



ZIMBABWE 2023 HARMONISED ELECTION

WEEKLY MONITORING REPORT

1 July 2023 – 7 July 2023

1.0 Introduction

This election weekly monitoring report covers the period 1 – 7 July 2023. The report primarily focuses on documented and verified incidents of politically motivated organised violence and torture (OVT) and other electoral violations in the run-up to the 23 August general election.

2.0 Methodology

Information contained in this report has been obtained through on-sight monitoring of cases by the Forum officers and cases verified and documented by its members.

3.0 Emerging Issues

3.1 Joana Mamombe and Cecilia Chimbiri acquitted

3.1.1 High Court acquittal of Joana Mamombe and Cecilia Chimbiri

On 4 July 2023, High Court judge Justice Nyaradzo Munangati Manongwa set aside an order made by chief magistrate Faith Mushure ordering two Citizens Coalition for Change (CCC) members to proceed to their defence in a case in which they were accused of communicating falsehoods as defined in Section 31(a) of the Criminal Law Codification and Reform Act (Chapter 9:23) over their abduction and torture in 2020. The background facts of their case are as follows:

On 13 May 2020, the two women Joana Mamombe and Cecilia Chimbiri from the main opposition party, known then as the MDC-Alliance led by Nelson Chamisa, were arrested at a police roadblock together with Netsdai Marova after leading an anti-government protest. They were taken to Harare Central Police Station where they were abducted and disappeared for three days. The trio was dumped at Muchapondwa Business Centre in Bindura, about 87 KM outside Harare after being physically, sexually, and psychologically tortured. The opposition activists claimed they were beaten, sexually assaulted, and forced to partake in inhumane and degrading activities such as eating human excrement. Police denied arresting them, even though on the day of their arrest, ZRP spokesperson, Paul Nyathi, admitted to two newspaper publications that indeed the police had arrested the three women. The trio was rearrested at the hospital where they were being treated for torture, and they were charged with faking their abduction. They were granted bail on 27 June 2020 under punitive conditions that included reporting three to their nearest police station as well as surrendering their passports. Mamombe

and Chimbiri applied for discharge at the end of the state case where 10 witnesses testified. Chief Magistrate Faith Mushure dismissed the application in May 2023. This means the defence was now supposed to open their case and a ruling was made after they close their case. But the duo, before opening their case, made a High Court application for a review of Mushure's judgment and Justice Muongwa granted the discharge. She ruled that the magistrate's ruling was "grossly unreasonable, irrational, characterized by bias and malice and cannot be in accordance with real and substantial justice."

3.1.2 National Prosecuting Authority (NPA) issues statement on Mamombe and Chimbiri Acquittal

On 5 July 2023, the NPA issued a press statement in which it expressed its desire to appeal the High Court judges', Justice Priscilla Munangati Manongwa's acquittal of Joanah Mamombe, the outgoing Member of Parliament for Harare West constituency and her colleague in the opposition CCC, Cecilia Chimbiri. Mamombe is the CCC's candidate for the Harare West constituency in the forthcoming elections. The duo was acquitted on charges of communicating falsehoods defined in Section 31(a) of the Criminal Law Codification and Reform Act (Chapter 9:23) over their abduction and torture in 2020. The NPA's press statement indicated that Justice Munangati Manongwa's decision was defective and not compliant with the High Court Act [Chapter 7:06] on the grounds that:

- i. Another judge must concur with the presiding judge before the judgment is handed down;
- ii. that the judgment interfered with unterminated proceedings in the lower court and was therefore unjustified and finally that
- iii. the State is convinced that if another court were to be presented with the same facts, it may come to a different conclusion.

Some lawyers have questioned the issuance of the press statement by the NPA is something out of the ordinary and the politicisation of an otherwise easy legal process.

