

Zimbabwe at the Cross-Roads: Views of Zimbabwean citizens on democracy and transitional justice.

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Chapter 1. Introduction.

So far-reaching and multi-layered is Zimbabwe's 'mutating' millennial crisis, that it has become the subject of much intense reflection and heated debate, nationally, regionally and internationally: whispered daringly and desperately beneath the scratchy music of Zimbabwe's township beer halls, around the meagre fires of the newly dispossessed, and in the endless, nation-wide queues for food, fuel, and other basics: confronted more openly in the bold polemic of political leaders and civic activists, in increasingly tense and incredulous diplomatic circles, and in the searching urgency of academic scholarship". (Hammar & Raftopoulos. 2004)¹

It is common cause that Zimbabwe is in a crisis, although there are divergent views about the exact onset of this crisis, as well as many different views of the nature of this crisis. For some the onset of the crisis has its roots in the adoption by the Zimbabwe government, in the early 1990s, of the neo-liberal economic policies of the World Bank and the International Monetary Fund. For others, like Hammar and Raftopoulos, the onset is less defined and multi-factoral. However, there is one aspect of the crisis that is critical to the resolution, and highlighted so clearly in the quote above: the muted and almost silenced voices of the ordinary people of Zimbabwe. Whilst we can be sympathetic to urgent academics and incredulous diplomats, and understanding of need for polemics, what are the opinions of the ordinary people?

In one of the more disturbing polls conducted in Zimbabwe last year, the Afrobarometer showed that ordinary Zimbabweans were indeed despairing and fearful of giving voice to their opinions, but, paradoxically, more Zimbabweans were prepared to give Robert Mugabe a favourable rating than in 1999. But Zimbabweans seemed to be losing faith in the value of democracy and the Afrobarometer survey revealed some very pessimistic attitudes in ordinary Zimbabweans:

- * Zimbabweans are losing faith in democracy. Expressed support for this form of government is down from two-thirds of citizens in 1999 to less than one half in 2004.
- * If rejection of authoritarian alternatives is included, then deep commitments to democracy are down still further. Increasing numbers acquiesce to the idea of single-party rule.
- * At the same time, political parties have not fully penetrated society; one half of all Zimbabweans prefers to remain unaligned with either ZANU-PF or MDC. Part of the reason is that three out of four think that party competition leads to social conflict.
- * By a margin of more than five to one, Zimbabweans overwhelmingly reject political violence. Whereas MDC supporters are more likely to support violence in support of a just cause, ZANU-PF partisans are more likely to have actually engaged in violent political acts.
- * Fewer than half say they trust Robert Mugabe and the ruling party. While hardly a strong endorsement of presidential popularity, these figures have risen since 1999. And they far exceed the small proportions who are willing to admit trusting Morgan Tsvangirai and opposition parties.

In analysing these above findings, as well as the findings on the economy, the Afrobarometer came to several conclusions:

- * First, some people – like party loyalists, military forces, and resettled peasant farmers – have benefited from ZANU-PF patronage. They not only regard the economy as having

¹ See A. Hammar, & B. Raftopoulos (2004), *Zimbabwe's Unfinished Business: Rethinking Land, State and Nation in the Context of Crisis*, HARARE: WEAVER PRESS.

turned up in the past year, but they credit the president with improvements in their own economic conditions.

- * Second, other people – especially the younger generation and rural dwellers – are afraid to express their true political preferences. Self-censorship is evident among those who think that the survey was sponsored by a government agency. They say they approve of the president when, in fact, they may not.
- * Third, the most important factor is political propaganda. Since 2000, the government has mounted a comprehensive campaign to revive the nationalist fervor of the liberation war. People who trust the ideological pronouncements of the official government media are very much more likely to give the president a positive rating.
- * Finally, Zimbabweans are sick and tired of the deadlock between the country's two main political parties. Two-thirds of all respondents in the 2004 Afrobarometer survey in Zimbabwe consider that "problems in this country can only be solved if MDC and ZANU-PF sit down and talk with one another."

These conclusions are supported by the findings from other studies and reports, and deserve some brief consideration.

The first conclusion speaks to the satisfaction of the beneficiaries of state largesse, and, as a recent Afrobarometer study points out, in Africa, "winners" – or those who have a party political identification with the incumbent government – are much more likely to be satisfied with their democracy than the "losers" or the non-partisan². Additionally, Cho (2004) argues that citizens who live under a balanced two-party system are more satisfied with democratic governance than those who live under both predominant one-party systems and fragmented party systems. He also argues that losers in parliamentary systems show lower levels of dissatisfaction with the way democracy works than do losers in presidential systems.

This analysis, which included Zimbabwe, showed that, on average, Zimbabweans were highly dissatisfied with the state of democracy in their country, but that the winners were more satisfied than either the losers or the non-partisan, but also that the non-partisan were slightly more dissatisfied than the losers. This analysis was based on the data from the 1999 Afrobarometer survey, but one can see from the 2004 survey that this conclusion would still hold.

The second conclusion relates to the much-reported climate of fear, which is corroborated by the huge output of human rights reports on Zimbabwe. It is clear from these many reports that a number of conclusions can be drawn about the violence that has affected Zimbabwe since February 2000³:

- All reports show that the violence has been disproportionately one-sided, and against the MDC and other groups not supporting ZanuPF;
- All reports show that the violence attributed to ZanuPF is different to the violence attributed the other groups, both in the scale and in the nature;
- The violence attributed to ZanuPF shows evidence of systematic torture, abductions, disappearance, summary executions and extra-judicial killings, and this is very rarely the case with violence attributed to other groups such as the MDC;
- The systematic torture shows a strong associations with officials of the State – members of parliament, the police, the CIO, and other officials – as well as an

² See Wonbin Cho (2004), Political Institutions and satisfaction with democracy in Sub-Saharan Africa, Working Paper No. 39, AFROBAROMETER.

³ See Reeler, A.P (2003), The Perpetrators of Gross Human Rights Violations in Zimbabwe from February 2000 to March 2003, Paper presented to "Civil Society and Justice in Zimbabwe: A Symposium", organised by the Zimbabwe Human Rights NGO Forum, Themba Le Sizwe and the International Bar Association, Holiday Inn, Johannesburg, 11-13 August 2003.

- association with groups closely affiliated to the ZanuPF political party – “war veterans”, youth militia, ZanuPF youth, ZanuPF supporters, ZanuPF party officials, etc ;
- The evidence shows that plausible allegations can be made for the involvement of senior party and government leaders, and there are many statements from victims implicating such persons;
 - The evidence suggests that a strong case can be made for a planned strategy using militia. Firstly, the “war veterans” were deployed to manage the farm invasions and the Parliamentary Elections, and, secondly, a youth militia cadre was developed and deployed initially for the Presidential Election, but have subsequently been deployed all around the country. The evidence available shows a very strong association between the youth militia and torture, and it is not contested that there are training camps for the youth militia or that government funds have been allocated to such training;
 - There is no or very little evidence, of any attempt by the executive or organs of the State to proactively deal with the violence;
 - The evidence suggests, to the contrary, that there are an enormous number of examples of hate speech, and encouragement to violence and lawlessness by virtually all members of the executive, the parliament, the party, and the supporters of the ZanuPF party;
 - There is strong evidence for severe interference by the State, state officials, and ZanuPF supporters, with the judiciary, magistrates and law officers, including the ignoring of High Court and Supreme Court judgements and orders ;
 - There is finally the promulgation of two Presidential amnesties - in 2000 and again in 2002 – which must raise strong suspicion that the State wishes to avoid guilt for its actions since these amnesties provided impunity for all the crimes of torture.

These conclusions are extended by a more recent report that argues that the organized violence and torture in Zimbabwe are more related to elections than to inter-party political violence or violence due to the “land invasions”⁴. Thus, it is scarcely surprising that ordinary Zimbabweans are cautious and even afraid to express their opinions, and are likely to portray a non-partisan position in respect of party politics and elections.

The third conclusion, which relates to press freedom and access to information, is argued by the Afrobarometer survey in 2004 to account for most of the variance in explaining the apparent paradox of Robert Mugabe increasing in popularity since 1999. The imposition of draconian legislation and attacks on the press and journalists in Zimbabwe needs little discussion, and has had exceedingly wide coverage over the past 5 years. However, as the Afrobarometer survey demonstrates, the propaganda linking land and the liberation struggle has had a powerful effect on the attitudes of ordinary Zimbabweans, and not only on Zimbabweans, as one respected commentator has pointed out⁵. In this linkage, a crucial component has been the re-definition of “citizenship”, with the creation of insider and outsider groups, where the latter are presented in the media as largely belonging to the MDC, and hence are “sell-outs”, “agents of imperialism”, “people without totems”, and a plethora of other pejorative terms. There is no middle ground in this highly polarised political space that is Zimbabwe⁶.

The fourth conclusion, the desire for inter-party dialogue, is now wholly overtaken by events. Whilst there were some signs, in 2003 and early 2004, that serious talks might take place, this is now wholly off the agenda of the ZanuPF government, and the focus is exclusively upon elections. Any chance that ordinary citizens had of representing their views through feed-in to inter-party discussions have disappeared, and

⁴ See Redress Trust (2004), ZIMBABWE. TORTUOUS PATTERNS DESTINED TO REPEAT THEMSELVES IN UPCOMING ELECTION CAMPAIGN. Preliminary Study of Trends and Associations in the Pattern of Torture and Organised Violence in Zimbabwe, July 2001 - December 2003, LONDON: REDRESS TRUST.

⁵ See Raftopoulos, B (2004), Nation, race and history in Zimbabwean politics (www.kubatana.net)

⁶ See again A. Hammar, & B. Raftopoulos (2004), Zimbabwe’s Unfinished Business: Rethinking Land, State and Nation in the Context of Crisis, HARARE: WEAVER PRESS.

the only immediate course open to them is to vote. Here it is pertinent to point out that the past two major elections have been widely repudiated, and subject to legal challenges, even though few of these challenges have been resolved in the past 5 years. So there must be questions about whether voting still has salience for the ordinary Zimbabwean citizen, and whether the narrow focus on elections is an appropriate solution to the Zimbabwe crisis.

Does democracy hinge mainly upon elections, and will elections provide both the necessary and sufficient conditions for the consensus that is needed for a modern democracy? Elections clearly provide both the validation for a particular regime to govern, as well as underpinning the legal basis for the structure of the state, but, as Carothers has so eloquently pointed out, states and regimes can govern way short of the conditions that might describe a democracy⁷. In Africa, the most frequent case is that countries display “feckless pluralism” – with competitive elections, alternating regimes, but little substantial development, either economically or socially – or “dominant power politics” – with entrenched elites, weak opposition, rigged or unfair elections, and again little in the way of social justice. Zimbabwe would seem to epitomize the latter characterization, but Zimbabwe is not alone in this. As Bratton has argued, much of Africa is governed by what might be termed “liberal autocracies”:

Covering more than half the continent’s countries and over two-thirds of its population, liberalized autocracies derive their ethos from previous military and one-party arrangements, now adapted for survival in a more open environment. Leaders in these systems may pay lip service to basic political freedoms, for example by allowing token opposition. But they govern in heavy-handed fashion, typically placing strict limits on the independent press, civic organizations and political parties to the point even of imprisoning their strongest opponents or barring them from contesting elections. As evidenced by recent multiparty contests in Cameroon, Cote d’Ivoire, and Kenya (before 2002), elections are nominally competitive but are seriously flawed by ethnic conflict and the fact that the opposition can never win. At the extreme, as in Chad and Liberia, elections are the only available antidote to violence: voters calculate that the best prospects for peace lie in voting armed strongmen into office, and granting them hegemonic power, rather than allowing them continue to prosecute a civil war. Even once-democratic regimes, like Cote d’Ivoire and Zimbabwe, may slide back into these forms of autocracy due to power grabs by a military or civilian elite⁸.

Guinea Bissau, Gabon, Kenya, Central African Republic, Gambia, Togo, Ethiopia, Cameroon, and Zimbabwe fall into what Bratton terms Competitive Liberal Autocracy, whilst Burkina Faso, Comoros, Congo – Brazzaville, Uganda, Mauritania, Chad, Guinea, Angola, Cote d’Ivoire, Liberia, and Equatorial Guinea are described as Hegemonic Liberal Autocracies. Elections do not seem to move these states much along the road to “deep democracy”.

So what do Africans and Zimbabweans actually want and need? It does seem from all the Afrobarometer surveys that they want both freedom and development. As we saw above, they desire freedom, although they are becoming pessimistic about getting it, but, surprisingly, several other Afrobarometer studies have shown that they are hopeful about the social and economic future, even if their current circumstances show increasing hardship⁹. Examining this relationship, between freedom and development, John Gay has recently tested the thesis put forward by Amartya Sen, that development requires freedom¹⁰. Sen puts forward the argument that development requires 5 types of freedom¹¹, and, in Gay’s words, these can be briefly described as follows:

⁷ Here see Carothers, T (2002), *The End of the Transition Paradigm*, *Journal of Democracy*, 13:1, 5-21.

⁸ See Bratton, M (2004), *State building and democratization in Sub-Saharan Africa: Forwards, backwards, or together?* Working Paper No.43, AFROBAROMETER.

⁹ See here Afrobarometer (2004), *Africa’s Unemployment Crisis: Evolving Public Attitudes*, Briefing Paper No.10; see also Afrobarometer (2004), *Lived Poverty in Africa: Desperation, Hope and Patience*, Briefing Paper No.11.

¹⁰ See here Gay, J (2003), *Development as freedom: A Virtuous Circle?* Afrobarometer Paper No.29.

¹¹ See Sen, A (1999), *Development as Freedom*. New York: Random House.

...the requirements for development can be described as an individual's ability to participate freely in the political process, the mechanisms and capacity to seek economic well-being, the networks and connections which make social integration possible, free access to reliable information sources, and structures which allow personal safety.

Gay's analysis suggests that, in Africa at any rate, the interaction between development and freedom leads to either vicious or virtuous circles, where the relatively better-off citizens push harder for the freedoms that they believe will increase their developmental prospects.

But the relation between development and freedom must not be interpreted as one of simple causality. There is a virtuous circle implied by the desire of the better-off respondents for a democratic society. They are well-off, which leads them to want a democratic society. Why is that? Surely the reason they want democracy is because the freedom which they experience in a democratic society gives rise to yet more development by enhancing the very political participation, economic assets, social networks, information access and personal security which make them like democracy in the first place. The opposite of freedom, according to Sen's theory, is a low level of political activity, poor economic status, limited social interaction, lack of access to information, and personal insecurity. The respondents who fall into these social disabilities are statistically more likely than their better-off counterparts to hold the following views, according to the Afrobarometer survey¹².

And, as Gay's analysis of the 1999 Afrobarometer shows, the absence of freedom leads citizens into non-democratic attitudes where they:

- Prefer a non-democratic government;
- Prefer the former, often non-democratic, regime;
- Look favourably on a military government;
- Approve a one-party state;
- Accept strongman presidential rule;
- Assess their nation as not democratic;
- Express dissatisfaction with democracy;
- Be unwilling to defend a threatened democracy;
- Give poor ratings for the practice of democracy;
- Disapprove of their leaders' performance;
- Distrust public institutions;
- Believe corruption is common.

A better description of current Zimbabwe could perhaps not be found, and, by implication, things should only get worse in this vicious circle in Zimbabwe.

However, surveys are only one source of information, albeit a very instructive source. There are many reasons why surveys can be inaccurate, and, without going into the methodology of measurement, it is enough to say that the general conclusions of surveys may not wholly describe a population. For example, in the Afrobarometer 2004 survey on Zimbabwe it is concluded that "fear" is not as important a factor in explaining the apparent increase in the popularity of Robert Mugabe as "propaganda". However, it is difficult to see that the power of "propaganda" wholly explains the view of two-thirds of the survey sample that party politics lead to social conflict. Certainly the press may convey this view, and the

¹² See again Gay, J (2003), Development as freedom: A Virtuous Circle? Afrobarometer Paper No.29.

endless emphasis on patriotism and liberation theology may reinforce this, but it is probable that a very large number of Zimbabweans also know personally the cost of belonging to the out-group.

Thus, it is often useful to test the hypotheses of large scale surveys with rather more in-depth research, and, in the Zimbabwe situation, where it is evident that distrust and fear may have been contaminating factors, this seems to be an interesting approach. Extended discussions, where trust and confidence can be developed, may allow the teasing out of some of the conclusions in the survey.

This is the objective behind this small monograph. It reports upon an extended series of workshops with two key groups, the youth and the victims of organized violence and torture. The first group, the youth, are amongst the most disadvantaged of all Zimbabwean constituencies: increasingly dropping out of formal education due to the economic pressures, and massively unemployed, they conform completely to Gay's notion of a group that has no freedom. It might be expected that they would display all the pessimism necessary to express despair about democracy. The victims of organised violence and torture, on the other hand, are drawn from the ranks of the activists mainly, and many have held, or hold, positions in employment. They were largely drawn to the role of activist by their beliefs in democracy, freedom, and development, whether they did so within the ranks of a political party or a civil society collective. It might be expected that they are not pessimistic, although their experiences might have altered their previously optimistic opinions.

As will be seen, these small investigations do not suggest that Zimbabweans have become pessimistic or have given up on democracy. They hold strong views on the state of their nation, and have strong views on how to remedy the many obstacles to the freedoms they need in order to develop.

Methodology

The data derived for these small studies came from a series of workshops with the two target groups. Although the overall design was similar, there were some differences between the two groups that are described below.

Youth

As part of the youth process a survey was conducted in February 2004 using the Revised IDASA Democracy Index. The sample was drawn from 5 areas in Zimbabwe: Chitungwiza [18], Bulawayo [17], Masvingo [16], Mufakose in Harare [20], and Mutare [23]. The sample was composed equally of men and women. The sample was educated up to school-leaving in the main, with 94% having reached O'Level, but none had gone beyond this level and attained A'Level, College, or University. As regards age, 25% were under 20 years, 70% under the age of 25 years, and 96% were under the age of 30 years.

As regards employment, 47% were unemployed, whilst 43% had some form of employment in the informal sector, 4% had a short-term contract job, and 1% had a temporary job. No-one had permanent employment. It is perhaps unsurprising that no-one in this sample had a permanent job since the sample was derived from the members of youth groups set up to support youth, and clearly unemployment is the major attraction for joining these groups.

The survey asked questions on the following areas: consensus and citizen participation in self-government; popular selection of decision makers; popular control over decision makers; protecting citizens' equality and their ability to control decision makers; and socio and economic rights.

The survey findings were then presented to the workshops and bolstered by in-depth discussion over three, 3-day workshops with representatives of these groups. The findings of the survey were used as the discussion material, and reasons sought for the findings as well as remedies for the problems. The workshops were characterised by vigorous discussion, and a high degree of understanding about the history and the current problems facing Zimbabwe.

The victims of organized violence and torture

This data on the victims derives from a series of workshops held with representatives of groups of the victims of organized violence and torture. There were three workshops in all. The first dealt with democracy, the second with aspects of transitional justice generally, and in Zimbabwe particularly, and the third with the development of a victims' perspective of a transitional justice process for Zimbabwe.

The first workshop made use of the findings from the small research study conducted by Idasa amongst township youth¹³. The findings from this study were used as basic material for discussing democracy in Zimbabwe, and providing a standard for comparison for the victims.

