

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Is there any updated information as to treatment of ordinary MDC supporters generally, and in the Mutare area in particular, since the formation of the government of national unity?**
- 2. Is there any recent information on whether persons who have left Zimbabwe, or who travel outside Zimbabwe face harm or adverse attention on return, or are classified as “snitches” simply because of overseas travel or the perception they would be opposed to the Government because they have travelled overseas?**
- 3. Is there any information as to whether religious workers or pastors in the Worldwide Family of God Church in particular have faced pressure to publicly support the Zanu PF, or have experienced threats or mistreatment because of their refusal to publicly support Zanu PF?**
- 4. Is there any recent information as to whether persons who have studied overseas are perceived to be opposed to the Government, or have faced adverse treatment on return simply because they have lived outside Zimbabwe for a number of years in countries like Australia?**
- 5. Is there any information on whether the government of national unity is actively seeking to encourage overseas Zimbabwean citizens to return to the country to assist in its reconstruction?**
- 6. Is there any information on the treatment of mixed ethnicity relationships (Shona and Caucasian) and any evidence to suggest members of such relationships have been targeted or killed because of their relationship?**

RESPONSE

1. Is there any updated information as to treatment of ordinary MDC supporters generally, and in the Mutare area in particular, since the formation of the government of national unity?

A *Guardian Unlimited* article dated 6 November 2009 refers to the prime minister of Zimbabwe, Morgan Tsvangirai, announcing the suspension of “his boycott of power sharing with president Robert Mugabe.” Tsvangirai said “[w]e will give President Robert Mugabe 30 days to implement the agreements on the pertinent issues we are concerned about”. Tsvangirai’s Movement for Democratic Change party had “boycotted the inclusive government on 16 October, raising fears that the eight-month-old power sharing agreement was heading for collapse.” The article continues:

The walkout followed MDC claims that Mugabe’s Zanu-PF had repeatedly flouted the power-sharing agreement and committed human rights abuses. The issue came to a head after the detention of a senior MDC aide, Roy Bennett, on terrorism charges.

The MDC said there had been “increased violent” attacks on party members by militants from Zanu-PF. Zanu-PF described the comments as “cheap propaganda”.

...Some MDC supporters had applauded Tsvangirai’s decision to disengage as evidence that he will stand up to Mugabe. Others regarded it as an empty gesture that left him little room for manoeuvre.

Civil society organisations said there has been a subsequent increase in political violence (Smith, D. 2009, ‘Zimbabwe back from brink as Morgan Tsvangirai calls off boycott’, *Guardian Unlimited*, 6 November – Attachment 1).

An article dated 4 November 2009 sourced from the “South Africa-based ZimOnline website” indicates that “Zimbabwean prosecutors have charged a senior official of Prime Minister Morgan Tsvangirai’s MDC party with stealing weapons from an army barrack, in a case certain to stoke up tensions in the country’s shaky power-sharing government.” According to the article:

MDC transport manager Pascal Gwenzere who appeared in court at the weekend, was also accused of unlawfully receiving military training in northern Uganda together with other MDC activists in 1999 with the aim of destabilising Zimbabwe -a charge that carries a heavy jail sentence if he is found guilty.

Gwenzere - who was remanded in custody to November 13 - allegedly led a group of MDC activists into Pomona barracks where they stole 20 AK 47 rifles and one shotgun from the armoury, according to court paper.

...Gwenzere, abducted by state security agents from his Harare home two weeks ago and never heard from or seen until his court appearance last Saturday, joins a growing list of MDC activists who have been accused over the past 24 months of either possessing weapons or trying to obtain weapons and receiving military training for the purposes of destabilizing Zimbabwe.

Gwenzere - who according to his lawyer was tortured while in police custody - is said to have scaled over the security fence at Pomona on October 20 and that once inside the barrack he got assistance from some army officers to gain entry into the armoury to steal the weapons.

The MDC says the charges against Gwenzere and its other activists are baseless and politically motivated. The party more than two weeks ago stopped attending Cabinet, angered by the detention of its treasurer and nominee for deputy agriculture minister Roy Bennett, who is accused of possessing weapons of war for purposes of committing terrorism.

...Meanwhile a Harare magistrate acquitted another MDC top official and a deputy youth minister in the unity government Thamsanga Mahlangu who was accused of stealing a cellphone handset and a sim card belonging to ZANU PF member and war veterans leader Joseph Chinotimba.

The magistrate found that there was no evidence to show that Mahlangu stole the Nokia phone valued at US\$40 (Chirinda S. 2009, 'Zimbabwe: MDC-T official charged with stealing weapons from army barrack', *BBC Monitoring Africa*, source: ZimOnline, Johannesburg, 4 November – Attachment 2).

Another article dated 4 November 2009 refers to “[h]uman rights and media lawyer, Mordecai Mahlangu,” being arrested “for allegedly obstructing the course of justice, in a case involving MDC official Roy Bennett.” The article continues:

Media watchdog, MISA-Zimbabwe, says the lawyer was detained after he wrote a letter to Attorney General Johannes Tomana, protesting a subpoena that was issued to Peter Hitschmann, directing him to testify against Bennett. Mahlangu’s letter said Hitschmann’s statements were extracted through torture. The lawyer was arrested and detained overnight at Harare Central police station.

...Bennett is facing charges of possession of weapons with the intention to commit insurgency, sabotage, terrorism, and banditry. Robert Mugabe has refused to swear in the MDC official, claiming he is facing serious charges. The MDC and Bennett maintain the charges are trumped up. Several other MDC officials, including the co-Home Affairs Minister Giles Mutsekwa, were also arrested in connection with this alleged case, but their case fell apart.

...Bennett’s controversial trial is set for November 9th, in a case that has now been taken over by the Attorney General Johannes Tomana himself, who will be acting as lead prosecutor (Gonda, V. 2009, 'Rights Lawyer Arrested in Connection With Bennett’s Case', *All Africa*, source: SW Radio Africa, 4 November – Attachment 3).

An article dated 31 October 2009 indicates that “[w]ar veterans and Zanu PF militants have intensified attacks against MDC-T supporters in the rural areas following the party’s disengagement from dealing with Zanu PF ministers in the inclusive government, the party has said.” It is stated in the article that:

War veterans and Zanu PF militants have intensified attacks against MDC-T supporters in the rural areas following the party’s disengagement from dealing with Zanu PF ministers in the inclusive government, the party has said. The MDC-T said Zanu PF militias were holding political meetings where they branded MDC-T supporters “enemies of the state” who must be crushed because they had severed links with government.

The main faction of the MDC recently “disengaged” from Zanu PF in the inclusive government citing reluctance by President Robert Mugabe to address outstanding issues in their power-sharing agreement. MDC-T secretary for social welfare Kerry Kay expressed concern over the new wave of attacks against the party’s activists and supporters. She said Zanu PF has “re-activated” its terror squads and camps in the rural areas, blamed for murder, rape, plunder and general violence in last June’s election.

“What they are doing is shocking,” Kay said. “They are attacking our supporters on the basis that we withdrew from the unity government, which is not true. I fear this could degenerate into chaos to the levels of last year” (Chimhete, C. 2009, ‘Violence intensifies after MDC-T pull out’, *The Zimbabwe Standard*, 31 October – Attachment 4).

