

ZIMBABWE BRIEFING

a crisis in zimbabwe coalition regional office weekly report

WEDNESDAY 20 APRIL

ISSUE 22



MDC-T Must Urgently Curb Violence Within

BEATINGS, assaults, torture, manipulation of the party structures, tribalism, nepotism, cooked up voters' rolls, intolerance, vote buying, elections taking place under the cover of darkness, the use of long incumbency to remain in power and the imposition of candidates by the party's top leadership.

All these read like a Zanu PF script of conducting the national electoral process that has led to the decade-long legitimacy and governance crisis Zimbabwe has been grappling with.

Alas, it is not Zanu PF this time around. The above describes how the leadership of the MDC led by Prime Minister Morgan Tsvangirai (MDC-T) is managing its provincial congresses ahead of the party's national congress in Bulawayo at the end of April.

Like the Zanu PF elite, the "democratic elite" in the MDC have shown that their political values and culture differ little from their political foes, particularly the way the culture of violence and impunity in the party has been left to spread within its structures.

Apart from the Mashonaland



West provincial congress where the leadership there was elected in a decent manner, the majority of the MDC electoral processes and gatherings were marked by acts of violence, alleged vote rigging and vote buying.

The emergence of a fine thread of violence in the MDC has been going on for some time and this has led to both de facto and de jure impunity in the party.

The party disciplinary machinery has been rendered impotent because

people who commit acts of violence and other violations of the MDC constitution do it at the behest of members of the powerful standing committee of the party.

A case in point is the failure by the MDC disciplinary committee to bring to book Prosper Mutseyami, the provincial organising secretary of Manicaland and former Minister of Home Affairs Giles Mutsekwa, on allegations of violence against party supporters, including the

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Inclusive Government in Political Crisis

The announcement in December 2010 by President Robert Mugabe that his party, the Zimbabwe African National Union - Patriotic Front (ZANU-PF), would leave the country's inclusive government and hold elections towards the end of this year should sound alarm bells across the region.

The Global Political Agreement (GPA), which in 2009 paved the way for an inclusive government between

ZANU-PF and two factions of the former opposition party, the Movement for Democratic Change (MDC), was supposed to be a step towards a successful resolution of Zimbabwe's political crisis.

However, the inclusive government seems to have effectively collapsed. Despite losing the first round of the presidential elections, Mugabe and his party violently held onto the presidency in 2008 and have effectively prevented the MDC

from implementing key parts of the GPA as a part of the inclusive government. ZANU-PF wields significantly more power than the MDC in the inclusive government and has retained control of key ministries such as State Security, Defense, Justice and Foreign Affairs. The party has proved unwilling to institute human rights and governance reforms and has placed significant obstacles in the way of any effective human rights

improvements. Although the MDC has formal control of some ministries, it lacks real political power to effect change and has been unable to push for human rights reforms. The MDC has ceded ground to ZANU-PF in order to ensure the survival of the inclusive government.

The decision to draw a Global Political Agreement between ZANU-PF and the two factions of the MDC in 2008 certainly eased politi

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Zimbabwe violates SADC Troika resolutions with impunity

Coordinator's Note



dewaMAVHINGA

On 31

March the SADC Troika Organ on Defence, Politics and Security, led by Zambia, expressed grave concern at the extreme polarization in Zimbabwe characterized by violence, arrests and intimidation and called on Zimbabwe to immediately end the violence and harassment and immediately implement all provisions of the GPA. Today, almost three weeks later, Zimbabwe has not moved an inch to fully implement all the provisions of the GPA, including the so-called 27 outstanding issues.

Instead, harassment of rights and political activists continue in clear breach of SADC Troika resolutions. Last week police in Hwange arrested national healing minister from the smaller MDC formation – Moses Mzila Ndlovu and pastor Mkandla on spurious charges of breaching the draconian Public Order and Security Act when they organized a healing church service.

Testimony from members of the legal team that represented the minister, Matshobana Ncube and Kucaca Phulu, during the six

days and five nights of police detention, minister Mzila Ndlovu was denied visitors including from the MDC president professor Welshan Ncube, was kept under inhuman conditions including with leg irons and MDC members who visited him were detained for close to a day. Minister Mzila Ndlovu and the pastor have since been granted bail. In further acts of harassment, police detained Zimbabwe Lawyers for Human Rights members on their way to Hwange to represent the two.