The second chapter on the victims derives from the second two workshops. In the workshop dealing with transitional justice generally, the victims were provided with contemporary views and instruments on transitional justice and the combating of impunity. They also examined Zimbabwe's history of organised violence and torture, not merely during the current crisis, but also over the whole history of Zimbabwe, and Rhodesia before Independence. A number of the participants had been victims in both the pre- and post-Independence periods.

In the third and final workshop, the participants examined the options open to them, and delineated the critical features of a transitional justice process for Zimbabwe.

In all the chapters that follow, the views of these victims have been briefly edited for style, but the content has been left untouched. All proceedings were captured by two scribes, and, in addition, the findings and recommendations from the small group work sessions were incorporated.

¹³ See the chapter on the youth, The youth are the hope of the future, but which future? A case study with Zimbabwean township youth.

Chapter 2.

The Young are the hope of the future, but which future? A case study with Zimbabwean township youth.

Background:

Zimbabwe in recent years has moved from one of the hopes for a strong democracy in Africa into a near-pariah state. Freedom House now rates Zimbabwe as one of the most undemocratic states in the world¹⁴, which is a very telling indictment for a nation that twenty years ago was seen as one of the great hopes in Africa. This indictment is reflected by the repudiation of elections held in 2000 and 2002; the withdrawal of financial support by the IMF and the World Bank; the withdrawal of development assistance by the EU, most of its member States, and the United States; and the imposition of personal sanctions on a significant number of Zimbabwe's political leaders. It becomes difficult to assume that Zimbabwe is a state in transition to democracy any longer, and, rather than Zimbabwe moving away from autocratic rule, it seems that autocracy is being consolidated in Zimbabwe¹⁵. However, autocracy is very far from the desires of ordinary Zimbabweans, as shall be seen later.

Zimbabweans seem to have strong views about what is democracy, and what form democracy should take in Zimbabwe. Indeed, it is exactly these views that lie at the heart of the current political crisis in Zimbabwe. Indeed, the views of Zimbabweans through their various political parties are very well known internationally, but less well-known are the views of ordinary Zimbabweans outside of their voting in elections. The views of Zimbabweans in elections are however somewhat difficult to interpret in the light of severe conflicts over the validity of these elections. There were 39 electoral challenges following the 2000 Parliamentary Elections, the 2002 Presidential Election was subsequently challenged in court, and many of the results of by-elections have also been challenged. So if elections cannot be trusted as a test of Zimbabweans' political views, how can we know what Zimbabweans actually think about their democracy and its governance?

Research and opinion polls can provide an alternative understanding, as can the views of civil society organizations. There is an enormous wealth of research and analysis on Zimbabwe, but rather less systematic description of the views of ordinary citizens: opinion polls have become difficult to do with the possibilities of exposure and retribution so prevalent in peoples' minds¹⁶. Thus, other methods must be used.

This paper reports on the use of two methods in the understanding of the views of Zimbabwean youths. A small survey using a polling instrument was carried out, and the results were then used as the basis for workshop discussions.

Zimbabweans' views of their "democracy"

¹⁴ Freedom House rated Zimbabwe as "not free" in its report to the United Nations Human Rights Commission in 2003. Here see Freedom House (2003), A Special Report to the 59th Session of the United Nations Commission on Human Rights, Geneva, 2003, WASHINGTON: FREEDOM HOUSE. More recently, Freedom House, in consideration of the world's most repressive regimes, rated Zimbabwe as one of the worst, bracketing Zimbabwe with countries such as Afghanistan, Morocco, Pakistan, and Uzbekistan. Here see Freedom House (2004), Countries at the Cross Roads, WASHINGTON: FREEDOM HOUSE.

¹⁵ See Raftopoulos, B, Current Politics in Zimbabwe: Confronting the Crisis, in Harold-Barry, D (ed), "Zimbabwe: the Past is the Future", 2004, HARARE: WEAVER PRESS.

¹⁶ See AMANI (2002), Heroism in the Dock: Does testifying help victims of organised violence and torture? A pilot study from Zimbabwe, HARARE: AMANI TRUST. This small study of the witnesses testifying in the election petitions following the 2000 General Election showed very clearly the risks in being public: very many had been threatened, a fair number had actually been attacked, and many did not feel it was safe to return to their local community.

Although public polls have their limitations, they can provide useful insights into the views of ordinary citizens, and hence are widely used throughout the world. In Africa, the Afrobarometer has been conducting public polls on democracy and governance for several years now, and has recently completed a second round of polling African countries¹⁷. Zimbabwe has been one of those countries in which Afrobarometer surveys have been conducted twice.

The Afrobarometer has conducted two large opinion surveys in Zimbabwe: the first before the current crisis, in 1999¹⁸, and the second was completed in April 2004¹⁹. These two surveys add a very interesting dimension to the hard facts on Zimbabwe.

The 1999 Afrobarometer survey generally indicated that Zimbabweans had very high levels of understanding about democracy: eight in ten Zimbabweans (81%) were able to supply some definition of the concept. Here democracy was seen in terms of civil liberties or personal freedoms. Seven-in-ten Zimbabweans (70%) said democracy was preferable, and, even when democracy is specified to be "not working," democracy was still supported by large majorities in Zimbabwe (74%). Less than one-in-three Zimbabweans expressed any degree of satisfaction with the Parliamentary and Presidential elections held in 1995 and 1996, with almost one-half of all Zimbabweans saying that there were "major problems" (21%), or that the elections were not free or fair (26%).

Amongst the countries surveyed, Zimbabweans had the lowest estimates of the extent of democracy, and thus, on balance, tended to think their country was either not democratic or had severe problems in this respect. While Zimbabweans, on balance, did feel in 1999 that they enjoy more political freedom under the post-independence Mugabe government than they did under the illegal Ian Smith regime, they were the least optimistic of all Southern Africans: less than 18% of the respondents said in 1999 that they were satisfied with the way democracy works in Zimbabwe, and, furthermore, 17% volunteered the response that "Zimbabwe is not a democracy."

As regards the legitimacy of the State, 58% of Zimbabweans agreed that their government had been properly elected, whilst only 24% believed that the government exercised power in an acceptable way. As the Afrobarometer commented, Zimbabweans believe that their government is fairly elected, but does not govern in an acceptable way. Interestingly and obviously related to the constitutional reform process then coming to a head in 1999, only 23% of Zimbabweans agreed that the existing, frequently amended Constitution was acceptable.

The issue of "land" was also given some profile by the 1999 Afrobarometer survey. Despite the legacy of settler colonialism, only 1.1 percent of the Zimbabwean respondents indicated in 1999 that land was one of the most important issues requiring government action. Finally, almost six-in-ten Zimbabweans agreed that they need to watch what they say. The 1999 survey thus did not paint a very optimistic picture of Zimbabwe, and, as the authors of the survey commented at the time:

First of all, at the time of the survey, Zimbabweans had not come close to seeing a democratic change of power since their founding election (almost two decades). Second, as can be seen also in several other questions, many Zimbabweans do not feel that the Mugabe government has improved their lives significantly over the Smith / minority government regime, thus contributing to a feeling that life goes much the same way regardless of who controls the government.

¹⁷ See The Afrobarometer Network. "Afrobarometer Round 2: Compendium of Results from a 15-Country Survey." 2004. Working Paper No.34.

¹⁸ Here see AFROBAROMETER (1999), Public Opinion and the Consolidation of Democracy in Southern Africa: An Initial Review of Key Findings From the Southern African Democracy Barometer, Afrobarometer Paper No.12.

¹⁹ . Here see again Chikwana, A., Sithole, T., & Bratton, M. (2004), The Power of Propaganda: Public Opinion in Zimbabwe, 2004, Afrobarometer Report No. 42.

There is much more to the 1999 survey, and it is not our intention to review these, merely to give the flavour of the directions in which public opinion was going before the referendum on the constitution, and the 2000 General Election.

The picture that has emerged from the 2004 survey is even less optimistic, and indeed suggests that Zimbabweans now have even less faith in the future of democracy than in 1999. The 2004 survey produced some rather perplexing findings. As the authors commented:

Public opinion in Zimbabwe in 2004 is a paradox. On the economic front, people feel deprived. They regard economic conditions in a generally negative light and worry that – in the face of hunger, joblessness, and inflation – that their families are slipping into poverty. And they hold the government’s economic mismanagement responsible for perceived declines in public welfare. On the political front, however, Zimbabweans are adapting to Zanu-PF’s dominance. They are losing faith in multiparty democracy as a solution to the country’s woes and are increasingly tempted, perhaps out of weariness, to try a single party alternative. While ZANU-PF has not established itself as a widely trusted institution, Robert Mugabe’s popularity as president has gradually increased, especially when compared to low overt support for the opposition MDC and its leader.

The changes since 1999 have indeed been massive. Zimbabwe has become the world’s fastest declining economy with one of the highest rates of inflation in the world. The country has gone from food exporting to needing food assistance for an estimated 5 million of its citizens, and this within the context of one of the highest rates of HIV infection in the world. Since 1999, Zimbabwe has witnessed two highly disputed elections, and these led to the withdrawal of most donor support and the imposition of targeted sanctions against many of the country’ top leaders.

Despite all the negatives, the 2004 survey shows Zimbabweans accepting the status quo rather than change, and becoming even more pessimistic about the possibility of liberal democracy than 5 years earlier. Zimbabweans showed the largest decline in their faith in democracy of any African country in the survey. Support for democracy slipped 23 points from 1999, but it is also evident that this did not correspond to a renewed support for non-democratic alternatives as this rating did not appear to change over the survey period.

Yet in the context of all of this objective misery, for which the people polled clearly blamed the government, there was an apparent increase in the popularity of the incumbent executive, Robert Mugabe, and the overall ratings for Robert Mugabe increased by 31 rating points over the survey period. This is something of a paradox, as the Afrobarometer authors commented above.

In an effort to explain this paradoxical result, the Afrobarometer tested three possible hypotheses:

- The **economic explanation**: perhaps those people who benefited from ZANU-PF’s attempts at economic redistribution, or those who saw the economic downturn easing in recent times, were ready to give the president the benefit of the doubt.
- The **political fear explanation**: perhaps Zimbabweans felt so intimidated by ZANU-PF surveillance and control that they were unwilling to express political opinions honestly (especially in response to survey questions), and instead said what they thought the government wanted to hear.

- The **power of propaganda explanation**: perhaps Zimbabweans had imbibed the official messages pumped out by the ruling party over the airwaves and in mass meetings and, accordingly, blamed external and opposition forces rather than the government for their plight.²⁰

Additionally, the Afrobarometer posed the **failed opposition explanation**, or the view that the MDC had inspired so little confidence that the populace were returning to the Zanu PF fold. When the analysis was done, it strongly implicated the power of propaganda, which explained 55% of the total variance, whilst fear, which has been mentioned massively over the past three years in the press and human rights reports, only explained a mere 8% of the variance²¹. As the authors of the Afrobarometer report commented:

“Our research shows that, of these two strategies of political control, persuasion works better than force. In explaining why the incumbent president retains the backing of half the electorate (which represents an increase in his popularity since 1999), we find that the key factor is popular trust in the government media. However crude, the government’s monopoly control of information has apparently induced numerous Zimbabweans – especially older, less educated elements in rural areas – to accept the political status quo. Apparently, ZANU-PF is succeeding in shoring up its base with propaganda about the liberation war and land seizures, while painting the opposition as a foreign-backed force.”

If land was an important issue, it was only to Zanu PF and the Zimbabwe government, for, as in 1999, very few Zimbabweans mentioned land reform as an important priority issue. In 2004, only 1 percent of responses and 4 percent of respondents mentioned land as an issue. As the Afrobarometer comments again:

To be sure, there is a strong, if romantic, attachment to land rights and rural lifestyles among Zimbabweans: for example, two-thirds (66 percent) favor an economic strategy in which “people go back to the land and provide mainly for their own needs as a community.” By the same token, however, an even higher proportion (76 percent) insists that, “the government must abide by the law in acquiring any property, including by paying the owner.” Our interpretation is that people in Zimbabwe want land reform, but they prefer that it be accomplished by legal, peaceful, and economically rational means.

Whatever else can be said about the results of these polls, they do not suggest that Zimbabwe is in transition to democracy, or deepening its democracy. They rather support the notion that dominant-power politics is being maintained²², and that the elite within Zanu PF is able to maintain power irrespective of changes in regional context, international standards, and internal dissent. The Zanu PF government has exerted enormous pressure upon the population in order to retain political power, and the result seems to be that Zimbabweans are willing to acquiesce in order to minimize conflict or to maintain their advantages.

What might be the position of Zimbabwean youth in this situation?

Constructs of the current crisis

²⁰ The reader is referred to the detailed report for the full explanation of the method and the findings. See Chikwana, A., Sithole, T., & Bratton, M. (2004), *The Power of Propaganda: Public Opinion in Zimbabwe, 2004*, Afrobarometer Report No. 42.

²¹ This is not to assert that fear is not a factor, nor that there have not been serious gross human rights violations taking place over the past 4 years. Indeed, the AU will in the near future consider a report emanating from the African Commission on Human and Peoples’ Rights that strongly supports the views of Zimbabwean civics and human rights groups. It must also be considered that this finding – that fear was not a factor – was the finding of a poll that took place in a non-election year.

²² The term “dominant-power politics” is due to Thomas Carothers, and describes one of the ways in which the so-called “democratic transition” is being halted or avoided in many countries. According to Carothers, there are no grounds any longer for assuming that countries moving away from autocracy are necessarily moving towards liberal democracy. See Carothers, T (2002), *The End of the Transition Paradigm*, *Journal of Democracy*, 13:1, 5-21.

It can be asserted, at the risk of over-simplifying the current crisis, that two bi-polar constructs characterise the political problem in Zimbabwe, and implicate the important position of the youth for the two major political parties in Zimbabwe.

The first construct is that of rural versus urban, and here the politics of land and the unfinished Liberation War are crucial. We shall not devote much detail to examining this construct since it is a construct that has inordinate coverage in the past 4 years²³. For ZanuPF, the rural pole of this construct is critical, and the party defines its roots in the rural support given during the Liberation War and maintained during two decades of independence. It is further developed through the harnessing of the "land reform" process to the "needs" of the rural people for land, which, incidentally, is not disputed by any other political or civic group within Zimbabwe. However, it is disputed that any significant land reform has taken place, with strong assertions, supported even by Robert Mugabe, that much of the "acquired" land has been possessed by a new elite. The adherence to this pole of the construct – rural - is also exemplified by the strong electoral support given to ZanuPF by rural voters. This too is disputed, and much has been written on the manner in which this support has been obtained²⁴.

For the MDC, the urban pole is crucial, deriving from its strong trade union roots and an economically disaffected working class. To a large extent, the MDC derives support from a more educated group, and one in which the urge is to move beyond the politics of liberation into what might be called a "second-generation" political process. The MDC has demonstrably drawn its support from the urban electorate, but there is considerable dispute over whether its support from the rural areas has been suborned by illegitimate elections, blatant organised violence, and the politics of partisan resource allocation.

The second construct is that of African versus Western, and again many of the above issues are relevant here. This again revolves around a re-invigoration of the Liberation War agenda, and a crucial part of the propaganda of the Mugabe regime is the refusal of the West, and Britain in particular, to honour their commitments at Independence, especially in respect of land reform. Zimbabwean opposition is cast as a stooge of Western neo-imperialism, deriving their local support from White Zimbabweans and other non-patriotic Blacks.

Both constructs apply to the youth, and there seems to be a polarisation in the youth between the educated, urban, supporters of the MDC and the less educated, rural supporters of ZanuPF. This is a trifle over-simplified, but this simple model is helpful in trying to understand the attitudes of the youth in Zimbabwe.

Dealing with the youth

Perhaps one of the most contentious aspects of the current crisis in Zimbabwe involves the youth in particular. This revolves around the National Youth Service programme launched by the Zanu PF government in 2001. This was the brain child of the former Governor of Mashonaland Central, Border Gezi, who first mooted the scheme in late 2000. The first training camps were established in 2001, with the first graduates emerging in October 2001.

The advocates of this scheme see it as a way in which marginalized youth can be given vocational training that will equip them for future employment. The critics see the scheme as a method of providing

²³ See A. Hammar, & B. Raftopoulos (2004), *Zimbabwe's Unfinished Business: Rethinking Land, State and Nation in the Context of Crisis*, HARARE: WEAVER PRESS. Also see B. Raftopoulos (2004), *Nation, race and history in Zimbabwean politics*, (unpublished paper).

²⁴ There are an enormous number of human rights reports on Zimbabwe, and many reports dealing with elections. See an explicit analysis of the relations between elections, political violence and human rights violations see Redress Trust (2004), *ZIMBABWE. TORTUOUS PATTERNS DESTINED TO REPEAT THEMSELVES IN UPCOMING ELECTION CAMPAIGN*. Preliminary Study of Trends and Associations in the Pattern of Torture and Organised Violence in Zimbabwe, July 2001 - December 2003, LONDON: REDRESS TRUST.

youth cadres for the continuance of the “informal repression” that has characterized much of the past 4 years²⁵. Here a strong case has been made for the diagnosis of “informal repression” by most Zimbabwean human rights groups, which has been strongly endorsed by most international human rights groups, most of whom have expressed concern about the youth militia. Concern about the youth militia has even been expressed by the African Commission on Human and Peoples’ Rights in its report to the Executive Council of the African Union²⁶.

It will be appreciated that it is not easy to investigate these claims, any more than it was easy to demonstrate the “third force” elements during the struggle in South Africa. However, the allegations are strongly supported by the evidence from human rights organizations, and does suggest that many youth – some say as many as 50,000 – have been subjected to fierce ideological training. They suggest that the youth have been trained in methods of violence – mainly torture – and have learned to have contempt for the law; the reports indicate that the graduates of the National Youth Service training camps have operated with complete impunity, not merely in respect of the political violence, but also in respect of frank criminal activity²⁷.

The National Youth Service scheme has not only produced young people who are able to carry out human rights violations with little compunction, but these same youth are now being placed within the normal structures of Zimbabwean society. Graduates of the scheme are being offered preferential access to many jobs within the state, but also educational opportunities in many different fields. Reports indicate that most new recruits to the police and army are such graduates, whilst places in training institutes, colleges and universities are being opened preferentially to the same population. So there clearly are advantages to joining the scheme, and this is rather sinister if the allegations of indoctrination and training in violence are accurate.

There is much more that can be said about the role of youth in political violence, but here it is enough to note that the government does not deny setting up training institutions for the National Youth Service, nor that they receive ideological orientation within a military-type framework. There are severe disputes between the government and other bodies about whether these youth are involved in gross human rights violations. It is important to verify whether such training exists, and what the training involves; it is also important to determine whether the youth are involved in gross human rights violations, but the political question is whether those trained reflect the views of their peers. What is the scale of the split between rural, African, Zanu PF youth and urban, Western, MDC youth? Or maybe there other constructs not so evident?

Consensus on and participation in self government

Here the process examined tested the degree to which citizens - here the youth - believe that they live in a democracy and are able to participate in the national democratic process.

The results overall indicate that youth believe that Zimbabwe lacks consensus on or participation in self-government.

²⁵ Here see Reeler, A.P (2004), Militarised Youth in Zimbabwe, Paper presented to the 2nd National Conference on Victim Empowerment, “Ten Years of Democracy: From Victims’ Needs to Victims’ Rights?” 31 August to 2 September 2004, ICC, Durban, Themba LeSizwe.

