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**Zimbabwe
HUMAN RIGHTS
NGO Forum**

ZIMBABWE ELECTIONS Civil society expectations

INTRODUCTION

In January 2012, Zimbabwean civil society organisations declared that 2012 was a year for key democratic reforms, essential if the country was to hold free and fair elections. At the close of 2011, eight Civil Society Coalitions issued a statement reiterating the key benchmarks that should be met before elections could be held which are:

- Constitutional reform
- Institutional reforms-security sector, restoration of the rule of law and human rights
- Legislative reform
- Electoral framework and political environment
- Inclusion of marginalised groups
- Transitional Justice and National healing
- Media reform

Creation of an environment for a free and fair elections in line with Southern Africa Development Cooperation's (SADC) Guide to democratic elections

2012 was therefore anticipated to be a watershed year for Zimbabwe. Urgent challenges in the political, judicial and legal arenas all presented themselves. However, as the Solidarity Peace Trust observed; a 'spell of indecision' hung over Zimbabwean politics as the year got underway. The constitutional reform process was cloaked in uncertainty. The memory of the violence that characterised the 2008 election period left the population fearful.

CURRENT SITUATIONAL ANALYSIS

Human rights, Rule of Law and Institutional Reform

- Some of the demands have been met but unfortunately the majority of the key ones have not yet been met. The government of Zimbabwe needs to respect the Global Political Agreement (GPA) and the pro-actively involve the Southern Africa Development Cooperation (SADC)

and the Africa union (AU) in the implementation of the GPA. This will enable the country to be able to hold a free, fair and credible election where there is a peaceful transfer of state power in accordance with the SADC Guidelines on Democratic elections and other international standards to which Zimbabwe is party.

- Civil Society Organisations (CSOs) acknowledge and welcome the recent reforms to the electoral process in the Electoral Amendment Act which includes clarity on the role of the Zimbabwe Election Commission in compiling the voter's roll, the introduction of a polling station based voter's roll and the removal of police from inside the polling station so as to guarantee the security and secrecy of the vote, amongst a number of other reforms.
- CSOs also welcome the judgment delivered by the Supreme Court on Monday 19 November 2012 in which the court upheld an appeal by the Church of the Province of Central Africa (CPCA) led by Bishop Chad Gandiye, and set aside two judgments that had been granted in favour of the Nolbert Kunonga-led "Diocesan Trustees for the Diocese of Harare" entitling them to control of Anglican church properties.
- However, a number of gaps are identified as glaring, including the need to harmonise laws so that areas of conflict and contradiction within the laws can be rectified and the independence of the Observers Accreditation Committee, need for a credible Zimbabwe Electoral Commission Secretariat, the demilitarisation of the electoral processes
- The operating environment remains restrictive as witnessed by the infringement of free political activity as seen through disruption of rallies, peaceful marches and meetings organised by political players and civil society. Since March 2011 to date more than 25 events have been recorded pertaining to the disruption of CSO and

opposition activities and rallies by ZANU PF supporters. Ironically, the biggest victims in respect of this have been the political parties in the inclusive government who had approximately 18 rallies disrupted by police and ZANU PF supporters without any arrests confirmed.