3.2 Obstruction of opposition political party activities

3.2.1 Ban of CCC party campaign launch in Chiredzi

The police have banned the opposition CCC from holding its campaign rally in Chiredzi. In a prohibition notice dated 3 July 2023, Chief Superintendent for Chiredzi District notified that the opposition political party would not be allowed to launch its campaign in Chiredzi Central Constituency. The given reason was that the scheduled launch campaign by CCC clashed with a state occasion that was the opening of Rusununguko Clinic in Chiredzi by the Minister of State for Provincial Affairs and Devolution (Masvingo Province) and therefore all manpower would be focused on that occasion. CCC had, on 30 June 2023, notified the Regulating Authority, as per the dictates of section 7 of the Maintenance of Peace and Order Act [Chapter 11:23] of the party's intention to launch their campaign at Tshovani Stadium Ward 4 in Chiredzi. CCC intended to launch its campaign on 5 July 2023 from 10h00 to 16h00.

3.2.2 Ban of CCC presidential campaign rally in Chivi

In a prohibition notice dated 6 July 2023, D Maingire the Chief Superintendent, Officer Commanding Police (Masvingo West District) advised Henry Chivanga (CCC Chivi Cluster Deputy Team Leader) as the convenor on behalf of CCC that CCC's planned presidential campaign rally at Chivi Growth Point could not take place. CCC intended to hold the rally on 7 July 2023 from 10h00 to 16h00. The reason given for this was that CCC had forfeited its

rights to use Mhandamabwe as a venue when it had notified the regulating authority of its desire to change the venue from Mhandamabwe to Chivi Growth Point. Maingire indicated further that the Regulating Authority was now seized with a letter dated 1 July 2023 in which ZANU-PF had booked the grounds at Chivi Growth Point for an event hence CCC's application for use of the same could not be granted.

3.2.3 Ban on CCC campaign rally in Masvingo

On 7 July 2023, the Masvingo ZRP blocked yet another CCC rally scheduled for Chivi growth on 7 July 2023.

3.2.4 Police ban and disrupt CCC Masvingo car rally

On 5 July 2023, armed Masvingo ZRP officers led by Mrs Chipfakacha disrupted a CCC Masvingo car rally intended to introduce candidates to citizens. More than 100 police officers armed with guns and baton sticks were deployed at Muccheke bus terminus where the CCC car rally was to be held. ZANU PF Masvingo West ward aspiring councillor also accompanied the police. ZANU PF was however able to hold its rally in Masvingo urban just a few metres away from CCC's intended car rally venue without any hindrances.

3.2.5 ZANU-PF disrupts CCC meeting in Cowdray Park

On 7 July 2023, through a tweet by aspiring member of parliament, Pashor Sibanda, an aspiring CCC member of parliament for Cowdray Park alleged that himself, Honourable Jasmine Toffa, Councillor Ntandoyenkosi Ndlovu and Councillor Zina convened a meeting in ward 28, Cowdray Park that was violently disrupted by ZANU-PF supporters. The CCC members were conducting door-to-door campaigns in the morning. They managed to escape.

3.2.6 Police ban CCC rally in Bindura

On 7 July 2023, following a notification to hold a public gathering by CCC on 9 July in Bindura, the police refused to sanction the rally. Reasons for this included that the selected venue was not suitable taking into account the relevant security factors. The venue apparently falls within an undeveloped piece of land which is bushy and devoid of serviceable roads, water and sewer facilities. As a result, the police said, the venue posed a high risk of threat to spread any communicable diseases and in the event of public disorder, law enforcement agents and other emergency services can experience challenges in accessing the venue. Furthermore, the notice was short notice to the regulatory authority.

3.3 Instances of political intolerance

3.3.1 ZANU PF official use of hate speech

On 3 July 2023, the Minister of Environment, Climate Change, Tourism and Hospitality Industry Mangaliso Ndlovu, who is also the ZANU-PF Matabeleland South provincial chairperson mocked the opposition CCC party and compared them to cockroaches. The sentiment evoked 'painful' memories of the Gukurahundi genocide that occurred in the region in the 1980s. In Mangaliso Ndlovu's words:

"We wonder if they (CCC) are a Convention for Confused Cockroaches because what happened during nomination day shows you can't give them a chance to lead a village, now what more if they are to lead a country."

