

**OUT FOR THE COUNT:
DEMOCRACY IN ZIMBABWE**



**2005 ZIMBABWE PARLIAMENTARY ELECTION
FACT FINDING & OBSERVER MISSION
BY SOUTH AFRICAN CHURCH AND CIVIL LEADERS**

SOLIDARITY PEACE TRUST

MAY 2005

“I have no reason to think that anybody in Zimbabwe will act in a way that will militate against the elections being free and fair”

“...As far as I know, things like an independent electoral commission, access to the public media, the absence of violence and intimidation ... those matters have been addressed. What SADC is interested in is a free and fair election in Zimbabwe, as in all of its member states.”

Thabo Mbeki, South African State President

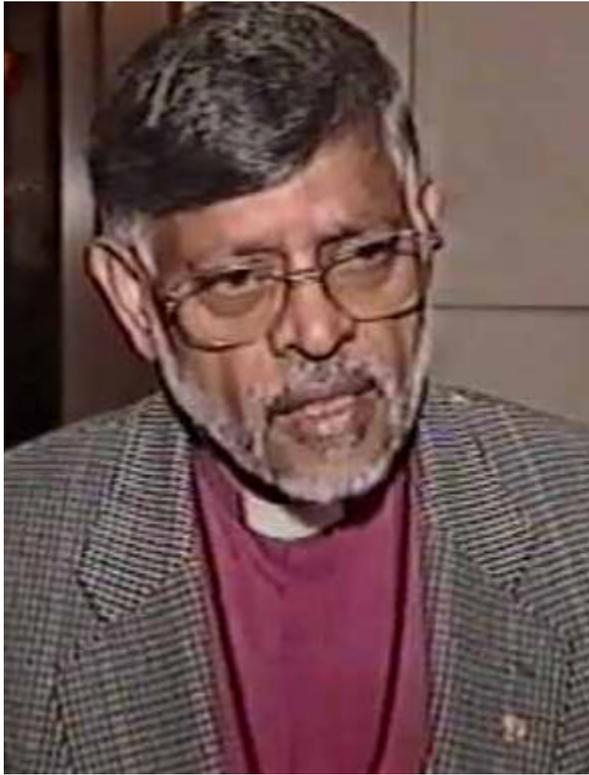
March 2005

”What do we want our government to do in Zimbabwe? Are we satisfied with quiet diplomacy there? Surely human rights violations must be condemned as such whatever the struggle credentials of the perpetrator. It should be possible to talk as adults about these issues without engaging in slanging matches. My father used to say, “Don’t raise your voice; improve your argument.”

Nelson Mandela Foundation Lecture

Archbishop Emeritus Desmond Mpilo Tutu

November 23, 2004



Bishop Ruben Phillip



Archbishop Pius Ncube

THE SOLIDARITY PEACE TRUST

The Solidarity Peace Trust is a non-governmental organisation, registered in South Africa. The Trustees of the Solidarity Peace Trust are church leaders of Southern Africa, who are all committed to human rights, freedom and democracy in their region.

The co-chairpersons are:

- Archbishop Pius A Ncube; Catholic Archbishop of Bulawayo, Zimbabwe
- Bishop Ruben Phillip; Anglican Bishop of KwaZulu-Natal, Republic of South Africa

The objectives of the Trust are:

To assist individuals, organisations, churches and affiliated organisations in southern Africa, to build solidarity in the pursuit of justice, peace and social equality and equity in Zimbabwe. It shall be the special concern of the Trust to assist victims of human rights abuses in their efforts to correct and end their situation of oppression.

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LIST OF ACRONYMS AND ABBREVIATIONS

AIPPA	Access to Information and Protection of Privacy Act
ANC	African National Congress
AU	African Union
CI	Christian Institute
CIO	Central Intelligence Organisation
COSATU	Congress of South African Trade Unions
DFA	Department of Foreign Affairs (South Africa)
EISA	Electoral Institute of Southern Africa
ESAP	Economic Structural Adjustment Programme
ESC	Electoral Supervisory Commission
GMB	Grain Marketing Board
IBA	International Bar Association
ICSECR	International Covenant on Social, Economic and Cultural Rights
IEC	Independent Electoral Commission
ISP	Internet Service Provider
KRCC	KwaZulu Regional Christian Council
KZNCC	KwaZulu-Natal Christian Council
LOMA	Law and Order Maintenance Act
MDC	Movement for Democratic Change
MMPZ	Media Monitoring Project, Zimbabwe
NCA	National Constitutional Assembly
NGO	Non-Governmental Organisation
OAU	Organisation of African Unity
PACSA	Pietermaritzburg Agency for Christian Social Awareness
POSA	Public Order and Security Act
PVO	Private Voluntary Organisations Act
SACBC	South African Catholic Bishops' Conference
SACC	South African Council of Churches
SADC	Southern African Development Community
UK	United Kingdom
UN	United Nations
WFP	World Food Programme
WOZA	Women of Zimbabwe Arise
ZANLA	Zimbabwe African National Liberators' Army
ZANU PF	Zimbabwe African National Union, Patriotic Front
ZBC-TV	Zimbabwe Broadcasting Corporation - Television
ZBH	Zimbabwe Broadcast Holdings
ZCTU	Zimbabwe Congress of Trade Unions
ZEC	Zimbabwe Electoral Commission
ZESN	Zimbabwe Election Support Network
ZIPRA	Zimbabwe People's Revolutionary Army
ZLHR	Zimbabwe Lawyers for Human Rights
ZNPC	Zimbabwe National Pastors' Conference

A SOLIDARITY PRAYER FOR ZIMBABWE

*All mighty, all loving and all merciful God
Your people in Zimbabwe are in despair.
Lord, as they face another General Election.
the situation has become disheartening and
your people are fearful and cynical about the future.*

*As the people of the world gather together in prayer
To place the people and the land of Zimbabwe
before God
Do not ignore them and their desperate need
Do not ignore their shackles of fear and intimidation
Do not leave them helpless
Do not abandon them
Never to rise again as a proud nation.*

Amen

EXECUTIVE SUMMARY

PRE-ELECTION

I. **Rapid Assessment: are there real prospects for any free and fair election in Zimbabwe?**

A Table prepared by the South African pre-election team reflects their assessment that the pre-conditions for a free and fair election do not exist.

II **A Brief Introduction to the 2005 Zimbabwe Parliamentary Fact-Finding Missions**

Two teams of Church observers from South Africa entered Zimbabwe ahead of the Election 2005, to observe the election process and also in order to absorb life of ordinary Zimbabweans. The first, pre-election group consisted of four ordained priests, a church youth worker and a university professor. A seventh priest was denied entry to the country. This group had intensive interviews with key informants and travelled in Harare, Bulawayo and surrounding rural areas, attending rallies and meeting ordinary Zimbabweans.

The second group of 20 South Africans from KwaZulu Natal church organisations covered the election period, arriving two weeks prior to the election and remaining until April. Many had monitored elections in Zimbabwe before. They were billeted mainly in rural areas around the country, with local hosts.

Both groups were concerned at the lack of democratic space and high levels of depression, fear and apathy. It was therefore felt fitting to include in this report a summary of the role played by the Church in South Africa during its liberation. The final section of the report assesses the "Right to resist" of Zimbabwean churches.

III **Zimbabwe and the Prospects for a Free and Fair Election**

A. **Brief Historical Overview to 2004**

Zimbabwe has a legacy of changing regimes violently, and a long history of state violence and impunity, both under colonialism and since then. In the early 80s the state responded repressively to perceived dissent in the western areas of Zimbabwe, and approximately 20,000 civilians died at the hands of the state during this *Gukurahundi* era. Since 2000, repression has once more arisen as a response to the arrival of the Movement for Democratic Change (MDC). In the last five years, measures taken by the state to ensure its hegemony include: violent farm invasions; massive human rights abuses against perceived opposition supporters; training camps for youth militia who have been used to perform violent acts; POSA was enacted to undermine freedoms of association, expression and movement; AIPPA has undermined freedom of expression and has shut down four newspapers; the airwaves have been censored; the judiciary has been undermined. Two elections condemned by most international observers as fraudulent have taken place, in 2000 and 2002, and in both cases MDC appealed the outcomes; they are still waiting for the Supreme Court to resolve their appeals.

B. Events in the last year impacting on Election 2005

1. The NGO Bill – Silencing of civil society

The ZANU PF-dominated parliament railroaded the NGO Bill through Parliament in November 2004. If signed, this Bill will place further restrictions on civil liberties, and will threaten humanitarian work including food security. This Bill was part of an indirect campaign strategy, as the threat it embodied inhibited some NGOs ahead of the elections. When compared to its predecessor, the colonial PVO Act, the NGO Bill gives the government huge powers of investigation into ‘maladministration’, with virtually open-ended powers to control the fate and activities of NGOs. The Bill is clearly targeted at foreign NGO activity in Zimbabwe and effectively prohibits such activity; the Bill prohibits foreign funding, which means its aim is to prevent any and all foreign assistance from entering Zimbabwe. This raises serious concerns about organisations working in the critical areas of food distribution, AIDS relief, and political violence reporting – which are at present almost entirely foreign funded. The inevitable consequence will be that less information on domestic human rights abuses will be reported on and the government will, as a result, be less accountable to its people

2. SADC Principles and Guidelines for Democratic Elections

In August 2004, the principles and guidelines governing democratic elections were adopted at the SADC Summit, Mauritius, August 2004. Their intention is aimed at: ... “enhancing the transparency and credibility of elections and democratic governance as well as ensuring the acceptance of election results by all contesting parties”.¹

ZANU PF has feigned compliance with these guidelines by introducing two new acts; the new Electoral Act gazetted 21 January 2005; the Zimbabwe Electoral Commission Act (ZEC Act). A close analysis of the combined legislation, reveals nothing more than a disingenuous attempt at compliance.

C. Framework of the 2005 Election

1. The ZEC: A Serious Contender for Rigging

The ZEC only became legally operational barely two months before the 31 March Elections. *Five parallel regulatory institutions* are thus charged with conducting the March 2005 election: the Independent Electoral Commission (IEC), a supposedly independent body appointed by the President in terms of SADC principles; the Electoral Supervisory Committee (ESC), which supervises voter registration and the electoral process; the Registrar-General of Elections, who is responsible for registering voters and the maintenance of the voters roll; the Election Directorate, a committee consisting of public employees; and finally the Delimitation Commission, charged with the demarcation of constituency boundaries. The Act gives the President the power to appoint the ZEC commissioners, and gives ZANU PF excessive powers which are open to serious abuse, thereby negating any consideration of the ZEC to be an independent, inclusive, and impartial body.

2. The Electoral Court: Acutely Compromised

Another important flaw, which is open to serious exploitation, is the way in which the Electoral Court has been established. In terms of the Act the independence of its members is

¹Ibid.

acutely compromised because its judicial appointments are the sole responsibility of the Presidentially-appointed ZEC chair.²

3. Polling Stations

For the first time voting will take place in twelve hours on a single day. Counting will take place at polling stations, with the results forwarded to Constituency Centres for collation and the official announcement of the result, which in theory should reduce rigging.

Concerns remain in that voting by illiterate voters is subject to abuse at the hands of ZANU PF-predominant polling station staff. Additionally, the allowances and salaries of headmen and village heads were increased by 150% as late as January 2005. This has been seen by many as a blatant attempt by the ruling party to ensure the loyalty and support of the village chiefs ahead of the elections.

4. Voter Education

Clauses within the Act effectively ban NGOs from engaging in voter education and stipulate that no unauthorised foreign funding for voter education be allowed. Only the ZEC may receive and distribute foreign funds for voter education, and approve the participation of local organisations registered under the NGO Bill, which as yet has still to be signed into law.

5. Voters Roll

The Registrar-General has refused to provide the MDC with an updated electronic version of the voters' roll. Further, the printed version of the voters' roll costs Z\$ 12 million per copy. The tactics of the Registrar-General have ensured reduced accessibility to the roll, as well as preventing any electronic audit of the roll. Following a constituency audit conducted by FreeZim³ it is estimated that the 2005 voters' roll has up to 1 million "dead" voters;⁴ 300,000 duplicate entries; one million names of voters no longer at that address.⁵ FreeZim estimates 2.6 million out of 5,658,637 registered voters are "ghost" or duplicate entries

6. Delimitation Commission

The chair of the Delimitation Commission, Judge Chiweshe, who also served as the ZEC Chair, presented the Delimitation report to President Mugabe on 20 December, 2004. The new boundaries have ensured that constituencies which were MDC urban strongholds have been dramatically reduced. Urban areas have lost seats and rural ZANU PF strongholds have gained them; the suggestion of urban to rural drift is inconsistent with the 2002 Census in that the Census did not show a marked decline in population density in urban areas and increases in rural areas.

² The Electoral Court indeed proved itself to be subject to Presidential manipulation in its ruling in the Roy Bennett case: the Court first ruled in Bennett's favour that he could stand for election from jail, and this verdict was subsequently suspended after Mugabe objected vociferously.

³ In research sample undertaken in the Harare North Constituency FreeZim ascertained that 50% of the registered voters do not live at the addresses under which their names appear. Sokwanele, *Mauritius Watch*, Issue 15 (7 February 2005) http://www.sokwanele.com/articles/sokwanele/mwatch_15_7feb2005.html.

⁴ In a sample of between 500 and 2,500 registered voters in 12 of Zimbabwe's 120 constituencies, FreeZim estimated that 78% of those people who have died in Zimbabwe since 1980 are still registered to vote. Jan Raath, "Ghost voters, rigged ballots and food bribes - the Mugabe route to power", *The Times*, 29 March 2005. <http://www.timesonline.co.uk/article/0,,3-1545637,00.html>.

⁵ CBC News, "Voting rolls 'in shambles,' Zimbabwe coalition says" 30 March 2005. <http://www.cbc.ca/story/world/national/2005/03/30/zimbabwe-election050330.html>

7. Disenfranchisement of the Zimbabwean Diaspora

Recently published estimates, suggest that 25%-30% of Zimbabwe's population has left the country.⁶ Around 2 million may be living in South Africa. This may be upwards of 60-70% of productive adults – and up to 50% of Zimbabwe's registered voters. Yet the Zimbabwe Government disenfranchises Zimbabwean nationals living in the Diaspora by denying them their right to postal votes.

8. Election Monitors and Observers

Official observer mission invitations were reportedly only sent 19 February 2005, less than six weeks before the Election, which was late. Key regional and international observer groups perceived to be hostile by ZANU PF were officially excluded from observing the Elections, including: Southern African Development Community (SADC) Parliamentary Forum; Electoral Institute of Southern Africa (EISA); Congress of South African Trade Unions (COSATU); South African Council of Churches (SACC); SADC Delegation of Lawyers tasked with assessing the Electoral Act.

9. Presidential Appointments

Zimbabwe's Parliament has a total of 150 seats, 30 of them appointed by the President. This means the MDC will need to win 76 of the 120 contested seats to gain a parliamentary majority. By contrast, ZANU PF only need to win 46 seats out of 120 to ensure a parliamentary majority!

D. Food distribution as a political weapon

The malicious manipulation of food security has long been utilised as a weapon in Zimbabwean politics, since Rhodesian times. The starvation of rural Zimbabweans appears to be a strategy not to intentionally starve people to death, but rather designed to trade food-for-votes, and as a means of punishing political opponents.

In spite of critical food shortages, government officials have denied there is a crisis looming. Minister Mangwana stated in August 2004, "We won't need any donors for that because we have harvested enough food and we have actually recorded a surplus." WFP was not invited to continue donor feeding on a large scale, and the cessation of most international food aid has left millions of Zimbabweans at the mercy of the GMB, a government-parastatal, which has a near-monopoly in the trade and distribution of maize. As the election approached, threats by rural ZANU PF officials that support for MDC would mean starvation became widespread. This strategy became clearer as more and more incidents were reported of a definitive ZANU PF food-for-votes policy being sadistically implemented.

E. Conclusion

The route chosen by Robert Mugabe to hold onto political power in Zimbabwe will be one littered with ghost voters, rigged ballots and food bribes. In addition, the patent lack of a politically impartial, democratic and legal framework makes a fair election impossible; until the system is completely overhauled from the constitution, to the Supreme Court, to legislation passed in parliament, there will be little chance of a free election in Zimbabwe.

⁶ Solidarity Peace Trust, *No War in Zimbabwe: An Account of the Exodus of a Nation's People*, Johannesburg: November 2004: 8.

IV. South African Religious Leaders and Civil Society Reports

This section has reports by five South Africans who entered Zimbabwe in mid March to assess the pre-election conditions. It provides unique and personal responses to the current crisis by a cross section of Church leadership, and summarises their findings.

A. Rev. M Hunter Kentane, *Fear of Death, Torture, Prosecution and Arrest*

My recent fact-finding visit to Zimbabwe reminded me of the time when the apartheid regime ruled in South Africa, and particularly of my experiences in the former so-called Bantustan under Paramount KD Matanzima who exercised an iron fist over the people of the Transkei...

B. Prof. Zola Sonkosi, *Too Weak To Walk*

...the country's socio-economic situation has deteriorated from bad to worse in Chitungwiza, a city about twenty kilometres away from Harare.... many spoke of the critical shortages of everything, especially basic food commodities such as flour, maize-meal and cooking oil... they added that the prices of all basic commodities were skyrocketing and unaffordable for many of the township inhabitants....

...I was distressed and deeply shocked to witness many township inhabitants of all ages moving hopelessly around as if living skeletons, visibly malnourished and just waiting to die. This was as a result of HIV/AIDS and other related illnesses further complicated by malnutrition, most of which in the main go untreated.

... Many expressed the view that ... MDC would have one polling agent for three ballot boxes and that most of these polling stations would be run by retired soldiers and security personnel. As such, they said that it would be extremely difficult for one MDC polling agent to monitor irregularities or voter rigging.

C. Rev. Gugu E. Shelembe, *Tired of the Yoke of Suffering*

People there looked depressed, tired, worried and desperate. Everyone, whether young or old, lacked vitality... Women walk with their heads down wearing torn dresses or skirts and a hundred times mended beach sandals ... The rubbish bins are empty; there are no leftovers.... There are no bread crusts left even for the city birds to feed on... There seems to be an illusion of peace, but fear, threats, trauma, depression, hopelessness and tension is locked up in the marrow of every citizen's bones. It was deposited in them a long time ago. Now what one sees is the interest of those deposits...

Destiny for Africa (DFA) is ostensibly a church organisation aimed at bringing the pastors in Zimbabwe together, yet it is widely alleged that the leader of this newly born organisation is directly funded by the government with the aim of sabotaging the operations of the ZNPC....

...She told me people are reluctant to go and cast their votes because seemingly nothing can change in Zimbabwe politics... She told me "Life in Zimbabwe is hell".

D. Archbishop J A. Jele, *The Pangs of Hunger*

...I was reliably informed that the ruling party capitalises on starvation, which is seen as the greatest weapon of ZANU PF. Food donations to Zimbabwe are hoarded by the ruling party who ration it to its card-holding members only.... The influence on tribal community leaders of the ruling party is very strong; they cannot resist the pangs of hunger and therefore 'tow

the line', succumbing to ZANU PF's great political weapon...The City's Executive Mayor, Mr Japhet Ndabeni Ncube confirmed the story of hunger and the distribution of food for political advantage. He also informed me that President Mugabe has of late appointed a Governor over the City of Bulawayo, thereby curtailing his mayoral powers. The Mayors are in support of the MDC.... the Mayor submits an annual budget to the National Government for approval. Since 2004 this budget has not been approved and rumours have it that everything is on hold until the elections are concluded.

E. Mr. Mandla Thushini, *Mistrust, Tiredness and Apathy*

Instead of receiving a warm tourist welcome, coming to invest in the country's drowning economy, we were searched as if the CIO had received a report that there was a terrorist plan to topple the Government...

...The students further indicated that the situation in their country has worsened in such way that education standards have dropped severely. People are buying degrees in order to find employment since teachers and lectures are being underpaid....

...Youth in general are being silenced on the issues of their concern. Young people do not have access to relevant information to help them understand the different dynamics at play so that they can deal with it in a more holistic or realistic manner.... The culture of intolerance towards any opposing voice has grown so much in Zimbabwe that young people no longer have a voice. One cannot comment in public on issues for fear of victimisation.

...Many students have experienced the pain of trying to concentrate on an empty stomach...

...Most people are unemployed or with one family member employed supporting the entire family. The high-density areas are characterised by regular electricity cuts and water shortages....

...Many people believe that South Africa could play a meaningful role towards this situation in Zimbabwe. The declaration by the South African State President that the elections in Zimbabwe are likely to be free and fair was uncalled for. Unless changes and issues regarding the media; political intimidation; POSA; the IEC; AIPPA; and food security are implemented, the elections in Zimbabwe will never be free and fair.

ELECTION

I South African Ecumenical Monitors Report

A. Introduction

This section summarises the findings of 20 observers deployed through the election period. They have concluded that the elections were not free and fair.

1. Attack by youth militia on one of our observers

One of the 20 observers, a female, suffered a deeply traumatising attack on a bus at the hands of youth militia.

2. The Status of Observer Missions

This mission was unofficial because of the bias of the government of Zimbabwe in terms of who they are prepared to accredit. As there were so few groups invited, our observations can make an important contribution even though they are unofficial.

3. Our observations of the officially accredited South African Observer teams

In our observation, the official South African observers deliberately missed opportunities to see and hear from witnesses who could tell them of food abuse. Their report findings should be regarded with this in mind.

B. The Pre-Election Period

1. Deployment

Observers were deployed across nine provinces, in 18 different centres. They were placed in homes of ordinary Zimbabweans. The majority had observed elections in Zimbabwe before.

2. Observations of the Churches

An observer took part in an Easter Procession in Bulawayo in support of the poor and suffering of Zimbabwe. A message was given to the Mayor of Bulawayo, and a liturgy was then followed in a nearby church. Fear was so high that the procession would lead to arrests, that only a few took part. Similar fear was noted at other church events, and in Seke, a pastor was evicted from his house the day after the election because he was believed to have voted MDC. This was a tense aggressive situation. The churches are clearly under threat.

3. Media Monitoring

Our observers read the papers and watched television or listened to the radio. They were shocked at the biased media cover, with ZANU PF dominating all news bulletins, discussion programmes and opinion pieces. A visit to MMPZ showed us that our impressions are well supported by reality.

4. The voters' rolls: inaccuracies and interference

The voters' roll is very hard to access and allegedly is full of inaccuracies. In Bulawayo South, our observers were informed that people were arrested while trying to encourage citizens to check the roll.

5. Attendance at rallies

The observer group attended 63 rallies: 29 ZANU PF, 33 MDC and 1 independent.

6. Threats of forced disappearances and withholding of food

At rallies, rural villagers in Gwanda recounted threats of being disappeared if they attended MDC rallies. Threats of being denied GMB maize if one belonged to the opposition were also reported in Gwanda, Insiza, Beitbridge, Kwekwe, Masvingo, Bubi to our team. The report has a detailed account of political manipulation of food that was witnessed first hand by one of the observer team in Insiza.

7. The role of local traditional leaders: "voter education"

Traditional leaders were reported to our observers as making threats to villagers if they did not vote for ZANU PF. Threats were reported in Gwanda, Hwange, Tsholotsho, Lupane, Masvingo, Marondera, Seke. Traditional leaders have been engaged in "reverse" voter education, telling people their vote is not secret.

C. Polling day

Our team was not accredited and could not enter polling stations, but in some instances travelled with accredited observers, or observed from a distance. 196 polling stations were covered in this way.

1. *Bubi-Umguza – some irregularities?*

There were no MDC posters displayed here. Polling stations were poorly indicated, and people indicated that they had been ordered to vote in particular stations even if there were others nearer.

2. *Very strange postal votes?*

In one remote polling station in Bubi, an unclear process involving postal votes was noted. The issue of postal votes was unclear throughout this election, which is cause for concern. The postal ballot was not monitored, those using it did not get marked with ink and could have voted again on election day, and where and how these votes were allocated remains obfuscated.

3. *Intimidatory lists*

Traditional leaders were observed at polling stations in several districts making lists as had been threatened, writing down who had voted.

4. *Gwanda and Insiza: polling agents denied access to the vote and/or count*

In some polling stations MDC polling agents were denied access until after the first few hours of voting was over, which is when most votes are cast. Our team heard of this in Insiza and Gwanda. In Insiza, MDC polling agents were denied the right to oversee the counting process in 42 polling stations – nearly 50%!

5. *Voters turned away*

High numbers of people were turned away from polling stations. Reasons included: shifts in constituency boundaries meant voters went to wrong stations; voters were not on roll; voters brought inadequate ID.

6. *Delay in announcing results: counting discrepancies*

There were inexplicable delays in results being announced and discrepancies between the final figures announced by ZEC and the final figures announced two days later. The very late mention of a National Logistics Committee, where all polling figures were being forwarded before going to the Command Centre, casts further doubt on the transparency of the process.

7. *ZESN Report*

As South African observers we are deeply concerned by the recently released ZESN report that seems to indicate anomalies in the final figures. We note that in five constituencies, according to ZESN's independent polling returns, MDC actually won the poll and not ZANU PF as claimed. There are other anomalies in the voting figures, which need to be investigated by the Electoral Court.

A THEOLOGICAL ASSESSMENT

The right to resist: Some Historical and Theological Perspectives from the South African Experience. This essay by Rev G. Leonard raises essential practical issues for the Zimbabwean Church to consider in the months ahead, as they find ways to support and protect their congregations in a time of crisis and looming starvation.

Conclusion⁷

The South African Ecumenical Election Monitors, consisting of personnel from the Pietermaritzburg Agency for Christian Social Awareness (PACSA); the KwaZulu-Natal Christian Council (KZNCC); and the KwaZulu Regional Christian Council (KRCC), conclude that the 2005 Parliamentary Election in Zimbabwe was neither free and fair, nor legitimate, and that the will of the people has been denied in a significant number of constituencies in Zimbabwe. Many of our members have observed previous elections in Zimbabwe, and while we appreciate the reduced violence surrounding this election, we have a deep concern about the failure of the Zimbabwean government to adhere scrupulously to the SADC protocol for democratic elections.

Zimbabwe is an authoritarian state, and any nation with laws such as POSA and AIPPA in place, and with the NGO Bill looming, cannot be considered to have the preconditions necessary for a free and fair election. The election took place against a background of five years of state organised violence, and a highly flawed structural reality, in which the state can abuse state resources in its favour, including the public media and tax payers' money. We note that five separate bodies, all government aligned, oversaw the same election in a way that was confusing, and that failed to give any one body clear authority over all parts of the process. We further note the highly selective list of invitations to observe the elections; only those with an established history of favouring ZANU PF were invited. This includes the official South African observer missions.

In addition, our monitors make the following specific observations.

The processes in the weeks leading up to voting were not free; the following factors could have seriously impacted on how people ultimately voted, particularly in more remote, semi-literate and starving districts;

- widespread threats linked to access to maize if people voted for the opposition
- threats from headmen that people must vote for the ruling party or face the consequences
- a twenty-five year legacy of violence by ZANU PF, which gave these threats enormous credibility, as did sporadic incidents of violence
- the bias in access to the media that favoured ZANU PF and that portrayed MDC negatively until the last few weeks, and then gave MDC very limited air time
- the biased re-designation of constituencies to benefit ZANU PF

Further problems that undermined people's ability to take part freely in the election were:

- lack of voter education
- lack of information about new constituency boundaries

In a number of constituencies, procedural irregularities laid certain polling stations open to ballot stuffing. The irregularities that laid the processes of this election open to credible suspicion of fraud or unfair outcome include:

- an inaccurate voters' roll that the government seemed determined to keep in a form

⁷ The claims made in these conclusions are based on the findings as laid out in the body of this report.

- that made a thorough audit of the roll impossible in the time available
- the voters' rolls were expensive and officials made it difficult for voters to access rolls to check for their names ahead of the elections
 - an opaque system of postal voting potentially open to double voting, and in which postal voters were allegedly not allowed secrecy of their ballot
 - denial of the postal ballot to Zimbabweans in the Diaspora, who may number between one and two million registered voters
 - denial of some MDC polling agents' rights to be in the polling stations during the crucial first three hours of voting
 - denial of some MDC polling agents' rights to be present during the crucial count and to sign for the count at their polling stations
 - failure to display results at some polling stations immediately after the count was finalised
 - the existence of an obscure and unobserved National Logistics Committee, under the control of the Registrar General and the Commissioner of Police, where figures were initially being relayed from polling stations, before being sent to the official Command Centre at the Sheraton.⁸
 - discrepancies between ZEC figures announced on 31 March and the final count
 - lack of adequate explanation from the ZEC for the discrepancies.

Further, we note with concern the evidence in the Final Report on the Zimbabwe 2005 elections from ZESN,⁹ which indicates that according to their returns *MDC won the vote* in five more constituencies than announced by the ZEC, yet *ZANU PF managed through some unclear process to win the count* in these constituencies.

The constituencies where independent polling agent figures gave the poll to MDC and not ZANU PF as announced, are: Chipinge South, Buhera South, Makoni East, Mutasa South and Gwanda.

The observations of our team over the electoral period lead us to conclude that the results of Election 2005 are illegitimate. Democracy in Zimbabwe is, in our assessment, "out for the count".

⁸ *The Herald*, the daily newspaper in Harare reported in the days after the election the existence of this centre, under the control of Tobias Mudede, the Registrar General, and Police Commissioner Augustine Chihuri.

⁹ ZESN, *Comprehensive Analysis: Final Report*, p5. Harare, April 2005.

Recommendations

To the Electoral Authorities of Zimbabwe

- The Electoral Court should timeously hear and rule on the MDC electoral petitions in the 13 constituencies that they have chosen to contest.
- Before any further elections take place in Zimbabwe, there is a need for the repeal of repressive aspects of POSA and AIPPA, and for government to agree not to sign the NGO Bill into law.
- All political parties should have equal access to the public media.
- There is an urgent need for the process of registration of voters and the existing voters' roll to be reviewed and for the roll to be corrected.
- There is an urgent need for constituency boundaries to be redrawn by an impartial body and in a way that is transparent.
- The postal ballot system needs to be changed to ensure the voting *process* is transparent, while the actual postal *vote* itself is secret.
- Postal votes should be extended to include all registered Zimbabweans abroad.
- Voter education by impartial parties should become a priority to ensure that all Zimbabweans are able to register and to vote without impediment or fear.
- People using threats against voters, including threats linked to access to food, should be prosecuted forthwith to send a message that the government sincerely regards this practice as criminal.

To the people and the Church of Zimbabwe

- You have an inalienable right to food, and threats or denial of food should be publicised through the churches and other civic bodies to prevent starvation along political lines.

To the people and the Church of South Africa

The time has come for us to show greater solidarity with our brothers and sisters in Zimbabwe. This means:

- encouraging our government to play a more active and less conciliatory role in Zimbabwe, remembering that without pressure from the international community, our own struggle against apartheid might have lasted much longer.
- paying solidarity visits to Zimbabwe to familiarise ourselves with the plight of ordinary people, in order that we are better informed.
- ensuring that our own government is kept better informed about the reality on the ground than they appear to be, by entering into dialogue with them.
- offering support in liberation theology and training to our Zimbabwean counterparts.

To begin the process recommended in the final point, the final section of the current report offers a background in the role of the Church and its right to resist oppressive regimes.

PRE-ELECTION

For Zimbabweans whose suffering has intensified dramatically over the last few years, the prospect of another general election on 31 March is hardly welcome. They have endured two major elections in recent years – the parliamentary election of 2000 and the presidential election of 2002 – and both proved to be traumatic events characterized by intimidation, violence and major fraud. Neither event moved the process forward towards resolving the underlying problem of governance, which has beset the country for so long and caused such widespread suffering.¹⁰

- I. RAPID ASSESSMENT: ARE THERE REAL PROSPECTS FOR ANY FREE AND FAIR ELECTION IN ZIMBABWE?**
- II. A BRIEF INTRODUCTION TO THE 2005 ZIMBABWE PARLIAMENTARY ELECTION FACT-FINDING MISSIONS**
- III. ZIMBABWE AND THE PROSPECTS FOR A FREE AND FAIR ELECTION**
- IV. SOUTH AFRICAN RELIGIOUS LEADERS AND CIVIL SOCIETY REPORTS: PRE-ELECTION OBSERVATIONS**

¹⁰ Solidarity Peace Trust, “Invitation to Prayer and Action in solidarity with the suffering people of Zimbabwe”, Easter 2005, 1.

