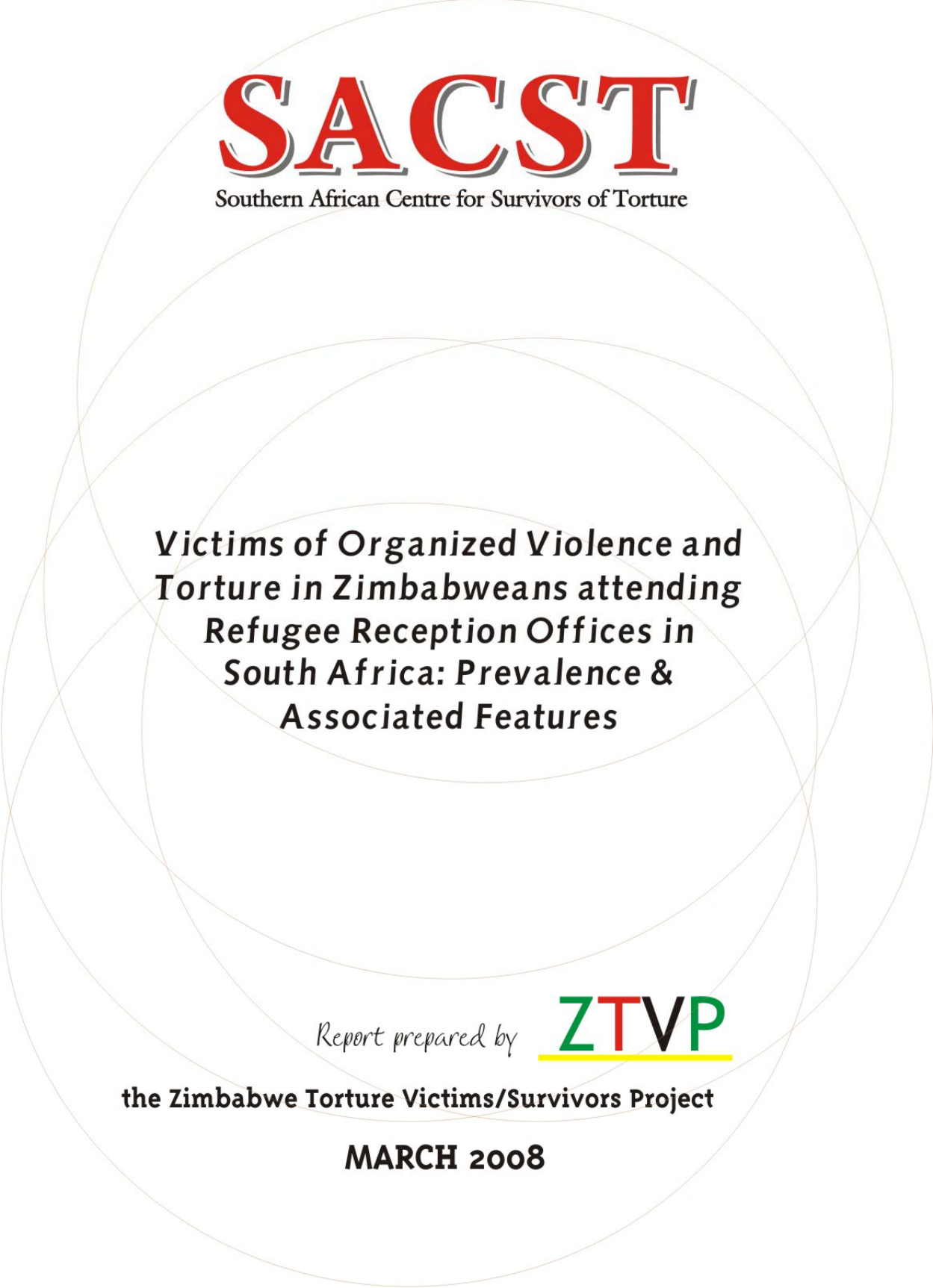




SACST

Southern African Centre for Survivors of Torture

**Victims of Organized Violence and
Torture in Zimbabweans attending
Refugee Reception Offices in
South Africa: Prevalence &
Associated Features**

Report prepared by **ZTVP**

the Zimbabwe Torture Victims/Survivors Project

MARCH 2008

The Zimbabwe Torture Victims / Survivors Project (ZTVP) is the flagship project of the Southern African Centre for Survivors of Torture (SACST). ZTVP was previously hosted by Themba Le Sizwe, IDASA and most recently, the Centre for the Study of Violence and Reconciliation. The SACST was registered as an independent trust in October 2007.

SACST

11th Floor Braamfontein Centre
23 Jorissen Street
Braamfontein
2017

PO Box 31768
Braamfontein
2017

Tel: 011 339 4476 / 339 4728 / 339 4798
Fax: 011 339 4477

Executive Summary

Survivors of organized violence and torture are a familiar presence amongst refugee populations, and this correlation has been documented in many different settings. Repeated allegations have been made about the occurrence of state-sponsored organized violence and torture by Zimbabwean human rights groups. These allegations have been corroborated by several small studies of Zimbabwean refugees who have sought asylum in South Africa.

The number of Zimbabweans legally and illegally in South Africa is not known and estimates vary between 1.5 and 2.5 million. What percentage of these are also victims and survivors of organized violence and torture is also unknown.

Although Zimbabwean human rights groups have not generated data on the prevalence levels of organized violence and torture, levels of abuse are considered to be high. Since July 2001, the Zimbabwe Human Rights NGO Forum (the “Human Rights Forum”) has documented over 29,000 violations, including nearly 4,000 reports of torture. The Human Rights Forum has also demonstrated that all categories of violations (including organized violence and torture) increase markedly during elections.

How many survivors of organized violence and torture in Zimbabwe have come to South Africa? A recent community survey of Zimbabweans residing in Gauteng indicated that over half of the sample had come to South Africa for political reasons. A small street survey conducted in 2005 indicated that 30% claimed to be victims of torture, whilst 44% claimed that they had been denied food assistance. Regular monitoring of attendances at the Marabastad Refugee Reception Office in Pretoria over a two-year period (between 2005 and 2007) show that approximately 40% of those seeking asylum seeker status are Zimbabwean.

In this report, the Southern African Centre for Survivors of Torture, through its Zimbabwe Torture Victims/Survivors Project, has attempted to generate a more accurate estimate of the number of torture survivors seeking asylum in South Africa through a survey of South Africa’s four functioning Refugee Reception Offices in Pretoria, Cape Town, Port Elizabeth, and Durban. Using a method adopted from psychiatric epidemiology for estimating the point prevalence of psychological disorders, the study attempted to estimate the percentage of Zimbabweans attending Refugee Reception Offices that were survivors of torture or who (at least) claim this is so.

A total of 285 Zimbabweans were interviewed over the four sites. Of these, over 90% had come to South Africa since 2006, with 73% of them having come within the last 12 months. There was a change in the profile of where in Zimbabwe respondents have come from and, unlike earlier studies that indicated a preponderance of people coming from the southern Matabeleland provinces, this study indicates that asylum seekers are coming from all over Zimbabwe.

Significantly high numbers of the sample reported experiences of violence or torture [46%], political intimidation [62%], and the denial of food assistance [38%]. Interestingly, and similar to a recent street survey, 56% reported coming to South Africa for primarily political reasons, and only 28% cited primarily economic reasons.

A quarter of the survey sample [26%] had dependents in South Africa, but virtually all [96%] had dependents in Zimbabwe, with an average of 5 persons depending on their support. This is particularly relevant, as over half of the respondents reported earning less than R500 per month, which gives some insight into how little they would be able to remit to dependents in Zimbabwe. This is compounded by the high levies charged by those acting as conduits to transport the money to these dependents.

Men were more likely than women to report seeking asylum, and were more likely to report a history of violence or torture and intimidation. Men were also more likely to report a history of being activists than women, and more likely to cite political reasons for leaving Zimbabwe for South Africa.

Interviewees were asked about their experience of trauma events in the period since 2000. The study found that both the number of persons affected by trauma and the number of trauma events have increased significantly. In the case of the number of trauma events experienced or witnessed, there has been a three-fold increase since 2000, whilst the number of persons affected by at least one trauma event has doubled.

The study compared incidents of organized violence and torture [OVT] (i.e. *imprisonment, lost or kidnapped, rape, caught up in combat, severe beating, torture, and sexual abuse*) with those associated with displacement (i.e. *lack of food, lack of shelter, property destruction, and*

dependency on others). Levels of displacement and OVT were very similar between 2000 and 2004, but experiences of displacement and related trauma were massively augmented from 2005, presumably reflecting the effects of Operation Murambatsvina¹.

Just under half of the sample [49.5%] had scores on a psychiatric screening instrument indicative of serious psychological disorder.

Activism is associated with higher risks in many ways. Those describing themselves as activists were more likely to have been subjected to experiences of OVT, intimidation and denial of food assistance. These respondents were more likely to offer political reasons for being in South Africa, whilst non-activists were more likely to offer economic reasons for their decision to head south. Activists also reported more experiences reflecting political discrimination, as well as significantly more experiences of witnessing trauma. Those who described themselves as activists were also more likely to present clinically significant psychological disorders.

The results of this survey indicate that a significant number of Zimbabweans attending Refugee Reception Offices provide a profile that fits the conditions described in section 3(a) of the Refugees Act, and on face value have, in terms of the Act, 'well-founded fears of persecution'. These respondents do not offer economic reasons for coming to South Africa, but rather reasoning that correlates with the definition of asylum seeker and refugee in terms of the Act. In this regard, it is particularly striking that those who report political discrimination or describe themselves as activists are significantly less likely to offer economic reasons for leaving Zimbabwe.

Whilst this study draws attention to a number of very serious issues, it does not provide conclusive proof about the overall nature of the Zimbabwean migrant population, but rather highlights the importance of carrying out a more comprehensive empirical study.

It is pertinent to ask why there has not been such research to date, and why the South African government has effectively avoided engaging with the issues underpinning the mass exodus from Zimbabwe. At one level, this reflects a failure by civil society groups to respond coherently to the challenge in terms of generating evidence that can be employed for lobbying and advocacy work.

¹ Initiated in May 2005, over 700,000 people were rendered homeless in a widely condemned government drive to remove urban poor from the cities.

In terms of an official South African response, however, this reflects a broader failure by the South African government to adequately recognize and condemn the perpetration of human rights violation to the north of its borders. The government's effective silence on these issues is incongruous with the available empirical evidence of abuse, not to mention the sheer numbers who are leaving the country. Whilst it is likely that most Zimbabweans are leaving because of deteriorating socio-economic conditions, these factors are invariably tied to political developments and government's policy decisions. Operation Murambatsvina is a case in point. As such, many who have left for primarily economic reasons might well be considered as 'refugees' in terms of the Organisation of African Unity's definition of refugee (see below).

South Africa's apparent policy paralysis on Zimbabwe has compounded what is now a growing humanitarian crisis inside South Africa. Most Zimbabweans remain undocumented and vulnerable, and many, along with other foreign nationals, have also been subjected to criminal and predatory behavior by elements of South Africa's bureaucracy and policing services.²

Although their numbers are relatively small compared with the total number of Zimbabweans coming into the country, Zimbabweans now constitute one of the major groupings seeking political asylum in South Africa. The South African government's relatively ineffective urban refugee strategy provides minimal support even for bona fide asylum seekers. Coupled with restrictions on access to the asylum process, and acute limitations associated with the refugee status determination process, serious questions remain as to whether South Africa is actually fulfilling its domestic and international legal obligations towards asylum seekers and refugees.

