually six months **after** the NCA had been formed to press for constitutional reform. At Zanu-PF's 1998 congress, the central committee asked the president to appoint a review commission. MPs complained about his delay in responding to grassroots' demands.

Chaired by Justice Chidyausiku, the CC had 384 members. It included all constituency-elected and presidentially-appointed MPs except Margaret Dongo (Independent), who refused to sit on it; the 10 chiefs appointed to Parliament; all provincial governors and provincial chairmen of Zanu-PF plus its entire central committee; and all municipal mayors (all of whom were members of Zanu-PF). Three-quarters of the 241 non-parliamentary members of the CRC were known affiliates of Zanu-PF.^{viii} The remainder were mainly independent academics and business people. Only 51 (13%) of the commissioners were women.

The CC sought the people's views in its outreach programme. Much of the feedback publicly reported was extremely critical, of the CC itself as well as the presidential term of office and other executive issues in the existing constitutional arrangements. What Zimbabweans wanted bore a considerable resemblance to what they had inherited from the colonial state. Their wants centred on a stable, law-abiding, democratic polity and contradicted what the ruling party, Zanu-PF, regarded as 'progressive' political development. Feedback suggested that the current State President should be indicted for genocide in Matabeleland in the mid-1980s.^{ix} Among the more interesting popular demands were for a female deputy president; authority for the Ombudsman's Office to investigate corruption at all levels up to and including the presidency; severe (up to capital) punishment for proven corruption; castration or capital punishment for child rapists; and - from the judiciary - that all judges should be appointed strictly on merit and **not** on the basis of political preference, by the Judicial Service Commission (JSC).^x The draft constitution (s.159, s.169), in contrast, made all judges plus all members of the JSC presidential appointees, the former with JSC and the latter with Senate approval. The submissions of the Registrar-General's Office, condemned even by Zanu-PF MPs as incapable of running credible elections, were against an independent electoral commission.

There were numerous reports of dispute within the CC. Issues which caused the most dispute were the 'vetting' of incoming information and its use in the drafting process, the content of the final draft, and the process by which it was approved at the final plenary session. The then Attorney-General, Patrick Chinamasa, chairing the drafting committee, caused a major row by asserting, against the evidence, that 'the consensus is for an executive president'.^{xi} The CC chairman, Justice Chidyausiku, caused an even bigger rumpus by bulldozing the final draft through the final plenary session 'by acclamation', despite vocal public dissent by two dozen commissioners. This action contradicted the CC procedures which specified a secret ballot. It was the subject of a later legal challenge, as one commissioner predicted at the time might happen.

External constitutional experts, including the Secretary-General of the Commonwealth and the UN High Commissioner for Human Rights, were invited to advise on the final drafting, but did not receive the draft and thus could not comment effectively.^{xii} The final drafting was overseen by the Attorney-General notwithstanding public complaint about his partisan role and conflicts of interest.

There were reports that the CC had been infiltrated by the Central Intelligence Organisation and that Zanu-PF was boycotting the CC.^{xiii} Zanu-PF submitted its own constitutional proposals, which included the retention of an executive presidency limited to two six-year terms of office and the re-creation of the post of prime minister. Both appeared in the final draft against majority public opinion. The recommendations of the CC's own committee on transitional mechanisms were rejected, namely that previous terms of presidential office under any former constitution should be counted as part of the total terms allowed and that the current State President should resign.^{xiv}

The CC ended its work in a bitter dispute in its final plenary session over its proposals to restructure the executive organs of state. Twenty-four commissioners, including two Zanu-PF MPs and the only opposition party member to join the CC,^{xv} rejected the final draft. They also unsuccessfully petitioned President Mugabe to do likewise. The final draft proposed to reintroduce a prime minister, to be appointed by an executive president. The outcry that the views of the public had been ignored, even discarded, was deafening, in all, including state-owned, media.

The final draft proposals contained 282 clauses categorised into 18 Chapters and five Schedules. They included statements of intent to govern policy, a declaration of 'Fundamental Human Rights and Freedoms' (together with their limitations and enforcement mechanisms), citizenship, executive, legislative and judicial functions (with a separate chapter on the Attorney-General), the public services, uniformed services, independent commissions, a 'public protector' (replacing the Ombudsman), financial control, local government, and traditional leadership.

Publicly-reported rejection of the draft was very widespread. Members of the public complained that they had not seen what they were being asked to endorse, and criticised the CC for its partisan stance in pushing for acceptance of its own work in publicity backed by well-known Zanu-PF members and supporters. The CC's life was extended in early December^{xvi} so that it could wind up its affairs but contrary to this mandate, it mounted a very expensive advertising blitz for a 'yes' vote. One openly racist advertisement used photographs published in the *Daily News* of a white couple in 'Vote NO' teeshirts.

CC meetings were regularly disrupted by disaffected people, reportedly sympathetic to the NCA and opposition parties. The coalition of women's organisations said it would be unable to recommend support for the draft without substantial changes to its provisions for women's equality. Reaction from a wide range of Christian churches was also negative. Morgan Mabuto, head of the Zimbabwean chapter of Amnesty International, criticised the draft constitution for its human rights defects, including the retention of the death penalty, its failure to incorporate international treaty and convention obligations already ratified, and its silence on torture perpetrated by law enforcers. The NCA collected 5 000 signatures against the draft and then drafted an alternative new constitution based on submissions it had received. Despite some demand to do so, it did not release this draft before the referendum, but continued its reform-oriented process after the referendum.

Zanu-PF promoted the draft constitution (and later fought the general election) on an anti-colonial ticket which was widely felt to be inappropriate and nationally divisive 20 years after Independence. Much of the ruling party's strategy was predicated on 'struggle tactics'. They publicly used the language of militarism and war, the mobilisation of a particular faction of (largely unrewarded and unsuccessful) 'war veterans' and *majibha* (supporters of the guerilla armies), threats and infliction of violence, and a resurrection of land ownership as the core dispute over which the liberation

struggle was (to be re-) fought. Rather than surrender to democratic control its carefully-crafted authoritarianism, Zanu-PF was prepared to – and effectively did - go to (undeclared) war against its own electors.

Opposition parties, including the newly-formed MDC called for rejection of the constitutional draft as ‘a partisan document designed to safeguard the interests of Zanu-PF’. ZAPU youths burned the draft publicly.^{xvii}

Both *The Financial Gazette* and *Zimbabwe Independent* openly encouraged a ‘no’ vote, in editorials as well as reportage and letters and articles published. Just before the poll, the CC chair, Justice Chidyausiku, accused the UK of funding the rejection campaign, which was immediately denied. All state-owned media confidently predicted acceptance of the draft constitution.

Zanu-PF argued that a ‘no’ vote would reflect satisfaction with the existing constitution rather than a desire to return to the drawing board on a basis different from that of the CC. A huge public dispute developed over how to interpret a possible no vote. All parties urged a high turnout at the promised referendum.

Changes to the Draft Constitutional Proposals

On 11 January, 300 war veterans had demonstrated in Harare for changes to the draft constitution to enable Government to acquire land without paying compensation. Minister without Portfolio Eddison Zvogbo reportedly advised them to address their concerns to the State President.^{xviii} He took the draft constitution to Zanu-PF’s Politburo (reportedly even **before** the war veterans’ demonstration), which agreed that clause 57 must be changed. This decision was announced by the Minister of Justice, Legal and Parliamentary Affairs, Emmerson Mnangagwa, on 13 January 2000.

Clause 57 as originally published^{xix} read as follows.

‘57 Agricultural land acquired for resettlement

- (1) In the assessment of any compensation that may be payable when agricultural land is compulsorily acquired for the resettlement of people in accordance with a programme of land reform, the following factors must be regarded as of ultimate and overriding importance:
 - (a) before Independence 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 former colonial power has effectively repudiated Zimbabwe’s just claims for reparations;
 - (d) the people of Zimbabwe must therefore be enabled to reassert their rights and regain ownership of their land.
- (2) In view of the overriding considerations set out in sub-section (1), where agricultural land is acquired compulsorily for the resettlement of people in accordance with a programme of land reform, any compensation payable must reflect an equitable balance between the public interest and the interests of those from whom the land is acquired.
- (3) In the assessment of compensation for the compulsory acquisition of agricultural land, regard must be had to the following factors:
 - (a) the history of the ownership, use and occupation of the land;
 - (b) the price paid for the land when it was last acquired;
 - (c) the current use to which the land is put;
 - (d) any investment which the State or the acquiring authority may have made which improved or

- enhanced the value of the land;
- (e) the resources available to the acquiring authority in implementing the programme of land reform;
- (f) any financial constraints that necessitate the payment of compensation in instalments over a period of time; and
- (g) any other relevant factor which may be specified in an Act of Parliament.'

On 19 January, the State President gazetted 44 'corrections and clarifications' to the CC's previously-published draft constitution, together with the referendum dates. The most important was the reversal of the original published provision for compensation payments for commercial farmland acquired by the State. A completely new clause 57 made the UK responsible for compensation.^{xx} It violated property rights recognised internationally and was rejected by the electorate as part of an unacceptable package. However, two months after the farm occupations had started, at their last sitting the outgoing, Zanu-PF fourth Parliament passed it as part of the 16th Constitutional amendment.

'16A Agricultural land acquired for resettlement

- (1) In regard to the compulsory acquisition of agricultural land for the resettlement of people in accordance with a programme of land reform, the following factors shall be regarded as of ultimate and overriding importance -
- (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 land 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.
- (2) In view of the overriding considerations set out in sub-section (1), where agricultural land is acquired compulsorily for the resettlement of people in accordance with a programme of land reform, the following factors shall be taken into account in the assessment of any compensation that may be payable -
- (a) the history of the ownership, use and occupation of the land;
 - (b) the price paid for the land when it was last acquired;
 - (c) the cost or value of improvements on the land;
 - (d) the current use to which the land and any improvements on it are being put;
 - (e) any investment which the State or the acquiring authority may have made which improved or enhanced the value of the land;
 - (f) the resources available to the acquiring authority in implementing the programme of land reform;
 - (g) any financial constraints that necessitate the payment of compensation in instalments over a period of time; and
 - (h) any other relevant factor which may be specified in an Act of Parliament.'

Among other major changes made by presidential decree to the Constitutional draft, was the reversal of the marriage rights accorded indirectly to homosexuals in the original draft. In all, 14 of the 44 amendments substantively altered the original draft Constitutional proposals. It was vaguely suggested, with no reference to the mechanisms by which this might be done, that changes wanted by the general public could also be accommodated, but this never happened. Some individual commissioners^{xxi} urged specific interest groups as well as voters generally to endorse what they called the draft's improvements on the much-amended Lancaster House constitution. But 10 commissioners publicly rejected these amendments as not having been approved by the CC itself.

The heads of Christian churches expressed five reservations about the amended draft and wished these to be included in a further-amended draft before polling. These included outlawing homosexuality, euthanasia and abortion. None was included.

Proposed Changes to the Existing Declaration of Rights

The Government's draft constitution proposed to bind all persons and State organs to uphold the 'Fundamental Human Rights and Freedoms' set out in Chapter III. These sought to limit the application of the death penalty, exempting minors and pregnant women, but upheld it as a constitutional principle, together with corporal punishment of minors. (After the Draft had been published, corporal punishment was removed by Presidential action without consulting the Constitutional Commissioners.) The remaining clauses of Chapter III reworded and clarified without substantially changing the existing basic rights described in Chapter 2, but also added new rights: to dignity and reputation, language and cultural life, information, just administrative action, privacy and political rights (to vote and stand in elections). The right to establish and maintain independent educational institutions and a very limited number of children's and parental rights were also addressed. A new protection was suggested against arbitrary eviction.

Against the recognition of these rights, limitations upon them were also specified, both general and – in the Second Schedule - specifically under 'emergency laws' and conditions of 'preventive detention'.

In addition to the fundamental rights, the constitutional proposals envisaged unenforceable 'directory' rights covering most second and third generation social, economic and cultural rights as a matter of public policy and 'national objectives'. These directory rights also included 'good governance' as a basic political right, and conditions of labour as civil rights. The special 'rights' recognised for vulnerable social groups (children, the elderly, and the disabled) were also 'directory' and not enforceable. They were not included under *Chapter III: Fundamental Human Rights and Freedoms* of the draft Constitutional proposals.

All the rights which were classified as 'directory' shared one common feature: they would be expensive for the State to implement. But even the 'fundamental' Chapter III rights were carefully hedged. 'Human beings and juristic persons are entitled to the rights and freedoms set out in this Chapter to the extent that those rights and freedoms can appropriately be extended to them' (s34(3)).

Proposed Changes to Existing Presidential Powers

The 1999 draft constitution proposed to strengthen the power of the State President still further, in addition to continuing the existing presidential immunity from criminal and civil lawsuit, together with the incumbent's existing unfettered powers of pardon for criminal offences; and allowing the

president to dissolve Parliament and declare a state of emergency during which some fundamental rights would effectively be suspended. Many commentators thought these proposals, which tipped the balance of power further toward the executive, led to the rejection of the draft. These proposals included:

- (1) electing an executive president as head of state, with the sole power to appoint a ceremonial prime minister accountable to the president and unable to appoint his/her own ministers (who would be appointed by the president);
- (2) extending presidential influence over the appointment of civil servants, military commanders, police and prison commissioners, and judges (particularly to the proposed Constitutional Court) through his/her control of appointments to the various proposed Services Commissions, and through the continuing presidential appointment of the Attorney-General as a member of Cabinet;
- (3) extending presidential control over elections to the legislature, by his/her direct appointments to the proposed Electoral Commission;
- (4) allowing the incumbent president to stand for another two terms, with no upper age limit on any president.

