



2023 HARMONISED ELECTION DAILY HUMAN RIGHTS MONITORING REPORT

20 August to 21 August 2023 - Days 7 and 8



22 August 2023

1.0 Introduction

The Zimbabwe Human Rights NGO Forum (the Forum) consistently monitors the human rights environment in Zimbabwe and analyses trends, as part of its mandate to safeguard all human rights of all people coordinating the human rights agenda in Zimbabwe. Through its members, the Forum collates and verifies human rights infractions and designs advocacy strategies to promote and protect all human rights of all people in Zimbabwe. For the 2023 election season, the Forum issued weekly monitoring and documentation exercise of the pre-electoral from 31 May 2023 (the day that President Emmerson Mnangagwa proclaimed the election date) to 13 August 2023. From 14 August 2023, the Forum issued Daily Human Rights Monitoring Reports until 22 August 2023. On election day, the Forum will provide hourly updates on electoral-related human rights violations.

This report captures human rights developments on Days 7 and 8 (20 August and 21 August 2023) of the daily human rights monitoring reports.

2.0 Methodology

Information contained in this report is derived from verified media reports, information from members of the Forum and civil society reports.

3.0 Highlights of the Day

- Chilling warning reminiscent of 1 August 2018!
- Allegations of forced political participation during ZANU-PF star rally in Shurugwi.
- Continued instances of political intolerance ahead of the 23 August 2023 poll.
- FAZ to introduce controversial *Get the Vote Out Campaign* methodology in the midst of being accused of voter intimidation.
- ZLHR files an urgent application challenging ZEC's arbitrary decision to reject applications for accreditation.
- Former President of Mozambique, Joachim Chissano meets major political party leaders.
- US responds to blocking of foreign journalists from covering polls.
- EU Head of Observer Mission refutes the Herald allegations of bribing journalists.

4.0 Emerging Issues

4.1 Mangwana issues chilling warning reminiscent of 1 August 2018!

Secretary for Information, Publicity and Broadcasting Services, Ndavaningi Mangwana, issued a chilling warning inciting violence against citizens which is reminiscent of the 1 August 2018 post-election violence and shootings. Through his official X handle, Mangwana is on record stating that security forces are ready to “*descend on any persons caught on the wrong side of the law.*” This statement is preceded by an emotionally charged attack against the electorate which he accused of planning “*machinations aimed at inciting violence.*” As observed during the 1 August 2018 shootings, such careless statements by high-level government officials have severe consequences around human rights protection and the outcome of elections. The utterances by Mangwana constitute an incomplete crime of inciting public violence that should be strongly condemned by well-meaning citizens. The security forces are mandated to protect the sanctity of life within the borders of Zimbabwe, inciting them to “*descend*” on citizens is neither their mandate nor is it a comment made in good faith.

4.2. Allegations of forced political participation in Shurugwi

On 20 August 2023, video footage emerged which showed ZANU-PF supporters who found themselves stranded in Shurugwi after attending a rally addressed by President Emmerson Mnangagwa at Tongogara High School in Shurugwi. The Feed ZW interviewed some of the stranded individuals, who revealed that they had been bused from distant areas like Mberengwa (Msume) and Silobela to attend the rally. Unfortunately, they were unable to locate the buses that had brought them there. In the video, the ZANU-PF supporters who were in their party regalia, indicated that they did not have any money at all to go back to their respective homes. The plight of these ZANU-PF supporters comes amidst allegations against the ruling party for intimidating citizens by instilling fear of victimisation to attend their rallies. It is alleged that citizens are bused to political gatherings addressed by President Mnangagwa to give a semblance of popularity.

This would not be the first such report of citizens being coerced into attending ruling party-political activities. New Zimbabwe also reported on how vending stalls and some shops in Bulawayo's Central Business District (CBD) were shut down on 2 August 2023 after vendors were forced to attend President Emmerson Mnangagwa's rally in Cowdray Park. According to New Zimbabwe, ZANU-PF activists clad in party regalia were moving around the CBD ordering vendors to attend the rally.

The Forum also recently reported on allegations of forced political participation at the presidential star rally that was conducted at Robert Mugabe Square. On 9 August 2023, images of empty vending stalls at Mbare Musika went viral after they were allegedly closed down to allow for the forced bussing of participants to the presidential star rally. Forced political participation violates the right to freely assemble and associate with others which concurrently encompasses the right to choose not to assemble or associate with others as guaranteed under section 58 of the 2013 Constitution of Zimbabwe.

