

Review of Zimbabwe Country of Origin Report, August 2011

Prepared for the Independent Advisory Group on Country Information (IAGCI) by Diana Jeater (UWE, Bristol)

1. Introduction and Summary

1.1. Introduction

This review assesses the August 2011 Zimbabwe Country of Origin Report (COI) in line with instructions by both the Independent Advisory Group on Country Information (IAGCI) and the UK Border Agency.

1.2. Scope of COI Zimbabwe Report

According to instructions by Richard Lederle from the UK Border Agency, the Zimbabwe COI report is supposed to reflect the main bases of human rights issues raised in claims made by Zimbabwean nationals. These currently are:

- MDC activists
- Teachers
- Length of residence in the UK
- HIV+
- LGB and T persons

1.3. Scope of Review

In line with instructions sent to me by Khalid Koser, COI Reports aim to provide an accurate, balanced and up to date summary of the key available source documents regarding the human rights situation in the country covered. This review should evaluate the recent Zimbabwe report in the context of the scope laid out by UKBA and seek to identify any areas where they can be improved. Specifically this review will entail:

- Assessing the extent to which information from source documents has been appropriately and accurately reflected in the Zimbabwe COI Report.
- Identifying additional sources detailing the current human rights situation in Zimbabwe.
- Noting and correcting any specific errors or omissions.
- Making recommendations for general improvements regarding, for example, the structure of the report, its coverage or its overall approach.

1.4. About the author

Professor Diana Jeater is a well-established researcher on Zimbabwe and has been writing expert reports for courts dealing with asylum cases from Zimbabwe for the past ten years. She is cited in the current Home Office UK Border Agency 'Country of origin information report: Zimbabwe' and in the Country Guidance case, Asylum and Immigration Tribunal Appeal Number: AA/02471/2006, HS vs the Secretary of State for the Home Dept., Nov 2007. She is listed as a country expert by HJT Training, which offers specialist training around human rights and immigration law, presenting on Zimbabwe to their 2007 Country of Origin Conference. She is also listed as country of origin expert for users of the international Southern Refugee Legal Aid Network. She has provided expert advice on Zimbabwe in child abuse and witchcraft cases at the High Court, London; and to SIDA (Swedish International Aid agency) on a gender-based violence programme.

Summary of Findings

- 1.1. The overall report is sound, with a welcome awareness of some of the complexities of the situation on the ground. The research is wide-ranging and its presentation is clear and informative. The sources used are generally up-to-date, appropriate and reproduced in context. The report is easy to navigate and the internal links are well-placed to assist the reader in finding all the relevant data.
- 1.2. Nonetheless, some sources and some interpretations are partial or misleading. In particular, the sections on National Youth Service, customary law, HIV+/AIDS provision and exit & return would benefit from some rethinking and reframing. Conversely, some of the commentary, notably on lesbianism and on internal migration, is excellent.
- 1.3. The report is generally well-balanced and sensible in its approach. Occasionally it uses sources that make excessive claims – both those over-stating the risks and those over-stating the absence of risk – without suitable context or alternative voices to draw attention to the contentious nature of the claims.
- 1.4. It would be useful if the examples cited paid more explicit attention to geographic spread, given the advice in the current CG case, EM & Others, that some parts of the country are more dangerous than others.
- 1.5. Some topics need more attention. In particular, I would suggest that it needs to consider non-state persecution (witchcraft, homosexuality), within the context of an examination of the nature of communal violence; and also to look more at Trades Unions and civil society organisations such as the NCA. Both of these groups have experienced distinct campaigns of persecution, separate from the campaigns of persecution against MDC supporters.

COIS: thank you. We have addressed these comments as they arise in the main narrative that follows.

2. Process of report compilation

2.1. Sources used.

The sources used are generally well-respected and authoritative. However, there are some specific concerns, and some general comments.

2.1.1. I would advise against using extracts from reports originating with Freedom House, which has links to FPI in Washington and does not impartially reflect the situation in Zimbabwe. It is overtly hostile towards Zanu-PF and tends towards polemic, not sound data. For example:

- 14.06: 'Zimbabwe is not an electoral democracy'. This is simply false. It may not be an *effective* electoral democracy, but the MDC were able to take control of Parliament in 2000 through the due process of Parliamentary elections, and to take control of the House of Assembly in 2008. (They may not be effective as MPs, because real power remains vested in the executive presidency; but the same might be said of the US Congress!)
- 22.02. The Domestic Violence bill was passed into law on 29th October 2006. So it is strange that a report dated 3rd May 2010 covering events in 2009 should state that it was still awaiting enactment.
- 23.30. 'All schools are under state control': of course they are. Even independent schools are inspected re standards. To link this universal observation to the far-from-universal incidents of harassment is mendacious.
- 27.02. 'The government has seized the passports of its domestic opponents, and foreign critics are routinely expelled or denied entry.' Again, this is an excessive claim. High-profile foreign critics such as Profs Terence Ranger and Stephen Chan from the UK have been able to visit Zimbabwe annually without let or hindrance. The seizing of passports is also very unusual – I am only aware of two well-publicised instances (Trevor Ncube in 2005, and Arthur Mutambara in 2009. In the latter case, it was not so much the passport, as the aide who was carrying the passport, who was seized.)

COIS: not accepted. We agree that there are some unfortunate inaccuracies in the quotes cited (which we will correct) but we do not accept that we should not use Freedom House generally. The NGO may have a particular perspective/bias, but this is true of all sources to some extent. However, we consider it to be a well-respected, generally reliable source on human rights matters.

That said, we will use Freedom House with a little more care and alongside other sources to ensure an accurate and impartial picture of events is presented.

The US State Dept Country Report on Human Rights Practices in Zimbabwe for 2010 does not contain proper references indicating how the data was gathered. It is not, therefore, considered a very authoritative source.

COIS: not accepted.

We do not consider that because a source does not provide references means it isn't authoritative. Conversely, simply because a source does provide 'proper' references doesn't make it authoritative either. Other factors need to be taken into account, such as the nature of the organisation/individual reporting the information, its aims/purpose and methods of research.

In its overview to the human rights reports, the US State Department does set out how the respective country reports are compiled - <http://www.state.gov/g/drl/rls/hrrpt/2010/frontmatter/154328.htm> - the information is largely obtained by US officials based in the countries of origin through a variety of means.

While we agree it would be useful if the US State Department was more explicit about how it obtained the information in the reports – and this is a factor that should be taken into account by decision makers - its approach is similar to other respected sources such as Amnesty, Human Rights Watch and the UN. Many of these sources conceal how they obtained information, in part, to protect sources (and officials).

So while there may be valid criticisms of the US State Department reports, and ideally they should be used in conjunction with other sources, we believe they are broadly accurate and reliable when compared to other sources.

If the reviewer is aware of specific examples of inaccuracy or bias in the US State Department reports, to support her concerns, then it would be useful to see these.

, p21, Philip Barclay's book is not the best source on Gukurahundi (not 'GuRkurahundi, as here, incidentally), given that the book has a clear anti-Zanu agenda. The definitive text to cite on Gukurahundi remains *Breaking the Silence, Building True Peace. A report into the disturbances in Matabeleland and the Midlands 1980 – 1988*, Catholic Commission for Justice and Peace in Zimbabwe, Legal Resources Foundation, April 1999

COIS: Accepted – we aim to use sources less than two years old in general, though this is less important in the History section – which is why Mr Barclay's book was referred. We will use the recommended text in the next revision, or at least refer to them.

2.1.2. The Sections dealing with the Media and press coverage ought to make use of the Media Monitoring Project (Zimbabwe). This is an independent Trust that works to promote freedom of expression and responsible journalism in Zimbabwe. It aims to achieve this through monitoring and analysis of the news and current affairs output on domestic radio and television, and in the print media. Its findings are made public through the publication of weekly media reviews and other regular reports. See www.mmpz.org.

COIS: Accepted – we will use this source in future updates.