All of these proposals contradicted what Zimbabweans told the Constitutional Commission they wanted. What they wanted included: a ceremonial president with no immunity from prosecution; an executive prime minister accountable to Parliament and presiding over a small cabinet; parliamentary control of the executive; a prohibition on the existing incumbent running again for the (ceremonial) presidency and a strict limit of two terms for future incumbents; a completely independent judiciary, Electoral Supervisory Commission and media; a completely enforceable declaration of fundamental rights, including equality before the law for all persons; and a small and inexpensive legislature elected by proportional representation.

Notes

^{vii} *Parliamentary Debates* 25,65: cols. 4699-4708.

^{viii} *The Standard* 2 May 1999.

^{ix} *Daily News* 15.9.99.

^x *Daily News* 15.9.99; *Sunday Mail* 24.10.99.

^{xi} *Financial Gazette* 28.10.99. He then asserted that he had been quoted out of context. In response, the *Financial Gazette* ran a complete transcript of their interview with him (4.11.99).

^{xii} *Financial Gazette* 18.11.99; *Standard* 21.11.99.

^{xiii} *Zimbabwe Independent* 27.8.99, 10.9.99. *Zimbabwe Independent* 27.8.99, 10.9.99.

^{xiv} *Zimbabwe Independent* 26.11.99.

^{xv} Heneri Dzinotyiwei of the Zimbabwe Integrated Programme.

^{xvi} SI 405C/1999.

^{xvii} *Daily News* 8.11.99, 20.12.99.

^{xviii} *Daily News* 12.1.00.

^{xix} Draft New Constitution: The Full Text, as published by *The Herald*, 1 December 1999.

^{xx} The threat in the original clause, to seize land without compensation if Britain refused to pay, was publicly protested by the Commercial Farmers Union in a full-page reproduction of their letter dated 18 January to the CC chairman, Justice Chidyausiku (*Daily News* 7.2.00).

^{xxi} Eg Jonathan Moyo and Ben Hlatswayo in almost every weekly paper; Amy Tsanga, 'Why women should vote yes', *Sunday Mail* 30.1.00, pp. 14,17.

CHAPTER THREE

THE REFERENDUM RESULT AND AFTERMATH

Setting Up the Referendum

The Constitutional Commission referred the ‘confused’ issue of the legal framework for any referendum to the State President. The Referendums Act (24/1999, cap. 2:10) was fast-tracked through Parliament on 28 December 1999. On 11 January 2000, the State President gazetted the Referendums Act, and on 19 January set the dates for the referendum on the draft constitution as the weekend of 12-13 February.

In January, the chairman of the Electoral Supervisory Commission (ESC), Bishop Peter Hatendi, criticised the Referendums Act for not giving the ESC adequate monitoring authority. Hatendi later resigned, stating that Zimbabwe needs a completely independent electoral commission. The ESC reportedly received Z\$15 million from the Ministry of Justice, Legal and Parliamentary Affairs and donations of money and manpower from the ZCC, CCJPZ, the Fellowship for Reconciliation, ZimRights and the Losane Community Project.

On 8 February 2000, four days before voting was due to start, the Minister of Home Affairs invoked the Law and Order (Maintenance) Act^{xxii} to control violence in the run-up to the referendum. It continued in operation until the elections. The ZRP threatened ‘stern action’ against anyone disrupting the poll.

Also on 8 February, two former commissioners, Lupi Mushayakarara and Obey Mudzingwa, unsuccessfully applied to the High Court for an urgent interdict to prevent the referendum. They had both signed the petition urging the State President not to accept the draft constitution. *The Mirror* reported this to be an NCA application, which the NCA denied.

At no stage was the referendum question made public. The first time any voter saw the complex, three-paragraph formulation, was on the ballot paper. The location of polling stations was publicised for the first time on the day before voting started.

Public Opinion Polls

Despite its public assertions of confidence that it would win a ‘yes’ vote in the Referendum as well as the Parliamentary elections, there was speculation that Zanu-PF was nervous about both outcomes. It had reason to be nervous. Survey and poll results for the first time provided some indication of voters’ views ahead of the referendum and election.

On 8 January, *The Herald* reported the results of the independent national survey on constitutional issues conducted by the Constitutional Commission itself among 36 375 respondents, 77% of whom did **not** attend CC outreach meetings. *Inter alia*, overall only 42,5% (43,6% of rural and 40,6% of urban) respondents wanted an executive presidency. A majority wanted a two-house legislature, a small cabinet and MPs limited to one term. Two-thirds wanted any president limited to only two terms in office. Three-quarters wanted the State President to be liable to prosecution both in and out of office. Apparently not even this front-page information alerted the ruling party to its lack of popularity among the electorate, much less moved the CC to reinstate these provisions in its draft constitution, although threats of what a ‘no’ vote would entail were made freely. The *Daily News*

returned to this survey after the referendum result, to ram home the discrepancies between what people said and what the draft constitution contained. It was clear that the survey was a very accurate indicator not only of what the people wanted, but also how they finally voted.

The *Daily News*^{xxiii} conducted a more controversial survey of self-selected respondents. Only 164 people sent back 'Election 2000', a questionnaire designed along Gallup lines and published as part of the paper itself. Their replies were 'analysed and interpreted with the help of experts in statistics at the University of Zimbabwe'. In contrast to a later survey published in the state-owned press, they showed that the newly-formed Movement for Democratic Change would receive 36,6% of the respondents' vote, the Zimbabwe Union of Democrats one-third, and Zanu-PF 6,7%. Nearly half agreed that Zanu-PF had 'dictatorial, deceitful and corrupt leaders' and well over one-third thought it had ruined the economy. To an open-ended question on whom they would vote for as State President, only 5,5% volunteered the current incumbent, while 47,0% opted for Morgan Tsvangirai and 22% for Margaret Dongo.

With the help of other UZ academics, some of whom later admitted they had not read the *Daily News*' survey,^{xxiv} *The Herald* quickly laid into the methodological problems of its main rival's initiative. Based on an assumed circulation of 40 000, the response rate of 0,41% was dismissed as 'a gross distortion of basic mathematical principles' and 'cheap politicking' to influence public opinion toward opposition parties.^{xxv} Certainly the *Daily News*' straw poll did not shake the State President's confidence that Zanu-PF would win a 'landslide victory' in the general election.^{xxvi} He later 'dismissed claims by those opposed to the draft constitution on the basis that [it] gives the executive president excessive powers'.^{xxvii}

His confidence was presumably bolstered by the results of a December survey conducted by the Bureau of Strategic Studies' Southern Centre and published by *The Herald*.^{xxviii} 62% of 375 rural and 39% of 600 urban respondents said they would vote for Zanu-PF. Those intending to vote for the MDC were reportedly 23% in both rural and urban areas. However, urbanites intending to vote for any opposition party totalled 50%, while nearly one in three of the rural respondents intended to vote for an opposition party. In presidential elections, 61% of rural but only 28% of urban voters said they would vote for the present incumbent. While claiming that support for Zanu-PF had been 'moderately undervalued' because peasant farmers, unskilled workers and the unemployed had been under-represented, the report nonetheless noted that only 17% of rural and 15% of urban voters regarded land as the pre-eminent policy issue.

A fortnight before the referendum, the Public Opinion Institute polled 6 871 respondents evenly spread over eight provinces. It correctly predicted a negative overall result from 42% intending to vote yes, 37% admitting to a no vote, 13% unwilling to reveal their intention and the residual 8% presumably being undecided.

The most comprehensive and methodologically-acceptable survey of 1 900 randomly-selected respondents was done during the run-up to the referendum and publicised in *The Standard* on 12 March 2000. What impact the referendum results might have had on voters' subsequent views remains unknown, but *Political Opinion in Zimbabwe 2000* reflected little of comfort to Zanu-PF or President Mugabe. A strong commitment emerged to the rule of law in a liberal democracy with freedom of expression. The police were then regarded with some favour. The land issue ranked fourth among voters' concerns, behind inflation, unemployment and the fall in the value of the national currency. Only 30 % wanted to see farms removed from their white owners. The same proportion wanted President Mugabe to continue in power, compared to 69% who wanted a two-term limit on presidential incumbents, 65% who wanted him to step down, and 63% who wanted a change of government from Zanu-PF. Three of every four respondents wanted a reduction in existing presidential powers. Less than one in three had any confidence that the government is

truthful in its public statements. Nearly 60% regarded government as corrupt. Four of every five respondents did not think it sensible to blame whites or external agents for Zimbabwe's economic collapse. They thought the buck stopped squarely with the incumbent government. The same proportion wanted Zimbabwe's troops back from the DRC at the very least 'soon': 48% wanted them back immediately. But the report also noted that the potential for political transition was very open, with nearly 50% of respondents claiming to be undecided about who to vote for or backing minor parties rather than the newly-formed MDC. And it also drew attention to the discrepancy between its findings - that sentiment in eight if not nine of Zimbabwe's 10 provinces was consistent with a no vote - and the referendum result in which six provinces apparently voted yes.^{xxix}

The last survey was conducted after the Referendum in late February and early March by the Training and Research Support Centre and the Zimbabwe Election Support Network. It polled 2 000 respondents in 18 wards in eight provinces, and revealed massive ignorance about the pending parliamentary elections. However, it confirmed that only 13% of rural people regarded land as the key electoral issue, compared to 60% who rated inflation and other economic issues as their first priority. The publication of these results coincided with the upsurge in rural political intimidation by Zanu-PF. Threats were made to return to a bush war should Zanu-PF lose the elections.

It may be that these various survey results explain, at least in part, why the administrative shambles regarding voter registration was not sorted out, as well as the belated legal changes and release of information. None were conducive to free and fair electoral choice.

The Referendum: 12-13 February 2000

The Election Directorate claimed that 7 200 monitors were placed in 3 600 stations for the poll. Some polling stations were reported to have had none and the ESC claimed to have deployed only 3 600 monitors. Some monitors were unable to reach their polling stations by the time they opened, and some abandoned their posts as a result of non-payment. The South African Human Rights Committee^{xxx} drew attention to the inappropriate locations of some polling stations, including the one in the Bulawayo CIO headquarters. However, the 23,8% poll was generally agreed to have been free and fair.

However, the ballot was not secret. Each ballot paper was numbered. A manual record listed the number of the ballot paper against the name of the voter to whom it was issued.

Zimbabweans remain very fearful of any possibility of identification and comeback.

The state-owned media saw 'racial connotations' in the unusually large but unspecified white voter turnout. Polling was peaceful but delayed in a number of southern districts, and Gokwe, as a result of flooded rivers and impassable roads. Ballot boxes had to be flown in by helicopter, and there were rumours of ballot-stuffing in some rural areas. The NCA complained that their monitors had not been allowed to sleep with the boxes and visiting monitors levelled some criticisms, not least that the Registrar-General's Office failed to ensure that the register of aliens entitled to vote was available in full at all polling stations. Eight members of the NCA, including prominent human rights lawyer Tendayi Biti, were arrested while using a loud hailer, allegedly within 100 metres of a polling booth, in Highfield, and detained for two days^{xxxi} before being released. The magistrate's court before which they were arraigned had no jurisdiction under the Electoral Act.

The Referendum Results

The result was decisively against the draft constitution. Of 1 312 738 ballots cast, 36 774 (2,8%)

were spoilt (many with messages of gross disaffection against the government), 578 210 (44,05%) were in favour and 697 754 (53,15%) against adopting this draft.^{xxxii} It is unclear how many people were not permitted to vote, but 4 294 were turned away in Midlands province alone.^{xxxiii} Although six (largely rural) provinces gave an overall affirmative, 62 of 120 constituencies voted no. Of these, 50 were urban and 12 rural. *The Herald* (16 February 2000) wrongly reported that 63 constituencies had voted in favour and 57 against. It also omitted Hatfield and Marondera West constituencies, duplicated Rushinga and Shamva (which materially inflated Mashonaland Central's 'yes' vote), and committed a number of typographical and arithmetical mistakes in its published poll results. The *Daily News* results contained a few typographical errors. MediaWatch noted that accurate information was regarded as 'a closely guarded state secret' by the Registrar-General's Office and sympathised with journalists trying to get it.

The urban vote was overwhelmingly negative, and included all of the smaller towns except Beit Bridge, Shurugwi, Zvishavane and Kariba. Peri-urban areas (Goromonzi, Seke, Vungu, Matobo, Umzingwane) also voted no, as did some surprising rural constituencies (Binga, Mutasa, Makoni East and West). The proportion of the properly rural vote that was negative varied from a low of 18% (in Mutoko South and Mberengwa East) to 67% (in Binga). The General Agricultural and Plantation Workers Union of Zimbabwe claimed that 65% of its 450 000 members had voted, independently of any influence.^{xxxiv}

When the negative result was finally announced, it was reported overseas some hours before being included in the ZBC news. ZTV followed its main evening news broadcast with a 'state of the nation' speech by the State President, who appeared unusually subdued in a gracious acceptance noted by all as completely at odds with his behaviour over the past decade or more. 'Although the government accepted the results of the referendum, Zanu-PF, as a party, interpreted the rejection of the draft constitution as the result of a conspiracy by the black urban middle-class elite (represented by the MDC), the country's white commercial farmers and the Government's external enemies.'^{xxxv}

After President's acceptance of the Referendum result, Vice-President Msika immediately confirmed that there would be no change to the land resettlement programme. Political violence flared up very quickly as commercial farmland was occupied by people claiming to be war veterans.^{xxxvi} The finger of responsibility pointed directly at Zanu-PF and its leader. 'There is no question that the occupations were directed or condoned by Mugabe.'^{xxxvii} The State President refused to execute court orders requiring the veterans to withdraw, and the police refused to act in what they called a 'political' matter. Pius Wakatama alleged that the people's message calling for a conference to design a nationally-acceptable constitution was not respected. Instead, 'paid thugs and killers ... unleashed a reign of vengeful terror'.^{xxxviii} This terror lasted well beyond the general election. Whereas he had kept a low profile during the CC's Referendum campaign, during the Parliamentary elections the State President unabashedly campaigned for his own party, using the land issue and anti-colonial sentiment. 'We are not fighting the MDC, the British Government is fighting these elections and so we want to defeat them thoroughly', he claimed.^{xxxix}

When the draft constitution was rejected, CC spokesperson Jonathan Moyo indicated that he thought the constitutional issue should be referred to Parliament, with its 147 (of 150) Zanu-PF members. Heneri Dzinotyiwei wanted an 'impartial committee' of not more than 20 people to pool submissions made to the CC and NCA in order to draft an acceptable constitution under which the 2000 elections should be held under the control of an independent electoral commission. Neither happened.

