

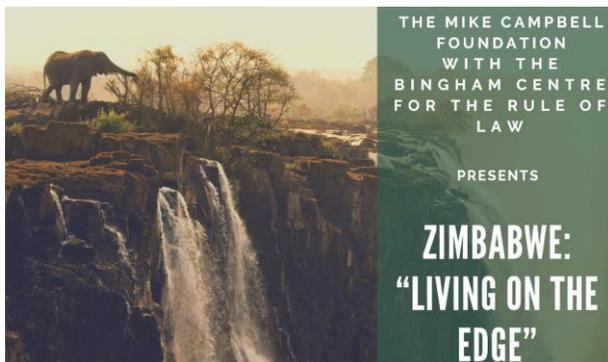
ROYAL GEOGRAPHICAL SOCIETY

Zimbabwe: “Living on the Edge”

Speech by Ben Freeth, executive director, Mike Campbell Foundation



10 March 2020



What does it mean to live without the rule of law - practically I mean? What does it mean for ordinary people - people like me - people like the ones I meet? What would it mean for people like you?

I’m going to give a very brief cameo of my own experience - and then some glimpses of just a few people that I met the day before I flew from Zimbabwe at the end of last week - these are just people I met with on a single day.

Many of you know my story. It is a story of standing for the rule of law, getting final and binding court judgments, and the Zimbabwe government willfully disobeying those judgments in flagrant disregard for the rule of law - first abducting and torturing us in their attempt to stop us getting to court and then, after the judgment, torturing our workers, stealing all the crops, tractors, farm equipment and then burning our houses down with everything in them - before getting the whole court shutdown so that none of the 280 million people in the 15 SADC countries could access it!

I understand what it is like to live on the edge as a result of the breakdown of the rule of law. The alternative to rule of law, where there is security, is the rule of fear, where there is no security. For an entire population to live in a perpetual state of life-threatening fear is a most terrible thing.

The post Mugabe era [from 24 November 2017] has unfortunately proven to be more of the same.

In January 2019 we went through a terrible time of widespread torture, abductions, rape, shootings at the hands of the army - following a national stay-away.

Entire communities vanished. Civic society leaders went on the run – sleeping in caves and in the bush. The army went door to door – breaking doors down, dragging out occupants and beating them publicly in the streets. One woman I spoke to, a widow with two children and looking after her sister’s orphaned child, had that 10-year-old orphan child being beaten on the street by the army after her door was smashed down in the middle of the night. I spoke to people who had been stripped naked by soldiers and beaten terribly. I personally witnessed a woman being savagely beaten in broad daylight, 20 metres from the Harare Magistrate’s Court.

I have to say, we were very disappointed that the EU decided that such crimes didn’t warrant that the Generals and their political superiors be placed on any restricted measures list. We were heartened however that the British Foreign Secretary, Dominic Raab, distanced Britain from the EU decision last month. It’s a start.

No move whatsoever has been made by the new Zimbabwe President to follow the judgments made by Southern Africa’s highest court.

One of my great asks is to get the British Government and Commonwealth to support us in asking the Zimbabwe Government to comply with these court judgments - because those judgments set the stage for a return to property rights; an end to hunger and food aid; an end to disinvestment and chronic unemployment; an end to economic decline and all the social ills that relate to that. Our economy shrunk another 8.3 percent last year. A loaf of bread has gone up over 2,000 percent in the last year.

So let me talk of seven people I met the day before coming here:

First there is someone who would like to remain nameless who came to give me this book. It is a horrifying book - a catalogue of state torture; state abductions; state wrongful imprisonment; state murder; state destruction; state genocide and state theft since so called “independence.”

Then I saw Beatrice - lamenting the state of the courts - and the bias of the Chief Justice where there’s not been a single dissenting judgment in either the Supreme Court or the Constitutional Court since 2012. All judges fall into line with what the Chief Justice says. Beatrice said that she was weary - but that if she and all of us, decided to throw in the towel, things would be far, far worse. She said we must carry on. Beatrice is a giant for justice -and it’s so sad that she had to cancel her flight and could not give her presentation here tonight.

Then I saw my great friend Gift - who came to the Royal Geographical Society 18 months ago. He’s been in jail 35 times - without a single conviction. Here at the RGS he told horrific stories of abduction and torture and murder. Since he spoke, these things have continued. Nineteen months have gone by since he put in his electoral case – after winning the last election for his Constituency. Incredibly, the Zimbabwe Electoral Commission announced the ruling party member as the winner even though he had less votes. The Zimbabwe Electoral Commission website clearly shows Gift as the one with the most votes – but he was told he had to go to court to get the courts to declare him as winner. Within 10 days the court papers went in – and under the Constitution there are 6 months within which the judges need to sort out electoral disputes.

Nineteen months later, after a High Court hearing and two hearings in the Supreme Court, the judges still prevaricate. Since being here, Gift tragically lost his wife. She couldn't take it anymore, and despite there being nothing wrong with her physically, she died.

