

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Are there any reports of people being targeted for voting against a 2000 referendum?**
- 2. Are there any reports of people being harassed by unregistered trade unions to pay sums to ZANU PF supporters?**
- 3. Have there been any reports of business people being forced to attend pro government meetings?**
- 4. Has ZANU PF taken over businesses in Zimbabwe?**
- 5. Is there any information to suggest that people in management positions have faced discrimination for failing to support ZANU PF?**
- 6. Have businesses been forced to backdate or reduce prices?**
- 7. To what extent do “coloured” people or people of mixed racial origin face discrimination or harm?**

RESPONSE

- 1. Are there any reports of people being targeted for voting against a 2000 referendum?**

A 2008 country report on Zimbabwe on the Bertelsmann Transformation Index website refers to the “National Constitutional Assembly (NCA), which was envisioned as a collective movement to push through far-reaching constitutional reforms” dealing Zimbabwe’s President “Mugabe a historic defeat in 2000 when it convinced 56% of the Zimbabwean electorate to reject constitutional reforms proposed by the government. The Movement for Democratic Change [sic] (MDC), an opposition party founded shortly before the constitutional referendum, managed to wrest 57 seats in parliament from the governing party in 2000 elections.” The article indicates that “[t]he regime reacted to this defeat with overt repression, illegal expropriation of large-scale agricultural property and the dismantling of the

constitutional order. Repression and manipulation facilitated Mugabe's victory in the 2002 presidential elections." It is also stated in the report that:

With the emergence of MDC and its success in the constitutional referendum 2000, the efforts of the government to make the playing-field uneven intensified. Restrictive media and public security laws, frequent bans of rallies and meetings of the opposition, intimidation, imprisonments, beatings and even killings of opposition activists, pressure on voters and inconsistencies of voter rolls characterized the parliamentary elections of 2000 and 2005 as well as the presidential election of 2002 and certainly distorted the results to a significant degree (Bertelsmann Transformation Index 2008, 'Zimbabwe Country Report', BTI website <http://www.bertelsmann-transformation-index.de/77.0.html?&L=1&O=&type=98> – Accessed 4 April 2008 – Attachment 1).

An article in the *Independent on Sunday* dated 13 April 2008 indicates that the ruling "Zanu-PF has always reacted most viciously to any sign that the MDC [Movement for Democratic Change] is eroding the ruling party's base of support in the provinces around Harare, the capital, and down the eastern half of the country. These areas had not experienced mass intimidation until 2000, the year Mr Mugabe unexpectedly lost a referendum on extending his presidential powers." According to the article:

What followed bears an ominous similarity to the current situation. After a pause during which Mr Mugabe appeared to accept the result, chaos was let loose across the country. White-owned farms were invaded by people claiming to be landless "war veterans", even though most were children or had not yet been born when the liberation war ended. Gangs of thugs went around villages herding people to meetings at which they were forced to chant Zanu-PF slogans, and suspected opposition supporters were brutally beaten.

...In 2000, rural Shonas were told that they had voted the wrong way, and warned of the consequences if it happened again. The subsequent election, held after a three-month delay, showed that they had received the message: Zanu-PF won a narrow but decisive victory. In the election after that, Zanu-PF won a two-thirds majority, allowing Mr Mugabe to amend the constitution to his taste ('Zimbabwe braced for Mugabe crackdown' 2008, *Independent on Sunday*, 13 April – Attachment 2).

An Amnesty International report dated 2 May 2003 includes the following information:

In February 2000 a referendum was held on whether to accept the government's proposed changes to the Constitution. Following the government's unprecedented defeat, the political climate in Zimbabwe underwent a significant change. The government's defeat was met with surprise and alarm by the ruling party, Zimbabwe African National Union – Patriotic Front (ZANU-PF), as it was the first time it had been defeated in a popular vote since independence. The government's surprise suggested that it was unaware of the extent to which Zimbabweans had grown dissatisfied with its many years of misrule and persistent human rights violations. The government had also underestimated the extent of support for the newly formed MDC, particularly among Zimbabwe's growing urban population, and the increasing strength of civil society, which had gained momentum in response to the drive for a new constitution.

In the run up to the parliamentary elections in June 2000 the government instituted a widespread campaign to crush the opposition and silence dissent against its increasingly unpopular policies.² The government's reaction was rooted in its fear of losing power. Since then, the government has mobilized its supporters and state agents, including "war veterans", youth "militia" police, the Central Intelligence Organization (CIO) and the army to wage a

sustained campaign against opponents through the use of intimidation, arbitrary arrests, beatings, torture, “disappearances” and extrajudicial executions. In 2002 alone, there were over 1,046 reported cases of torture and at least 58 politically motivated deaths (Amnesty International 2003, *Zimbabwe: Rights under siege*, 2 May, AFR 46/012/2003, p.2 – Attachment 3).

