



ZIMBABWE 2023 HARMONISED ELECTION

WEEKLY MONITORING REPORT

29 July 2023 – 4 August 2023

1.0 Introduction

This election weekly monitoring report covers the period 29 July 2023 – 4 August 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, cases verified and documented by its members as well as from verified media reports.

3.0 Highlights of the week

- Opposition political party CCC activist, Tinashe Chitsunge brutally murdered by suspected ZANU-PF supporters in Glen Norah with police arresting 10 suspects in connection with the murder.
- Kasukuwere and Kunaka, seek relief in the Constitutional Court following the nullification of Kasukuwere's candidature by the High Court.
- Assistant Inspector Chester Last Matsa, who received threatening remarks from Deputy Minister Barbra Rwodzi after arresting a ZANU PF member, reportedly goes missing.
- The Supreme Court clears 12 Citizens Coalition for Change (CCC) Bulawayo Member of Parliament candidates to contest in the 23 August 2023 elections as 10 CCC Bulawayo Metropolitan Council candidates lose nomination case in Bulawayo High Court.

4.0 Emerging Issues

4.1 In the courts

4.1.1 Jim Kunaka approaches the Constitutional Court to nullify the High Court ruling that barred Saviour Kasukuwere from contesting as a presidential candidate

On 30 July 2023, former ZANU-PF youth leader, Jim Kunaka, approached the Constitutional Court challenging the 12 July 2023 High Court ruling by High Court Judge, Justice David Mangota. The ruling effectively barred Kasukuwere from contesting in the upcoming August 2023 harmonised election as a presidential candidate. On Friday 28 July 2023, the Supreme Court upheld Mangota's ruling. This prompted Kunaka to seek direct access to the highest court in the land on the basis that the High Court ruling infringed on his constitutional right to vote for a presidential candidate of his choice and to participate freely in politics as guaranteed by sections 58 and 67 of the 2013 Constitution of Zimbabwe. In his application, Kunaka argued that Mangota's High Court ruling also went against the wishes of thousands of Zimbabweans who nominated Kasukuwere as a presidential candidate and that therefore it was in the interests of justice that the High Court ruling be set aside and Kasukuwere be allowed to stand as a presidential candidate in the forthcoming election.

4.1.2 Saviour Kasukuwere approaches Constitutional Court to challenge the nullification of his presidential candidature by the High Court

On 1 August 2023, independent presidential candidate and former ZANU-PF Political Commissar, Saviour Kasukuwere, applied for direct access to the Constitutional Court to challenge the nullification of his presidential candidature by the High Court. Kasukuwere had been barred from contesting in the upcoming August 23 elections after Lovedale Mangwana managed to secure a High Court ruling nullifying Kasukuwere's candidature on the grounds that he 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. Kasukuwere insisted that he never renounced his citizenship and thus remained a registered voter. He argued further that the Supreme Court, in upholding the High Court ruling, rendered a "patently wrong judgment" as the courts could not act for and on behalf of the Zimbabwe Electoral Commission in removing Kasukuwere from the ballot when the nomination court had sat and accepted his papers on 21 June 2023.

4.1.3 12 Citizens Coalition for Change (CCC) Bulawayo aspiring MPs reinstated on the ballot paper

On 3 August 2023, the Supreme Court granted the appeal of 12 CCC parliamentary candidates thereby clearing them to contest in the upcoming general election. This followed the candidates' appeal against their disqualification. The affected candidates had been disqualified for allegedly filling their nomination papers out of time, in violation of the Electoral Act. ZEC however had insisted that the candidates filed their papers within the time. ZEC nomination officer for Bulawayo, Mr I. Ncube insisted he instructed a police officer to collect the papers shortly before 4pm as the courtroom was about to close and was in any case too small to accommodate all the candidates who were queuing to submit papers. The Supreme Court ruling means the 12 CCC MP candidates will now continue campaigning and remain on the ballot paper. The ruling saved at least four candidates from other parties, including ZANU-PF's Raji Modi, who were accused of filing of other parties and have also been cleared by the Supreme Court to contest the polls in Bulawayo.

4.1.4 ZEC alters postal ballot dispatch period for 2023 elections

On 3 August 2023, the Zimbabwe Electoral Commission altered the period specified in the Electoral Act for the dispatch of postal ballot papers for the 2023 general elections. The

Commission said due to the high number of court applications and appeals against the decision of the nomination court, the Commission was been unable to print and distribute ballot papers until the finalisation of the said matters. The alteration allows for a shorter period for the dispatch of covering envelopes for postal ballots, with the deadline now set at noon three days before polling day instead of noon on the fourteenth day before polling day. The regulations have been approved by the Minister of Justice, Legal and Parliamentary Affairs.