The Constitution of Zimbabwe Amendment 16

After the reform process had ostensibly ended with the Referendum, on 1 and again 31 March the Government gazetted its proposal to amend the existing constitution for the 16th time. This

proposed amendment incorporated President Mugabe's draft clause 57 (see Chapter 2), despite its rejection at the referendum. It also created an Anti-Corruption Commission whose nine members would be appointed by the State President. The timing, with 30 days required notice, allowed the Zanu-PF government to put this amendment through, with the minimum 100 votes required, before the general election. Visiting German parliamentarians expressed their concern at this undemocratic behaviour, but the 16th constitutional amendment was signed and gazetted into law on 19 April 2000.

Early political violence

Political violence started even before the referendum. Despite state-owned media reports blaming the MDC, most of this violence was perpetrated by the Zanu-PF Youth League against activists urging a 'no' vote, including some distributing leaflets for the Women's Coalition, one of whom was stripped down to her underwear. The state-owned press editorialised after the event that there had been 'no violence' despite clear evidence to the contrary.^{xl}

Notes

^{xxii} This statute, inherited from the settler-colonial government and never repealed (except for sections specifically challenged in the courts), remains arguably the greatest single statutory infringement of human rights in Zimbabwe.

^{xxiii} *Daily News* 17.1.00.

^{xxiv} The managing director of Probe Research also denied having spoken to the *Herald* (*Daily News* 20.1.00).

^{xxv} *Herald* 19.1.00.

^{xxvi} *Herald* 12.1.00.

^{xxvii} *Herald* 12.2.00.

^{xxviii} *Herald* 3.2.00.

^{xxix} *Political Opinion in Zimbabwe 2000* pp. 9-10, 24-5.

^{xxx} *Zimbabwe in Focus* May 2000 p. 26.

^{xxxi} The maximum period for legal detention without charge is 48 hours.

^{xxxii} *Government Gazette* 78,12:220, General Notice 91/2000.

^{xxxiii} *Herald* 14.2.00.

^{xxxiv} *Daily News* 23.2.00.

^{xxxv} Commonwealth 2000 *Report on Zimbabwe's 2000 Elections* (p. 8). A similar view was expressed by the International Crisis Group 2000 *Zimbabwe at the Crossroads* (pp. 1-2).

^{xxxvi} Some were clearly too young to have been genuine participants in the liberation struggle.

^{xxxvii} International Crisis Group 2000 *Zimbabwe at the Crossroads* (p. 3).

^{xxxviii} *Daily News* 21.8.00.

^{xxxix} *Daily News* 19.6.00.

^{xl} *Herald* 16.2.00.

CHAPTER FOUR

THE RULE OF LAW: THE ELECTORAL ACT AND ITS MANIPULATION

Altering Institutionalised Functions

‘The legal framework for the elections is provided by the Constitution of Zimbabwe, principally through Articles 58-61 (on elections) and Articles 11-26 (‘The Declaration of Rights’), the Electoral Act and related laws, such as the Law and Order (Maintenance) Act. While the legal framework has provided the basis for several elections, it contains serious deficiencies. It sets up significant overlaps among electoral authorities, possibilities for duplication of efforts and insufficient transparency and guarantees of impartiality.’^{xli}

While the Electoral Act makes the Registrar General the primary person responsible for conducting the elections, the President is given sweeping powers to control the election process. Article 158 specifically empowers the President to suspend or amend any provision of the Electoral Act and to alter any time period specified by the Electoral Act.

The President changed the Electoral Act using his temporary powers in a number of ways, including:

(1) Modification of the postal ballot system.^{xlii}

The changes in the postal ballot system, decreed on 7 June, limited postal votes to government employees stationed abroad or members of the security forces, including the police, working abroad or within the country. Previously, any Zimbabwean outside the country at election time could vote by post. This change deprived a potentially significant number of Zimbabwean nationals abroad of their right to vote.

Registration for and the use of postal votes in the general election gave rise to particular concern by human rights activists. Zimbabwe Lawyers for Human Rights condemned the amendments to the Electoral Act by which Zimbabweans overseas were denied a postal vote on the grounds of expense. Some police serving outside their constituencies during the election were reported to be unhappy about having their details recorded before their postal votes were issued.

The Registrar-General admitted issuing postal votes to soldiers **before receiving their applications** and without the necessary witness signatures. He averred that soldiers would be registered in their home district constituencies.^{xliii} He refused to answer questions about monitoring postal votes, which, he said, would be dealt with by other, unspecified ‘authorities’.^{xliv} The Movement for Democratic Change petitioned the High Court to have the postal votes voided for the Registrar-General’s admitted non-compliance with the requirements of the Electoral Act, but Justice Devittie adjudged his procedures as ‘substantial compliance’. His judgement was later overturned by the Supreme Court sitting as the Constitutional Court. In Mutare Central constituency, massive irregularities led **all** candidates to a common agreement to reject **all** postal votes. Here instances of multiple voting, in person and by post by unauthorised people, were recorded. What happened to postal votes in other constituencies was not clear, but they were all voided by the Supreme Court.

(2) Monitoring authority.

Section 61(3) of the Constitution provides for the Electoral Supervisory Commission (ESC) ‘to supervise the registration of voters and the conduct of elections’ to both Parliament and local authorities. The Electoral (Amendment) Regulations, 2000 (No. 7) (Statutory Instrument 161A of 2000), published on 7 June 2000, removed authority to accredit observers/monitors from the ESC and gave it to the Registrar-General. The ESC viewed the accreditation requirement as a usurpation of its constitutional authority (s.61(6)) to supervise elections independently of any direction or control by any other person or authority. On 13 June 2000 the ESC launched an (unsuccessful) action in the High Court to challenge SI 161A/2000.

(3) Deferral of the Nomination Courts sitting dates from 29 May to 3 June.^{xlvi}

(4) Reduction of the Electoral Act’s 21-day provision between nomination and polling to 20 days.

(5) Extension of the voter registration exercise from 16 April to June 12.

Voter Registration^{xlvi}

In early January, there was no agreement between government, opposition parties and civic associations as to how voter registration should be conducted. A Zanu-PF MP noted that ‘whatever is undertaken by the Registrar-General’s office is not believed in by many people because they believe he is in the service or the system is in the service of the present government’.^{xlvi}

At a mid-January meeting of representatives of over 50 political parties, civic and non-governmental organisations, the ESC set up a steering committee to monitor voter registration, the referendum and the election. Before resigning, ESC chairman, Anglican Bishop Peter Hatendi, criticised the Referendums Act for not giving the ESC adequate monitoring authority. The three remaining members later protested that Government had ignored ESC recommendations. The acting chairperson later supported an independent electoral commission. Just before the election, the State President replaced her with a former military intelligence chief.

In addition to normal registration at its fixed offices, the Ministry of Home Affairs organised a mobile registration programme, for births and deaths^{xlvi} as well as voter registration, and house-to-house voter registration - by 7 040 unemployed school-leavers paid Z\$300 per day from 16 February.^{xlvi} The mobile programme was poorly advertised but ran from 12 January to mid-March. The schedule of venues and dates for both mobile and fixed registration centres was published on the day the exercise began. It was incomplete: eg. Avondale Primary School was **not** listed but housed a registration team for nearly a week. A single venue (Belvedere Technical Teacher’s College) was listed to serve both Harare Central and Mabvuku. Being to the west of Harare city centre, it was particularly inconvenient for Mabvuku residents living on the eastern boundary.

Many wishing to register were reportedly turned away because the offices did not have registration forms. Few people registered initially, though 1,5 million were reported to have registered by 3 March. Very long queues in the last week saw the deadline extended to the end of March, when there were still long queues. A Zimbabwe Election Support Network (ZESN) survey found that, with only one week to the final deadline, of 2 079 people interviewed in 18 districts, 44% remained unregistered.

Although voter registration at fixed offices is an ongoing, continuous exercise, except when the

registers are closed for general (or municipal) elections, the ZESN survey gives reason to doubt the validity of the Registrar-General's figures used by the Delimitation Commission. So does a comparison of his figures with the 1997 Inter-Censal Survey conducted by the Central Statistical Office. As table 2 (Appendix) shows, in Matabeleland South the figure for registered voters used by the Delimitation Commission was well over 100% of the maximum possible population, **not** allowing for **any** deaths between 1997 and 2000!

Registered voters were also warned to **confirm** their registration on a special form in order to stay on the roll, even if they had registered very recently. It is unclear how many registered voters were aware of this additional requirement. Registrations **not** confirmed, it was warned informally but **not** publicised in the media, would be removed from the roll before the election. No written, official proof of such confirmation or of late registration was given, which was the cause of immense worry and public criticism, both before and after the election. During polling, tens of thousands who had registered were not able to find their names on the constituency rolls. The official turnaway figures for the election were not released, but estimated by various observers at between 10 and 20%. Based on its observations at 200 (of a total of 3 850) polling stations nationwide during the elections, ZESN has suggested that at least 139 370 voters (5,5%) were turned away.¹

The Registrar-General was reported to have said the permissible margin of error in compiling the roll was 10%. One wonders whether the United Nations Development Programme, whose offer of technical and financial support was reportedly rejected by the State President, would have regarded this margin of error as acceptable.

Zanu-PF publicly worried about its supporters who might not have (re-)registered. The NDI bought Zanu-PF a complete roll.^{li} It was unclear as to how the party would identify its own members, unless there was some mechanism to transfer the Zanu-PF membership database into the national voters' roll. Both had reportedly been computerised by the same firm. In 1999, Margaret Dongo^{lii} drew Parliament's attention to 'Zanu-PF computerisation' which had "deliberately" or ignorantly [been] understood to be the voter registration. I do not want to believe what the rural people are saying is true – that those registered through this process automatically get registered as voters.'

The revised voters' roll was not open to public scrutiny before being submitted to the Delimitation Commission in mid-April. Only from 1-13 June were 3 500 centres open for voters to check their registration. The voters roll reportedly contained 5 049 815 names. It cost Z\$7 000 per constituency register. Both *The Herald* and the *Daily News* claimed to have been inundated with calls from voters whose names had been omitted from constituency lists. Those omitted included at least three parliamentary candidates from all major parties and at least one nominator! A fortnight before the polls, the MDC identified over 10 000 voters who had registered but were not on the constituency lists. The urgent High Court application by the Zimbabwe Union of Democrats to have the poll conducted under the 1995 constituencies was rejected. The 'final' roll was widely described as remaining 'a shambles'. The State President promised a supplementary roll to placate irate voters.

The supplementary rolls were **not** available at all polling booths at the start of voting and not all polling supervisors permitted voters with proof of their registration to vote if they did not appear on the constituency lists.

Some 86 000 citizens of British descent were also threatened, by the Registrar-General, with removal of their citizenship as well as their voting rights. Zimbabweans of British descent were informed collectively by a news report that they had been stripped of their entitlement to Zimbabwean citizenship and passports, despite having, in 1985, renounced their UK citizenship 'in the form and manner' specified by the Zimbabwean state. The citizenship of many of Zimbabwe's (minority of) white judges was also questioned. Justice Chidyausiku (who had been Attorney-

General at the time the Citizenship Act was passed) later alleged that the law was unclear but white Zimbabweans' rights were intact, and that permanent residents also had the right to vote on production of appropriate identification.

The ESC wanted the general election, if not also the referendum, postponed until sufficient resources were guaranteed for proper monitoring and supervision. It was allocated only Z\$4 million in the 2000 budget, three-quarters of which was earmarked for salaries and administration. Z\$34 million was required for the referendum and Z\$600 million for voter registration. Both exercises needed at least 8 000 monitors. Using its own resources,^{liii} the ESC planned to deploy 320 monitors. This was unacceptable to the other organisations, and the steering committee was dissolved.

After the 'no' vote in the Referendum, the executive ignored the Electoral Act in recurrently failing to consult the ESC on various mandatory issues. It passed multiple, last-minute amendments^{liv} to the Electoral Act after Parliament had been dissolved, to relocate ESC functions. The ESC did **not** supervise voter registration, was **not** consulted by the (constituency) Delimitation Commission, and did **not** accredit monitors or observers.

Delimiting Constituencies

The Delimitation Commission was appointed by the President on 28 March 2000 (well beyond the 5-yearly interval set by Article 59(4) of the Constitution). The Commission effectively started work only on 25 April, when it finally received copies of the preliminary voters' register. It complained of inadequate time, but submitted a preliminary report (without maps) to the President on May 12. On May 15 the President set the dates for the election as 24-25 June.

Article 60(8) of the Constitution provides that, for Parliamentary elections, following completion of the report of the Delimitation Commission, the President shall issue a proclamation declaring the names and boundaries of constituencies. The Delimitation Commission submitted its final report with maps to the President only on 24 May – a mere five days before the nomination of candidates was supposed to take place on May 29, according to the Presidential proclamation of the electoral timetable. In accordance with Article 38(2)(a), adequate time (14 days) must be provided before nomination day to all political parties to select their candidates and verify that they meet all of the legal requirements to stand for particular constituencies. The time provided was thus inadequate in terms of Zimbabwe's own electoral law.

The MDC successfully petitioned the High Court to have nomination day moved to a later date. Nomination courts eventually sat on 3 June, 10 days after the publication of the constituency delimitation report. This could have discriminated against small opposition parties which are more likely than larger parties to depend on knowing precise boundaries when deciding whether or not to nominate a specific candidate in a particular constituency.

