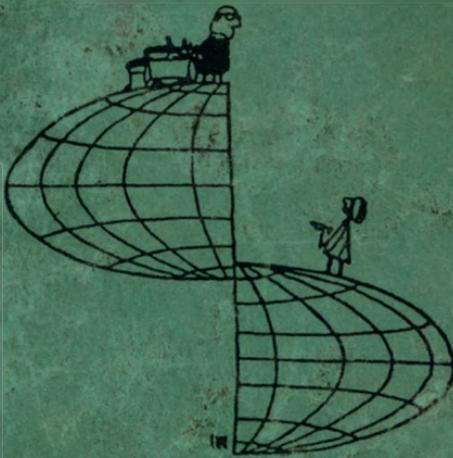


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Welshman Ncube

**State Security, the Rule of
Law and Politics of
Repression in Zimbabwe**



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**STATE SECURITY, THE RULE OF LAW
AND POLITICS OF REPRESSION
IN ZIMBABWE**

WELSHMAN NCUBE

**Department of Private Law
University of Zimbabwe**

Harare

ZIMBABWE

STATE SECURITY, THE RULE OF LAW AND POLITICS OF REPRESSION IN ZIMBABWE ¹

INTRODUCTION

According to professor Mathiesen one of the major features of Norwegian society and culture is that Norway "has a long and strong social-democratic tradition" in which the state is strongly perceived as kind and benevolent and "always doing what is best for the people".² With varying degrees of success all states in the world attempt to portray themselves as kind, benevolent and democratic. Most western countries have been largely successful in entrenching electoral democracy, government accountability and hence have built strong cultures of democratic government paying fidelity to the fundamental principles of the rule of law. In these countries the culture of democracy has been so engrained within the political systems that it is often taken for granted that elections will be free and fair that if the ruling party loses it will gracefully hand over power to the victorious party or parties and that the government of the day will govern within the bounds of constitutionality and the rule of law.

In Africa and elsewhere in the Third World the scenario is most often completely different. Elections, if they are held at all, are almost always characterized by all forms of intimidation and harassment of political opponents.

The ordinary people suffer the most as they are used as voting fodder in elections which are more often than not rigged. Where rigging fails, election results are suspended, sometimes together with

¹ An earlier version of this paper was written for and presented at the Institutt for Rettsosologi, Universitetet i Oslo, Norway, 15. September 1989. I thank professor Geof Felton and Liz Lapham for their invaluable suggestions and comments.

² See "On Dangerous Research: The Fate of a Study of the Police in Norway" in Crime Prevention and Intervention, edited by P. Albrecht and O. Bakes, New York, 1989.

what remains of the country's constitution.³ In some countries basic fundamental preconditions of democracy are rejected and substituted with crude notions of traditional or ancient democracy which amount to a perversion of modern day democracy. The clearest example is found in Kenya, where one of the most basic principles of democracy, the secret ballot, has been rejected as alien and substituted by a crude system of balloting which involves queuing behind one's candidate. This primitive "queue-behind your candidate" electoral system has been forcefully defended by the Kenyan ruling cliques who have indicated their intentions to constitutionally entrench this incredible system of "modern day" balloting.⁴

In Africa the culture of democracy and government accountability is conspicuous by its absence. The continent abounds with various shades of one-party and/or military dictatorships. Even though these regimes engage in massive acts of brutality, murder, detentions without trial and persistent violations of human rights, they still claim to be governing of and in the interests of the people.

Together with Botswana, Zimbabwe has often been portrayed as an exception to this gloomy picture of African politics.⁵ This kind of portrayal of Zimbabwe is due to a number of factors which include the fact that unlike most African former colonies which inherited independence constitutions only to reject them immediately upon gaining independence, Zimbabwe has maintained a striking fidelity to its independence constitution, only amending it now and again in accordance with the terms provided for in the constitution. Strict observance of the Lancaster House constitution granted to Zimbabwe by the British government in 1979 has been adhered to despite the fact that the ruling party, the Zimbabwe African National Union (Patriotic Front), had been vociferously opposed to virtually all the major aspects of the constitution. This fidelity has created what

³ This is precisely what chief Lebau Jonathan did when he was Prime Minister of Lesotho in 1972.

⁴ For a fuller discussion of the perversion of the electoral process in Kenya, see S.B.O. Gutto: "Constitutional Law and Politics in Kenya since Independence: A Study in Class and Power in a Neo-Colonial State in Africa", *Z.L. Rev.*, Vol. 5, 1987, 142.

⁵ See "Constitutions, Constitutionalism and Class", pp.4-6, unpublished paper written for and presented at AAPS/AALS Conference, Harare, May 1988.

professor Reg Austin has described as a "myth of constitutionalism".⁶

The retention of the multi-party system as entrenched in the Lancaster House constitution, notwithstanding the expressed intentions of the ruling party to introduce a one-party political system after the expiration of the entrenched clauses of the constitution in April 1990, has also contributed to the creation of the "myth of constitutionalism".

There can be no doubt that the sometimes vulgar anti-democratic practices and excesses that have characterized most of Africa have as yet not featured in Zimbabwe. There have, however, been disturbing trends which have tended to suggest that sooner or later the Zimbabwean political order will adopt "lock, stock and barrel" virtually all of the repression found in other African countries.

It is the object of this paper to discuss and highlight some of these trends with a view to demonstrating that behind the facade of "constitutionalism and democracy" which has been created of the Zimbabwean state in fact lies a brutal legal system, serious violations of basic democratic rights, human rights and the rule of law and hence my title description of these trends as "politics of repression". For Zimbabwe to establish a real system of constitutional democracy, a complete renunciation of the politics of repression is needed.

THE RHODESIAN REPRESSIVE LEGACY

Zimbabwe achieved independence on 18 April, 1980, after a bitter liberation war lasting some seven years and costing a minimum of 40 000 lives. The war was of such savageness that, for example, the International Committee of the Red Cross rebuked both sides for their callousness.⁷ Before and during the war the Rhodesian state built up a brutal legal and political culture — a culture permeated from top to bottom with highly repressive legislation enforced and

⁶ *Ibid.*, p. 5.

⁷ See David Caute: Under the Skin: The Death of White Rhodesia, Penguin Book, Suffolk, 1983. See also The Man in the Middle, CCJP, 1975.

applied by a zealous judiciary. The army and police force routinely harassed, detained, tortured and sometimes murdered political opponents of the racist Rhodesian government. The courts acting under the pervasive array of brutal security laws sent to jail thousands and thousands of Africans found guilty of violating the oppressive laws of Rhodesia.