I. RAPID ASSESSMENT: ARE THERE REAL PROSPECTS FOR ANY FREE AND FAIR ELECTION IN ZIMBABWE?



☞	Politically biased legal framework	☹
☞	A confused electoral system open to rigging	☹
☞	Independence of Supreme Court judges in serious question	☹
☞	Impartiality of the Electoral Commission seriously in question	☹
☞	Freedom of association denied	☹
☞	Freedom of information denied	☹
☞	Opposition campaign rallies often banned by police	☹
☞	Independent media hounded	☹
☞	SW Radio Africa closed-down and electronically jammed	☹
☞	Zimbabwe television news programming politically biased	☹
☞	Open democratic space for civil society extremely limited	☹
☞	Access to media by all stakeholders extremely limited	☹
☞	Equal opportunity for all parties to contest the election seriously maligned	☹
☞	Rule of law seriously compromised	☹
☞	Veracity of the Voters' Roll challenged	☹
☞	Failure to update and provide accessibility to the Voters' Roll	☹
☞	Full participation of all citizens to express their right to vote seriously compromised	☹
☞	Failure to locate polling stations in neutral and safe places	☹
☞	Impartial counting of votes at polling stations questioned	☹
☞	Impartiality of polling station officials seriously questioned	☹
☞	Police, military, CIO and public service employees accredited monitors of Election process	☹
☞	Failure to accredit national and other election observers and monitors	☹
☞	Some foreign journalists denied entry permits	☹
☞	Local journalists 'gagged' on pain of prosecution	☹
☞	Food Security used as a political weapon	☹
☞	Access to international humanitarian food aid denied	☹
☞	Access to international humanitarian medical care denied	☹
☞	Independent international observer teams denied entry permits	☹
☞	Voter education by civil society groups effectively banned	☹
☞	Failure to provide constitutional and legal guarantees of freedom and rights of citizens	☹
☞	Threats of violence & intimidation by youth militia, police, army, CIO and other government agents	☹

II. A BRIEF INTRODUCTION TO THE 2005 ZIMBABWE PARLIAMENTARY ELECTION FACT-FINDING MISSIONS

The 2005 Parliamentary Election fact-finding mission to Zimbabwe conducted by South African Church leaders, Ecumenical Monitors, and a member of the Academy was at the invitation of the Solidarity Peace Trust, South Africa. The mission was conducted in two phases, as outlined below.

The findings in this report are those of these two separate, but linked, South African observer groups. Each group produced its own report, and both reports are reproduced here, in accordance with their findings. The first observation mission report is in the “Pre-election” section, and the second observation mission report is in the “Election” section.

Phase I was a visit by a small select group of Church Leaders, and a member of the Academy, taking place early in March 2005. The group was divided into two; three persons remained within Bulawayo and its environs, while three were despatched to Harare. This fact-finding group was exposed to individuals and communities in Bulawayo, Harare, and surrounding rural areas. The group had an intensive series of interviews with religious, civic and civil society leaders, and attended political rallies. This enabled them to audit the many voices that are presently emanating from within Zimbabwean society during the run-up to the 31 March parliamentary elections, and yet are denied the right of access to open and rigorous debate within the public sphere.

The Church Leaders Group consisted of four ordained priests, a church youth worker and a university professor who acted in his personal capacity as an independent consultant. They were as follows: Archbishop J A Jele (African Ethiopian Church); Rev. Gugu E Shelembe (Assemblies of Christ); Rev. M H Kentane (International Assemblies of God); Rev. Gary S D Leonard (University of KwaZulu-Natal); Mr Mandla Thushini (Apostolic Faith Mission) and Prof. Zola Sonkosi, (Independent Consultant). A seventh member of our Group, Rev. Emmanuel Buthelezi was refused entry with no reason given, at the Botswana-Zimbabwe Border Post and as a result was unable to participate in the fact-finding mission.

Phase II consisted of a group of twenty experienced election monitors, drawn from Church-based Ecumenical Agencies in KwaZulu-Natal that partnered with the Solidarity Peace Trust. These were: the Pietermaritzburg Agency for Christian Social Awareness (PACSA); the KwaZulu-Natal Christian Council (KZNCC); and the KwaZulu Regional Christian Council (KRCC). The majority of this group of monitors had monitored previous elections in Zimbabwe and so were familiar with the political background and terrain. This group travelled to Zimbabwe mid-March 2005 through various entry points, and on different dates, utilising travel by bus and air and were dispersed throughout the Country, lodging with Church Pastors, Priests, leaders and laity alike from a diverse spectrum of Christian denominations. They spent two to three weeks mainly in small rural business centres across the country, in order to absorb life of ordinary Zimbabweans and to unofficially observe the elections. They returned to South Africa in early April 2005. Their reports reflected not only on the election process, but on the hardships of life in Zimbabwe. On return to South Africa, they have been able to speak to their own church communities with personal insight into the plight of Zimbabwe’s people.

Both groups were briefed in South Africa prior to the visit, and at the conclusion of their monitoring visits, de-briefing sessions were held in Bulawayo and Harare, which were video-taped. Each member of the groups submitted a written evaluation report once back in South Africa. These reports together with the video discussions have formed the basis of the current compilation of findings.

The visit was facilitated by the Solidarity Peace Trust and its associates in Zimbabwe. Other than a very modest *per diem* allowance to cover personal items, immediate travel and accommodation costs, the South Africans received no payment for their services, but voluntarily undertook the fact-finding mission as part of their commitment to the development of a strong, vibrant and open democratic civil society in the neighbouring state of Zimbabwe, graciously fitting the monitoring visit into their already busy lives. The group was strictly non-aligned as far as Zimbabwean or South African party-politics was concerned.

Zimbabwe: The Right to Resist

Church leaders involved in the monitoring exercise were deeply concerned by the lack of democratic space generally in Zimbabwe, and by high levels of apathy and depression in the general populace. As church leaders, and with the South African experience of oppression in our own recent past, it was felt fitting to include in this report a reminder of “the right to resist”. The Church took a leading role in the fight for people’s rights in the face of tyranny in South Africa, and we wish to offer our solidarity and support to the Church in Zimbabwe, which is clearly the most significant remaining democratic space at this time. We thank Rev Gary S D Leonard for his theological contribution in this regard, and hope that it offers encouragement to the Church of Zimbabwe in the struggle to lift the yoke of oppression from their people.

As is fitting to a Church response, the report contains prayers, intercessions and reflections. These are drawn from *A Liturgy of Prayer and Reflection on Suffering and Resurrection Hope* written and produced by The Diocesan Liturgical Resource Team, The Anglican Diocese of Natal, Church of the Province of Southern Africa.

Post election

Zimbabwean church informants on the ground have continued to monitor the situation in the month since the elections. Their findings confirm that in some districts, political manipulation of food continues, and that maize is being denied as a retributive measure against those perceived to have voted MDC. Of further note are events in Bulawayo on the day of the Silver Jubilee commemorations, when rioting broke out and lasted several hours – a fact that has escaped the commentary of most people. In the weeks since the election, the general socio-economic state of the country has degenerated rapidly, with food vanishing from shelves across the country, basic commodities unavailable and fuel in very short supply.

The general mood of people on the streets of Zimbabwe is of desperation and depression. In many rural areas, and regardless of political affiliation, there is now a tangible fear of starvation. Grain Marketing Board maize is close to exhausted and their depots stand empty in many parts of the country. Zimbabwe is a nation in crisis.

III. ZIMBABWE AND THE PROSPECTS FOR A FREE AND FAIR ELECTION

BY REV. GARY S D LEONARD ¹¹

*The war of liberation was fought for peace, tolerance and justice. My family fought for justice in Zimbabwe. They fought for freedom of a civil and political nature; for socio economic rights; for no exclusion; for the redistribution of opportunities; for one person one vote in a free and fair election. Zimbabwe is now a state which represents none of these.*¹²

A. Brief historical overview to 2004

Violence as an ultimate repressive response against attempts to establish democracy is an unfortunate, yet established feature of Zimbabwean politics. The colonial period of white-minority rule was first opposed in 1896-97 with the First Chimurenga (War of Liberation), when the Ndebele and Shona revolted against the invasion and occupation of Mashonaland and Matabeleland by the British Government-sanctioned British South Africa Company¹³. The response of the colonial regime was greater violence and repression. The Second Chimurenga began on 28 April 1966 when ZANLA led an attack near Chinhoyi. This escalated into a fully-fledged civil war, which ended with a ceasefire on 21 December 1979 following the signing in London of the Lancaster Peace Agreement. This did finally lead to the end of colonial rule – but left an established tradition of violence and an existing barrage of restrictive legislation. A further legacy was that of impunity for those committing acts of violence on behalf of the government of the day.

Within two years, the new ZANU PF dominated government had launched the post-independence *Gukurahundi*¹⁴ insurgency against so-called ex-ZIPRA “dissidents” in the western half of the country, which resulted in five years of oppression and destruction, and the deaths of an estimated 20,000 civilians at the hands of the notorious 5 Brigade. After the Unity Accord of 1987 ended this era of brutality, there was apparent peace, and an opening of democratic space in Zimbabwe over the next ten years. However, the response since 2000 to the arrival of a viable opposition, has led the state to resort to the old tried and tested methods of repression – violence and legislation aimed at undermining democratic activities.

¹¹ This chapter was written immediately prior to Election 2005 by Rev Leonard who is a lecturer at the University of Natal and who was part of the first team of observers. He reflects on the pre-conditions for the election two weeks before the event.

¹² Brian Kagoro, Third Zimbabwe Solidarity Conference, Pretoria 24/25 February 2005.

¹³ See H H K. Bhila, *Trade and Politics in a Shona Kingdom: The Manyika and their African and Portuguese Neighbours, 1575-1902*, Harlow: Longman, 1982: 231-249.

¹⁴ *Gukurahundi* (lit: “strong wind”) was the name given to a State-sanctioned military operation in south-western Zimbabwe against so-called ZAPU ‘dissidents’ in the 1980s. In this counter-insurgency operation a North Korean-trained special operations group called the First Brigade, together with the Zimbabwe National Army, cooperated in the massacre of between 10,000-20,000 people in Matabeleland alone. See Shari Eppel Interview, *Conversations with History*; Institute of International Studies, UC Berkeley, <http://globetrotter.berkeley.edu/people/Eppel/eppel-con2.html>. The findings of the 1984 Government Commission of Enquiry tasked with investigating the atrocities of the Fifth Brigade have never been released.

From the late 1990s, ZANU PF's power base began to unravel as Zimbabwe faced a series of political and economic upheavals. The World Bank/IMF imposed Economic Structural Adjustment Programmes (ESAP) thereby liberalising the economy, but this also prompted a rising discontent among the poor and marginalised masses. Drought, mismanagement and corruption all contributed to chronic economic recession across all sectors, mass unemployment, hyperinflation, mounting international debt, and a corresponding crisis in foreign exchange coupled with a poor international credit rating.

However, an elite both black and white continued to benefit, namely: "Mugabe's cronies, a several thousand strong mini-class of high-ranking bureaucrats and business elites; but most whites too, who until farm invasions began in earnest in February 2000, lived the high life."¹⁵

Civilian dissatisfaction rose, and mass stay-aways at the end of 1998 pushed labour and civil society movements to the forefront of Zimbabwean politics. A broad coalition of civil society began a grass roots campaign for a new people-driven constitution, which gained massive popular support. As a result, on 11 September 1999, supported by a broad coalition of civic groups, ZCTU members launched a new political platform, the Movement for Democratic Change (MDC).

This led to the historic, first-ever defeat at the polls for ZANU PF, in the 2000 Constitutional Referendum. In the Parliamentary Elections of June 2000, MDC won 57 out of 120 seats. Against the background of loss of popular support between February 2000 and the Presidential Election of March 2002, ZANU PF led a concerted crackdown on all those perceived to be in support of the MDC. In summary, methods of repression in the last five years have entailed:

- The launch of the "Third Chimurenga": land invasions and violent redistribution of commercial farmland became a pivotal and powerful strategy of coercion to enable ZANU PF to hold onto power by winning back support from among the rural poor, to create a bulwark against factionalism within party ranks, and to provide for the critical support of the military, business, and other elites.
- The "land reform programme" was used as a blanket cover for human rights abuses: massive violence was perpetrated against perceived MDC supporters in contexts that had nothing whatsoever to do with land reform. ZANU PF supporters and government officials were responsible for approximately 93% of violence acts, while violence committed by MDC supporters accounted for only 2% of violence acts.¹⁶
- State-sanctioned violence and brutality continued unabated throughout 2001 and intensified in the run-up to the Presidential Elections of 9-11 March 2002.
- From late 2001, specially trained Youth Militia or "Green Bombers" were deployed, charged with implementing Mugabe's declaration of "total war" upon the MDC.
- Early in January 2002 ZANU PF used its parliamentary majority to force through two controversial pieces of legislation designed to stifle political dissent.

¹⁵ Patrick Bond & David Moore, "Zimbabwe: Elections, despondency and civil society's responsibility." Centre for Civil Society, University of KwaZulu-Natal, <http://www.nu.ac.za/ccs/default.asp?2.40.5.634>

¹⁶ Zimbabwe Human Rights NGO Forum, *Who Is Responsible? Alleged Perpetrators and their Crimes during the 2000 Parliamentary Election Period*, 2001: 2

- *The General Laws Amendment Bill* effectively banned independent election monitors, and denied voting rights to all Zimbabwean citizens living outside of Zimbabwe's borders.
- *The Public Order and Security Act 1/2002 (POSA)* was introduced to replace the Smith-era Law and Order Maintenance Act (LOMA). Key provisions declare: any gathering of two or more persons without police permission 4 days in advance is illegal; police have the right to use force to disperse unlawful meetings; if anyone is killed by police action during such dispersal, this shall be considered lawful. Abusing the President can result in jail or a fine, and "usurping the functions of government" in a 20 year prison term. Ridiculing the police has a two-year jail term.
- State organised violence and torture reached unprecedented levels ahead of the Presidential Elections: Observer missions from the SADC Parliamentary Forum; the Commonwealth; and Norway concluded that the criteria for free and fair elections were not met, and that the Presidential Elections did not accurately reflect the will of the Zimbabwean people.
- Within two days of the election, Mugabe signed into law *The Access to Information and Protection of Privacy Act 5/2002, 5/2003* (AIPPA).
- The wide powers of the AIPPA Commission have been used successfully to expel unaccredited foreign journalists deemed undesirable by the Commission¹⁷; and effectively close down five independently owned newspapers, including *The Daily News* (2003),¹⁸ *The Tribune* and *Business Tribune* (June 2004), and more recently, *The Weekly Times* (March 2005).¹⁹
- The independent *Capital Radio* broadcast from Harare was closed down in 2000 after just five weeks, being outlawed using the Presidential Powers (Temporary Measures) Act.²⁰ Its successor, *SW Radio Africa*, broadcasts five hours of programming daily from London. Following its Short Wave transmissions being electronically jammed by the Zimbabwe Government, it has recently begun transmitting on the Medium Wave frequency.²¹
- ZANU PF has tried to interfere with access of individuals to information via the Internet, through restrictions and control on local ISPs, but so far the Courts have ruled against the government's right to do this.
- The government has significantly undermined the independence of the judiciary in the last five years, forcing judges to retire or resign. The police act along politically

¹⁷ A case in point is that of the Journalist Andrew Meldrum, who was forcibly deported 18 May 2003 after having lived in Zimbabwe for 20 years.

¹⁸ Abstracted from a brief summary of the Act, The Zimbabwe Institute, *Playing with Fire*, Appendix Two, 84. Openly willing to cover MDC events, the offices of *The Daily News* were bombed twice by unknown assailants. Until it was forcibly closed down by direct police action, it had a mass daily circulation of more than 120,000 copies.

¹⁹ In this regard it should be noted that contrary to a Supreme Court ruling, the parastatal Zimbabwe Broadcast Holdings (ZBH) remains the sole franchise holder of all radio and television broadcast licenses.

²⁰ The State instituted The Broadcasting Services Act (2002) as a means of regulating the public media during an election. Successfully challenged before the Supreme Court by Capitol Radio on the grounds that it violated freedom of expression as described under the Constitution, the Act was reintroduced through the instrumentation of the Presidential Powers (Temporary Measures) Act. The Act however as EISA has pointed out is still perceived to be "draconian as it does not define what constitutes "reasonable reporting". It has not offered opposition parties any access to the media and any coverage of activities of the opposition has always been in the negative. This has resulted in biased reporting and deliberate misrepresentation of political views." EISA, *Election Update 2005 Zimbabwe*, (No. 1, 4 March 2005), 10.

²¹ See, Stephanie Nolen, "Independent radio a lifeline for Zimbabwe's opposition", *Globe and Mail*, (Canada), 26 March 2005.

biased lines, often refusing to arrest ZANU PF perpetrators, and falsely arresting and charging MDC officials and supporters.²² A system of impunity for government officials is now entrenched, although brave, independent rulings by some judges and magistrates continue.

- In terms of the Electoral Act, The MDC made 39 electoral petitions in 2000 against the results of the parliamentary elections, none of which have been fully resolved by the judiciary, five years later.²³

Over the last five years, freedom of election has been consistently subverted in Zimbabwe with the complicity of the judiciary. The electorate goes into the 2005 election against this background, with their faith in democratic processes seriously undermined. This alone is enough to render the forthcoming election not free and not fair.²⁴

B. Events in the last year impacting on Election 2005

1. The NGO Bill - the Silencing of Civil Society

In order to cement their advantage in the 2005 Parliamentary Elections, the ZANU PF-dominated parliament railroaded a further Bill through Parliament in November 2004 that will yet have devastating consequences, not only by placing further restrictions on civil liberties, but potentially upon food security to the poor. This Bill was an important indicator of ZANU PF's intention to use indirect campaign strategies that would have an implicit impact on civil society that was to ZANU PF's benefit.

In this regard it is important to note the implicit warning of the African Commission on Human and Peoples' Rights in their Executive Report following their fact-finding Mission to Zimbabwe, 24-28 June 2002. It stated:

There has been a flurry of new legislation and the revival of the old laws used under the Smith Rhodesian regime to control, manipulate public opinion and that limited civil liberties. Among these, the Mission's attention was drawn to the Public Order and Security Act, 2002 and the Access to Information and Protection of Privacy Act, 2002. These have been used to require registration of journalists and for prosecution of journalists for publishing "false information". All these, of course, would have a "chilling effect" on freedom of expression and introduce a cloud of fear in media circles. The Private Voluntary Organisations Act has been revived to legislate for the registration of NGOs and for the disclosure of their activities and funding sources.²⁵

²² See Solidarity Peace Trust, *Disturbing the Peace*, July 2004 and *Subverting Justice: the role of the judiciary in denying the will of the Zimbabwean people since 2000*, March 2005 for details. www.solidaritypeacetrust.org.za for all Solidarity Peace Trust reports to date.

²³ For a comprehensive review of these cases, see: Solidarity Peace Trust, *Subverting Justice: The Role of the Judiciary in Denying the Will of the Zimbabwean Electorate Since 2000*, Johannesburg, March 2005.

²⁴ *Ibid*, 35.

²⁵ As quoted in, International Bar Association, *An Analysis of the Zimbabwean Non-Governmental Organizations Bill, 2004*, n. 1, 16. <http://www.civicus.org/new/media/analysiszimbabwengobill2004.pdf> (Accessed 26/04/2005).

Designated the Non-Governmental Organisations Bill (*hereafter* NGO Bill), its intent was to place severe restrictions upon the NGO / Civil Society sector, a sector which in the view of the ZANU PF regime has since the Constitutional Referendum of February 2000 been a front for the MDC and by association the British Prime Minister, Tony Blair and the spectre of western imperialism!

Ostensibly, to quote from its preamble, the NGO Bill is “for the registration of non-governmental organisations, to provide for an enabling environment for the operations, monitoring and regulation of all non-governmental organisations ...” Yet, a close analysis of the contents of the Bill will suggest another, more sinister reading, whereby it provides for far-reaching powers designed, in the words of the International Bar Association (IBA), to “exert full and complete control over non-governmental organisations (NGOs) and other human rights and development organisations in Zimbabwe.”²⁶

The legislation shares many similarities with its predecessor in law, the Private Voluntary Organisations Act, No 63 of 1966, which it repeals. A product of the Ian Smith regime, the “PVO Act” was drafted at the onset of the Second Chimurenga specifically to provide draconian measures in law to aide the white Rhodesian security forces in so-called counter-insurgency measures against the liberation forces. The new bill threatens to serve a similar, if not more sophisticated purpose, as the IBA observed.²⁷

The Bill, yet to be signed into law, will require all human rights, welfare, humanitarian aid or developmental organisations operating within Zimbabwe and not established by the State, to be registered by a State-appointed NGO Council. The terms of such registration will however dramatically impede their operations as such organisations will be prohibited from receiving “foreign funding or donation” i.e., funding sourced from international donor agencies. Internationally-based human rights organisations will not be allowed to operate within the country if their sole or principal objects involve or include “issues of governance”, including “the promotion and protection of human rights and political governance issues”. In addition, the Act,

...shall apply to every non-governmental organisation... whether or not its legal status within Zimbabwe is subject to any agreement with the State and whether or not its constituent deed or instrument is registered with the High Court or the Deeds Office.

In terms of the Bill, the legislation’s reach is extended far beyond the traditionally accepted entities within the NGO/Civil Society sector, and includes among others, trusts registered with the Master of the Court. The dangers implicit within this are ably described by the IBA:

...the wide definition of NGOs could conceivably include every type of body, association or institution, provided its objectives or aims fall within the objectives of NGOs in the definition... or ‘as may be prescribed’. It is thus not inconceivable that law societies or other advocacy bodies such as voluntary associations of advocates may be brought within the reach of the Bill, to the extent that their objectives include one or

²⁶ Ibid, 2.

²⁷ Ibid, 3. “The NGO Bill essentially maintains the most repressive features of the PVO Act but goes further by introducing new provisions that expand the range of organisations required to register under the law, while at the same time proscribing a broader range of NGO activity. Essential common features include ...conditions in which PVOs may be dissolved or have their registration certificates either cancelled or amended.”

more of the wide categories in the definition of NGOs, unless excluded “as may be prescribed”.²⁸

In summarising the key differences between the PVO Act and the NGO Bill, the IBA makes the following important observations, among others:

- The additional powers of investigation into ‘maladministration’, means that the NGO Council has far wider, virtually open-ended powers to control the fate and activities of NGOs when compared to its predecessor;
- The Bill is clearly targeted at foreign NGO activity in Zimbabwe and effectively prohibits such activity; the Bill prohibits foreign funding, which means its aim is to prevent any and all foreign assistance from entering Zimbabwe.
- This raises serious concerns that organisations working on some of the most critical support projects in Zimbabwe – e.g. food distribution, AIDS relief, and political violence reporting – which are at present almost entirely foreign funded, may be closed. The inevitable consequence will be that less information on domestic human rights and governance conditions or activities will be reported on and the government will, as a result, be less accountable to its people.²⁹

The powers of the Bill are frightening, its consequences potentially devastating. Local organisations that have in the past been critical of ZANU PF are in all likelihood to be refused the necessary registration. Holding the threat of closure over NGOs, and encouraging self-censorship to avoid this, could be a critical pre-election strategy of ZANU PF, possibly resulting in the under-reporting of human rights abuses and toned down election commentaries. It may also place the parastatal Grain Marketing Board (GMB) as the sole distributor of maize meal among Zimbabwe’s burgeoning poor and rural communities. A further repercussion of such legislation could be the impact it may have upon medical services – particularly on the young; HIV/AIDS; legal services to the victims of politically-motivated violence; and inevitably, fewer independent observers in the crucial months leading up to the election, and Election Day itself. As the IBA could point out,

In the ultimate analysis, not only is the Bill in flagrant violation of international and regional human rights standards and norms, it also represents a decisive rejection of the terms of the Constitution of Zimbabwe, which provide for the right to freedom of expression, association and assembly. That attitude can only be described as contemptuous of the rule of law and of regional and international standards of governance and of the protection of human rights.³⁰

2. SADC Principles and Guidelines Governing Democratic Elections

From its inception in Namibia, 17 August 1992, Zimbabwe was one of the nine founder front-line member states of the Southern African Development Community (SADC), and as such, signatory to a common treaty that legally binds each member state to “promote common political values, systems and other shared values which are transmitted through institutions, which are democratic, legitimate and effective”³¹ and thereby “achieve

²⁸Ibid, 4.

²⁹Ibid, 4.

³⁰Ibid, 5.

³¹ Quoted in “SADC Principles and Guidelines Governing Democratic Elections”

http://www.swradiofrica.com/pages/sadc_elections.htm (Accessed 30/04/2005)

development and economic growth, alleviate poverty, enhance the standard and quality of life of the peoples of Southern Africa and support the socially disadvantaged through regional integration.”³² In order to realise these goals and implement what it called “democratic consolidation in the region”³³ a series of principles and guidelines governing democratic elections were adopted at the SADC Summit, Mauritius, August 2004. In its preamble the intention and purpose of these principles and guidelines are made patently clear:

The development of the principles governing democratic elections aims at enhancing the transparency and credibility of elections and democratic governance as well as ensuring the acceptance of election results by all contesting parties.³⁴

The SADC guidelines were not only informed by legal and policy instruments laid down within the SADC Treaty, but also with those emanating from the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa, and the AU Guidelines for African Union Electoral Observation and Monitoring Missions, as the SADC document admits. As a result, the Heads of State meetings at the SADC Mauritius Summit, the highest policy-making authority within SADC agreed to a comprehensive set of guidelines and principles essential for creating an environment conducive for a national election to be deemed “Free and Fair”. Although not binding upon Nation States³⁵, the principles and guidelines that member states are requested to scrupulously ensure are correctly implemented include:³⁶

- **Principles for conducting democratic elections**
 - Full participation of the citizens in the political process;
 - Freedom of association;
 - Political tolerance;
 - Regular intervals for elections as provided for by the respective National Constitutions;
 - Equal opportunity for all political parties to access the state media;
 - Equal opportunity to exercise the right to vote and be voted for;
 - Independence of the Judiciary and impartiality of the electoral institutions
 - Voter education;
 - Acceptance and respect of the election results by political parties proclaimed to have been free and fair by the competent National Electoral Authorities in accordance with the law of the land;
 - Challenge of the election results as provided for in the law of the land

³² Mauritius Freeport Development, “SADC” <http://www.mfd.mu/cross/sadc.htm>

³³ “SADC Principles and Guidelines Governing Democratic Elections” http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/sadc/elecprinciples.pdf

³⁴ Ibid.

³⁵ As Arnold Tsunga has cogently pointed out, “The principles are merely aspirational and are not binding. They do not create international obligations as this is highlighted by reference to principle 2.1 which is worded “In the event a Member State decides to extend an invitation to SADC to observe its elections this shall be based on the provisions of the Protocol on Politics, Defence and security Cooperation”... The principles create a non-binding obligation or voluntary duty/responsibility on the State to “take necessary measures to ensure the scrupulous implementation of the above principles, in accordance with the constitutional processes of the country” Wording a non-binding document forcefully does not render it any more worth than what it is, a merely aspirational document. So its success in implementation is dependant on the political will of those in power.” Arnold Tsunga, “SADC Principles and Guidelines governing Democratic Elections Analysis: A bird’s eye view” Zimbabwe Lawyers for Human Rights, 4.

³⁶ “SADC Principles and Guidelines Governing Democratic Elections”, op cit.

- **Mandate and Constitution of the SADC Observers Mission**
- **Guidelines for the observation of elections**
 - Constitutional and legal guarantees of freedom and rights of the citizens;
 - Conducive environment for free, fair and peaceful elections;
 - Non-discrimination in the voters' registration
 - Existence of updated and accessible voters' roll;
 - Timely announcement of the election date;
 - Funding of political parties to be transparent and in accordance with the laws of the land;
 - Polling stations should be in neutral places;
 - Counting of the votes at polling stations;
 - Establishment of the mechanism for assisting the planning and deployment of electoral observation missions;
 - SADC Election Observation Missions should be deployed at least two weeks before the election day
- **Code of Conduct for Election Observers**
- **Rights and Responsibilities of SADC Election Observers**
- **Responsibilities of the Member State Holding Institutions**
 - Take necessary measures to ensure the scrupulous implementation of the above principles, in accordance with the constitutional processes of the country;
 - Establish where none exist, appropriate institutions where issues such as codes of conduct, citizenship, residency, age requirements for eligible voters and compilation of voters' registers, would be addressed;
 - Establish impartial, all-inclusive, competent and accountable national electoral bodies staffed by qualified personnel, as well as competent entities including effective constitutional courts to arbitrate in the event of disputes arising from the conduct of elections;
 - Safeguard the human and civil liberties of all citizens including the freedom of movement, assembly, association, expression, and campaigning as well as access to the media on the part of all stakeholders during electoral processes;
 - Take all necessary measures and precautions to prevent the perpetration of fraud, rigging or any other illegal practices throughout the whole electoral process, in order to maintain peace and security;
 - Ensure the availability of adequate logistics and resources for carrying out democratic elections;
 - Ensure that adequate security is provided to all parties participating in elections;
 - Ensure the transparency and integrity of the entire electoral process by facilitating the deployment of representatives of political parties and individual candidates at polling and counting stations and by accrediting national and/or other observers/monitors;
 - Issuing invitation by the relevant Electoral institutions of the Country in election to SADC ninety days before the voting day to allow an adequate preparation for the deployment of the Electoral Observation Mission.

A Disingenuous Attempt at Compliance

ZANU PF has feigned compliance with these guidelines by introducing two new acts, namely the new Electoral Act gazetted 21 January 2005 and the Zimbabwe Electoral Commission

Act (ZEC). A close analysis of the combined legislation, reveals nothing more than a disingenuous attempt at compliance which in the words of Steve Kibble will,

...severely limit any check on the government, make illegal non-governmental funding for civic and voter education, ensure government control of the electoral process and support from a potential opposition force of ‘collaborators’.³⁷

David Coltart, the MDC Secretary for legal affairs expressed the same reasoned opinion, when he stated:

The government had successfully hoodwinked the Southern African Development Community into thinking that the recently enacted Zimbabwe Electoral Commission Act had levelled the electoral playing field... The Electoral Supervisory Commission is appointed by Robert Mugabe and therefore cannot be impartial, the Delimitation Commission is appointed by Mugabe and therefore cannot be impartial, the Observer’s Accreditation Commission is headed by the chairperson of the ESC, who is an appointee of the President. The Registrar General is accountable to Cabinet. The Zimbabwe Electoral Commission goes some way towards being inclusive in its nature but does not include civic society, churches and the public. In any case its chairperson is appointed by Mugabe.³⁸

Such a confused electoral system is far from being politically impartial, and is a serious contender for vote rigging

C. Framework of the 2005 Election

1. The ZEC: A Serious Contender for Rigging

The ZEC only became legally operational as from February 01, 2005, barely two months before the 31 March Parliamentary Elections.³⁹

Although the new Electoral Act removed the right of the President to introduce electoral regulations by statutory instrument, the Act did not alter the retrogressive regulations that had been introduced in 2000 and 2002. Rather than replacing the old Electoral Supervisory Commission (ESC), the new Act proposes a complex and confusing electoral structure built upon the old. Accordingly, the composition of the ZEC makes no provision for a single body responsible for conducting National Elections. Interestingly, ZANU PF has stated that the 2005 Elections will be transitional in this respect, and that a single Electoral body will be set up later; simply put, the confusion of defined regulatory bodies will enhance the opportunity for vote rigging in the upcoming Election.

³⁷ Kibble, “Zimbabwe: Goodbye to the last freedom”, 2.

³⁸ Quoted in Tsunga, “SADC Principles and Guidelines”, 7.

³⁹ Human Rights Watch reports that even by mid-February 2005, the ZEC had established only temporary offices in Harare, had no office phones, and only two staff members – an administrator who is the legal/political advisor to the Justice Minister, and the chief electoral officer. At that time, the ZEC had still not placed an advertisement in the print media providing its telephone number and address. Human Rights Watch, “The ‘New’ Electoral System” <http://hrw.org/background/africa/zimbabwe0305/4.htm>

Five parallel regulatory institutions are thus charged with conducting the March 2005 election: the Independent Electoral Commission (IEC), a supposedly independent body appointed by the President in terms of SADC principles; the ESC, mandated under the Constitution to supervise voter registration and conduct the electoral process; the Registrar-General of Elections, who is responsible for registering voters and the maintenance of the voters roll; the Election Directorate, a committee consisting of public employees; and finally the Delimitation Commission, charged with the demarcation of constituency boundaries.

