



RESTORE!

**Holding Genuine, Democratic Elections in Zimbabwe Essential to
Restore True Democracy**

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THE ZIMBABWE INSTITUTE
CAPE TOWN, SOUTH AFRICA

EMAIL: mafela5@mweb.co.za

WEBSITE: www.zimbabweinstitute.org

RESTORE!

This document provides a blueprint for the restoration of democracy in Zimbabwe by the holding of free and fair elections.

Restore Democracy through Genuine, Democratic Elections in Zimbabwe

Free and fair elections are an essential component of any truly democratic system of governance. Yet in recent years in Zimbabwe elections have been neither free nor fair.

- Those running the elections have blatantly rigged the elections to ensure that ZANU PF remains in power.
- Opposition parties have been prevented from campaigning freely;
- Voters have been subjected to all sorts of unlawful pressures to try to force them to vote for the ruling party, including violence and various other forms of intimidation, such as political misuse of food aid, and threats by pro-ruling party Chiefs to expel villagers if they support opposition parties.

Because elections have not been free and fair, voters have lost faith in the entire electoral process and this has led to disillusionment, cynicism and apathy relating to the electoral process. Voters who support the opposition have also good reason to fear for their safety, particularly in the rural areas. Even if opposition supporters do turn out in large numbers they know that the election result will be distorted in order to ensure that the ruling party wins.

True democracy can only be restored in Zimbabwe if we restore genuine, democratic elections and restore an electoral environment that will allow free and fair elections to take place. This will not be an easy task. Elections are a process not an event. It is not just a matter of having election fair processes on Election Day. Political parties contesting the election must be able to campaign freely; the voters must be assured that they will not face persecution before or after they vote because of their electoral preference; voters must be assured that how they have voted will remain secret; of secrecy that their voting the ruling party must not be permitted to use State rather than party resources to gain an unfair advantage.

On behalf of all Zimbabweans, we demand all future elections that are held in Zimbabwe under conditions that conform to the electoral standards which are essential to ensure that the election is legitimate and the electoral outcome accurately reflects the democratic will of the people.

Other countries in the SADC region as have fully implemented the *SADC Parliamentary Forum Election Norms and Standards* and the *SADC Principles and Guidelines Governing Democratic Elections 2005* and these countries hold free and fair elections. This means that our brothers and sisters across the SADC region already enjoy true democracy. Zimbabwe, however, only pays lip service to these principles and standards and, in practice, elections in Zimbabwe continue to be neither free nor fair.

Restore the Rule of Law

End all political violence and completely disband the youth militias.

Ensure that police and security forces are impartial and non-partisan in conducting their duties.

Establish a special impartial and independent electoral dispute court to hear and swiftly resolve all election related disputes.

Restore Basic Freedoms and Rights

Revoke those aspects of the Public Order and Security Act (POSA) that curtail the right of citizens to move, assemble and speak freely and curtail the right of political parties freely to campaign.

Repeal those aspects of the Access to Information and Protection of Privacy Act (AIPPA) that curtail media freedoms and remove all obstacles preventing independent print and electronic media from operating freely.

Liberalise the electronic media and open the airwaves to provide balanced and proportional coverage of all political parties.

Ensure that all Zimbabwean citizens residing outside the country are allowed to vote.

Establish a Genuinely Independent Electoral Commission

Ensure that the entire electoral process is managed and conducted in a fair and impartial manner.

Establish an Electoral Commission that is politically impartial and independent and which is responsible for all aspects of the elections and the electoral process.

Restore Public Confidence in the Electoral Process

Conduct an independent audit of the voters' roll in order to ensure that there is an accurate and up-to-date voters' roll and provide electronic copies of the voters' roll to all political parties and interested persons.

Establish a sufficient number of polling stations (at least 1 polling station per 1000 registered voters in a constituency).

Institute a code of conduct for political parties and create peace committees involving the Independent Electoral Commission, all political parties and civil society to curb or suppress political violence.

Ensure unhindered access to the entire electoral process by political parties as well as domestic, regional and international observers and allow civic organisations to conduct voter education.

Restore Secrecy of the Ballot

Use opaque ballot papers and allow voters to place their marked ballot papers directly in the ballot box without first showing them to the presiding officer; permit "assisted" voters to select a person of their own choosing to help them vote; use translucent plastic ballot boxes of secure single piece construction, and use visible, indelible ink to mark individuals who have voted.

Count ballot papers at polling stations immediately after voting ends and post the results at the polling station and provide copies to all party agents and observers.

Table of Contents

Introduction	1
Restore a fair constitutional framework for elections	3
Restore the Rule of Law.....	6
Violence and Intimidation	6
Police and Security Forces.....	10
Electoral Disputes	12
Restore Basic Freedoms and Rights	15
Freedom of assembly and expression	15
Print and Broadcast Media	18
Right to Vote Freely.....	21
Right of Zimbabweans outside the country to vote	22
Assisted Voting for Illiterate and Physically Incapacitated People.....	23
RESTORE IMPARTIAL Management and supervision of elections.....	24
Independent Management and Supervision of Elections	24
Restore Public Confidence in the Electoral Process (Pre Polling Day)	28
Setting constituency boundaries.....	28
Voter Registration.....	29
Polling Stations.....	31
Peace and dispute resolution bodies	31
Election Observers	32
Voter education	34
Restore Secrecy of the Ballot (Polling Day)	36
Voting Procedures.....	36
Counting Procedures.....	37
International supervision of elections following upon political transition	38
Conclusion.....	41
Appendix 1.....	41
SADC Parliamentary Forum Norms and Standards for elections in the SADC region.....	41
Appendix 2.....	54
SADC Principles and Guidelines Governing Democratic Elections 2005.....	54
Appendix 3.....	58
Movement for Democratic Change Political Violence Report 2004	58
Appendix 4.....	78
Violations reported, July 2001 to September 2006.	78

**RESTORE: Minimum Standards for Genuine,
Democratic Elections in Zimbabwe**

INTRODUCTION

Periodic and genuine democratic elections are the cornerstone of any functioning democracy; they empower citizens to have a direct influence in shaping the society in which they live by enabling them to freely elect a government of their choice, a government which reflects their values and aspirations. Governments which are the product of a credible, transparent and trusted election process are an expression of the will of the people. This bestows on them legitimacy and credibility that are the essential pre-conditions for political stability and economic prosperity. The process of democratisation will only be enriched and strengthened if genuine elections are held in accordance with regional and international standards. Elections are in effect a litmus test on the state of democracy and governance in a country. Elections which fail to conform to recognised standards erode the integrity of the electoral process, thereby retarding the institutionalisation of democracy.

Elections held at independence in 1980, even with the limitations imposed by the compromises made at Lancaster House, were recognised as generally 'free and fair' and bestowed legitimacy on the country's first truly representative government. At the time Zimbabwe was seen as the democratic template for the region, providing the springboard for the spread of democracy in Africa. However, in recent years Zimbabwe has failed to hold free and fair elections that conform to the recognised standards. The failure of these recent elections in Zimbabwe to accurately reflect the sovereign wishes of the people has resulted in a government chronically lacking legitimacy and moral authority. This severe democratic deficit goes to the heart of Zimbabwe's current political and socio-economic crisis.

Since Zimbabwe's independence, a revival of multi-party democracy has spread across southern Africa. This occurred Namibia in 1989; Zambia in 1991; Malawi in 1993; Mozambique and South Africa in 1994; and Tanzania in 1995. The region embraced human rights, the rule of law and sound electoral practices. New constitutions that enshrined core democratic values were drafted and new electoral systems that conferred integrity on the electoral process were established across the region.

The significant progress made by most SADC countries over the past ten years, in terms of consolidating and deepening democracy, stands in stark contrast to developments in Zimbabwe during this period. In Zimbabwe, democratic gains have been gradually reversed, rather than consolidated and strengthened. Anti-democratic legislation has imposed severe limits on freedom of speech, assembly and association whilst the entrenchment and proliferation of a coercive and violent political culture has provoked wide-scale human rights abuses.

The integrity of the electoral process has been severely eroded due to the cumulative impact of the flawed polls that have been held in recent years. Elections have come to symbolise the subordination of the will of the people to the interests of a narrow ruling elite and are characterised by state sponsored violence and intimidation. At election time the ruling party also appropriates on a massive scale State resources to conduct its campaign, including State personnel, transport and State finances.

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

Rather than acting as a vehicle for the consolidation of democracy, elections in Zimbabwe are deliberately manipulated to have the opposite effect: that is the retention of power by an illegitimate ruling elite.

In 2005 new electoral legislation came into operation in Zimbabwe. This legislation consists of a new Electoral Act [*Chapter 2:13*] and the Zimbabwe Electoral Commission Act [*Chapter 2:12*]. The ruling party has claimed that these new electoral laws ensure that all elections within the country will be run in a manner that is in conformity with the SADC Principles and Guidelines Governing Democratic Elections 2005. The new electoral legislation has brought about some positive changes in the electoral process in Zimbabwe. For instance, translucent ballot boxes are now being used, voting takes place on one day, there are no longer mobile polling stations, counting of votes takes place at polling stations, and an Electoral Court has been set up to deal with election disputes.¹ Despite these changes, however, the conduct of elections in Zimbabwe has continued to be fundamentally flawed and elections continue to be neither free nor fair. The organization and management of the elections is still conducted by personnel who are completely aligned to the ruling party, with heavy involvement from army and intelligence officers. Elections continue to be conducted in an environment that is entirely hostile to political parties other than the ruling party and which inhibits voters from freely exercising their right to vote for political parties of their choice. Apart from violence that is applied against opposition political parties and supporters, a whole range of other devices have been used such as withholding or threats to withhold food aid from opposition party supporters and threats by Chiefs to expel villagers who support opposition parties.

On behalf of the people of Zimbabwe, this document sets out a list of essential conditions for free and fair elections drawn from the SADC standards and observed in other SADC States. They are based around five guiding principles that need to be addressed before any genuinely democratic elections can be held. Each of these conditions must be fully complied with in order to create an environment for free and fair elections. These conditions must be put in place well before the elections. The rule of law and political environment in Zimbabwe has been so badly subverted in the last four years that a democratic election will only be achieved if there is a period of at least six months prior to the date of the election during which all of these conditions are in place. That period is necessary to restore equilibrium in Zimbabwe and to give all those parties wishing to contest a reasonable chance to campaign in a democratic environment.

The fundamental aim of this document is simply to inform the debate on the need to restore integrity, transparency and legitimacy to the electoral process in Zimbabwe.

We call upon the Government of Zimbabwe to work with political parties and civil society to take immediate steps to give practical effect to these minimum conditions in order to create a political environment and electoral framework conducive to a free and fair election. The multi-faceted crisis in Zimbabwe cannot be brought to an end until a legitimate and democratic government is established, based on the authority of the people, secured through a free and fair ballot.

¹ However, the Supreme Court decided that the Electoral Court established under the new Act was not properly constituted.

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

We also call upon SADC, the AU and the broader international community to make a concerted effort to assist Zimbabwe to open up the political space, restore the democratic election process and restore the fundamental freedoms of speech and assembly, as established under the UN Charter and enunciated in AU and SADC Protocols.

Reference to regional and international instruments

In this document the various regional and international documents will be referred to as follows:

The *African Charter on Human and Peoples' Rights* will be referred to as the "*African Charter*"

The *African Union Declaration on the Principles Governing Democratic Elections in Africa* will be referred to as the "*African Union Declaration*"

The *Draft African Charter on Elections, Democracy and Governance* will be referred to as the "*Draft African Charter on Elections*"

The *NEPAD Declaration on Democracy, Political, Economic and Corporate Governance* will be referred to as the "*NEPAD Declaration*"

The *Election Commissioners Forum of SADC Countries Principles* will be referred to as the "*Election Commissioners Principles*"

The *SADC Principles and Guidelines Governing Democratic Elections 2005* will be referred to as the *SADC Principles*

The *SADC Parliamentary Forum Norms and Standards for elections in the SADC region* will be referred to as the "*SADC Parliamentary Standards*"

The *Universal Declaration of Human Rights* will be referred to as "*UN Universal Declaration*"

The *UN Convention on Civil and Political Rights* will be referred to as "*UN Civil and Political Convention*"

RESTORE A FAIR CONSTITUTIONAL FRAMEWORK FOR ELECTIONS

The Constitution of Zimbabwe needs to be completed overhauled and the reform of the Constitution must obviously precede the holding of elections. *The present Constitution is the root cause of many of the country's problems. It vests enormous autocratic powers in the Presidency, and the President in particular, enabling him to dominate all other organs of executive Government, Parliament, the Judiciary and the civil and defence Forces.*

A provision in the Constitution that must certainly be done away with is the one concerning non-elected seats. The present Constitution effectively allows the President to appoint thirty of the one hundred and fifty members of the House of

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

Assembly. The President directly appoints twelve of these. The remaining eighteen are indirectly appointed by the President - eight of them are Provincial Governors who are appointed by the President and ten are chiefs who are effectively appointed by the President and are loyalists of the ruling party. This undemocratic provision must go and all seats to the House of Assembly must be elected by the electorate.

Similarly after the reconstitution of Parliament of Zimbabwe as a bi-cameral legislature consisting of a Senate and a House of Assembly, of the sixty six senate seats, sixteen of these would be held by persons appointed by the President.

The Zimbabwe Constitution does not clearly enshrine the right of Zimbabweans to vote.

Section 3 of the Electoral Act passed in 2004 does set out three general principles that are supposed to apply to every election. These principles were not in the previous Electoral Act. These principles would have had far greater strength and legitimacy if they had been included in the Constitution. These principles should thus be included in the Constitution.

Provisions should also be included in the Constitution that deal with the general environment in which elections take place as an election is not an event but a process, and a free election cannot take place in a repressive environment. It is suggested that the Constitutional provisions should be along these lines: Constitution:

The authority to govern derives from the will of the people demonstrated through elections that are conducted efficiently, freely, fairly, transparently and properly on the basis of universal and equal suffrage exercised through a secret ballot.

every citizen has the right—

- (i) to participate in government directly or through freely chosen representatives, and is entitled, without distinction on the ground of race, ethnicity, gender, language, political or religious belief, education, physical appearance or disability or economic or social condition, to stand for office and cast a vote freely;
- (ii) to join or participate in the activities of and to recruit members of a political party of their choice;
- (iii) to participate in peaceful political activity intended to influence the composition and policies of Government;
- (iv) to participate, through civic organisations, in peaceful activities to influence and challenge the policies of Government.

every political party has the right—

- (i) to operate freely within the law;
- (ii) to put up or sponsor one or more candidate in every election;
- (iii) to campaign freely within the law;
- (iv) to have reasonable access to the public media.

**RESTORE: Minimum Standards for Genuine,
Democratic Elections in Zimbabwe**

democratic elections cannot be held in the absence of related internationally-recognised human rights and freedoms, including—

- (i) the right to life, liberty and security of the person; and
- (ii) freedom of opinion and expression, including freedom to seek, receive and impart ideas and information; and
- (iii) freedom of assembly and association; and
- (iv) freedom of movement throughout Zimbabwe and freedom to enter and leave Zimbabwe; and
- (v) the right to equal protection of the law and to due process of law.”

However, given that elections must be held as soon as possible it may be necessary, therefore, to settle for an interim constitution which guarantees basic human rights and democratic values, until a permanent constitution, acceptable to the nation, can be drafted by the new administration.

RESTORE THE RULE OF LAW

Essential conditions

- ▶ End all political violence and completely disband the youth militias.
- ▶ Ensure that police and security forces perform their duties impartially and on a non-partisan basis.
- ▶ Establish a special impartial electoral dispute court to hear and swiftly resolve all election related disputes.

Violence and Intimidation

The right of a voter to freely decide for whom he or she will vote is violated if violence or intimidation is used to force him or her to vote for a person he or she did not want to vote for or to refrain from voting when he or she wanted to vote. It is therefore vitally important that all voters be protected against such violence and intimidation.

Regional and International Standards

The *African Charter* states that “every individual shall have the right to liberty and security of his [or her] person.”

The *African Union Declaration* states that “respect for the rule of law on the part of all institutions and sectors of society [is] essential to democracy” and that “it is the responsibility of governments to create an enabling environment [for elections].”

The *NEPAD Declaration* states that African governments are to enforce the rule of law.

The *Election Commissioners Principles* provides that “all electoral stake holders should commit themselves to a culture of peace and tolerance at all times” and that they should promote “a culture of peace and tolerance before, during and after election day.”

The SADC Principles provide that there must be political tolerance and that member states must ensure that adequate security is provided to all parties participating in elections

The *SADC Parliamentary Forum Standards* recognises the need to address the problem of political violence and to ensure that voters and candidates are protected against intimidation and violence.

The *UN Universal Declaration* states that “everyone has the right to life, liberty and security of person.”

The *UN Civil and Political Convention* states that “everyone has the right o liberty and security of person” and that “no one shall be subjected to arbitrary arrest or detention.”

SADC Experiences

Across southern Africa elections are generally peaceful events devoid of violence or intimidation throughout the voting process. Violence and intimidation have become the exception rather than the rule. Where there are concerns about election related violence and intimidation, such as in KwaZulu-Natal in South Africa, the government has deployed police and security forces well in advance of elections to ensure peace and indeed the recently held elections in South Africa were overwhelmingly peaceful in all areas of South Africa outside of KwaZulu-Natal.

Zimbabwean Realities

Political violence and intimidation have become an endemic part of Zimbabwe's political culture. Supporters of the ruling party have engaged in widespread and systematic violence against members of the opposition. This violence has been particularly intense in the period leading up to elections. Violence is used ahead of elections to prevent the opposition from campaigning and to intimidate opposition supporters and to prevent them from voting. Voters in the rural areas are subjected to particularly intensive intimidation. But violence continues after and between elections. There are numerous reported incidents of violent reprisals being carried out upon opposition members after elections.

Both the June 2000 Parliamentary Elections and the March 2002 Presidential Elections were characterised by widespread state sponsored violence, resulting in scores of deaths and thousands of injuries.

In 2002, human rights groups recorded that 1,062 MDC supporters were tortured, 58 murdered and 227 abducted and beaten.

In its 2004 Report, Amnesty International stated that "During local council, mayoral and parliamentary by-elections on 30 and 31 August [2003] ZANU PF supporters armed with catapults, stones and iron bars intimidated polling agents and MDC supporters by blocking approaches to polling stations".

In March 2004, the Zimbabwe Institute published a report entitled *Playing with Fire* which documented the personal accounts of human rights abuses experienced by 50 MDC MPs and 28 opposition election candidates.

- The 78 individuals interviewed reported a total of 616 instances of human rights violations against themselves or those close to them
- More than 90% of MPs reported human rights violations against themselves
- 24% of MPs reported surviving assassination attempts
- 16% of MPs interviewed have been the victims of torture.
- 3 MPs who were the victims of vicious assaults have subsequently died
- 50% have had their property vandalised or destroyed
- 60% of MPs reported arrest and detention.
- 22% reported physical assaults on members of their families

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

- 3 MPs have had members of their staff brutally murdered
- 32% of candidates reported assaults
- 22% of candidates reported surviving murder attempts
- 50% of violations are attributed by MPs to the police, CIO and army combined

The Zimbabwe NGO Human Rights Forum, which has been compiling reports on political violence since 2001, has documented the scale and extent of political violence and other human rights violations perpetrated. Most of these were perpetrated on opposition supporters by ruling party supporters, war veterans, youth militia, agents of state agencies and military personnel. In the period from July 2001 to September 2006 it reported that there had been a total of 114 murders, 23 attempted murders, 142 death threats, 480 abductions, 3203 cases of torture, 1769 assaults, 20 rapes, 32 disappearances, 2274 cases of political discrimination and 5686 cases of unlawful arrest and detention.

The law enforcement agencies have committed or been complicit in acts of unlawful violence against the opposition. They have also turned a blind eye to unlawful violence being perpetrated by ruling party supporters on opposition supporters.

The prevalence of state sponsored violence and systematic intimidation has seriously undermined the entire electoral process in Zimbabwe.

Youth militias and war veterans

The ruling party's campaign of political violence against its opponents has been vigorously and ruthlessly supported by youth militias who undergo training programmes during which they are indoctrinated and taught to hate and attack opposition party supporters. Members of these militias have committed large numbers of gross human rights abuses, but their activities have been controlled or condoned by the government. Members of the militia are now present in virtually every constituency in Zimbabwe in what is a deliberate attempt to intimidate and cow the population.

Human rights organisations have compiled large bodies of evidence implicating these youths in the perpetration of gross human rights abuses, including murder, rape and torture. A report published on 5 September 2003 by *The Solidarity Peace Trust*² provided an informed and disturbing insight into the activities of the youth militia in advancing ZANU PF's political agenda. It illustrates the role played by the militias in the areas of voter intimidation, political violence and food aid manipulation.

The activities of these militias have been fully documented in a series of reports. These militia groups operate on an extra-legal basis and yet the ruling party has controlled or condoned their illegal activities. Increasingly, however, youth militia are being recruited into the police and army, and at the end of 2006 it was announced that youth militia were to be recruited into the civil service as youth development officers who would be posted to the rural areas. Using their newly acquired legal

² See Peace Solidarity Trust (2003), *Youth militia in Zimbabwe, November 2001 – July 2003: Shaping youth in a truly Zimbabwean manner*, JOHANNESBURG: PEACE SOLIDARITY TRUST.

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

status youth militia graduates will be able to keep local people under close watch and to intimidate members of the opposition. Members of the youth militia were awarded hefty salary increases towards the end of 2006.

ZANU (PF) has openly stated that it has deployed large numbers of youth militia to the rural areas to campaign for the ruling party ahead of the 2008 elections. The ZANU(PF) political commissar Elliot Manyika, who is coordinating deployment of youths in rural areas, confirmed the setting up of youth vigilante groups in villages. However, he disingenuously maintained that the youths were being deployed simply to defend villagers from anticipated violence from the MDC. It is likely that the youth militia, together with war veterans, will again run a campaign of terror from their camps to shut out the MDC from rural areas and that they will, as in previous elections, abduct and torture MDC supporters as they have done in the past. These practices would also probably be used against MDC supporters in the urban areas.

Zimbabwe's militant war veterans have now been formally integrated into Zimbabwe's army as reserve force. These war veterans are staunch supporters of the ruling party. They have been used in the past to conduct campaigns of violence against the MDC. The integration of the war veterans into the army ahead of the 2008 elections is undoubtedly for the purposes of intensifying political intimidation against the opposition. It was reported in May 2007 that government had raised the tax free gratuities for war veterans by 500%. This move was widely seen as a ploy by ZANU(PF) to win the continued loyalty of the ex-combatants who will play an important role in electioneering on behalf of ZANU (PF).

Typical Examples of Election Violence

1. Gutu North By-Election (2004)

In a by-election held in the constituency of Gutu North in February 2004, the MDC candidate was prevented from entering the constituency due to the very real threat of violence by ruling party supporters

2. Zengeza By-Election (2004)

On 26 March a group of about 100 ZANU PF militia, armed with stones and metal objects, descended on the home of James Makore, the MDC candidate [Zengeza by-election], and attacked all those who were present at the time. 10 people were injured and had to be rushed to hospital.

On 28 March ZANU PF militia attacked and opened fire on the home of MDC candidate James Makore. An MDC activist was shot in the chest and pronounced dead on arrival at hospital. 10 other MDC youth were seriously injured in the ZANU PF attack.

2. Lupane By-Election (2004)

On 13 May two MDC activists were abducted by a group of ZANU PF supporters at Siphuzile polling station (Lupane). They were taken to the local headman who promptly handed them over to a group of war veterans. The two were held over night and subjected to severe beatings. Upon their release they went to the local police station to report the incident, whereupon they were arrested.