The construction of a brutal legal and political system by the Rhodesian state was systematic and dictated by the ever rising tide of African resistance to colonial racist rule. Between 1933 and 1958 the Huggins and Todd governments flirted with a few security measures such as the enactment of the Subversive Activities Act, 1950, which, inter alia, allowed the government to ban all activities considered subversive. However, it was not until between 1959 and 1970 that Rhodesia witnessed the introduction of drastic and repressive legislation such as the Vagrancy Act, Chapter 92, which empowered the police to arrest without warrant any person who could not show that he was employed or had adequate means of support. Thousands of people were arrested under this legislation which did nothing to stem the tide of African resistance and hence the Law and Order (Maintenance) Act, Chapter 65, was passed in 1960. It was intended to crush once and for all African nationalism. Under this legislation, the most draconian in the history of the country, the police were given sweeping powers which included powers to enter and search private homes⁸, forbid any person from addressing any meeting⁹, disperse any public gathering¹⁰, stop and/or impose any conditions on the holding of public processions or demonstrations.¹¹ The Minister of Justice and Internal Affairs was given powers to ban any publications which he believed to be contrary to the public interest.

Heavy penalties were imposed for the publication, printing, selling, distribution and/or reproduction of prohibited material.¹² The wearing of uniforms, displaying of placards or notices which might lead to

⁸ Section 61.

⁹ Section 13.

¹⁰ Sections 7 and 8.

¹¹ See sections 6 and 10.

¹² Section 19.

public disorder were made criminal offences.¹³ Heavy penalties were prescribed for people found guilty of threatening violence to others or property.¹⁴ It became an offence to incite or organise a strike in an industry designated as an "essential service".¹⁵ Still further it became a serious offence to do anything which might expose government officers and security personnel to contempt or ridicule.¹⁶

In 1971 the Unlawful Organisations Act, Chapter 91, was enacted and gave sweeping powers to the president to declare any organisation including political parties to be unlawful if it appeared to him that the activities of such organisations endangered public order. The Act went on to specify that virtually all national parties were unlawful. The authorities were given sweeping powers to declare curfews restricting the movement of people.¹⁷ Taken together the Law and Order (Maintenance) Act, the Vagrancy Act, the Unlawful Organisations Act and the Preservation of Constitutional Government Act, Chapter 69, amounted to a total criminalisation of any politics that were opposed to the settler government. Indeed, the Law and Order (Maintenance) Act was so brutal that the then Federal Chief Justice, Robert Tredgold, resigned in protest describing the Act as a "savage, evil, mean and dirty" law.¹⁸

The circumscription of liberties provided for by this legislation of Rhodesia was made more total by the fact that the various colonial constitutions did not have a justiciable Bill of Rights. So abrogated were basic human rights that the Emergency Powers Act, Chapter 83, gave the government the power to declare a state of emergency and follow it up by making regulations of any kind to deal with the perceived emergency situation. In accordance with its powers under the Emergency Powers Act, the Rhodesian government declared a State of Emergency in 1965 and renewed it every six months thereafter until the government's demise in 1979. It made various

¹³ See section 2.

¹⁴ Section 30 and 38.

¹⁵ Section 32.

¹⁶ Sections 39, 40, 41 and 44.

¹⁷ Section 53.

¹⁸ See R. Tredgold: The Rhodesia that was my Life, Allen and Unwin, London, 1968.

regulations under its powers, among which were powers to detain people without trial indefinitely. Under these powers, thousands of Africans, including the majority of today's leadership, were put in indefinite detention with some of them spending as many as 10 years in detention.

The security agencies such as the police special branch, the Central Intelligence Organisation and the army, acting under this array of security laws proceeded to display "savage resourcefulness and initiative by setting up murder and sabotage squads".¹⁹ Increasingly brutal and savage methods were used to suppress nationalist agitation. As the war of liberation escalated the Rhodesian security forces resorted to indiscriminate measures, particularly against the rural population. Nearly a million peasants were moved into "protected villages" with the aim of isolating the rural population from the guerillas of the liberation war.

Curfews, sometimes lasting from 6.00 pm to 12 noon were routinely imposed. For example, in 1978 the following notice was published in respect of certain rural areas:

"As from dawn on 20th January, 1978, the following restrictions will be imposed upon all of you...

1. Human curfew from last light to 12 o'clock daily.
2. Cattle, yolked oxen, goats and sheep curfew the last light to 12 o'clock daily.
3. No vehicles, including bicycles or buses, to run in the area.
4. No person will either go on or near any high ground or they will be shot.
5. All dogs to be tied up 24 hours each day or they will be shot.
6. Cattle, sheep and goats after 12 o'clock are only to be herded by adults.
7. No juveniles (to the age of 16 years) will be allowed out of the kraal area at any time either day or night, or they will be shot.

¹⁹ N. Bhebhe: "The Nationalist Struggle, 1957 - 1962", p. 82, in C.S. Banana (ed.): Turmoil and Tenacity: Zimbabwe 1890 - 1990, College Press, Harare, 1989.

8. No schools will be open.
9. All stores and grinding mills will be closed" ²⁰

Brutal forms of torture were routinely used against opponents of the government. Many died under torture which became systematic and included beatings, electric shocks and immersion in water until the victim lost consciousness. ²¹

What is of crucial importance is that the Rhodesian state created and perpetuated an authoritarian and brutal political and legal order under which extensive repressive laws were enacted and regularly invoked by a brutal, fascist and overzealous police force and intelligence organisation which engaged in extensive torture and murder. ²² Thus the culture of the Rhodesian legal system was one of extreme brutality in both the content and methods of law enforcement.

Because of its inherent undemocratic and racist nature, colonialisation hinders and positively prevents the creation and development of democratic institutions of government. Its repressive character inhibits the development of constitutions infused with basic principles of constitutionalism and hence colonialism gives birth to undemocratic forms of government which independence governments inherit and are called upon to democratize.
↑ correct

With independence in 1980, it was generally expected that the new Zimbabwean government would set about to perform the formidable tasks of creating and developing a democratic political and constitutional culture imbued with basic principles of constitutionalism ²³ and the rule of law which had been totally neglected by colonialism.

²⁰ Quoted in J. Frederickse: None but Ourselves. Mambo Press, Gweru, 1984.

²¹ For descriptions of some of the torture methods which were widespread in Rhodesia, see Bruce Moore-King: White Man, Black Man, Baobab Books, Harare, 1983. See also three publications of the Catholic Commission for Justice and Peace in Zimbabwe, namely The Man in the Middle (1975), Civil War in Rhodesia (1976) and Rhodesia: The Propaganda War (1977). All of these three works were published by the Catholic Institute for International Relations, London.

²² See generally: Zimbabwe: A Break with the Past? Human Rights and Political Unity, African Watch Report, London, 1989.

²³ For a discussion of the constituent elements of constitutionalism, see B.O. Nwabueze: Constitutionalism in the Emergent States, pp. 1-20 and pp. 55-76, C. Hurst & Co., London, 1973.

