



## ZIMBABWE 2023 HARMONISED ELECTION

### WEEKLY MONITORING REPORT

7 July 2023 – 14 July 2023

#### 1.0 Introduction

This weekly election monitoring report covers the period 7 - 14 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 Circulation of police memo on the handling of notices for public gatherings

On Monday 10 July 2023, a memorandum from the Commander (Harmonised Elections) to Officers Commanding Police Provinces dated July 8 was “leaked”. The memo instructed police officers to allow opposition parties to hold their rallies. This was after the police force hogged the limelight for banning Citizens Coalition for Change (CCC) rallies, notably, the campaign launch rally that was scheduled for Sunday, 9 July 2023. The memo reminded police commanders that in line with President Emmerson Mnangagwa’s “gospel of peace and tolerance ahead of the impending elections and all processes relating to elections are done peacefully and in accordance with the Electoral Act and with the Maintenance of Peace and Order Act. The memo was issued in the wake of social media reports of skirmishes resulting from police bans and/or disruptions of some political party rallies. The 1 to 6 July 2023 Harmonised Election Weekly Monitoring Report by the Forum had in this respect documented the ban and/or disruption of several CCC rallies and party activities in Chiredzi, Chivi, Masvingo, Cowdrey Park in Bulawayo and Bindura. The police ban of the scheduled CCC rally in Chiredzi led to violent skirmishes at Tshovani Stadium in Chiredzi where the police fired teargas to disperse CCC supporters who had gathered. Six CCC rallies were banned in a week. CCC spokesperson Fadzayi Mahere claimed that 92 of their rallies were banned by the police since February 2022. It was against this background that the memo was issued. As

such, commanders were requested to ensure that political parties were allowed to hold rallies **“unless there are very valid reasons to warrant such rejections”**. The memo goes on to urge Regulating Authorities to “thoroughly consult” under such circumstances before making the decision to ban any political party or meeting. ZRP spokesperson Assistant Commissioner Paul Nyathi also told the Herald on Wednesday, 12 July that since January, the police have barred 84 ZANU-PF rallies and meetings, more than the 59 from opposition parties out of the 1 730 applications made by the country’s political parties and candida while denying that only the opposition was a victim of the bans.

Police confirmed the memo, but claimed on Twitter that it was leaked, threatening to carry out investigations and bring the perpetrators to book. The police claimed the memo was meant for police commanders and not for public consumption.

### **3.2 Zec to avail voters to presidential candidates**

On 11 July, ZEC chief elections officer Utoille Silaigwana said the commission had already issued copies of the national voters’ roll to presidential candidates. He was speaking during a multi-party liaison committee meeting. He said parliamentary and local government candidates will receive the localised voters’ roll on 20 July. In total, 637 candidates will contest for National Assembly seats, while 4 800 others will stand in local authority elections and 11 in the presidential race. CCC has however alleged that contrary to the law, the voters’ roll has been released in an unanalysable format.

### **3.3. President Mnangagwa passes a draconian law**

The Criminal Law Codification and Reform Amendment Bill, 2022, which criminalizes anyone caught “wilfully injuring the sovereignty and national interest of Zimbabwe” and those who participate in meetings with the intention of promoting calls for economic sanctions against the country was signed into law, according to General Notice 1189 of 2023. The Criminal Law Codification and Reform Amendment Bill is commonly referred to as the Patriotic Bill. The President signed it despite concerns by the civic society over some sections that are a threat to all freedoms guaranteed by the Constitution. The European Union expressed concern over the new law.

### **3.4 Continued obstruction of opposition political party activities**

#### *3.4.1 Police disrupt CCC presidential rally in Zaka*

Police disrupted a CCC presidential rally in Zaka on 6 July 2023 held at Jerera Growth Point. The police in Zaka had cleared the rally. CCC leader Nelson Chamisa had only started addressing supporters at 11:30 a when a senior police officer attempted to stop him from addressing the crowd. Video evidence showed that attempts by CCC national organiser Amos Chibaya and CCC Zaka Central aspiring Member of Parliament, Peter Imbazarwo trying to negotiate with the police which negotiations were futile. The police dispersed the CCC crowd at 11:50 after switching off the generator powering the PA system. Video evidence showed a Chamisa then addressing CCC supporters while in a truck after the police disrupted his rally.

#### *3.4.2 Police ban CCC Gokwe rally*

On 10 July 2023, another CCC rally, scheduled for 13 July at Nyaradzo Grounds in Gokwe was banned. In a prohibition notice dated 10 July 2023, ZRP Officer Commanding Gokwe

District, Superintendent A. Zimbili notified CCC provincial administrator, Joseph Madyegwayi that the scheduled rally could not proceed as:

*“There will be political activities by other political parties, including yours at CMB (Cotton Marketing Board) Open Space opposite Madzore Bottle Store, Gokwe South which have the potential to strain our human resources base in the event of any public disorder.”*

### *3.4.3 Journalists Barred from covering ZEC Observer Briefing*

On 8 July 2023, at Rainbow Towers Hotel, freelance journalists were banned from attending a ZEC Observer Briefing. These journalists were told to leave immediately and not attend the briefing despite being accredited by the Zimbabwe Media Commission.