An Immigration and Refugee Board of Canada response to information request dated 28 August 2002 provides information on the treatment of members of the National Constitutional Assembly during and after the February 2000 referendum in Zimbabwe (Immigration and Refugee Board of Canada 2002, *ZWE39361.E – Zimbabwe: Treatment of members of the National Constitutional Assembly (NCA) by the Zimbabwe African National Union Front (ZANU-PF), the Central Intelligence Office (CIO) and the Constitutional Commission (CC) during the February 2000 national referendum*, 28 August – Attachment 4).

An International Crisis Group report dated 13 July 2001 indicates that Zimbabwe’s government “blamed the white minority, particularly white farmers, for the referendum’s defeat” and that “[w]ithin a week of the referendum’s defeat, groups of ZANU-PF supporters invaded a number of white-owned farms and claimed the land”. It is stated in the report that:

Despite a lavishly funded advertising and media campaign, the voters rejected the draft constitution in the February 2000 referendum. The “No” vote signalled to Mugabe and his party that the popularity they had enjoyed since independence had declined to unprecedented levels and that the parliamentary elections scheduled for June 2000 might pose the first real threat to them in twenty years.

The “No” vote was more than 100,000 greater than the “Yes” vote in the referendum. The government reacted bitterly and blamed the white minority, particularly white farmers, for the referendum’s defeat. In reality, the draft constitution failed because of the overwhelming opposition of black voters in urban areas, not the rural vote.¹⁰ Whites, who might be considered to have considerable influence on the rural electorate, constitute less than 1 per cent of Zimbabwe’s population of more than twelve million people.

... Within a week of the referendum’s defeat, groups of ZANU-PF supporters invaded a number of white-owned farms and claimed the land, which, they charged, white colonialists had stolen from their ancestors. The invasions were led by veterans of the war against white Rhodesian rule and included rural subsistence farmers and unemployed youths. There is substantial evidence that members of the state’s Central Intelligence Organisation (CIO) and the army were involved in planning and carrying out the operations.¹² The occupiers employed violence and intimidation, beating hundreds of farm workers for allegedly working against the referendum and threatening the farm owners. At least 31 people were killed, hundreds had their homes burned down, and many more were beaten or tortured.

The president declared the farm occupations “peaceful demonstrations”¹³ and ordered the police not to take action. The farm invasions have been a key element in the cynical strategy by the President and his cronies to strengthen their electoral prospects by manipulating widespread desire for genuine land reform. The government-sanctioned land occupations have two primary goals: staunching the flow of funds from white commercial farmers to the opposition MDC and regaining an enthusiastic following among rural Zimbabweans by reviving the anti-white, nationalist rhetoric of the 1960s. The particular objective is to shore up ZANU-PF’s political base in the rural Shona heartland, where the issue plays favourably (International Crisis Group 2001, *Zimbabwe in Crisis: Finding a Way Forward*, Africa Report No. 32, 13 July, pp. 3-4

According to the US Department of State report on human rights practices in Zimbabwe for 2000, “[s]ecurity forces were involved in incidents of political violence, including instances of soldiers beating civilians in areas where persons voted for the opposition, such as Harare suburbs and Kwekwe. Two cases arising from beatings by soldiers following the Government’s referendum defeat in February went to court.” Also, “[s]hortly after the February referendum that defeated the new constitution that would have permitted land seizures, war veterans, with Government support, began occupying commercial farms, and assaulted and intimidated farm workers and the predominately white farm owners. Approximately 1,600 farms were visited or occupied in the period prior to the June elections, and about 1,000 of those farms remained occupied at year’s end.” The report also indicates that “[p]arliamentary elections were held in June and were preceded by a government-sanctioned campaign of violence directed towards supporters and potential supporters of the opposition” and that “[i]n the five-month period before the June parliamentary elections, 31 deaths were reported officially as a result of political violence, perpetrated mainly by supporters of the ruling party” (US Department of State 2001, *Country Reports on Human Rights Practices for 2000 – Zimbabwe*, February, Introduction & Sections 1(a), (c) & (f) – Attachment 6).

An Immigration and Refugee Board of Canada response to information request dated 30 October 2000 refers to “[t]he head of Zimbabwe’s third-largest company, Strive Masiyiwa... pondering his future surrounded by bodyguards in London after being warned by sympathetic security police that his life could be in danger if he returned to Harare.” According to the article, “Masiyiwa, CEO of Econet, the largest cellular provider in the country, believes one of the reasons he is under threat from the government is that subscribers to his network circulated slogans supporting the opposition during Zimbabwe’s referendum earlier this year” (Immigration and Refugee Board of Canada 2000, *ZWE35483.E – Zimbabwe: Whether those believed to have financially supported the opposition Movement for Democratic Change (MDC) have been targets of recent violence; whether companies or employees of companies who financially supported the MDC are targeted for retaliation or violence; whether the company ECONET and its employees have faced any problems due to a pro-MDC reputation (2000)*, 30 October – Attachment 7).