Such expectations were natural because the articulated aim of the liberation struggle had been to establish a constitutional democracy where government would be accountable and govern only with the will and in the interests of the people and where state power would be exercised to advance these ends.

But in order to create, nurture and develop principles of constitutionalism and democracy the new government had to begin by dismantling the authoritarian and repressive security legislation and institutions of the Rhodesian state which the entire leadership making up the new government had frequently condemned in the 1960's and 1970's as "fascist". Indeed, the statement of declaration of policy issued on August 21, 1963, by ZANU, which became the ruling party in 1980, stated that:

"ZANU shall repeal the Unlawful Organisations Act, the Law and Order (Maintenance) Act, the Preservation of Constitutional Government Act, the Preventive Detention Act, the Curatorship Act and all other repressive laws enacted by the white minority settler governments."

The theme of a radical departure from the oppressive and repressive laws and institutions was restated in the ZANU Political Programme, No. 2 of 1973, which stated that:

"Broad democratic freedoms - speech, press, assembly, association and movement - which have been taken away from the people of Zimbabwe by the settlers will be restored and guaranteed in all citizens of a free, democratic, independent and socialist Zimbabwe. All political detainees and restrictions will be released on the first possible occasion... ."

However, the reality has been largely a far cry from these promises. Instead of a sweeping abolition of the repressive Rhodesian security laws the independence period has witnessed an amazing continuity between the pre-and-post independence security patterns. The Rhodesian linchpin of repressive government which has the effect of criminalising ordinary politics, the Law and Order (Maintenance) Act, has been retained intact.

The Emergency Powers Act and regulations made thereunder has been similarly retained and in some cases broadened. The State of Emergency, introduced in 1965, has been faithfully and ritualistically renewed every six monthly period, thereby permitting rule-by-executive regulation. What ever the reasons given for its almost religious renewal, thousands of Zimbabweans have been detained without trial under regulations made by virtue of its existence. Such detentions have been based mainly on flimsy and unsubstantiated information and some have been effected merely to silence the government's political critics.²⁴

Zimbabwe has thus seen a general continuation of the Rhodesian culture of an undemocratic and repressive legal order as exemplified by the retention of such laws as the Law and Order (Maintenance) Act and the State of Emergency. Virtually the same security personnel has been called upon to enforce and administer these laws.

How is the retention and extensive continued use of the "Rhodesian security" laws to be explained? There are various possible explanations. The first is that in conditions of poverty and unfulfilled expectations of the benefits of independence, "state power" inevitably becomes a "means of survival" used to create "opportunities for private accumulation".²⁵ Thus in underdeveloped economies where the national wealth is adequate to satisfy the needs of only a few, the few that hold state power will invariably use it to entrench their positions of power in which they have "exclusive" access to the scarce resources. Thus neo-colonialism inevitably breeds undemocratic and repressive political and legal orders because the ruling groups must hold the rest of society down in order for them to continue in their privileged positions.

A second possible explanation is that the repressive political and legal culture of Rhodesia became so entrenched into the system that it acquired a momentum of its own and thus imposes itself upon the new leadership particularly within the context where that leadership

²⁴ See generally Statement by the Catholic Commission for Justice and Peace on the Renewal of the State of Emergency, 25th July, 1989, and Africa Watch Report, Op.Cit., note 22.

²⁵ See generally H. Okoth-Ogendo: "Constitutions without Constitutionalism: Reflections on an African Political Paradox"; quoted in Reg Austin, Op.Cit., note 4, p.1.

has retained and relied heavily on the bureaucratic and security personnel of Rhodesia under whose auspices the "culture of repression" originated and developed. The government's policy of reconciliation resulted in the almost total retention of "Rhodesian" police officers and intelligence personnel which had been responsible for some brutal violations of human rights abuses.²⁶ A third and final explanation could be that the geo-political circumstances of Southern Africa in which South Africa is engaged in destabilising its neighbours, dictate the continuation of repressive legislation and practices.

None of these possible explanations is adequate on its own nor indeed are they fully adequate even when taken together. The matter is complex and requires a careful study of the history and politics of the current political leadership in Zimbabwe which has failed to consistently demonstrate a commitment to the establishment, nurturing and broadening of democratic traditions. Indeed, the insistence of the leadership on putting on the political agenda of the country the question of introducing a one-party political system, which has been proved the world over to be a recipe for political disaster and dictatorship, more than confirms that the explanations for the continuities of Rhodesian repressive laws and practices are not to be sought in institutional explanations or the geo-politics and security considerations of the region, but requires an understanding of the aims, needs and mission of the political leadership.

THE POST-INDEPENDENCE PERIOD

Upon the attainment of independence the new government was faced with two immediate tasks; the dismantling of the racist and authoritarian institutions of Rhodesia including its repressive laws and legal order, and the creation of a single national army out of three antagonistic armies which had fought each other during the liberation war, namely the Rhodesian Army, the ZANLA army (military wing of ZANU(PF) and ZIPRA (military wing of ZAPU).

²⁶ See generally Africa Watch Report, Op.Cit, pp. 8-14, and R. Weitzer: "Continuities in Politics of State Security in Zimbabwe", pp. 84-85, in M.G. Schatzberg (ed.): The Political Economy of Zimbabwe, Praeger Publishers, N.Y., 1984.

We have already seen that the new rulers chose to retain virtually intact all the repressive laws of the past, including the State of Emergency which is still in force today. What now falls for discussion is the manner and extent to which the post-independence government has used the repressive laws of "Rhodesia" and the extent to which it has perpetuated the Rhodesian legacy of an undemocratic and brutal political tradition.

Early in 1982 after discovering extensive arms caches on properties owned or controlled by ZAPU, the ZANU(PF)-led government of national reconciliation terminated its loose alliance with ZAPU and sacked all ZAPU ministers from the cabinet. Some former ZIPRA members of the newly created national army reacted by deserting from the army and starting a "dissident" war against the government which in turn responded by sending the army into the Matabeleland Provinces from which the dissidents operated.

It is now accepted that in its operations in Matabeleland between 1983 and 1986 the army and other security personnel committed gross violations of human rights which included "wanton killings, woundings, beatings, burnings and rapings."²⁷ The operations "degenerated into brutality and atrocity" resulting in the "maiming and death of hundreds and hundreds of people who were neither dissidents nor collaborators."²⁸

According to the Report of the Lawyers Committee for Human Rights, Zimbabwe: Wages of War²⁹, the security forces committed mass executions, kidnapped, detained and tortured hundreds of people.³⁰

The report of the Lawyers Committee was echoed by various other human rights groups such as Amnesty International and Africa Watch.³¹ Foreign journalists such as Peter Godwin (London Times) and Nick

²⁷ Catholic Pastoral Statement, 29 March, 1983.

