



ZIMBABWE 2023 HARMONISED ELECTION

WEEKLY MONITORING REPORT

22 June 2023 – 30 June 2023

1.0 Introduction

This election weekly monitoring report covers the period 22 – 30 June 2022. 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 elections.

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 General Atmosphere

There was a rise in political activities. ZANU-PF launched its political campaign at Mutema Secondary School in Chipinge District, Manicaland on 24 June 2023. The rally was addressed by President Emmerson Dambudzo Mnangagwa. Through Circular No. 4 of June 2023, ZANU-PF national political commissar Mike Bimha announced that the party provided buses for every province to ferry supporters to the rally, exposing the vast resources the party is exposed to for the election campaign. At the Chipinge rally, ZANU-PF's second secretary President Kembo Mohadi gave a vote of thanks in which he made a call for peace. He stated that:

“As we go for elections, we should all shun violence because

ZANU- PF is a peaceful party”.

Mnangagwa also addressed a rally for Miners for ED on 28 June at the ZANU-PF conference Centre in Gweru.

Citizens Coalition for Change (CCC) launched its campaign on 25 June by addressing supporters in the diaspora in Johannesburg. Party leader Nelson Chamisa pleaded with Zimbabweans in the diaspora to return home and vote. He also called upon the international community to ensure that Zimbabwe's upcoming 23 August 2023 elections are free and fair.

On 26 June 2023, the EU Ambassador to Zimbabwe, Jobst von Kirchmann welcomed the invitation made by the Zimbabwe government to the European Union to come and observe the polls. He said the invitation demonstrated the trust, cooperation and partnership between the Zimbabwean government and the EU. This was according to a tweet by the EU Ambassador to Zimbabwe on 26 June 2023.

On 22 June, ZANU-PF Secretary for Finance Patrick Chinamasa issued a statement accusing some foreign countries such as the UK, France, Sweden, Japan and the USA of working with some institutions such as the USAID and National Democratic Institute (NDI) of funding the Zimbabwe Elections Support Network (ZESN) and the Election Resource Centre (ERC) to train about 12 500 election agents for each of the political parties participating in the elections. ZESN issued a statement denying the allegation.

On 30 June 2023, ZEC released the full list of successfully nominated candidates in the ordinary extraordinary Gazette under General Notice 1128 of 2023. The 11 presidential candidates we mentioned in our last week's edition were all gazetted. A total of 637 candidates are competing for the 210 House of Assembly seats. Only ZANU-PF and CCC managed to field all candidates for the House of Assembly in all 210 constituencies. ZEC refused to field 87 candidates from the MDC-T who failed to pay their nomination fees on a technicality. A total of 4800 candidates were gazetted for the 1978 wards across the country and only ZANU-PF managed to field in all wards while CCC failed to field in 75 wards. A total of 10 registered as independent House of Assembly candidates from both ZANU-PF and CCC but the majority registered under Mr Kasukuwere, an independent presidential candidate. CCC recorded double candidates in 21 constituencies and several wards. ZEC is now expected to share the voters' roll with duly nominated candidates.

4.0 Emerging Issues

4.1 Persecution of real and/or perceived voices of political dissent

4.1.1 Revelations of Warrants of Arrest for an independent presidential candidate, Saviour Kasukuwere

On 24 June 2023, the Herald newspaper quoted police spokesperson Paul Nyathi saying there were two warrants of arrest hovering over Mr Kasukuwere's head that were issued by the now-retired magistrate Hosea Mujaya on 18 January 2019. Nyathi claimed that the former Local Government minister had absconded court and had failed to return his passport to the clerk of court. The passport had been temporarily released to him to enable him to travel to South Africa.

Ministry of Justice, Legal and Parliamentary Affairs, Permanent Secretary Virginia Mabhiza urged Kasukuwere to "*submit before the law.*"

Mr Kasukuwere's lawyer, Harrison Nkomo dismissed the allegations, claiming the charges against his clients were quashed by High Court Judge Justice Tawanda Chitapi and everything attached to the charges, including the warrant, automatically fell away. Nkomo also highlighted the fact the passport had expired and Kasukuwere had applied for a new passport which he had received. Chairperson and convenor of Mr Kasukuwere's presidential campaign – former Foreign Affairs minister, Walter Mzembe, said the allegations were tantamount to intimidation of a candidate. He described the warrants as attempts at weaponization of the criminal justice system to silence dissenting voices.

