



Zimbabwe  
**HUMAN RIGHTS**  
NGO Forum

***Adding insult to injury.  
A Preliminary Report on Human  
Rights Violations on Commercial  
Farms, 2000 to 2005.***

**Zimbabwe Human Rights NGO Forum and the  
Justice for Agriculture Trust [JAG] in  
Zimbabwe.**

**June 2007**

## **Executive summary**

Widespread human rights violations were inflicted upon white farmers and black farm workers by agents of Zimbabwean President Robert Mugabe's government during the seizures of white-owned farms from 2000 to 2005.

In addition to the human rights abuses, immense financial losses were inflicted upon the farm owners. Farm workers suffered catastrophic losses of income, habitation, health services and access to clean water and sanitation that contributed to a high death rate.

The combination of the human rights abuses and loss of livelihood have contributed to a growing economic and humanitarian crisis in Zimbabwe.

According to this survey of 187 former commercial farmers conducted over six months in 2006-2007, only 6% reported that they are still on their farms. Seventy-five per cent of the respondents said they are Zimbabwean citizens and 65% still reside in Zimbabwe. This is significant as it shows that most white farmers identified themselves as Zimbabweans, not British.

A total of 53,022 people – farmers, farm workers and their families – were identified by the survey respondents as having experienced at least one human rights violation. Many experienced multiple abuses. These abuses included assaults, torture, being held hostage, unlawful detention and death threats. If this figure from the limited survey is extrapolated to include all commercial farms nation-wide, the number of people suffering abuses during the farm seizures could be more than 1 million.

The total financial losses incurred by white farmers responding to the survey, according to their own estimates, are US\$368 million. If the survey's figures are extrapolated to the entire commercial farming sector the figure is an astronomical US\$8.4 billion. The results of the survey are in line with other estimates by economists.

The amount of damages for which the Zimbabwe government should be liable, for giving open support to the land invasions, would have catastrophic consequences for an economy already in precipitate decline.

The losses suffered by the farm workers were life threatening. The survey found that about 1% of displaced farm workers and their family members have died since losing their jobs. Extrapolated to the entire population of 1 million farmer workers and their families, 10,000

people could have died after displacement from the farms. This is clearly a gross underestimate and anecdotal evidence from commercial farmers suggests that the figure is considerably higher.

This report finds that the gross human rights violations, and the violations of rights generally, were much greater than had been previously assumed. It is also evident that the patterns of violations and those involved in the perpetration of these violations are not commensurate with conflicts over land between land owners and landless people. Instead the data from the survey suggests organised appropriation by an elite, as has been widely claimed.

The report concludes that the evidence is strongly suggestive of a systematic campaign, as evidenced by the failure of the police and civilian authorities to enforce the law and offer the protection of the law. The report finds that a plausible case can be made for crimes against humanity having been committed during these displacements. There is a compelling need for these to be investigated and the perpetrators to be charged and tried.

War veterans and members of Zanu(PF) were the largest number of perpetrators of the violations, followed by the police. Other significant perpetrators were found to be members of parliament, officials from the president's office, provincial governors, and other government officials. These findings point to an organized seizure of land planned by officials, not a spontaneous seizure carried out by landless blacks, as the government claims.

All Zimbabweans have suffered as a consequence of the ill-advised land reform process, which has devastated the economy and created an enormous humanitarian crisis. There can be no impunity for gross human rights violations ever and hence there must be some process of accountability for the violations that occurred during the land reform exercise. Quite obviously this accountability must involve both criminal and civil actions, and both groups – commercial farmers and farm workers – must be supported in obtaining redress for the violations they have experienced and the losses they have suffered.

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## 1. Methodology of the study

This study is part of an ongoing exercise in understanding the effects of the land reform process on the violation of commercial farmers' and farm workers' human rights. This is a preliminary report on the data gathered to date from the first sample of former commercial farmers. As such, it is the employers' views and does not report on data directly gathered from former commercial farm workers. Such data will be collected in subsequent phases of the research. Subsequent phases of the research will involve in-depth interviews with farmers and farm workers, as well as more global survey data from the former commercial farm workers.

A specific questionnaire was developed with the Justice For Agriculture Trust [JAG] for the first phase of the project [see Appendix 1]. The questionnaire aimed at gathering information on a number of key areas that have not been well-covered in previous studies:

- Violations against farmers;
- Violations against farm workers;
- Efforts to use the justice system to protect farmers and their rights;
- Damages and losses incurred by farmers;
- Loss of support and services to commercial farm workers.

Justice for Agriculture then circulated this questionnaire by email and direct contact. The data was compiled in a purpose-built data base in Access, and all data was consolidated in an Excel spreadsheet. Simple counts of frequencies, as well as tests of frequencies and means, were carried out. The present study merely reports very general findings, and more detailed reports will be forthcoming in the future.

## 2. Background

*"Land is at the core of the crisis in Zimbabwe and cannot be separated from other issues of concern to the Commonwealth, such as the rule of law, respect for human rights, democracy and the economy. A programme of land reform is, therefore, crucial to the resolution of the problem."*<sup>1</sup>

These views, expressed in the Abuja Agreement in 2001, have come to characterise the Zimbabwe crisis. And whilst few will disagree with these views, many will disagree that it wholly captures the crisis, for, although land re-distribution is essential, many will argue that it has become a smokescreen for blunt attempts to maintain political power.<sup>2</sup> Some observers

1 Abuja Agreement, 6 September 2001.

2 See Zimbabwe Human Rights NGO Forum (2003), *Zimbabwe, the Abuja Agreement and Commonwealth Principles: Compliance or Disregard? 8 September 2003*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

even argue that the land reform process is the sole basis for the current economic decline in Zimbabwe.<sup>3</sup>

The rationale behind the scepticism over the centrality of the land issue lies in concerns over the extreme violence that has accompanied the nationalisation of the commercial farming areas, as well as the timing of the violence around elections, particularly those in 2000 and 2002.<sup>4</sup> However, it is indisputable that land has been an issue since Independence, even though the issue often smouldered rather than burned until the late 1990s.

Thus, the origins of the current dispute over land are long-standing, and were raised well before Independence in 1980,<sup>5</sup> and, subsequently, land redistribution was high on the agenda at Independence in 1980, especially when a total of 14.5 million hectares of land was in the hands of farmers of European descent, who dominated the large-scale commercial farming sector. More than 3 million hectares of this land were redistributed between 1980 and 1997. However, following spontaneous land invasions in 1997, the issue became more contentious, and led to an international land conference in 1998. However, it was not evident that land acquisition generally was a major concern for ordinary Zimbabweans, despite the claims of the government, as was indicated by several national opinion polls.<sup>6</sup>

In June 1998, the government set a target for its land-reform programme, aiming to redistribute an additional 5 million hectares of land within six years to settle 300,000 A1 smallholder subsistence families, and 52,000 A2 commercial farmers. However, two years later only about 3 per cent of this target had been achieved, and legal wrangles had begun between the commercial farmers and the Zimbabwe government. Shortly after the rejection of the proposed new constitution, and the controversial land clause inserted after the consultation process had been completed, land invasions began in earnest. The Government embarked on a "Fast Track" implementation of the programme, taking the remaining 6 million hectares. In May 2002, the Government decided that about 2,900 commercial farmers should cease all farming activities and leave their farms within three months.

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3 See Craig J. Richardson, "Property Rights, Land Reforms, and the Hidden Architecture of Capitalism", DEVELOPMENT POLICY OUTLOOK, No. 2, 2006. American Enterprise Institute.

4 See Zimbabwe Human Rights NGO Forum (2001), *Politically motivated violence in Zimbabwe 2000-2001 A report on the campaign of political repression conducted by the Zimbabwean Government under the guise of carrying out land reform. August 2001*. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

5 See Riddell, R (1978), *The Land Question, From Rhodesia to Zimbabwe*. No.2. LONDON: CIIR.

6 In a survey conducted by the Helen Suzman Foundation, land only figured as fourth in people's concerns, whilst two surveys conducted by the Afrobarometer, both before and after the land grab had taken place, indicated that land was an issue for only 1% in 1999 and only 4% in 2004. See Helen Suzman Foundation, *Public Opinion in Zimbabwe.2000*. JOHANNESBURG: HELEN SUZMAN FOUNDATION; AFROBAROMETER (1999), *Public Opinion and the Consolidation of Democracy in Southern Africa: An Initial Review of Key Findings From the Southern African Democracy Barometer*, Afrobarometer Paper No.12; Chikwana, A., Sithole, T., & Bratton, M. (2004), *The Power of Propaganda: Public Opinion in Zimbabwe, 2004*, Afrobarometer Report No. 42.

A short digression about the land statistics is appropriate here. In 1975, as indicated earlier, 37.25%, or 14.5 million hectares of the total land mass of Zimbabwe [39 million hectares] was in the hands of white farmers. In the early 1980s, 3.8 million hectares of this 37% was made available for purchase by the Zimbabwe government on a willing seller/buyer basis. These were mostly vacant farms owned by white farmers or absent owners who had left during the 1970s. By the mid 1990's, only 28% of Zimbabwe's total land mass, or 10.9 million hectares, were in the hands of commercial and/or white farmers. By 2000, only 22% or 8.58 million hectares were in the hands of commercial farmers, and, of these, only 18% or 7 million hectares was white-owned: 3.5%, or 1.4 million hectares, of the commercial farmland was already owned by black commercial farmers. So it is apparent that substantial redistribution had already taken place by 2000: more than half of the commercial farmland in white hands in 1980 had been placed in black hands by 2000. Here it is also worth commenting that the productivity and earning of this remaining 50% was considerable and significant, not only in the economy of Zimbabwe but also the region.

In the early 1990s the Government enacted legislation giving itself a right of first refusal over all farmland that came on the market. This right was seldom exercised. By 2000, 80% of white commercial farmers on the land had purchased their farms since 1980, and almost all of them had letters "of no present interest" (i.e. letters indicating that the government declined to exercise its option to purchase their land). It is apparent, therefore, that a substantial amount of land would have been readily available for acquisition and redistribution by the government during the 20 years under review, had the government chosen to exercise its statutory right to acquire it. That the government failed to do so cannot be blamed on the commercial farmers.