Concern was also raised over unequal access to delimitation information which gave the ruling party an unfair advantage over all opposition parties, large and small. Zanu-PF knew the constituency boundaries some time in advance. The then Minister of Justice, Legal and Parliamentary Affairs – who was also a member of the Zanu-PF Politburo – received the report for onward transmission to the State President, himself Secretary-General of the ruling party, before it was released publicly. Zanu-PF was able to identify its two candidates in the newly-partitioned constituency of Mt. Darwin well before the official release of the delimitation report.

Monitoring Elections^{lv}

In February, the Zimbabwe Electoral Supervisory Network (ZESN) was created by 33 civic

organisations. It trained monitors initially for the Referendum on the draft Constitution. ZimRights was funded by the European Union to train 1 600 monitors and produced a manual for the monitors. 10 000 monitors were trained with US funding. By mid-May ZESN's member-NGOs had trained 24 000 monitors for the election. Donor countries suggested that international monitors could be provided. This suggestion was rejected by the State President. Only international observers were permitted.

A flurry of new electoral regulations^{lvi}

- (1) required all monitors to be Zimbabwean citizens not affiliated to any political party; and all monitors and observers to be accredited by the Registrar-General's Office (at a charge of US\$100 for each international observer);
- (2) limited candidates to one polling agent per booth; and monitors to one^{lvii} per polling station for the 4 000 stations; and
- (3) set up a restrictive Code of Conduct for Election Agents, Polling Agents, Monitors and Observers, with vastly increased (by 10-20 times) financial penalties for non-compliance. In (future) Presidential elections, candidates' polling agents are no longer allowed to be present at the vote-counting and their election agents are restricted to their own constituencies for vote-counting.

The ESC took High Court action against the State President's relocation of its responsibility for the accreditation of monitors to the Ministries of Home and Foreign Affairs and Information. Justice Chidyausiku ruled against the ESC, which, with the Legal Resources Foundation, appealed to the Supreme Court.

The ESC was reported to be expecting to deploy 20 000 monitors before it was deprived of its major functions. The day before polling, not a single local monitor of the 20 000 trained by ZimRights and ZESN had been accredited. 16 000 were apparently approved within 12 hours of the start of polling, but - together with members of the Electoral Supervisory Commission itself - were later refused entry to polling stations because they lacked formal documentation signed by the National Elections Directorate, which seemingly displaced the ESC.

By the day of polling, only 302 of 500 international observers had been accredited. 233 were rejected, including all UK and US diplomats - who were at the last minute permitted to observe; 61 foreign observers (African and European) for the Zimbabwe Council of Churches; 25 (six Zambians and 25 South Africans) for the Catholic Commissioner for Justice and Peace; 40 for the Electoral Commissions Forum of SADC; five from the Congress of South African Trades Unions (COSATU); and eight from Oxfam Canada. Following its earlier damning report, 40 NDI and US-based International Republican Institute observers were refused registration on the grounds that neither organisation fitted into three newly-defined categories. Also refused were the three major German funders, the Friedrich Neumann, Friedrich Ebert and Konrad Adenauer Foundations; and Pacenet (an African network of civic education groups).

The European Union sent the largest group of 190 observers, 100 of whom were in Zimbabwe for three weeks before polling. They expressed serious concern at the conditions imposed on international observers, who were reportedly told not to visit the commercial farms invaded by the war veterans. They, in turn, were told, by the State President to stay on the farms until after the elections. The Commonwealth team of 44 was supposed to have been much larger, but 17 Nigerians and 14 Kenyans (all with extensive experience of flawed African elections) were deemed to be 'British spies' and refused accreditation. There were 29 observers from SADC, 24 from South Africa, and much smaller numbers from the ACP states, Australia, Belgium, Canada, Finland, Japan, New Zealand and Spain. A fortnight before polling, the United Nations pulled out its team. (The State President refused to allow it to co-ordinate the international election observers, notwithstanding the UN Secretary-General's view that such an agreement had been reached.) During

this period, independent observers and monitors had been assaulted and intimidated by Zanu-PF in two Mashonaland provinces, East and Central. The OAU team of 22, which deployed only three days before polling, did not appear to have been affected.

The Electoral Supervisory Commission warned that the violence would ‘soon reach a situation which is not conducive to the holding of free and fair elections’.^{lviii} However, the Commonwealth Secretary-General was reportedly satisfied following his two-day May visit that the poll ‘could’ be free and fair. After a Commonwealth team had been deployed before the poll for nearly a fortnight, Don MacKinnon changed his mind. Ex-combatants had publicly claimed that they would be appointed polling officers, identify those voting against Zanu-PF, and ‘deal with’ them after the election. This threat was taken very seriously by the National Democratic Institute (NDI) in its damning pre-election report, but the Registrar-General denied that he intended to use war veterans as polling officers. The NDI, which had helped the six major parties, including Zanu-PF, to train monitors, stated unequivocally three weeks before polling that conditions for free and fair elections did not pertain. The *Financial Gazette* published its report in full. The NDI view was shared by the World Council of Churches observer team.

All monitoring teams agreed that the polling had been conducted well, but the pre-election violence, intimidation and deficiencies did not allow them to validate the election itself as free and fair. In the week before voting, opposition candidates’ polling agents were abducted from numerous constituencies. One, Patrick Nabanyama, had not been found six months later despite extensive searches. Another, Itayi Maguwu, was kidnapped from his Dzivarasekwa (Harare) home a month after the election. His badly-mutilated body was dumped near his home four days later.

Notes

^{xli} *Statement of the National Democratic Institute (NDI) Pre-Election Delegation to Zimbabwe* (p. 5).

^{xlii} Election Act (Modification) Notice, 2000 (SI 161B/2000).

^{xliii} However, ZNA soldiers serving in the Congo were reportedly registered as urban voters in Harare South (*Zimbabwe Independent* 28.4.00; *Standard* 18.6.00).

^{xliv} *Zimbabwe Independent* 23.6.00.

^{xliv} SI 141A/2000, SI 158A/2000.

^{xlvi} This sub-section is reproduced from the *Zimbabwe Human Rights Bulletin* 3, pp.10-13, 55-57 (June 2000).

^{xlvi} *Parliamentary Debates* 26,37: 2681.

^{xlvi} 98 000 deceased voters were reportedly removed from the roll, but an unknown number remained on it.

^{xlvi} Their total earnings of Z\$6,3 million were presumably unbudgetted.

^l ZESN 2000 *Report on the 2000 Parliamentary Elections Zimbabwe* (p. 77).

^{li} This assistance, not offered to other parties, cost Z\$840 000 for 120 constituencies. It did **not** gain the NDI observer accreditation after it reported three weeks before the election that conditions for free and fair polling did not obtain!

^{lii} *Parliamentary Debates* 25,79:5846 (19 May 1999).

^{liii} Including Z\$15 million from the Ministry of Justice, Legal and Parliamentary Affairs and donations of money and manpower from the ZCC, CCJPZ, the Fellowship for Reconciliation, ZimRights and the Losane Community Project.

^{liv} SI 161A/2000, SI 161B/2000, SI 177A/2000, SI 177B/2000, SI 180A/2000.

^{lv} This sub-section is reproduced from the *Zimbabwe Human Rights Bulletin* 3, pp.64-66 (June 2000).

^{lvi} Electoral (Amendment) Regulations, 2000 (No. 7) (SI 161A/2000).

^{lvii} Later reports that this number had been raised to four were not supported by amended legislation.

^{lviii} *Financial Gazette* 11.5.00.

CHAPTER FIVE

VIOLATIONS OF POLITICAL RIGHTS BEFORE AND DURING THE ELECTION

‘A peaceful political environment is an environment where political contestants are free to campaign for voter support, free to express themselves and make their views known to the electorate without fear of any intimidation, suspension or expulsion from their party, or victimisation of one kind or another.’^{lix}

Those who were killed ‘were killed mostly because they had dared to believe that they had an inalienable right to campaign for and support any party of their choice without endangering their lives in the process’.^{lx}

Violence as a Political Tool^{lxi}

The political violence started before the Referendum, but was deployed as systematic political strategy in the run-up to the Parliamentary elections. In the two months before 24-25 June, political violence targetted especially white farmers and black farmworkers, teachers, civil servants and rural villagers believed to support opposition parties. Homes and businesses in both urban and rural areas were burned and looted. The *Daily News* Harare editorial offices were bombed^{lxii} and a subsequent bomb threat traced to Zanu-PF headquarters. Opposition organisers were killed, kidnapped and tortured. Nyamapanda border post was closed for two days as civil servants fled Zanu-PF supporters. Over 500 rural schools were closed for longer as teachers, among over 10 000 refugees, fled to the relative safety of towns. Bindura University was closed by a student boycott after Zanu-PF members were asked to produce a list of MDC supporters and one MDC supporter was kidnapped and assaulted by Zanu-PF members posing as MDC. Independent journalists experienced grave difficulty in covering violence in areas controlled by Zanu-PF, but when they did, reported military planning and co-ordination of logistics for the farm invasions. ‘The violence and intimidation surrounding the land issue ... [took] on a definite political nature.’^{lxiii} ‘There was a general fear of the war veterans and their capacity to instigate and inflict violence and intimidation on the population. They seemed to be moved from area to area with the aim of spreading fear. There were allegations that they were paid and many admitted they were not war veterans.’^{lxiv}

All-night Zanu-PF ‘political re-education’ meetings (reminiscent of the wartime *pungwe*) brutalised those forced to attend. It was widely feared that the executive was looking for an excuse to declare a state of emergency and postpone the elections.^{lxv} The MDC warned that if presidential powers were used to postpone the election, it would challenge such use as anti-constitutional. Its supporters increasingly retaliated against Zanu-PF attacks. Zanu-PF itself accused the MDC of trying to render elections impossible, but was accused by all other parties of fomenting the vast majority of the violence. It refused to sign a multi-party code of political conduct outlawing violence and failed to attend meetings organised by church leaders to curb the violence.

Death threats were received by numerous activists, including Morgan Tsvangirai, Grace Kwinjeh, the *Daily News* editor Geoff Nyarota, Anglican priest Tim Neill and many farmers, including the MDC candidate for Chimanimani, Roy Bennett, both before and after the police evicted invaders from his farm. Robin Greaves, a Nyamandlovu farmer, was publicly threatened with beheading. The death toll reached over 70, mainly opposition supporters, but included two serving and one retired policemen and over 20 farmworkers. In many cases the police were reported to have looked on, for example as two MDC organisers were petrol-bombed in their vehicle. The government used the Law

and Order (Maintenance) Act to prohibit the bussing of political supporters to all rallies except those addressed by party presidents. UP candidate for Mkoba (in Gweru), Maxwell Mupukuta, withdrew as a result of the violence practised on opposition supporters.

Opposition marches as well as rallies were broken up by Zanu-PF supporters with the assistance of ‘war veterans’ camped at the party’s headquarters. Sometimes the MDC retaliated, notwithstanding advice not to. Those arrested as MDC supporters sometimes turned out to be Zanu-PF supporters in stolen teeshirts. Genuine MDC supporters were often released without charge for lack of evidence (eg. in Kwekwe). But there were signs that the violence was counter-productive for Zanu-PF. One voter reflected the general mood, in stating that he felt only ‘anger towards the party which has turned me into a beggar’.^{lxvi} Although over 10 000 fled the rural areas, those voters who sat out in neighbouring countries the expected escalation in violence over the election were widely condemned as abandoning their national duty.

Numerous secondary schools, including two in Harare’s high-density suburbs, were ‘invaded’ by Zanu-PF, either to instruct pupils to warn their parents against voting for opposition parties, or to intimidate teachers thought to be aligned with the MDC. Over 550 rural schools were disrupted in the second term, as teachers, pupils and rural opposition members fled violence, intimidation and ‘political re-education’. Over 600 abductions, 40 entailing torture, were reported. Within 10 days of the election, their identity documents were removed from large but unknown numbers of rural voters, especially in Mwenezi, by ‘war veterans’ and Zanu-PF supporters. Without their IDs, people were unable to vote.

Following the invasion of commercial farms, which often entailed violence, tourist facilities, mines, quarries and towns were targetted and the forms of violence also ramified. Farmers, farmworkers, political activists and civil servants were assaulted. Farmers’ and farmworkers’ housing and property were destroyed. Farming operations were materially affected and resulted in owners fleeing, workers not being paid and crops (including tobacco) not being processed and delivered to market. The country’s largest tomato producer was put out of business and the resulting shortage immediately led to a quadrupling of prices. Tauya Coach Services bore MDC stickers and had two buses destroyed and two damaged by arson. Chako Bus Company was also threatened. Zanu-PF recurrently accused the MDC of being a black front for white political activists and financial backers and reportedly brought considerable pressure to bear on white farmers to cease bankrolling the MDC, not least through the farm invasions and the killing of three white farmers who were MDC activists.

The Organisation of African Unity expressed concern about the use of inflammatory language. Churches left it very late to condemn the violence publicly, but eventually all did so in the week before polling, together with diplomats from the USA, Japan, Canada, Australia, New Zealand and Switzerland. The violence was countrywide, but particularly recurrent in Mazowe and Shamva in Mashonaland Central, Murehwa, Mudzi and Goromonzi in Mashonaland East, Hurungwe in Mashonaland West, Mberengwa and Gokwe in the Midlands, Mwenezi in Masvingo, Mutasa and Chimanimani in Manicaland, around Plumtree in Matabeleland South, and Harare’s Budiriro suburb. By mid-year, insurance companies had (illegally) withdrawn **all** cover, not merely from farmers, for riot and civil commotion, a withdrawal that was regularised from the start of 2001.

The EU observer mission reported 248 incidents of pre-election violence, only 10 of which were directly witnessed. 85 resulted in injury. 155 involved physical violence, including enforced attendance at rallies, and another 56 entailed psychological intimidation.

