

Presidential Elections : 9 - 11 March 2002 - Preliminary Report

Zimbabwe Human Rights Association (ZimRights)

April 2002

1. Introduction

ZimRights participated in the observing of the recently held Presidential elections. Although we were observing under the umbrella of the Zimbabwe Election Support Network (ZESN) which we fully support, we have always made it clear that we reserved our right as an independent association to proffer our own analysis and interpretation of the elections. ZimRights has vast experience in monitoring and observing elections in the past. This we did from the April 1995 general elections, March 1996 Presidential elections, June 2000 general elections and other parliamentary and local government elections. With a current membership of over 30 000 individuals ZimRights has established structures in every provincial location of the country. These structures enabled the organisation to monitor the events before, during and after the elections. This is only a preliminary statement we are offering, so as to inform the public on our view of the elections. We have taken several days to make this statement because we were still gathering information from our observers, members and secretariat members, throughout the country and also because we wanted to consult as widely as possible within our own association and networks. This is therefore a considered preliminary statement which represents the views of ZimRights. A more detailed report will follow.

2. Our Role in the Elections

ZimRights had observers in all provinces of the country, some of them supervisors and coordinators. This participation enabled us to obtain first-hand knowledge of the proceedings. Additionally, our presence gave the public confidence in the electoral process. We are learning more each time and this new knowledge and skills will be put at the disposal of the people for the next election. In its human rights work, ZimRights attaches much significance on the realisation of democracy and good governance, created by the ordinary people through a deliberative participation in election exercises. Elections are part of human rights events. The political and historical development in Zimbabwe has however a traceable record ornamenting contributions from election monitors and the call for monitoring and observing of elections should be interpreted as a symptom of a more complex and far-reaching demand for democratic processes.

3. Pre-Election Monitoring Period

3.1 Print Media

The daily newspapers, which are government controlled - the Herald and the Chronicle, continued to give biased coverage, concentrating demonising and giving negative aspects of the opposition candidates and specifically the MDC which was the main contender while giving positive coverage and massive exposure to almost all ZANU (PF) election rallies which were addressed by cabinet ministers, MPs and President Mugabe. The independent Daily News which got a big lashing from the government controlled media widely circulated alternative perspectives on the contest in the print media. The Financial Gazette continued to give a balanced perspective and deeper analysis of the election process of more importance was the publishing of a supplement with a focus on elections. Local civic organisations contributed voter education material and articles analysing the electoral process.

3.2 Electronic Media

There were vast inequities of air time allotted between Zanu (PF) and opposition candidates, with extensive reporting on all the rallies of the ruling party which were being addressed by cabinet ministers. Zimbabwe Broadcasting Corporation (ZBC) programmes were all geared in support of the ruling ZANU-PF Presidential candidate. The use of propaganda by ZBC was aimed at discrediting the opposition MDC party. The absence of an independent television

station was noticeable to anyone actively following the election coverage. Although the government granted a broadcasting licence to a private television station, Joy Television (Joy TV), President Mugabe's nephew Leo Mugabe, reportedly has financial ties to Joy TV, and the ZBC reportedly exercises some editorial control over Joy TV's programming. Joy TV is not permitted to broadcast local news or current affairs programming; however it does broadcast BBC news reports.

3.3 Security

The Public Order and Security Act has been used to obstruct regular opposition political activities. Meetings have been interrupted, party officials have been taken in for questioning during deployment to their polling stations. Opposition party officials, members and supporters have been assaulted and detained on spurious charges. The playing field was not level because the pre-election period was marred by political violence by both parties but by and large the ruling ZANU-PF had the highest number of cases against them reported to our offices.

3.4 Registration

In spite of the "clean-up" of the voter's roll, many people who thought they were on the voter's roll found out that they were not. In addition, because of the lack of voter education, many people did not realize that they had to vote in the constituencies in which they were registered. Government banned civic organisations from carrying out voter education and only allowing political parties to do so. Our experience is that no political party is neutral and hence will only disseminate information to garner its own support.

3.5 Electoral Laws

The Electoral Act grants the incumbent President great powers, including the right to appoint the administrative bodies which oversee the election. Even more importantly, an incumbent President also has powers to change the electoral rules in the middle of the race. President Mugabe also had unfair access to state resources during the campaign. A perfect example was his use of Air Force and Presidential helicopters to travel around the country attending ZANU PF rallies.

4. Election Process

4.1 The Election Period:

During the election it was observed that ruling party supporters often wore campaign clothing and carried campaign flags to the polling stations. Election officials seemed confused about this particular issue. Yet, it is clearly campaigning within the restricted 100 meter limit prescribed by law. It could also be perceived as a subtle act of intimidation directed at those who may want to vote for an opposition candidate.

ZimRights received numerous reports detailing voting difficulties and irregularities. These reports came from our members, observers, officers and networks. The following are some of the things which we have noted with great concern:

- Thousands of Zimbabweans were denied their right to vote because they renounced their Zimbabwean citizenship. A large number of these people still have their appeals against being taken off the voters roll pending in court. Their removal from the voters roll is therefore illegal. There was inconsistent treatment of Zimbabweans in this position. Some polling stations had a "delisted roll" whereas others did not, allowing some people to vote while others could not.

