

## Editor's Introduction

We regret to report six 'political' deaths this month, and offer our condolences to the bereaved. **Felix Mazava** (headmaster of Umboo School and part of the MDC leadership in Chikomba) was stabbed and bludgeoned to death ahead of the by-election poll there; **Fanuel Madzvimbo** and **Alexio Nyamadzawo** died in a fracas with workers on Bita Farm, Hwedza; two unnamed members of Zanu-PF from Solario Farm were assaulted at the Epworth home of an MDC supporter and dumped in the bush, where they were later found dead; and a burned corpse (thought to be one of two MDC men abducted by Zanu-PF supporters before the poll) was found close to a polling station in Nkulumane, Bulawayo.

### We say these political killings must stop.

Political rights are part of the 'first generation' of human rights – the ones that matter most to men and (unfortunately much less frequently) women competing for political power. Although the *Human Rights Monitor* came into existence during the worst political violence of our recent past, it has not yet assessed the state of political rights in Zimbabwe. Now is a good time to do so.

## Political Rights

Our Constitution is relatively silent on what our political rights are. It follows the *Universal Declaration of Human Rights* in (conditionally) upholding the 'fundamental freedoms' of thought, opinion, expression, communication, assembly, association and movement. But s21(2) does note specifically that freedom of association 'shall include the right *not* to be compelled to belong to an association'. In other words, if anyone tries to force you to buy a party membership card, that infringes your constitutional rights. Even to buy one simply for protection, without being forced, is an infringement of your political rights.

Schedule 3 lays down the qualifications to stand for election as a Member of Parliament and to vote. To vote one must be 18 years or older *and* a citizen or a legally permanent resident of Zimbabwe.

These are relatively weak provisions, especially in Zimbabwe's current anarchy. Unlike others in the region, *our Constitution does not explicitly guarantee any of us the right to vote*. So if we are prevented from voting, for example by kidnapping and detention, or because our names have been removed (accidentally or deliberately) from the voter's roll, or because we have been chased out of our constituencies, we cannot turn to our present Constitution for redress.

Most importantly, the rights enshrined in Article 21 of the *UDHR* are *not* included in our *Constitution*, although the sentiments of 21(3) are in our Electoral Act.

'Article 21(1). Everyone has the right to take part in the government of his country, directly or through

freely-chosen representatives.

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

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

## Recent elections

In February 2000, Zimbabweans voted to retain our existing defective Constitution in preference to the alternative offered by the government's Constitutional Commission. In June 2000, we had a Parliamentary election. Most monitors and observers, local and international, refused to endorse it as free and fair.

Since then, we have had five very violent by-elections (Marondera West, Bikita West, Bindura, Makoni West and Chikomba). Of the two mayoral elections (Masvingo and Bulawayo), the first was also violent. The partial but largely peaceful municipal elections in Bulawayo were held at the same time as their mayoral poll. However, there was much violence in earlier local government elections to fill ward vacancies around the country. In these various polls, some electoral candidates as well as some voters were assaulted, threatened, kidnapped and had their properties damaged or destroyed.

Various municipal and mayoral elections, most importantly in Harare, are still pending. They have been recurrently delayed by executive action as two ministers have rolled over the dubious mandate of the Harare interim administration. The Registrar-General has not yet complied with a High Court order given in May by Justice Chingengo to hold a new nomination court for the Chegutu mayoral election, deferred since 1999. However, the poll is expected to be in December 2001.

## The 2002 Presidential Election

Next year, under our defective Constitution, we also face the prospect of electing an executive president. The Legal Resources Foundation has identified the precise timing requirements laid down by the Constitution and the Electoral Act for this election. *The requirement to hold this election is not affected by any possible declaration of a state of public emergency*. The 2002 timetable is:

1 January: start of the 90-day period during which the Constitution requires the election to occur;

2 January: first working day available for the Registrar-General to publish notices calling for nominations and fixing polling dates;

10 January: last day permitted by the Electoral Act for these notices to be published;

16 January: earliest day permitted by the Electoral Act for the Nomination Court to sit;

31 January: last day permitted by the Electoral Act for the Nomination Court to sit;

6 February: earliest day permitted by the Electoral Act for voting;

9 February: earliest weekend permitted by the Electoral Act for voting;

17 March: last day permitted by the Electoral Act for voting;

31 March (Easter Sunday): last day of current presidential term of office;

1 April (Easter Monday): first day of new presidential term of office.

## Political rights in practice in Zimbabwe

In the flurry of elections as Zimbabwe turned 21, how healthy are our political rights? According to Arufeya Gungumakushe, writing in *The Standard*, the voting rights especially of farm-workers have been badly impaired.

