

Report on the alleged breach by Hon. R. L. Bennett

Hansard, Parliament of Zimbabwe

Thursday, 28th October, 2004

MOTION

REPORT ON THE ALLEGED BREACH BY HON. R. L. BENNETT

Second order read: Resumption of debate on motion on the report of the Privileges Committee on alleged breach of privilege by Hon. Bennett.

Question again proposed.

MR. BENNETT: Mr. Speaker, with the leave of the House and your permission yesterday, on need to consult my legal advisors on pending matters, I took that opportunity. Unfortunately this morning, I was detained by Police at Harare International Airport and have been in Police Custody the whole day and am just coming from there now. I was going to Johannesburg International Airport where I organised a meeting at the Intercontinental Hotel with my legal advisors – [HON. MEMBERS: *Inaudible interjections.*]

In view of the serious allegations of the serious consequences I was facing yesterday, I realised that I had no time to settle these matters. Therefore, I had to have urgent consultation for legal advice to try to cover some of the questions of the copy that was laid before you. I stand before you as a Zimbabwean and an African. (HON MEMBERS: *inaudible interjections.*)

MR SPEAKER: Order

Mr BENNETT: I am extremely sorry for any disrespect or for any disturbance I have caused in this Parliament. I am sorry to you Hon. Speaker and I am sorry to you Hon. Chinamasa- [MR. CHINAMASA: Why didn't you apologise earlier?]

Mr. Speaker, I would like to explain that event and move back in time. I won the Coffee Grower of the Year Award of the three years of farming at Charleswood Farm. At the height of my time, I employed more than two thousand people at my farm. I have contributed back to my community. When I arrived there I went to my traditional leaders as I had been brought up, I went to the chiefs and said *Madzimbambo ndauya ndiri munhu ari kubva kuKaro, ndiri kutsvaga nzvimbo yekugara*. When I was given a farm, I continued to work with the communities surrounding me.

In 1999 when that community approached me to stand for them, I was a ZANU PF member to help them bring development in their area, I agreed. I have nothing against ZANU PF and I have nothing against the Government. I wanted to assist this Government but this political party did not accept me. They did not want me. They chased me.

The people pushed me forward to a party where there is no racism, where there is a free Zimbabwe. So from that day to this day from being the darling of ZANU PF, from being escorted by CIOs and police at every political meeting, I started being arrested. I do not want to go into what I have suffered in the last three years. I do not know what I have done to anybody on that side. Why do you hate me so much? What have I done? One day I pray to God you will never be subjected to the experience I have gone through. I hope you never will never experience the pain I have experienced. I hope for all your racial hatred, I forgive you, I have love. I do not have hatred, I only have love. I have love for my fellow Zimbabweans and I have love for my country and the development of my country.

I am absolutely shattered and ashamed to see what has happened to this country ever since the formation of MDC and what lengths you have gone to, to destroy a nation and it is the people that want you to serve them. Mr. Speaker, with your permission, I would please like to read a summation of my legal answer.

MR. SPEAKER: I will grant you the permission to proceed.

MR. BENNETT: The other story which is totally untrue and unfounded – “Hon. Bennett did not show any remorse and even attempt to apologise both the Speaker and Hon. Chinamasa. Your Committee was not favoured with a

reasonable excuse for that failure. Hon. Bennett held himself up as a hero of the event from the press statement he made thereafter and even from his testimony to your Committee." I have not seen a copy of this press statement and where was this press statement given? It was never produced as evidence to your Committee, it certainly appeared in hell. Where have I ever claimed to be a hero? I have always said I am embarrassed. I have never been proud of that. To this day, I am not proud of that.

("LAWYERS REPORT": Here Hon Bennett read out the Document presented to the Parliamentary Privileges Committee prepared by his Counsel, Advocate Eric Matinenga- available separately.)

It is submitted accordingly.

Before I proceed, Hon. Chinamasa remarked why I did not apologise before the Speaker. I came to see you in your office and I went to see the Vice President on the day that this occurred and we viewed that tape again to see the height of vitriol coming from Hon. Chinamasa's mouth to say I will never set my foot at Charleswood Estate again

I will go back to Parliamentary Report. There are two issues which again state the issue. Hon. Mangwana said he was invited by your Committee to view the video clip of a speech by His Excellency the President where he alleged the President incited the people to arrest Bennett and his family. He had a very clear view of that video which was broadcast on ZTV. It said *vanaBennett nanaDeKlerk* should not have anything in this country and everything that they have should be taken. What have I ever done to the President?

Everything I own has been taken. When I moved from Chimanimani to live in Ruwa, the same thing happened, the army came, they beat the people and they looted the homestead.

They looted all the property from the farm. Two of my workers have been killed. The perpetrators walk free. There has been no investigation. Most of my female workers have been raped and their homes burnt. What course of justice have I had? I have been to the courts. The court granted me six court orders in my favour, of which Hon. Minister of Justice, sits in this House on top of those court orders and says Bennett will never set foot on his farm again, when these court orders granted me permission to be back there.

Besides all this hatred, harassment and vitriol, have I take the law into my own hands? Because I had approached highest echelons of the law to seek protection. I came to you Mr. Speaker and said please Mr. Speaker, assist me this is what is happening to me. You were aware. What did you do, Mr. Speaker? What have I ever done to you or anybody in this House? I was in good books with people of Zimbabwe and I cannot allow your hatred to consume me. It is impossible. For those amongst you where we had friendship, I thank you for that friendship. To my colleagues who I shared Parliament work with, I have nothing but pride to have been able to serve the people of my country. – (MR MUTASA : *inaudible interjections*). – *VaMutasa, handiti takambotamba, tikafara, mukandikwazisa, tichiseka. Nhasi uno ndochema zvaita sei?*

Hon. Speaker I am ready to go to jail. Sentence me. Thank you very much.

MR SPEAKER: Order, in terms of Standing Order Section 78 which reads as follows, "every member against whom any charge by way of motion has been made and whose conduct is under debate, having been heard in his/her place shall withdraw while such charge is under debate and shall take no further part in the proceedings."

In view of this provision, I have granted Hon Bennett the opportunity to say what he wishes to say in this august House before the House debates the issue. I now therefore request Hon. Bennett to withdraw from the Chamber while the debate continues in the Chamber.

Hon. Bennett withdraws from the Chamber.

MR. KUMBULA: Firstly, I would like to thank you in connection with this case from the manner in which you handled the matter yesterday. If you have not handled the matter in this manner, the matter should have just passed away. I just want to thank Hon Gonese and who guided us in terms of the Standing Orders on how this matter should be handled up to today.

I would also want to educate members of the MDC that there are three parties in this House. ZANU is the third one. I say so because they simply refer to ZANU PF only.