²⁶ Here see the Executive Summary of the Report of the Fact-finding Mission to Zimbabwe, 24th to 28th June 2002, Annex II, EX.CL/109 (V). The Commission commented as follows: The activities of the youth militia trained in the youth camps have been brought to our attention. Reports suggest that these youth serve as party militia engaged in political violence, The African Commission proposes that these youth camps be closed down and training centres be established under the ordinary education and employment system of the country.

²⁷ See Solidarity Peace Trust (2003), National youth service training. “shaping youths in a truly Zimbabwean manner”.An overview of youth militia training and activities in Zimbabwe, October 2000 – August 2003, SOUTH AFRICA & ZIMBABWE: SOLIARITY PEACE TRUST.

- **37% believe that democracy is inadequate in Zimbabwe as opposed to 29% who say it is adequate.**
- **56% say participation and involvement is inadequate as opposed to 30% who say it is adequate.**
- **68% say government is illegitimate as opposed to 21% who say it is legitimate.**
- **65% believe that citizenship participation is poor as opposed to 21% who say it is good.**
- **65% say Zimbabwe is intolerant as opposed to 22% who say that is tolerant.**

There are thus large differences between the two response sets, generally in the area of 40 percentage points, and this strongly suggests that the youth are dissatisfied with consensus and popular participation. They feel that the government is illegitimate, that citizen participation is poor, and that Zimbabwe is an intolerant society. The findings of the survey were bolstered by the opinions expressed during the workshops.

The youth generally had a clear idea of what constitutes democracy, and one important area discussed was the notion of the consensus of the people in underpinning the legitimacy of a government. Here they were very clear that there is little consultation by government and that ordinary citizens feel alienated from the governing process. The strongest examples for the youth were the disputed elections in 2000 and 2002, and also the Constitutional process in 1999. As regards this latter, the youth pointed out that there had been wide consultation both by the National Constitutional Assembly and the Presidential Commission, and the ordinary people had stated clearly their preferences. However, few of these preferences were seen in the final document, and unsurprisingly the draft constitution was rejected.

This supports the findings of the latest Afrobarometer report on Zimbabwe, which shows a decline in support for democracy amongst ordinary Zimbabweans, and also supports the view of a dominant-power syndrome where political participation does not lead to inclusion but rather maintenance of the political elite.

As regards legitimacy through elections, which is clearly a central concern for a democracy, the Zimbabwe government was said to be illegitimate for a variety of reasons:

- elections were not free and fair;
- there is evidence of voter intimidation before and during the election period;
- the levels of violence in any community rises when there is an election, be it council or by election;
- lack of an independent electoral commission;
- lack of independent monitors;
- failure of the Registrar General to provide the voter roll;
- decreases in the number of polling stations in the urban areas and increases in the rural areas.

The youth also felt that there is little participation in self government because of fear and lack of tolerance for people with divergent views. In respect of fear, the youth stated that they are afraid to become involved in politics as there is little room for one to freely express one's true minds on what is happening in the country without retribution. The government was seen as intolerant, and has on numerous occasions resorted to violence in suppressing political debate. The youth themselves have been used to perpetrate this violence, leading to beatings, assaults, arson, rape and even murder of political opponents. The youth however implicated their elders as instigators of the violence; they do not get involved in the violence themselves, but take advantage of the youth. As one small group reported, they

hide behind their public speeches, where they sermonize about peaceful campaigning, but, within the communities, they instruct, protect, and reward perpetrators.

The issues of violence were of considerable concern. The security forces were seen as partisan, and there is a climate of impunity where perpetrators from the supporters of the ruling party act freely whilst others are not only arrested, but are also arrested even where they are the victims and making complaints. There was considerable concern over the way in which this partisan support is leading to polarised communities and civil space.

There was continual reference to the National Youth Service programme and the youth militia during the discussions. Bearing in mind the demographic profile of these youths, – virtually all have O'Level and are unemployed – the preferential treatment given to the “graduates” of the programme leads to great resentment. This resentment is clearly fuelled by the perception in these youth that the National Service programme revolves around a political rather than a vocational orientation. The purpose of the service was supposedly a voluntary training programme for vocational skills, disaster management, patriotism and moral education, but the government has repeatedly stated its intention to make youth service compulsory, with access to tertiary education and public sector positions linked to participation. With unemployment at about 70%, many young people are being lured into these camps, as they are vulnerable and looking for a way to end the financial problems²⁸. Their self-esteem is low and it is easy to engage them in acts of violence.

In addition to these issues, the youth were cognisant of the ways in which the civil space has been closed and the freedoms of speech, movement, and association have been limited. The emergence of POSA and AIPPA were given as an example of how intolerant the government has become. In the views of these youth, these Acts demonstrate that the government is not amenable to people with differing views.

The youth laid out other grounds stated as to why there is lack of participation and a poor consensus on the identity of the state:

- There is a sense of hopelessness;
- There is no freedom to participate;
- Lack of unity;
- Personal interests, people are more concerned about themselves;
- People who are not interested in fulfilling their proper mandates;
- There is regionalism and tribalism.

Popular selection of decision makers

This dealt mostly with elections and electoral processes. The discussions around elections unsurprisingly generated heated discussions, and it was very evident that these youth representatives were very knowledgeable about recent elections and the problems with these elections.

According to the survey results, Zimbabwean youth do not believe that their decision makers have been selected by popular demand:

- **70% believe that elections are inadequate as opposed to 5% who feel that they are good.**
- **66% believe that votes are unequal as opposed to 13% who believe that they are equal**
- **54% believe that the competition is not open as opposed to 22% who believe that it is open.**

²⁸ Similar observations have been made in other African countries. Here see HUMAN RIGHTS WATCH (1994), *Easy Prey. Child soldiers in Liberia*, NEW YORK: HUMAN RIGHTS WATCH/AFRICA/HUMAN RIGHTS WATCH CHILDREN'S RIGHTS PROJECT.

- **66% believe that the election rules are inadequate as opposed to 8% who believe the opposite.**
- **59% believe that voter information is inadequate as opposed to 12% who believe that it is adequate.**
- **62% believe that there is little participation outside of elections as opposed to 15% who believe the opposite.**
- **34% versus 26% believe the outcome of the elections**
- **67% versus 9% say that the funding of elections is insufficient to meet the needs of extensive and equal popular control.**

The margins of difference are large, generally in the order of 40 percentage points on average. The youth clearly have a very negative view of elections in Zimbabwe, which is strongly supported by all the independent evidence and the number of election petitions mounted in the wake of elections.

The general consensus during the workshops was that Zimbabweans have been the recipients of two seriously flawed elections. Their analysis was very interesting.

As they stated in the workshops, constituencies generally have candidates imposed on them by political parties; the people are not involved in primary elections at the initial stages; and they are invariably told for whom they must vote. In most elections people are not voting for the person to represent them, but are voting for a particular party. This is not limited to the ruling party only, as the opposition does this as well. This demonstrates the way in which the political space in Zimbabwe has been wholly polarised, but also reflects the kind of "commandist" politics to which Zimbabweans have become used.

The political leaders exploit the ignorance of the people about their choice and rights, and this was said to be unacceptable. There is lack of information about the different choices of both the parties and the candidates they will be proposing. "During elections", stated one young man, "we hear about the manifestos, but we never see them, be it the ruling party or the opposition party one. "What is in these documents and why do the political leaders not translate it into the vernacular and distribute it to all corners of the country to enable us to vote for the party and person who best serves our purposes?"

The youth thus state that elections are inadequate because they do not accurately reflect the views of the people. As is mentioned above, there is very little information on the party and the candidate; voters are coerced into voting for a particular party not because that is the best party to serve the nation's needs but because it serves the needs of the leaders.

The youth have stated that they are tired of being used by politicians during elections. They are used to campaign, and campaigning means forcing people to go to rallies by going door to door, beating up those that resist, beating up those that are not from one's own party, and giving the illiterate and the elderly inaccurate information on the voting process. They stated that, since 2000, the majority of people have voted out of fear and intimidation, particularly in the rural areas. The issue of fear again arises, as people are afraid to vote for their choice as they have been threatened and will be punished for doing so.

In most cases the youth that are used to campaign do not themselves vote.

You fail to exercise your own rights in order to advance another person who may or may not give you a few dollars for your efforts and forgets about you until the next election.

The youth felt that the levels of corruption and selfishness were alarming, and the extent that political leaders were willing to go to secure a vote was shocking. They felt that there was no transparency and fairness in elections, so the expected outcomes of elections do not materialise. It was said that there is no point in voting if the situation remains as it is. Drastic changes are required, starting with the electoral

act and going all the way to opening up political space by allowing free access to the media, and ensuring that each and every party can campaign in any part of the country without fear.

The youth said that it is impossible to have popular selection of decision makers when Parliament has 30 Presidential appointees. Already one party has a huge advantage and only one person has control over them. Thus the appointees will do as the President pleases because they feel obligated and grateful to him for their positions.

Popular Control Over Decision Makers

This dealt with the power that ordinary citizens and civics enjoy for keeping control over the decision makers and limiting their powers whilst in office.

According to the results of the survey, the youth believe that there is no popular control over decision makers in Zimbabwe.

- **65% versus 9% believe that the executive is unaccountable**
- **57% versus 14% believe that there is poor public accountability and participation**
- **57% versus 8% believe that the law making process is inadequate**
- **82% say access to information is inadequate as opposed to 5% who say it is adequate.**
- **46% versus 23% say there is inadequate accessibility and independence**

Again the margins of difference are large – about 50 percentage points or more – but the largest difference was seen in respect of the provision and availability of information, where over 80% felt that there was no open access to information. This strongly supports the conclusion of the Afrobarometer referred to above (see pages 4 and 5).

The youth expressed the view that they have no control over decision makers because they were chosen to represent a constituency by their political leader, not by the people. This decreases the people's power as they are not aware why that particular person was chosen and they are afraid to question the leaders. The youth felt that this can be remedied by having the opportunity to participate in the very initial stages of selecting candidates at primary level elections.

The youth want to participate in political and social life, but are generally not given the opportunity to do so. There is no culture of questioning decisions made by those in power, and this was said to apply not only to politics but to all aspects of society. The youth are not supposed to question their elders, as they are considered to be wiser because of experience. The youth stated that culture has to change to allow the views of the youth to be taken into consideration, but, before this can be done, the youth themselves have to be clear on their issues and bring them up in a respectful manner if they want to be listened to.

The youth also stated that they are worried about the calibre of the present leaders, as they feel they frequently do not have the adequate skills for the positions that they are in. This situation comes about because communities are not given an opportunity to vote for someone in their area whom they feel could represent them at the decision making level. If the candidates came from the communities, the people would have had a chance to study the candidates and decide who is best. The current scenario is that the leader imposes a person who is only visible during the campaign and election period, and disappears until the next election. This means there is no access to the MP once elected.

Youths are used as tools to get them where they want to be and discarded afterwards. In most cases, once elected the MP becomes unapproachable and the community do not know how to approach him/her, and are not sure what kind of issues should be brought to the MP - people are afraid to talk to

the MP. The MPs themselves perpetuate this confusion so that they can pursue their own interests at the expense of the community.

The youth stated that where they have had the courage to invite the MPs to meetings, they either do not show up at meetings, or they steer the meeting to suit their own agenda without consulting the constituency. The youth have thus become disillusioned with their decision makers and have decided not to participate at all. The youth see Parliament as a battle ground for the two political parties; they do not argue issues according to reason but according to partisan interest - points are only good when a fellow party member says them. This is what the MPs portray, and, since they fail to deal with the real issues at hand, party politics are regarded more than the people.

Another important issue was information. As indicated from the survey, 82% feel that there is no reasonable access to information. The only information people have about what is going on in parliament is through the newspapers. This information is usually in English and, since not all people are literate, there is no way to verify it. Furthermore, with the economy as it is, only a limited number of people can afford to buy the paper, and those that do read it are sceptical.

Information was said to be a crucial tool for control over decision makers: if MPs are not taking the people's issues to parliament and not coming backing with responses what then is the point of having an MP? "What purposes are they serving? Do the communities really need them?"

The youth felt that the country is basically run through fear; everyone is afraid to lose the little bit that they have and the Executive is capitalising on this. There is fear among parliamentarians that if they fail to toe the party line and act on the wishes of their constituents, they will not be given the opportunity to run for another election and they will lose their meal ticket. This, they felt, shows the levels of selfishness and corruption within the decision makers. The people are afraid to question the legislature, who in turn should be putting these questions to the Executive.

There were a number of other reasons why the youth feel they are not in control;

- Cannot question Ministers because the President appoints them, therefore if they fail to perform their duties adequately nothing can be done unless that particular person has fallen out of favour with the President.
- Legislature and executive are not responsible to the people.
- The executive is appointed not elected. The Executive can also be reshuffled at any time without having executed their duties. The Executive represents the government not the people. In appointments no qualifications are looked at for example case of the military figure being appointed to a civilian job.
- The legislature is not responsive. They are told what to do by the Executive not by the people.

PROTECTING CITIZENS' EQUALITY AND THEIR ABILITY TO CONTROL DECISION MAKERS

This tested beliefs about rights and the ability of citizens to use the law in order to ensure accountability and control of elected leaders.

According to these results, the youth believe that there is little protection of citizens' equality and they have little control over decision makers.

- **66% say there is inadequate protection of civil and political rights as opposed to 14% who say it is fine.**
- **66% versus 9% believe there is inadequate freedom of expression and political participation**
- **72% versus 5% say political party activities are not free.**
- **64% versus 13% say that media rights are inadequate**

The margin of difference was again large – over 50 percentage points on average – and the youth clearly feel that there is little control over their leaders, as stated above.

During the workshops, these youth had some very strong views about the protection available to citizens. As they said, the protection of human rights, looking specifically at political and civil rights, has not been a priority of the Zimbabwean government, as, in many cases, it has sanctioned abuse of these rights. During the recent elections, thousands of citizens have been assaulted, and some have even been killed for supporting a different party²⁹. There was intimidation and restriction of freedoms for the opposition in certain areas, with restrictions on association, and the holding of rallies were frequently not allowed. The government, however, turned a blind eye when its supporters attacked opposition supporters, and instead gave the police and armed forces the authority to assist with the assaults. Where the few arrests were made, at the end of the elections, blanket amnesty was awarded to all political prisoners. Numerous reports of human rights abuses were produced by a variety of local and international NGOs, which were all discredited by the government as attempts by the West and its allies to smear its credibility.

The youth felt that women were not treated equally, and their rights are not taken seriously. In many cases, women are the victims of violence, but it was stated that there have been instances where women were involved in the instigation of political violence. Although women are in the majority, culture and beliefs continue to treat them as inferior, their opinions are not as valued as those of men, and thus they are hardly consulted. The youth sympathise with women as they regard themselves in a similar plight, and hence they are prepared to advance the status of women.

The Constitution clearly spells out the freedoms of expression and association, but legislation like POSA and AIPPA has been enacted and declared legitimate by the Supreme Court in clear violation of the Constitution. Constitutional amendments that are clearly partisan have been fast tracked through parliament, and the constitution is thus used against citizens. Public meetings and demonstrations, on issues not in accordance with what the government approves, are seen as a direct challenge, and there is no room for dissenting voices. Such meetings and demonstrations have resulted in people being arrested and beaten by the police, yet when demonstrations are held in support of government policies, police protection is guaranteed.

Access to information is an area which is a great concern for the youth, and this issue came up in all of the topics discussed. As they pointed out, the restrictions affect not only what one reads but also what one says. AIPPA prevents people from expressing certain opinions and this infringes on the freedom of expression. People believe they are incapable of accessing information because they have been made to believe that the state has the right to control the type of information they can access.

The youth felt that the closure of independent newspapers was a way to deny the opposition a voice, and was a means of media censorship and restricting access to information.

“If the people do not know what is happening they become confused and it is easy to bring in new information that is difficult to verify.”

As regards the protection of the law, the youth felt that, if one is a member of the opposition, there is very little or no legal recourse, since there is no longer equality before the courts of law. The youth believe that it all depends on which party one supports, as the judiciary is biased in favour of the ruling party. They felt that the culture of individualism and opportunism has ruined the legal system, as the officers of the courts are only out to benefit themselves. This has in turn raised the sense of

²⁹ Here see again Redress Trust (2004), ZIMBABWE. TORTUOUS PATTERNS DESTINED TO REPEAT THEMSELVES IN UPCOMING ELECTION CAMPAIGN. Preliminary Study of Trends and Associations in the Pattern of Torture and Organised Violence in Zimbabwe, July 2001 - December 2003, LONDON: REDRESS TRUST. The same point has been made by Zimbabwean human rights groups, as well as many international human rights groups.

hopelessness and fear. The few officials, including the police, that were upholding the law and that were doing their duties properly, have either resigned or been forced to resign. Those that remained are afraid to execute their duties properly. Denial of bail has been used as a tactic to keep members of the opposition in jail and as a tactic to demoralise and deter other members. There is selective application of the law leading to arbitrary arrest³⁰. The fact that war veterans control most police stations is an example of how partisan the police have become, and no opposition member would dare report an incidence of violence or intimidation. This, they felt, was in itself a form of intimidation.

The youth, and the general populace of Zimbabwe, are ignorant of the rules and laws of the country leading to their misuse. Poverty was cited as another reason why people do not take their matters up to court, as legal representation is expensive, making it only an option of the wealthy.

Youth feel that the civil and political rights are not protected for these other reasons:

- Majority in the executive are from the ruling party;
- No equality among decision makers;
- The use of state agents to intimidate people;
- Loopholes and corruption in the civil service;
- Intimidation of civil servants who are impartial.

SOCIO-ECONOMIC RIGHTS

This dealt with issues around social justice, and the youth felt in general that economic and social rights are not guaranteed for all Zimbabweans.

- **59% versus 10% say socio-economic rights are inadequate.**
- **65% versus 20% say health care is inadequate.**
- **62% versus 17% say education is inadequate.**
- **59% versus 12% say poverty is serious in Zimbabwe**
- **43% versus 24% say jobs and rights at the work place are not adequate**
- **43% versus 27% say that delivery of socio-economic rights is inadequate**
- **57% versus 8% say corporate governance is inadequate.**

The average difference here was not as great as in other sections – about 39 percentage points on average – but nonetheless the difference is substantial and the youth do not feel that social justice is being delivered in Zimbabwe.

The main bone of contention with the youth is the issue of employment. They are of the opinion that it is government's duty to create and provide employment for its people, and this has not been adequately addressed. The relevant ministry is not creating adequate employment for the youth and target minority groups: only the militia seem to have preferential treatment in employment situations.

The level of unemployment is unacceptably high, leading to high crime rates, increase in street kids and loitering. Political parties, in return for cash, food or beer, are using youth to campaign for them because of their vulnerability. They can easily be pressurised into acts of violence as they are frustrated by their situation.

The youth felt that there is no foreign currency for basic services because it is being used up by the elite for their personal purposes. Basic needs are not given priority - for example, water and health, - and

³⁰ Here see Solidarity Peace Trust (2004), "Disturbing the Peace". An Overview of civilian arrests in Zimbabwe: February 2002 – January 2004, SOUTH AFRICA & ZIMBABWE: SOLIDARITY PEACE TRUST.

public funds are being misused to set up youth camps instead of being put to basic services. Hospitals are now expensive and not up to standard, and this is coupled with the migration of doctors and nurses to other countries due to the very low salaries. The HIV/Aids pandemic adds to the problem as the sufferers stretch the already strained health facilities. People are dying with no adequate medication, because medication and consultation fees are now exorbitant. The water issue only worsens the already overstrained health sector as the unclean water makes people vulnerable to water borne diseases. Food is expensive and is of low quality, leading to people eat badly and less.

