

ZIMBABWE HUMAN RIGHTS NGO FORUM

**Organised Violence and Torture:
A Zimbabwean Case Study**

A report compiled A P Reeler on behalf of the
Zimbabwe Human Rights Non-Governmental
Organisations Forum

28 November 2000

Background

Any consideration of current human rights observance in Zimbabwe must be undertaken against the background of the history of the past 40 years. A cursory examination of the history of this period will show extensive violations of human rights followed by formal impunity, and, furthermore, will show periods where extensive violations of human rights is indeed governed by impunity¹. Statutes of impunity, such as the Indemnity and Compensation Act passed by the illegal regime of Ian Smith in 1975, were supplemented by a supporting array of draconian legislation, such as the Law and Order (Maintenance) Act, Emergency Powers and the like. The use of Emergency Powers and the Law and Order (Maintenance) Act was continued by the Mugabe government, but extended considerably by the Presidential Powers Act, and always finally the use of formal impunity and pardons to cover human rights violations. There remains a consistent pattern in Zimbabwe: of periods in which gross human rights violations are permitted and even encouraged, followed by the formal excusing of such violations by impunity. It is a pattern that has persisted into the new millennium, and it is a pattern that guides all issues around political problem solving. It begins in the militarisation of the state under Ian Smith, and continues into the current militarized anarchy of Zimbabwe today.

Political violence once again cast a dark shadow over elections in Zimbabwe, but the scale of the violence has eclipsed all previous elections. Men, women and children were subjected to torture or severe brutality because of their political affiliations, real or perceived. The Human Rights Forum has over 1,000 statements from the victims of this violence². The Human Rights Forum has undertaken a detailed case study of one of the most severely affected areas, and this study, in Mberengwa East³, has created even greater concern about the extent of the violence.

The victims have spoken out against the perpetrators of violence and in the process they have named not only individual attackers, but the leading organisers. Their accounts provide compelling evidence that an organised campaign of violence was being sponsored by the ruling party, Zanu (PF) and that high-ranking party members were directly involved.

¹ See REELER, A.P. (1999), *Can you have a reparations policy without justice? Paper presented to: VIIIth International Symposium on Torture: Torture as a Challenge to the Health, Legal and Other Professions, 22-25 September 1999, New Delhi, India*; also REELER, A.P. (1998), *Epidemic violence and the community: A Zimbabwean case study*, *COMMUNITY DEVELOPMENT JOURNAL*, 33, 128-139; and also REELER, A.P (1998), *Compensation for Gross Human Rights Violations: Torture and the War Victims Compensation Act*, *LEGAL FORUM*, 10, 6-21.

² See ZIMBABWE HUMAN RIGHTS NGO FORUM (2000), *Who is responsible? A preliminary analysis of pre-election violence in Zimbabwe*, A Report compiled by the Zimbabwe Human Rights NGO Forum, 20 June 2000 ; ZIMBABWE HUMAN RIGHTS NGO FORUM (2000), *Report on political violence in Bulawayo, Harare, Manicaland, Mashonaland West, Masvingo, Matabeleland North, Matabeleland South and Midlands*, A Report compiled by the Zimbabwe Human Rights NGO Forum, 7 August 2000; ZIMBABWE HUMAN RIGHTS NGO FORUM (2000), *A Report on Post-Election Violence*, A Report compiled by the Zimbabwe Human Rights NGO Forum, 7 August 2000.

³ See ZIMBABWE HUMAN RIGHTS NGO FORUM (2000), *Report on Pre-Election Political Violence in Mberengwa*, A Report compiled by the Zimbabwe Human Rights NGO Forum, 17 November 2000.

There were a number of clashes between members of rival political parties—some may have been produced by local tensions and others are retaliatory. MDC supporters were arrested in connection with several of these incidents. There were also lashes between Zanu (PF) supporters of rival factions, resulting in one death, as well as injuries and property damage. However, both the data bases of the AMANI Trust and the Human Rights Research Unit clearly indicate that the perpetrators were massively Zanu(PF) supporters in one form or another, whilst the victims were overwhelmingly supporters of the MDC or ordinary citizens.

The state-controlled media, the government and the police have exaggerated the extent and nature of “MDC violence”. Repeated claims that the leadership of the opposition is engaged in the planning and implementation of violence are unsubstantiated and would seem to be part of an attempt on the part of Zanu (PF) to manufacture a justification for its own actions. Here the State has recently attempted to prosecute the leader of the MDC, Mr Morgan Tsvangirai, for making remarks instigating violence, but has been forced to drop this attempt.

In a subversion of all democratic norms, opposition candidates and their supporters were publicly identified as the enemy and were deemed to be traitors and sell-outs. A barrage of racist abuse was used, and continues to be used, to whip up hatred by trying to depict the MDC as a front for the protection of the interests of the white minority. Racist arguments have been used to encourage violence against black and white supporters of the opposition alike.