I thank you Mr Speaker. In connection with this case my personal view when dealing with the matter is that we do not deal with today's matter only but also matters that are going to come up. We should deal with these matters bearing in mind the future generations and all those who are outside. They would want to see the manner in which we are going to deliberate this matter and the judgment that we are going to come up with it -they will also want to know if the people who dealt with the matter, dealt with the matter instead of dealing with an individual.

On the day the incident happened, I was not there. But, what I do not know is, is it the Minister who is the complainant or is it Parliament who is the complainant? Maybe it was Parliament that had observed that he had committed an offence. I have not seen the Minister complaining because it is the matter that has to be dealt with, there has to be an accused person and the complainant but maybe it is Parliament that is complaining because people had fought – (HON MEMBERS: inaudible interjections)

If we do that we do not know what we say. I know that a fight can be carried out verbally or physically. What leads people to a physical confrontation would have started from another manner. The confrontation that we first saw here was the exchange of abuse. In vernacular they say it is better for you my husband to assault me than to insult me because to insult someone is more painful than to physically assault. I see that if Parliament is the complainant, I do have children, workers and grandchildren and if you go to your home and find that the children are fighting, how would you deal with the matter?

You should deal with the matter in the same manner and in that same manner Parliament should also look into this issue. There is what they call verbal assault. I would want to confirm that there was a fight here and that if the Parliament is going to look into this matter, it should look into it like a father. It should not look into the matter as if this person was assaulting Parliament. The father should act like a father. We heard from what has been said outside that there are three people who fought in Parliament although one of them was assaulted because we never saw any hospital report to show the injuries.

I do not know if you say that he was assaulted – are you talking about common assault or about assault with intent to do grievous bodily harm? The people fought and they, in a manner – whether someone fell down or assaulted or took a dive – (HON. MEMBERS: inaudible interjections)

MR SPEAKER: Hon. Kumbula, whatever you think is what you say.

MR KUMBULA: What I am saying is the chiefs who are used to deal with these matters would deal with the matter in the manner I am referring to. If you deal with a matter at a homestead, you look at both sides but in this Parliament we are looking at one side. The people exchanged insults but the other one did worse than the other one. We should come up with a judgement and we should also be moderate.

The Parliament did not deal with this matter like a father. It was biased against one person. Yes he erred, but we should not treat him like a slave. He should be dealt with for his shortcomings. If ever there is a fight in a village usually the chief tries the two parties involved and not one person. Although in this case people traded insults and one of the accused did more harm to the other, we must look at this case with a fair mind so that if we deliver judgement, we do so in the interest of justice.

I must say that your Committee was firm in its work and it was not light hearted. We want this House to look at this matter, bearing in mind that the people involved are Members of Parliament. We should not allow people to trade insults in Parliament. Parliament should be a place where people say out their views freely. If Parliament is the complainant, let us try the three people involved, and not one person, because all this was caused by the people involved.

MRS. MISIHAIRABWI-MUSHONGA: Before I get into the issue we have today, I just need to join my other colleague who raised the issue of thanking you in the manner that you handled this issue yesterday. Personally to me I do not think that I would have been able to debate and raise the issue that I want to raise today.

The second issue that I would like to raise is to thank your Committee and I hope Hon. members will have an opportunity to go through and understand what happened during this hearing. When you read through, the level of interactions that took place, you would not have thoughts that you were dealing with people coming from different sides of the House. I must indicate that in looking at some of the issues that were raised it reminds me of something that Hon. Mujuru has always said, when we talk about involving women in some of these issues it really does make a difference.

In the debate that we carry on right now, if we find women standing up and speaking on some of these issues it may be different. Not that I am challenging that there is something wrong about how men relate to some of these issues but we come from different backgrounds. The issues around conflict management are looked at differently from a male perspective than a female perspective. I would also want to compliment the attitude that prevailed in this House yesterday after Hon. Mangwana had read his report.

Usually when we discuss in the House there is a lot of heckling and speaking back at each other but when Hon. Mangwana said this is the report that we agreed on that we should give him 15 months, you could see generally for every Member of Parliament, although we did have a few people clapping which is normal, the majority of people in the House, you could see that there was a certain seriousness.

There are two things that happened to me as I tried to read yesterday. Firstly, I said to myself what happens when we get into politics is that we happen to meet and interact on a day to day basis but we never get to know each other. I think that is the biggest problem that politics is like. You can sit in this House for five years but you may never know who Hon. Mujuru is because of the perception of the politicking that we do.

I will cite one example which happened when we went to United States with Hon Munyoro. The late Dr Zvobgo was quite ill and because I am a daughter to Hon Zvobgo, I had to continuously look after him. Hon. Munyoro then went to Hon. Gasela and said that I am in shock because I could never think that there was anything about mothering in Priscilla. I have always thought she is this.

Mr SPEAKER : Wild (laughter.)

Mrs MISIHAIRABWI-MUSHONGA: You are allowed to say that. One thing that really struck me was that in him is the perception and person he knows because of the way that we relate to each other. If I had not gone through the things I read about Hon. Bennett and who Hon. Bennett is, I would have come here and debate not because I knew Hon. Bennett but I would have debated because I, coming from MDC it was important to defend Hon. Bennett. I will try to speak about Hon. Bennett so that when we debate, we may be able to understand the person I am talking about. I am not trying to be a defence counsel but I am only trying to raise an issue about this particular human being so that when we make decisions we are clear.

The second point that hit me today, this is probably my most uncomfortable presentation. For the first time I am asked to be a jury and it is my decision that matters today. We have discussed around a lot of issues but they are always in the abstract. My worry with the seriousness that I have is that I need to say things that make a difference about this decision.

There are some people who sit on the other side that I have personally known better than I have known Hon. Bennett. Within our culture, when someone has gone wrong, you need a *sahwira* who can speak to the other side and I do so today. I would like to say it openly that with Hon. Chinamasa we fight but he is somebody I have personally spoken to and I can relate to him. I believe he would do the same to me. Today, I am not only talking about Hon. Bennett but I am also speaking to Hon. Chinamasa because part of what we are going to say is indeed going to be about what he himself says.

When I looked at the video tape and noticed what happened because I was not here, I totally understand from the male perception where Hon. Chinamasa could be coming from. I do not know what somebody has written to Hon. Chinamasa but I can assure you, it is not a good thing but I will continue – (Laughter) – because I happened to say I personally to know him. I suspect it must be in connection with that statement so I need to clear that. Mr Spoeaker I was aliking to Hon Nyathi just last week when he was so upset about something that happened in the House. ...