EU report findings	Zanu-PF	MDC
--------------------	---------	-----

Complaints submitted by	4.0%	41.0%
Responsibility for violence reported	68.3%	7.0%
Victims belonged to	5.8%	52.7%

By polling time, three opposition candidates had fled their constituencies (one to a neighbouring country). Three others were in hiding. One was in intensive care with critical head injuries. One ex-Zanu-PF Independent was wrongly reported in the state-owned media as having withdrawn his candidacy. Few who fled their rural constituencies during the pre-election violence cast their votes: a maximum of 7,5%, to extrapolate from the 300 of 4 000 refugees in Harare whom ZimRights ferried back.

After the election, violence resumed. In variations of the pre-election pattern, MDC supporters were responsible for minor assaults (often on a retaliatory basis) against some Zanu-PF stalwarts. Some MDC youth tried to debar peasant farmers (presumed to have voted for Zanu-PF) from selling their vegetables in Harare. But in the high-density suburbs of those towns and cities which had returned MDC candidates (and Kariba), both army and police reportedly assaulted people. MDC celebrations were held 'against police instructions' and some parties were broken up. This unsolicited state violence continued until after Parliament opened. New farm invasions also started immediately after the polls closed. Some farmers were ordered off their land and threatened with death if they did not leave.

There was little indication that the police would begin to uphold the rule of law. One war veteran responsible for particularly vicious violence, torture and deaths in Mberengwa and Zvishavane was remanded in custody on murder charges, but few others were arrested for the other murders. Nothing seemed to be done immediately to investigate evidence linking some Zanu-PF MPs to direct involvement in the violence and deaths in their constituencies. Then came the blanket presidential condonation of and pardon for most acts of violence between January and the end of July 2000.

Media Reportage of Political Violence

The bias in reporting political violence was carefully analysed by the Media Monitoring Project of Zimbabwe. This bias went beyond the inflation in the state-controlled media of both coverage and reportage of the ruling party, noted by one observer team: 'Zanu-PF rallies were covered prominently in *The Herald*, with attendance figures published being substantially higher than we saw.'^{lxvii} The state-owned media recurrently focussed in specifically partisan ways on opposition parties' alleged use of violence and on factional disputes within Zanu-PF, some of which involved violence (eg. in Chivi, Harare, Masvingo, Chitungwiza). The MDC complained that the state-owned press was tarnishing its public image. In naming six MPs, a deputy minister, minister and provincial governor as having incited and led violence against its members and/or tried to interfere with the legal process trying Zanu-PF offenders for doing so, it alleged that the State executive was looking for a (media-generated) opportunity to declare a state of emergency and possibly ban it.

The MDC later complained directly to the Minister of Home Affairs about discriminatory policing (as well as reporting) of political violence and plots to kill its leaders. In response, the MDC was accused by Zanu-PF of trying to create anarchy in order to force the government to cancel elections, and reported as if this accusation was an accomplished fact. In the end, the MDC was able to campaign freely in only 25 of 120 constituencies and received very little assistance from the public broadcaster in getting its electoral message to the voters in the other 95. It nonetheless won 57 seats. The independent press reported and criticised violence initiated by all parties, but much of the violence, especially in the smaller centres, went unreported even by local papers.

Zanu-PF's Position on Violence

'To make matters worse – some of us, and some of the other women – when there is a rape or somebody has been raped, there was no mother to tell that somebody had abused you. There was no law, there was no justice where you could report to, there was no court of law. There was what we call 'jungle law'. You are hurt, that's it. You just had to keep quiet.. Right now, if you talk to any politician who has gone through the Liberation Struggle, they will try to make it out to be as nice as possible so that they would remain the so-called trusted party cadres. They do not want this country to have a proper history of what actually transpired during the war.'^{lxviii}

A 1978 Zanu document, reportedly authored by Eddison Zvobgo, named 57 people on its death list. They included 'all the black co-ministers in the Zimbabwe-Rhodesia [transitional] government, all the 16 black MPs, and people such as Enock Dumbutshena, James Chikerema, Josiah Hungwe, Olivia Muchena, Ruth Mpisaunga, Thomas Zawaira and James Dzvova'.^{lxix}

Zanu-PF advertised an extraordinary threat, claiming that

"'Your vote is your secret" but chaos and instability out of our secret votes will not be a secret - the referendum aftermath is clear testimony of that... Only Zanu-PF brought peace'.

It exhorted voters to 'Use your vote for peace and stability or else we kiss our country goodbye to the likes of Somalia, Rwanda, Ethiopia, Sierra Leone etc'.^{lxx}

War veterans Andrew Ndhlovu, ZNLWVA projects secretary and allegedly a former dissident, and Edmore Hwarare, threatened war if Zanu-PF lost the general election.^{lxxi} After the Minister of Home Affairs declined to do so, the Front for Democracy in Zimbabwe petitioned the Attorney-General to prosecute him for treason, sedition, and under both the Law and Order (Maintenance) Act (s27) and Electoral Acts (s103-105). Both Mhlanga and Chenjerai Hunzvi consistently held that only the State President could order the removal of the farm invaders. The State President threatened white farmers with 'very, very, very severe violence' if any action was taken against the invaders.^{lxxii}

'The farm invasions have become more violent, particularly since the election. The objective is clearly retribution against all those who voted for the opposition. The strategy is to subject both farmers and their employees to psychological trauma in the hope that they will throw in the towel and vacate the farms'.^{lxxiii} The State President's description of white farmers as 'traitors' and white Zimbabweans generally as 'enemies of the state'^{lxxiv} may have breached the Electoral Act, as well as the Constitution (s.23) and the Prevention of Discrimination Act. London-based African Rights, in an open public letter called very early (in February) on the State President to 'set the tone' in condemning political violence and upholding the rule of law. Instead, he publicly threatened his opponents that 'death shall befall them', a threat which was widely relayed in the international media.^{lxxv} He later declared that the MDC would never (even after his death) rule Zimbabwe.^{lxxvi} Similarly, the governor of Mashonaland Central, Border Gezi, warned opposition parties 'that Zanu-PF is well known for spilling blood'.^{lxxvii}

Before the Referendum, Davison Nhaurwa, the MDC's Shamva district chairperson, was charged under the Law and Order (Maintenance) Act s44(1)(a) with bringing the State President into public contempt by obscene and insulting language. He was remanded to mid-February, and applied for the matter to be referred to the Supreme Court on the grounds that the provision under which he was charged contradicted his constitutional right to freedom of expression. Later, in April, he suffered serious head injuries in a political assault, was followed into hospital by CIO personnel, and went into hiding.^{lxxviii} The outcome of his constitutional charge and its referral to the Supreme Court was not reported.

Notes

-
- ^{lix} TI(Z) *Voting for Change: Election Monitors' Report on Zimbabwe's Parliamentary Elections 2000* (p. 13).
- ^{lx} Editorial, *Daily News* 21.8.00.
- ^{lxi} Much of this sub-section is reproduced from the *Zimbabwe Human Rights Bulletin* 3, pp.57-60, 70 (June 2000).
- ^{lxii} And a private art gallery below them was badly damaged (*Herald* 24.4.00; *Daily News* 24.4.00)
- ^{lxiii} *Statement of the National Democratic Institute (NDI) Pre-Election Delegation to Zimbabwe* (p. 12).
- ^{lxiv} Commonwealth 2000 *Report on Zimbabwe's 2000 Elections* (p. 19).
- ^{lxv} *Daily News* 22.3.00, editorial.
- ^{lxvi} *Financial Gazette* 25.5.00.
- ^{lxvii} Commonwealth 2000 *Report on Zimbabwe's 2000 Elections* (p. 24).
- ^{lxviii} Margaret Dongo, in *Women of Resilience: The Voices of Women Ex-Combatants*, p. 126.
- ^{lxix} *The Mole Daily News* 11.8.00.
- ^{lxx} *Herald* 22.6.00.
- ^{lxxi} *Daily News* 16.3.00, 17.3.00; *Herald* 16.3.00; *Daily News* 5.6.00.
- ^{lxxii} *Daily News* 29.3.00.
- ^{lxxiii} *Zimbabwe Independent* Editorial 11.8.00.
- ^{lxxiv} *Financial Gazette* 20.4.00.
- ^{lxxv} Including the *Guardian Weekly* (23.3.00) and the BBC World Service (16-17.3.00).
- ^{lxxvi} *Daily News* 25.4.00.
- ^{lxxvii} *Daily News* 31.3.00.
- ^{lxxviii} *Daily News* 25-26.4.00.

CHAPTER SIX

POLITICAL VIOLATIONS AFTER THE ELECTIONS

Election Results

In a total poll of 2 556 711 (50,6% of registered voters), the final result in the 120 contested constituencies was:

Zanu-PF	62 seats from 1 206 203 votes (47,2%);
MDC	57 seats from 1 171 163 votes (45,8%);
ZANU	1 seat (Chipinge South) from 10 248 votes (in the lowest poll turnout: 36,8%).

A mere 35 040 votes (roughly one of the smaller constituencies) separated Zanu-PF and the MDC, despite the massive violence.

All the Independents and other small parties failed in what was seen as a showdown between Zanu-PF and its first serious challenger. Women and its executive were Zanu-PF's major casualties. The number of female MPs was cut by half, from 21 in the outgoing Parliament to 13. Seven of the women MPs belonged to the MDC. Eight full and deputy ministers (including three women), four of Zanu-PF's provincial chairmen, and all its Women's League executives lost their seats.

The nine-month-old MDC contested all 120 constituencies, but was prevented from campaigning in three-quarters of all constituencies. It lost no deposits, polling above the 5% cut-off in all contests, even in the Zanu-PF heartland around the north-eastern border. While the MDC did best in the towns, taking 77% of the urban vote, it also made deep inroads (40%) into the rural constituencies, especially in Matabeleland and Manicaland. In seven constituencies it polled less than 10% of the total votes: Mutoko South (5.4%), Uzumba-Maramba-Pfungwe (6.8%) and Mudzi (7.5%) in Mashonaland East province; the newly-split Mount Darwin (East and West) seats (8.3 and 8.7% respectively) and Guruve North (9.8%) in Mashonaland Central; and Mwenezi (6.4%) in Masvingo province. It won two-thirds or more of the total vote in 36 contests, 30 of them urban. There were significant levels of violence in 10 of these constituencies. Eight others experienced mostly light retributive violence after the results were known.

Zanu-PF polled over 10% of the vote in all constituencies, but two-thirds or more of the vote in only 30, of which 10 experienced very high levels of pre-election violence and none suffered significant retributive violence after the election. All 30 were rural constituencies, only two (in Masvingo) **not** being located in the three Mashonaland provinces or the Midlands. The rural-urban split between Zanu-PF and the MDC merely heightened the significance of the massive revolt against Zanu-PF in Harare and most other towns to the south of it.

There was a wide range of spoilt papers around the average of 2.5%, ostensibly from 0% in Chiredzi South to 7.8% in Zaka West. Urban voters spoilt fewer ballot papers. Of 45 constituencies which recorded spoilt paper rates of less than 2%, only eight were rural. However, among the 10 constituencies with the highest rates of spoilt papers were three of the six which recorded the highest levels of political violence: Mudzi (ranking fourth, with 4.4% of papers spoilt); Mberengwa East (ranking third, with 4.5%); Mazowe West (ranking sixth, with 4.6%). While spoilt papers are often taken as a proxy measure of voter incompetence and lack of education, in the past in Zimbabwe high rates have marked voter protest. It is also possible, in those constituencies with high rates of violence, that they may have flagged voter fear and/or confusion in the 2000 general election.

Zanu-PF lost its first MP to a motor accident three weeks after Parliament convened. There was an

upsurge in political violence almost as soon as the candidates were announced. Two people died, and the MDC was forced to abandon its campaign a week before polling. ZESN monitors^{lxxix} reported that Zanu-PF had threatened eviction, death and a return to war to produce a favourable result. The by-election in Marondera West on 25-26 November 2000 was won by Brigadier Ambrose Mutinhiri (retired) for Zanu-PF with 7 376 votes, against the MDC's Shadreck Chipangura (4 366 votes), and Egypt Dzinemunenzva of the African National Party (377 votes). The total poll was 12 322 (32,9%) while at least 1 944 were turned away, some because they were registered in other constituencies.^{lxxx}

The second by-election, to fill the loss of the MDC's Bikita West MP, Amos Mutongi, will be held on 13-14 January 2001. Boniface Pakai (MDC), a local businessman, will take on Zanu-PF's previously unsuccessful candidate, Claudius Mukova. By mid-December, violence had flared in this constituency ahead of the by-election. The MDC, learning from its experience in Marondera West in November 2000, imported protective supporters and met violence with violence. Following the death of a Zanu-PF member, scores of MDC supporters were arrested as the state-owned media emphatically claimed that it, not Zanu-PF, was 'the party of violence'. By year-end, only four Zanu-PF members and 110 MDC supporters had been arraigned on legal charges.

Electoral Challenges

The MDC challenged 38 constituency results in the High Court, in Bikita West, Bindura, Buhera North, Chegutu, Chikomba, Chinhoyi, Chiredzi North and South, Chivi North, Gokwe Central, East, North, South and West, Goromonzi, Guruve South, Gutu North, Gwanda South, Hwedza, Kariba, Makoni East and West, Marondera East and West, Masvingo South, Mazowe East and West, Mberengwa East and West, Mt Darwin South, Murehwa North and South, Mutoko South, Mwenezi, Shurugwi, Zvimba North and Zvishavane. The challenge in Marondera West was terminated by the death of the Zanu-PF MP who died in a car crash, but on losing for a second time by a much smaller margin, the MDC candidate instigated another suit. Two additional challenges were mounted by individuals, apparently without MDC party backing, to bring the total to 40.^{lxxxi}

Three issues formed the core of these exemplary challenges: intimidation, irregularities and 'treating'. The last was also reported weeks before polling in the Marondera West and Bikita West by-elections.