2. Are there any reports of people being harassed by unregistered trade unions to pay sums to ZANU PF supporters?

A search of the sources consulted did not locate specific information on people being harassed by unregistered trade unions to pay sums to ZANU-PF supporters. Information was found in relation to the government-linked Zimbabwe Federation of Trade Unions (ZFTU) being “reformed by ZANU-PF to spearhead its campaign to force mostly white-owned businesses to resolve individual wage and employment disputes and grant higher wages to their workers”, and harassing workers to pay subscriptions to the union.

The US Department of State report on human rights practices in Zimbabwe for 2007 notes that “[t]he Zimbabwe Federation of Trade Unions (ZFTU), a government-created alternative labor body, continued to support splinter unions in each economic sector; however, there was no evidence that either employers or employees viewed the splinter unions as legitimate. In addition to fostering confusion among workers, splinter unions forced existing unions to

spend scarce resources guarding against declining membership. The splinter unions did not bargain collectively, handle worker complaints, or provide worker education” (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Zimbabwe*, March, Section 6(a) – Attachment 8).

The earlier US Department of State report on human rights practices in Zimbabwe for 2001 indicates that “[a]lthough the Government encouraged the ZCTU’s [Zimbabwe Congress of Trade Unions] formation, anticipating that it would form the labor arm of ZANU-PF, it no longer controls the ZCTU; most of the leadership of the opposition MDC party comes from the ZCTU.” According to the report:

On June 4, a second umbrella labor organization, the Zimbabwe Federation of Trade Unions (ZFTU), began to function after a long period of inactivity. Joseph Chinotimba, a prominent war veteran leader, appeared to lead the organization. Most observers noted that the ZFTU was reformed by ZANU-PF to spearhead its campaign to force mostly white-owned businesses to resolve individual wage and employment disputes and grant higher wages to their workers. The ZFTU has criticized the ZCTU for failing to resolve longstanding labor disputes, but the ZCTU maintains that it is the responsibility of individual labor unions to negotiate with employers. The ZFTU attempted to coerce some ZCTU-affiliated union members into joining its own nascent unions.

The 2001 report also indicates that “[i]n April and May, war veterans abducted managers of urban NGO’s and private companies and took them to ZANU-PF headquarters in attempts to extort wage concessions for the NGO and company employees.” It is stated in the report that:

In May individuals and groups identifying themselves as war veterans, in collusion with the ruling party’s regional organizations, began a wave of invasions and intimidation of commercial and nonprofit business entities. In a program reminiscent of the commercial farm invasions, these at times violent confrontations were aimed at wresting away from the trade unions the political support of the formally-employed wage-earning sector of the populace, by representing workers in their claims against employers. Operating from party headquarters in the urban centers, war veterans and ZANU-PF supporters, who often were armed, invaded businesses and demanded on-the-spot cash payments and reinstatement of dismissed employees. In Harare and Norton, approximately 550 workers lost their jobs after the factories in which they worked were forced to close in response to war veterans interference. In May in Harare, war veterans invaded the offices of an NGO that operates orphanages and forced the offices to close; the war veterans claimed to be resolving a labor dispute between management and a former employee. After both local and international observers criticized the tactics as extortion, the Government arrested two local war veteran leaders, who quickly were released on bail. No further action on the cases was reported by year’s end (US Department of State 2002, *Country Reports on Human Rights Practices for 2001 – Zimbabwe*, March, Sections 1(b) & 6(a) – Attachment 9).

According to an article dated 6 December 2002, teachers in Gutu district in Zimbabwe were “being forced by suspected war veterans to contribute money towards the Zanu PF annual conference to be held in Chinhoyi”. The teachers had “been ordered to pay a minimum of \$300 each. Although some teachers have vowed to defy the order, others said they would solely pay the money as a protection fee against victimisation.” The article also indicates that:

The Zimbabwe Teachers’ Association (Zimta), has said it is concerned over the issue and urged teachers not to pay the money.

Cornelius Chigome, a Zimta official in Masvingo, said yesterday his organisation received reports of the “conference fee”.

He also said teachers were being forced to denounce Zimta and join the Zimbabwe Teachers’ Union, an affiliate of the pro-Zanu PF Zimbabwe Federation of Trade Unions, whose vice-president is war veteran Joseph Chinotimba, the self-styled commander of farm invasions which began in 2000 (Bara, Energy 2002, ‘War Vets Force Teachers to Pay for Zanu-PF Conference’, *All Africa*, source: The Daily News, 6 December – Attachment 10).

An article in the *Zimbabwe Standard* dated 28 April 2002 refers to the ZFTU “forcing workers to obtain stop order forms so they could pay subscriptions to the union ahead of the May Day celebrations.” It is stated in the article that:

THE vice-president of the Zimbabwe Federation of Trade Unions (ZFTU), Joseph Brown Chinotimba, has intensified raids on firms suspected of having links with the opposition Movement for Democratic Change, The Standard has learnt.