In the current context, a number of recommendations can be made;

- *A moratorium on deportations of Zimbabweans should be immediately declared. There is sufficient evidence to conclude that, without careful screening of Zimbabwean illegal migrants and asylum seekers, the Department of Home Affairs may be in violation of the principle of non-refoulement;*

² The now notorious round-up of refugees and others at the Methodist Church in Johannesburg at the end of January 2008, with both the brutality and the failure of the South African Police Service to substantiate credible charges for their actions is a case in point.

- *Immediate steps should be taken to commission research to test the conclusions of this study, and to establish, without prejudice to those Zimbabweans invited to participate, the exact nature and the types of classes of migrants in the Zimbabwean population;*
- *There is a clear need for extensive training for the staff of the Department of Home Affairs, and especially for the staff in Refugee Reception Offices. Such training needs to revolve around a number of key areas:*
 - *Evidence-based knowledge of the Zimbabwe situation as it relates to the grounds for asylum and refugee status;*
 - *Training in the kinds of interview skills that would allow RRO's to elicit the kind of information that will enable them to make appropriate determinations as to whether a person has a well-founded fear of persecution;*
 - *Training for some key staff in the kinds of skills that would allow them to determine whether there are corroborating factors for such fears. Here psychological assessment and/or medical examination are crucial, as is well-known internationally, and such skills are available in South Africa.*
- *There is also an obvious need to prioritise both financial and human resources in order to provide an adequately resourced infrastructure and services for those seeking asylum. The current situation which has not significantly improved for several years can be described as constituting a crisis. This crisis must be both recognized and acted upon. .*

“The general instability in most African countries which has led to deteriorating economies and causing serious internal politico-social frictions remains without doubt at the base of the dramatic influx of asylum seekers and refugees population observed so far. This is illustrated by the fact that the Africa continent has accounted for 88% of the overall number of asylum seekers contrary to 12% for the rest of the world.”

[Department of Home Affairs. 2006 First Quarterly Report On Asylum Statistics (January – February) - March 2006]

Background

The study of psychological disorders in refugees and displaced people has a respectable history, largely beginning during the Second World War, clearly a time of “psycho-social friction”, as the Department of Home Affairs (hereinafter DHA) has so prosaically put it. This interest has maintained over the post war period³ but, with renewed focus in recent years, spurred both by the increased numbers of refugees in Western countries, and the general rise in the number of refugees globally.

Empirical research studies show that about 30% of refugees have suffered from some form of repressive violence or torture.⁴ In a study of Bosnian refugees living in Croatia, 18% had experienced one or more torture events, and the sample reported an average of 6.5 trauma events.⁵ A total of 25.5% reported having some form of disability. In a follow-up study of the original sample, forty-five [45%] percent of those initially assessed still had depression, post-traumatic stress disorder (PTSD), or both.⁶ More recent studies confirm the high frequency of organized violence and torture.⁷

Such disability can be long-lasting as shown in a recent study of Cambodian refugees resettled in the United States. Ninety-nine percent (99%) of this research sample had experienced near-death due to starvation and ninety percent (90%) had a family member or friend murdered.⁸ High rates of

³ See Murphy, H.B.M. (1955), *Refugee psychoses in Great Britain*, in H.B.M.Murphy (Ed), *Flight and Resettlement*, PARIS: UNESCO.

⁴ See Baker,R. (1993), *Psychosocial consequences for tortured refugees seeking asylum and refugee status in Europe*, in M.Basolglu(Ed), *Torture and Its Consequences: Current Treatment Approaches*, CAMBRIDGE: CAMBRIDGE UNIVERSITY PRESS.

⁵ See Mollica,RF., McInnes,K., Sarajli, N., Lavelle, J., Sarajli, I., Massagli, MP., (1999), *Disability Associated With Psychiatric Comorbidity and Health Status in Bosnian Refugees Living in Croatia* , JAMA; 282:433-439.

⁶ See Mollica, RF., Sarajli, N., Chernoff, M., Lavelle, J., Sarajli Vukovi, I., Massagli, MP. (2001), *Longitudinal Study of Psychiatric Symptoms, Disability, Mortality, and Emigration Among Bosnian Refugees*, JAMA; 286:546-554.

⁷ See Mollica RF, Donelan K, Tor S, et al. (1993), *The effect of trauma and confinement on functional health and mental health status of Cambodians living in Thai-Cambodia border camps*. JAMA; 270: 581–86; Lopes Cardozo B, Vergara A, Agani F, Gotway CA. (2000), *Mental health, social functioning, and attitudes of Kosovar Albanians following the war in Kosovo*. JAMA 2000; 284: 569–77; Lopes Cardozo B, Talley L, Burton A, Crawford C. (2004), *Karenni refugees living in Thai-Burmese border camps: traumatic experiences, mental health outcomes and social functioning*. Soc Sci Med; 58: 2637–44; De Jong JTVM, Komproe IH, Van Ommeren M, El Masri M. (2001), *Lifetime events and posttraumatic stress disorder in 4 post conflict settings*. JAMA 2001; 286: 555–62.

⁸ See Marshall, GN., Schell, TL., Elliott, MN., Berthold, SM., Chun, C., (2005), *Mental Health of Cambodian Refugees 2 Decades After Resettlement in the United States* , JAMA; 294:571-579.

PTSD, major depression, and low rates of alcohol use disorder were found. Post-traumatic stress disorder was associated with pre-migration trauma, post-migration trauma, and older age.

In the Southern African region, there has been a long history of refugees being associated with organized violence and torture, especially when related to anti-colonial wars, insurgencies and related state repression. Angola, Mozambique, Namibia, Zimbabwe, and South Africa have all had periods during which large numbers of people were forced into exile. There are now considerable disputes over how to characterize the enormous numbers of Zimbabweans fleeing into South Africa, mainly: are they economic migrants, refugees, or asylum seekers, or a mixture of all three groups? This report aims to clarify this confusion through an empirical investigation of Zimbabweans making asylum claims.

The Basis for Asylum Claims

Although South Africa has historically been a destination for Zimbabwean migrants seeking work, there has been a significant change in what motivates people to come to South Africa in the past decade. A recently completed field survey showed that only 9% of the sample had migrated to South Africa in the period 1979 to 1999, and that the overwhelming majority had come since 2000.⁹ The most important cited reasons for leaving Zimbabwe were political reasons (58%), economic crisis (51%) and employment (31%).

Which of these grounds are sufficient in terms of South African law for the granting of refugee status to Zimbabwean asylum seekers, in terms of the 1951 Convention on Refugees (and its 1967 Protocol), the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, and the 1998 South African Refugees Act? It is pertinent to remind ourselves of what this legal framework provides for.

The 1951 UN Refugee Convention is the global standard by which refugees should be acknowledged and treated, and forms the basis for most domestic refugee legislation. Here, we cite the three most important articles from the 1951 Convention, setting out issues of definition and host country responsibilities:

⁹ See Makina, D (2007), *Profile of Migrant Zimbabweans in South Africa: A Pilot Study*. Research Report

UN Convention and Protocol Relating to the Status of Refugees [1951]

“...owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. [Article.1.2]

The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence. [Article 31.1]

The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order. [Article 32.1]

No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” [Article.33.1]

These principles are re-iterated, almost verbatim, in the South African Refugees Act [130/1998]:

Refugee status

3. Subject to Chapter 3, a person qualifies for refugee status for the purposes of this Act if that person-

(a) owing to a well-founded fear of being persecuted by reason of his or her race, tribe, religion, nationality, political opinion or membership of a particular social group, is outside the country of his or her nationality and is unable or unwilling to avail himself or herself of the protection of that country, or, not having a nationality and being outside the country of his or her former habitual residence is unable or, owing to such fear, unwilling to return to it; or

(b) owing to external aggression, occupation, foreign domination or events seriously disturbing or disrupting public order in either a part or the whole of his or her country of origin or nationality, is compelled to leave his or her place of habitual residence in order to seek refuge elsewhere: or

(c) is a dependant of a person contemplated in paragraph (a) or (b).

General prohibition of refusal of entry, expulsion, extradition or return to other country in certain circumstances

2. No person may be refused entry into the Republic, expelled, extradited or returned to any other country or be subject to any similar measure, if as a result of such refusal, expulsion, extradition, return or other measure, such person is compelled to return to or remain in a country where-

(a) he or she may be subjected to persecution on account of his or her race, religion, nationality, political opinion or membership of a particular social group; or

(b) his or her life, physical safety or freedom would be threatened on account of external aggression, occupation, foreign domination or other events seriously disturbing or disrupting public order in either part or the whole of that country.

Exclusion from refugee status

4. (1) A person does not qualify for refugee status for the purposes of this Act if there is reason to believe that he or she has -

(a) committed a crime against peace, a war crime or a crime against humanity, as defined in any international legal instrument dealing with any such crimes; or

(b) has committed a crime which is not of a political nature and which, if committed in the Republic, would be punishable by imprisonment; or

(c) has been guilty of acts contrary to the objects and principles of the United Nations Organisation or the Organisation of African Unity; or

(d) enjoys the protection of any other country in which he or she has taken residence.

Section 3(b) of South Africa's Refugees Act draws on both the UN Convention as well as the OAU Convention on Refugees (1969), wherein it is stated as follows:

ARTICLE 1: DEFINITION OF THE TERM "REFUGEE"

1. For the purposes of this Convention, the term "refugee" shall mean every person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

2. The term "refugee" shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

3. In the case of a person who has several nationalities, the term "a country of which he is a national" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of which he is a national if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

Simply then, a Zimbabwean migrant, whether legally in the country or not, who had a well-founded fear of persecution, or who came from a part of the country where public order was seriously disturbed, would have a strong prima facie case for asylum and should receive protection against deportation. Clearly, a survivor of organized violence or torture would have the strongest case of all. A legal determination on what constitutes public order being 'seriously disturbed' has to date not been made in South African courts in relation to Zimbabwe.

Illegal Foreigners in South Africa

Estimates of the numbers of illegal foreigners in South Africa are wildly discrepant. The Human Sciences Research Council [HSRC] estimated in 1996 that the number could be between 2.5 and 4 million, but suggested it could even be as high as 12 million. Critics of the HSRC have argued it

could be massively lower, as low as only 500 000.¹⁰ Nevertheless, the DHA regularly quotes figures of between 2.5 and 5 million, or even up to 7 million, and many sources claim over two million Zimbabweans in this number.¹¹

According to the DHA, 167,137 illegal foreigners were deported in 2004 and a further 209,988 in 2005. The bulk of these deportations involve citizens from Southern Africa. This includes Zimbabweans who have been deported in increasing numbers since the turn of the millennium (72,112 in 2004).