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

On 24 April in Gomoza Ward (Lupane) ZANU PF supporters moved from door to door hunting down MDC supporters and assaulting them. An MDC supporter and his wife were dragged out of their home, taken into the bush and severely assaulted. After their release the couple were taken to hospital to receive treatment for the injuries they had sustained.

The youth militia must be completely disbanded and people must be given the assurance that this unit is not going to be revived after elections are held in order to carry out a campaign of political reprisals. War veterans should also be prohibited from engaging in violent political campaigning on behalf of ZANU (PF) .

Police and Security Forces

The role of the police force is to maintain law and order. They are expected to enforce the law impartially and not to display political bias in carrying out their duties. During the election period they are expected to offer protection against violation of their rights to members of all political parties. If the police display bias in the performance of their duties during the election period, this will obviously affect the freeness and fairness of the election. Similarly the security forces must remain apolitical and must not be used by the ruling party to intimidate its political opponents.

Regional and International Standards

The SADC Standards require governments to “ensure that adequate security is provided to all parties participating in elections.”

The *SADC Parliamentary Forum Standards* requires that “all Government Security Forces should act impartially and professionally.”

The *Election Commissioners Principles* state that “security forces should maintain a neutral role in the provision of election security.”

SADC Experiences

All across the SADC region the police and security forces have largely stayed out of political affairs and have remained neutral. In sharp contrast to other regions of the world, there have been no successful *coups d' etats* in southern Africa. The police and security forces are seen in SADC as loyal to the nation rather than the government of the day.

Zimbabwean Realities

In contrast to the security forces in other SADC countries, the police, the secret police (the Central Intelligence Organisation) and the army in Zimbabwe have become increasingly politicised and now perform their duties on a blatantly partisan basis. The police force has been transformed from a professional, politically neutral force into a politically partisan force that is used by the ruling party to suppress opposition and dissent. The Police Commissioner has openly professed his loyalty to the ruling party and has said he would refuse to serve under an administration headed by the MDC. In 2004 Amnesty International said that, “[it] is gravely concerned by the conduct of the Zimbabwe police, who continue to illegally and arbitrarily arrest, harass and ill-treat Zimbabwean citizens as part of a systematic clampdown on freedom of expression, freedom of association and assembly”.

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

The failure by the police to uphold the rule of law, and to respect the basic democratic principle that everyone is equal before the law, has eroded public confidence in the police as an institution. This erosion of trust has been accelerated by members of the police actively engaging in acts of violence against opposition supporters. During the MDC sponsored mass action of 2-6 June 2003 members of the police and army actively joined with members of the ruling party in attacking MDC supporters, real or perceived.

Police collusion with the activities of the ruling party was demonstrated once again on 20 May 2004 when members of the police force escorted hundreds of ZANU PF supporters to the MDC Head Office in Harare. The supporters proceeded to attempt to break into the building, smashing windows and threatening the staff inside. The police did nothing to stop this. Instead, they arrested four MDC officials who were inside the building at the time.

Recent elections have witnessed the increasing involvement of members of the police and security forces in acts of violence committed on behalf of the ruling party. The psychological impact on the electorate, of the police and security forces' complicity with the political agenda of the ruling party during election periods, has been immense. This blurring of the lines between key state institutions and the ruling party not only defines the collapse of the rule of law it also helps to explain why an increasing number of Zimbabweans no longer see any value in the electoral process.

Since the MDC was formed in September 1999, at least 48 of the original 55 MPs have been subject to arbitrary arrest; whilst 35 of the 37 members of the MDC National Executive have spent time in jail on various trumped up charges.

Police repression of the MDC greatly escalated in 2007.³ On the 11 March 2007 the police prevented a prayer meeting organised by the Save Zimbabwe Campaign (a coalition of church and civic groups) and the MDC, from taking place in the working class area of Highfields, Harare. Leaders of the MDC and the civic movement as well as 50 other people hoping to attend the function were arrested and brutally assaulted by the police. At least 49 persons required hospitalisation as a result of their injuries. The injuries suffered by victims included fractures, soft tissue injuries, head wounds, bruising and lacerations. The response of Mugabe to the widely-condemned violence was characteristically callous. He observed: "If they (protest) again, we will bash them." He made other statements about the beatings. He said: "We hope they have learned a lesson. If they have not, they will get similar treatment." Even more blatantly he said at a rally: "Of course he [opposition leader Morgan Tsvangirai] was bashed. He deserved it. I told the police to beat him a lot. He and his MDC must stop their terrorist activities."

Over the next few months numerous MDC party officials, including senior officials such as a member of parliament, were arrested by the police. Some were arrested on trumped up charges of carrying out petrol bomb attacks or receiving military training to carry out

³ For full details of the onslaught against the MDC see *Bashing Dissent Escalating Violence and State Repression in Zimbabwe* Human Rights Watch May 2007 Volume 19, No. 6(A) and *Destructive Engagement: Violence, mediation and politics in Zimbabwe* Solidarity Peace Trust Johannesburg, 10 July 2007.

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

violent attacks. Many of these detainees were severely tortured by the police. After lengthy periods of detention a number of those arrested on these charges were released, showing that right from the start the police had little or no evidence to back up these charges.

There have also been numerous assaults upon MDC officials in public places or in their homes. Some officials have been abducted, taken to remote locations where they have been assaulted and then left at these places to find their own way home. The assaulting MDC officials, in particular in private homes, and then threatening them with further assaults if they do not flee, is part of an overall state strategy to destroy or undermine the functional capacity of the political opposition. The capacity of the MDC is By driving key members of the leadership into exile, or by keeping them on the run and afraid of being seen to be taking part in political activities and afraid of being seen to be taking part in political activities because of possible consequences to themselves and their families, government forces are obviously intending to undermine the functional capacity of the political opposition.

Given the loss of public confidence in the police and defence forces neutrality in electoral contests and contexts in recent Zimbabwean history, it is imperative that SADC or the United Nations appoint senior police officers to constitute a Security Commission to supervise all the Zimbabwean law enforcement agencies and ensure that they perform their duties in a politically neutral fashion over the entire election period.

The deterioration in the capacity of security forces and police to uphold their constitutional mandate during elections demands that the Commission operates in conjunction with the Electoral Commission to allow, or give a chance, to a genuine process of nation re-building based on free and fair elections. All Zimbabwean law enforcement personnel involved in the policing of the elections must be placed under an obligation to carry out their duties in a professional and impartial manner. This obligation must be incorporated into a binding code of conduct.

Zimbabwean police officers should be barred from campaigning on behalf of a political party, and members of the Central Intelligence Organisation must also be barred from engaging in any conduct that is aimed at influencing the outcome of the elections.

Electoral Disputes

Any functional democratic system will have a proper mechanism to settle disputes arising from elections. Without such a mechanism election disputes may result in violent conflict. Any functional democracy will establish an impartial electoral dispute court, capable of resolving disputes fairly and expeditiously within an acceptable time-period. Undue delays in settling disputes will not only undermine public confidence in the electoral process, but also faith in the judicial system. Justice delayed is justice denied.

Regional and International Standards

The SADC Principles states that governments should commit themselves to “establish ... competent legal entities including effective constitutional courts to arbitrate in the event of disputes arising from the conduct of elections.”

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

The *SADC Parliamentary Forum Standards* states that “governments should establish by law ad hoc Electoral Tribunals to enforce electoral laws and codes of conduct during elections.” They also call for the strengthening of courts devoted to dealing with election petitions and offences and further states that there must be clear time limits for resolving election petitions.

The *Election Commissioners Principles* requires that “clear provisions should be established for appeals against results and any other matters related to the conduct of the elections” and that “appeal procedures should be established for all elections and should be dealt with by the courts.”

SADC Experiences

In much of the SADC region there are problems in ensuring the fair and expeditious resolution of election related disputes. Both SADC and AU documents clearly call for the swift resolution to election related disputes to ensure political stability.

Zimbabwean Realities

The principle of restoring the rule of law, as a minimum condition for a genuine election, does not just refer to ending political violence and ensuring the impartial conduct of the security forces, it also refers to the judicial framework for handling electoral disputes.

Prior to 2005 election, disputes in Zimbabwe were handled by the existing court structures; however, this system has failed to fairly and expeditiously resolve election disputes. In the immediate aftermath of the June 2000 parliamentary elections, the MDC filed petitions to the High Court challenging the ‘victories’ of ZANU PF in 37 constituencies. To date only 11 of these petitions have been heard and Judges have ruled in favour of the MDC in 7 of these cases. Less than a year away from the next parliamentary elections, the 7 ZANU PF MPs, whose victories were declared null and void by the High Court remain in parliament pending appeal hearings in the Supreme Court. Six of the appeal cases have been with the Supreme Court for over three years. The delay in hearing the appeal cases raises doubts about the independence of the judiciary and the commitment of the judiciary to issuing impartial rulings.

The issue of the MDC election petition, challenging the outcome of the March 2002 Presidential Election, raised similar concerns about the independence of the judiciary. The petition was submitted on 31 April 2002. The trial began in November 2003 but many months later the judge had still not handed down his promised interim judgment – this judge was the beneficiary of a farm granted to him by ZANU PF.

The 2004 Electoral Act provides for a separate Electoral Court. This court will hear and determine election petitions. However, the method of appointment of judges to this court does not guarantee that they will be neutral. In terms of the Act the Chief Justice, after consultation with the Judge President, must appoint one or more judges of the High Court to the Electoral Court. Regrettably the Chief Justice is widely seen as being politically partisan and thus judges appointed by him may equally be viewed as having been appointed because of their political biases. Unfortunately a substantial number of High Court judges are viewed as being politically biased.

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

A method of appointment of judges to the Electoral Court must be found that will ensure that only judges who are generally viewed as being politically impartial are appointed to this court. It is recommended that the Electoral Court should consist of judges or ex-judges appointed by the Judicial Service Commission in consultation with the Law Society.

There is no mention in the Act of the need to hear and determine election petitions as expeditiously as possible. Given the unconscionable delays in the hearing and determination of election petitions in the past, it is imperative that that have attended election petitions It is notorious that not one of the election petitions filed in respect of the general election held in 2000 has been finally determined (and this is not least among the reasons why the Chief Justice, the Judge President and other judges are suspected of political bias). The Act should be amended to lay down time limits for the determination of election petitions, or at least should state that they must be given priority over all other cases.

In order to create an enabling environment for a free and fair election to take place there has to be an end to all political violence and to restore peaceful and orderly conditions. The following steps should be taken:

- The youth militia must be immediately disbanded;
- The law enforcement agencies and the security forces must stop all acts of unlawful violence against the opposition;
- The law enforcement agencies must rigorously impartially enforce the laws against violence and undertake to protect against unlawful violence all those participating in elections no matter what their political affiliation may be;
- Electoral disputes must be fairly and expeditiously adjudicated upon by impartial judicial officers.

RESTORE BASIC FREEDOMS AND RIGHTS

Essential conditions

- ▶ Repeal those provisions of the Public Order and Security Act (POSA) that curtail the personal freedoms of citizens, restore the rights to freedom of peaceful assembly and freedom of expression and restore the right to vote freely without being subjected to unlawful pressures.
- ▶ Repeal those provisions of the Access to Information and Protection of Privacy Act (AIPPA) that curtail media freedom and remove all obstacles preventing independent print and electronic media from operating freely.
- ▶ Liberalise the electronic media and open the airwaves to provide balanced and proportional coverage of all political parties.

Freedom of assembly and expression

Regional and International Standards

The *African Charter* states that “every individual shall have the right to assemble freely with others” and “the right to freedom of movement.”

The *African Union Declaration* states that African governments should “safeguard the human and civil liberties of all citizens including the freedom of movement, assembly [and] association.”

The SADC Principles provide that member states must “safeguard the human and civil liberties of all citizens including the freedom of movement, assembly, association, expression, and campaigning as well as access to the media on the part of all stakeholders, during electoral processes.”

The *Universal Declaration* states that “everyone has the right to freedom of peaceful assembly and association.”

The *UN Civil and Political Covenant* states that “the right of peaceful assembly shall be recognised” and that “everyone shall have the right to freedom of association with others.”

SADC Experiences

While repressive regimes, such as the racist Smith government in the then Rhodesia, and the pariah Apartheid system in South Africa, sought to curtail personal freedoms, new and amended constitutions across SADC have enshrined the inalienable rights of citizens to freedom of association and movement. Further, governments across southern Africa have acted to ensure that these freedoms are not only words in constitutions, but practical rights that their citizens can enjoy.

Zimbabwean Realities

The ruling party had mounted a concerted campaign to close the democratic space, in Zimbabwe. It has done this by creating legislative designed to stifle basic civil

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

liberties and by various other repressive measures by its security agencies, its militia, the chiefs and by its supporters.

The Public Order and Security Act (POSA), promulgated in February 2002, has been used as its main weapon against the MDC and civic organisations critical of the Zimbabwe Government. This Act has been employed to prevent these organisations from holding public meetings, engaging in peaceful protest and freely expressing their criticisms of government actions.

The police seldom interfere with rallies and protest marches by ZANU (PF) and war veterans. Indeed the police often provide police escorts for these, and in some instances they have failed to intervene when the participants have engaged in acts of violence. On the other hand, the police very frequently bar political rallies by the MDC and demonstrations by groups perceived to be critical of government, such as the Women of Zimbabwe Arise Organisation [WOZA] and the National Constitutional Assembly [NCA]. When protesters have tried to go ahead with peaceful marches despite police bans, there has usually been a massive police and army presence to thwart them and increasingly brutal measures have been used against the protestors. Thousands of people have been arrested under POSA. The police often viciously beat the arrested persons to punish and intimidate them.

The way in which the Act is applied by the police makes it virtually impossible for opposition parties to campaign during elections.

Some typical examples of police action given below illustrate the extent to which the application of POSA has closed down the democratic space in Zimbabwe.

Almost all MDC leaders have been charged under various sections of POSA.

Over 80 MDC rallies were barred under POSA during the March 2002 presidential election campaign, whereas not a single ZANU PF rally was prevented from going ahead by the police.

On 8 October 2003, up to 200 trade union activists were arrested across Zimbabwe following peaceful protests against high taxes and inflation. Many were charged with public order offences under Section 7 of POSA.

On 13 May 2004, MDC Youth leaders, including the National Youth Chairman, Nelson Chamisa MP, were arrested by police for addressing a 'Youth AIDS Forum'. The three were detained overnight and were informed by police that they had failed to secure police permission for the meeting, as dictated under the terms of POSA.

On 29 February 2004, police attempted to ban the launch of the MDC's economic recovery programme (RESTART) on the spurious grounds that the MDC had not complied with terms and conditions of POSA whereby permission to hold a public meeting has to be submitted to the police four days prior to the planned event. The MDC had in fact complied with this regulation but the police claimed they had no knowledge of the application. The MDC was forced to go to the High Court and secure a High Court order to overturn the police ban

When in February 2007 the MDC sought to launch its election campaign for the upcoming presidential election, the police refused to allow the opposition party to hold a rally in Harare, despite a court order that the rally be allowed to go ahead. The frustration

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

at the barring of the rally led to violent unrest and this was used as an excuse by the police to ban for three months all political gatherings in various volatile areas of Harare. A curfew was also imposed in these areas. The police used a provision in the repressive POSA legislation to ban gatherings. The opposition has mounted a legal challenge to this drastic curtailment of its right to freedom of assembly.

The Justice Minister stated that the "restriction will remain where there is breakdown of law and order" and that "any (police) commissioner who fails to maintain law and order would lose his job.

In order to assist with the re-opening of the democratic space, those aspects of POSA that curtail peoples' basic freedoms must be repealed or drastically amended.

The provisions relating to the control of gatherings which include political meetings and rallies and public demonstrations must be drastically amended so that the right to peaceful assembly is restored. The police should only be permitted to prevent a public gathering if they have to obtain a court order from a magistrate empowering them to do so. Before any such order may be granted by a magistrate, the police must produce convincing evidence that the persons involved in the gathering intend to commit acts of violence. The starting point is that there is a fundamental right to freedom of peaceful assembly and this right should only be curtailed if there are compelling reasons of public order or public safety. If the police contend that the gathering is likely to result in inter-party violence, the order may only be granted by a magistrate if he or she is satisfied that such violence cannot be prevented by the police providing security and by the imposition of reasonable conditions upon the organisers for the holding of the gathering. The magistrate must decide what conditions are reasonable to be imposed. The police must be politically neutral and even handed in respect of public gatherings.

The provision empowering the police to completely ban party political meetings for up to three months in any given jurisdiction must be repealed.

The criminal offence to intentionally make statements likely to engender feelings of hostility towards or cause contempt or ridicule of the State President, whether in his person or in respect of his office must be repealed.⁴ This offence gives unduly protects the President against criticism and stifles freedom of expression. The Executive President is the head of the ruling party and is actively involved in politics. Opposition parties and members of the public generally should have the right freely to criticise the policies and actions of the President.

Similarly the nebulous offence of making a false statement prejudicial to certain State interests must be repealed. This offence, which attracts a sentence of up to twenty years in prison, is incredibly wide and drastically curtails freedom of expression.

⁴ An executive President is an active politician who heads his government. As with other politicians, members of the public and the press have a democratic right to express even strong criticisms of actions taken by the President, and even to express that criticism in the form of ridicule. In the context of a presidential election campaign it is simply nonsensical that opposition candidates are banned from criticizing the incumbent, when the incumbent himself/herself is likely to be a candidate.

Print and Broadcast Media

In a democracy political parties competing for political power are entitled to freely communicate with the electorate and the electorate are entitled to receive information about the respective political parties so that they can decide which party they will vote for. One way of communicating with the electorate is by holding meetings and rallies. Another vitally important communication mechanism is the mass media. Freedom of the electronic and print media as therefore of crucial importance if there is to be effective communication with the electorate. Where the ruling party controls the key communication networks, it can ensure that these networks broadcast only information favourable to it. This is a negation of the right to balanced information.

Regional and International Standards

The *African Charter* states that “every individual shall have the right to receive information” and that “every individual shall have the right to express and disseminate his [or her] opinions.”

The *African Union Declaration* states that African governments should “safeguard the human and civil liberties of all citizens including the freedom of access to the media on the part of all stakeholders, during electoral processes.”

The *Draft African Charter on Elections* states that “special attention will be paid to ... equitable access to public resources, including the Media, for all political parties and candidates in the pre-election period.”

The *NEPAD Declaration* states that African governments commit themselves to “ensure responsible free expression, inclusive of the freedom of the press.”

The SADC Principles stipulate that there should be “equal opportunity for all political parties to access the state media”.

The *SADC Parliamentary Forum Standards* states that “governments should take the emergence of private media as a healthy development in the institutionalisation of the democratic process and the conduct of elections and should therefore refrain from taking decisions that thwart the development of a strong private media. There should therefore be a domestic information law that reaffirms the existence of private media.” Further, they declare that all political parties should have equal time and space on publicly owned media.

The *Election Commissioners Principles* state that “equitable access to the public media should be available to all contesting parties and candidates.”

The *Universal Declaration* states that “everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.”

The *UN on Civil and Political Covenant* states that “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart

information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his [or her] choice.”

The *Windhoek Declaration on Promoting an Independent and Pluralistic African Press* states “the establishment, maintenance and fostering of an independent, pluralistic and free press is essential to the development and maintenance of democracy in a nation.”

SADC Experiences

Print and broadcast media freedoms have expanded greatly in the last 15 years across the SADC region. Independent newspapers and radio stations are now the norm rather than the exception. Even independent television stations are emerging. While independent print and electronic media are at times criticised by governments and have to operate responsibly within a legal framework, the right of independent print and electronic media to exist and operate is not questioned.

Zimbabwean Realities

In Zimbabwe, the right of independent print and electronic media to exist and operate is not only called into question by the ruling authorities; there is also a determined and sustained attempt by the authorities to muzzle and emasculate this cornerstone of democracy through violence, coercion and repressive legislation.

The ruling party tightly controls the dissemination of information in the country and has tried to ensure that only the voice of the ruling party is heard in Zimbabwe. It controls the sole television and radio broadcaster in the country and ensures that it constantly broadcasts pro-ruling party propaganda. It jams independent radio stations broadcasting from outside the country and has confiscated radios distributed to rural people that would have allowed them to listen to outside broadcasters. It is in the process of creating legislation that will allow it to monitor email communications and the internet. It has closed down a number of independent newspapers and its supporters have confiscated and destroyed independent newspapers circulating in the country and attacked independent journalists. The printing press of an independent newspaper was bombed as was the premises of an organisation collecting news to be broadcast from a radio station outside the country.

There is no independent broadcasting service in Zimbabwe. Despite an emphatic ruling in 2000 by the Supreme Court that the broadcasting monopoly of the Zimbabwe Broadcasting was unconstitutional as a violation of the right to freedom of expression, the Zimbabwe Broadcasting Corporation, continues to provide the only radio and television services in Zimbabwe. As the sole public broadcaster it has an obligation to provide fair and balanced political coverage, particularly at the time of elections, and yet it continues to churn out blatantly propaganda in favour of ZANU (PF) and vitriolic attacks on the opposition. Independent surveys have shown that the only time allocated to cover opposition political parties is to criticise or ridicule them.

Since it was promulgated in March 2002, the Access to Information and Protection of Privacy Act (AIPPA) has been applied almost exclusively against the private press. Under its provisions, media organisations and journalists are required to register with the government controlled Media and Information Commission. That Commission is headed by a fanatical supporter of the ruling party who uses his weekly column in a

state controlled newspaper to launch vicious attacks upon independent newspapers and journalists. In all of its actions it has displayed its intense bias against the private press.

Many journalists from the independent media have been arrested and charged under AIPPA. In its annual report published in May 2004 the Media Institute for Southern Africa (MISA) confirmed that Zimbabwe has the worst record in terms of media freedoms. According to MISA's findings, 54% of the total of 188 alerts issued last year on possible violations of press freedoms, concerned Zimbabwe.

No journalist working for the state media has been arrested or charged under AIPPA. Moreover, AIPPA was used to close down the *Daily News*, Zimbabwe's only independent daily which also had the biggest circulation figures of all newspapers in Zimbabwe.

The closure of the *Daily News* and a number of other newspapers, the severe restrictions placed on the remaining independent papers and the absence of private broadcast media, makes it extremely difficult for opposition parties to communicate their messages to the people given that they are denied access to the state media.

The tight restrictions on the flow of information severely distort the electoral process as it denies voters the opportunity to make an informed choice when it comes to casting their ballots.

Balanced and equitable access to the state media for all political parties, and the lifting of restrictions on the activities of the private media, is essential if citizens are to be able to exercise their democratic right of accessing and receiving information that they require.

It is critical therefore that those aspects of AIPPA that curtail media freedoms are repealed or amended. Provisions that must be repealed or amended include the following:

- Create a series of wide and vague offences that can be committed by journalists. These offences can attract severe penalties. They include falsifying or fabricating information and publishing a false statement, an offence which is punishable by up to two years imprisonment
- Give a government appointed and controlled Media Commission wide-ranging powers to decide which newspapers may operate and which journalists may practice their profession;
- Empower a government appointed and controlled Media Commission to decide which foreign journalists will be permitted to operate in Zimbabwe;
- Force Zimbabwean citizens to apply to the Information Minister for special permission to work for foreign media

Right to Vote Freely

The right to vote is an inalienable right, a right that defines participatory democracy. Without the ability to vote a citizen is denied an opportunity to have a direct influence on how his/her country is governed. In a democracy voters will be free to decide which political party they will support and how they should vote at the polls. When violence, threats or other forms of intimidation are used to force voters to vote for a party he or she did not wish to vote for or to prevent voters from voting at all, this is fundamental violation of the democratic system.