There is something about dealing with conflict that we always had, it is inherent in us. This is why I particularly raised the issue of Hon. Mujuru because if you read through even when she dealt with the kind of questions that she kept on raising – for example “Hon. Bennett, do you thing that there is something that you could have done immediately after this incident had happened?” You could see what she was trying to push to was that could it not have been possible for an apology to have been given to Hon. Chinamasa. She also raised it with Hon. Chinamasa. She said, “Hon. Chinamasa, do you think that there is something else that could have happened even after that?” You could see that was continually pushing some kind of management.

I think for a lot of us, the last thing you want to get is where we are right now where we are dealing to some extent with a verdict that is on the table. We would rather have a situation where we would have some conflict management process where the two would have been brought together and something would have been sorted out without the cameras and everybody else.

The problem of this is that the issues of ego come into play. Even as you listen to Hon. Bennett, you could see and I can understand coming from a male, this does not matter that he is a white man or black man, one thing that any male has difficulty doing is to say, I am sorry. You will find him in bed with another woman and he will rather give you another story to say wanga uchitsvagei muno mubedroom, instead of saying I am sorry. I have been cheating on you. So, it is something that is inherent which men are unable to deal with and we understand that about you – (Laughter) – I can see a lot of women nodding and saying, it is indeed true, we always find men have difficulty in apologising.

This is why I am saying as I went through this thing, I said to myself where we should be going is to perhaps say, because we inherited – this particular House is not a house that facilitate for good discussion – this thing that we inherited from the British is very adversarial. We are sitting on this side and the other people are sitting on the other side. Immediately, as you get into this House, you automatically begin to see that you need to be confrontational. It is not a House that facilitate talking. You should see the difference when people walk out and they are sitting and having a cup of tea outside. The environment is totally different but this environment is confrontational.

So put a confrontational environment and put people that are coming from a background and a culture where ego is important – so for one if you read through Hon. Chinamasa as he speaks, “Hon. Bennett did that because he knew that there was TV and for him it was to cause ultimate humiliation, that is all he wanted to do.”

You listen to Hon. Bennett even after he had said I am sorry – the male thing still comes back and he says I can still go to jail – (Laughter) – it is the male again that is coming to the end of the day to say, okay, I am sorry, but at the end of the day, ndiendesei kujeri kwacho, hazvina basa.

Mr. Speaker, to go to the next point, I said as I went through some of the issues, there were loads and loads of pictures that were given to the Committee. Initially, what I had actually said was that I was going to photocopy all those pictures and bring them here. The idea being that – please look at these pictures and see what this person had gone through, indeed you will be able to understand why this person behaved like that. I said no perhaps I would not get to the people if I do that. I personally have gone through a lot of stress. I could hear colleagues on the other side as Bennett was speaking, somebody was saying – I feel sorry for him and automatically he started saying, ko isusu hatina kumboitirwawo izvozvo? So I knew that strategy would be the worst because if I put it here, I am only creating a situation where somebody will stand up and say, but you are assuming that I also have not gone through it. So I decided no, perhaps we need to say to ourselves – what is it that have happened to us as a nation that gets us to behave in a certain manner.

Mr Speaker, there is one thing that I really appreciated about the process of reconciliation that has gone on in South Africa. It has given people an opportunity under a different context to speak about what matters to them because when you read through, the issues that Hon. Chinamasa raises, they are issues that he has kept and matter to him. To trivialise them would be wrong because he feels very strongly about them. Like Hon. Bennett was saying, it may not necessarily be a direct responsibility of Hon. Bennett but for Hon. Chinamasa, they make sense. Hon. Bennett as he speaks, you can also tell the hurt that is in there.

The question is that, if we take the decision that was proposed today, does that decision of necessity deal with these issues? Do we set an example of anybody by then saying because we have unresolved issues around issues of reconciliation, therefore this person because they did this, we are therefore taking them to prison. We need to solve our problems.

Because I am a member of MDC and Hon. Bennett is a member of MDC, I personally want to apologise to Hon. Chinamasa, it was not right that he went through what he went through. I do so with all seriousness and all genuineness. I also want to say to Hon. Chinamasa, if indeed what you felt at that time was utter humiliation, I think the thing that can bring you off that is not to say Hon. Bennett goes for the fifteen months. It is actually to stand up and say, much as this happened to me, I am going to accept that apology that came from Hon. Bennett and it is okay. I can assure you can come up a bigger man than you would come up as a person who is seen to be using some process to deal with Hon. Bennett.

I also want to say to Hon. Chinamasa, when you read through just go back again to the processes that we were given in. Not because you are trying to give any justifications and read through some of the things that you said in that report and said to yourself – you actually raised some fundamental issues there. It is unfortunate that when people went through the reform process they did not get into that kind of details.

When Hon. Chinamasa speaks in some of those issues around insulting each other as part of Parliament. Let me say perhaps it is part of Parliament when we do not have some resolved issues. If there were some unresolved issues perhaps that is not the way we should go. Perhaps we need to ask ourselves and say even for some of us that may not come back, do we want people to continue coming to this House and create a situation where people think coming to Parliament is about insulting each other.

Should it not be about coming to this House because we want to deal with some of those issues? So that at the end of the day when I say something to Hon. Chinamasa it is understood that it was all jest but there are circumstances in this House where people had said hateful things at each other. This has been happening from both sides of the House. I think we need to change that attitude.

What I am trying to ask for Mr. Speaker, is that instead of using this opportunity to say that we are going to punish Hon. Bennett, let use this opportunity to refrain from the way we have been doing things in this House. We must say to ourselves, how then can we do things differently? We want people from outside to say that there was a bad incident that happened in the House but at the end of the day the members in the House were mature enough to sit down and resolve the issue.

Mr. Speaker, I am probably putting this request on your table. It is important that we talk about issues of insulting each other and resolve the issues amicably. Mr. Speaker we need to talk about this issue of managing people's behaviour in this House. A decision was made that people are not supposed to bring weapons anymore but I do not think that is what we should do. We should have a situation where people can be addressed on the issue of anger. It is crucial that we take those things quite seriously because they are important things for us to deal with.

Mr. Speaker, I had the opportunity as I read through this to begin to know Hon. Bennett and I need just to speak about him. He raised something in his submission so; it was not anything he said to me. It is more of what he said right now. I just want to pick a few points from what he said because he said something to some of the issues that I raised. The first thing he said was "I too I am an African."

Mr. Speaker, I think it says a lot. For us as a nation to get to a situation where someone has to basically justify that he is an African – I am saying that it has nothing to do with anybody. I am just saying for us to find ourselves in a situation where somebody he has to justify who he is – my great-great parents come from Manicaland, this is why the late Hon. Zvobgo was my father because he was a Sigauke. We now have a family in Masvingo and we are called Misihairabwi. I was never felt it was important for me to sit down and say to the people you know what I am actually from Manicaland. It has not been necessary because I have found acceptability in that area.