Such a confused electoral system is far from being politically impartial, and is a serious contender for vote rigging. Indeed, the question that many observers have asked is which body is ultimately responsible for administering the 31 March Elections? In a recent survey conducted by the IBA among Zimbabwe lawyers a variety of answers were given. Most agreed that in terms of the most recent legislation, the ZEC would have overall responsibility; however, there were strong differences of opinion as to which regulatory body would actually conduct the election. The answers received were varied, all agreeing that the system was unclear and confusing.⁴⁰ These included:

- The Electoral Supervisory Commission
- The Registrar-General of Elections
- The Election Directorate
- The Army

The army is certainly in charge of this election, just as it has been historically. High-profile Army personnel continue to command every part of this electoral process

The last suggestion is not as off the mark as one might expect, for as Andrew Makoni responded:

The army is certainly in charge of this election, just as it has been historically. High-profile Army personnel continue to command every part of this electoral process. The Election Directorate is manned by serving and retired army officers. The new Zimbabwe Electoral Commission is headed by a former army officer who is now a judge. It is clear that all the old Military players will resurface in the current election.⁴¹

The provision included within the Act for the President and ruling party to appoint the ZEC commissioners, gives ZANU PF excessive powers which are open to serious abuse, thereby negating any consideration of the ZEC to be an independent, inclusive, and impartial body. As the celebrated Zimbabwean human rights lawyer, Beatrice Mtetwa has rightly observed:

The constant reference to an “independent” electoral commission in the legislation is extremely misleading as the appointment procedures of members of the Zimbabwe Electoral Commission (ZEC) do not meet the “impartial all-inclusive, competent and accountable” requirement of the SADC Protocol. The chairperson of the ZEC is appointed by the President on the advice of the Judicial Services Commission, whose current composition has a majority of Presidential appointees. Whilst the Chairman’s competence may not be in doubt, it is doubtful that he meets the impartiality and all-inclusive test because the criteria used to appoint him is not known and was only determined by persons closely associated with the ruling party with no input from civil

⁴⁰ “Who is running this election anyway..?” IBA, *Zimbabwe Elections 2005*, (25 March 2005), 5.

⁴¹ “Ibid, 5.

society, the opposition and other stakeholders. If there was to be a break with the past, it was absolutely crucial that appointees be transparently selected through an all-inclusive process that would result in independent experts running the election.⁴²

2. The Electoral Court: Acutely Compromised

Another important flaw, which is open to serious exploitation, is the way in which the Electoral Court has been established. In terms of the Act the independence of its members is acutely compromised when its judicial appointments are the sole responsibility of the Presidentially-appointed ZEC chair.⁴³

3. Polling Stations

For the first time voting will take place in twelve hours on a single day. Counting will take place at polling stations and the results forwarded to Constituency Centres for collation and the official announcement of the result. In theory, this will significantly reduce the opportunity for rigging at polling stations or ballot stuffing overnight. In the 2000 and 2002 elections all results were collated and announced at a National Command Centre in Harare, which is where rigging was suspected of occurring.⁴⁴

Owing to the limitation of observers and monitors imposed by the Act, voting by illiterate voters can be subject to serious abuse at the hands of polling station staff all of which will be government employees loyal to the ZANU PF regime.

Additionally, the allowances and salaries of headmen and village heads were increased by 150% as late as January 2005. This has been seen by many as a blatant attempt by the ruling party to ensure the loyalty and support of the village chiefs ahead of the elections. Indeed, during the 2000 and 2002 elections, village heads were faced with the threat of expulsion if they were suspected of voting for the opposition MDC. Further, village chiefs have reportedly been told to accompany their people to the voting stations in order to put pressure on them to vote for ZANU PF.⁴⁵

Local election observers need an invitation from the Justice Minister to receive ESC rather than ZEC accreditation, for which there is a prescribed fee of Z\$100,000 per individual. Official accreditation is necessary for observers to be allowed to enter a polling station or constituency centre. The prescribed fee for accredited African Continental observers is US\$100 and US\$300 for all other observers. For approved local NGO's such as the Zimbabwe Election Support Network (ZESN), these fees are exceptionally high, especially as there is no guarantee that applications will receive the necessary approval. The accreditation process has been set between 8 February and 2 March 2005, with ZESN hoping to field a total of 6000 local observers. Additionally, the Catholic Commission for Justice and Peace in

⁴² Beatrice Mtetwa, "Hoodwinking SADC" in International Bar Association, *Zimbabwe Elections 2005*, (25 March 2005), 5.

⁴³ The Electoral Court indeed proved itself to be subject to Presidential manipulation in its ruling in the Roy Bennett case: the Court first ruled in Bennett's favour that he could stand for election from jail, and this verdict was subsequently suspended after Mugabe objected vociferously.

⁴⁴ Observers of the 2005 election have yet again identified this Command Centre as the point of rigging. See MDC report, ZESN report.

⁴⁵ Jan Raath, "Ghost voters, rigged ballots and food bribes - the Mugabe route to power", *The Times* (UK), 29 March 2005. <http://www.zwnews.com/issuefull.cfm?ArticleID=11555>.

Zimbabwe hope to field a further 7000 observers to cover the expected 8,000 polling stations nationally.

Another issue of note will be the location of polling stations. According to the Electoral Act, all that is required is that the Polling Station be sited in a convenient place “as the Constituency Election Officer may determine” (§ 51 (1)). Further, “A polling station may, in addition to the polling stations established within the boundaries of the constituency concerned, be established... at a place which is outside the boundaries of the constituency” (§ 51 (2)). The allocation and location of polling stations can have a serious affect upon both urban and rural voting. From available reports it would seem a disproportionate number of polling stations will be allocated in rural areas compared to urban areas. Moreover, a number of polling stations will be located at the homesteads of local headmen renowned for their support for the ruling party, others within MDC rural strongholds may be located across constituency borders thereby providing difficulty for the many registered voters who lack access to transportation.

4. Voter Education

According to provisions laid out in the ZEC Act, the ZEC has responsibility for providing voter education and controlling voter education by all individuals and local organizations, other than political parties. Clauses within the Act effectively ban NGOs from engaging in voter education and stipulate that no unauthorised foreign funding for voter education be allowed. Only the ZEC may receive and distribute foreign funds for voter education, and approve the participation of local organisations registered under the NGO Bill, which as yet has still to be signed into law.

Voter education is in the interests of all within civil society and is an important function in the development of an open democratic society

Voter education is in the interests of all within civil society and is an important function in the development of an open democratic society. To restrict voter education to the ruling party is an affront to accepted democratic norms and standards that protect impartiality, independence, and the equal opportunity for all Zimbabweans to freely exercise their franchise.

Owing to the ZEC only receiving its operational mandate on 1 February 2005, very little Government approved voter education appears to have been done. According to reports received from the South African Solidarity Network Observer Mission this may be no more than 11% country-wide.⁴⁶

5. The Voters' Roll

The SADC Principles and Guidelines make provision for the existence of an updated and accessible Voters' Roll. Accordingly, in terms of the new Electoral Act, the ZEC is charged with the responsibility of to ensuring that the Registrar-General of Voters maintains a Voters'

⁴⁶ Human Rights Watch, “The “New” Electoral System”, op cit.

Roll.⁴⁷ Further, within the Electoral Act, provision is made for the Voters' Roll to be open to inspection and printing. § 21 (1) states unequivocally:

The voters' roll for every constituency shall be open to inspection by the public, free of charge, at the office of the constituency registrar during office hours.

Additionally, § 21 (4) states that a printed copy of the roll will be available *for any constituency*, even though an electronic version is in the possession of the Registrar-General:

Any person may, on payment of the prescribed fee, request the Commission to provide him or her with a printed copy of the voters roll for any constituency, and the Commission shall thereupon cause the roll to be printed and provided to that person within a reasonable time.

What has taken place though in practice? The Registrar-General has consistently refused to provide the MDC with an updated electronic version of the voters' roll. Further, the printed version of the voters' roll costs Z\$ 12 million per copy. The tactics of the Registrar-General have thus ensured inaccessibility to the roll, as well as obfuscating any electronic audit of the roll, as a recently published analysis of the prevailing electoral environment in the run-up to the 31 March elections betrays:

Since the voters' roll was laid open for inspection ahead of the 2005 elections there have been numerous complaints from the MDC about the enormous difficulties they have encountered in obtaining access to the voters' rolls. One Harare based MDC Member of Parliament complained that it had taken her eight days to get a copy of the roll for her constituency. Two Bulawayo based Members of Parliament asked an Harare based MDC Member of Parliament to collect the rolls for their constituencies, but the Registrar-General's office said that the Bulawayo MPs had to come personally to Harare to collect their rolls.⁴⁸

Consequently, in an open letter the 31 March elections, the Zimbabwe Solidarity and Consultation forum drew attention to the serious credibility gap existing in the veracity and accuracy of the voters' rolls:

Voters have been arbitrarily removed from the voters' roll. Inspections that have been carried out thus far on sections of the voters' roll have revealed an alarming number of anomalies. The Registrar General has consistently refused to provide the opposition with an updated electronic version of the voters' roll which would enable them to check its accuracy in an efficient manner.⁴⁹

⁴⁷ § 20 of the Electoral Act states: (1) The Commission shall ensure that the Registrar-General of Voters compiles and maintains the voters' rolls; (2) Each constituency registrar shall have charge and custody of the voters roll for his or her constituency; (3) The voters' roll shall be kept in such form as may be prescribed; (4) For the purposes of keeping his or her voters roll in terms of this Act, the constituency registrar may use the claim forms or forms for the transfer of registration completed by him or her.

⁴⁸ "The Electoral Environment for the March 2005 Parliamentary Elections in Zimbabwe", Draft Executive Summary, (25 March 2005), 56.

⁴⁹ The Zimbabwe Solidarity and Consultation forum, "An Open Letter: The Zimbabwe Solidarity and Consultation Forum speaks on the SADC Principles and Guidelines and the Zimbabwe Elections." The Zimbabwe Situation E-mail 7 March 2005.

Patently, the voters' roll maintained by the Registrar-General is neither up-to-date nor accurate. The anomalies relate to the existence of duplicated names, deceased persons, "ghost" (or so-called "Zimbabwe zombies") and "not known at this address" entries.

Following a constituency audit conducted by FreeZim⁵⁰ it is conservatively estimated that the 2005 voters' roll contains upwards of 1 million "dead" voters,⁵¹ 300,000 duplicate entries and 1 million further names of voters who no longer live at their registered addresses.⁵² In all, FreeZim conservatively estimates that some 2.6 million out of a cohort of 5,658,637 registered voters are "ghost" or duplicate entries. Such are the allegations of voters' roll tampering, that the Registrar-General has been dubbed the "Rigger-General" by some.⁵³ As many observers have noted, the extent and success which the 2005 voters' roll has been tampered with by the Registrar-General and his officials loyal to ZANU-PF will obviate the violence and intimidation which played such an important rôle in the 2000 Parliamentary and 2002 Presidential Elections. Covert intimidation reproducing a culture of outright terror will in all probability continue however to be an effective tactic.

6. Delimitation Commission

The chair of the Delimitation Commission, Judge Chiweshe, who also served as the ZEC Chair, presented the Delimitation report to President Mugabe on 20 December, 2004. Contained within were a series of Constituency changes. Close examination revealed that those constituencies which were classed as MDC urban strongholds had been dramatically reduced. Hence Harare lost two constituencies on the supposed decrease of registered voters by a total of 46,780. This flew in the face of Government 2002 Census figures released by The Central Statistical Office in 2004 which indicated that Harare's population had increased by 500,000. Conversely, the areas of Manicaland, Mashonaland East and Mashonaland West where ZANU-PF enjoyed popular rural support gained three new constituencies.⁵⁴

Urban to Rural Drift?

Replying to charges that the voters' roll were inconsistent with the 2002 Census in that the former showed a marked decline in population density in urban areas and increases in rural areas, Judge Chiweshe attributed the reversal in rural-urban migration to the land reform programme. According to the 2002 Census figures released by the Central Statistical Office, however Zimbabwe's population officially at 11 631 657. Those of voting age living within rural areas numbered 3.55 million, whereas those in urban areas were 2.39 million. In other words Zimbabwe's rural communities comprise 65% of the total population.

Figures released by the ZESN indicated a totally different picture, consistent with the Census statistics. ZESN showed that while Harare registered 33 000 more voters for the 2005

⁵⁰ In research sample undertaken in the Harare North Constituency FreeZim ascertained that 50% of the registered voters do not live at the addresses under which their names appear. Sokwanele, *Mauritius Watch*, Issue 15 (7 February 2005) http://www.sokwanele.com/articles/sokwanele/mwatch_15_7feb2005.html.

⁵¹ In a sample of between 500 and 2,500 registered voters in 12 of Zimbabwe's 120 constituencies, FreeZim estimated that 78% of those people who have died in Zimbabwe since 1980 are still registered to vote. Jan Raath, "Ghost voters, rigged ballots and food bribes - the Mugabe route to power", *The Times*, 29 March 2005. <http://www.timesonline.co.uk/article/0,,3-1545637,00.html>.

⁵² CBC News, "Voting rolls 'in shambles,' Zimbabwe coalition says" 30 March 2005. <http://www.cbc.ca/story/world/national/2005/03/30/zimbabwe-election050330.html>

⁵³ Zim Observer, op cit, 29 March 2005. http://www.zimobserver.com/newsdetail.asp?article_id=1070.

⁵⁴ Movement for Democratic Change, *SADC Protocol Watch*, Issue No. 8 (25 February – 4 March 2005).

election than in 2000, the number of constituencies decreased from 19 to 18. Mashonaland Central whose figures shot up by more than 71 000 voters did not gain an additional constituency. Manicaland on the other hand registered a marginal increase of 10 366 registered voters but the province gained one more constituency. This was in sharp contrast to Mashonaland East which gained 93 898 more voters -- a twofold increase compared to the average constituency average – and thereby gained a single constituency.

Responding to these glaring irregularities which favoured the ZANU PF regime, the MDC MP David Coltart rightly observed that “It defies logic and runs contrary to government documented statistics that a third of the population would drift from urban to rural areas when it is evident the opposite is true.”⁵⁵

7. Disenfranchisement of the Zimbabwean Diaspora

According to recently published estimates, 25%-30% of Zimbabwe’s population have left the country.⁵⁶ Of that number, upwards of 2 million are living in South Africa. This may be upwards of 60-70% of productive adults. Put differently, out of a potential of 5 million productive adults, 3.4 million live in the Diaspora. This approximates to the adjusted number of potential voters living within Zimbabwe.

The Zimbabwe Government disenfranchises Zimbabwean nationals living in the diaspora by denying them their right to exercise their vote through the instrument of the postal vote – an instrument restricted in the Act to only those outside of their registered constituencies as a result of official Government business, be it electoral, military, or diplomatic. When this decision was challenged in an urgent application before the Zimbabwe Supreme Court by a group of seven Zimbabweans representing the Diaspora Vote Action Group living in self-imposed exile in the United Kingdom who claimed that voting was their fundamental right, that the constitution provided for their right to vote, and that the SADC Guidelines endorsed that right, their application was blatantly rejected. Without giving any reasons for their ruling, Chief Justice Chidyausiku simply stated that he and his fellow Judges on the bench had “unanimously concluded that the application has no merit and (is) hereby dismissed.”⁵⁷

In an attempt to enable those Zimbabweans living in self-imposed exile to voice their dissatisfaction at the ruling ZANU PF regime, the South African-based Crisis in Zimbabwe Coalition held a mock election among the Zimbabwe diaspora living in Johannesburg. The Poll was held in Pretoria 29 March, just two days before the Parliamentary Election in Zimbabwe. As the Sokwanele press release noted:

It is high time to correct this blatant injustice. It is high time to challenge and confront the whole corrupt system established by ZANU PF which benefits just a tiny elite of the super-rich at the cost of untold suffering to the rest.⁵⁸

⁵⁵ Ray Matikinye, “Voters’ roll a shambles” *Zim Independent*, 10 March 2005.

⁵⁶ Solidarity Peace Trust, *No War in Zimbabwe: An Account of the Exodus of a Nation’s People*, Johannesburg: November 2004: 8.

⁵⁷ Sokwanele Press Release, “Zimbabwe’s ZANU PF Overturns “One Man, One Vote” Diaspora to Participate in Mock Election”, *Sokwanele Newsletter*, 26 March 2005.

⁵⁸ *Ibid.*

8. Election Monitors and Observers

The Electoral legislation provides for a committee dominated by Ministerial nominees to accredit observer missions, and only persons invited by a Minister or the ESC may be accredited. Monitors however will all be Government Public Service employees.

Although this will reportedly include teachers and other civil servants, a large contingent is expected to come from Army and CIO personnel. The key appointment is that of recently retired army brigadier Kennedy Zimondi as chief election officer. Two other military chiefs, Major Sibindi, from Sixth Army headquarters, and Major Kampira, from Presidential Guard headquarters, have also reportedly been deployed to the ZEC. Commenting on the overt use of the Military, Lovemore Madhuku, Chairperson of the National Constitutional Assembly could state:

The strategy is to get people in key positions who share the hard-line attitudes of the government... You appoint the military because they follow orders. They will do what is required.⁵⁹

In addition to the deployment of the Military as election monitors, IRIN had reported that 25,000 Police assisted by 5000 reservists would be deployed to protect the reported 8,256 polling stations – 4256 more stations than in the Presidential Elections of 2002. The question remains as to the rôle such a strong police presence will contribute to voter intimidation.

Under the SADC Principles and Guidelines, national and international observers and monitors are to be accredited and given free access to everyone concerned in the electoral process. SADC must be invited to send a mission at least ninety days before polling. According to Sokwanele's "Mauritius Watch"⁶⁰ included amongst the Regional and International Observer Teams invited by the ZANU PF regime to observe the 2005 Parliamentary Elections were:

- The African Union
- The Southern African Development Community
- The Common Market for Eastern and Southern Africa (COMESA)
- The Non-Aligned Movement
- The South African Parliamentary Mission
- The South African Government Observer Team

Official observer mission invitations were reportedly only sent 19 February 2005, less than six weeks before the Election. This is in direct conflict with § 7.10 of the SADC Principles and Guidelines, which states "Issuing invitation by the relevant Electoral Institutions of the country in election to SADC 90 (ninety) days before the voting day in order to allow an adequate preparation for the deployment of the Electoral Observation Mission"⁶¹ This action, together with other delays experienced by Observer Teams seeking accreditation, appears to be a ploy by the ZANU PF regime to deliberately obfuscate the observer mission process. As Tiseke Kasambala of the Human Rights Watch has rightly observed:

⁵⁹ Chipso Sithole, "Military to Run Election" *Africa Reports: Zimbabwe Elections 15*, 15 March 2005.

⁶⁰ Sokwanele Special Report, "Mauritius Watch Summary", 30 March 2005.

http://www.ijr.org.za/monitors/mon_pgs/zim/Sokwanele/summary05.doc

⁶¹ "SADC Principles and Guidelines Governing Democratic Elections"

The results of the Zimbabwe elections cannot be based merely on observation of the last week before the elections... If SADC members fail to take into account abuses in the long run-up to the polls, SADC's ability to foster democratic change in the region will be compromised.⁶²

Of particular interest are those regional and international observer groups officially excluded from observing the Elections. It had been expected that there would be no official invitations made towards those deemed "hostile" to the ZANU PF Government, including the British Commonwealth, the United States of America, the United Kingdom or the European Union. Those excluded from the SADC Region however are of particular interest:

- Southern African Development Community (SADC) Parliamentary Forum
- Electoral Institute of Southern Africa (EISA)
- Congress of South African Trade Unions (COSATU)
- South African Council of Churches (SACC)
- SADC Delegation of Lawyers tasked with assessing the recent electoral Act

Alarm bells were sounded by civil society at the exclusion of the SADC Parliamentary Forum and the EISA. Brian Kagoro, CEO of the Crisis in Zimbabwe Coalition, expressed his grave concern that the list of approved electoral observers included a large number of government delegations and few representatives from independent bodies.⁶³ Although no reasons were given for barring the SADC Parliamentary Forum, many pundits attributed it to the Forum being the only African observer mission declaring Zimbabwe's 2002 presidential election not free and fair. Although its director-general Ayanda Ntsaluba at first described the Zimbabwean government's refusal to invite the forum as a "difficult situation", within days an about-face by South Africa's Department of Foreign Affairs (DFA) was to be forthcoming, whereby they suddenly became ready apologists for Zimbabwe's decision. Political gerrymandering by the Office of South Africa's State President is the most probable culprit, whose overt support for the ZANU PF regime is well known. The DFA spokesperson Ronnie Mamoepa stated that "The SADC Parliamentary Forum therefore has no *locus standi* (legal standing) in terms of official SADC structures." He went on to assert that "As far as the (South African) government is concerned, Zimbabwe has invited the national parliaments of SADC member states, which will allow for report backs to sovereign national parliaments post (after) the elections... On the other hand, the SADC parliamentary forum would have no fora to report back on its findings to."⁶⁴

EISA has been involved in observing twenty regional elections while the SADC Forum has witnessed polls in ten regional states since 1999. Commenting on their exclusion, Dennis Kadima, Director of EISA made the telling comment, "When observers are restricted, one questions whether the government is hiding something. We at EISA not only observe elections, we have also been documenting electoral processes for the benefit of all the countries in the region."⁶⁵

⁶² Human Rights Watch, "Zimbabwe: Obstacles to Free and Fair Elections Documented" 21 March 2005. <http://hrw.org/english/docs/2005/03/21/zimbab10340.htm>

⁶³ IRIN, "Concern over the absence of SADC and EISA teams at poll", 14 March 2005.

⁶⁴ Zimbabwe Online, "SADC Forum has no right to observe poll: South Africa" 11 March 2005.

⁶⁵ Ibid.

The Congress of South African Trade Unions (COSATU) has been consistent in its support of the ZCTU call for democracy. The ZANU PF regime has been rigorous in its efforts to discredit COSATU, accusing it of being in a pro-imperialist instrument of the MDC, something that South Africa's Pan African Congress has mimicked, calling upon the South African Government to stop COSATU using South Africa as a springboard for the re-colonisation of Africa, and as a base for "undermining and destabilising the sovereignty of Zimbabwe"⁶⁶ A COSATU fact-finding mission had twice been denied permission to enter Zimbabwe, and actively organised a series of protest actions in the run-up to the 31 March elections. Much to the consternation of South Africa's ANC Government, its alliance partner undertook peaceful picket action at the Zimbabwe High Commission in Pretoria, and at the Beitbridge Border Post, including an all night vigil on the eve of the 31 March Elections. COSATU Deputy President Joe Nkosi stated that the election should be postponed as it would not be free and fair "under the current legislation". When asked to give the ZANU PF Government a mark out of 10 for its progress towards achieving democratic elections, Nkosi replied: "They do not even qualify for a mark... There is duplication of names on the voters' roll. The political climate is not right for free and fair elections." He went on to argue that the Zimbabwean people needed to be liberated from oppression just as had their South African counterparts from the apartheid regime. "The playing field before the elections still favours ZANU PF, as workers and political parties are unable to assemble in groups of more than four", Nkosi said.⁶⁷

The South African Council of Churches (SACC) was to have led an Observer Mission which would include members from the Southern Africa Catholic Bishops' Conference (SACBC), the Institute for Justice and Reconciliation and the Centre for Policy Studies. They were however denied observer status by the ZANU PF regime. In a statement issued on 9 March 2005 the SACC urged churches to mobilise public opinion against human rights abuses and repression in Zimbabwe, for, "The deteriorating situation in Zimbabwe is not likely to be resolved by the March 31 election, regardless of the outcome." This statement is in direct contradistinction to their blanket approval of the 2002 Presidential Elections, which they described as "legitimate", and shows a distinct change of heart at least by its Council and Members. A codicil to the SACC's official exclusion was the refusal by Beitbridge Border Post Immigration Officials to allow Dr Molefe Tsele, General Secretary of the SACC permission to enter Zimbabwe, even though he had purportedly been invited by the Zimbabwe Council of Churches to take part in an ecumenical observer delegation.

9. Presidential Appointments

Zimbabwe's Parliament has a total of 150 seats, yet 30 of those seats will be occupied by direct Presidential appointment. Presuming that Robert Mugabe does not appoint any MDC members to those seats in the interests of reconciliation and nation building, it means the MDC will need to win 76 of the 120 contested seats to gain a parliamentary majority. In such terms the electoral playing fields are far from being level. By contrast, ZANU PF only need to win 46 seats out of 120 to ensure a parliamentary majority!

⁶⁶ SABC, "PAC marches in solidarity with Zimbabwe", 3 March 2005.

⁶⁷ "Cosatu begins demos at Zimbabwean embassy", The Daily News (Durban), 9 March 2005.

D. Food Distribution as a Political Weapon

The malicious manipulation of food security has long been utilised as a weapon in Zimbabwean politics.⁶⁸ It was first effectively used during the Smith regime when food was purposely withheld from areas in an attempt to starve out nationalist combatants, during the Second Chimurenga or War of liberation. ZANU PF utilised a similar policy of systematic starvation during the *Gukuruhundi* insurgency of the notorious Fifth Brigade into North and South Matabeleland in 1983-84, where strict curfews were imposed, shops shut, transportation halted and drought relief food supplies purposely blocked. As one Fifth Brigade officer is reported to have threatened: “First you will eat your chickens, then your goats, then your cattle, then your donkeys. Then you will eat your children...”⁶⁹

The starvation of the Zimbabwean peasant populace remains a maliciously engineered political regimen not to intentionally starve people to death, but rather designed to trade food-for-votes and as a means of punishing political opponents.

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The land resettlement programme, cyclical drought, poor harvests, the HIV/AIDS pandemic, and Zimbabwe’s continued economic crisis brought a deepening vulnerability both to rural and urban communities alike. By March 2004 marked increases in the number of malnourished children under the age of five attending clinics in Harare and Bulawayo were noted by the World Food Programme (WFP). Despite wild claims to the contrary by Zimbabwe’s Agriculture Minister Joseph Made, Amnesty International reported that earlier predictions by food security monitors, the UN and a crop survey carried out in March 2004 by independent consultants by the German-based Friedrich Ebert Foundation, all suggested that the 2004 harvest would fall far short of requirements. As the IRIN News Service went on to state:

Amnesty International reminded the Zimbabwe government that, as a party to the International Covenant on Economic, Social, Economic and Cultural Rights (ICSECR), it had an obligation to uphold the right of all Zimbabweans to food. “The UN committee responsible for monitoring the Convention has stated that governments must use all the resources at their disposal, including those available through international assistance. Discrimination in access to food on any grounds, including political affiliation, is a violation of the ICSECR. The committee has also stated that food should not be used as an instrument of political pressure,” the rights group noted.⁷⁰

As early as October 2002, Mugabe had lashed out at charities and international aid agencies for what he called “meddling with our national affairs”. His famous remark made in a Sky

⁶⁸ See in particular, Physicians for Human Rights, Denmark, *Vote ZANU-PF or starve*, October 2002; Human Rights Watch, *Not Eligible: The Politicisation of Food in Zimbabwe*, October 2003; Human Rights Watch, *The Politics of Food Assistance in Zimbabwe*, (August 2004); Human Rights Watch, *Zimbabweans’ Access to Food in 2004-05 Could be Threatened on Multiple Fronts* (12 August 2004); Amnesty International, *Zimbabwe: Power and Hunger – Violations of the Right to Food*, (15 October 2004).

⁶⁹ Catholic Commission for Justice and Peace and Legal Resources Foundation: *Breaking the silence, building true peace: a report on the disturbances in Matabeleland and the Midlands 1980- 1988*. Harare, 1997.

⁷⁰ IRIN, “Food must not be used as a political tool, says Amnesty” 14 May 2004.

News interview in May 2004 whereby he callously called on international food donors to leave Zimbabwe, belied the real truth: “We are not hungry . . . Why foist this food upon us? We don’t want to be choked. We have enough.” Hence, under provisions laid out within the NGO Bill, most international food aid distribution agencies such as that of the British-based Catholic Fund for Overseas Development, World Vision, and Save the Children were forced to either delay or withdraw from their feeding programmes pending the issuing of letters of authorisation. Yet as Zimbabwe Online could report, 22 July 2004,

World Vision Zimbabwe and the Catholic Relief Services (CRS) have been forced to delay the implementation of an urban feeding programme called the Market Assistance Program (MAP), worth over \$10 billion, in Bulawayo, peri-urban Harare and Chitungwiza as a result of government’s reluctance to issue the necessary authorization letters.⁷¹

Rudo Kwaramba of World Vision could add, “The government has made it clear to all agencies . . . that they do not expect a food aid operation,” and added “One has to be wise, if I may use that term, in the prevailing socioeconomic-political environment in Zimbabwe. You try the best that you can to maintain your operations.”⁷²

Accordingly, as, Social Welfare Minister Paul Mangwana was reported to have said:

We are giving them (NGOs) permission to give assistance to vulnerable groups such as orphans and those affected by HIV/AIDS. They will also be allowed to chip in when there is an emergency. But as government, we will carry out the general feeding programme. We are already doing this through the public works system. We won't need any donors for that because we have harvested enough food and we have actually recorded a surplus.⁷³

Food-for-Votes

In November 2002, the United Nations WFP was forced to pull out of Insiza, charging that its food aid was going only to ZANU PF supporters. Further food aid was stopped when the government of Zimbabwe falsely told the UN and other donors that the country had had a “bumper harvest” in 2004 and no longer needed assistance. According to the Zimbabwe Vulnerability Assessment Committee, which comprises UN agencies, non-governmental organizations and government departments, at least 2.3 million rural people will be in need of food assistance. A further 2.5 million people in urban areas are also expected to have difficulty accessing adequate food supplies. Other estimates put the figure at nearly 6 million of Zimbabwe’s 11.3 million population being at risk.

The cessation of most international food aid distribution has therefore left millions of Zimbabweans at the mercy of the GMB, a government-parastatal, which has a near-monopoly in the trade and distribution of maize, channelled through traditional leaders whose loyalty to ZANU PF was bought by obtaining redistributed land and/or vehicles, and of course paying salaries. The ZANU PF election strategy became plain: lock out international food aid, distribute food-for-votes, hold an early parliamentary election, and victory at the polls will be

⁷¹ Zimbabwe Online, “Minister ignores pleas for food aid from provincial governors”, 22 July 2004.

⁷² The Washington Post, “A bounty of food relief sits unused in Zimbabwe” 20 July 2004.

⁷³ Zimbabwe Online, “Donors allowed to resume food aid for specific groups”, 21 August 2004.

guaranteed. Following the regime's ejection of the UN's Crop Assessment team in May 2004 was in the words of the *Africa Confidential* correspondent part of ZANU PF's:

...strategy to maintain tight political control over food supply and score a resounding win in the coming parliamentary elections. The order effectively blocks UN and European preparations to provide the food aid estimated to be needed by more than 5 million people this year. President Robert Mugabe's ZANU PF government didn't want the UN team to produce figures that show that this year's harvest would fall far short of Zimbabwe's food requirement.⁷⁴

“We ask for rain for the whole country”, he said. “But the maize that comes from this rain is being divided on party lines.”

As Zimbabwe moved nearer to its 31 March 2005 elections, this strategy became clearer as more and more incidents were reported of a definitive ZANU PF food-for-votes policy being sadistically implemented. As Jeevan Vasagar in the 25 March 2005 edition of the UK-based *Guardian* Newspaper could report:

In Mr Ndlovu's village, east of Bulawayo, people pooled money to buy maize flour from the state-owned grain marketing board. Last Saturday the food arrived. Mr Ndlovu, 62, said: “Sitting on top of the heap of maize [sacks] was the district chairman of ZANU PF. He said that maize would be distributed to supporters of ZANU PF only – not to supporters of the MDC.” Each villager who reached the head of the queue was given a 50kg sack of maize, said Mr Ndlovu. But anyone believed to support the opposition was ordered to leave. “It was announced that MDC supporters should go out of the queue so as not to be embarrassed,” he said. “But I stayed in the queue because I was hungry.” Instead of a sack of maize Mr Ndlovu, an MDC voter, was given back the 37,000 Zimbabwean dollars he had put down as full payment three months ago. Now he survives on one proper meal a day. “In the mornings we take tea. In the afternoons, when the children come home from school, we take tea. In the evenings we have some sadza...” Mr Ndlovu is a “rainmaker”, a community elder who performs the ceremonies meant to bring rain. “We ask for rain for the whole country,” he said. “But the maize that comes from this rain is being divided on party lines.”⁷⁵

In an article published within the UK-published *Independent* Newspaper entitled, “Starve the voters: the human cost of Mugabe's election” Shari Eppel confirmed the monopoly that ZANU PF has on food distribution: “There is no maize in shops in rural areas so the GMB is the only source of food... In many places, the GMB only sell their grain at ZANU PF rallies.”⁷⁶

Finally, in an article appearing in the South African *Saturday Argus* dated 26 March 2005, a defiant tone was expressed by several elderly opposition MDC supporters:

⁷⁴ Africa Confidential, “Maize -meal for votes” 14 May 2005.

⁷⁵ Jeevan Vasagar, “Vote for us or starve, Mugabe's party tells villagers.” *The Guardian*, (UK) 26 March 2005.