2.1.3. As a general principle, it is better where possible to use local newspaper reports rather than reports from exile sources such as *The Zimbabwean* or from SW Africa Radio. The exile sources have a tendency to take stories out of context. In a similar vein, for information that is well-established in the public sphere, why use Europa rather than local sources?

COIS: Accepted – we agree it would be better to use local sources, wherever possible. Similarly, if there is a public and accurate alternative to Europa, we would use this. However, Europa often provides helpful summaries of events/bodies, etc, that don't exist elsewhere.

2.1.4. Humanitarian workers on the ground have pointed out to me that NGOs & aid agencies have a vested interest in talking up the humanitarian crisis (as evidenced by report, p10, of Unocha asking for additional US\$73 million). It might be useful to raise this point in the introduction, to help readers to contextualise such extracts.

COIS: interesting point. Does the reviewer have any publicly disclosable evidence of this, other than the anecdotal? Any publications/reports for example?

2.1.5. Useful news sources for further information: This list could also include AllAfrica.com, a clipping service which covers *The Herald*, *SW Radio Africa*, *Zimbabwe Standard*, *Financial Gazette*, *Zimbabwe Independent* and others.

COIS: thank you – we are aware of these, and will look to use them more in future.

2.1.6. By far the most balanced of the local newspapers is *NewsDay*. This newspaper is measured in its commentary and scrupulous in its journalism. However, it has barely been used here (only once – 146).

COIS: Accepted – we will look to use the newspaper more often in future, where relevant.

2.2. Clearer indication of the nature of claims made

Some claims are contentious but not balanced by more measured extracts, eg 7.07, claims that Marange diamond money ‘will be used to support political violence by ZANU-PF against their opponents’. This may be true, but it has certainly not been satisfactorily proven. The question of where the bulk of the Marange diamond money is going is extremely murky; even more unknown is to what uses it might be put. (There are similar issues regarding the claims about parallel revenue streams for Zanu-PF at 29.04)

Similarly the claims re the CIO in the UK, or 14.18’s claim that ‘Zimbabwean citizens who publicly and peacefully express opinions critical of the government are routinely subject to arrest,’ are contentious or misleading.

The people who use this report need some means of identifying the excessive claims from the more measured claims.

(See also 4.11, on ‘Exit and Return’ section]

COIS: partly accepted. To clarify, these ‘claims’ are made by the sources, not COI Service - we have simply reported what generally reliable sources have stated.

It might be that more context is required when presenting this information and we need to provide a greater diversity of views – where these are available. It can be difficult to identify which source information to include and exclude, especially if there is limited commentary on some matters and those sources that do comment are generally reliable (in this case Human Rights Watch).

If the reviewer is aware of further sources that can provide a more rounded picture, we would gratefully receive this.

2.3. Structure

Overall, the structure is clear and it is easy to find the information sought.

The links between sections are, in the main, comprehensive and helpful.

However, there are some anomalies within the structure:

- P77 14.19, on difficulties faced by Trades Unionists. Why is this in 14, the 'political affiliation' section? (And note comments in 5.6 about the need for a separate and specific discussion of trades union experiences.)

COIS: We do not have a specific section for trades unions in reports; it is not an issue we generally come across in asylum claims. If it is an issue it would usually be one of freedom of expression/association (falling under the category of 'political opinion' within the Refugee Convention). This is why we have placed it under Political affiliation. This is not the ideal place but is a compromise to meet COI Reports standard structure. We will give some thought how we best cover the matter in future reports.

- P79 14.23, is not about Freedom of Association.

COIS: Accepted – this paragraph will be moved if it is included in the next edition.

- P171 23.32. It would be clearer if the section on education started with this point.

COIS: Accepted

- P198 It might be clearer if the section on Operation Murambatsvina came before the section on IDPs, as so many IDPs are displaced as a consequence of Murambatsvina.

COIS: Accepted - we will review this for the next update. Operation Murambatsvina is mentioned in the introductory paragraph, however, as it is not the only cause of displacement, it was judged to be better placed after a wider overview of IDPs.

2.4. Geographical distribution of examples used

While the section on 'Distribution of politically motivated human rights violations in 2010-11' provides an overview of the distribution of cases, the report as a whole should have done more to ensure that cases used to illustrate Human Rights violations are drawn from across the whole country.

For example, in 'Arbitrary arrest and detention' section (8.42-8.46), there is no mention of arbitrary arrests and detention in Matabeleland in July 2011. Similarly in the section on numbers of incidents, (14.36-14.44), it is difficult to get a sense of the geographic distribution of these numbers (although the original source material provides this information).

This is important because 'EM & Others' suggests that Matabeleland is largely free from such problems. Any assessor with a case from Matabeleland to consider, for example, might

use section 8.42-8.46 as confirmation that arbitrary arrests and detentions never occurred there. (see also 4.8, below)

COIS: Not accepted – based on the examples given by the reviewer, we think this is a misreading of how the report is used.

It is challenging to ensure readers are aware of all the information contained in the report relevant to a case/issue based on political opinion, for example association with the MDC. To assist, we have tried to bring together much of the information about politically motivated human rights violations into one place (section 14) so that readers can access and understand this complex subject. What is lacking are more precise and informative cross-references to explain how various sections in the report are inter-linked to section 14 and are to be used.

Addressing the reviewer's specific examples: the Arbitrary arrest and detention subsection is designed to be short – in total five paragraphs - to provide an overview of the country generally, clearly stating that arbitrary arrest occurs (not saying where it doesn't). We do not think a decision maker would conclude from this section that Matabeleland is safe – the section is too general and does not say this. A link is provided to the section on politically motivated human rights violations – though we will make it clearer why users should refer to Political affiliation section for further 'discussion' of the matter.

Re Political affiliation (section 14), we have tried to breakdown the subject of politically motivated violations into smaller parts to make it easier to understand for readers. So we deal with levels of violations generally (14.36 – 14.44), the main actors (14.45 – 14.59) and then try to break down the numbers geographically (14.60 – 14.154) with both statistics and qualitative reports. The sub-sections need to be read together – and perhaps we need to make this more explicit. We may also need to draw out the geographical variation from the statistics further. But we think these subsections provide a reasonably clear picture of both general levels and geographical variation in human rights violations. Of course there is always room for improvement within this section and elsewhere in the report to ensure this subject is clearly documented.

Principles on which articles are selected for 'Latest News'.

P10, Latest news, *Zimbabwe Independent*, 11th August 2011, Zimbabwe Independent, 'Only 25% of GWP implemented': this raises questions for me about why some stories are highlighted rather than others. There were many economics stories covered during that week – why pick on this one? The principle of selection is confusing for anyone trying to use the report – needs some sense of direction and form.

(Incidentally, it seems particularly perverse to pick on this story when it is in direct conflict with the argument being constructed in the 'Exit and Return' section, 32.02, that Zimbabwean professionals are coming back in significant numbers.)

COIS: the Latest News section provides a series of articles that might be of interest and relevant to decision makers, and have been published following the narrative cut off of the report.

There is no “argument” being constructed in paragraph 32.02: it is a quote from Reliefweb about the circumstances in early 2009, accurate at that time and relevant to report as of July 2011. We will provide any later information indicating that this picture is no longer true in the next update.

Care with place names.

The report should be commended for its care with place names. I recently noticed a significant error in a report for the Australian authorities (Country Advice Zimbabwe – ZWE37027 – Mashonaland East – Macheke – Murehwa South – ZANU-PF – Land seizures – Movement for Democratic Change – Political violence, 20 July 2010). That report contained a significant inaccuracy for the period after 2008, arising from a confusion between Macheke in Mashonaland East, and Muccheke, which is a town in Masvingo province.

I noticed no such errors here.

COIS: thank you.

3. Errors, Deletions and Small Textual Changes

This section of the paper notes copying and referencing errors, and inaccuracies in the texts at source. It also corrects mistakes in terms of factual information and incorrect categorisations.