4.1.5 10 CCC Bulawayo Metropolitan Council candidates lose nomination case in Bulawayo High Court

On 4 August 2023, the High Court in Bulawayo struck off the roll an application by 10 CCC candidates for Bulawayo Metropolitan Council. The application sought the reviewal of the decision by the Nomination Court that rejected the party list nomination papers which the opposition party wanted to submit after the Nomination Court had closed on 21 June 2023. In the judgement, Justice Bongani Ndlovu ruled that the Bulawayo High Court declined jurisdiction finding that CCC's review application should have been filed with the Electoral Court in terms of the Electoral Act. Therefore, the application was not properly before the High Court. It is also alleged that Justice Bongani Ndlovu is the brother of ZANU-PF chairman for Matabeleland South and Tourism Minister, Mangaliso Ndlovu.

4.2 Alarming increase in levels of political intolerance

4.2.1 Assistant Inspector Chester Matsa reportedly goes missing

On 28 July 2023, a radio dispatch sent to all police stations indicated that Assistant Inspector Chester Last Matsa had gone missing on 24 July 2023 and had not reported for duty to date. Matsa, 43, was based at Charandura Police Station in Chirumhanzu but was abruptly transferred to Shurugwi after a viral phone conversation between him and the Deputy Minister of Environment, Climate, Tourism and Hospitality Industry Barbara Rwodzi was leaked. On 18 July 2023, a three-and-a-half-minute voice recording went viral in which Rwodzi can be heard labelling Matsa a stupid idiot and calling him a dog. Rwodzi also threatened to deal with Matsa while revealing her close association with police Chief Commissioner Godwin Matanga and President Emmerson Mnangagwa. The incident came after Matsa arrested a ZANU-PF activist, Fidelis Danger, for taking down election campaign posters of the opposition CCC. Police subsequently issued a statement on their official Twitter page stating that the incident was under investigation. The tweet was however pulled down and no further update was released.

4.2.2 Opposition political party CCC supporter, Tinashe Chitsunge brutally murdered

On 3 August 2023, opposition political party CCC supporter, Tinashe Chitsunge was brutally murdered after he and other CCC supporters had gathered to participate in a CCC rally at Tanaka Grounds, Glen Norah. The rally, which had been sanctioned by the police, was supposed to be addressed by the CCC aspiring Member of Parliament for that constituency, Grandmore Hakata. The ruling party, ZANU-PF, also intended to hold a rally at the same venue which was to be addressed by their aspiring candidate for the same constituency, Fundukwa. It is alleged that Ephraim Fundukwa bought ZANU-PF youths' beer and placed a PA system in the same venue that had been booked by CCC. The ZANU-PF supporters then mobilised and attacked the CCC supporters in an attempt to disperse them. Chaos erupted as CCC supporters dashed for and began boarding a DAF truck that had brought some of them to the rally. The truck was moving slowly to enable CCC supporters to board safely. The now-deceased Tinashe Chitsunge was struck by a stone on the head as he too was attempting

to board the moving truck. He then fell down. Eyewitness and onlooker accounts indicate that some ZANU-PF supporters then rushed to physically assault him with iron bars on the head until his brains bulged out of his skull. Furthermore, according to eyewitness accounts, the police, who were present when the clashes occurred, were mere spectators who did nothing when the ZANU-PF youths initially went amok and only reacted after the fatality.

In response, the Zimbabwe Republic Police on 3 August 2023 issued a press statement in which it confirmed the occurrence of the violent clashes that erupted in Glen Norah and how the scene of Tinashe's murder was being attended to by all relevant Police sections. This was then followed by an update in which ZRP indicated that they had since arrested two suspects. The arrested suspects remain unnamed. ZRP added further that "efforts to account for remaining suspects continue." The latest update, released on 4 August 2023 is that ten suspects had been arrested in connection with the murder of Tinashe Edson Chitsunge.

4.2.3 Zimbabwe group of churches host peace pledge signing ceremony

On 4 August 2023, a day after Chitsunge's murder, the Zimbabwe Heads of Christian Denominations and the Zimbabwe Indigenous Interdenominational Council of Churches hosted a timely peace pledge signing ceremony at Rainbow Towers Hotel in Harare. The peace pledge signing ceremony was hosted by the Zimbabwe Heads of Christian Denominations (ZHOCD) which is constituted by the Zimbabwe Council of Churches (ZCC), Zimbabwe Catholic Bishops Conference (ZCBC), the Union for the Development of Apostolic Churches in Zimbabwe- Africa (UDACIZA) and the Evangelical Fellowship of Zimbabwe (EFZ) and coordinated by Zimbabwe Institute. The umbrella Church bodies convened the Peace Pledge signing ceremony as part of its efforts in calling upon all political actors in the electoral processes in Zimbabwe ahead of the August 23 harmonised election to practice peace and tolerance. Never Muparutsa, in delivering the keynote address noted the unnecessary loss of life seen in the murder of Tinashe Chitunge and called upon all to respect the sanctity of life. Furthermore, Zimbabweans and political parties were urged to accept the outcome of the elections peacefully and not resort to violence.