⁷⁶ Meera Selva, “Starve the voters: the human cost of Mugabe's election” *The Independent*, (UK) 26 March 2005.

Assa Sibanda, 82, would “rather die of hunger” than join President Robert Mugabe’s ZANU PF so that she can buy food. “ZANU PF control the maize and will not sell it to us unless we denounce the MDC, I will not do that, and you can publish my name because I am not scared any more. I will die from ZANU PF anyway.” ... Sibanda’s arid village, Dzhulube in the Insiza district in Matabeleland province, is about 160km north-east of Bulawayo. She says she was refused permission to buy food from Zimbabwe’s only legal cereal merchant, the Grain Marketing Board (GMB) because she is an MDC supporter... Sibanda, who is looking after five orphaned grandchildren, earns a little cash to buy grain from selling chickens scratching around her thatched house. Her kitchen hut was burned down in February. “There was no fire coming from anywhere but it burned down with my utensils and food. The headman said there was no way I could buy food, which he said belongs to ZANU PF, while I support MDC. This man denounced me at ZANU PF meetings. When the lorry comes to our village from the GMB depot in Insiza, only ZANU PF people can buy. ...I am a registered voter. During the voters’ roll inspection, I checked my registration. ZANU PF officials forced us to register with the headman and the head of the kraal. The village heads have prepared their own registers which they will use on polling day. On Election Day we villagers will pass through the kraal heads and have our names ticked to show that we are there before we cast our ballot.” Jeslia Sibanda, (no relative) 69, says ZANU PF’s unofficial food-for-votes scheme is also being implemented in her village Simwango, in the same district, which comes under Chief Ndube Sibanda, who again is not directly related to the two old ladies. She cannot walk unaided. “I don’t give a damn if my name is known,” she said through an interpreter. “Many villagers who are known to support MDC were turned away in the most humiliating manner at maize meal selling points, which are always manned by ZANU PF officials. I supported ZAPU in the old days and my immediate option was the MDC when it was formed. I will never join ZANU PF. The problem is that I cannot force myself to beg for food from ZANU PF. I would rather die of hunger than do something I have never done before.”⁷⁷

Apart from the above anecdotal evidence, the NCA-Consolidated Election Climate Report, noted extreme high levels of food being used as an election campaign tool. Of those communities sampled, 72% reported the political use of food, the commonest being the inability to access food without presenting a ZANU-PF membership card.⁷⁸

Meanwhile at a ZANU PF Rally held at Bikita Village in March 2005 Mugabe for the first time admitted the existence of a maize shortage. He assured the rally however that “The government will not let people die of hunger”, and added “At the moment the GMB is saying it has enough stocks to last the nation over the next three months.”⁷⁹ Morgan Tsvangirai, the leader of the MDC, while visiting the nearby Nemanwa village the next day urged his supporters not to be intimidated by traditional leaders. “There is a scramble for food,” he said, “Chiefs and traditional leaders are being used selectively by the heavy ZANU PF administrative structures to use food to coerce support... That is what we have been condemning. We are doing everything to ensure that food is not becoming a weapon to intimidate, but as you can see there is a crisis on the ground.”⁸⁰

⁷⁷ Peta Thornycraft, “I won’t beg for food from ZANU-PF” *The Saturday Argus* (RSA), 26 March 2005.

⁷⁸ Zimbabwe Solidarity Newsletter, Issue 6, 27 March 2005, 1.

⁷⁹ Christelle Terreblanche, “Mugabe gives hungry masses food for thought”, *Sunday Independent*, (RSA) 20 March 2005.

⁸⁰ *Ibid.*

E. Conclusion

Ghost voters, rigged ballots and food bribes: the Mugabe route to holding on to power

To slightly adapt the title of an article by Jan Raath appearing in the British-based *The Times* newspaper, 29 March 2005, the route chosen by Robert Mugabe to hold onto political power in Zimbabwe will be one littered with ghost voters, rigged ballots and food bribes.⁸¹ Following our analysis of the prospects for the holding of a free and fair election in Zimbabwe, we would need to add to the list, the patent lack of a politically impartial, democratic and legal framework; and finally, the horrific potentiality of a military and intelligence machine trained in the tactics of terror and intimidation.

Until Zimbabweans overhaul the constitutional framework and introduce a new constitution anchored on democratic institutions, it is impossible to attain the level of 'free and fair elections'

The ZANU PF regime is neither committed nor interested in a democratically elected or publicly accountable Government. Hence the 2005 Parliamentary Elections will, in the words of Lovemore Madhuku, Chairperson of the National Constitutional Assembly (NCA) be

...conducted under a constitutional framework whose *raison d'être* is to preserve the status quo. Until Zimbabweans overhaul the constitutional framework and introduce a new constitution anchored on democratic institutions, it is impossible to attain the level of 'free and fair elections'. An election that is neither free nor fair cannot produce a fair result.⁸²

Until this happens, and the system is completely overhauled from the constitution, to the Supreme Court, to legislation passed in parliament, there will be little chance of any real change.

⁸¹ See Jan Raath, "Ghost voters, rigged ballots and food bribes - the Mugabe route to power", *The Times*, 29 March 2005. <http://www.timesonline.co.uk/article/0,,3-1545637,00.html>.

⁸² Lovemore Madhuku, "So, What Happens After Another Flawed Election?" in International Bar Association, *Zimbabwe Elections 2005*, 25 March 2005, 9.



Photo 1: Graffiti on a wall in Bulawayo [Gary S. D. Leonard]



Photo 2: ZANU PF poster [Gary S D Leonard]

IV. SOUTH AFRICAN RELIGIOUS LEADERS AND CIVIL SOCIETY REPORTS

A. “Fear of Death, Torture, Prosecution and Arrest”: A Report By Rev. M Hunter Kentane

My recent fact-finding visit to Zimbabwe reminded me of the time when the apartheid regime ruled in South Africa, and particularly of my experiences in the former so-called Bantustan under Paramount KD Matanzima who exercised an iron fist over the people of the Transkei. In the former Transkei, this amounted to:

- Presence of members of the Security Branch; Police and Army
- Specially trained youth
- Hard times in detention
- Regular and embarrassing visits to homes
- People disappearing and un-accounted for
- Unemployment coupled with bogus employments
- Violent deaths inflicted by government officials
- Visitors warned when entering the region

My observation in Zimbabwe convinced me of these and the following similarities:

- Restrictions on public gatherings
- Restrictions on demonstrations
- Restrictions on utterances – speeches, conversations, privately or publicly
- Restrictions on press freedom

Personal Observations

Upon my arrival at the immigration desk at Bulawayo International airport, I was questioned as to whether I intended organising or attending meetings of any nature. This was said to a Minister of Religion in his clerical colour, by an immigration officer!

Spending a night at a lodge in Bulawayo, the reception given by my host evidenced the hard times many are experiencing in the country. In this period leading up to the Elections I was told, “We live in fear because we don’t know what can happen. For instance, right now we have no electricity and they told us that repairs are going to be done. But we can’t guarantee if that is true.”

During a visit to a home in the rural area in Matabeleland South, I had opportunity to speak with three older ladies, born in 1922, 1929 and 1936 respectively, who were visiting the mother of the house. The three had come from a meeting summoned by the government regarding food distribution, because an overseas NGO working with their local counterparts had been stopped by the government from distributing food. A list was read indicating who would be able to purchase food (the three old ladies excluded). The origin of the list was not explained.

At the same meeting they were shown a specimen voting ballot, and were told that the Polling Station ballot box would be transparent and thereby show exactly who you are and for whom you have voted. Further discussion revealed that they had been told that there were computers that had been donated by the President to the nearby school apparently from his own pocket, yet the road to the school was in a very poor state of repair and did not have electricity. One computer will be in the ballot box and will record each vote, especially if you have voted for the opposition. Finally we were told that the fact that there is no violence and intimidation is the cause for a lot of fear, because they could not imagine that there can be an election without violence. Such was their fear that they expected something still on the way, which will shock them.

While we spoke to the three elderly women, a young man from the neighbourhood arrived with the news that he had been told by another youth aligned to Zanu-PF that by the 31 March he would need to go underground because he is a peace officer.

Three other fears were expressed by the older women, namely:

1. Just before voting day the youth will be offered jobs at the Gold mines not far away, so that they can get food. While there, they will be re-registered for voting. The roads to these mines are presently closed to the public as it smells of dead bodies which they believe are young men that were murdered and thrown down the old shafts during the 2003 by-election.
2. On voting day there will be roadblocks telling them to go elsewhere to vote as the venue had been changed; upon travelling to the new Polling Station they will find that their names do not appear on the voters roll.
3. The changed polling stations might be changed to venues on the other side of the mountain where there are no accessible roads.

Finally, what amazed me about these older ladies was their determination and tenacity, yet tempered with a grave sense of despondency. They did not mind whether I revealed their names in this report, because they said even if they are murdered for saying these things they did not mind, since they are going to die of hunger anyway!

Back in the City of Bulawayo, I had opportunity of interviewing three remarkable women. The first worked within Women's Rights and cared for orphaned children. She explained that caring for orphans, many of them HIV+, proved enormously difficult when all NGO funding from outside the country has been stopped. The women in question had suffered a lot, including periods of detention. She explained that once she was detained by Police simply because she was seen with Roman Catholics who were speaking against the miseries inflicted to people by government officials.

She had been arrested six times in all, and each year on the 27/ 28 April she knows that she will be detained and her house searched.

Her own pre-election observations included:

1. The government is using scarcity of food especially the shortage of maize meal as a weapon for hitting any political opposition hard.
2. The fact that the president is president for life with powers to personally appoint a

number MP's in parliament does not give the opposition a chance of getting into power. No matter what percentage they get at the elections.

3. There had been no voter education in the country.
4. There is widespread voter apathy, with the expectation of voter rigging at the polling stations.
5. Monitors will be selected from civil servants and up until now, the monitors from Church and Civil Society groups had not been accredited. No observers will be allowed within the polling stations.

This second woman was a survivor of violence. A mother of three and a struggling dress maker she was approached by two men in March this year, who confronted her about being a member of the MDC, as well as her wearing an MDC skipper. Following this confrontation one of the men threw a rock at her, hitting her in the neck, and bringing her to the ground. She was further physically assaulted until a friend who was accompanying her prior to the attack arrived with help. Her attackers quickly sped way, thereby saving her from further harm. This incident took place 6th March 2005 and the woman in question is still receiving medical attention for the injuries sustained. When the young woman went to the police station to report the matter, she was told to return the following day with a medical certificate issued by a medical practitioner recognised by the government. This brought undue delay in the police opening a case docket.

The third woman interviewed is an activist and organiser for WOZA, a Women's Rights organisation formed in 2003. She described how she, together with a number of other women had been arrested by the Police for staging a peaceful march on Valentines Day, where they were highlighting the abuse against woman. They were kept in police cells with no food; when friends and relatives brought them food it never reached their hands. Two days prior to my interview she was again arrested for her protest activities.

An interview with a man who was an AIDS activist, and had once been a writer for the Daily News, revealed how the Government had crushed media freedom through different laws and regulations, such as the AIPPA and the POSA, where it restricts media freedom especially with regard to the opposition party. As a result, nothing is ever mentioned in the press, television or radio in Zimbabwe, except what amounts to ruling party propaganda. In a space of three years five newspapers were banned.

If the opposition party wants to hold a meeting or rally as part of their election campaigning, they must first get permission from the police, which may or may not be granted. Often, such permission is granted late, thus making logistic arrangements difficult.

Finally, I interviewed a man who was employed as a trauma counsellor. He told me that he had lost count as to how many traumatised victims he had attended to, prior, during and after the 2000 and 2003 elections. This month alone he has attended to five cases. He has often been interrogated by police as to his activities. Once he was taken to the CIO head office where he was shown machines for torturing people and was told that he might be their next victim!

Prior to my departure from Zimbabwe I attended an MDC open air meeting held in the suburb of North End, Bulawayo. Those in attendance were visibly scared, others I was told were too scared to join their colleagues. Three different men were pointed out to me as suspected CIO officers. A double cab vehicle with four officers visited the venue, upon which

you could see that the reaction of fear by many in the crowd who followed every move that the vehicle made. After it had left, a police van arrived with two officers; the same reaction followed the police arrival and their movements.

Some Final Observations

Zimbabwe is infested by fear of death, torture, prosecution and arrest. How can anyone who has noticed this, be able to possibly conclude that the forthcoming March 31st elections in Zimbabwe will be free and fair. I have seen the situation on the ground with my own eyes, and heard the fears expressed by many with my own ears. To say otherwise would be as saying it to the birds!

Rev. M Hunter Kentane
International Assemblies of God
Ladysmith, KwaZulu-Natal

B. "Too Weak To Walk": A Report By Prof. Zola Sonkosi

What is happening on the ground?

The country's socio-economic situation has deteriorated from bad to worse even in the Harare townships and in Chitungwiza, a city about twenty kilometres away from Harare, which used to be better off in earlier days.

A cross-section of the Harare Township's and Chitungwiza inhabitants spoke to me of rampant inflation, which has been galloping like an un-tethered stallion. They estimated that unemployment had increased to more than eighty per cent. The dirty and dusty streets of the Harare townships and Chitungwiza were fully packed with young people, who were just roaming around aimlessly without chances of furthering their education and of finding employment. They told me that their parents could not afford the required school fees as they were also unemployed and having no other sources of income. Many spoke of the critical shortages of everything, especially basic food commodities such as flour, maize-meal and cooking oil, which were out of the reach for ordinary citizens. They added that the prices of all basic commodities were skyrocketing and unaffordable for many of the township inhabitants.

I was distressed and deeply shocked to witness many township inhabitants of all ages moving hopelessly around as if living skeletons, visibly malnourished and just waiting to die. Graves with recently buried inhabitants stretched many square kilometres along the outskirts of the townships and in Chitungwiza, and was informed that the same applied to the rest of the country. This was as a result of HIV/AIDS and other related illnesses further complicated by malnutrition, most of which in the main go untreated. Many spoke of the pain of having lost family members. Concerning the upcoming 31 March Parliamentary Elections many said that even those who were fit and well, would find it very difficult to travel to the polling stations, and face the many hours of standing in the sun waiting to vote.

My conversations with ordinary township folk confirmed travelling by private and public transport systems has become a luxury for the few who can still afford it. Added to this is the near-complete breakdown of the Zimbabwe railway transport system. The Sewer system is in serious need of repair, and as a result many streets are overflowing with stinking sewerage. As a result it has become a serious health hazard to drink so-called purified tap water, as both Harare townships and Chitungwiza are running short of the financial means to purify water drawn from the nearby big dams.

Nearby shops and supermarkets are fully stocked with unaffordable goods from South Africa for the many unemployed inhabitants. The persisting drought since December 2004 and the acute economic crisis were perceived by many as the main cause of the miserable conditions pertaining within the country. People said that the economic crisis was made worse by the corruption and mismanagement of the ruling ZANU PF government.

All those I spoke to in the townships and in Chitungwiza said that political violence had declined dramatically in comparison to 2000 and 2002. They put this down to disarray within the ranks of the ZANU PF and its Youth militia, riddled as it was with serious divisions and infighting for powerful positions. They said that MDC was campaigning for the first time for the forthcoming general elections in all ZANU PF strongholds with relatively minor acts of violence. The MDC has fielded candidates for all the 120 parliamentary seats and could stand a good chance of winning a majority on 31 March if non-violence continued to prevail. They said that even the current domination of the mass media by the ZANU PF would not deter the people from voting for MDC and that even the attempts by the ZANU PF government to jam radio broadcasts from outside the country in favour of the MDC would not deter the people from their resolve to vote for the MDC as they were fed up with the non delivery of essential services by ZANU PF. They spoke of Chinese and Iranian technicians who were doing their best to assist ZANU PF to jam radio broadcasts from outside the country in favour of the MDC. They added that pro-MDC journalists were being harassed and jailed.

Many expressed the view that in a significant number of polling stations, especially in the rural and remote areas, the MDC would have one polling agent for three ballot boxes for voting and counting and that most of these polling stations would be run by retired soldiers and other security personnel drafted to run the elections. As such, they said that it would be extremely difficult for one MDC polling agent to monitor against possible irregularities or voter rigging.

Most of the people I spoke to, both in the rural and urban areas wanted a change of Government as ZANU-PF had dismally failed to deliver services and improve the lives of all the Zimbabweans, especially in generating employment, improvement of the collapsing health services and agricultural production as well as education. They added that ZANU PF was offering no solution to their problems except misplaced anti-Blair slogans in its 2005 electioneering.

Conclusion

The saddest factor observed during my informal pre-election observation visit to Zimbabwe was the inevitable death of many before the general election day on 31 March, not as a result of violence, but because of AIDS and other related diseases as well as from starvation. As such they will not be able to exercise their democratic right to elect candidates of their own choice. Some registered voters will be too weak to walk to the polling stations and others will

be bed-ridden. This is a situation I was reliably informed that will be found all throughout the country and to an even greater extent in the rural areas.

Prof. Zola Sonkosi
Independent Consultant on Conflicts
Board Member of Amnesty International South Africa

C. "Tired of the Yoke of Suffering": A Report By Rev. Gugu E. Shelembe

We landed at Bulawayo international airport just after 15h00 on 9 March 2005. Setting foot in Zimbabwe one could strongly feel tension in the atmosphere. As we collected our luggage I noticed something very strange. The immigration officer went through the white lady's luggage that was just ahead of me in a queue. The officer went as far as opening her diary. I was astonished because I have always believed that a diary is a very personal item. When my turn came, I was asked what I had brought with me to the country. I told them nothing. Nevertheless, my suitcase was opened and searched.

At the airport I noticed many faces displaying despair, fear and tension. Everyone, including those who had come to meet their loved ones lacked livelihood and joy. We left the airport and drove through to the city of Bulawayo. People there also looked depressed, tired, worried and desperate. Everyone, whether young or old, lacked vitality. They were dreary and undramatic. They invite your pity as a stranger, the worse part as a visitor to the country being that you inherit a certain kind of fear although it is fear of the unknown.

When in the City one would expect to see people carrying plastic bags full of groceries, pushing trolleys to the parking bays; yet you hardly met anyone carrying a plastic bag with groceries. The only bags I saw being commonly used were those used for rice. Hawkers in the streets of Bulawayo, both men and women, sit on the street corners under the scorching sun waiting for customers to buy something from them. They sell perishable fruits such as tomatoes and bananas. You will often see them using a little piece of a newspaper driving away flies from those fruits which is their only source of income. Women walk with their heads down wearing torn dresses or skirts and a hundred times mended beach sandals and perhaps carrying a babies on their backs.

The rubbish bins are empty; there are no leftovers from the wealthy passers by. There are no bread crusts left even for the city birds to feed on. There are no scavengers who would usually look for something to eat in the rubbish bins. People are starving in Zimbabwe.

There seems to be an illusion of peace, but fear, threats, trauma, depression, hopelessness and tension is locked up in the marrow of every citizen's bones. It was deposited in them a long time ago. Now what one sees is the interest of those deposits. As the people walk with their faces down, to me it was as if they negotiate with mother earth to open her bowels and swallow them up, thereby releasing them from the bondage and drudgery of life.

On my second day in Zimbabwe I flew to Harare. As we were driving to the airport, we were stopped by a woman police officer who was doing her daily road block duty. It is worth

mentioning that there a road blocks all over the country used by the government to control the movement of people from within the country and those from outside.

At Harare I visited the Ecumenical Service Centre where I was exposed to the activities of church agencies trying to educate its people on dealing with issues of HIV/AIDS, poverty and other socio-economic related problems.

I met one of the pastors who shared with me something of what it means at present to be a Zimbabwean. He told me that they were a number of ecumenical church organisations in Zimbabwe seeking to address the country's problems. These included the Zimbabwe Council of Churches; the Evangelical Fellowship of Zimbabwe; the Catholic Commission for Justice and Peace and the Zimbabwe National Pastor's Conference (ZNPC).

This pastor told me that the ZNPC had just sent a petition to the government asking the government to allow NGO's to operate as legally recognised structures in Zimbabwe. They were still waiting for a response.

Destiny for Africa – a Government-funded Church body

The Pastor went on to express his concerns about the new organisation that has recently emerged in the country, known as the Destiny for Africa (DFA). Ostensibly it is an organisation aimed at bringing the pastors in Zimbabwe together, yet it is widely alleged that the leader of this newly born organisation is directly funded by the government with the aim of sabotaging the operations of the ZNPC. Its activities seem to counter all the activities of the ZNPC; hence on the same day that ZNPC held its National Prayer Day, DFA organised a similar event at which some high-ranking Zanu-PF parliamentarians attended. At this meeting it was reported that the DFA was the only organisation of pastors known and recognised by the government. It was further reported that the DFA uses its membership lists during meetings to call out names of its affiliates and give them much needed material goods such as food and clothing, something to bear in mind in view of the food crisis in Zimbabwe, where people will do almost anything to secure food. ZNPC used to have about 680 members from all over the country but now they fear a great loss of membership.

Situation of women

I wanted to find out more about the problems encountered by women in Zimbabwe both in and outside the church. I learnt that women are treated as subjects of men. Their most common duties are being cooks and sex objects. Some women experience extreme domestic brutality. In most cases this is because very few are working, and are entirely dependent on their husbands/partners for their daily provisions. Those who reside in remote rural areas are so poor that even when they are abused they cannot afford the bus fare to report their cases in the police station. They are also oppressed by their extended families, who tell them to keep quiet and just persevere because their partners paid lobola for them.

Poverty and lack of woman empowerment programmes have led to a number of women dying under painful conditions. They fear to report their problems because they would not survive should their partners be arrested for their offences as no one would be able to support them or their family. Those women empowerment programmes offered in Zimbabwe have lots of restrictions and strings attached. For a woman to qualify for such programmes she

must be a card-carrying member of ZANU PF. The question remains what is the meaning of democracy and freedom of association in Zimbabwe?

I understand that the same thing applies to the issue of food distribution. In order for families to obtain their rations of food they must belong to ZANU PF, otherwise they will get nothing. In these ways, psychological strategies have been adopted to force people to the ruling party. Under such conditions can the 31 March Elections in Zimbabwe be free and fair? Why would food be used by the government as a tool to force people to go against their conscience?

Poverty in Zimbabwe has led to a high rate of moral decay, and the breakdown of marriage. Many husbands leave their homes and go for young mistresses who seek such men to support them. A man may go to the extent of buying a house or renting a flat for his mistress, having abandoned his family completely. In Zimbabwe this is commonly known as having a “small house”. There is also a high rate of prostitution as women in desperation turn to sex work as a means of supporting their families. Due to this kind of behaviour HIV/AIDS and related diseases have taken their toll.

Within the rural areas, infrastructure such as roads has fallen into disrepair. When an MP who was born in a particular rural area was asked by the residents to help them fix the road which was in a state of bad repair, his response was: “What are you going to do with good roads? You do not have cars and you will never afford them either. I am the only one with a car and it is good enough for my once off visit here, I reside in a city anyway”. How disheartening that response was, one resident stated. This proves beyond any reasonable doubt that the country’s wealth and access to it belong to the chosen few.

Situation in the townships

While in Harare, I had opportunity to visit some of the surrounding townships. I noticed that even as one walks the streets people are very suspicious of a stranger. It was therefore very difficult to talk to people because they fear the law, which states that the meeting of two or more people is a criminal offence. One lady we visited there told me how much she is struggling, trying to run the family on her own with a daughter who is in a secondary school. She makes and sells peanut butter, but complained that since there has been very little rain very few people produced peanuts, which therefore make it very expensive to buy. She said, “I thank God that we aren’t many in my family, otherwise how I could make ends meet?”

I asked her about the township vibe as the country is heading for elections. She told us that there is no excitement because people are not sure of what will happen on the day and immediately after the elections. She said people are reluctant to go and cast their votes because seemingly nothing can change in Zimbabwe politics “unless God intervenes”. She argued that people have the mentality in their minds that, “even if they vote, ZANU PF has already won because of the technicalities adopted by the government to intimidate people and impose food sanctions on them”. Another fear is even if the opposition party wins, people are afraid that they may just follow the same trend as the present ruling party. “These coming elections are far from being free and fair”, she said to us.

I interviewed one lady who is a community leader. She told me “Life in Zimbabwe is hell”. She went on to say “I am afraid as I speak to you because I don’t know how far the ‘wrong’ ear from us is” – speaking of the fact that her conversations may be monitored by members of the CIO. She told me even the preachers in church have to be very careful how

they present their sermons, otherwise later they are likely to get a call enquiring about the implications of a particular phrase in the sermon. She told me that one of the churches in her area may be used as a voting station. Counting of votes would also be done in the station. She stated that “We are very scared because the members of the ruling party would enquire from the minister of that particular church as to how many members there are and from there they will know exactly who voted or not.” She went on to say that they have been told that computers would be able to detect who voted for the opposition party and who voted for the MDC. She said, “There is no violence, but a lot of fear is already in us”. She went on to relate how traditional leaders are being bribed, given incentives such as cars and money to make sure that people in their clans vote for ZANU PF. Kraal heads are also being manipulated and told to compile a list of the names of the people in their kraals to make sure that they all vote for the ruling party; those discovered voting for the MDC would be liable to suffer severe victimisation, possibly costing not only that persons life but the entire family. She further told me that in past elections, government officials had gone into polling stations declaring a group of people illiterate and demanding to vote for them. “We are anticipating that this year again”, she said.

In the next township that I visited there had been an MDC rally the previous day. As the party members put up posters, they were intimidated by a police presence. Campaigning by ZANU PF however is done freely without any fear. I was told that people who attended the MDC rally were attacked during the night and physically assaulted. One thing I did notice was that of a ZANU PF election poster in the police station. It was shocking to see this but in a way it tells a story. How do you put up an election poster in what is supposed to be a public building open for everyone?

On Sunday the 13 March 2005 I attended an MDC rally. One young man cited a poem during one of the rally speeches, which roughly quoted said:

I am a child of hunger
I am a child of oppression
Africa I am in trouble
When I cry of hunger
Violence is the answer
Africa I am in trouble

People are tired of the yoke of suffering that has been on their shoulders for many years.

I noticed while at the rally that there were members of the police force taking notes of what was being said. A woman leader told me that their presence was very intimidating because in the evenings they are attacked on the basis of their contributions to the rallies. She told me that the local MDC Committee has to write a letter to the police requesting permission to hold a rally. This has to be done four days prior to the date of the rally, after which a clearance letter must be obtained before they begin to campaign. Several times they have been denied permission on grounds that the police force is understaffed. As a result they have often had to hold their rallies and meetings in member’s private homes.

It is interesting to note that media is directly controlled by the ruling party. Only ZANU PF was given a chance to campaign either on radio or ZTV. My understanding of a democratic state is that all parties should be given equal and fair amount of time on air in order to sell their policies and ideas to the public.

The country experiences a severe shortage of fuel. I often saw long queues of cars wanting to fill up their tanks, at petrol stations which had only a single petrol pump working. Someone argued that this was manipulated by ZANU PF in order to hinder the campaigning of the MDC.

In conclusion I wish to express my opinion as a South African who has been exposed to nearly eleven years of democracy. The coming 31 March 2005 Zimbabwe elections are far from being free and fair. I further understand people who say they are not going to vote, but would nevertheless urge them to go and cast their vote, for who knows their vote may count to something in future.

* Please note that people's names as well as place names have deliberately been left out of this report for security reasons.

Rev. Gugu E. Shelembe
Pietermaritzburg, KwaZulu-Natal

D. "The Pangs of Hunger" **A Report By Archbishop J A. Jele**

Among the people I had the opportunity to interview during my visit to Zimbabwe, were the following:

The Executive Mayor of Gwanda

In my meeting with Mr Mkandla and three others, I was reliably informed that the ruling party capitalises on starvation which is seen as the greatest weapon of ZANU PF. Food donations to Zimbabwe are hoarded by the ruling party who ration it to its card-holding members only. An MDC member finds it imperative to change allegiance in favour of the ruling party so as to get food. The influence on tribal community leaders of the ruling party is very strong; they cannot resist the pangs of hunger and therefore 'tow the line', succumbing to ZANU PF's great political weapon. Obviously the rural community leaders have a very large following who respond to their leadership role which is tilted towards the ruling party.

The Executive Mayor of Bulawayo

The City's Executive Mayor, Mr Japhet Ndabeni Ncube confirmed the story of hunger and the distribution of food for political advantage. He also informed me that President Mugabe has of late appointed a Governor over the City of Bulawayo, thereby curtailing his mayoral powers. The same applies to Gwanda Town. The Mayors are in support of the opposition MDC party. Furthermore, the Mayor, as per custom, submits an annual budget to the National Government for approval. Since 2004 this budget has not been approved and rumours have it that everything is on hold until the elections are concluded.

A Lawyer in the MDC party

David Coltart was interviewed. He stated that the members of his party are not allowed by the ruling party to view the Voters' Roll in order to confirm their registration as voters. They are not even sure of their voting stations, which keep on changing. The opposition party has subsequently applied to the High Court of Zimbabwe for an interdict against debarring members of the MDC party from verifying their status on the voters' roll. Despite the order of the High Court, opposition party members are still not allowed to view the Voters' Roll. This refusal to view the roll in spite of the interdict results, I am told, from the fact that all the powers are centralised in the State President who appoints members of the Judiciary, Militia, Security and Civil Servants at will.

Another issue that was mentioned was that of the print and broadcast media being under the strict control of the Government. Those newspapers not aligning themselves with the Government have been shut down. In Bulawayo, The Chronicle newspaper is the main paper, which boasts the image of the ruling party and debases the opposition party. Zimbabwe State television is under strict surveillance and any MDC news is deliberately tampered with. There is no freedom of the media and all evil and sinister events are ascribed to the opposition party who cannot speak for themselves.

The Mpopoma and Njube Suburbs of Bulawayo

It was noticed that the venue/halls where the MDC were holding their party rallies were very close to the police stations that were most convenient for the police who could take note of all attendants. The proximity of the Police Station is in itself an intimidation to the rallying opposition party.

Some Concluding Observations

Taking into consideration these observations, it cannot be understood how the forthcoming elections in Zimbabwe can be said to be free and fair.

Archbishop J A. Jele
African Ethiopian Church
Madadeni, KwaZulu-Natal

E. "Mistrust, Tiredness and Apathy" **A Report By Mr. Mandla Thushini**

Introduction

The flight landed at Joshua Mqabuko Nkomo International Airport, Bulawayo around 15h30 in the afternoon. As we disembarked I could sense Zimbabwe, the country formerly known as the jewel of Africa, was once again plunged into political turmoil.

Instead of receiving a warm tourist welcome, coming to invest in the country's drowning economy, we were searched as if the CIO had received a report that there was a terrorist plan to topple the Government. I watched as airport security searched a white woman in front of

me in the queue. Having finished searching all her luggage, they further scrutinised even her diary to see what was written, which I would have thought was personal. To me the search did not appear uniform, as it seemed to solely depend on the colour one's skin. This clearly indicated to me that this country was still divided along racial lines, even after 25 years of liberation.

I cannot explain the tension amongst people waiting outside the airport. It was even difficult to communicate with our fellow colleagues. We stood speechless and motionless. If what I saw was the order of the day, then there is no life in Zimbabwe.

As we drove the 5kms to Bulawayo city we were stopped at a routine check-point. One could not define whether they were undercover police or not. They were poorly dressed. I needed my Zimbabwean driver to help me distinguish them. If I were in South Africa I doubt whether I would have stopped, fearing them to be car hijackers in disguise. But these were real Zimbabwe police; their dress clearly indicated that the country was plunged into an economic crisis.

As we came closer to the city, the lack of proper maintenance became evident to me, rendering it the look of something that had recently deceased. Lack of clear road markings made things worse. I had expected to see the central business district bustling with traders, but this was not the case. People were walking tiredly and helplessly on the city side walks. One of the shocking things I noticed was that most of the petrol filling stations I passed along the road within the city centre were inoperative. The lack of fuel was clearly indicative of a country that was in economic crisis. I was told by my driver that the filling stations were owned by members of the ruling party; hence the lack of supply could be to the detriment of other political organisations. As the political parties were campaigning for the 31 March parliamentary elections, lack of petrol and diesel was prevalent in certain areas to hinder other political parties in their campaigning. Many of the ordinary people in the city have opted to riding bicycles because of the fuel shortages.

The Situation in Harare

Travelling by air to Harare, the capital city of Zimbabwe, I got a further taste of the situation facing the country. As we landed at Harare International Airport we were greeted by the news that one of our ministerial colleagues was denied entry into Zimbabwe at the Botswana-Plumtree border post. This indicated how bad the situation was in Zimbabwe, a circumstance we were prepared for as we left South Africa. Harare is the centre of the country. As with every major city metropolis, Harare has enormous buildings, indicative of better times. Closer observation showed that some businesses had shut down. Many people were seated under the city's trees, others trying to sell vegetables to passers-by. Until the late hours people still roamed the street trying to sell their wares. As in Bulawayo, many people are using bicycles as petrol was either too expensive, or simply unavailable.