The youth applauded the government when it embarked on land reform as they saw it as a way out of the poverty they were experiencing, but this was short lived. The land reform process is only benefiting members of the ruling party, especially the elite, who are non-resident, inexperienced farmers, and the result is that there is insufficient food to feed the country. There is political affiliation in distributing food, with only people bearing party cards receiving food aid. People are receiving food as an incentive and reward for voting for a particular party. The youth state that it is not only members of one party that are starving, but it seems the supporters of Zanu PF have more access to food than others.

There is an acute shortage of adequate shelter. Accommodation is expensive, leaving many people living in squalid, one-roomed, make-shift shacks, with no running water and inadequate sanitary facilities, where they are being forced to pay exorbitant rent. Social welfare funds are not reaching beneficiaries but are being diverted by those in power to non-deserving projects or people. Associations for the disadvantaged, who may have raised this issue, have been rendered useless by non-recognition.

The education sector has deteriorated steadily over the past few years and the government's attempt to control private schools shows this. Many qualified teachers were expelled from work when they went on strike for better pay or accused of supporting the opposition. This all contributed to the collapse of the education system. An education is no longer a right but a privilege, as even the government schools that were once free are now beyond the reach of many parents. Youths who have been trained in the youth camps, are the ones who get preference in tertiary education. The few scholarships available are government controlled - for example the Fort Hare scholarships - and are not accessible to anyone.

General findings

Thus, the youth seem little different to the general population surveyed by the Afrobarometer in 2004. Their views can be simply summarised:

- They do not believe that there are opportunities for open participation in the political, social, and economic life of Zimbabwe;
- They do not believe that the government is legitimate, and, furthermore, believe that the government has been illegitimately elected. They believe that there must be significant electoral reform if Zimbabwe is to ensure that government's are legitimately elected;
- They do not believe that there are any controls over the government, nor that there are sufficient protections for the rights of ordinary citizens;
- They do not believe that Zimbabwe is approaching any form of social justice, and indeed see a marked deterioration in social and economic life;
- They do not support the National Youth Service programme, and see the service as partisan.

This small study thus replicates most of the findings of the Afrobarometer survey, and extends these in some directions. The findings indicate a youth that is informed, although they wish that they were better informed and resent the attempts to withhold information. It also shows a youth that has mature political views and a good understanding of the current political dynamics in Zimbabwe. It is thus interesting to examine the ways in which the youth believe that democracy can be restored and extended in Zimbabwe in the future.

Hopes for the future

It should not be thought that these Zimbabwean youth are helpless in the face of the many problems that they identify. The youth have solutions to the problems they face, and they wish to be engaged in resolving these problems. Interestingly, they are reluctant to let someone else take over the process, and see themselves as having the capacity to be primary actors in the Zimbabwe crisis. Before they tackle the problems though, the youth feel that they have been disempowered, and they want skills that will allow them to resolve the problems. They realise that the youth are a potentially powerful group, but they are not united in purpose, and acquiring certain skills would ensure that the youth are able to work towards unity.

These skills include leadership skills, how to identify this quality in others, and how to nurture it in themselves. Motivational skills are also required. These must be based on a peace building approach, and include the networking and mobilising skills that will enable them to bring people together peacefully, as well as to be able to target influential groups and individuals. The youth felt that it should ordinarily be the government who should be responsible for this training, but, in the current climate, the youth preferred to approach non-partisan organisations for assistance, and, while they are learning, they should not be drawn into politics at any level. This is clearly a response to the partisan nature of the National Youth Service programme.

In order to achieve these goals, the youth wanted to do the following:

- Attend leadership sessions;
- Form clubs that discuss leadership, democracy and governance issues;
- Invite MP'S and other leaders to these sessions and workshops;
- Inform people and share the information that they have.

One of the stronger points raised was that the youth need information in order to participate in a turnaround strategy. They want it to be accurate information that they will be able to share with others. They want to teach people about democracy at any available forum, removing the political sting associated with it, and come to a mutual understanding about it. They stressed the point that there is no common goal or vision in the society, and no uniform understanding of democracy in Zimbabwe.

The youth believe that misinformation is being used to suppress the people, and, furthermore, that important issues are mystified. The impression given is that only the educated will understand, and the povo need not bother themselves with such issues, as those in government will look after them. It is the general feeling that the information they have is inadequate, and they want the space to be able to seek and gain any information they require without restrictions. AIPPA should therefore be repealed, as they feel that this is the main hindrance to the freedom of expression and access to information.

However, the youth are seeking alternative ways of keeping themselves abreast of what is happening. Some of the suggestions tabled were:

- Encourage a culture of reading;
- Encourage friends and family to watch the news;
- Get information and know one's rights, and be able and prepared to defend these rights;
- Lobby for the return of independent newspapers.

The youth were strongly of the view that they want greater control over their decision makers, and they know that this can be done through the electoral process. If the youth are voting for someone who lives within their constituency, they feel that they will be able to have control. However, they still need

comprehensive voter education in order to be able to identify the qualities of leaders, and to be able to determine why a person may be the best candidate.

The fact that the government has outlawed voter education by civic bodies means it is difficult to monitor what the government is doing. Furthermore, the voter does not have an effective range of choice in the electoral and party system, as there is no open competition of ideas and policies.

There is no equal opportunity in the electoral process because of intimidation. For example, in Rusape and Chegutu, the main party candidates for councillor were elected unopposed because the opposition candidates were barred from entering the nomination court.

This dissatisfaction in the electoral process amongst the youth is very strong; they want to increase positive participation in elections and the pre-requisites for this participation were presented as follows:

- Unity (the youth are currently divided along political lines, but they need to have their own position as a group);
- Wide consultation on the methodology of participation. This refers to the manner in which the youth want to be involved;
- Content of education material – what should be the contents of voter education. They want access to the Constitution and the Electoral Act, and a layman's explanation of both.

It was generally agreed that it is necessary to lobby for changes to electoral regulations and to ensure that there is information available for youths' benefit. They have stated that for there to be free and fair elections in Zimbabwe, the following must be adhered to:

- The youths should lobby for constitutional changes that guarantee an even playing field;
- Make it a point that the person contesting is from the area they want to be elected;
- Ensure that polling agents are properly trained;
- Lobby for independent counters;
- Ensure that political parties do not impose candidates on their constituencies;
- Civic bodies should continue conducting voter education and ensure that is a continuous process;
- Lobby for the ESC to be an independent body;
- Invite regional and international observers as citizens through lobbying the government;
- Regional countries and the international world should agree on measures to take against Harare in the case of elections being rigged;
- Citizens should be educated avoid abuse by politicians;
- There should be free and equal access to the media, both print and electronic, for all political parties;
- There must be transparent ballot boxes;.
- There must be a deliberate move to put a stop to political violence and intimidation.

There was a strong view in the group that the current constitution is the cause of all the problems in the country, and that it needs to be reformed in order to accommodate the people's explicit wishes. The existing constitution should be distributed and explained to the nation, as people are unaware of their rights and obligations. This is a way to ensure that people understand why there are calls for constitutional reform, and this should inspire the people to challenge those in power to change the constitution.

In the discussions with the youth it was very clear that they are interested in peace building activities; they are tired of being used at pawns in political games. They stated that they require skills in how to

identify leadership qualities and recognise them within their peers in order to ensure that those who have the qualities are nurtured and groomed to become peace-loving leaders of the future. In contradistinction, President Mugabe, in his address to the youth at the fourth Zanu PF National in July 2004 youth congress, gave the government's stance on activities dealing with peace, and he went so far as to say that the youth will be held accountable if the party does not do well in the forthcoming elections. This was viewed by many as an incitement for the youth to engage in violence during the elections.

It is clear that the government has sanctioned political violence as perpetrators have protection from the law, and incitement is coming from senior Zanu PF party officials³¹. Attempts to talk about peace are met with resistance: the comments given by the youth included "there is no need to discuss peace as it already exists", "is there a war going on, so why should we talk about peace?" The youth have said that this attitude is not constructive; as long as one group in society believes they are not living in a peaceful environment, there is a problem and it has to be resolved.

It is evident that the youth do not see the benefits of being involved in political violence; those that were promised rewards during the previous elections are still waiting and have become disillusioned. The political leaders seem to be the only beneficiaries of the violence, as they vanish soon after the elections and return again when their terms of office comes to an end and they are seeking re-election. The youth stated that the upcoming elections should not be characterised with violence, but, as they pointed out, this is not likely, as the President has said this is an election against Tony Blair and it must be won at all costs.

"It's an anti-Blair election. We must win it and demonstrate that Zimbabwe shall never again be a colony".³²

The youth are aware that if they do not reclaim their power, they will again be used in election campaigning, and they do not want this. They listed the following as ways in which they can participate positively in politics:

- Advocate for constitutional change and support constitutional change agents (e.g. NCA);
- Lobby for police and army personnel to adhere to their constitutional duties;
- Network with other organisations that lobby for civil and political rights;
- Silent protests and peaceful boycotts for the State to respect and recognise peoples' rights;
- Get information about constitutional freedoms;
- Be up to date with all that affects a persons as a citizen;
- Get in touch with NGO's that teach about human rights and peace building;
- Removal of clauses allowing excessive executive Presidential powers;
- Civil education should be taught in schools;
- Refrain from violence and educate others on non-violence.

In respect of socio-economic rights the youth raised the following as solutions to the problems currently being faced:

- Priority be given to health, food, shelter, clean water, education and employment creation;

³¹ Here see Reeler, A.P (2003), The Perpetrators of Gross Human Rights Violations in Zimbabwe from February 2000 to March 2003, Paper presented to "Civil Society and Justice in Zimbabwe: A Symposium", organised by the Zimbabwe Human Rights NGO Forum, Themba Le Sizwe and the International Bar Association, Holiday Inn, Johannesburg, 11-13 August 2003.

³² Here see the Herald, 10 July 2004. Reporting on the President's speech at the opening of the Fourth Zanu PF National Youth Congress.

- Have greater foreign currency allocations for the basic services;
- Not politicising every issue, knowing that development comes before politics;
- Land distribution to be non-partisan, not only being given on party lines;
- Have awareness campaigns for youth by the youth to refuse to go to the national training camps;
- Having a youth that knows about and is proud of Zimbabwe's history.

Chapter 3.

Victims of Organized Violence and Torture in Zimbabwe, and their views on the state of democracy in Zimbabwe.

Background

Democracy in Zimbabwe has been in trouble for several years now. The Afrobarometer in its survey on Zimbabwe carried out in 1999 noted generally that Zimbabweans aspired to live in a democracy, but were largely pessimistic that this would happen³³. Since 1999, against the background of a very strong and determined drive for democracy by political parties and civics, Zimbabwe has drifted into a state of severe crisis, with massive inflation, food insecurity, political conflict, and international opprobrium. Zimbabweans now seem to believe that the prospects for an open democracy have receded even further.

The recent Afrobarometer survey, as well as the previous survey in 1999, suggested that Zimbabweans as a whole remain committed to democracy, but generally have a low opinion of the democracy that they are served. However, the Afrobarometer survey of 2004 suggests that they might be giving up³⁴.

These results have received a certain amount of comment, but surprisingly not much as might have been expected given the prominence of the Zimbabwe crisis internationally and regionally in Africa.

Central to the Afrobarometer findings was the finding that propaganda, or control of the media, was the major causal factor in the increased support for Robert Mugabe and the drop in faith for multi-party democracy³⁵. This finding, however, is only part of the story according to political analyst, Professor Brian Raftopoulos. As he puts it:

“The monopolising of the electronic media and the repression of alternative daily voices such as the Daily News has clearly had an effect in preventing alternative views on the economic and political crisis from informing daily debate. Moreover this monopolisation of the media needs to be viewed in conjunction with the **other ways in which the state has been used to repress alternative political formations**. However this assessment needs to keep in mind that Zanu PF has combined these coercive measures with a skilful articulation of historical grievances, such that it has presented its vision as a daily part of people’s lives, and in some sense speaking ‘for the people’. Ideologies, in order to be effective, do not have to be totally consistent or homogeneous. In a repressive environment they can be articulated to ‘make sense’ in the absence of alternative explanations, and people can begin to internalise such positions for various reasons of personal and social survival.”³⁶

Professor Raftopoulos places the engineering of consent amongst Zimbabweans in a broader frame than merely the manipulation of the media, and argues that other forms of repression must be seen in the mix. Paramount amongst these other forms of repression must be the organized violence and torture that has been the subject of literally dozens of human rights reports³⁷. Moreover, the “historical

³³ See AFROBAROMETER (1999), Public Opinion and the Consolidation of Democracy in Southern Africa: An Initial Review of Key Findings From the Southern African Democracy Barometer, Afrobarometer Paper No.12

³⁴ Here see the results quoted in the introductory chapter, pages 3 and 4.

³⁵ The Afrobarometer report indicated that, in explaining the apparent increase in Robert Mugabe’s popularity, “propaganda” contributed more than 50% of the variance. Political fear only contributed 8% of the variance.

³⁶ See Raftopoulos. B. (2004), tracking changes in Zim Politics. Zimbabwe Independent, 20 August 2004.

³⁷ A very rough count of the number of reports issued by Zimbabwean and international groups since 2000 suggests that over 300 reports have been issued on the country. Reports on human rights violations – on the organised violence and torture – are a very significant proportion of this number. Incidentally, the number of reports issued over the past 5 years provides a very interesting indicator of the crisis, when it is considered that the total number of human rights reports for the previous 3 decades totals a little more than 100 reports.

grievances" referred to by Raftopoulos are tied in to an equally long history of gross human rights violations, stretching all the way back to the early 1960s, and perhaps even further³⁸.

Certainly the contemporary history of Zimbabwe since the 1960s is writ large with organized violence and torture, and this knowledge forms a well-articulated component in the understanding of ordinary Zimbabweans. Political dispute is invariably accompanied by extreme violence, and the contemporary political crisis is no different, and, in this history, the frequent resort by ZanuPF to such means has also loomed large³⁹. However, the perspective of the victims in all this history is only told indirectly, and particularly as concerns the violence and the human rights violations since 1980. All too frequently the views of victims are only seen in the pages of human rights reports, or in the pages of research reports⁴⁰, either by academics or non-governmental organizations⁴¹. However, this is beginning to change, and a recent symposium on human rights violations in Zimbabwe made very strong statements about the need for any process of accountability to be "victim-driven"⁴².

However, it is not only in the area of human rights violations and accountability that victims' views need to be directly canvassed. Since the whole intention behind organized violence and torture is frequently the silencing of victims' voices from the democratic discourse, it is also the case that victims may have a decided stake in any dialogue concerning political transition itself. Here, of course, the issues around impunity are central to any political transition where gross human rights violations have taken place⁴³, but the views of victims should not be restricted only to issues of impunity, for it is well-known that the most frequent victims of gross human rights violations are those who actively struggle for democracy. It is thus important that those who have suffered personally in the struggle for democracy not be sidelined in discussions about the future of democracy, but be encouraged to take an active role in this process⁴⁴. This perhaps is the first step towards healing and re-empowerment.

Results

The views from the workshop process are described under five headings shown as shown below.

Consensus on and participation in popular self government

The participants stated unambiguously that there is no consensus on and participation in popular self-government. As they pointed out, people do not respect each other's political differences and as a result there is violence, particularly around elections.

³⁸ Here see the Summary and Declaration of the Johannesburg Symposium, where representatives of Zimbabwe's civil society indicated that a Truth, Justice and Reconciliation Commission would have to consider at least gross human rights violations as far back as 1965. However, this same group argued that a Truth Commission should also be set up to consider human rights violations since the colonial occupation of Zimbabwe.

³⁹ Here see Reeler, A.P, Sticks and Stones; Skeletons and Ghosts, in D. Harold-Barry SJ (Ed), Zimbabwe: The Past is the Future. Rethinking Land, State and Nation in the Context of Crisis, HARARE: WEAVER PRESS.

⁴⁰ See J. ALEXANDER, J. MCGREGOR, & T. RANGER (2000), Violence and Memory: One Hundred Years in the 'Dark Forests of Matabeleland', HEINEMAN, JAMES CURREY, WEAVER, DAVID PHILIP;

⁴¹ See CCJP/LRF (1997), Breaking the Silence. Building True Peace: A Report on the Disturbances in Matabeleland and the Midlands, 1980 to 1988, HARARE: CATHOLIC COMMISSION FOR JUSTICE AND PEACE, & LEGAL RESOURCES FOUNDATION; see also Zimbabwe Human Rights NGO Forum (2002), "Are They Accountable?: Examining alleged violators and their violations pre and post the Presidential Election March 2002", HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

⁴² See here the Summary and Declaration of the Johannesburg Symposium, where it states clearly in the Preamble "...that strategies must be pursued that will cater for the needs of victims of violence and that the victims will be consulted about their needs and what the victims perceived as being the most appropriate mechanisms for satisfying their needs".

For the full report see Themba LeSizwe (2003), Civil Society and Justice in Zimbabwe, The Proceedings of a Symposium held in Johannesburg, 11-13 August 2003, PRETORIA: THEMBA LESIZWE.

⁴³ See UN [1997], The Administration of Justice and the Human Rights of Detainees: Question of the impunity of perpetrators of human rights violations (civil and political), Revised final report prepared by Mr. Joinet pursuant to Sub-Commission decision 1996/119, United Nations. Economic and Social Council. Commission on Human Rights. Sub-Commission on Prevention of Discrimination and Protection of Minorities. E/CN.4/Sub.2/1997/20/Rev.1.

⁴⁴ See KORDON, D., EDELMAN, L., LAGOS, D., & KERSNER, D. (1998), Argentina: Psychosocial and clinical consequences of political repression and impunity, TORTURE, 8, 43-47; **see also** LAGOS, D. (1996), Argentina: Psychosocial and clinical consequences of political repression and impunity in the medium term, TORTURE, 6, 13-15.

In Zaka many people registered to participate in the last election through voting but when the time to go to the polls came the numbers had greatly reduced as a result of political intimidation and violence. People were driven out of their areas and had to flee to Harare where they were not registered as voters and so they could not participate in the voting.

In their views, people are terrorised, victimised, and arrested by security agents who do not abide by the law. This political intolerance is enhanced through the use of repressive legislation such as the Public Order and Security Act (POSA) and the Access to Information and Protection and Privacy Act (AIPPA).

As regards participation, they felt that there is pronounced gender inequality and women are not accepted as leaders nor expected to participate in civil and political life mainly due to cultural prescriptions. Therefore, they argued that there can be no consensus in the decision making process where women, who make up the majority of the population, are excluded. Other minorities are also excluded, with the example being given of the disabled, who are also not treated equally, and who hardly participate in governance at any level.

Ignorance plays a large role in the lack of participation, as much of the general public do not know that they have a right to participate; the government perpetuates this ignorance and frustrates civic society's efforts to educate people when it comes to participation in popular self governance. There was a strong feeling that the general public feels that participating in political life is a waste of time, as it will not change anything, and hence there is seen this sense of resignation⁴⁵.