Mr. Speaker, I am saying by just looking at this, for him he was trying to justify who he was and to get you to understand but it is not necessary in our culture. I do not even remember who my friends were when I was growing up but we are getting in a situation where we have to be talking about those things. It is not necessary.

It is not just Hon. Bennett, where I am trying to get to Mr. Speaker, is that when I came to this House there was Hon. Stamps who used to sit on the other side, I do not remember Hon. Stamps sitting down and justifying where he was coming from. We would all relate to him and I would see people on the other side would relate to him. So it is not necessarily about the colour and I do not believe that anybody in this House issues around Parliament are about that.

The point I want to get back Mr. Speaker, is that we returned our politics to that level because of the environment both internal and external. The way Hon. Mangwana related to this House with Hon. Bennett, I do think anybody can come into this House and say he said this to me outside Parliament. Perhaps I have made more jocular insult with Hon. Chinamasa than Hon. Chinamasa has had with Hon. Bennett. What I am trying to say is that we need all of us to just get to a point where we look at this as an incident in which we learnt from.

A lot of us have gone to funerals and each time the Mufundisi – this is where most of the men who rarely go to church are found – the vafundisi say that let this be experience be something that you say parufu rwanhingi ndipo pandakazosangana naJesu. I am saying that can we not use this incident to say I learnt something from it. What

I am trying to say to my other colleagues is that let us move out from the level of thinking about politics. It does not give us anything, we do not gain anything from punitive nature. Mr. Speaker, let the members understand that I may have a different opinion but that does not necessarily make me an enemy. Like Hon. Bennett said, "you know what, I hold to grudge against anybody," and I also want to believe him.

I am appealing to Hon. members, I know we are going to stand with but at this time you are the people that are supposed to show unity. Like I am saying and I assure you it will make you the bigger and better people in the society. I swear I say that to you, not it is going to give anything to me or it is my colleague that I am talking about, I am saying it will make a difference in terms of how people will perceive and understand you. They can understand you that you are people that can sit down and say this has been done but this will be different.

I can pick on a number of people that I can – I can pick Hon. Mahofa. I know she will understand where I am coming from. I can pick Hon. Sabina she knows where I am coming from and the issues that I am raising. I can pick on Hon. Goche, Hon. Chinamasa and this is why I said I have no fear in standing up and speaking to you because I know I am speaking to people that I have spoken to before. People that are colleagues and we have shared and discussed things, visions about where we want the country to go to. I want to ask you today to take that one step that can make a difference and I assure you it will make a difference. We do not necessarily need to do this because it only creates further gaps, further acrimony amongst us, and it does not build the bridges that we need to build amongst ourselves. Mr. Speaker, I think I will stop here.

MR. NYATHI: Mr Speaker, those who expect me to stand here and do what I have done in the past four and half years to look at the ZANU PF benches and say that ZANU PF members are a bunch of thugs and so forth...

MR. SPEAKER: Order, if you said that I also wish you now to apologise for the past and the present. You have to make two apologies. We do not call Hon. members a bunch of thugs. So you apologise for the past and the present.

MR. NYATHI: Mr. Speaker, I apologise for any impertinent word I have said to my colleagues on the other side in the past, today and in the future – (Laughter) – this is going to be very difficult for me Mr Speaker because we have developed in this House, an adversarial manner of relating to one another.

The event of the 18th May, 2004, was a direct result of that adversarial manner. I agree with my colleague Misihairabwi-Mushonga that this is an opportunity for us as two political parties as well as Zimbabweans to look back and say – [AN HON. MEMBER: Three political parties.] – I agree three political parties indeed.

Our country deserves better. We cannot continue with the level of acrimony, with the adversarial relationship we have created in this country.

I have had pleasure of knowing both Hon. Bennett and Hon. Chinamasa for four and a half years in this House. Both of them are strong willed individuals. I can understand the unfortunate incident. Hon. Chinamasa is probably a good lawyer. I am not a lawyer, therefore I am not able to assess him. Roy Bennett is probably an excellent farmer. Two Zimbabweans who have two important skills that we require for advancement of our country – they all come from one part of the country. One could have expected Hon. Chinamasa who is attempting to be a farmer to have gone to Hon. Bennett who have been doing it for the past 30 years and say, 'can we get together and exchange experiences?' Hon. Bennett would probably need legal advice. I am sure if he had attempted to be a lawyer, he was going to be a lousy lawyer because he is a very good farmer. Those two should have found a way of working together for the advancement of our country. What have we seen? We have seen two individuals who have a lot to offer to this country anticipating an incident that has brought us here today to seek fortunately, in my view, a way of finding one another across political divides. That is what this incident done.

I looked at Hon. Bennett. In fact, I was listening to him presenting a testimony about who he is and where he comes from. I said to myself, 'there but for the grace of God, go I..'. I have stood here and listened to some of the insults, the abuse that we have thrown to each other.

There are a lot of people that I have mentally punched in reaction to some of those insults. Thank God it never came to anything like this because it probably would be myself taking a similar charge.

Why have we been doing these things to ourselves? We have been doing these things to ourselves because we refuse to accept that we are different and the fact that in that difference lies great strength. We have been abusing one another for the simple reason that we have created a synergy where someone is different from you, you block their human image from your mind. You then begin to abuse them without any conscience whatsoever because you have placed them as the other person. If we stop doing that and start celebrate the fact that, as individuals, we have different talents that we need to harness for the advancement of this country, you will have less and less acrimony that has occurred in this House for the past four and half years.

I was not in the House when the incident occurred but I read in the Hansard. Hon. Chinamasa was his jovial self when he responded to everyone else who had contributed to the Anti-theft Bill. He was even kind to someone called David Coltart. He responded to him with generosity. When it came to Roy Bennett, from nowhere, Hon. Chinamasa raised issues that in our culture are usually taboo. Our parents, our fore-bearers are sort of structure in our tradition that we all are proud of. As soon as someone refers to one's grandfather, grandmother or so forth, it comes extremely difficult for reason to prevail, particularly in reaction to that statement. I asked myself why would Hon. Chinamasa, who all along has been responding to the contributions in an extremely sensitive manner, suddenly accused Roy Bennett's forebears of being thieves and so forth, including those who have never been in Zimbabwe.

According to Hon. Chinamasa, they were also thieves. It does not exonerate what Hon. Bennett subsequently did but it serves to emphasise the magnitude of the gulf that we need to breach so that the two major political parties will begin to discharge our political responsibility with more responsibility than is the case. I have no doubt in my mind that if we live in other countries where anger management is part of management system of an institution such as Parliament, we probably would not have had that incident. We are all extremely angry in this country. We have reason to be angry. However, part of our responsibility in this House as leadership, is to reduce that level of angers so that the generality of the people that we represent benefit from an environment that has been made less angry.