Furthermore, the land invasions, which began at the end of the February, have served as a pretext and a cover for violence, and they were an integral part of the ruling party’s political and logistical strategy for electoral victory. Political violence has been practically and ideologically sustained by the farm invasions, with the invaders themselves taking a leading role. Farms were a source of food and support for the attackers, and centres for the organisation of violence targeting farm workers and rural communities. With a farm worker population of between 300-400,000 plus their dependents, the occupations allowed for the intimidation of large numbers of potential voters.

The violence has been condoned by both the Executive and the Government. President Mugabe has continually made clear his support for the Zimbabwe National Liberation War Veterans Association (ZNLWVA) and its leader Dr Chenjerai Hunzvi. He initially engaged the ZLWVA to spearhead the party’s election campaign, allocating them \$20 million for this purpose. The President has condoned or excused the murders and innumerable human rights abuses which have been perpetrated by the war veterans and their supporters in the course of their campaign. He has ordered the police not to take action against the farm invaders, ignoring court rulings requiring them to do so. This has seriously undermined the administration of law and order. Finally, he has granted a general amnesty for the vast majority of the human rights

violations committed, thus continuing the unacceptable process of granting impunity for human rights violations so characteristic of the Zimbabwean state.

The victims frequently have had no one to turn to for protection. The police have even refused to let them make a report in some cases. Even when a police report is made and the violators are known, there is no guarantee of arrests. The police support unit has been sent in to quell some disturbances and to move on occupiers, and some police stations continue to attempt to carry out their duties professionally. But more commonly the police have remained passive and some of their members have even taken part in the violence. An increasing number of people have been charged in connection with political violence, but there have been few convictions. Perpetrators have often been placed on remand, released on bail or simply fined for common assault and freed to continue their activities. Those policemen who are struggling to carry out their duties in difficult circumstances have been subject to threats or to transfers. Two have been killed.

Although the Forum is receiving daily reports of political violence these are only a minority of the cases that are occurring. Many incidents only come to light weeks after they have happened and victims are often afraid to speak out for fear of further intimidation. The full extent of the political violence is not known at present, and, whilst only an independent commission will have the capacity to estimate the scale, a conservative estimate derived from the Mberengwa East survey would indicate at least 24,000 victims of human rights violations.

What can be said at this stage is that there is sufficient testimony to be able to identify strong patterns in the organisation and nature of the violence right across the country, consistent with newspaper reports that a military-style campaign has been launched against opposition supporters. The findings of the Forum show that the real threat to the electoral process and the long-term security of the nation is coming from militia-style groups that have been established nationwide and which are openly backed by Zanu (PF) members. Their mission has been to wipe out opposition support and they have been licensed to terrorize civilians into voting for Zanu (PF).

Sources

The information for this report has been gathered from a variety of sources. Statements taken from victims of political violence are the main basis for this report and for the conclusions drawn by the Forum about the nature and extent of the violence. We have made medical assessments of the victims in many cases and have obtained copies of medical reports in others. We have given the victims a pseudonym or have removed their names in an effort to avoid them being easily identified. In some cases, the victims' names are already in the public domain and can easily be verified, but we have nevertheless chosen not to name them ourselves. We are deeply concerned about the security of every individual who has reported to the

Forum. Most of them have good reason to believe they are still “being sought” and several have reported further incidents subsequent to their initial statement.

We have also used reports from the individual human rights organisations which are members of the Forum and from other organisations, including the International Rehabilitation Council for Torture Victims. We have drawn upon reports from teachers and health workers’ organisations, the Churches, newspaper reports, the three political parties whose members have been worst hit in the violence, the United Party (UP), the Zimbabwe Union of Democrats (ZUD) and MDC, the farm workers union, GAPWUZ and the Commercial Farmers Union (CFU). Where possible we have tried to cross-check information that has come from secondary sources, bearing in mind that particularly regarding political parties there may be a possibility of exaggeration or distortion.

The reports of the Human Rights Forum have been corroborated by the reports from other bodies, both local and international. Here we can mention the EU, the Commonwealth, the NDI, the Zimbabwe Election Support Network and the Zimbabwe Civic Education Trust. All drew largely similar conclusions.

The Land Issue

It is pertinent to consider the so-called land problem in brief detail, since it has formed the basis of the government’s political campaigns, both prior and after the general election. It is common cause that the land apportionment of the pre-independence era was a significant issue in the promulgation of the Liberation War and the massive support for the war. It is also common cause that there was little significant progress by the Mugabe government in resolving the land problem for nearly 17 years. During this time re-settlement did take place, but it is equally evident that Zanu (PF) party officials were as likely to benefit as the so-called “landless masses”. The issue came to a head in 1997, with the first land invasions of the post-Independence period, and this led directly to the Land Conference in 1998, when a formula acceptable to the government, the commercial farmers and the donors was found. Again there was little progress in re-settlement, with government seemingly unwilling to set up the agreed transparent mechanisms to oversee land acquisition, and the commercial farmers responding by contesting all suggested acquisitions through the courts. However, there was no indication during all this time of any independent estimate of the demand by the wider community for land other than the government’s assertion that there was such demand. Even more significant was the government’s ignoring of the findings of the Presidential Commission on Land Reform, the so-called Rukuni Commission.