The participants felt that there had been a worsening in the situation as the Government has put up undemocratic structures that impede participation. Here they argued that the Government has ensured that it is in control of everything, including food distribution, voter education, the media, the police and army, chiefs and head headmen, and the judiciary to mention a few.

A major issue concerning consensus was that of the powers of the President. The issue of Presidential appointments compromises the legitimacy of the government, since it was usually Presidential appointees who made key decisions and not the representatives elected by the people. For example, many Ministers, the Police Commissioner and the Judges are all Presidential appointees. In their view, this goes to show that there is no consensus even in Parliament; effectively what the President wants, he gets, while government and parliamentary structures are there merely as rubber stamps for Presidential decisions.

Popular selection of decision makers

The group were in agreement with both the youth and themselves that there is no popular selection of decision makers. Elections are fraught with irregularities, with strong allegations of rigging, violence⁴⁶, and vote buying. They came up with a list of all the issues that negatively affected the election process:

- Voting in Zimbabwe is an event not a process. The electorate is not widely involved in the process; theirs is to register and vote.
- There is no body that just does voter education and not campaigning, and so people are not informed. Civic society is now very partisan, and is incapable of carrying on the role of voter education, as they are now involved in campaigning.
- Different parties are not given equal opportunities as regards funding and publicity. The public media is biased.

⁴⁵ This resignation is clearly reflected in the 2004 Afrobarometer survey. See footnote 1 above.

⁴⁶ For an analysis of the relations between violence and elections see REDRESS (2004), Zimbabwe: Tortuous Patterns Destined To Repeat Themselves in Upcoming Election Campaign. Preliminary Study of Trends and Associations in the Pattern of Torture and Organised Violence in Zimbabwe, July 2001 – December 2003, LONDON: REDRESS TRUST.

- Electoral laws are biased and can easily be amended at the whim of the President who may also be a candidate in the election. The law is also applied selectively, as, for example, the use of POSA illustrates.
- No independent Electoral Commission.
- Manipulation through use of traditional leaders like chiefs and headmen.
- No peaceful campaigning.
- There is no access to the electorate.
- The government does accreditation of monitors.
- There is disregard for international standards on how elections should be run.
- There is lack of transparency in the transportation of ballot boxes to the counting centres.
- Accreditation of civil servants as election monitors is intimidating, especially in rural areas where they are seen as advocates of the state.
- Voter registration is a long, tedious and difficult process.
- The presence of the police and the army at polling stations is intimidating.
- There is abuse of postal ballots.
- The voters' roll is defective.
- There is usually displacement of people from their constituency.
- There is confiscation of identity cards preventing people from voting.

Thus, it can be seen that the victims, like the youth, are very aware of all the defects in the election of decision makers, and scarcely paint a picture of a country in which elections can be seen to conform to commonly-accepted democratic standards.

Popular control over decision makers

This clearly was an area in which the victims had very strong views. As they stated, decision makers in Zimbabwe are a law unto their own, as the electorate has no control over them. Once a person has been elected into power they forget that the people voted them in until the next election period. Furthermore, there is generally very poor communication between MPs and the communities as regards what is going on in parliament.

The group decided that this was because the electorate is not involved in the initial process of selecting the candidate in the first place. Political parties choose whom they will impose on a particular constituency, and the people end up voting for the party of their choice not necessarily the individual. This is because there is no structure that connects the grassroots people to the executive, and now the opposition has fallen into the same trap.

MPs make partisan decisions at the expense of the interests of the electorate. They believe they answer first to the party then to the people who voted them into power. Furthermore, Parliament has too many people who are appointed and not elected⁴⁷, and since they are not answerable to the people, the people cannot have any control over these decision makers.

MPs are in thrall to the Executive, and increasingly everything is fast-tracked through parliament without any consultation with the people. As they put it, parliament just rubber stamps executive decisions and is now powerless.

For example the decision to take the army to the Democratic Republic of the Congo was made with absolutely no consultation even with Parliament they were only told afterwards and had no choice but to accept because looking at it from a practical point of view it would not have been possible for the soldiers to return when they had already gone⁴⁸.

⁴⁷ The President of Zimbabwe is constitutionally able to appoint 30 of the 150 members of the House of Assembly.

⁴⁸ This view was the majority view at the time, as was demonstrated by an opinion survey of the public's attitudes to involvement in the DRC war. Here see Zimbabwe Human Rights NGO Forum (1998), .HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

Furthermore, the President has so much power such that he can easily override a decision by parliament. For example, he can refuse to sign a law that has been agreed on in parliament. The President has wide powers to override the decisions of parliament regardless of the fact that he rarely sits in parliament and will not be there to hear the debates.

MPs seem unable to question executive decisions, and it is therefore difficult to expect the public to question their MPs when parliament is virtually useless and the MPs themselves cannot question the President⁴⁹. The lack of questioning decisions has become a culture in Zimbabwe, in the views of the victims, and it will take a long time before this can be reversed. It gives those in power an excuse to do as they please. Most decisions apparently made by MPs are actually made by the leaders in their political parties, and the MPs are told how they will exercise their vote in parliament, regardless of their own personal opinions or their constituents.

As mentioned earlier, government capitalises on ignorance; citizens do not know that they can attend parliament, and that they can contribute to prospective legislation through their MPs or active lobbying. The biased media that sends out mixed, and often incorrect, messages reinforce this. Although there are parliamentary information centres across the country and all parliamentary information is found there, these places have been turned into political bases. In many cases, when the opposition MPs try to meet their constituents at these centres, the police under POSA, disperse them.

The victims felt that this intolerance was not confined to Parliament. When civil society organisations try to have meetings they are viewed with suspicion and gatherings are not allowed to organise effectively to determine the people's demands and how to get delivery. If there are no gatherings allowed then participation is difficult and control of the decision makers is curtailed.

The participants were clear that democracy should not give a blank cheque to decision makers so that they can do as they please until their term of office expires. The problem with democracy as many understand it, is that too much emphasis is placed on elections or the competitive part of it, and there is a failure to concentrate on the reasons behind the holding of elections. Furthermore, in a good democracy, there should be continued participation in the political process between elections, and pressure applied to ensure that the government policies promised during the campaign period are implemented.

As regards consultation, citizens are rarely given a chance to contribute in the making of the monetary and fiscal policy; these are simply dictated to them. The budget is discussed publicly, but not the expenditure of government and there is poor access to this information. It is therefore impossible to criticise the government, as nobody knows how much is being spent.

The victims generally expressed views suggesting that they had little control over decision makers, and had clear ideas of what problems in this regard were apparent in Zimbabwe.

Protecting citizens equality and their ability to control decision makers

It was clearly stated that citizens do not feel their rights are adequately protected; there are freedoms guaranteed to people in the Constitution, but these are paper-thin. These rights are not enforced by the law enforcement agents, and, in some cases, these agents are the very culprits infringing people's rights. Worse still, laws are used selectively, with perpetrators of violence having been protected; they are often given Presidential amnesty and impunity. Even reporting a perpetrator of violence to the police does not ensure that they will arrest that person. In fact, the person making the report is frequently the one that is arrested if the perpetrator is a member of the ruling party.

⁴⁹ The most startling recent example of accommodation to the Executive has occurred over the selection of the second Vice-President. Robert Mugabe decreed that this should be a woman, but a faction within ZanuPF resisted this. The "resisters" have either been suspended or disciplined, and the results of several provincial elections have been reversed.

Thus, the victims felt that the law enforcement agents are partisan, and there is no regard for the rule of law. The police often let arrested people go, so there is nothing to stop the perpetrators from doing what they want to anyone as they know that their actions have been sanctioned by the ruling party.

The institutions that are supposed to protect the public are used to the public's detriment. In the last election many police stations became political bases and torture camps for the ruling party. There are draconian laws, brutal treatment of citizens by the police, and arbitrary and unlawful detention of opposition party members⁵⁰. The victims stated that Zimbabwe has gone a full circle: before independence laws were used to crush dissent, people were detained and tortured, but ultimately independence was won, and the victims are confident that this era will also come to an end.

The judicial system is flawed: the independent judges have been forced to resign and make way for those who are partisan. The President has a strong hand in the selection of judges, and political appointments result in failure to professionally do the job. For example, judges in the lower courts are government appointees, so they always pass judgements consistent with government policy regardless of how unfair the judgement. Hence, in the view of the victims, the once, well-respected judiciary is now no longer trusted to make impartial decisions; the system has been thoroughly compromised.

All of this had had severe effects upon the wider Zimbabwean community according to the victims. The community has been divided along political party lines; neighbours, families, and friends are no longer on talking terms because they belong to different political parties, and this is encouraged by leaders through hate speeches in the public media⁵¹.

It is pertinent here to point out here, in support of the views of the victims, that hate speech is given free rein in the public. In a television interview on the programme, Face the Nation, Major Midson Mupasu, who is attached to the Zimbabwe Military Academy, said:

"If it were up to me, I would kill them (MDC supporters). What MDC is doing hudzvanyiriri, husveta simba (repression, exploitation). They want to bring back the colonial system that will never happen. MDC should be thankful that Zanu PF is a people's party and a very fair organisation. In my opinion MDC is not supposed to operate in Zimbabwe. They should all be arrested... Even today when I see whites I spit on the ground. I don't want to see whites. I don't even want to talk to them; I don't want to see them on the farms that we have occupied." ⁵²

⁵⁰ See Solidarity Peace Trust (2004), *Disturbing the Peace*. An Overview of civilian arrests in Zimbabwe: February 2002 – January 2004, SOUTH AFRICA & ZIMBABWE: SOLIDARITY PEACE TRUST.

⁵¹ The Herald, 22 May 2004, in "Uncolonised", a column written by Nathaniel Manheru, and also The Herald, 30 August 2004, was reporting on the President speaking at Eddison Zvobgo's funeral.

⁵² "Of course Bennett's violence is MDC bellicosity expressed at its highest echelons. The flip side of this helms violence is mounting frustration and desperation at repeated electoral reverses and amorphousness of the MDC itself, especially on the part of its white component which sees with alarm all being lost. ... But those so daft and ignorant as the Bennetts: with nowhere to go; no other skills to sell beyond farming, have no choice but to smoulder inside, often exploding into short, sharp Vesuviuses so easy to detonate."

"The MDC is Blair's spiritual medium. Some spirit mediums are false and misleading like the MDC medium which would rather sell the country to Blair!"

⁵² As reported in the Standard, 31 October 2004. The report goes on to say in Rwanda by mid-April 1994, Radio Television Libres des Mille Collines RTLM had effectively become the genocide's coordinating body, broadcasting lists of "death-worthy" Tutsis. It also broadcast names of other "enemies of the (Hutu) republic," urged militiamen and citizens to seek them out, and congratulated lynch mobs for "a job well done." In December, 2003 the Rwanda Tribunal in Arusha sentenced RTLM director Ferdinand Nahimana to life imprisonment, Jean-Bosco Barayagwiza to 35 years, reduced to 27 years, and a third for 35 years, for fanning the flames of the 1994 genocide, in which an estimated 800 000 people were killed.

This hate speech frequently translates into action, and, whilst such actions has been overwhelmingly aimed at the MDC, it has not been exclusively so. Civil society too has been weakened, and can no longer play its role of putting pressure on government to recognise the citizens' rights. They are now even threatened with deregistration⁵³. In the opinion of the victims, NGO's have been demonised and there has been extensive smear campaigning against any organisation that raises it head to address the issue of human rights violations and governance issues. The following quotes from President Mugabe illustrate this point:

"Foreign aid should not substitute home grown programmes ... it is for this reason that my government refuses to allow non governmental organisations to be used as instruments for the destabilisation of our country"⁵⁴

"We now know their tactics, these imperialists... as they deploy hoards of their compatriots under the cover of innumerable non-governmental organisations to destabilise our country and to try and effect the so-called 'regime change'."⁵⁵

The participants believe that there is infiltration by government agents and members of the ruling party into not only opposition political parties but also civil society. This is seen as a bid to control every sector of society and to ensure that every political space is limited and controlled.

Unsurprisingly, the victims had some strong views on the violence. The levels of intimidation are unacceptable, with the media so far baring the brunt of institutional intimidation, with arrest, harassment, beatings, and maiming of local journalists, as well as the deportation of foreign journalists. There is destruction of newspapers, beating of newspaper vendors, and intimidation of readers. Media houses have been bombed and no one has been arrested for those attacks. As they stated, freedom of expression no longer exists in the country, especially with AIPPA and the handpicked media commission.

Socio-economic rights

There were strong views expressed too about the state of social justice. Socio-economic rights do not exist for the average person, as the health system is near collapse, the hospitals do not have adequate medication and personnel. As the government is failing to remunerate doctors and nurses adequately, they are leaving the county in droves. Home-based care is being encouraged especially for HIV/AIDS patients, but this is strain upon the community, as those providing the services are unable to cope with the costs of living. Education has become a luxury only for the rich, and the quality has deteriorated, as the government cannot provide the necessary equipment and books, or decent levels of pay for the teachers. Basic shelter and food are now beyond the reach of many people, with most people surviving on one meal a day. Finally, there is gender inequality as women are sidelined at all levels of society, even though they are in the majority, and this is a cultural issue, which needs to be addressed.

Possible solutions to the problems

⁵³ The Non Governmental Organisation Bill 2004 requires all NGOs to register with the NGO Council, which will primarily be made up of government officials. The Council will have powers to regulate NGOs, including investigating NGOs and take severe action against a defaulting organisation. The bill has a number of restrictions on which organisations can be registered and what activities can be carried out. It states that no local NGO shall receive foreign funding for issues of governance; this includes human rights and political governance.

⁵⁴ President Mugabe speaking at the Inter-Regional Meeting of Catholic Bishops of Southern Africa on 13 October 2004 in Zimbabwe.

⁵⁵ President Mugabe, speaking at the funeral of a veteran nationalist, Eddison Zvobgo on 29th August 2004.

Certain themes kept coming up over and over again during the small group work and the discussions: the need for a new Constitution, the unaccountability of the executive, the use of state structures to implement repressive laws, and the disregard for the rule of law. In addition with recommendations dealing with these issues, the victims also had specific solutions to the five different areas dealt with above.

With regard to consensus and participation in self-government, it was stated that a new constitution that limits the power of the president is vital as this will lead to a non-partisan police force and electoral supervisory commission. There must be massive consultation with all stakeholders on this issue. In the meantime, the laws of the country, particularly the Constitution, must be upheld and enforced, and laws that are unconstitutional should be repealed, especially the electoral laws, POSA, and AIPPA. There must be a lot more emphasis placed on education, because, the more educated people are, the greater their participation. Training on the importance of participation needs to be done at an early age. There is need to encourage dialogue, and this should be done from grassroots level in small communities.

The platform for dialogue must first be created because the political climate is not currently conducive to public discussion. In the dialogues, there must be encouragement for greater participation by vulnerable and marginalised groups like the youth, women, and the disabled. Furthermore, there must be a priority quota for women in parliament and other positions of governance in order to encourage their participation, and this should apply to other marginalised or vulnerable groups.

There should be more civic education programmes specifically targeted at them. NGO's and churches should play a greater part in educating people on what is going on around them especially in rural areas where people are ignorant. There must be peaceful demonstrations through education and building consciousness among the people by a strong civic society. There is need for unity and consensus so that when a demonstration is called not only 200 people take part, but 20 000 as has been the case in Zimbabwe. Citizens must participate throughout the country. The message must be loud and very clear. There is need for endurance in these demonstrations. There is need for civic organisations to network and work with each other.

In Masvingo when they once had a demonstration and a police dog bit one person, the whole crowd dispersed. Citizens must be more resilient.

The government however does not want to make the political environment conducive, and the NGO BILL shows this. Government is actually limiting political space in preparation for the next elections.

Government must put up democratic structures to encourage participation by citizens; these structures at the moment are prohibitive and deliberately mystified. Regional and international pressure should be put on the government to recognise democracy.

In regard to obtaining support from the international and regional community, the participants felt that the victims of OVT detailing the human rights abuses should write a petition to the United Nations, and other victims should be encouraged not to be afraid and to come out in the open against violence. As they pointed out here, "Now that they have already experienced the effects of violence there is no reason to stop fighting, as we are already sacrificial lambs".

The victims stated that, for Zimbabweans to achieve a truly popular selection of its decision makers, there must be a change in the electoral system. There must be wide consultations to hear how people want the system to run, and there must be an independent electoral system and supervisory commission. Polling stations must be increased to ensure that everyone can vote, and there should be uniformity in voting, with the security forces not voting before everyone else because it is believed that this is where the rigging takes place. Transparent ballot boxes are needed, independent election monitors and supervisors preferably from the United Nations should be allowed into the country, and voter education

should be increased, with this not only being done by the government, and not only during times of elections.

An easier alternative for voting of disabled people, the blind, and the illiterate must be sought which does not involve their telling someone whom they want to vote for, this intimidates them especially in the rural areas. Postal ballots should be scrapped because there is no mechanism to ensure that there is no rigging, and, besides, do those people outside the country get any information about the other political parties in order to enable them to make an informed decision? Communities should make a decision to shun vote buying and they must vote for the person best able to meet their needs. There must be consensus on what action will be taken after the election and the results have been announced.

All political parties should get equal media coverage, both print and electronic; there is need to open up the state media, not only using it to promote the ruling party and denigrate the opposition. Independent media should be brought back to ensure that other parties get their messages across. Civil society should be allowed to conduct voter education using whatever methods they prefer, be they pamphlets, drama, or public meetings. It is important to repeal repressive laws like POSA that make it difficult for parties to campaign, and a professional, non-partisan police force should protect the rights of the citizens.

As to control over the country's decision-makers, there has to be a constitutional amendment that states that Parliament should be the final decision making body, not the President. People actually prefer a non-executive President; this was the result of the 2000 Referendum. The President should be legally obliged to implement the decisions of parliament within a specified period of time.

MPs and the administrative part of parliament should run awareness programmes so that people know the operations of parliament and how they can be helped by it. MPs must be legally obliged to report back to their constituencies and receive instructions from the people that they represent. Repressive laws that prevent MPs from holding public meetings in their constituencies, and those that inhibit access to information should be repealed. There should be offices for MPs where people can have access to them as well as get information on the developments both in parliament as well as in the constituencies. Once elected, MPs should realise they serve the whole constituency regardless of political affiliation, and information should be made available and accessible to everyone.

MPs should not be paid, but just given a food and transport allowance, as this will discourage those who run for office purely for economic purposes but with absolutely no intention to help the people. MPs at the moment are very well paid and it is this reason, as well as the prestige that goes with the office, that attracts people to want to run for those posts.

When a Bill is introduced, each MP must make sure it is available for public perusal in their constituency; Individuals should find out about the parliamentary information centres and use them. Proper law making procedure should be followed all the time.

There must be a law that requires everyone who takes up public office to declare his or her assets and gifts to the public. There should be question and answer times in parliament and through the public media so that decision-makers can explain and give information about their decisions to the public. The government should not be allowed to keep secrets if they have nothing to do with national security. There should be a regular Presidential address with people being allowed to ask questions, and there should be no legal immunity for the President from lawsuits.

Citizens must lobby for change in the policies of the different political parties to encourage democracy at the lowest levels, even at primary elections. There should be referendums, or at least opinion surveys, before all major decisions like leaving the Commonwealth are made by the government.