Sources within ZFTU told The Standard last week that the trade union, believed to be an affiliate of Zanu PF, was forcing workers to obtain stop order forms so they could pay subscriptions to the union ahead of the May Day celebrations.

Said the sources: “The ZFTU is targeting companies affiliated to the Zimbabwe Chemicals and Plastics and Allied Workers Union. The ZFTU has so far stormed more than five companies, which include Barco Chemicals in Mutare, Plastic Industries, Marine Center, Surgimed Trading and Omni Fertilizers. They harassed anyone not complying with their demand to sign stop order forms for affiliation with the ZFTU,” said one worker from Marine Centre who refused to be named (Muhonde, Trevor 2002, ‘Workers forced to join trade unions’, *Zimbabwe Standard*, 28 April – Attachment 11).

Another article in the *Zimbabwe Standard* dated 12 April 2002 indicates that “the Zimbabwe Federation of Trade Unions (ZFTU), this week swooped on factories and companies in Bulawayo’s industrial areas persuading workers to join its ranks.” The article also indicates that “[t]he president of the ZCTU, Lovemore Matombo, this week said he was aware of cases of intimidation by the ZFTU to gain membership countrywide. “People have been coerced and intimidated to join the ZFTU and we are aware that this is happening in both urban and in rural areas,” Matombo said” (Dube, Loughty 2002, ‘ZFTU ‘persuades’ factory workers to join its ranks’, *Zimbabwe Independent*, 12 April – Attachment 12).

3. Have there been any reports of business people being forced to attend pro government meetings?

A search of the sources consulted did not locate specific information on business people being forced to attend pro government meetings in Zimbabwe. However, sources indicate that people in Zimbabwe have been forced to attend meetings organized by the ZANU-PF.

An article in the *Mail & Guardian Online* dated 25 April 2008 refers to “a coalition of the main church groups” in Zimbabwe saying that “[o]rganised violence perpetrated against individuals, families and communities who are accused of campaigning or voting for the ‘wrong’ political party ... has been unleashed throughout the country, particularly in the countryside and in some townships. People are being tortured, abducted and humiliated”. The churches also “said villagers are being force-marched to “mass meetings” and forced to chant

Zanu-PF slogans and renounce the MDC” (Moyo, Jason 2008, ‘Rule by the plier’, *Mail & Guardian Online*, 25 April – Attachment 13).

Another article in *The Guardian* dated 21 April 2008 indicates that according to witnesses, “Zimbabwe’s health minister armed himself with a Kalashnikov and threatened to kill opposition supporters forced to attend a political meeting unless they voted for President Robert Mugabe in a second round of the presidential election”. It is stated in the article that:

The accounts of the incident involving Dr David Parirenyatwa, and witness reports of other forced meetings at which Zanu-PF members of parliament and senior military officers oversaw the beating of people who voted against Mugabe in last month’s elections, establish a direct link between the highest levels of the ruling party and what the opposition Movement for Democratic Change described yesterday as a “war” against the people.

An affidavit made before a commissioner of oaths by an opposition activist names Parirenyatwa, along with a deputy minister and other senior ruling party officials, as threatening to kill MDC supporters. “[They] came to Musama business centre in Murewa and threatened MDC supporters with death if they ‘revote’ MDC in the anticipated election rerun,” the affidavit says. “Shops were forced to close down, people were forced to attend the Zanu-PF rally” (McGreal, Chris 2008, ‘Mugabe minister accused of gun threats: Harare minister accused of gun threats’, *The Guardian*, 21 April – Attachment 14).

A *BBC News* article dated 24 June 2004 refers to the comments of the MDC’s unsuccessful candidate in a by-election in Lupane, who said that “[w]hen Zanu-PF had political meetings people were forced to go” (Leithead, Alastair 2004, ‘The perils of opposing Mugabe’, *BBC News*, 24 June <http://news.bbc.co.uk/2/hi/africa/3833297.stm> - Accessed 14 May 2008 – Attachment 15).

An article dated 22 February 2002 indicates that “[m]ilitants of the ruling ZANU PF and sometimes senior government officials” had “in advance combed the countryside, where Mugabe has so far restricted his re-election bid, to round up villagers to attend the rallies of the President”. The article refers to “[b]usinesses and beer halls in rural areas” being “forcibly shut down to make people attend the rallies while many peasant farmers have alleged that they have been forced to abandon their fields to attend these meetings.” ZANU PF militias had “also abducted people to attend some of Mugabe’s rallies” (‘Zanu-Pf Rents Crowds to Swell Rallies’ 2002, *All Africa*, source: Financial Gazette, 22 February – Attachment 16).

According to the US Department of State report on human rights practices in Zimbabwe for 2001, “[i]n early September, Mutandera, an MDC supporter, was forced to attend a ZANU-PF meeting in Chikomba, where he was beaten severely and stabbed in the head, according to the Zimbabwe Election Support Network (ZESN). He was hospitalized at Chivhu General Hospital” (US Department of State 2002, *Country Reports on Human Rights Practices for 2001 – Zimbabwe*, March, Section 1(c) – Attachment 9).