Then there was Gordon, desperately trying to get a visa for the USA to see his twins graduate. But he can't. He's a convicted criminal.

He was a National Parks Warden, then went farming - and still has a portion of his farm. Twenty-five years ago he bought a young elephant orphan calf whose mother had died in the drought. This elephant grew up in and around his house. Then, two years ago, a group of people with a game capture team and a lorry broke the locks on the gate to the area where the elephant was. A tourism business needed a tame elephant matriarch for some orphan elephant calves as a result of some botched Chinese elephant captures.

Gordon rushed down in his vehicle to the area where the elephant was, slammed on brakes in the long grass, and stopped just before an elderly lady who had fallen down. He was accused of running the lady over which he most definitely didn't do. Police then handcuffed Gordon and took him to jail. The elephant was then taken away. After a lengthy trial the magistrate convicted Gordon of attempted murder without any evidence of the lady having been run-over, no doctors' reports, no medical records.

Gordon immediately put in an appeal to the High Court but the magistrate refused to submit the transcript of the Court record. The magistrate knew he would get found out. Eventually Gordon got a High Court order compelling the magistrate to release the court record. Still the magistrate refused to hand over the transcript. Gordon finally got the magistrate found in contempt of the High court order. The magistrate was not dismissed as you would expect. Instead, he filed a report to the Law Society against Gordon's lawyer to have the lawyer struck off the role - because he felt he was being harassed!

Two years later, Gordon is still on bail, still trying to clear his name by getting his appeal heard and still unable to get his stolen elephant back!

Then there was Patrick, a pastor who has spoken out and been put in jail many times. I asked him: "What is the main issue in your community right now?"

"It's the hunger," he said. "The old people are suffering the most. Even those who have worked for 30 or 40 years are only getting a pension of 300 or 400 Zimbabwe dollars a month." That's only 10 USD - or 20 pence a day. Those are the lucky ones. Most old people do not have pensions at all.

Then I spoke to Nolan. Nolan is a contractor, using heavy machinery at the coal fields in Hwange. He was owed US\$4.1 million – from a firm called Zambezi Gas from 2016. He had an acknowledgment of debt and a repayment plan all in writing from Zambezi gas. When he wasn't paid, his company had to go into judicial management. They went to court. Zimbabwe's Chief Justice, in the Supreme Court, ruled last month that Zambezi Gas could pay Nolan at a rate of ZW\$1 to US\$1. The real rate is over ZW\$30 to US\$1. Nolan got 3 US cents for each dollar he was owed. How do you run a business when the law and the judges don't make any sense?

Then I saw Langton Gatsi. Langton is also a Pastor. His church owns a hill outside Harare where we tried to put a monument with the 10 Commandments on it. The air force stopped us.

Then one fine day Government decided to start building a new parliament on Langton's hill with the help of their age-old "democratic" friends, the Chinese. Have they paid Langton? Not a cent! For five years Langton has been asking for payment. In the middle of last year he saw the Zimbabwe President – but he still hasn't been paid.

The eighth commandment says "thou shalt not steal". There is a certain irony in the fact that where the supreme law making body is going to sit as a parliament, the eighth commandment is already being broken.

Marian Turski, a 93-year-old Holocaust victim, went back to Auschwitz on the 75th anniversary six weeks ago - the place where 1.3 million people had been exterminated. Somehow, he survived - and is still alive.

"Auschwitz did not fall from the sky" he said – and he explained how it was a destination that was reached after a thousand tiny steps, each one eroding the rule of law a little more. He explained how the Nazis had used the law to achieve the extermination of the rule of law.

He said something that will stick with me forever. He said: "The 11th commandment is: thou shalt not be indifferent."

Thou shalt not be indifferent about the state of the courts and the judges and their refusal to make just judgments or the government to follow judgments like our SADC Tribunal Judgment in Zimbabwe.

Thou shalt not be indifferent about Gift and so many like him in their fight for democracy in Zimbabwe.

Thou shalt not be indifferent about Gordon and Felix [Chief Felix Ndiweni] and Gift and so many others who get arrested and who sometimes get shot or tortured or "disappeared".

Thou shalt not be indifferent about the great hunger in Zimbabwe - and making a way for the hungry to be fed.

Thou shalt not be indifferent about the theft of Langton's hill or Gordon's elephant or so many thousands of people's homes and livelihoods on the farms.

Thou shalt not be indifferent when the army shoots innocent unarmed civilians in cold blood; rapes others; tortures others; abducts others....

Sometimes we get weary. Sometimes we feel "what's the point?" Sometimes we become afraid. But the very fact that each of you are here tonight is very significant. Each of you have come and sacrificed to be here, braving viruses and the London throng because you know the 11th Commandment in your hearts. You have heeded the 11th commandment. You are not indifferent. For that I thank you! May God bless each one of you!

BEN FREETH