In terms of protecting citizens' equality and their ability to control decision makers, the victims stated that it is essential to lobby for a new constitution; one that respects the separation of powers, as the executive cannot be the maker, the interpreter, and the enforcer of the law all at the same time. The environment should be made conducive for citizens to exercise their basic freedoms, and there should be respect for the rule of law. It is necessary to promote a culture of tolerance and non-violence in communities, and opposition political parties should be protected at law and treated with respect. Opposition political parties should be seen as partners in development who will serve as a check mechanism to government performance. Draconian laws have to be removed, and citizens must lobby for the equal treatment of all political parties, as well as for the depoliticising the police and the army.

Access to information is very important to functioning democracy, and here the participants stated that citizens must lobby for the removal of AIPPA and the overhaul of the media commission. There must be transparent accreditation of journalists, and the independent media should be treated in the same manner as the state media. The ruling party has to realise that if they are being criticised it does not necessarily mean that the critic is looking to take their place; they must be willing to accept constructive criticism and that the independent media is not an extension of the opposition. Promotion of the culture of investigative journalism is required, as this will uncover issues of corruption and the government's expenditure, as well as the casualties and expenditure in, say, involvement in a foreign military intervention. Community radio stations should be started that will provide accurate information, and, these, and other community based organisations, should be encouraged and funded by the state without them trying to control these organisations.

The participants felt that it very important to respect human rights and to lobby human rights organisations to help fight perpetrators and continue to challenge perpetrators of violence in court⁵⁶. However, they also saw the need to prevent violence and establish peace. Here they felt that it was necessary to set up peace structures, and to support organisations involved in peace initiatives like the Zimbabwe Liberators Platform (ZLP) and the Zimbabwe Civic Education Trust (ZIMCET).

Solutions to the socio-economic rights were said to include encouraging women to participate through women's rights organisations, and to provide advocacy for affirmative action here. The issue of violence also needs to be addressed, because, in Zimbabwe, if women demonstrate, they are beaten up just like men, so they are afraid to get involved. The health and education sectors have to be revamped with government providing adequate salaries for the professionals working in there. The budget allocations have to lessen funds going to security and defence and concentrate on the basic issues. The fact that the unemployment rate is more than 70% is unacceptable, and this is encouraging lawlessness in the communities as people are frustrated with their lives and are looking for an outlet.

⁵⁶ Amani Trust has reported on documented court cases of perpetrators of organised violence before and during the June 2000 Parliamentary Elections, in a study entitled " Heroism in the Dock: Does testifying help victims of organised violence and torture?" May 2002.

Chapter 4.

Transitional Justice – A View from Victims of Torture in Zimbabwe

Introduction:

Zimbabwe has an unenviable history of violence. From the military occupation of Matabeleland and Mashonaland in the 1900s to the present day, and, especially during the past three decades, gross human rights violations have formed a significant part of the political landscape⁵⁷. This has been relatively well-described in human rights reports, military histories, and the general history, but reporting during these times of violence has not always been easy⁵⁸.

The recent history of human rights violations, however, is not unknown or shrouded in secrecy, and indeed reporting on the human rights violations continues to date, even in the context of the ongoing low-intensity conflict since 2000⁵⁹. Perhaps no current political crisis, and the concomitant human rights violations in the world, is as well documented as the Zimbabwe crisis.

In considering Zimbabwe's history of human rights, it is perhaps unreasonable to refer to the early colonial times as a period in which gross human rights violations were committed: it is clearly the case that the definitions of gross human rights violations are obviously the product of a post Second World War re-appraisal of international relations. Whereas political interest or imperial design were the basis of much of the colonial project, underpinned by the philosophical certainties of the capitalist programme⁶⁰, human rights and democracy are undoubtedly the child of the latter part of the 20th century. Hence, it will always be the case that the events of the 19th Century and of the first part of the 20th remain relevant to the human rights discourse in Africa; and, in the case of Zimbabwe, are a highly problematic context to the current problems. Colonialism and land are increasingly relevant domains for discussion, especially in Southern Africa, and bedevil any attempt to view the current crisis in Zimbabwe as purely revolving around issues of governance and human rights⁶¹.

However, as much as it is impossible to discuss current human rights violations in Zimbabwe without invoking the past, it is equally impossible not to back project the modern conceptions of organised violence and torture on to the same history. It is clearly illogical to demand that the colonial period be seen through a human rights lens, and then excuse current human rights violations as inevitable

⁵⁷ Here see Reeler, A.P, *Sticks and Stones; Skeletons and Ghosts*, in D. Harold-Barry SJ (Ed), *Zimbabwe: The Past is the Future. Rethinking Land, State and Nation in the Context of Crisis*, HARARE: WEAVER PRESS.

⁵⁸ Human rights groups documenting gross human rights violations were certainly less common in both the 1970s and the 1980s, and, in both decades were subjected to political pressure and intimidation. Here see CCJP(1975), *The Man in the Middle*, SALISBURY: CATHOLIC COMMISSION FOR JUSTICE & PEACE; See also CCJP (1976), *Civil War in Rhodesia*, SALISBURY: CATHOLIC COMMISSION FOR JUSTICE & PEACE. See also CCJP/LRF (1997), *Breaking the Silence. Building True Peace: A Report on the Disturbances in Matabeleland and the Midlands, 1980 to 1988*, HARARE: CATHOLIC COMMISSION FOR JUSTICE AND PEACE, & LEGAL RESOURCES FOUNDATION; See also ZIMBABWE HUMAN RIGHTS ASSOCIATION (1999), *Choosing the Path to Peace and Development; Coming to Terms with Human Rights Violations of the 1982-1987 ZIMBABWE HUMAN RIGHTS ASSOCIATION*.

⁵⁸ The pressure felt by the Mugabe regime is undoubtedly acting as some restraint here, and it is even the explicit reason for the promulgation of the NGO Act.

⁶⁰ See Hobsbawm, E (1975), *The Age of Capital, 1848-1875*, LONDON: ABACUS.

⁶¹ See A. Hammar, & B. Raftopoulos (2004), *Zimbabwe's Unfinished Business: Rethinking Land, State and Nation in the Context of Crisis*, HARARE: WEAVER PRESS. Also see B. Raftopoulos (2004), *Nation, race and history in Zimbabwean politics*, (unpublished paper).

consequences of the colonial period that excuse human rights violations⁶². The modern discourse on human rights, best exemplified in the Rome Statute for the International Criminal Court, clearly draws no line through history, rejects impunity in any form, and requires that all human rights violations receive legal examination⁶³. Actually, on this view, all of history can be viewed through the human rights lens, with the only impediment being the reluctance of governments' to open themselves to such scrutiny.

Pragmatically, however, some line must be drawn at some time; certainly legally it is impossible to return through time to obtain the kinds of evidence that is needed to make judgements about the behaviour of individuals and governments. For example, whilst it does seem on the historical evidence that the Zulu imperial campaign of the 19th Century would accord with modern definitions of genocide, it would be impossible to provide the kinds of evidence that would allow courts to rule on this. However, where both the victims and perpetrators still live, it is not so difficult a task for legal processes to take place. Thus, it does seem inevitable that the lines will be drawn by the natural life span of the victims and perpetrators, but this is less problematic today when there is a new appreciation of the importance of accountability, and a correlated determination to avoid impunity.

There are very encouraging signs, in the past decade particularly, that accountability for gross human rights violations is becoming more common than the endless granting of impunity⁶⁴. Clearly it would be strengthened even more were the United States of America to decide to accede and ratify all the human rights instruments of the past 5 decades, but the aberration of the United States' failure to do so is countered by the clear trend all over to enforcing these human rights standards.

For Zimbabwe currently, it is difficult to see whether any form of accounting can take place for the human rights violations of the distant past and the settler period. The land invasions and confiscations that have taken place since 2000 could be viewed as a form of accounting for some of the past, but, since these have taken place mostly in disregard of the country's own laws, it is doubtful that they provide any useful precedent for any kind of human rights accounting. It is also the case that the possibility of any accounting for the past, and this should include the period from 1965 to the immediate present, is a direct threat to the sitting government, and this bedevils all current political processes; from the holding of elections to any process of negotiating for a political transition.

Political transitions are the most problematic times for the victims of organised violence and torture, leading usually to what one commentator has called the "Sarajevo joke"⁶⁵. Too often political transitions are negotiated away by the political elites, and the victims remain silent bystanders, forgotten both by history and the law. As indicated above, this trend is slowly being reversed, but the trend is slow.

In the case of Zimbabwe, impunity has been the rule and not the exception, notwithstanding the furore over land rights, and the victims have yet to have their say. There has been no substantive accounting

⁶² There is clearly a very complex position to be understood in respect of land and injustice, and this has been well dealt with a number of monographs. See Hammar et al (2004) above.

⁶³ See particularly UN [1997], *The Administration of Justice and the Human Rights of Detainees: Question of the impunity of perpetrators of humanrights violations (civil and political)*, Revised final report prepared by Mr. Joinet pursuant to Sub-Commission decision 1996/119, United Nations. Economic and Social Council. Commission on Human Rights. Sub-Commission on Prevention of Discrimination and Protection of Minorities. E/CN.4/Sub.2/1997/20/Rev.1

⁶⁴ See Robertson, G (2000), *Crimes Against Humanity. The Struggle for Global Justice*, LONDON: PENGUIN.

⁶⁵ As Geoffrey Robertson expresses this "joke", "When someone kills a man, he is put in prison. When someone kills twenty people, he is declared mentally insane. But when someone kills 200,000 people, he is invited to Geneva for peace negotiations". See Robertson, G above.

for any violations ever, it is fair to say, and hence it is normal even for victims to be expected to mostly lick their wounds in silence, and hardly ever to have their day in court.

Zimbabwe's history of gross human rights violations:

The following is an extremely abbreviated overview of the major periods in which gross human rights violations took place, as well as indications of what those violations comprised⁶⁶.

The Liberation War

Although much has been written about the war that took place after the unilateral declaration of independence in 1965, much less has been written about the human rights violations that occurred during this period. There were valiant attempts to document these at the time⁶⁷, but this was largely rendered ineffective after the passing of the Indemnity and Compensation Act in 1975. However, the human rights violations of the 1970s have nonetheless been described in some detail subsequently⁶⁸.

It is clear that the War of Liberation resulted in large-scale human rights violations. Rural people were forced to spend seven or eight years in 'protected villages', living in near refugee camp conditions with inadequate sanitation, poor diet, and a high risk of being killed or maimed. By 1977, nearly 750,000 people were confined to such villages, a significant percentage of the then population of about five million, whilst hundreds of thousands more were in refugee camps in neighbouring countries.

Torture was a high risk for everyone, since political loyalty was demanded by all sides. Rhodesian torture could range from the more sophisticated horrors of electrical shock, mock drowning, suspensions, and drugs, to slaps, punches, kicks, and beatings with sticks. It could be inflicted by anyone, especially after the Smith government passed the Indemnity and Compensation Act in 1975.

The guerrillas' methods were less sophisticated, but more likely to be lethal. The 'pungwes' [all night morale-raising sessions] that brought people together in solidarity of purpose and action also acted as the courts of the liberation movements. Rightly or wrongly, people were accused, and often convicted, of being 'sell-outs'. People were also executed, and these public executions have left many with the most horrible memories of the War of Liberation.

Torture was such a common event that nearly two decades later, one can see the victims with relative ease in every rural clinic and outpatient department in Zimbabwe. Epidemiological studies have shown that about one in ten adults over 30 years old in a Mashonaland clinic have either been tortured or

⁶⁶ In presenting this review a bias towards using reports that contain court findings or medical evidence will be seen. Such evidence can be seen as providing the most scientific evidence for the historical record. Zimbabwe has a good number of such reports, and, comparatively speaking, has a very high number of good forensic studies of gross human rights violations over the past few decades.

⁶⁷ See CCJP (1975), *The Man in the Middle*, SALISBURY: CATHOLIC COMMISSION FOR JUSTICE & PEACE; See also CCJP (1976), *Civil War in Rhodesia*, SALISBURY: CATHOLIC COMMISSION FOR JUSTICE & PEACE.

⁶⁸ See, for example, Reeler, A.P., & Mupinda, M. (1996), *An Investigation into the psychological sequelae of Torture and Organised Violence in Zimbabwean war veterans*, LEGAL FORUM, 8, 12-27; Amani (1997), *Survivors of Torture in Mount Darwin District, Mashonaland Central Province: Overview of Report and Recommendations*, LEGAL FORUM, 9, 49-60; AMANI (1998), *Survivors of Torture and Organised Violence from the 1970 War of Liberation*, HARARE: AMANI.

experienced organised violence⁶⁹. Generally, they have chronic depression or similar disorders. They often have accompanying physical disabilities – bad back pain is a frequent symptom. They are poorer than their neighbours, with a range of other socio-economic handicaps⁷⁰. It does not really make much difference who tortured them.

Families remain deeply traumatised by these absent relatives. Many are dealing with the ghosts that haunt them and cause continued problems, particularly of illness⁷¹. And now, in addition, they are facing a second experience of organised violence and torture.

The Matabeleland Emergency (Gukurahundi)

The events of the 1980s have been well-described in the report of the Catholic Commission for Justice and Peace and the Legal Resources Foundation, "Breaking the Silence". Violence and torture were experienced in the southern half of Zimbabwe and particularly by the Ndebele-speaking people, who were assumed to be supporting 'dissidents'. This was not a war for the hearts and minds of the people, but a terror campaign to destroy the will of a whole community. Such horrible occurrences are clearly detailed in *Breaking the Silence*.

People were subjected to a curfew and faced near-starvation as food supplies were interfered with. Some were even told they would be deliberately starved. Many lived with the immediate memory of the cruel deaths of friends and relatives whose bodies were thrown into shallow graves without the opportunity of grieving or a proper burial. Others disappeared altogether, having been taken away and undoubtedly killed. This has been a particularly bitter legacy of the Gukurahundi, as is attested by recent research⁷².

Few people in Matabeleland North and South escaped without some exposure to these events and the effects can be seen quite clearly today. Epidemiological studies show us the scale: nearly five adults in ten attending rural clinics or hospital as outpatients are victims of the organised violence and torture of the past decades and over 90 per cent of these derive their trauma from the 1980s. All the available evidence indicates that this epidemic of organised violence and torture can be blamed on the Fifth Brigade, the CIO and ZANU (PF) Youth. These were all organisations that reported to ZANU (PF) or the Prime Minister. This is common cause and there are ample reports of the Prime Minister, the government and the commanders of the Fifth Brigade confirming this chain of command. There has been no credible attempt to provide redress for the victims and no attempt to investigate the allegations of government-sponsored violence and torture. The government's own reports have been suppressed, and it is only due to the efforts of non-government organisations that any of this history has been publicised.

The Food Riots

In 1998, the human rights community in Harare swung into action following the many reports of human rights violations, and the Zimbabwe Human Rights NGO Forum (Human Rights Forum) was formed. This group, then a loose alliance of NGOs, provided assistance to detainees, persons complaining of human

⁶⁹ See Reeler, A.P., Mbape, P., Matshona, J., Mhetura, J., & Hlatywayo, E. (2001), The prevalence and nature of disorders due to torture in Mashonaland Central Province, Zimbabwe, *TORTURE*, 11, 4-9.

⁷⁰ See Reeler, A.P., & Mhetura, J. (2000), The psychosocial effects of organised violence and torture: A pilot study comparing survivors and their neighbours in Zimbabwe, *JOURNAL OF SOCIAL DEVELOPMENT IN AFRICA*, 15, 137-169.

⁷¹ See Mupinda, M (1997), Loss and grief among the Shona: the Meaning of Disappearances, *LEGAL FORUM*, 9, 41-49.

⁷² See AMANI (1999) "A Report on the Exhumation and Reburial Exercise Overseen by the AMANI Trust in Gwanda District, 25 July to 3 September 1999" BULAWAYO: AMANI.

rights violations and ill-treatment, and produced a report on the riots⁷³, which was forwarded to the President and Parliament in support of the request for an independent commission of inquiry.

There was no response from either the President or parliamentarians, and thus the Human Rights Forum took the step of lobbying the UN Human Rights Committee at its meeting to consider the implementation by Zimbabwe of the International Covenant on Civil and Political Rights. When the Committee produced its final report in September 1998, it made a strong statement endorsing the call by ZHRNF for an independent commission of inquiry.

The only other official report on the Food Riots, that issued by the ZRP General Headquarters, made no mention of human rights abuses or even the scale of injuries suffered. With the complete lack of official response, and the total disregard for the recommendations of the UN Human Rights Committee, the Human Rights Forum then issued a more detailed report on the Food Riots. This report was based upon field research, media and other reports, and the case files of victims who had elected to sue the government for wrongful injury⁷⁴. A particular concern in this second report was to describe the amount of torture that had been inflicted on the citizens on Harare mostly.

This report took considerable pains to test the information obtained from the courts and the media reports against interviews in the community, and here the suburb of Mabvuku was chosen. As was seen in the report, there was marked agreement between the findings from the community interviews and the public data, and torture was found to be very common.

Torture can be defined according to various different definitions, the most common of which are the definitions contained in the UN Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment and Punishment (UN.1984) and the Declaration of Tokyo (WMA.1975). According to this definition, a very large number of persons experienced torture during the Food Riots, and, as the Human Rights Forum commented:

The victims from the Food Riots in 1998 were different in many ways to those from the 1970s War of Liberation. In most respects their treatment was less severe than those from the Liberation War, and was confined to a single episode of torture or injury due to gunshot wound. However, the data given by the Human Rights Forum report did support the claims that torture had been inflicted and that gross human rights violations had taken place. This report was subsequently validated by the results of the court cases that took place, where the majority of the claims were upheld by the courts and damages awarded. In some of the cases, the judges made very strong statements about the use of torture and indiscriminate and irresponsible use of firearms⁷⁵.

The most obvious conclusion was, however, that the Zimbabwe government had allowed the use of much greater than "minimum force", and that torture had been perpetrated on a wide scale by government

⁷³ See Zimbabwe Human Rights NGO Forum (1998), *Human Rights in Troubled Times: An Initial Report on Human Rights Abuses During and After Food Riots in January 1998*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

⁷⁴ See Zimbabwe Human Rights NGO Forum (1999), *A Consolidated Report on the Food Riots 19—23 January 1998*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

⁷⁵ See again Zimbabwe Human Rights NGO Forum (1999), *A Consolidated Report on the Food Riots 19—23 January 1998*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

security forces. This was supported by the outcome of a number of legal actions instituted by the victims of the Food Riots⁷⁶.

The 2000 Parliamentary Election

During the 2000 Parliamentary Elections in Zimbabwe, there were a very large number of reports made of gross human rights violations being perpetrated by the supporters of the Zanu(PF) government. These reports were made by local observer groups such as the Human Rights Forum, the Zimbabwe Election Support Network (ZESN), and the Zimbabwe Civic Education Trust (ZimCet), as well as by international human rights organisations and election observer groups. The initial reports were subsequently corroborated by more detailed reports⁷⁷, and these covered a wide range of different aspects of the violence.

The 2000 Parliamentary Elections have been analysed in considerable detail, especially through the evidence led in the 37 election petitions mounted by the MDC in the wake of the elections. These petitions have been well covered in a number of reports by the Amani Trust, a Zimbabwean NGO⁷⁸, and these reports provide a very good overview of the human rights violations that took place over the election period.