3.02 Black nationalists organised the fight for majority rule long before the UDI in 1965.

COIS: thank you. If the reviewer knows of a source for this – or on history generally – we’d welcome this.

3.31 Broken link to full text of GPA at
http://www.iss.co.za/dynamic/administration/file_manager/file_links/ZIMAGMT150908.PDF?link_id=5&slink_id=6575&link_type=12&slink_type=13&tmpl_id=3.

This link no longer works.

Try <http://www.sokwanele.com/zigwatch>, ‘View GPA’ tab;

or <http://www.kubatana.net/html/archive/demgg/080915agreement.asp>

3.40 ‘ZANU-PF’s campaign to foist the Kariba draft on the people of Zimbabwe’ needs explaining: the ‘Kariba draft’ has not been defined.

3.41 ‘See a recent article in the Latest News section for more information about the constitution making process.’ Link isn’t live.

6.05. Needs updating: Welshman Ncube currently leads the MDC splinter faction; Dumiso Dabengwa leads the revived ZAPU. (Both these men had been in post for some time prior to the report deadline.)

- 8.39 'noted that police were often partisan way': doesn't make sense.
- 8.50 should be 'implicated in the torture', not 'tortured' as here.
- 8.53 Full stop missing between 'prosecute' and 'State'.
- 8.56 is repeated at 8.58. (Moreover, incidentally, it would be better, for the purposes of making this point, to use the more recent report by the Women's Programme of the Research & Advocacy Unit, 'Women & Political Violence: An Update', July 2011, noted on p15.)
- 8.60 Missing '[' at the start of 'During 2010']
- 14.14 'The Hard Road to Reform' should be in italics.
- 14.18 is misnumbered '16.18'
- 14.25 The MDC splinter group previously known as MDC-M after its leader, Arthur Mutambara, is now, under the leadership of Welshman Ncube, often referred to simply as 'MDC'. It is not inaccurate to use MDC-N, and often it is essential, for the purposes of clarity. However, it might be worth noting that both 'MDC' and 'MDC-N' are used.
- 14.44 Final sentence: 'A' link, not 'I' link.
- 14.117 'allegedly', not 'callegedly'
- 21.01 the final sentence at bottom of page is incomplete and so doesn't make sense
- 22.26 in penultimate line, there is a missing word between 'consequence of illegal' and 'was a large number'
- 22.28 penultimate line, 'rape', not 'raped'
- 23.04 The age of consent is 16, not 18
COIS: Is there a source for this?
- 22.49 Second link, <http://www.aids-freeworld.org/images/stories/Zimbabwe/zim%20grid%20screenversionfinal.pdf>, is no longer live.
- 23.29 is repeated at 23.33 (same section)
- 23.46 the link is not publicly available. Error message: "You are not authorized to access the webpage at http://www.moha.gov.zw/rg_death_births.php. You may need to sign in."
- 25.08 is basically identical to 25.07, albeit shorter.
- 25.31 These guidelines were superseded earlier this year (as 25.32 notes). It is misleading to leave them in the report.
- 26.10 'Inyathi', not 'Inyathis'
- 26.19 First line, space needed in 'to report'
- 31.07 The link is not publicly available. Error message: "You are not authorized to access the webpage at http://www.moha.gov.zw/index.php?link=rg_about. You may need to sign in."

p215 Annex C. The party of Welshman Ncube and Priscilla Misihairambwi-Mushonga is no longer MDC-M.

COIS: Thank you. We will amend/alter all of the above.

4. Points needing further consideration

4.1. Clarity re 'numbers of incidents' data.

There is a tendency to present 'numbers of incidents' data in, for example, the monthly ZPP reports, as definitive guides. However, these data are fairly meaningless without some indication of how the data was collected (eg 8.66, Kidnappings and abduction data). In particular, such data should be linked to more discussion about the *risks* of reporting violence.

The point at 8.14 about state information networks links to the point at 8.39 about complainants being themselves subject to persecution; together, they indicate that the levels of reporting are likely to be very low by comparison with the levels of violence. This is obviously very significant in cases where asylum seekers cannot demonstrate that the events they described took place, because they have not been reported. This could be made more explicit.

(This point used to be made clearly by the disclaimers attached to the ZHRF monthly political violence reports. These are no longer current, but some editorial gloss explaining that the conditions there described might be permitted in this context, perhaps, in tandem with the data at 8.14 and particularly in the section 14.36-14.44?)

COIS – Accepted. We do make reference to the limits of the statistics and anecdotal data in paras 14.37, 14.61 and 14.74 but agree that this needs to be developed further to ensure it is clearly understood by readers. We will add a subsection discussing this matter in the next update.

4.2. **Ethnic and clan labels** are not terribly helpful – they can actively mislead by suggesting that ethnic discrimination is a significant factor in politics. Ethnic and linguistic identity does not map directly onto politics or persecution and the construction of ethnic identities are much more complicated than this suggests. This is not simply an academic point (although I concede that academics are fascinated by it), but is relevant in that judgements about asylum should *not* be based on a crude assumption that ethnic identity in Zimbabwe can tell us anything about the probability of someone being persecuted on the basis of their ethnic identity.

COIS: thank you for the observation. We rarely refer to ethnicity other than in the Ethnic groups section, which briefly describes the countries composition. As far as we are aware, ethnicity rarely features directly in asylum claims (at least we are not asked about, and it does not arise often in available information).

If the reviewer is aware of source material that might help us further understand this subject, we'd be welcome seeing it.

4.3. Hardliner refusal to accept MDC victory.

4.06, p34, EIU July Report comment that, 'It is also questionable whether hardliners within the former ruling party would accept an MDC victory'. This is a vitally important point, upon

which most current asylum claims, in effect, hang. So it needs to be more than simply an assertion from the EIU Report: it needs hard empirical evidence.

- 4.3.1. There is ample evidence available, eg The role of the army has particularly attracted attention recently, with debates in parliament following assertions by army chief Brigadier-General Douglas Nyikayaramba that he will not accept the MDC-T leader as Head of State, accusing Tsvangirai of being a threat to state security. Despite widespread censure and concerns about the loyalty of the army in the event of Zanu-PF losing the forthcoming elections, the President has refused to criticise the military chiefs' interventions in the political sphere. (Jonathan Moyo, 'MDC-T threat to national security', Sunday Mail, 3rd July 2011; Blessed Mhlanga, 'Arrest Nyikayaramba – Minister', NewsDay, 2nd August 2011; Mlungisi Dube 'SundayView: Nyikayaramba typifies breakdown of army discipline' The Standard, 23rd July 2011)
- 4.3.2. Linked with this point, 8.16 should reflect more recent data than Feb 2009/mid-2010.

COIS: Accepted - we will include more on this in the next update.

4.4. CIO.

- 4.4.1. It is in the nature of secret security agencies that little definite is known about them. However, 8.22 and 8.25, on the CIO in the UK, are contentious (and, in the case of 8.22, also dated), and might actually endanger people within the UK itself. The primary source for all the claims made here seems to be Lance Guma of SW Radio Africa. Guma is known to have made false allegations against UK-based Zimbabwean George Shire, claiming that he was in the pay of the CIO and related to Perence Shiri. Following threats of legal action by Shire, both claims were withdrawn, although not before Shire's father's grave in Gweru had been desecrated in response to these reports. (See Upenyu Makoni-Muchemwa, '["CIO" name disclosures counter revolutionary](#)', Newzimbabwe.com news, July 08, 2011). As Shire commented regarding the claims that British security services were aware of CIO operatives terrorising MDC members living in the UK: if the British government had hard evidence of such activities, the CIO operatives in question would have been expelled from the UK. At the very least, 8.22 and 8.25 should have some indication of the 'alleged' nature of these claims and the lack of hard evidence to support them.

COIS: Accepted – thank you for providing background on this. We will review the sources for the next update, and see if we can identify more reliable substitutes.