Regional and International Standards

The *African Charter* states that “every citizen shall have the right to participate in the government of his country, either directly or through freely chosen representatives.”

The *African Union Declaration* states that “every citizen has the right to fully participate in the electoral process of the country, including the right to vote.”

The *NEPAD Declaration* states that African governments commit themselves to “ensure the inalienable right of the individual to participate by means of free, credible and democratic political processes in periodically electing their leaders.”

The *Universal Declaration* states that “everyone has the right to take part in the government of his [or her] country, directly or through freely chosen representatives” and that “the will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage.”

The *UN Civil and Political Convention* states that “every citizen shall have the right and opportunity ... to vote and to be elected at genuine periodic elections.”

SADC Experiences

One of the main goals of the liberation movements in southern Africa was to secure the right to vote for those previously denied their humanity and hence their ability to determine for themselves their political destiny. The importance of the right to vote is codified in constitutions and election laws across the region. While countries across SADC have not expanded the franchise to citizens living outside their borders, the international trend is to permit citizens in the Diaspora to vote. Countries like Malawi, while not providing for voting by non-resident citizens, do try to be as liberal as possible in defining voting rights and permit non-citizens who have resided in the country for seven or more years to vote.

Zimbabwean Realities

There are many obstacles to Zimbabweans exercising their basic democratic right to vote. Reference has been made previously to the use of violence and threats of violence. But many other forms of unlawful pressure have been applied by the ruling party. The distribution of food aid is under the control of government. When there are food shortages, people in desperate need of food aid are highly susceptible to political intimidation on the part of those with power to distribute food aid. As the looming food shortages become more acute, this political weapon can be employed with even greater effect.

Over the last few years there have been numerous reports of food aid being used by the ruling party as a political weapon against the opposition. These reports tell of ruling party officials and militia withholding food aid from opposition supporters to punish them or to force them to renounce their political affiliation and support instead the ruling party, handing out food aid before elections as an incentive to vote for the ruling party and threatening to withhold food aid from any areas where voters have voted for the opposition.⁵

The Chiefs have also played an increasingly sinister role in the rural areas. These Chiefs who are mostly staunch supporters of the ruling party have sought to root out opposition supporters amongst villagers under their control by threatening to expel them from their villages if they support the opposition.

In October 2006 Chief Charumbira, president of the pro-ZANU PF Chiefs' Council and a former Mugabe government minister threatened villagers with forcible eviction from their homes as punishment if they did not vote for the ruling party in upcoming rural council elections. He made the threat at a function organised by the United Nations' Food and Agriculture Organisation in rural Masvingo to mark World Food Day. He told the villagers that those evicted from his area for backing the opposition would have nowhere to go as other chiefs across the country had also adopted the same policy of banning supporters of the opposition parties from their areas.

Right of Zimbabweans outside the country to vote

The present electoral legislation allows postal voting for a very limited number of persons. The only persons who qualify for postal voting are army and police personnel deployed outside their constituencies, Zimbabwean diplomatic staff based outside the country and electoral officers or monitors can exercise postal votes. All other Zimbabwean citizens residing outside Zimbabwe are not permitted to cast postal vote and the only way they would be able to vote would be to return to Zimbabwe to vote in an election.

This provision disenfranchises an estimated three million Zimbabweans currently living in exile. Most of these persons are Zimbabwean citizens.

This is unfair and is far too restrictive. Due to the harsh conditions within Zimbabwe large numbers of Zimbabwean have been forced to seek work abroad. If for valid reasons these persons are unable to return to Zimbabwe to vote in person, they should be entitled to vote by post. It is appreciated that allowing such a large number of persons to exercise postal votes will be a difficult and expensive operation. However, there are a number of international agencies that have had extensive experience in organising postal voting system. These organisations would be prepared to offer administrative and managerial assistance in this regard.

However, because postal voting is open to manipulation and abuse, stringent safeguards will have to be in place to avoid these pitfalls.

⁵ See for instance *The Politics of Food Assistance in Zimbabwe* A Human Rights Watch Briefing Paper 12 August 2004

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

As regards postal voting by army and police personnel, there must be special measures in place to ensure that commanding officers do not dictate or unduly influence the way in which these votes are cast as has happened in the past.

The Electoral Commission, in conjunction with appropriate external agencies such as the United Nations, must establish a system that allows all Zimbabweans outside the country who are unable to return to Zimbabwe to vote in the election to be able to cast postal votes. Equally, Zimbabwean citizenship must be restored to all those who were deprived of it on the ground that they were or were entitled to be citizens of a foreign country. The applicable voters' roll should not be exclusionary, but should be aimed at including as many Zimbabweans as possible.

Assisted Voting for Illiterate and Physically Incapacitated People

The Electoral Act provides that at the request of a person who is unable to vote in the normal manner because of illiteracy or physical incapacity such as blindness, the presiding officer, in the presence of a monitor and a police officer, may assist the voter to vote. The presiding officer may put questions to such a person to clarify the person's wishes.

The current procedure is open to abuse. Although this provision has the safeguard of requiring the presence of a monitor, if the voter prefers, he or she should be able to be assisted by a friend or relative, rather than the presiding officer. Even with the safeguard of having a monitor present, the assisted voter may feel apprehensive about having his or her voting preference conveyed through a bureaucrat rather than a person whom he or she knows and trusts.

RESTORE IMPARTIAL MANAGEMENT AND SUPERVISION OF ELECTIONS

Minimum Standards

- ▶ Ensure that the entire electoral process is professionally managed on a scrupulously impartial manner
- ▶ Establish a genuinely Independent Electoral Commission that is responsible for all aspects of the elections and the electoral process.

Independent Management and Supervision of Elections

Elections can only be fairly conducted if the persons and institutions managing, organising and supervising elections act in a scrupulously professional manner and refrain from acting in a biased manner towards or against any of the political parties participating in the elections. The legislative framework for the running of elections must give the assurance that the entire process will be professionally and fairly managed.

Regional and International Standards

The *African Union Declaration* states that governments will commit themselves to “establish impartial, all inclusive, competent and accountable national electoral bodies staffed by qualified personnel.”

The *Draft African Charter on Elections* states that “special attention will be paid to the independence of the Electoral Commission.”

The *NEPAD Declaration* states that governments will commit to “strengthen and, where necessary, establish an appropriate electoral administration and oversight bodies.”

The *SADC Principles* provide that provide that member states should “establish impartial, all-inclusive, competent and accountable national electoral bodies staffed by qualified personnel”.

The *SADC Parliamentary Forum Standards* states that “in the interest of promoting and entrenching pluralism, multi-party democracy and the integrity of the electoral process, the complete independence and impartiality of the Electoral Commission in dealing with all political parties should be reaffirmed in the constitution.”

The *Electoral Commissions Principles* states that the legal framework in every country should “provide for the establishment of an independent and impartial electoral management body” and that the election commission should be accountable to Parliament rather than a ministry.

SADC Experiences

The importance of the independent and impartial administration of elections is understood across the SADC region. Lesotho, Malawi, Mauritius, Namibia, South Africa, Tanzania and Zambia all have independent election commissions. While the independence and impartiality of the commissions is at times questioned, the assumption that these bodies must be independent and non-partisan is held across the region.

Zimbabwe Realities

The management of elections in Zimbabwe has been deeply flawed because it has been influenced and directed by the interests of the ruling party. Over last six years elections in Zimbabwe have been manipulated and grossly distorted by the ruling party to ensure that it remains in power.

There was wholesale rigging and subversion of the electoral process in the 2000 parliamentary elections and 2002 presidential elections. These elections, and the various administrative processes, were conducted by the partisan officials and institutions, namely the Office of the Registrar General and the Elections Directorate, both headed by open supporters of the ruling party. The Elections Directorate was run by senior civil servants and military officers. All these appointments were very much influenced by the strength of their loyalty to the ruling party. The supervision of elections was previously in the hands of a partisan body, the Electoral Supervisory Commission composed solely of presidential appointees.

Additionally the President had arbitrary powers that allowed him unilaterally change the move the electoral goalposts to give the ruling party an unfair advantage at the polls. President Mugabe invoked these powers several times in the run up to the 2002 Presidential election.

Given the management and supervisory framework for elections it is therefore not surprising that there is little public confidence in the impartial running of elections.

Prior to the 2005 parliamentary elections new electoral legislation was passed, namely a new Electoral Act and the Zimbabwe Electoral Commission Act. Although these Acts do introduce some reforms they fail adequately to safeguard the electoral process against gross manipulation by the ruling party. The day to day running of elections has been left in the hands of the same partisan bodies as before, namely the Registrar-General's office and the Elections Directorate.

To start off with the overall supervision of elections has been left in the hands of the Electoral Supervisory Commission, the same body that in the past has abjectly failed to expose glaring electoral irregularities and there was confusing overlapping of roles between these two bodies.

Eventually by constitutional amendment number 17, the Electoral Supervisory Commission was abolished and the Zimbabwe Electoral Commission was given constitutional status and was made the sole body responsible for the conduct and supervision of elections.

The new Zimbabwe Electoral Commission was established just prior to the 2005 parliamentary elections.

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

The composition of the new Commission does not meet the requirements in the SADC Guidelines that the Commission should be an independent, impartial, and inclusive electoral supervisory body. All the Electoral Commissioners are presidential appointees. The President appoints the Chairperson. In making this key appointment he only has to consult with the Judicial Services Commission. The President appoints the remaining six Commissioners from nine nominees of a parliamentary committee. At least three of these Commissioners must be women.

The person appointed who has been appointed as Chairperson is certainly not impartial. This person is a High Court judge, Justice Chiweshe. Chiweshe is a staunch supporter of the ruling party. Since his appointment he has conspicuously failed to discharge his duties on this Commission in an impartial manner.

Just prior to the 2005 poll Justice Chiweshe was asked what he intended to do about the notorious inaccuracy of the voters roll, it being one of the functions of the Commission to compile voters' rolls and registers. The roll for the 2005 election was compiled by a Registrar-General who is an open supporter of the ruling party. It contained the names of many people who had died and numerous duplications, lists people who ought not to be registered and omitted many who ought to be. Chiweshe's lame response was that the opposition had not indicated what could be done about the roll or how it could be properly audited. This was a clear dereliction of duty on his part.

During the 2005 parliamentary elections he failed to deal satisfactorily with various complaints by MDC concerning aspects of the electoral process. When the results of the 2005 parliamentary elections were announced in 30 constituencies there were serious and unaccountable discrepancies between the Electoral Commission's official pronouncements on the number of votes cast and the final totals accorded to each candidate. These discrepancies raise suspicions of ballot stuffing or fraudulent manipulation of results. The failure by the Commission to explain these discrepancies and its unjustifiable refusal to publish returns from the various polling stations appears to suggest the Commission's complicity in the fraud.

The other Commissioners are known to be sympathetic to the ruling party. In the performance of their duties they have done nothing to suggest that professionalism and independence on their part.

There are also too many opportunities and requirements for Ministerial intervention for the Commission to be considered an independent body.

The Commission is empowered to require the chairpersons of the commissions in charge of the public service and the uniformed services—the prisons service, the defence services, and the police service—to second their employees to serve under the control and direction of the Commission as constituency elections officers and polling officers. The use of personnel from these services, which are composed of ruling party loyalists, is likely to create the impression that these persons will carry out their electoral duties in a completely partisan fashion. The Electoral Act also authorizes the Electoral Supervisory Commission to second the uniformed services to perform electoral functions.

The new electoral legislation has not provided an impartial, independent, and inclusive electoral management and supervisory body. Rather, it has merely added

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

another partisan body onto the process. In its management process this body relies on the same partisan officials as before.

The Constitution should be amended so as to abolish the Electoral Supervisory Commission and confer full responsibility for conducting and supervising elections on the Electoral Commission. However, the method of selection and appointment of Commissioners must be drastically amended to ensure that Commissioners are broadly accepted as being non-partisan. A bi-public appointments committee should call for nominations from the public. Prospective appointees should be publicly interviewed after which the Committee should draw up a short list of suitable appointees. From this list Parliament should then agree by a two-thirds majority upon persons to form the Electoral Commission.

For the next general election, a truly independent Electoral Commission is an imperative, must be in place as soon as possible so that it will be able to bring to bear its influence well in advance of the election to create conditions that would allow for political campaigning to take place. As it will not be easy to find local Commissioners who are generally accepted as being politically neutral it is an option that a majority of the commissioners should be drawn from countries outside Zimbabwe.

The Chairperson should be a person who has been a Chairperson or Commissioner on an Electoral Commission in another SADC country and who is acceptable to all political parties. A strong external contingent of Commissioners would go a long way towards reassuring voters that the Commission will be professional and politically neutral.

A core function of the Electoral Commission would be to engage independent auditors to monitor all stages of the electoral process, from the printing of ballot papers to the final counting of votes, and the reports of these auditors should be published as soon as they are issued.

RESTORE PUBLIC CONFIDENCE IN THE ELECTORAL PROCESS (PRE POLLING DAY)

Minimum Standards

- ▶ Conduct an independent audit of the voters' roll that results in an accurate and up-to-date voters' roll and provide electronic copies of the voters' roll to all political parties and interested persons.
- ▶ Establish a sufficient number of polling stations (at least 1 polling station per 1000 registered voters in a constituency) in order to ensure that voting can be completed in one day (from 07h00 to 19h00).
- ▶ Institute a code of conduct for political parties and create peace committees involving the IEC, all political parties and civil society to curb and suppress political violence.
- ▶ Ensure unhindered access to the entire electoral process by political parties as well as domestic, regional and international observers
- ▶ Allow civic organisations to conduct voter education.

Setting constituency boundaries

Regional and International Standards

The *SADC Parliamentary Standards* state that gerrymandering of constituency boundaries should be outlawed.

Zimbabwean Realities

Justice Chiweshe, who is the Chairperson of the Electoral Commission, also chaired the Delimitation Commission, which Commission made boundary changes that raised grave suspicions that the delineation of constituency boundaries had been deliberately manipulated to secure political advantage for the ruling party.

Before the 2005 parliamentary elections a number of constituency boundaries were redrawn to give the ruling party an electoral advantage. Certain constituencies dominated by ZANU (PF) like Gokwe were split to create individual constituencies without any justification of demographic changes. On the other hand, some urban constituencies which are the stronghold of MDC support were redrawn to incorporate abutting rural areas where ZANU (PF) has support. For instance, in Harare the new constituency of Manyame was deliberately created to give ZANU (PF) a better electoral chance in this constituency.

The Government is in the process of redrawing constituencies ahead of the upcoming local government elections and the same technique is likely to be used prior to the parliamentary elections. Local Government Minister Ignatius Chombo has announced that for the purposes of local government elections constituency boundaries are to be redrawn. The intention is to redraw constituency boundaries by incorporating adjacent

rural areas. The Minister said new boundaries which would incorporate rural wards in Mashonaland provinces into Harare Metropolitan Provinces would be gazetted by the government soon. A similar exercise would be undertaken in Bulawayo Metropolitan Province. The result of this exercise would be more urban constituencies with rural wards in order to weaken the strongholds of the MDC so that ZANU (PF) to increase its chances of recapturing urban seats.

The scope for gerrymandering of constituencies in the parliamentary elections has been expanded as a result the government's announced plan to amend the constitution to increase the number of parliamentary seats. Under this plan the number of House of Assembly seats is to be increased from the current 150 to 210 while the senatorial seats will be increased from the current 66 to 84. It is very likely that the boundaries constituencies for the House of Assembly will be redrawn in a manner that will give the maximum advantage to the ruling party and severely disadvantage the MDC. Constituencies where ruling party support is strongest will be subdivided into individual constituencies and rural constituencies will be combined with urban constituencies in order to dilute these constituencies.

It is recommended below that the next general election should be conducted on the basis of a party-list system along the lines of the 1980 pre-Independence election. Parliamentary constituencies would be replaced with electoral districts following existing provincial boundaries. If the 2008 elections are to be conducted on a constituency system, the reconstituted Electoral Commission recommended above should be responsible for setting constituency boundaries. Constituency boundaries must be set on a fair and impartial basis.

Voter Registration

No election can be fair if the voters' role is not accurate and up to date. All potential voters must be given a reasonable opportunity to register as voters before elections are held.

Regional and International Standards

The SADC Principles provide that there should be no discrimination in voter registration and the voters' rolls should be updated and accessible.

The *SADC Parliamentary Forum Standards* states that "a properly compiled register of voters provides a sound basis for the organisation of free and fair elections."

The *Electoral Commissions Principles* states that "the voter registration process should promote broad participation and should not inhibit the participation of eligible voters" and that "parties should have access to the voters' roll, without charge."

SADC Experiences

Across the SADC region significant steps have been taken to ensure that all individuals who wish to register to vote have an opportunity to do so and, further, that they also have a chance to verify their registration. In addition, political parties and observers have been encouraged to be part of the process to ensure that there is public confidence in the process. For example, in 2003 Namibia conducted an

entirely new voter registration exercise to ensure that the country's voters' roll was as accurate and up-to-date as possible. The result around the region has been voters' rolls that have been largely accurate and up-to-date. In the last election in South Africa electronic copies of the voters' roll were made available to all contesting parties.

Zimbabwean Realities

In Zimbabwe the voter registration process is complex and bureaucratic, discouraging many people from registering. Moreover, the process is conducted by the Elections Directorate, whose members are appointed by the President; a factor which raises serious questions vis-à-vis the integrity of the voter registration process. (Since 2005 the registration process is supposed to be under the control of the Electoral Commission, although in practice it is questionable whether this body exerts any effective control over the process). Suspensions are further raised by the fact that opposition parties are denied electronic copies of the voters' roll and have so far been denied complete copies of the hard copy version. This precludes attempts to verify both the accuracy and completeness of the voters' roll.

Studies which have been carried out on sections of the hard copy that have been made available, have revealed numerous glaring anomalies, indicating a deeply flawed and inaccurate voters' roll. The anomalies include: missing names of eligible voters; the names of non-existent individuals, the names of dead people and 'errors' which could preclude eligible voters from casting their ballots or which allow ineligible voters to vote.

In order to restore confidence an Independent Electoral Commission will need to conduct a thorough 'clean-up' of the existing voters' roll and ensure that it is electronically available to all interested parties. As in neighbouring countries, all eligible Zimbabweans should have the right to have their name appear on the voters' list.

In short, the Zimbabwe election voters' roll is a shambles.

A realistic solution given the impending elections and its suggested timetable, would be to dispense with national voters' roll in its current form. Voters would merely have to show proof of citizenship (with a National I.D. or "waiting pass") or of permanent residence. However, if this system is to be used it is essential to ensure that all eligible voters have the necessary documentary proof of their eligibility. The Electoral Commission would have to ensure that all eligible voters are able, before the elections, to obtain the requisite identity documents without compromising the security and integrity of the suggested option.

If the above option was to be the agreed solution, a complementary and desirable approach to the next general election would be to adopt a party-list system along the lines of the 1980 pre-Independence election. Parliamentary constituencies would be replaced with electoral districts following existing provincial boundaries. The number of candidates which each electoral district (or province) would elect would be based on the population of the district/province. The advantage of this system is that it would prevent any gerrymandering of constituency boundaries and make it impractical for any party to move supporters from one constituency to another.

Polling Stations

There must be adequate numbers of polling stations appropriately located taking into account population density so that all voters have a reasonable opportunity to cast their ballots.

Regional and International Standards

The *Electoral Commissions Principles* state that “there should be as many polling stations as the population density and settlement pattern demands, to ensure easier access, minimise waiting time and enhance efficiency.”

The SADC Principles provide that polling stations should be sited in neutral places.

SADC Experiences

Across southern Africa, election commissions establish a sufficient number of polling stations for all voters to easily cast their ballots in one day. Lesotho, Malawi, Mauritius, Namibia, South Africa, Tanzania and Zambia all limit voting to one day without any inconvenience to voters. In the recently held South African election millions of South Africans successfully voted in one day. The same applies further abroad in Africa – for example Kenya, with a much larger population than Zimbabwe and extremely remote districts, votes on one day.

Zimbabwean Realities

The disproportionate distribution of polling stations in Zimbabwe poses an additional obstacle for Zimbabweans, vis-à-vis exercising their right to vote. This is especially true in high density urban areas. In the 2002 Presidential Election, the number of polling stations in urban areas was reduced whilst in many rural areas the number was increased. The same applied in the 2005 election. As a result in the 2002 election many people in urban areas declined to vote given the long queues or were unable to cast their ballots in the time period allocated under the Electoral Act. In Harare, for instance, some people who had queued for three days were unable to cast their ballots in time and were thus denied their democratic right to participate in the democratic process.

An adequate number of polling stations, proportionate to population density, need to be introduced in order to enable people to cast their ballot expeditiously and to ensure that voting is completed within one day.

Polling stations must be sited at neutral venues and not at places considered to be strongly associated with a particular political party.

Peace and dispute resolution bodies

In recent years elections have been accompanied by political violence and intimidation. Effective mechanisms need to be found to prevent such violence so that elections can take place in a non-threatening environment.

Regional and International Standards

The *Electoral Commissions Principles* states that “An enforceable Code of Conduct to regulate the behaviour of political parties and their supporters should be adopted through a consultative process involving the [election management body], political parties and other electoral stakeholders.”

SADC Experiences

Peace committees that bring election commissions together with political parties and other interested organisations (such as domestic monitoring groups) to ensure the peaceful conduct of elections are becoming more and more prevalent in SADC. In Zambia the 2001 tripartite elections, national and provincial level committees were established to bring all stakeholders together, to resolve informally, election related disputes.

Zimbabwean Realities

Elections in Zimbabwe have often been attended by violent confrontation, especially over the last few years. The Electoral Commission should set up mechanisms to try to prevent violence and to engage in mediation and conciliation. Party liaison committees should be established consisting of a member of the Commission and representatives of the contesting political parties. The main purposes of these committees will be

- to allow consultation between political parties and the Commission and to enable the Commission to transmit information to political parties at local level during the electoral process;
- to allow political parties to bring to the attention of the Commission, any electoral irregularities by any political party or any person or authority whatsoever to enable such irregularities to be dealt with expeditiously by the Commission;
- to resolve disputes and conflicts between political parties through mediation and conciliation processes and to prevent such disputes from escalating;
- to ensure that the codes of conduct for political parties are observed and fairly applied to all political parties and candidates.

Peace committees also should be established. These should comprise representatives from all political parties, civic organisations including the church, the police and the Electoral Commission.

Finally the Electoral Commission should be empowered to appoint election tribunals to sort out disputes which party liaison committees are unable to resolve. These tribunals, which should consist of lawyers and other people skilled in arbitration or mediation, could deal with disputes at a local level. Any matters that they cannot resolve could be referred to the Electoral Court.

Election Observers

Elections are given legitimacy if they are endorsed by local, regional and international observers. The observers must, however, be unbiased. It is important to ensure that a

range of international and local observers is allowed to observe the electoral process, and that observers are not selected on the basis of their bias in favour of one party or another.

Regional and International Standards

The *African Union Declaration* states that African governments commit themselves to “ensure the transparency and integrity of the entire electoral process by facilitating the deployment of representatives of political parties and individual candidates at polling and counting stations and by accrediting national and other observers/monitors” and to “promote civic and voters’ education on the democratic principles and values in close co-operation with the civil society groups and other relevant stakeholders.”