The land issue did not form a significant concern during the constitutional reform process, and, indeed, an independent survey of political issues in Zimbabwe demonstrated that a very small percentage of the sample felt that land was an important immediate concern for government. The same survey showed that land as an issue for government concern ranked low in order of importance, and over 70% of the sample

believed that the lack of significant re-settlement was either due to government incompetence or corruption in the allocating of land. In fact, the rural smallholder farmer population was and is more concerned with the costs and availability of agricultural inputs, access to finance, and the utility of the available agricultural marketing mechanisms. In other words, small holder farmers were more concerned with making the existing land work more efficiently than in the access to new land. Land did not seem in February 2000 to be an issue that was of concern to the electorate.

Nonetheless, and against all available indications, the President ensured that a controversial clause be inserted in the proposed constitution: such a clause had not been included in the draft submitted by the Constitutional Commission. The draft constitution was then rejected by a small majority in the referendum held in February. This rejection was immediately interpreted as a rejection of the land clause, and the government immediately began a campaign of vilifying various sectors of Zimbabwean society for combining with the commercial farmers in an effort to defeat the “legitimate aspirations” of the landless masses, for whom government assumed it held a watching brief. Within weeks of the referendum, a massive and well-organised campaign began of occupying white commercial farms, and, subsequently, a Bill to allow “fast track” land acquisition was passed through Parliament. In fact, it was the closing business of the outgoing Parliament, elected in 1995.

The Rule of Law

The significance of the above to the current consideration of human rights observance lies wholly in government’s attitude to the rule of law. The first farm invasions took place outside any legal framework, and, in defiance of the yet unalienated rights of the white commercial farmers to their land, the Mugabe government condoned the land invasions. It is not contested by any human rights or civil society organisations that land re-settlement is necessary in Zimbabwe, nor that this process is long overdue, but the deprivation of any individual’s right to the ownership of land and the exercise of that ownership must follow legal process. The first invasions were clearly in breach of the law, and considerably more than merely the breach of trespass, as asserted by the Minister of Justice, Emmerson Mnangagwa.

The farmers, in accordance with the law that existed, were thus entitled to the protection of the law, but the orders of the Executive frustrated their rights completely. The President instructed the police not to interfere, and thus the police did not obey their constitutional duty to uphold the law. Court decision after court decision has upheld the right of the farmers to the protection of the law, and it has even been the case that senior policemen have been found in contempt of court for not obeying both their duty and the orders of the court. The only outstanding issue still to be decided is the test case currently before the Supreme Court, which involves testing the constitutionality of the “fast track” land acquisition act.

Contempt and disregard for the rule of law has been a worrying feature of Zimbabwean political life since 1998. Beginning with the Food Riots in January 1998⁴, there has been a succession of events in which the State and the Executive has shown scant regard for constitutionality. We have witnessed the deployment of troops in the DRC outside the constitutional power of the President (but later ratified by Parliament); avoidance of constitutional duty in the failure to prosecute the torturers of Mark Chavunduka and Ray Choto; and attacks on the judiciary by the Executive, senior members of the government, and even by the Attorney-General. The Zimbabwe Republic Police have increasingly only fulfilled their duty under compulsion of court order. The erosion of respect for the rule of law provides a crucial backdrop to the general election, and must additionally be seen within the framework of continued impunity. It becomes obvious that, against this background, a war veteran can publicly state that he has the power to commit acts of violence because he knows that they will be pardoned, as was the case in Matabeleland⁵. The explicit reference to impunity for the atrocities of the Gukurahundi is particularly chilling, and yet another clue to the character of this election violence: yet another low intensity war!

The Scale of the Violence

Militia Groups

Militia groups were a very important component of the election strategy, and still remain crucial to the continuing farm invasions. At their core, the Zanu (PF) militias consist of individuals with experience of organised violence, usually war veterans. The rank and file of the groups are composed largely of unemployed youths who are usually paid for their support. Most people believe they were receiving cash on a daily basis, but it is certain that at a minimum they are being paid “in kind” — they are given food, drink and accommodation and goods looted from houses, businesses or farms.

For the most part, militias were and still are armed with iron bars, sjamboks, axes, pangas, electric wires, bicycle chains. Some groups are in possession of one or more guns, but there are few instances of these being used in day-to-day operations. However, there are increasing reports that these groups are now in possession of weapons of war. There were also reports of hit-squads being formed for specific missions and these are generally armed.

The size of the militia groups varies, although between 20-30 is an average figure for the core element in each group. During the general election, these core groups were supplemented by others during missions and several hundreds of Zanu (PF) supporters united to sweep through rural areas and carry out beatings.