An article dated 28 October 2009 also indicates that “[v]iolence and intimidation against members of the Movement for Democratic Change (MDC) increased sharply within days of the party ‘disengaging’ from Zimbabwe’s unity government, MDC spokesman Luke Tamborinyoka told IRIN.” The article continues:

In one incident three armed men accosted MDC security official Edith Mashaire, 32, and tried to force her into a waiting vehicle as she walked towards her office in the capital, Harare, during working hours.

...“We have received reports of our supporters being beaten up and having their homes set on fire, allegedly by ZANU-PF supporters led by war veterans and members of the army,” Tamborinyoka said. President Robert Mugabe is the leader of ZANU-PF, the other wing of the unity government formed in February 2009.

Morgan Tsvangirai, MDC leader and Prime Minister, “disengaged” from the unity government on 16 October in protest over the re-arrest of the party’s treasurer and deputy agricultural minister designate, Roy Bennett, which had “brought home the fiction of the credibility and integrity of the transitional government”.

...Violence has erupted in Mashonaland Central Province, once a ZANU-PF stronghold in the north of the country. “The violence has intensified in rural areas ... Also affected are close to 100 teachers who have fled from the province,” Tamborinyoka said.

“Some of the biggest victims in this ongoing cycle of violence are children, because they have nobody to teach them,” he told IRIN. ZANU-PF supporters have accused the teaching profession of being allied to the MDC, and teachers have been told that since their party, the MDC, had pulled out of the government, they were now considered enemies of ZANU-PF.

“The violence is spreading to many parts of the country like Mashonaland West and East [provinces], Manicaland [province in the east] and Masvingo [province in the south] - all former ZANU-PF strongholds - and even in central Harare. We believe that ZANU-PF is retaliating after our party disengaged from the government two weeks ago,” Tamborinyoka said.

At the weekend, heavily armed police and soldiers raided a house used by MDC officials and accused the group of stealing weapons from army barracks in Harare. Tamborinyoka said recent events showed all the hallmarks of a crackdown on the MDC and its supporters. “Recently, a brigadier-general pointed a gun at one of our members of parliament and threatened to shoot him” (‘Violence Spikes After MDC’s Withdrawal From Government’ 2009, *All Africa*, source: UN Integrated Regional Information Networks, 28 October – Attachment 5).

An article dated 20 October 2009 sourced from SW Radio Africa (London) refers to “Elliot Mutizhe, who stood as an MDC candidate in the 2008 harmonized elections... recuperating in a private hospital in Mutare” after being “severely assaulted and left for dead, by a group of ZANU PF militias in Makoni South, Manicaland province.” The “MDC MP for Makoni South, Pishai Muchauraya,” said that “while the attack might have been an isolated incident, there are fears militias were regrouping to try to enforce the ZANU PF favoured, Kariba draft

constitutional document.” Muchauraya “said there was a campaign already underway in most of the wards in his constituency, to reject a people driven constitution” (Sibanda, T. 2009, ‘MDC Activist Left for Dead by Zanu PF War Veterans in Makoni’, *All Africa*, source: SW Radio Africa (London), 20 October <http://allafrica.com/stories/200910201168.html> - Accessed 5 November 2009 – Attachment 6).

An RRT research response dated 14 October 2009 provides information on the situation in Zimbabwe and refers to documents that include information on the treatment of MDC members (RRT Research & Information 2009, *Research Response ZWE35578*, 14 October, (Question 3) – Attachment 7).

An RRT research response dated 8 October 2009 looks at the situation for supporters of the MDC in Zimbabwe and whether there is state protection available for MDC supporters (RRT Research & Information 2009, *Research Response ZWE35535*, 8 October, (Questions 1 & 2) – Attachment 8).

Another RRT research response dated 1 July 2009 provides information on the level of political violence against MDC supporters in Zimbabwe (RRT Research & Information 2009, *Research Response ZWE35086*, 1 July – Attachment 9).

2. Is there any recent information on whether persons who have left Zimbabwe, or who travel outside Zimbabwe face harm or adverse attention on return, or are classified as “snitches” simply because of overseas travel or the perception they would be opposed to the Government because they have travelled overseas?

An article dated 31 October 2009 sourced from SW Radio Africa indicates that “Sarah Harland from the Zimbabwe Association, a charity working for Zimbabwean asylum seekers and refugees in the UK,” had said “that some Zimbabweans who have voluntarily returned to the country this year have ‘regretted their decisions’, which came after Prime Minister Morgan Tsvangirai earlier this year appealed for Zimbabweans to return home.” The article continues:

Harland explained that one teacher who recently returned is now “lying low for fear of victimization”, after the teacher was harassed, victimised and punished upon returning to Zimbabwe, “merely for being away in the UK.” Harland also explained that one returnee from South Africa, Edwin Chingami, was murdered in August by ZANU PF youths, shortly after his return from the UK, “for being a ‘sell-out’.”

The article also refers to the UK Immigration Minister Phil Woolas “announcing new cash and aid repatriation packages that will be made available for failed asylum seekers”, which “are hoped to encourage failed asylum seekers to voluntary return home to Zimbabwe. But he indicated deportations would be the next step ‘to enforce the law’.” The UK Home Office had said “it had carefully considered its position on enforced returns to Zimbabwe, in light of developments since the formation the unity government in February” (‘Concern Raised as UK Threatens Deportations’ 2009, *All Africa*, source: SW Radio Africa, 31 October – Attachment 10).

An article dated 17 October 2009 refers to Zimbabwe’s government being “in limbo after the Movement for Democratic Change (MDC), led by Prime Minister Morgan Tsvangirai, pulled out in protest against President Robert Mugabe’s repressive tendencies.” The temporary “withdrawal was triggered by the detention on Wednesday of Tsvangirai’s top ally, Deputy

Agriculture Minister Roy Bennett, on charges of terrorism, banditry and incitement of insurgency.” Bennett “was granted bail by the High Court late on Friday despite spirited efforts by the state to keep him in jail.” He had previously been “arrested in February after his return from exile in SA despite Pretoria’s assurances he would not be arrested.” Bennett “had fled to SA after being released from a year in detention for pushing Justice Minister Patrick Chinamasa during a parliamentary debate” (Muleya, D. 2009, ‘Crisis looms as MDC withdraws from Zimbabwe government’, *The Weekender*, 17 October – Attachment 11).

An article dated 1 September 2009 indicates that “[a]n MDC activist, Edwin Chingami who had gone into exile in the run-up to last year’s June 27th run-off elections was murdered upon his return home at the weekend.” Bikita West MP, Heya Shoko said that Chingami had been beaten by “known ZANU PF youths” at a “funeral wake of his niece”. A “[p]rovincial police spokesperson” had “denied the murder was politically motivated, saying the suspects were drunk.” However, “MDC provincial chairman, Wilstaff Sitemere confirmed that Chingami was murdered for campaigning for the MDC, as well as standing as the party’s elections observer. He said that Chingami was told he would die if he returned” (‘MDC Activist Murdered in Fresh Political Violence’ 2009, *All Africa*, source: SW Radio Africa (London), 1 September <http://allafrica.com/stories/200909010872.html> - Accessed 7 October 2009 – Attachment 12).