The Youth of Zimbabwe

My first meeting was with the Student Christian Movement (SCM) at the Zimbabwe Ecumenical Services Centre. The SCM was a youth movement formed for the purposes of building and nurturing a culture of peace among the youth of Zimbabwe. As part of their mandate, they were involved in voter education. Now some 15 days before the 31 March elections people are not sure about the location of their polling stations. Again they do not

know whether they appear on the voters roll or not. The IEC appointed by the president foresees the elections to be free and fair. The students have been trying to reach people but are hindered by the fact that they are still not accredited by the state to conduct voter education. This could lead to the organisation being banned or members being jailed if found doing so. The government has passed POSA, aimed at preventing people from meeting unless receiving prior approval by the police. These are clear signs that Zimbabwe is undergoing a situation similar to that once experienced by black South Africans during the apartheid era. What surprises Zimbabweans however is the virtual silence of the South African president on the political issue of Zimbabwe. The students further indicated that the situation in their country has worsened in such way that education standards have dropped severely. People are buying degrees in order to find employment since teachers and lectures are being underpaid.

The current socio-economic, political and technological situation in Zimbabwe has a negative impact on the lives of the young people in the country. Families are breaking down due to the economic hardships coupled with cultural changes, where people now ignore the extended family system opting for more western-style nuclear families. This gives rise to the number of street children, most of whom no longer attend school. These children are prone to abuse and rape.

The reality of the HIV/AIDS pandemic has severely impacted on young people, who are dying everyday at an alarming rate. A number of terminally ill people are nursed at home since the situation at the hospitals is deteriorating and medical fees are unaffordable. There has also been a significant rise in the number of child-headed households since parents have died of the pandemic, leaving behind an unspeakable number of orphans that have to be cared for. For the majority, the living conditions and standards have markedly declined, giving rise to unbelievable corruption, violence, nepotism, lack of accountability and transparency. This has made the majority of young people respond violently by way of prostitution, gangsterism and the like, and some have even willingly agreed to be used by political parties to perpetuate violence during elections. Youth morality has declined measurably, with no-one to turn to in difficult times for advice and counsel. Young people are reeling in extreme poverty, fear and the effects of political violence.

Youth in general are being silenced on the issues of their concern. Young people do not have access to relevant information to help them understand the different dynamics at play so that they can deal with it in a more holistic or realistic manner.

Food shortages

The economic situation in Zimbabwe is also very detrimental to young people. The country is facing a severe food shortage. The country is unable to feed its people adequately. Food supply is done along party lines. For one to qualify for a food parcel one needs to have a ruling party membership card, otherwise there is no access to food. Many people go to bed hungry, on an empty stomach, because they do not qualify. The WFP, a body formed by United Nations to supply food to starving countries, was ordered by the Government of Zimbabwe to dramatically scale down their humanitarian feeding on the basis that the country had an adequate food supply. Hospitals have reported numerous cases of malnutrition. Food in most colleges has been privatised in order for such private commercial enterprises to make money. As a result College students struggle to eat a balanced diet from their meagre finances, having rather to resort to unhealthy meals to supplement their diet. Many students have experienced the pain of trying to concentrate on an empty stomach.

Some boy children resort to drugs and alcohol to evade their hunger. Many boarding schools have been faced with shortages of basic commodities.

Education

Conditions have been created to prevent students from airing their grievances. Fees have increased at an alarming rate, which makes ordinary Zimbabweans unable to send their children to school. The land reform programme has had a negative impact on youth since many families are settling in areas which have little or no infrastructure for children to continue their schooling.

Corrupt officials at the nation's colleges have resulted in many otherwise qualifying students being refused entry because they cannot afford the required bribe. This corruption has seen some undeserving students entering colleges. This lowers the standard in the institutions of higher learning. People with three university degrees are found doing menial jobs. This situation is made worse by the ever-changing policies that the state has set up. The growth of the informal sector has made many goods available within the market to be fairly cheap. This has led to stiff competition and little profit. Most retrenched people opt for informal employment. The inflation rate has been as high as 600%. Foreign exchange has since been dwindling.

A Culture of Intolerance

The culture of intolerance towards any opposing voice has grown so much in Zimbabwe that young people no longer have a voice. One cannot comment in public on issues for fear of victimisation. Many people have been harassed and beaten for having commented on governance issues. There is absolutely no freedom of speech.

Recently passed media laws are undemocratic, and restrictive. Licenses are granted to the print media only on certain conditions.

The government has set up a National Youth Service aimed at getting young people ready for employment or access to colleges. Young people co-opted through this programme into the youth militia are known to have been perpetrators of state organised violence. Young people are recruited along party lines. Those who undergo this training get a preference when awarded entry to colleges. Not all people who enter this programme have the required minimum education requirements, but hold the right political point of view.

Electricity Cuts and Water Shortages

During my visit to Harare I visited two townships known as Mbare and Glenview. These are mainly black areas. In Zimbabwe they are called "high density suburbs". Most of the residential areas house former factory workers. Most people are unemployed or with one family member employed supporting the entire family. These areas are characterised by regular electricity cuts and water shortages. Some grow maize in their gardens simply to supplement their food. Because of unemployment many people have resorted to trading in the informal sector. People along the road manufacture all sorts of furniture: sofas; doors and doorframes; windows and window frames; cupboards etc.

I also had opportunity to visit a town on the eastern side of Harare called Marondera. I interviewed people who reported that after attending an MDC rally some people were beaten

up by youth militia. This showed me that there was no freedom of association in this town. As we returned to Harare I noticed ZANU PF posters on the walls of the local Police station. To me this indicated that the police were assisting the ruling party in the election campaign.

Attendance at a Political Rally

Upon my return to Bulawayo, I attended an MDC rally at Njube village. It was a peaceful gathering, attended by a large number of people. The main address was by the MDC National Secretary. I noticed what seemed to be police out of uniform sent to write down everything being said. After the rally I spoke briefly to the MDC National Youth Coordinator. He made mention of the fact that they were very unhappy about the treatment meted out by the police department. In order for the MDC to hold a meeting or rally, they were expected to apply four days in advance for the right to hold such meetings. Their applications were often met with refusals. The MDC believes that this is done in order to hinder them from campaigning freely. If granted permission, they are not allowed to sing or chant their revolutionary songs, but should assemble quietly inside the building. The youth felt this was done to hamper their campaigning and for people not to attend MDC rallies. Contrary to this, at ZANU PF rallies people were allowed to chant their songs openly and they could hold as many rallies as they wished.

State Control of the Media

Lastly, I had the chance to read the print media and listen to the state radio stations and Zimbabwe TV. In the five days I spent in Zimbabwe although I heard interviews conducted with Zanu-PF officials, I did not hear any interviews with, or advertisements for the MDC. When I asked people why this was so, I was told that five democratic newspapers had been closed down by the State, and that local radio and TV was under strict state control.

A Growing Sense of Mistrust, Tiredness and Apathy

There is a growing sense of mistrust, tiredness and apathy in Zimbabwe. People are intimidated in all forms in the lead-up to the Elections. A covert message had been sent to people stating that their vote will not be secret, for it will be discovered for whom they have voted. Many people believe that South Africa could play a meaningful role towards this situation in Zimbabwe. The declaration by the South African State President that the elections in Zimbabwe are likely to be free and fair was uncalled for. Unless changes and issues regarding the media; political intimidation; POSA; the IEC; AIPPA; and food security are implemented, the elections in Zimbabwe will never be free and fair.

Mandla Thushini

Youth Leader

Apostolic Faith Mission of SA

Port Shepstone, KwaZulu-Natal



Photos 3 and 4: Bury Blair! Images from the ZANU PF campaign





Photos 5 and 6: Getting the MDC message across



ELECTION

- I. SOUTH AFRICAN ECUMENICAL MONITORS REPORT**
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SOUTH AFRICAN ECUMENICAL MONITORS

REPORT

A. Introduction

This report provides the first hand experience of twenty South Africans on the 2005 Zimbabwe parliamentary elections that took place on the 31 March 2005. In order to understand and grapple with the issues of elections in Zimbabwe, this paper will summarise the observations of our monitors, pre-election, during and after the election period, detailing political issues and incidents that occurred. The paper will endeavour to highlight contraventions of the SADC Electoral Principles and Guidelines, to which Zimbabwe is signatory.

This report argues that although the election has been viewed by some other South African groupings as peaceful, transparent, credible, well managed and as reflecting the will of the people, our experiences are contrary to these reports. We do not just concentrate on the *event* but the *process and the environment* in the run up to elections. In addition, our report brings to light that much needs to be done, particularly in the area of electoral reform, to even the political playing field.

It is our belief that this report will contribute to the body of knowledge for those interested in a holistic approach to the 2005 Zimbabwe elections.

1. Attack by youth militia on one of our observers

The South African Ecumenical Observers were deeply shocked by the vicious attack on Virginia Zwane, one of our group. She was attacked by six youth militia while travelling on a bus on the morning of 30 March, from Marondera to Harare. The militia boarded the bus and forced everyone to chant ZANU PF slogans. As Virginia is from South Africa she does not speak Shona and could not partake in the sloganeering. She was therefore singled out for abuse; she was sexually harassed, kissed and fondled, as well as being slapped and pushed prone. Rape was simulated. She had her wedding ring stolen. The youth militia eventually left the bus, and the occupants were all so deeply afraid and traumatised that the bus travelled in total silence to Harare; not a single person on the bus spoke to Virginia, helped her, or offered sympathy or support.⁸³

The incident was reported to the Police and to the South African Embassy. To date nothing has resulted from the case.

This case has also led to us to question the generally accepted belief that this election was violence-free. While Virginia suffered no serious physical injury, she was hugely traumatised and shocked by this event. So were all those on the bus who were forced to witness it. In scores of similar "minor" incidents around the country, the ruling party and its supporters sent an unambiguous reminder of their ability to do what they please to perceived enemies. The profound impact of such symbolic incidents of violence should not be underestimated in their effect on the vote in Zimbabwe in 2005.

⁸³ See Appendix B for full affidavit by Virginia.

2. The Status of Observer Missions

The SADC Electoral Principles and Guidelines states that SADC Election Observation Missions should be deployed at least two weeks before polling;⁸⁴ they must be accredited without discrimination and allowed freedom of movement and free access to the Electoral Commission, parties, candidates, NGOs, the media and voters; they must also be allowed access to voters' rolls and applicable legislation, and must have free access to polling stations and counting centres.⁸⁵ Barring of agencies representing non-governmental and civil society observers from accreditation is therefore a contravention of SADC electoral principles and guidelines.

In Zimbabwe, the Ministry of Justice Legal and Parliamentary Affairs, and the Ministry of Foreign Affairs are charged with the responsibility of inviting local and foreign observers respectively, while the Electoral Supervisory Commission is responsible for inviting electoral bodies from the region. It seems inappropriate that Ministers who have a direct interest in prolonging their own political careers are in charge of the observer invitation lists. The criteria used for the invitation of the foreign and local observers have not been made known, although general observation indicates that only those missions almost certain to give their approval to the Zimbabwean election were formally invited.⁸⁶ For example:

- the SADC Parliamentary Forum was critical of the way in which the 2002 Presidential elections were conducted, and they were specifically excluded from observing in 2005.
- Excluded were observer groups from western nations, with the exception of the December 12 Movement, an African American grouping known to be pro-ZANU PF.
- The SACC were also denied the right to observe, in spite of requesting invitations and accreditation.
- Governmental observer missions from nations such as the Islamic Republic of Iran and various South African governmental and parliamentary missions were afforded official observer status, while other nations in the developing world were not invited. The South African President declared the elections free and fair ahead of the event (see opening pages of this report), and evidence that has come to light post election suggests the government of South Africa may have financially supported the ZANU PF campaign.⁸⁷
- Some Zimbabwean civic groups that have monitored local elections but that are known to be critical of government, were specifically excluded from observing, notably the ZCTU.

It was apparent to our South African NGO team that we would fall among the groups of observers that were *not* invited to observe the 2005 parliamentary elections, if we officially applied. Accreditation was therefore not applied for, and we opted to observe unofficially not just the election, but daily Zimbabwean life in our capacity as fellow regional citizens.

We believe that the role played by our observer team before, during and after the elections

⁸⁴ Paragraph 4.1.10 of the SADC Principles and Guidelines.

⁸⁵ Paragraphs 7.11 to 7.19 of the SADC Principles and Guidelines

⁸⁶ Zimbabwe Election Support Network (ZESN) Statement 2005 Parliamentary Elections, Harare; they noted with concern that the SADC Parliamentary Forum and the Electoral Institute of Southern Africa were not invited despite their vast experience in the arena of elections.

⁸⁷ **Media source.**

added to the efforts of the number of international observers on the ground, even though this report does not carry official authority or recognition in terms of the Zimbabwean electoral authorities despite the rich information that it yields. As the combined reports of our observers ran to over a hundred pages, examples are given of the types of violation that were observed, rather than an exhaustive listing.

3. Our observations of the officially accredited South African Observer teams

In both Harare and Bulawayo, we made our own observations of the official observers. On four occasions in one week, efforts were made to draw the attention of the South African Government and South African Parliamentary Observer Missions to the evidence of political abuse of food in rural areas. Victims of this abuse were brought in to Bulawayo to present their stories, and one victim was accommodated at the same hotel as the observer teams in order to facilitate their hearing his story. A group of five South African observers steadfastly refused to hold any discussions with this man, even when they spent ten minutes at the same table as him. They stated that they would go to the district in question and ask ZANU PF and the local police if the story was true, while refusing to hear the facts from the person in front of them. This same group ignored invitations to attend a bigger meeting with twelve victims of food abuse, including women in their 80s.

It is therefore a matter of concern that the South African Observer report noted:

...with regard to the alleged use of food distribution as a political tool, our teams were unable to verify the truthfulness of the same where follow ups were made.

Our observation is that they deliberately denied themselves the opportunity to do so.

By contrast, we note that five SADC Observers did make themselves available to meet with and hear from the villagers reporting food exclusion on party political lines. We note that they acknowledge this in their report - although we disagree with their finding that this did not impact on the outcome of the campaign.

- We wish to draw their attention to the fact that in the two districts in Matabeleland where such discrimination was most widely reported, namely Gwanda and Insiza, ZANU PF won the poll.
- We further wish to draw their attention to the fact that in the post election phase, food is once more being used in these two districts as a weapon, and those perceived to have voted for MDC are being punished. In other words, many in these districts in particular, may have chosen to forego their right to vote freely in order to feed their families – perhaps a sensible choice considering the looming hunger and lack of right of redress for starving families that voted for freedom rather than food, and who now face the consequences.

In our opinion, the official observer teams had a large burden of responsibility in this election, as their number was so few. Our observations indicate that the South African teams did not fully avail themselves of all opportunities to assess the situation, and their findings must be treated with suspicion as a result.

B. The Pre-Election Period

1. Deployment

Twenty observers were deployed singly across Mashonaland Central and West, Manicaland, Masvingo, Midlands, Matabeleland North and South. We covered the towns of Harare, Chitungwiza, Mutare, Marondera, Odzi, Seke Rural, Kwekwe, Masvingo, Bulawayo, Gwanda, Hwange, Binga, Lupane, Tsholotsho, Nkayi, Beitbridge, Filabusi, as well as extensive travel out of these centres into surrounding rural areas.

The monitors were hosted by ordinary people in the communities in which they were deployed, and hosts received a very moderate sum to cover food costs of the visitor. Some hosting families were clearly in dire economic straits, and their daily difficulties helped bring home the plight of the people of Zimbabwe, 80% of whom are unemployed, in a way that staying in hotels could not have done. Hosts also provided local knowledge about events in their region, and accompanied monitors when they travelled, ensuring they remained safe and accessed rallies and informants.

The observers come from Durban in KwaZulu-Natal province, which was characterised by severe political violence in the late 1980s. Their first hand experience of political violence and monitoring violence in KwaZulu-Natal made it easy for them to perform monitoring duties in Zimbabwe, particularly as most have monitored previous elections in Zimbabwe. They all speak isiZulu and are fluent in English, which made integration in Matabeleland particularly easy; Ndebele is a dialect of isiZulu. In other parts of the country, they moved around with Shona-speaking people to help with translation during conversations and during speeches at rallies and meetings. Also part of this team were a group of ten Zimbabweans drawn from the local church community, and their observations have been added to those of the South African group. The Zimbabwean group have continued the monitoring process in the post election period and their observations contribute to Part III.

2. Observations of the Churches

Walking in the Way of the Cross – Bulawayo Ecumenical march of witness

A Liturgy of Prayer and Reflection on Suffering and Resurrection Hope was written and produced by The Diocesan Liturgical Resource Team, The Anglican Diocese of Natal, Church of the Province of Southern Africa. The Solidarity Peace Trust organised a day of solidarity for the suffering people of Zimbabwe ahead of the election, on Good Friday. Churches in countries in the region were encouraged to read the liturgy prepared to commemorate the event; excerpts from this have been included in the current report. In keeping with the call for churches to stand together on this day, a procession took place in Bulawayo, under the auspices of Christians Together for Justice and Peace. Approximately twenty church leaders grouped behind Catholic Archbishop Pius Ncube of Bulawayo and carried crosses from his Cathedral to the steps of the City Hall to present a message of concern to the Bulawayo Mayor.⁸⁸ The procession moved on to the local Presbyterian Church, where the liturgy was read.

We heard afterwards that far greater numbers of priests would have taken part in the Easter

⁸⁸ See Appendix C for message to Mayor in full.

procession in Bulawayo except for high levels of fear in their ranks. Priests in Bulawayo were arrested for a similar procession in the suburbs in 2002, and are still facing charges under POSA.

The deep concern of church leaders for the terrible hardships being faced by Zimbabweans was clear from this Bulawayo event, and from another 13 prayer meetings held across the nation and attended by our representatives in the weeks before the election.



Photo 7: Bulawayo Easter Procession, Good Friday

Marondera prayer meeting

On 23 March one of our observers attended a local interdenominational prayer meeting held in Marondera. A ZANU PF official appeared unexpectedly at the meeting. This created palpable tension: women obviously no longer felt free to express themselves. Although this prayer service had been called to pray for the elections, the prayers were simply reduced to praying for basic needs such as food, an end to the drought and for forgiveness. There was no mention of elections in the meeting. At the end of the prayer gathering, the ZANU PF official announced that all people were required to attend a ZANU PF meeting on 24 March. After that the police gave instructions that the people must disperse within five minutes. The police mentioned that if the women did not disperse they would be violating the law.

The Eviction of Pastor Furayi in Dema

One of our observers was staying with a pastor in a small rural town north of Harare. He was evicted on 1 April from his council house, because he was believed to have voted for MDC in the elections the previous day. He was harassed in a very aggressive manner by five ZANU PF members in full uniform, who insisted he went to the ZANU PF head quarters with them.

The meeting was very tense, and the pastor was insulted, threatened and told that he was not wanted in their area. It was only the presence of the South African observer, who declared himself as a South African, that prevented the scene degenerating into violence. The pastor was given three days for him and his family to vacate their home. Our observer was extremely traumatised by the aggression of the incident, and remains deeply concerned about the fate of Pastor Farayi.⁸⁹

It is clear that church leaders are themselves often under attack, from ZANU PF supporters, in the media, and even from within their own church structures, as the government seeks to undermine one of the few remaining democratic spaces.

3. Media Monitoring

Our observers were provided a budget to buy newspapers so that they could monitor what the print media report. The main task was to determine if advertising and campaign coverage adequately reflected the political parties involved, as described in the SADC electoral principles and guidelines. Observers were also charged with the responsibility of monitoring the electronic media, including television and radio. The general view that we have is that the media was extremely biased towards the ruling ZANU PF. Our view is backed by the Media Monitoring Project of Zimbabwe (MMPZ), which stated that events involving opposition parties are “ruthlessly exiled from the public eye”⁹⁰.

The ZBH is a national public broadcaster. The media is maintained and controlled by the state. The figures above reveal that the state broadcaster is biased towards the ruling party. MDC campaign and other election-related activities went almost entirely unreported. Politically motivated violence and harassment was also under-reported by the state media. However, the call by authorities and civil society for peaceful elections was run 15 times. The State run daily newspapers, *The Herald* and *The Chronicle* were rabidly pro ZANU PF, with no positive cover given to MDC or others contesting.

The table below shows media coverage of political party’s events. This example covers the February period, which is used as an example to highlight our findings.

Table 1: Reporting on electoral and politically related issues by Zimbabwe Broadcasting Holdings (ZBH).

Voices	Number of voices	Percentage
ZANU PF	67	74
MDC	1	1
Alternative	8	8
Zimbabwe Republic Police	3	3
TOTAL	79	

Media Monitoring Project: 7 – 13 February 2005

The private newspapers – which have very limited circulation and are only published once a

⁸⁹ For full statement by observer on this incident see Appendix E.

⁹⁰ Media Monitoring Project, Monday February 7 – Sunday February 13, 2005.

week - were more balanced in their reporting and focused on areas that were neglected by the state broadcaster, including politically motivated harassment. Almost all those reported as being responsible for instigating violence or harassment were recorded as ZANU PF members or state security. The victims, on the other hand, were mostly perceived to be MDC supporters.⁹¹

In the last few weeks before the elections, ZBC-TV did belatedly give MDC and others a minimal amount of cover on television and radio. However, our own observations were that ZANU PF effectively dominated every news bulletin, all panel discussions and other magazine type slots, while other political players had around ten minutes of cover once every few days. For example, when claims of political abuse of food by ZANU PF were becoming widespread, ZTV had a panel discussion of the issue, with a government minister and a three member interviewing panel all committed to covering up the issue; nobody who had been claiming such abuse – the Archbishop of Bulawayo, for example - was invited to give evidence.

It is unequivocally clear that media coverage and conduct of the state media contravenes the SADC guidelines, which stipulate that all political parties must have an equal opportunity to access the State media.⁹² Media coverage of the opposition was close to completely absent until the final three weeks, when it was token at best.



Photo 8: MDC Rally at Mapati, rural Gwanda, March 2005

⁹¹ Ibid.

⁹² Paragraph 2.1.5 of the SADC Principles and Guidelines.

4. The voters' rolls: Inaccuracies and interference with voter verification process

Our own experience in South Africa, where it is possible to go onto the Internet and check whether one is registered or not in a matter of minutes, suggests that there is no good reason for Zimbabweans to be denied easy access to their own rolls – unless the Registrar General has something to hide. Yet nobody is allowed an electronic version of the voters roll, and the cost of constituency rolls is prohibitively high. Many other groups, including the Solidarity Peace Trust in their video, “One Man, One Vote”, have expressed serious reservations about the accuracy of the current voters' roll.⁹³ This has not been efficiently revised or reviewed since 1980, and is in the hands of the highly partisan Registrar General's office. Furthermore, the voter registration exercise was complete before the ZEC came into existence on 2 February 2005, meaning that the body that oversaw the elections did not oversee the compilation of the voters' roll, which is highly irregular.

Our conviction that Zimbabwean officials deliberately obstruct access to voters rolls was enhanced in Bulawayo South, when we were told that a team of MDC officials going door to door to check if people were on the voters roll, was arrested and held overnight! MDC had to get a court order forcing the police to allow them to carry out what the State should surely have seen as their civic duty – that of helping citizens to establish their voter status. Of further deep concern is the finding that in Bulawayo South, once a random sample of voters had been checked, the roll was found to be 36% inaccurate. This tallies with the findings of independent analysts, who on the detailed evaluation of some constituencies believe that while the official number of registered voters is 5,6 million, only 3,2 million actually exist in Zimbabwe.⁹⁴

The denial of the right to postal votes of Zimbabweans abroad is also hard to explain. Other countries in the region including South Africa and Mozambique are able to accommodate registered voters abroad. Yet Zimbabwe, which arguably has the largest number of absent voters in SADC, was entirely unprepared to facilitate the approximately 1 million Zimbabweans in the sub region who may have wanted to vote. The MDC contends that this is deliberate, as Zimbabweans in the diaspora are frequently there because they are disenchanted with ZANU PF and the state of Zimbabwe, and would be highly likely to vote for the opposition. The obstructive approach of the Zimbabweans to postal votes abroad allows for little other conclusion.

The possibly huge number of bogus names on the roll opens the door for electoral fraud, and we recommend that the voters' roll is thoroughly overhauled before any further elections.

5. Attendance at rallies

A total of 63 rallies were attended by our team over a three week period:

- 29 of the rallies were ZANU PF
- 33 were MDC
- 1 rally was for an independent in Tsholotsho.

⁹³ Solidarity Peace Trust, *One man, one vote*, released in July 2004. Also see Zimbabwe Lawyers for Human Rights (ZLHR), *Report on the March 2005 Parliamentary Elections, Zimbabwe*, pages 10 –11, and Zimbabwe Human Rights NGO Forum, *Its the Count that counts: food for thought*, March 2005, pages 6-11.

⁹⁴ FreeZim reports this: see Kubatana.com archive – How will ZANU PF cheat?



Photos 9 and 10: ZANU PF rally on one side of the road – and GMB maize sold on the other.

6. Threats of forced disappearances and withholding of food

The majority of rallies attended were in rural areas. While rallies in the final two weeks appeared to be going ahead without undue political interference, the nature of discussions at some of these rallies was informative. At Mapati and Karanyemba centres in Gwanda District, for example, our observers noted that those attending MDC rallies reported high general levels of intimidation. Person after person stood up to report that they had been threatened that if they attended an MDC rally, they would be forcibly disappeared by ZANU PF, in the manner of Gukurahundi, while scores of others reported having been threatened with starvation if they attended MDC rallies, or if their area voted MDC. Those attending stated that others in their communities were not attending MDC rallies because of these threats. Similar intimidation was reported to our team in Bubi-Umguza, Insiza, Beitbridge, Kwekwe and Masvingo.

It should be further noted that our monitor in Marondera, Mashona land Central, observed that the police declared several MDC rallies illegal, and their intrusive presence at rallies kept many people away. MDC rallies undermined by the police occurred in Marondera on 24 and 27 March.

Manipulation of maize: one example

At a ZANU PF rally in Insiza on 12 March at Vocola business centre, one of our team observed that maize from the government controlled Grain Marketing Board (GMB) was on sale immediately adjacent to the rally. GMB is the only source of maize in this area at this time. ZANU PF official Malack Nkomo gave a very threatening speech, in which he stated that “in these elections there will be no fun because vote counting will be done right here, and it will be clear who voted against and who voted for”⁹⁵. He ordered people to listen to their kraal heads and the government of Zimbabwe, and said the kraal heads would be watching people on voting day. He stated that local kraal heads must keep control of their people; if they failed to do so and allowed them to vote for the opposition, then they could kiss goodbye to government food aid. “Even if people starve to death, we as ZANU PF will not give a

⁹⁵ “Kula amaelection akula fun because amavote azabebalelwa khonapa and kuzahle kubonakale ukuthi idlelwe ngaphi kumbe iwinele ngaphi”.



Vocola Business Centre, 12 March 2005: political abuse of food (see text)

damn, because you are supposed to go and ask for help from the people you are voting into power.”

He went on to reiterate that people could vote MDC and starve, or they could vote ZANU PF and be catered for. People were told that the GMB maize opposite was to remind voters that the government is capable of feeding a well behaved nation, and that the maize was being distributed to ZANU PF supporters for free on that day, and that in addition those known to support the party would be given Z\$30,000 for milling. Under the Department of Social Welfare, needy families can qualify for free maize and milling: this was clearly a blatant abuse of social welfare resources for political ends by ZANU PF officials.

Distribution started and people were called out kraal head by kraal head. Malack himself read out the lists, and those people believed to support the MDC were struck off the list by him and were sent away without maize. Women who were there without their husbands were also not allowed to get maize as the ZANU PF officials said that their husbands were absent from the rally because they supported MDC. Among those denied the free maize on this day were several elderly ladies, who approached our observer in a state of deep distress.

7. The role of local traditional leaders: “voter education”

The impact of these threats combined with the real experience of being left hungry while others are fed, cannot be minimised. ZANU PF has a proven track record of acting on threats over the last 25 years, and people in Matabeleland and the Midlands still well remember the massacres of the 1980s, and the forced starvation under a food curfew from this same era. Headmen wield much power in rural communities and have the power to include – or exclude – people from lists of who has the right to buy food, and from food for work programmes. The kraal heads have received huge increases in pay and the chiefs have received vehicles from government in the last two years, making them very much beholden to the status quo. Headmen were among the most common culprits reported to us when it came to threats at the rural level.

Our team received reports of threats and coercion involving kraal heads from Insiza, Gwanda, Hwange, Tsholotsho, Lupane, Masvingo, Marondera, rural Manicaland. Kraal heads and

ZANU PF officials were involved in a very strange type of “voter education” in which voters were repeatedly informed variations on the following, apparently nationwide:

- that their votes would not be secret.
- that the transparent boxes meant that their votes could be more easily seen than before.
- that the presence of three ballot boxes per polling station divided on alphabetical lines, combined with the large number of polling stations, was to make sure afterwards officials would know how people voted as there would be hardly any votes in each box.
- that the computers being donated to schools in their region were part of the vote monitoring devices, and that as votes were cast, these computers would be registering who was voting for which party.
- that ballot papers were numbered and that it was therefore possible to trace a specific vote back to the person who made it.

Kraal heads were given around 25 homesteads each to oversee. It was their responsibility to know the registered voters in these families, and to insist that people voted and that they ticked off the names of those who had voted on lists.

The intention of all this was *to create intimidation ahead of voting day* by spreading the above “facts” about voting. Combined with the reality that this election was new in format to previous ones, and also with the legal restrictions on the right of NGOs to conduct impartial voter education, the impact of such disinformation campaigns on often barely literate or illiterate rural voters is cause for concern. We noted, as other observers have done, the huge number of rural voters turned away on polling day, either for not being on the voters’ roll or for not having correct documentation. The need for non-politically biased voter education is a priority in Zimbabwe ahead of any further election process.

C. Polling day

On voting day, our unofficial monitors were unable to approach polling stations, but they teamed up in some instances with accredited observers, either national or international, and in this way were able to get information from accredited observers as they travelled together from one polling station to another. In this way, our unofficial group moved around and monitored events in the vicinity of *196 polling stations* across the regions nationwide where monitors were based.

The Election Day was generally peaceful and the stations opened and closed on time.

1. Bubi-Umguza – some irregularities?

The election in *Bubi-Umguza* in Matabeleland North is reported to have been very tense. The atmosphere was oppressive, according to our two observers here, who were moving with accredited local observers. There was a notable lack of campaign posters for the MDC candidate – in fact not a single one was observed, which makes Bubi the only constituency in Matabeleland where this was the case. On inquiring afterwards, we were informed that posters had been consistently removed by ZANU PF as they were put up. Polling stations were also badly signposted in this constituency. Voting seemed to be very slow: at one

polling station, by 9 am only one person had voted.

At Esiphikeni polling station, a ZANU PF councillor and a headman were observed sitting at the polling station and recording who was coming to vote. At this polling station, they were informed of another polling station 14 km inland, which was entirely un-signposted.

2. Very strange postal votes?

At Paddy's valley, a remote polling station in Bubi, nobody was coming to vote. The accredited observer was deeply concerned because in this polling station a police constable was witnessed calling out names and ID numbers from a long voters' list, and a polling agent was striking off the names. What concerned the observer is that most of the names being called out were Shona, and this is a strictly Ndebele-speaking region. It is hard to understand how dozens of Shona speakers could allegedly have cast postal votes in Bubi. This issue remained unexplained at the Command centre in Bubi when it was raised later by the official observer.

In general, the issue of postal votes was opaque during this election, which leaves the whole process open to abuse and has left unanswered questions in our minds. Civil servants reported to us that they were forced to make postal votes, and that the secrecy of their ballot was seriously undermined by the presence of senior staff when they voted, and the fact that each vote was allegedly put into an envelope with the name and constituency of the voter on it! Whoever opened the envelope would know precisely how each person voted. Nor was MDC or any other observer present during this process. As people making postal votes did so apparently a week before the actual election, and were not marked with so-called indelible ink, it was possible for those who had cast postal votes to go and vote again on election day.

3. Intimidatory lists

As our observers were not always aware of who the local kraal heads and ZANU PF officials were, it was not possible to observe comprehensively if kraal heads were monitoring voting on voting day as threatened. However in Lupane where our observer was with somebody with good local knowledge, war veterans were identified as set up in the immediate vicinity of Gobi Primary School, Matshokotsha Primary School and Khatshana Primary School, where they were intimidating voters. On the police being informed, they dispersed in all cases, although in Matshokotsha area they only left after voting closed for the day.