4.1.2 Urgent High Court application to stop Kasukuwere from contesting

On 26 June 2023, a ZANU-PF youth league member, Lovedale Mangwana, filed an urgent High Court application seeking to stop Mr Kasukuwere from participating in the August 2023 election. He claimed that Mr Kasukuwere was not a registered voter because he was out of the country for 18 consecutive months. According to the urgent application, Mr Kasukuwere was no longer a registered voter as per section 23 (3) of the Electoral Act. Mr Mangwana wants the Nomination Court's decision to accept Mr Kasukuwere's nomination paper to be declared unconstitutional for being in violation of section 91 (1) (d) of the 2013 Constitution of Zimbabwe read conjunctively with paragraph 1 (2) of the Four Schedule and section 23 (3) of the Electoral Act. Ultimately, Mangwana is seeking an order that disqualifies Mr Kasukuwere from participating as a presidential candidate in the 23 August polls. The High Court will hear the matter on 7 July.

4.2 Instances of Politically motivated violence

4.2.1 Inter-party politically motivated violence in Chirumhanzu South

On 25 June 2023, Zenzo Matambo, a supporter of the opposition CCC was violently attacked by alleged Zanu-PF Supporters, Innocent Gundani and his brothers. The attack took place at Siyahokwe Business Centre in Chirumhanzu, Matambo was attacked for allegedly wearing a CCC T-shirt with the CCC aspiring Member of Parliament for Chirumhanzu South, Honourable Cheza's picture. The incident was reported at Charandura Police Station, but no arrests were made.

4.2.2 Victimised for supporting CCC

On 27 June 2023, CITE reported that a woman from Mpofu village in Lupane was expelled from an irrigation scheme over her links to the opposition CCC. Patricia Moyo (42)'s membership in the irrigation scheme was terminated after her husband, Thulani Mlotshwa, successfully filed his nomination papers to represent CCC in Lupane Ward 18 as a councillor in the upcoming elections.

4.2.3 Obstruction of opposition political party activities

On 25 June 2023, the Forum received an alert that CCC Mazowe Central Ward 10 candidate Mr Edson Damiso was being persecuted by Chief Negomo. Mr Damiso claims that his campaign activities in the area were being obstructed, claiming he was told that the political party he represented cannot secure victory in First Lady Auxilia Mnangagwa's backyard.

4.2.4 Hate language

While addressing miners in Gweru on 28 June, President Emmerson Mnangagwa used hate language against perceived foreign enemies whom he claimed wanted to teach him about democracy. He said those foreign governments that have predicted an opposition victory can "Go to Hell" while scolding those who want to teach Zimbabwe democracy saying "*Musoro wambuya vako*", which in the vernacular is an insult against one's grandmother.

4.3 In the Courts

4.3.1 ZLHR files urgent appeal on behalf of LEAD

On 24 June 2023, Forum member, Zimbabwe Lawyers for Human Rights (ZLHR) filed an urgent appeal before the High Court on behalf of the Labour, Economists and African Diplomats (LEAD) political party seeking to declare the government's efforts to modify the 2013 Constitution of Zimbabwe through Statutory Instrument (SI) 114 of 2023 unconstitutional. This development comes after Government issued SI 114 of 2023 on the Statute Law Compilation and Revision (Correction of Constitution of Zimbabwe Amendment No. 2 Act 2021) just before the Nomination Court convened on 21 June 2023 to correct an amended section 268 of the 2013 Constitution. The amended section 268 of the Constitution stipulates that those 10 women should be elected to each province or metropolitan province council through proportional representation.

4.3.2 ZLHR files an appeal on behalf of Elisabeth Valerio

Presidential candidate United Zimbabwe Alliance (UZA), Elisabeth Valerio approached the Electoral Court, through the Zimbabwe Lawyers for Human Rights (ZLHR) to appeal the decision of the Nomination Court to reject her nomination due to non-payment of nomination fees. ZEC rejected her proof of payment insisting that such could only be accepted when the money appears in the electoral body's account. Valerio has also appealed in Harare, Bulawayo, Mutare, Chinhoyi and Mashonaland West on behalf of 30 UZA candidates for parliament and senate who also failed to nominate.