However, as indicated above, the Zimbabwe government stated the need for more land in 2000, in order to resettle 352,000 families in two different schemes. It should be noted here that the actual re-settlement was markedly lower than the anticipated need according to the Zimbabwe government. As the Utete Commission commented in 2003:

The Committee established that nationally a total of 2 652 farms with a combined hectarage of 4 231 080 had been allocated to 127 192 households under the A1 resettlement model as of 31st July 2003. The take up rate by beneficiaries was 97%. As for the A2 resettlement model, the corresponding figures were 1 672 farms amounting to 2 198 814 hectares for 7 260 applicant beneficiaries. The take up rate under this model however ranged from 42% (Manicaland) to 100% (Matabeleland South), with an average take up rate of 66% nationally. This failure by some 34% of applicants to take up their allocations implied a considerable amount of land lying fallow or unused while, ironically, thousands of would-be A2 beneficiaries were pressurising the authorities to be allocated land.<sup>7</sup>

7 ZIMBABWE 2003. *REPORT OF THE PRESIDENTIAL LAND REVIEW COMMITTEE ON THE IMPLEMENTATION OF*

There is some uncertainty about the total number of commercial farms still operating in Zimbabwe since the "fast track" reform was initiated in 2000. Government figures in June 2000 suggested that at least 5,500 commercial farms were operating and would be included in the land reform. At this time, the Commercial Farmers' Union [CFU] claimed about 3,200 members of the 4,300 actual white commercial farmers, or nearly 80 percent of the large scale commercial farming sector. By February 2003, the CFU estimated that only some 800-900 of these farms were fully or partially operating. Currently, only approximately 400 white commercial farmers remain, only half of whom are in any form of production. This has had a dire effect upon agricultural production levels across the board.

The Food and Agriculture Organization [FAO] and the United Nations Development Programme [UNDP] estimated that output in the 2002/2003 agricultural season had dropped to about 10 percent of the production achieved during the 1990s.<sup>8</sup> Agricultural production has continued to decline since 2003, raising the increasing prospect of major food insecurity, amidst continued allegations of incompetence in the allocations, as well as accusations of patronage and corruption. In 2006, the government, in the form of the President, has itself admitted that only 40% of the land acquired was being utilized properly.<sup>9</sup> There has also been a general migration of settlers and farm workers off commercial farm land, and even out of communal areas, into urban areas, where food supplies were more secure. This trend is continuing, notwithstanding government actions such as *Operation Murambatsvina*.

Outside of the issues around land acquisition and its legality, there was also the serious concern by some civic organisations over the manner in which these acquisitions took place.<sup>10</sup>

## 2.1 The Abuja Agreement

The "fast track" land acquisition process, begun in 2000, caused both national and international concern, and, in the wake of the contentious elections in 2000, drew the attention of the Commonwealth. The Abuja Agreement, signed in Abuja, Nigeria, in September 2001, was an important step in the internationalising of the "land problem", and any brief analysis of the failure of this initiative by the Commonwealth shows that the Zimbabwe Government was operating in a wholly *mala fide* fashion. Whilst the major thrust of the Abuja Agreement dealt with land, nonetheless the Abuja Agreement did cover most

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*THE FAST TRACK LAND REFORM PROGRAMME, 2000-2002* ('The Utete Report').

8 See *Food and Agriculture Organization & World Food Program, 19 June 2003, FAO/WFP Crop and Food Supply Assessment Mission to Zimbabwe*.

9 "Only 40% of Zim's seized farms are used". *The Mail & Guardian* (SA), 21 July 2006.

10 See Zimbabwe Human Rights NGO Forum (2001), *Politically motivated violence in Zimbabwe 2000-2001. A report on the campaign of political repression conducted by the Zimbabwean Government under the guise of carrying out land reform*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

aspects of the Zimbabwe crisis. It committed the Zimbabwe Government:

- to “take firm action against violence and intimidation” ;
- to comply with the standards contained in the Harare Declaration<sup>11</sup> and the Millbrook Commonwealth Action Programme;
- to observe human rights, the rule of law, transparency and democratic principles;
- to take a series of confidence-building measures that would lead to immediate and observable changes in the domestic situation.

The Abuja Agreement, whilst welcomed in principle by civil society in Zimbabwe, nonetheless was treated with some scepticism. The Crisis in Zimbabwe Coalition issued a statement ahead of the visit of the Commonwealth Foreign Ministers, pointing out that there had been insufficient recognition of the violence that accompanied the farm invasions, as well as insufficient recognition of the breakdown in the rule of law in Zimbabwe.<sup>12</sup> As the Coalition commented:

*The words in the Agreement that there must be “due regard for human rights, rule of law, transparency and democratic principles” must be given actual expression and should not be mere vague aspirations that can be disregarded in practice. Concrete steps must be taken. All groups suspected of violence must be disbanded. All allegations of human rights abuses must be properly investigated and, if there is evidence of criminal acts the culprits must be brought to court. The police must uphold their duty under the Constitution with impartiality and afford protection to all citizens whose rights are violated.*

The Zimbabwe Human Rights NGO Forum (the “Human Rights Forum”) also made a concerted effort to track the progress of this agreement, and issued two reports on adherence to the bench marks set down by the agreement, and accepted by the Zimbabwe government.<sup>13</sup> These two reports largely concluded that there was no attempt being made to “take firm action against violence and intimidation”, no attempt to comply with the Harare Declaration or the Millbrook Commonwealth Action Programme, and no attempt to “observe human rights, the rule of law, transparency and democratic principles”. In these reports, the Human Rights Forum reported continued violence against farmers and farm workers.

Although the Commonwealth was concerned about the land problem, it was equally concerned about elections, having issued an adverse report on the 2000 Parliamentary Elections. The Commonwealth Ministers Action Group [CMAG] took the unprecedented step of warning the Zimbabwe Government that it risked punitive action if the 2002 elections did not

11 In which Commonwealth leaders affirmed their commitment to human rights.

12 Comments by Civic Organisations on the Abuja Agreement. Crisis Conference Co-ordinating Committee. 10 September 2001.

13 See Zimbabwe Human Rights NGO Forum (2001), *Evaluating the Abuja Agreement*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2001), *Evaluating the Abuja Agreement: Two Months Report*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

meet the standards expected of a signatory to the Harare Declaration.<sup>14</sup> As it transpired, the Commonwealth gave the 2002 Presidential Election a failing grade, and Zimbabwe was suspended from the Councils of the Commonwealth.

In its final report on the Abuja Agreement, issued ahead of the Commonwealth Heads of Government Meeting in 2003, the Human Rights Forum concluded that there existed no basis for removing the suspension of Zimbabwe.<sup>15</sup> President Mugabe, rather than face further humiliation, unilaterally removed Zimbabwe from the Commonwealth. As the Human Rights Forum stated in its final report on Abuja:

*The majority of evidence seems to indicate that the Zimbabwe Government has failed to abide by Commonwealth Principles enshrined in the Harare Declaration, the Millbrook Commonwealth Action Programme on the Harare Declaration, the Abuja Agreement itself and subsequent communiqués in the form of the Marlborough House Statement on Zimbabwe and the Zimbabwe Mid-Term Review Statement.*

So, despite the efforts of the Commonwealth, and the considerable efforts of three Commonwealth leaders, the Abuja initiative failed, and the commercial farmers and the commercial farm workers were left to the mercy of the Zimbabwe government.

## **2.2 Land and violence**

Notwithstanding all the legal and economic problems involved in the current land reform process, it has been evident that there have been very significant levels of violence accompanying the land acquisitions, and the question has been continually raised about the necessity for this violence. From the launch of the farm invasions in February 2000, all observers have raised concerns about the violence, and many have suggested that the land reform exercise was in actuality a smokescreen for the winning of elections.<sup>16</sup> Here it is relevant to point out that there may well have been 1 million farm worker voters out of 4.5 million overall voters, and that this was a population that could have strongly affected the outcome of the 2000 Parliamentary elections.<sup>17</sup> Thus, the views that "land reform" might be an electoral strategy were not trivial, especially considering the vulnerability and exposure of this strategic group.

<sup>14</sup> Eighteenth Meeting of the Commonwealth Ministerial Action Group on the Harare Declaration (CMAG), Marlborough House, 30 January 2002.

<sup>15</sup> See Zimbabwe Human Rights NGO Forum (2003), *Zimbabwe, the Abuja Agreement and Commonwealth Principles: Compliance or Disregard?* 8 September 2003, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

<sup>16</sup> See Zimbabwe Human Rights NGO Forum (2001), *Politically motivated violence in Zimbabwe 2000–2001. A report on the campaign of political repression conducted by the Zimbabwean Government under the guise of carrying out land reform*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

<sup>17</sup> This estimate is based on the understanding that there were 350,000 families of full-time workers, and 250,000 seasonal worker families working on the commercial farms. If it is assumed that there could be at least 2 voters per family, then would seem a conservative estimate, but the actual numbers of potential voters could have been much higher if adult children were taken into account.

The key to this strategy was contained in the draft constitution; the controversial land clause that was inserted after the constitutional process was completed and the acrimonious meeting to agree the final draft.<sup>18</sup> The final draft contained a clause requiring the United Kingdom to compensate commercial farmers for their land, failing which the State would be entitled to acquire these farms without compensation. This clause became the cornerstone for the electoral campaigns for the next three years as well as for the highly successful international campaign waged by the Zimbabwe government.<sup>19</sup>

As with all good strategies, the land problem as a strategy was very simple and capable of extension into a wide variety of other areas. It allowed for a wide variety of tactics to be employed in its pursuit, and, above all, could be maintained over a very long period. This last was the greatest value of the strategy: by changing the goals, refusing to allow its solution, and by dragging in an increasing number of protagonists, the land problem could be used indefinitely.

Importantly, the "land problem" had the possibility of being linked to other problems in very useful ways, and the most important was its linkage to the war veterans, the Liberation War, and the colonial past. For this allowed the government to insert the militia programme right into the centre of the election. Here it must be remembered that some of the war veterans had become deeply discredited in 1997 by the revelations of massive corruption in the pension awards under the War Victims Compensation Fund. The Chidyausiku Commission, which investigated this corruption, produced huge public interest, and the testimonies of those called to account before the Commission were undoubtedly humiliating to all those who felt that there had been great honour in fighting for the liberation of the country from colonial rule. When, after all the tackiness and humiliation of the Chidyausiku Commission hearings, the war veterans began to assert themselves against the party, the President, Robert Mugabe, solved the problem through executive action: they were all paid substantial pensions. That the wage bill led directly to the collapse of the Zimbabwe dollar in November 1997 and food riots the following year was less serious in the eyes of the ruling party than the binding of the war veterans to President Robert Mugabe directly. At the time, many speculated that there would come a time when he would demand payment for this support.