- On Saturday, 26 May 2012 Cephas Magura (67), MDC ward 1 chairperson in Mudzi North, Mashonaland Province was murdered while seven party members were injured after an attack by ZANU PF thugs at Chimukoko Business Centre at a police sanctioned rally.
- According to a dossier prepared by Human Rights NGO Forum for the 17th AU meeting in Addis Ababa covering the month of January to June 2012, the country is increasingly sliding into the violent past abetted by impunity. The report notes that as elections call calls increasingly become louder ZANU PF has activated the 2008 terror groups such as Chipangano in Mbare, Top Six in Chinhoyi, Jochomondo in Hurungwe and recent clashes in September 2012 by commuter omnibus operates and soldiers in Harare CBD by Mambindambinda requesting protection fees and money to fund ZANU PF election campaigns. Zimbabwe Peace Project (ZPP) recoded 2186 incidents of human right violations a between January 2012 and May 2012 directly linked electioneering and rising political tensions.
- The NGO Forum has also documented 3 cases of abductions and assaults of suspected MDC supporters by ZANU PF supporters in Budiriro in September 2012 in what appears to be a well-orchestrated wave of violence.
- In November 2012, as the country's major political parties gear up in preparing for another electoral cycle, political tensions are slowly rising across the country with 444 cases recorded in October up from the 365 incidents witnessed during the month of September.
- Political polarization is on the rise as political parties move to organise their supporters and begin to engage voters in preparation for the constitutional referendum and next year's anticipated general elections. One of the major strategies being used by the political parties are door-to-door campaigns as a result of police banning political rallies in most of the country's provinces.
- Experiences of organized political terror are being relived in most parts of the country with an increase in the deployment and visibility of state security agents and soldiers particularly in Manicaland and Bulawayo provinces where they were engaged in human rights abuses in 2008.
- In Bulawayo- two cases of torture were recorded during the period under review and CIO agents were cited as perpetrators. The torture occurred during police detention.
- The COPAC Second All Stakeholders' Conference was the highlight of political events of October 2012. While the actual conference was staged in a peaceful atmosphere with the keynote speaker- President Robert Mugabe making impassioned pleas for peace and political tolerance- the build-up to the conference and the accreditation process was marred by political intolerance, discrimination and outright intimidation

with rural opposition supporters being denied access to accreditation centres or chased away with threats of violence emanating from Zanu PF supporters. The citizenship and Lands clusters were marred by hate speech and the latter degenerated into chaos as delegates exchanged insults.

- Cases of politically-motivated violence and discrimination experienced an upsurge and were concentrated more in Manicaland and Masvingo provinces- two provinces that were previously dominated by Zanu PF before March 2008 harmonised elections.
- Another emerging trend that was confirmed by reports from the two provinces is the simultaneous politicization and empowerment of the institution of traditional leadership. Headmen and Chiefs have overnight become a law unto themselves assuming powers and appropriating functions beyond their constitutional mandate with the blessing of Zanu PF aligned state officials and the police.
- The food situation continued to deteriorate in the provinces of Masvingo, Bulawayo. Matabeleland North and South being the worst affected. Over the past three months, the ZPP has witnessed a nationwide trend where Zanu PF officials and traditional leaders aligned to the party are abusing their positions to deny deserving villagers access to government supported and donor funded food relief on political grounds. People who fail to attend Zanu PF meetings are deliberately omitted as punishment and a campaign strategy.
- An analysis of politically motivated violations during the month of October since 2008 has shown that the number of violations have always been subdued. The highest number of violations were recorded in October 2008 with 1 106 incidents. The violations have been on a downward trend as the political parties began to work together in the inclusive government whose term of office is about to expire.
- There were 1 058 incidents recorded in October 2009 and continued to decrease in 2010 with 896 having been recorded. In 2011, the country witnessed 605 cases during the month of October with incidents of harassment and intimidation dominating the violations chart

MAJOR HIGHLIGHTS FOR THE MONTHS OF OCTOBER AND NOVEMBER 2012

- A teacher in Makoni West Constituency was abducted by two soldiers driving a private vehicle and in civilian attire after she shared with them her experience of a previous abduction by soldiers while travelling in a commuter omnibus from Rusape to Mutare. The previous abduction occurred in August after soldiers demanding to be made enumerators during the census exercise invaded training centres and disrupted the exercise. Unbeknown to her the driver of the car and one other passenger were soldiers and she was taken to Tsanzaguru 3.2 Army Barracks where she was harassed and made to stand on one leg for more than two hours.

