



**ZIMBABWE 2023 HARMONISED ELECTION WEEKLY MONITORING REPORT**  
**5 August 2023 - 13 August 2023**



**16 August 2023**

## 1.0 Introduction

This edition of the election monitoring report covers the period 5 August 2023 to 13 August 2023. It is the last edition of the Forum's Weekly 2023 Harmonised Election Monitoring Report. As of 14 August, to 22 August 2023, the weekly report will be replaced with Daily Human Rights Monitoring Reports as part of the Forum's mandate of monitoring and analysing emerging trends from the human rights landscape in Zimbabwe.

## 2.0 Methodology

Information and data contained in this report have been obtained from verified and documented cases received from Forum community champions, Forum Members and verified media reports.

## 3.0 Highlights of the Week

- Petrol bomb was thrown at a CCC election agent's home.
- Constitutional Court dismisses Kasukuwere's presidential bid on a technicality.
- Presidential candidate Douglas Mwonozora pulls out of the presidential election race.
- ZANU-PF convenes Presidential Star rally in Harare.
- Business comes to a halt at Mbare Msika ahead of the Presidential Star rally.
- Opposition political party CCC conducts rally in Nkayi.

## 4.0 Human Rights Violations at a Glance

Violation	Number of Incidences	Location
Assault & Torture	8	Mutare, Mudzi, Muzarabani, Harare, Chitungwiza, Epworth
Malicious Damage to Property (Arson)	4	Mazowe, Muzarabani, Chitungwiza
Abduction	1	Chitungwiza
Harassment/ Threat/ Intimidation	12*	Chiadzwa, Buhera, Shamva, Mudzi, Mt Darwin, Rushinga
Arbitrary arrests	2	Glenview
Forced gathering	18*	Mbare, Hopley, Epworth,

\*Violations were perpetrated at a large scale making computation impossible at the time of compilation of the report. The cited cases are of individuals who were verified and documented by the Forum Secretariat and Forum Members.

## 5.0 Emerging Issues

### 5.1 In the courts

#### 4.1.1 Kasukuwere files urgent application seeking to invalidate High Court ruling that effectively barred his presidential candidacy

On 7 August 2023, independent presidential candidate Saviour Kasukuwere filed an urgent court application for an order of constitutional invalidity in terms of Rule 15 of the Constitutional Court Rules. Kasukuwere wanted the Constitutional Court to confirm that the 12 July 2023 ruling by Harare High Court Judge, Justice David Mangota, that effectively barred him from contesting in the presidential election race was invalid and of no effect unless confirmed by the Constitutional Court and for the Zimbabwe Electoral Commission (ZEC) to keep his name on the ballot paper.

On 8 August 2023, the Constitutional Court declined Saviour Kasukuwere, direct access to the Constitutional Court to challenge the nullification of his presidential candidature. Kasukuwere argued that he had not renounced his citizenship and thus remained a registered voter. He further argued that the Supreme Court, in upholding the High Court ruling on 28 July 2023 had rendered a “patently wrong judgment” as the courts could not purport to act on behalf of ZEC in removing Kasukuwere from the ballot when the nomination court had sat and accepted his papers on 21 June 2023. Deputy Chief Justice (DCJ) Elisabeth Gwaunza, in delivering the judgment dealt with the issue of whether Kasukuwere’s application was properly before the court. The bench was constituted by three constitutional court judges who heard the application (DCJ Elisabeth Gwaunza, Justice Paddington Garwe and Justice Rita Makarau). It was ruled that the Constitutional Court is not a court of appeal and that Kasukuwere’s application was a disguised appeal against the decision of the Supreme Court. Kasukuwere sought to have the whole judgment of the Supreme Court set aside. According to DCJ Elisabeth Gwaunza, this kind of relief is ordinarily available on appeal. In response to this, Kasukuwere published a tweet on his official Twitter account on 8 August 2023 noting the Constitutional Court’s decision. He indicated further that there is still an opportunity for his legal team to go back to the Supreme Court to appeal the 28 July 2023 Supreme Court Judgment.

#### *5.1.2 Kunaka’s application dismissed without a hearing by the Constitutional Court*

The Chief Justice of the Constitutional Court, Luke Malaba, on 5 August 2023, dismissed former ZANU-PF Youth Leader, Jim Kunaka’s application in which he sought the reinstatement of independent presidential candidate, Saviour Kasukuwere’s presidential bid without the application being heard. Kunaka had, on 30 July 2023, approached the Constitutional Court, challenging the 12 July 2023 ruling by Harare High Court Judge, Justice David Mangota that thwarted Kasukuwere’s presidential bid. The Supreme Court had, on 28 July 2023, upheld the ruling by Justice Mangota. 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.