- 4.4.2. Similarly, the claims in 10.10 about CIO infiltration of the Law Faculty do not seem to be supported by hard evidence. Such claims are made about all organisations, all of the time – it is part of the climate of fear. Repeating such claims without evidence does not assist in identifying the true nature and extent of CIO operations. (If possible, I would suggest omitting point 9 from this extract entirely, not least because it also implies that the Law Faculty was uniquely in a dilapidated state with crumbling infrastructure, when in fact this was the fate of all of UZ by the end of 2000s. Fortunately, things are now improving.)

COIS: Not accepted. It is not clear why this information - point 9 particularly - should be excluded unless there is clear evidence it is not true. The source appears to be credible – does the reviewer have evidence that allegations of CIO infiltration are commonplace and not well-founded, and the source not reliable?

- 4.4.3. It might be helpful for users of this report if 14.17 were linked with the section on the CIO, too.

COIS: Accepted

4.5. National Youth Service/youth militia [sections 8.26-8.33].

- 4.5.1. I am concerned by the heading 'National Youth Service (aka ZANU-PF youth militia)'. This needs unpacking. It is misleading to suggest that the NYS and the youth militias are interchangeable. This is, of course, very important for assessing asylum cases, as one person conscripted into the youth militia might have genuine grounds for fear, while another person conscripted into a non-militia version of the NYS would not.
- The National Youth Service was accepted as a legitimate part of state educational provision under the GPA. The GPA allowed for the revival of a non-political NYS, which was to be under the control of the Dept for Youth Development, Indigenization and Empowerment, not the military. It was, therefore, also to be subject to parliamentary scrutiny regarding its budget and curriculum. (See, for example, 'Committee set up to de-politicise youth service', *Financial Gazette*, 07 May 2009). The NYS was, in any case, always supposed to be subject to scrutiny by the Portfolio Committee on Youth Development, Gender and Employment Creation, ie not by the military.
 - Nonetheless, in mid-2000s, the youth militias were pretty clearly operated by the military and not answerable to anyone else. The director of the National Youth Service, Permanent Secretary David Munyoro, was a civilian, but the actual training and organisation of the programme was clearly in the hands of the military, including Boniface Hurungudu, a retired brigadier, and Colonel Josphat Shumba, a former director of Military Intelligence.
 - However, there were some youth training programmes that also appeared under the NYS auspices that were more clearly controlled by the Ministry. And officially the NYS has been disbanded a few times and then restarted.
 - Meanwhile, entirely separately from the NYS programme, one of the leaders of the war vets' association, Jabulani Sibanda, was accused in February 2011 of training child soldiers in Gutu district. (See, for example, section on 'Increased activity of youth militia and political violence' in Civil Society Monitoring Mechanism (CISOMM) February- March 2011 Bi-monthly Report).
 - So there are NYS organisations that are not youth militias and there are youth militias that are not part of NYS.
- 4.5.2. The RAU's list of perpetrators at 14.46 similarly fudges the distinctions between 'ZANU-PF supporters; ZANU-PF youth; Youth militia'. These are overlapping categories. It is unclear in what way 'youth militia' are less dangerous than 'ZANU-PF youth'. The information is not helpful in assessing the likely risk to someone who might, for example, demonstrate that they are known to local Zanu-PF supporters, including the youth members, but where

there is no militia base in their home district.

This list also needs to be supported by some attention to geographic distribution.

- 4.5.3. Similarly, at 14.56, the suggestion that militia bases had been re-established in Manicaland and Mashonaland Provinces would benefit from some gloss distinguishing official and unofficial militia bases. It is, however, welcome to see attention to geographic distribution.
- 4.5.4. Moreover, the extract from the USSD 2010 report, 8.29, is confusing and would be difficult for a non-expert assessor to understand. It states, on the one hand, that ‘children...participated in ZANU-PF affiliated youth militias...*during the 2008 election period*’ and, on the other hand, in the following sentence, notes ‘*the program’s suspension in 2007*’.

COIS: Accepted – we will undertake a thorough review of this section in the next update. If the reviewer has any information that may be useful to clarify the distinction between the NYS and the youth militias, and also on geographical variation we would welcome seeing these.

4.6. Judiciary and ‘customary’ law

- 4.6.1. 10.01 states that ‘The legal system is based on a mixture of Roman-Dutch and English common law’. This is true for *statutory* law. However, marriages and rights over children are largely governed by customary law, details of which are not normally registered by the state and are notoriously difficult to adjudicate in the same way that statutory law is adjudicated.

It is important for assessors to be aware of this, in cases where the marital status or inherited nationality of an asylum claimant is a material factor in the claim. So this point should also note that the legal system is based on customary law for most family law issues. (NB re 22.20: there is no such thing as ‘ethnic’ law!)

COIS: Accepted – we will revise and clarify this.

- 4.6.2. Additionally, in 19.02, the cursory mention of Shona systems of descent, succession and inheritance is inadequate to indicate the issues that should be taken into account in assessing cases where descent, succession or inheritance may be a material factor. In particular, the system of wife inheritance is not mentioned at all, yet may well be pertinent in claims where marital status (or, indeed, forced marriage) is relevant. A reference here to 22.18 might be helpful, although 22.18 also has problems.

COIS: Partly accepted – not an issue that arises, as far as we are aware. But we will review this section and link with the section on women.

22.18 over-simplifies issues. I know, from regular requests for expert reports on these matters, that there is much confusion about marriage systems in Zimbabwe. I would suggest that this section:

- needs to explain the overwhelming prevalence of unregistered customary marriages,¹ and the fact that the law is incoherent on the question of how far, for legal purposes, such unions actually count as 'marriage'. The majority of marriages in Zimbabwe occupy an anomalous legal position, where they are legally valid for some purposes but not others. Various agencies are currently arguing for this anomaly to be addressed and that "that the distinction between unregistered customary unions and customary law marriages should be abolished altogether by repealing section 3(1) of the Customary Marriages Act which, almost uniquely in Commonwealth Africa, makes registration essential to the validity of a customary marriage." (Simon Coldham, 'Succession Law Reform in Zimbabwe,' *Journal of African Law*, Vol. 42, No. 1, 1998, p133)
- must recognise that polygyny is also widely prevalent in urban areas. It is very misleading to suggest that this only 'continues to be practised in rural areas'.
- develops a better understanding of the ways in which bridewealth contracts can protect women vis-à-vis their wider family, as well as, in other contexts, making them more vulnerable.
- avoids using sources that refer to 'rules' of customary marriage, which may mislead assessors. The systems of negotiating customary marriage proceed on the basis of principles, rather than rules. Injustices may follow from assuming that there are inflexible rules about women's inheritance rights.

[COIS: Accepted – thank you for these clarifications. Are you able to recommend further sources?](#)

4.7. Claims regarding Matabeleland

The claims regarding Matabeleland in 14.69-14.70 are very misleading if read out of context – which is quite likely given the nature of this report and the uses to which it will be put. The FFM is a compromised source, given its explicit remit to assist HMG in increasing the level of return of Zimbabweans from the UK. The extract from FFM gives a picture of the situation in Matabeleland as 'very safe' – 'safe' is a relative term in this context and has not been properly defined.

As many of the informants within the FFM report chose to remain anonymous, it is not helpful to direct assessors to its picture of the distribution of violence 'as identified by the sources interviewed'. Significantly, many experts within Zimbabwe chose not to be interviewed by the FFM.

The situation in Matabeleland should be represented by hard evidence from news reports. Of course, these should, where relevant, include evidence of MDC campaigning without harassment.

(see also 2.5, above).

¹ The figure of 80% was estimated by Child Protection Society (CPS) advocacy manager, Busi Bhebhe, as reported by IRIN, the UN News Agency: 'Zimbabwe: Reform of birth registration law urged', July 23, 2004. Other commentators note simply that the 'majority' of marriages in Zimbabwe are unregistered customary marriage, eg The Center for Reproductive Law and Policy, *Women's Reproductive Rights in Zimbabwe: A Shadow Report*, New York, 1997; Simon Coldham, 'The Government of Zimbabwe's White Paper on Marriage and Inheritance, 1993', *Journal of African Law*, Vol. 38, No. 1 (1994), p68.