- War veterans' leader Jabulani Sibanda addressed a meeting at Muonwe Business Centre Bindura South where he promised blood shed should Zanu PF lose the forthcoming elections.
- Two MDC-T activists were allegedly tortured by CIO agents at their offices located at Magnet House in Bulawayo. The two were beaten under the soles of feet on allegations that they had defaced Zanu PF offices in Mpopoma by leaving graffiti (Chinja Maitiro) on the gate of the premises. The offices apparently belong to Dr Sikhanyiso Ndhlovu the former deputy minister of Education. However before being released without a charge they were ordered to report any suspicious activities to an Officer only identified as "Green".
- Seven officials from the Welshman Ncube-led MDC party were brutally attacked by a group of suspected Zanu PF supporters while conducting a door-to-door campaign in Chitungwiza. Zanu PF attackers allegedly confiscated 39 recruitment forms and 43 party cards. The matter was reported at Makoni Police Station under IR (initial report) number 1620526.
- **Mashonaland East case study** ZANU-PF activists led by Abrom Nyamande and Forbes Gwara – an aspiring Councillor, yesterday (13 November 2012) force -marched villagers from Ward 26 Murehwa West Constituency to attend a meeting at Chizanga business centre. Addressing the meeting, the two threatened villagers with death if they supported, campaigned or associated in any way with the MDC parties. They told villagers their party would bring militias from outside the area in December who would kill all those who fail to attend ZANU-PF meetings. They promised to make the current ward councillor Passmore Mangwiwo of the MDC-T an example by making him disappear. They then instructed all headmen to mark registers of people who attend ZANU-PF meetings from now on and pass on the message to their subjects. Meanwhile in Masvingo, a former Zimbabwe Republic Police [ZRP] Officer who left the force in January 2012 after being victimized for allegedly supporting MDC-T, was arrested this morning and taken to Zaka. ZPP had not yet found out the charge by the time of sending out this alert.

SELECTIVE APPLICATION OF THE LAW

Selective application of the law, arbitrary arrests, long incarcerations, and impunity to violators of human rights remains a concern. For example the Glen View 29 residents and MDC supporters who are being falsely accused of killing a police officer at a public bar have spent more than 14 months in detention and have been denied bail more than four times by the state.

- The 29 are currently detained at Chikurubi maximum prison where high risk criminals are detained. 3 of them were recently admitted on bail including Cynthia Manjoro and the MDC-T legislator, Solomon Madzore. On 20 November, Supreme Court Judge of Appeal, Justice Anne-Marie Gowora postpones the bail appeal

for the Glen View residents charged with murder to Thursday 06 December 2012. The postponement was necessitated by the fact that Edmore Nyazamba of the Attorney General's office only filed his legal arguments just before lunch time on Monday 19 November 2012 and the court did not have sufficient time to go through the submissions filed by the State and relate them to the voluminous record of proceedings.

- In August 2012 Gays and Lesbians of Zimbabwe (GALZ) director, Chesterfield Samba was arrested after they accused him of distributing materials that promote homosexuality. Police arrested 44 GALZ members and realised them without any charges and also raided their offices and seized some property from the organisation's offices after breaking in and confiscated computers, Digital Versatile Discs, pamphlets, compact discs and various documents.
- The office of the Attorney General (AG) and police have failed or are unwilling to implement the GPA provision to 'apply the laws of the country fully and impartially in bringing all perpetrators of politically motivated violence to book.' To date perpetrators of human rights violations walk scot free even though they can be positively identified by victims. This perpetuation of the culture of impunity has seen people losing confidence in the criminal justice system and political processes. Without setting up mechanisms to prevent violence and create a conducive environment for free political activity ahead of the next election may be a reincarnation of the bloody and sham 27 June 2008 presidential run off.
- On Thursday 08 November 2012 ended the four-day detention ordeal for three Counselling Services Unit (CSU) representatives who were finally charged with causing malicious damage to property, in contravention of Section 140 of the Criminal Law (Codification and Reform) Act, four days after their arrest on Monday.
- The Counselling Services Unit (CSU) offices were ransacked and its 5 senior members arrested as the state claimed that the CSU senior staff members inscribed the words "MDC" and "MDC Chinja Ndizvo" on a bill board and on a durawall surrounding the information centre. The lawyers, who represented the three CSU senior officers registered their complaints against the inhuman and degrading treatment that their clients were subjected to including over detention, being shackled while being moved from Kwekwe to Bulawayo, denial to wear spectacles while in Bulawayo police cells and the raiding of the CSU offices on the strength of a defective search warrant.
- On 13 November 2012, a Bindura Magistrate deferred the trial of the Minister of Energy, Hon. Mangoma on charges of undermining authority/ insulting President Mugabe.
- On 13 November 2012, police in Bulawayo arrested 23 WOZA members and dumped some of them at a cemetery, a day after detaining 79 members, who were demonstrating against perennial water shortages. The WOZA members were rounded up by the police as they staged protests against chronic water shortages in the country's second largest city.