Table 1
Number of deportations per year and top three countries of origin

Year	Mozambique	Zimbabwe	Lesotho	Other	Annual total	Zimbabweans as % of annual total
1994	71279	12931	4073	2409	90692	14.26
1995	131689	17549	4087	3759	157084	11.17
1996	157425	14651	3344	5293	180713	8.11
1997	146285	21673	4077	4316	176351	12.29
1998	141506	28548	4900	6332	181286	15.75
1999	123961	42769	6003	11128	183861	23.26
2000	84738	45922	5871	9044	145575	31.55
2001	94404	47697	5977	8045	156123	30.55
2002	83695	38118	5278	8779	135870	28.05
2003	82067	55753	7447	9541	154808	36.01
2004	81619	72112	7468	5938	167137	43.15
Total	1198668	397723	58525	74584	172950	
% of overall total	69.31	23.00	3.38	4.31		

[Source: 1994 – 2000, *Annual Reports, Department of Home Affairs*, 2001 – 2004, *Department of Home Affairs: Head Office*]¹²

¹⁰ Reitzes, M. 1998. "Counting the uncountable? Undocumented migrants in South Africa",

paper presented at Department of Labour Seminar, Cape Town; Crush, J. 1999. "The discourse and dimensions of irregularity in post-apartheid South Africa", *International Migration*, 37: 125 – 49.

¹¹ Buthelezi, M. 2001, 6th International Metropolis Conference, Rotterdam, The Netherlands, 27 November, cited in Cited in Waller, L (2006), *Irregular Migration to South Africa During the First Ten Years of Democracy*. Migration Policy Brief No. 19, Southern African Migration Project.

¹² Cited in Waller, L (2006), *Irregular Migration to South Africa During the First Ten Years of Democracy*. Migration Policy Brief No. 19, Southern African Migration Project.

According to DHA, Zimbabweans constitute 23% of all those deported since 1994. Since 1999, however, the statistics showed that Zimbabweans represent nearly half of all deportees. This is a three-fold increase since 1998. The setting up of refugee camps has already been considered once in the past 8 years,¹³ in the period leading up to the 2002 Presidential Election, where there was the anticipation of a mass influx. However, there is no system to deal with the steady and constant flow that is characteristic of the Zimbabwean migration, and there has been little consensus within South Africa over how to characterize the Zimbabwean migrant population. The situation remains confusing, even potentially explosive, as the numbers have been increasing dramatically during 2007.¹⁴

Refugees in South Africa

Despite the mass exodus of Mozambicans fleeing the war in Mozambique during the 1980s, South Africa did not recognize refugees until 1993, and it only became a signatory to the UN and OAU Refugee Conventions after the transition to democracy in 1994.

Since the drafting of the Refugees Act in 1998 and its coming into force in April 2000, there has been a steady growth in the number of asylum seekers in South Africa. Most have come from sub-Saharan Africa, from conflict zones, such as Somalia, the Democratic Republic of Congo, Angola, and Ethiopia. Detailed statistics vary considerably. In 1998, South Africa hosted an estimated 28,000 refugees and asylum seekers.¹⁵ By 2001, the authorities had announced they had granted refugee status to 19,000 and a further 3,000 cases were awaiting finalization.¹⁶ By the end of 2002, the government admitted there were some 65,000 asylum seekers and refugees in the country, with over 40,000 cases awaiting finalization.¹⁷ These figures had grown to 104,000 and 78,000 respectively by the end of 2003, and a greater diversity of nationalities, still primarily from the

¹³ See del Valle, H., & Polzer, T (2002), *Emergency Preparedness in South Africa: Twenty-four Lessons from the Zimbabwean Elections*, UNIVERSITY OF THE WITWATERSRAND: REFUGEE RESEARCH PROGRAMME.

¹⁴ "Concern at 'extremely bad' conditions for refugees that cause SA citizens hardships", Anél Powell, Cape Times (SA), 27 December 2007.

¹⁵ US Committee for Refugees and Immigrants, Country Report 1998

¹⁶ US Committee for Refugees and Immigrants, Country Report 2002

¹⁷ US Committee for Refugees and Immigrants, Country Report 2003

continent.¹⁸ The latest report from the Department of Home Affairs [Directorate of Refugee Affairs] is perhaps the most useful recent source of information.¹⁹

Whilst there is a tendency in the DHA reports to see the refugee problem in general terms, it is clear that some countries are over-represented amongst the statistics compiled by the DHA. Zimbabweans have quite evidently become a significant group in the DHA statistics, as is shown in the 2007 data. The DHA reports that a total of 45,637 persons applied for asylum in 2007, but, as indicated below, this was disproportionately distributed, with 10 countries accounting for 88% of the total applicants.

Table 2
Top ten countries providing asylum seekers

	Total	% of total	% of annual total
Zimbabwe	17667	44.2	38.7
DRC	6571	16.4	14.4
Malawi	4378	10.9	9.6
Ethiopia	3073	7.7	6.7
Somalia	1953	4.9	4.3
Bangladesh	1695	4.2	3.7
Uganda	1400	3.5	3.1
Mozambique	1173	2.9	2.6
Tanzania	1142	2.9	2.5
Congo	956	2.4	2.1

[Source. DHA.2007]

As can be seen from Table 2 above, Zimbabwe accounts for close to half of the top ten countries from which asylum seekers come, and for over a third of the whole population of documented asylum seekers. Furthermore, Zimbabweans are the most frequent population from which deportees are drawn [see Table 1 above], and constitute nearly 60% of all refugees from the SADC region.

¹⁸ US Committee for Refugees and Immigrants, Country Report 2004

¹⁹ 2007 Annual Report on Asylum Statistics. January to December 2007. Department of Refugee Affairs. Department of Home Affairs.

It is also clear from the DHA's own data that Zimbabweans are not seen as requiring asylum. As can be seen from Table 3 below, less than 10% of Zimbabweans are granted asylum as opposed to the general finding that 32% of applicants receive such a determination.

Table 3
Results of asylum applications:
Zimbabwe compared with the asylum population

	Granted asylum	Asylum rejected	Total
Zimbabwe	271	1623	1894
All applications	2632	3247	5879
%	10.3	50.0	32.2

[Source. DHA.2007]

Given the enormous publicity that has followed the Zimbabwe crisis since 2000, which includes both the total collapse of the economy and the sustained reporting of gross human rights violations, it is difficult to understand the rationale behind the relative infrequency behind the granting of asylum to Zimbabwean refugees.

However, there is a general tendency amongst many South African commentators to conflate and not make a clear distinction between various forms of migrancy with those who come to South Africa for purposes of securing asylum. The latter will always be a small subset of the former, but as we have seen the lines of distinction are not always clear cut, as has been the case with Zimbabwe. This is often the case when there are mass movements of people. Clarity in the Zimbabwean context is further obscured by the South African government's political commentary on Zimbabwe, which effectively seeks to downplay the severity of political and human rights concerns. It is also evident that the South African authorities have been deporting tens of thousands of Zimbabwean nationals without screening them for asylum claims, and thus potentially violating the principle of *non-refoulement* inherent in South African and international legislation. In addition, Zimbabweans are consistently failing to use official channels to access the asylum process. Most asylum applicants are applying for asylum directly at metropolitan Refugee

Reception Offices without first declaring their intention to apply for asylum at ports of entry as envisioned by refugee and immigration legislation.²⁰

Reports on Zimbabwean Refugees

There have been a number of reports dealing with refugees in South Africa, all of which make the same general points:

- That most people coming to South Africa, whether economic migrants or refugees, do not have the intention to settle permanently²¹;
- That policy regarding refugees and asylum seekers is not clear²²;
- That treatment of illegal aliens is frequently less than desirable, and applied erratically²³;
- That policy regarding Zimbabwe and likely emergencies is inadequate, and that there still remain significant issues to be resolved before South Africa can satisfactorily address the Zimbabwe problems.²⁴

²⁰ According to the Department of Home Affairs, only one person applied for asylum at the Beitbridge border crossing in the period 1 March to 31 July 2007; *Statement on Zimbabwean Nationals Entering SA*, Department of Home Affairs, media release 101/08/2007 - http://www.home-affairs.gov.za/media_releases.asp?id=419

²¹ See again del Valle, H., & Polzer, T (2002), *Emergency Preparedness in South Africa: Twenty-four Lessons from the Zimbabwean Elections*, UNIVERSITY OF THE WITWATERSRAND: REFUGEE RESEARCH PROGRAMME.

²² See South African Migration Program (2001), *Making up the Numbers: Measuring "Illegal Immigration" to South Africa*. Migration Policy Brief No.3.

²³ The scale of the problem is neatly summarized in the following quote that is taken from Refugees International (2003), Zimbabwe: The disastrous impact of bad government, 16 Oct 2003:

"The food shortage, lack of jobs, and the government's hard-ball tactics against its political opponents have led to a massive outflow of Zimbabweans to South Africa, Botswana, and other neighboring countries. South Africa is deporting 1,000 Zimbabweans per week, but is quietly developing contingency plans for a refugee camp in case the flow of Zimbabweans increases. Botswana is building a fence along its borders, ostensibly to keep out diseased Zimbabwean cattle. Unaccompanied Zimbabwean orphans and children are reported to be living in large numbers in border cities such as Messina, South Africa. Moreover, AIDS and a brain drain, primarily to the UK, have decimated Zimbabwe's technical and managerial population, impacting, for example, what was a few years ago Africa's best health care system. HIV/AIDS victims in urban areas are among those suffering from lack of food."

²⁴ Hernan del Valle and Tara Polzer (see footnote 2 above) comment as follows:

"The terminology used to describe the people crossing from Zimbabwe into South Africa is contentious, since every term – "refugee", "asylum seeker", "illegal immigrant", "economic migrant" – is imbued with a presupposed analysis of reasons for flight, a value judgement and legal implications. None of these implications are self-evident in this case. Following the DPLG and UNHCR practice, we will use the term "refugee" as defined in the 1969 OAU Convention (persons compelled to leave their place

The Zimbabwe Torture Victims/Survivors Project has issued 3 reports on Zimbabwean refugees in South Africa since 2004, when the project began under the auspices of Themba leSizwe. The first report, released in May 2004, based on interviews of 48 Zimbabweans alleging gross human rights violations, did little to assist in making any determination about the different categories of migrants.²⁵ Most were male, and younger, with a mean age of 28 years. More than half had at least an O-Level standard of education (i.e. Standard 10), and over two thirds were employed before leaving Zimbabwe. One third of the sample had been assisted by a human rights organization in Zimbabwe, and the rates and types of reported ill-treatment were similar in all respects to those reported in human rights reports in Zimbabwe.

The second study, released in September 2005, focused on Zimbabweans living in Gauteng and was an attempt to gain greater insights into the numbers of potential asylum seekers in the province²⁶. ZTVP was concerned that the acute practical and logistical obstacles that limited access to the asylum process was in effect misrepresenting the scale of the problem and felt that there were probably many more potential asylum seekers than officially acknowledged. The report indicated that the majority of the sample of 236 interviewees came from the southern provinces of Zimbabwe, with few coming from the northern provinces, with 85% of the sample coming since 2000. A third of the sample stated that they had come to South Africa primarily because of political reasons, and over half stated they had come for economic reasons. 30% of the sample stated that they had been direct victims of organized violence and torture, and 44% claimed that they had been denied access to food relief.