COIS: Not accepted.

We do not accept the FFM is a “compromised source”. The mission’s purpose was “... to gather information on the situation in Zimbabwe since the formation of the Government of National Unity (GNU) in February 2009, which may be relevant to the consideration of asylum applications in the United Kingdom.” (UKBA Report of the FFM, Introduction, piii) It was neither explicitly or implicitly to assist the UKBA to increase removals to Zimbabwe, rather it was to provide evidence principally to allow an assessment of conditions in Zimbabwe by the immigration courts in the country guidance case EM & Others. The introduction to the FFM Report sets out how the mission was conducted, this is summarised in paragraph 80 of the determination of EM & Others – we gathered the information in a transparent and impartial fashion.

The Upper Tribunal (UT) gave careful consideration to the FFM and the report of the mission, and generally found it to be useful and valid evidence for what it is – a collection of informed views of “civic society” representatives in Zimbabwe (see EM & Others, paragraphs 80 - 128). The UT’s consideration included the range and authority of the sources (17 in total), both anonymous (six of the interlocutors) and identified (11) giving weight to the views of most. It also noted in paragraph 115 of the determination that one of the expert witnesses for the appellants “broadly accepted” that the sources identified in the report were “authoritative”. In identifying the sources interviewed, the UKBA/FCO contacted a wide range of groups. However we agree that there were other groups/experts that may have been able to comment who didn’t, and it was accepted at the hearing that the UKBA should have also sought views of trades unions. But the information obtained remains valid for what it is: informed views of a variety of major and minor human rights and humanitarian groups active in Zimbabwe.

Re paragraphs 14.69-14.70, we do not accept these would be read out of context. We cannot see that a decision maker would only read two paragraphs in the middle of a subsection which provides an overview of the distribution of violence but not read the surrounding paragraphs setting out a more nuanced picture (the subsection runs 14.62 – 14.73). We would also expect them to read the subsection on violations by province that follows (14.74 – 14.154). That a decision maker may use information selectively, which no doubt occurs, is a different matter and not within our control.

On the word “safe”, we agree that this is a qualitative statement and lacks definition. But it is a faithful quote from the source. Elsewhere in the section we try to quantify human rights violations with statistics but also provide qualitative information from other sources. Mapping both the levels and distribution of human rights violations through qualitative and quantitative material is difficult and is something we are trying to do better.

We agree that we should make more use of news media – some media sources are referred to in the subsections of violations by province – in addition to the Zimbabwe Peace Project reports.

4.8. Patronage and key players

- 4.8.1. Patronage is important as a means of understanding grassroots loyalties and the meanings of political affiliation. The question of how patronage works within Zimbabwean politics is enormously important to many asylum claims, where individual players may exert an influence that seems at odds with events and political alignments at the national level.

I would therefore suggest that the section dealing with 'Distribution of politically motivated human rights violations in 2010-11' does more than simply scoop up all the references to specific locations. It must also contextualise each district. In particular, the role of key players (such as the Zvobgo family in Masvingo in early 2000s; or Didymus Mutasa in Rusape; or Constantine Chiwenga in Wedza) often has material significance in asylum claims.

- 4.8.2. On the subject of key players, it might also be useful to note (presumably in the 'Prominent People' annex) that Welshman Ncube is linked by marriage to SA President and SADC mediator, Jacob Zuma.

COIS: Accepted – we will review this in the next report. If the reviewer has any suggestions on suitable sources we would gratefully receive these.

4.9. Freedom of Human Rights organisations

16.06 is overall rather misleading and would perhaps not provide real assistance to an assessor where the work of human rights organisations was of relevance. If an asylum claimant failed to seek help from, or report incidents to, available human rights organisations, this might not be properly interpreted in the light of this section.

- Although the ZADHR doctor is quoted as pointing out that 'Freedom depends on the area and the project' (and, I would add, the current moment in the electoral cycle), the overall impression from the section is that such organisations operate without difficulty.

- It should be noted that the comments in the FFM report are not regarded as authoritative within Zimbabwe, because a self-selecting group agreed to speak to the Mission. Moreover, Zimbabwean human rights workers commenting on the FFM have pointed out that those who spoke to the Mission were not likely to want to admit to the FFM, a group with links to a very significant international donor country, that their work was not viable (pers com).

- The indication from ZHRF that 'There are currently few restrictions on the Forum's ability to operate' is belied by the fact that the ZHRF is now very much less active than it was.

- Moreover, there have been allegations that some humanitarian organisations, while appearing to be operating normally, have actually been 'hi-jacked' at the grassroots level by Zanu-PF agents. (Tichaona Sibanda, 'Zanu Pf Hijacks NGO Program in Makoni District', SW Radio Africa (London), 13 December 2010).

COIS: Discussion of treatment of 'grassroots' activists follows at 16.08.

- While I would not want to suggest that human rights organisations are fundamentally compromised in Zimbabwe, I think that this section, as it stands, is misleading for assessors because it does not indicate the complexity of the situation at the grassroots. Of course, one would hope that an assessor would read the rest of the 'Civil Society and Human Rights Institutions, Organisations and Activists' section. However, the fact that 16.06 is apparently about the latest developments under the GPA, and is the final contribution on this topic, might be thought to give it greater weight.

COIS: Partly accepted. We will review this section in light the reviewer's comments and information that subsequently becomes available.

Regarding the FFM, it remains what it is (see above). The reviewer refers to criticisms of the FFM by members of civic society in Zimbabwe and that it is not authoritative, we are not aware of these. Is she able to provide any source material on this, please?

The reviewer also mentions that the ZHRF is less active. We would welcome any sources/information she may have on this.

On the point of reading individual paragraphs or subsections: we do not expect decision makers to read this material in isolation. It may be we need to make this point clearer in the text and in cross references.

HIV+/AIDS treatment

This section seems somewhat dated and fails to appreciate the complexities of accessing HIV+ treatment.

25.07/8. A CD4 count of 300 is a precondition for state-funded treatment for AIDS. It is not enough simply to have facilities for measuring CD4 counts; these facilities must also be accessible. It was recently reported that hospitals are charging for doing CD4 tests (Jennifer Dube, 'Hospitals under attack for underutilising CD4 machines', The Standard health supplement, 7th August 2011). So there is limited *access* to these facilities. It is misleading to suggest that the treatment is available, simply because the facilities are available.

COIS: The facilities are available, if not necessarily accessible to people without enough money. Paragraph 25.04 conveys the importance of having money to access treatment.

25.31 and 25.32. The guidelines at 25.31 have been superseded, and the report should list the new guidelines. As I understand it, the protocol for getting onto the government treatment programme is as follows:

- Statement from a doctor confirming HIV status
- CD4 count must be 300-350 to start treatment. Previously it had to drop as low as 200, but this was changed at the end of 2010.
- The patient also needs to have evidence of the outcome of kidney and liver test functions, which determine which types of drugs can be prescribed.

Regarding the introduction of Tenofovir, my understanding is that the initial supplies of Tenofovir are already in Zimbabwe and will be phased in. At this point it is only available to those who have been on the Combivir + Nevirapine cocktail for more than three years, and those who have experienced particularly severe side-effects from it.

COIS: Accepted – is there a source for this?

25.33, 'those returning to Zimbabwe, who were already receiving treatment, would be prioritised and should be able to access treatment in about two to four weeks at a government hospital': only if they already have all the paperwork evidence listed in my preceding point to hand.