Thus, there was little surprise when the Zimbabwe National Liberation War Veterans Association declared that its members would be campaigning for Zanu(PF) in the 2000

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<sup>18</sup> The final draft contained a clause demanding compensation by the British government for land, failing which the Zimbabwe government would be entitled to alienate land without compensation.

<sup>19</sup> See Hammar, A., Raftopoulos, B., & Jensen, S. (2003), *Zimbabwe's Unfinished Business: Rethinking Land, State and Nation in the Context of Crisis*, HARARE: WEAVER PRESS.

Parliamentary Election.<sup>20</sup> This perhaps was another indicator that, ahead of the Constitutional Referendum, there was a strategy in the offing for this important election.

The primary targets of the “land reform” were ostensibly the white commercial farmers, but, in reality, the targets were the commercial farm workers, mainly in the three Mashonaland Provinces, since, under the auspices of the General Agricultural and Plantation Workers Union of Zimbabwe [GPWUZ], there had been marked support in these three Provinces for the National Constitutional Assembly [NCA] in the constitutional process. GAPWUZ represented a substantial block of voters from amongst the 350,000 families of full-time employees, and 250,000 seasonal and casual workers mostly living on commercial farms, working in agriculture, and a very large proportion of these were found in the three Mashonaland Provinces. If their votes were cast in favour of the Movement for Democratic Change [MDC], they could well have spelt defeat for Zanu(PF) in three crucial Provinces, and hence it was essential that this threat be neutralized.<sup>21</sup> There was not an equivalent threat in the Matabeleland Provinces, where commercial agriculture was mostly livestock rearing and the number of workers involved was considerably lower. There were pockets of large numbers of farm workers down in the lowveldt at Triangle and Chiredzi, and these areas did become targets too.

The strategy, like all effective strategies, was supported by a highly effective marketing campaign: the rhetoric of the Liberation War. As Professor Brian Raftopoulos has put it:

*The thrust of the attacks was delivered in an anti-imperialist trope that identified internal opposition forces as unpatriotic ‘enemies of the state’, and therefore beyond the pale of the rule of law. Furthermore the attacks sought to justify the denigration of civic and political rights as minority concerns, in the name of a selective articulation of redistributive issues around the land question.<sup>22</sup>*

The land issue was marketed as a liberation war, or rather the unfinished business of the Liberation War, the so-called “Third Chimurenga”. The enemies were those who held the land, and, coincidentally, these were the “same people” against whom the original war had been fought. The age-old colonial and imperialist powers supported these “enemies”, and the two had now combined to set up a political party - the Movement for Democratic Change (MDC) - to drive their interests. This was made real by the clear commitment of some

20 See again Zimbabwe Human Rights NGO Forum (2001), *Politically motivated violence in Zimbabwe 2000–2001. A report on the campaign of political repression conducted by the Zimbabwean Government under the guise of carrying out land reform*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

21 See Zimbabwe Human Rights NGO Forum (2000), *Who is responsible? A preliminary analysis of pre-election violence in Zimbabwe*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2001), *Who was responsible? A consolidated analysis of pre-election violence in Zimbabwe*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

22 See Raftopoulos. B. (2003), *The State in Crisis: Authoritarian Nationalism, Selective Citizenship, and Distortions of Democracy in Zimbabwe*. (p.231), in Hammar, A., Raftopoulos. B., & Jensen, S. (eds), *Zimbabwe’s Unfinished Business: Rethinking Land, State and Nation in the Context of Crisis*, HARARE: WEAVER PRESS.

farmers for the MDC. Thus, the struggle was against the old interests, now supported by their "sell out" supporters, evoking the problems of the 1970s and the roles played by other "sell outs" such as Bishop Abel Muzorewa and Ndabaningi Sithole. Thus, a liberation war campaign could be used internally against these "enemies", and logically the "war veterans" were ideologically equipped to drive this campaign.

The violence of the 2000 Parliamentary Election, shocking as it was at the time, was soon eclipsed by the violence that accompanied the 2002 Presidential Elections,<sup>23</sup> but, in the inter-regnum, substantial efforts were made to resolve the land crisis, with the Abuja Agreement paramount in this process [see above]. Little emerged from the Abuja Agreement,<sup>24</sup> and many observers were amazed at the Zimbabwe government's rejection of the initiatives of the Commercial Farmers' Union. These proposals, put forward in 2001, amounted to unconditional surrender by the farmers, but, after many discussions, were rejected by the Zimbabwe government. Cynics saw the rejection as a strategy to keep land on the political and electoral agenda, and maintain the ability to intimidate the commercial farm workers and the people of the communal lands. After all, the Presidential Election was going to be a relatively straightforward test of President Robert Mugabe's popularity, and few gave him any chance in a genuine election against the undoubted popularity of the MDC's Morgan Tsvangirai. As it turned out, President Robert Mugabe won the election, but few believed the result was legitimate, and the election was deemed unfree and unfair by both the European Union and the Commonwealth.

During this period, 2000 to 2002, whilst farmers and farm workers tried to seek the assistance of the police and the courts, members of the Zanu(PF) government consistently and publicly stated that they supported the farm invasions, and, furthermore, that they would not be impeded by such niceties as the law or the courts. As President Mugabe himself put it, "*The courts can do whatever they want, but no judicial decision will stand in our way . . . My own position is that we should not even be defending our position in the courts. We cannot . . . brook interference court impediment to the land acquisition programme*".<sup>25</sup>

The violence in the three Mashonaland Provinces seemed curious, as was noted in the Human

23 See Zimbabwe Human Rights NGO Forum (2002), *Are They Accountable?: Examining alleged violators and their violations pre and post the Presidential Election March 2002*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2002), *Human Rights and Zimbabwe's Presidential Election: March 2002*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Amani (2002), *Beating your opposition. Torture during the 2002 Presidential campaign in Zimbabwe*, HARARE: AMANI TRUST.

24 See Zimbabwe Human Rights NGO Forum (2003), *Zimbabwe, the Abuja Agreement and Commonwealth Principles: Compliance or Disregard?* 8 September 2003, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM. See also Zimbabwe Human Rights NGO Forum (2001), *Evaluating the Abuja Agreement*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2001), *Evaluating the Abuja Agreement: Two Months Report*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

25 Source: *Independent* 15 December and *Financial Gazette* 14 December 2000.

Rights Forum report on the 2000 election.<sup>26</sup> After all, these Provinces were generally considered to be the heartland of Zanu(PF)'s political support; Zanu(PF) had won all the Parliamentary seats in these Provinces in the 1995 election. In 1995, Zanu(PF) was returned unopposed in 22 of the 34 constituencies, and won the remaining 12 seats with majorities in all cases of more than 80%. The MDC would not have seemed to present a threat to this hegemony, but there were small indications from the results of the 2000 Referendum on the proposed New Constitution that all was not well with the support for Zanu(PF). Although the poll was very low, and the MDC – for this referendum was undoubtedly a test of Zanu(PF)'s popularity – won overwhelmingly in the urban areas, with 46 constituencies to Zanu(PF)'s 10, the surprising result was that the MDC won 16 rural constituencies to Zanu(PF)'s 48. A quick calculation suggested that the MDC could win the 2000 Parliamentary elections by 62 seats to Zanu(PF)'s 58, and clearly trouble was on the horizon.

The control particularly of the commercial farm workers was critical to the success of Zanu(PF) in the 2002 election. As one farm worker explained this:

*When we went to vote, we were placed between war veterans. There were 10 of us behind a war veteran, and then another war veteran, and then another 10 workers. This way they could see how we would vote.<sup>27</sup>*

As is now a matter of history, Zanu(PF) and Robert Mugabe "won" both elections, and it might have been expected that the violence would cease, and that a more conciliatory attitude to land reform might emerge. However, with the repudiation of the elections, the suspension of Zimbabwe from the Commonwealth, the imposition of targeted sanctions, and the continued meltdown of the Zimbabwe economy, the "land problem" had continued value for the embattled Zanu(PF) government. The land problem was continually put forward in every dispute, and at every venue, as the reason for the hostility to the Zimbabwe government: farmers and farm workers perversely remained a key component in Zanu(PF)'s strategy for political survival. Designation of farms and evictions continued, and even accelerated from 2002 onwards, and, in all this process, there was persistent violence and illegal actions. The commercial farmers tried through the law and the courts to defend themselves, their workers, and their rights, and mounted an extravagant number of court challenges through the Administrative Court, the High Court, and even the Supreme Court.

During all this time, the human rights climate in Zimbabwe continued to deteriorate, and not only on the commercial farms. As indicated in a recent report of the Human Rights Forum, the number of violations increased from 2001 to 2003, dropped slightly in 2004, and rose

<sup>26</sup> See Zimbabwe Human Rights NGO Forum (2001), *Human Rights and Zimbabwe's June 2000 election*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

<sup>27</sup> Interview with former commercial farm worker from Marondera. 10 August 2006.

again dramatically in 2005.<sup>28</sup> The nature of the violations changed over this time, but the overall number of violations reported did not decline, even though it was clear that the “land problem” was over as far as the Zimbabwe government was concerned. However, one interesting finding in the Human Rights Forum report, cited above, was the association between the violations and major national events such as elections or expressions of civil dissent such as strikes, stay-aways, and demonstrations. According to the Human Rights Forum, two patterns emerge on analysis of the reports.

The first is associated with elections and other such events, where torture, political discrimination, murders, death threats, assaults, and abductions were significantly more frequent during election periods, whilst the second pattern indicated that unlawful arrests and detentions, interference with freedoms, displacements, and disappearances were significantly more common in the other months. As the Human Rights Forum commented, “*this would seem to speak to two different but complementary systems of repression in operation: one that is focused upon elections (and the critical issue of political power), and another that is focused on the suppression of dissent*”. Both patterns would seem to have applied to the commercial farms, although the data available in all reports do not show violations on commercial farms as a distinct category.

