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World Report 2010 - Zimbabwe

Events of 2009

A power-sharing government formed in February 2009, with Robert Mugabe continuing as president and opposition leader Morgan Tsvangirai installed as prime minister, has failed to end rights abuses or to institute fundamental reforms. It has also made no attempt to repeal or substantially amend repressive legislation such as the Public Order and Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA), which continue to be used by Mugabe's Zimbabwe African National Union-Patriotic Front (ZANU-PF) to harass political opponents and rights activists.

ZANU-PF is supposed to be a partner with the Movement for Democratic Change (MDC) in the new government, but it has failed to implement key provisions of the power-sharing agreement. ZANU-PF continues to use its control of the security forces and the judiciary to harass, abduct, torture, and kill those it considers opponents, including senior MDC figures. Despite this, Mugabe's allies in southern Africa have repeatedly and prematurely called for the lifting of targeted travel restrictions against ZANU-PF leaders.

Political Developments

Following the controversial presidential run-off election of June 27, 2008, and the signing of a Global Political Agreement (GPA) on September 15, 2008, ZANU-PF and the MDC formed a power-sharing government on February 11, 2009. However, the deal left ZANU-PF with most of its power intact, effectively maintaining the status quo ante: It has kept control of all the senior ministries including justice, security, and defense. The MDC lacks real power and does not consistently speak out against the continued abuses, possibly seeking to save the fledgling power-sharing government.

Nevertheless, on October 16, 2009, Prime Minister Tsvangirai announced that the MDC had "disengaged" from the unity government, ostensibly over the treatment of a senior aide but mainly due to intensified ZANU-PF attacks on his supporters. On November 5-6, five heads of state from the Southern African Development Community (SADC) met Zimbabwe's leaders in Maputo, Mozambique, to address the political standoff. Presidents Zuma (South Africa), Kabila (Democratic Republic of Congo, DRC), Guebuza (Mozambique), and Banda (Zambia), and King Mswati (Swaziland) gave Mugabe and Tsvangirai, plus the leader of a smaller MDC faction, 30 days to resolve all outstanding problems relating to the GPA. On the same day Tsvangirai ended his party's boycott of

cabinet meetings.

Human Rights Violations in Marange Diamond Fields

At the end of June 2009 Human Rights Watch released a report detailing diamond smuggling, corruption, and widespread serious human rights abuses – including killings, torture, beatings, and child labor – in the Marange diamond fields in eastern Zimbabwe. The report highlighted the army's seizure of control of the diamond fields in October 2008 and its killing of more than 200 people in the same month.

Soon after the release of the report, the Kimberley Process Certification Scheme (KPCS), a global body that governs the diamond industry and to which Zimbabwe belongs, sent a review mission to investigate. The mission confirmed Human Rights Watch's findings and assessed that the abuses violated KPCS minimum standards. In an interim report, the mission recommended the withdrawal of the Zimbabwe Defence Forces from Marange, as well as an end to abuses and smuggling. Civil society groups active in the Kimberley Process demanded Zimbabwe's suspension until it complied with KPCS standards.

The government of Zimbabwe has so far failed to comply with the KPCS recommendations, despite initial government indications of a willingness to do so. Smuggling continues, and beatings, torture, and other abuses by the army are ongoing. The government has not withdrawn the military from Marange, but has instead rotated new units into the area.

At a plenary meeting on November 2-5 in Swakopmund, Namibia, the KPCS decided against suspension, asking instead that Zimbabwe adhere to a work plan that Zimbabwe had itself proposed. KPCS members make their decisions by consensus. The KPCS's failure to stop Zimbabwe's blood diamonds, in part due to the blocking efforts of Mugabe's allies in southern Africa, mars its credibility, and damages consumer confidence in its commitment to tackling the trade in blood diamonds.