We have not been able to do that because we have not accepted each others different roles. In this testimony, Hon. Chinamasa said had he been punished by either Hon. Sikhala or Hon. Biti he would not had felt the anger that he felt on being punished by Hon. Bennett. I looked at this statement and said to myself my daughter Zibi and Roy Bennett's daughter Casey are extremely good friends, that is how I get to know Bennett better than I did, would they have thought like that? I have no doubt in my mind that they would not, because unlike us, who come to this House with racial baggage, they do not. They have overcome that problem.

Should we not be assisting these young stars develop the Zimbabwe where colour does not matter, where the aptitude of the individual is the measure of the individual's worth? Should we not be creating a Zimbabwe where every skill has its place in the development of this country, regardless of the colour of that particular skill? That is the challenge that we as leaders in this House have to face. We have a responsibility that we cannot turn our backs on.

Hon. Chinamasa says also that in his capacity as Leader of the House he should have been treated better. I agree with him totally. He should be treated better. But, of course I also accept when Hon. Chinamasa says he represents the House. He represents all of us. It is therefore all of us who have been assaulted if Hon. Chinamasa has been assaulted.

The question that we must answer is: are we all the 150 of us happy that Roy Bennett should go to prison for 12 months? We have all been assaulted. Our immediate reaction is that we are angry and we wish it had not happened.

We feel it is wrong and we understand the circumstances that led to it but we definitely do not want to go to bed with Hon. Bennett in prison simply because we as 150 MPs feel pained and badly done by that. I do not believe this is what we want.

As MPs, we hold positions of responsibility and in any position of responsibility there goes magnanimity, Hon. Mushonga referred to it. It is very easy to say, 'well he did it, if he did it he should have known what the consequences are going to be'. If we reacted to that, the civilising effect of all the laws that we have put together for millions of years will have no effect. We would all shoot each other as soon as we feel offended.

The reason we subject each other to various structures of reconciliation is because we realise that as human beings from time to time we are in error and we are desirous of ways of reconciliation, rectification of the wrong that would have been done. We should take this incident as an opportunity to heal this country. We should take this as an opportunity to say there is going to be less and less of this acrimonious interaction between us.

The only way we are going to do that when we begin to talk about among ourselves and not talk past each other like what has been happening all along. I want to make a final appeal to Hon. Chinamasa from time to time because of the pressure of work you are doing and because of the responsibility reposed on you by this position, you are inclined to be extremely angry. You yourself has verbally assaulted me from time to time by calling me the kinds of names that are extremely unkind – [HON. MEMBER: Repeat them] – I will not repeat them because you want to assault me –(Laughter)

I want to say to Hon. Chinamasa I have taken some of that anger as an indication that we all need to sit down and find common ground as a way of reducing the incident that will lead to the kind of insults that have become commonly fair in this particular House. I myself have taken this insults from Hon Chinamasa, with anger to return sometimes, but I have gone back and said having been insulted this much has it actually reduced the level of inflation in this country. And when I say it has not, then I say well, it is one of those futile exercise.

The feeling that I have when Hon. Chinamasa refers to us as puppets of Tony Blair, insulting and angering as that might be, it has to do with one major challenge that we need to deal with, acceptance of differences in political processes. We come from different political background and Hon. Chinamasa come from yet another political background.

We do hope that with the passage of time, we will in this House; treat one another with the respect that is due to people who have been elected to represent their constituencies and people who look to us to deliver specific services. It does not pay us to spend hours and hours throwing insults at each other, and pushing each other down on the floor. We have to start showing each other the necessary respect that is due to all of us in this House. Hon. Chinamasa said that I have insulted him more than he has insulted me. I have already said to Hon. Speaker, that I retract any insult that I have directed to anybody including Hon. Chinamasa.

I also withdraw my insults in advance that I am likely to direct in this House – (Laughter) – because I believe it is not right and it should not be done. If I do, I will regret it because I would have done something which is out of keeping with the mood which I believe we should be creating in this House, that of mutual respect and giving each other the space that we require. This will help us to discharge our duties as representatives of the people.

MR. CHEBUNDO: Mr. Speaker, I also rise to respectively add my contributions to this Report. I want to begin by repeating what Hon. Mushonga has said, that of thanking this House for the manner in which we started on this issue and giving ourselves time to reflect on this Report. I think this was a good thing to do when we are considering very important issues. We need to sober up in order to make decisions that are proper.

I will try not to repeat what the previous speakers have said. I shall try to dwell on the issue for comparison. My call is a plea to this House which like what Hon. Mushonga has said, seeks today in the form of a Supreme Court where we are considering the recommendations of the Committee in a way that is trying to measure what happened. We need to make a decision collectively. I respect the contributions made by individuals of your Committee because it gives us an opportunity to come up with a proper decision of what happened. As we consider this issue, as has already pointed out, we need to take into consideration our role of Parliament in relation to the problems that beset our country. We should be cognisant of the political polarisation. The other problem is that as Parliament we are looking upon to try and correct this. It is my humble submission that when we come to the consideration of this issue we should not lose sight of the role in the country as Parliament. Mr Speaker, I am saying this because I am one of those who share the problems of our country, especially the political problems.

I was saying to myself looking at Hon. Bennett's issue, if what happened to him had happened to me, in relation to the experiences that I have experienced, though outside this House, how was I going to react? You should try to put yourself in the shoes of those who were involved and then relate it to your own experience. Looking at the events that have been chronicled anybody would have reacted in the same manner. Human beings tend to react in different ways to different stimuli. Given the events that Hon. Bennett went through, one would have done the same if one was in those shoes. We should not lose that sight. As Parliament we should consider what is appropriate according to what happened in relation to the recommendations of the Committee.

Hon. Bennett acted on impulse and it is something that could have happened to any of us. In my observation, there is need to take cognisance of that. Mr. Speaker, there is an issue that I want to make reference to, that appeared in the Committee Report. One of the issues raised by the Committee is that Mr. Bennett's conduct was worse on the dignity of Parliament known in the history of Parliament. I tend to be at a loss because of the experiences that we have had in this Parliament and in other Parliaments.

I think there were experiences similar or those that were more than this one. I shall not mention names but we have heard of experiences of this nature in this particular Parliament and in other Parliaments. In my respectful submission, we could not say that this was the worst than those experiences done in the past. If it was not worse than those that have been experienced, the punishment that has been recommended should not be as worse than those that were given to the previous experiences in this Parliament.