Irrespective of the general trends, the hostile attitude of the Zanu(PF) government to the commercial farmers has remained consistent since 2000. Even as late as September 2005, Didymus Mutasa, the Minister for State Security and Land Reform, could state that all remaining white farmers must be “cleared out”. As he said, “*Operation Murambatsvina should also be applied to the land reform programme to clean the commercial farms that are still in the hands of white farmers. White farmers are dirty and should be cleared out. They are similar to the filth that was in the streets before Murambatsvina*”.<sup>29</sup>

By the end of 2005, most commercial farmers had been evicted from their farms – close on 4,000 of the 4,500 original commercial farmers - and hundreds of thousands of farm workers had lost their jobs and their homes as the land acquisition process accelerated during 2003 and 2004. The hardships experienced by these farm worker families have been well-documented in a number of reports,<sup>30</sup> and these findings will not be repeated here. In fact, the history of land reform since 2000 is a litany of violence and hardship, and as one

28 See Zimbabwe Human Rights NGO Forum (2006), *An Analysis of the Zimbabwe Human Rights NGO Forum Legal Cases, 1998–2006*. Published by the Zimbabwe Human Rights NGO Forum. June 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

29 Source: The Standard, 18 September 2005.

30 See *THE IMPACT OF LAND REFORM ON COMMERCIAL FARM WORKERS’ LIVELIHOODS*. March 2001. Farm Community Trust of Zimbabwe; *Report on Assessment of the Impact of Land Reform Programme on Commercial Farm Worker Livelihoods May 2002*. Farm Community Trust of Zimbabwe; *The Situation of Commercial Farm Workers after Land Reform in Zimbabwe*. A report prepared for the Farm Community Trust of Zimbabwe, by Lloyd M Sachikonye. March 2003.

commentator has put it, it could all have been achieved without any such violence or hardship:

*...radical land reform could have been achieved within the framework of the law and without the destructive chaos and lawlessness that has accompanied the government-orchestrated farm invasions and its 'fast-track' land grab.<sup>31</sup>*

What is evident though, is that there has been no comprehensive assessment of the violations that took place on the commercial farms since 2000, nor any comprehensive assessment of the consequences of these violations on the farmers, the farm workers and their families. Nor has there been any comprehensive assessment of the costs and damages to these groups, although there has been extensive analysis of the effects of the land reform process on the agricultural sector, and this suggests that the poorly-executed land reform process is the single factor explaining the calamitous decline of the Zimbabwe economy.<sup>32</sup> While such global analyses are undoubtedly important, they do not show the picture of the individual suffering of farmers and farm workers, nor do they demonstrate the individual losses and damages incurred during the past six years. This report is an attempt to fill that gap.

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31 See Feltoe, G. (2004), *The onslaught against democracy and the rule of law in Zimbabwe in 2000*, in D. Harold-Berry [ed], *Zimbabwe: The Past is the Present. Rethinking Land, State and Nation in the Context of Crisis*, HARARE: WEAVER PRESS.

32 See again Craig J. Richardson, "Property Rights, Land Reforms, and the Hidden Architecture of Capitalism", DEVELOPMENT POLICY OUTLOOK, No. 2, 2006. American Enterprise Institute.

### 3. Results

The results are reported below under the various headings.

#### 3.1 Demographic characteristics of sample

This report is based on the responses of the initial sample of 189 respondents<sup>33</sup> that completed the questionnaire. A total of 184 questionnaires were complete, giving a response rate of 97%, which gives very high reliability.

As can be seen from Table 1 below, the majority of responses [83%] were drawn from the three Mashonaland Provinces, with few responses to date from the remaining Provinces. However, it should be borne in mind that these were the Provinces in which most commercial farm workers were found, and also were the Provinces that were seen as suffering the most violence since 2000.

**Table 1**  
**Breakdown of the sample by Province.**

	<b>Number</b>
Manicaland	11
Mash Central	44
Mash East	44
Mash West	67
Masvingo	5
Mat North	1
Mat South	6
Midlands	6

Most respondents [75%] described themselves as citizens of Zimbabwe, with the next largest group describing themselves as having British citizenship. As can also be seen from Table 2 below, the numbers that reported having had to renounce their citizenship are relatively small, and largely corresponded to the number that described themselves as having citizenship other than Zimbabwean.

**Table 2**  
**Citizenship of the sample by Province.**

	<b>Zimbabwean</b>	<b>South African</b>	<b>British</b>	<b>Other</b>	<b>Forced to renounce citizenship?</b>
Manicaland	10	0	1	0	5

<sup>33</sup> The respondents were the farmer owners and their families. Data derived from the commercial farm workers will be the subject of a second study and report.

Mash Cent	32	1	7	3	11
Mash East	34	1	9	1	9
Mash West	50	4	8	3	22
Masvingo	5	0	0	0	1
Mat North	0	1	0	0	0
Mat South	2	0	4	0	1
Midlands	4	1	1	0	0
	<b>75%</b>	<b>4%</b>	<b>17%</b>	<b>4%</b>	<b>27%</b>

It is also interesting [see Table 3 below] that the majority of those describing themselves as Zimbabwean citizens also report that they still reside in Zimbabwe: 75% described themselves as Zimbabweans, and 65% still reside in Zimbabwe. South Africa, the UK, Australia, and New Zealand have been the major destinations after the respondents were forced to leave their farms, whilst the remainder reported a wide variety of different countries: Malawi, Zambia, the USA, Portugal, Canada, and Tanzania were all mentioned. Interestingly, there was no-one that mentioned Nigeria as the place of migration. Only 6% of the sample reported still being on their farm. This is slightly higher than the current estimate for the number of remaining commercial farmers, about 186 according to a recent estimate by Justice for Agriculture. The difference may be accounted by the earlier completion of this questionnaire, which was initially distributed in June 2006.

**Table 3**  
**Current residence of sample.**

	<b>Zimbabwe</b>	<b>South Africa</b>	<b>UK</b>	<b>Australasia</b>	<b>Europe/USA</b>	<b>Other</b>
Manicaland	8	0	0	3	0	0
Mash Cent	25	5	1	9	1	3
Mash East	32	2	3	4	1	2
Mash West	41	6	0	11	4	5
Masvingo	5	0	0	0	0	0
Mat North	1	0	0	0	0	0
Mat South	5	0	0	0	0	1
Midlands	2	2	0	0	1	1
	<b>64.7%</b>	<b>8.2%</b>	<b>2.2%</b>	<b>14.7%</b>	<b>3.8%</b>	<b>6.5%</b>

74% of the respondents knew which political party beneficiary was currently occupying their former farm, whilst 74% reported that this person was directly involved in their eviction from the farm.

### 3.2 Human rights violations experienced by farmers and farm workers

As indicated earlier, there has been an enormous number of reports on the gross human rights violations that have taken place since 2000, but virtually none that have separated out, in quantitative terms the violations against farmers and farm workers. Below are reported the findings from this first study.

A total of 53,022 people - farmers, farm workers, and their families - were reported as having experienced at least one form of violation, and many suffered more than one form of violation. Below the gross numbers of people affected by each type of violation are reported.

**Table 4**  
**Violations reported per Province [Farmers, Farm Workers, & families]**

	Total Violations	Farmers		Farm workers	
		No.	%	No.	%
Manicaland	721	36	0.70	685	1.43
Mashonaland Central	12162	1231	23.88	10931	22.84
Mashonaland East	12629	1807	35.05	10822	22.61
Mashonaland West	15228	1270	24.63	13958	29.16
Masvingo	147	72	1.40	75	0.16
Matabeleland North	5185	327	6.34	4858	10.15
Matabeleland South	4807	370	7.18	4437	9.27
Midlands	2143	43	0.83	2100	4.39
<b>Totals:</b>	<b>53022</b>	<b>5156</b>		<b>47866</b>	

As can be seen from Table 4, the overwhelming number of victims came from the farm worker population, where farm workers and their families were reported as having suffered more than 90% of all the violations reported. This is unsurprising given the demographic break down of the commercial farms, with approximately 4,500 farmers and 350,000 full-time farm workers. The greatest majority of these victims came from the three Mashonaland Provinces, but the caveat must be expressed that this may be an artefact of the sample, where 82% of the sample came anyway from these Provinces. However, it is also the case that generally very high rates of violations were reported from the three Mashonaland Provinces.<sup>34</sup>

#### 3.2.1 Violations against farmers and their families

As can be seen from Table 5, a wide range of violations was reported by the respondents. The most frequent violations reported are political intimidation, being forced to attend meetings of Zanu(PF), being forced to join Zanu(PF), and, unsurprisingly, being displaced and dispossessed. Furthermore, very significant numbers of serious human rights violations are also reported: assaults, death threats, torture, being held hostage, and unlawful

<sup>34</sup> See Zimbabwe Human Rights NGO Forum (2000), *Who is responsible? A preliminary analysis of pre-election violence in Zimbabwe*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2001), *Human Rights and Zimbabwe's June 2000 election*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

detention were all reported with high frequency. Related to political intimidation, there were high numbers of reports of livestock and wildlife being maimed or killed, and also of pets being beaten or killed. Here it is important to note that livestock and wildlife being killed or maimed does not refer to poaching, which was rife during the period, but rather to the deliberate killing and maiming of animals in order to intimidate the owner into leaving the farm. In addition, there was destruction of the landscape, with an enormous number of trees being cut down, and fires frequently being set. Also, it is important to note that children were frequent witnesses to all these violations.

**Table 5**  
**Violations against farmers and their families.**

	<b>Number[%]</b>
Abduction	24[0.5]
Assault	297[5.8]
Death threats	289[5.6]
Deliberate killing/maiming of wildlife	441[8.5]
Denied food if not member of Zanu(PF)	0
Disappearance	4[0.1]
Displacement	730[14.1]
Forced attendance at political meeting	704[13.7]
Forced to join political party	945[18.3]
Held hostage	131[2.5]
Intimidation of key workers	0
Pet animals killed/maimed	66[1.3]
Political intimidation	1211[23.5]
Murder	12[0.2]
Rape	10[0.2]
Torture	230[4.5]
Unlawful arrest	59[1.1]
Unlawful detention	10[0.2]
Young person forced to join Zanu(PF)	0

### **3.2.2 Human rights violations experienced by farm workers and their families**

As was the case with the farmers, a wide range of different violations committed against farm workers and their families was reported by the respondents. Displacement, dispossession,

political intimidation, being forced to attend Zanu(PF) meetings, forced to join Zanu(PF), and denial of food, were all reported with a high frequency. However, assault, death threats, and youth being forced to join Zanu(PF) are also very common, and it is hard to see what this has to do with land acquisition. The more serious human rights violations were reported less frequently, but certainly with more frequency than is acceptable in a law-abiding country.