25.34-36. Zimbabwe will not be receiving money from Round 10 of the Global Fund allocations: it rejected Zimbabwe's request for US\$170 million for HIV (as well as its request for support to control TB). RadioVop Zimbabwe quoted an unnamed official in the Ministry of

Health as saying that the proposal was rejected over fears of fresh political instability caused by the proposed election in 2011. (ACTSA (UK), 'Zimbabwe News Update', *The Zimbabwean*, 24th December 2010)

25.37. Even where ARVs are free and clinics are to hand, there are still additional costs: for consultation fees, for tests that are a pre-condition for treatment, and often for additional medication to treat the side effects (heart disease, hypertension and kidney disease) that are associated with taking the ARVs.

COIS: Accepted. We will review the material on HIV/AIDS thoroughly in the next update. It should be noted in assessing claims decision makers are principally looking at whether treatment is available rather than whether it is accessible. Hence the interest in availability over access in the report.

Thank you for the comments and the additional information. Are you able to provide sources for other points which you have unsourced (such as 25.37)?

4.10. Exit and Return

This topic is enormously important, yet the section does not adequately engage with the long and complex discussions that have taken place on this topic. There is evidence that a previous version of this section has been used to draw inadequately-founded conclusions in Reasons for Refusal letters, regarding risks of return.

The fundamental problem here is that there have been very few forced returns since 2002, so it is almost impossible to make a firm assertion one way or the other.

COIS: Not accepted. We have tried to present all available information on the subject – the little there is. If the reviewer knows of further material, we'd welcome seeing this.

Since EM and Others was promulgated in March 2011 there have been a few forced returns to Zimbabwe from the UK. There have also been many hundreds of voluntary returns since 2002. Despite this, there is little reported information on the subject.

32.02 suggests that 'Zimbabwean professionals, many of them teachers, are coming home and seeking readmissions into the public service.' Yet the 'Latest News' section reports that, 'Only a quarter of the government's works programme for 2011 had been implemented by end of June due to lack of capacity as Zimbabwean professionals continue to leave the country.' (p10). The Reliefweb claim should, therefore, have been treated with more caution.

COIS: Accepted – we will review this in the next update.

32.06 is purely anecdotal. There is no indication that Anastasia Moyo had actually spoken with the people she described.

COIS: Not accepted. We report what was stated to us during the FFM of August 2010. If the reviewer has information to the contrary, we would welcome seeing it.

32.07 refers readers to the statements of 'the seven voluntary returnees' interviewed for the FFM. In the EM & Others hearing, it emerged that these statements had not been signed off by the participants. There are concerns about the status of these statements,

which were fully aired and rejected in the EM & Others hearing. However, the grounds for rejecting these concerns were not given – simply the assertion that they were ‘not accepted’ (p38, §120).

I have no firm knowledge on this matter; but I am concerned that the representations by Zimbabwe Association, which provide important context for these statements, have not been placed alongside them.

COIS: Not accepted. Taking the two paragraphs above separately:

i) The reviewer is misinformed that the statements by the returnees were rejected; the Upper Tribunal (UT) did attach some weight to these interviews taking into account the concerns raised by the appellants. For example paragraph 154 states:

“Although we [the UT] have had regard to the reservations voiced by Mr Henderson regarding the usefulness of the evidence of the seven returnees who featured in the FFM report, we consider, for the reasons we have already given, that some weight can be placed on this evidence.” (Determination in EM and Others..., March 2011)

See also paragraphs 118 - 121 and 154 - 156 for UT’s consideration of the statements made by the returnees. Paragraph 120 of the determination appears to have no connection to the issue raised by the reviewer. It states:

“120. We [the UT] do not consider that the IOM’s involvement in the process of identifying the returnees is a matter of any particular significance. Because of that organisation’s work on behalf of UKBA, they are a natural source of information and an obvious point of contact with returnees to Zimbabwe. Whether or not some of the returnees also featured in a presentation that Sarah Harland described in her evidence is, again, immaterial. We do not accept her insinuation that any evidence which can be said to involve the IOM is tainted, as a result of the organisation’s desire to maintain its contract with UKBA.”

Regarding the issue of sign-off, one returnee did in fact sign off the notes. All the remainder were sent notes of their interviews and told to respond with seven days, if they did not it would be assumed they were content with notes. None did, and haven’t since.

ii) We are not aware of the Zimbabwe Association’s statements on this – we have not seen these. However, we are aware that evidence submitted by the Zimbabwe Association and statements made by the Sarah Harland, who was a witness in the case, were made and considered by the UT.

32.05 gives me significant cause for concern. It refers to the FFM’s use of an account from ZHRF regarding its relationship with Zimbabwe Association in London. The paragraph states ‘It works closely with the Zimbabwe Association in London and is alerted where there are concerns a returnee might be at risk but has not come across any cases where that is happened’. As Sarah Harland of Zimbabwe Association pointed out at the EM & Others hearing, in making this statement, the ZHRF informant was referring to whether he would be aware of “systematic ill-treatment” of returnees since the GNU had been established (EM & Others, p94, §30). As there had been no returnees since the GNU was established, there were no cases.

The statement is therefore meaningless as a guide to likely risks to returnees. I have no firm knowledge about the likely level of risk. However, it seems clear to me that 32.05 is at best misleading and at worst deliberately so.

COIS: Not accepted. The matter of what was said by the Zimbabwe Association (ZA) was disputed by the UKBA and the appellants, and considered at length by the Upper Tribunal (UT). The ZA contended it was misrepresented in the notes of the interview, COI Service and the UKBA did not accept that this was the case. The reviewer refers only to Ms Harland's comments, not to the UT's consideration of the disagreement or its finding on this (see EM and Others..., paragraphs 106 – 109). In paragraph 109 of the case, the UT states:

“109. In their respective written submissions, both sides claimed Ms Goodier's manuscript notes supported their respective stances on the issue of 'systematic' ill-treatment of returnees. The Tribunal considers that the essential thrust of what W80 [ZA representative] said to Ms Goodier and Mr Walker is satisfactorily captured in the notes published in the FFM report: that the Forum 'has not come across any cases of returnees from the UK being mistreated and would expect to know of any such cases because its member organisations are represented across the country'.”

We therefore consider paragraph 32.05 of the COI Report accurate and reject the statement that this paragraph is “... at best misleading and at worst deliberately so.”

The ZA were incorrect in stating that there have been no returnees to Zimbabwe since the formation of the GNU in early 2009. While there have been few enforced returns, there have been a number of voluntary returns. It was put to Ms Harland during her oral evidence/cross examination, based on evidence submitted to the court by the UKBA, that “... at most 215 asylum seekers had returned in any given year.” (EM and Others..., Annex A, paragraph 26, page 93)

Statistics on voluntary and forced removals from the UK are available on the Home Office website - <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-tabs-q2-2011v2/removals-q2-11-tabs>

Nonetheless, this section from the FFM, cited in the previous COI, has been used in at least one Reasons for Refusal letter of which I am aware, to conclude that returnees will face no risk on entry.

I find it a matter of grave concern that asylum decisions are being made on the basis of information that is so misleading.

COIS – Not accepted. See response above – we do not agree that this information is inaccurate or misrepresentative.

If the reviewer is aware of other information on returns, we would welcome seeing this.

5. Proposed additions

5.1. Campaign against the one-party state (historical background)

P22, 3.06, The discussion of the unity accord and the new constitution really should have some reference to the campaign against a one-party state during late 1989 and early 1990, resulting in the dropping of the proposal in September 1990.

This is important because this campaign was the crucible for the development of an autonomous civil society sector, leading to the formation of the coalition of civil society organisations at the end of the 1990s that became the Movement for Democratic Change. The history illustrates how Zanu-PF, and Mugabe in particular, experienced civil society mobilisation as a challenge *ab initio*. Anyone with a history of civil society activism, even if not with a record of MDC activism, is therefore liable to be adversely regarded by the partisan security services.

(Incidentally, the story of the campaign against the one-party state is also interesting in that Jonathan Moyo, its leading campaigner, subsequently became the arch-propagandist for Zanu-PF!)

COIS: Accepted – could you provide a source so it can be considered for inclusion in the next report?