The Peace Pledge was derived from the Code of Conduct for Political Parties, Candidates and Other Stakeholders under the Fourth Schedule of the Electoral Act and was signed by the following parties: Movement for Democratic Change – Alliance

National People's Congress

United African National Council

United Zimbabwe Alliance

Zimbabwe African National Union-Patriotic Front (ZANU–PF)

Zimbabwe African People's Union (ZAPU)

Zimbabwe Coalition for Peace and Development (ZCPD)

4.2.3 Continued assaults on opposition political party supporters

On 4 August 2023, reports emerged of political tensions rising in Bikita East. This was after Forever Associates of Zimbabwe (FAZ) members, who were reportedly in the company of identified soldiers, went around Ward 15 and 7 assaulting people who were clad in opposition CCC regalia. A woman from Musukutwa Village was severely assaulted by suspected soldiers with motorbikes after she was found wearing a CCC t-shirt in an area CCC was supposed to

have a rally that was later cancelled. The soldiers had come to disrupt the rally. Among those assaulted was a person with disabilities. On the same day, CCC national spokesperson, Fadzayi Mahere, issued a social media update in which she indicated receipt of a report that ZANU-PF supporters had unleashed an orgy of violence on CCC members who were on their way home from a rally in Nyanga. The ruling party, ZANU-PF is one of the political parties that signed a Peace Pledge at the Rainbow Towers Hotel on 4 August 2023 in which political parties and candidates pledged to among other things, collectively and individually promote a climate of peace and tolerance in all electoral processes. Signatories also pledged to accept the results of the elections and that where there is a dispute as to the outcome, challenge the results through the due process of law as opposed to resorting to violence.

4.2.4 CCC member Wature's home in Seke set ablaze

During the night on 4 August 2023, the Forum received information that ZANU-PF members allegedly burnt down the house of CCC member Wature in Manyenga Village, Ward 3 Seke Constituency. Wature is one of the lead campaign managers of CCC's aspiring member of parliament, Willard Madzimbamuto. Pictures and video footage of the arson were shared.

4.2.5 Shurugwi arson case, ZRP identify victims as ZANU-PF supporters

A statement made by President Emmerson Mnangagwa at a rally directed the ZRP to hunt down suspected CCC supporters behind the arson that burnt down at least 10 houses in Shurugwi on 30 July 2023. At the time Police Spokesperson Commissioner Paul Nyathi had initially said that the case was not linked to political violence. However, on 2 August 2023, Police Commissioner General Godwin Matanga issued a follow-up statement saying that the victims were ZANU-PF supporters. In his statement, he confirmed that the huts were owned by some ZANU-PF officials and supporters, namely; Eva Chitata, Getrude Munyoro, Nkazana Mhlanga, Tobias Saul, Anna Mangena and Lot Chivese. He also added that so far two suspects had been arrested in connection with the incident and have since appeared in court as the ZRP widens their investigations.

4.2.6 Herentals FC owner Innocent Benza fingered in violence against CCC in Mutasa

On 4 August 2023, Express Mail Zim published an article that highlighted that ZANU-PF aspiring member of parliament for Mutasa Central, Innocent Benza was being accused of being one of the masterminds behind the violence that was meted on CCC members. The CCC members were coming from a rally at Hauna in Honde Valley. Allegedly, after learning of the large turnout at the rally, Benza organised a number of youths to waylay the CCC convoy with the assistance of a war veteran known as Cde Tins Samanga. Benza is said to have mobilised vehicles that ferried some youths from his constituency, whilst Cde Tins also supplied youths who then blocked Chamisa's convoy. This clash resulted in the smashing of windows and injuring several opposition political members. However, it is not the first time that Benza stands accused of violence, during the ZANU-PF primaries he is known to have unleashed thugs on fellow ZANU-PF candidate one Sakupwanya and won.

Conclusion

In the week under review, the Forum notes that political polarisation has not only deepened but escalated as the country is a few weeks away from the polls. The murder of Tinashe Chitsungo is a dark cloud hovering over the August 23 elections and indicative of the growing political tensions amongst political actors. Cases of politically motivated arson are also on the

rise. The courts continue to be abuzz with election-related cases in what is deemed one of the most litigious election years in the history of Zimbabwe.