'What better method of rigging the presidential election than removing all potential political opponents from the addresses of their electoral registration? Far from redistributing the land from the rich to the poor, President Mugabe has been redistributing people, chasing those potential opponents from their usual homes to disable them as voters.'

*Monitor* readers might like to ask themselves the following questions in order to assess how their individual political rights are doing:

Have I been able to access independent information on my political rights??

Have I been able, without threat to my body, my property or my job, to hold the political opinions I think are right?

Have I been able to express my views freely to anyone?

Have I been able to communicate my opinion over radio, TV, through the press, by email or phone?

Have I been able to receive other people's opinions freely?

Have I been able to gather with other people peacefully in public places to make a political point?

Have I been able to join to any organisation I want to?

Has any pressure been exerted on me to join organisations that I do *not* wish to belong to?

Have I been able to stand for election to any public office I wish to (eg councillor, MP, mayor)?

Have I received polite and helpful responses from civil servants, including the police, when I have wanted to lay a complaint or report a crime?

Have I been able to vote freely for the person I preferred to represent my interests?

Was I able to vote in secret and be sure that no-one else knew how I had voted?

If readers answer 'no' to any of these questions, at least one of their political rights has been violated.

Political rights at the national level are like those in the home. As they abuse you, those who violate your human rights will tell you: 'scream quietly or the neighbours will hear'. We think that keeping quiet simply

allows the abuse to continue. In order to exercise our political rights, we must *stop* the abuse we have suffered thus far. Lots of loud publicity is an excellent start.

So is ZimRights' voter education guide, called 'You and the Vote'. Government has stated its intention to control all 'voter education' through its own Electoral Supervisory Commission. We see their intention as an unconstitutional infringement of our right to information from any source. Just as we see their apparent condonation of electoral violence as an abuse of our political rights.

Can we quickly remind readers of how badly some Zimbabweans' political rights have been abused? Since January 2000, our records from published sources include 1 720 incidents of political violence – on average over 14 for every constituency. The actual distribution of this violence has been very uneven. Some constituencies had hundreds of cases, others very few. In 337 incidents, personal property (including food, clothing and household goods) was damaged or destroyed. There were 308 reports of assault, involving many more victims. Among those responsible for these assaults were state agents such as the army and police. 160 voters were not simply beaten up but also tortured, in attempts to coerce what should have been their free political choices.

We have also recorded 117 deaths resulting from the political violence, 41 belonging to the MDC. Of these, 28 (including one election candidate, one election agent and one local branch official) were killed by known Zanu-PF supporters.

Eight Zanu-PF members also died, but none were running their party affairs or for election. Two died at the hands of their own party supporters, another two were killed by known MDC supporters, three others died in armed clashes. Politically-generated violence harms everyone, including those who start it, although some may suffer more than others.

## By-elections

If we look specifically at the five rural by-elections, they all resulted in victory for Zanu-PF, even Bikita West which had been won in June 2000 by the MDC. Table 1 summarises the five results.

Table 1. By-election results

Constituency ----- By-election	Maro- ndera West	Bikita West	Bin- dura	Makoni West	Chi- komba
% vote	32.8	51.6	45.6	40.0	41.1
% refused*	15.8	22.8	9.8	19.5	16.6
% Zanu-PF	59.9	63.0	61.4	62.0	71.7
% MDC	35.4	33.9	36.6	34.1	24.0
% Other	3.1	0	0	3.9	2.4
% spoilt	1.6	3.1	2.1	2.2	1.9

\*as % of those who did vote

The Zanu-PF victories came only after five killings, significant violence, and other violations of electors' rights. Two killed belonged to the MDC, one to Zanu-PF, and two were innocent consumers without known political affiliation. They were caught in the wrong place at the wrong time as police used teargas and live ammunition to disperse political gatherings in Beatrice.