As regards their status within South Africa, the following was found:

- Approximately 20% (47) of the respondents said they had valid permits to be in South Africa;
- Of these, 39 had either asylum or refugee permits (i.e.16,5% of total sample);

of habitual residence due to events seriously disturbing public order in either part or the whole of their country of origin), and "migrants" for those whose motivations to cross borders are work, trade, or other related reasons."

²⁵ See Themba Lesizwe (2004), *Out of the Frying Pan into the Fire. A report on Zimbabwean political refugees in South Africa*. May 2004. PRETORIA: THEMBA LESIZWE.

²⁶ See Idasa (2005), *Between a Rock and a Hard Place. A window on the situation of Zimbabweans living in Gauteng*. A Report by the Zimbabwe Torture Victims Project. September 2005. PRETORIA: IDASA.

- 10 of the 34 respondents who had come to RSA between 1985 and 1999 had legal permits;
- 37 of the 198 respondents who came to RSA between 2000 and 2005 had legal permits.

The third report, released in November 2006, dealt with 102 women refugees, and found much to corroborate findings from the previous two reports.²⁷ It found that 84% of the sample had arrived since 2004. They were generally young, with an average age of 29 years, and were mostly single. Almost two thirds of respondents (63%) stated that they had had some form of previous employment, but only 37% reported that they had held jobs in the formal sector. Two thirds (67%) reported being politically active in some way, with 43% reporting membership of the Movement for Democratic Change [MDC]. Most [70%] were urban, and again most came from Matabeleland, with nearly half this group coming from Bulawayo itself. The largest percentage came in 2005 [34%], the year of both Operation Murambatsvina,²⁸ and a general election, but there were also significant percentages coming in 2000 [9%] and 2002 [18%]. Thus, years in which there had been large national events comprised 61% of the total sample.

Unlike the 2005 report, every respondent in this survey has reported previous gross human rights violations, and it was significant that the rate of reported rape was nearly 3 times higher than that reported in other reports on gross human rights violations in Zimbabwe. This suggests that women may find it 'easier' to report experiences of rape outside of the current Zimbabwean situation than inside the country. As a whole, these women refugees had a very high prevalence of clinically

²⁷ See Zimbabwe Torture Victims/Survivors Project (2006), *Women on the run: Women survivors of torture amongst refugees in South Africa*. Report produced for the Centre for the Study of Violence and Reconciliation and the Crisis in Zimbabwe Coalition. November 2006. JOHANNESBURG: CENTRE FOR THE STUDY OF VIOLENCE AND RECONCILIATION.

²⁸ Operation Murambatsvina – “Clear out the Rubbish” – was a nation-wide programme of so-called slum clearance in which nearly 900,000 people were made homeless, and drew severe critical comment from the United Nations amongst other groups. Here see Zimbabwe Human Rights NGO Forum (2005), *Order out of Chaos, or Chaos out of Order? A Preliminary Report on Operation “Murambatsvina”*. June 2005. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2005), *The Aftermath of a Disastrous Venture. A Follow up report on “Operation Murambatsvina”*. August 2005. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Solidarity Peace Trust (2005), *Discarding the Filth: operation murambatsvina. Interim report on the Zimbabwean government's “urban cleansing” and forced eviction campaign* May/June 2005. ZIMBABWE & SOUTH AFRICA: SOLIDARITY PEACE TRUST; Oxford Pro Bono Publico Group (2006), *ARE THE ACTIVITIES CONDUCTED DURING OPERATION MURAMBATSVINA CRIMES AGAINST HUMANITY WITHIN MEANING OF ARTICLE 7 OF THE ROME STATUTE?* Legal Opinion. University of Oxford, November 2005.

significant psychological disorder, with 71% reporting scores on screening indicative of such disorder, and 53% required referral to a psychiatrist. 15% were placed on psychotropic medication, and 48% were referred for professional counseling, whilst 35% were referred to medical specialists for conditions related to their previous ill-treatment. These consequences were worse for those that reported rape.

The three reports referred to do not provide an estimate of the prevalence of asylum seekers amongst the Zimbabwe migrant population. A crude extrapolation from the snap survey suggests, however, that this might not be a trivial figure: since 34% of the sample reported leaving Zimbabwe for political reasons, and 30% reported being direct victims of torture, this could translate into tens (even hundreds) of thousands of potential asylum seekers according to the South African Refugees Act. This is a frightening prospect for South African immigration authorities, and while these samples are not scientifically representative, they are indicative of patterns and trends, and therefore suggest that the number of potential asylum applicants is far greater than the number that has thus far secured asylum seeker permits.

Gross Human Rights Violations in Zimbabwe

Since gross human rights violations provide the strongest case for *non-refoulement*, it is obviously important to establish whether the country from which a refugee comes has a plausible history of such violations. Here, quite apart from the merits of an individual's claim and the supporting evidence, reliable and well-substantiated human rights reports on a country provide the most important contextual information. Zimbabwe has no shortage of such reports, and it is estimated that, between 2000 and 2005, 136 separate reports were issued on human rights violations in Zimbabwe. This number has increased substantially in the intervening years, despite official denials that these problems exist.

From within Zimbabwe, the majority of reports have emanated from the Zimbabwe Human Rights NGO Forum [the "Human Rights Forum"], a consortium of 16 of the major human rights organizations and groups in Zimbabwe. As can be seen from Table 4, the Human Rights Forum has

recorded nearly 30,000 individual violations since July 2001, which is not an insignificant number.²⁹

Table 4
Gross human rights violations in Zimbabwe:
July 2001 to October 2007

	2001	2002	2003	2004	2005	2006	2007	Total
Abductions	116	223	52	62	18	11	19	501
Arrest & detention	670	274	627	389	1286	2611	2500	8357
Assault	0	86	388	401	530	486	822	2713
Attempted murder	0	2	10	8	1	3	0	24
Death threats	0	12	80	35	9	7	6	149
Disappearance	0	28	4	0	0	0	0	32
Displacement	0	11	208	189	609	55	6	1078
Interference with basic freedoms	12	39	809	760	1036	1866	2742	7264
Murder	34	61	10	3	4	2	3	117
Political discrimination	194	388	450	514	476	288	966	3276
Property violation	356	807	153	132	61	55	16	1580
Rape	0	7	6	3	4	1	0	21
School closure	0	45	1	0	0	0	0	46
Torture	903	1172	497	160	136	366	566	3800
Total	2285	3155	3295	2656	4170	5751	7646	28958
Mean annual	381	263	275	221	348	479	765	420

[Source: Political Violence Monthly Reports of the Zimbabwe Human Rights NGO Forum]

Table 4 shows that a large number of serious violations have been reported to the Human Rights Forum, and it is also evident that the situation is worsening. As can be seen from Table 4, and more clearly in Table 5 [below], 2006 and 2007 show a markedly worsening trend. It remains unclear what proportion of the total number of violations this represents, but it is reasonable to conclude

²⁹ It should be pointed out that the Forum statistics record violations and not individual persons, so that the overall number of violations in Table 1 may reflect either a smaller or a larger number of persons affected.

that many violations were not reported (especially in areas where the human rights infrastructure or reach is limited or non-existent).

The average monthly rate of violations reported to the Human Rights Forum increased dramatically in 2007, which accords with the findings from the community survey cited above: 2007 shows every indication that it will be the worst year for violations since the Zimbabwe crisis began in 2000.

Table 5
Monthly rates & total annual violations as percentage of the total

Year	Total number	Mean Monthly rate	% of total
2001	2285	381	8.1
2002	3155	263	11.1
2003	3295	275	11.6
2004	2656	221	9.4
2005	4170	348	14.7
2006	5751	479	20.3
2007	6492	880	22.9

[Source: Political Violence Monthly Reports of the Zimbabwe Human Rights NGO Forum]

The monthly reports of the Human Rights Forum have been supported by numerous other reports, both from the Forum itself, other Zimbabwean human rights organizations and groups, and international organizations such as Amnesty International and Human Rights Watch. In several reports, the Human Rights Forum has detailed the involvement of the Zimbabwe Republic Police in perpetrating human rights violations against members of the opposition party, the Movement for Democratic Change [MDC], and members of civil society organizations such as the National Constitutional Assembly [NCA] and Women of Zimbabwe Arise [WOZA].³⁰

More significantly in terms of applications for asylum and the establishment of risk and well founded fears of persecution, findings within these reports have been supported by the

³⁰ See Zimbabwe Human Rights NGO Forum (2006), *Who Guards the Guards? Violations by Law Enforcement Agencies in Zimbabwe, 2000 to 2006*, December 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Zimbabwe Human Rights NGO Forum (2007), *At Best a Falsehood, At Worst a Lie? Shooting Oneself in the Foot? Comments on the Zimbabwe Republic Police Report "Opposition Politics in Zimbabwe. A Trail of Violence"*, June 2007, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM; Women of Zimbabwe Arise (2007), *A Preliminary Report on Political Violence Against Women of Zimbabwe Arise [WOZA]*, October 2007, HARARE: WOZA.

Zimbabwean courts. In a very important report, summarizing the applications for civil relief by Zimbabwean victims, the Zimbabwe Human Rights NGO Forum demonstrated that the applicants were successful in nearly 90% of the completed cases.³¹ This requires some further explanation.

Since 1998 and the Food Riots of that year, the Human Rights Forum has supported victims of organized violence and torture in their seeking redress under the civil law of Zimbabwe. Civil action is of course expensive and time-consuming and consequently available to a limited number of people who can either afford or are able to secure appropriate support, but provides, in situations where the State is unwilling to grant redress or undertake criminal prosecutions of violators, the only means of establishing that gross human rights violations have been committed. The Zimbabwe government has a very long history of either imposing formal impunity following periods of gross human rights violations (through amnesty and indemnity processes), or merely ignoring the obligation to prosecute.³²

Since 1998, the Human Rights Forum has entered civil suits on behalf of 291 victims. The majority of these suits were against the Zimbabwe Republic Police and the Zimbabwe National Army. 57 of these cases had been concluded by June 2006, with results in favour of 51 [90%] victims; either by court judgment, or by the state conceding liability. Thus, it appears that the allegations made by human rights groups are supported by the Zimbabwean courts, and provides strong corroborative evidence that gross human rights violations do indeed take place in Zimbabwe, despite official denials.

The question arising is what numbers of Zimbabweans seeking asylum in South Africa are victims of such violations? To begin to answer this question, an attempt was made to determine whether a more accurate estimate could be obtained from a simple epidemiological study. This is the primary objective of the research undertaken for this preliminary report. A brief report on the findings was provided, as agreed, to the Department of Refugee Affairs [DHA], and their draft comments are given in Appendix 1.

³¹ See Zimbabwe Human Rights NGO Forum (2006), *An Analysis of the Zimbabwe Human Rights NGO Forum Legal Cases, 1998–2006*. Published by the Zimbabwe Human Rights NGO Forum. June 2006, HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

³² See CCJP & LRF (1997), *Breaking the Silence-Building True Peace: A Report on the Disturbances in Matabeleland and Midlands 1980 to 1988*, HARARE: CATHOLIC COMMISSION FOR JUSTICE AND PEACE IN ZIMBABWE & LEGAL RESOURCES FOUNDATION; Redress (2004), *The Case of Henry Dowa: The United Nations and Zimbabwe under the spotlight*, January 2004, LONDON: REDRESS TRUST.