## **3.5 High Court delivers ruling on urgent application to stop Kasukuwere from contesting**

### *3.5.1 High Court nullifies Saviour Kasukuwere’s nomination to contest*

On 12 July 2023, the High Court delivered a judgment which effectively barred independent presidential candidate Saviour Kasukuwere from contesting in the upcoming 23 August harmonised election. This was in respect of an urgent application filed by Lovedale Mangwana who contended that the nomination court had erred when it sat on 21 June 2023 and accepted Kasukuwere’s nomination paper for election to the office of the President of Zimbabwe. According to Mangwana, this was on the basis that Kasukuwere had not been resident in any constituency in Zimbabwe for 18 consecutive months and was thus no longer a registered voter as per section 23 (3) of the Electoral Act which provides that:

*“A voter who is registered on the voters roll for a constituency...shall not be entitled to have his or her name retained on such roll, if, for a continuous period of eighteen months, he or she has ceased to reside in that constituency”*

Mangwana’s application succeeded. High Court Judge, Justice Mangota in delivering the ruling in the case of *Lovedale Mangwana v Saviour Kasukuwere and Zimbabwe Electoral Commission and Minister of Justice, Legal and Parliamentary Affairs HH 418-23* reasoned that:

- i. The intention of section 23 (3) of the Electoral Act was/is to allow only persons who are familiar with the issues which are in Zimbabwe the right to vote or to be voted for in an election.
- ii. That Mangwana’s assertion that Kasukuwere was not in Zimbabwe for 18 consecutive months was a negative assertion that Mangwana was not required to prove at law and that as such, it was up to Kasukuwere, as the holder of his own passport, to avail proof of the duration of his absence from or presence in Zimbabwe.
- iii. That Mangwana’s urgent application was not because of self-created urgency but was fittingly urgent because processes which lead to the preparation of the ballot paper and other electoral-related issues are at hand and finally that
- iv. The gazetting of the list of successfully nominated candidates for the 2023 harmonised election through General Notice 1128 of 2023 did not mean that the

appearance of Kasukuwere's name on that list was sealed by law in such a manner that it cannot be undone.

### *3.5.2 Notice of Appeal against High Court ruling filed*

On 13 July 2023, the chairperson and convenor of Saviour Kasukuwere's presidential campaign – former Foreign Affairs and Tourism Minister, Walter Mzembe as well as Kasukuwere's spokesperson and legal counsellor, Jacqueline Sande disclosed that a Notice of Appeal challenging the High Court ruling against independent Presidential candidate Saviour Kasukuwere, had been successfully filed with the Supreme Court. The appeal effectively suspends the High Court ruling barring Kasukuwere's candidature from this year's election set for 23 August. Therefore, Kasukuwere remains a presidential contender until the superior court rules otherwise.

### *3.3.3 Zanu Pf proxy seeks leave to execute Kasukuwere judgment pending appeal*

Lovedale Mangwana, a lawyer who successfully challenged former Local Government minister Saviour Kasukuwere's nomination as a presidential candidate, approached the courts to seek an order to execute the judgment pending an appeal noted at the Supreme Court by Kasukuwere. Mangwana approached the court seeking an order to declare a decision by the Zec to accept Kasukuwere's nomination papers null and void, a decision upheld by Justice David Mangota on 13 July. Kasukuwere noted an appeal the same day.

## **3.6 Increase in instances of politically motivated violence**

### ***3.6.1 Use of hate speech at a funeral***

On 9 July 2023, a female ZANU-PF activist known only as Mai Mupumhira denounced Ekem Chigwana during sloganeering during a funeral at Maponga Village Ward 3, rural Chiweshe. Chigwana is a CCC member who stands accused by ZANU-PF activists of mobilising would-be voters for CCC ahead of the August 2023 elections. At the funeral, Mai Mupumhira reportedly led mourners into chanting: "*pasi naye Chigwana nembwa dzake*" which loosely translated means 'down with him and his dogs'. Mai Mupumhira also allegedly claimed that Chigwana would be killed, according to Esther Chigonyora from Godobi Village who was sitting next to her during the funeral. Chigwana, a peasant farmer who is over 60 years old, is now living in fear due to the threats and intimidation.

### ***3.6.2 Assaulted CCC activists turned into accused persons***

On 10 July 2023, CCC activists Tinei Muswe (53), Noriah Kudare (66) and Tariro Munemo (23) filed a police report at Zengeza Police Station after they were assaulted by ruling party ZANU-PF members while conducting a door-to-door campaign in the Seke area. The assailants also took away their campaign materials. They were called back to the police station on 11 July, only for them to be informed that they are now the accused persons for an undisclosed charge. They were held at the Law-and-Order Section since morning and were eventually released later at night without a charge following the Forum's intervention.