It is for this reason, of continued violations of the SADC Troika resolutions with impunity, that we call upon SADC to speedily set up and activate the expanded Facilitation team to work alongside Zimbabwe's Joint Monitoring and Implementation Committee (JOMIC) to ensure full implementation of the GPA and to recommend appropriate action in the event of non-compliance. Decisive action would include suspension of Zimbabwe from participation in SADC programs pending full compliance with SADC resolutions.

Today, as Zimbabwe, Swaziland and South African

civil society groups and social movements gather for a Peace and Democracy Rally at Thokoza Park, Rockville in Soweto, our demand is for peace and democracy in the entire Southern Africa region. We demand that SADC takes urgent note of the desires and aspirations of its peoples and takes urgent steps to implement the necessary mechanisms to ensure good governance, rule of law and human rights respect in the region. We urge SADC to ensure that its Troika Resolutions on Zimbabwe taken on 31 March in Livingstone, Zambia, are fully and timeously implemented. We are closely monitoring Zimbabwe's political leadership, particularly those in ZANU-PF who wield significantly more political power, to ensure that they fully implement SADC Troika resolutions including instituting critical reforms to create an environment conducive to holding of free and fair elections where violence and intimidation play no part.

As Zimbabwe civil society groups in South Africa, we register unfettered support and endorsement of the noble democratic struggle that the people of Swaziland are engaged, we wish to

strongly urge our Swazi brothers and sisters to remain committed to the struggle and focused on the ball until victory is achieved. This is the same struggle we are fighting in Zimbabwe, and our common vision is of a democratic, peaceful and socio-economically developed Southern Africa.

We wish to categorically warn African governments and in particular Swaziland and Zimbabwe to note that if a people are continually subjected to the subversion of its will, such people may end up resorting to popular uprisings in the nature of what has been witnessed recently in North Africa. This has the effect of destabilizing the region and reversing any gains made.

All SADC leaders must ensure, protect and promote the fundamental rights of their peoples fully respecting the principles and standards they have signed to in terms of various SADC protocols, in particular those regarding the holding of free and fair elections as well as guaranteeing effective citizen participation in government and free political activity.

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MDC-T Must Urgently Curb Violence Within

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assault of Thamsanga Mahlangu — the party's national youth chairperson in 2010. Mahlangu, despite his national position, was asked to go back to Matabeleland because he would not be allowed to operate in a "foreign province", Mutare. These incidents happened during the restructuring of the party in that province.

What stinks about the Mutseyami controversy is the persistent allegations that he is linked to a vigilante group made up of party youths called "Hunters". This group commits acts of violence against its opponents. It is alleged that the Hunters do so at the behest of Mutseyami and his handlers in the standing committee of the party who avoid being disciplined by the party.

There are worrying allegations that the MP for Mutare Central, Innocent Gonese, is being hounded by this group which says that he should go back to his home province of Masvingo. It is therefore not surprising to hear reports that Gonese had to run for his life during the party's provincial congress in Mutare last weekend after the thugs threatened his life. They accused him of being a "traitor", not because he is one, but because he does not share their Zanu PF tendencies in organising the party.

If it is true that the MDC is fighting against impunity, why does it seem

apparent that those who abuse the rights of party members are left scot free; why are these people allowed to continue holding party positions without recourse to an internal justice system?

I would want to draw similarities between Gonese's incarnations on tribal grounds to that of Paul Mangwana who was hounded out of Mashonaland West by Zanu PF politicians and relocated to his home district of Chivi in Masvingo where he was elected MP in the 2008 elections.

The creation of the vigilante group, Hunters, in Manicaland, is similar to Zanu PF's vigilante groups such as Chipangano in Mbare and Top Six in Mashonaland West.

By failing to address these cases of impunity, violence and tribalism, the MDC leadership is failing the nation by mimicking Zanu PF's political culture that many Zimbabweans and most of its supporters are fighting against. Others lost their lives attempting to create a society opposite to that established by the Zanu PF dictatorship.

They envisioned a new Zimbabwe that is founded on the rule of law; a country that does not discriminate on the basis of creed, tribe, sex, age, colour, political affiliation and gender.