²⁸ Ibid..

²⁹ New York, 1986.

³⁰ See pp. 28-32.

³¹ See Africa Watch Report, Op.Cit., note 22, pp. 14-20.

Worrall (The Guardian) were expelled from the country for exposing some of the killings perpetrated by the security forces.

Only a few of the security personnel that perpetrated some of the killings have been brought before the courts. They include four members of the army who murdered Lt. E. Ndlovu, his wife and two other people. In confirming the death sentence imposed on them, the Supreme Court observed that the deceased were subjected to torture and then "slaughtered" in the "most atrocious, cruel and cold-blooded manner".³² Also tried and convicted of murder were two members of the Special Constabulary who had murdered one Patrick Sibanda whom they suspected of collaborating with dissidents. On the facts before the court it appeared that the murder had been authorised by the then late Governor of the Midlands Province, Benson Ndemera, and the Officer-in-charge of the Police in that area, one inspector Wurayayi.³³ Other cases where findings of human rights violation have been made by the courts include S vs. Slatter and others³⁴, Granger vs. Minister of State³⁵, The State vs. Sibindi³⁶, S vs. Makando and Others³⁷, Banda vs. Minister of Home Affairs and Others³⁸ and S vs. R. Masikini, in which a security officer shot a man in his custody in cold blood and was convicted of murder.

Virtually all the security personnel found guilty of murder and other crimes in these cases were released in June 1988 alongside 75 other members of the security forces under a special Amnesty granted by the President as part of the "reconciliation" gesture following the achievement of political unity between ZANU(PF) and ZAPU.

³² See S. Chavana, C. Simanoo, G. Chiheayi and J. Gwatirera vs. The State, SC 42/86, p. 5.

³³ See I. Mutshunga and L. Gaba vs. the State, SC 36/87.

³⁴ HC - H 315 - 83.

³⁵ SC 83/84.

³⁶ Case No. BRM 377/84.

³⁷ Unreported.

³⁸ HC-H-243-87.

THE RHODESIAN LEGACY OF POLITICAL VIOLENCE AND TERROR CONTINUED

From about the beginning of 1983 the people of Matabeleland experienced once again military and political terror hardly distinguishable from that inflicted on the people of Zimbabwe by the Rhodesian state. The Fifth Brigade, a unit of the national army trained by North Korean military advisers and drawing its entire membership from Shona speaking former ZANLA combatants was deployed in Matabeleland in early 1983 and:

"...in the weeks that followed, the Fifth Brigade carried out many killings of villagers in Matabeleland North. Reports indicated that often they visited villages with lists of ZAPU officials and sympathizers, who were singled out and killed. They made little attempt to engage the dissident's military."³⁹

The Fifth Brigade engaged in "brutality and atrocity" which resulted in the "maiming and death of hundreds and hundreds of innocent people who were neither dissidents nor collaborators".⁴⁰ In mid-1983 the Fifth Brigade was withdrawn and it was not until February 1984 that it was redeployed, this time in Matabeleland South to deal with what the government termed "increasing infiltration" of South African backed dissidents. This time the authorities also imposed a 24 hour curfew covering most of Matabeleland South. Stores and shops were closed, traffic stopped from entering the curfew areas, villagers were restricted to within 150 feet of their homes and drought relief food supplied to the people in the affected areas was stopped. A news blackout was imposed on the operations of the army in the curfew areas. The local population was systematically starved and atrocities which included mass arrests, torture, rape, killings and mass detentions in make-shift detention camps were committed under the "cover" and "darkness" of the curfew. The international community

³⁹ Africa Watch Report, Op.Cit., p.16.

⁴⁰ See Catholic Pastoral Statement, dated 29. March, 1983.

condemned these actions and eventually the curfew was lifted and the Fifth Brigade withdrawn.⁴¹

During 1984 various incidents of political violence also occurred in many parts of the country. In June 1984 the killing of two local ZANU (PF) officials by dissidents provoked some 40 000 supporters of the ruling party to roam the streets of Kwekwe stoning and burning homes of suspected opposition supporters. In some instances they killed their victims while the police did nothing, apparently having been instructed not to interfere.⁴² In October 1984, the killing of a ruling party official and his wife in the Lower Gweru area led to the busing of hundreds of party youths into that area. They destroyed some 64 homes, burned several stores and vehicles and assaulted alleged ZAPU supporters and murdered others.⁴³

In November 1984 the murder of Moven Ndlovu, a member of the ZANU (PF) Central Committee, led to yet another round of political violence in which gangs of party youths assaulted and/or killed a number of ZAPU supporters in Beitbridge. The following month political violence erupted in Plumtree where ZANU (PF) youths assaulted and harassed people allegedly for failing to attend a ZANU (PF) rally. The police ~~where~~^{were} once again instructed not to interfere in these operations.⁴⁴

In all these incidents the police, due to political interference, tragically failed to perform ~~their~~ constitutional duty of protecting citizens and their property.

The period preceding the 1985 general election witnessed further political violence. The situation became so serious that on February 16, the then Prime Minister felt obliged to intervene and he chastized his Party's youth:

⁴¹ See generally Zimbabwe: Wages of war, Op.Cit., pp. 135-141, and Africa Watch Report, Op.Cit., pp. 15-17.

⁴² Zimbabwe: Wages of War, pp. 116-117.

⁴³ See, for example, the case of I. Mutsunga and Another vs. the State, SC 36/87 in which the Supreme Court found that a number of huts were set ablaze before the murder of one Patrick Sibanda by security personnel acting on the instructions of the Governor of the Province and some police officers.

⁴⁴ See Zimbabwe: Wages of War, Op.Cit., pp. 117-120.

"There appear to be some groups of youths who contrary to party discipline, are going about harassing innocent people. I would rather have no members of the party than members who are coerced." ⁴⁵

Notwithstanding the intervention political violence continued, albeit at a reduced scale. ⁴⁶

Although the election itself was conducted in an atmosphere of relative peace, the post-election period witnessed severe political violence. In Harare, supporters of the victorious ruling party, over a period of three days, stormed the houses of suspected ZAPU supporters, beating and evicting the occupants and destroying property while declaring the houses ZANU (PF) property. Some houses were set on fire while at least 6 people were killed. One Simo Charuka was gruesomely hacked to death with axes while Kenneth Mano, a then member of the ZAPU Central Committee, was stabbed.

Over the three days of rioting and violence the police stood by and took no action. Again it was alleged that they had been told not to interfere. It was not until about the 4th day and after ministers had intervened that the police started to disperse the violent crowds of party youths and women.