Study Methodology

The study aimed at a point prevalence survey of Zimbabwean refugees attending the Refugee Reception Offices [RRO] in Pretoria, Cape Town, Port Elizabeth, and Durban (four of South Africa's five reception offices).³³ A purpose-designed questionnaire was used, based on the instrument used in the previous "snap survey" in 2005.³⁴ The questionnaire was modified slightly, with the major addition being the use of the Harvard Trauma Questionnaire [HTQ]. This is the same version of the HTQ was that used in the ActionAid International study of Operation Murambatsvina in 2005.³⁵ In addition, a psychiatric screening instrument, widely used in Zimbabwe, the Self-Reporting Questionnaire [SRQ-8], was also used.³⁶ The questionnaire was administered through an interview, and took approximately 35 minutes to complete.

The interviewers were trained in the use of the questionnaire, and a small pilot study was carried out at the Backlog Refugee Office located at Crown Mines, Johannesburg, in order to test both the instrument and the interviewers' skills in using the instrument. The pilot indicated that there were no problems in understanding the questions, and that the interviewers were using it in a standardized fashion.

The process employed was the same at all sites. An initial visit was carried out at each location, so that the procedures being used by each RRO were clearly understood. This helped to ensure that the

³³ It should be noted that despite a December 2005 court order requiring the re-opening of a RRO in Johannesburg, the office only opened briefly during 2006 and has therefore been closed almost continuously since mid 2005.

³⁴ See Idasa (2005), *Between a Rock and a Hard Place. A window on the situation of Zimbabweans living in Gauteng*. A Report by the Zimbabwe Torture. Victims Project. September 2005. PRETORIA: IDASA.

³⁵ See ActionAid (2005), *An in-depth study on the impact of Operation Murambatsvina/Restore Order in Zimbabwe*. ActionAid International in collaboration with the Counselling Services Unit (CSU), Combined Harare Residents' Association (CHRA) and the Zimbabwe Peace Project (ZPP). November 2005.

³⁶ The SRQ-8 is a psychiatric screening instrument, validated in Zimbabwe, and based on the original instrument, the SRQ-20, developed by the World Health Organization. Both instruments have been widely used in Zimbabwe, both in the field of mental health and with refugees and torture survivors. Here see Patel, V., & Todd, C. (1996), *The validity of the Shona version of the Self-Report Questionnaire (SRQ) and the development of the SRQ-8*, INT.J.METHODS IN PSYCHIAT.RES., 6, 153-160; Reeler, A.P., & Immerman, R.(1994), *An initial investigation into psychological disorders in Mozambican refugees: Prevalence and clinical features*, CENTRAL AFRICAN JOURNAL OF MEDICINE, 40, 309-315; Reeler, A.P., Mbape,P., Matshona,J., Mhetura,J., & Hlatywayo,E. (2001), *The prevalence and nature of disorders due to torture in Mashonaland Central Province, Zimbabwe*, TORTURE, 11, 4-9.

team complied with the guidelines laid down by the officer in charge of the respective RRO. On the test day, the team started by counting the number of persons in the queue waiting for an interview to lodge their asylum applications and obtain an asylum seeker's permit or Section 22 permit (issued in terms of Section 22 of the Refugees Act). The team then counted the number of Zimbabweans in the queue, and subsequently tried to interview as many of the Zimbabweans as was possible in a day.

The exact screening and interview process was not followed at all sites due to variations in RRO intake procedures. Consequently, it was not possible to determine for all sites the total number of potential applicants in the queue or the exact number of Zimbabweans. Thus, it was not possible to calculate accurate point prevalence rates for either the whole sample or for some of the sites.

It should be noted that the data from these interviews was accepted at face value and no attempt was made to independently verify each person's story. However, it will be seen that the data is corroborated by the earlier studies summarized above.

The data was entered on an electronic data base, and analysed for frequencies, means, standard deviations, and other statistical measures. Statistically significant results are reported below.

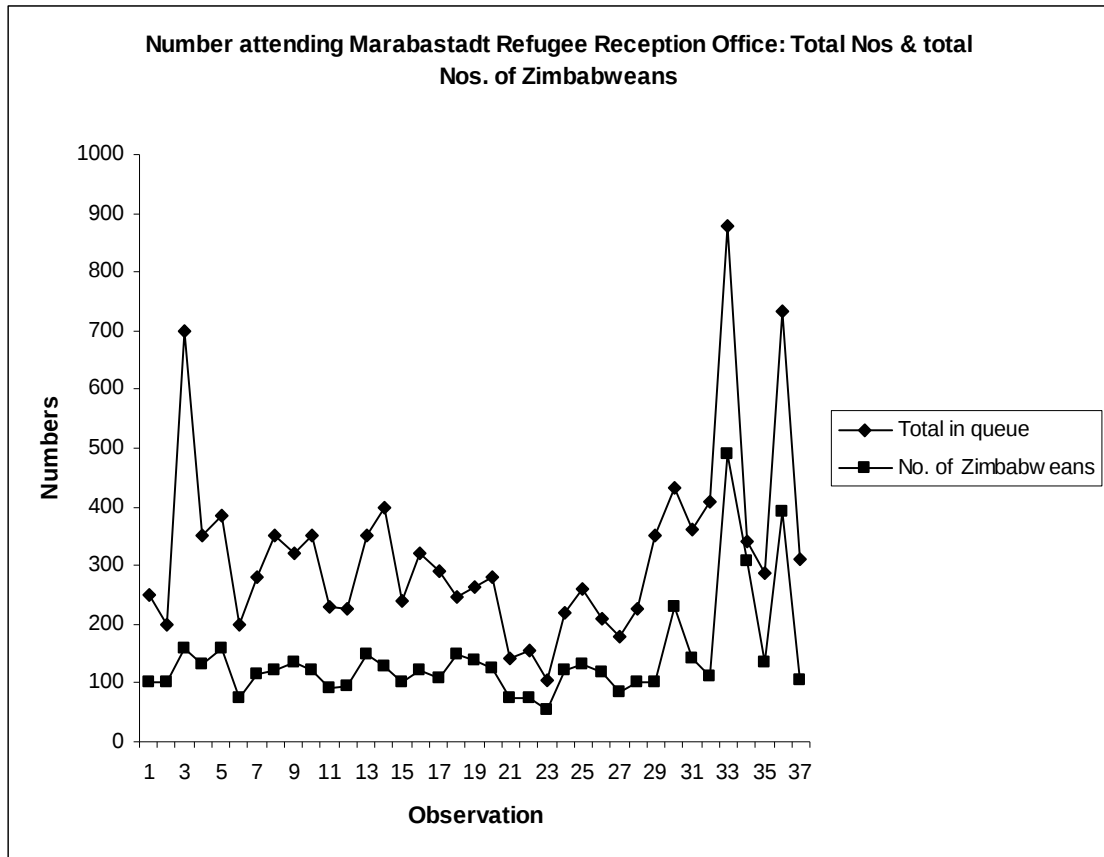
Sample

Given that all reports indicate that Zimbabweans comprise an increasing number of illegal foreigners, and are an increasing proportion of those deported annually from South Africa, it was surmised that Zimbabweans would comprise a significant proportion of those applying to the Department of Home Affairs for asylum. If a Zimbabwean did not apply and did not secure documents, then he or she could become an illegal foreigner and deported. If Zimbabweans applied for asylum, then they should not be "illegal foreigners" or "deported".

Surveillance data from one site supports this view; Zimbabweans constitute close to 50% of the population approaching the Marabastad Refugee Reception Office in Pretoria. As can be seen from Figure 1 [below], which summarises 37 observation days at this office over 3 years [2005 to 2007], Zimbabweans are a constant and significant proportion of the attendees. Furthermore, the

proportion of Zimbabweans shows a more or less constant trend; as can be seen again from Figure 1, the trends of the two lines are largely similar.³⁷

Figure 1



Overall, these very rough figures suggested that Zimbabweans accounted for 44% of the total attending at Marabastad, although the percentage varied from occasion to occasion. However, the figures do confirm the official statistics from the Department of Home Affairs that Zimbabweans have grown to become the largest group applying for asylum.

This information supported ZTVP's contention that there could be adequate sampling of Zimbabwean refugees at Refugee Reception Offices, and this was confirmed for the other sampling sites through telephonic conversations with local informants. Taking all sites together, the team

³⁷ In fact the trends are highly correlated [0.83; $p=0.0001$].

was able to interview a total of 285 Zimbabweans from all four sites, with sampling being done over one day only at each site. There were larger samples from Port Elizabeth and Pretoria.

Table 6
Breakdown of sample according to site

	Number [%]
Cape Town	37[13%]
Durban	45[16%]
Port Elizabeth	110[39%]
Pretoria	90[32%]

Previous studies [see above] had shown that the majority of Zimbabweans interviewed had come since 2000 and most came from the southern provinces of Zimbabwe. As can be seen from Table 7, this trend is no longer seen, with potential asylum seekers from the eastern provinces of Harare and Mashonaland now accounting for over 55% of the sample. Furthermore, the sample reflects persons from every province in Zimbabwe, although the numbers from Bulawayo and Matabeleland are significantly lower.

Table 7
Breakdown of sample according to place of origin in Zimbabwe

Province	Number	Percentage
Bulawayo	8	2.8
Harare	92	32.2
Manicaland	30	10.5
Mashonaland Central	9	3.2
Mashonaland East	35	12.3
Mashonaland West	22	7.7
Masvingo	47	16.5
Matabeleland North	6	2.1
Matabeleland South	6	2.1
Midlands	28	9.8
No information	1	0.4

RRO Survey Results

The results are summarized below. Firstly, the overall sample is described in detail, and secondly a number of contrasts within the sample are carried out. In respect of the contrasts, only statistically significant findings are reported.

Overall data

The sample was mostly male [78%], with an average age of 28 years. Nearly all respondents were married or single, with no widowed or separated persons. Only 26% reported having child dependents with them in South Africa.

Table 8
Marital status

	Number [%]
Single	124[44%]
Married	153[54%]
Divorced	5[2%]
Separated	0
Widowed	0
No information	2[1%]

Males were more likely to be married, whilst females were more likely to be single or divorced. There were a significantly greater number of unemployed amongst the women.

As mentioned earlier, previous studies have shown that most interviewees came to South Africa after 2000. This study shows that the vast majority seeking asylum permits have come since 2005 – 91% has come since 2005, and over 70% came in 2007, as can be seen in Table 9 below.

Table 9
Year of arrival in South Africa

	Number [%]
1999	1[0.4]%
2000	1[0.4]%
2001	2[0.7]%
2002	3[1.1]%
2003	2[0.7]%
2004	5[1.2]%
2005	12[4.2]%
2006	50[18]%
2007	208[73]%

Only 16 [6%] had previously obtained a Section 22 permit, and none had yet acquired formal refugee status³⁸. Unsurprisingly, those that reported having been in South Africa longer were significantly more likely to have acquired a Section 22 permit from the Department of Home Affairs.

Most [65%] were explicitly seeking political asylum, and, as can be seen from Table 10, their previous experiences in Zimbabwe indicated the usually accepted reasons for so doing – violence or torture, political intimidation, as well as the denial of food assistance. These are all types of violations well-documented in human rights reports on Zimbabwe.