The party leadership is also sending a message that theirs is a struggle for power and not necessar-

ily a democratic struggle because all the incidences described are inimical to the values of a liberal democracy that Zimbabweans want to establish.

This culture gives an impression that the party is attempting to create a pseudo democracy that serves the interests of the "democratic elite" in the MDC.

MDC supporters and the pro-democracy movement in Zimbabwe have been fighting against vote rigging and lack of transparency in the administration of the voters roll by the Registrar-General's office.

It's sad that the MDC supporters were complaining about the same tactics by their rivals at the party congress. Some party structures were manipulated at the provincial level and endorsed by members of the standing committee whose interests will be better advanced by that group during the congress.

By doing that, the MDC congress runs the risk of being divisive and a circus because it violates what is expected from a party that has been fighting to democratise the affairs of the state for more than a decade.

It is not too late to change course.

The party is in some instances doing business similar to the way Zanu PF has been behaving until the people of Zimbabwe lost patience with the

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Rituals Reaches Out To Zimbabwean Community In Zambia On Independence Day

Last Monday was Zimbabwean Independence Day — Monday 18 April 2011 and Rooftop Promotions performed "Rituals" for up to 150 Zimbabweans resident in Lusaka Zambia at a street junction in Mandevu-Marrapodi compound from 4.30pm. Mandevu (which means beards) is a settlement given to and mostly inhabited by people of the Johanne Masowe Vapostori sect who have their origin in Zimbabwe. It was like one of the outreaches we have had in our 100 performances tour around Zimbabwe and it was predominantly performed in Shona with many people connecting with what was happening.

Rituals is currently

on a 7 performance tour of Zambia which began on Thursday 14 April with a performance for Zambian media and artists at Lusaka Playhouse where we managed to compare notes with our Zambian counterparts who commended the freedom of expression work that we were doing in the post discussions. In most of the post discussions, people said their situation is not as bad as ours in terms of political violence, but were quick to point out that the looming Zambian 2011 Presidential elections can only be spared of violence if artists and journalists take proactive stance instead of having to react after the violence has been perpetrated.

"If we wait to deal with the effects of political

violence as the play "Rituals" has portrayed we would not be doing our country a service hence the need for us, as artists and media, to start exposing the violence that is being swept under the carpet. We commend our Zimbabwean colleagues for the effort that they are doing and standing for their rights even if it means being arrested and taken to court though I do not think they would have been arrested in Zambia" said Kalonje Ndhlovu, a renowned artist, administrator and former chairperson of the Lusaka Playhouse management board. Another member of the audience who spoke on condition of anonymity said, "like in your Zimbabwean case, it is mostly the unemployed

youths who are used by unscrupulous politicians. Our youths are idle and have become alcoholics so you can imagine that "tujirijiri" (cane spirit sachets) cost 500 kwacha and if you give a youth 5 000 kwacha you have given enough to get someone getting drunk and beat someone."

We are pleased that we are able to tell the Zimbabwean story to diverse audiences in Zambia as part of strengthening the role of neighbors in dealing with our problems as has always been the issue with our African culture. conflict at regional level.

By Daves Guzha —
Rooftop Promotions

Inclusive Government in Political Crisis

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cal violence, and brought the country back from the brink of catastrophe. However, the failure of the Southern African Development Community (SADC) to hold Mugabe and his party to account for the killings, beatings and torture that marred the build-up to the presidential run-off led to the political revival of ZANU-PF within the inclusive government, at a time when its legitimacy as a political party was questioned by a significant part of the Zimbabwean population.

More crucially, the inclusive government led to the re-ascendancy of the 'hardliners' (who include senior party officials in ZANU-PF) who have driven the party's agenda of state repression and violence to re-gain the ground they lost during the 2008 elections. Human Rights Watch's report, "Bullets for Each of You: State-Sponsored Violence since Zimbabwe's March 29 Elections" highlighted how the 'hardliners' bore the greatest responsibility



ity for the widespread violence that took place in the country at the time. The failure to prosecute those most responsible for the abuses in 2008 has led to the recent resurgence of violence and the inability of the MDC, as a part of the inclusive government, to press for reform. ZANU-PF and its allies in the security forces have already resorted to old campaign tactics of violence, intimidation and harassment. Since the beginning of the year state security agents, police and ZANU-PF supporters have

been implicated in beatings, arbitrary arrests and harassment, against MDC members and cabinet ministers, human rights activists, and journalists, deepening the pervasive climate of fear in the country.