ZIMBABWE CIVIL SOCIETY GENERAL EXPECTATIONS

Civil society's key demands before the next elections are:

1 Constitutional and legislative reform

CSOs are underlining the need for the immediate finalisation of a new democratic constitution, harmonisation of the current laws with the new constitution.

2 Electoral reforms

Voter's Roll

The voters roll needs to be overhauled and produced in electronic form, rather than the paper version. It is currently shambolic with 42,000 people over the age of 100 and this is an 'impossible' number. Some appear to be 120 years old, in a country with a life expectancy of 43. Nearly a third of registered voters are dead and experts say there are 2.6 million too many names on the voters roll. This phantom vote is more than enough to settle the outcome of any election in favour of Zanu PF and Mugabe.

Zimbabwe Election Commission

While the parties are happy with the commission, a new 'balanced' secretariat needs to be appointed before the elections. Officers of the tainted Central Intelligence Organisation (CIO) and former senior soldiers who work for the Zimbabwe Electoral Commission (ZEC) have to be removed from its secretariat. While many people naively celebrated the appointment of a new electoral commission, its influence is restricted to setting up policy. The secretariat is still packed with people loyal to Mugabe and they effectively run the elections. Key functions have all been shared by former CIO's and soldiers like Utoile Silaigwana (Operations) and Notayi Mutemasango (Administration and Finance) and Chief Elections Officer Lovemore Chipunza Sekeramayi.

3 Terror Machinery

The much talked about security sector reforms are important. The police, army and CIO need to be led by people who respect the constitution and not commit abuses on behalf of political parties or individuals. The Draconian Public Order and Security Act (POSA) needs to be reformed by passing into law the current POSA Amendment bill which is pending before parliament. The problem with March 2008 is that it taught Zanu PF that without violence they will lose elections. Equally the problem with June 2008 is that it also taught Zanu PF that brutal force including murder will keep them in power.

Already there are reports of how the terror machinery is being deployed countrywide. Soldiers, CIO's, War Vets and other Zanu PF militants are already firing warning shots by committing sporadic abuses to test the waters.

In 2008 Mugabe made it clear blood and terror

will be the price for his exit. That election also showed him you can still lose, hammer the opposition and kill hundreds of innocent people and still be able to 'share' power with the winner.

The President's call for peace should be matched by concrete actions and so far the scenarios set out above does not prove satisfy the test. This should lead to a fear-free society since fear is the current impediment for people to realise their legitimate aspirations.

4 Media Reforms

Zimbabwe needs genuine media reforms were legitimate media people can set up radio and television projects without political interference. For 32 years Zanu PF had and still have an unfair advantage in terms of their absolute control of the state media. They have an iron grip on both television and radio broadcasting including the two proxy radio stations recently licenced.

The licencing of StarFM owned by Zimpapers (owners of the Herald etc) and ZiFM owned by the Zanu PF treasurer for Manicaland Supa Mandiwanzira, does not constitute adequate media reforms even if some of these two stations have demonstrated some level of impartiality.

The MDC-T and Morgan Tsvangirai were still able to beat Zanu PF and Robert Mugabe in the March 2008 harmonised elections but that owed more to the intellect of the Zimbabwean people who saw through the incessant propaganda.

The above four issues are a very good starting block towards a free, fair and credible elections. Other key elements can also be found in the SADC guidelines for conducting democratic elections, which Zimbabwe signed up to.

NEED FOR SEQUENCING

As it is highly unlikely that the demands will all be met, the above demands have to be met whilst upholding the principle of all the other reforms not mentioned here. However there has to be a commitment by the government through adoption of first steps even in respect of long term reforms.

ZIMBABWE CIVIL SOCIETY EXPECTATIONS FROM THE ACP-EU MEMBER STATES

Zimbabwean CSO wishes to acknowledge the role that the international community continues to play and therefore requests them to:

- continue supporting and providing the much needed solidarity to the people of Zimbabwe and keep Zimbabwe on the global political limelight.
- encourage parties to the GPA to focus on full implementation of the GPA with a special focus on ensuring security of persons, security of the vote and security the people's will.