



Zimbabwe's 2008 Elections Featured Systematic Rape Other African Governments Should Act to Hold Perpetrators Accountable

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(Johannesburg) – Members and supporters of President Robert Mugabe's ZANU-PF party committed widespread, systematic rape in 2008 to terrorize the political opposition, said AIDS-Free World in "Electing to Rape: Sexual Terror in Mugabe's Zimbabwe," a report released today. These crimes against humanity have received little public attention and the government has made no effort to hold the perpetrators accountable. A concerted regional effort is needed urgently to bring both high- and low-level perpetrators to justice.

The 64-page report is based on extensive interviews with 72 survivors and witnesses, and documents 380 rapes committed by 241 perpetrators across Zimbabwe's ten provinces. ZANU-PF supporters who carried out the attacks, including members of the "youth militia" and former soldiers in Zimbabwe's war of liberation known as "war veterans," identified themselves to their victims. All the women targeted were supporters of Morgan Tsvangirai's opposition party, the Movement for Democratic Change (MDC).

"The evidence is incontrovertible: Mugabe believes he can sanction rape without fear of consequences. Zimbabwe is perhaps the greatest test for ending impunity," said Stephen Lewis, co-director of AIDS-Free World.

The testimony demonstrates that the rape campaign waged by ZANU-PF in Zimbabwe was both widespread and systematic, with recurring patterns throughout that cannot be coincidental. For example, the striking similarity of rhetoric about MDC political activity made before and during the violence; the uniform physical and emotional brutality of the rapes; the specific types of beatings and weapons on common parts of the body; the modes of detention and locations of the rapes; the circumstances and concurrent crimes as part of the broader attacks; and the consistent refusal of police to investigate and refer these cases for prosecution, taken together, demonstrate a systematic, organized campaign. It is also exacerbating an HIV/AIDS crisis in a country where, according to statistics updated by the UN two weeks ago, eighteen percent of adults are infected with HIV. Rape helps to spread the virus farther and faster.

"ZANU-PF orchestrated its campaign of rape to terrorize, and destabilize entire communities," said Paula Donovan, co-director of AIDS-Free World. "Clearly, the tactic worked: Mugabe is still president." Some women were forced to watch the rape of their daughters and murder of their husbands and other family members before or after they were raped. Several women were held as sexual slaves at ZANU-PF base camps for up to two weeks.



All the women who testified described either their fear of reporting their rapes, or the indifference they encountered from the police. They consistently ascribed the lack of police action to the close, well-known association between the local and national police and ZANU-PF.

The government of Zimbabwe was well aware of the widespread sexual violence against women during this period. The Joint Operations Command (JOC), the supreme organ of Zimbabwe state security including the heads of the military, police, intelligence services, prisons, and reserve bank was responsible for masterminding the election violence. As the head of the government and the leader of the political party in power, Robert Mugabe had the ability to control both the JOC and his ZANU-PF supporters and failed to do so. Similarly, as the head of the government, President Mugabe could have insisted on addressing the rape campaign through prosecutions and the rule of the law. He did not. This combination of knowledge, the refusal to prevent, and the failure to punish the widespread political rape requires that Robert Mugabe and members of the JOC should be investigated and prosecuted for their individual criminal liability for the rapes.

The report asserts that in Zimbabwe, both the police and the legal infrastructure are so seriously compromised as to make justice for systematic rape inside the country impossible. The majority of public prosecutors, magistrates, and judges are well known for their connections to ZANU-PF, making independent criminal prosecutions against ZANU-PF supporters unlikely. Zimbabwe's domestic rape law requires that victims overcome insurmountable hurdles, and to risk the very real possibility of reprisals from authorities. And under Zimbabwe law, rape cannot be prosecuted as a concerted campaign, ordered from on high and executed on the ground.

"Electing to Rape" recognizes the severe limitations on legal accountability within Zimbabwe, and therefore looks at a number of compelling alternative routes to justice that exist in the region. High-level commanders could be tried in the courts of other African countries under the principle of universal jurisdiction. South Africa, in particular, has a universal jurisdiction statute implementing the Rome Statute, the international treaty governing the International Criminal Court. If it so decided, South Africa could try perpetrators of serious international crimes should they enter the country. The Southern African Development Community (SADC) has its own tribunal as well as other tools – including sanctions and suspension – that it could use to censure Zimbabwe. The African Commission on Human and Peoples' Rights could also hear complaints of human rights abuses, and the African Union could take action against Zimbabwe to express its disapproval.

AIDS-Free World contends that the international community has a crucial role to play. The Office of the Prosecutor of the International Criminal Court (ICC) should conduct a preliminary examination of sexual crimes against humanity in Zimbabwe in 2008 with the possibility of opening an investigation into the situation in Zimbabwe. The UN High Commissioner for Human Rights should conduct an independent investigation that would culminate in a public report presented at the Human Rights Council.



Zimbabwean human rights activist Elinor Sisulu, who spoke at the Johannesburg launch of the report today, underscored the report's focus on shared responsibility, "The African Charter on Human and Peoples' Rights obligates countries in our region to protect the lives and security of women and girls," she said. "If victims cannot be sure that it's safe to come forward, they will not be able to testify about the crimes they have endured. Accountability is the key to preventing the next round of rapes in Zimbabwe, and there can be no accountability without the active participation of victims."

For further information, footage or interviews, please contact FD South Africa as follows:

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