The *African Union Guidelines for African Union Electoral Observation and Monitoring Missions* states that “International, regional and national observers have come to play an important role in enhancing the transparency and credibility of elections and democratic governance in Africa.”

The *SADC Parliamentary Forum Standards* states that “election observers should be accepted as apart of the process to institutionalise multi-party democracy.”

The *SADC Principles* provide that SADC should be invited to send an observer mission at least 90 days before polling

The *Electoral Commissions Principles* state that election management bodies “must ensure speedy, efficient and non-discriminatory accreditation processes for observers and monitors” and that “civil society capacity, such as NGOs, CBOs, the faith based organisations (FBOs) and other institutions should harness and support civic and voter education to ensure an effective distribution through the country.”

SADC Experiences

Across southern Africa, domestic, regional and international election observers are taken as granted and seen as contributing to the legitimacy of the process. Domestic, regional and international organisations have observed elections in the past decade in Lesotho, Malawi, Mozambique, Namibia, South Africa, Tanzania and Zambia without controversy.

Zimbabwean Realities

When a country has a history of conducting elections that do not conform to international standards, the presence of local, regional and international observers is essential to help confer legitimacy on the outcome or provide the crucial objective analysis supporting claims that the outcome was fraudulent. Observers therefore help to provide transparency and reassurance, thereby injecting confidence into the electoral process. Elections are given legitimacy if they are endorsed by local, regional and international observers.

In the 2002 Presidential Election a number of foreign observer missions were denied entry to Zimbabwe whilst many domestic observers were denied accreditation due to the discriminatory procedures.

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

Under the 2004 Electoral Act local international and local observers now have to be accredited by a committee dominated by nominees of various government Ministers, including the President's Office, and only persons invited by a Minister or by the Electoral Supervisory Commission will be eligible for accreditation. This is totally unsatisfactory. In the 2005 Parliamentary Elections only organisations and persons considered to be sympathetic to the ruling party were invited to conduct electoral observation. All other institutions and persons were excluded. There were no official observer teams from the EU, the U.S., or the Commonwealth, from which Zimbabwe withdrew in 2003. The Congress of South African Trade Unions (COSATU) which has been highly critical of the Zimbabwe government and the Electoral Institute of Southern Africa were also not invited. The SADC Parliamentary Forum, which was the only all-Africa observer team to issue a critical report on the 2002 election, has not been invited to observe the 2005 election. SADC received its invitation only a few days before the election.

Under the 2004 Act election monitors must be public servants appointed and be deployed by the Electoral Supervisory Commission. Given the political pressures upon public servants, these persons are likely to be biased in favour of the ruling party. Instead suitable persons drawn from civil society groups should monitor the conduct of elections by the Election Commission. These monitors should be trained in their duties and a code of conduct drawn up to govern their behaviour.

The attitude of Zimbabwe towards observers is in stark contrast to its SADC partners. Across the region, the necessity of having domestic and international observers and allowing them unfettered access is now accepted practice. For genuine elections to take place in Zimbabwe an adequate number of observers need to be accredited and deployed well in advance of polling day so that the whole campaign process leading up to polling day can be properly observed and accurately assessed.

Given the fact that there is widespread doubt about the fairness and integrity of the election process in Zimbabwe, it is vitally important that there be extensive observation of the next elections by a wide cross section of observation teams and that the practice of selecting only observer teams considered to be sympathetic to the ruling party be discontinued.

Voter education

The non-discriminatory and expeditious accreditation of voter educators, and their deployment well in advance of the polling day, is a key ingredient for a genuine election.

For voter education to fulfil its role as an essential exercise in strengthening participatory democracy, it is essential that civil society has sufficient capacity to conduct effective nationwide voter education. This should be one of the core responsibilities of the Independent Electoral Commission.

Regional and International Standards

The SADC Principles stress the need for voter education.

The *Electoral Commissions Forum of SADC Countries Principles* state that “civil society capacity, such as NGOs, CBOs, the faith based organisations and other institutions should harness and support civic and voter education to ensure an effective distribution through the country.”

SADC Experiences

In Lesotho, Malawi, Mozambique, Namibia, South Africa, Tanzania and Zambia civic organisations play a central role, working with election commissions to conduct voter education in order to ensure voters understand the importance of voting as well as the mechanics of the process.

Zimbabwean realities

Under the new Zimbabwe Electoral Commission Act, the Electoral Commission has responsibility for providing voter education and controlling voter education by all individuals and local organizations, other than political parties. Only the Commission may receive and distribute foreign funds for voter education, and approve the participation of registered local organizations. This partisan body should not exercise monopoly control over who provides voter education.

The Commission should simply be given responsibility for conducting programmes of voter education as part of its functions, and for ensuring that voter education provided by other organisations is reasonably fair and accurate (in other words, ensuring that partisan views are not put forward under the guise of voter education). There is no reason why organisations like civic organisation should not be able to receive foreign funding to conduct voter education programmes.

RESTORE SECRECY OF THE BALLOT (POLLING DAY)

Minimum Standards

- ▶ Use opaque ballot papers and allow voters to place their marked ballot papers directly in the ballot box without first showing them to the presiding officer; permit “assisted” voters to select a person of their own choosing to help them vote; use translucent plastic ballot boxes of secure single piece construction, and use visible, indelible ink to mark individuals who have voted.
- ▶ Count ballot papers at polling station immediately after voting and post the results at the polling station and provide copies to all party agents and observers.

Voting Procedures

Regional and International Standards

The *African Union Declaration* states that African governments will commit themselves to “take all necessary measures and precautions to prevent the perpetration of fraud, rigging or any other illegal practices.”

The *SADC Parliamentary Forum Standards* states that “the right of eligible individuals to vote unimpeded and the right to vote in secrecy in a ballot box should be protected and enshrined in the constitutions of the SADC countries” and that “those SADC countries that still use opaque wooden ballot boxes are urged to discard them in favour of transparent ballot boxes.”

The *Universal Declaration* states that “the will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections ... held by secret vote.”

The *UN Civil and Political Covenant* states that “citizens shall have the right and opportunity ... to vote ... by secret ballot.”

SADC Experiences

Across the SADC region the secrecy of the ballot goes unquestioned. While concerns may be raised about vote buying or the manipulation of the results, all over southern Africa “your vote is your secret.” Procedures common in the past that undermined the secrecy of the vote were largely eradicated during the 1990s.

Zimbabwean Realities

Recent elections in Zimbabwe have eroded people’s confidence in the secrecy of the ballot to such an extent that many voters, especially in rural areas, no longer believe that their vote is secret. Increasing incidents of headmen loyal to ZANU PF camping outside polling stations and writing down peoples names as they arrive to vote, combined with regular incidents of targeted retribution against accused MDC voters in the aftermath of an election, has served to strengthen the perception that voting in accordance with your own wishes is a risky business. This pervasive obstacle to a genuine election was again in evidence during the recently held Lupane by-election (15-16 May 2004)

Events in Lupane will have convinced many voters that the secrecy of their ballot is pure wishful thinking.

Lupane By-election – Examples of Electoral Malpractice

- The deployment by ZANU PF of the same group of '3,000' voters who have also been bussed in to vote in other recent by-elections
- Kraal heads threatening to ostracise or expel villagers if they failed to vote ZANU PF
- Headmen loyal to ZANU PF writing down the names of voters outside polling stations
- Police officers acting as election officials and checking people's hands for indelible ink
- Village heads linked to ZANU PF selling maize at discount prices outside polling stations
- War veterans camping outside polling stations and threatening suspected MDC voters
- The ubiquitous presence of the notorious youth militia

In Zimbabwe there were previously deep concerns about the adequacy of the protective measures to ensure the integrity of voting procedures. Previously election officials used small dabs of invisible ultraviolet ink to mark individuals who have already voted. This ink was not visible to the naked eye and could only be viewed with the use of specialised equipment which was often inaccessible to political parties' agents. This made it impossible for polling agents and observers to verify if a potential voter had ultraviolet ink on his or her finger, therefore making it impossible to determine whether or not someone had already voted.

However, since 2005 visible, indelible ink, has been used in the practice in Malawi, Mozambique, South Africa and Zambia.

Counting Procedures

The officials who carry out the counting of votes must do so accurately and be scrupulously impartial. There should be proper observation of this process to ensure that no falsification of the count. The results of the count must then be publicly announced immediately after the count is completed.

Regional and International Standards

The *SADC Parliamentary Forum Standards* states that "counting of votes should be done at the polling station ... [and] there should be immediate release of official election results on completion of counting."

The *Electoral Commissioners Principles* states that "the counting process should take place in the polling station immediately following the close of the hours of voting."

SADC Experiences

Lesotho, Malawi, Mozambique, South Africa, Tanzania and Zambia all count ballot papers at polling stations immediately after the conclusion of the poll rather than first moving the boxes and then counting the ballots papers at a centralised counting centre.

Zimbabwean Realities

Previously ballot boxes were taken from polling stations to central locations and held overnight before they were opened and counted. In recent elections the army has been deployed to facilitate this process whilst on occasions, and in certain areas, observers and opposition officials were banned from accompanying ballot boxes from the polling stations to the counting centres. This accountability deficit increased the likelihood of fraud and manipulation.

Under the new electoral laws passed in 2005, counting of votes now takes place at polling stations. This is an improvement provided that the polling officials from the respective parties are allowed to be present to observe the process. Where ruling party supporters and youth militia prevent opposition party officials from being present, there is still a danger of fraudulent manipulation of the counting process.

INTERNATIONAL SUPERVISION OF ELECTIONS FOLLOWING UPON POLITICAL TRANSITION

Zimbabweans have completely lost faith in the entire electoral system. This has happened because, for a long time, the electoral system has been grossly distorted and manipulated in favour of the ruling party. Additionally for the MDC the electoral environment has been extremely hostile ever since it started to contest elections. Its party officials and supporters have had to operate in a highly dangerous environment under constant threat of violent attack by ruling party supporters, war veterans and youth militia. Not only did they have little protection from the police, but instead there was a serious risk that they might be brutalised by the police and the military.

It will take a lot for the voters to regain confidence in the electoral system. It is extremely doubtful that Zimbabweans as a whole would have faith in the freeness and fairness of elections conducted exclusively by the current Zimbabwean government. This would be the case even fairly wide ranging reforms were to be introduced. It would certainly not suffice for the ruling party to tinker with the electoral laws as it did before the 2005 elections so that it could falsely claim that it had fully complied with the SADC Guidelines and that this would guarantee that the 2005 elections would be free and fair.

Measures such as the disbanding of the militia would, of course, go some way to reducing political violence provided that there is an assurance that the militia will not be resuscitated after elections to carry out political reprisals. Peace Committees acting in conjunction with an Electoral Commission could also play a role in reducing levels of violence. However, many of key institutions have become so badly politically biased that it is difficult to see how these can be sufficiently reformed that their professionalism can be fully restored before the next election. For example, the

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present police force, headed by an overtly politically partisan Commissioner, has been transformed into a highly partisan force that itself perpetrates acts of violence against the opposition and turns a blind eye to political violence against opposition supporters. Few opposition members would have faith that this force will intervene to protect them properly against political violence during an election. Many civil servants who would continue to be responsible for organising and managing the elections have been placed in their positions so that they will display blatant bias in favour of the ruling party. Again few opposition members would believe that these officials can suddenly become capable of carrying out their duties professionally and without any political bias.

Thus further safeguards need to be in place if there is to any meaningful transition to a new democratic order in Zimbabwe and the creation of an election environment that will allow for genuinely free and fair elections.

Probably the best safeguard would be to hand over the entire running of the election to a body like the United Nations and for the United Nations to supply police officers to direct and supervise the performance of policing duties relating to elections. However, it is unlikely that the ruling party would agree to this.

Alternatively there should be some form of international involvement in the organisation and supervision of the elections. This involvement must be well in advance of an election to allow free political campaigning and to reassure voters that they will not be subjected to the sort of intimidation that has beset previous elections. The involvement should be more than the provision of technical assistance from bodies such as the United Nation.

The key institution in the management and supervision of any election is a truly independent Electoral Commission. In the politically polarised climate in Zimbabwe, finding local Commissioners who are generally accepted as being politically neutral is by no means easy. One way to overcome this problem is to have some Commissioners from outside Zimbabwe. For instance, the Chairperson could be a person who has been a Commissioner on an Electoral Commission of another SADC country and who is acceptable to all political parties. A few other Commissioners could be appointed on a similar basis. This external contingent would go a long way to ensuring that the Commission would operate on a professional and politically neutral basis.

The newly composed Electoral Commission must be constituted well in advance of the transitional elections so that it can take all necessary steps to ensure that conditions on the ground allow for the holding of free and fair elections. Its first important task is to ensure that all eligible voters who wish to vote are registered on the roll and that the electoral roll is accurate and up to date. The next step will be to ensure that the organisation and management of the upcoming election will be done efficiently and on a scrupulously fair basis. The Commissioners will then need to travel around the country assuring voters in rural and urban areas that all possible steps are being taken to ensure that they will be allowed to vote freely and that the whole electoral process will be conducted in a way that will ensure that the outcome is a true reflection of the will of the people.

Similarly the United Nations or other African countries could provide some senior and experienced police officers or retired officers who would be attached to the

**RESTORE: Minimum Standards for Genuine,
Democratic Elections in Zimbabwe**

Zimbabwe Republic Police force to help to ensure that that the police force carries out its duties on a non-partisan basis during elections. These officers should have both an advisory and monitoring role.

CONCLUSION

Genuine free and fair elections are an essential component of a functional democracy.

True democracy can only be restored to Zimbabwe if we restore free and fair elections. To do this we must fully comply with the essential conditions for the holding of free and fair elections. We must re-open the political space and create an environment in which all political parties are able to campaign freely and people are free to elect a government of their choice.

The calamitous situation in Zimbabwe stems from bad governance and the absence of a democratic culture. Lasting solutions to the chronic political and socio-economic crisis will only be found if democracy is restored.

It is only through the restoration of democratic government, based on the authority of the people, that Zimbabwe can make real progress towards completing the unfinished business of the liberation agenda and building a national consensus around a progressive political culture (based on the core democratic values of solidarity, social justice, freedom and equality); a political culture capable of replacing, and eradicating, the violent dimension that has plagued and scarred Zimbabwe since the arrival of the British in 1890.

In the absence of a new progressive political culture Zimbabwe will remain stuck in a cycle of bad governance and violence that will prevent the country from developing into a stable, pluralist, multi-party democracy that upholds the rule of law and protects and promotes citizens' basic democratic and human rights.

END

APPENDIX 1

SADC Parliamentary Forum Norms and Standards for elections in the SADC region

Adopted by the SADC Parliamentary Forum Plenary Assembly on the 25 March
2001 Windhoek, Namibia.

A. INTRODUCTION

The experience gained by the SADC Parliamentary Forum in observing elections in Namibia, Mozambique, Zimbabwe and Mauritius is quite revealing. There have been significant gains in

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

promoting democratic governance in the SADC region since the advent of the re-introduction of multi-party politics in the early 1990s. Periodic elections are being conducted nearly every five years. In a few cases, elections have resulted in the change of Governments in a peaceful manner. Indeed, most SADC countries are making progress in managing succession peacefully. In addition, some of the elections have produced balanced parliamentary representation which reflects the broad spectrum of the different shades of opinions in a country. Some of the one party dictatorial constitutions have been duly amended to reflect the new dispensations.

Regrettably, however, neither the constitutions, nor the electoral systems or the practices of most institutions have been aligned to the new multi-party democratic culture. This applies to intra-party democracy or lack of it across the board. Levels of tolerance of contesting views are still too low as well as the empowerment of women to participate in decision-making process in Government. Furthermore, a lot still remains to be done to improve the political environment in which elections are conducted and to ensure that the existing legal and institutional frameworks work independently and impartially. There is still need to address issues relating to levelling the playing field for all the players contesting elections, inequality in the funding of political parties, inadequate access to state-owned media and election related violence. What is being said above is not equally applicable to all countries. We must record, for example, the well-known fact that some countries in the SADC region have served as models of democratic governance for over three decades, namely Botswana and Mauritius, both of which have made phenomenal economic gains. In addition, the new democratic states which emerged in the 1990s in the southern part of Southern Africa have brought in new systems and practices which promote legitimate elections and electoral institutions such as independent electoral commissions. The above observations are fully documented in reports on elections in the four countries named above and on research done by the Electoral Institute of Southern Africa (EISA) on the state of elections in the SADC region as a whole.

As its contribution to the emergence of plural, multi-party democracy, the SADC Parliamentary Forum has taken a keen interest in election observation and electoral processes. The immediate objective of election observation is to determine the openness, freeness and fairness of elections in the SADC Region. However, the long term goal is to use lessons learned and experiences gained in election observation to help in strengthening the democratic processes and transparency in the conduct of elections in SADC countries. Furthermore, it is expected that observation will enable the SADC Parliamentary Forum to develop a procedural manual with guidelines for observer missions. It is against this background that the workshop was being held.

The purpose of the workshop was to use the lessons learned and experiences gained in election observation in Namibia, Mozambique, Mauritius and Zimbabwe to make implementable recommendations to SADC Government leaders and SADC Parliaments.

The recommendations that were finally made at the end of the workshop are targeted at strengthening electoral institutions, reforming outdated legal frameworks and electoral practices, and entrenching the democratic process in the conduct of elections thus minimizing disputes over the outcome of elections among contesting political parties. The recommendations which form part of this report if accepted are expected to significantly contribute to political stability in Southern Africa.

B. PREAMBLE

Cognisant of the above situation, we, the election observer delegations of the SADC Parliamentary Forum created pursuant to Article 10(6) of the SADC Treaty:

- **Recalling** the Commitment of the Heads of States and Government to democracy and to the individual's inalienable Right to participate by means of free and democratic processes in framing the society in which he or she lives; and to peace and stability in the SADC region; the Windhoek Declaration on Freedom of the Press; the Blantyre Declaration on Gender Equality of 1997; the Harare

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

Declaration of 1991 and other International Conventions and Instruments to which all SADC countries are Signatories;

- **Recalling** the provisions of Article 5 of the Constitution of the SADC Parliamentary Forum which, *inter alia*, calls for the promotion of the principles of human rights and democracy and the encouragement of good governance, transparency and accountability within the SADC region.

- **Recalling** the role of the SADC Parliamentary Forum in Election Observation in the SADC region;

for the purpose of institutionalising and strengthening electoral institutions including democratic processes

DO HEREBY make the following recommendations relating to elections and individual rights; elections and the Government; and fostering transparency and integrity in electoral process.

PART 1

ELECTIONS AND INDIVIDUAL RIGHTS

1. Registration and Nomination

Problem

While Voter registration is a prerequisite to smooth elections it is common knowledge that some individuals intending to exercise their right to vote or to be voted as candidates in an election have been prevented from doing so through cumbersome voter registration requirements, nomination technical details, removal from the voters' register, intimidation through political violence and kidnapping of candidates. For a voter to be properly identified as a national of a particular state, there is need to have an identity.

Recommendations

The right to vote and to be voted for should be accepted as a birth right in accordance with the Universal Declaration of Human Rights and the Convention on the Elimination of all Forms of Discrimination against Women. Therefore, eligible individuals should have the right to non-discriminatory voter registration and nomination procedures. This right should be enshrined in the constitution of a country.

- (i) There should be provisions and practical for continuous voter registration and an undated voters' role register must be made available to all stakeholders in the elections.
- (ii) During the nomination and selection of candidates all political parties contesting elections must ensure adequate gender balance in compliance with the SADC Blantyre Declaration on Gender and Development (1997) calling on all political parties contesting an election to commit themselves to a minimum of 30 per cent women party candidates by the year 2005.
- (iii) Provision be made for people with disability to participate fully in the electoral process.
- (iv) Provisions should be made to ensure that prospective voters are provided with a form of national identity card in good time for registration.

1. Voting and Secrecy

Problem

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There are numerous cases in our countries whereby eligible voters have been unable or prevented from exercising their right to vote through violence, lack of information on location of polling stations, intimidation and misinformation.

Furthermore, there are situations whereby the secrecy of the ballot has been severely compromised by making voters queue behind their party candidates, village headmen and threats based on the ability of competing candidates/parties to use modern communication equipment to tell which way a voter has voted.

Recommendations

- (i) The right of eligible individuals to vote unimpeded and the right to vote in secrecy in a ballot box should be protected and enshrined in the constitutions of the SADC countries.
- (ii) Any measures such as political violence, kidnapping, murder, threats and sanctions such as denial of development opportunities in opposition controlled areas that prevent eligible individuals to register to vote and to vote in secrecy should be perpetually outlawed by SADC member states
- (iii) Illiterate persons, old people and persons with disabilities should be given assistance when voting by persons of their choice.

3. Freedom of Association and Expression

Problem

It is common in some of the SADC countries that members of the electorate belonging to other parties have been intimidated, beaten up, tortured and even murdered for belonging to opposing parties and for openly expressing their support for their preferred party. Yet one of the fundamental principles of multi-party democracy and political development process is that there should be freedom of association and expression. This principle is violated from one election to another.

Recommendations

- (i) The sanctity of the freedom of association and expression should be protected and strictly adhered to.
- (ii) Relevant electoral laws and code of conduct should provide for this sanctity.
- (iii) Governments should establish by law ad hoc Electoral Tribunals to enforce electoral laws and codes of conduct during elections. They should deal with election conflicts.

PART 2

ELECTIONS AND THE GOVERNMENT

1. Commitment to Pluralism, Multi-party Democracy and Politics

Problem

The meeting welcomed the commitment to pluralism and multi-party democracy in the first place by all SADC countries. However, the meeting noted that there is still inadequate and lip service commitment to multi-party democracy and politics among some of our leaders and politicians. They talk democracy but use undemocratic means to gain or remain in power. Yet the success of multi-party democracy and politics depends to a large extent on

Government, political parties and other stakeholders committing themselves to upholding the values and practices that go with these concepts. The existence and sustainability of pluralism, multi-party

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democracy and politics again depends on the Government's belief in a democratic culture and wish to practice democracy. It calls for the Government to be tolerant of opposing political views and to harmoniously co-exist with opposition political parties.

Recommendation

The concepts of pluralism, multi-party democracy and politics should be enshrined in the constitution as the preferred form of political development and a basis for good governance. All stakeholders should commit themselves to pluralism, multi-party democracy and politics as a condition for participating in the political process of the country.

2. Date of Elections

Problem

In most SADC countries the date as to when elections are held is a prerogative of the ruling party if not of the President or Prime Minister. The announcement for when the elections will take place is often not made in good time and as such does not allow all stakeholders to prepare for elections. This has been one of the many sources of election conflicts resulting in some opposition parties boycotting the elections.

Recommendations

- (i) SADC Governments should ensure that the dates for general election are fixed by provisions in their Constitutions or electoral laws.
- (ii) If this is not possible the Head of Government should be required by the electoral law to give adequate notice of not less than 90 days (3 months) and not more than 120 days (4 months) from the date of dissolution of Parliament for an election date to give sufficient time to the Electoral Commission to prepare for the elections and to demonstrate fair play. Updated by the committee.
- (iii) The Parliament of each SADC State should be involved in the alteration or fixing of election dates.

3. Misuse of Public Resources and Funding of Political Activities

Problem

In most countries the ruling party and its government seek an unfair advantage over opposition parties through the use of public funds and assets for its political activities, particularly meeting campaign expenses. When opposition parties get a share of public funds, there are complaints that such funds are inadequate; payment is delayed and given at the will of the ruling party to the disadvantage of opposition parties.