A report dated 27 July 2009 on SW Radio Africa refers to millions of Zimbabweans having “fled the country in the midst of its collapse, escaping political upheaval, violence and economic destruction,” with the majority having “fled to neighbouring countries”. However, “the countries hosting the thousands of exiles have started losing patience since the formation of the unity government, as the coalition was hoped to usher in real change.” According to the report, figures on the number of Zimbabweans deported from Botswana “show that an estimated 13 thousand Zimbabwean nationals were deported between April and June this year, according to information received by the NewZimbabwe.com online news website” (‘Zimbabwe: Shock Figures Reveal Thousands Deported from Botswana’ 2009, *All Africa*, source: SW Radio Africa, 27 July – Attachment 13).

A recent *Agence France-Presse* article dated 25 October 2009 indicates that an average of 110 Zimbabweans are “deported by Botswana every day, a small fraction of the 100,000 Zimbabweans believed living illegally in the country, according a [sic] report by the UN High Commissioner for Refugees.” Andrew Gethi, who manages an International Organisation for Migration centre just inside the Zimbabwean border, had said that “[s]ince Zimbabwe’s unity government took office in February, the numbers of deportees have dropped sharply, down from a peak of 237 a day in January”. The “[t]raffic across the border generally has slowed, as Zimbabwe’s economy has stabilised with the abandoning of the local currency, left worthless after years of hyperinflation.” Gethi said that “[t]he number of cross-border traders has dropped, because goods are locally available again, ... adding that tens of thousands of Zimbabweans still cross the border legally every month” (Shea, G. 2009, ‘For Zimbabwe’s deportees, shame at empty-handed return’, *Agence France-Presse*, 25 October – Attachment 14).

According to a UK Home Office country of origin information report on Zimbabwe dated 20 July 2009, “[n]o recent information was found that identified any particular problems for returning failed asylum seekers. In recent months Morgan Tsvangirai has called on Zimbabweans to return to Zimbabwe to re-build the country. Zimbabweans who had sought asylum in South Africa were reported by one source to be returning home in increasing

numbers” (UK Home Office 2009, *Country of Origin Information Report: Zimbabwe*, 20 July, Paragraph 33.01 – Attachment 15).

A previous UK Home Office country of origin information report on Zimbabwe dated 25 March 2009 provides information on the treatment of returned failed asylum seekers to Zimbabwe between 2004 and 2007, and refers to articles that include comments by Zimbabwean government ministers on the government’s attitude to returnees (UK Home Office 2009, *Country of Origin Information Report: Zimbabwe*, 25 March, Paragraphs 35.01 – 35.07 – Attachment 16).

In an interview on *National Public Radio* on 25 June 2009 with Irene Khan, the Secretary General of Amnesty International, in relation to her visiting Zimbabwe, Khan was asked whether she had any assessment of whether people could safely return to Zimbabwe:

Ms. KHAN: Well, as I said, the situation, the human rights situation is fragile. Things are very grim economically and socially. The education system is in crisis, the health system collapsed, housing is poor, jobs are scarce. So the economic situation on the ground is very bad. The security situation is also very uncertain. So, I think the issue of people returning in large numbers is just not on at the moment. Even in Tsvangirai’s own party, the grassroots activists are very worried and skeptical because they are still being threatened everyday (‘Amnesty International Investigates Civility in Zimbabwe’ 2009, *National Public Radio: Tell Me More*, 25 June – Attachment 17).

According to an article dated 3 April 2009 on the Human Rights Watch website, “[s]ince 2005, hundreds of thousands of Zimbabweans fleeing political violence, mass forced evictions, and economic deprivation caused by President Robert Mugabe’s destruction of the Zimbabwean economy have sought refuge in South Africa, only to face mass deportations, a dysfunctional asylum system, and further economic deprivation.” The article also indicates that the South African government had decided in April 2009 “to grant temporary work permits to Zimbabweans in South Africa”. It is stated in the article that:

The government announced on April 3, 2009, that it would hand out “special dispensation permits” to legalize Zimbabweans’ stay and give them work rights and access to basic health care and education. The decision should lessen their vulnerability to violence and exploitation both in their homeland and in South Africa.

...Despite the announcement, the South African government said it will continue to arrest and deport to Zimbabwe anyone who appears to be Zimbabwean, does not have an immigration or asylum permit, and also cannot prove their nationality (Human Rights Watch 2009, *South Africa: Permits Will Make Zimbabweans Safer*, 3 April <http://www.hrw.org/en/news/2009/04/03/south-africa-permits-will-make-zimbabweans-safer> - Accessed 30 October 2009 – Attachment 18).

A blog dated 26 March 2009 on the New Zimbabwe website by Rumbidzai Bvunzawabaya, a solicitor at RBM Solicitors in Coventry, United Kingdom, indicates that a new operational guidance note issued by the UK Home Office “rejects the Asylum and Immigration Tribunal’s central finding in the RN (Returnees) Zimbabwe CG [2008] UKAIT 00083.” The blog continues:

The Home Office says: “Although deplorable, a significant feature of the human rights abuses that are occurring now is that they have been for reasons other than those which led the AIT to conclude that those who were unable to demonstrate loyalty to Zanu PF would generally be at risk.

“The evidence of the past six months or so, therefore, no longer supports the contention that Zimbabweans are at risk merely because they would be unable to show support for Zanu PF (and there have been instances where Zanu PF supporters have been harassed or hurt, especially if perceived to have ‘betrayed’ the regime). A grant of asylum solely on this basis will not therefore usually be appropriate.”

This is a strong repudiation of the Asylum and Immigration Tribunal’s central finding in RN (Returnees) Zimbabwe CG [2008] UKAIT 00083 that all those unable to demonstrate loyalty to Zanu PF are generally at risk if returned to Zimbabwe, and should, therefore, be considered for refugee status.

There are still categories that the Home Office accept may be refugees, such as political activists, human rights defenders, members of civil society, and those in sensitive professions such as journalists and teachers (Bvunzawabaya, R. 2009, ‘Home Office issues new country guidance for Zimbabwe’, New Zimbabwe website, 26 March <http://www.newzimbabwe.com/blog/?p=500&print=1> – Accessed 30 October 2009 – Attachment 19).

A copy of the UK Home Office operational guidance note dated March 2009 is attached (UK Home Office 2009, *Operational Guidance Note: Zimbabwe*, March – Attachment 20).

An earlier report dated 9 December 2008 on the “London-based opposition newzimbabwe.com website” indicates that the UK government was unlikely to appeal the determination in the case of RN (Zimbabwe) v SSHD. In that case, the successful appellant had arrived in the UK in January 2006 and had “claimed asylum the following day. She had no political beliefs and had engaged in no political activities but had in the past worked as a teacher.” It is stated in the report that:

In the appeal proceedings, the Home Office did not dispute any of the country witnesses’ evidence and did not cross examine the witnesses.

Their argument in submissions was that this was not a good time for a new Guidance Case because the political situation in Zimbabwe was a highly fluid and fast moving one.

The Tribunal disagreed, and said the fact that country conditions kept changing was not a reason for the it to avoid giving guidance. It allowed RN’s appeal.