Post-election violence also occurred in Bindura, Kwekwe, Zhombe, Ntobe and Lower Gweru where homes and granaries were torched and scores of people assaulted. ⁴⁷ In Kwekwe, apart from terrorizing their political opponents and burning their homes, a mob of supporters of the ruling party demanded that the police "surrender" to them a suspected member of ZAPU whom they proceeded to murder after the police had handed him over to them. ~~Thus a person who~~ had sought police protection in a police station was handed over by the police, a body constitutionally mandated to protect lives, to a mob who murdered him.

⁴⁵ International Herald Tribune, March 9, 1985.

⁴⁶ See Wages of War, Op.Cit., pp. 124-126 for details of some examples of the violence and police and/or army harassment and intimidation.

⁴⁷ Ibid., pp. 126-132.

During 1985 scores of people "disappeared" after being picked up by persons driving government vehicles and they have not been heard from since. All the available evidence points to the distinct possibility that they were kidnapped by government security personnel who must have murdered them thereafter. Efforts through the courts to have the government produce or admit that they were murdered by security personnel have been unsuccessful.⁴⁸

The practice and perpetuation of all this political violence is important because it has demonstrated the virtual total absence of a culture of democracy embracing tolerance of opposing views as expressed through a multi-party democracy. What is even worse is that the mass "mobs" appear to have received express and/or tacit encouragement from the political leadership in their "assassination" of multi-party democracy in Zimbabwe. Worse still is the behaviour of law enforcement agencies who have seemed disinterested in upholding the rule of law. The victims of all these acts have not been afforded the protection of law, a right enshrined in the Constitution of the country.

The current political leadership, instead of coming out in defence of democracy and attempting to broaden the theory and practice of democracy, has in fact behaved in a fashion that has tended to constrain and inhibit the emergence of a democratic culture within the country's body politic. For example, in pre-election speeches in 1985 the then Prime Minister issued a series of thinly veiled threats to those who contemplated voting for the opposition. He asked a rally in Bulawayo: "Where will we be tomorrow? Is it war or is it peace? Let the people of Matabeleland answer this question."⁴⁹

⁴⁸ See generally Zimbabwe: Wages of War, Op.Cit., pp. 59-67, and Africa Watch Report, Op.Cit., pp. 26-30.

⁴⁹ The Herald, June 22, 1985 and also The Chronicle of the same date. See also the remarks of Enos Nkala, then powerful member of government, in The Herald, 19 September, 1985, and The Chronicle, 23 August, 1985

In the 1990 election campaign the President said in Hwange:

"We are saddened that there are others who want us divided. But people must not listen to small, petty little ants which we can crush."⁵⁰

Very few of the persons responsible for the violent destruction of properties, assaults and murders have been prosecuted by the authorities. The failure to punish the culprits, together with police inaction in the face of clear violations of the law, tends to demonstrate that the government has not shown itself to be committed to fully upholding the democratic foundations of the country's constitution, which enshrines multi-party democracy.

The government has also frequently resorted to the detention of its political opponents and hence has extensively used the powers of preventive detention given to it by regulations made by virtue of the continued existence of the state of emergency. Hundreds of people have been routinely detained without trial under the permissive Emergency Powers (Maintenance of Law and Order) Regulations Statutory instrument, 435 of 1983 whose sections 21 and 53 empower police officers to detain persons up to a maximum of 30 days whom they believe to be a risk to state security or public order. Section 17 empowers the Minister of Home Affairs to order the indefinite detention of any persons if he/she believes that the detention is "expedient in the interests of public safety or public order".

In 1985 the government extensively used these powers to detain its political opponents who were members of ZAPU. Most of the ZAPU members of Parliament were detained together with virtually all the black members of the Bulawayo City Council, including the Mayor.

Eight high-ranking national army officers who were former ZIPRA combatants were also detained joining their war-time commanders Dumiso Dabengwa and the late Lookout Masuku who had been in detention since their acquittal on treason charges in 1983.⁵¹

⁵⁰ The Sunday Mail, 11 March, 1990.

⁵¹ See generally Zimbabwe: Wages of War, Op.Cit., pp. 69-88.

Hundreds of other rank and file members of ZAPU were also detained and many of these appear to have been subjected to various forms of torture while they were in custody. The methods of torture have included "beatings with sticks, clubs, rifle butts, raw hide whips (known as sjamboks), tire irons, fan belts and rubber hoses, often on the soles of the feet, electric shocks and perhaps most common, a form of suffocation by submerging the victim's head in a canvas sack filled with water".⁵² The courts have made judicial findings of torture in several cases which include the cases of H. Slatter and Others, Wally Stattafor, Granger, Abenico Sibludi, Odile Harrington, S. Nhari and Others and Joseph Makando and Others.⁵³

In the general election of 1985 ZAPU won all the seats in the Matabeleland Provinces notwithstanding the fact that the ruling party had used a variety of coercive tactics to have the people of Matabeleland join the ruling party. People had been harassed and forced to buy membership cards of ZANU (PF). ZAPU offices were closed and the party prohibited from holding meetings. The post-election period saw an intensification of these tactics which must have significantly contributed to the ZAPU leadership's desire to unite with ZANU (PF) at any cost. ~~The excuse used to justify the heavy handed treatment of ZAPU and its supporters was that the party sponsored the unlawful activities of dissidents most of whom claimed to fight in the name of the party.~~ In this context there can be little doubt that ZAPU was "hammered" into the unity agreement of December 22, 1987.

The majority of the above discussed violations of human rights and the accompanying stifling of democracy are associated with the dissident problem with which the government had to grapple. Since the suppression and harassment of ZAPU was said to be founded on that party's alleged sponsorship of dissidents, it was expected that the achievement of political unity between ZANU (PF) and ZAPU together with the accompanying "surrender" of all dissidents would have brought to an end political detentions, intolerance of criticism and general repressive political practices which had been perpetrated in the name of dealing with dissidence. However, this has not been so. On the contrary, political detentions, harassment of opposition

⁵² Ibid., p. 89. See also p. 90-110.

⁵³ See generally Africa Watch Report, Op.Cit., pp. 69-88.

parties and intolerance of criticism have continued. It is important to highlight some of the manifestations of anti-democratic practices that have characterised the post-unity period. The continuation of these practices in the post-dissident period suggests that the heavy handed actions against ZAPU and its supporters may have been motivated, not only by a desire to wipe out banditry, but also by the leadership's lack of commitment to the practice of multi-party democracy and general intolerance of criticism and opposition. In other words, the current political leadership appears to have no desire to build and consolidate a culture or tradition of democracy embracing an acceptance that no single party or group of individuals can hold a monopoly of all ideas on governance.