Recommendations

- (i) In the interest of creating conditions for a level playing field for all political parties and promoting the integrity of the electoral process, parties should not use public funds in the electoral process. The electoral law should prohibit the Government to aid or to abet any party gaining unfair advantage.
- (ii) Where a policy decision is taken to financially support political parties with taxpayers' money, which is necessitated by the poor resource background of most political parties, an agreed upon formula must be used and adhered to in allocating funds to the contesting

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parties. A commonly used formula is according to the number of seats each party holds in Parliament.

- (iii) Those countries that are not yet funding contesting political parties should introduce the necessary legislation to do so in order to foster uniformity and levelling the playing field.
- (iv) There must be accountability in the use of public funds.

4. Government, Political Parties, NGOs and the Media

Problem

In the majority of SADC countries the state owned media is controlled by Government. This often causes imbalance in the playing field between the stakeholders mainly the ruling party and opposition parties. It contributes to lack of transparency through selective reporting. Where the opposition parties are given air time, it is too short and the timing may be inappropriate. The recent emergence of a vibrant private media has greatly contributed to some balance in political coverage of both ruling and opposition parties.

Recommendations

- (i) Governments should take the emergence of private media as a healthy development in the institutionalisation of the democratic process and the conduct of elections and should therefore refrain from taking decisions and actions that thwart the development of a strong private media. There should therefore be a domestic information law that reaffirms the existence of private media.
- (ii) Governments should take cognisance of the fact that the involvement of political parties in the electoral process fosters the transparency of the system and generates public confidence in the system. Opposition parties should therefore also be given equal opportunity and agreed upon time and space on the state owned media to put forward their announcements and broadcasts and advertisements. This is a true test of the Government's commitment to pluralism and multi-party democracy and a democratic political process.
- (iii) The role of the civil society, mainly in election monitoring and civic education, should be recognised by Governments.

5. Electoral Commissions

Problem

Electoral Commissions do play a very important role in the preparation for and conduct of elections. However, the establishment, composition, status, independence, impartiality and professionalism of some of the Electoral Commissions have come under serious scrutiny and doubts particularly from opposition parties and members of the public. These commissions are accused of being pro the ruling party that has appointed them.

Recommendations

- (i) In the interest of promoting and entrenching pluralism, multi-party democracy and the integrity of the electoral process, the complete independence and impartiality of the Electoral Commission in dealing with all political parties should be reaffirmed in the constitution.
- (ii) The commissioners should be selected by a panel of judges set up by the Chief Justice or the equivalent, on the basis of the individual's calibre, stature, public respect, competence, impartiality and their knowledge of elections and political development processes. The selection of commissioners should be done in consultation with all political parties and other interested stakeholders. The selected commissioners are to be approved by Parliament.

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- (iii) To further enhance the independence and impartiality of the Electoral Commission it should have its own budget directly voted for by Parliament and not get its allocation from a Ministry or a Government Department.
- (iv) The Electoral Law should empower the Electoral Commission to recruit and dismiss its own support staff on the basis of professionalism and competence rather than getting seconded staff from Ministries and Departments. Such staff have no loyalty to the Electoral Commission.
- (v) Security of tenure of electoral commissioners should be entrenched in the constitutions of the SADC countries.

PART 3

FOSTERING TRANSPARENCY AND INTEGRITY IN THE ELECTORAL PROCESS

It is necessary to start this section by defining what the terms transparency, levelling the playing field and free and fair elections mean in the context of managing elections. These concepts are important in fostering transparency and integrity in the electoral process.

Transparency

Transparency refers to the degree of openness in the election process. It is important in the conduct of elections in that it enables the public at large, political parties and candidates to be informed on a timely basis about developments concerning electoral matters. It is a confidence building measure.

Level Playing Field

In the context of elections, the expression “level playing field” refers to a requirement that the election rules and regulations apply fairly to all political parties and candidates. It requires that the Electoral Commission deals openly and on equal terms with each of the political parties to enhance transparency.

Free and Fair Elections

Whether elections are free and fair is a judgmental position on the whole process of conducting elections.

Problem

Experience has so far shown that the above three concepts feature prominently when elections are held in any of the SADC countries.

Opposition parties often complain about the lack of transparency in the manner in which Electoral Commissions manage elections, the playing field being skewed in favour of the ruling party and for the losing parties the elections being not free and fair. What is discussed below are some ingredients of good practices that Governments should seriously consider adopting to enhance transparency, ensure a level playing field, and guarantee free and fair elections.

1. Registration of Voters

Problem

Registration of voters in SADC countries is a once off thing, done when elections are imminent. Experience shows that this practice leaves out a substantial proportion of eligible voters. A properly compiled register of voters provides a sound basis for the organisation of free and fair elections. The

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compilation of a satisfactory voters' register is a biggest test of the impartiality and technical competence of the Electoral Commission.

Recommendation

Registration of voters should therefore be a continuous exercise and not just wait for an election.

2. Voter Education

In some cases voters' education is left to NGOs and political parties. Due to lack of funds it is inadequately funded and poorly managed.

Recommendation

The Electoral Commission should be required by law to provide for a satisfactory and adequately funded voter education programme that helps voters to be acquainted with the voting procedures and other aspects of civic awareness.

3. Boundary Delimitation Commissions

Problem

The main function of a Boundary Delimitation Commission is to draw the boundaries of constituencies in a fair manner applying a stipulated formula such as the electoral quota which uses the average electorate of the constituencies as the basic size of the electorate to be placed in a constituency. Experience has shown that this is not always adhered to.

Recommendations

- (i) In the interest of promoting plural, multi-party democracy and enhancing integrity of the electoral process, the independence and impartiality of the Boundary Delimitation Commission in drawing up constituency boundaries should be reaffirmed in the constitutions of SADC countries. The tenure of office of the Commissioners should be guaranteed in the Constitution. The drawing up of constituency boundaries should be left to the technical competence of the Boundary Delimitation Commission without political interference. The Commission should consult stakeholders in this process.
- (iv) Gerrymandering should be outlawed.
- (v) Recommendations of the Boundary Delimitation Commission should not be altered by any stakeholder.

4. Nomination Process

Problem

The nomination process has been a vulnerable stage in election preparation. Prospective candidates have been prevented from submitting their nomination papers due to violence, procedural deficiencies and inadequate role of the courts.

Recommendation

It is therefore recommended that technical requirements/rules should be kept to the absolute minimum. The Electoral Commission should have powers to extend the time for a particular nomination centre and prospective candidates should have the right to appeal to the High Court.

5. Election Campaign

Problem

Election campaign in a number of SADC countries is often riddled

- with violence, murder, intimidation, destruction of property,
- unequal access to state owned media and accusations by. Updated by the committee
- opposition parties of a lack of a “level playing field” among the parties contesting an election.

Recommendations

The Electoral Commission and all stakeholders in the electoral process should therefore be required by law and be empowered to ensure that political parties and candidates should denounce violence in elections in order to ensure that:

- unimpeded freedom of campaign throughout the country;
- free and unimpeded access to Voters' Rolls;
- all Government Security Forces should act impartially and professionally;
- Presidential candidates must be provided with free and adequate security during the election process;
- equal and free access to the state owned media;
- a code of conduct developed through consensus from all political parties to guide behaviour in the conduct of campaigns; and
- reasonable safeguards at political meetings, rallies, polling stations and party premises.

The *ad hoc* Electoral Tribunal shall enforce the foregoing recommendations.

6. Funding of Political Campaigns

Problem

The funding of election campaigns is an area where the misuse of public funds is common and the playing field is not even. Experience in most countries is that the ruling party is well resourced (financially and assets wise) while opposition parties are poorly funded. Ceilings on political expenditure are either not there or ignored by all. The rich engaged in lavish expenditure to win votes.

Recommendation

The Electoral Commission should therefore be legally empowered to prohibit certain types of expenditures so as to limit the undue impact of money on the democratic process and the outcome of an election. It should be empowered to ensure that proper election expenses returns are submitted on time, to inspect party accounts, and for parties to have properly audited and verified accounts.

7. Role of the Courts

Experience shows that the courts come into the electoral process in terms of:

- (i) handling appeals during the registration and nomination stages;
- (ii) dealing with election offences; and
- (iii) attending to election petitions.

Problem

In most countries the courts are either under-funded or understaffed or too bureaucratic to deal promptly with election petitions and offences. Yet the courts are an important player in ensuring a plural and multi-party democratic process.

Recommendations

- (i) The courts should be strengthened in terms of both human and financial resources to enable them adequately to deal with election petitions and offences and to ensure a level playing field and free and fair elections.
- (ii) There must be time limits for resolving election petitions.
- (iii) In enhancing democracy all electable positions should be subject of judicial review.
- (iv) All cases emanating from electoral petitions should be subject to electoral review.

8. The Electoral Commission and the Media

Problem

Technical competence, impartiality in dealing with political parties and independence of government control are not the only qualities of a good Electoral Commission. Good relations with the media is a desirable quality in that it fosters public confidence in the electoral process. Experience from the SADC countries is that the relations between the Electoral Commission and the private media is not only a good one. Yet the media plays an important role in terms of fostering the integrity and transparency of the Electoral Commission and on building public confidence in the activities of the Commission. Therefore, the Electoral Commission and the media should view themselves as allies and not as adversaries in the institutionalisation of the democratic process in the conduct of elections.

Recommendations

The following good practices are offered for adoption by Electoral Commissions in our Region:

- (i) periodic meetings with representatives of the media at every important stage of the electoral process as a way of communicating with the general public; and
- (iii) general media briefings and general statements to the media to avoid misrepresentation.

9. Polling Stations

Problem

In some SADC countries, polling stations are in private houses, shops and stores. This compromises the integrity of the voting process and the secrecy of the ballot.

Recommendation

Polling stations should be public places such as schools, tents and mobile vehicles that are neutral.

10. Ballot Boxes

Problem

The nature of ballot boxes has become the subject of concern in the voting process. Some countries still use opaque wooden boxes which defeat the call for transparency in the electoral process. Other countries are a step ahead in that they use transparent ballot boxes in line with the general call for transparency in the electoral process.

Recommendation

Those SADC countries that still use opaque wooden ballot boxes are urged to discard them in favour of transparent ballot boxes.

11. Counting of Votes

Problem

The counting of votes is another area in the electoral process riddled with accusations of elections being rigged in favour of the winning party. The system of transporting ballot boxes from polling stations to a central counting centre creates opportunities for missing ballot boxes and other ballot boxes being sneaked in. This is a violation of free and fair elections.

Recommendations

- (i) The counting of votes should be done at the polling station where the candidates and/or their election agents are present. Such candidates and agents should be allowed to remain with the boxes from closure of polling station to counting of the votes.
- (ii) There should be immediate release of official election results on completion of counting, signed by returning officers and confirmed by party agents.
- (iii) Verification and reconciliation of ballots should be done before counting begins and this should be done in the presence of candidates and all their agents.
- (iv) In the event of a long lapse of time between the completion of voting and the commencement of the counting, the ballot boxes should be sealed and opened in the presence of all polling agents.
- (v) The Electoral Commission should prepare and make available a time-table of the electoral process, including the acquisition of electoral materials, packaging and distribution to polling centres. The time-table, including all stages of electoral events should, by law, be made accessible to all stakeholders.

12. Acceptance of Election Results

Problem

It is common in some SADC countries that both ruling and opposition parties do not easily accept election results. Some ruling parties as well as opposition parties do not accept the legitimacy of each other. In some cases, opposition parties are denied funds that are due to them. The tendency therefore is for opposition parties to act outside parliamentary jurisdiction.

Recommendations

- (i) The culture of accepting election results should be cultivated and encouraged, especially when election observers have certified the results as free and fair.
- (ii) Political parties contesting elections must accept defeat after fair contests.

13. Managing Post Election Conflicts

Problem

Lack of confidence, trust and dialogue has led to conflicts among political leaders before, during and after elections.

Recommendations

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- (i) There is need for consensus building.
- (ii) There is need to create an institutional machinery at the SADC Parliamentary Forum level to handle conflicts that arise before, during and after elections.
- (iii) SADC countries should work out a mechanism of ensuring that there is a harmonious relationship and cooperation between the ruling parties before and after elections.

14. Role of Observers

Problem

There is a growing realisation among SADC countries that have embraced multi-party democracy that the presence of observers (local, regional and international) generates confidence in the political process and international standing of the country. It often assists the electorate and the losing political parties and candidates to accept the election results if the election is judged by the observers to have been held under legitimate conditions. However, what is disputed is what constitutes free and fair elections and on the part of the host government who should be allowed to observe the elections. Some international bodies and local observers are suspected of having their own agenda and may not be impartial and have therefore been barred by host governments from observing the elections.

Recommendations

Despite these concerns, election observers should be accepted as part of the process to institutionalise multi-party democracy and as a mechanism to persuade governments to adhere to the ingredients of free and fair elections. These ingredients include:

- (i) acceptance by all political parties that all eligible citizens have had a fair opportunity to register as voters and to cast their votes;
- (ii) political parties contesting the election having a fair opportunity to campaign including an equitable access to the state owned media;
- (iii) the Government of the day creating a “level playing field” condition in which all political parties have the opportunity to put their policies and programmes to the electorate;
- (iv) the removal of any existing state of emergency before an election campaign begins;
- (v) certification by all Polling Agents that the Voting was free and fair at respective polling stations;
- (vi) the acceptance by the host government of election observers as a factor in fostering transparency, integrity and in institutionalising the democratic process in the conduct of elections.

15. The Role of the SADC Parliamentary Forum in Election

Observation

Problem

The Forum has been experiencing difficulties in some member countries in respect of timely accreditation; confusion about who has authority to invite the Forum to observe the Elections; and a common understanding of how the lessons from observing elections are shared with the stakeholders. A problem also exists in SADC because of the absence of a regional body that can assist in resolving electoral disputes.

Recommendations

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

- (i) The SADC Parliamentary Forum should continue to observe elections so as to promote democratic practices and sustainable peace in the region in line with the objectives of the Forum.
- (i) SADC Parliamentary Forum Observer Missions should observe the pre-election (including voter registration), election, and post-election periods. The timing of the pre-election entry point shall be determined by the Secretariat in consultation with stakeholders.
- (ii) The SADC Parliamentary Forum should widely circulate its election Observation Reports and engage stakeholders in the aftermath of elections.
- (iii) All Governments should endorse a standing invitation to the SADC Parliamentary Forum to observe elections whenever they are held in any SADC country without having to wait for a formal invitation from the host Government.
- (iv) In line with the SADC Declaration which *inter alia* calls upon all Governments to ensure the full participation of women with a minimum of 30% of women in all areas of decision making, including Parliaments. The reform of all laws that impede the full participation of women in elections, electoral processes and management of elections. To this end, each and every recommendation automatically incorporates provisions that are designed to advance the women's role in the governance of SADC countries.

16. Code of Conduct for the Forum as Regional Observers

Problem

Whereas observers have the noble duty to see that elections are held in a free and fair atmosphere it does not mean that they are 100% impartial. Some election observers may have their own hidden agendas. They therefore cannot carry out their work without some guidelines on their behaviour. However, SADC Parliamentary Forum undertakes to observe elections impartially in line with the Constitution and Code of Conduct for the Forum.

Recommendations

Election results should be accepted by both ruling and opposition parties and what is due to opposition parties should be given without delay in accordance with the law. It is therefore recommended that Governments should take a policy position recognising the role of observers, as long as:

Observers must be non-partisan at all times and seen to be so; they should not express partisan political views whether by word, symbol, conduct, song or otherwise; to respect the laws of the host Government; to respect the role, status and authority of the Electoral Commission and presiding officers at all times not to communicate with the voters at any time within the precincts of the polling station; not to interfere in the electoral process at any time; and to channel any complaints that they may have to the relevant Government and electoral officials.

17. Reform of Electoral Laws

Problem

Some of the electoral laws are cumbersome and bureaucratic. This leads to the difficulties of attainment of good electoral standards and norms within the region.

Recommendation

There is need to harmonize SADC countries electoral laws. This will enhance and promote the attainment of plural politics, democracy, peace and stability in the SADC region.

D. CONCLUSION

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The above recommendations on norms and standards in conducting plural and multi-party elections, if adopted and implemented by the SADC Governments, would certainly go a long way to entrenching a democratic culture, in minimising conflict and contributing to political stability and peaceful development in Southern Africa.

The SADC Parliamentary Forum should set up a monitoring mechanism to ensure successful implementation of the recommendations.

APPENDIX 2

SADC Principles and Guidelines Governing Democratic Elections 2005

1.1.1 1. INTRODUCTION

SADC region has made significant strides in the consolidation of the citizens' participation in the decision-making processes and consolidation of democratic practice and institutions. The Constitutions of all SADC Member States enshrine the principles of equal opportunities and full participation of the citizens in the political process.

The Southern African countries, building upon their common historical and cultural identity forged over centuries, agreed to encapsulate their commonality into a single vision, that of a SHARED FUTURE. In this context, in 1992 the Southern African countries meeting in Windhoek, the Republic of Namibia, signed a Treaty establishing the Southern African Development Community (SADC).

Article 4 of the Treaty stipulates that "human rights, democracy and the rule of law" are principles guiding the acts of its members. Article 5 of the Treaty outlines the objectives of SADC, which commits the Member States to "promote common political values, systems and other shared values which are transmitted through institutions, which are democratic, legitimate and effective. It also commits Member States to "consolidate, defend and maintain democracy, peace, security and stability" in the region.

The Protocol on Politics, Defence and Security Cooperation provides that SADC shall "promote the development of democratic institutions and practices within the territories of State Parties and encourage the observance of universal human rights as provided for in the Charter and Conventions of the Organization of African Unity [African Union] and the United Nations."

In addition, the Strategic Indicative Plan for the Organ (SIPO), as the implementation framework of the Protocol, emphasizes the need for democratic consolidation in the region. The development of the principles governing democratic elections aims at enhancing the transparency and credibility of elections and democratic governance as well as ensuring the acceptance of election results by all contesting parties.

The Guidelines are not only informed by the SADC legal and policy instruments but also by the major principles and guidelines emanating from the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa – AHG/DECL.1 (XXXVIII) and the AU Guidelines for African Union Electoral Observation and Monitoring Missions – EX/CL/35 (III) Annex II.

1.1.2 2. PRINCIPLES FOR CONDUCTING DEMOCRATIC ELECTIONS

2.1 In the event a Member State decides to extend an invitation to SADC to observe its elections, this shall be based on the provisions of the Protocol on Politics, Defence and Security Cooperation.

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2.2 SADC Member States shall adhere to the following principles in the conduct of democratic elections:

- 2.1.1 Full participation of the citizens in the political process;
- 2.1.2 Freedom of association;
- 2.1.3 Political tolerance;
- 2.1.4 Regular intervals for elections as provided for by the respective National Constitutions;
- 2.1.5 Equal opportunity for all political parties to access the state media;
- 2.1.6 Equal opportunity to exercise the right to vote and be voted for;
- 2.1.7 Independence of the Judiciary and impartiality of the electoral institutions; and
- 2.1.8 Voter education.
- 2.1.9 Acceptance and respect of the election results by political parties proclaimed to have been free and fair by the competent National Electoral Authorities in accordance with the law of the land.
- 2.1.10 Challenge of the election results as provided for in the law of the land.

1.1.3 3 MANDATE AND CONSTITUTION OF THE SADC OBSERVERS MISSION

3.1 In the event a Member State deems it necessary to invite SADC to observe its elections, the SADC Electoral Observation Missions (SEOM) have an Observation role. The mandate of the Mission shall be based on the Treaty and the Protocol on Politics, Defence and Security Cooperation.

3.2 The Chairperson of the Organ shall officially constitute the Mission upon receipt of an official invitation from the Electoral Authority of a Member State holding the elections.

3.3 The Chairperson of the Organ shall mandate the Executive Secretary to issue a Letter of Credential to each Member of the SEOM prior to their deployment into the Member State holding elections.

3.4 The constitution of the Mission should comply with the SADC policies relating to gender balance. While recognising that the Members of the Mission may come from different political parties in the home countries, they should behave as a team.

1.1.4 4. GUIDELINES FOR THE OBSERVATION OF ELECTIONS

4.1 SADC Member States shall be guided by the following guidelines to determine the nature and scope of election observation:

- 4.1.1 Constitutional and legal guarantees of freedom and rights of the citizens;
- 4.1.2 Conducive environment for free, fair and peaceful elections;
- 4.1.3 Non-discrimination in the voters' registration;
- 4.1.4 Existence of updated and accessible voters roll;
- 4.1.5 Timely announcement of the election date;
- 4.1.6 Where applicable, funding of political parties must be transparent and based on agreed threshold in accordance with the laws of the land;
- 4.1.7 Polling Stations should be in neutral places;
- 4.1.8 Counting of the votes at polling stations;
- 4.1.9 Establishment of the mechanism for assisting the planning and deployment of electoral observation missions; and

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4.1.10 SADC Election Observation Missions should be deployed at least two weeks before the voting day.

1.1.5 5. CODE OF CONDUCT FOR ELECTION OBSERVERS

5.1 The code of conduct for the elections observers of SADC are consistent with those of the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa - AHG/DECL. 1 (XXXVIII). In this regard, the SADC Election Observation Missions shall adhere to the following code of conduct:

5.1.1 Must comply with all national laws and regulations;

5.1.2 Shall maintain strict impartiality in the conduct of their duties, and shall at no time express any bias or preference in relation to national authorities, parties and candidates in contention in the Election process. Furthermore they will not display or wear any partisan symbols, colours or banners;

5.1.3 Shall neither accept nor attempt to procure any gifts, favours or inducements from a candidate, their agent, the parties or any other organisation or person involved in the electoral process;

5.1.4 Shall immediately disclose to the relevant SADC structures any relationship that could lead to a conflict of interest with their duties or with the process of the observation and assessment of the elections;

5.1.5 Will base all reports and conclusions on well documented, factual, and verifiable evidence from multiple number of credible sources as well as their own eye witness accounts;

5.1.6 Shall seek a response from the person or organisation concerned before treating any unsubstantiated allegation as valid;

5.1.7 Shall identify in their reports the exact information and the sources of the information they have gathered and used as a basis for their assessment of the electoral process or environment;

5.1.8 Shall report all information gathered or witnessed by them honestly and accurately;

5.1.9 Shall, when meeting election officials, relevant state authorities and public officials, parties, candidates and their agents shall inform them of the aims and objectives of the SEOM;

5.1.10 May wish to bring irregularities to the attention of the local election officials, but they must never give instructions or countermand decisions of the election officials;

5.1.11 Will carry any prescribed identification issued at all times, and will identify themselves to any interested authority upon request;

5.1.12 Will undertake their duties in an unobtrusive manner, and will not interfere with the election process, polling day procedures, or the vote count;

5.1.13 Will refrain from making personal or premature comments or judgements about their observations to the media or any other interested persons, and will limit any remarks to general information about the nature of their activity as observers;

5.1.14 Must participate in the briefings/training provided by the SEOM;

5.1.15 Must provide their reports on time to their supervisors and attend any debriefings as required; and

5.1.16 Should work harmoniously with each other and with observers from other organisations in their area of deployment.

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

1.1.6 6 RIGHTS AND RESPONSIBILITIES OF SADC ELECTION OBSERVERS

6.1 The rights and responsibilities of the SOEM are based on the SADC experience and the AU Guidelines for Electoral Observation and Monitoring Missions. Accordingly the following shall be the rights and responsibilities of the SADC Elections Observers:

- 6.1.1 Freedom of movement within the host country;
- 6.1.2. Accreditation as election observers on a non-discriminatory basis;
- 6.1.3. Unhindered access to and communicate freely with the media;
- 6.1.4 Free access to all legislation and regulations governing the electoral process and environment;
- 6.1.5 Free access to electoral registers or voters' roll;
- 6.1.6 Unimpeded and unrestricted access to all polling stations and counting centres;
- 6.1.7. Communicate freely with all competing political parties, candidates, other political associations and organisations, and civil society organisations;
- 6.1.8. Communicate freely with voters without prejudice to the electoral law proscribing such communication in order to protect the secrecy of the vote;
- 6.1.9 Communicate with and have unimpeded and unrestricted access to the National Election Commission or appropriate electoral authority and all other election administrators;
- 6.1.10. The SEOM shall be headed by an appropriate official from the Office of the Chairperson of the Organ who shall also be the spokesperson of the Mission;
- 6.1.11. Send regular reports on the electoral observation process to the Representative of the Organ on issues that may require urgent consideration;
- 6.1.12 Issue a statement on the conduct and outcome of the elections immediately after the announcement of the result; and
- 6.1.13 Prepare a Final Report within 30 (thirty) days after the announcement of the results.