The main points that emerge from the RN case are as follows:

1. Anyone who is not able to demonstrate loyalty to the Zanu PF regime will be at risk. This means that it is no longer only MDC [Movement for Democratic Change] members and supporters who are likely to be targeted by the Mugabe regime. This should mean that members of other political parties and civic groups should also benefit from the RN ruling.
2. The question of whether someone is not loyal to the Mugabe regime is one of credibility to be assessed on the facts.

3. Anyone who has lived in the United Kingdom for a long time and has made an unsuccessful asylum claim may be at risk. A long time in this sense is not defined but from the facts in RN, it is arguable that the threshold should be two years.
4. The Mugabe regime now targets, not only particular individuals for persecution, but whole communities in certain areas.
5. Teachers and ex-teachers are singled out as being at risk on return.
6. The Central Intelligence Organization (CIO) continues to be in charge of monitoring returns to Harare airport. This increases the risk of persecution for those who are not pro-government because the CIO keep records and are highly networked and resourced.
7. It is too early to tell whether the power sharing agreement signed between the MDC and Zanu PF on September 15, 2008, will remove the real risk of serious harm to those who are not able to demonstrate allegiance to or association with the Zimbabwean regime.
8. The political situation in Zimbabwe may change, and if it does, the courts may depart from the RN Country Guidance case until a new Guidance case is published.
9. There will be some cases that will succeed on the basis that the general country conditions and living conditions in Zimbabwe have continued to deteriorate. The recent cholera outbreak brings this into sharp focus and indeed the new OGN acknowledges as much. These claims are by nature very difficult to run but, I suspect that there will be people such as HIV sufferers, minors, and the disabled whose vulnerability naturally lends itself to this argument. Each case will be considered on its own facts.

The report also indicates that:

The huge importance of the RN case is best demonstrated by the profile of RN herself. She succeeded even though she had no political profile, and the only factors going for her really were that;

- a) She previously worked as a teacher in Zimbabwe, and;
- b) She had been absent from Zimbabwe for two years (Nyawanza, T. 2008, 'UK government unlikely to appeal against ruling in Zimbabwean returnees case', *BBC Monitoring Africa*, source: newzimbabwe.com website, London, 9 December – Attachment 21).

A copy of the UK Asylum and Immigration Tribunal determination in the case of RN (Returnees) Zimbabwe v The Secretary of State for the Home Department, CG [2008] UKAIT 00083 is attached. The headnote of the case includes the following information:

1. Those at risk on return to Zimbabwe on account of imputed political opinion are no longer restricted to those who are perceived to be members or supporters of the MDC but include anyone who is unable to demonstrate support for or loyalty to the regime or Zanu-PF. To that extent the country guidance in HS is no longer to be followed. But a bare assertion that such is the case will not suffice, especially in the case of an appellant who has been found not credible in his account of experiences in Zimbabwe.

...3. It is the CIO, and not the undisciplined militias, that remain responsible for monitoring returns to Harare airport. In respect of those returning to the airport there is no evidence that the state authorities have abandoned any attempt to distinguish between those actively

involved in support of the MDC or otherwise of adverse interest and those who simply have not demonstrated positive support for or loyalty to Zanu-PF. There is no reason to depart from the assessment made in HS of those who would be identified at the airport of being of sufficient interest to merit further interrogation and so to be at real risk of harm such as to infringe either Convention (UK Asylum and Immigration Tribunal 2008, 'RN (Returnees) Zimbabwe v The Secretary of State for the Home Department', CG [2008] UKAIT 00083, UNHCR Refworld website, 19 November <http://www.unhcr.org/refworld/docid/49243bcb2.html> - Accessed 30 October 2009 – Attachment 22).

An RRT research response dated 25 February 2009 looks at the situation of returnees or failed asylum seekers to Zimbabwe (RRT Research & Information 2009, *Research Response ZWE34540*, 25 February, (Question 2) – Attachment 23).

According to an article in *The African Executive* dated 11-18 June 2008:

In Zimbabwe, the movement of people (Zimbabwean Diaspora) fleeing the economic and political disaster has from the state point of view been projected as a security threat, hence the reluctance to allow them participate in the 2008 general elections. The state thus views the Diaspora as a source of political and economic competition.

Viewing our economy as a victim of the West has inspired policies in postcolonial Zimbabwe. All policies are now geared towards countering foreign threats including the 'threats' from Zimbabweans abroad, who are seen as working against the ruling party (Kundishora, H. 2008, 'Zimbabwe Must not Persecute its Diaspora', *The African Executive*, 11-18 June <http://www.africanexecutive.com/modules/magazine/articles.php?article=3211#> - Accessed 30 October 2009 – Attachment 24).

A DFAT advice dated 2 February 2008 in relation to an applicant from Zimbabwe who had claimed that "her neighbours would persecute her because; she would be seen as affluent, having travelled overseas and also sent her children overseas for education and, they would assume she is receiving money from the MDC", indicates that:

A.2. A person returning to Zimbabwe under the applicant's circumstances would not be likely to be targeted by his or her neighbours as described (DIAC Country Information Service 2008, *Country Information Report No. 08/05 – Imputed Political Opinion*, (sourced from DFAT advice of 2 February 2008), 5 February – Attachment 25).

An MRT research response dated 4 May 2007 includes information on whether there had been any adverse comments/effects by the Mugabe government on Zimbabweans working/studying overseas (MRT Country Research 2007, *Research Response ZWE31647*, 4 May, (Question 3) – Attachment 26).

A *BBC News* article dated 11 April 2006 refers to the UK Court of Appeal asking the Asylum and Immigration Tribunal (AIT) "to reconsider its decision" following a government appeal against an AIT ruling in October 2005 that "effectively halted all deportations of failed Zimbabwean asylum seekers." In the tribunal ruling, "the tribunal said that the government could not deport an asylum seeker known only as AA - because there was enough evidence to suggest he faced potential interrogation or worse on arrival in Harare." The tribunal had "said that AA had no valid reason to claim asylum when he arrived in the UK", but "none of this altered the fact that he could face a risk of real harm if sent back - because it was clear that Zimbabwean security services believed returning asylum seekers were British spies." The

tribunal ruling “heavily criticised” a UK Home Office fact-finding trip to Zimbabwe which found “there were some reports of ill-treatment, but no substantial evidence to back up claims that returning asylum seekers were being mistreated” (‘Q and A: Zimbabwe asylum ruling’ 2006, *BBC News*, 11 April http://news.bbc.co.uk/2/hi/uk_news/4901202.stm - Accessed 4 November 2009 – Attachment 27).

An earlier *BBC News* article dated 6 October 2005 indicates that lawyers in a test case in London, who were “challenging the deportation of failed Zimbabwean asylum seekers by the UK Government”, had told a tribunal that Zimbabweans deported home were “regarded as traitors or spies by Robert Mugabe’s government”. Mark Henderson of the Refugee Legal Centre “said that the CIO had taken ‘particular interest’ in flights from the UK - and a ‘malevolent interest’ in returning asylum seekers. Some of these were regarded as ‘Blair’s spies’ or ‘agents of regime change’, he told the tribunal.” The article also indicates that Steven Kovats for the Home Office had “said an official delegation visited Zimbabwe in September to investigate the claims of abuse” and “[t]he Secretary of State concludes that on the totality of evidence of the field reports that failed asylum seekers as a class are not at real risk of treatment contrary to the European Convention on Human Rights, nor are they at real risk of persecution” (‘Zimbabwe returnees regarded spies’ 2005, *BBC News*, 6 October http://news.bbc.co.uk/2/hi/uk_news/4315122.stm – Accessed 7 September 2009 – Attachment 28).