4.3.3 Aspiring Chipinge parliamentary and council candidates file an appeal at the Electoral Court

On 27 June 2023, aspiring Chipinge Central legislator Marvelous Shupikai Beston and aspiring Chipinge Ward 24 councillor Rice Mahambe filed appeals at the Electoral Court in Mutare. They were both appealing against the decision of the Nomination court to reject their nominations. Beston's papers were rejected because his name could not be found in the voters' roll, despite that he registered and voted in 2018. Mahambe's papers were rejected because his name appeared in the Ward 11 voters' roll, not Ward 24 that he wants to as a councillor. Both are being represented by Forum member, Zimbabwe Lawyers for Human Rights.

4.3.5 MDC-T loses bid to force ZEC to register 87 parliamentary candidates

On 27 June 2023, the opposition political party MDC-T lost its bid to force ZEC to register 87 of its aspiring parliamentary candidates. These candidates' nomination papers were rejected by the nomination court on 21 June 2023 after the party failed to pay the candidates' fees. The party had tried a system of centralised payment where it wanted to utilise one transaction to pay for all its candidates instead of giving the money to the individual candidates. The case was however dismissed by High Court judge Justice Webster Chinamhora, sitting as an Electoral Court. Justice Chinamhora agreed with ZEC's lawyer, Tawanda Kanengoni that the court had no jurisdiction to deal with the matter. He removed the case from the roll. Kanengoni also argued that candidates, not the political party were supposed to appeal.

4.3.6 CCC approaches Electoral Court on double candidature debacle

On 26 June 2023, the opposition CCC filed a notice of appeal to the Electoral Court under EC3/2023 against the decision of the nomination court to accept nominations from candidates who fraudulently registered as candidates for the opposition party, resulting in the party fielding double candidates in many constituencies. ZEC has not yet responded to the appeal. The party claimed that 41 candidates (20 for the national assembly and 21 for local authority) fraudulently registered as party candidates. A 24-hour ultimatum to the 41 candidates yielded no positive results. The party claimed they sent ZEC a specimen of the approved signatures and wondered why ZEC accepted the forged signatures.

4.3.5 Woman candidate seeks court reprieve

Epiphania Munhuweyi, a female candidate whose name was removed from her political party list to pave the way for a male candidate following the gazetting of SI 114 of 2023 has approached the court seeking reprieve. Munhuweyi who is being represented by the Zimbabwe Women Lawyers Association (ZWLA) approached the High Court seeking to have SI 114 of 2023 which she argues is unconstitutional, set aside. On 28 June 2023, High Court Judge, Justice Mungwari convened a case management meeting with legal practitioners for Munhuweyi together with lawyers for the Zimbabwe Electoral Commission and the Minister of Justice, Legal and Parliamentary Affairs to give direction on the filing of papers before the hearing is set down. The matter was set down for hearing on 11 July 2023.

4.4 Bail granted for #Nyatsime38

On 26 June 2023, 38 people who are accused of public violence in the case of Adam Furukeya and 37 Others were granted US\$30 bail by the Chitungwiza Magistrates Court. They were ordered to reside at alternative addresses from their Nyatsime addresses and to report once a month at Chitungwiza Police Station.

The thirty-eight suspected CCC activists were arrested on 8 June 2023 for allegedly destroying homes belonging to some Zanu-PF supporters in acts of politically motivated violence that occurred in Nyatsime. It is alleged that the activists ganged up and invaded Nyatsime area where they destroyed some ZANU-PF cell offices and several houses, and assaulted members of the Nyatsime community with bricks, sticks and open hands. The accused denied the charges. The accused persons are being represented by Noble Chinhano and Darlington Marange from the Zimbabwe Human Rights NGO Forum.

5.0 Conclusion

From what emerges above, it is evident that the country is now in full election mode roughly two months before the general elections. The electoral field however largely remains tilted in favour of ZANU-PF, Weaponization of the law, the capture of state institutions and/or machinery as well as the conflation of party and state resources to boost its position remain major causes of concern.