1.1.7 7. RESPONSIBILITIES OF THE MEMBER STATE HOLDING ELECTIONS

- 7.1 Take necessary measures to ensure the scrupulous implementation of the above principles, in accordance with the constitutional processes of the country;
- 7.2 Establish where none exist, appropriate institutions where issues such as codes of conduct, citizenship, residency, age requirements for eligible voters and compilation of voters' registers, would be addressed;
- 7.3 Establish impartial, all-inclusive, competent and accountable national electoral bodies staffed by qualified personnel, as well as competent legal entities including effective constitutional courts to arbitrate in the event of disputes arising from the conduct of elections;
- 7.4 Safeguard the human and civil liberties of all citizens including the freedom of movement, assembly, association, expression, and campaigning as well as access to the media on the part of all stakeholders, during electoral processes as provided for under 2.1.5 above;
- 7.5 Take all necessary measures and precautions to prevent the perpetration of fraud, rigging or any other illegal practices throughout the whole electoral process, in order to maintain peace and security;

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- 7.6 Ensure the availability of adequate logistics and resources for carrying out democratic elections;
- 7.7 Ensure that adequate security is provided to all parties participating in elections;
- 7.8 Ensure the transparency and integrity of the entire electoral process by facilitating the deployment of representatives of political parties and individual candidates at polling and counting stations and by accrediting national and/or other observers/monitors;
- 7.9 Encourage the participation of women, disabled and youth in all aspects of the electoral process in accordance with the national laws;
- 7.10 Issuing invitation by the relevant Electoral Institutions of the country in election to SADC 90 (ninety) days before the voting day in order to allow an adequate preparation for the deployment of the Electoral Observation Mission;
- 7.11 Ensure freedom of movement of the members of the SEOM within the host country;
- 7.12 Accreditation of the members of the SEOM as election observers on a non-discriminatory basis;
- 7.13 Allow the members of the SEOM to communicate freely with all competing political parties, candidates, other political associations and organisations, and civil society organizations;
- 7.14 Allow the members of the SEOM to communicate freely with voters except when the electoral law reasonably prescribes such communication in order to protect the secrecy of the vote;
- 7.15 Allow the members of the SEOM an unhindered access to and communicate freely with the media;
- 7.16 Allow the members of the SEOM to communicate with and have unimpeded access to the National Election Commission or appropriate electoral authority and all other election administrators;
- 7.17 Allow the members of the SEOM free access to all legislation and regulations governing the electoral process and environment;
- 7.18 Allow the members of the SEOM free access to all electoral registers or voters' list;
- 7.19 Ensure that the members of the SEOM have an unimpeded and unrestricted access to all polling stations and counting centres.

APPENDIX 3

Movement for Democratic Change Political Violence Report 2004

A report by the MDC Information and Publicity Department

This document details human rights abuses perpetrated against MDC supporters and officials since the beginning of 2004 by ZANU PF supporters, the youth militia, state agents and war veterans. The incidents are arranged in chronological order.

JANUARY

4 January, Midland Province: The house of ward 9 councillor, Simon Dick was destroyed in a bomb attack by suspected CIO agents. Councillor Dick and his sister-in-law managed to escape unscathed after a bomb was thrown through the dining room window in the early hours of Sunday 4 January.

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A petrol bomb was found in Councillor Dick's car the following morning. Also found was an MDC t-shirt in the yard presumably to mislead the community into believing that Dick's home was petrol-bombed by MDC activists. Police officers from the forensic department were called to investigate. No arrests have been made to date.

4 January, Mashonaland Central: ZANU PF supporters went on the rampage in Shamva at around 2300 hours moving from door to door attacking, MDC supporters. MDC activist, **Alexander Chigega (53)** was killed during the attacks. The ZANU PF group comprised of leader and area District Chairman Noel Chikanga, Milton Kange, the Youth Chairperson for the same district as well as Edison Dumbu, Tichaona Gwekwe, Harrison Zuze Ogy Minetsi and Edwin.

The ZANU PF group first descended on the home of Enias Mutsaunobaya where they severely beat Enias, his wife and children and left him for dead. They proceeded to Chigega's home where they severely attacked him and his family. Chigega was left unconscious and had to be ferried to the police station where he later died. The late Chigega had been taken to the police station by relatives who hoped to get a letter from the police that would have enabled him to get medical attention at the nearest hospital. (It is law in Zimbabwe that an assault victim must get a police report before seeking medical attention.)

After attacking the Chigega family the ZANU PF group proceeded to Rueben Manyika's home where they severely assaulted him. He was left for dead. The matter was reported to the police but no arrests were made. Rueben Manyika, Enias Mutsaunobaya, his wife Baybite and the wife and daughter of the late Chigega were taken to hospital. Manyika, Mutsaunobaya and his wife were referred to a Harare hospital while Mrs. Chigega and her daughter were briefly admitted to a Bindura hospital

5 January, Midlands: 27 war veterans abducted headman Sikombingo from his Lower Gweru home. Prior to his abduction, Zanu PF officials had threatened Sikombingo with disappearance for sympathizing with MDC. The abduction was reported to both the police and the Deputy Minister of Home Affairs, Rugare Gumbo, by the local Member of Parliament, Hon Renson Gasela, but no arrests were made.

Two other old men in their 80s, Mzingwane and Genga fled their homes after receiving similar threats from the same ZANU PF officials over their perceived allegiance to the MDC.

5 January, Matebeleland North: Prisca Sibanda, an MDC activist, succumbed to injuries she sustained at the hands of the ZANU PF youth militia in Hwange. At the time of her beating, Prisca was pregnant and went into premature labour. Her ribs had been broken when she was severely beaten by the youth militia during the run-up to the March 2002 Presidential Election. She never recovered from the wounds she sustained and left behind a two-year-old infant.

7 January, Manicaland Province: **Tawanda Mutomba**, a schoolteacher at Vengere High School in Rusape, was abducted by known Central Intelligence Operatives in broad daylight. The CIO operatives, who included a Mr. Tasa who is the Officer In charge of Makoni, his assistant Roy Chitaka, Mattre Kambarami and another only known as Hwende, used a light blue Toyota pick up truck (registration number: 640- 522T.) The four accused the victim of being responsible for distributing "*The Changing Times*," an MDC in-house weekly news publication. He escaped from his captors a few days later and fled to Mutare where he sought refuge. He has since left teaching as a result of fear for his life.

12 January, Mashonaland West: Eight MDC supporters attending a district meeting were arrested by the police and charged under POSA. The eight, Fidelis Tiritese, Mind Chambati, Stanley Razaro, Ben Nyamadzawo, Surviyor Dipuka, Stanfred Dipuka and Henry Chigutiro were charged and detained at Magunje police station for holding an illegal meeting.

16 January, Masvingo: The MDC candidate for the February 2- 3 Parliament By- election, **Crispa Musoni**, survived an ambush on his car by a group of ZANU PF supporters who were moving in three trucks. The incident happened at around 2130 hours when Mr. Musoni had just closed his shop and

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was on his way home. The three ZANU PF trucks, inscribed Matabeleland South Province and Bulilamamangwe and carrying about 30 people, blocked Musoni's way and demanded that all the people in Musoni's car disembark. Musoni refused and drove back to his shop from where he telephoned the police. The police responded swiftly and escorted Musoni home.

A smaller ZANU PF group of about 10 people followed Musoni and attempted to attack his family home. They retreated when Musoni threatened to shoot and kill anyone who ventured into his yard.

23 January, Harare: More than 15 members of the Zimbabwe Republican Police descended on the MDC offices at Harvest House in Harare and searched the building for about one and half hours at around 1530hrs. The police claimed they were looking for 'subversive material'. Party policy documents were confiscated as were copies of 'Changing Times' and copies of staff telephone numbers.

The police also raided both the MDC's Regional Office in Bulawayo.

23 January, Matabeleland North: The personal assistant to the Lupane Member of Parliament, Mr. David Nyathi was arrested by police for distributing copies of the weekly news bulletin called **Zvakwana**. Nyathi was taken to Bulawayo Central Police station and was released on the 27th of January without charge.

24 January, Manicaland: Five army officers led by Jokoja pointed a gun at an MDC supporter and demanded that he should remove the MDC T-shirt he was wearing. **Bothwell Musimwa**, a worker at Charles wood farm which is owned by the MDC legislator Roy Bennet told the officers that he saw nothing wrong in putting on an MDC T-shirt considering the MDC is lawfully recognized in the country. The army officers forcibly removed his T- shirt and tore it. They warned him against supporting MDC and wearing MDC regalia.

On the same day, the Provincial Governor for Manicaland, Mike Nyambuya, addressed a council meeting which was exclusively for ZANU PF councillors after MDC councilors were barred from attending.

The house of Brighton Muchiwu, a ZANU PF activist in Chimanimani, was petrol bombed by unknown assailants. Police and members of Central Intelligence used this incident as a pretext for searching all houses belonging to MDC members and engaging in an orgy of violence against known MDC activists. Benson Mukwaya, Lovemore Jakachira, Chengetanai Munyepfu, Takesure Sigauke, and Jaspa Gavaza were all severely assaulted.

24 January, Manicaland (Buhera): A group youth militia headed by a CIO operative known as Mhlanga descended on Mrs. Mary Mthetwa at Murambinda Growth Point in Buhera. They demanded to know where her daughter Shemita Madongwe was. They told her that they had heard Shemita speaking on one of the foreign radios about Zimbabwe. They beat up Mrs. Mthetwa who was later taken to a private clinic in Mutare for medical attention.

25 January, Mashonaland West: Hurungwe West: Four MDC members, Bishop Silas, Silas Dhawuda Charles Siyibwa and Mike Bandahwe were dragged out of their homes by a group of about 40 ZANU PF supporters led by a war veteran only known as Garamukanwa and Peter Marandu. One of the ZANU PF supporters, Bernard Jeffreys, confiscated 15 MDC membership cards being sold by one of the captured MDC members. He further destroyed a portrait of the MDC President displayed in Bishop Silas's home.

The four were taken to Wellwin Farm, which has been turned into a ZANU PF torture camp and were severely assaulted and detained for more than 10 hours. They were only released at around 1900 hours. The matter was reported to the police in Karoi and a docket, RRB number 183550 dated 29 January 2004 was opened. No arrests have been made yet.

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26 January, Bulawayo: The MDC Bulawayo Regional Administrator, Mr. Joshua Mpofu, was taken in by the police for questioning over allegations that copies of the weekly news bulletin called **Zvakwana** were found in his office at the time the police carried out a search of the offices on the 23rd of January. He was released the same day without charge.

26 January, Mashonaland East: A group of ZANU PF supporters moving in a white truck written Mashonaland East Province, in the Murehwa district, carried out a witch hunt on MDC supporters in the area. The supporters were captured after their homes were thoroughly searched and they were taken to a ZANU PF base at Duku shopping Centre where they were paraded in public and subject to verbal abuse and physical assault.

Amongst the captives was Andrew Chikoto, a school headmaster, Stuart Chinyoka and Bob George both of whom are MDC activists and Matthew Birimhiri the MDC district chairperson for the area.

The four were told to leave the area and go to stay with their President Morgan Tsvangirai. ZANU PF supporters who had gathered to witness the kangaroo court proceedings were told that they were free to deal with the captors in any way they deemed necessary but they would have to do it in the absence of the ZANU PF officials. Joshua Kafure, Mrs. Hunidzarira and another only known as Dandara led the ZANU PF group.

27 January, Manicaland (Chimanimani): Four MDC activists were kidnapped at gunpoint by members of the CIO operatives at the MDC offices at around 0930 hours in Chimanimani. The four, Pardon Maguta the district coordinator for the area, security personnel Lovemore Mbiri and Cephas Mudhara and Chengetai Munyepfu, a driver, were bundled into a truck at gunpoint by five members of the CIO. Only two of the CIO operatives, Pardington Mpofu and Shingi, were identified. The four were detained for a week during which time they were severely beaten.

FEBRUARY

2 February, Gutu North Constituency: Voting was in progress in the Gutu North Constituency Parliamentary by- election. Suspected ZANU PF agents driving a truck with registration number 779-069 N at Matiza polling station abducted an MDC youth Monica Mambanje.

Chiefs in most parts of the constituency were seen writing the names of the voters as they came in to cast their votes. Teachers in various parts of the constituency, including those at Rufaro Mission, were forced to declare that they were not able to vote on their own and thus needed to be 'assisted'. Mr. Moyo, a teacher at Rufaro, came forward to say that he was forced to declare that he was not able to vote for himself and thus needed 'assistance'.

3 February, Mashonaland East, (Murehwa): A group of ZANU PF district officials in the area led by Siwela carried out a door to door campaign to weed out MDC supporters. Among the victims were Francis Muronzi and his wife Beaty Usaviwevhu who were picked up from their home at around 13.00 hours and were severely beaten for allegedly selling the country to whites by supporting the MDC. They also lost \$350 000,00 which had been contributed by the local community to procure fertilizers.

4 February, Manicaland (Chipinge): Several MDC supporters were severely assaulted by ZANU PF supporters who went on a rampage raiding homes belonging to perceived MDC members in Tanganda and Musane village in Chipinge. The raids started at around 2300 hours and continued throughout the night.

Tonderai Manjoko's home in Tanganda was raided at around 2330 hours by a group of about 15 ZANU PF youths who were moving in a white truck, inscribed Zimbabwe Republic Police, and was being driven by a member of the force who was in uniform. They knocked at his door demanding that he should come out. When he refused they forced opened the door and dragged him into the truck and drove off. Among his abductors Tonderai was able to identify Danmore Matshezana who is a well-known ZANU PF youth in the area. Tonderai was severely assaulted and was robbed of \$ 65000,00.

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In Musame village the ZANU PF group descended on the home of Gordon Mushakavanhu, the former ZUM Member of Parliament for the constituency. Gordon and two others were severely assaulted. The ZANU PF group proceeded to the home of MDC activist James Dhlwayo, but failed to break the security wall.

6 February, Mashonaland East (Murehwa): The ZANU PF district leadership in the area of Murehwa intensified its terror campaign in the area against perceived MDC supporters. The ZANU PF leadership led by Siwela moved from house to house hunting for MDC supporters and severely assaulted anyone perceived to be an MDC sympathizer

J. Makombe, Beauty Musekiwa and E. Maronza were among some of the people terrorized by this ZANU PF group. The fruits and vegetables they were selling to sustain themselves were confiscated and they were severely assaulted. They were later told to leave the area immediately and go to live with their President Morgan Tsvangirai. They have all fled to Harare to seek refugee.

6 February, Manicaland (Chimanimani): Three MDC women were abducted and subsequently raped by ZANU PF supported war veterans at Charleswood Farm in Chimanimani. The three women, Viola Ngwenya (18), Spiwe Chivhuro (15) and Melody were taken by war veterans to their base in the area. Viola is alleged to have been raped twice by Muusha over the night while the other two women are said to have been sexually abused by Nasho, Kareyi and Mabumba who took turns to fondle their breasts and private parts.

8 February, Manicaland (Chimanimani): Shemi Chimbarara, an MDC activist was murdered by members of the Zimbabwe national army at Charleswood Farm.

A group of about 20 ZANU PF supporters led by Muusha Chamunorwa, Charles Chigamba, Nasho and a Makamanzi descended on the home of Amos Makaza, a security guard at the farm, at around 19.00 hrs. They attacked the house destroying windowpanes but retreated when farm workers from the compound come to assist Makaza. They came back later with the backing of the army and fired some shots at Makaza's home.

The ZANU PF group and the army followed the farm workers to their compound and fired more shots. Shemi was shot and killed on the spot while John Kaitano was shot in the leg. Kaitano was taken to a hospital in Mutare.

8 February, Manicaland (Chipinge): The MP for Chipinge North, Methias Matewu, survived an assassination attempt by the ZANU PF sponsored militia at Bingwa Business Center in Chipinge. The incident occurred when Matewu was addressing a rally at Bingwa Business Centre, a rally which had been cleared by police. Hundreds of ZANU PF militia were dropped off at the venue by ZESA, DDF and ARDA vehicles and started beating up MDC supporters as soon as they departed the rally. These attacks happened in front of police officers who stood by and watched.

28 February, Mashonaland Central (Shamva): Four MDC activists in the Shamva area of Mashonaland Central were arrested. The four, Forget Daniso (Youth Organising Secretary), Bernard Gandanzara (Ward 7 Chairperson), Gonore Humba and Levis Munave, all of Shamva district were arrested, and taken to Mt Darwin Police station on spurious allegations of pouring blood and dumping some corpse stretchers on the door steps of some ZANU PF activists in the area. Members of the CID searched their homes but nothing incriminating was found.

The four were then taken to the home of ZANU PF District Chairperson, and later released. They were picked up again the following day by Bindura police, and handed over to the CIO operatives in Bindura. They were detained, tortured and released from Bindura Police Station three days later. They are still under medical supervision.

MARCH

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3 March, Chitungwiza (Zengeza Constituency): A group of about 20 ZANU PF sponsored youth militia attacked Mrs. Apolonia Tarupiwa (nee Choruwa) at her home in Zengeza at around 2330 hours. The militia group demanded that Mrs. Tarupiwa hand over all the MDC material she had in her possession. They also attacked Daniel Mapuranga who is a tenant at Mrs. Tarupiwa's house.

4 March, Chitungwiza (Zengeza): A group of ZANU PF supporters attacked MDC members in Zengeza at around 1500 hours. Lazarus Mbodza and Trust Chimbidzikai were abducted and taken to a ZANU PF base in Unit H where they were severely assaulted. Another MDC member, Lancelot Masaraure, was brutally attacked with sticks and logs and left unconscious.

7 March, Chitungwiza (Zengeza): Zanu PF militia invaded the venue of a planned MDC rally in Zengeza. The rally was set to launch the MDC's campaign for the by-election to be held in the Zengeza constituency on 27 and 28 March.

At around 10.00 am a group of about 200 ZANU PF sponsored militia descended on the venue of the MDC rally and attacked MDC supporters who were preparing for the event. The MDC group, numbering about 20 youths, were all severely assaulted. The police who were present did nothing to protect the MDC supporters or restrain the militia. The police contingent included the Officer-in-Charge of Chitungwiza and his assistant, a superintendent Mutemaringa.

At around 11.30 am as the MDC campaign team was driving to the venue of the rally it was attacked by ZANU PF militia armed with knobkerries, stones and sticks.

Members of the riot police stood by as the ZANU PF youths went on the rampage destroying vehicles and beating up people. No arrests have been made despite the fact that all this happened in their presence.

7 March, Mashonaland Central (Shamva): Elijah Mutanhaurwa the MDC vice chairperson for ward 4 in Shamva, his wife and son Washington and Mrs Alice Matanda were abducted and frog marched to a ZANU PF meeting which was being addressed by Milton Kange, the ZANU PF youth chairperson for the area. The meeting was held at Kaziro School. The four were asked to renounce their MDC membership. When they refused to do so, they were forced to lie down on their bellies and were severely assaulted on their buttocks with sticks.

After being assaulted, they were again frog marched to their respective homes where searches were carried out for any MDC material. They found an MDC t-shirt at Elijah's house, which they took. They did not find anything at Matanda's house.

The four were threatened against reporting the matter to the police.

9 March, Chitungwiza (Zengeza): Three MDC supporters were attacked by ZANU PF youth militia in Zengeza constituency. The three opposition supporters were part of a group that was distributing MDC campaign material in the constituency. The victims were Charles Marapinyu, Mrs Karina Benhura (48) and Farai Tarupiwa. Another MDC supporter, Jabu Mtunzi, had the windows and asbestos sheets of his house in Unit D shattered in the attack by the ZANU PF group. The three who were attacked sustained serious injuries. Benhura had injuries to her face, and all over her body. She was taken to hospital in Harare. The other two received cuts on their backs as a result of beatings with sjamboks.

The district chairman for the area, Abel Suwani, led the ZANU PF group. After trailing the MDC group the ZANU PF youths attacked them forcing them to run in all directions. They pursued them and brutally assaulted them with an assortment of weapons, which included chains, sticks and stones.

10 March, Chitungwiza (Zengeza): More than 100 ZANU PF youth militia stoned three houses belonging to members of the opposition including that of James Makore, the MDC candidate for the Zengeza by-election.

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The ZANU PF mob, which was moving in trucks, arrived at around 1430 hours and invaded the three houses. They beat up anybody who was found anywhere near the candidate's house. They also destroyed property valued at millions of dollars.

The ZANU PF mob also abducted an MDC youth, Enock Mukudu, who had to give them \$30 000, 00 to secure his release but not before he was stabbed in his left arm by one of his abductors. He also sustained a cut above his right eye.

No arrests were made. The injured were taken to hospital.

11 March, Chitungwiza (Zengeza): Madeira, an MDC activist in the Zengeza constituency, was arrested on allegations that his house was being used as a safe house by MDC youths. Madeira's house was stoned by a group of ZANU PF youths on 10 March and goods worth millions of dollars were destroyed.

Some police officers went to his house and accused him of providing safe houses to MDC youths and subsequently arrested him. He was taken to Harare Central police station where he was detained.

12 March, Chitungwiza (Zengeza): ZANU PF youths tried to raid the home of the MDC candidate for Zengeza.

13 March, Midlands North (Redcliff): Isaac Muzimba the MDC Midlands North Provincial Chairperson was arrested by Redcliff police on allegations that he had made a statement that was likely to incite public violence.

Muzimba was addressing an MDC gathering that had come for the launch of the MDC campaign for the ward 3 council by-election that was due to be held on 27 and 28 March 2004. Also present at the mini rally were Hon. Blessing Chebundo the Member of Parliament for Kwekwe Central, Hon A Malinga the Member of Parliament for Silobela and the Mayor of Redcliff, Rogers Chisi.

20 March, Chitungwiza (Zengeza): Samantha Chabayanzara, an MDC activist, was brutal assaulted by six ZANU PF youths at her home in Zengeza. Samantha 19 was in bed at the time the six ZANU PF youths raided her home. They demanded that she should hand over to them traditional drums that belong to her family which are normally used at MDC rallies to provide entertainment.

She was hit with over the head by an empty bottle and suffered severe cuts.

Among her assailants, she was able to identify Douglas Chipuya, a known ZANU PF youth in the area. The group ran away as soon as they had inflicted harm on her.

Samantha was taken to a hospital in Harare where she received treatment.

In the same Zengeza constituency, 10 MDC youths were arrested and were taken to Makoni police station.