- 5.2. **Police ‘hostage-taking’** In sections dealing with prisons, arbitrary arrest etc, there should be some reference to the practice of ‘hostage taking’, that is, the arrest and detention of a person not actively suspected of a crime, in order to encourage the genuine suspect to give themselves up to the police. A recent example of this practice was the detention of Cynthia Manjoro in the Glen View police murder case in June. Manjoro was said to have been elsewhere at the time of the murder, but was held as ‘bait’ for two months, in order to get her boyfriend, a suspect in the case, to turn himself in. (see, for example, Jennifer Dube, ‘Incarcerated MDC-T supporters denied treatment’, *The Standard*, 17th July 2011)

COIS: Thank you. Is this a wide-spread trend, rather than isolated incidents? Are you able to advise on suitable sources?

- 5.3. **Governance in rural areas** There should be a section somewhere dealing explicitly with governance in rural areas and the need for registration if settling there. This is important because registration – as part of a range of governance issues regarding access to land and other essential community resources – makes people readily identifiable by state agents and by political activists of either hue. Assessors need to understand this, where someone is likely to have to return to live with family in a rural area.

COIS: Accepted – we will provide some background on this. Can you recommend a source(s) on this?

- 5.4. **Non-state persecution** The report should acknowledge that asylum is sometimes required by those fleeing persecution that did not originate in the state. In particular, the discussion of witchcraft (18.12) and the discussion of homosexuality both concentrate on risks from state persecution. However, as the UNHCR report, *Witchcraft allegations, refugee protection and human rights: a review of the evidence* (by Jill Schnoebelen, January 2009. New Issues in

Refugee Research, Research Paper No. 169) clearly illustrated, communal/community-based persecution may provide grounds for asylum, even where the state is only marginally involved.

COIS: Partly accepted. Regarding the two subjects specified: i) witchcraft – this is rarely of interest in asylum casework, as far as we are aware, and we don't propose to add material on this in the report. If it arises, we can provide information via our information request service. ii) We try to provide information on societal treatment of gay men, but as a subject it is often hard to document. We will endeavour to provide more in the next update of the report.

- 5.5. **Essential infrastructure** As many asylum claims are considered in the light of human rights, rather than asylum, protection, the report would benefit from more consideration of the state of essential infrastructure. In particular, the near-collapse of sewerage and refuse-collection systems in many high-density townships, along with serious problems in the water supply, has led to cholera outbreaks and a wide range of chronic health problems. For those with compromised immune systems, notably those who are HIV+, these factors may be relevant to a human-rights based claim.

COIS: Partly accepted. Asylum and human rights claims are still matters largely of protection, not basic rights such as access to health, education, etc, though we accept that increasingly the socio-economic situation in the country is taken into account in determining claims (for example in regard to internal relocation). We will consider providing further information on the basic infrastructure of the country in the next update.

5.6. **Trades Unions and civil society organisations**

I feel that the report would benefit from something more on TUs and civil society organisations, such as the NCA. Both of these groups have experienced distinct campaigns of persecution, separate from the campaigns of persecution against MDC supporters

COIS: Accepted. We will add some material on these groups. Source information would be welcome.

Victims of MDC persecution

There is very little information on the MDC youth, who also have a tradition of violence against opponents, both in Zanu-PF and against other MDC factions. Given the possibilities of this tendency increasing (see, for example, Nqobani Ndlovu, 'MDC-T youths vow to block early elections', *The Standard*, 7th August 2011), it might be useful for assessors to have a section to which they can turn to contextualise claims based on these lines.

COIS: Partly accepted. We already provide some information on violence by MDC supports/activists (see paragraph 14.49 for example) but we will consider expanding this.

6. Individual comments and concerns.

In 'Latest news', there should be some reference to the realignments of political positions over Gukurahundi during August. Jonathan Moyo's article 'Only Zanu-PF can resolve Gukurahundi' in the Sunday Mail on Saturday, 13 August 2011, sparked off significant upheavals in elite circles and a slew of newspaper articles debating whether or not a veil should be drawn over the events in the Gukurahundi.

This is relevant in that claims based on unresolved issues from Gukurahundi, including fear of being able to identify perpetrators, depend on the state's attitude towards further investigations into the atrocities.

P9 Latest news', 15th August 2011, SADC summit 'unlikely to make significant progress on the political situation in Zimbabwe': unclear what 'significant progress' might entail.

Where an asylum claim hinges on the likelihood of early elections and the role of SADC in enforcing the GPA roadmap, this comment might potentially be misleading.

COIS: [A link to the story has been provided so the quote can be considered in context.](#)

P13 Latest news, *The Zimbabwean* 22nd July 2011:

'blamed delays on a lack of funding and disagreements between the MDC and ZANU-PF about how the findings are to be analysed and interpreted': yes, but this is more a disagreement about the nature of a 'public consultation' *per se*. This is important as it helps assessors to get a better understanding of the GNU and the fault lines within it – not a viable coalition.

COIS: [The above will be absorbed into the Recent developments part of the report in the next review – if still relevant, etc.](#)

P18 2.01, 'official recognition of dollarization': more precisely and accurately, official introduction of multicurrency regime. Use of Rand and Pula are also widespread. Economists get very cross when people talk of dollarization.

This is also misleading in that it under-emphasizes the importance of regional affiliations and economic interaction.

COIS: [Accepted – we will clarify this in the next update.](#)

P19 2.04, '90% of adults are unemployed': this is a meaningless (and therefore potentially misleading) statistic, as the informal economy takes up an unknown percentage of the formally unemployed. See Deborah Potts, 'The state and the informal in sub-Saharan African urban economies: Revisiting debates on dualism', Crisis States Research Centre Working Papers no 2, LSE, 2007.

COIS: [Accepted – we will provide a clearer description of both formal and informal employment.](#)

P20 2.06. I was very pleased to see the observation that 'poorer rural families were less likely to receive remittances than the urban middle classes'. This is an important point.

It might be worth adding that urban middle classes often need remittances in ways that rural poor don't, because of the cash requirements for housing, food and transport in towns.

P38 4.15, fails to reflect the range of players now involved in the succession disputes, which may influence claims for asylum over the coming year. It is unfortunate that Mujuru's death took place just as this report was being completed. However, events during July ought also to have been reflected, as it was clear even then that significant realignments were being mooted.

In particular, the attack on Zanu-PF MP Tracy Mutiniri, following suspicions of pro-MDC sympathies when she worked with the MDC MPs to ensure election of a Speaker for the House, seems relevant to the changing political landscape for those seeking asylum. It is an indication of different strategic approaches with both MDC and Zanu-PF to party realignment. It demonstrates the current ascendancy of those who refuse to compromise at local or national levels, even where this might smooth the path of government.

Similarly, in discussing the process of realignment, I would have included a mention of Chiwenga, who is a player with current influence (eg Latest news, p12, 31st July 2011, re 'Secret Zanu, MDC talks confirmed'.)

Conversely, 4.16, 'Roy Bennett loses his Senate seat', seems only of anecdotal importance and I am not sure why it was given such prominence. The persecution of Bennett is a specific case of individual antipathy and has limited wider relevance, however reprehensible it might be.

COIS: Thank you. We will develop this in the next update.

P43 7.03. re Solidarity Peace Trust's observation that: 'it is NOT likely that Zanu PF will use a sledgehammer at this stage, and will rather intensify intimidation methods. These can be very effective in breeding apathy and fear, and in distancing people from opposition political activities, yet they are difficult to measure forensically'.

Even had it appeared within the deadline, it would not be appropriate, I suspect, to quote from Wikileaks's disclosure of a private conversation between US Ambassador Charles Ray and Roy Bennett. Nonetheless, I will venture to note that Ray's comment there is very pertinent to Solidarity Peace Trust's observation: "What also seems to be lacking is a sense of interconnectedness among all the various civil society groups. The culture of fear and violence that has been created over the past several decades has so cowed the general population that tens of thousands of people can be intimidated by the murder or beating of a few hundred."