Among the other violations of political rights in these by-elections, village headmen were reported to have recorded the names of people in their villages who voted. People feared later reprisals if they did *not* vote. Australian laws force people to vote, but Zimbabweans have a right *not* to vote if they so choose.

And even in the face of such coercion, a significant rural minority - between one in every four and two in every five voters - continued to support opposition parties. These extremely brave people have the political right to dissent from majority opinion without being victimised, and *that right must be protected*.

In these by-elections there has been a very disturbing trend. Many people wanting to vote have been refused. Only in Bindura was the figure as low as one in ten.

Some voters could not produce their IDs, after these were violently confiscated by political activists.

The names of many turned away did not appear on the rolls - even though they had voted in those constituencies in June 2000. Opposition parties suspected that names of their known supporters were removed from constituency rolls, while known Zanu-PF supporters were transferred into constituencies where they were needed.

Could this have happened? If so, how?

Individual voters' names are accessed through national identity numbers. Some MDC membership lists have been stolen. And the same Israeli company computerised both the voters' roll and Zanu-PF's membership database. In 1999, some rural voters told Margaret Dongo that they had been told by Zanu-PF that if they joined the ruling party, they did not need to register as voters. They would be registered automatically. It is easy to transfer information between computerised databases that have the same 'fields' to hold that information.

The voters' roll is clearly defective. Even Zanu-PF complained about it after losing the Masvingo mayoral election. A manipulated voters' roll and depriving people of proof of identity to vote, both violate political rights.

What are Zimbabweans going to do about their defective political rights before our next election?

A good start would be to re-register and demand proof of their registration in that particular constituency.

## Follow-ups

### 1. Children's rights

A recent survey has shown that 200 000 workers are under 18 years old, mostly in agriculture and domestic work.

Last year, 2 000 cases of child rape came before our courts. The youngest victim was three months old. 70% of child rape victims were infected with STDs, including HIV/AIDS. One estimate is that 30% of the 5 000 people who die each week of AIDS are child victims of sexual abuse. There has been no public discussion of the report of the 1999 investigation into child sexual abuse and no public reports of it this month.

### 2. Capital Punishment

In September, the Zimbabwe Association for the Care and Rehabilitation of Offenders (ZACRO) relaunched its campaign against the death penalty. Coincidentally, no death sentences were reported this month.

### 3. Health

In Nyanga, medical personnel were lectured by 'war veterans' on 'medical ethics' and told not to treat members of the opposition injured in political violence. In August-September, 80 doctors and 624 nurses resigned from the Ministry of Health, leaving 742 doctors and 7 133 nurses staffing our state healthcare institutions. Three provinces are now reported to have *no doctors* at all in their state hospitals.

Government hospitals were reported to be using expired drugs authorised by the Medicines Control Authority of Zimbabwe. This was denied in Parliament by health minister Timothy Stamps. He was reported to have said his ministry did not need an extra Z\$7 billion which the opposition MDC saw as the minimum needed to restore Zimbabwe's health services. Parliament approved a supplementary health budget of only Z\$1,3 billion.

120 cancer patients waiting for radiotherapy were very grateful to Rotary Clubs for raising Z\$330 000 (US\$6 000) to buy spares for Parirenyatwa Hospital's only linear accelerator. The forex was provided by Compaq at the official exchange rate. The health ministry could not find this small amount despite Minister Stamps' assurances to Parliament. Customs also delayed the spares for a week, refusing import clearance until duty was paid.

### 4. Retirement

There is a new ceiling for contributions to NSSA. It was raised from Z\$4 000 to Z\$ 7 000 per month with effect from 1 April 2001, but only announced in September 2001 (Statutory Instrument 288). Compulsory contributions from workers earning over \$4 000 per month have risen from Z\$120 to Z\$210.

### 5. Policing, human rights and the rule of law

The 53 soldiers based in Masvingo whose prosecution was ordered on 8 August 2001 by magistrate Shortgame Musaiona had, by late September, still not been brought before any court.

ZimRights reminded the Zimbabwe Republic Police of normal human rights standards for policing.