As a result of these abuses, Prime Minister Morgan Tsvangirai has threatened to leave the inclusive government. At the same time, minimal changes to repressive laws such as the Public Order and Security Act (POSA), and the Access to Information and Protection of Privacy Act

(AIPPA) have failed to open up space for the political opposition. The ZANU-PF wing of the government continues to selectively apply these laws and others, such as the Criminal Law (Codification and Reform) Act, to intimidate and harass civil society activists, MDC supporters and members and disrupt their meetings. The widely touted constitutional review process is long overdue.

The key institutions that are vital to the proper implementation of free and credible elections, such as the security forces and the judiciary, remain highly partisan towards ZANU-PF and severely compromised. The outlook for resolving Zimbabwe's political crisis, without meaningful electoral and constitutional reform, does not look promising.

The current stalemate within the inclusive government cannot continue, as it leaves the state in paralysis with both parties running parallel governments. But, it is unclear whether

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regime and decided to dump it beginning with the February 2000 constitutional referendum.

The MDC and those who blindly condone the growing undemocratic tendencies in the party should appreciate that the chickens will come home to roost, as Zanu PF knows well. In the early 1980s, Zanu PF and its leader President Robert Mugabe committed wanton human rights violations in Matabeleland and Midlands. Those who questioned the acts of genocide when more than 20,000 people were killed were dismissed as sell-outs.

The party blindly claimed that it was popular and would never lose power as it relied on Stone Age repression.

My frank advice to the MDC leadership is that they should read and follow the history of all dictatorial regimes, including that of Zanu PF, and they will realise that people can never be taken for granted. As a democratic movement, the MDC should promote a culture of tolerance of different opinions and even the acceptance of defeat during internal electoral processes.

This is critical as the party prepares itself for a possible electoral victory in the next national elections.

It is generally true that the accepted norms of democracy which emphasise non-violent solutions of problems such as the ones arising out of the MDC provincial congresses and the institutional structures prevent

political parties or governments from utilising terror as a way of resolving disputes.

The MDC leadership should make sure that its internal dispute resolution structures are functional and that nobody, especially those in the standing committee of the party, should work to subvert it. The selective application of party rules to protect thugs is inconsistent with what the party stands for and what a new Zimbabwe requires.

If the MDC uses democratic structures in the party constitution, its members will realise the futility of using repression as a tool to retain power and decrease the benefits leaders in these rogue provinces might have from violating the rights of their supporters.

Currently MDC party leaders are using violence as a tool because the party's internal justice system is dysfunctional and less dependent on the opinion of the ordinary members, but those connected to the "democratic elite" in the party's standing committee.

The MDC standing committee should urgently appreciate that of all human rights, the most basic is to be free from arbitrary violence and impunity.

Pedzisai Ruhanya is the Crisis in Zimbabwe Coalition Programs Manager. He is based in Harare. This article was originally published in the Zimbabwe Independent.

Inclusive Government in Political Crisis

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Morgan Tsvangirai and the MDC will take part in any elections without substantial reforms and a clear road map that paves the way to fair elections. At the same time, the MDC, having failed to turn election victory into state power within the inclusive government, could see elections as the only option to gain an outright victory over ZANU-PF. If the MDC does not run, Mugabe could be tempted to go ahead with elections and declare himself winner, as he did in 2008. If the MDC does run, ZANU-PF has already shown its determination to win elections by whatever means necessary, through a widespread campaign of violence and intimidation. The po-

litical tensions have been ratcheted up and there is an escalating risk of violence between the political parties and against the population in general.

SADC's involvement in the negotiations for credible elections will be crucial, given the gravity of the situation. The relative lack of bargaining power that the MDC has in the inclusive government should be taken into account by SADC, which should be doing more to hold Mugabe and ZANU-PF to their promises to end political violence, as highlighted by the GPA. An agreed electoral framework between the MDC, ZANU-PF and SADC would provide a proper platform for elections. President Jacob Zuma, as

key facilitator to Zimbabwe's political crisis, should insist on Mugabe heeding his call for the country not to hold elections in the absence of constitutional reform and an election roadmap.