The US Department of State report on human rights practices in Zimbabwe for 2000 indicates that “[i]n a number of rural areas, war veterans and other ZANU-PF supporters conducted “pungwes,” or forced nightly political gatherings. Hundreds of villagers were rounded up, driven to remote areas, and forced to chant ZANU-PF slogans or denounce the opposition until the next morning” (US Department of State 2001, *Country Reports on Human Rights Practices for 2000 – Zimbabwe*, February, Section 1(c) – Attachment 6).

4. Has ZANU PF taken over businesses in Zimbabwe?

A Freedom House report on Zimbabwe dated 5 May 2008 notes that “[p]atronage is crucial to ZANU-PF’s grip on power: the party owns a wide range of businesses, and party loyalists have been allocated many of the properties seized from white farmers” (Freedom House 2008, *The Worst of the Worst, the World’s most repressive societies – Zimbabwe*, 5 May – Attachment 17).

The 2008 country report on Zimbabwe on the Bertelsmann Transformation Index website indicates that “the ruling party” in Zimbabwe “has expanded its own business empire tremendously during the past few years. Most recently, it has been attempting to buy up formerly profitable private enterprises that have run into trouble as a result of the economic crisis. State-owned companies and those of the ZANU-PF business-empire are able to crowd others out of the market as they enjoy privileged access to foreign exchange, import licenses, raw materials and capital goods. The monopoly of the Grain Marketing Board remains unchallenged.” The report also indicates that:

Recent years witnessed excessive state interference in the foreign exchange regime, price mechanisms, the labor market, and property rights, coupled with a systematic favoring of enterprises belonging to the state, the ruling party or important power brokers. Currently, Zimbabwe is on track to move from a heavily state-regulated market economy to a state-controlled economy.

...While private companies in Zimbabwe can in theory act freely, in reality there have been massive infringements of their property rights (if operating in the farming sector), in their abilities to obtain and spend foreign exchange, to import and export goods and commodities, to determine prices and employ labor. In addition, the government heavily favors companies owned by the ZANU-PF or the state itself, and parastatals dominate the strategic business sectors. The only private companies who profited from the economic developments of the past years – beyond those already mentioned – seem to be South African and Chinese companies (Bertelsmann Transformation Index 2008, ‘Zimbabwe Country Report’, BTI website <http://www.bertelsmann-transformation-index.de/77.0.html?&L=1&0=&type=98> – Accessed 4 April 2008 – Attachment 1).

The US Department of State report on human rights practices in Zimbabwe for 2007 notes that:

On October 2, parliament passed the Indigenization and Economic Empowerment Bill; however, President Mugabe had yet to sign it into law at year’s end. The bill’s official purpose was to increase participation of indigenous citizens in the economy with the ultimate objective of at least 51 percent indigenous ownership of all businesses. An indigenous Zimbabwean was defined as any person, or the descendant of such person, who before April 18, 1980 – the date of the country’s independence – was disadvantaged by unfair discrimination on the grounds of his or her race. The bill was criticized as an attempt to create patronage for ZANU-PF (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Zimbabwe*, March, Section 5 – Attachment 8).

An article in *The New York Times* dated 3 August 2007 indicates that Zimbabwe’s economy was “at a halt” after Mr Mugabe, in June 2007, commanded “merchants nationwide to counter 10,000-percent-a-year hyperinflation by slashing prices in half and more”. According to the article, “[t]he chaos, however, seems to have done little to undermine Mr. Mugabe’s authority. To the contrary, the government is moving steadily toward a takeover of major

sectors of the economy that have not already been nationalized.” The government had taken “over the nation’s slaughterhouses in early July after meat disappeared” (Wines, Michael 2007, ‘Caps on prices only deepen Zimbabweans’ misery’, *The New York Times*, 3 August – Attachment 18).

An article dated 23 March 2007 refers to “M & S Syndicate (Private) Limited” being ZANU PF’s “investment vehicle”. The company was “100 percent owned by the ruling party” and had “interests in a cluster of businesses, among them FBC Holdings Limited, Tregers, Catercraft, Jongwe Printers and Fibrolite.” The article also refers “to the cluster of ZANU PF investments that have had a fair share of controversy in the last three years” and indicates that “[e]xcept for the listed investments, a veil of secrecy had shrouded the activities of most of the businesses, spawning claims of corruption and mismanagement” (Langton, Christella 2007, ‘Zanu PF’s M&S Board Quits’, *All Africa*, source: Financial Gazette, 23 March – Attachment 19).

5. Is there any information to suggest that people in management positions have faced discrimination for failing to support ZANU PF?