22 March, Chitungwiza, (Zengeza): Goodrich Chimbaira, the MDC councillor for ward 20 in Chitungwiza, was arrested together with Misheck Chimusipa, an MDC activist. The two were accused of having forced a ZANU PF supporter in Unit D to buy an MDC party card.

24 March, Chitungwiza, (Zengeza): The MDC candidate for Zengeza, James Makore, was saved by the police from imminent attack by a mob of about 300 ZANU PF supporters at Chikwanha shopping centre in the constituency. The incident took place at around 1500 hours. Makore had gone to Chikwanha shopping centre where he intended to buy some groceries for his family. At the shopping centre, he found himself surrounded by the ZANU PF mob and for more than 20 minutes, he could not move as his vehicle was blocked by the mob.

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Maud Yotamu, the MDC ward 11 chairperson, was abducted from her home at around 22.00 hours and taken to a ZANU PF base at the district offices. Mrs Yotamu was already in bed when her captors knocked at her door purporting to be members of the police force who wanted to talk to her. When she opened the door, she was dragged out and taken to the base. She was tortured for more than two hours before being released. They told her to report back the following morning.

24 March, Chitungwiza (Zengeza): The 10 MDC youths who were arrested on 22 March were released on \$50 000,00 bail each.

25 March, Chitungwiza (Zengeza): Misheck Chimusipa and Councillor Goodrich Chimbaira released on \$ 50 000,00 bail each.

25 March, Chitungwiza (Zengeza): Mrs Lilian Mashumba (nee Chinyerere) the wife of the district chairperson for Zengeza, Stanford Mashumba, was attacked by seven suspected ZANU PF supporters at her home in Zengeza. Mrs Mashumba was doing some cleaning when the seven men arrived and demanded to see her husband. The men covered their faces to disguise their identity. When they were told that Mr Mashumba had gone to Mr Makore the MDC candidate for Zengeza's house they demanded that she should hand-over all the MDC material that her husband is keeping at home. They proceeded to attack her with sticks and kicked her several times in the head.

25 March, Chitungwiza (Zengeza): Tendai Musaki, an MDC activist, was abducted by seven ZANU PF youths at his flea market shop in Zengeza 3. He was abducted at around 1600 hours. His abductors handcuffed him before dragging him for a distance of more than 500 metres to a ZANU PF base in the area after they had alleged that he had stolen something and they claimed that they wanted to take him to the police.

At the ZANU PF base he was subjected to severe assaults with sjamboks, sticks and iron bars as the ZANU PF group at the base took turns to assault him. He was only released 24 hours later. He suffered cuts all over his body. The matter was reported to the police but no arrests were made. Tendai was taken to a hospital in Harare for treatment.

26 March, Chitungwiza (Zengeza): A group of about 100 Zanu PF militia, armed with stones and metal objects, descended on the home of James Makore, the MDC candidate in the Zengeza constituency parliamentary by-election and attacked all the people who were at the home at about 1600 hours. Ten MDC youths were injured and were rushed to hospital in Harare. The injured are Memory Mazowe, Tendai Phillip, Tendai Chinyanga, Clever Mhonda, Mathew Bosha, Dick Maneka, Jabulani Mtunzi, Silvanos Chinorwirwa, Abel Maveza, Chamunorwa Maringaziva and Councillor Mangoma.

27 March, Chitungwiza (Zengeza):

First Day of Voting in Zengeza By-Election

0645 hours: Three MDC youths were arrested on their way to a polling station.

1023 hours: Mrs Makadii, a known MDC activist in the Zengeza constituency, was abducted and taken to a ZANU PF base by a group of ZANU PF youths. Mrs Makadii was on her way to the polling station to cast her vote.

1100 hours: The police arrested three MDC officials who were monitoring the election. Those arrested were Tariro Shumba, the provincial information officer for Chitungwiza, Donald Chirunga, the election's directorate officer, and Spencer Ndemera, a security officer. Ndemera was falsely accused of being in possession of a firearm. His vehicle was searched but nothing was found. The three had gone to the police to report some irregularities that were being perpetrated by some ZANU PF supporters.

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1115 hours: the police close down The MDC command centre, which was at the candidate's house. The party officials who were working from the centre were chased out.

15.00 hours: ZANU PF officials, headed by Minister Elliot Manyika and Joseph Chinotima, arrived at the Tent polling station and demanded that Good rich Chimbaira, who is an MDC councillor for the area and who was also a polling agent in the by-election, be removed. They allege that his presence at the polling station was likely to influence the voters. Voting was stopped for more than half an hour as the two parties argued over the issue. The MDC officials later compromised and decided to remove Chimbaira. Later ZANU PF changed their mind and demanded that Misheck another MDC polling agent should also be removed. All this happened in the presence of the provincial registrar, Mr Tsuro.

17.00 hours: Two MDC supporters, Matope and Musekiwa, were tracked down by ZANU PF youths soon after they had cast their votes. The two were assaulted but one of the assailants was captured and handed over to the police.

18.30 hours: Four MDC vehicles were stoned by a group of ZANU PF supporters. This happened in the presence of the police in Unit H, at the Tent polling station.

More than 200 voters who were in a voting queue were also attacked and chased away by a group of ZANU PF youth militia. No arrests were made despite the fact that the perpetrators committed the crime right in front of members of the police.

19.15 hours: A group of about 20 ZANU PF youths at Zengeza 3 polling station blocked anybody perceived to be an MDC supporter from casting their votes.

21.35 hours: A gang of the notorious "Chipangano" (Zanu terror gang) carried out a door to door campaign looking for MDC supporters and assaulting them.

24.00 hours: Two houses belonging to well-known MDC activist, Mrs Ndakadii and Mr Munyoro, were attacked by suspected ZANU PF supporters. All windows were smashed on Mrs Ndakadii's house while Mr Munyoro's house had its doors broken.

Second day of voting:

07.30 hours: Hundreds of ZANU PF supporters attempted to block suspected MDC supporters from going to polling stations. Scores of MDC activists were assaulted.

08.00 hours: Francis Chinozvina, an MDC youth, was shot in the chest at the home of the MDC candidate James Makore when Zanu PF supporters opened fire. He was pronounced dead on arrival at a hospital in Harare. Another MDC youth, Arthur Gunzvenzve, was shot in the leg. Ten other MDC youths Leonard, Dendera, Esnath Mawire, Peter Katerere, Tawanda Mutemeri, Douglas Marowa, Peter Kembo, Gift Katsa, Linda Siriya, Wilbert Chimbwedza, Tendai Karimazondo, Patience Girizha, Jameson Mombe and Tinashe Gahodza were seriously injured in the raid.

11.00 hours: All polling stations were sealed off by ZANU PF youths and voters were turned away. Hundreds of voters who attempted to go and cast their votes were assaulted.

21.30 hours: Hon. Tumbare Mutasa was arrested on allegations that he had fired a gun at ZANU PF supporters at around 10.00 hours in unit D. Chitungwiza.

29 March: Hundreds of ZANU PF supporters moved around the residential area of Chitungwiza beating up perceived MDC supporters.

APRIL

1 April, Mashonaland Central (Mount Darwin North): Force Chapfuruka, the district chairperson for Mount Darwin North constituency, was abducted from his home by three CIO agents. The three

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agents (Gombiro, Rwizi and a third whose name has not been established) are known in the area for victimizing MDC supporters and for supporting ZANU PF. Tichaona Mutedza, one of the MDC activists who survived the abduction, alleges that when the agents failed to get him, they abducted his wife, Maidei Antonio. Maidei is said to have been taken to Mukumbura police station where she was detained after she had been severely assaulted by the CIO agents. She was released the following day. Chapfuruka was released after a week.

8 April, Matebeleland North (Lupane): Gerald Khumalo (33) an MDC activist was attacked by a group of about 20 war veterans at Lupane Business Centre on 7 April at around 21.30 hours.

Gerald was relaxing in Wise Waters cocktail bar when a group of about 20 war veterans, among them Timon Mlilo and Obert Dube, approached him, grabbed him by the collar, handcuffed him and dragged him out of the bar, punching him in the face in the process. They took him to the CIO office at the business centre, but found it closed. While waiting to get the keys to the CIO office, the war veterans told Khumalo that Njabuliso Mguni, the MDC candidate in the by-election, was a sell out because he once worked for the Government, but has crossed the floor to the opposition.

Khumalo was rescued by other MDC youths who followed the abductors to the CIO office and forced them to release Gerald.

War veterans and ZANU PF militia set up bases in Lupane ahead of the parliamentary by-election to be held on 15 - 16 May 2004. One such base is Kusile District Council pre-school situated at Lupane business centre.

16 April, Matebeleland North (Lupane): ZANU PF continues to set up militia bases in the Lupane constituency in preparation for the by-election. Hundreds of youth are being moved into these bases to take up positions.

19 April, Harare (Mabvuku): MDC MP for Mutasa, Evelyn Masaiti, was arrested in Mabvuku on her way from Mutare.

Hon Masaiti was arrested together with four other people who were travelling in her vehicle. The other five were Stanford Bote, Henry Chimbi, Zvamaida Nyaruwata and Takesure Mashavire. The five were coming from Mutasa constituency where the Hon member had gone to attend a memorial service in respect of a member of her constituency who had passed away.

Oscar Pemhiwa the ward 19 councillor for Mabvuku was arrested while relaxing with friends at Matongo Shopping centre in Mabvuku.

20 April, Manicaland (Mutare): More than 250 Zanu PF women and youths besieged the Mayor of Mutare's offices at the Civic Centre in Mutare. The Zanu PF mob, which was transported to the Civic Centre in government vehicles, carried coffins inscribed "MDC rest in peace". The mob was supplied with food from TNT food outlet, which belongs to Shadreck Beta, a Zanu PF Central Committee member.

21 April, Harare: Hon Evelyn Masaiti and four others were released on a bail of \$100 000, 00 each while Councilor Oscar Pemhiwa was released on \$50 000, 00 bail out.

22 April, Manicaland (Mutasa): Clifford Regede, the deputy organising secretary for Mutasa constituency was visited by suspected CIO agents at his home in Mutasa at around 20.00 hours on 21 April 2004. They demanded to know why he supported the MDC. He responded by telling them that MDC offered a brighter future for him. They offered to give him \$3 million for a job, the details of which they would disclose the following Friday when they turned up to finalise the deal. Regede refused and asked the agents to leave.

24 April, Matebeleland North (Lupane): ZANU PF supporters moved from door to door in Gomoza ward of Lupane hunting down MDC supporters and assaulting them.

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Job Tshuma and his wife Sicingeni Tshuma were dragged out of their home into the bush where they were brutally assaulted. Apparently the ZANU PF group were looking for Robert Tshuma, the MDC ward chairman, and when they failed to get him they went for Job and his wife. The couple was taken to St Luke's Hospital in Lupane where they received treatment.

25 April, Matebeleland North (Lupane): More than 500 MDC supporters had gathered at the Gormoza shopping centre and were being addressed by the MDC leadership, which included MPs Moses Mzila Ndlovu and Abednigo Bhebhe, when four ZANU PF trucks arrived. The occupants of the four trucks were shouting, "overrun them." For some minutes the ZANU PF trucks continued to try and intimidate the crowd but the MDC supporters stood firm and refused to disperse. The incident took place in front of the police.

26 April, Manicaland (Mutare): More than 500 ZANU PF supporters besieged the council offices for the second week running. They were singing and shouting ZANU PF slogans demanding the resignation of Misheck Kagurabadza the MDC Mayor for the city and demanding that a commission be set up to run council business.

7 April, Manicaland (Mutare): More than 100 ZANU PF supporters blocked the offices of the Mutare mayor. The crowd tied the door to the mayor's office with wire and beat up any suspected MDC supporters that were seen near the council building. Huggins Kashiri and Nyasha Katsidzira, two MDC activists, were severely assaulted.

MAY

2 May, Manicaland (Makoni North): More than five families that were suspected of having attended an MDC rally held at Chiendambuya Growth Point were forced to flee their homes.

The ZANU PF supporters carried a door to door campaign abducting the MDC supporters who were suspected of having attended the rally. Douglas Chapinduka and his wife Joyce Katunga, Tsitsi Razaro, Barbra Munyaradzi, Judith Chikadure and Marshall Muchipi were some of the victims who were abducted in the night and taken to Makombe Busines Centre where they were severely assaulted throughout the night. Among their kidnappers were known ZANU PF activists namely Khumalo the youth chairperson for the area and another member only known as Sithole.

The displaced families were accused of selling the country to the whites by attending an MDC rally.

Those who were seriously injured were taken to a hospital in Harare.

11 May 2004, Matebeleland North (Lupane): Morgan Komichi, the MDC Matebeleland North Provincial chairperson, and 18 MDC youths, were arrested at Lupane business shopping centre at around 10 00 hours after they had clashed with members of the youth militia.

The incident, which occurred at around 0700 hours, was triggered off by the militias who attacked the MDC youths who were putting up posters and distributing campaign material in preparation for a rally which was to be addressed by the MDC President Morgan Tsvangirai the following day.

The militias were repulsed and soon after heavily armed police descended on the MDC offices and arrested the youths. No one on the ZANU PF side was arrested. Those arrested were detained at Lupane police station and they include Morgan Komichi the Matebeleland North Provincial Chairperson.

11 May, Matebeleland North (Jotsholo): 44 MDC supporters were arrested at around 1030 am on their way to Lupane for an MDC rally which was due to be held at Lupane shopping centre on 12 May 2004.

13 May, Matebeleland North (Lupane): Morgan Komichi and 18 others released on bail. The 18 others who were arrested with Komichi were: Sibangilizwe Nyoni, Shephard Moyo, Sindiso Ndlovu,

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Elton Sibanda, Bekhimpilo Nyathi, Sibungu Moyo, Caspin Godhlo, Vicent Nyathi, Cosmas Sebele, Mehluli Mhlanga, Mfakazi Ngwenya, Fundani Mpofu, Nkululeko Sibanda, Maphuma Ncube, Mgwa Masuku, Themba Moyo, Patrick Moyo, Future Tshuma

15 May, Lupane: The Lupane by-election started at 07.00 hours. At Kusile district council polling station a group of ZANU PF supporters wrote down the names of people who arrived to cast their ballots. At the same polling station the presiding officer denied the polling agents the right to keep a record of the electorate as they came in to cast their votes. He argued that the recordings should be done at the end of the day. Still at the same polling station a police officer is conducted the voter checking process using indelible ink which is a breach of the electoral act.

13 May, Lupane: Two MDC activists, Demadema Ntini Ncube and Look Sibanda, were abducted by a group of ZANU F supporters at Siphuzile polling station and were taken to Morgan Mtunzi the area headman. The headman in turn handed the two over to war vets and ZANU PF supporters who were camped at Matambo School. The two were severely tortured the whole night and were only released on the Friday evening. Upon their release they approached the MDC chairman for the area, Rodger Mhlope, who took them to the police so that they could get police reports to enable them get treatment. At the police station, the victims were instead arrested on allegations that ZANU PF had made a report saying that the two had been involved in acts of violence against their supporters.

15 May, Lupane: At a polling station situated at the offices of Ekusile Rural District Council, village heads affiliated to ZANU PF sold maize at heavily discounted prices to people as they arrived to cast their votes.

At Manasa mobile 9, 3 village heads, Luckson Msipa, Gift Ncube and Ncube were writing down the names of people as they came in to vote.

At Malunku polling station, war veterans camped outside threatening people who came to vote.

16 May, Lupane: In at least 50% of the polling stations, which included Guga Primary School, BH 42 Primary School, Ntuthuko Primary School, Sibombo School, Jibajiba School, Mkombo School and Mzola 27, village heads were seated outside the polling stations compiling the names of people who arrived to vote.

At the polling stations at Mpahlwa and Mathambo schools, war veterans loyal to ZANU PF were camped inside the school premises in total violation of the Electoral Act. Some of them were openly campaigning for ZANU PF and threatening voters within the 100 metre radius of the polling stations.

At Tshongogwani School polling station, seven village heads were only removed from their positions by the police with the assistance of Electoral Supervisory Commission officials following the intervention of MDC parliamentarians Thokozani Khupe, Abedinico Bhebhe and Rensen Gasela. The village heads, who could only be identified by their second names, included Lupane, Mhlanga, Gumbo, Ncube and Ndlovu.

There were also seriously disturbing reports at Mobile 9 at Manasa where 19 people attempted to vote for the second time and were turned away, but were not arrested. Similarly, at Malunku mobile 9, 24 people attempted to vote for the second time after having been transported from other polling stations in Zanu PF vehicles.

16 May, Manicaland (Chipinge): A mob of about 150 ZANU PF supporters were transported in government vehicles to the venue of an MDC rally whereupon they proceeded to brutally attack MDC supporters.

16 May, Harare (Mbare): The MDC MP for Mbare, Tichaona Munyanyi, was arrested in Mbare when he tried to address a rally that had been authorised by the police. At the same time a mob of ZANU PF supporters, led by the notorious gang known as Chipangano, disrupted the MDC rally when they started attacking people who had gathered at the venue. Five more MDC youths, Antony Phiri,

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Chipinge Maturure, Goodfriday Mandizera, Tendai Zairo and another 17-year-old youth were arrested after a clash with the ZANU PF sponsored Chipangano members in Mbare.

18 May, Harare: Hon Tichaona Munyanyi and five other were released on a bail of \$50 000, 00 each.

19 May, Manicaland (Mutare): Hundreds of ZANU PF supporters went on the rampage beating people and forcing the closure of all the white-owned shops as they demonstrated against the alleged assault of ZANU PF ministers Patrick Chinamasa and Didymus Mutasa by Roy Bennett. The ZANU PF supporters were addressed by senior members of the party, including Provincial Zanu PF chairman, Mike Madiro.

20 May, Harare: A mob of about 200 ZANU PF supporters singing and chanting anti-opposition songs besieged MDC offices at Harvest House in central Harare for more than 3 hours. They carried banners denouncing the MDC Member of Parliament for Chimanimani Roy Bennett who they said should be expelled from parliament. The same ZANU PF mob had earlier blocked MDC members of parliament from entering the parliament building. The mob ripped off the burglar bars at the front of the Harvest House, damaging the front of the building, as they tried to break into the building. They were however stopped by 20 brave MDC youths who defended the building from inside.

The police, who had escorted the mob from parliament, proceeded to enter the building and arrested 7 MDC youth. They claimed that they had been told by ZANU PF supporters that MDC youth had abducted somebody.

20 May, Mashonaland West (Kariba): More than 50 ZANU PF supporters demonstrated against the Kariba municipality over hikes in rates and they demanded to be addressed by the mayor John Houghton. The mayor was however not able to meet them.

21 May, Manicaland (Chimanimani): A group of ZANU PF supporters attacked and set the MDC offices on fire using petrol bombs. The incident happened at around 20.00 hours. The ZANU PF group was led by Lazarus Shawe, Tendai Chiridza and Chamunorwa Muusha. The offices were extensively damaged. When the residents of Chimanimani tried to put out the fire they were stoned by the same ZANU PF group. The ZANU PF group also tried to burn down the old MDC offices in the same area.

21 May, Manicaland (Chipinge): More than 30 people were displaced from their homes in the Tanganda area of Chipinge, after ZANU PF supporters and youth militia went on the rampage beating up people who were suspected of being MDC supporters.

28 May: Manicaland, (Chimanimani): More than 200 ZANU PF supporters staged violent demonstrations in Chimanimani, severely beating up suspected MDC supporters and also damaging MDC offices. Mrs Birgit Kidd, a Finish citizen, was assaulted after she had been abducted by the ZANU PF mob. She was abducted from her Chimanimani home and taken to the MDC offices that had been destroyed earlier by the ZANU PF supporters and she was forced to clean the offices. She had earlier been forced to march carrying the ZANU PF flag while the ZANU PF mob sang revolutionary songs. This was not withstanding the fact that she had sought the help of the police whose offices are less than 100 meters away from her house.

David Munengu, the MDC councillor for ward 15, who is also the MDC District chairperson for Chimanimani, was another victim of ZANU PF thuggery and brutality. He was collected from his home at around 1400 hours by ZANU PF supporters led by Lazarus Maposa, who was carrying a plough chain. David was force- marched to the MDC offices where he and Mrs Kidd were kept as hostages for more than three hours and were subjected to endless interrogations. David was severely assaulted and was only rescued when some ZANU PF senior officials namely Shadreck Beta, Tinacho Mtezo directed that he be freed because he had endured enough punishment. All the incidents took place in the presence of the police who did not do anything to stop the ZANU PF hooligans from attacking people and destroying property.

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28 May, Midlands (Gweru): More than 300 ZANU PF supporters were ferried from resettlement areas out side Gweru to demonstrate against MDC MP Roy Bennett. They went on the rampage and destroyed war veterans' offices after they had failed to get the food they had been promised by senior ZANU PF officials.

JUNE

1 June, Harare: Zimbabwe police manhandled Christopher Mushonga the newly elected deputy mayor and dragged him out of the mayor's office. They beat up several councillors and forced them to flee for their lives before arresting Linus Mushonga, one of the councillors.

2 June, Harare: 13 MDC councillors in Harare were suspended by Local Government Minister Ignatius Chombo on allegations of defying his order not to proceed and choose a new deputy mayor. The 13 councillors were Christopher Tapfumanei Mushonga, Peter Chikwati, Tapfumaneyi Bangajena, Shingirayi Kondo, Last Maengahama, Betty Suka, Peter Karimakwenda, Wendy Dehwa, Elijah Manjeya, Tichanzii Gandanga, Wellington Madzivanyika, Linus Paul Mushonga and Oswald Badza.

2 June, Manicaland (Chipinga): More than 30 people were displaced in the Chipinga North Constituency as a result of ZANU PF violence directed at suspected MDC members.

2 June, Mashonaland West (Chegutu): The Executive Mayor of Chegutu, Francis Dhlakama, was suspended by the Minister of Local Government and Public Works and National Housing, Ignatius Chombo. Chombo appointed a committee headed by a new town clerk to run the affairs of Chegutu town.

3 June, Mashonaland West (Norton): Two MDC councillors for Norton town were blocked from entering the council chamber for their council business by a group of about 100 ZANU PF supporters who were singing and chanting ZANU PF slogans. The two councillors, Voice Chinake of ward 9 and Siphon Gumedede of ward 8 tried to seek help from the police but to no avail. Despite phoning the police on more than three occasions seeking protection, the police did not come.

10 June, Mashonaland (West Norton): Two MDC councillors were again blocked from attending council business by a mob of ZANU PF supporters in Norton. The two Councillors, Voice Chinake and Siphon Gumedede, sought protection from the police but the police refused to help.

11 June, Harare (Mabvuku): A handful of MDC supporters were arrested in Mabvuku at a house belonging to Sunny Savieri, the MDC chairperson for ward 21. The MDC had just concluded their meeting when the police arrived and started firing in the air in an effort to arrest the MDC supporters who were already running in all directions. Some of those arrested are Mrs Judith Gatsi, Loveness Makwetsi, Reginald Gatsi.

14 June, Manicaland (Chimanimani): Mrs Birgit Kidd a Finish citizen, her husband Shame Kidd and a number of MDC supporters were brutally assaulted by a gang of ZANU PF supporters using sticks, pick handles, axes and iron bars to harm them. The Kidds and MDC supporters were at the MDC offices when they were confronted by this which is suspected to have been composed of soldiers in civilian uniforms and who started attacking the MDC supporters. Mrs Kidd and her husband were severely assaulted and had to be rushed to Chipinga hospital where they were admitted. The police at Chimanimani refused to assist saying that their hands were tied and as such could not help. No one was arrested over the matter.