THE POST-UNITY PERIOD

On December 22, 1987, the leaders of ZANU (PF) and PF (ZAPU) signed a unity agreement under which the two political parties agreed to unite under one political party to be called ZANU (PF). Thereafter the "dissidents" who had fought in the name of PF (ZAPU) were granted a political amnesty in terms of Section 31 (1) of the Constitution. All of them took advantage of the free pardon and reported to the police. With their surrender peace returned to Matabeleland and affected parts of the Midlands provinces.⁵⁴ The political "persecution" of ZAPU and its supporters similarly came to an end as the two parties merged. A new political climate in which various sectors of society felt released from the stifling political tensions of the previous years was ushered in. The new atmosphere of freedom created new demands for the practice of democracy and allowed various sectors to demand freedom of expression and government accountability.

⁵⁴ For a fuller discussion of the end of the ZANU-ZAPU divisions, see Ncube, Welshman: "The Post-Unity Period: Developments, Benefits and Problems", note 56, *infra*.

STUDENT ACTIVISM AND THE CLOSURE OF THE UNIVERSITY

On September 28, 1988, the students of the University of Zimbabwe and the Harare Polytechnic College attempted to hold a demonstration in downtown Harare. Under the Law and Order (Maintenance) Act all processions and demonstrations require the permission of the police. The students' application for permission to stage the demonstration in the city condemning corruption in government was denied by the authorities, who ruled that the students could only demonstrate within their campuses. The students published "The Anti-Corruption Document", in which they declared that their demonstration was in support of the President's fight against corruption, and in "uncompromising, strident and radical student tones"⁵⁵, they castigated alleged abuse of power and corruption in the government.

When the students sought to defy the ruling to demonstrate only in their campuses and attempted to march into town, the reaction of the authorities was extremely harsh. The police forcefully broke-up the intended demonstration, randomly assaulting and teargassing students and their halls of residence. Scores of students were injured during the violence.

In the aftermath of the demonstration the Minister of Home Affairs, Moven Mahachi, accused the University of being a potential source of destabilisation and claimed that the students' demonstration had been incited by subversive lecturers. The authorities followed this by a series of harsh and authoritarian acts which included detention and threats of detention against students and academics. Four lecturers, a bizarre mix of marxists and right wingers, were dramatically arraigned before the courts after normal working hours only for the charges to be withdrawn within 48 hours. They had been charged with incitement to public violence based on allegations that they were allegedly involved in organising the student demonstration. So bizarre was the mix of left and right that the authorities must have been embarrassed.

⁵⁵ Austin, R.H.F.: "Neo-Colonialism, Corruption and Cressidas: The Sandura Commission of Inquiry into the Distribution of Motor Vehicles", (Unpublished), p. 6.

S.B.O. Gutto, an articulate marxist Kenyan law lecturer in the Faculty of Law was arbitrarily deported on 48 hours notice under the provisions of The Immigration Act, No. 18 of 1979, which allow the Minister of Home Affairs to order the deportation of a person without being obliged to give reasons therefor. This draconian law was enacted by the Smith regime during the colonial period and represents yet another continuity of the Rhodesian legacy of repressive legislation which has been readily used. No official reasons were given for Gutto's deportation although the insinuations were that he had interfered in Zimbabwe's politics through alleged involvement in the student demonstrations. Within the 48 hours his colleagues at the Faculty of Law had to secretly drive him to the Zambian border and into Zambia as it was understood that if he attempted to leave through the national airports his temporary Zimbabwean travel document (his Kenyan passport had expired and the Kenyan authorities had refused to renew it) would be seized. No airline other than Kenyan airlines would thereafter take him and hence he would have been effectively deported to Kenya, his country of origin, from which he was a political exile.⁵⁶

In the meantime the government summarily withdrew the grants and loans made by the state to members of the Students Representative Council (SRC) who had organised the anti-corruption demonstration. The then Minister of Higher Education, Dzingai Mutumbuka, publicly scolded them for "irresponsibility and indiscipline" and demanded that they publicly apologise before their grants could be restored. They eventually apologized and their grants/loans were thereafter restored.⁵⁷

Ironically, two months after extracting the apology from the students, Minister Mutumbuka was being publicly castigated by the Sandura Commission of Inquiry into the Distribution of Motor Vehicles by Willowvale Motor Industries. He was described as "a very unsatisfactory witness...who was belligerent and hostile to the Commission...(and who had) tied while testifying under oath..."⁵⁸

⁵⁶ See generally, *Ibid.*, pp. 6-7.

⁵⁷ For further details on this events, see Ncube: "The Post-Unity Period: Developments, Benefits and Problems" in Turmoil and Tenacity, edited by C.S. Banana, *Op.Cit.* at pp. 324-329, and Africa Watch Report, *Op.Cit.*, at pp. 60-61.

⁵⁸ See pp. 77-78 of the Commission Report. See also R.H.F. Austin, note 55 at p. 8.

In June, 1989, one of the four lecturers who had been brought before the courts on allegations of inciting public violence in October 1988, Kempton Makamure, was arrested and detained for seven days and was not given any reasons for his detention. It was understood that the authorities had felt offended by a radio interview he gave to the Zimbabwe Broadcasting Cooperation criticizing the government's new investment code which liberalised the repatriation of profits made by foreign investors.⁵⁹

In July, 1989, students of the University of Zimbabwe boycotted classes in protest against police denial of their application to demonstrate against certain government policies. Sections of government and the media condemned the students for being unpatriotic in that they had boycotted classes on a day when the nation was burying William Ndongana, who had been declared a national hero. The acting Minister of Higher Education, Fay Chung, condemned the students, maintaining that their class boycott showed "not only bad taste, but also their anti-patriotic and anti-nationalistic nature".⁶⁰ In early August, 1989, Joshua Nkomo had a chilly reception from students on campus when he came to address them together with Fay Chung. He was not only subjected to severe questioning on a wide range of issues, but was often heckled and booed in response to some of his answers. During the stormy debate Fay Chung accused the students of being a bunch of hooligans and Joshua Nkomo lost his temper and snapped, "the best thing is to close this university and ask you to re-apply".⁶¹ The Herald took up his pint in its editorial of August 15th, 1989, and suggested that the university be closed.

Answering questions in Parliament on August 17th, 1989, Minister Fay Chung accused students of being "drunkards and megalomaniacs" who "seemed to get their whole message from Radio Truth".⁶²

Since September 29, 1988, the police repeatedly came to the university campus to stop planned meetings of students which were regarded as

⁵⁹ See generally Africa Watch Report, Op.Cit., pp. 60-61.

⁶⁰ See The Herald, 1 July, 1989.

⁶¹ The Herald, 14 August, 1989.

⁶² See The Hansard, 17 August, 1989.

political. On virtually all such occasions they used excessive force to suppress the meetings. On September 29th, 1989, they once again came on campus, this time to stop a seminar organised by students to mark the first anniversary of their anti-corruption demonstration.