The 2008 country report on Zimbabwe on the Bertelsmann Transformation Index website indicates that President Mugabe had “threatened to nationalize enterprises that showed themselves disloyal to the government by, for instance, involvement in general strikes, advertising in the opposition press or firing employees” (Bertelsmann Transformation Index 2008, ‘Zimbabwe Country Report’, BTI website <http://www.bertelsmann-transformation-index.de/77.0.html?&L=1&0=&type=98> – Accessed 4 April 2008 – Attachment 1).

An article dated 14 March 2008 on the Institute for War & Peace Reporting website refers to “[t]he Zimbabwean authorities... cracking down on businesses they suspect of backing Simba Makoni, the former finance minister who... emerged as a serious challenger to President Robert Mugabe in” the March 2008 elections in Zimbabwe. It is stated in the article that:

In the latest example of the regime’s determination to keep itself in power, IWPR has learned that retailers and other top businesspeople who supply basic commodities were summoned to a meeting on February 4 at the offices of Reserve Bank governor Gideon Gono.

On arrival, however, they were informed that the meeting had been convened not by the central bank, but by the Joint Operations Command, JOC, a powerful body chaired by Zimbabwean army commander-in-chief General Constantine Chiwenga and consisting of military, police, intelligence and prison system chiefs. The JOC coordinates military and security affairs and many observers believe it carries more real clout than the cabinet.

...The officials proceeded to berate the business chiefs for defying the price controls that Mugabe ordered last June in what proved to be an unsuccessful bid to check the country’s galloping inflation. In the weeks that followed the measure, as retailers were forced to slash prices by 50 per cent, wholesalers and manufacturers ran into difficulties, enterprises went under, and the ensuing shortages of food and other items were compounded by panic-buying.

This time, however, the JOC’s allegations were that the businesses were involved in more than flouting price controls. The principal accusation was that they were allocating funds to support Makoni’s election campaign.

...One by one, business leaders were asked to explain why there were shortages of basic commodities and why, if they lacked the foreign currency to buy goods or manufacturing inputs, they had not applied to the Reserve Bank for it.

...National Foods managing director Jeremy Brooke, for example, was accused of inflating the price of flour his firm sold to bakeries. He was challenged on the price he bought and sold flour for, with officials producing documents that ostensibly showed two sets of accounts, one at the official retail price, and the other reflecting the higher price the flour was really sold at.

The National Foods chief defended himself, insisting that he had sold flour at the official price. His arguments made Vice-Air Marshal Henry Muchena so angry that he ordered him to leave the room.

Brooke was arrested later in the week on charges of breaching the price control legislation, and Mike Manga, who leads Blue Ribbon Foods and is also chairman of the Millers' Association of Zimbabwe, was detained on similar charges relating to flour pricing.

IWPR's source said all the businessmen summoned to the March 4 meeting were directly or indirectly accused of sponsoring the Makoni candidacy. Subtle threats were made that they should stop financing Makoni or face big problems (Bhebhe, Nonthando 2008, 'Businesses Under Fire for Makoni Links', Institute for War & Peace Reporting website, 14 March http://www.iwpr.net/?p=zim&s=f&o=343394&apc_state=henizim025ebbe1f170c07dfb6c53107a69d907 – Accessed 13 May 2008 – Attachment 20).

According to the US Department of State report on human rights practices in Zimbabwe for 2007, “[t]op ruling party officials and entrepreneurs supporting the ruling party received priority access to limited foreign exchange and fuel. The government’s campaign to provide housing plots and vending sites for victims of Operation Restore Order mostly benefited civil servants, security forces, and ruling party supporters.” The report also notes that “[p]rosecutions for corruption continued but were selective and generally seen as politically motivated. The government targeted persons who had fallen out of favor with the ruling party or individuals without high-level political backing. Prosecutions were often for externalizing foreign currency, which was a common practice among the political and business elites” (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Zimbabwe*, March, Section 3 – Attachment 8).

The International Crisis Group report dated 13 July 2001 refers to war veterans invading factories and abducting “top managers, both black and white” in April and May 2001. The managers were taken “to ZANU-PF provincial headquarters for beatings.” According to the report:

In April and May 2001 the war vets, led by [Joseph] Chinotimba, escalated their strategy by systematically attacking urban factories and businesses. They invaded scores of factories, abducted top managers, both black and white, and took them to ZANU-PF provincial headquarters for beatings. The war vets used the excuse that they were settling old labour disputes.²² This urban campaign’s real objectives, however, were threefold: to intimidate businesses suspected of supporting the MDC; to generate support among aggrieved urban workers, who overwhelmingly support the opposition; and to raise funds for the war vets and their activities (International Crisis Group 2001, *Zimbabwe in Crisis: Finding a Way Forward*, Africa Report No. 32, 13 July, pp. 7-8

http://www.icg.org/library/documents/report_archive/A400356_13072001.pdf – Accessed 19 October 2004 – Attachment 5).