3.3.2 Shocking vicious attack of human rights lawyers, Obey Shava and Chamunorwa Chingwe

Human rights lawyers Obey Shava and Chamunorwa Chingwe were on 5 July severely assaulted by unknown assailants who had requested to see the lawyers as potential clients. Shava was beaten with iron bars and stones on his legs whilst Chingwe had a foot on his shoulder whilst being beaten. Chingwe managed to dislodge himself and escaped to get assistance. Shava was found fighting for his life after the assailants had escaped. Both lawyers sustained physical injuries and have since sought medical assistance.

3.3.3 Fears of inter-party-political violence

On 1 July 2023, ZANU PF deputy secretary for Youth Affairs, John Paradza, who is also Gutu West MP, addressed ruling party activists where he allegedly made ominous remarks about the death of an opponent. This was in the aftermath of a bitter political fight between Paradza and Christopher Mutohori Rwodzi who subsequently became an independent candidate after being barred before primaries through suspension. His Toyota Prado VX overturned at night before plunging 18 metres into a dry riverbed on the 10 km peg at Honeyspruit along the Harare Road while travelling from Harare to Gutu. Rwodzi's supporters said they suspect foul play.

3.3.4 Police Arrest 8 CCC Members

On 5 July 2023, Chiredzi police officers arrested 8 CCC supporters in Chiredzi. This was in the wake of the ban on CCC's campaign launch at Tshovani Stadium in Chiredzi through a prohibition notice issued on 3 July 2023. The police fired teargas to disperse CCC members who had gathered at Tshovani Stadium for a presidential rally. Police were armed with guns, police dogs and armed police tankers. Reports are that for nearly five hours, the areas around Tshovani stadium turned into a war zone as tear gas smoke engulfed the area. In banning the Chiredzi rally, police claimed the event coincided with a State event and failed to comply with security requirements prescribed under section 8 of the Maintenance of Peace and Order Act (Chapter 11:23). There was the use of disproportionate force and in the aftermath, one child was hospitalised due to exposure to tear gas smoke.

The 8 arrested CCC members are Farai Chauke, Kudzanai Madyira, Charles Mungati, Gladmore Gunguwo, Shonhai Mollen. Lloyd Mucharu, Agrippa Dhambureni and Simpon Hlomani. They include seven males and one female. They were charged with defying a ban on their party rally at Tshovani Stadium. They are being represented by human rights lawyer Advocate Martin Mureri. The 8 are still remanded in custody.

3.3.5 Energy Mutodi opens fire at CCC members in Bikita

Former deputy information minister and ZANU-PF aspiring MP Energy Mutodi allegedly fired gunshots in the air towards CCC members who had gathered at Baradzanwa township in Bikita awaiting the arrival of their party leader, Nelson Chamisa. Mutodi was successfully nominated and is currently running for the Bikita South National Assembly seat on a ZANU-PF ticket. It is alleged that the former deputy minister barraged the CCC rally venue and started pelting stones. When CCC members confronted them, Mutodi fired two live rounds of gunshots into the air towards the opposition members. No one was injured. There were no fatalities. He

was accompanied by a group of ZANU-PF supporters in two trucks. It is also alleged that he was in the company of Kumbirai Ziki, a well-known member of a ZANU-PF affiliate Forever Associates of Zimbabwe (FAZ). Mutodi later said his aide was the one that shot at the CCC members because they were throwing stones at his vehicle instead.

Conclusion

The week under review has revealed the acceleration of a disturbing trend – that of organised violence and torture, political violence, and the banning and/or disruption of opposition political party activities a month before the August 2023 general election. The escalation of cases of political violence, including gunshots in broad daylight indicates that the road to August 2023 will be fraught with violence. The banning of opposition gatherings by the police also shows the abuse of State institutions by the ruling ZANU-PF and the electoral environment continues to be tilted against the opposition.

The examples of banned or disrupted opposition political activities documented in the week under review clearly violate various constitutionally guaranteed civil and political rights that include the freedom of assembly and association; the freedom to make political choices freely; to form, join and participate in the activities of a political party or organization of one's choice as well as the freedom to campaign freely and peacefully for a political party or cause enshrined in terms of sections 58, 59 and 67 of the 2013 Constitution of Zimbabwe respectively.