⁴ See *Zimbabwe Human Rights NGO Forum (1999), A Consolidated Report on the Food Riots, 19-23 January 1998, Report compiled by the AMANI Trust on behalf of the Zimbabwe Human Rights NGO Forum, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.*

⁵ See *CCJP/LRF (1997), Breaking the Silence-Building True Peace: A Report on the Disturbances in Matabeleland and Midlands 1980 to 1988, HARARE: CATHOLIC COMMISSION FOR JUSTICE AND PEACE IN ZIMBABWE & LEGAL RESOURCES FOUNDATION.*

They had established operational bases, usually in rural district council offices or buildings owned by Zanu (PF) members at growth points and also in some urban districts. Camps were also established on occupied farms. Sometimes these were little more than meeting points where local Zanu (PF) supporters congregate regularly. In the majority of cases, however, they became informal barracks, where youths were trained and provided with food and drink and were even sleeping at night. There have been allegations that the youths are also being supplied with drugs. People from other areas were sometimes brought to stay at the bases and carry out attacks. The extent of the use of outsiders may be a reflection of the inability of the team to drum up sufficient locals, but many witnesses believed it was part of a strategy designed to limit identification of the attackers.

Raiders were despatched from the bases into surrounding communities to hunt down opposition supporters who were either brought back to be tortured, assaulted or intimidated or brutalised in their homes, together with their families. There were often hundreds of participants in these raids, but some may have been coerced into taking part and were not fully committed to violence. Several victims noted that the attackers were very young, possibly even school-going age. The mass of the attackers were apparently being rounded up when needed by the militias to boost their impact, but the core members usually carried out the beatings and torture themselves.

The extent to which the day-to-day activities of the militias were under direct control of the Zanu (PF) leadership is not certain. Nevertheless, the relationship between Zanu (PF) officials (including candidates) and the militias is strong, suggesting that the groups were implementing a policy under close guidance from members of the party. Accounts of financial rewards being offered for carrying out acts of violence are a signal of state involvement and the day-to-day costs of feeding and housing the militia were allegedly being met by Zanu (PF) candidates and senior party officials.

Regular reports of Central Intelligence Organisation (CIO) agents taking a direct hand in the violence reinforce the perception that the campaign was and is being led by the highest authorities in government. CIO members have made themselves known to a number of victims and have been accused of acts of torture, threats and participation in attacks upon MDC members. In one case investigated by the Forum there is strong evidence that CIO members tortured an MDC member. The victim can identify his attackers and as such is now extremely vulnerable. Other members of his family received threats after the incident. The Amani Trust, which has been assisting with medical costs for the victim, received reports of several visits by the CIO to the Harare Central Hospital which have put the victim in further fear of his life.

Several victims have reported to the Forum that they were visited by CIO agents while in hospital. In one case in Bindura hospital the victim had to be transferred. A youth who was tortured by the militia in Mberengwa was forced to flee the hospital after a sympathetic doctor recognised that a CIO agent had been

smuggled into a neighbouring bed in a wheelchair. Members of the CIO have also been observed organising the militias and transporting them from one place to another. There are also reports of Police Internal Security and Intelligence (PISI) involvement.

There are indications that individuals from the Zimbabwe National Army (ZNA) whose loyalty to the party is solid have been selected and deployed as commanders of the militia, but there is no firm proof of this at present. There are allegations that members of the army have been sighted at least one militia base — although in plain clothes they were recognised by locals who were themselves former soldiers. On the other hand, there are consistent accounts that the army took a firm hand to quell the violence in the Mount Darwin region in mid-April. However, there is clear evidence that the ZNA took part in post-election violence in retaliation for the rejection of Zanu(PF) candidates, especially in the high density suburbs of Harare.

Allegations that the army were giving rudimentary two-day training sessions to the militia have not been proven, but there is reason to believe that the perpetrators of violence have been given some basic education in torture techniques. Militia in different parts of the country have been carrying out beatings in a consistent style, with victims being ordered to lie face down and then being beaten on the backs. Electric wires are frequently used for beatings as are sjamboks and knobkerries. Another common torture is falanga [beating under the soles of the feet] and the use of electric shocks and cigarette burns. On several occasions victims have been doused in petrol to burn them. Properties have also been frequently petrol bombed. There is also a consistency to the methods of psychological torture with victims being issued with similar threats to “cut off your head” and forced to go through similar rituals of humiliation. Forced attendance at the “pungwes” and political rallies inspires mass psychological terror which, in many people’s minds, is reminiscent of the terror inspired during the Gukurahundi campaign in the 1980s.

It is now extremely disturbing that the government has given these militia formal status as a “reserve force”, and rather one would have expected that the serious allegations against the war veterans would have resulted in the organisation being disbanded, with the members guilty of human rights violations facing criminal charges. Again one needs little imagination to see how damaging is the Presidential amnesty. Not only are the perpetrators of organised violence and torture made exempt from the criminal law, but receive a reward in the form of employment. This observation deserves more consideration by all.