In other parts of the country, including Beitbridge and rural Manicaland there were reports of voter's names being written down immediately after voting by headmen. The situation was prevalent at Katawa Primary School – a well-known local ZANU PF official, Mr. Chononda wrote down names of voters as they came from the polling station. In Maplanka Primary School - a local ZANU PF functionary, Alan Chitaini was reportedly demanding and writing down names of voters as they come from the polling station. At Matemba School - it is alleged that a ZANU PF functionary also took down names of voters as they came out of the polling station.⁹⁶

⁹⁶ Crisis in Zimbabwe Coalition Email alert 31-03-2005

4. Gwanda and Insiza: polling agents denied access to the vote and/or count

In Gwanda District and also in Insiza District, our observers were informed that at some polling stations MDC polling agents were denied access to the polling station for the crucial first few hours of voting – enough to cast the outcome in these constituencies into doubt. In Insiza at Singwambidzi polling station, the MDC electoral agent was not allowed to enter the polling station until 3 hours after voting started, because the constituency election officer who is a known ZANU PF supporter demanded to see proof that his name had been published in the newspaper as required by law. This had been done by MDC, but proving this is not on the onus of every polling agent in terms of the Act. Ironically, ZANU PF failed to publish the names of any of their polling agents in Insiza, yet their polling agents were not subjected to this same harassment.⁹⁷

Further, in Insiza District there were reports of MDC electoral agents who were not allowed to observe the counting procedures, were not given the opportunity to examine the completed polling station return, and therefore did not actually ever sign these returns. On inquiring of the MDC candidate after the election, it appears that this denial of right to oversee the absolutely crucial counting process occurred in 42 polling stations, or close to 50% ! This must call into question the outcome of the vote in Insiza, where transparency was clearly denied.⁹⁸

5. Voters turned away

A further concern already mentioned above, was the high number of people that were turned away from the polling stations. As we did not have personal access to polling stations, it was not clear to us on what grounds people were turned away proportionally, but anecdotally people reported being told they were in the wrong constituency owing to redrawing of boundaries, particularly in Gwanda which was massively re-delineated before this election, but also in Tsholotsho and Hwange East, where boundaries have shifted dramatically. Lack of good information from the electoral authorities about new boundaries is responsible for this. Others were not on the voters' roll although they said they had registered. And others were turned away for inadequate documentation, such as an ID slip without a photo on it, or an expired passport. Again, better voters' education would have facilitated many people using their votes who were turned away.

6. Delay in announcing results: counting discrepancies

There were inexplicable delays in the announcing of results officially, and discrepancies between those figures announced initially on Thursday by the ZEC and the final tallies, some of them announced almost 48 hours after voting closed. This issue has been dealt with in more detail than we can provide, but it is worth repeating that in our opinion, the delays and unexplained discrepancies cast doubt on the legitimacy of the process.⁹⁹

Worse still, the discovery after the entire procedure was over, of an extra National Logistics Committee in offices near the NSSA building in Harare, where all results were initially

⁹⁷ This incident is confirmed by the affidavit of Siyabonga Ncube in *Affidavits on the 2005 Parliamentary Elections*, MDC, May 2005.

⁹⁸ *Ibid.*

⁹⁹ Zimbabwe Lawyers for Human Rights, *Report on the March 2005 Parliamentary Elections, Zimbabwe*, pages 48-51, for tables of discrepancies and discussion.

*phoned in, before being relayed on to the more visible Command Centre at the Sheraton further brings the so-called official voting figures into question.*¹⁰⁰

This centre was under the control of the Registrar General and the Commissioner of Police; there were no opposition officials privy to what went on in this mysterious extra centre, nor were any local or international observers present.

6. ZESN Report

As South African observers, we are deeply concerned about the findings of ZESN; they have recently released their final election report, which offers strong evidence of gerrymandering with final figures in the election. The irregularities that we have listed above because we observed them ourselves indicated to us the openings for vote rigging, and the ZESN evidence seems to confirm it. According to ZESN, in a statistical analysis based on their own observers' returns nationwide, the MDC actually won the vote in an extra five constituencies. These are: Chipinge South, Buhera South, Makoni East, Mutasa South and Gwanda.¹⁰¹

ZESN indicates a number of other constituencies where they have concerns at voting patterns. It is apparent that important questions remain unanswered with regard to the outcome of the 2005 Election, and it is in the interests of all Zimbabweans that the Electoral Courts investigate and rule on these irregularities as soon as possible.

¹⁰⁰ The government controlled *Herald* reported on this centre in the days after the elections.

¹⁰¹ ZESN, *Comprehensive Analysis: Final Report*, p5. Harare, April 2005.

II. CONCLUSION

The South African Ecumenical Election Monitors, consisting of personnel from the Pietermaritzburg Agency for Christian Social Awareness (PACSA); the KwaZulu-Natal Christian Council (KZNCC); and the KwaZulu Regional Christian Council (KRCC), conclude that the 2005 Parliamentary Election in Zimbabwe was neither free and fair, nor legitimate, and that the will of the people has been denied in a significant number of constituencies in Zimbabwe. Many of our members have observed previous elections in Zimbabwe, and while we appreciate the reduced violence surrounding this election, we have a deep concern about the failure of the Zimbabwean government to adhere scrupulously to the SADC protocol for democratic elections.

Zimbabwe is an authoritarian state, and any nation with laws such as POSA and AIPPA in place, and with the NGO Bill looming, cannot be considered to have the preconditions necessary for a free and fair election. The election took place against a background of five years of state organised violence, and a highly flawed structural reality, in which the state can abuse state resources in its favour, including the public media and tax payers' money. We note that five separate bodies, all government aligned, oversaw the same election in a way that was confusing, and that failed to give any one body clear authority over all parts of the process. We further note the highly selective list of invitations to observe the elections; only those with an established history of favouring ZANU PF were invited. This includes the official South African observer missions.

In addition, our monitors make the following specific observations.

The processes in the weeks leading up to voting were not free and fair; the following factors could have seriously impacted on how people ultimately voted, particularly in more remote, semi-literate and starving districts;

- widespread threats linked to access to maize if people voted for the opposition
- threats from headmen that people must vote for the ruling party or face the consequences
- a twenty-five year legacy of violence by ZANU PF, which gave these threats enormous credibility, as did sporadic incidents of violence
- the bias in access to the media that favoured ZANU PF and that portrayed MDC negatively until the last few weeks, and then gave MDC very limited air time
- the biased re-designation of constituencies to benefit ZANU PF

Further problems that undermined people's ability to take part freely in the election were:

- lack of voter education
- lack of information about new constituency boundaries

In a number of constituencies, procedural irregularities laid certain polling stations open to ballot stuffing. The irregularities that laid the processes of this election open to credible suspicion of fraud or unfair outcome include:

- an inaccurate voters' roll that the government seemed determined to keep in a form that made a thorough audit of the roll impossible in the time available

- the voters' rolls were expensive and officials made it difficult for voters to access rolls to check for their names ahead of the elections
- an opaque system of postal voting potentially open to double voting, and in which postal voters were allegedly not allowed secrecy of their ballot
- denial of the postal ballot to Zimbabweans in the Diaspora, who may number between one and two million registered voters
- denial of some MDC polling agents' rights to be in the polling stations during the crucial first three hours of voting
- denial of some MDC polling agents' rights to be present during the crucial count and to sign for the count at their polling stations
- failure to display results at some polling stations immediately after the count was finalised
- the existence of an obscure and unobserved National Logistics Committee, under the control of the Registrar General and the Commissioner of Police, where figures were initially being relayed from polling stations, before being sent to the official Command Centre at the Sheraton.¹⁰²
- discrepancies between ZEC figures announced on 31 March and the final count
- lack of adequate explanation from the ZEC for the discrepancies.

Further, we note with concern the evidence in the Final Report on the Zimbabwe 2005 elections from ZESN,¹⁰³ which indicates that according to their returns *MDC won the vote* in five more constituencies than announced by the ZEC, yet *ZANU PF managed through some unclear process to win the count* in these constituencies. The constituencies where independent polling agent figures gave the poll to MDC and not ZANU PF as announced, are: Chipinge South, Buhera South, Makoni East, Mutasa South and Gwanda.

The observations of our team over the electoral period lead us to conclude that the results of Election 2005 are illegitimate. Democracy in Zimbabwe is, in our assessment, "out for the count".

¹⁰² *The Herald*, the daily newspaper in Harare reported in the days after the election the existence of this centre, under the control of Tobias Mudede, the Registrar General, and Police Commissioner Augustine Chihuri.

¹⁰³ ZESN, *Comprehensive Analysis: Final Report*, p5. Harare, April 2005.

III. RECOMMENDATIONS

To the Electoral Authorities of Zimbabwe

- The Electoral Court should timeously evaluate and rule on the MDC electoral petitions in the 13 constituencies that they have chosen to contest.
- Before any further elections take place in Zimbabwe, there is a need for the repeal of repressive aspects of POSA and AIPPA, and for government to agree not to sign the NGO Bill into law.
- All political parties should have equal access to the public media.
- There is an urgent need for the process of registration of voters and the existing voters' roll to be reviewed and for the roll to be corrected.
- There is an urgent need for constituency boundaries to be redrawn by an impartial body and in a way that is transparent.
- The postal ballot system needs to be changed to ensure the voting process is transparent, while the actual postal vote itself is secret.
- Postal votes should be extended to include all registered Zimbabweans abroad.
- Voter education by impartial parties should become a priority to ensure that all Zimbabweans are able to register and to vote without impediment or fear.
- People using threats against voters, including threats linked to access to food, should be prosecuted forthwith to send a message that the government sincerely regards this practice as criminal.

To the people and the Church of Zimbabwe

- You have an inalienable right to food, and any threats or denial of food should be publicised through the churches and other civic bodies to prevent starvation along political lines.

To the people and the Church of South Africa

The time has come for us to show greater solidarity with our brothers and sisters in Zimbabwe. This means:

- encouraging our government to play a more active and less conciliatory role in Zimbabwe, remembering that without pressure from the international community in our own struggle against apartheid, we might still be oppressed ourselves.
- paying solidarity visits to Zimbabwe to familiarise ourselves with the plight of ordinary people, in order that we be better informed.
- ensuring that our own government is kept better informed about the reality on the ground than they appear to be, by entering into dialogue with them.
- offering support in liberation theology and training to our Zimbabwean counterparts.

To begin the process recommended in the final point, the final section of the current report offers a background in the role of the Church and its right to resist oppressive regimes.

A PRAYER FOR GOD'S COMPASSION UPON ZIMBABWE

Lord God,

*As members of the Body of Christ,
we lift up to you the need for healing
in the people and land of Zimbabwe.*

*There is much brokenness and hurt,
much pain and suffering,
a sense of hopelessness and abandonment by the world.*

*Lord hear our prayers as we cry out to you
for your intervention and your presence among those in
pain.*

*May our prayers, the cry of your people within this
world,*

*as distant as many of us may be,
be the channels of your power to heal
and your compassion to restore to wholeness
the hurting people and devastated land of Zimbabwe.*

AMEN

A BIBLICAL REFLECTION

“HUMAN WRONGS”

*Those who are wise understand these things;
those who are discerning know them.
For the ways of the Lord are right,
and the upright walk in them,
but transgressors stumble in them*

[Hosea 14: 9 New Revised Standard Version]

The issue of human rights is – today, and every day – at the centre of the world agenda. Yet, many countries break the code. And, many people of faith disregard the “right”.

The violation of human rights is just that: the *violation of what is right and just*.

In particular:

- Single party political dominance is a guaranteed recipe for human rights violations. Deprive persons of their right to human dignity by creating and enforcing social strata, and you violate the very essence of their personhood.
- Take away freedom of choice, and terrorise people into submission, and the basic human right of dignity is violated.
- Power over food supplies also takes away the right to life especially when food is used as a political weapon
- Flood the life of communities with petty laws made on the whim of an autocrat, and the human rights of the people have been destroyed.

Let those who have ears listen. Let those who have eyes see.

Who is discerning enough to see that what is taking place is against the norms of a reasonable society?

The ways of the Lord are right.

Pray that they may take the place of human ways.

A THEOLOGICAL ASSESSMENT

THE ZIMBABWE CHURCH AND THE RIGHT TO RESIST SOME HISTORICAL AND THEOLOGICAL PERSPECTIVES FROM THE SOUTH AFRICAN EXPERIENCE

REV. GARY S D LEONARD

*Christians have a right and even a duty to protect their existence and freedom by proportionate means against an unjust aggressor.*¹⁰⁴

*...there are three possible ways in which the church can act towards the state: in the first place... it can ask the state whether its actions are legitimate and in accordance with its character as state, i.e., it can throw the state back on its own responsibilities. Secondly, it can aid the victims of state action. The church has an unconditional obligation to the victims of any ordering of society, even if they do not belong to the Christian community... In both these courses of action, the church serves the free state in its free way, and at times when laws are changed the church may in no way withdraw itself from these two tasks. The third possibility is not just to bandage the victims under the wheel, but to put a spoke in the wheel itself. Such action would be direct political action, and is only possible and desirable when the church sees the state fail in its function of creating law and order, i.e., when it sees the state unrestrainedly bring about too much or too little law and order.*¹⁰⁵

¹⁰⁴ John Paul II, Day of Peace 1982. Quoted in Buti Tlhagale, "Christian Soldiers", in Charles Villa-Vicencio (ed), *Theology and Violence: The South African Debate*, (Johannesburg: Skotaville, 1987), 81.

¹⁰⁵ Dietrich Bonhoeffer, "The Church and the Jewish Question", in Edwin H Robertson (ed), *No Rusty Swords: Letters, Lectures and Notes 1928-1936 from the Works of Dietrich Bonhoeffer*, (Vol. 1), London: Collins, 1965: 225.

Introduction

The history of the Christian Church in struggle is synonymous with the names of its martyrs and saints, who *from below* witnessed the tyranny and oppression of “unscrupulous regimes or tyrannies which scoff at human rights with impunity.”¹⁰⁶ These include, Camilo Torres; Dom Helder Camara; Martin Luther King; Albert Luthuli and Dietrich Bonhoeffer. As Bonhoeffer could write in what remains an unfinished paragraph,

There remains an experience of incomparable value. We have for once learnt to see the great events of world history from below, from the perspective of the outcast, the suspects, the maltreated, the powerless, the oppressed, the reviled – in short, from the perspective of those that suffer. ... This perspective from below must not become the partisan possession of those who are eternal dissatisfied; rather, we must do justice to life in all its dimensions from a higher satisfaction, whose foundation is beyond any talk of ‘from below’ or ‘from above’. This is the way we may affirm it.¹⁰⁷

The life, ministry, detention and subsequent execution of the German theologian and pastor, Dietrich Bonhoeffer (1906-1945) is therefore an important resource in any discussion of the theology of resistance and liberation, but particularly that of the Church’s needed response to the twenty-five years of structural¹⁰⁸ (or calculated¹⁰⁹) violence, oppression and injustice under Robert Mugabe’s ZANU-PF controlled Zimbabwe.

Together with Martin Niemöller, Bonhoeffer provided essential leadership to the Confessing Church, a movement which opposed the attempted take-over of the Protestant Church in 1933 by the so-called ‘German Christians’ and the Nazi-supported appointment of the *Reichsbischof*, Ludwig Müller.¹¹⁰ Its theological basis was worked out in what became known as the Barmen Declaration. Drafted in 1934 by Karl Barth, and officially named the “Theological declaration concerning the present situation of the German Evangelical Church”, within six theses it voiced its opposition to the “German Christian” understanding of the rise of Adolf Hitler and his Nazi Party as being a revelation from God, and the corresponding demise of democracy in preference to that of a strong authoritarian dictatorship.¹¹¹ Popularly held by many, this synthesis of Nazism and Christianity was firmly cemented by Nazi propaganda and terrorism, and authenticated by such distinguished German Theologians as Paul Althaus and Gerhard Kittel. In contradistinction, Barmen both

¹⁰⁶ Congregation for the Doctrine of the Faith, *Instruction on Christian Freedom and Liberation*, (Pastoral Action Series No. 43), Pretoria: The Southern African Catholic Bishops’ Conference, 1986: § 17, 11.

¹⁰⁷ Dietrich Bonhoeffer, *Letters and Papers from Prison*, (edited by Eberhard Bethge), Enlarged Edition, London: SCM Press, 1976: 17.

¹⁰⁸ For a discussion of structural violence in the South African situation see Villa -Vicencio, *Theology and Violence*, 74-76.

¹⁰⁹ For a detailed description of the “anatomy of violence” see, Rollo May, *Power and Innocence: A Search for the Sources of Violence*, New York: W W. Norton, 1972.

¹¹⁰ For an excellent historical account of the birth of the Confessing Church under Hitler’s National Socialist (NSDAP) Reich Government see, Klaus Scholder, *The Churches and the Third Reich, Vol. Two, The Year of Disillusionment: 1934 Barmen and Rome*, London: SCM Press, 1988.

¹¹¹ Albeit that the *final solution* to the “Jewish question”, and its resultant horrific consequences had not as yet been fully implemented by Hitler, it remains a stark omission that Barmen makes no mention of the Aryan clause gaining legal status 7 April 1933 following Adolf Hitler’s appointment as Germany’s Chancellor, 30 January 1933. In addition to this legislation Hitler instigated an organised and deliberate state campaign of violence and thuggery called *Einzeloperationen* (“individual operations”) against German Jews aimed at systematically eradicating their influence from every aspect of German life. For a brief, yet able description of this period, see Martin Gilbert, *The Holocaust: The Jewish Tragedy*, Glasgow: Fontana/Collins, 1986: 32-41.

in its preamble, and first thesis, states in categorical and clear tones that the churches' confession should be built solely upon the revelation of Jesus Christ as the Word of God, to whom the church places its trust and obedience, and apart from which the church would cease to be the church. It therefore states unambiguously,

We reject the false doctrine that the Church could and should recognise as a source of its proclamation, beyond and besides this one Word of God, yet other events, powers, historic figures, and truths as God's revelation.¹¹²

Consequently, in its fifth thesis, Barmen would affirm its belief in the state as a divinely appointed tool tasked with providing justice and peace. That said, the church must however remain autonomous from the state,

We reject the false doctrine, that beyond its special commission, the Church should and could become the sole and total order of human life and so fulfil the vocation of the Church as well. We reject the false doctrine that beyond its special commission the Church should and could take on the nature, tasks and dignity which belong to the State and thus become itself an organ of the State.¹¹³

Finally, within its sixth thesis, in summing the church's commission as being one that is founded upon the divine; and whose work and service is that of Christ, delivered to all of humankind through the word and sacrament of free grace, Barmen declares,

We reject the false doctrine that with human vainglory the Church could place the Word and the work of the Lord in the service of self-chosen desires, purposes and plans.¹¹⁴

The Call for a Confessing Church

The debate whether such a Confessing Church was needed within the South African Church struggle against apartheid was first raised publicly in 1965 by Dr Beyers Naude of the Christian Institute (CI). For him a clear parallel could be drawn not only between anti-Semitism under the Third Reich and institutionalised racism under South Africa's Nationalist regime, but also the church's "sinful silence in the face of injustice".¹¹⁵ In the CI's "statement of defiance" penned as a rejoinder to the Government appointed Schlebusch Commission, tasked by Prime Minister John Vorster with investigating "the objects, activities and financing of organisations suspected of 'subversion'",¹¹⁶ including of course the CI itself, Kotzé, Mayer and Naude argued on a close reading of Romans 13, and that of theologians such as Karl Barth, Emil Brunner, Reinhold Niebuhr and others, that the Christian has both the right and duty on the grounds of Christian conscience to passively resist an unchristian and totalitarian State whose policies are deemed unjust and in direct violation of Gospel demands and God's will, and whose temporal authority exceeds that mandated by God:

¹¹² "The Barmen Declaration" in Charles Villa-Vicencio, *Between Christ and Caesar: Classic and Contemporary Texts on Church and State*, Cape Town: David Philip, 1986: 97.

¹¹³ "The Barmen Declaration", 98.

¹¹⁴ *Ibid.*, 98.

¹¹⁵ John W De Gruchy & Charles Villa-Vicencio (eds), *Apartheid is a Heresy*, Cape Town: David Philip, 1983: 76.

¹¹⁶ Quoted in, Colleen Ryan, *Beyers Naudé: Pilgrimage of Faith*, Cape Town: David Philip, 1990: 150.

Where such deviation from the Gospel occurs, it is therefore not only the right of the Christian to resist authority, but his [*sic*] duty to offer passive resistance in obedience to the Gospel, even if in so doing he has to disobey the Government. If a Government violates the Gospel, it loses its authority to be obeyed in its office as ruler... When the Government deviates from the Gospel, the Christian is bound by his conscience to resist. Even if this results in breaking the law, it has to be done because God's will must be maintained above the law of man [*sic*] (Acts 4). The Government is God's servant and this means that it cannot arbitrarily place itself above the rule of law without impinging on the highest authority. If it does it, it becomes the evil-doer, (Romans 13) which must be resisted in obedience to God.¹¹⁷

As De Gruchy points out, Naude's prophetic call was for a Confessing Movement *within* the Church, "binding together in faith, study and action those who sought to be obedient to Jesus Christ within apartheid society".¹¹⁸ This determination was to lead to a vigorous and oft-heated debate among the South African Church community, particularly as it centred on such Church resistance campaigns as the SACC-sponsored Conscience Objection to Military Service (1974), and the SACBC Call for an End to Conscription (1985). Within the reformed family of churches, the fruit of such a debate was to be realised in the response of the Nederduitse Gereformeerde Sendingkerk (NGKSK) in its drafting in 1982 of the Belhar Confession, which stated unequivocally that:

§ 4. We believe that God has revealed himself as the One who wishes to bring about justice and true peace among men; that in a world full of injustice and enmity He is in a special way the God of the destitute, the poor and the wronged and that He calls his Church to follow Him in this; that He brings justice to the oppressed and gives bread to the hungry; that He frees the prisoner and restores sight to the blind; that He supports the downtrodden, protects the stranger, helps orphans and widows and blocks the path of the ungodly; that for Him pure and undefiled religion is to visit the orphans and the widows in their suffering; that He wishes to teach His people to do what is good and to seek the right;

that the Church must therefore stand by people in any form of suffering and need, which implies, among other things, that the Church must witness against and strive against any form of injustice, so that justice may roll down like waters, and righteousness like an ever-flowing stream;

that the Church as the possession of God must stand where He stands, namely against injustice and with the wronged; that in following Christ the Church must witness against all the powerful and privileged who selfishly seek their own interests and thus control and harm others.

Therefore, we reject any ideology which would legitimate forms of injustice and any doctrine which is unwilling to resist such an ideology in the name of the gospel.¹¹⁹

¹¹⁷ Theo Kotzé, Roelf Meyer, Beyers Naudé, "Divine or Civil Obedience, 1973" in Charles Villa-Vicencio, *Between Christ and Caesar: Classic and Contemporary Texts on Church and State*, Cape Town: David Philip, 1986: 219-220.

¹¹⁸ John W. De Gruchy, "Towards a Confessing Church: The Implications of a Heresy" in De Gruchy & Villa-Vicencio, *Apartheid is a Heresy*, 76.

¹¹⁹ The Belhar Confession (Translation from the Afrikaans text), in Villa-Vicencio, *Between Christ and Caesar*, 244.

In drafting such a document, the NG Sendingkerk drew distinct and indelible ideological boundaries between itself and that of its 'moederkerk' the Nederduistse Gereformerde Kerk (NGK), boundaries which are still in contention today.¹²⁰ These boundaries however were necessary if the church was to fulfil its divine calling that in "obedience to Jesus Christ, its only Head, the Church is called to confess and to do all these things, even though the authorities and human laws might forbid them and punishment and suffering be the consequence."¹²¹ In other words, the Church took sides.

Today, in the light of the gross human rights abuses under the State-motivated structural and repressive violence in Zimbabwe, the churches of Southern Africa need to redraw their boundaries, take sides and declare its confession anew as was done under the Third Reich in Germany and the Apartheid Regime in South Africa

A God that Takes Sides

Wherever the church is confronted with abuse of political power and the violation of human rights, the church is required to confess its faith anew by declaring a *status confessionis*, a "moment of truth" in which its very gospel can be re-evaluated and restated against the background of a critically-engaged social analysis. Echoing the sentiments of Bonhoeffer, Wolfgang Huber can write,

Neutrality towards the conditions of injustice and oppression or the acceptance of such a situation are incompatible with the witness of the church. She has to bear the consequences whenever a free and open expression of its solidarity with the victims is no longer allowed. In such situations it is not enough to bind the victims under the wheel – it becomes necessary to grasp into the spokes of the wheel. In situations of a *status confessionis* the church has to be a place of prophetic protest and intervention against the structures of injustice and oppression.¹²²

Today, in the light of the gross human rights abuses under the State-motivated structural and repressive violence in Zimbabwe, the churches of Southern Africa need to redraw their boundaries, take sides and declare its confession anew as was done under the Third Reich in Germany and the Apartheid Regime in South Africa. Such is the prophetic call and task of the church, responding as it does to the fact that God has taken sides, prophetically declaring His/Her preferential option for the poor, oppressed and marginalised. As Frank Chikane has noted,

¹²⁰ As Peter Walshe would observe, "Under these pressures the NGK dropped its biblical defence of apartheid but, on pragmatic grounds, continued to support the existing ethnic churches, the regime's reforms, and the new 1983 constitution based on group rights." Peter Walshe, *Prophetic Christianity and the Liberation Movement in South Africa*, Pietermaritzburg: Cluster Publications, 1995: 108. For the present status of the debate see Pieter Coertzen, "The road to unity in the family of Dutch Reformed Churches in South Africa since 1994: A Dutch Reformed Perspective", *Scriptura* 83, 2003: 332-343.

¹²¹ The Belhar Confession. § 5. Villa-Vicencio, *Between Christ and Caesar*, 244.

¹²² Wolfgang Huber, "The role of the Church in situations of transition" *Journal of Theology for Southern Africa*, 74, (March 1991), 15.

No Christian can afford to be left out of the action of God with His [*sic*] people. If the theologian is not part of that action of God, then we must be suspicious of the side on which he or she belongs in this struggle with God to establish a just society. Theology not grounded in liberating praxis is not liberating theology.¹²³

God's preferential option in history has thus shown that theology itself can never be neutral or non-partisan, but must take sides in the concrete reality of the plight of the oppressed. Identifying this as the dominant Christian praxis, the South African Dominican, Albert Nolan can state,

The option for the poor then is an uncompromising and unequivocal taking of sides in a situation of structural conflict... It is the assertion that Christian faith entails, for everyone and as part of its essence, the taking of sides in the structural conflict between the oppressor and the oppressed.¹²⁴

Nolan correctly understands this formula as being a succinct way of describing one of the most crucial (and dominant) themes of scripture, where Yahweh is seen to take the side of the oppressed and downtrodden in their struggle for liberation in history. From this Nolan posits a new spirituality, which does not glorify poverty, but rather seeks to overcome it. Hence in relation to the situation of South Africa under apartheid he can further state,

An option for the poor is an option against every form of oppression and exploitation. A purely theoretical decision that apartheid is heretical and sinful is not enough. In religious terms, what is required is a deep conversion, an experience of being born again and a long spiritual journey.¹²⁵

God's preferential option in history has thus shown that theology itself can never be neutral or non-partisan, but must take sides in the concrete reality of the plight of the oppressed

Moving beyond the Boundaries

The memory of resistance within Nazi Germany not only holds the actions of a Confessing Church in crafting a new and critical stance against totalitarianism, but more importantly that of key individuals such as Bonhoeffer and Niemöller. Indeed, Bonhoeffer's growing intolerance to the Nazi threat led him to move beyond the boundaries set by the Confessing Church movement. This radicalism resulted in his declaration as a conscientious objector, the illegal smuggling of Jews out of Nazi Germany and his involvement in a conspiracy against Hitler, for which he was ultimately arrested by the SS and hanged on the direct orders of

¹²³ Frank Chikane, "Doing Theology in a Situation of Conflict", in Charles Villa-Vicencio & John De Gruchy, (eds), *Resistance and Hope: South African Essays in Honour of Beyers Naude*, Grand Rapids: Eerdmans, 1985: 100.

¹²⁴ Albert Nolan, "The Option for the Poor in South Africa", *Cross Currents*, Vol.36/1, 1986: 19.

¹²⁵ Nolan, "The Option for the Poor" 26.

Heinrich Himmler.¹²⁶ Writing in the midst of his struggle, Bonhoeffer would justify his move towards civil disobedience of a divinely authorised State,

A doubt can arise only when the contents and the extent of the commission of government become questionable. The Christian is neither obliged nor able to examine the rightfulness of the demand of government in each particular case. His [*sic*] duty of obedience is binding on him until government directly compels him to offend against the divine commandment, that is to say, until government openly denies its divine commission and thereby forfeits its claim.¹²⁷

Memory and Transcript

The memory and transcript of the South African Church struggle against apartheid includes such struggle theologians and activists as Archbishop Desmond Tutu, Dr Beyers Naude and Dr. Allan Boesak. In similar fashion to Bonhoeffer, Boesak would declare that his obedience as a Christian was to God, hence when a state blatantly and flagrantly disregards its God-given mandate it no longer commands his respect and obedience. This provided him with the theological grounds to express his desire for the Church to enter a road of non-violent resistance and civil disobedience. As a result Boesak in his address to the 1984 South African Council of Churches National Conference would renew his challenge to the church, first made in 1978, ultimately calling for the downfall of the apartheid regime:

What the poor need is not more charity or emergency aid, not more sermons or resolutions, but a qualitatively different society. This is what the church must work for, knowing that this is the call of the gospel. What the poor need in this country is not meaningless reforms but a new government that will love justice, hate evil, and do what is right for all the people of South Africa. This present government does not seem able to do this, and therefore, as I did in 1978, I again call on all Christians and churches to set aside a day on which to pray for the downfall of the government. If the rulers will not hear the cries of the people, if they will not change, if they continue to prevent justice, let us pray them out of existence. God will hear our cry.¹²⁸

I again call on all Christians and churches to set aside a day on which to pray for the downfall of the government. If the rulers will not hear the cries of the people, if they will not change, if they continue to prevent justice, let us pray them out of existence. God will hear our cry

Boesak's call and its subsequent theological formulation by an SACC appointed working group in the document, *The Theological Rationale*, declared that whereas in Romans 13 the bible confirms that "civil authority is instituted by God"¹²⁹, the same bible in Revelation 13 "is equally clear that civil authority can be a source of blasphemy against God".¹³⁰ Hence the call and challenge to the church in South Africa was confirmed, proclaiming that the

¹²⁶ For an authoritative and theological informative description of the life, ministry, theology and death of Bonhoeffer see, Eberhard Bethge, *Dietrich Bonhoeffer: A Biography*, Revised Edition, Minneapolis: Fortress Press, 2000.

¹²⁷ Quoted in De Gruchy, *Bonhoeffer and South Africa*, 95.

¹²⁸ Quoted in Allan Boesak & Charles Villa-Vicencio (eds), *A Call for an End to Unjust Rule*, Edinburgh: The Saint Andrew Press, 1986: 16.

¹²⁹ Boesak & Villa-Vicencio, *A Call for an End to Unjust Rule*, 26.

¹³⁰ Ibid, 26.

apartheid regime stood in contradiction to the norms and standards of the Christian gospel, to which the church must always seek to remain faithful:

We have continually prayed for the authorities, that they may govern wisely and justly. Now in solidarity with those who suffer most, in this hour of crisis we pray that God in his [*sic*] grace may remove from his people the tyrannical structures of oppression and the present rulers in our country who persistently refuse to heed the cry for justice, as reflected in the Word of God as proclaimed through his church both within this land and beyond. In constant and solemn awareness of the responsibility we take on ourselves in this regard, we pray that God's rule may be established in this land. We pledge ourselves to work for that day...¹³¹

A Prophetic Challenge

Stretching from the blessing of the Zimbabwe Flag by the head of the Catholic Church in Zimbabwe, Archbishop Patrick Chakaipa of Harare, during the Independence Celebrations, April 17th-18th¹³², 1980 to the attempted suppression of the report, *Breaking the Silence, Building the Peace: A Report on the Disturbances in Matabeleland and the Midlands 1980 to 1988*¹³³ by Shona-speaking Catholic bishops supportive of Robert Mugabe's Regime, the rôle and relationship existing between Church and State in the twenty-five years since independence has at best been a terrain of contradictions, political alignments, collaborations, rifts, and tensions. The report released in 1997, which sought to document the state-orchestrated endemic violence against so-called "dissidents"¹³⁴ in Matabeleland known as the *Gukuruhundi*¹³⁵ which resulted in as many as 20,000 civilian deaths was jointly commissioned by the Catholic Commission for Justice and Peace in Zimbabwe and the Legal Resources Foundation,¹³⁶ but has never been officially acknowledged or released by the

¹³¹ Boesak & Villa-Vicencio, *A Call for an End to Unjust Rule*, 29.