**Table 6**  
**Violations against farm workers and their families**

	<b>Number[%]</b>
Abduction	71[0.1]
Assault	1938[3.9]
Death threats	1786[3.6]
Deliberate killing/maiming of wildlife	0
Denied food if not member of Zanu(PF)	5360[10.7]
Disappearance	45[0.1]
Displacement	9621[19.3]
Forced attendance at political meeting	8686[17.4]
Forced to join political party	8587[17.2]
Held hostage	204[0.4]
Intimidation of key workers	673[1.4]
Murder	20[0.04]
Pet animals killed/maimed	0
Political intimidation	9788[19.6]
Rape	26[0.05]
Torture	642[1.3]
Unlawful arrest	233[0.5]
Unlawful detention	116[0.2]
Young person forced to join Zanu(PF)	2363[4.7]

### **3.2.3 Comparing violations against farmers and farm workers**

Above the comment was made that many more violations were reported by farm workers than farmers, but, given the disparity in the respective populations of these two groups, this may not necessarily indicate that the former were more likely to be targets. As can be seen from Table 7 [below], analysis shows that, relative to the size of the respective populations, farmers were considerably more likely to suffer violations than farm workers. Of the gross human rights violations, farmers were more likely to experience abductions, assaults, death

threats, being held hostage, murder, rape, torture, and unlawful arrest. Unsurprisingly, farmers were also more likely to report the deliberate killing or maiming of livestock, wildlife, or pets.

**Table 7**  
**Comparison of violations for farmers and farm workers.**

	Farmers	Farm workers
Abduction	24[0.5]*	71[0.1]
Assault	297[5.8]*	1938[3.9]
Death Threat	289[5.6]*	1786[3.6]
Denial of food	0	5360[10.7]*
Disappearance	4[0.1]	45[0.1]
Displacement	730[14.1]	9621[19.3]*
Forced attendance at Zanu(PF) meetings	704[13.7]	8686[17.4]*
Forced to join Zanu(PF)	945[18.3]**	8587[17.2]
Held hostage	131[2.5]*	204[0.4]
Intimidation of key workers	0	673[1.4]*
Maiming/killing of pets	66[1.3]*	0
Maiming/killing of wildlife	441[8.5]*	0
Murder	12[0.2]*	20[0.04]
Political intimidation	1211[23.5]*	9788[19.6]
Rape	10[0.2]*	26[0.05]
Torture	230[4.5]*	642[1.3]
Unlawful arrest	59[1.1]*	233[0.5]
Unlawful detention	10[0.2]	116[0.2]
Youth forced to join Zanu(PF)	0	2363[4.7]*
Total affected:	5163	49,909

\* $p=0.005$ ; \*\* $p=0.05$

Farm workers were significantly more likely to have experienced the denial of food, displacement, forced attendance at political meetings, and their youth forced to join the militia. Again, it was unsurprising that key workers, such as foremen, were likely to be intimidated.

### 3.3 Perpetrators of human rights violations

In all the rhetoric that has accompanied the land invasions, a consistent theme has been the taking of land by 'land hungry' people, and this has been disputed by commentators and observers. According to the information given by these 184 respondents, the notion of spontaneous land invasions is not strongly supported. As can be seen from Table 8 [below], once again the three Mashonaland Provinces show the largest numbers of reported perpetrators, and again the same caveat about sampling must be made. A total of 10,349 perpetrators was reported, but there were not great differences between the numbers of perpetrators reported by farmers and farm workers.

**Table 8**  
**Perpetrators of violations per Province [Farmers, farm workers, & families]**

	Total Perpetrators	Farmers		Farm workers	
		No.	%	No.	%
Manicaland	299	203	3.35	96	2.24
Mashonaland Central	1730	806	13.30	924	21.55
Mashonaland East	1715	1176	19.40	539	12.57
Mashonaland West	5768	3362	55.46	2406	56.12

Masvingo	85	36	0.59	49	1.14
Matabeleland North	224	168	2.77	56	1.31
Matabeleland South	429	269	4.44	160	3.73
Midlands	99	42	0.69	57	1.33
<b>Totals:</b>	<b>10349</b>	<b>6062</b>		<b>4287</b>	

### 3.3.1 Perpetrators of violations against farmers and their families

A total of 9,591 perpetrators were reported by the sample. In common with other human rights reports, Zanu(PF) supporters are the most commonly reported perpetrators against farmers, and “war veterans” are the next most common category of perpetrator. These groups comprise 65% of all perpetrators mentioned. Significantly, farm employees are also mentioned with a high frequency, but the data do not allow any determination of whether employees did this under duress or not, for, as was seen in Table 8 [above], high rates of being forced to join Zanu(PF) were reported. However, it is likely that a proportion of the farm employees were willing actors, as is seen by the number of employees mentioned as being involved in violations against their fellow workers [see Table 9 below].

**Table 9**  
**Perpetrators reported.**

	<b>Numbers of alleged Perpetrators</b>
Agritex	3
AirForce	31
Army	154
CIO	98
District administrator	38
Farm Employee	767
Judge	0
Magistrate	0
Member of Parliament	45
Member of President’s Office	51
ZRP[CID]	77
ZRP[PISI]	22
ZRP[Riot Squad]	30
ZRP[Support Unit]	102
ZRP[Uniformed Branch]	386
Provincial Governor	22
Provincial Administrator	29
War veterans & youth militia	50
War veterans	2053
Youth militia	344
Zanu(PF) member	1974
Zimbabwe Defence Industries	2

It is significant that the Zimbabwe Republic Police, in its various branches, is reported with a high frequency – nearly 10% of the total – and security forces as a whole – police, army, air force, and CIO – comprise over 14% of the total. It was surprising that the air force was mentioned at all!

As can also be seen from Table 9, various political officers are mentioned as being involved in the perpetration of violations: Members of Parliament, Governors, Provincial and District Administrators, and members of the President’s Office (usually a euphemism for the Central Intelligence Organisation) are all mentioned. If the security forces are separated out from the

remainder, then a rather surprising trend emerges. MPs, Governors, Provincial Administrators, District Administrators, and officers of the Office of the President comprise nearly 20% of the remainder.

### 3.3.2 Perpetrators of violations against farm workers and their families

The respondents indicated a very similar list of perpetrators of violations against farm workers. Once again Zanu(PF) supporters and "war veterans" are most frequently mentioned [62%], as are farm employees. There was a trend for the ZRP and security forces in general to be reported with greater frequency than with the farmers.

**Table 10**  
**Perpetrators reported**

	<b>Numbers of alleged perpetrators</b>
Agritex	3
AirForce	30
Army	73
CIO	76
District administrator	27
Farm Employee	443
Judge	1
Magistrate	0
Member of Parliament	108
Member of President's Office	106
Provincial Administrator	23
Provincial Governor	13
War veterans & youth militia	17
War veterans	1434
Youth militia	221
Zanu(PF) member	1231
Zimbabwe Defence Industries	0
ZRP[CID]	36
ZRP[PISI]	699
ZRP[Riot Squad]	25
ZRP[Support Unit]	92
ZRP[Uniformed Branch]	286

As can be seen from Table 10, Members of Parliament are mentioned with much greater frequency in connection with farm workers than farmers; they were 14% of the civilians as opposed to 4% for the farmers.

### 3.3.3 Comparing the perpetrators of violations against farmers and farm workers

As was the case with the violations, there were significant differences between the farmers and the farm workers as regards the perpetrators. Farmers were more likely to have reported violations at the hands of the army, the Criminal Investigation Department of the ZRP, Zanu(PF) supporters, and, unsurprisingly, farm employees. Their workers were more likely to have experienced violations at the hands of Members of Parliament, officers of the Office of

the President, PISI, and the Support Unit of the ZRP.

**Table 11**  
**Comparison of perpetrators for farmers and farm workers.**

	<b>Farmers [No. &amp; %]</b>	<b>Farm workers [No. &amp; %]</b>
Agritex	3[0.05]	3[0.07]
AirForce	31[0.5]	30[0.7]
Army	154[2.5]**	73[1.7]
CIO	98[1.6]	76[1.8]
District administrator	38[0.6]	27[0.6]
Farm Employee	767[12.2]*	443[10.3]
Judge	0	1[0.02]
Magistrate	0	0
Member of Parliament	45[0.7]	108[2.5]*
Member of President's Office	51[0.8]	106[2.5]*
Provincial Governor	222[0.4]	13[0.3]
Provincial Administrator	29[0.5]	23[0.5]
War veterans & youth militia	50[0.8]**	17[0.4]
War veterans	2053[32.7]	1434[33.2]
Youth militia	344[5.5]	221[5.1]
Zanu(PF) member	1974[31.4]*	1231[28.5]
Zimbabwe Defence Industries	2[0.03]	0
ZRP[CID]	77[1.2]***	36[0.8]
ZRP[PISI]	22[0.4]	699[1.6]*
ZRP[Riot Squad]	30[0.5]	25[0.6]
ZRP[Support Unit]	102[1.6]	92[2.1]***
ZRP[Uniformed Branch]	386[6.2]	286[6.6]

\* $p=0.005$ ; \*\* $p=0.01$ ; \*\*\* $p=0.1$

However, it is also worth noting that the workers were also likely to experience violations at the hands of other farm workers, but, on closer inspection, this appeared to be from workers from neighbouring farms rather than their own farm.

### 3.4 Resorting to the law and the justice system

From the outset, the farmers sought the protection of the law and the courts, and, as seen below in Table 12, there were highly unsatisfactory results.

**Table 12**  
**Legal actions taken.**

	<b>Number[%]</b>
Objected to designation	183[97%]
Contested in administrative court	142[75%]
Conceded farm under duress	799[42%]
Forcibly evicted	139[74%]
Obtained court order	60[32%]
Number of court orders	254[mean:4.1; sd:12.2]

Virtually all the sample of the commercial farmers objected to the designation of their farms, but not all attempted to defend this in the Administrative Court. A very high percentage [74%] was forcibly evicted, but most did not concede their farms even under duress. As can also be seen, only 32% obtained court orders to prevent interference with the activities of the farm, but it can also be seen that those who did seek orders were forced, on average, to seek

more than one order.