A flood of electoral irregularities was reported, including multiple voting. The names of some voters who had voted were not crossed off. Dead voters' names were crossed off the rolls, indicating that they had voted. Some polling booths did not have all their voters' rolls. Some rolls had whole name sequences (eg. surnames beginning with M) missing. Lists of voters were not sealed by every polling station, nor were electoral records always kept in sealed packets. During and after the count, rolls from different constituencies were mixed together. Some books of extra ballots issued went missing. Some ballot box seals were not signed. Ballot papers with numbers outside the issued sequences were found in some boxes. In some boxes, there were more ballot papers than had had been recorded as being issued. Some ballot boxes were opened when polling agents were not present. Some polling agents were denied entry to some counting centres. In Chitungwiza, a power cut caused polling stations to close two hours early on the first day, and monitors were required to leave without checking and sealing the ballot boxes. All these deficiencies and irregularities infringed Zimbabweans' political rights to choose freely whom they wished to represent their interests in government. As the legal process developed, a number of challenged Zanu-PF MPs, including two ministers (Herbert Murerwa and Sydney Sekeramayi) dissociated themselves from alleged 'corrupt and illegal practices' and 'atrocities' committed by 'war veterans'.^{lxxxii} One threatened MP (for Murehwa North) hoped that 'the opposition shall see reason and withdraw ...

these litigations [which] in my view are not necessary'.^{lxxxiii}

Emmerson Mnangagwa, Speaker of Parliament, blocked an MDC motion in the House of Assembly 'seeking to set up an inquiry into pre-election violence. The matter was being pursued in the courts, he conveniently declared, and was therefore *sub judice*. This is of course nonsense. Parliament is at liberty to debate whatever it wants to so long as it doesn't direct the courts what to find. The court actions hinge on specific cases of irregularities and intimidation. Parliament has the right to debate general political responsibility for the systematic violence that is continuing today. Indeed, it has a duty to do so'.^{lxxxiv}

On 6 October, the State President amnestied most acts of political violence. The MDC regarded this action as being of considerable value to its pending court cases - 'an admission that acts of violence, intimidation, murder, rape, etcetera took place ... that there was and still there is a breakdown of law and order'.^{lxxxv} In late November the Minister of Justice, Legal and Parliamentary Affairs noted that 111 arrested individuals had been released (87 for public violence, 17 for assault, four for property damage, two for kidnapping and one on firearms offences). He gave no figures for those 'awaiting prosecution'.^{lxxxvi} Rural folk reported an upsurge in violence as they were assaulted for having laid the complaints which resulted in the arrests of the offenders who were subsequently released.

Fourteen of the 38 MDC electoral petitions were set down for hearing in the High Court before Justice James Devittie between 9 January and 11 May 2001. They were to have started with the highest-profile challenge in Buhera North, where MDC President Morgan Tsvangirai had lost to Kenneth Manyonda. Hurungwe East, Mutoko South, Shurugwi, Goromonzi, Masvingo South, Mberengwa West, Zaka West, Gutu North, Mazowe West, Mt Darwin South, Murehwa North, Mwenezi and Chivi North were to have followed.

On 8 December 2000, **after** the hearing dates had been set for the first 14 cases, the State President tried to cancel these legal challenges under the Electoral Act (s158) in the Electoral Act (Modification) (No 3) Notice 2000 (Regulations).^{lxxxvii} It is worth quoting SI 318/2000 *in extenso*.

'Recognising that the general elections ... were held under peaceful conditions and that the people who voted did so freely and that the outcome thereof represents a genuine and free expression of the people's will;

Noting that the candidates who lost in that general election have instituted civil suits challenging the results and that these suits are frivolous and vexatious as evidenced by the results of the recount of the ballot papers relating to some constituencies;

Regretting that the litigation referred to above is sponsored by external interests whose motives and intentions are inimical to the political stability of Zimbabwe;

Concerned that the institution of such litigation has placed intolerable burdens on duly elected Members of Parliament and is compromising their duties as Members of Parliament;

Concerned further that the multiplicity of such suits has already overstretched the limited resources of the Registrar-General of Elections and the judicial system and other national resources and that the involvement of external interests is undermining the political stability of Zimbabwe and the democratisation process;

Now, therefore, in the interests of democracy and the peace, security and stability of Zimbabwe it is hereby notified that His Excellency the President, in terms of section 158 of the Electoral Act [*Chapter 2:01*], has made the ... Electoral Act (Modification) (No. 3) Notice, 2000 ... [which] shall have effect for the purposes of the general election held following the dissolution of Parliament on the 11th April, 2000.

Validation of election of candidates in certain circumstances

3 (2) The election of a respondent shall not be rendered void in terms of paragraph (a) of section 124 of the Act, nor shall he or his election agent be made subject to any incapacity in terms of paragraph (b) of that section, upon a finding that any contravention of Part XX or Part XXI of the Act was committed with reference to the election, and the doing of anything in connection with, arising out of or resulting from the general election ... which is or may be such a contravention is to that extent hereby validated and shall not be deemed to be such a contravention.'

Even lawyers known to favour Zanu-PF thought this instrument unconstitutional, together with the State President's action.^{lxxxviii} It was described by the President of the Law Society, Sternford Moyo, as 'a surprising and blatant disdain for the fundamental principles of natural justice'.^{lxxxix} The MDC said it would proceed with the cases, and entered an urgent plea to the Supreme Court to have SI 318/2000 declared unconstitutional. The State entered an appearance to defend the President's action and the statutory instrument. At the end of December the State requested a month's delay in the start of the first hearings, to enable it to bring in South African counsel. They were delayed, but only to 19 January 2001.

Notes

^{lxxix} All foreign observers were prohibited (*Financial Gazette* 14.12.00).

^{lxxx} *Sunday Mail* 26.11.00; *Daily News* 27.11.00; *Herald* 28.11.00.

^{lxxxi} *Zimbabwe Independent* 15.12.00.

^{lxxxii} *Financial Gazette* 31.8.00.

^{lxxxiii} *Parliamentary Debates* 27,7:451.

^{lxxxiv} Muckraker, *Zimbabwe Independent* 11.8.00.

^{lxxxv} *Parliamentary Debates* 27,23:2336.

^{lxxxvi} *Daily News* 16.10.00; *Parliamentary Debates* 27,31:3088.

^{lxxxvii} SI 318/2000.

^{lxxxviii} *Zimbabwe Independent* 15.12.00; *Daily News* 15.12.00.

^{lxxxix} *Daily News* 12.12.00.

CHAPTER SEVEN

HUMAN RIGHTS VIOLATIONS DURING THE ELECTORAL VIOLENCE: ANALYSIS AND CONCLUSIONS

The statistical results of what the Human Rights Research Unit hopes has been the most systematic recording and analysis of the violence are shown in tables 1, 2 and 3 (see below and Appendix). Before looking at those figures, it is interesting to consider the numbers provided by other sources, and to note some of the reasons why they differ.

The Zimbabwe Human Rights NGO Forum published a series of narrative reports on both pre- and post-election violence (see References). Essentially these repeated what had already appeared in press and other sources, including the Commercial Farmers' Union weekly reports. They contained no statistical analyses. Nor did the ZESN *Political Violence Monitoring Report, May-July 2000*. Among the election observer reports, only that of the European Union^{xc} summarised 33 'incidents' directly witnessed or reported to it. Of these, seven were reported by the MDC (in three of which they were apparently the direct victims) and none by any other party. Six incidents affected polling officers' conduct of their duties, seven possible violations of voting secrecy, eight unauthorised campaigning (too near polling stations), and nine political intimidation during voting. 23 violators belonged to Zanu-PF.

In June, the National Employment Council for the Agricultural Industry published its report, *Farm Workers - Farmers the Enemy?* It noted that 10 400 farm residents were directly affected by the invasions: 3 000 were displaced from their homes, 1 600 assaulted, 427 abducted, 26 killed and 11 raped. The majority of the victims (47,2%) were members of the MDC, while nearly as many (43,6%) had no political affiliation. Only 4,7% of the victims belonged to Zanu-PF, as against 88,1% of the violators. The report implicated a 'third force' of army, police and CIO in organising apparently-spontaneous invasions of commercial farms by land-hungry peasants.

In the first week after the election (26 June to 3 August 2000), Amani Trust recorded 898 people affected by retaliatory political violence, including that inflicted in high-density urban suburbs by the police and army. Two deaths were confirmed among five reported. In addition, there were reported eight rapes; 18 kidnappings; 37 death threats; 155 threatened assaults; 232 actual assaults; and some 800 displacements of farmworkers from their homes.

Arguably, all crimes involve human rights violations. All instances of murder, kidnapping or abduction, and torture – particularly when they result from deliberately-inflicted violence for political ends – are, of course, human rights issues. However, in practice not all assaults or property violations (such as smashing windows) are infringements of human rights. To do so would equate human rights with (criminal) law. Laws differ among jurisdictions, whereas human rights are supposedly universal. It follows, then, that not all of the political violence (especially that associated with the land invasions) has necessarily breached human rights. Blanket accounts of incidents of political violence have generally not differentiated the human rights issues from the issue of violence *per se*. Hence the HRRU figures may appear oddly low by comparison with some accounts of the violence. But they also count each violation separately. So an individual who has been kidnapped, tortured, raped and then killed will show up not as a single victim, but four times in the count of different violations.

Table 1: Human rights violations resulting from political violence during 2000

Type of Violation	Pre-elect	Post-elect	Total	%
Unlawful killing: total	72	8	80	3.0
Zimbabwe Republic Police	(2)	0	(2)	
war vets / Zanu-PF	(40)	(4)	(44)	
other / unknown	(30)	(4)	(34)	
unlawful arrest / detention: ZRP / CIO	18	24	42	1.6
unlawful assault: ZRP / ZNA	1	6	7	0.3
kidnapping / disappearance	>700	99	>799	29.7
torture	>60	>30	>90	3.3
degrading treatment	2	0	2	0.1
rape	>10	0	>10	0.4
firearms offences: total	3	45	48	1.8
ZRP	0	0	0	
other	(3)	(45)	(48)	
death threat	>70	>58	>128	4.8
child sexual abuse	0	10	10	0.4
school closure	>550	3	>553	20.5
property-related	>865	>60	>925	34.3
Total	2351	343	2694	100.2
> means 'more than'				

Violence at Constituency Level

There seems to be no correlation between constituencies having voted 'no' in the referendum and political violence before the election.

In 11 constituencies, no political violence was recorded before or after the election. They were Beit Bridge, Gwanda South and Matobo (in Matabeleland South province); Chirumanzu, Kadoma West and Silobela (Midlands); Zaka East and Zaka West (Masvingo); Mutare North (Manicaland); Makonde (Mashonaland West); and Bulawayo North-East. Only six had had voted 'yes' in the referendum, four 'no' and one (Gwanda South) was a newly-delimited constituency with no Referendum record.

The 10 worst constituencies in respect of the incidence of political violence were: Hurungwe East, Murehwa South, Mberengwa East, Budiriro (Harare), Mudzi, Mazowe West, Harare Central, Murehwa North, Mberengwa West and Goromonzi. Four are located in Mashonaland East province, two in Harare, two in the Midlands, and one each in Mashonaland Central and Mashonaland West provinces. There is some overlap with districts which recorded the highest number of killings, respectively Kariba (4) and Harare, Mazowe, Murehwa, Mutoko, Seke and Shamva (3 each). Of these, seven voted 'yes'. The two Harare constituencies voted 'no' and for the MDC in the election, while Goromonzi voted 'no' but returned a Zanu-PF MP. It would appear that Zanu-PF inflicted the worst violence on its own core supporters in its traditional heartland. The only logical explanation for this apparently aberrant political behaviour is that Zanu-PF feared losing its core support more than it feared losing in other places. To be thought to be a wavering Zanu-PF supporter seems to have been at least as if not more dangerous than to be a known opposition supporter.

Three constituencies experienced only post-election violence: Glen Norah (Harare), and the two

Hwange constituencies in Matabeleland North. All three experienced only a few incidents each, presumably of a punitive nature for returning MDC candidates with majorities of at least three to one. Eleven constituencies experienced more post- than pre-election violence. With exception of three Matabeleland North constituencies, they were all urban or peri-urban, and only one returned a Zanu-PF candidate. The one exception was Marondera West, whose newly-elected MP died in a motor accident a few weeks after being elected. The by-election, held on 25-26 November, saw a massive upsurge in violence (including three of the eight post-election killings) as well as reported vote-buying, which caused the MDC to abandon campaigning more than a week before the poll. Nonetheless, the replacement Zanu-PF candidate's winning margin was reduced by one-third.

The election poll ranged between 36,8% in Chipinge South (which returned the only Zanu MP) and 70,6% in Uzumba-Maramba-Pfungwe. In 10 of the 11 constituencies with a turnout exceeding 60%, Zanu-PF took over 70% of the total votes. The one exception was Mutare North, which fell to the MDC with 71,9%. There were high levels of violence in three of these 11 contests, and only Mutare North recorded no incidents of violence.

Conclusion

The year 2000 saw many different violations of human, as well as political, rights. The much-needed overhaul of Zimbabwe's Constitution foundered over basic issues of executive power. The people's rejection of attempts to extend what they saw as already over-arrogated power led to massive violence, during which human rights were abused on a large scale. Manipulation of the electoral process, including attempts to render monitoring ineffectual, endangered existing political rights. But the results of the election meant that Zanu-PF no longer had the capacity to amend the Constitution without subverting at least eight opposition MPs. In an attempt to win back its earlier two-thirds majority, and control of the Constitution, it has used violence in by-elections similarly as in the general elections.

Perhaps Alex Majongwe should be allowed the last word – at least for the moment.