3. Is there any information as to whether religious workers or pastors in the Worldwide Family of God Church in particular have faced pressure to publicly support the Zanu PF, or have experienced threats or mistreatment because of their refusal to publicly support Zanu PF?

An article in the *Journal of the International African Institute* dated 1 April 2005 refers to Andrew Wutawunashe as the leader of the Family of God. The article also refers to Wutawunashe on several occasions strongly supporting “Mugabe’s land reform programme, endorsing the view that it is ‘biblical’ and that it restores the dignity of blacks.” The article indicates that “[a]s the political and economic crisis in Zimbabwe worsened between 2000 and 2003... propagandists sought to portray the ruling party (ZANU-PF) as a sacred movement fulfilling prophetic oracles that the black majority would reclaim the lost land. State functionaries systematically appropriated religious ideas, with concepts from Christianity and African traditional religions being used to buttress political statements.” It is stated in the article that:

The use of religious rhetoric in political propaganda is reinforced when ruling party officials appear in public with church leaders. Constant interaction between political and religious leaders serves to blur the distinction between them and to lend legitimacy to politicians. The embracing of Christianity as the religion for state occasions helped to further its status as the first among equals. Pentecostalism has celebrated this achievement. Prominent preachers like Family of God leader Andrew Wutawunashe have maintained that according Christianity a special status will radically transform the country’s economic fortunes. On several occasions, Wutawunashe has strongly supported Mugabe’s land reform programme, endorsing the view that it is ‘biblical’ and that it restores the dignity of blacks. His Faith for the Nation campaign chimes with ZANU-PF’s ideology of African cultural authenticity, although he brings a distinctively religious flavour to it. His own background in nationalist politics as a university student in Rhodesia in the 1970s might help to explain his support for the ruling nationalists. A church leader with Wutawunashe’s background is unlikely to be perturbed by a jingle that utilizes Christian themes. However, one may not conclude that the whole church agrees with the stance of its leader (Gundani 2002: 161) (Chitando, E. 2005, ‘‘In the beginning was the

land': the appropriation of religious themes in political discourses in Zimbabwe', *Journal of the International African Institute*, 1 April, pp. 1 & 12 – Attachment 29).

A more recent report dated 26 July 2009 on the *zim NET radio* website refers to “Apostle Andrew Wutaun Ashe” as “a strong supporter of Robert Mugabe and Zanu whose church receives financial and moral support from Mugabe”. According to the report:

The three-day national peace commemorations ended yesterday with Zimbabweans calling for more programmes for people to understand Government's national reconciliation and integration agenda.

...The Pro Mugabe churches yesterday they were solidly behind Government's endeavour to promote 'peace' and national healing and would pray for sustained and continued stability in the country.

Speaking at the National Dedication and Prayer Service organised by the Family of God Church in Kambuzuma yesterday, National Healing Minister of State Sekai Holland said the national peace days were part of a programme that will be held in the next six months to promote reconciliation in Zimbabwe.

...Apostle Andrew Wutaun Ashe, a strong supporter of Robert Mugabe and Zanu whose church receives financial and moral support from Mugabe organised the prayer meeting held under the theme “Faith for the Nation — Supporting the Organ for National Healing, Reconciliation and Integration” urged Zimbabweans to “fight for peace” (Sibanda, L. 2009, 'Zimbabwe's national 'peace' days end', *zim NET radio*, 26 July <http://www.zimnetradio.com/news/zimnet27701.html> - Accessed 5 November 2009 – Attachment 30).

An article dated 1 August 2008 sourced from The Herald in Zimbabwe indicates that “the chairperson of the Eminent Church Leaders in Zimbabwe, Reverend Andrew Wutawun Ashe,” had criticised Western sanctions against Zimbabwe, saying they “were not a sign of goodwill for the people of Zimbabwe, but would only cause more suffering and deprivation”:

“The position of the West as characterised by the use on the part of the United States, Britain and the European Union of sanctions as a weapon of pressure or blackmail to ensure that an outcome which is according to their own definition prevails is of great concern to us.

“We strongly urge these nations to withdraw sanctions and show goodwill in a practical way towards the sterling efforts being made through these talks to bring unity and progress to the people of Zimbabwe,” he said.

He urged Zanu-PF and the two MDC formations to remain focused on the successful conclusion of the inter-party talks and disregard detractors bent on derailing the process.

...Eminent Church Leaders is made up of religious leaders from the Apostolic Faith Mission in Zimbabwe, Pentecostal Assemblies, the Council of Apostolic Churches of Zimbabwe, the Family of God, Revival Ministries International and Harvest Time Ministries, among others ('Church Leaders Slam West's Bid to Influence Talks' 2008, *All Africa*, source: The Herald, 1 August – Attachment 31).

An article dated 28 June 2008 also sourced from The Herald refers to “[t]he founder of the Family of God churches, Prophet Andrew Wutawunashe” speaking at a prayer meeting held by “[s]enior Zanu-PF officials and the clergy” in Harare “to pray for peace and prosperity during and after the presidential election run-off” (‘Zanu-PF Officials, Clergy Pray for Peace During Polls’ 2008, *All Africa*, source: The Herald, 28 June <http://allafrica.com/stories/200806300077.html> - Accessed 5 November 2009 – Attachment 32).

A document dated 26 July 2007 on the African Revival – Worldwide Family of God Church website provides details of Family of God churches and pastors in Zimbabwe (‘Zimbabwe’ 2007, African Revival – Worldwide Family of God Church website, 26 July <http://www.africanrevival.com/Zimbabwe%20Church%20Details.htm> – Accessed 5 November 2009 – Attachment 33).

An article dated 3 March 2006 refers to Dr Rutendo Faith Wutawunashe being “sworn in as the deputy chairperson of the Anti-Corruption Commission by President Mugabe at State House” in Zimbabwe. Dr Wutawunashe was “[a] holder of a medical degree from the University of Zimbabwe” and was “also an assistant pastor for the Worldwide Family of God churches locally and internationally” (‘Wutawunashe Sworn in As Deputy Chair of Anti-Graft’ 2006, *All Africa*, source: The Herald, 3 March – Attachment 34).

An article dated 31 May 2002 sourced from The Daily News indicates that the MDC had “snubbed fresh initiatives by Zanu PF-aligned church leaders to rekindle the collapsed inter-party talks with a new-look Zanu PF delegation led by the Minister of Foreign Affairs, Stan Mudenge.” It is stated in the article that:

The revelations are contained in correspondence between Faith for the Nation, chaired by Reverend Andrew Wutawunashe, and the two political parties.

Early this month, Wutawunashe’s delegation, which included Noah Pashapa, met both President Mugabe and the MDC leader Morgan Tsvangirai, seeking a home-grown solution to the political crisis.

After the meetings, Faith for the Nation wrote to the MDC and Zanu PF outlining what it called a National Unity and Reconciliation Initiative (NURI) national document.

...Welshman Ncube, the MDC secretary-general yesterday confirmed he received letters from Wutawunashe but his party refused to accept the initiative.