The US Department of State report on human rights practices in Zimbabwe for 2001 indicates that “[d]uring the year, business managers of urban NGO’s and private companies were abducted and taken to ZANU-PF headquarters, where some were beaten and threatened, and others were forced to kiss a portrait of President Mugabe and sing ruling party slogans” (US Department of State 2002, *Country Reports on Human Rights Practices for 2001 – Zimbabwe*, March, Section 1(c) – Attachment 9).

According to the US Department of State report on human rights practices in Zimbabwe for 2000, “[p]ersons perceived as supporting the opposition, including teachers, civil servants, health workers, and laborers in the manufacturing sector, were singled out for assault or intimidation... The Zimbabwe Election Support Network, a grouping of human rights organizations, reported that on May 16, in Manicaland, Eomonn Oliver, the production manager of Border Timbers International, was grabbed by a group wearing ZANU-PF shirts when he arrived at work. They beat him and forced him to sit in a pool of mud in front of his workers and chant ZANU-PF slogans” (US Department of State 2001, *Country Reports on Human Rights Practices for 2000 – Zimbabwe*, February, Section 1(c) – Attachment 6).

The Immigration and Refugee Board of Canada response to information request dated 30 October 2000 refers to an article in the *Mail and Guardian* dated 4 May 2000 “regarding the alleged harassment of businesspersons, including the CEO of Econet, who were suspected of supporting the opposition”. The article indicates that “President Robert Mugabe’s government is now targeting top Zimbabwean businesspeople who are independent of the ruling Zanu-PF party as land invasions and violence against farmers and opposition supporters continue.” The source refers to a number of business leaders alleging “that they have been harassed or accused of crimes they did not commit”, and to “[o]ther prominent Zimbabwean businesspeople” being “accused of conspiring to destabilise the economy. Those who have had talks with the opposition MDC, or who have made donations to the group, told the Mail & Guardian that they have received anonymous phone calls telling them to back off from politics or face unspecified consequences. Some have been threatened with death.” According to the article, “[t]he government claims the arrests of businesspeople is a crackdown on corruption, but well-placed observers in Zimbabwe say the government is trying to cut off all financial support for the MDC. Financial support has been the missing link for the opposition and the main reason why there has not been a serious opposition threat to Zanu-PF in the past” (Immigration and Refugee Board of Canada 2000, *ZWE35483.E – Zimbabwe: Whether those believed to have financially supported the opposition Movement for Democratic Change (MDC) have been targets of recent violence; whether companies or employees of companies who financially supported the MDC are targeted for retaliation or violence; whether the company ECONET and its employees have faced any problems due to a pro-MDC reputation* (2000), 30 October – Attachment 7).

6. Have businesses been forced to backdate or reduce prices?

The Freedom House report on Zimbabwe dated 5 May 2008 notes that:

In recent years, the government has attempted a number of interventions, mostly currency devaluations and price controls, to stave off economic disaster. In 2006, government attempts to enforce a 1,000 percent devaluation led to the detention of over 2,000 people and the seizure of more than Z\$20 billion (US\$200,000) by police officers, soldiers, and members of ZANU-PF’s youth militias. In June 2007, the government ordered firms to cut prices of basic goods by half, resulting in massive shortages, panicked buying, and the arrest of thousands of businesspeople for noncompliance; in August, the policy was suspended. The central bank

announced the introduction of a new devalued currency in October (Freedom House 2008, *The Worst of the Worst, the World's most repressive societies – Zimbabwe*, 5 May – Attachment 17).

The 2008 country report on Zimbabwe on the Bertelsmann Transformation Index website indicates that:

The exchange rate of the Zimbabwean dollars began its rapid decline in 1998 and has not stopped since. While in 2000 38 ZWD was still worth one dollar, this rate had plummeted to 99,461 ZWD per dollar by 2006. Triple digit inflation persisted from 2002 to 2005. Having jumped from 133% in 2002 to 365% in 2003 it and [sic] finally reached quadruple digits in 2006, with a rate of 1,216%, after an explosion of government spending due to politically-motivated compensation payments to the country's war veterans and due to its participation in the Congo war. The breakdown of commercial agriculture after the start of the fast-track land reform program brought the almost-chronic shortage of foreign exchange in the Zimbabwean economy to an unbearable level. The government reacted with a restrictive foreign exchange regime and comprehensive price controls that have not brought the downward trend under control but rather fostered it (Bertelsmann Transformation Index 2008, 'Zimbabwe Country Report', BTI website <http://www.bertelsmann-transformation-index.de/77.0.html?&L=1&O=&type=98> – Accessed 4 April 2008 – Attachment 1).

A *BBC News* article dated 25 March 2008 refers to Zimbabwe's President Mugabe threatening "to force businesses to cut prices ahead of the 29 March elections." There had been an increase in prices "after Mr Mugabe awarded huge pay rises to teachers and civil servants" in the previous month. Mr Mugabe "said that anyone who refused to co-operate would be nationalised, through the new Indigenisation and Empowerment Act, under which businesses are supposed to be majority-owned by black Zimbabweans." The article indicates that "[t]he government last year ordered prices to be reduced, leading to widespread shortages" and that "[s]ome 12,000 people were arrested last year for selling goods at above the official prices" ('Mugabe seeks election price cuts' 2008, *BBC News*, 25 March <http://news.bbc.co.uk/2/hi/africa/7312649.stm> - Accessed 12 May 2008 – Attachment 21).