'While it was generally anticipated that violence would die soon after the elections, the opposite is true. This strategy [is] a forerunner to Presidential elections... This clique expects to rule forever... *Tichatonga ksvika madhongi amera nyanga* (We will rule until donkeys have horns)... Anyone who dared to question [those who liberate Zimbabwe] would be tagged a sellout. Today, 20 years on, this slogan still reigns supreme. A well-orchestrated plan to silence many voices... Zimbabweans have for many years been misled into believing this is how democracy works, and what happened during this past general election defined the real character of this machinery – intimidation, murder, misinformation, bribery, thuggery, corruption, abusive language, treachery, betrayal, power imposition, terror, etc.'^{xc}

^{xc} *Report of the EU Election Observation Mission on the Parliamentary Elections* (unnumbered last three pages).

^{xc} *Financial Gazette* 17.8.00.

APPENDIX

1. List of Deaths

This is a full list of reported deaths of named people, with variations in names, their political affiliation where known, the date of death, and location details (province and district or constituency). It is followed by unnamed victims, among whom there is obviously more scope for inaccuracies and duplications.

ANDOCHE, Julius (farm foreman), 20 April, Mashonaland East, Murehwa South.
 BANDA, ? (MDC), 24 April, Mashonaland Central, Shamva.
 BOTHA, William, 23 July, Mashonaland East, Seke, Marondera West.
 CHAITAMA, Nicholas (MDC), 25 April, Mashonaland West, Kariba.
 CHAKWENYA, Tinashe (ZRP), 4 April, Mashonaland East, Marondera.
 CHAPURUNGA, Lemani, 19 November, Mashonaland East, Marondera West.
 CHIGAGWA, Zeke (MDC), 20 June, Midlands, Gokwe East.
 CHIMINYA, Tichaona (MDC), 14 April, Manicaland, Buhera North.
 CHIPUNZA, Takundwa, 16 May, Harare, Budiro.
 CHISASA, Alex (ZRP), 13 May, Manicaland, Chipinge South.
 DUNN, Allan Stewart, 7 May, Mashonaland East, Seke.
 ELSWORTH, Henry Swan, 12 December, Mashonaland East, Kwekwe.
 GOMO, Edwin (MDC), 26 March, Mashonaland Central, Bindura.
 GWASE, Nhamo (MDC), June, Mashonaland East, Murehwa South.
 JEKE, Leo, 10 June, Masvingo, Chivi South.
 KANYURIRA, Luckson (MDC) 25 April, Mashonaland West, Kariba.
 KARIDZA / KAREZA, Howard (MDC), 13 December (assaulted 23 April), Mashonaland Central, Shamva.
 KARIDZA / KAREZA, Peter (MDC), 23 April, Mashonaland Central, Shamva.
 KUFADZWIYA / KUFANDAEDZA, Mecia / Musekiwa / Messiah (Zanu-PF), 27 May, Mashonaland East, Seke, Marondera West.
 MABIKA, Talent (MDC), 15 April, Manicaland, Buhera North.
 MAFEMERUKE, Constantine, 19 June, Mashonaland West, Kariba.
 MAGUWU, Itayi (MDC), 27 July, Harare, Dzivarasekwa.
 MANDEYA, Joseph Ketero (Zanu-PF ?MDC), 17 May, Manicaland, Mutasa.
 MANHANGO (? MANANGO), Wonder (MDC), 23 June, Midlands, Gokwe North.
 MARUFU, Doreen (MDC), 2 April, Mashonaland Central, Mazowe.
 MASHINGA, Anthony, date unreported, Mashonaland East, Goromonzi.
 MATYATYA, 27 June, Midlands, Gweru.
 MBEWE, Samson (farmworker), 9 August, Mashonaland East, Goromonzi, Seke.
 MUSHAYA, Mationa (UP, village headman), 17 May, Mashonaland East, Mutoko.
 MUSHAYA, Onias, 17 May, Mashonaland East, Mutoko.
 MUSONI, Robert, 26 March, Mashonaland Central, Mazowe West.
 MUTYANDA, Mandishona (MDC), 29 June, Midlands, Kwekwe.
 NGELA, Henson (Zanu-PF), 22 June, Matabeleland South, Insiza.
 OATES, Tony, 31 May, Mashonaland West, Zvimba North.
 OLDS, Martin, 18 April, Matabeleland North, Umguza, Bubi-Umguza.
 PFEBVE, Matthew, 30 April, Mashonaland Central, Mt Darwin North.
 RUKUNI, Thadeus (MDC candidate), 29 May, Masvingo, Bikita East.
 SIZE, Rimon, 19 November, Mashonaland East, Marondera West.
 STEVENS, David (MDC), 15 April, Mashonaland East, Murehwa South.
 TADYANEMHANDU, Tichaona (MDC), 20 June, Mashonaland West, Hurungwe East.

WEEKS, John, 14 May, Mashonaland East, Seke.
ZHOU, Fainos Kufazvinei, 10 June, Midlands, Mberengwa West.

Unnamed 16 April, Midlands, Kwekwe.
Unnamed 17 April, unknown.
Unnamed 24 April, Harare, unknown.
Unnamed 31 July, Mashonaland East, Hwedza.
Unnamed (2), 29 April, Mashonaland West, Hurungwe East.
Unnamed (2), (farmworkers), 25 April, Mashonaland West, Kariba.
Unnamed (6), 28 May, Harare, Budiro.
Unnamed (farmworker/s), 29 May, Midlands, Shurugwi.
Unnamed (18), (farmworkers) April-June, Zimbabwe.
Unnamed (intruder), 31 May, Mashonaland West, Zvimba North.
Unnamed (teacher), May, Mashonaland East, Chikomba.
Unnamed (teacher Nyakuchena Secondary School), 16 June, Mashonaland East, Mudzi.
Unnamed (teacher, ? Nyandoro), May, Mashonaland East, Mutoko North.
Unnamed (war veteran), 26 May, Mashonaland Central, Mazowe West.
Unnamed (Zanu-PF), 10 June, Masvingo, Chivi South.

The total of unnamed victims is 39, compared to the 42 named.

Table 2. 2000 Election results in relation to political violence: provincial summary

province	potential voters*	registered voters§	% regd	total votes	% poll	spoilt papers†	SP %	Zanu-PF votes	% of T V	% of P V	MDC votes	% of T V	pre-el viol	total viol	viol rank
Bulawayo	420462	357281	85.0	171669	48.0	1723	1.0	22349	13.0	5.3	142379	82.9	19	20	9
Harare	1177604	799452	67.9	394073	49.3	4228	1.1	84986	21.6	7.2	296155	75.7	194	271	2
Manicaland	929108	576404	62.0	272909	47.3	6612	2.4	117232	43.0	12.6	125808	46.1	94	102	6
Mash Central	538223	418277	77.7	247953	59.3	7476	3.0	188967	76.2	35.1	47587	19.2	112	135	5
Mash East	575785	506817	88.0	278223	54.9	7012	2.5	196157	70.5	34.1	64987	23.4	279	332	1
Mash West	678994	502964	74.1	246781	49.1	6107	2.5	153167	62.1	22.6	78823	31.9	157	183	4
Masvingo	625772	593778	94.9	287191	48.4	9972	3.5	163018	56.8	26.0	92053	32.1	70	81	7
Mat North	340241	317405	93.3	147828	46.6	4448	3.0	30062	20.3	8.8	105492	71.4	10	18	10
Mat South	306273	319015	104.2	159579	50.0	5363	3.4	56165	35.2	18.3	91825	57.5	23	24	8
Midlands	786788	658422	83.7	350505	53.2	9743	2.8	194100	55.4	24.7	126054	36.0	180	197	3
Total	6379250	5049815	79.2	2556711	50.6	62684	2.5	1206203	47.2	18.9	1171163	45.8	1138	1363	

*calculated from 1997 Inter-Censal Demographic Survey, CSO, omitting those aged 14 and 15 years in 1997

§ taken from Delimitation Commission Report

† taken from ZESN Report

Table 3. 2000 Election results in relation to political violence: constituency details

Province / Constituency	Registered voters	Total votes	% Poll	Spoilt papers	SP %	Zanu- PF	%T	MDC	%T	Pre- viol	Post- viol	Ratio %	Tot Viol	Vio rank	Ref vote
Bulawayo															
Byo N-E	43502	24499	56.3	184	0.8	2864	11.7	21100	86.1	0	0	0	0	0	N
Byo S	45832	24674	53.8	148	0.6	3193	12.9	20781	84.2	4	1	80	5	68	N
Lob-Magwegwe	44350	19779	44.6	153	0.8	2196	11.1	17041	86.2	1	0	100	1	100	N
Makokoba	39633	17333	43.7	273	1.6	2196	12.7	12901	74.4	5	0	100	5	68	N
Mpopoma	39412	17749	45.0	167	0.9	2540	14.3	14813	83.5	1	0	100	1	100	N
Nkulumane	49087	25069	51.1	281	1.1	3644	14.5	20380	81.3	4	0	100	4	73	N
Pelandaba	46138	19857	43.0	283	1.4	2696	13.6	16462	82.9	1	0	100	1	100	N
Pumula-Luveve	49327	22709	46.0	234	1.0	3020	13.1	18901	83.2	3	0	100	3	83	N
Harare															
Budiriro	48582	25768	53.0	111	0.4	4410	17.1	21058	81.7	48	1	98	49	4	N
Chitungwiza	48525	21986	45.3	185	0.8	6056	27.5	15480	70.4	6	2	75	8	51	N
Dzivarasekwa	46078	25808	56.0	209	0.8	6084	23.6	18616	72.1	7	9	44	16	26	N
Glen Norah	47938	22055	46.0	247	1.1	3517	15.9	17866	81.0	0	2	-100	2	92	N
Glen View	47151	20655	43.8	369	1.8	3443	16.7	16470	79.7	7	5	58	12	33	N
Harare C	36808	18146	49.3	204	1.1	3620	19.9	14207	78.3	30	9	77	39	7	N
Harare E	41201	22870	55.5	210	0.9	4391	19.2	18129	79.3	5	0	100	5	68	N
Harare N	46852	25001	53.4	202	0.8	4852	19.4	18976	75.9	15	5	75	20	20	N
Harare S	35027	18388	52.5	277	1.5	4730	25.7	12430	67.6	18	3	86	21	19	N
Hatfield	40366	17912	44.4	355	2.0	5413	30.2	11740	65.5	1	3	25	4	73	N
Highfield	37958	17511	46.1	217	1.2	3234	18.5	12616	72.1	6	0	100	6	62	N
Kambuzuma	34687	16924	48.8	97	0.6	2542	15.0	13722	81.8	12	0	100	12	33	N
Kuwadzana	39481	20731	52.5	325	1.6	4349	21.0	15691	75.7	1	1	50	2	92	N
Mabvuku	44396	23568	53.1	255	1.1	5572	23.6	17495	74.2	4	21	16	25	13	N
Mbare E	35065	15556	44.4	196	1.3	4265	27.4	10754	69.1	15	12	56	27	12	N
Mbare W	36058	16718	46.4	122	0.7	3078	18.4	13118	78.5	5	1	83	6	62	N
Mufakose	37372	19736	52.8	188	1.0	3965	20.1	15233	77.2	11	1	92	12	33	N
St Mary's	48656	24157	49.6	282	1.2	6135	25.4	17740	73.4	1	1	50	2	92	N
Zengeza	47251	20583	43.6	177	0.9	5330	25.9	14814	72.0	2	1	67	3	22	N

Province / Constituency	Registered voters	Total votes	% Poll	Spoilt papers	SP %	Zanu- PF	%T	MDC	%T	Pre- viol	Post- viol	Ratio %	Tot Viol	Vio rank	Ref vote
Manicaland															
Buhera N	46031	23969	52.1	803	3.4	12850	53.6	10316	43.0	10	0	100	10	40	Y
Buhera S	43610	22620	51.9	783	3.5	14016	62.0	7821	34.6	2	0	100	2	92	Y
Chimanimani	43867	20425	46.6	400	2.0	8072	39.5	11410	55.9	18	0	100	18	22	N
Chipinga N	47682	16418	37.4	482	2.9	3728	22.7	9283	56.5	8	0	100	8	51	N
Chipinga S	49850	18347	36.8	548	3.0	4086	22.3	3283	17.9	2	2	50	4	73	N
Makoni E	34186	15518	45.4	406	2.6	7509	48.4	7391	47.6	8	3	73	11	38	N
Makoni N	34846	20120	57.7	598	3.0	14835	73.7	3357	16.7	8	1	89	9	45	Y
Makoni W	40695	20641	50.7	362	1.8	11138	54.0	7356	35.6	4	0	100	4	73	N
Mutare C	46786	23185	49.6	241	1.0	3091	13.3	17706	76.4	3	1	75	4	73	N
Mutare N	35159	21546	61.3	247	1.1	5564	25.8	15500	71.9	0	0	0	0	0	N
Mutare S	34214	15389	45.0	350	2.3	6673	43.4	7273	47.3	3	0	100	3	83	N
Mutare W	37591	18743	49.9	464	2.5	11498	61.3	5818	31.0	4	0	100	4	73	N
Mutasa	35727	15851	44.4	399	2.5	5281	33.3	9278	58.5	16	1	94	17	25	N
Nyanga	46160	20137	43.6	529	2.6	8891	44.2	10016	49.7	8	0	100	8	51	N
Mash Cental															
Bindura	50215	25589	51.0	669	2.6	13328	52.1	11257	44.0	13	5	72	18	22	N
Guruve N	40268	24131	59.9	580	2.4	20513	85.0	2370	9.8	4	0	100	4	73	Y
Guruve S	39065	23642	60.5	415	1.8	19988	84.5	3239	13.7	5	1	83	6	62	Y
Mazowe E	47280	27482	58.1	652	2.4	18824	68.5	7473	27.2	13	2	87	15	28	Y
Mazowe W	44355	22561	50.9	1038	4.6	14024	62.2	7085	31.4	29	12	71	41	6	Y
Mt Darwin N	36061	24653	68.4	859	3.5	20629	83.7	2037	8.3	9	0	100	9	45	Y
Mt Darwin S	39143	26236	67.0	802	3.1	22733	86.6	2295	8.7	12	0	100	12	33	Y
Muzarabani	38853	24057	61.9	889	3.7	19441	80.8	3727	15.5	9	1	90	10	40	Y
Rushinga	35202	23796	67.6	847	3.6	20027	84.2	2483	10.4	3	1	75	4	73	Y
Shamva	47835	25806	53.9	725	2.8	19460	75.4	5621	21.8	15	1	94	16	26	Y