A letter, written by Ncube to Wutawunashe on 23 May said: “Zanu PF unilaterally withdrew from the inter-party dialogue sponsored by South Africa and Nigeria in circumstances where they demonstrated a complete lack of good faith and that they are not ready for serious and genuine dialogue. In these circumstances, we are not going to be taken down yet another garden path leading nowhere.”

...Ncube said: “Your initiative seems to be sponsored by that section of the Church, which has been aligned to Zanu PF and its causes, including the sections which have been prepared to put Mugabe on the same plane, if not a higher plane, than Jesus Christ.

“This is the same section of the Church, which seems to have no difficulty in reconciling its Christian values with condoning murder, rape, torture and the burning of homes, under the guise of land redistribution.”

Some of the churches in Wutawunashe's group are Family of God, Baptist Church, Evangelical Fellowship of Zimbabwe, Apostolic Faith Mission in Zimbabwe and Ambassadors For Christ Ministries (Ruhanya, P. 2002, 'MDC Rejects Fresh Dialogue Initiative', *Africa News Service*, source: The Daily News, 31 May – Attachment 35).

Another article dated 20 February 2002 sourced from The Daily News refers to the article's writer interpreting "the absence of Prophet Andrew Wutawunashe of the Family of God and Apostle Ezekiel Guti of Zaoga FIF as a clear boycott" of a prayer day for Zimbabwe that was used "as a five-hour-long political orientation seminar from Zanu PF chiefs." The writer saluted "them for refusing to be used in blaspheming the name of our God for political gain" (Nhamoinesu, S.T. 2002, 'Blasphemy At the National Day of Prayer', *All Africa*, source: The Daily News, 20 February – Attachment 36).

4. Is there any recent information as to whether persons who have studied overseas are perceived to be opposed to the Government, or have faced adverse treatment on return simply because they have lived outside Zimbabwe for a number of years in countries like Australia?

A report dated 16 October 2009 sourced from SW Radio Africa (London) indicates that "South Africa's Fort Hare University is under growing pressure to intervene in a row over the Zimbabwean Presidential Scholarship program, that has stopped funding 12 students, for alleged political activity. The programme meant for under-privileged students is funding around 750 students at the university but ZANU PF functionaries are now abusing it to punish those said to be taking part in MDC activities on the campus." According to the article:

This week Fort Hare Vice Chancellor Dr Tom Mvuyo tried to distance the university from the problem, saying they were 'not a party to the scholarship agreement between the Zimbabwean government and the scholarship holders. As with any other similar funding arrangement, the terms are a matter between the government and the students'. He was also eager to emphasize that they had not expelled the students but had asked them to contact them to 'discuss alternative payment arrangements'.

Sibanengi Dube, the MDC SA spokesman, said they have been assured by the Vice Chancellor that no student has been expelled so far. He said even those who had left campus, on the basis of the letters that had informed them that scholarships had been withdrawn, have been asked to come back. With end of semester exams under way the students have also been allowed to sit for them. It was not clear if this is a 'temporary truce' on the back of intense media coverage of the story, but Mvuyo is also said to have disowned all the statements issued by the university spokesman, confirming the axing of the students from the programme.

The story has generated outrage on the basis that a reputable South African University could allow under-privileged students to be victimized on the basis of political affiliation. To make matters worse the university spokesman had issued a statement claiming the scholarship programme specifically barred political activity and 'this condition, among others, is a cornerstone of the programme since 1995 when it began at the university, and it has been emphasized to new and old students to maintain cohesion and oneness among beneficiaries and to protect the image and integrity of our institution' (Guma, L. 2009, 'Fort Hare University Under Pressure Over Axed Scholarship Students', *All Africa*, source: SW Radio Africa (London), 16 October <http://allafrica.com/stories/200910161106.html> - Accessed 6 November 2009 – Attachment 37).

An earlier article dated 6 October 2009 by the same writer refers to “[t]en Zimbabwean students at the University of Fort Hare in South Africa” being “kicked out of a Presidential Scholarship Fund, for allegedly supporting the MDC.” As well, “another 10 students who participated in distributing MDC t-shirts and other party regalia, have been notified their funding will be withdrawn... Last month 3 students under the same scholarship programme were thrown out for allegedly saying ‘bad things about Mugabe’” (Guma, L. 2009, ‘Ten ‘MDC’ students kicked off presidential scholarship program’, *SW Radio Africa*, 6 October – Attachment 38).

The previously mentioned report dated 9 December 2008 on the “London-based opposition newzimbabwe.com website” indicates that one of the “main points that emerge from the RN case” is that “[a]nyone who has lived in the United Kingdom for a long time and has made an unsuccessful asylum claim may be at risk. A long time in this sense is not defined but from the facts in RN, it is arguable that the threshold should be two years.” The report also indicates that:

The huge importance of the RN case is best demonstrated by the profile of RN herself. She succeeded even though she had no political profile, and the only factors going for her really were that;

- a) She previously worked as a teacher in Zimbabwe, and;
- b) She had been absent from Zimbabwe for two years (Nyawanza, T. 2008, ‘UK government unlikely to appeal against ruling in Zimbabwean returnees case’, *BBC Monitoring Africa*, source: newzimbabwe.com website, London, 9 December – Attachment 21).

In the summary of conclusions in the UK Asylum and Immigration Tribunal determination in the case of RN (Returnees) Zimbabwe v The Secretary of State for the Home Department, CG [2008] UKAIT 00083, it is stated that:

259. The fact of having lived in the United Kingdom for a significant period of time and of having made an unsuccessful asylum claim are both matters capable of giving rise to an enhanced risk because, subject to what we have said at paragraph 242 to 246 above, such a person is in general reasonably likely to be assumed to be a supporter of the MDC and so, therefore, someone who is unlikely to vote for or support the ruling party, unless he is able to demonstrate the loyalty to Zanu-PF or other alignment with the regime that would negate such an assumption (UK Asylum and Immigration Tribunal 2008, ‘RN (Returnees) Zimbabwe v The Secretary of State for the Home Department’, CG [2008] UKAIT 00083, UNHCR Refworld website, 19 November <http://www.unhcr.org/refworld/docid/49243bcb2.html> - Accessed 30 October 2009 – Attachment 22).

An RRT research response dated 26 October 2007 looks at the treatment of Zimbabweans returning from overseas study (RRT Research & Information 2007, *Research Response ZWE32420*, 26 October, (Question 2) – Attachment 39). The research response refers to a DFAT advice dated 23 October 2007 which includes the following information:

- A. We are not aware of difficulties by Zimbabweans returning from study from overseas in countries critical of the Government of Zimbabwe (GOZ) such as Australia, the United States, Canada and the United Kingdom. We have seen no evidence that the simple fact of studying in those countries would attract punitive action by the GOZ. Officers of the Central

Intelligence Organisation (CIO) have been working under cover for some time as Immigration Officers at Harare International Airport. If an individual student was active in organisations subject to harassment by the GOZ, such as the Movement for Change (MDC), trade unions or civil society organisations, it is possible that she might be identified on arrival at Harare Airport. If so, any punitive measures taken against her by the GOZ would be the result of such activism, not of simply having studied in Australia (Department of Foreign Affairs and Trade 2007, *DFAT Report ZWE32420 – Zimbabwe: RRT Information Request: ZWE32420*, 23 October – Attachment 40).