Table 10
Seeking asylum and experiences in Zimbabwe related to asylum

	Number [%]
Seeking political asylum	184[65%]
Previous experiences:	
Violence or torture	131[46%]
Political intimidation	177[62%]
Denial of food assistance	107[38%]

Males were more likely to report seeking asylum, and were more likely to report a history of violence or torture and intimidation. Men were also more likely to report a history of being activists than women, and were more likely to give political reasons for leaving for South Africa.

The experiences reported are supported by the reasons given for coming to South Africa. As can be seen from Table 11, in response to the question, “*What was the main reason for you leaving?*”, more than half give political reasons, and only 20% mention seeking employment as a reason. Economic reasons must also be understood in the context of the socio-political crisis in Zimbabwe, which in certain respects (i.e. Operation Murambatsvina) may well afford grounds for qualifying as a refugee.

³⁸ Although the number of Zimbabwean asylum seekers is now over 17,000, determinations have only been made in a few hundred matters. This delay and associated backlog in determination is not peculiar to Zimbabweans and affects every nationality.

Table 11
Reasons for coming to South Africa

	Number [%]
Political reasons	160[56%]
Economic reasons	80[28%]
Seeking employment	58[20%]
Seeking education	1[0.4%]
Working as trader	3[1.1%]
Avoiding unemployment	2[0.7%]

The indication that not all were seeking employment is bolstered by the findings shown in Table 12. Nearly half of the sample had left employment of some kind in Zimbabwe.³⁹ They may well have had jobs, but still came to South Africa for economic reasons given the collapse in the purchasing power of their salaries – this seems to have had a more profound effect on those who were working in the formal economy.

Table 12
Employment status in Zimbabwe before leaving

	Number [%]
Employed:	
Employed	137[48%]
Full-time employment	1[0.4%]
Part-time employment	23[8%]
Informal sector employment	8[3%]
Self-employed	9[3%]
Not specified	96[34%]
Unemployed:	
Unemployed	148[52%]

³⁹ Although people may have had jobs in Zimbabwe before leaving, the economic collapse has resulted in many being unable to survive on their salaries. It is also evident that many families cannot survive without remittances from outside the country, and hence the effects of the economic collapse affect both the employed –who can no longer meet their commitments – as well as the unemployed.

Unsurprisingly, and given that very few had a Section 22 permit (which affords the holder permission to seek employment), most of the sample had no form of employment within South Africa.

Table 13
Employment status in South Africa

	Number [%]
Full-time employment	5[2%]
Part-time employment	2[0.7%]
Informal sector employment	5[2%]
Self-employed	13[5%]
Unemployed	51[18%]
Not specified	207[73%]

When asked about the kind of support they access in order to survive in South Africa, only 98 persons responded to this question. The majority was supported by family or friends, but a high percentage was reliant on begging or charity. It is also unlikely that everyone will admit to working if they know that it is technically illegal and could exacerbate existing vulnerabilities.

Table 14
Means of support in South Africa

	Number [%]
Supported by family	38[39%]
Supported by friends	26[27%]
Begging/charity	34[35%]

Very few respondents [26%] had dependents in South Africa, but virtually all [96%] had dependents in Zimbabwe, with a mean of 5 dependents there.⁴⁰ This is relevant to the monthly income reported by the sample. As can be seen from Table 15, more than half reported earning less than R500 per month, which would leave very little excess to remit to dependents in Zimbabwe. This situation is further exacerbated by extortionate charges placed on remittances made through either official or

⁴⁰ A Zimbabwean study of remittances indicated that, in one district of Matabeleland South Province, 69% of the sample had at least one family working in South Africa, but 22% were not receiving any remittance from the family member. See Maphosa, F. (2005), *The Impact of Remittances from Zimbabweans Working in South Africa on Rural Livelihoods in the Southern districts of Zimbabwe*. Forced Migration Working Paper Series #14. Forced Migration Studies Programme. University of the Witwatersrand.

unofficial channels. Most prefer to use the latter due to preferable exchange rates on the parallel market, but users are then charged R20 for every R100 carried to the dependent.

Table 15
Monthly income in South Africa

	Number [%]
ZAR0 – ZAR500	168[59%]
ZAR501 – ZAR1000	26[9%]
ZAR1001 – ZAR1500	39[14%]
ZAR1501 – ZAR2500	29[10%]
ZAR2501 – ZAR5000	19[7%]
ZAR5001 – ZAR7500	2[0.7%]

Respondents were asked about the three main problems that they faced in living in South Africa. Obtaining asylum was the priority problem for most of this sample. Employment and accommodation were similarly highly ranked. Here it is worth commenting that most people will find being a refugee stressful, but, for those with the additional burden of fleeing organized violence and torture and intimidation, the subsequent refugee experience may be even more stressful. The problems were highly correlated, suggesting that there are a number of key difficulties common to all refugees as can be seen from Table 16.⁴¹

Table 16
Problems experienced in South Africa – Percentage & Ranks

	Problem 1		Problem 2		Problem 3	
	%	Rank	%	Rank	%	Rank
Accommodation	16	3	25	1	23.5	1
Arrest	6	4	2.5	7	3.5	7
Asylum	45	1	17	3	18.9	3
Crime	0.7	7	1.1	8	2.8	8
Employment	18	2	28.8	2	15.8	4
Financial	2.8	6	5.3	5	4.2	6
Food	2.8	5	2.8	6	6.3	5
Medical care					0.7	9
Other	2.5	7	15.1	4	20.1	2

Thus, these findings strongly corroborate the recent migrant survey,⁴² and do not support the notion that Zimbabweans in South Africa are a homogeneous group of people seeking work and

⁴¹ Rank order correlations: Problem 1 & Problem 2 [0.63]; Problem1 & Problem3 [0.39]; Problem2 & Problem 3 [0.88].

⁴² See again Makina, D (2007), *Profile of Migrant Zimbabweans in South Africa: A Pilot Study*. Research Report.

running away from the distressing economic situation in Zimbabwe. Significant numbers allege factors such as violence or intimidation as reasons for seeking asylum.

Trauma Findings

Given that between 38% to 62% of these Zimbabweans alleged experiences of organized violence or torture and other violations, could this be corroborated in any way? Here the study made use, as indicated above, of two questionnaires that have proven helpful in other studies of Zimbabweans, the Harvard Trauma Questionnaire [HTQ] and the Self-Reporting Questionnaire [SRQ-20].

With the HTQ, interviewees were asked about the trauma events they had experienced and witnessed in the period since 2000; hence, the data could reflect both the number of trauma events per year as well as the number of persons reporting trauma events per year.

Table 17
Trauma events reported by Zimbabwean asylum seekers

	Mean number of trauma events reported per year		Percentage of interviewees reporting at least one trauma event per year	
	Witnessed	Experienced	Witnessed	Experienced
2000	0.51	0.31	23%	17%
2001	0.41	0.33	14%	20%
2002	1.0	0.78	43%	32%
2003	0.58	0.50	32%	36%
2004	0.74	0.57	36%	30%
2005	1.73	1.48	74%	69%
2006	1.23	1.1	50%	49%
2007	1.51	1.85	56%	72%

As can be seen from Table 17, both the number of persons affected by trauma and the number of trauma events have increased since 2000. In the case of the number of trauma events experienced or witnessed, there has been a three-fold increase since 2000, whilst the number of persons affected by at least one trauma event has doubled.