Mr. Speaker, the other issue I want to raise is that which has been raised in your Committee's Report, which touches on 5 (3) (v) where there are issues of racial connotations. These should not have a place in Zimbabwe today. At independence, when our president extended the hand of reconciliation, that was a way of trying to bury the past so that we should forge ahead with oneness. This issue raises perceptions when what happened here was not a cause of racial attitude but it was a similar thing that we experienced ourselves black on black in this House and therefore I tend to disagree with that observation and evidence. There is every reason for us to avoid trying to raise issues as a country but to bury the past so that we forge ahead in a manner that is conducive to the development of this country. Mr. Speaker, there is a saying which says, "when people bury hatchets there is no need for one to put a mark on the burial site that we buried the hatchet". If we have that hatchet as a country, then we should bury that completely. Therefore, I tend to disagree with Hon. Chinamasa's allegation during evidence giving that Hon. Bennett's attack was based on racial beliefs. Anyone could have acted the same way if we were in Hon. Bennett's shoes.

Mr. Speaker, allow me to share with you this experience. One day we have a visitor in our rural Chebundo home. He was from out of Zimbabwe and not acquainted with our culture, we treated him in our Zimbabwean culture. It was mid-morning and we were seated under a shade of a tree at the homestead. My mother decided to slaughter one of our biggest cocks for him. Because the chickens were already out of their fowlrun, we had to ask the youngsters to go after the cock. The youngsters were quite a group and enjoyed chasing after the cock, they went for it, running, whistling, throwing objects and setting our small dog after it. The cock tried its best out run the dog by going under the granary base etc but to no avail.

Some fifteen minutes later, they caught up with it. Both the youngsters and the cock were tired and breathless. Finally, my mother happily presented the cock to the visitor saying, "my son here is your relish, we want to honour your visit to the family. Hold it in your hands before we slaughter it for you". To our surprise, he never cheered up, he took hold of the chicken and looked concerned. He said to my mother, "thank you very much but we shall not have the cock as our relish today. The cock has already suffered enough from the chase, object throwing and the dog. Therefore, it would be unfair to punish it by death. Let us agree to spare it and in its place let us have vegetables". We all saw sense and agreed to his suggestion. Mr. Speaker, in my view in this experience is similar to what we have today. There is need for a lesser punishment to the one recommended by your Committee.

Mr. Speaker, I am a believer and at times I want to visit the Bible when faced with tough times to make decisions, I find solace in it. When God was talking through the Prophet Isaiah in terms of compassion and forgiveness, in times of conviction Isaiah 1:18, he said, "come now, and let us reason together though your sins be as scarlet, they shall be white as snow". In James 3:17-18 he says, "but the wisdom of many that is from God is first and pure, then peaceable, then gentle and easy to be entreated, full of mercy and good fruits, without partiality and without hypocrisy, and the fruit of righteousness is sown in peace of them that preside and make peace and forgive those who sin against them".

Finally, Mr. Speaker, allow me to entreat this august House to agree that this is one issue which does not need to be decided through dividing the House.

We need consensus, sufficient consensus. Perhaps, we should give ourselves further time to consult both inter-party and intra-party so that we have time to consider thoroughly and decide.

CHIEF CHIMOMBE: Thank you Mr. Speaker. I would like to thank Hon. Speaker for setting up a Privileges Committee to look into this issue of Hon. Bennett. We might say a lot of things but the issue is that Hon. Bennett wronged Parliament as rightly stated by Hon. Nyathi that, he did not do this to Hon. Chinamasa only but to all of

us and the whole of the electorate of Zimbabwe because many people had come from their constituencies to make laws which govern this country.

You always see us Chiefs sitting quietly because at times some of the utterances are degrading, that is the reason why we do not stand up to debate. But, it is not a new thing for people to be scolding each other in Parliament. What I know, if you scold each other in Parliament, you ask the Chair for the person to withdraw the offending utterances. It is true that Hon. Bennett did wrong especially to the people of Manicaland. There are a lot of people there who want to know how this issue is being handled.

All along, many people believed that the whites and the blacks were now united because of the reconciliation which was initiated by His Excellency the President. I think last year, in the province of Manicaland, there is this issue of Mr. Mapenzauswa who was shot by a white man, this year again in Odzi, a white man shot a war veteran and now here in Parliament, a white man has beaten the Leader of the House. This is, Mr Speaker, we who are here can understand but the people out there will not believe that whites have conformed and buried the past.. So the people will say to us, you are there in Parliament, what is happening to the issue of Mr. Bennett? He should have apologised to Hon. Chinamasa, his constituents and to Manicaland as a whole so that the people should know whether or not to vote for him in the forthcoming elections. When we are passing laws here, we do not do that for outsiders, we make them for ourselves. There is no one who is above the law. I feel pity for him – if you look at what happened yesterday – Hon. Gonese even tried to disrupt the reading of the report I thank Hon. G. Sibanda because he acted like an elder. Some were happy about the incident as if he had done something right. There are some whites there who think it is right – if it was a white person who was beaten up here, you could have seen what would have been in papers and cameras today. Now if the MPs were speaking with one voice like they are doing today, if it is the way that we were to vote most of the time, our country would be well.

When such things happen to us, we say it is wrong. I feel pity for him – he comes from my Constituency. He has workers under him. I am asking that if I do not look at the issue of farms being taken and if it is the law that everyone that has more than one farm, then he should have the other repossessed.

What troubles him now is that there are some of his friends here who have been advising him wrongly that there is no issue. So he delayed apologising.

Yesterday truly, when I looked the way he walked to the Clerk of Parliament, I could see that he was troubled because the issues now were in bad position. Today, if you look at the way he talked, he normally talks freely over there, there is a difference. If you look at the way he drank water, surely he is troubled. There is no situation whereby a white person can drink water the way he did today.

I am asking Mr. Speaker and the whole House to look at this issue closely and let us put our heads together. What the Parliament sets out is what all people listen to.

People like Hon. Gonese and Hon. Misihairabwi, the way you were talking is the way you should behave. It does not matter whether you are in ZANU PF or MDC – you should lead people fairly. What you read and what you do, it is surprising that you would not know what kind of people chose such a leader. I am asking you Hon. Speaker – he is troubled – what he thought as a white man and as a person who has a party which thinks it is coming to power and as a man who has relatives and friends out of the country – I am pleading with you to reduce his sentence.

MR. GASELA: I think that what happened on the 18th of May is what is called in Shona, if my Shona is right, hapana chisinganakiri chimwe. What happened that day has enabled this House to have some respectability because for the first time, other than the budget speech, people have been debating with attention. There have been reduced heckling and I think that if this could be used to mark a new beginning, I think it will help this country.

I am pleased Madam Speaker, that you remember that I had the honour in 2000 to travel with the Deputy Speaker to a Conference in South Africa. We have a lot to talk about. We sat together on a plane to Cape Town. One thing I said to her was that my shot experience in Parliament then was not a good one. She assumed me that – that is what happens in Parliament. What I proposed to her was; can't we have a Parliament outside Parliament? She said what do you mean? I said outside Parliament means outside the Chamber.