(source: 'Roy Bennett acknowledged ZANU PF: Wikileaks', ZimEye.org, September 6, 2011)

P45 7.09, (and 14.36, p81). I have enormous respect for Sokwanele, but this article analysis does not, to my mind, provide sound data. It does not tell us how the articles were selected, and does not adequately interrogate the potential agenda of those producing the articles in the first place.

COIS: Accepted. We will review this source. The source might have some value but needs further explanation to indicate the limits of the information and how much weight can be attached to it.

P51 8.23 and p58, 8.55, quote from what is claimed to be a briefing paper written by me and 'delivered at a seminar at the School of Oriental and African Studies on 30 March 2007'. The words and the paragraph numbering are certainly mine and from a report that I wrote *for an asylum hearing*. They were never intended to enter the public domain. Moreover, I was not at SOAS on 30 March 2007 and I do not know who 'delivered' this 'briefing paper'. When this quotation first appeared in the COI Zimbabwe report some years ago I tried to trace how it had come to be there, but no light was shed. I did not make a formal challenge because the substantive point – that I wrote

these words – was accurate. However, it would be good to have more information about how this information came to be in the hands of UKBA.

(Incidentally, I cannot be both ‘Professor’ and ‘Principal Lecturer’. I believe I was PL at the time I wrote these words.)

COIS: We can no longer find the source either and will remove it.

Apologies about inaccurately referring to your title.

P60 8.62. I have some concern about the inclusion of information from 2009 regarding the Marange diamond fields. The situation in Marange has changed so swiftly over the past four years that what happened in 2009 is not a good guide to what might happen now. This is not to dispute the general validity of the point regarding extra-judicial killings.

COIS: Accepted. This will be updated for the next review.

P75 14.14. Shouldn’t this start with ‘Conversely’? It seems important to draw attention to the fact that there are starkly conflicting interpretations here.

COIS: Accepted

P77 14.18. ‘Zimbabwean citizens who publicly and peacefully express opinions critical of the government are routinely subject to arrest’. This is deeply misleading. The independent press publicly and peacefully expresses opinions critical of the government every day. On the other hand, public demonstrations, such as those held by WOZA, are likely to lead to arrest.

COIS: Not accepted. It does not seem right to exclude sources that seem at odds with others, especially if they are from usually reliable sources (in this case HRW). Rather we need to bring together these different points of view and provide a range of voices (there are also quotes from other sources that are more measured in this section).

P90 14.59. Some indication that this activity was also seen in Chimanimani and Mutare during the same period would help assessors to contextualise this information.

P102 14.110. It should, perhaps, be noted that Jabulani Sibanda is not typical of Zanu-PF campaigners, being both a maverick and unusually wedded to violence. If taken as representative of widespread Zanu-PF attitudes, this would mislead assessors of asylum claims.

P116f ‘Internet’. This section should have noted the arrest and prosecution for ‘incitement’ in February 2011 of Vikas Mavhudzi, for a post he made on Facebook about the Arab Spring events, implicitly drawing comparison with Zimbabwe. The posting read: ‘I am overwhelmed, I don’t want to say Mr. or PM what happened in Egypt is sending shockwaves to dictators around the world. No weapon but unity of purpose worth emulating, hey.’ (See Tererai Karimakwenda, ‘Bulawayo man arrested over Facebook message,’ SW Radio Africa news, 4th March 2011 for original story; Richard Muponde, ‘Facebook trial fails to kick off,’ *NewsDay*, 8th August 2011 for recent update.)

COIS: Accepted – re the above three points.

P123 16.13. The comment from FCO that the constitutional consultation did not produce the ‘expected tensions that many observers had predicted’ is extraordinary – one wonders about the

nature of the ‘predictions’ referred to, given that threats and intimidation were noted from almost every meeting that was reported in the press. Might I suggest that the previous sentence be amended to read ‘had resulted in *widespread* reports’?

COIS: Partly accepted. The preceding sentence is a paragraph from an Amnesty article, which doesn’t use “widespread” – the closest it gets to this is “spate”.

We will review the content of this section and paragraph for the next report – there maybe more measured analysis from a later source on this.

P124 16.21, and also p156, 22.35. Note also the more recent report by the Women’s Programme of the Research & Advocacy Unit, ‘Women & Political Violence: An Update’, July 2011, listed on p15.

P126 18.01. The statement that Muslims are ‘primarily immigrants of Mozambican and Malawian descent who came to the country as farm laborers’ completely effaces the significant group of Muslims of Indian descent, who play an important part as importers/exporters, landlords and owners of SMEs in the urban economies.

COIS: Thank you. Are you able to provide a source on this?

P127 18.06 should note that, during late 2007, ‘prayer meetings’ were the only legal form of assembly. The internationally-reported assault on Morgan Tsvangirai and many other MDC supporters, which left Tsvangirai semi-conscious in hospital and MDC supporter Gift Tandare shot dead, took place at a ‘prayer meeting’.

COIS: Are you able to provide a source for this so it can be considered for inclusion?

P142 20.47. Yes! This is an extremely helpful summary, which I am sure will be of great use to assessors in asylum cases. Other sections dealing with Women might also make use of this extract, which explains much more than attitudes towards lesbianism.

P167 23.17. Although ‘Remba’ is not incorrect, these people are more normally called ‘Lemba’.

P170 23.30. There are important issues about government control over school curricula, particularly history and citizenship classes, which should have been noted here. (See , for a recent example, Violet Gonda & Sandra Nyair, ‘Zimbabwe Teachers Union Says ZANU-PF Forcing History Syllabus on Schools,’ VoA, 1st September 2011. Earlier reports were available and could have been included in the COI report). However, this polemical comment from Freedom House is not helpful at all.

COIS: Accepted. This will be updated in the next edition.

P188 25.48 needs reference to ZINATHA (Zimbabwe National Traditional Healers Association), which plays a very significant role in providing mental health services.

COIS: Accepted – are you able to identify a suitable source?

P189 26.02, ‘the Government of Zimbabwe began to implement aggressive land expropriation policies, leading Britain and other donors to begin withdrawing financial support for resettlement’. It is probably not significant in the assessment of asylum claims, but as an historian I think it is

important to point out that this is chronologically incorrect. The financial support was withdrawn *before* the aggressive land expropriation – leading to the notorious ‘Clare Short’ letter. (see [‘Clare Short: One bad letter with long-lasting consequences’](#), special issue of *New African* May 2007). Indeed, there is a case to be made that it was precisely because Britain reneged on the Lancaster House deal that the Zimbabwean government was left with no political options except to invade the land.

COIS: Thank you. Noted.

P195f 27.03-04. This section is very good – expresses important issues clearly, effectively and economically.

7. Conclusion

7.1. The Zimbabwe COI report August 2011 is a well- researched and comprehensive synthesis of the available open source materials. Overall, information from source documents has been appropriately and accurately reflected. I have indicated whenever I thought that the source material was either selectively used or when it could be complemented by additional material to present a more nuanced or complete picture.

7.2. The report is suited to its purpose, and the internal links are effective in ensuring that a full picture emerges for users of the report. However, more attention to geographic spread might assist assessors in understanding the risks more clearly.

7.3. Key issues for which I would recommend additional consideration include non-state persecution (witchcraft, homosexuality); Trades Unions and civil society organisations such as the NCA; rural governance; patronage networks.

7.4. I would recommend some reconsideration and reframing of the sections on National Youth Service; customary law; HIV+/AIDS provision; and exit & return.

7.5. Areas to focus on in the coming months would include political reconfigurations within both MDC (both formations) and Zanu-PF, where the ongoing succession dispute has implications also for the role of the military in the state; possible increase in organised violence by MDC youth.

7.5 The report is significantly more nuanced and more authoritative than previous versions.

COIS: Thank you for comments and observations. We have responded to specific comments in the main narrative above.