The Bases

The Forum has had consistent reports of farms, offices and businesses being used as bases in which to house militia, or as meeting points from which raids into surrounding communities were planned and launched. In many of these, the militia were sleeping, being fed, and provided with drink, whilst in others

they were simply being paid or gathering for transport. Some of the members of the militia are locals, while others are said to have been brought from elsewhere to the bases.

It is important to note that the militia have been moved out from some of these places by police or army at one time or another and in some places they have shifted several times and are continuing to do so. In some cases the camps were at buildings traditionally used as polling offices, or they were near to polling stations. This was certain to affect the ability of people in the areas concerned to freely cast their vote. Even if militias moved on at the time of voting, the buildings themselves were linked to violence in the minds of local residents, and they would obviously fear visiting them.

The Victims

Men, women and children have all suffered. Most of the statements taken by the Forum have come from men, but they have often described assaults upon other members of their family. There have been allegations that rape is taking place on a wide scale, although only a few women have reported these themselves. This is a matter of deep concern to the Forum. Rape often remains a hidden crime with women fearing social stigma by coming forward. With high rates of AIDS infection in Zimbabwe, this is particularly worrying.

The majority of the people who have been attacked are members of opposition parties living in the rural areas. Statistics produced by The Amani Trust in Bulawayo make a powerful statement of the extent and the nature of the violence up to 6 June 2000. They indicate that more than 13,000 people were affected by political violence, more than 2000 were assaulted and more 30 were dead. But in respect of a few of these deaths there is still some doubt as to whether they were the result of political violence or exploitation by criminal elements of the violent climate. However, the figures of deaths due to political violence are thought to be conservative and since they were produced several more MDC supporters have been killed.

The number of deaths reported is closer to 80. In the Amani Trust database report, Zanu (PF) supporters and government officials were found to be responsible for approximately 93 % of violence, and to be the victims in an estimated 5 % of incidents. MDC and other non-government supporters are listed as the biggest group of victims at approximately 46%, while they are said to be responsible for 2 % of violence.

Although farm workers have been and remain in the front line of political violence, the Forum has only managed to gather detailed statements from relatively few such victims to date. Research into their plight continues, but we can be in no doubt whatsoever, from the records of the Commercial Farmers Union (CFU) and reports from the farm workers union, GAPWUZ, that farm workers have been subjected to all manner of human rights abuses and that they are isolated and under constant threat.

The fear that is governing farming communities at present has sealed off farm workers from outside support. GAPWUZ officials, for instance, have been unable to hold meetings and have had to exercise great caution during visits to the farms. In one instance the union leader was himself captured and tortured by being forced to sit in one place without moving for six hours. By placing monitors on most farms, and establishing camps upon others, war veterans and Zanu (PF) supporters have largely managed to control farm workers.

Farmers whose properties are occupied have been regularly victimised by the war veterans and Zanu (PF) supporters. Many are deeply traumatised by persistent threats, harassment, demands and assaults. Five farmers have now been killed, but in two cases these may have been carried out by criminals exploiting the lawlessness created by the war veterans. The ongoing violations against farmers are also being recorded.

The majority of victims interviewed by the Forum are members of opposition political parties whose positions as organisers have made them a target. The way in which these individuals have been identified, located and systematically attacked is further confirmation that the violence is highly organised and informed by sophisticated intelligence.

Mass psychological torture was being used in many parts of the country. Entire communities are now traumatised; if they have not been directly targeted, people living in the communal areas and farming communities have been witness to public beatings or to daily intimidation. In some areas where schools have been closed either temporarily or for long periods, teachers were singled out as opposition sympathizers. Health workers have also been threatened or attacked and have, in some cases, been prevented from administering treatment to opposition supporters.

Zanu (PF) supporters in Mberengwa called their party card a "passport to the area". This is a statement which rings true with people in many parts of the country, where freedom of movement, association and speech were and are still restricted for those whose loyalties to the party are in question. Intimidation and violence have characterised the just completed by-election in Marondera West.

Villagers, farm workers and farmers were forced to attend Zanu (PF) rallies or *pungwes* (all-night political meetings based upon traditional Shona rituals, developed during the 1970s liberation war). Houses were burnt and their contents looted or destroyed. The social and economic consequences of this terror campaign have not been fully assessed, but it is clear that they are extensive and they require immediate action.

The victims who have given statements to the Forum, with only a few exceptions, were in need of either medical or practical assistance. They were all in desperate circumstances, most had been forced from their homes and into hiding. They were the survivors of attacks which were in most cases potentially life-

threatening. They are scarred by axe cuts, whip lashes, burns, and bruises, among other wounds. Their decision to become members or supporters of an opposition party has cost them their health, their homes and their property. They lived in fear of their lives and often being trailed by state agents. The impact of the trauma they are experiencing now will have enduring consequences.