I remember Hon. Mushonga, who said, when we enter this Chamber, there is something wrong that happens but when you get out, the interaction is nice. Maybe it is the sitting arrangement or the shape. I suggest that if we could have a Parliament outside Parliament where the rules are different we would probably come up with

something that can help this country. This has presented that opportunity that we look back and say what is it that we have been doing. I am standing here speaking not just as a Parliamentarian but as umuntu omudala. I am an old man now.

I am yet to see someone in life who when he has done something wrong and says I am sorry and that someone says I do not want your sorry. There is nothing I know as disarming as to say, "I am sorry." A couple of years ago in Bikita, I beat up my brother's son for drinking beer. When I was told that he did not drink beer, I called Sizo and said I was sorry that I had beaten him – young as he was. We need to exorcise this House of evil. We should be able to see what it is that angers the other person. But what do we do here? If I see that someone is agitated, instead of saying let me tone down, I increase the tempo because he does not like it. The fact that he does not like it makes me think that I am saying the right thing. I think that is wrong.

I want to go through some of the things that could have been going through Hon. Bennett's mind. As we all know the manifesto of ZANU PF in 2000 had a minimum of five million hectares of land to be acquired for resettlement over a period of ten years. MDC had a total of seven million hectares to be acquired for resettlement. The relevance of that is that it is not true that Hon. Bennett was opposed to the land reform. That is not true. If you look at the manifestos of both parties, the land reform was the same but differed in the way in which it was done.

If we look back at the white farmers who purchased the farms up until the land reform in 1992, there is requirement that the Government must be given first refusal. That first refusal, Government must give a certificate of no present interest. The impression to me as a farmer would have been that, okay Government does not have an interest on my farm and I can do what I want. That impression that, because I have a certificate of no present interest and did not help in the land reform.

This impression was further buttressed by the fact that those farmers who got the EPZ status and Hon Bennett is one of those. He went on to expand, invest and he was confident that his farm was under EPZ and in fact, it was also policy that EPZ farms would not be touched until recently when the law was changed. All that gave confidence to him and when he saw his farm being invaded, he obviously had a problem since he had a certificate of no present interest. Secondly, he had an EPZ status, so he wondered what was going on. He goes to Court and get court orders to continue on the farm, all that gave him confidence.

The impression is also created that what Government wanted was Hon. Bennett rather than just his farm because when he moved to Ruwa, he was then followed and there were problems there. The question is, is it against me Bennett or Charleswood Estate. This might have been what was going on in his mind on that day. Hon. Bennett is a member of the Land Committee and in one of the meetings we invited Hon Chinamasa and he came with Hon. Made.

During your Committee's discussion and I must say that in our Committee, there is so much harmony and there is no robust language. I think if the robust language is the insults that we exchange, then it does not agree with my understanding of robust. Interjections that are jocular are acceptable but when we say things that are unkind and upsetting to each other that is not acceptable. In the Portfolio Committee that I sit, there is no robust language. There is amicable language and open debate, arriving at decisions democratically. There is no conflict. On that day, when we had the two Hon. Ministers, during the question and answer session, there was a verbal fight between Hon. Made and Hon. Bennett. To the credit of Hon. Chinamasa, he was one of those who helped to stop the fight, a physically fight ensued at that meeting. After Hon. Bennett requested through the Chairman of your Committee and said, what can I do? Can I see the Speaker? The Chairman of your Committee facilitated Hon. Bennett to see the Speaker and Vice President Msika on the problem that was facing at Charleswood and the farm he was leasing in Ruwa.

In 2001, in one of your committee meetings, we were planning to go out on a visit. Hon. Bennett's contributions was that since we were facing shortages of food last year, who ever is on that land it does not matter whether that person

Invaded that land, they should be allowed to grow something. That is on record of Hon. Bennett.

I want now to talk about Hon. Chinamasa. He has the misfortune of defending political questions. Every Wednesday, I see him, his head is sweating because there are a lot of political questions coming from this side of the House. Instead of answering the political questions, at the end of the answer, he puts a sting. It is the sting that attracts further and further questions. Two weeks ago, I had tea outside with Hon. Chinamasa and I said to him, the problem you are having is that when you are answering those questions, you put a sting. What do I do because all political questions come to me. I told him that if I were him, I will just answer the question and end

there. You find after answering the question he will say, it is because of Tony Blair, you puppets” and that raises something else – [DR PARIRENYATWA: zvine basa here izvozvo?] – you were not here Hon. Minister.

When that incident happened, when Hon Chinamasa was talking, I can understand what happened. I probably could have done the same. In my mind, I have been always saying this thing was going to come, it just was bound to come before the end of the five years because of the way we have been exchanging insults against each other.

Finally there is something I do not understand. I want Hon. Chinamasa, Hon. Mutasa and Hon. Bennett to answer this. My wife comes from Manicaland, I am a mukwasha there. Every woman in Manicaland is my potential wife – (Laughter) – now, these three people all come from Manicaland, Hon. Mutasa, Hon. Bennett and Hon Chinamasa. What is it vanatezvara, what you are fighting about.

MR. DOKORA: I wish to say a few words with respect to this particular motion that of interest, in the present climate of the debate, that of interest is the fact that we appear to be uncovering a new birth of a new phenomenon on 18th May, 2004. That somehow, suddenly, wisdom has come to bear. In Western African communities they say that when a child is born and it comes complete with teeth and a beard on all of it, they say it is an aboliga child. In other words it is a phenomenon not to be preserved but to be taken care off.

Madam Speaker, we must be able to look at this incident, learn from it and if necessary suffer the consequences of it for that is the true mark of being mature and assuming our role in the historical trajectory of our nation. The incident itself is more than what it appears to be. Hon. Chinamasa is not just an MP in this House. He is not just a Minister of Government of the Republic of Zimbabwe. More than that, in this particular House, he is the Leader of the House. In that sense, the images that have been circulated in their millions through both electronic and print media let alone the oral and verbal circulation of the same descriptions, some distorted, they have done perhaps more harm than this House wishes to capture these very polite, calm and reflective words that are beginning to emerge in the fore of the incident of the 18th May.

In other words, we must commend the very careful analysis that your Committee went through stage by stage, extracting the truth from the falsehoods. I noticed that Hon. Gasela was also singing praises to the Committee work. Nowhere can we see the veracity of that but in the present report of the Committee, where experts were putting their minds together to agree on what was quite clearly tangible truth that any reasonable person in that Committee could agree were grounds for the kind of action they recommended. I will come to their conclusions in a moment.

Madam Speaker, what is of importance at this stage is to say that, once, having agreed to the objective facts that the Committee was presented with, nobody was in doubt as to what needs to be done at this display of lawlessness in the law-making House of this land. For many of us, our only home is in Africa and in Zimbabwe. Therefore, the institutions that we subscribe to, we have set up to protect ourselves must themselves protect themselves from abuse.