4.3 FAZ to introduce controversial Get out the Vote Campaign methodology in the midst of being accused of intimidation

Forever Associates Zimbabwe (FAZ) through its president Kudakwashe Munsaka launched the ZANU-PF's *Get out the Vote Campaign*. It is alleged that the campaign includes positioning a desk outside each polling station on polling day for citizens to register with FAZ before casting their vote. This development emerges after FAZ has been accused and implicated in numerous cases of pre-election intimidation and violence in confirmed cases across the country. Furthermore, this position is buttressed by the findings of a recent study that was conducted by the Zimbabwe Democracy Institute (ZDI), which specified that the deployment of FAZ into the electoral processes was a key part of ZANU-PF's electoral manipulation strategy. The study found that FAZ agents were linked to intimidation and violence against political opponents and that they were also involved in voter suppression and vote rigging. Munsaka said that the campaign may also include exit poll surveys and that there was nothing peculiar or illegal about the exercise. He went on further to claim that the practice was now almost a standard in Southern Africa in countries such as Angola, Mozambique, South Africa and Namibia. He even asserted that this exercise was done in all the by-elections held in Zimbabwe since 2018. He, therefore, confirmed that ZANU-PF would be deploying the desks outside the 300m radius permitted by law at every polling station and that other political parties were free to do the same.

4.3 Instances of political intolerance ahead of the 23 August 2023 poll

i. President Mnangagwa unmoved by the prospect of 23 August 2023 poll being deemed not free and fair

President Emmerson Mnangagwa indicated at a ZANU-PF rally held at Tongogara High School in Shurugwi that no one has the right to teach Zimbabwe about democracy or to inquire if the now looming elections were conducted in a free and fair manner. While speaking at the rally, President Emmerson Mnangagwa indicated that:

“No one should come and tell us, ‘Are your elections free, fair and transparent?’ Nonsense!”

Further that:

“No one is qualified to teach us democracy...we acquired it ourselves. It’s us who have the right to talk about democracy because we fought for it”

The President’s remarks come shortly after ZANU-PF spokesperson Christopher Mutsvangwa told opposition parties to consider “wage a war of liberation” against Zimbabwe’s government if they really want power and feel the country is being mismanaged. Mutsvangwa made the remarks while speaking at Chatham House’s Africa Programme on Zimbabwe’s August 23 elections on 16 August 2023. Opposition political parties had raised questions over ZANU-PF-sponsored abuse, politically motivated violence, disregard for basic rights and Zimbabwe’s waning economy. These remarks raise grave concern regarding the peaceful transition of power and democratic consolidation in the aftermath of the 23 August 2023 poll.

ii. Politically motivated violence takes root in Bikita West

On 20 August 2023, Masvingo Media published a report which alleged that supporters aligned to ZANU-PF candidate, Dany Nhatiso Makusha assaulted opposition political party Citizens Coalition for Change (CCC) supporters, Robert Mukuwe and Tarusira Masadza. The incident reportedly occurred in the evening in Bikita West. The article further alleged that the police are reluctant to open a case.

iii. Intimidation of CCC vendors in Mbare

As CCC conducted the cross-over rally in Harare on 21 August 2023, the Forum received reports that some ZANU-PF supporters were intimidating vendors and threatening to dispossess of their vending stalls if they attended the CCC rally that was being addressed by CCC leader Chamisa.

4.4 Court Update

i. 40 CCC arrested activists to appear in court

After being denied bail on 19 August 2023, the arrested CCC activists have been in pre-trial incarceration for almost 6 days. Bail was opposed based on the testimony of the state witness, Collin Makore who was also the Investigating Officer (IO). He was of the view that the accused persons would interfere with ongoing investigations. They were arrested on 15 August 2023 last week whilst conducting an electoral campaign road show at Machipisa Shopping Center in Highfield. Their lawyer Kudzai Kadzere asserted that police had no evidence and as such accused the IO of not having conducted an identification parade. One of the accused persons is an aspiring member of parliament for Glenview South, Grandmore Hakata. As it stands, he has missed out on the eleventh hour of campaigning due to his arrest and will potentially be denied the right to vote as with the other co-accused persons. The harmonized elections are one day away.

ii. ZLHR files urgent application challenging ZEC's arbitrary decision to reject applications for accreditation

ZEC rejected several Zimbabweans from being accredited as local observers citing “security reasons.” Amongst those who were barred to observe the 23 August polls were Musa Kika¹, Bishop Ancelimo Magaya² and his wife, Arnold Tsunga³, Rashid Mahiya⁴, Blessing Vava⁵ and Tapiwanashe Chiriga⁶ just to mention a few. ZLHR wrote to ZEC through their lawyers protesting that ZEC’s conduct was unlawful and arbitrary. The letters cited section 68(1) of the Constitution that espouses that their clients have the right to administrative conduct that is lawful, substantially and procedurally fair. The letters argued that those denied accreditation had a right to be furnished with written reasons for such denial. Additionally, the letters also espoused that ZEC had an obligation to allow their clients to make representations before an adverse decision is taken against them. Failure by ZEC to afford them the right to be heard makes refusal to approve accreditation applications by ZEC manifestly unlawful and unfair.

The lawyers also declared that failure by ZEC to provide the requested information would result in ZLHR approaching the High Court on an urgent basis seeking a reprieve. On 21 August 2023, ZLHR filed an urgent application at the Electoral Court challenging ZEC’s arbitrary decision and conduct. Justice Chinamora presided over the matter on 21 August 2023 in a consolidated hearing of three cases i.e., for Dr Musa Kika, Arnold Tsunga and Bishop Ancelimo Magaya. The three appeared in the Electoral Court for case management and the parties agreed that ZEC’s chief elections officer, Utoile Silaigwana, the respondent in the matter, should file their opposing papers by 3 pm and applicants should file their answering affidavit by 4 pm. Parties were advised to file their heads of argument by 10 am on 22 August 2023 and the case would be heard at 1130 am the same day.