¹³² Upon the death of Archbishop Patrick Chakaipa in 2003, Robert Mugabe was to declare him a "national hero" during his funeral oration, a move severely criticised by his fellow archbishop, Pius Ncube of Bulawayo.

¹³³ See, Legal Resources Foundation & Catholic Commission for Justice and Peace in Zimbabwe, *Breaking the Silence, Building the Peace: A Report on the Disturbances in Matabeleland and the Midlands 1980 to 1988*, Harare, February 1997, reprinted October 2001. See also, Legal Resources Foundation & Catholic Commission for Justice and Peace in Zimbabwe, *Breaking the Silence, Building the Peace: A Report on the Disturbances in Matabeleland and the Midlands 1980 to 1988, A Summary*, April 1999. Available at: <http://www.zwnews.com/BTS/BTS.html>.

¹³⁴ The use of the term "dissidents" to describe former cadres of the Zimbabwe People's Revolutionary Army (ZIPRA) was a deliberate device by ZANU in order to justify an orchestrated campaign of repression and violence against mainly Ndebele-speaking ZAPU supporters and thereby gain total political and ideological supremacy. The counter-insurgency campaign which began in February 1982 following the so-called discovery of arms caches on properties occupied by a ZANU-owned company, and thereby 'proof' of the existence of a planned coup, was only brought to an official conclusion in December 1987 following the Unity Agreement struck between Robert Mugabe and Joshua Nkomo and the merger of ZANU and ZAPU under the name ZANU-PF. See, Alexander, McGregor & Ranger, *Violence & Memory*, 180-203.

¹³⁵ *Gukuruhundi* (lit: 'strong wind') was the name given to a State-sanctioned military operation in south-western Zimbabwe against so-called ZAPU 'dissidents' in the 1980s. In this counter-insurgency operation a North Korean-trained special operations group called the First Brigade, together with the Zimbabwe National Army cooperated in the massacre of between 10,000-20,000 people in Matabeleland alone. See Shari Eppel Interview, *Conversations with History*; Institute of International Studies, UC Berkeley, <http://globetrotter.berkeley.edu/people/Eppel/eppel-con2.html>. The findings of the 1984 Government Commission of Enquiry tasked with investigating the atrocities of the Fifth Brigade have never been released.

¹³⁶ Legal Resources Foundation & Catholic Commission for Justice and Peace in Zimbabwe, *Breaking the Silence, Building the Peace: A Report on the Disturbances in Matabeleland and the Midlands 1980 to 1988*, Harare, February 1997, reprinted October 2001. See also, Legal Resources Foundation & Catholic Commission for Justice and Peace in Zimbabwe, *Breaking the Silence, Building the Peace: A Report on the Disturbances in*

Catholic Bishops.¹³⁷ Other religious collaborators and cronies of ZANU-PF could be named such as the Anglican Bishop of Harare, Nolbert Kunonga, who has provided uncritical support of ZANU-PF, particularly during the State-sanctioned invasion and occupation of white-owned farms by so-called war veterans, and the 2002 Presidential Campaign. He has curtly dismissed Mugabe's detractors as "dogs barking at a passing elephant." asserting that Mugabe was more godly than he.¹³⁸

A lone-voice of conscience has arisen against Mugabe's litany of torture, intimidation, rape, murder and forced starvation in the person of Pius Ncube, the Catholic Archbishop of Bulawayo

This wanton ecclesiastical sycophancy towards ZANU-PF however has not gone unchallenged. A lone-voice of conscience has arisen against Mugabe's litany of torture, intimidation, rape, murder and forced starvation in the person of Pius Ncube, the Catholic Archbishop of Bulawayo. Continuously the object of public vilification, this quietly spoken former goat herd and true patriot has provided an informed and forthright prophetic challenge against what Osborne has rightly called the "near-genocide that Robert Mugabe is visiting upon the Zimbabwean people."¹³⁹ As Eberhard Bethge has related in his monumental biography of Dietrich Bonhoeffer, an important step in the gauging of his own responsibility arrived when Bonhoeffer was to realise that "with each hour that passed there was less hope of ending the wrongs that were committed in Germany's name, and of preventing fresh atrocities."¹⁴⁰ Bonhoeffer was left with no other choice. "Germany's name could no longer be rescued through ordinary but blind respectability."¹⁴¹ Hence,

It seemed appropriate to him in a situation into which a presumptuous German had manoeuvred his country, and in which all those who were capable of acting suffered from paralysis of the conscience. The patriot had to perform what in normal times is the action of a scoundrel. "Treason" had become true patriotism, and what was normally "patriotism" had become treason.¹⁴²

Matabeleland and the Midlands 1980 to 1988, A Summary, April 1999. Available at:

<http://www.zwnews.com/BTS/BTS.html>.

¹³⁷ The Report was originally 'leaked' to the South African Press, and subsequently released in 1997 by the Legal Resources Foundation.

¹³⁸ Peter Osborne, "British Churchmen back Mugabe", *The Spectator*, May 24, 2003.

<http://www.zimbabwedemocracytrust.org/outcomes/details?contentId=1065>.

¹³⁹ Osborne, "British Churchmen back Mugabe", *The Spectator*, May 24, 2003.

<http://www.zimbabwedemocracytrust.org/outcomes/details?contentId=1065>. For comprehensive and well-documented accounts of the tyranny, repression, and politically-motivated atrocities and repression under ZANU-PF since 2000 see, The Solidarity Peace Trust, *Subverting Justice: The Role of the Judiciary in Denying the Will of the Zimbabwean Electorate since 2000*, Port Shepstone, March 2005; The Zimbabwe Institute, *Playing with Fire: Personal Accounts of Human Rights Abuses experienced by 50 Opposition Members of Parliament in Zimbabwe, and 28 Opposition Election Candidates*, Johannesburg, March 2004; The Solidarity Peace Trust, *Disturbing the Peace, An Overview of Civilian Arrests in Zimbabwe: February 2003 – January 2004*, Port Shepstone, July 2004; The Solidarity Peace Trust, *National Youth Service Training – Shaping Youths in a Truly Zimbabwean Manner: An Overview of Youth Militia Training and Activities in Zimbabwe, October 2000 – August 2003*, Port Shepstone, 5 September 2003. The Solidarity Peace Trust, *Peaceful Protest and Police Torture in the City of Bulawayo: 24 February to 25 March 2003*, Port Shepstone, 17 April 2003. Movement for Democratic Change, *Political Violence Report 2004*, MDC Information and Publicity Department, 2004.

¹⁴⁰ Eberhard Bethge, *Dietrich Bonhoeffer: A Biography*, Revised Edition, Minneapolis: Fortress Press, 2000: 675.

¹⁴¹ Bethge, *Dietrich Bonhoeffer*, 675.

¹⁴² Ibid.

The Sanctuary of Private Virtuousness

In a telling 1942 personal and somewhat dark reflection entitled *After Ten Years*, hidden in the roof of his parent's home and penned by way of a Christmas dedication to his family and closest friends, Bonhoeffer asks as he himself stood in the place of much uncertainty and unknowing, "Who is prepared to stand fast?"

In seeking to provide a satisfying and secure answer, not only for his family and friends, but more importantly for himself, Bonhoeffer systematically and decisively rejects a variety of would-be respondents: The *reasonable person* on the grounds that they want to do justice to both sides "and so the conflicting forces wear them down with nothing achieved"¹⁴³; the *moral fanatic* who "thinks that his [*sic*] single-minded principles qualify him [*sic*] to do battle with the powers of evil; but like a bull he [*sic*] rushes at the cloak instead of the person who is holding it"¹⁴⁴; the *person of conscience* "who fights single-handed against heavy odds in situations that call for a decision. But the scale of the conflicts in which he [*sic*] has to choose – with no advice or support except from his own conscience – tears him [*sic*] to pieces"¹⁴⁵; the *person of duty*, which at first blush appears to be the sure way out, in that ultimately "responsibility rests on the commander, and not on the person commanded"¹⁴⁶ nevertheless as Bonhoeffer decisively shows "no one who confines himself [*sic*] to the limits of duty ever goes so far in the venture, on his [*sic*] sole responsibility, to act in the only way that makes it possible to score a direct hit on evil and defeat it"¹⁴⁷, for in so-doing, "the man [*sic*] of duty will have to do his duty to the devil too"¹⁴⁸; and finally to the person who espouses complete *freedom*, "who values the necessary deed more highly than an unspoiled conscience or reputation, who is ready to sacrifice a barren principle for an unfruitful compromise, or the barren wisdom of a middle course for a fruitful radicalism"¹⁴⁹ that person had better be aware that their very freedom may be the means of their very downfall, for "he [*sic*] will assent to what is bad so as to ward off something worse, and in doing so he [*sic*] will no longer be able to realise that the worse, which he [*sic*] wants to avoid, might be the better."¹⁵⁰

For this would-be respondent, Bonhoeffer saves the sharpest of warnings: "Here" he says "we have the raw material of tragedy."¹⁵¹ With clear and deliberate insight Bonhoeffer therefore declares,

Here and there people flee from public altercation into the sanctuary of private *virtuousness* [original emphasis]. But anyone who does this must shut his [*sic*] mouth and keep his [*sic*] eyes on the justice around him. Only at the cost of self-deception can he [*sic*] keep himself [*sic*] pure from the contamination arising from responsible action. In spite of all that he [*sic*] does, what he [*sic*] leaves undone will rob him [*sic*] of his [*sic*] peace of mind. He will either go to pieces because of this disquiet, or

¹⁴³ Bonhoeffer, *Letters and Papers from Prison*, 4.

¹⁴⁴ Bonhoeffer, *Ibid*, 4.

¹⁴⁵ Bonhoeffer, *Ibid*, 4.

¹⁴⁶ Bonhoeffer, *Ibid*, 5.

¹⁴⁷ Bonhoeffer, *Ibid*, 5.

¹⁴⁸ Bonhoeffer, *Ibid*, 5.

¹⁴⁹ Bonhoeffer, *Ibid*, 5.

¹⁵⁰ Bonhoeffer, *Ibid*, 5.

¹⁵¹ Bonhoeffer, *Ibid*, 5.

become the most hypocritical of Pharisees.¹⁵²

It is here that the Church is found guilty before God. Hence in his posthumously-published *Ethics*, compiled from texts written just prior to his arrest in April 1943, Bonhoeffer declares the Church's guilt in no-uncertain terms:

The Church confesses... her timidity, her evasiveness, her dangerous concessions. She has often been untrue to her office of guardianship and to her office of comfort. And through this she has denied to the outcast and to the despised the compassion which she owes them. She was silent when she should have cried out because the blood of the innocent was crying aloud to heaven... The Church confesses that she witnessed the lawless application of brutal force, the physical and spiritual suffering of countless innocent people, oppression, hatred and murder, and that she has not raised her voice on behalf of the victims and has not found ways to hasten their aid. She is guilty of the deaths of the weakest and most defenceless of brothers [*sic*] of Jesus Christ... By her own silence she has rendered herself guilty of the decline in responsible action, bravery in the defence of a cause, and in the willingness to suffer for what is known to be right. She bears the guilt of the defection of the governing authority of Christ.¹⁵³

In seeking an answer to where these responsible people can be found, Bonhoeffer laments the dearth of civil courage

Who then can stand fast? His answer to this perplexing question lies in the person who is willing to display true responsibility and obedience to the question and call of God:

Only the man [*sic*] whose final standard is not his reason, his principles, his freedom, or his virtue, but who is ready to sacrifice all this when he [*sic*] is called to be obedient and responsible action in faith and exclusive allegiance to God – the responsible man [*sic*], who tries to make his [*sic*] whole life an answer to the question and call of God.¹⁵⁴

In seeking an answer to where these responsible people can be found, Bonhoeffer laments the dearth of civil courage. Although as a German he knew the national trait of bravery and self-sacrifice, for him civil courage emanates from a different place:

Civil courage, in fact, can grow only out of the free responsibility of free men [*sic*]. Only now are the Germans beginning to discover the meaning of free responsibility. It depends on a God who demands responsible action in a bold venture of faith, and who promises forgiveness and consolation to the man who becomes a sinner in that venture.¹⁵⁵

Finally, in a moving and emotive critique of his own deficiencies, he asks the question of himself as well as others,

Are we still of any use? We have been silent witnesses of evil deeds; we have been

¹⁵² Bonhoeffer, *Ibid*, 5.

¹⁵³ Dietrich Bonhoeffer, *Ethics*, (edited by Eberhard Bethge), London: SCM Press, 1978: 92-94.

¹⁵⁴ Bonhoeffer, *Letters and Papers from Prison*, 5.

¹⁵⁵ Bonhoeffer, *Ibid*, 6.

drenched by many storms; we have learnt the arts of equivocation and pretence; experience has made us suspicious of others and kept us from being truthful and open; intolerable conflicts have worn us down and even made us cynical. Are we still of any use? What we shall need is not geniuses, or cynics, or misanthropes, or clever tacticians, but plain, honest straightforward men [*sic*]. Will our inward power of resistance be strong enough, and our honesty with ourselves remorseless enough, for us to find our way back to simplicity and straightforwardness?¹⁵⁶

The Unmasking of Tyranny

Invited to Durban, South Africa in November 2002 to give the Archbishop Denis Hurley Lecture, Pius Ncube, Catholic Archbishop of Bulawayo spoke prophetically, authoritatively, and truthfully about the political and social situation pertaining in Zimbabwe, and in so doing made an impassioned call to action on the part of the Churches in South Africa seeking their solidarity, support and prayers:

I come to you today to appeal to you for prayers to ease our most serious situation in Zimbabwe and to appeal to you to lobby by all means possible for a peaceful solution to the Zimbabwean crisis. We face an absolutely desperate situation in Zimbabwe and the government is lying to the world about it. Our government continues to engage in lies, propaganda, the twisting of facts, half truths, downright untruth and gross misinformation, because they are fascists.¹⁵⁷

The legitimacy of Ncube's prophetic truth statement lies not only in his personal outrage at the estimated 300,000 Zimbabweans who have been victims of human rights abuses since 2000, and the resultant political, economic and humanitarian crisis, but also that of the *Magisterium* of the Church to which he is patently committed

The legitimacy of Ncube's prophetic truth statement lies not only in his personal outrage at the estimated 300,000 Zimbabweans who have been victims of human rights abuses since 2000¹⁵⁸, and the resultant political, economic and humanitarian crisis, but also that of the *Magisterium* of the Church to which he is patently committed. Hence, The Congregation for the Doctrine of the Faith, in its 1986, *Instruction on Christian Freedom and Liberation*, could state in the context of the emancipation of young nations from their powerful colonial masters,

It is in the context of the inequality of power relationships that there have appeared movements for the emancipation of young nations, generally poor ones, until recently subjected to colonial domination. But too often the people are frustrated in their hard-won independence by unscrupulous regimes or tyrannies which scoff at human rights with impunity. The people thus reduced to powerlessness merely have a change of masters.¹⁵⁹

Ncube set his prophetic outrage and the unmasking of the prevailing system of tyranny in

¹⁵⁶ Bonhoeffer, *Letters and Papers from Prison*, 16-17.

¹⁵⁷ The Archbishop Denis Hurley Lecture 7th November 2002 Durban, South Africa, Free Zimbabwe Digest Number 220. <http://jmm.aaa.net.au/articles/10485.htm>

¹⁵⁸ The Solidarity Peace Trust, *No War in Zimbabwe: An Account of the Exodus of a Nation's People*, Port Shepstone, November 2004: 7.

¹⁵⁹ Congregation for the Doctrine of the Faith, *Instruction on Christian Freedom and Liberation*, § 17, 11.

terms of the ministry, work and calling of Jesus, in his liberating praxis among the poor and oppressed as described in the Gospel accounts,

The Church is called to the same posture. As shepherd he defends the poor, the marginalised and the minorities. Jesus calls the Church to do the same, to uproot sin and oppression.¹⁶⁰

He outlined how the Church should respond:

As Christians and as Church we are not called to go along with society, rather we are called to preach the values of the Kingdom of God, namely love, holiness, humility, respect for others, and their property, peace, non-violence; to feel for others, to be gentle, compassionate, understanding, to be sincere, to be truthful, to be human, to be integrated, to be whole. To put people first before things, to be God-centred, to forgive, to be self-controlled, to be prayerful, to heal, to sacrifice ourselves for others; not to take advantage of others, to suffer for the truth; to judge ourselves before we judge others, to be joyful, to be the salt and the light of the world; to respect the poor, to be renewed with God's vision (to be born from above John 3:5), to be motivated by the Holy Spirit to be free and to free others (John 8:36) and to be full of hope.¹⁶¹

Ncube went on to expertly “read the signs of the times” exposing Mugabe’s orchestrated and tyrannical reign of terror in order to hold on to the reigns of power. In summing up his lecture, Ncube charged that churches of Zimbabwe must be held accountable, for they too had succumbed to bribery and corruption,

We ask you to lobby wherever possible to apply pressure on Mugabe and his followers to change. Through his manipulation, the churches are divided. The Latin principle “*divide et impera*” divide and conquer apply here as well as the bribery of gifts to the deserving to buy their loyalty.¹⁶²

It was no surprise therefore that the Bulawayo Service, attended by over 2000 people was closely monitored by both Police and CIO, seeking to intimidate everyone who attended, for after all the Prayer Service could be correctly interpreted as contravening Zimbabwe’s notorious Public Order and Security Act

Signs of Spiritual Solidarity

In what was billed as a National Day of Prayer in Zimbabwe, Ecumenical prayer services were held on March 27, 2004 in Zimbabwe’s two national centres of Harare and Bulawayo respectively. Pastors from South Africa, Zambia, and Botswana heeded Archbishop Ncube’s call for spiritual solidarity in the Zimbabwe struggle, and joined the masses of people as they prayed the simple prayer of Matthew 6:13 “Deliver us from evil, For thine is the Kingdom”¹⁶³ As reported by the IPS, Rev. Raymond Motsi of the Bulawayo Baptist Church said that the

¹⁶⁰ The Archbishop Denis Hurley Lecture 7th November 2002 <http://jmm.aaa.net.au/articles/10485.htm> See Appendices A of this report for a full transcript.

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ Authorised / King James Version Bible (1611).

prayer service held at St Mary's Cathedral Church, seat of Pius Ncube, Archbishop of Bulawayo was the largest to date of its kind and sounded the beginning of a continuing programme "to gather momentum and mobilise people" as part of Gandhi-style peaceful protest in the tradition of *Satyagraha* (or, "truth-force"). "We have found that ZANU-PF is a military machine that's armed to the teeth,"¹⁶⁴ explained Motsi, adding "We have to deal with them in a powerful, but peaceful, way."¹⁶⁵ It was no surprise therefore that the Bulawayo Service, attended by over 2000 people was closely monitored by both Police and CIO, seeking to intimidate everyone who attended, for after all the Prayer Service could be correctly interpreted as contravening Zimbabwe's notorious Public Order and Security Act (POSA)¹⁶⁶. As the Sokwanele Newsletter would later report:

The evil, or evils, from which Zimbabwean Christians are seeking deliverance, appear in many different guises but most would agree that the common factor underlying all is the vicious and utterly corrupt rule of a regime that no longer commands respect or has any moral or spiritual legitimacy. The intercessions offered up in the Cathedral were to include prayers for deliverance from the politics of violence and hatred, from the threat of starvation, from corrupt and self-serving rulers, from the laws that rob people of their freedom and dignity, and above all from the fear that paralyses the victims. Also included were prayers for an end to the pernicious evil of the youth militia programme, recently featured in the BBC Panorama programme.¹⁶⁷

In their recently published *Invitation to Prayer and Action in Solidarity with the Suffering People of Zimbabwe*, the co-chairs of the Solidarity Peace Trust (SPT), the Catholic Archbishop of Bulawayo, Pius Ncube, and the Anglican Bishop of Natal, Rubin Philip, spoke out strongly and convincingly of the struggle for freedom and democracy of the Zimbabwean people, traumatically characterised in the past two national elections by intimidation, violence and major fraud. Unfortunately neither election set in motion any change to the underlying political problem of governance "which has beset the country for so long and caused such widespread suffering".¹⁶⁸ As Zimbabweans prepared themselves for yet another round of elections, the SPT set out to remind both church and society,

Yet it is essential that Zimbabweans who value freedom and cherish democracy do not give up hope at this critical point in time. And that is where the wider church has a vital role to play in encouraging those within Zimbabwe who are committed to the non-violent struggle to transform their nation in accordance with the kingdom values of justice, truth and lasting peace.¹⁶⁹

So people should pluck up just a bit of courage and stand up against him and chase him away... No way will elections kick him out... Mugabe has made all his plans. He cheated in 2000 and in 2002. They are very well schooled. They will cheat...

¹⁶⁴ Inter Press Service News Agency "Clerics Join Forces Against Hunger and Violence" 29/03/2004 <http://ipsnews.net/interna.asp?idnews=23074>.

¹⁶⁵ Ibid.

¹⁶⁶ The Public Order and Security Act (POSA) places severe restrictions on all public gatherings, making it an offence to issue any statement that could be viewed as undermining the authority of the President.

¹⁶⁷ Sokwanele highlights, Report on the National Day of Prayer in Zimbabwe, 27/03/2004 http://www.zimbabwesituation.com/mar30_2004.html.

¹⁶⁸ Solidarity Peace Trust, "Invitation to Prayer and Action" 1.

¹⁶⁹ Ibid.

A Right but also a Duty

In the light of recent, relatively peaceful velvet uprisings¹⁷⁰ from Prague to Kiev and Kyrgyzstan to Georgia and the Ukraine, Pius Ncube has repeatedly called for a “peaceful popular mass uprising”¹⁷¹ by Zimbabweans in order to oust President Robert Mugabe from office. In a recent Sky News interview just prior to the 31 March Elections, Ncube went so far as to baldly state,

I hope that people get so disillusioned that they really organise against the government and kick him out by a non-violent, popular, mass uprising... as it is, people have been too soft with this government. So people should pluck up just a bit of courage and stand up against him and chase him away... No way will elections kick him out... Mugabe has made all his plans. He cheated in 2000 and in 2002. They are very well schooled. They will cheat...¹⁷²

In a Radio Nederland’s interview Archbishop Ncube noted the Zimbabwe people’s loss of patience:

Every means of negotiation has been made between the opposition and President Mugabe’s party and still that has failed. There have been mediators – church, press people and media, all to no avail. In such a case people have a right – if they cannot use the ballot – by peaceful means to tell their leaders: ‘Please step down, we’ve had enough of suffering, now.’¹⁷³

Describing Mugabe’s twenty-five year hold on power, Archbishop Ncube underlined the atmosphere of fear and intimidation that pervaded Zimbabwe as it moved towards Election Day,

You cannot just get into power and then hold the people to ransom. Once it comes to a situation where the people are held prisoner by the government – they are not free to express themselves and they are always in fear; anyone who talks is thrown into jail and tortured and electro-shocked – that is reversing the values because the government is elected by the people to serve the people and uplift them.¹⁷⁴

Recognising that punishment would inevitably be metered out to those who openly voiced their dissatisfaction, Archbishop Ncube remained convinced that the people of Zimbabwe would remain strong under the right leadership,

It would take a lot of courage on the part of the people of Zimbabwe to take such a step... People must be convinced, and there must also be a leader. If there’s no leader, nobody will have confidence. People will not just act on their own – they need a leader

¹⁷⁰ So called following the 1989 bloodless coup that catapulted dissident playwright Vaclav Havel to the presidency of the Czech Republic.

¹⁷¹ “Zimbabwe cleric urges ‘uprising’”, BBC 28/03/2005 zimbabwenews@yahoo.com Digest Number 1605.

¹⁷² Ibid.

¹⁷³ Radio Nederland Wereldroep, “Zimbabwe’s ZANU-PF slams outspoken archbishop” <http://www2.rnw.nl/rnw/en/currentaffairs/region/africa/zim-050330?view=Standard&version=1>.

¹⁷⁴ Ibid.

to follow, always.¹⁷⁵

Finally, Archbishop Ncube spoke of the pivotal and prophetic rôle that the church could and should play in such leadership,

In [*the*] Ukraine there was a peaceful uprising; in Georgia there was a peaceful uprising. But it takes conviction... There is what's called the "prophetic rôle" of the church. You see, we serve the same people: the government serves the people and the church serves the people. At a time when the government is no longer doing its duty, the church, by reason of this prophetic voice, has not only a right but also a duty to defend the poor and the disadvantaged. If he had good understanding of Christian doctrine he'd understand this.¹⁷⁶

Predictably, in a late campaigning speech, Zimbabwe's President Robert Mugabe has venomously denounced Archbishop Ncube as a "half wit" adding somewhat sarcastically, "I don't know to which God he prays. His prayers are not as pious as his name suggests apparently."¹⁷⁷

The article in Britain's Mail & Guardian went on to quote Nathan Shamuyarira, a retired foreign minister and information secretary for ZANU-PF, who is reported to have told the Zimbabwe Government-sanctioned Herald Newspaper,

[Ncube] is a mad, inveterate liar. He has been lying for the past two years. As an archbishop, we expect him to tell the truth and to respect the people of Matabeleland... He, however, fits into the scheme of the British and Americans, who are calling for regime change and are feeding him with these wild ideas.¹⁷⁸

In a CNN Report, Shamuyarira is said to have added,

Archbishop Ncube's open call for an unconstitutional uprising shows he is an instrument of the West's illegal regime change agenda.¹⁷⁹

The usage of anti-imperialist rhetoric is typical of the ZANU-PF rebuttal. Such talk has pervaded the Zimbabwean political scene for some time, whereby it has constantly blamed the economic collapse directly on the British Prime Minister, Tony Blair and other external forces¹⁸⁰, hence ZANU-PF's slogan for the Election is: "2005: Anti-Blair Campaign".¹⁸¹ Elsewhere its election campaign advertisement reads, 2005: Anti-Blair Vote ZANU-PF. Our Land, Our Food, Our Sovereignty.¹⁸² In framing its election platform it describes the MDC as "Blair's MDC"¹⁸³ and elsewhere states: "ZANU-PF is an authentic Zimbabwean nationalist

¹⁷⁵ Radio Nederland Wereldomroep, "Zimbabwe's ZANU-PF slams outspoken archbishop" <http://www2.rnw.nl/rnw/en/currentaffairs/region/africa/zim-050330?view=Standard&version=1>.

¹⁷⁶ Ibid

¹⁷⁷ Jeevan Vasagar, "Mugabe attacks 'half-wit' archbishop" *The Guardian*, 29/03/2005 <http://www.guardian.co.uk/zimbabwe/article/0,2763,1447288,00.html>.

¹⁷⁸ Ibid

¹⁷⁹ "Mugabe's party attacks archbishop" CNN 28/03/2005 <http://www.cnn.com/2005/WORLD/africa/03/28/zimbabwe.elections/>.

¹⁸⁰ See, Solidarity Peace Trust, *No War in Zimbabwe: An Account of the Exodus of a Nation's People*, November 2004: 30.

¹⁸¹ Full Page Advertisement, *Saturday Chronicle*, Bulawayo, 12/03/2005, 5.

¹⁸² Ibid, 7.

¹⁸³ Ibid, 5.

Political Party with a Pan-African and Revolutionary background and outlook. *It stands fiercely opposed to imperialism and domination of any kind and from any quarter*,¹⁸⁴ hence it is little wonder that ZANU-PF characterise Archbishop Ncube's forthright opposition as a sell-out to white western imperialist interests.

Is Archbishop Ncube's call for a popular non-violent uprising justifiable?

A Morality of Means

The Church is understandably cautious in legitimating, and declaring a war just (*jus ad bellum*), hence its teaching in this regard is both complex and at times contentious¹⁸⁵. In the Roman Catholic tradition, the presumption is always tilted against war, and justifiably prefers the peaceful resolution of possible conflicts. This said, even Pope John Paul II in his 1982 Day of Peace Message could unequivocally state,

Christians have the right and even the duty to protect their existence and freedom by proportionate means against an unjust aggressor.¹⁸⁶

And as the *Instruction on Christian Freedom and Liberation* [1986] by the Congregation for the Doctrine of the Faith, can confirm,

It remains true that one of the major phenomena of our time, of continental proportions, is the awakening of the consciousness of people who, bent beneath the weight of age-old poverty, aspire to life in dignity and justice and are to fight for their freedom.¹⁸⁷

The moral and legitimate use of force in the face of repressive and structural violence has long been the position of many within the Latin American liberation theology School¹⁸⁸, as well as those in the liberation movements of South Africa¹⁸⁹ and Zimbabwe. The *Magisterium of the Church* while at times appearing to support a categorical rejection of the use of violence towards achieving regime change, has supported its use as a matter of last resort, hence as the *Instruction on Christian Freedom and Liberation* [1986] can

¹⁸⁴ Full Page Advertisement, *Sunday News*, Bulawayo, 13/03/2005, 3. [Emphasis Added]

¹⁸⁵ For a description, analysis and critique of the "just war" theory see, Robert McAfee Brown, *Religion and Violence*, Second Edition, Philadelphia: Westminster Press, 1987: 15-26.

¹⁸⁶ Quoted in Tlhagale, "Christian Soldiers", in Villa-Vicencio (ed), *Theology and Violence*, 81.

¹⁸⁷ Congregation for the Doctrine of the Faith, *Instruction on Christian Freedom and Liberation*, § 17, 11.

¹⁸⁸ For an excellent and informed discussion on the use of violence in the struggle for justice see, Paul Germond, "Liberation Theology: Theology in the Service of Justice", in Villa-Vicencio (ed), *Theology & Violence*, 215-232.

¹⁸⁹ For a brief, yet informative discussion of the formation of *Umkhonto we Sizwe* against the background of pacifism held by some of its Christian leadership see, Stephen Ellis & Tsepo Sechaba, *Comrades against Apartheid: The ANC & the South African Communist Party in Exile*, London: James Currey, 1992: 26-51.

cautiously, yet prophetically declare that there is in view *a morality of means*,

Situations of grave injustice require the courage to make far-reaching reforms and to suppress unjustifiable privileges. But those who discredit the path of reform and favour the myth of revolution not only foster the illusion that the abolition of an evil situation is in itself sufficient to create a more humane society; they also encourage the setting up of totalitarian regimes. The fight against injustice is meaningless unless it is waged with a view to establishing a new social and political order in conformity with the demands of justice. Justice must already mark each stage of the establishment of this new order. This is a morality of means.¹⁹⁰

Therefore it summates; there are exceptional circumstances, in which armed struggle is found be justifiable as a matter of *last resort to put an end to an obvious and prolonged tyranny*,

These principles must be especially applied in the extreme case where there is recourse to armed struggle, which the Church's Magisterium admits as a last resort to put an end to an obvious and prolonged tyranny which is gravely damaging the fundamental rights of individuals and the common good.¹⁹¹

The terms in which such an intervention can be made are clearly and seriously stated, with the codicil that *which is termed "passive resistance" shows a way more conformable to moral principles and having no less prospects for success*,

Nevertheless, the concrete application of this means can not be contemplated until there has been a very rigorous analysis of the situation. Indeed, because of the continual development of the technology of violence and the increasingly serious dangers implied in its recourse, that which is termed "passive resistance" shows a way more conformable to moral principles and having no less prospects for success. One can never approve, whether perpetrated by established power or insurgents, crimes such as reprisals against the general population, torture, or methods of terrorism and deliberate provocation aimed at causing deaths during popular demonstrations. Equally unacceptable are detestable smear campaigns capable of destroying a person psychologically or morally.¹⁹²

The Choice between the System and the Struggle: Some Conclusions

It was the Dominican, Albert Nolan in his book, *God in South Africa*, who wrote of the rôle that the church must play during times of crisis and conflict, as being that of a "choice between the system and the struggle"¹⁹³. As I have sought to show, against the background of institutionalised tyranny, oppression and violence such a choice is inevitable. The church that takes the side of struggle with the oppressed, poor, and downtrodden, "has a unique prophetic rôle or vocation",¹⁹⁴ in bringing God "into the picture explicitly and by name".¹⁹⁵ The prophetic challenge before the Church of Zimbabwe today is to participate *in* and *own* this

¹⁹⁰ Congregation for the Doctrine of the Faith, *Instruction on Christian Freedom and Liberation*, § 78, 47.

¹⁹¹ *Ibid*, § 79, 47.

¹⁹² *Ibid* § 79, 47-48.

¹⁹³ Nolan, *God in South Africa*, 218.

¹⁹⁴ *Ibid*, 218.