According to the US Department of State report on human rights practices in Zimbabwe for 2007, in June 2007, Zimbabwe's Minister of Industry and International Trade Obert Mpfu had "introduced "Operation Reduce Prices," a campaign to lower prices on goods and services by half or more" and that "[o]ver the following months, police arrested and fined more than 5, 000 business executives and store managers for violating the price reduction decree." It is stated in the report that:

On June 26, Minister of Industry and International Trade Obert Mpfu introduced "Operation Reduce Prices," a campaign to lower prices on goods and services by half or more. Price reductions had the consequence of inducing consumers to purchase mass quantities of goods, which caused widespread shortages of basic commodities such as bread, milk, maize meal, meat, and cooking oil throughout the country. Over the following months, police arrested and fined more than 5, 000 business executives and store managers for violating the price reduction decree. Despite official condemnation of the practice, some price monitoring teams, composed of police and ZANU-PF supporters, took advantage of the situation by ordering prices reduced to arbitrary levels, after which other supporters entered the stores and bought out the stock at the lowered prices. Many of the products were later resold on the black market at original or higher prices. The government often did not investigate reported abuses by price monitoring teams, and police frequently denied that goods were seized when

business owners attempted to reclaim their stocks (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Zimbabwe*, March, Section 3 – Attachment 8).

The article in *The New York Times* dated 3 August 2007 indicates that in June 2007, Mr Mugabe had commanded “merchants nationwide to counter 10,000-percent-a-year hyperinflation by slashing prices in half and more”. According to the article:

His June 26 decree, much of which was later enacted into law, was draconian: businesses were ordered to reduce their prices by about 50 percent. Shop owners who refused to comply would be jailed. Stores that closed or refused to restock goods would be taken over by the government.

In recent weeks, gangs of price inspectors have patrolled shops and factories, imposing price reductions, sometimes arbitrarily. As many as 4,000 businesspeople have been arrested, fined or jailed, according to the Zimbabwean police (Wines, Michael 2007, ‘Caps on prices only deepen Zimbabweans’ misery’, *The New York Times*, 3 August – Attachment 18).

7. To what extent do “coloured” people or people of mixed racial origin face discrimination or harm?

The US Department of State report on human rights practices in Zimbabwe for 2007 indicates that “[a]ccording to government statistics, the Shona ethnic group makes up 82 percent of the population, Ndebele 14 percent, whites less than 1 percent, and other ethnic groups 3 percent. There was some tension between the African majority and the white minority, between the Shona majority and the Ndebele minority, and among the various Shona subgroups” (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Zimbabwe*, March, Section 5 – Attachment 8).

An RRT research response dated 9 November 2007 includes information on the Indigenisation and Economic Empowerment Bill passed by the Zimbabwe parliament in September 2007 and intended to discriminate in favour of “indigenous people” (RRT Research & Information 2007, *Research Response ZWE32495*, 9 November, (Question 1) – Attachment 22). Two earlier research responses dated 18 October 2002 (RRT Country Research 2002, *Research Response ZWE15448*, 18 October – Attachment 23), and 4 September 2002 (RRT Country Research 2002, *Research Response ZWE15355*, 4 September, (Questions 1-3) – Attachment 24) also provide information on the treatment of people of mixed descent in Zimbabwe.

An Immigration and Refugee Board of Canada response to information request dated 7 February 2006 includes information on discrimination against people of mixed race in Zimbabwe and the availability of state protection (Immigration and Refugee Board of Canada 2006, *ZWE100933.E – Zimbabwe: Racism, discrimination against “mixed race (coloured)” and the availability of state protection (2004-2006)*, 7 February – Attachment 25).

An earlier Immigration and Refugee Board of Canada response to information request dated 15 January 2002 also provides information on the treatment of citizens of mixed race in Zimbabwe (Immigration and Refugee Board of Canada 2002, *ZWE38306.E – Zimbabwe: Update to ZWE37570.E of 27 August 2001 on the treatment by the government, its supporters and war veterans of citizens of mixed race and those referred to as “coloured” (people of south Asian descent); whether they are considered by blacks as members of the white minority (January-December 2001)*, 15 January – Attachment 26).

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United Nations (UN)

UN High Commissioner for Refugees (UNHCR) Refworld website

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>

Non-Government Organisations

Human Rights Watch <http://www.hrw.org/>

Amnesty International <http://www.amnesty.org>

Institute for War & Peace Reporting website <http://www.iwpr.net/>

International News & Politics

BBC News <http://news.bbc.co.uk>

Region Specific Links

Search Engines

Copernic <http://www.copernic.com/>

Databases:

FACTIVA (news database)

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REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

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