The sample as a whole reported spending more than US\$1 million on legal fees defending their rights and attempting to obtain interdicts (injunctions) forcing the ZRP to protect themselves, their families, their workers and their families [see Table 13 below].

**Table 13**  
**Seeking support from the police.**

	<b>Number</b>
Try to get police enforcement of court order.	71[38%]
Number of times tried.	1.5[sd.5.9]
Was it successful?	12[6%]
Try to get police to stop violence.	156[83%]
Number of times tried	4.01[sd.8.2]
Were police helpful?	60[32%]
Number of times were helpful?	210[mean:1.1]
Police intimidated?	76[40%]
Sympathetic police transferred.	117[62%]

It can also be seen that, apart from resorting to legal action, the respondents also attempted to get the protection of the Zimbabwe Republic Police. As can be seen from Table 13, those who obtained court orders were generally unsuccessful in getting the support of the ZRP in enforcing these orders. Of those that obtained court orders, only 6% were successful in getting the ZRP to enforce those orders, whilst it clearly took considerable effort to get these orders enforced, with most taking at least four attempts to get the ZRP to do their duty. As can be seen, however, the variation was enormous, with some taking up to 12 attempts to get this the support which the ZRP were obliged to give.

The majority sought the support of the ZRP in stopping the violence on the farms, and, on average, the respondents tried on four occasions, but some tried more than 10 times. The success rate, however, was very poor, and only 32% found that the ZRP were helpful. As can also be seen from Table 15, a high proportion [40%] reported that they witnessed the ZRP being intimidated, and an even higher proportion [62%] reported that the members of the ZRP they experienced as helpful were subsequently transferred from the station where they were based. There was a strong relationship between the reports of police members being intimidated and of police being transferred.<sup>35</sup>

It was also interesting to note from the data, on further analysis, that there were a number of relationships found. The ZRP were more likely to offer help if the farmer was persistent.<sup>36</sup>

<sup>35</sup> Police intimidated v police transferred [0.44].

<sup>36</sup> Tried to get police to stop violence v police being helpful [0.189; p=0.05]; Number of times tried to get police to stop violence v number of times police were helpful [p=0.00001].

However, it is evident that many farmers must have become disillusioned with the lack of response from the ZRP and gave up trying, as well as many farmers having to move off their farm due to the threats to their families.

Overall, this is not a picture of the state supporting its citizens in the protection of their rights. It indicates, as was frequently reported in human rights reports since 2000, either that the ZRP were partisan, and hence refused to do their duty, or that professional officers were intimidated into neglecting their duties, and even being punished for doing their duty.

### 3.5 Losses experienced by farmers

In all of this turmoil, the farmers experienced considerable losses, and clearly these could have been mitigated if the ZRP had done their duty according to the law and as required by court orders. Here it should be pointed out that these are losses that are consequential on the unlawful invasion of the farms, and that this illegal interference was condoned explicitly by the Zimbabwe Government.

As can be seen from Table 14, the losses were not trivial. Estimates of actual losses of moveable property, property burned, livestock slaughtered or stolen, and crops destroyed were requested in the questionnaire. There were also estimates for net earnings lost, which were based on the last year in which the farmers had experienced untrammelled use of their farm, as well as estimates for medical expenses incurred as a result of the invasions. These latter were for treatment for injuries suffered, as well as treatment for disorders due to stress and trauma.

**Table 14**  
**Gross losses experienced by commercial farmers.**

	<b>Total US\$ [averageUS\$]</b>
Costs of medical expenses	974,557[5,666]
Costs of legal fees	1,070,050[5,722]
Loss of moveable property	77,788,419[452,258]
Value of property burned	25,447,983[148,819]
Value of livestock lost	18,394,779[106,946]
Value of lost crops	35,176,154[205,708]
Value of last earnings	209,298,697[1,216,853]
<b>Total losses</b>	<b>368,150,639[1,958,248]</b>

The gross estimate for total losses is about US\$368 million for this group of respondents. Clearly the biggest losses are experienced in loss of earnings, about US\$209 million, but the actual losses are not inconsequential, about US\$159 million.

If this is then crudely extrapolated to the commercial farm sector as a whole the figures become astronomical. Assuming that something in the order of 4,324 commercial farmers

have been evicted from their farms,<sup>37</sup> then the gross amount of losses would approximate US\$8,467,464,700. In Zimbabwe dollar terms, this figure is even more astronomical: Z\$55,038,520,550,000 at the current inter-bank rate<sup>38</sup>, and much higher at the unofficial rate. If only the actual losses are accepted, and not the losses of earnings, then this would amount to US\$3,733,020,640, or Z\$24,264,634,160,000 [inter-bank rate].<sup>39</sup> Both extrapolations are massive amounts of money.

These estimates seem to be in the range suggested by a number of economists when considering the damage to the agricultural economy, and the economy in general. Craig Richardson has estimated that nearly US\$5 billion in wealth “vanished” from the agricultural sector between 1999 and 2000.<sup>40</sup> The figure from the current study is of course calculated on a longer time period than merely 1999 to 2000, and, although it does reflect loss of earnings, it does not reflect actual capital losses to the economy, or the knock-on effects of the losses experienced in the considerable portion of the economy, directly or indirectly associated with commercial agricultural. As Craig Richardson points out, by way of example, prior to 1997 an average of 1,600 tractors were sold annually, but this had declined to 8 in 2002. Richardson, however, estimates that total agricultural revenue, from 2000 to 2003, was about US\$1,017 million, but, using the 1999 figure as a stable estimate of revenue [which is not necessarily justified] this could have been in the order of US\$3,408 million. So, clearly these respondents are being conservative in estimating their losses.

Macro-economic considerations apart, it is evident that enormous losses were experienced by the commercial farming sector, and all of it was avoidable if a rational policy had been adopted in respect of land reform. Most certainly all of these losses could have been greatly minimised. Finally, the amount of the damages, for which the Zimbabwe government should be liable, given its overt validation of human rights violations attendant to the Land Reform Programme, would have catastrophic consequences for an economy already in precipitate decline.

### **3.6 Losses experienced by farm workers**

Estimating the losses experienced by commercial farm workers is a much more complex task. It has been estimated that there were about 350,000 families employed full-time in the

<sup>37</sup> It is difficult to be exact about the figures for the number of farmers that have lost their farms, since evictions are continuing and different sources report different numbers. Conventionally, it is assumed that there were 4,500 farmers in 2000. The Zimbabwe Government itself stated that 2,652 farms [4, 231, 080 hectares] had been allocated to 127,192 households under the A1 scheme, whilst a further 1,672 farms [2, 198, 814] had been allocated to 7,260 households under the A2 scheme [*Report of the Presidential Land Review Committee under the Chairmanship of Dr Charles M.B. Utete (Utete Commission), Vol. 1: Main Report, 2003*]. This suggested that only 176 commercial farms were still operating in 2003, and 4,324 farms had been “acquired”.

<sup>38</sup> Of course, the current inter-bank rate [US\$1=Z\$6,500] does not reflect the actual exchange rate, and, if the real parallel market rate was calculated, then the figure would be massively higher.

<sup>39</sup> Again this figure would be massively higher.

<sup>40</sup> See again Craig J. Richardson, “*Property Rights, Land Reforms, and the Hidden Architecture of Capitalism*”, DEVELOPMENT POLICY OUTLOOK, No. 2, 2006. American Enterprise Institute.

commercial agriculture sector in 2000, as well as a further 250,000 seasonal and casual worker families also living on these same farms.<sup>41</sup> The respondents reported employing 16,917 full-time employees [see Table 17 below], having 60,003 dependents. Ignoring the part-time employees, many of whom were drawn from the families of the full-time employees, this would suggest that, for the 4,324 farmers evicted, it could mean a potential number of commercial farm workers and dependents in the range of 1,310,369 people. The Farm Community Trust of Zimbabwe report in 2003, referred to above, suggests that up to 70% of this population have lost their livelihoods, which would suggest about 917 258 persons have been placed at severe risk.

**Table 15**  
**Number of employees per Province**

	<b>Full-time employees</b>	<b>Part-time employees</b>	<b>Employee family members</b>
Manicaland	829	784	3519
Mash Cent	4296	4967	16372
Mash East	3193	3047	13733
Mash West	7945	5257	24846
Masvingo	143	80	81
Mat North	40	10	50
Mat South	322	840	744
Midlands	149	265	658
<b>Totals:</b>	<b>16917</b>	<b>15250</b>	<b>60003</b>

61% of the respondents reported that their employees enjoyed access to a clinic or medical care on the farm, whilst 66% also provided an AIDS/HIV awareness programme. Using the estimates given above, this suggests that between 800,000 and 900,000 people lost these benefits. An attempt was made to estimate the effects of the loss of these two benefits, and the respondents were asked to estimate the number of employees that have died since losing their jobs, as well as the number of employees' family members that had died. Clearly, this was a highly inaccurate estimate, given that the employers and employees had both been displaced from the farms, and hence contact between the two groups has been highly erratic and even absent. The results suggest that about 1% [12,686] of the population has died since losing their jobs. This is clearly a gross underestimate, and anecdotal evidence from commercial farmers suggests that the figure is considerably higher.<sup>42</sup>

No attempt in this first phase of the research was made to estimate the loss of earnings for this group. However, the study did try to capture the loss of some of the various benefits that

<sup>41</sup> See again *The Situation of Commercial Farm Workers after Land Reform in Zimbabwe*. A report prepared for the Farm Community Trust of Zimbabwe, by Lloyd M Sachikonye. March 2003.

<sup>42</sup> In a series of interviews with farmers and farm workers, it seems commonly agreed that at least 20% of former employees may have died since losing their jobs. For example, one farm worker indicated that 30 out of 160 former employees have died since 2002. Another source indicated that, by the end of 2004, there had been a mortality rate of 47% amongst the full-time employees on one farm near Karoi in Mashonaland West Province.

commercial farm workers enjoyed as a consequence of their employment. Thirty-five per cent reported having a school on the farm, whilst 61% reported providing a clinic or medical care on their farm, and 66% reported having an HIV/AIDS programme on the farm.