Humanitarian Crisis

Despite the formation of the power-sharing government and a slight improvement in the economy, serious challenges remain. Zimbabwe's longstanding authoritarian rule and associated economic crisis plunged it into a humanitarian crisis that peaked in February 2009 with a severe cholera outbreak that by June had left up to 100,000 infected and over 4,200 dead. Levels of infant and maternal mortality rose sharply, marking the collapse of Zimbabwe's health system. Over five million people faced severe food shortages and had to rely on international aid. In September United Nations agencies reported that Zimbabwe required more than 2 million metric tons of cereal but had only 1.2 million.

While the number of cholera infections has declined considerably – the World Health Organization reported that by August the cholera epidemic was under control, thanks to international aid – Zimbabwe's sanitation infrastructure will need significant investment and improvement if another cholera outbreak is to be averted. The country's hospitals, which shut down in 2008, have now reopened but face severe shortages of doctors and nurses.

Rule of Law

ZANU-PF and its supporters have continued to violently invade commercial farms in total disregard of the rule of law, and police intimidation and harassment of MDC and human rights activists persist unabated. Police, prosecuting authorities, and court officials aligned with ZANU-PF have persecuted MDC legislators and activists through politically motivated prosecutions. At least 17 MDC legislators face various trumped-up criminal charges, with at least five legislators already convicted by the courts.

On October 14, 2009, a magistrate in Mutare ordered the rearrest of senior MDC official

and minister-designate Roy Bennett on charges, initiated by ZANU-PF in 2006, of sabotage, banditry, terrorism, and inciting terrorism. Although Bennett was eventually granted bail, at this writing charges against him have not been dropped, and the trial is underway.

Human Rights Defenders

Human rights defenders remain under attack from security forces, including the police and intelligence officers, as well as by members and supporters of ZANU-PF. For example, on April 21, 2009, police violently broke up a protest at Masvingo State University and arrested at least 23 students. Since then, other activists from organizations such as the Women of Zimbabwe Arise and Zimbabwe National Students' Union have been arrested for exercising their rights to peaceful protest.

On September 28 the Supreme Court of Zimbabwe dismissed a case against human rights activist Jestina Mukoko, on the grounds that state agents tortured and abducted Mukoko and thereby violated her rights during the course of her two-month detention. Mukoko, who was abducted and later arrested in November 2008, had faced charges of inciting banditry and terrorism. The charges against 30 activists who were abducted and arrested with Mukoko remain outstanding. Seven other activists who were also abducted around the same time as Mukoko remain missing.

None of the state agents and police officers who abducted and reportedly tortured Mukoko and the other activists has been brought to justice, a stark illustration of the significant challenges that the power-sharing government faces in addressing the longstanding issue of impunity for abuses in Zimbabwe.

Key International Actors

Mediation talks brokered by SADC and overseen by South Africa's former president, Thabo Mbeki, led to the signing of the Global Political Agreement and the formation of the power-sharing government in February 2009. Despite SADC and the African Union being its guarantors, the two organizations have not applied sufficient pressure on ZANU-PF to deliver rights reforms and ensure respect for human rights as stipulated in the agreement.

On August 28 President Jacob Zuma of South Africa, in his capacity as outgoing chair of SADC, visited Zimbabwe and called for full implementation of the GPA and the removal of all obstructions to it. However, at the SADC Summit in Kinshasa, DRC, on September 8, SADC leaders sided with ZANU-PF, calling for the unconditional lifting of Western sanctions against ZANU-PF supporters. Human Rights Watch and civil society in Zimbabwe repeatedly called for long-standing and targeted travel restrictions and asset freezes on specific individuals in ZANU-PF to be maintained until there are irreversible justice and rights reforms.

After the formation of the power-sharing government, Prime Minister Tsvangirai and Finance Minister Tendai Biti embarked on separate global fundraising tours in May and June calling on international actors to reengage with Zimbabwe and to lift targeted measures against some senior ZANU-PF officials. The European Union and the United States have been cautious about reengaging until the GPA is implemented; instead, they continue to withhold direct aid to the government and keep targeted sanctions in place, citing Zimbabwe's continuing poor record of fundamental reforms, culture of impunity, and violations of rights.

Australia has bucked this trend and has provided financial assistance to the power-sharing government in the absence of meaningful progress with the GPA.

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