### ***3.6.3 Aspiring Independent Councillor arrested***

Aspiring Independent Councillor for Mabvuku/Tafara Ward 21, Tichaona Kasirori was arrested on Monday 10 July 2023 following an altercation with members of ZANU-PF when they confronted him for putting up CCC posters. The police arrested Kasirori following a report by one of the ZANU PF members who alleged that he was physically assaulted. He was detained at Harare Law and Order Section and released on 12 July without charge.

### **3.6.4 Inter-party-political violence occurs in Chitungwiza**

On 10 July 2023, violent skirmishes between opposition political party CCC activists and ruling party ZANU-PF activists occurred in Chitungwiza wherein members from both camps were involved in a fistfight. Among those injured was Matthew Mazhindu, younger brother of Brighton Mazhindu – CCC's St Mary's constituency candidate. He was allegedly attacked by some youths from another CCC candidate Freddy Masarirevhu's camp in intra-party fights. The youths then rushed to file a police report resulting in Mazhindu, who sustained a broken and bleeding nose during the melee, being arrested. He was detained at St Mary's police station.

### **3.6.5 CCC members attacked at Concession Town in Mvurwi**

On 9 July 2023, two CCC members, Elisha Benjamin, a CCC aspiring candidate for Mvurwi town Ward 1 and Tendai Dandajena, were attacked by ZANU-PF members on 9 July 2023. The s two were coming from Bindura where the police had banned a scheduled CCC rally on 7 July 2023 when they were attacked at Concession. They managed to run away and Dandajena managed to seek refuge at Concession Police Station.

### **3.6.6 CCC activists locked up on allegations of intra-party violence**

Two CCC activists Munyaradzi Gwatidzo and Collen Popo were arrested for assaulting two fellow party members on 12 July 2023 at CCC MP Caston Mateu's campaign launch in Marondera. The two are alleged to have accosted Munyaradzi Gomba and Anesu Bukutu by grabbing their collars and slapping them on their faces. The two were denied bail by Marondera Magistrate Chiwundura who said they are likely to commit further offences during the election period. The two will be back in court on 24 July 2023.

### **3.6.7 Increase in use of intimidation towards opposition political party members**

- i. A ZANU-PF activist, Comrade Nhepera who is a war veteran threatened villagers gathering at a campaign rally in Ward 3, Mvurwi town with violence if they do not vote for ZANU-PF. He said those assaulted will not find any joy if they report to the police because the law enforcement agents are controlled by ZANU-PF.
  - ii. On 8 July 2023, a ZANU-PF supporter threatened to kill CCC supporters. He made the threats on a Whatsapp group called HARDTALK MVURWI which was created to provide a platform for Mvurwi residents to freely debate their political beliefs regardless. According to the screenshot of the Whatsapp message, a ZANU-PF supporter stated: "*Tikasauraya vamwe venyu gore rino hameno*" which means "This year, we will likely kill some of you".
- iii. A CCC youth identified as Friday Jack, who works as a combi tout at Mvurwi bus terminus had been barred from being part of the touters on allegations that he attended the CCC rally in Bindura on Sunday. ZANU-PF ward 4 councillor contestant Sumaila Malukula who just joined ZANU-PF from Renewal Democrats of Zimbabwe is allegedly the main perpetrator. Malukula is a senior tout who contested Mazowe North MP against Martin Dinha of ZANU-PF in the 2018 election following the death of Edgar Chidavaenzi.
- iv. On 13 July 2023, ZANU-PF frog marched villagers to attend a ZANU-PF meeting at Chaona Business Centre ward 3 in Chiwese rural. The business allegedly came to a

halt on 11 July 2023 after ZANU-PF members forced all shops to close so that everyone would attend this meeting.

- v. On 13 July, Chief Nechirorwe in Bikita district, Masvingo Province abandoned a funeral of a CCC supporter in protest of the chanting of CCC songs. The deceased's coffin was only lowered after spending four hours at the graveyard while mourners desperately engaged the chief to authorise the burial, in accordance with their custom.
- vi. On 14 July, violence erupted in Mbare when ZANU-PF youths wanted to block CCC supporters from putting up campaign posters of party presidential candidate Nelson Chamisa, parliamentary candidates Starman Chamisa and aspiring councillor, Last Chinodya's campaign posters. The two groups threw stones at each other, putting business to a standstill. No arrest was made.

## Conclusion

What is clear from the issues raised above is that Zimbabwe is heading towards elections in a highly volatile environment characterised by violence, threats, harassment, and intimidation as well as an electorate that is in a lasting state of fear. This much is corroborated by the Afrobarometer findings from a pre-election survey in Zimbabwe. The survey findings were published on 10 July 2023. According to the findings, about six in ten (59%) of the people surveyed expressed fear of becoming victims of political violence during the elections. Nearly half (48%) said that the conduct of previous elections in Zimbabwe often or always led to violence in their constituency. A majority (56%) expressed fear of the likelihood of violence occurring after election results are announced. This does not bode well for the country as it has potentially detrimental implications for democratic consolidation in the aftermath of the 2023 general election in Zimbabwe.