Incitement of violence

President Robert Mugabe has incited and condoned violence for political gain, warning that “death will befall” his opponents and that “MDC is courting danger”. Other high-ranking Zanu (PF) officials have been similarly blatant in encouraging violence. These statements in themselves constitute offences under the Electoral Act and various other laws, as well as of democratic and human rights principles. They send a message to the perpetrators of violence that they are acting with the authority of the leadership of the country. Not only do the perpetrators believe their acts will be tolerated or even welcomed, but the police have often declared their reluctance to act because of “orders from above”.

An Assessment of Reports of Violence by the Opposition

During the election there were no reported cases of violence by members of the main opposition parties other than MDC. There were several reports of MDC violence, reported mostly in the state media. MDC youths were accused of attacking Zanu (PF) youths and war veterans in at least 19 separate incidents in different parts of the country since mid-March. There is evidence that MDC members have been responsible for assaults, property damage and intimidation. In some of these cases, Zanu (PF) members are known to have been injured.

While the Forum has not received testimony in any of these cases, it has received information regarding incidents in Mukumbura and Mberengwa which is relevant to the context in which some of the violence has taken place, suggesting that MDC members may have been acting in retaliation or self-defense.

Although violence by supporters of the ruling party affected communities in all parts of Zimbabwe, a statistical analysis up to 4 June 2000 by province indicated that certain regions were affected worse than others. Most reported cases of violence occurred in Harare, which had 23,3 % of the total. 22,1% of reported violations occurred in Mashonaland East, 15,6% in Mashonaland Central, and 10% in the Midlands. These statistics are based largely upon newspaper reports. They are by no means definitive, indeed as regards Harare they are somewhat misleading. Account must be taken of the fact that while cases of violence which occur in the province of Harare are much more likely to be reported to the independent press — which has been at the forefront of exposing the violence — those which occur in outlying districts often remain hidden.

Vicious attacks are known to have been made upon opposition supporters in all provinces and these continue to be documented by the Forum and by its member organisations. It is important that individual attacks be looked at in their regional context since, although there are many common factors and distinct features which confirm the existence of a national programme of violence, there are also variations from place to place which seem largely to be related to the commitment shown by the party leadership or the militia commanders in that area. The same variations are perceptible within regions so that some districts may have been badly affected, while others have remained relatively calm.

Mberengwa Survey

The election in Mberengwa East attracted strong interest from both local and international observers, especially because of the frequent reports of extreme violence being perpetrated on the supporters of Ms Sekai Holland, the MDC candidate for the constituency. The Forum decided to undertake a survey in this constituency in order to determine whether the trends observed in the cases already seen were corroborated by research.

Total Eligible Voters	89 433
Total Voter Turnout	50 551
Total who did not vote	38 882
Percentage Of Voter Turnout	57%

As can be seen from the table above, 45% of the eligible voters in Mberengwa were unable to or chose not to exercise their right to vote. The total number of victims of political unrest in Mberengwa recorded on the database is 335. The incidents are categorised in the following categories: Death, torture, ill treatment, arrest, detention, property damage, intimidation or threats and other. Some victims may have experienced incidents that may be placed in two or more of the categories above. For example a person may have been both intimidated and detained.

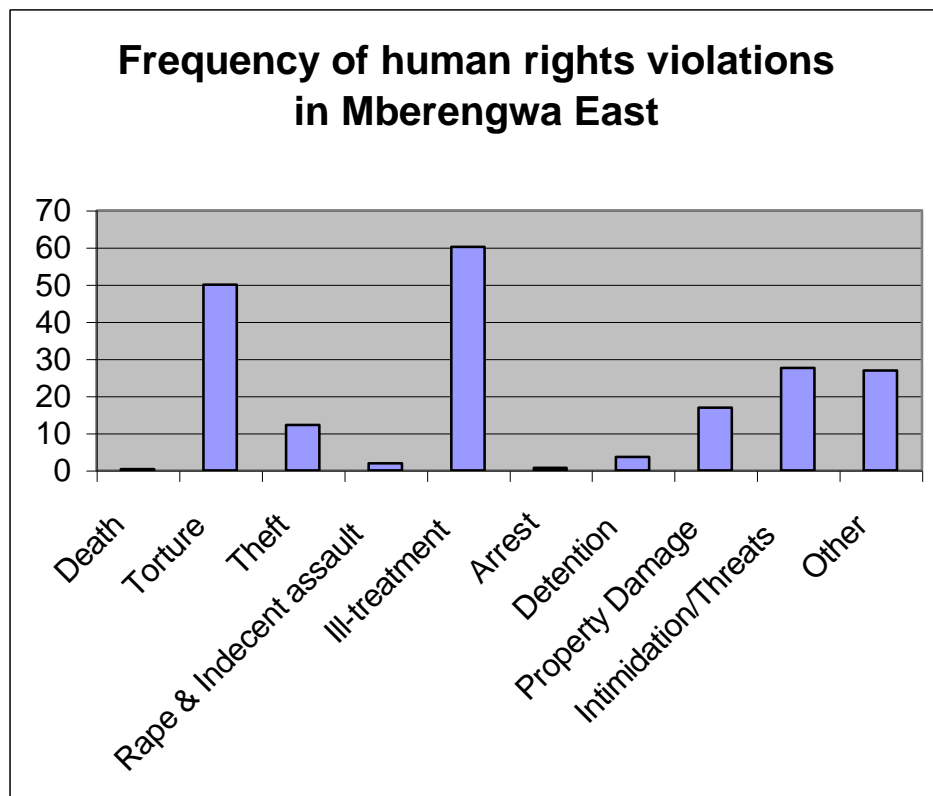
The ages of affected victims ranges from 10 to 87, showing the indiscriminate nature of the violence inflicted on the victims. Incidents of political violence were relatively low throughout the months of March and April, but a sharp rise in the number of incidents of politically incited violence, intimidation, threats, and property damage occurred in the period closer to elections. A hundred and eleven incidents were reported for the month of May. Pre-election political unrest peaked in the month of June, when elections were held, with two hundred and ten cases reported. This shows the mood and atmosphere in which the elections in Mberengwa were held.