¹⁹⁵ *Ibid*, 219.

struggle *with and on behalf of* the powerless and voiceless. Such prophetism in the words of the words of *The Kairos Document*, is inevitably *confrontational*,

It confronts the evils of the time and speaks out against them in no uncertain terms. Prophetic theology is not afraid to take a stand, clearly and unambiguously. Prophetic statements are stark and simple without being hedged in with qualifications or possible exceptions. They deal with good and evil, justice and injustice, God and the devil. It is not surprising then that any theology that is truly prophetic will be controversial and in some circles it will be very unpopular. The prophets were persecuted and Jesus was crucified.¹⁹⁶

Secondly, the church should become a Confessing Church *from within* by declaring a *Status Confessionis*, a “moment of truth” in which its very gospel can be re-evaluated, restated, and boundaries redrawn against a radical reading of the social and political situation pertaining in Zimbabwe. As *The Kairos Document* again so powerfully declared in the South African context,

The time has come. The moment of truth has arrived. South Africa has been plunged into a crisis that is shaking the foundations and there is every indication that the crisis has only just begun and that it will deepen and become even more threatening in the months to come. It is the KAIROS or moment of truth not only for apartheid but also for the church and all other faiths and religions.¹⁹⁷

The prophetic challenge before the Church of Zimbabwe today is to participate *in and own* this struggle *with and on behalf of* the powerless and voiceless.

The *Kairos* for the Zimbabwe Church has come, for as John De Gruchy points out, the church dare not abdicate from its responsibility to maintain a Confessing theology, particularly against the continual threat of dehumanising ideologies of power:

...the Christian church will always have to remain vigilant to the dangers of political power, its tendency to corrupt, its desire for absolute control, its ability to serve its own interests rather than the common good. ...Christians dare not surrender their commitment to challenge the legitimacy of all governments or political movements which oppress people, especially when they claim absolute authority. *It is the task of Confessing theology to assist in the unmasking or de-absolutising “principalities and powers”, whether in the state or even in the church.*¹⁹⁸

Thirdly, what of the moral and legitimate use of force in the face of repressive and structural violence? Has the situation reached the point in Zimbabwe whereby a revolutionary peasant uprising has become the legitimate means of *last resort* against an illegitimate, tyrannical and despotic regime, thereby declaring a “Fourth Chimurenga”? I am reminded of one of Martin

¹⁹⁶ Institute for Contextual Theology & The Kairos Theologians, *The Kairos Document: Challenge to the Church*, Revised Second Edition, Braamfontein: Skotaville, 1987: 18.

¹⁹⁷ Institute for Contextual Theology & The Kairos Theologians, *The Kairos Document*, 1.

¹⁹⁸ John W De Gruchy, “Confessing Theology” in John De Gruchy & Charles Villa-Vicencio (eds), *Doing Theology in Context: South African Perspectives*, (Theology and Praxis Vol. 1), Cape Town: David Philip, 1994: 170. [Emphasis added].

Luther King's sermons entitled "The answer to a perplexing problem"¹⁹⁹ concerning the question posed by Jesus' disciples following their inability to heal the boy with epilepsy, "Why could we not cast it out?"²⁰⁰

Is it possible that the *first choice* of non-violent means may not result in regime change in Zimbabwe? Robert McAfee Brown in an important dialogue provides what is often a painful and costly answer,

"Are there alternatives to violence?" the answer is "Yes." To the subsequent question, "Can we avail ourselves of those alternatives to violence?" the answer is, "If we do not, we will thereby contribute to the necessity of the violent alternative." Or, to cite again the epigram of John F. Kennedy, which is the description of our age and possibly its epitaph: "Those who make peaceful revolution impossible will make violent revolution inevitable."²⁰¹

The Church of Zimbabwe has no other option available than to "avail itself of those alternatives to violence". By so-doing it faces the risk of paying the ultimate cost of discipleship at the hands of a tyrannical dictator. Archbishop Ncube has been one of the few Zimbabwean Clerics who is willing to take that risk. As Peter Osborne, can reflect in the 24 May 2003 edition of the *The Spectator*,

Ncube is an astonishing man, fighting a private battle against despotism and murder that has unmistakable echoes of Dietrich Bonhoeffer's lonely crusade against Nazism during the Second World War. Bonhoeffer was executed just before the end of the war; Ncube is running the same kind of risk. Like Bonhoeffer, Ncube is estranged not just from the ruling regime but from much of the Church that he serves, since its leading members have preferred to collaborate with the regime.²⁰²

¹⁹⁹ Martin Luther King, *Strength to Love*, London: Collins/Fontana, 1975: 127-137.

²⁰⁰ Matthew 17: 19 New Revised Standard Version.

²⁰¹ McAfee Brown, *Religion and Violence*, 85.

²⁰² Osborne, "British Churchmen back Mugabe", *The Spectator*, May 24, 2003.

<http://www.zimbabwedemocracystrust.org/outcomes/details?contentId=1065>.

AN INTERCESSION FOR ZIMBABWE

Lord, for the healing of all brokenness in Zimbabwe

Hear our prayer.

Lord, for the reconciliation of all people in Zimbabwe

Hear our prayer.

For justice and fairness and the power of life

Hear our prayer

Lord, for the restoration of Hope and dignity to Zimbabwe:

Hear our prayer.

*Lord, for an awakening of Zimbabweans to new beginnings in
the resurrection life, free from the shackles of fear and
intimidation.*

Hear our prayer

*Lord, light and peace to the world, let your light shine and
your peace reign in your land and the lives of all in Zimbabwe*

Hear our prayer.

*Lord, bring hope and dignity,
bring your light and your peace*

*And above all restore a just and positive future to the people
and the land of Zimbabwe.*

AMEN

AN ELECTION PRAYER FOCUS FOR ZIMBABWE

Allow for a time of silence to reflect on the human rights abuses that are affecting the freedom and dignity of the people of Zimbabwe.

Pray for the power of God's Spirit to help you discern what to pray for and how to pray effectively.

Pray for ALL the leadership in Zimbabwe, that through the power of prayer; through the guidance of the Holy Spirit of God; through the process of true democratic freedom; and through the intervention prayers of the wider world:

Each person campaigning for their political party will share equal opportunity, and assurance of their safety and security.

Each political party will be given equal opportunity to share their message throughout the country, uninhibited and violence free.

Each person will be tolerant, patient and accepting of the political differences and differing platforms of political parties.

Each person in Zimbabwe will have an opportunity to vote unhindered by others, especially those within the Government, its leadership, and its agencies.

The whole process of the elections would be founded on good governance, honesty, freedom and fairness.

Pray for a new found hope for Zimbabwe.

Pray that the people of Zimbabwe will overcome their sense of fear and defeat, cynicism and despair, that they may be enabled to put their hope in God afresh and know the power of prayer as the world intercedes for them at this time.

APPENDICES

- APPENDIX A:** **ARCHBISHOP PIUS NCUBE:
A *PROPHETIC WORD TO THE CHURCH***
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APPENDIX A

“A Prophetic Word to the Church”: The Archbishop Denis Hurley Lecture

**By Archbishop Pius Ncube, Archbishop of Bulawayo, Zimbabwe
7th November 2002 Durban, South Africa**

Archbishop Denis Hurley, Brothers and Sisters; It is good to be able to speak in Church circles, I do not have to go through a whole list of protocol and titles, but as we are equal before God though different in our roles, it is sufficient to address everyone as brothers and sisters.

Introduction

I come to you today to appeal to you for prayers to ease out most serious situation in Zimbabwe and to appeal to you to lobby by all means possible for a peaceful solution to the Zimbabwean crisis. We face an absolutely desperate situation in Zimbabwe and the government is lying to the world about it. Our government continues to engage in lies, propaganda, the twisting of facts, half truths, downright untruth and gross misinformation, because they are fascists.

My understanding of Christ and of the Church makes me believe that Christ is a prophet, a priest and a shepherd – King. As a prophet He is a teacher to all nations and a carrier of God's word. He stands against sin, falsehood and injustice; and we are tasked to do the same. As priest he is self-sacrificing and offering his life for others. He is prayerful, holy and God-centred. The Church is called to the same posture. As shepherd he defends the poor, the marginalised and the minorities.

Jesus calls the Church to do the same, to uproot sin and oppression. Reading Luke 4:17-19/ Matthew 6:33/ Luke 17:20-21. As Christians and as Church we are not called to go along with society, rather we are called to preach the values of the Kingdom of God, namely love, holiness, humility, respect for others, and their property, peace non-violence; to feel for others, to be gentle, compassionate, understanding, to be sincere, to be truthful, to be human, to be integrated, to be whole. To put people first before things, to be God-centred, to forgive, to be self controlled, to be prayerful, to heal, to sacrifice ourselves for others; not to take advantage of others, to suffer for the truth; to judge ourselves before we judge others, to be joyful to be the salt and the light of the world; to respect the poor, to be renewed with God's vision (to be born from above John 3:5), to be motivated by the Holy Spirit to be free and to free others (John 8:36) and to be full of hope.

The Political Situation

Politically, Zimbabwe gained Independence 22 years ago, and for the first decade things worked well although between 1983 and 1987, Mugabe, deliberately and with malice aforethought, killed up to twenty thousand innocent civilians in revenge for the fact that in wars against the Shona in the nineteenth century, before the arrival of the colonisers, the

Ndebele killed, looted and took wives from the Shona, and in more recent times, followed a different political path to him and his party.

There was then, an economic boom and unemployment was down to about 15%; Mugabe was prime minister, he attended Parliament and was sympathetic to the poor. The government spent a great deal of money to develop the people.

Unhappily, everything changed politically three years ago.

In 1999, Mugabe wanted to impose a new constitution on the country. To this end he appointed the whole of Parliament and about 400 others, to discover what the people would want in a new constitution. The people responded well, they wanted a maximum of two terms for the president, they wanted to limit the presidential powers and they wanted a senate, or upper house. When the draft constitution was drawn up by the Mugabe supporters, these demands were ignored and the new proposals gave even greater powers to the president. A referendum was held in February 2000 and the proposals were rejected. This was the first time the electorate had voted against Mugabe and his party. In the referendum it was clear that the white voters also rejected the new proposals.

The result enraged Mugabe and almost immediately the violence began. Some nine months earlier, a new political party had been formed, the Movement for Democratic Change (MDC), and Mugabe saw in the referendum results an alliance between the whites and the MDC. He also foresaw that he was in danger of losing power to this new party in the elections which were due in 2000. He reacted wildly to the defeat, called together his central committee and the politburo and plans were made for the invasion of commercial farms by the so-called war veterans, of whom perhaps only one third were genuine veterans of the liberation war, some were too young even to have been alive during that war.

To briefly explain the land situation in Zimbabwe, I must say that the white commercial farmers had owned much of the productive land in the country and by 2000 there were approximately 4500 farmers on that land. Land reform was clearly needed but government efforts to redistribute land failed in the early eighties and the land question was put onto the government backburner. The government now brought it back into focus as it was the only card it had left to play.

The first invasions took over about 1500 farms reducing production there to almost nothing. As time has passed all except about 600 farms have been occupied. The constitution was amended by Presidential decree and various laws changed to allow this all to happen, but the invasions were to serve as the jumping off point for grave violence to be perpetrated in the rural areas by these war veterans and other party members in the run-up to the elections in 2000 and the Presidential elections in 2002.

Before the elections sixty people were murdered, some in the most gruesome fashion, many people were abducted and tortured, some simply disappeared. At the election ZANU-PF gained 62 seats, the MDC 57 and another party one. The election were declared not free and fair by the independent monitors for a variety of reasons and the MDC brought court challenges in thirty-seven constituencies, to no avail. In any case Mugabe has the gift of 30 seats in Parliament, being 10 traditional chiefs, 8 Provincial Governors and 12 non-constituency Mps all of whom are Mugabe supporters. This result gave ZANU-PF a majority

in Parliament but not the two-thirds required to change the constitution so whenever a by-election is called after the death of an MP, the polls are rigged to ensure a Mugabe victory.

Mugabe is using the food crisis in Zimbabwe to force people to vote for his party, indeed every means to ensure victory are used, from bussing people in from other constituencies, to using seriously bad arithmetic in the counting of votes. Before the Presidential elections, the Gallop poll indicated that the incumbent would gain no more than 45% of the vote and that the opposition candidate would receive 55%. In the event those figures were reversed, but all observers testified to the irregularities; the violence, the control of the media, the intimidation, the stuffing of ballot boxes and the falsification of figures.

But Mugabe knew that the people had voted against him in substantial numbers and after the election he began to take his revenge, to punish the people. Any civil servant perceived to be sympathetic to the MDC, teachers, nurses, even policemen lost their positions. Ordinary citizens were hounded by state security agents, houses of the opposition in towns and villages were burned. As food became more and more scarce, only those who had ZANU-PF cards could obtain food, men, women and children were, and still are, being deliberately starved. MDC members are refused attention at clinics and other health facilities and even shops are refusing to serve members of the opposition. ZANU-PF is using every tactic it can to cling onto power, despite the fact that they have been in power for twenty-two years and some of them are past their prime.

Currently, lawlessness by party members is endorsed; bribes are given to ensure silence over political and other crimes. People who murdered for the party are not prosecuted and the huge corruption which has characterised ZANU-PF goes unpunished. Just to mention two parastatal companies, the Grain Marketing Board and the National Oil Company, the former lost some three hundred million and the latter nine billion, to corruption and although one Minister had to resign and another was charged with corruption, no action has been taken against anyone for this great loss to the country. One of the Ministers is now the proud possessor of a huge fleet of busses and rural businesses.

The judiciary, which was independent and courageous, has been tailored to government needs and a man of questionable credentials has been appointed Chief Justice. Most High Court and Supreme Court cases are now decided in favour of the government so the constituency challenges and the challenges made by farmers over the land grab are now lost causes. The commercial farms which have been taken over have in many cases been given to senior party officials, their friends and families and we hear now that Gaddafi is demanding land in payment for the fuel he has supplied. The subsistence farmers who have been settled on other farms have not been given title to the land, or any assistance to begin farming so that production from the land in this cropping season will be almost nothing, meaning that next year will possibly be worse than this year.

Top officials in the police, the army, state security, the air force and prison staff are highly paid so that they remain loyal to the government and they are used by government to intimidate torture and generally punish the people. Some two months before the presidential election the leaders of the armed forces stated categorically on television that they would not accept anyone who did not uphold the "culture of the Revolution" as president and that they would only give allegiance to Mugabe.

Subsequently new laws have been passed to intimidate and control civil society; the Public Order and Security Act is even more draconian than its predecessor which was brought in by a

colonial government and makes it almost impossible to hold any kind of political meeting or demonstration of any kind that does not favour government. The Access to Information and Protection of Privacy Act controls every aspect of the media and reporting in the country. It also controls the reporters coming in to the country and demands huge sums for accreditation. The Private Voluntary Organisations Act is to be amended to ensure that no organisation, even within the Church, can operate without registration. All this is being done to destroy the opposition and to cling onto power, the arrests, the arson, torture and selective distribution of food all serve to keep the population under control.

As recently as a month ago the government used all these methods to ensure victory in the council elections. In many cases, opposition candidates were not even allowed to register as candidates. The people in opposition areas were denied food and were seriously intimidated. In the event of a bye election, the war veterans and the party youth militia hold all night meetings and force the people to attend. Then the elections results are falsified to ensure victory for the party. At the recent Insiza by-election the results were almost exactly the reverse of the results in the 2000 election, 12000 for ZANU-PF and 5000 for the MDC in an area which is clearly MDC.

The Economy

Because of the severely reduced production in Zimbabwe and because of the general situation, very little foreign currency is coming into the country, inflation is running wild, food prices have increased in some cases by 400% and there is a mass exodus of people including professionals, doctors, nurses, teachers, lawyers and other graduates who come to South Africa or go overseas to try to earn some real money to send home to their families. A year ago the US dollar would buy Z\$ 300; it will now buy Z\$1500.

Unemployment is around 85% and the poverty datum line has risen sharply. Last year 400 industries or companies closed and, apart from the 400,000 farm workers who have lost their jobs, last year 300,000 urban workers lost their jobs; that is a huge percentage of the working population.

Agricultural exports which brought in 40% of the foreign currency have dwindled to almost nothing since the end of the tobacco sales.

Tourism, also a major contributor of foreign currency is now almost negligible. The closure of mines, the lack of investment, the removal of loans from the World Bank and the IMF all add to the acute poverty in the country.

The people are demoralised, petty crime and prostitution are now the means of making a living; there is a proliferation of street children, destitutes, homeless and squatters, starvation is rife and I expect that because there are no seeds and farming inputs for this season, thousands will die next year. I believe that about 160 people in Matabeleland have already died from starvation. This is the worst starvation since colonisation in 1890 because even those with money cannot find the food to buy. Shortages of cooking oil, sugar, milk and in particular, bread and maize meal are causing great hardship for most Zimbabweans.

The Social Situation

Zimbabwe is the second most affected country in sub-Saharan Africa with AIDS. Some 1.5 million Zimbabweans are infected and this has resulted in almost a million orphaned children in a population of some 13,000,000. Approximately 3000 people are dying each week and

starvation has increased the death rate substantially as without nourishment it is almost impossible to ward off the effects of the virus.

An AIDS levy was imposed by government two years ago but the money disappears into the pockets of corruption. Hospitals have no drugs, little working equipment, few doctors or qualified nurses; sick people are told to buy their drugs at the pharmacy but most cannot afford it.

Some families spend three or four days without real food, some eat roots and seeds from the bush. Family conflicts and divorce have increased because of the stress in urban families. Many children cannot afford to go to school and end up on the streets. People are insecure and fearful but prefer to remain silent than to criticise or complain about government. The government is promoting racism against whites and sometimes against Asians, and tribalism against the Ndebele people. Top job opportunities are given mainly to Shona people even in Matabeleland so that the people there are punished and brought into subjugation.

Municipal services such as sewerage and water supply breakdown and cannot be repaired due to lack of foreign currency to buy spare parts for the equipment. The gap between rich and poor is widening and the rich are very materialistic and opportunistic. Ministers and other Mugabe cronies are expert liars, they continue to blame this starvation on the drought when in reality, and everyone knows this, the food shortages are a result of the farm invasions and poor governance. While there is money for arms, aircraft, ministerial Mercedes abound while the people starve. The government did not plan to import food despite the fact that the minister of lands and agriculture was warned last year that there would be severe shortages this year. The land taken over by government in this redistribution process has remained largely unproductive for two years and where small scale farmers have been resettled no facilities were given them to allow them to start farming. The whole exercise has been corrupt and without any transparency.

Young school leavers who wish to take up nursing or teaching or any government position, they are forced to go to the youth camps for militia training. These camps have become places of rape and promiscuity and when girls fall pregnant they often are forced to abort the child.

My Appeal

What I have said here tonight is but the tip of the iceberg; more and worse things are happening but go unreported and undiscovered. We therefore appeal to you for prayers to change the situation. We ask you to lobby wherever possible to apply pressure on Mugabe and his followers to change. Through his manipulation, the churches are divided. The Latin principle "divide et impera" divide and conquer apply here as well as the bribery of gifts to the deserving to buy their loyalty.

With hope in God and trust in the good people of the world we know we will win.

Thank you.

APPENDIX B

Statement on the Attempted Rape of Virginia Christina Zwane Member of the Ecumenical Observer Group

1. On the 30 March 2005 at 11h00 I was travelling in a bus from Marondera to Harare to join my colleagues in Harare.
2. The bus was stopped by six young men wearing private clothes. They each had shaved heads; one was wearing a ZANU-PF scarf. One of the people who sat beside me on the bus said that we have a problem because the green bombers were getting on to the bus.
3. The young men got on to the bus. Two of them went to the back, two in the middle and the two at the front of the bus. They started to speak to me in Shona. I did not understand what they were saying because I do not understand Shona. I nevertheless heard the words "votera ZANU-PF." They also chanted slogans and passengers had to chant back.
4. I did not say anything because I did not understand what they were saying. The two young men in the front of the bus when they realised that I was not saying anything came up to me. They said something in Shona. I told them that I do not understand Shona. They asked me in English why I was not joining in chanting the slogans. I told them that I did not understand Shona. One of the young men asked me where I came from. I told him that I was a South African. He asked if I was part of an observer group who had come to observe the elections. I told him I was a tourist touring Zimbabwe.
5. He asked if I was a tourist where were my South African Rands? I told him I had already converted my money to local currency i.e. Z\$. He then grabbed my bag and opened it.
6. He saw I had two asthma medication containers and asked me if they were spray guns. I told him they were asthma medicines not spray guns. I pleaded with him not to take them because I was suffering from chronic asthma since arriving in Zimbabwe. He opened my purse and did not find South African Rands but Z\$. The other two young men who were in the middle of the bus came to join the others and both grabbed my purse and opened it. They said they needed my South African Rands not Z\$.
7. One of them asked the people who were sitting next to me to move away and I remained alone in the seat. They pushed me back on the seat and I lay on my side. I thought they were going to rape me and shouted for help in English in the bus. Nobody came to my rescue. Everyone on the bus kept quiet and the attackers laughed. One of them turned me so that I lay facing the ceiling of the bus. He sat on me and bent down wanting to kiss me. I tried to resist by pushing them away. The ordeal went on for a while until he overcame me.

8. I asked him what he wanted because I had already told him I did not have South African Rands but Z\$. I asked him to take my Z\$ and leave me alone. He refused.
9. One of the young men who was at the back of the bus came and asked what was happening. They explained to him and he told them to leave me alone because if they rape me they will be in big trouble. Instead, they must take anything of value. The young man who was kissing me took my left hand and asked if the three-piece ring set I was wearing had real diamonds. He tried to pull them off. I begged him not to take them because they were my wedding rings. I pulled them back on, yet he managed to pull off the first piece of the ring.
10. After this ordeal they stopped the bus and disappeared. No passenger in the bus came to ask how I felt, even the bus driver kept quiet. I arrived in Harare and my colleagues helped me.
11. I launched a complaint with the police and reported the matter with the South African High Commission. I returned to South Africa on the 1st April.

Update

Sometime between the 5-7 April 2005, I received a call from the South African High Commission in Zimbabwe. They told me that they are busy tracing the culprits and that they will arrange counselling for me. I was also told that there might be a need for me to return to Zimbabwe in order to identify the culprits.

APPENDIX C

“Walking in the Way of the Cross” Bulawayo Ecumenical March of Witness Good Friday 2005

Leader to the Mayor, Cde Japhet Ndabeni on the steps of Bulawayo City Hall

Your worship, we Christians Together for Peace and Justice, greet you as the civic leader of the City of Bulawayo and as our brother in Christ. We are walking together on this holy day in the Church’s calendar to mark the suffering and death of our Lord Jesus Christ. It is also a highly symbolic event because we are walking in solidarity with, and to draw attention to, the terrible plight of those who suffer here in Zimbabwe today.

We mourn their pain and suffering. We confess our guilty silence and the silence of the Church in this land which for too long has prolonged their suffering, and we commit ourselves to work and witness and pray that all Zimbabweans may be free

We remember the hungry and the starving. We remember the victims of violence and the victims of neglect. We remember those who have suffered, and are suffering still, because of their courageous stand for the truth, for justice and for the cause of freedom.

We mourn their pain and suffering. We confess our guilty silence and the silence of the Church in this land which for too long has prolonged their suffering, and we commit ourselves to work and witness and pray that all Zimbabweans may be free.

We present to you now this Cross which is a symbol both of our Lord’s compassion for all who suffer injustice and oppression, and a token of the victorious power of love revealed in his glorious resurrection.

God bless you.

The Mayor accepts the cross....

25 March 2005

APPENDIX D

Political Abuse of Food ahead of parliamentary elections Statement by Archbishop Pius Ncube, Archbishop of Bulawayo

With only days to go to the Parliamentary elections, food is being used as a political weapon in parts of rural Matabeleland. Our region of Zimbabwe has had almost no rain since January, and rural households are facing close to 100% crop failure. Families that were being sustained by World Food Programme donor food during 2004 no longer have this lifeline. Very few stores, whether in town centres or elsewhere, have mealie meal for sale, and in any case the commercial cost of mealie meal is unaffordable for many of the hundreds of thousands of rural Zimbabweans who live in our drought-stricken regions.

Since the World Food Programme was requested by our government to cease its feeding, the only source of mealie meal in many rural communities has become that sold by the Grain Marketing Board (GMB), a government parastatal. This means that government effectively controls where in the country maize is available – and to whom.

It is therefore of deep concern that evidence has been brought to my attention that in some places, GMB maize is being sold on party political lines. I have spoken to villagers from Insiza District in Matabeleland South, who report that GMB maize is being systematically denied to those perceived to be supporters of the opposition Movement for Democratic Change (MDC). The following are a few examples of the political abuse of food:

- Eight villagers recounted that on 19 March 2005, GMB maize was finally delivered in their ward of Insiza. They had paid Z\$ 37,000 in January in advance for 50kg bags of maize. But when they arrived with other villagers to receive their maize, their names were among those on a long list read out of supposed MDC supporters. These people were publicly humiliated and sent away in disgrace by the local ZANU-PF chairperson, who was sitting on top of the bags of maize. They were given their money back and were told they would never receive GMB maize, because it was only for ZANU-PF.
- An eighty-three year old woman who looks after five orphans recounted that because she supports the MDC she is on the list of those who has been denied the right to buy food from GMB, and has been told by her local headman that unless she converts to ZANU-PF she will die of starvation. Her children have almost nothing to eat and cry from hunger.
- A young man who used to be part of ZANU-PF youth structures, but who is now not strongly politically affiliated, recounted how he went for training as a local observer for the elections last week - around 15 March 2005. When he returned, he was accused of being MDC as a result of training as an election observer, and he too is now being denied the right to buy food from GMB.

This brave and desperate group of villagers believes that in their ward of Insiza alone, there are 188 families that are on the MDC list and cannot buy GMB maize. This represents a sizeable proportion of those resident in this ward.

It is reported that similar food abuse is occurring in other wards of Insiza. Furthermore, we have received reports from some other parts of Matabeleland, of widespread threats that if people vote MDC then their area will never see GMB food again.

- One of our staff was at a rally in Gwanda this week, and heard villagers standing one after another to recount that they had been threatened with being forcibly disappeared, and had been threatened with starvation, if they attended any MDC rally. They stated that many more people would have been at that rally if it was not for such threats.
- Informants returning from Tsholotsho and Binga have reported similar threats being uttered, and that food had become a politicised commodity.

It is clear that while this government may not wish people to starve to death, certain elements within government are happy to have those who do not support ZANU-PF to suffer from hunger, anxiety, insecurity and depression. How can people thus afraid of starvation be free to vote for the party of their choice?

That people are actually having food withheld, or are being threatened with this outcome if any party other than ZANU-PF should win the election at the local levels, is a serious crime. The right to food is the most primary right of all human beings. Without food, people die. There is great hunger in Zimbabwe right now. It is clear that while this government may not wish people to starve to death, certain elements within government are happy to have those who do not support ZANU-PF to suffer from hunger, anxiety, insecurity and depression. How can people thus afraid of starvation be free to vote for the party of their choice?

It is an evil form of coercion to chase men and women away from food selling points for political reasons. Must parents in some parts of Zimbabwe now choose between belonging to the party of their choice and then having to listen to their children crying from hunger, or to join the political party that is prepared to risk the health of the nation's children for political gain? What greater violence against the family unit can there be than to make parents choose between political freedom, and the well being of their children?

It is the role of the Church to speak on behalf of those whose voices are not being heard, and to amplify the brave voices of those prepared to speak out on behalf of their communities. In some parts of Zimbabwe, people are being deliberately denied access to food because they do not support ZANU-PF. This must stop.

The legitimacy of this election must be once more called into question ahead of voting day. With almost total crop failure looming in our region, to cynically use hunger as a weapon is to stab at the very heart of democracy.

+ PIUS A. NCUBE
Archbishop of Bulawayo

APPENDIX E

Discussions and interviews With Members of the Ecumenical Observer Group

1. *Discussion with Ms. Happy Mdyakahoto*

I was staying at the home of Ms. Happy Mdyakahoto, a war veteran during my deployment in Masvingo. She was the most reserved member of the family. She did not speak much with me apart from greeting me. On 1 April 2005 as I was preparing to leave, she approached me and said she has been observing my movements and interaction with the family during my stay. She took a deep breath after this and said "I am a war veteran I have been to war". She took another deep breath and I saw a tear rolling down her cheek. Ms. Mdyakahoto continued and said "I am not happy about my government. It is just that I have no choice about the place to live but to serve Mugabe". She asked if I could relate her conversation to my organisation upon my return to South Africa. She added that even ZANU-PF members and government workers were not happy about the present system of governance in the Country.

2. *Interview with Pastor Kabangwe on the view of the Church about the political situation in Zimbabwe*

Pastor Kabangwe is a pastor of the Alliance Church of Zimbabwe which originated in Sweden. His church is in Shurugwi township outside the city of Gweru. He is married with two children. He lives with his family and mother-in-law in a four-roomed house similar to those built in South African Townships by the previous apartheid government.

The Alliance Church of Zimbabwe in principle will not get involved in politics. Instead, it will pray for the incumbent government irrespective of party political affiliation. The pastor maintained that God has called the church to pray for the government not to rise against it. He also mentioned that rising against the government is contrary to the word of God. The church should not interfere with politics.

The pastor also mentioned in our discussion that his church leadership had taken the decision to postpone the Easter celebrations because of fear of political violence during the lead up to the March 31 Elections. I asked him why the church leadership did not challenge the local political leaders to refrain from any violence because it is also the right of the church to celebrate Christ's crucifixion and death on Good Friday, 25 March 2005. I pointed out to him that some of the Church leadership in South Africa challenged the apartheid system and condemned it in the strongest possible of terms; although some condoned it, and others maintained that they were neutral. His response was that there was no need to interfere with politicians.

3. *The Eviction of Pastor Furayi in Dema*

On the 1 April 2005 at 11h30 Pastor Furayi was approached by the local chairperson of ZANU-PF inviting him to attend an urgent meeting in the local ZANU-PF offices. I decided to accompany him.

There were 5 people in full ZANU-PF uniform upon our arrival. They welcome us, and closed the door. One of them, who did not divulge his name, chaired the meeting. He told us the meeting was called because they wanted to talk to pastor Furayi about the incident that happened on the Election Day, 31 March 2005. They asked him why he did not support ruling party. They told him he did not vote for ZANU-PF because he was approached by a certain woman on the previous day. The woman requested him to vote for ZANU-PF.

In response to the woman's call Pastor Furayi told her that she could not dictate to him as to whom he should vote for. They told her that they were offended by that statement. They also said he seems to be anti-Mugabe. He was told that he will be removed from the state house because the church leases property from the government. The situation was tense. There were more than 15 young men outside the offices whom we believe were organized to attack the pastor after the meeting. We sensed that from their behaviour as we were leaving the office. They blocked the way. There was a long debate about the pastor's behaviour that he is anti-ZANU PF. He was told that he was no longer needed in the area because he supports the MDC, and influences other people to vote for the MDC. They said he has a lot of influence in the community. They also said that they have identified him and Archbishop Pius Ncube as a threat to the ruling party. They wanted to take a decision which they could not mention in the meeting. They said they are reserving it for a bigger structure of Zanu-PF. He was also told they wanted to attack him the previous day at night. They said the community was very angry about his attitude about the ruling party.

Realising that there was a heated debate in the room I requested to say something. I introduced myself as coming from South Africa. They listened and I requested them to state clearly their accusations of the pastor. They explained as I have related above. I asked them whether the discussion of the pastor was within the polling station. They said it was not. I told them that if it was within the polling station then it was supposed to be reported to the electoral commission. It was clear that he did not violate electoral procedures. They were just angry that the pastor was very much concerned about social issues and justice in the community. They quoted an incident to substantiate their allegation where pastor Furayi was arrested in 2000 during the pastors' protest against the arrest of two other bishops. I can not remember what the reason of the bishop's arrest was. The chairperson of the meeting mentioned he is a pastor and strongly condemned what Furayi did. He quoted Romans 13:7, which he said encourages citizens to support their political leaders. He said he does not believe that pastor Furayi has been called by God because of his attitude. He called him a liar and deceiver, and one who deceives people. He mentioned that Furayi does not qualify to live in the area. He must go to the MDC areas. Pastor Furayi was very terrified and traumatised by this situation.

I was shocked with the attitude of a woman in the meeting who stressed that Pastor Furayi must be evicted within three days.

After hearing that I am a South African, their calmed down. I think they thought that I was an Observer. They tried to be polite and gentle after that. Before we left the office, the

chairperson quickly left the room and went outside. We walked passed him while he was talking to the men outside the office. We suspected that he was convincing them not to attack us. We also noticed that there was car that was following us. Even when we were leaving for town they followed the mini bus taxi that we were travelling in until Makoni, after which they took a different route.

I was deeply traumatised by the incident. I remembered the previous discussions we had had with the some of the community members who told me about the cruelty of the war veterans that they are not afraid to kill and torture people.



APPENDIX F:

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