#### *5.1.3 CCC applies for an interdict against ZEC about voter’s roll*

On 12 August 2023, CCC Secretary for Elections, Ian Makone made an urgent High Court application for a mandatory interdict that ZEC should provide an up-to-date copy of the voter’s roll. Furthermore, ZEC should also provide a final list of polling stations for the August 23 harmonised elections.

## **5.2 Developments in the electoral landscape**

#### *5.2.1 MDC-T leader Douglas Mwonzora pulls out of the presidential election race*

On 8 August 2023, the opposition political party Movement for Democratic Change - Tsvangirai (MDC-T) leader, Douglas Mwonzora, announced his withdrawal from the presidential race. Mwonzora bemoaned election mismanagement by ZEC. Mwonzora alleged that the election was a farce as had been seen through ZEC’s refusal to accept nomination papers for 87 MDC-T party’s candidates for the National Assembly meaning that even if he won the presidential race, he would not have significant representation in parliament. He indicated that MDC-T’s 24 constituency candidates who successfully filed their nomination papers would still participate in the election. Zimbabwe had 12 presidential candidates but independent presidential candidate Saviour Kasukuwere was barred from contesting by the High and Supreme courts, although he is still appealing. Mwonzora’s withdrawal will bring the total number of presidential candidates down to 10

if Kasukuwere's appeal is set aside. However, ZEC said it is too late for Mwonzora to demand removal from the ballot paper as Mwonzora had missed the 21-day notice period. On 10 August 2023, the MDC wrote a letter to the Zimbabwe Republic Police (ZRP) informing them of its intention to hold a peaceful demonstration on 17 August 2023 to demand electoral reforms in Zimbabwe.

### *5.2.2 ZANU-PF convenes presidential star rally in Harare*

On 9 August 2023, President Emmerson Mnangagwa addressed a Presidential star rally at Robert Mugabe Square in Harare. His two Vice Presidents, Constantino Chiwenga (who is also the Minister of Health) and Kembo Mohadi were amongst the delegates accompanying the President. Some of the key human rights highlights from President Mnangagwa's keynote address delivered during the star rally include:

- His assertion that the ruling party, ZANU-PF cannot be stopped from ruling as it brought independence and kicked out colonialism. It is the only party that guarantees freedom in Zimbabwe.
- His emphasis was on maintaining peace and remaining united to preserve the country's image. He declared that there would be no mercy for perpetrators of violence. In his words:  
*"Perpetrators of violence will be brought to book without fear or favour. We need peace during and after the elections, and at all times we are a peace-loving people. I commend you for the prevailing peace we are experiencing in the country".*

The President's remarks on "prevailing peace" in the country however came against a worrying backdrop of increased political tensions in the country. These have manifested in the escalation of electoral-related violence that on 3 August 2023, culminated in the death of Tinashe Edson Chitsunge. His encouragement of the need to remain united also came just two days after the launch of the Lawyers for Economic Development organisation on 7 August 2023 at the State House during which he made some worrying utterances. In an event that was broadcast live by the Zimbabwe Broadcasting Corporation, (ZBC), the President made damaging accusations of unpatriotic conduct by Forum member, Zimbabwe Lawyers for Human Rights (ZLHR). Such sentiments, when made by the highest office in the land, have the potential of fostering disunity, deepening polarization and inciting hate and intolerance not only towards ZLHR in particular but against well-meaning civic human right-based organizations in general<sup>1</sup>.

### *5.2.3 Opposition political party, CCC, conducts rally in Nkayi*

On 9 August 2023, the opposition political party, CCC leader, Nelson Chamisa, conducted a rally in Nkayi. The Centre for Innovation and Technology (CITE), provided live updates of the rally. Among the key human rights-related highlights were the following:

- Chamisa reassured that instances of intimidation, (that he confirmed being aware of and being incited against Nkayi villagers by the ruling party ZANU-PF), would soon come to an end.

## **5.3 Instances of political polarization**

### *5.3.1 Petrol bomb thrown at CCC election agent's home*

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<sup>1</sup> <https://twitter.com/ZimHRNGOForum/status/1691492576723972121>

On 6 August 2023, an unknown assailant threw a suspected petrol bomb at the home of opposition political party, Citizens Coalition for Change (CCC) activist, Lloyd Mkwara's home in Chikonohono high-density suburb in Chinhoyi. Mkwara is an election agent for CCC Ward Councillor, Garikai Dendera. The incident reportedly occurred around 4.30 pm at a time when members of the Mkwara family were inside the house. While no one was injured in the daytime attack, the explosion shattered the kitchen window through which the explosive device was thrown. The kitchen curtain and some plastic containers in the kitchen caught fire while the walls were charred by the blaze caused by the explosion. The blaze was fortunately extinguished before it could spread to the rest of the house.