They forcefully stopped the seminar and occupied the campus for the greater part of the night of 29 September. On 2 October the SRC issued a statement under the name of its President Arthur Mutambara. The statement in uncompromising, tough and angry language accused the government of violating academic freedom and the police of "harrassing", "terrorizing", "clobbering" and "wantonly brutalizing" students of the night of 29 September, 1989. The police action was categorised as "state terrorism at its worst" and comparable to the brutal methods of the apartheid regime of South Africa.

Government's reaction to the statement was harsh. In the early hours of 4 October, fully armed police came onto campus and arrested Arthur Mutambara and his secretary-general Enoch Chikweche. The same morning, as the news of the arrest spread, the remaining students reacted by boycotting classes and demanding the release of their leaders. During the class boycott police came onto campus and in the ensuing violence a group of students stoned and attempted to set on fire the Vice-Chancellor's government supplied Mercedes Benz car. For several hours the police displayed severe brutality in handling the students. They teargassed their halls of residence, assaulted them and made a make-shift detention camp just outside the main gate of the University.

The Vice-Chancellor after consultation with the President and other authorities decided to order the closure of the University.⁶³ The Zimbabwe Congress of Trade Unions (ZCTU), under the name of its secretary-general Morgan Tsvangirai, issued a press statement condemning the closure of the University and blaming "first...the Vice-Chancellor himself and his administration for not taking the necessary measures...to prevent the police from perpetrating a series of successive raids of the campus" and secondly the government for "unleashing...hundreds of heavily armed riot police details onto a young, unarmed student population".

⁶³ See Parade, November, 1989, Moto, October, 1989, and The Financial Gazette, 6 October, 1989. See generally Ncube, note 53, at pp. 324-328.

The statement went on to observe:

"The enthusiasm and zeal with which the police authorities have dealt with the students is quite interesting, and is hardly demonstrated in other worthy situations, for instance in 1985 when some politically motivated thugs stoned innocent people's homes, destroying their property and even evicting them... ."

The statement concluded that the university events were "only part of the general trend of events and developments...(which are) a clear manifestation of rising state repression...".

Again government's reaction to the ZCTU statement was swift and harsh. On the morning of 6 October Tsvangirai experienced the "rising state repression" he had described in his statement. That morning the CIO arrested him and took him barefoot and handcuffed to his office, which was then searched.⁶⁴ He was denied access to his lawyers until 11 October, 1989, when the High Court ordered the authorities to allow him such access. A few days later, after he had been given unsatisfactory reasons for his detention, the High Court ruled his continued detention unlawful and ordered his immediate release. He was nominally released only to be re-arrested and re-detained almost immediately on fresh grounds which alleged him to be a South African agent.

The new detention order was ruled a few days later to be still unlawful by the High Court, which again ordered that Tsvangirai be released. Yet again the authorities "released" him only to re-detain him almost immediately. He was eventually released in November, 1989, after spending just over a month in detention.⁶⁵

After the closure of the University the remaining 13 members of the Student's Representative Council (SRC) voluntarily handed themselves

⁶⁴ See Africa Watch Report, Op.Cit., p. 64.

⁶⁵ See Ncube, Op.Cit., Note 53 at p. 327.

to the police, courageously maintaining that they stood by the SRC statement issued by their President on 2 October, 1989.⁶⁶

On 13 October, the High Court ruled that the detention orders of the SRC President and his secretary-general under the Emergency Powers Regulations were unlawful. The authorities immediately transferred them to ordinary remand prison on charges of publishing and possessing a subversive document.⁶⁷

The other 13 members of the SRC were also held as ordinary remand prisoners on the same charges. Upon the students applying for bail, the Minister of Home Affairs, acting in terms of the Criminal Procedure and Evidence Act, Chapter 65, issued a ministerial certificate barring the granting of bail.⁶⁸ The students applied to the High Court to have the certificate nullified and the High Court in granting their application held, *inter alia*, that the Minister's decision to issue the certificate on the purported basis that the granting of bail would prejudice the administration of justice, was in the circumstances irrational.⁶⁹ The students were thereafter released from custody on bail.

In the meantime the University had been temporarily re-opened to allow students to write their end of year examinations. It has since been decided that the University would be re-opened on 23 April, 1990, about a month after independent Zimbabwe's second general election.

What emerges from the university saga is that the government has increasingly demonstrated itself to be intolerant of views that contradict the official ones and that the state easily reports to repressive and disproportionate measures in dealing with its perceived opponents.

⁶⁶ See The Chronicle, 13 October, 1989, for details of the statement they handed to the police upon their arrest.

⁶⁷ See The Herald, 14 October, 1989.

⁶⁸ See The Herald, 15 October, 1989.

⁶⁹ Mutambara & Others vs. Minister of Home Affairs, HH-231-89.

The trend towards greater intolerance and repression was vividly captured by The Financial Gazette of 13 October, 1989, which pointed out that:

"The closure of the university and the arrests of the Students Representative Council members, the arrest of ZCTU secretary-general for criticising that decision, and the detention of ZUM party officials engaged in electioneering are symptoms of a government that is unsure of itself and certainly unsure of how to cope with some pointed criticism of its policies and actions... The government should allow criticism even if harshly worded, for this is the expression of democracy for which the liberation struggle was fought... Repressive action is not the correct or effective answer to criticism."

OPPOSITION PARTIES AND THE 1990 GENERAL AND PRESIDENTIAL ELECTION

During 1988 Edgar Tekere, the then ZANU (PF) MP for Mutare Urban, intensified his crusade against what he saw as increasing corruption in government and increasing state repression. At press conferences, in Parliament and other fora he accused Ministers of badly advising the President and of being corrupt. He alleged that they had "chewed up" the Leadership Code of the party which restricts the leadership from owning properties in excess of those fixed. He alleged that democracy in Zimbabwe was in the "intensive care unit" and that the introduction of one-party rule, favoured by ZANU (PF), would bring about its death. Finally, he attacked the President himself, accusing him of being the protector of the corrupt. He called on the party to change its top leadership.

The Party eventually called on him to substantiate his allegations at a regular Central Committee meeting of the Party. He allegedly failed to substantiate and prove his allegations and the President moved a motion that he be expelled from the Party. The motion

was carried and Tekere became the first person to be expelled from the ZANU (PF).

After some months in the political wilderness Tekere formed his own political Party, the Zimbabwe Unity Movement (ZUM). The government-controlled press vilified the new party and has since carried out a campaign of slander against it.⁷⁰ The political leadership of ZANU (PF) condemned the formation of ZUM as a negation of national unity and a recipe for the re-emergence of the political strife that existed when ZAPU was in the opposition.