The costs of these facilities are detailed below in Table 16.

**Table 16**  
**Costs of amenities provided on farms.**

	<b>Total US\$ [averageUS\$]</b>
Annual cost of school	337,000[2,018]
Annual cost of clinic	519,249[3,091]
Annual cost of AIDs awareness	90,160[534]

Extrapolating to the entire farming sector, this suggests that something in the order of US\$24 million per annum may have been lost in services and support for the commercial farm worker population.<sup>43</sup> In current Zimbabwe dollar terms, this suggests a loss of about Z\$40,229,592,000,000 at the inter-bank rate.

**Table 17**

	<b>Ministry of Health &amp; Child Welfare Z\$[US\$]</b>	<b>Ministry of Education &amp; Culture Z\$[US\$]</b>
<b>2000</b>	6,189,168,000[112,530,745]	146,101,165,000[265,639,364]
<b>2001</b>	10,933,711,000[198,794,745]	26,070,950,000[474,017,273]
<b>2002</b>	22,459,863,000[408,361,145]	50,395,134,000[916,275,164]

If this is then compared to the national provision for education and health, it can be seen that the commercial farms were providing, at 2000 rates, the equivalent of about 21% of the Ministry of Health budget in 2000, and about 9% of the Ministry of Education's budget in the same year.

There were also a number of other amenities and facilities [see Table 18 below] available to the commercial farm worker population as a consequence of their employment on the farms, and these too were lost as a result of their displacement.

**Table 18**

	<b>Number [%]</b>
Brick housing	178 [94.2]
Electricity and/or lights	133 [70]
Farm store	121 [64]
Orphanage or orphan care	53 [28]
Piped water	171 [91]
Provision of crèche	121 [64]
Toilet facilities	177 [94]
Sponsored sport	142 [75]
Vegetable gardens	169 [89]

<sup>43</sup> Here we are assuming that 4,324 farmers have lost their farms, and made the extrapolation as before in respect of gross damages.

As can be seen from Table 18, the farms provided very high frequencies of these various amenities, and, certainly in the context of *Operation Murambatsvina*, the lack of secure housing and decent living conditions must have been an extreme loss for the workers and their families.

#### 4. Findings

In all the rhetoric that has accompanied the land problem, it has been endlessly asserted by the Zimbabwe government that this is a conflict between Britain and Zimbabwe, with the commercial farmers owing strong allegiance to Britain and *vice versa*, but this is questionable on these data. Seventy-five per cent of this sample report that they are Zimbabweans by citizenship, and most have remained in Zimbabwe after being evicted from their farms; very few have gone to the UK [2%]. This suggests a group of people committed to the country, and, as been noted much earlier, most [more than 80%] had acquired their farms after Independence in 1980 with certificates of “no present interest” from the same government that subsequently evicted them. Interestingly, most know who currently occupies their farm, and most report that this person was involved in their eviction. This is not a picture that accords with “spontaneous” land invasions, but rather suggests organized appropriation by an elite, as has been widely claimed.

It is clear that there were very high rates of human rights violations experienced on the commercial farms between 2000 and 2005. More than 50,000 violations are reported, and many people suffered more than one form of violation. If this is extrapolated to the commercial farm sector as a whole, then it is possible that more than 1 million violations took place: assuming an average of 288 violations per farm from this sample, then the extrapolated figure would be in the order of 1,245,312 violations. It is clear that the worst affected areas were the three Mashonaland Provinces, and this supports the conclusions of other observers and reports that these Provinces were particular targets because of their significance for elections. As noted earlier, farm workers were a significant proportion of the overall electorate: about 1 million of a supposed 4.5 million voters.

**Table 19**  
**Rank order of violations for farmers and farm workers.**

	Farmers	Workers
Abduction	12	14
Assault	6	7
Death Threat	7	8
Denial of food	17	5
Disappearance	16	15

Displacement	3	2
Forced attendance at Zanu(PF) meetings	4	3
Forced to join Zanu(PF)	2	4
Held hostage	9	12
Intimidation of key workers	17	9
Maiming/killing of pets	10	18
Maiming/killing of wildlife	5	18
Murder	13	17
Political intimidation	1	1
Rape	14	16
Torture	8	10
Unlawful arrest	11	11
Unlawful detention	14	13
Youth forced to join Zanu(PF)	17	6

The patterns of violations were largely similar for the two groups,<sup>44</sup> as was seen earlier, and can be seen more clearly in Table 19 above, but there were also some clear differences, and this speaks to different strategies. The major finding is related to the types of violations that are seen in other reports as being associated with elections, and these seem to have little relationship to land *per se*. Political intimidation, being forced to join the Zanu(PF) party or to attend Zanu(PF) meetings, and having young persons forced to join Zanu(PF) all have more to do with elections.

It was also significant that farmers, per population size, reported more gross human rights violations – experience abductions, assaults, death threats, being held hostage, murder, rape, torture – than their workers [see Table 9 above]. Overall, the data on violations are strongly suggestive of a systematic campaign as opposed to random violence as is claimed by the Zimbabwe government, and, of course, torture is a very strange association to find with land reform.

**Table 20**  
**Rank order of perpetrators for farmers and farm workers.**

	Farmers	Workers
Agritex	19	19
AirForce	14	13
Army	6	10
CIO	8	9
District administrator	13	14
Farm Employee	3	3
Judge	21	21
Magistrate	21	20
Member of Parliament	12	6
Member of President's Office	10	7
Provincial Governor	17	18
Provincial Administrator	16	16
War veterans & youth militia	11	17

<sup>44</sup> The rank order frequencies were highly correlated for the two groups [0.43;  $p=0.01$ ].

War veterans	2	1
Youth militia	5	5
Zanu(PF) member	1	2
Zimbabwe Defence Industries	20	21
ZRP[ <i>CID</i> ]	9	12
ZRP[ <i>PISI</i> ]	17	11
ZRP[ <i>Riot Squad</i> ]	15	15
ZRP[ <i>Support Unit</i> ]	7	8
ZRP[ <i>Uniformed Branch</i> ]	4	4

The pattern of the reported perpetrators is wholly similar for the farmers and their workers,<sup>45</sup> as can be seen from Table 20 above. What was interesting about these data was the involvement of the different groups. As was seen earlier, the ZRP (and security forces as a whole) were frequently mentioned by both groups as being involved in violations, but both groups reported that Zanu(PF) supporters, war veterans, and youth militia were the most common perpetrators. This is the frequent finding in other human rights reports, but here it must be allied to the findings that the farmers had great difficulty in getting the ZRP to obey their constitutional duty to both prevent violence and implement the orders of the courts. Furthermore, there are the findings that many policemen were intimidated and that those who attempted to remain professional were likely to be transferred away, or forced to resign.

It was also interesting that, of the "civilian" perpetrators, farm workers reported MPs more frequently than did the farmers, but also that so many government officials were mentioned by both groups. Again none of this accords with "spontaneous" invasions by land hungry rural people, and is much more suggestive of an organised campaign.

When the findings on the violations and the perpetrators are examined against the background of the continual allegations of widespread corruption and cronyism in the allocation of these farms, as well as the finding from this study that farmers know both the current occupier and that this occupier was involved in their eviction, it paints further detail in a picture of organisation. It suggests a campaign in which political authority, civilian authority, security agencies, and non-state actors – war veterans, youth militia and party political supporters - all collaborated in an elaborate campaign. The findings suggest a picture in which acts of commission, the violations themselves, are bolstered by widespread acts of omission, the failure of the police and the civilian authorities to enforce the law, provide protection to citizens, and obey the courts. And, as the earlier quote from the President, Robert Mugabe, illustrates, the violations were endorsed by the highest political authority in the land.

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<sup>45</sup> Again the rank order frequencies were significantly correlated[ 0.91; p=0.001].

The big question remains: what was the aim of the campaign, elections or land reform? These data do not allow any specific examination of this question since it aggregates violations and perpetrators over time, and does not allow examination of either specifically in time. For example, it will be crucial in subsequent studies to examine when particular violations occurred, as has been done recently by the Human Rights Forum, which demonstrated that all violations increase significantly during election periods.<sup>46</sup>

This study did not deal with the complex issue of the land itself, and the problems over whether property rights were violated or not, but concentrated on damages for human rights violations and consequent losses for the farmers and the farm workers. Notwithstanding the issue of ownership, the farmers and the farm workers were entitled to the protection of the law, and, where their rights were violated, are entitled to compensation for all losses incurred as a result of these violations. Hence, the data relating to losses are extremely compelling, and largely self-explanatory.

The losses incurred by the commercial farmers are clearly not trivial. Whether the estimate includes loss of earnings or not, the damages owed to the farmers is obviously beyond the capacity of the State to pay. Were the State to be held liable for these damages, as it should be, given the obvious acts of omission that followed the land reform process, then the current economic crisis of the State would be magnified many times over. Here it should be pointed out that the verification of these losses is already in process, and has been in process for several years, and thus all the assertions here about damages can be empirically tested against hard evidence in the form of receipts and other proof held by former farmers.

The losses experienced by the commercial farm workers are a different story, for, whilst there clearly are actual losses and losses of earnings, there is also the enormous humanitarian crisis into which more than two million people were precipitated. Assuming 350,000 full-time employees and 250,000 seasonal workers, and a family size of at least five persons, this suggests a population of 3 million people, which may be an over-estimate, but 2 million is still not a trivial number of people to be affected. Here a comparison with the numbers of people affected under *Operation Murambatsvina* is instructive. As was seen earlier, the eviction of the farmers resulted in an enormous range of benefits and services disappearing with them. Housing, safe water and sanitation, health services, education, and a number of social benefits all disappeared. It was not possible to determine the exact effects on the farm workers and their families, but it is evident that the consequences for the farm workers have

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46 See Zimbabwe Human Rights NGO Forum (2006), *An Analysis of the Zimbabwe Human Rights NGO Forum Legal Cases, 1998–2006*. Published by the Zimbabwe Human Rights NGO Forum. June 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

been at least as catastrophic as the effects of *Operation Murambatsvina*. However, there are a number of good reports on the farm workers, and these can amplify the present findings. But there remains a very pressing need for a concerted effort to be made to understand what has happened to these people, and what are their current needs.