SADC should move swiftly to push for substantial electoral reforms and the adoption of constitutional amendments. This will strengthen the checks and balances between the executive, legislature and judiciary, paving the way for the people of Zimbabwe to freely choose a government of their will.

By Ms Tiseke Kasambala, Senior Researcher with Human Rights Watch's Africa Division. This article was first published by the Royal African Society.

Minister Mzila Ndlovu, Father Mkandla Granted Bail as Lawyers Protest Against Denial of Food to Pastor

Hwange Magistrate Peter Tomupe Madiba on Tuesday 19 April 2011 granted bail to Catholic Priest Father Marko Mabutho Mkandla and Hon. Moses Mzila-Ndlovu, the co-Minister of the Organ on National Healing and Reconciliation and Integration after they spend six and five nights in detention respectively for allegedly violating the country's obnoxious security laws.

Magistrate Madiba ordered Father Mkandla and Hon. Mzila-Ndlovu to pay bail amounting to \$500 and to surrender their passports with the clerk of court. Father Mkandla and Hon. Mzila-Ndlovu were also ordered not to interfere with State witnesses.

The lawyers, Lizwe Jamela, Nosimilo Chanayiwa of Zimbabwe Lawyers for Human Rights (ZLHR) Nikiwe Ncube of Webb, Low and Barry Legal Practitioners and Gugulethu Simango of Dube and Associates, who are all members of ZLHR raised complaints in court against the police for denying Father Mkandla food since his detention at

Tsholotsho Police Station. Mkandla's lawyers told Magistrate Madiba that the police denied their client food and only gave him water during his period in detention.

The lawyers also complained about the police behaviour in denying them access to their clients and refusing to disclose the details pertaining to his detention as they moved him from one police station to another.

Lawyers also protested against the police who brought their clients while in leg irons. Police also deployed their heavily armed anti riot unit at court. Earlier on police in Hwange on Tuesday 19 April 2011 blocked Jamela, Chanayiwa and Ncube from reaching Hwange Magistrates in Matabeleland North prov-

ince to represent Mzila-Ndlovu and Father Mkandla, who were set to appear in court in the morning.

The police blocked the lawyers Jamela, Chanayiwa and Ncube from reaching Hwange Magistrates Court after they surprisingly set up a road block as lawyers

entered into the coal mining town to attend court proceedings for Father Mkandla and Mzila Ndlovu, who have been languish-

ing in police detention since their arrest last week. It appears that the police roadblock had been mounted specifically to target the lawyers for yet unknown reasons.

Eight MDC sup-

porters who were on their way to Hwange Magistrates Court were also detained with the lawyers from 10:30 am to around 17:00 hours. When stopped at the road block, one police officer quickly jumped into the lawyers' vehicle and ordered them to drive towards Hwange Police Station. The police interrogated the lawyers about the registration of their vehicle before they were released and managed to represent their clients.

Father Mkandla and Bulilima West Member of Parliament Hon. Mzila Ndlovu were arrested on Wednesday 13 April 2011 and Friday 15 April 2011 respectively and charged with contravening the country's tough security laws such as the Public Order and Security Act and the Criminal Law (Codification and Reform) Act for allegedly convening a healing service at Silwane Primary School in Lupane, Matabeleland North, without notifying the police.

From the Zimbabwe Lawyers for Human Rights Information Desk.

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GIVE PEACE A CHANCE!



Zimbabwe & Swaziland Peace & Democracy Rally

DATE: Wednesday, 20 April 2011

VENUE: Thokoza Park – Rockville, Soweto

TIME: 11:00hrs – 15:00hrs

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SPEAKERS FROM: Zimbabwe Exiles Forum, Global Zimbabwe Forum, Crisis in Zimbabwe Coalition, Zimbabwe Solidarity Forum, National Constitutional Assembly, Southern African Women's Institute for Migration Affairs, COSATU, Zimbabwe Treason Tri-alist Solidarity Committee, NEHAWU, South African Council of Churches, Hope for the Hopeless, Swaziland Democracy Campaign and many others.

PLUS: Live Music, Drama and Performance Poetry!!!!

**UPCOMING
ACTIVITIES**

Give Peace A Chance: Peace & Democracy
Rally, Jo'burg, South Africa (April 20)



Published by the Crisis in Zimbabwe Coalition - South Africa Regional Office
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