Figure 2: Trauma experiences since 2000 – mean number of events per year

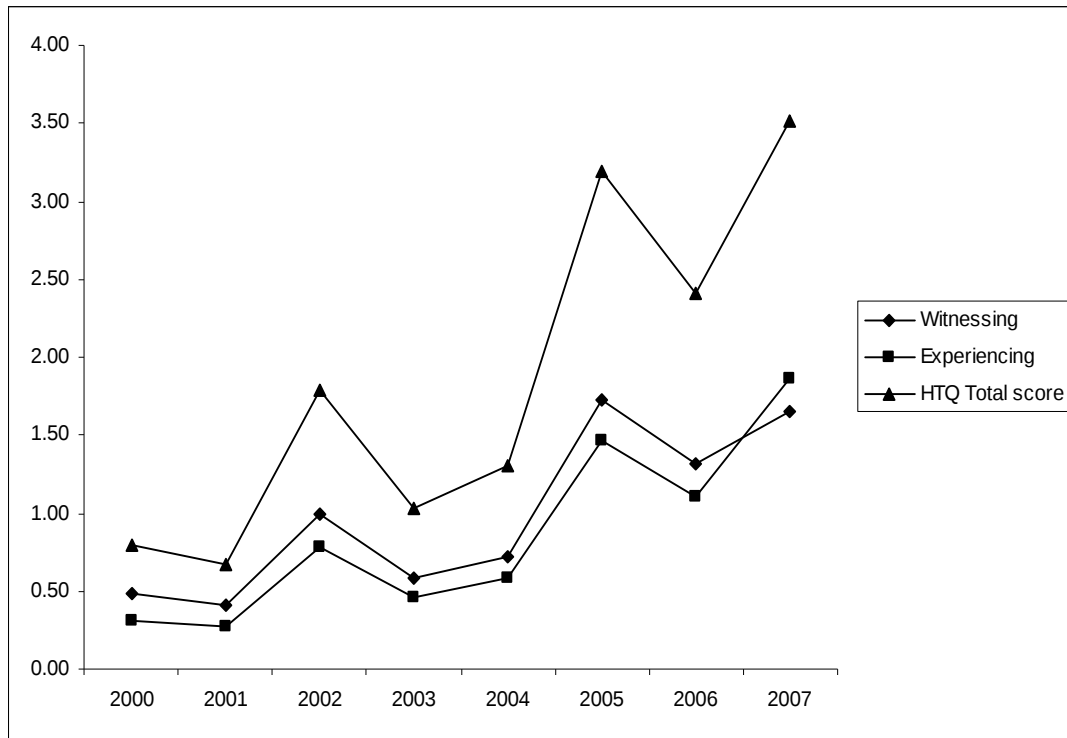


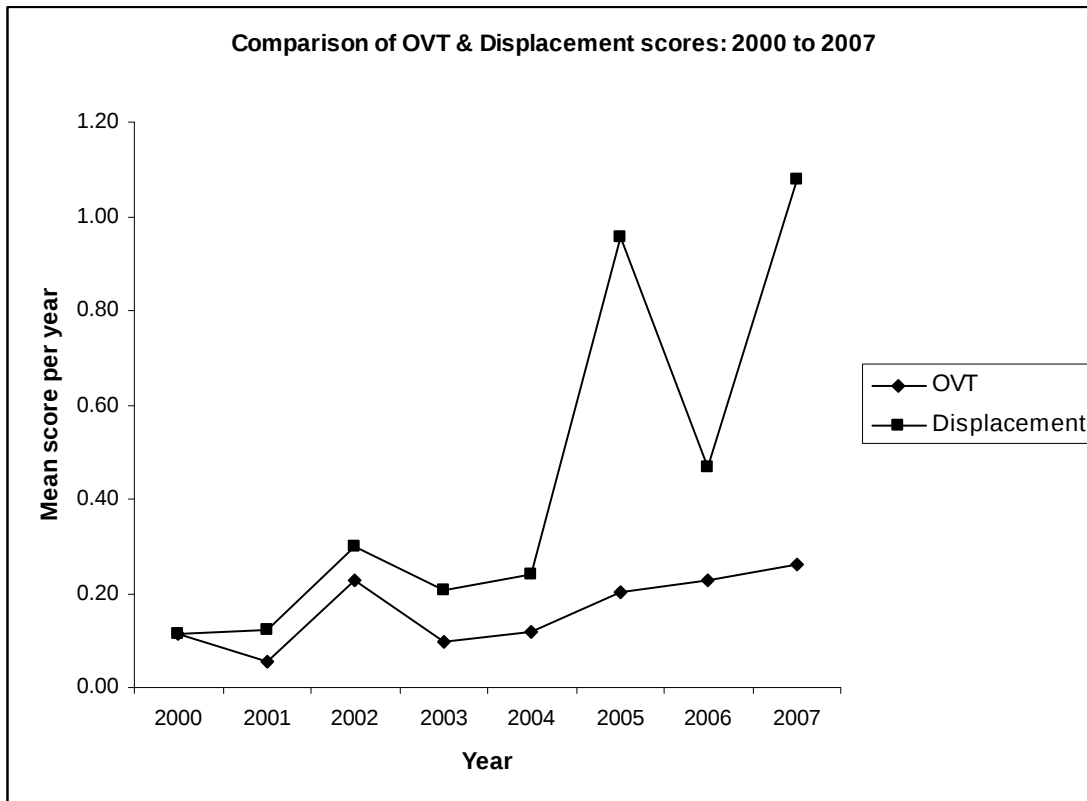
Figure 2 shows the mean trauma score for both ‘Experienced’ and ‘Witnessed’ events per year. As can be seen, there is a general trend towards all scores increasing over the years. The scores are elevated in election years – 2000, 2002, and 2005 (as supported by domestic Zimbabwean human rights data) – although the increase in 2000 is slight in comparison to the following year. There is a dramatic elevation in 2005 though, but this must reflect both the election that took place in March/April that year as well as Operation Murambatsvina that was initiated in May.

There is another elevation in 2007, which of course is the year in which a majority of the sample fled to South Africa. It is also, according to Zimbabwe human rights groups, the worst year since 2000 for human rights violations.⁴³

⁴³ See, for example, Zimbabwe Human Rights NGO Forum (2007), *At Best a Falsehood, At Worst a Lie? Shooting Oneself in the Foot? Comments on the Zimbabwe Republic Police Report “Opposition Politics in Zimbabwe. A Trail of Violence.* June 2007. HARARE: ZIMBABWE HUMAN RIGHTS NGO FORUM.

There were strong correlations between the two subscales of the HTQ with the overall score on the HTQ - 'Witnessing and HTQ' total score and 'Experiencing and HTQ' total score. The mean SRQ-8 was 3.5, and 141 persons [50%] had scores that were strongly suggestive of psychological disorder requiring the assistance of a mental health professional.⁴⁴

Figure 3



A comparison was carried out with the scores on the HTQ indicating organized violence and torture [OVT] – *imprisonment, lost or kidnapped, rape, caught up in combat, severe beating, torture, and sexual abuse* and the events indicative of displacement – *lack of food, lack of shelter, property destruction, and dependent on others*.⁴⁵ When these two scores were compared over the years, an

⁴⁴ As indicated earlier, all scores of 4 or more on the SRQ-8 indicate clinically significant psychological disorder; that is, have psychological disorder that should require the assistance of a mental health professional. Here, fully half of the sample had such scores.

⁴⁵ Some were victims of both, but, for the purpose of group comparison, the two scores were treated as distinct.

interesting pattern emerged. As can be seen from Figure 3, the trend is for the two scores to be very similar from 2000 to 2004, with an elevation for both in 2002, the year of the Presidential election, but the trend overall is for both to increase over the years. There is an elevation in 2005 comparable to 2002, but the magnitude for Displacement is massively higher than OVT, and again in 2007. This presumably reflects the effects of Operation Murambatsvina in 2005, and in 2007, as the economic situation spiraled out of control, with hyper-inflation, unemployment, shortages of commodities (food, money, fuel etc), precipitating the movement, or displacement, to South Africa: in both these years, lack of food, shelter, and dependency on others was severe, and, of course, property destruction was enormous in 2005.

The SRQ-8 scores showed that 141 persons [49.5%] reached the threshold for clinically significant psychological disorder. The SRQ-8 scores showed significant correlations with the previously reported experiences in Zimbabwe of organized violence and torture, political intimidation, and denial of food assistance. However, the SRQ-8 showed only moderate correlation with the Witnessing subscale of the HTQ.

Comparisons

No major differences were found in relation to respondents' place of origin except that in the current sample there was greater representation from Mashonaland provinces than the other provinces.

More people from Mashonaland were seen at Port Elizabeth, whilst more from the other provinces were seen at Durban. The Mashonaland group was overwhelmingly more urban than the other provinces, mainly because most came from Harare.

The Mashonaland group was significantly less likely than those from the other provinces to offer "seeking employment" as a reason for being in South Africa. Those from the other provinces, however, were significantly more likely, on the Harvard Trauma Questionnaire, to report experiencing or witnessing trauma events since 2000 than the Mashonaland group. This is a curious finding, since all human rights reports indicate that violations have been more frequent in the Mashonaland provinces than in the southern provinces of Matabeleland. However, the Matabeleland provinces had extremely severe violations during the 1980s, and hence it is possible that people from these provinces were more sensitive to political intimidation than their

Mashonaland counterparts, for whom the memories of the Liberation War of the 1970s might have been more remote.

The other provinces group had higher SRQ-8 scores than those from the Mashonaland provinces, and significantly higher number of persons with probable clinically significant psychological disorder.

History of activism

Not surprisingly, activists were more likely to report needing to seek political asylum, and having a history of experiencing violence or torture, intimidation, and denial of food assistance. Activists were also more likely to offer political reasons for seeking asylum, whilst non-activists were more likely to offer economic reasons for coming to South Africa and seeking asylum.

Activists had significantly higher political discrimination scores than non-activists⁴⁶, and had significantly higher scores on the HTQ for the overall HTQ score, the Witnessing score, and the number of years in which a trauma event had been witnessed. In addition, activists had significantly higher SRQ-8 scores than non-activists, and more persons with scores indicative of clinically significant disorders.

Political discrimination

Previous political discrimination was another factor that differentiated the sample. As indicated above, those reporting having been activists were more likely to have experienced previous political discrimination. Those that reported political discrimination had significantly higher SRQ-8 scores, and there were more cases indicative of clinically significant psychological disorder. Thus, it would appear that activism leads to political discrimination etc, which in turn is reflected in more significant levels of psychological disorder.

⁴⁶ The Political Discrimination Score was the sum of the 3 items on the history of previous experiences – organized violence or torture, intimidation, and denial of food assistance.

Findings

Previous studies of Zimbabwean refugees have shown that there is an appreciable number amongst the population that can rightfully be described as asylum seekers in the terms of the South African Refugees Act; that is, they have well-founded fears of persecution, and are unable to avail themselves of the protection of their state. This, as was pointed out earlier, has been corroborated by a recent population survey that showed that 58% of the sample had come to South Africa for “political reasons”.⁴⁷ That such a significant proportion of the Zimbabwe migrant population might have prima facie grounds for political asylum is not a trivial proposition for South African immigration and refugee officials of the Department of Home Affairs. Notwithstanding the fact that survey results are not representative, they are certainly indicative of serious consideration. They both corroborate and extend previous findings and support a recommendation that further research must be undertaken.

Firstly many more Zimbabweans came from the Mashonaland provinces than in previous reports, and 91% came since 2006, with 73% coming in 2007. This differs with previous reports where a great majority came from the Matabeleland Provinces in the south of Zimbabwe, and areas that have a long history of migration to South Africa as well as obvious ethnic and linguistic ties.

From these provinces most [65%] were seeking asylum, and very high percentages reported organized violence and torture [46%], intimidation [62%] and denial of food assistance [38%]. Males were more likely to be seeking asylum, more likely to report a previous experience of OVT or intimidation, having been activists, and offering political reasons for being in South Africa.

Over half of the total sample [56%] gave political reasons for being in South Africa. Nearly half [48%] had some form of employment in Zimbabwe before leaving, although very few were in full-time employment. Virtually none had employment in South Africa. Asylum, accommodation and food were the major preoccupations of the sample.

The sample reported high rates of Experiencing and Witnessing trauma events since 2000. The numbers of people reporting at least one trauma event per year has been increasing since 2000, with increases in the years in which there were elections. Both trauma events indicating OVT and

⁴⁷ See again Makina, D (2007), *Profile of Migrant Zimbabweans in South Africa: A Pilot Study*. Research Report.

Displacement increase during election years, but there are huge increases for Displacement in 2005 and 2007.

The sample also had a very high percentage [49.5%] of persons with scores on the SRQ-8 indicative of clinically significant psychological disorder. Psychological disorder was correlated with OVT, intimidation and denial of food assistance, as well as with Witnessing of trauma events.

Activism was associated with higher risks in many ways. Those describing themselves as activists were more likely to report needing political asylum, as well as having a history of experience with OVT, intimidation and denial of food assistance. They were more likely to offer political reasons for being in South Africa, whilst non-activists were more likely to offer economic reasons for doing so. Activists also had higher political discrimination scores, and had significantly higher scores on the Witnessing of trauma scale and the number of different years in which trauma had been witnessed. There were also a higher percentage of persons describing themselves as activists with clinically significant psychological disorder and they had higher scores on the SRQ-8.

Those reporting political discrimination were more likely to be psychologically disordered. It is likely that being an activist led to a greater probability of experiencing and witnessing trauma, and hence being psychologically disordered.

Thus, it appears that there is good reason to see very different groups represented amongst Zimbabwean migrants and in those attending Refugee Reception Offices in South Africa.

Conclusions and Recommendations

As was indicated earlier, there are serious anomalies in the treatment of Zimbabwean refugees, shown clearly in the statistics of the DHA itself. It is evident that the South African government, through the DHA, recognizes that there are both economic and “politico-social” reasons for people seeking refuge in South Africa. It also is common cause that both these reasons apply to Zimbabwe, but it is remarkable that Zimbabweans should, in 2007 at least, be markedly less likely to receive asylum than persons from any other country in the world. This anomaly deserves some explanation, and it seems that South African policy towards refugees requires a thorough overhaul.

This study has indicated a number of important findings. As was stated at the outset, people applying for political asylum in South Africa, according to the South African Refugees Act, need to be able to demonstrate one of a number of key things:

(a) a well-founded fear of being persecuted by reason of his or her race, tribe, religion, nationality, political opinion or membership of a particular social group, is outside the country of his or her nationality and is unable or unwilling to avail himself or herself of the protection of that country, or, not having a nationality and being outside the country of his or her former habitual residence is unable or, owing to such fear, unwilling to return to it; or

(b) owing to external aggression, occupation, foreign domination or events seriously disturbing or disrupting public order in either a part or the whole of his or her country of origin or nationality, is compelled to leave his or her place of habitual residence in order to seek refuge elsewhere: or

(c) is a dependant of a person contemplated in paragraph (a) or (b).