'(a) Everyone is entitled to equal protection of the law, without discrimination on any grounds, and especially against violence or threat. The police must be vigilant to protect potentially vulnerable groups.

(b) Treat all victims of crime with compassion and respect and in particular protect their safety and privacy.

(c) Arrest no person unless there are legal grounds to do so, and the arrest is carried out in accordance with lawful arrest procedures.

(d) Ensure all detainees have access promptly to their families, legal representation and medical assistance.

(e) Do not carry out or cover up extra-judicial executions or disappearances and refuse to obey any order to do so.'

## Human Rights Generally

This month, we received no unpublished reports, so the figures below all came from published sources.

## 1. Civil rights

In September 2001, there were 21 published cases of civil rights' violations, 16 from urban and peri-urban areas. Only five were rural.

Who were the victims of civil rights abuses?

As Table 2 shows, there were at least 64 individual abuses.

Among the individually-known victims were one woman, three girls, one boy and 37 men.

Table 2: September 2001: Victims of reported civil rights violations, including those resulting from political violence.

Type of Violation	'ordinary'	'political'	total
unlawful killings: total	2	6	8
(by ZRP)	(2)	0	(2)
attempted killings	3	6	9
death threats	1	2	3
public/political violence	0	>5063	>5063
unlawful arrest/detention	2	26	28
assault by police / army	5	>1	>6
by Zanu-PF/ZNLWVA	0	>39	>39
by MDC	0	>3	>3
other	0	>7	>7
disappearance/kidnap	0	19	19
firearms offences: total	2	7	9
(by ZRP)	(2)	0	(2)
(by others)	0	(7)	(7)
political intimidation / victimisation	20	1	21
political discrimination	16	0	16
torture	0	9	9
child abuse	3	0	3
freedom of expression	6	4	10
property-related	>4	>88	>92
Total victims	>64	>5281	>5345

>means more than

### Who violated civil rights?

The State again topped the list of civil violators, being responsible for 12 incidents: police (10) and line ministries (2) were the culprits.

Seven private individuals, often acting collectively, came second. Both Zanu-PF and the MDC behaved fairly well, with one incident each.

## 2. Political rights

Over half (56,6%) of 53 news reports showed a steady level of political violence. Six deaths and two death threats were 'political'.

In September 2001, 35 political violations of human rights occurred in rural areas. The remaining one-third afflicted townspeople. The provincial distribution of these

'political' cases is given in Table 3.

Table 3. Distribution of 'political' violations by province.

Mashonaland East	21	39,6%
Harare	8	15,1%
Mashonaland West	5	9,4%
Bulawayo	4	7,5%
Manicaland	4	7,5%
Matabeleland North	3	5,7%
Midlands	3	5,7%
Mashonaland Central	2	3,8%
Masvingo, MS 1 each	2	3,8%
Unknown	1	1,9%

### Who were the victims of political violations?

In September, there was an increase in the number of women named as victims of political violence: 14, compared to 48 men. 13 incidents involved well over 5 100 victims of both sexes.

### Who violated political rights?

State agents transformed their record in September, for which we commend them. The police were responsible for only three incidents involving 23 victims (all MDC). Zanu-PF was responsible for most incidents (32, two including war veterans) and victims (64 named plus another hundred or so). However, war veterans alone were involved only in five incidents. The MDC victimised nine people in four incidents, one internal.

As usual we would like you to let us know about human rights abuses. Please include your full name and address if you want us to answer, otherwise we will not know who to address and send replies to. (Our address is below.)

With the aim of developing a strong human rights culture in Zimbabwe, we want to know about and expose especially those human rights abuses that are not reported in the press. Information regarding unlawful killings, assaults, torture and other gross violations of Zimbabweans' civil rights is appreciated. But we also want to know when people cannot get birth certificates or identity documents, when property rights and work entitlements are violated, and when nothing is done about people who do not have access to health services and schooling.

The Legal Unit of the Human Rights NGO Forum offers legal advice and Amani Trust offers psychological counselling to anyone who has suffered from torture or organised (including political) violence. Address 1 Raleigh Street (off Rotten Row), Harare (tel. 792222, 737509, 731660; email [amani@echo.icon.co.zw](mailto:amani@echo.icon.co.zw)).

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