The perpetrators of the violence in the recorded cases are all from or affiliated with the ruling party, Zanu (PF). Some victims identified their perpetrators as belonging to a particular group, for example Zanu (PF) youths or War Veterans, but were unable to name an individual amongst those who terrorised them. Cases

may exist in which the perpetrators are from the opposition parties and who behaved violently towards members of the ruling party. Only one case has been reported, involving a fight between an MDC member and a member of Zanu(PF), which resulted in the death of the latter.

Others knew some of their victimisers by name and gave such names. There was a group of well known perpetrators named by several victims namely Langton Mangema, Festos Jamela and Clifford Donsa led by Wilson Kufa Chitoro commonly known as 'Biggie' Chitoro. He and six other war veterans have since been remanded in custody and charged with the murder of an MDC activist who died in Mberengwa on 9 June. By the end of September, more than 200 persons had been arrested and charged with crimes relating to the election period. 96 perpetrators were identified, which means that 31% of the Mberengwa sample knew their persecutors.

The table below shows the frequency of the various types of human rights violations reported. As can be seen, torture, ill-treatment and property damage are the most frequent violations reported. Rape and indecent assault are not reported with any frequency, but it should be remembered that these violations are generally under-reported and more so in civil conflicts.



The declaration by the President on 6 October of a formal amnesty for the gross human rights violations clearly has profound implications for these victims. Although the general amnesty will require prosecutions for murder, rape, statutory rape, indecent assault, robbery, and theft, it will excuse torture (assault with intent to do grievous bodily harm and common assault), psychological torture (intimidation, threats, forced attendance at meetings), kidnapping, arson, and property destruction.

31% of the sample knew their perpetrators, whilst nearly 90% had witnesses to their ordeals. This means that criminal prosecutions could have been pursued in a significant number of cases, and this was clearly the wish of the people in this sample, where over 70% wished to take legal action against their perpetrators. The general amnesty will be a devastating blow for these victims.

It is even more shocking to observe the practical effect of the amnesty. In Mberengwa East a total of 617 allegations of crimes was made by the people in the sample group. The amnesty would render 570 cases [92%] ineligible for investigation and prosecution. In addition, it should be borne in mind that, prior to the declaration more than 200 arrests had been made by the Zimbabwe Republic Police. These arrests had considerably restored the increasingly poor reputation of the ZRP amongst the general public. The release of these arrested people will lead to a complete lack of faith by the victims in the criminal justice system.

Clearly, the effect of the amnesty, in Mberengwa East, completely subverts all justice, leaving all these victims with only the option of civil suits for damages. This will be an extremely lengthy, and expensive way for very poor people to obtain justice. In many cases, the perpetrators will not have the financial capacity to pay appropriate compensation to the victims.

Post-election violence

There was widespread violence in the pre-election period. Most of this violence was directed at candidates and supporters of political parties in opposition to Zanu (PF), and against commercial farmers and workers on commercial farms. Regrettably violence against these persons has continued after the parliamentary elections on 24-25 June. In the cities and towns the army has been harassing and assaulting people in high density areas. There continue to be violent attacks and death threats against members and supporters of the MDC. People are still fleeing some rural areas to escape the violence. Commercial farmers and their workers continue to be attacked and threatened.

More ominously, there has now been an increasing reliance on the army in many situations. The last time the army was deployed in support of the police was during the food riots that occurred in January 1998. In the quelling of these riots and in the aftermath of the riots there were numerous incidents in which the army used excessive and sometimes fatal force. The army was used once again in the most recent food riots and also against the students of the University of Zimbabwe. The statement last week by the Minister of

Defense, Mr Mahachi, that the government would continue to use the military in civilian situations without regard to human rights is very ominous indeed.