JULY

2 July, Mashonaland Central (Mvurwi): President Morgan Tsvangirai survived an attempted attack by Zanu PF youth militia. The MDC President had just finished addressing a rally when the youths tried to attack him. The Zanu PF youth had been driven to the rally in government sponsored trucks and were armed with knobkerries, axes, sticks and stones.

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Several people were injured as they tried to escape the attackers. Some MDC youths who were present bravely managed to push the ZANU PF sponsored militias out of the area and enabled the President to escape unscathed.

15 July, Harare: MDC MP for Glen Noah, Priscilla Misihairambi- Mushonga, was arrested and detained at Harare Central police station for more than ten hours before being released. She was charged with allegedly threatening someone with a gun.

24 July, Harare: Bennie Tumbare Mutasa the MDC MP for Seke Rural died in the early hours at St Anne's Hospital in Harare.

Mutasa died of suspected internal injuries caused by brutal beatings and torture at the hands of the police during the time he was arrested.

The late Mutasa was arrested during the run-up to the Kuwadzana by-election after his truck was shot at by members of the Central Intelligence Organization (CIO) and overturned. He was tortured and assaulted by the police and was detained at Harare Central for several days. He was arrested again this year during the Zengeza by-election and was severely assaulted by the police before being detained at Harare Central.

24 July, Mashonaland East (Wedza): A group of about 50 ZANU PF youths abducted Bob Makone, elder brother of Ian Makone, and took him to a base where he was tortured the whole night. The incident happened soon after the Minister of Education and Culture Aeneas Chigwedere had finished addressing a ZANU PF rally at Musawadye School. The ZANU PF youths who abducted Mr Makone came to the Makone Homestead at around 16.00 hours singing anti-MDC songs against Mrs Theresah Makone who is the MDC prospective candidate for Wedza in the 2005 general election. Bob Makone was released the following day after he had been severely assaulted.

31 July, Harare: Police from Harare's law and order section carried out a search for so-called 'weapons of war' at the home of the MDC President Morgan Tsvangirai.

31 July, Mashonaland Central (Musana): Cladius Marimo, the MDC National Executive Member, lost more than \$4 million in cash to ZANU PF youths who raided and looted his shop before ordering the workers to close the business. The ZANU PF youth, numbering about 30 and led by Terence Jawaira, Mind Jawaira, Sylvester Munemo and Israel Munemo, first ordered the closure of Marimo's grinding mill and proceeded to also close the general dealer shop and the bottle store. They disclosed that they had been instructed by governor Masawi to ensure that all businesses belonging to MDC members do not operate in the area.

AUGUST

7 August, Manicaland (Chipinge): 14 MDC supporters, including 4 juveniles, were arrested by the police for allegedly attending an illegal meeting. A group of war vets in the area had forced the closure of Musami Primary School and had taken the school keys from the headmaster, Mr Chinheya, who was accused of being sympathetic to the MDC.

Those arrested were Mike Zvidzai, Chipatiso Kuyumani, Godorn Shakavanhu, Aaron Mabvu, Simson Mutsagu, Kefas Nyore, Six Simoyi, Pedzanai Marwei, Lovemore Sithole and the four juveniles.

7 August, Midlands (Zhombe): More than 80 ZANU PF youths tried to disrupt an MDC Constituency Assembly meeting that was addressed by MDC President Morgan Tsvangirai at Zhombe growth point. The ZANU PF youths were armed with sticks, machetes and iron bars.

The police however did not arrest them, neither did they attempt to disarm the youth. Later, after the departure of the MDC leadership, an MDC youth, Mabebo Ndebele, was brutally assaulted by ZANU PF youth and needed seven stitches for a head wound.

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12 August, Manicaland (Makoni East): Bothwell Kawadza, the MDC district chairperson, and his entire executive, were chased out of Makoni constituency by ZANU PF supporters, headed by Nathaniel Mhiripiri. They were supported by government agents on the orders of Dydmus Mutasa the ZANU PF MP for Makoni North.

12 August, Harare, (Epworth): 7 MDC youths were arrested in Epworth and were detained at Harare Central. The youths were distributing material in preparation for a rally which was due to be held at Solani in Epworth. The MDC youths were attacked by a group of ZANU PF supporters who were carrying sticks stone and machetes and when the MDC youths resisted, they were apprehended by the police and were also accused of distributing MDC material.

20 August, Mashonaland East (Wedza): Tendai Ngwarati, an MDC youth in Wedza, was abducted by a group of ZANU PF supporters. He was released after 24 hours after being brutally assaulted.

22 August, Mashonaland West (Kariba): Michael Siupayi, the District Organising Secretary for Kariba, was abducted by suspected government agents at around 18.00 hours at his home in Kariba.

28 August, Mashonaland Central (Musana): A group of ZANU PF supporters raided the home of the Mangurenje's and brutally assaulted the twin Mangurenje brothers Paul and Peter. The two were accused of being MDC members and they were severely assaulted with sticks, iron bars and stones. Paul sustained head injuries.

SEPTEMBER

1 September: Members of the ZANU PF youth militia attack the home of MDC Secretary for Local Government, Joubert Mudzumwe. His two sons, Silent (17) and Maxwell (16) were brutally attacked. The police made no arrests.

6 September, Bulawayo: About 30 armed police officers raided the MDC Bulawayo Provincial offices and carried out searches for what they alleged to be subversive material. Although they were engaged in the searches for more than two hours, they did not find anything.

After the searches at the Provincial Offices, they proceeded to the Regional Offices where they found the offices locked because the MDC officials had knocked off for the day. They left behind three officers to guard the offices so that they could carry out searches the following day. They indeed carried out the searches but again they did not find anything.

7 September, Harare: NCA National Chairman Dr Lovemore Madhuku was picked by police from his home at around 02.00 hours and he spent the whole day at Central police station where he was being questioned. He was later released at around 17.00 hours.

8 September, Harare: Member of Parliament for Kuwadzana Nelson Chamisa was arrested together with 13 other people at his home in Kuwadzana. Those arrested were Nelson Chamisa, John Jairos, Obey Kufa, Taluka Ncube, Lilian Dandajena, Innocent Mararapwa, Luisa Kadzere, Mallen Sakupwanyana, Edmore Dandajena, Bernard Chimombe, Llyd Madovi, Godwin Machihwa, Mandy Musaruriwa, and Majuth.

Chamisa was arrested under POSA for allegedly addressing a gathering without police permission. The 14 were detained at Warren Park police station while others were detained at Marimba police station. Among the 14 arrested was a woman with a baby.

12 September, Harare: Jabusile Shumba (23), MDC activist and Vice-President of the Zimbabwe National Students Union and Brighton Makunike (23), Chairman of the MDC University of Zimbabwe Branch were abducted and assaulted by Zanu PF militia before they were handed over to police who detained and assaulted them at Kuwadzana II police station on Saturday.

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The two had visited friends in Kuwadzana after attending the MDC 5th Anniversary rally in Highfield on Saturday. While at Kuwadzana 5 bus terminus at about 8.00 pm, Makunike dropped an MDC bandana as he tried to take money from his pocket. This attracted the attention of the Zanu PF militia who were milling around the township, they approached the two and asked for a private discussion with Makunike.

The Zanu PF militia interrogated Makunike and searched him. They found more bandanas in his pockets and started assaulting him. Some of the militia went to Shumba whom they searched and found a camera and some MDC bandanas. They accused him of taking photographs of the ZANU PF torture base situated at the first floor of a building at Kuwadzana shopping centre as evidence that Zanu PF is not abiding by the SADC protocol on elections. They force-marched the two to a dark spot where they handcuffed them and assaulted them using clinched fists, booted feet, empty bottles, iron bars. They also pulled their private parts. They were tortured for almost eight hours.

At about 3.00 am on Sunday, the two were taken to the Kuwadzana bus terminus, when the police arrived; they took them to Kuwadzana Police Station.

ZANU militia handed the bandanas confiscated from the two MDC activists to the police officers.

In the cells at Kuwadzana II Police Station, Shumba and Makunike were assaulted by the police officers, among them Sergeant Phiri, who was angered by the fact that the two were MDC supporters. The police poured cold water into their cell so that Shumba and Makunike could not sleep.

The two were only released at about 11.00 pm on Sunday after a sympathizer loaned them some money to pay an admission of guilty fine.

12 September, Chitungwiza: John Machingura an MDC activist was abducted from his home by suspected members of the youth militia who posed as police officers. They got to his home at around 20.00 hours and alleged that he had committed a crime together with some one they brought with them who was in hand cuffs and who incidentally was one of them. They dragged him out of his home and took him to some bush where they severely assaulted him accusing him of having been distributing MDC material in the area. He received bruises all over his body and could hardly walk. He was taken to the hospital the following day.

15 September, Hwedza: Theresa Makone, aspiring MDC candidate for Hwedza, was arrested and charged for allegedly damaging a government truck at a recent MDC meeting. The charges were eventually dropped.

19 September, Mashonaland East (Domboshawa): Headman Elia Murape of Domboshawa who had been stripped his headmanship by ZANU PF on allegations that he had attended an MDC rally held at Mverechena on 24 July 2004 and had subsequently had his traditional headman's badge taken away was threatened by a group of ZANU PF supporters who tried to carry out demonstrations at his home. They had earlier on written a letter to him threatening to demonstrate at his home. He identified Patrick Rwafa, Webster Bruno, Alifonzi and Robson Kizito Murwira as some the ZANU PF supporters who came to his home to collect his headman's traditional badge.

24 September, Mashonaland Central (Mvurwi): An MDC meeting that was scheduled to take place in Mvuwi was disrupted by a group of ZANU PF supporters who invaded the venue of the meeting.

25 September, Mashonland Central (Bindura): A mob of about 200 ZANU PF youths disrupted a police cleared MDC meeting that was scheduled to take place at Mupandira shopping Centre in the Bindura Constituency. The ZANU PF youths invaded the venue for the MDC meeting. The police were confronted by the MDC National Executive member for Mashonaland Central Edwin Dzambara asked a constable Chirarara to explain how the MDC was expected to hold their meeting under such circumstances but he responded by suggesting that the MDC could continue with their meeting side by side with ZANU PF. A few minutes later the ZANU PF youths started throwing stones at the MDC members and chased them out of the area.

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25 September: Police moved door to door during the night and arrested 27 MDC members including the candidate for Kadoma West, Trainer Ruzvidzo. The members were arrested on allegations that they had held an illegal meeting in the constituency.

25 September: 17 MDC supporters were arrested by police from their respective homes during the night. Eight of them, Emmanuel Mudhaniso, Tongai Gapara, Peter Sithole, Peter Mabhuya Lameck Gatura, Denson Chamazonda, Melford Sithole, and Morgan Gwature were all detained at Enock Porusingazi's offices at Checheche business centre. Enock Porusingazi is the ZANU PF provincial youth chair for the area. They were severely assaulted by ZANU PF supporters who, included Catherine Chirimambowa, Morris Mukwe, and a person identified only as 'Mapfumo'. Dennis Matsheza, one of the MDC supporters, received an axe wound to his right leg.

Those detained at Chisumbanje police station included Dennis Matsheza, James N Simango, Zekius Sithole, Zondai Sithole, Issac Mazungu, Jelous Matsheza, Forget Mashenga Spencer Mlambo, and Powerman Mukwakwami. The eight were fined \$25 000,00 each by the police whilst those who were detained at Porusingazi appeared in court and were released on a bail of \$30 000,00 each.

26 September, Mashonaland Central (Guruve South): A group of about 100 ZANU PF supporters invaded the venue for an MDC meetings that was scheduled to start at around 10.00 hours at Nyanyavi Business Centre. MDC supporters were chased away and some of them were attacked with stones and sticks.

28 September, Mashonaland Central: Five MDC supporters were chased out of Bindura by ZANU PF youth militia after they were found near the venue where MDC were to have their meeting on Sartuday. The four Laston Maposa, Smile Matota, Leonard Boroma, Collen Mangoshi and Byson Byson were on their way to an MDC meeting when they were intercepted by a group of ZANU PF militia who accused them of supporting the MDC and assaulted them before ordering them to leave Bindura. They have fled to Harare where they have sought asylum.

29 September: Willard Somerai, National Executive member for the Youth, was severely assaulted by two police officers (Chiremba and Magwaza) at Sanyati police station. He was bleeding through the mouth as the police continued to beat him. He was released on 14 October 2004 on bail.

OCTOBER

1 October: Several MDC supporters were attacked by Zanu PF youth in Chipinge when they refused to attend a Zanu PF 'restructuring meeting'. Two of the victims, Nyeredzi Simango and Denis Macheke, were hospitalized in Chiredzi after the attack.

7 October: Five MDC members, including the Provincial Treasurer for Mashonaland West Godrey Gumbo, (who is also the prospective candidate for Hurungwe West) were abducted by a group of about 15 ZANU PF sponsored war vets (led by an ex Hurungwe council employee only known as Chitiyo) at Zvipani shopping centre in Hurungwe West. The five were bundled into a blue Toyota Hilux, registration number 556-480, and were severely assaulted with sticks. They were rescued by an armed police officer who forced the ZANU PF group to drop the five out of the truck. A docket was opened by the police but no arrests have been made yet.

8 October: Police dispersed 400 MDC District officials who had assembled at Padare Business Centre in Zaka East on the grounds that the meeting had not been authorised under (POSA).

9 October: An MDC meeting scheduled for Cowdry Park was cancelled by the police on the grounds that the venue was not suitable for a meeting.

12 October: MDC held their meeting in Zaka East Constituency but before the meeting started, 15 MDC activists were arrested and according to the reasons given by the police, it was to protect them from ZANU PF youths who were also having their own meeting at a nearby venue discussing the

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

distribution of seed, fertilizer and food organised by Tinos Rusere the MP for Zaka East. The ZANU PF meeting was not sanctioned by the police.

13 October: Five MDC officials, Tapson Ndou, Enos Chili, Nomathanqa Tshuma, Ronald Ndlovu and Winnie Mtasa, were arrested and detained for holding meetings with supporters without police clearance.

13 October: Two MDC youths, Vusa Butani and Garikai Gomba, who were putting up posters in relation to the treason trial verdict of MDC President Morgan Tsvangirai, were arrested and brutally assaulted by both the police and members of the notorious ZANU PF youth militia before being detained at Harare Central police station. They were released the next day after paying a fine of \$25 000,00 each.

14 October: Philani Zamchiya is fighting for his life at a Hospital in Harare after he was abducted and severely beaten and was left for dead by the police and suspected state agents on his way into town from the ZINASU offices.

14 October: Police refused to grant MDC permission to hold demonstrations in Harare before and after the judgment on the MDC President's treason case.

14 October: A youth in Bulawayo, who was wearing an MDC t- shirt, was made to pay a \$ 25 000,00 fine by the police.

15 October: Several MDC supporters were beaten and arrested by the police who tried to block them from celebrating the acquittal of the MDC President.

28 October: ZANU PF uses its parliamentary majority to secure parliament's adoption of a recommendation by a parliamentary committee of enquiry that MDC MP Roy Bennett be sentenced to 12 months imprisonment, plus hard labour, for pushing Justice Minister Patrick Chinamasa.

NOVEMBER

13 November: ZANU PF thugs descended on a flea market in Harare to stop the sale of Thomas Mapfumo's 'Chaputika' album. A number of people were assaulted and accused of being MDC supporters.

14 November: In the high density Harare suburb of Glen View, the constituency of MDC MP Priscilla Misihairambi- Mushonga, Zanu PF supporters attempted to force MDC supporters to attend a Zanu PF rally.

16 November: an MDC activist was charged under the notorious Public Order and Security Act for accusing Mugabe of being a 'dictator who rules by the sword'. The individual in question was sentenced to 140 hours of community service.

30 November: Four MDC supporters were seriously injured after an attack by a group of ZANU PF sponsored war vets in Mutare West Constituency. Those injured were Abel Mukamba, Tendai Jakachira, Spenser Gwizo and Walter Marange.

DECEMBER

1 December: 15 year old school boy, Coneck Ruzvidzo, a brother of the MDC candidate for Kadoma West, Traner Ruzvidzo, was abducted by four ZANU PF supporters on the orders of a ZANU PF official in the area. He was severely assaulted before being dumped in the bush.

3 December: An MDC rally that had been authorised by the police and was due to be held at Sitezi Business centre in Gwanda North Constituency was cancelled on short notice by police on the spurious grounds of a shortage of manpower due to the ZANU PF Congress. .

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

6 December: Suspected ZANU PF officials in the Kadoma West Constituency dropped two letters at the home of the Ruzvidzo family, threatening to kill their son, 15 year old Coneck if his sister Traner did not resign from the MDC. Traner was the MDC candidate for Kadoma West.

23 December: Marondera West: Mashonaland East: A group of suspected ZANU PF supporters set two huts on fire belonging to Tapfumaneyi Maketo the MDC District Youth Chairperson for Marondera West Constituency. The same group is suspected to have raided Edward Dzeka the MDC Organizing Secretary's home and attacked his family members on the same day and again last night.

The first incident occurred on 23 December 2004 at around 2130 hours when three men were dropped from a white truck a few metres from Maketo's home. They set two huts on fire before running to a packed truck and drove off. This was after MDC were denied the right to hold a meeting that had been duly authorized by the police. The police claimed that the same venue that MDC wanted to use had been booked for a meeting by ZANU PF and they ordered all MDC supporters who had gathered to disperse. This was soon after the arrival of the ZANU PF MP for the constituency Ambrose Mutinhiri.

ZANU PF identified the two MDC district members as the ringleaders. In the night of the same day their homes were attacked. Edward's mother and his uncle were severely assaulted by a group of more than 20 people who raided their home and demanded to see Edward. When they failed to get him, they attacked his relatives.

They again tried to raid the same home last night but were repulsed by family members. The two cases were reported to the police but no arrests have been made. ZANU PF supporters in the area who were identified in the group that raided Edward's and whose names were given to the police as first suspects are now threatening to harm Edward's mother.

30 November: Gokwe Central: Midlands: Lazarus Marongwe the ZANU PF coordinator for Ward 14 took about 500 youths to Mutyoraui village where they force-marched the villagers to a ZANU PF meeting. The villagers were forced to do toyi-toyi for more than 10 km. MDC supporters were punished by being forced to sit the scorching sun for the entire duration of the meeting. The matter was reported to the police by the MDC candidate for the area Aaron Chinhara but no arrests were made.

19 December 2004: Gokwe Central: Midlands: Morgan Mavhika an MDC activist in the ward 14 area was abducted from his home by a group of ZANU PF youths led by Lazarus Marongwe. They force-marched him to Gwanyika; township about 10km from his home. He was severely assaulted using an assortment of weapons. He was later taken to his home where he was kept under house arrest by the same youths to prevent him from reporting the matter to the police.

23 December 2004 Aaron Chinhara the MDC candidate for the area tried to take the victim to the hospital but was attacked by the ZANU PF youths resulting in his truck being damaged. He however managed to take him to Gokwe police where the matter was reported.

28 December 2004: Mutoko: Mashonaland East: War Veterans Association chairman Fredrick Maguma confirmed to the Daily Mirror that youths were deployed in Mutoko to stop any MDC activity in the area. He said that the area had been declared a no go area for the MDC.

29 December 2004: Uzumba Maramba Pfungwe: Mashonaland East: A report in the Daily Mirror of 29 December 2004 said that Reginald Mashongedza and his family were banished from their home by Chief Tedi Matambanashwe on allegations that they support the MDC. The matter was reported to the police but no arrests were made.

3 January 2005: Harare: The MDC Secretary General Professor Welshmen Ncube appeared on National Television ZTV during the 20 00 hours news. He took the position to explain the MDC position as regards participation in the 2005 election or not. He further explained the extent to which his party had gone in conducting primary elections in preparation for the 2005 general elections.

RESTORE: Minimum Standards for Genuine, Democratic Elections in Zimbabwe

8 January 2005: Gutu North Constituency: A group of ZANU PF supporters numbering about 15 raided a shop belonging to a Mr Mupunga at Matizha business centre in Gutu Masvingo province. The incident happened at around 19 00 hours. The ZANU PF group accused Mr Mupunga of sympathizing with the MDC and accused him of facilitating the flow of information on MDC activities in the constituency by passing it on to Francis Matizha who was the MDC chairperson for ward 5. The ZANU PF group led by Francis Mugadza and Mutuka and someone called Kanda looted the shop and also helped themselves to some beer and cool drinks. The matter was reported to the police and four people were arrested.

8 January 2005 Chikomba Constituency: Godfrey Cotton an MDC youth in Chikomba Constituency was this morning at around 10 00 hours abducted by a group of 12 ZANU PF supporters headed by the Headmaster of Zimondi Secondary School Mr Huruva. The incident happened at Chambara Business Centre in Chikomba Constituency. Mr Huruva who is a well-known ZANU PF supporter and was also notorious for causing violence in the area during the previous elections was accompanied by the headmaster of Zimondi Primary school Mr. Musasiwa and 10 other ZANU PF activists.

Godfrey was at the shopping centre with a friend Tapfumaneyi Muzoda when the two were confronted by the ZANU PF group. Godfrey was bundled into a Mazda B 1600 belongs to the ZANU PF Member of Parliament for the constituency Bernard C Makokove while Muzoda escaped and tried to make a report with the police.

The MDC candidate for Chikomba constituency Pinnel Denga tried to seek assistance from Chivhu police on the matter but was informed that they (police) would only handle political matters on the instructions from Marondera and as such, he (Denga) would have to report the matter to Marondera.

9 January 2005: Chikomba: Godfrey was released after he had been badly assaulted. The culprits were arrested on 10 January 2005.

14 January 2005: Harare: Five MDC youths who were putting on MDC t shirts were arrested by the police and detained at Harare Central police station. They were accused of engaging in some behaviour likely to disturb peace. The five are Jeremiah Mubuso, Isaac Pumai, Edwin Chimkoko, Shadreck Matima and Chenjerai Sabe. They were released on January 15 without being charged.

APPENDIX 4

Violations reported, July 2001 to September 2006.

[Source: Monthly Political Violence Reports of the Human Rights Forum]

	2001	2002	2003	2004
abduction	116	223	52	62
arrest & detention	670	274	627	389
assault	0	86	388	401
attempted murder	0	2	10	8
death threats	0	12	80	35
disappearance	0	28	4	0

**RESTORE: Minimum Standards for Genuine,
Democratic Elections in Zimbabwe**

displacement	0	11	208	189
interference with freedoms	12	39	809	760
murder	34	61	10	3
political discrimination	194	388	450	514
property violation	356	807	153	132
rape	0	7	6	3
school closure	0	45	1	0
torture	903	1172	497	160
Total[years]	2285	3155	3295	2656

Total violations reported, July 2001 to September 2006.

[Source: Monthly Political Violence Reports of the Human Rights Forum]

	2005	2006	Total [violation]
abduction	18	9	480
arrest & detention	1286	2440	5686
assault	530	364	1769
attempted murder	1	2	23
death threats	9	6	142
disappearance	0	0	32
displacement	609	54	1071
interference with freedoms	1036	1546	4202
murder	4	2	114
political discrimination	476	252	2274
property violation	61	53	1562
rape	4	0	20
school closure	0	0	46
torture	136	335	3203
Total[years]	4170	5063	20624

**RESTORE: Minimum Standards for Genuine,
Democratic Elections in Zimbabwe**

	Overall Total [violations]
abduction	480
arrest & detention	5686
assault	1769
attempted murder	23
death threats	142
disappearance	32
displacement	1071
interference with freedoms	4202
murder	114
political discrimination	2274
property violation	1562
rape	20
school closure	46
torture	3203
Total[years]	20624