The MRT research response dated 4 May 2007 includes information on whether there had been any adverse comments/effects by the Mugabe government on Zimbabweans working/studying overseas (MRT Country Research 2007, *Research Response ZWE31647*, 4 May, (Question 3) – Attachment 26).

5. Is there any information on whether the government of national unity is actively seeking to encourage overseas Zimbabwean citizens to return to the country to assist in its reconstruction?

The UK Home Office country of origin information report on Zimbabwe dated 20 July 2009 refers to documents which indicate that both President Robert Mugabe and Prime Minister Morgan Tsvangirai had called for exiled Zimbabweans to return to the country to assist in its rebuilding. It is stated in the report that:

Treatment of returned failed asylum seekers

33.01 No recent information was found that identified any particular problems for returning failed asylum seekers. In recent months Morgan Tsvangirai has called on Zimbabweans to return to Zimbabwe to re-build the country. Zimbabweans who had sought asylum in South Africa were reported by one source to be returning home in increasing numbers.

33.02 Reliefweb reported on 19 March 2009 that: “Zimbabwean professionals, many of them teachers, are coming home and seeking readmission into the public service, in response to a move by the country’s new inclusive government to pay civil servants in foreign currency and relax conditions for rejoining the sector. The influx is a response to calls from President Robert Mugabe and Prime Minister Morgan Tsvangirai for the more than three million exiles ... to return to Zimbabwe to help rebuild the country.” The report went on to note that during February 2009 over 80,000 Zimbabweans returned to the country from South Africa with most of them holding South African asylum permits.

33.03 On 8th May 2009 Prime Minister Morgan Tsvangirai, encouraged [sic] exiled Zimbabweans at a meeting in South Africa, to move beyond political divisions and help in the rebuilding of the country. Mr Tsvangirai stated that while Mugabe and ZANU-PF had been part of the problem, they were also part of the solution and asked Zimbabweans in exile to be prepared to reconcile their differences so that the country could be rebuilt.

Morgan Tsvangirai has made further appeals for Zimbabweans to return to Zimbabwe – please see Latest News for details. Details about conditions at Harare Airport can be found at the section on the Central Intelligence Organisation (UK Home Office 2009, *Country of Origin Information Report: Zimbabwe*, 20 July – Attachment 15).

An *Agence France-Presse* article dated 21 June 2009 indicates that “Zimbabwean Prime Minister Morgan Tsvangirai was booed and shouted down by exiles during a speech in London on Saturday when he pleaded with them to return home to help rebuild the shattered country.” According to the article:

Tsvangirai told a stormy audience of 1,000 people in Southwark Cathedral that “Zimbabweans must come home” -- but they said that 85-year-old President Robert Mugabe must quit first.

Failing to make himself heard above the boos and chants of “Mugabe must go”, Tsvangirai left the pulpit for two minutes before returning to face questions.

He said, “I did not say ‘pack your bags tomorrow,’ I said ‘you should now start thinking about coming home’.”

Boos also rang out when Tsvangirai insisted that the four-month-old unity government of his Movement for Democratic Change (MDC) and Mugabe’s ZANU-PF had “made sure that there is peace and stability in Zimbabwe” (Jackson, G. 2009, ‘Tsvangirai shouted down by Zimbabwean exiles in London’, *Agence France-Presse*, 21 June – Attachment 41).

A further article dated 1 August 2009 refers to Zimbabwe’s Prime Minister Morgan Tsvangirai receiving “a warm reception on Saturday in Johannesburg as he appealed to exiled Zimbabweans to invest in and return to their country.” It is stated in the article that:

Zimbabwe’s Prime Minister Morgan Tsvangirai got a warm reception on Saturday in Johannesburg as he appealed to exiled Zimbabweans to invest in and return to their country. “The reconstruction cannot be done by government alone, by people in Zimbabwe alone,” he said at a rally of about 300 Zimbabweans singing protest songs and greeting his speech with cheers, claps and whistles. “You and everyone else will have to play their part in that reconstruction agenda. Zimbabwe is changing,” he said. “It is slow and it can be frustrating, but it is changing.” The rally at the University of Witwatersrand here contrasted sharply with his welcome in June in England, where Tsvangirai was jeered at when he appealed to Zimbabweans to return to their country. “I think he’s a true leader. He’s a person who can take Zimbabwe from darkness to the sunny side,” said one attendee at the rally, Mduduza Mcube, 29. Several people wore shirts saying the Zimbabwe’s President Robert “Mugabe must go” and waved the Zimbabwean flag. Many at the rally were reluctant, however, to return to a country which is still plagued by economic and political instability (“Tsvangirai urges exiles to return to Zim’ 2009, *ZWNews*, 1 August <http://www.zwnews.com/issuefull.cfm?ArticleID=21304> - Accessed 7 September 2009 – Attachment 42).

According to a report dated 20 August 2009 on *SW Radio Africa*, “[a]ttempts by the unity government to encourage Zimbabweans to return to help rebuild the country have been falling flat.” The article also refers to Prime Minister Morgan Tsvangirai’s office “working on proposals to change the country’s citizenship laws which have been used to disenfranchise millions of voters”:

The move is likely to see tens of thousands of Zimbabweans in the Diaspora being able to keep their Zimbabwean citizenship, despite having been granted citizenship elsewhere. Current laws prohibit dual nationality. In 2003 Mugabe’s regime also used an amendment to the Citizenship Act to disenfranchise white Zimbabweans of European origin and thousands of black Zimbabweans of foreign origin, mostly working on the farms. Both groups were viewed by the regime as being supporters of the then opposition MDC.

...Attempts by the unity government to encourage Zimbabweans to return to help rebuild the country have been falling flat. A promise of dual citizenship could encourage some of them to return.

But in the absence of any real resolution to the various outstanding issues in GPA, analysts say efforts at encouraging the diaspora to return were doomed to fail. Continued harassment of the MDC, marked by a selective application of the law, has torpedoed any efforts to market the country as a safe destination for returning exiles ('PM's office proposes changes to citizenship laws' 2009, *SW Radio Africa*, 20 August – Attachment 43).

An article dated 3 October 2009 sourced from the Financial Gazette indicates that "Zimbabwe's industries, which are battling to restore operations hurt by a decade-long crisis, could be forced to resort to expatriate staff because locals who fled the economic crisis are not yet ready to return, industry sources said this week." The article also indicates that "[a]lthough the inclusive government of President Robert Mugabe, Prime Minister Morgan Tsvangirai and Deputy Prime Minister Arthur Mutambara is battling to bring back sanity in the domestic economy, this has done little to lure back those who fled the country in search of greener pastures." A report by the South Africa-based Centre for Development and Enterprise (CDE) released early in 2008 "pointed out that Zimbabwe's first wave of skills flight started in the early 1980s and comprised mainly of white Zimbabweans unhappy with the new black government." The article continues:

"The second wave, during the 1990s, consisted of the departure of skilled blacks and whites, triggered by the adverse effects of the economic structural adjustment programme introduced by the government. The third wave began soon after the constitutional referendum and general election of 2000," the report says.