Since the election results were announced violence against commercial farmers and their families and against farm workers has continued to occur and from mid-July onwards the violence on these farms has escalated. Many farmers have received death threats and some have been ordered to leave their farms by war veterans or face violent attacks. Some farmers and farm workers have been beaten by war veterans and their supporters. There has been disruption of and interference with farming operations on many farms and war veterans have extorted money and goods from some farmers.

On 8 July there was an international soccer match between Zimbabwe and South Africa at the National Sports Stadium in Harare. The stadium was filled to capacity with spectators. At the beginning of the match some people in the stadium chanted MDC slogans and flashed MDC signs. Towards the end of the match some spectators started to throw cans and mostly plastic bottles onto the pitch after the South Africans had scored their second goal. The police responded by firing into the crowded stands a large number of tear gas canisters. Panic ensued and people tried to run towards the exits to get away from the noxious fumes. Tear gas canisters were fired towards some of the exits as people were trying to get out of the stadium. Thirteen people died as a result of being trampled during the stampede of people. Among those killed in the stampede were four children, the youngest age 5.

Thus, organised violence and torture continue to be reported in the post-election period, and most internal observers have mounting concern that, with many by-elections still to be re-fought and the Presidential election to come in 2002, such violence will become an established feature of Zimbabwean civil life.

Some tentative conclusions and recommendations

At this time the Forum cannot arrive at any detailed conclusions. These conclusions will be made in the final consolidated report. However, it can certainly be said that the available evidence strongly points to a planned campaign of organised violence. Ruling party officials and some state organs have given active support to this campaign. The victims of this campaign are members of various political parties and anyone perceived to be supporting or potentially supporting opposition to the ruling party. The violence used has included killings, torture, rape, assaults, mass psychological terror, death threats and intimidation and destruction of property. The effects of this violence will be felt for a considerable time to come in the Zimbabwean society. Various other bodies such as Amnesty International and the International Rehabilitation Council for Torture have reached similar conclusions about the violence in Zimbabwe⁶.

⁶ See AMNESTY INTERNATIONAL (2000), *Zimbabwe: Terror tactics in the run-up to the parliamentary elections, June 2000*, LONDON: AMNESTY INTERNATIONAL ; IRCT (2000), *Organised Violence and Torture in Zimbabwe, Harare and Copenhagen, 6th June 2000*, COPENHAGEN: IRCT.

In the light of the scale of violence that has occurred, it is difficult to see how the parliamentary election could have been free and fair. This was the conclusion of many of the observer missions to the general election, and it is expected that many of the results currently being contested under the Electoral Act will be overturned by the courts. But it is a source of comfort to many civil society organizations that we finally have a significant opposition party in Parliament, and that the political process is now competitive, with the likelihood that this will lead to greater accountability in governance.

However, two significant problems remain to be solved before Zimbabwe can reap the advantages of the competitive political process and the recent steps towards fully-fledged democracy: a return to the rule of law and the end of organised violence and torture. These are inter-linked problems, and nothing to do with the land issue. As hopefully can now be seen, the land issue has allowed the government to hide a multiplicity of evils, and it must be a priority to de-link the land from the other issues. This is an area in which the SADC countries have an exceptionally important role to play.

That the SADC statesmen can make statements accepting the result of a deeply flawed election, and furthermore support a land policy that is not supported by most Zimbabweans, can only mean that the SADC leaders have not fully appreciated the scale of the human rights violations that took place and continue to take place. Indeed it is clear that few people outside those who have been closely observing the violence have appreciated that Zimbabwe is currently suffering from a State-sponsored low intensity war of a very sophisticated nature. For this reason, we have at pains to point out the role of the militia, the bases, the incitement to violence by the President to his supporters, and the devastating effects on the victims.

There are several crucial steps that must be taken to avoid further deterioration in the situation. Firstly, there must be a committed return to the rule of law in which the Executive and the Government accept the rulings of the High Court and the Supreme Court. Secondly, there must be commitment by the Zimbabwe Republic Police to uphold their constitutional duty under the Police Act. Thirdly, any involvement by the army must be strictly controlled, with a strong commitment to the principle of minimum force.

Fourthly, there is need for an independent commission of inquiry into the violence of 2000, but probably this commission of inquiry should have terms of reference that allow it to examine all past human rights violations. Here it is crucial that the negative impact of all the past impunity is carefully scrutinised for the effects upon the political and social life of Zimbabwe. Finally, all organizations that have been involved in the violence should be disbanded, and here we could mention the Central Intelligence Organisation, the Zimbabwe National Liberation War Veterans Association, and the youth wing of Zanu(PF). At the very least these organizations should be the subject of serious public inquiry.