## 5. Conclusions

At the outset, it was pointed out that the need for land reform in Zimbabwe is disputed by no-one, although the Zimbabwe government argues that this is the major bone of contention in its conflict with the international community. The point of this study was to gain a better understanding of the experiences of commercial farmers and their farm workers, and it is clear that there were unacceptable and enormous violations and losses for both groups.

The gross human rights violations, and the violations of rights generally, were much greater than has been previously assumed. It is also evident that the patterns of violations and those involved in the perpetration of these violations are not commensurate with conflicts over land between land owners and landless people. The picture is much more supportive of the general thesis advanced earlier: that of a systematic campaign around elections in which land was a stratagem for political actions, as has been asserted previously by many commentators, including the Human Rights Forum.<sup>47</sup> Here, it should also be pointed out that there were frequent observations by farmers of covert security force participation, and of farm invaders, both settlers and "war veterans", being overtly paid.

On this view, farmers, and especially farm workers, were pawns in a strategy to win elections in 2000 and 2002, but, once these elections were won, the final goal of the stratagem, political acceptability, did not materialise, and the Zimbabwe government was forced to continue the strategy as part of a political patronage system and a successful political and propaganda gambit. Whilst it is evident that the consequences of this strategy have been dire for the economy, and Zimbabwe in general, the consequences to the farmers and, more especially the farm workers, have been extreme. Not only have both groups experienced horrible ill-treatment and abuse, but they have suffered very serious consequent losses in all manner of ways.

The evidence demonstrates that human rights violations occurred on a widespread scale, both geographically and in terms of the ranges of persons alleged to have been involved in the perpetration of these violations. The evidence also is strongly suggestive of a systematic

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<sup>47</sup> See again Zimbabwe Human Rights NGO Forum (2001), *Politically motivated violence in Zimbabwe 2000–2001. A report on the campaign of political repression conducted by the Zimbabwean Government under the guise of carrying out land reform*, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

campaign, as evidenced by the failure of the police and civilian authorities to enforce the law and offer the protection of the law, as well as the evidence that those who did attempt to enforce the law were intimidated or removed from their duties. Whether this amounts to a crime against humanity will require further research and evidence, as was suggested above, but the *prima facie* view must be that a plausible case can be made for crimes against humanity being committed during these displacements.

As is the case with all human rights violations, there is a compelling need for these to be investigated and the perpetrators to be charged and tried, but, as the Human Rights Forum has pointed out recently, this is a remote possibility in Zimbabwe currently.<sup>48</sup> The Human Rights Forum has in most cases been reduced to instituting civil action and seeking damages for the injuries and insults received by the victims of human rights violations. Here, however, the problem is on such a vast scale that the damages are likely to bankrupt the State, but the fundamental problem remains. Many thousands, and possibly millions, of people have had their rights violated, and the issue of redress does not disappear due to the scale of the problem. It most certainly is not resolved by Constitutional Amendment Number 17:<sup>49</sup> the issue of the ownership of land is separate from unlawful injuries and damages incurred during nationalisation of the land, and neither can these be wished away as unfortunate consequences of the land reform process.

Whatever the view about land reform and its necessity, it cannot be the case that terrible things can be done during this process without any possibility of redress. A majority of Zimbabweans have suffered as a consequence of the land reform process, which has placed the economy in a desperate state and created an enormous humanitarian crisis. Whilst no Zimbabweans dispute the necessity for land reform, few believe that the violence and the violations of rights were necessary to achieve reform. Whatever the merits or demerits of the actual land reform process, it remains the case that there can be no impunity ever for gross human rights violations, and hence there must be some process of accountability for the violations that occurred during the land reform exercise. Quite obviously this accountability must involve both criminal and civil actions, and, both groups – farmers and farm workers – must be supported in obtaining redress for the violations they have experienced and the losses they have suffered.

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48 See again Zimbabwe Human Rights NGO Forum (2006), *An Analysis of the Zimbabwe Human Rights NGO Forum Legal Cases, 1998–2006*. Published by the Zimbabwe Human Rights NGO Forum. June 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

49 One of the provisions of Act 5 of 2005, passed on 14 September 2005, provided for the compulsory acquisition of land, including all land acquired up to this date, the payment of compensation only for improvements, and disallowed any legal challenge by those disposed.

### Appendix 1. Questionnaire used in survey.

Date:		
Name:		
Age:		
Nationality:		
	YES	NO
Were you forced to renounce your previous Zimbabwe citizenship?		
Name of farm:		
Province:		
District		
	YES	NO
Are you still living on the farm?		
What number of full-time employees did you have?		
What number of part-time employees did you have?		
What number of employees family members lived on the farm?		
	YES	NO
Do you know who currently occupies your farm?		
Was this person directly involved in any actions involved in taking over your farm or in evicting you?		

#### 1. Personal:

##### 1.1 *Have you or any of your family experienced any of the following?*

	YES	No of people affected
Murder		
Assault		
Torture		
Rape		
Unlawful arrest [arrest without a charge]		
Unlawful detention [detention longer than 48 hours]		
Abduction or kidnapping		
Death threats		
Forced attendance at political meetings		
Political intimidation		
Held hostage		
Forced to join Zanu(PF) or make contributions to Zanu(PF)		
Had pet animals killed or maimed		
Deliberate killing or maiming of wildlife		

##### 2.1 Perpetrators:

Where any of the following involved in the above?

	YES	No of people involved
Police		

	Uniformed Branch		
	Riot Squad		
	Support Unit		
	CID		
	PISI		
Army			
CIO			
War Veteran			
Youth Militia			
Zanu(PF) member			
Farm employee			
Member of Parliament			
Provincial Governor			
Provincial Administrator			
District Administrator			
Member of President's Office			
Other [specify]			

## 2. Workers:

2.1 Have any of your employees or their families experienced any of the following?

	YES	No of people affected
Murder		
Assault		
Torture		
Rape		
Unlawful arrest [arrest without a charge]		
Unlawful detention [detention longer than 48 hours]		
Abduction or kidnapping		
Death threats		
Forced attendance at political meetings		
Political intimidation		
Held hostage		
Forced to join Zanu(PF) or make contributions to Zanu(PF)		
Young persons forced to join Zanu(PF) Youth		
Denied food relief if not member of Zanu(PF)		
Specific intimidation of workers in authority on the farm		

2.2. Perpetrators:

	YES	No of people involved
Police		
Uniformed Branch		
Riot Squad		
Support Unit		
CID		
PISI		
Army		
CIO		
War Veteran		
Youth Militia		
Zanu(PF) member		
Farm employee		
Member of Parliament		
Provincial Governor		
Provincial Administrator		
District Administrator		
Member of President's Office		
Other[specify]		

## 3. Legal actions:

	YES	NO
Did you object to the designation of your farm?		
Did you contest your designation in the Administrative court?		

Date that legal challenge made	
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	YES	NO
Did you acquiesce or concede under duress to the acquisition of part or the whole of your farm?		
Were you forcibly evicted from your farm?		

	YES	NO
Did you ever obtain a court order to continue using your farm free from interference?		
Date of court order(s)		
Number of court order(s)		
How much in US\$ have you spent on legal fees and lawyers?		

	YES	NO
Did you ever try to get the police to enforce a court order?		
Number of times		
	YES	NO
Was it successful?		

	YES	NO
Did you ever try to get the police to stop violence or intimidation against yourself or your workers?		
Number of times		
	YES	NO
Were the police ever helpful?		
Number of times		

	YES	NO
Did you ever see the police intimidated themselves?		
Were sympathetic or professional policemen transferred away or removed from duties?		

#### 4. Damages suffered:

##### 4.1 Farm owner:

<i>Loss of property</i>	<i>Value in US\$</i>
Estimate in US\$ the value of all moveable property stolen, or damaged beyond repair by illegal actions. Include forced sales due to extortion.	

<i>Loss of property from burnings</i>	<i>Value in US\$</i>
Estimate in US\$ the value of all immovable and moveable property burned completely or damaged beyond repair by illegal actions.	
<i>Loss of livestock</i>	<i>Value in US\$</i>
Estimate in US\$ the value of all livestock stolen or killed illegally.	
<i>Crops</i>	<i>Value in US\$</i>
Estimate in US\$ the value of all crops stolen or destroyed.	
<i>Loss of earnings</i>	<i>Value in US\$</i>
Estimate in US\$ the amount of total income lost in the time that you have been unable to conduct normal farming operations.	

NOTE: This should be purely *profits after tax* and should be based on the last full and unaffected farming year. It should also include anticipated increases in profits were you able to have continued

farming.

<i>Costs of medical treatment</i>	<i>Value in US\$</i>
Estimate in US\$ the amount of medical expenses incurred by your family or your workers from injuries due to violence.	

#### 4.2 Farm workers:

	YES	Number
Were any of your employees forced to renounce their citizenship?		

<i>Redundancy pay</i>	<i>Value in US\$</i>
How much in US\$ did you pay out to your former employees when you had to leave your farm?	

<i>Wages lost</i>	<i>Value in US\$</i>
Estimate the total amount of wages in US\$ that your full-time and part-time employees have lost since you had to discontinue farming.	

Note: This should be based on the last full farming year.

	YES	NO
Did your employees lose their homes due to illegal destruction or burning?		
Did your employees lose property due to theft or extortion?		

<i>Social amenities Lost</i>	YES	NO
Did you provide any of the following for your workers?		
Solid structure housing [brick]		
Toilet facilities		
Piped water		
Electricity and/or lights		
Vegetable gardens		
Farm store		
Creche		
Orphanage or orphan care		
Adult education		
Sponsored sport		

<i>Social benefits Lost</i>	YES	NO	<i>How many pupils?</i>
Did you provide a school on your farm?			
Did you subsidise children attending another school if you had no school on your farm?			
<i>Social Benefits Lost</i>	YES	<i>How much in US\$ did the school cost per year?</i>	
Did you have a school on your farm?			
<i>Social Benefits Lost</i>	YES	<i>How much in US\$ did the clinic &amp; medical cost per year?</i>	
Did you have a clinic & medical care on your farm?			
		<i>How much in US\$ did this cost per year?</i>	
Did you provide AIDS awareness training/teaching on your farm?			
<i>Deaths</i>	<i>Number died</i>		
Do you know how many of your former employees have died since losing their jobs on the farm?			
Do you know how many direct family members of your			

former employees have died since losing their jobs on the farm?