Zimbabwe's Scientific and Industrial Research and Development Centre (SIRDC) said in its report in 2003 that about 490 000 skilled Zimbabweans of all colours had left the country because the weakening economy limited their employment prospects. The figure has skyrocketed to over one million skilled people, according to unofficial statistics (Ndlela, D. 2009, 'Local Firms Resort to Expatriates', *All Africa*, source: Financial Gazette, 3 October – Attachment 44).

The previously mentioned article dated 31 October 2009 sourced from SW Radio Africa indicates that "Sarah Harland from the Zimbabwe Association, a charity working for Zimbabwean asylum seekers and refugees in the UK," had "said the present precarious situation in Zimbabwe meant there is increased anxiety about returning home." She had "explained that some Zimbabweans who have voluntarily returned to the country this year have 'regretted their decisions', which came after Prime Minister Morgan Tsvangirai earlier this year appealed for Zimbabweans to return home" ('Concern Raised as UK Threatens Deportations' 2009, *All Africa*, source: SW Radio Africa, 31 October – Attachment 10).

6. Is there any information on the treatment of mixed ethnicity relationships (Shona and Caucasian) and any evidence to suggest members of such relationships have been targeted or killed because of their relationship?

The US Department of State report on human rights practices in Zimbabwe for 2008 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 white minority and other groups, between the Shona majority and the Ndebele minority, and among the various Shona subgroups" (US

Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Zimbabwe*, February, Section 5 – Attachment 45).

The RRT research response dated 25 February 2009 looks at the situation of a black Zimbabwean who is married to a white partner in Zimbabwe (RRT Research & Information 2009, *Research Response ZWE34540*, 25 February, (Question 1) – Attachment 23). The research response refers to an article dated September 2001 which indicates that “[a]lthough the legal environment governing inter racial marriages has greatly improved in Zimbabwe, women married to men of different races still have to confront social and cultural barriers.” The article refers to the repeal of laws that discriminated against people on the grounds of race and an amendment to the Citizenship Act in 1996 that “took away men’s rights to have their foreign wives gain automatic citizenship. It now requires both Zimbabwean men and women who have foreign spouses to apply to the Immigration Office for registration of their unions.” The article continues:

Zimbabwe is considered as having one of the best Bill of Rights when it comes to race relations and mixed marriages in particular. The Declaration of Rights Section 11 of the Constitutions says, “...every person in Zimbabwe is entitled to the fundamental rights and freedoms of the individual, that is to say, the right whatever his race, tribe, place of origin, political opinion, colour, creed or sex but subject to the respect for the rights and freedoms of others and for the public interest.”

Although these strides have been made on the legal front, women married to men of other races continue to face an uphill struggle socially and culturally. Although interracial marriages are quite acceptable among sections of the elite, there is still a lot of stigma associated with such relationships at other levels of the society.

A lot of the women married to men of different races are ostracized by friends and family. Black women married to white men or those of other races are labeled prostitutes and accused of being disrespectful of culture.

Tendai, a black Zimbabwean woman married to a Dutch national Clemens Westerhoff says she has often borne the brunt of this discrimination. “Some people do not approve of such kind of relationships (interracial). One can see an element of disapproval among both blacks and whites if say we (Clemens and I) go together to a restaurant. The divide can be seen from the way people look at you.”

A white businesswoman who is married to a black man and who preferred anonymity says she also has not been spared the disapproving glances: “While other powerful groups in Zimbabwe, like politicians and businesspeople see nothing wrong with interracial marriages, typical traditional and conservative men in our country do not approve these unions,” she explains. She says that she has numerous problems when she visits her husbands’ rural home and her conservative friends in Harare.

“In the rural area, some people think that our relationship is queer and each time we visit our rural home, a number of villagers actually gather to observe the behaviour of a white woman married to a black person. One day I heard one of the village elders saying that my children will not be blessed because of this union,” explained the businesswoman.

She told IPS that although there was nothing illegal about that union, a lot needed to be done to educate people that there was nothing untraditional for white and black people to marry each other. Furthermore, there is need for people to come to terms with people’s human right to choose freely, their life partner.

Ironically, men married to white or Asian women are regarded as symbols of achievement although conservative patriarchal social leaders such as chiefs sometimes accuse them of violating traditional norms. The different reactions to men and women's interracial marriages indicate the gendered nature of interracial relationships ('Women in Interracial Marriage – Still facing discrimination in Zimbabwe' 2001, *Inter Press Service – Africa*, September published on Kubatanet.net, http://www.kubatana.net/html/archive/women/010901ips.asp?sector=&year=0&range_start=1 – Accessed 24 February 2009 – Attachment 46).

An article dated 21 October 2001 sourced from The Standard provides information on a marriage between a Shona man and an English woman in Zimbabwe ('Meet the Spouse-Marriage of Two Cultures' 2001, *All Africa*, source: The Standard, 21 October <http://allafrica.com/stories/200110230307.html> - Accessed 5 November 2009 – Attachment 47).

An Immigration and Refugee Board of Canada response to information request dated 22 August 2002 includes the following information on interracial relationships in Zimbabwe:

In 2001, Africa News reported the following:

It is quite evident that mixed couples have not had it easy, because of the customs and traditions that govern the institution of marriage and procreation among the many races. Cultural purists are totally against inter-racial marriages which they see as eroding one's identity. ... One prominent belief is historical differences which have led to one race (the whites) exploiting the other (the blacks). ... African elders strongly believe that since this new comer has a role to play in the family it will be difficult for him/her to do so if he/she is from another cultural background (*Africa News* 28 Jan. 2001).

Alice Gozo, who spent five years in Zimbabwe, stated the following in an interview with Vivian Pevsner who has worked as a researcher in Zimbabwe:

(In 1990 the racial problem was something that I found quite startling. It was sown into the fabric of society. You are classified and judged by the way you look. ... if you go to Zimbabwe and you say 'black', you mean a traditional black African. If you say 'coloured', it will mean a person of mixed race. They have whites and Indians. It is extremely segmented. ... A mixed couple will walk down the street and you will see heads turn. It's something that the young population is getting over a lot faster now. But there's still a lot of stigma to interracial relationships. ... There is a tragedy of unresolved racial issues in Zimbabwe. And it's finding expression now in all kinds of ways. Mugabe is able to tap into an undercurrent of anger and resentment that is in fact highly unjustified. ... Gross exploitation, gross racism (openDemocracy.net 27 Feb. 2002).

According to Doris Nyasha Kumbawa, member of the Federation of African Media Women in Zimbabwe, "it is not so easy to date in Zimbabwe. ... 'the white people here are very rich and do not want to mix with other people and this makes it difficult to make friends.' This attitude has seen some whites who date blacks being cut off by their fellow whites" (kubatana.net 7 May 2002) (Immigration and Refugee Board of Canada 2002, *ZWE39359.E – Zimbabwe: Treatment of black women in relationships with white men, and the treatment of black men in relationships with white women (1990-2002)*, 22 August – Attachment 48).

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United Nations (UN)

UN High Commissioner for Refugees (UNHCR) Refworld

<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>

International News & Politics

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

Topic Specific Links

African Revival – Worldwide Family of God Church

<http://www.africanrevival.com/homepage.htm>

Region Specific Links

All Africa <http://allafrica.com/>

Search Engines

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

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

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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