ZUM was denied permission to hold political rallies and contested the Dzivarasekwa by-election in July, 1989, without having held a single rally⁷¹, and that notwithstanding still obtained 30 % of the total votes cast. In Bulawayo, a ZUM official was prosecuted and convicted for holding meetings without permission. The government controlled daily newspapers refused to accept ZUM's paid-for advertisements for its rallies. It would appear that the same tactics of harassment, denial of authority to hold party meetings and detentions which were used against ZAPU, are now being used against ZUM.

~~At the legal plane the government invoked its powers under the state of emergency to arrest and detain for short periods ZUM officials, involved in electioneering as the country prepared for the 1990 General and Presidential elections. This practice appears to have been developed as a tactic of harassing and disrupting the opposition's election campaign.~~

More disturbing, however, were events taking place at the extra-legal plane where the ruling party engaged in numerous anti-democratic practices ~~in the management and running of its election campaign.~~ Party youths and women extensively harassed, intimidated and often ~~assaulted members and candidates of~~ opposition parties. Prominent examples include the severe assault on the ZUM candidate for Kariba, Mr. Peter Muparanyi, who appears to have been assaulted

⁷⁰ See, for example, The Herald of 8 and 20 May, 1989, and The Sunday Mail of 25 June and 2 July, 1989.

⁷¹ See Africa Watch Report, pp. 58-59.

by youths at the incitement of the Mayor of Chinhoyi, Mr. Mayford Mawere, who is also a prominent member of the ruling party. Another example is the near fatal shooting of ZUM candidate for Gweru Central, Mr. Patrick Kombayi, who was shot in the presence of uniformed policemen after serious violent clashes between ZANU (PF) and ZUM youths outside his shopping complex in Ridgemont, Gweru. Even another example is the severe assault on ZUM's director of elections, Jerry Nyambuya in Gweru, by armed gunmen suspected to be members of the Central Intelligence Operation.

The intimidation and harassment was so serious that several ZUM candidates contesting the elections resigned from that Party to rejoin the ruling party. A clear example is Evans Svosve, who resigned from ZUM after ZANU (PF) youths looted his carpentry shop in Mufakose and kept vigil outside his record shop in the Madya mini-market daring anybody to shop from it.⁷²

The pre-election intimidation and violence became so serious that the Catholic Commission for Justice and Peace in Zimbabwe issued an eve-of-poll statement "calling into question the freedom and fairness of the general election". The statement placed the bulk of the responsibility for the violence and prevailing climate of fear on ZANU (PF) which was held responsible for the near fatal shooting of Kombayi.

The undemocratic and intolerant tendencies of the ruling party were further highlighted as the nation watched in disbelief and dismay ruling party advert broadcast on national television. The advert broadcast the squealing of tyres and the smashing impact of glass and metal of a car accident, followed by a voice coldly warning: "This is one way to die. Another is to vote for ZUM. Don't commit suicide...vote ZANU (PF)".

Even though the actual balloting was conducted without violence, almost immediately after the election results were announced, ZANU (PF) youths and women unleashed violence on persons suspected of having voted for ZUM. In Gweru, Karoi, Kwekwe and Chegutu gangs of youths terrorized and assaulted persons believed to be members of ZUM. Demonstrations calling for the dismissal from

⁷² See generally The Herald, 27 March, 1990.

their employment of persons who had stood as ZUM candidates in various constituencies were organised and held by the ruling party's Women and Youth Leagues. These demonstrations also called for the "expulsion" from the relevant constituencies of ZUM candidates and members.

Unlike in 1985 some of the perpetrators of the election violence of 1990 are being brought before the courts for trial ⁷³ and so far one of the ZANU (PF) youths, involved in assaulting persons suspected to be members of ZUM in Karoi, has been convicted by the courts. Of extreme concern, however, are the remarks of the Minister of Foreign Affairs, Mr. Nathan Shamuyarira, concerning these cases. He is reported, in The Herald ⁷⁴, as having said that the Party was to pay the fine imposed on the youth by the court and also that the government and the party were in full support of the actions of its youth in Karoi.

Taken together all these events surrounding the 1990 general elections calls into serious question the ruling party's commitment to democracy and the rule of law.

^ CONCLUSION

The continuities of the repressive security laws and practices of Rhodesia into Zimbabwe has been staggering. The legal context has encouraged a "high level of authoritarianism and government unaccountability under the rubric "security" and "Emergency Powers"". ⁷⁵ The continuation of the State of Emergency, under whose rubric most of the violations of the basic elements of democracy have taken place, has increasingly become difficult to justify while the almost 25 years of Emergency rule means that virtually none of the present security officials have worked without the "comfort and reassurance of

⁷³ See Moto, June, 1990.

⁷⁴ The Herald, 16 July, 1990.

⁷⁵ Austin, R.H.F., Op.Cit., note 4, at p. 6.

Emergency Powers alongside their truncheon or firearm".⁷⁶ The important point is that the same callous cruelties practiced by security officials in Rhodesia can be and are still hidden behind these "trademarks of tyranny".

The challenges of democratic government require the total dismantling of Rhodesia's "trademarks of tyranny" and a concerted effort towards the creation of a culture of political tolerance. Placing the question of one-party rule on the political agenda of the country would certainly not assist towards that process.

The one-party political system has been demonstrated by the experiences of all countries which have introduced it to be a recipe for dictatorship and tyranny. Why anyone could believe Zimbabwe would be an exception is mind-boggling. It is accordingly incumbent upon all democratic forces in Zimbabwe to resist all attempts towards the constitutionalisation of a one-party political system, particularly within the context of the fact that the political leadership which seeks to introduce it has not demonstrated itself to be imbued with principles of democratic governments, as we have sought to show in this article.

⁷⁶ Ibid., p. 7.



STATE SECURITY, THE RULE OF LAW AND POLITICS OF REPRESSION IN ZIMBABWE

Zimbabwe has often been portrayed as an exception to the gloomy picture of African politics, where the culture of democracy and government accountability is conspicuous by its absence.

There have, however, been disturbing trends which have tended to suggest that sooner or later Zimbabwe will adopt a system of political repression found in other African countries. Critical voices have been raised to protect the multi-party system, as entrenched in the Lancaster House constitution, against the expressed intentions of the ruling party to introduce a one-party political system.

It is the object of this paper to discuss and highlight some of these trends with a view to demonstrating that behind the facade of "constitutionalism and democracy" which has been created of the Zimbabwean state in fact lies a brutal legal system as well as serious violations of basic democratic rights, human rights and the rule of law. Hence the description of these trends as "politics of repression". For Zimbabwe to establish a real system of constitutional democracy, according to Mashamba Muzira, a complete renunciation of the politics of repression is needed.

Division for North/South University Cooperation
Centre for Development and the Environment
University of Oslo
P.O. Box 1047
0316 Oslo

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