In addition, amendments made to the Electoral Act and Regulations (3 of which were published at 4.00pm on Friday 8 March 2002) militated against participation by civil society in the whole electoral process, particularly in regard to voter education and monitoring the elections. Despite the invitation by the Minister of Justice, Legal and Parliamentary Affairs to certain specified organizations to submit names of people as observers, most NGOs, including the LRF, were allowed only three accredited

representatives.

- The names of deceased friends and relatives were still on the voters roll.
- Names recorded on the voters roll were incorrectly spelled which meant people lost their right to vote because their name could not be found.
- People had been placed in the wrong constituencies.
- People had registered but their details were not recorded on the voters roll.
- There was inconsistent treatment of older people in queues. At some polling stations they were given preferential treatment whilst at others they were not. Many older Zimbabweans could not endure the long queues in Harare and did not vote.
- The voting process was unacceptably slow and long especially in Harare and Chitungwiza.
- Representatives from both the Police and the Electoral Supervisory Commission lacked the will and motivation to control queue jumping.

The government does not seem committed to voter education as it only launched its poster campaign about five days before the election. This resulted in many people being turned away for lack of correct documentation for voting.

Although our monitors were present at the Constituency command centres for counting, it was not possible to verify the number of people who actually voted. This would help to dispel doubts about whether or not 3 million people actually voted. Casual observations made by monitors would lead one to believe that the official vote count may be exaggerated.

Comments on television and radio by cabinet ministers and ZANU PF MPs, suggest that people were coerced to go and vote. Headmen and Chiefs had been instructed to bring their people for voting. Obviously this compromises the independence and secrecy of the vote. If one comes in the party truck, or even a bus, which has been hired for the chief, one has to vote in the same direction. People should be allowed to go and vote of their own will.

Drought relief in the form of food, seed packs and fertiliser was highly politicised in the campaign period, the impression created being that Zanu (PF) was providing the food, not the government. This has been a long historical distortion especially during periods leading to election time. Some election officials have still not been taught about the role of local observers. We had reports that local observers in some areas were barred from the counting. How could they make judgments about whether the election was free and fair when they were not present for the counting? And how could they verify the numbers of voters if they were not present?

5. Conclusion: Was the Election Free and Fair?

With the massive intimidation, political violence referred to earlier, where chiefs are instructed to bring their people, youths went about door-to-door asking people whether they had Zanu (PF) cards, and forcing those who didn't have to buy and drought relief food was said to have come from the party, it is difficult to say the election was free. And with electoral laws that give the incumbent president powers to appoint who supervises his re-election, it is also difficult to say they were fair.

The resolutions of the 1994 ZimRights' Constitutional Consultative Conference on the Electoral Process are still relevant to this conclusion, including:

- that the Electoral Act needs to be overhauled and all stakeholders agree on it.
- that the ESC should be appointed by the President, the Judicial Services Commission, and representatives of political parties
- that the ESC so appointed would be given adequate resources
- that there be an independent election directorate appointed by the President on the advice of the Judicial Services Commission and human rights organisations

- that the ZBC, if it remains government controlled, should be regulated in a manner that ensures impartiality
- and that all political parties contesting elections should renounce violence as a precondition for participation

Another important suggestion arising out of the recent elections is that there should be a common voter's roll for Presidential elections. Despite the Register-General's reported incompetence (High Court Judge Smith in the Margret Dongo case), it should not be difficult for him to take all the names on the various constituencies' voter's rolls and combine them into one alphabetical list.

Rather than an atmosphere of intimidation of the opposition, there must be created conditions for genuine multi-party democracy in Zimbabwe. Opposition parties must be allowed to flourish as they play a key role in nation-building, balancing power and counter-acting abuse of office. As a potential de-facto one-party state, we are now in the unenviable position - along with Swaziland - of being the only countries in the region without multi-party democracy. Efforts to destroy civil society through such acts as the amendment to the Social Welfare Organisations Act can only contribute to creating a society with pent-up frustrations which are bound to cause instability.

ZimRights therefore calls on all patriotic Zimbabweans to start a broad consultative process nationally to start building democracy and stability in our country. The consultative process can include, among other things which Zimbabweans feel they should change: revamping of the Constitution, changing electoral laws, and liberalising the media laws to open up the air-waves and allow independent broadcasters. At the end of the process, Zimbabwe should have its own home-grown Constitution which we will all cherish and defend, rather than continuing to amend the Lancaster House Constitution which even Zanu (PF) admits was imposed on us by the British. Our Bill of Rights which has gradually been eroded should also be strengthened in line with democratic practices internally.

Perhaps the authorities ought to implement the above resolutions in future elections if they truly want democracy to flourish in Zimbabwe. These observations, suggest that the electoral process did not really conform adequately with the norms and standards for a free and fair election.

For and on behalf of ZimRights
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