According to these findings, and echoing the findings of the recent community survey reported earlier, over half of the respondents in this survey gave political reasons for moving to South Africa, and very high percentages reported some form of political discrimination in the past. The sample also reported high rates of trauma events since 2000, clear increases during election years, and an enormous increase during 2005 due to the combined effect of the election and Operation Murambatsvina. Displacement in 2005 seems to have had the major effect in explaining the increase in 2005. Almost half [49.5%] had clinically significant psychological disorder. Activism had the effect of increasing the effects seen. All measures were significantly increased if a person reported being an activist.

Thus, it is evident that a significant number of Zimbabweans attending Refugee Reception Offices provide a profile that is congruent with the conditions described in section 3(a) of the Refugees Act, and on face value have, in terms of the Act, well-founded fears of persecution. They do not offer economic reasons for coming to South Africa, but the kinds of reasons indicated in the Act, and it is significant that those that report political discrimination or describe themselves as activists are significantly less likely to offer economic reasons for migration.

This is contextually supported by the plethora of reports on human rights violations in Zimbabwe, all of which indicate that the most likely victims of such violations are members of the MDC, trade unions, civic organizations such as the NCA or WOZA, and even persons that are merely suspected of allegiance to such groups. It is also evident from these findings, and confirmed by reports from within Zimbabwe, that this is a situation that is not improving, and, in fact, is worsening. It is significant that over 90% of this sample has come to South Africa in the past two years, and even more significant that over 70% has come during the current year.

This study also finds that, as suggested in section 3(b) of the Refugees Act, there is a significant proportion of the sample that report trauma events that can be described as *“seriously disturbing or disrupting public order in either a part or the whole of the country”*. This is illustrated by the contrast between OVT events and Displacement events [see Figure 3, p32 above] and the massive increase in the reporting of Displacement events in 2005, the year in which Operation Murambatsvina took place, which affected an estimated 1.2 million people by both the destruction of their homes and/or the elimination of their forms of livelihood.

These are clearly conditions contemplated by the South African Refugee Act, and would seem to create a second class of persons requiring assistance; if not as candidates for political asylum, then as candidates for temporary assistance as was envisaged by the 2002 emergency plan⁴⁸. In this vein, in the latter half of 2007, the Department of Home Affairs made mention of the possibility of providing some form of temporary protection on humanitarian grounds and civil society organisations sought to grapple with possible options⁴⁹. Here the present study found that less than half of the sample offered reasons for being in South Africa typical of migrants, such as seeking employment, seeking education, and working as a trader. Less than a third (28%) reported coming to South Africa because of economic reasons, and it is noteworthy that 91% came to South Africa since 2005, and Operation Murambatsvina. The flow of Zimbabweans coming to South Africa has increased markedly since 2005 and Operation Murambatsvina, an event that seriously

⁴⁸ See again del Valle, H., & Polzer, T (2002), *Emergency Preparedness in South Africa: Twenty-four Lessons from the Zimbabwean Elections*, UNIVERSITY OF THE WITWATERSRAND: REFUGEE RESEARCH PROGRAMME.

⁴⁹ ‘Fresh approach needed on Zimbabwe’, *Business Day* (web version), 29 August 2007; Forced Migration Studies Programme, *Responding to Zimbabwean Migration to South Africa: Evaluating Options, Background document prepared for a meeting on 27 November 2007, Chalsty Centre, University of the Witwatersrand, Revised Version – 27 November 2007.*

disturbed the public order, and has been seriously argued to have been a crime against humanity.⁵⁰

So, if 56% offer clear political asylum seeking reasons, and a further 28% offer reasons that might be based in a serious disruption of public order, what does this mean in terms of the true number of Zimbabweans in South Africa that are plausible candidates for asylum and refugee status? This is a disconcerting prospect. The present study raises very serious issues about the overall nature of the Zimbabwean migrant population that requires much more careful research and attention than has been hitherto the case.

It is therefore pertinent to question why there has not been such research to date, and why the Zimbabwe migrant issue continues to be clouded in rhetoric or evasion by the South African government. Here the spectre of “quiet diplomacy” raises its head, and the continuous problem since 2000 of what to say about the gross human rights violations that have taken place and continue to take place in Zimbabwe. A consistent “quiet diplomatic” approach has meant the minimising of attention towards complaints about human rights observance. South African policy has avoided publicly raising the issue of ongoing human rights violations in Zimbabwe, and tolerates a massive influx of migrants as Zimbabwe continues to hemorrhage. At the same time the South African authorities arrest and deport tens of thousands of these people back to Zimbabwe every year. The political character of the exodus has been effectively avoided. South Africa has granted political asylum to a tiny fraction of the 17,000 who have so far managed to apply for refugee status.

More practically, however, there are a number of immediate steps that need to be taken, and a number of recommendations that can be made;

- *A moratorium on deportations of Zimbabweans should be immediately declared. There is sufficient evidence to conclude that, without careful screening of Zimbabwean illegal migrants and asylum seekers, the Department of Home Affairs may be in violation of the principle of non-refoulement;*

⁵⁰ See again Oxford Pro Bono Publico Group (2006), *ARE THE ACTIVITIES CONDUCTED DURING OPERATION MURAMBATSVINA CRIMES AGAINST HUMANITY WITHIN MEANING OF ARTICLE 7 OF THE ROME STATUTE?* Legal Opinion. University of Oxford, November 2005.

- *Immediate steps should be taken to commission research to test the conclusions of this study, and to establish, without prejudice to those Zimbabweans invited to participate, the exact nature and the types of classes of migrants in the Zimbabwean population;*
- *There is a clear need for extensive training for the staff of the Department of Home Affairs, and especially for the staff in Refugee Reception Offices. Such training needs to revolve around a number of key areas:*
 - *Evidence-based knowledge of the Zimbabwe situation as it relates to the grounds for asylum and refugee status;*
 - *Training in the kinds of interview skills that would allow RRO's to elicit the kind of information that will enable them to make appropriate determinations whether a person has a well-founded fear of persecution;*
 - *Training for some key staff in the kinds of skills that would allow them to determine whether there are corroborating factors for such fears. Here psychological assessment and/or medical examination are crucial, as is well-known internationally, and such skills are available in South Africa.*
- *There is also an obvious need to prioritise both financial and human resources to address the problem, and to develop a more stream-lined system capable of dealing with what seems clearly to be an emergency.*

It seems gratuitous to point out that South Africans have in the past been the beneficiaries of the support of ordinary Zimbabweans, who not only gave material support to many South Africans in a time of darkness, but also suffered from the response of the then South African government to such support. Whatever the merits or demerits of the political crisis in Zimbabwe, the humanitarian response to this escalating crisis should not be lacking. Neither should the government avoid a rigorous and even-handed approach to screening actual and potential asylum seekers from Zimbabwe. It is in keeping with South Africa's constitutional principles and the spirit of ubuntu that actions are taken to confront rather than continue to avoid these challenges.

Appendix 1

Draft comments from Refugee Affairs Department of Home Affairs

ZIMBABWE TORTURE VICTIMS / SURVIVORS PROJECT

Victims of organized violence and torture amongst Zimbabwean refugees in South Africa: A pilot point prevalence study

Introduction

The study conducted by the organisation is much appreciated especially to be shared with the Department of Home Affairs. The comments concerning the report should be understood within the context of problems with inaccurate information as well as context relevance and comparison relevance of information in the report.

The report does not clearly define its objectives and the direction of the testimony. It is important to understand the purpose of the report within the objectives of the study, so as to consume the content within the context of the study. The subject of the study identifies a pilot on victims of organised violence and torture amongst Zimbabwean refugees in South Africa. David Hume (1748/1977) and Alvin Goldman (1999 and 2001) on the epistemology of testimony (as well as to some work in game theory) suggest four important areas to consider when verifying the accuracy of information: (i) authority, (ii) independent corroboration, (iii) plausibility and support, and (iv) presentation.

The report emphasises the classification of Zimbabweans in South Africa into categories of “economic migrants”, “economic refugees”, “migrants” and illegal immigrants. It must be taken into cognisance that the Department of Home Affairs receive applications for asylum without consideration of nationality. Therefore, it is difficult to believe that these classifications are specially given to Zimbabwean migrants and by whom. The Department of Home Affairs uses the kind of language and classification as dictated by the Immigration laws.

It certainly becomes difficult to understand the evidence accuracy in this sense because of the interests of the organisation gathering this information. Hume has several suggestions as to what

evidence is relevant. Hume (1748/1977, p75) says that ‘we entertain a suspicion concerning any matter of fact, when the witnesses contradict each other, when they are but few, or of a doubtful character, when they have an interest in what they affirm; when they deliver their testimony with hesitation, or on the contrary, with too violent asseverations’. It is therefore important to acquire beliefs that correspond to reality.

Your last paragraph of the introduction on page 3, accede to the fact that this is simple an epidemiological study, and page 10 reflects the influence on the study by the Zimbabwe human rights groups within Zimbabwe, lobbying for a course to be recognised hence these findings which are inconsistent with some realities. The Zimbabwe Torture Victims/Survivors Project has a purpose and goals to achieve. To achieve these goals various strategies are adopted. The report indicates that there are other two previous projects which were sanction by the organisation with a purpose and the difficulty with this information is the question of verifiability of all this information before us. The complexity of the mixed migration nexus issues can not be simplified by degrees and levels of outcomes from samples as given in the report. In this case it must be noted that accuracy of information depends on the source and purpose. It is easy to find pieces of information that fall at various different points on the continuum of verifiability. However, it is important to be accurate with information gathered.

The study does not address the question of individuals or groups who have long before democracy been in the Republic staying and some working in farms, and had remained illegal in the country until an opportunity arose for them to use the Zimbabwe instabilities as a mean to apply for asylum. The only reflections made in a small scale indicate that 10 of 34 respondents had come to RSA between 1985 and 1999 and had legal permits. How accurate is this information remains in question. It may therefore not be accurate to say a large majority of Zimbabweans only arrived in the Republic of South Africa in 2007.

The report is unclear on the statistics and validity of these statistics in terms of accuracy as information is just placed for consumption with high figures at certain points like intimidation with a figure of 177 at 62%, however, it is not clear who intimidates who and how. What then become the justifiable results to these experiences? The stipulated ranks do not indicate their purpose or clarity in the project. How do they identify and relate to problems? Some of the facts in the report are generalised findings with no substance.

The reason for leaving Zimbabwe vary from one individual to the other, and poses a serious challenge to what is stated in the report as observations by the Department at the Beit Bridge Border Post, show that those who have applied for asylum in the Republic continue to commute between the two countries after satisfying their interests. This has been evident and was also publicly pronounced through media by the Department when the deportation train to Beit Bridge was suspended during the festive season till the beginning of the year 2006. It is a matter of where one is standing to justify the reasoning for the report.

It is important to note for the organisation that the Department as well as the government of South Africa do not priorities certain countries over others in dealing with asylum matters. Zimbabwean asylum applicants may seem to be a majority now, yesterday it may have been the DRC applicants, and so on, claims are dealt with individually and according the designed processes of the department.