4.5 Other developments

i. 23 international media organisations are accredited.

A statement by the Secretary for Information, Publicity and Broadcasting Services, Ndavaningi Mangwana unpacked a list of internal media organisations that were accredited. International media organisations were accredited to cover the elections. He also highlighted that more applications were being processed. Accredited foreign media organisations include Channel Africa Radio, Radio Television Suisse, De Telegraaf, Financial times, The Times, Zwellles Deutsches, CNN, The Daily Telegraph, ITV News, Newzroom Africa, Agence France Presses (AFP), NHK, Sky News, BBC, The Wall Street, The Economist, Associated Press, NOS, NativeTV Kenya, Namibia Broadcasting Cooperation (NBC), SABC News, France 24, Reuters. These approved applications are in the midst of rejections of other foreign media organisations that include Voice of America.

ii. Former President of Mozambique meets major political party leaders

¹ Constitutional Lawyer and Former Director of the Zimbabwe Human Rights NGO Forum

² Runs and manages the Zimbabwe Devine Destiny which is Secretariat to the Itai Dzamara Trust.

³ Human Rights Lawyer, Former Country Director of National Democratic Institute (NDI) and International Commission of Jurists (ICJ).

⁴ Executive Director of Heal Zimbabwe Trust (HZT)

⁵ Director of Crisis in Zimbabwe Coalition (CiZC)

⁶ Human Rights Journalist and former Former Zimbabwe National Students Union (ZINASU) Secretary General (2019-21).

Former President of Mozambique Joachim Chissano attended the ZANU-PF rally in Shurugwi on 20 August 2023. On 21 August 2023, he met with CCC leader Nelson Chamisa. He also went on further to attend the crossover of CCC rally on the same day that was convened at Freedom Square in Harare. His Excellency, Joachim Chissano is the high-level facilitator of the Arrears Clearance and Debt Resolution Dialogue Platform in Zimbabwe. Zimbabwe's total consolidated debt stands at \$17.5 billion. Debt owed to international creditors stands at \$14.04 billion, while domestic debt stands at \$3.4 billion. Debt owed to bilateral creditors is estimated at \$5.75 billion, while debt to multilateral creditors is estimated at \$2.5 billion. The country is in arrears for servicing its debt, with arrears to multilateral development banks, including the African Development Bank, the World Bank, and the European Investment Bank. Early this year Joachim Chissano warned President Emmerson Mnangagwa that the Zimbabwe government needed to shake off its unfavourable reputation on the international stage before it can normalize relations with its creditors. Chissano in the past also indicated that the debt clearance plan would only be viable if Zimbabwe dealt with concerns over a series of factors, including political and electoral reforms. Of importance, Chissano also implored the Zimbabwe government to make firm undertakings for holding free and fair elections. The harmonized elections will be a litmus test of the government's commitment to implement governance reforms.

iii. EU Head of Observer Mission refutes the Herald allegations of bribing journalists

European Union Election Observation Mission (EU EOM) chief observer Fabio Massimo Castaldo dismissed a state media report that his mission was engaging in inappropriate conduct such as buying gifts for journalists to influence negative publicity ahead of Wednesday's general election. Addressing journalists on Sunday during a press conference after deploying 44 short-term observers in Harare, Castaldo expressed that they would not comment on rumors and that they are committed to go ahead with their work until the end of the mission. The EU was responding to allegations made by the Herald newspaper on 18 August 2023 in an article. He assured that the EOM adhered to as strict code of conduct. He went on further to say that they have taken note of attempts to discredit the mission. He averred that the article was blatant misinformation to Zimbabweans. The EU so far has deployed 44 short term observers and 46 long term observers. The EU EOM will comprise of about 150 observers from all 27 member states, as well as Canada, Norway and Switzerland. The EU EOM will be reinforced by a delegation of the European Parliament and diplomats accredited to Zimbabwe

iv. US responds to blocking of foreign journalists from covering polls

On 21 August 2023, Mary Catherine Phee Assistant Secretary of the US Bureau of African Affairs expressed concerns over the blocking of some foreign journalists from covering the August 23 harmonised elections. She highlighted that the Zimbabwe Government had rejected many foreign journalists who wanted to cover the elections. This was after Voice of America and other US Media houses did not receive positive news of their applications for accreditation from ZEC. As of 14 August 2023 ZEC has managed to accredit 15 foreign journalists, 376 local journalists, 3 572 local observers and 136 foreign observers.

5.0 Conclusion

The Second Republic, under President Emmerson Mnangagwa, has maintained zero tolerance for all forms of political violence before, during and after elections. The Forum remains highly concerned with continued reports of politically motivated violence just two days away from the election and urges political

parties, to, at all times, be cognizant of the Code of Conduct for Political Parties, Candidates and Other Stakeholders under the Fourth Schedule of the Electoral Act which speaks to the promotion of a peaceful electoral environment without intimidation or fear of reprisal.