Province / Constituency	Registered voters	Total votes	% Poll	Spoilt papers	SP %	Zanu- PF	%T	MDC	%T	Pre- viol	Post- viol	Ratio %	Tot Viol	Vio rank	Ref vote
Mash East															
Chikomba	48898	21914	44.8	625	2.9	13417	61.2	6776	30.9	9	4	69	13	32	Y
Goromonzi	49837	25933	52.0	654	2.5	14459	55.8	9489	36.6	26	5	84	31	10	N
Hwedza	49314	25216	51.1	611	2.4	18044	71.6	6049	24.0	21	3	88	24	14	Y
Marondera E	44153	22121	50.1	347	1.6	10692	48.3	10629	48.0	15	0	100	15	28	N
Marondera W	36318	17293	47.6	346	2.0	11221	64.9	4570	26.4	7	17	29	24	14	Y
Mudzi	48539	31588	65.1	1378	4.4	27149	85.9	2371	7.5	42	7	86	49	4	Y
Murehwa N	33858	18696	55.2	437	2.3	13694	73.2	4104	22.0	31	2	94	33	8	Y
Murehwa S	34323	19275	56.2	449	2.3	13895	72.1	4426	23.0	63	9	88	72	2	Y
Mutoko N	35135	20773	59.1	580	2.8	17374	83.6	2447	11.8	29	0	100	29	11	Y
Mutoko S	36356	21662	59.6	501	2.3	19228	88.8	1177	5.4	11	0	100	11	38	Y
Seke	46009	22641	49.2	409	1.8	9236	40.8	10821	47.8	4	5	44	9	45	N
UMP	44077	31111	70.6	675	2.2	27748	89.1	2128	6.8	21	1	95	22	18	Y
Mash West															
Chegutu	49676	23447	47.2	381	1.6	12169	51.9	10412	44.4	1	0	100	1	100	N
Chinhoyi	34510	16082	46.6	205	1.3	8176	50.8	7602	47.3	8	2	80	10	40	N
Hurungwe E	38001	20303	53.4	557	2.7	14814	73.0	4315	21.3	100	14	88	114	1	Y
Hurungwe W	42123	25279	60.0	827	3.3	18991	75.1	4532	17.9	7	0	100	7	58	Y
Kadoma C	39480	18136	45.9	261	1.4	5666	31.2	12049	66.4	2	1	67	3	83	N
Kadoma E	34057	15315	45.0	275	1.8	11678	76.3	3362	22.0	3	0	100	3	83	Y
Kadoma W	33887	17657	52.1	494	2.8	11758	66.6	4581	25.9	0	0	0	0	0	Y
Kariba	49106	23660	48.2	720	3.0	15048	63.6	7332	31.0	13	2	87	15	28	Y
Makonde	39210	17708	45.2	620	3.5	13066	73.8	3294	18.6	0	0	0	0	0	Y
Mhondoro	50294	22000	43.7	346	1.6	9118	41.4	10783	49.0	4	2	67	6	62	Y
Zvimba N	44717	22756	50.9	709	3.1	16175	71.1	5872	25.8	14	4	78	18	22	Y
Zvimba S	47903	24438	51.0	712	2.9	16508	67.6	4689	19.2	5	1	83	6	62	Y

Province / Constituency	Registered voters	Total votes	% Poll	Spoilt papers	SP %	Zanu- PF	%T	MDC	%T	Pre- viol	Post- viol	Ratio %	Tot Viol	Vio rank	Ref vote
Masvingo															
Bikita E	34157	13195	38.6	921	7.0	7047	53.4	5015	38.0	2	1	67	3	83	Y
Bikita W	38932	15941	40.9	320	2.0	7445	46.7	7726	48.5	1	0	100	1	100	Y
Chiredzi N	46042	19891	43.2	532	2.7	10154	51.0	8675	43.6	7	2	78	9	45	N
Chiredzi S	45740	18819	41.1	0	0	11611	61.7	6414	34.1	9	1	90	10	40	Y
Chivi N	38725	18957	49.0	310	1.6	10947	57.7	3938	20.8	2	0	100	2	92	Y
Chivi S	40529	19065	47.0	1014	5.3	12056	63.2	4312	22.6	5	0	100	5	68	Y
Gutu N	48834	24530	50.2	806	3.3	14867	60.6	8179	33.3	6	2	75	8	51	Y
Gutu S	48100	23906	49.7	641	2.7	11434	47.8	6606	27.6	3	0	100	3	83	Y
Masvingo C	39670	21386	53.9	632	3.0	8023	37.5	12417	58.1	6	1	86	7	58	N
Masvingo N	35215	16906	48.0	486	2.9	8146	48.2	7224	42.7	6	1	86	7	58	N
Masvingo S	34864	21054	60.4	656	3.1	14954	71.0	5444	25.9	7	0	100	7	58	Y
Mwenezi	49138	29219	59.5	1102	3.8	22676	77.6	1881	6.4	16	3	84	19	21	Y
Zaka E	45341	20176	44.5	668	3.3	12730	63.1	6778	33.6	0	0	0	0	0	Y
Zaka W	48491	24146	59.8	1884	7.8	10928	45.3	7444	30.8	0	0	0	0	0	Y
Mat North															
Binga	47052	24172	51.4	1054	4.4	2675	11.1	19894	82.3	1	1	50	2	92	N
Bubi-Umguza	50268	22502	44.8	636	2.8	6645	29.5	12837	57.0	4	2	67	6	62	Y
Hwange E	40968	20135	49.1	524	2.6	3617	18.0	15271	75.8	0	1	-100	1	100	N
Hwange W	38620	18380	47.6	374	2.0	2445	13.3	15132	82.3	0	1	-100	1	100	N
Lupane	45785	19288	42.1	577	3.0	3300	17.1	14439	74.9	1	1	50	2	92	Y
Nkayi	50329	24758	49.2	642	2.6	5746	23.2	15601	63.0	3	1	75	4	73	Y
Tsholotsho	44383	18593	41.9	641	3.4	5634	30.3	12318	66.3	1	1	50	2	92	Y

Province / Constituency	Registered voters	Total votes	% Poll	Spoilt papers	SP %	Zanu- PF	%T	MDC	%T	Pre- viol	Post- viol	Ratio %	Tot Viol	Vio rank	Ref vote
Mat South															
Beit Bridge	43558	22920	52.6	1162	5.1	12988	56.7	7686	33.5	0	0	0	0	0	Y
B-mangwe N	48201	21369	44.3	923	4.3	8679	40.6	11767	55.1	1	0	100	1	100	Y
B-mangwe S	38995	19254	49.4	834	4.3	5617	29.2	11761	61.1	14	0	100	14	31	Y
Gwanda N	36065	18676	51.8	517	2.8	4358	23.3	13039	69.8	2	1	67	3	83	N
Gwanda S	34832	19146	55.0	615	3.2	9913	51.8	7944	41.5	0	0	0	0	0	-
Insiza	37541	18823	50.1	496	2.6	5304	28.2	12049	64.0	5	0	100	5	68	N
Matobo	46106	22255	48.3	503	2.3	6419	28.8	14701	66.1	0	0	0	0	0	N
Umzingwane	33717	17136	50.8	313	1.8	2887	16.8	12878	75.2	1	0	100	1	100	N
Midlands															
Chirumanzu	37455	17658	47.1	467	2.6	10708	60.6	5185	29.4	0	0	0	0	0	Y
Gokwe C	38029	19990	52.6	615	3.1	11082	55.4	5987	29.9	7	2	78	9	45	Y
Gokwe E	41438	24057	58.1	736	3.1	17088	71.0	3674	15.3	8	1	89	9	45	Y
Gokwe N	38179	22509	59.0	1102	4.9	15923	70.7	3967	17.6	11	1	92	12	33	Y
Gokwe S	36734	18571	50.6	822	4.4	12644	68.1	3615	19.5	20	4	83	24	14	Y
Gokwe W	39981	22115	55.3	738	3.3	14956	67.6	3240	14.7	7	1	88	8	51	-
Gweru Rural	40194	18244	45.4	349	1.9	6889	37.8	10190	55.9	3	1	75	4	73	N
Gweru Urban	37869	17350	45.8	165	1.0	3877	22.3	12172	70.2	7	1	88	8	51	N
Kwekwe	45126	24406	54.1	263	1.1	8352	34.2	15388	63.1	19	4	83	23	17	N
Mberengwa E	46639	27974	60.0	1262	4.5	23959	85.6	3113	11.1	53	1	98	54	3	Y
Mberengwa W	42411	24691	58.2	852	3.5	18315	74.2	3889	15.8	32	0	100	32	9	Y
Mkoba	38592	19906	51.6	232	1.2	4840	24.3	14587	73.3	3	0	100	3	83	N
Shurugwi	48007	22440	46.7	512	2.3	14891	66.4	6524	29.1	2	0	100	2	92	Y
Silobela	41970	23080	55.0	373	1.6	5848	25.3	15985	69.3	0	0	0	0	0	N
Zhombe	38878	21284	54.7	653	3.1	10757	50.5	8165	38.4	1	0	100	1	100	Y
Zvishavane	46920	26230	55.9	602	2.3	13971	53.3	10373	39.5	7	1	88	8	51	Y

The figures for political violence relate to known incidents after the referendum and before the general election, and after the election until the final day of polling (26 November 2000) in the Marondera West by-election. These figures have been compiled from reports published in the media, plus unpublished Amani Trust and Zimbabwe Election Support Network sources.

REFERENCES

Cheater, A.P. 1999 Human rights in Zimbabwe January – June 1999: A baseline Report. *Zimbabwe Human Rights Bulletin*, 1:3-46.

Cheater, A.P. 1999 Human rights in Zimbabwe July - December 1999: A baseline Report. *Zimbabwe Human Rights Bulletin*, 2:2-64.

Cheater, A.P. 2000 Human rights in Zimbabwe January – June 2000: A baseline Report. *Zimbabwe Human Rights Bulletin*, 3:2-77.

Cheater, A.P. 2000 Human rights in Zimbabwe July – December 2000: A baseline Report. *Zimbabwe Human Rights Bulletin*, 4:

Cheater, A.P. 2000 The Problems of Creating a Zimbabwean Human Rights Database. Paper presented to the IAOS Conference on Statistics, Development and Human Rights, Montreux, 4-8 September 2000.

Commonwealth 2000 *Report on Zimbabwe's 2000 Elections*. London: Commonwealth Secretariat.

European Union 2000 *Report of the EU Election Observation Mission on the Parliamentary Elections which took place in Zimbabwe on 24-25 June 2000*. Harare / Strasbourg: EU. (Including Statement by Pierre Schori, 4 July 2000.)

International Crisis Group 2000 *Zimbabwe at the Crossroads*. (ICG Africa report 22) Harare/Brussels: ICG. (10 July)

National Democratic Institute 2000 *Statement of the National Democratic Institute (NDI) Pre-Election Delegation to Zimbabwe*. Harare: NDI. (22 May)

National Employment Council for the Agricultural Industry 2000 *Farm Workers - Farmers the Enemy?* Harare: NECAI. (June)

Transparency International (Zimbabwe) *Voting for Change: Election Monitors' Report on Zimbabwe's Parliamentary Elections 2000*. Harare: TI(Z). (September 2000).

Zimbabwe Human Rights NGO Forum 2000 *Human Rights Monitor* (Nos. 1 – 7). Harare: ZHR NGO Forum.

Zimbabwe Human Rights NGO Forum 2000 *The Unleashing of Violence: A Report on Political Violence in Zimbabwe as at 15 May 2000*. Harare: ZHR NGO Forum.

Zimbabwe Human Rights NGO Forum 2000 *The Unleashing of Violence: A Report on Political Violence in Zimbabwe. Update for the week ending 19 May 2000*. Harare: ZHR NGO Forum.

Zimbabwe Human Rights NGO Forum 2000 *The Unleashing of Violence: A Report on Political Violence in Zimbabwe. Update to 26 May 2000*. Harare: ZHR NGO Forum.

Zimbabwe Human Rights NGO Forum 2000 *Who is Responsible? A Preliminary Analysis of Pre-*

Election Violence in Zimbabwe. Harare: ZHR NGO Forum (20 June 2000).

Zimbabwe Human Rights NGO Forum 2000 *Report on Violence in Bulawayo, Harare, Manicaland, Mashonaland West, Masvingo, Matabeleland North, Matabeleland South and Midlands*. Harare: ZHR NGO Forum (29 July 2000).

Zimbabwe Human Rights NGO Forum 2000 *A Report on Post-Election Violence*. Harare: ZHR NGO Forum (7 August 2000).

Zimbabwe Election Support Network 2000 *Political Violence Monitoring Report, May-July 2000*. Harare: ZESN.

Zimbabwe Election Support Network 2000 *Report on the 2000 Parliamentary Elections, Zimbabwe, 24-25 June*. Harare: ZESN.

Zimbabwe Election Support Network 2001 *Bikita West By-Election Pre-Election Report No 1: January 2001*. Harare: ZESN.

Zimbabwe Women Writers 2000 *Women of Resilience: The Voices of Women Ex-Combatants*. Harare: ZWW.