The emerging evidence suggests very strongly that the human rights violations were largely perpetrated by the supporters of ZanuPF as well as a number of different government agencies⁷⁹. A subsequent analysis by the Redress Trust demonstrated very clearly that the violence being reported from 2000 onwards was mostly in respect of elections, and this contradicts the frequent assertions by the Zimbabwe government that the human rights violations are either due to conflicts over land or inter-party political violence⁸⁰.

The 2002 Presidential Election

After the June 2000 Parliamentary elections it was hoped that the violence would subside, but, as the election petitions and by-elections occurred in the subsequent months, the violence kept appearing, concentrated in the constituency in which there was a direct challenge to the ruling party⁸¹.

⁷⁶ See Zimbabwe Human Rights NGO Forum, (1999), Organised Violence and Torture in Zimbabwe in 1999, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2000), Organised Violence and Torture in Zimbabwe in 2000, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

⁷⁷ See Zimbabwe Human Rights NGO Forum (2000), Who is responsible? A preliminary analysis of pre-election violence in Zimbabwe, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2000), Report on political violence in Bulawayo, Harare, Manicaland, Mashonaland West, Masvingo, Matabeleland North, Matabeleland South and Midlands, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2000), A report on Post-Election Violence, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2000), Report on Pre-election Political Violence in Mberengwa, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

⁷⁸ See AMANI (2002), Organised Violence and Torture in the June 2000 General Election in Zimbabwe, HARARE: AMANI TRUST; AMANI (2002), Neither Free nor Fair: High Court decisions on the petitions on the June 2000 General Election, HARARE: AMANI TRUST; AMANI (2002), Heroism in the Dock: Does testifying help victims of organised violence and torture? A pilot study from Zimbabwe, HARARE: AMANI TRUST.

⁷⁹ See REELER, A.P. (2003), The Perpetrators of Gross Human Rights Violations in Zimbabwe from February 2000 to March 2003, Paper presented to "Civil Society and Justice in Zimbabwe: A Symposium", organised by the Zimbabwe Human Rights NGO Forum, Themba Le Sizwe and the International Bar Association, Holiday Inn, Johannesburg, 11-13 August 2003.

⁸⁰ See REDRESS (2004), Zimbabwe: Tortuous Patterns Destined To Repeat Themselves in Upcoming Election Campaign. Preliminary Study of Trends and Associations in the Pattern of Torture and Organised Violence in Zimbabwe, July 2001 – December 2003, LONDON: REDRESS TRUST.

⁸¹ See again REDRESS (2004), Zimbabwe: Tortuous Patterns Destined To Repeat Themselves in Upcoming Election Campaign. Preliminary Study of Trends and Associations in the Pattern of Torture and Organised Violence in Zimbabwe, July 2001 – December 2003, LONDON: REDRESS TRUST; see also AMANI (2002), Organised Violence and Torture in the Bye-Elections held in Zimbabwe during 2000 and 2001, HARARE: AMANI TRUST.

There were once again a large number of reports issued on the human rights violations that took place during the Presidential Election, both from Zimbabwean NGOs and international bodies, including election observation missions. In general, there was uniformity between all these reports, and it is clear that much of the organised violence and torture during the latter part of 2001 and the early part of 2002 was related to elections. It is relevant here to point out that the results of the Presidential Election were rejected by most authoritative observer groups, and resulted, for example, in Zimbabwe being suspended from the Commonwealth.

Recent Organised Violence and Torture

Organised violence and torture has not ceased since the Presidential Election. This has been manifest during all the by-elections that have taken place subsequently, as well as at times of public dissent, such as the stay-aways during 2003.

One of the most disturbing features of the violence since 2002 has been the association of the violence with the "youth militia"⁸². Several reports have outlined the increasing role that the youth militia have played in the current violence, as well as showing the association between these youth militia and well-known techniques of torture. However, one of the most interesting features of the current violence has been the move away from gross human rights violations, such as summary executions and torture, to violations of the freedoms of expression and association based around the use of the Public Order and Security Act⁸³. This is not to assert that gross human rights violations have ceased, for the reports from human rights groups in Zimbabwe indicate that there were 497 cases of torture in 2003 out of a total of over 3000 cases⁸⁴. With a Parliamentary Election expected in March 2004, it can be predicted that gross human rights violations will be reported with greater frequency in the coming months.

The Johannesburg Symposium:

With this background before them, a large number of the leading civic activists and leaders from Zimbabwe met in August 2003 to consider the problems of gross human rights in Zimbabwe⁸⁵. This ground-breaking symposium, probably the first such a comprehensive meeting held to consider human rights violations in toto, achieved a remarkable consensus on the way forward in dealing with the problems of impunity and accountability.

The findings from the Johannesburg Symposium were unequivocal:

- All available evidence indicates that the Government has engaged in a widespread, systematic, and planned campaign of organised violence and torture to suppress normal democratic activities, and unlawfully to influence the electoral process;

⁸² See Reeler, A.P (2004), Militarised Youth in Zimbabwe, Paper presented to the 2nd National Conference on Victim Empowerment, "Ten Years of Democracy: From Victims' Needs to Victims' Rights?" 31 August to 2 September 2004, ICC, Durban, Themba LeSizwe; see also Reeler, A. P(2003), The role of militia groups in maintaining ZanuPF's political power [www.zwnews.com]; and also Solidarity Peace Trust (2003), National youth service training. "shaping youths in a truly Zimbabwean manner".An overview of youth militia training and activities in Zimbabwe, October 2000 – August 2003, SOUTH AFRICA & ZIMBABWE: SOLIARITY PEACE TRUST.

⁸³ See Solidarity Peace Trust (2004), "Disturbing the Peace". An Overview of civilian arrests in Zimbabwe: February 2002 – January 2004, SOUTH AFRICA & ZIMBABWE: SOLIDARITY PEACE TRUST.

⁸⁴ See again REDRESS (2004), Zimbabwe: Tortuous Patterns Destined To Repeat Themselves in Upcoming Election Campaign. Preliminary Study of Trends and Associations in the Pattern of Torture and Organised Violence in Zimbabwe, July 2001 – December 2003, LONDON: REDRESS TRUST.

⁸⁵ See Temba LeSizwe (2003), Civil Society and Justice in Zimbabwe, The Proceedings of a Symposium held in Johannesburg, 11-13 August 2003, PRETORIA: THEMBA LESIZWE.

- The Government has also created, and the law enforcement agencies have vigorously applied, highly repressive legislation;
- These measures were directed at ensuring that the Government retained power rather than overcoming resistance to equitable land redistribution and correcting historical iniquities.

Whilst the victims of organised violence and torture were not represented as a constituency, the findings of the Johannesburg Symposium nonetheless represent a highly considered position on the way forward. The findings of the Symposium have already received serious analysis by at least one respected international NGO, and this analysis points out the very real difficulties in obtaining justice within Zimbabwe itself⁸⁶.

This analysis by the Redress Trust points out that there are a number of critical areas that any policy of reparations must take into account if it is to meet the needs of the victims and the demands of international human rights standards.

- **Restitution:** By this is understood restoring the victim, as far as is possible, to the position he/she was in before the violation. In Zimbabwe some clear examples will include the return to places of residence for those unlawfully displaced, restoration of employment, return of property, restoration of family life and citizenship and other legal rights.
- **Compensation:** This deals with economically assessable damage proportional to the details of the violation, including: physical or mental harm, pain and suffering and emotional distress, loss of opportunities including education, material damage and loss of earnings, harm to reputation or dignity, costs for expert legal, medical, psychological and social services. In Zimbabwe thousands of victims fall under this heading.
- **Rehabilitation:** Here medical as well as psychological care is involved, as are legal and social services.
- **Satisfaction:** This is a wide component of nonetheless quite specific aspects, including: cessation of the violation(s); full verification of the facts and public disclosure in a way that doesn't cause additional harm to the victim or witnesses; the search for the disappeared and proper recovery, identification and reburial of those killed, done in accordance with cultural rituals; an official declaration restoring the dignity, legal and social rights of the victims and those closely associated with them; apology and public acknowledgement of wrongs, and the admission and acceptance of responsibility; judicial (e.g. prosecutions) or administrative (e.g. truth commissions) sanctions against perpetrators; commemorations and tributes to victims; inclusion of the truth of what happened in national and international human rights training, and in educational materials. The abuses over all periods of the country's history give rise to countless examples of the absence of any form of satisfaction to date.
- **Guarantees of non-repetition:** Again this is a wide field of specific remedies, including: effective civilian control of the military and security forces; restricting military tribunals and in accordance with international standards; strengthening an independent judiciary;

⁸⁶ Here see Redress (2003) ZIMBABWE: FROM IMPUNITY TO ACCOUNTABILITY. ARE REPARATIONS POSSIBLE FOR VICTIMS OF GROSS AND SYSTEMATIC HUMAN RIGHTS VIOLATIONS? LONDON: REDRESS TRUST.

protecting human rights defenders, lawyers, doctors and journalists; priority training in human rights laws and norms at all levels in society and especially in the police, army and security services; promoting codes of conduct and ethical norms by public servants, and in the police, prisons service, military, media, medical and social services, and amongst the staff of economic enterprises; monitoring and preventing inter-social conflicts, and resolving them; law reform.

This list is very similar to that previously developed by the Sub-Committee of the Human Rights Commission of the Economic and Social Council of the United Nations as being essential to the combating of impunity⁸⁷.

However, it remains something of a failing that so much is written on behalf of the victims, and, perhaps even worse, decided for the victims in their absence. With this explicitly in mind, Idasa undertook a number of consultations with the victims of organised violence and torture in Zimbabwe, and this paper reports upon this process.

Victims' views of past human rights abuses:

Looking at Zimbabwe's history, there are countless human rights abuses that have occurred that have been left buried together with their victims, whose stories remain largely untold. During the UDI period, from 1965 through the 1970s, human rights abuses were rife as a deliberate tactic of intimidation and deterrence was directed at both the guerrillas and their supporters. There was need to maintain political power by the government of the day through the army and other security agents, and they needed to protect their own assets/property and other interests. The Rhodesian army was not the only party responsible for the abuses, as OVT was also perpetrated by the freedom fighters (ZANLA and ZIPRA) for various reasons.

Some of the reasons identified by the participants for the gross human rights violations carried out by the guerrilla forces were:

- To discourage sell-outs;
- To instil fear, impart and nurture liberation ideology into the civilians;
- It was a way of mass mobilisation especially in hostile environments such as the commercial farming areas;
- It was their own culture of local governance;
- Instilling discipline in the local community.

No one was held accountable for these abuses as the Lancaster House agreement provided for amnesty for all crimes committed during the war. Is it necessary to go back as far as the 1960s to address these abuses in order to ensure that those who committed the crimes are held accountable? According to the victims, the answer is in the affirmative, thus affirming the recommendations of the Johannesburg Symposium.

In the early eighties, there was relative peace, and human rights abuses drastically diminished as the nation celebrated self-rule. However, between 1982 and 1988, the ethnic tension between the Shona and Ndebele came to a head. This is the period referred to as Gukurahundi (the rain that washes away the chaff from the last harvest before the spring rains). Dissidents from Matebeleland went on the rampage killing civilians and destroying property. The government responded forcefully and appropriately in the

⁸⁷ See again UN [1997], The Administration of Justice and the Human Rights of Detainees: Question of the impunity of perpetrators of humanrights violations (civil and political), Revised final report prepared by Mr. Joinet pursuant to Sub-Commission decision 1996/119, United Nations. Economic and Social Council. Commission on Human Rights. Sub-Commission on Prevention of Discrimination and Protection of Minorities. E/CN.4/Sub.2/1997/20/Rev.1

beginning, but eventually sent in the Fifth Brigade⁸⁸. This force did not limit its activities to dealing with the dissidents only; any one who supported PF Zapu was a target. Victims from this era stated that the government wanted to consolidate power through the submission of political opponents; ZanuPF wanted Zimbabwe to be a one-party state, whilst Mugabe also wanted to 'colonise' Matebeleland and systematically eliminate the Ndebele. Gross human rights violations⁸⁹ were committed against the Ndebeles by the Fifth Brigade and they remain bitter towards the government, as those responsible for the violations have not been brought before the courts. Again amnesty was granted to everyone involved in the conflict when ZanuPF and PFZapu signed the Unity Accord in 1987.

Between 1988 and 1998 Zimbabwe had its most peaceful period since its birth. However, this was also the period that saw the emergence of civil society, the growth of Zimbabwe Congress of Trade Union (ZCTU), and frequent university student protests⁹⁰. Human rights abuses were still happening, especially in police detention and during the 1995 elections, but it was in January 1998 that they emerged again in the forefront. There were food riots that began in Chitungwiza, a satellite city 15 kilometres outside of Harare, and rapidly spread to the rest of the country. The reasons for these riots were several fold, but were identified by many political observers as being significantly related to the climate of discontent and discouragement felt by the Zimbabwean public at the time. These observers felt the reasons behind the riots were indicative of a crisis of governance in Zimbabwe; corruption, poverty and deteriorating living standards, taxes and levies, the land issue, the war veterans scandals, human rights issues, and demonstrations against the tax increases of December 1997 were all seen as relevant to the discontentment being demonstrated in the riots.⁹¹

The following year, 1999, the Movement for Democratic Change (MDC) was formed, and it became the first real threat to Zanu PF since independence in 1980. In the same year, there was a conflict between government and the constitutional reform movement which led to the Referendum of 2000. Here the government was defeated, and Mugabe apparently saw this as a personal rejection. This was the beginning of the present day political violence, as, within days, white-owned commercial farms were invaded by government sponsored/organised war veterans, and attacks on members of the MDC began in earnest.

"This campaign of violence and intimidation was Zanu PF's open strategy to avoid another defeat at the polls in the general Parliamentary election set for June 2000."⁹²

Despite the fact that the MDC was barely a year old, it won nearly half the seats in Parliament, and proceeded to challenge thirty seven seats in the courts, which then led to the government's attack on the judiciary. Between 2000 and 2002, there was unabated violence perpetrated, mainly by the government and its supporters against the opposition and those perceived to be part of the opposition in preparation for the March Presidential elections. This was also disputed in court and the judgement is still outstanding. The victims stated that the violence during this period was to silence the opposition, to create fear and divide the vote, and there was a need to stop the participation of political activists. They also acknowledged that the results of the referendum played an important role as the outcome had caught the system unawares.

⁸⁸ A ruthless Korean-trained arm of the Zimbabwean National Army. Perence Shiri, the commander of the brigade during the Gukurahundi period, is today the commander of the Zimbabwe Air Force, and has not been asked to account for his actions during this period.

⁸⁹ Thousands of unarmed civilians were killed: many were tortured, raped, beaten, and suffered loss of property. See CCJP/LRF (1997), *Breaking the Silence*, A report on the Disturbances in Matebeleland and Midlands 1980-1988, HARARE: CATHOLIC COMMISSION FOR JUSTICE AND PEACE & LEGAL RESOURCES FOUNDATION.

⁹⁰ A great number of these students joined and remained part of civil society upon completion of their studies.

⁹¹ See Zimbabwe Human Rights NGO Forum (1999), A consolidated report on the food riots 19-23 January 1998 – A report compiled by Amani Trust on behalf of Human Rights NGO Forum, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

⁹² See again Redress (2003) ZIMBABWE: FROM IMPUNITY TO ACCOUNTABILITY. ARE REPARATIONS POSSIBLE FOR VICTIMS OF GROSS AND SYSTEMATIC HUMAN RIGHTS VIOLATIONS? LONDON: REDRESS TRUST.

To date the violence is continuing, with beatings, rape, murder, and harassment, and it is not only the security forces that are the perpetrators, but also the youth militia, war veterans, and ordinary supporters are being used to commit these offences. As we draw closer to the Parliamentary elections in March 2005, it is likely to get worse, as the government is looking to ensure that they maintain power at all costs.

Throughout Zimbabwean history, the methods of torture and violence have been largely the same; forced *pungwes*, *falanga* (beating on the underfoot), mutilation, arbitrary killings, isolation, and widespread property destruction. Some civilians were ordered to kill or rape their own parents or siblings. There were gang rapes, beatings, wholesale arson, dogs set on innocent people, specialised methods of torture like electrocution, and teargas was used indiscriminately on demonstrators. Repressive laws were enacted, illegal detentions were rampant, verbal attacks, arrest of journalists, denying people access to food, and forced exile. From 2000, the abuses took a more humiliating and psychological turn, with victims being forced to drink urine, and crocodile teasing (where victims would be placed into a dam with a controlled crocodile). Live cats were dipped in drums of sulphuric acid in the presence of the victims, mortuary visits, death threats, and dipping of victims in ice-cold water.

It is worth pointing out here that this chronicle was derived mainly from the victims' own experiences or the experiences of their close family and associates, and is corroborated by the many human rights reports over the past 4 years.

Dealing with human rights abuses:

Without healing the wounds of past injustices there is little chance of success to ensure peace in Zimbabwe. Before victims can forgive and forget, the perpetrators have to acknowledge the part they played in the commission of crimes, committed deliberately in the pursuit of political goals. There was discussion about a Truth and Reconciliation Commission as in South Africa, and Zimbabwean victims are interested in the truth, but not in reconciliation without justice. As they put it, someone has to pay for all the atrocities committed.

When referring to the crimes, and, as indicated above, the victims mentioned arson, torture, beatings, murder, rape and other sexual offences, and disappearances, these are arguably crimes against humanity. Others have stated that these are merely a part of political violence, but the international conventions i.e.⁹³ all state that, when any of the following acts are carried out in peacetime, they are crimes against humanity:

- Murder;
- Extermination;
- Enslavement;
- Deportation or forcible transfer of population;
- Imprisonment or other severe deprivation of physical liberty in violation of fundamental rule of international law;
- Torture;
- Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other

⁹³ Here the victims made reference to the following: the UN Universal Declaration of Human Rights (1948), Common Article 3 of the Geneva Conventions (1949), the UN Convention on the Prevention and Punishment of the Crime of Genocide (1951), UN International Covenant on Civil and Political Rights (1966), UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), The African Charter on Human and People's Rights, and finally Article 7 of the Rome Statute of the International Criminal Court (1998).

grounds that are universally recognized as impermissible under international law;

- Enforced disappearance of persons;
- The crime of apartheid;
- Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

The Zimbabwe government has acceded to all of the above conventions except for the Torture Convention and the Rome Statute, and therefore legal grounds for holding them accountable do exist. The victims and their relatives want justice, and, for justice to be done, someone has to be held accountable. The Zimbabwe government has been unwilling to bring to light these abuses committed in the name of politics, as there is evidence that it has either been the perpetrator, or it has supported and sponsored such abuses. Victims want the government to be accountable as they are of the opinion that it is its failure to protect them that led to these abuses taking place; it is the government that debates and decides on what to do with the perpetrators without consultation with those personally affected.

Unlike in other Southern African countries, Zimbabwean NGOs⁹⁴ have been instrumental in ensuring that detailed reports of the abuses are made and distributed widely where government has been silent. There have been political crimes committed in Zimbabwe from before Independence in 1980, and the victims of these crimes have been neglected as blanket amnesty and reconciliation strategies have been discussed and accorded without consultation with those personally affected. The dilemma faced here is between impunity and accountability; Zimbabwean history has shown that impunity is favoured, as perpetrators have never had to account for their actions.