### *5.3.2 Destruction of campaign billboards*

On 8 August 2023, an opposition political party CCC campaign billboard was removed overnight at Murombedzi Growth Point in Zvimba. The destruction and defacing of campaign materials contravene section 152 of the Electoral Act (Chapter 2:13). This comes just two months after a memorandum was issued on 18 July 2023 from the Provincial Road Engineer, Mashonaland Central Province on the approval of billboard content before installation. The memorandum, which was addressed to advertising companies, notified that all content to be advertised on billboards on state highways in Mashonaland Central now required prior approval from the office of the Provincial Road Engineer. This development came after independent presidential candidate Saviour Kasukuwere's campaign team mounted a huge billboard along Robert Mugabe Road and another along Simon Mazorodze Road in Harare. Prior to the memorandum being issued, poll candidates did not have to seek permission to put up campaign posters on national highways.

### *5.3.3 Business comes to a halt at Mbare Musika paving way to the ZANU-PF star rally*

The President's remarks concerning prevailing peace and maintaining unity during the presidential star rally on 9 August 2023, came amidst reports of forced political participation at the presidential star rally that was conducted at Robert Mugabe Square in Harare. On 9 August 2023, images went viral online of empty vending stalls at Mbare Musika which was reportedly forcibly closed down to push vendors to attend 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.

### *5.3.4 Police officer in trouble for attending a CCC rally*

On 9 August 2023, Constable Hillary Masimbe, who is stationed at Nkayi, was arrested after he attended a CCC rally held in Nkayi, Matabeleland North on that same day. According to the charge sheet, on August 9, 2023, Masimbe was off duty and went to Nesigwe police base under the pretext that he wanted to collect a murder docket since he was previously stationed at that base. The Charge sheet further stated that Masimbe was dressed in civilian attire and put on a yellow t-shirt which he then covered with a blue jacket. It added further that, upon arrival at Nesigwe police base, he then proceeded to Nesigwe Growth Point where the CCC rally was held. The charge sheet also indicated that Masimbe proceeded to chant CCC slogans:

*"Icho icho uyo mukomana apinda"  
"Ngaapinde Mukomana ngaapinde"*

which both loosely translate to “the young man (Chamisa) has arrived” and “the young man (Chamisa) should occupy the space.” Masimbe was charged with Contravening paragraphs 48(1)(a) of the Schedule to the Police Service Chapter 10: 11 with Sections 29 and 34 of the said Act, which is “actively participating in politics.”

## **5.4 Instance of political intimidation**

### *5.4.1 ZANU-PF Zvishavane Ngezi aspiring MP caught in intimidation storm*

On 11 August 2023, a two-minute twenty seconds video clip went viral on social media platforms in which the ZANU-PF Zvishavane Ngezi aspiring Member of Parliament (MP) was seen and heard intimidating voters by telling them that their voting choice will be monitored. In the video, the aspiring MP explicitly declared that when ZANU-PF food inputs were being distributed, they are enthusiastically accepted and that the same enthusiasm should be shown by the recipients when going to vote. He then went on to tell those gathered during his address that they should do double logging on a piece of paper that will monitor their vote. He claimed that the piece of paper will have a number and that ZANU-PF polling agents have been trained to take down numbers of all those who would have voted for the opposition political party, CCC. The video concludes with him saying:

*“Yendai munoita chitsotsi asi chobahwa”*

which loosely translated means “You can go and try to deceive us but we will catch you.”

### *5.4.2 Police fire tear gas to disperse CCC supporters*

On 13 August 2023, members of the Zimbabwe Republic Police (ZRP), reportedly fired tear gas into people’s houses while dispersing supporters of the opposition Citizens Coalition for Change (CCC) during a rally in Masvingo. The incident occurred as CCC leader Nelson Chamisa addressed the crowd at Mamutse Ground. The rally was scheduled to end at 1600 hours but was extended by an hour after Chamisa arrived late from another rally in Chiredzi. Police initially tried to prevent Chamisa from speaking but were blocked by his security personnel and supporters from accessing the podium. In response, the police returned with tear gas canisters, truncheons, and aggressive dogs.

## *5.5 Instances of Political Violence*

### *5.5.1 CCC supporter stoned in Chiredzi West*

On 12 August 2023, a video went viral on social media platforms of a man laying unconscious in a pool of blood with head injuries after being allegedly beaten by ZANU-PF members. CCC supporter and former ward 18 councilor Elifanos Mupfumba were assaulted at Mafodya Shops in ward 16 in Chiredzi West. Mupfumba was brutally attacked with stones and other objects whilst he was putting up CCC campaign posters.

## **6.0 Conclusion**

The country is now in full election mode as the 23 August 2023 poll inches closer. The Forum strongly urges political parties and their candidates, as well as political party supporters, to practice a culture of peace and political tolerance, to desist from making divisive utterances that could incite the occurrence of violence and ultimately maintain mutual regard and tolerance for the rights of others including of persons and groups whose opinions differ from one’s own.