The victims of organised violence and torture are of the opinion that their suffering has not been accorded a high level of attention, which is necessary in the pursuance of peace. The culture of amnesty in Zimbabwe encourages forgiving and forgetting; this culture began without the consent of the victims who are being asked to forgive and forget. The government has relied on amnesty and has failed to address the issue of human rights abuses committed by public officials through out its history. This not only gives the perpetrators a licence to commit similar offences at another occasion, but shows the victims that the state does not take their issues seriously, and they feel they have no-one to turn to for support. These victims have become disillusioned and distrusting as a result.

Victims in Zimbabwe would like a similar process to the South African Truth and Reconciliation, but with an element of punishment for the perpetrators, as they see it as the only way to prevent this happening again in the future. Reparations can be viewed as a way of punishment, even though they not rated highly, especially for mass killings, but can be helpful for those who have medical and other economic needs as a result of the abuses.

There are, however, some crimes that require justice to be done, and this is imperative for a nation to move on and recover from human rights abuses. Any one who commits grave breaches should be brought to court and be judged, as, for example, in the cases of Pinochet, Milosovic, and those responsible for the atrocities in Bosnia and Rwanda. This is difficult to enforce in Zimbabwe at the moment, as the present government is largely responsible for the abuses, and they will certainly not allow their own to stand trial for crimes committed with their blessing. It is thus the hopes of the victims that the next government will not grant blanket amnesty for all those perpetrators who abused people that were simply trying to exercise their rights.

⁹⁴ Zimbabwe Human Rights NGO Forum has written numerous reports on human rights abuses, their most controversial being the report sent to the African Union, which was discussed at the last meeting in April 2004. This was delayed by the Zimbabwean government on grounds that they had not had sight of the report and needed time to comment on it. The Zimbabwe Human Rights NGO Forum (also known as the "Human Rights Forum") has been in existence since January 1998. A consortium of Twelve non-governmental organisations working in the field of human rights joined together to provide legal and psychosocial assistance to the victims of the Food Riots of January 1998.

For these victims, transitional justice means that, before the next government can be said to be effective, issues of human rights abuses and organised violence have to be addressed, and those responsible have to be held accountable. The victims stated in that, for them, it is important to confront the past for the following reasons:

- (i) Strengthening democracy- It is argued that by confronting the past and hence revealing the truth in a systematic and organized way that promotes the culture of accountability and ultimately also a democratic culture;
- (ii) Moral imperative- It was realised that there is a need for victims to be acknowledged as victims as by not doing so, it can be another form of victimisation (re-victimisation);
- (iii) The past is impossible to ignore.

This will not be an easy task, as it will be necessary to look at the political, ethical and moral aspects of the abuses, and it will not be possible to please everyone. Addressing these issues will not only be a duty for the politicians, but will also be a duty for human rights organisations as well, as in a transition one is dealing with a situation where meeting ethical requirements and political constraints creates powerful dilemmas. New authorities should act quickly and “reap the profits of the momentum and legitimacy they enjoy to take the initiative and propose policies.”

The Economic and Social Council of the United Nations developed a framework of rights that are considered essential to combating impunity. This framework was strongly endorsed by the victims, and was outlined briefly in the section above on the Johannesburg Symposium. The four sets of rights – the rights to truth, justice, reparation, and guarantees of non-recurrence – lay the foundation for a policy able to combat the insidious effects of impunity. These Zimbabwean victims liked this framework as it addresses the issues comprehensively as opposed to the narrow framework of truth commissions: the victims want truth, justice and reconciliation, which wholly endorses the recommendations of the Johannesburg Symposium. In this respect, the victims put forward their own resolution – the Lake Chivero Declaration – which states very clearly their intention that victims be a central part of any transitional justice process, and this Declaration is given in Appendix 1.

Chapter 5. Conclusions.

As we stated at the beginning, surveys may produce somewhat different results to case studies and other types of qualitative investigation, and it would seem that this is the case where the attitudes of Zimbabweans to democracy is concerned. The various studies conducted by the Afrobarometer, using the survey data from Zimbabwe in 1999 and 2004, reach a number of conclusions, and, by implication, lead to a number of views about the possible futures for Zimbabwe. To be sure there are methodological and theoretical matters to be resolved when the findings from quantitative and qualitative research on the same population are contrasted, especially when marked differences are found, but this is beyond the scope of this monograph.

The Afrobarometer surveys show a declining belief in democracy amongst Zimbabweans, an increasing accommodation to autocracy or single-party rule, a reluctance to express their views, a reluctance to affiliate to a political party, and a wish for negotiation amongst the political forces in the country. The more analytic studies, using this data, further support these views.

Wonbin Cho, examining the way that political institutions affect citizens' views of democracy, concludes generally that these have a significant effect, and, in Zimbabwe's case, supporters of the political party in power are more likely to approve of the Zimbabwean form of democracy than those whose parties are not in power⁹⁵. Additionally, Cho argues that, it is not merely a case of "winners" and "losers", but also that citizens living in stable, multi-party systems are more likely to be satisfied than those in predominantly one-party states, what Bratton has termed "liberalized autocracies"⁹⁶, and Carothers has alternatively termed "dominant power politics"⁹⁷.

In Zimbabwean terms, the existence of a highly autocratic state, determined to hold on to political power, both by repression and the unfair influencing of elections, will explain the decline in support for democracy by ordinary Zimbabweans. These are views that are supported in the main by Zimbabwean commentators, who generally share a pessimistic view of the immediate future. Masunungure, for example, argues that little will change in the short term:

Given the political culture and history of authoritarianism, that was reinforced by the liberation war culture, and given that culture changes slowly through the process of political socialization, we can only conclude that for the foreseeable future the life of opposition politics in Zimbabwe will be dark.⁹⁸

This pessimism is enhanced by another Afrobarometer study. John Gay, examining Sen's basic thesis, that development depends on freedom, argues that it will be possible to predict "virtuous" and "vicious" circles in the life of African democracies⁹⁹. As was pointed out in the introductory chapter, a lack in the basic freedoms, as is so evident in the Zimbabwean case, should lead to exactly the kinds of findings reported in the Afrobarometer surveys on Zimbabwe. This analysis would predict that things would continue to fall apart in Zimbabwe before they got better, and, furthermore, that the anti-democratic attitudes of the "vicious" circle would continue to harden in the absence of the basic freedoms identified by the Sen model.

⁹⁵ See Wonbin Cho (2004), Political Institutions and satisfaction with democracy in Sub-Saharan Africa, Working Paper No. 39, AFROBAROMETER.

⁹⁶ See Carothers, T (2002), The End of the Transition Paradigm, *Journal of Democracy*, 13:1, 5-21.

⁹⁷ See Bratton, M (2004), State building and democratization in Sub-Saharan Africa: Forwards, backwards, or together? Working Paper No.43, AFROBAROMETER.

⁹⁸ See Masunungure, E (2004), Travails of opposition politics in Zimbabwe since Independence, in D. Harold-Barry (ed), *Zimbabwe: the Past is the Future. Rethinking Land, State and Nation in the Context of Crisis*, HARARE: WEAVER PRESS.

⁹⁹ See here Gay, J (2003), Development as freedom: A Virtuous Circle? Afrobarometer Paper No.29.

However, these views are unduly pessimistic, and perhaps an artefact of the methodology of surveys, as it is clear from the studies reported above that certainly Zimbabwean youth and victims are not so pessimistic, not anti-democratic, and even clear about what needs to be done. We reach different conclusions using different methodology; not entirely different conclusions, but different nonetheless.

On the youth

It is evident that these Zimbabwean youths not only have strong views about their democracy, but also have strong views about the problems and the possible solutions. Whilst it cannot be claimed that this sample is representative of all Zimbabwean youth, their views are nonetheless interesting, and generally in accord with the findings of the Afrobarometer studies.

Whilst it is unwise to generalise from such a small study, and, it is difficult to argue which views characterise the youth of Zimbabwe – those inducted into the youth militia or these unemployed township youth – it seems evident that the polarisation in the wider society can be found in the youth. However, the “democrats”, and those unsatisfied with current political, social and economic life, were in the majority amongst this sample, and there may be considerable merit in a wider polling of the attitudes of the youth.

The importance of the youth for Zimbabwe’s future is undeniable, but clearly youth issues now represent a contested space. For example, there have been recent articles in the State-controlled press discussing how the future of Zimbabwe rests on the youth, and what can be done¹⁰⁰. The revitalisation of the National Youth Council (NYC) is regarded as one way of ensuring that this happens. The NYC has been tasked to ensure that “unity in the youth movement brings about a cohesiveness in direction and therefore a stronger bargaining position when it comes to lobbying for the needs of the young people. It is seen to be best positioned to bridge all divisions and provide a progressive direction to the country’s youth”. This Council however is a government creation and it will probably stand by the party line in common with so many other government and quasi-government bodies: the political space is scarcely neutral any more in Zimbabwe, and the youth are a constituency that both the major political parties see as crucial to their success. It is unlikely therefore that the NYC will benefit those viewed as dissidents, even if they hold such openly democratic views as the youth described here.

It is more likely that Zanu PF will continue the process of ideologically transforming the youth as indicated in another recent article¹⁰¹. Here the writer envisages ways that Zanu PF could bring the youth back into the party:

There is a need to revolutionise campaign strategies to make them more appealing to the complex mentality of the youth. ...Zanu PF youth league must get more ‘practical’ in their campaigns, play contact politics, touch the youth in their sacred hideouts...Zanu PF lost an opportunity...by neglecting to spread its revolutionary principles more vigorously. Zanu PF needs to formulate university/college student movements that are indirectly affiliated to party in both policy and administration when it comes to SRC elections. These elections should be contested using Zanu PF regalia, expounding Zanu PF policies and ideology. Linkages between the institutions of higher learning and the youth league will breed politically active and conscious youth that will defend the hard won independence and sovereignty of this country.

This article was targeted at the city youth whom the writer refers to as the “dot.com” youth, who do not identify with the liberation struggle and are indifferent to party policies. Therefore “their experience is a confused fusion of the invisible, the tangible and the fantasies”.

¹⁰⁰ The Herald 29 July 2004. An article entitled “Zim’s future lies in youths” by Donald T. Charumbira.

¹⁰¹ The Herald 12 July 2004, “Time to reorient youth” by Boyd Madikila.

However, according to our survey and the subsequent consultations, Zimbabwean youth are not indifferent and unconcerned about politics. The youth clearly want to be involved in politics, but they want this involvement to be meaningful and beneficial to all, not merely a selected few. The basis for involvement should not be based on the liberation struggle, and they believe that it is necessary to move from blind adherence to this ideology. In this respect, these youth display all the thinking of modern democrats, and even show a critical attitude to liberal democracy: they clearly believe in social justice and see a strong role for the state in providing the services that will facilitate social justice.

The work with the youth also shows that they have considerably more political maturity than might be expected, and have a much deeper level of understanding democracy and governance than is commonly accepted. In many societies in transition, and it is debatable, as we said earlier, whether Zimbabwe is in transition at all, it is the youth that chart the new direction. It was so in South Africa, and has been the case in Serbia, Georgia and the Ukraine, and, on the views of the youth involved in this exercise, Zimbabwe can take hope from the mature, democratic principles of its youth. The views of these youth do not conform to Gay's view that they should be conforming to the "vicious" circle mentality, and rather would conform to the "virtuous" circle in the absence of all the freedoms that this circle should require. They do not belong to the better-off, but to the dispossessed and unemployed, but they nonetheless are democrats at heart and in aspiration.

On the victims and democracy

Clearly the victims of organised violence and torture are also unsatisfied with democracy in Zimbabwe. From the victims' point of view, the government's stance that elections are held regularly and the citizens elect their representatives is an insufficient measure of democracy, and is only a small part of the democracy they would like to see prevailing. They insist that there is a need to ensure that everyone has access to the political process, access to information, fair and equitable reporting, personal security, employment, health care, adequate food and access to social networks.

It was unequivocally stated by the victims that Zimbabwe is a democracy in name only; as they said, in reality, Zimbabweans live under autocratic rule, where one person makes the decisions and everyone else is expected to toe the line¹⁰². Unsurprisingly, the victims placed a high priority on eliminating the culture of fear, and felt strongly that this is what is inhibiting Zimbabweans from taking a stand when their rights and freedoms are being infringed. This provided a somewhat different interpretation from the 2004 Afrobarometer survey for the current apathy seen in Zimbabwe.

As the victims repeatedly pointed out, the political climate is not conducive for any opposition to succeed to political power, let alone to adequately campaign. The victims also pointed out repeatedly the ways in which the basic freedoms, promised in 1980, have been eroded almost completely by a plethora of draconian laws, partisan policing, and unsympathetic courts.

The victims here are clear about the national project and what needs to be done to restore legitimacy to the nation. Most were victims because they were active in the process of advocating change, and, although there were attempts to silence their voices, it is apparent from the views summarised above that they will be a force in the future, just as the youth have shown that they too intend to have a say. And the voices of the victims of organised violence and torture will not merely be a force in contesting impunity and demanding accountability, they will be a force in defining the nature of democracy in Zimbabwe. As this small study shows, their definitions of democracy and its constituents place them in the main stream of the Zimbabwe project to develop a modern African democracy.

¹⁰² The election of Central Committee members at the 2004 Zanu PF Congress supports this. Although the members are supposed to be voted in, in reality the Praesidium has the right to vet who can and cannot be a member. Here, Jonathan Moyo, who was widely seen as Robert Mugabe's golden boy, suffered from the consequences of not following a Presidential decree, as he was voted into the central committee, but was vetted out by the inner circle of the Praesidium.

They too do not conform to Gay's typology, and, despite their terrible experiences, they subscribe to the "virtuous" circle rather than the "vicious". They see the problems, understand the reasons why there are problems, but see that there are ways to move towards a better future and a functioning democracy.

On transitional justice

It is important to have information on past abuses to ensure that the truth is known, the perpetrators are brought to justice, there is reconciliation and resolving conflict between different groups, provide compensation for the victims and provide public acknowledgement of the suffering of the victims¹⁰³.

According to Aryer Neier, there are two crucial reasons for confronting the past. Firstly, it is necessary to recognise the worth and dignity of those victimised by abuses of the past. Failure to confront what happened to them is, in a sense, saying that those people do not matter - only the future is important - and this further worsens their victimisation. Secondly, it shows that the rule of law is being upheld, and those that committed the abuses are not immunised from society's efforts to deal with the past.

Neier goes on to say that establishing the truth is critical to pinpoint the responsibility of both the authors of the abuses and the perpetrators. Although accountability is important, it is not sufficient, and there has to be acknowledgement as, more often than not, the public know who is responsible.

"Acknowledgement is also a way of providing an assurance to the victims that at least the perpetrators have recognised their guilt and, in that fashion, have suggested that their own wrongdoing is a form that will not be repeated".

As has been seen above, Zimbabwe has an unenviable history of gross human rights violations followed by impunity, and rarely have the victims been consulted about their fate. This small study is one of the first to directly consult with Zimbabwean victims about transitional justice, and, as can be seen, they not only have a good appreciation of the history, but also very strong views about how this history should be dealt with. Indeed, it would be surprising if they did not hold strong views on their abuse, but it is gratifying that these victims have developed views that are wholly in accord with modern thinking on gross human rights violations and impunity. They seek accountability, not only as truth, but as justice and a pre-condition for peace.

As was shown in the work on democracy with the victims, they have strong views on the nature of the democracy that they wish to live in, and their views on transitional justice are complimentary to their views on democracy. Just as the democracy they seek should be people-centred and people-driven, so should transitional justice be people-centred and people-driven. They validate the recommendations of the earlier Johannesburg Symposium, but stress very strongly their demand that any form of transitional justice in the future must derive from the consensus of the victims themselves. Reconciliation cannot be produced at a negotiating table – this much Zimbabweans have learned from the 1980 experience – and true reconciliation arises when the victims are able to understand and forgive their tormentors. Here these Zimbabwean victims echo Judge Goldstone's comment that justice does not need peace, rather peace requires justice.

Overview

As can thus be seen, the qualitative work with these two groups endorses some aspects of the Afrobarometer survey work. The youth and the victims are no less critical of the failure of the state to deliver economic and social justice than the broad population in Zimbabwe, and they are no less

¹⁰³ See Neieh. A (1997), *Dealing with the Past: Truth and Reconciliation in South Africa*, PRETORIA: IDASA.

perspicacious about the problems being faced in Zimbabwe today, but they do have a good understanding of the problems, particularly as regards elections, political violence, and the use of draconian powers. They also have clear ideas about the ways in which the problems might be resolved, and suggest ways wholly consonant with a peaceful and democratic approach.

So this work validates the Afrobarometer survey in many ways, but also suggests that the survey method may not have been able to elicit people's attitudes as accurately as it might. Clearly, in the current political climate in Zimbabwe, an opinion poll is hardly as neutral an undertaking as a poll in a country such as South Africa, and, in fairness the 2004 Afrobarometer reports makes this point, but, on the data that we report here, Zimbabweans are clearly more engaged in the political life of their country than they will admit. An example here relates to some of the changes seen over time in the Afrobarometer surveys on Zimbabwe. In 1999, a very significant proportion of Zimbabweans indicated that they would have little to do with active involvement in political and civic issues¹⁰⁴, and it is clear that many in 2004 are reluctant to confess to active political affiliation. But it is definitely the case that tens of thousands of Zimbabweans have become actively involved in political and civic life, and continue to do so in an increasingly repressive climate. So there is curious problem of people doing what they say they will not.

Perhaps these findings will go some way to explaining a curious paradox about Zimbabwe, and a more curious paradox than increased support for Robert Mugabe. Zimbabweans clearly value democracy, and perhaps value also the ways in which democracy can be attained, and that is through democratic action rather than violent revolutionary struggle. The participants to the workshops described above did not see violence as an option for attaining democracy, but again and again spoke about non-violent struggle and the use of the tools of democracy – protest, litigation, and the like – as the means to achieve the changes they desire in their country. This is not an easy course to chart when the political power appears too comfortable with the use of violence and repressive power as the means to block any change. And given the relative sophistication of the attitudes explored with the youth and the victims, perhaps it is time that the world saw that the Zimbabwean crisis is a new chapter in African politics rather than merely another example of "liberalized autocracy" or "dominant power politics".

¹⁰⁴ In the 1999 survey, the data revealed the following: "The survey results demonstrate that the citizens of Zimbabwe are rather low on the active participation scale. If the degree of participation in civic life is an index of democracy, then democracy in Zimbabwe can be said to be still in a fledgling state. It must however be observed that about 25% of the respondents indicated that they would participate in political activity if they had the chance. This means the potential for participation is considerable; it needs to be tapped by creating a conducive or enabling institutional environment which is perceived as presently missing".

Appendix 1.
"The Lake Chivero Declaration".

On the 5th August 2004, the victims agreed on a statement that epitomises their ideas on how Organised Violence and Torture should be treated;

"We, the victims and survivors of OVT in Zimbabwe, will endeavour to identify, mobilize and establish a corporate body, which will look into the welfare of the aforementioned target groups for the period 1965 to the present day.

"We hereby declare that there is need for a people-driven and democratic constitution which insists on:

- a. Impartial application of law, separation of powers and the establishment of effective institutions for the protection and promotion of human rights with strict adherence to international standards and conventions.
- b. Victims and survivors representation in policy and decision-making, which guarantees non-recurrence coupled with reparations and reconciliation
- c. A functional, effective, performing and accountable legislature to address the social, economic and political emancipation of Zimbabweans.
- d. Development of collective memory, rehabilitation and the lobbying of the international community to facilitate recognition of victims and survivors of OVT in Zimbabwe."