It is obviously true to say that when you have power, you must also tame it. When you do wrong, you must also understand where to turn round and beg for forgiveness, it begs the person to say what is the search for that model or that search for oneness in a matter that has drawn attention of not just this country but of other nations across the world. In the republics that are in the Asian subcontinent, images are often seen on public media of MPs throwing chairs at each other and holding each other by the necks, ties etc.

Obviously, what does not come through the public media is what happens to the offenders after the showing of these images. How are those issues handled at the individual or collective level? So, in essence, the fact that those images come through the public media and some of our own people may read them as evidence of their virility in the law making houses of some of those nations, may lead some of our colleagues in our midst to give wrong advice to some of MPs in this House. They are trying to indicate to them that it happens to Taiwan so, there is no case here. That is the only rational conclusion one can arrive at to say what leads one member to go into a situation such as the one which occurred on the 18th of May and then not find yourself the next moment going to the same person to seek for oneness and to seek forgiveness.

I do not agree with the learned people on the other side, that advise their colleagues to the contrary. This where I come in and say if that is the kind of advice we give, then we must be prepared to face the music that accompanies that kind of action. I think assuming responsibility for one's action is a true mark of being a

Honourable Member of Parliament. If you take some action that falls foul of the rules of regulations of the law, you must also be prepared to face the music. I think, those who wish to extend mercy on him, that seek to mollify the sentence that they pass will necessarily do so from their own magnanimity or perhaps the demonstration that has been suggested here by Hon. Misihairabwi-Mushonga and others. That could then be used as grounds for the mollification of what the Committee has recommended. But we must be led in sight and in truth by the kinds of demonstration of understanding of the depth of the incident, and the implications.

It maybe of no use though they are songs that are sung on the other side, songs that caricature the ruling party, songs that suggest – ZANU yaora and so forth. Their impact lead some of the MPs who are on the other side into a gullible situation where they believe that they are being heroic when they perform such songs that may lead to an unfortunate incident such as the one that occurred on the 18th of May.

Madam Speaker, I have every reason to believe that this House may have given birth to an aboriginal child on the 18th May, 2004 and this is their child. People are not trying to be wise after the event, they are begging to say that forgive us or forgive him and he himself in his own words as not been able to say as much.

THE MINISTER OF STATE FOR SCIENCE AND TECHNOLOGY IN THE PRESIDENT'S OFFICE HON. OLIVIA MUCHENA: I want to thank Hon. Dokora for bringing the debate back to where it belongs. The terms of reference refers to allegations for attempt of Parliament. What we have listened to for the past two hours has tended to dwell on personalities and not on the principle of contempt of Parliament. I want to say let us be principled and deal with the principles and we can consider the individuals involved as a secondary aspect otherwise we go off on a tangent.

Madam Speaker, I want to say in my nine years of Parliamentary experience in the House, I have been very, very dismayed to a point where sometimes I have not attended Parliament for two weeks because I am just not motivated to come to Parliament and listen to the kind of language that goes on between the two sides of the House. What happened on the 18th of May was not a first time event. It has been happening in these last four years.

I want to submit that one principle qualification of a MP is maturity which partly entails the ability to manage your anger, to have discipline when you are subjected to insults. I would therefore say there are few of us here who would say I have not been insulted in one way or another. What is important Madam Speaker, is how we handle that insult and we exercise discipline ourselves under provocation. I want to say Hon. Dokora really has hit the nail of the head. Only on Tuesday when the Chief Whip of the MDC was trying to derail this whole process, there was no sign of remorse.

When the MDC has exhausted all the other options, they are now coming with the remorseful, the forgiveness option, and that is what is derailing us from dealing with the principles especially a principle of a rule of law which the MDC party is known for singing all over the world. We are dealing with a law of Parliament on contempt of parliament. We are dealing with what happens in Parliament, when a MP misbehaved to the degree that happened here. I am saying, for me, the most important thing here is to the respect of Parliament as an institution and we have been practically losing that respect over the past four years. What happens on the 18th of May 2004 was the ultimate in bad behaviour of what we have seen do far. I want to thank God because I believe Hon. Chinamasa was standing here completely unaware of Hon Bennett walking that whole distance holding his anger.

Hon. Bennett pushed Hon. Chinamasa. If Hon. Chinamasa had hit his head either on this corner or on that corner – [AN HON. MEMBER: He would have died] – Yes, he would have died. That is the gravity of the situation that we are dealing with. We are not dealing with trivialities here. We are dealing with serious situations – [PROF. NCUBE: You are pushing him.] – No I am not pushing the case which did not happen hon. Ncube. I am just saying that the gravity of the situation has to be seen in its context.

We are not talking about people who just throw bad words at each other; we are talking about actual physical and disruptive happenings here. So I am pleading for respect of the institution of parliament first and second respect of the Office of the Speaker.

Hon. Bennett in his submission says, 'He was not protected by the Chair'. But we all know as the MPs that we are entitled when we are angered, to appeal to the Speaker by calling for a point of order to get the Chair's attention. Hon. Bennett did not do that. What worries me when I see the video clip is: Hon. Bennett walking that

whole distance and nothing in his mind says no, no, you are going too far. All that distance from that back there to here not respecting the Chair, the Office of the Speaker or the Leader of the House.

Madam Speaker, let me at this point say that I have been worried about the denigration of that Chair. I have seen Hon. members talk to the Speaker or Deputy Speaker, especially the Deputy Speaker, maybe because she is a woman – vanomudherera, as if it was their sawhira. This House needs to restore the dignity of the Speaker and the Deputy Speaker – [HON. BITI: Inaudible interjections – MR. MHASHU: Unemwoyo wakashata.]

THE DEPUTY SPEAKER: Order. Hon. Biti, you have gone too far.

DR. MUCHENA: Madam Speaker, let me end on this note that Hon. Mhashu has just thrown at me. He said that I have got an evil heart. I would like to inform him that I do not have an evil heart. I am a mother. Some people came to me and say they would like me to act as a mother. I have been talking to Hon. Sibanda and said that I should feel pity and act as a mother. What I do as a mother when a child does wrong is that I sit down with him or her and inform the child that he or she has done wrong deserves a beating with either a mulberry stick or with a peach tree stick. I do not let the child go scot-free. We instil discipline by pushing people and deter others from committing the same wrong. We should tell each other the truth that a serious wrong was done in this Hon. House. We should desist from superfluous speeches of forgiveness because we have realised that all avenues of recourse have failed.

We do not want to repeat of this incident again. If it does recur, a person should be disciplined.

MISS MPARIWA: Madam Speaker, I rise to contribute to this important debate on the events of the 18th of May in this august House. I am saddened and from this side we were all saddened by the events of this particular afternoon.

I have known men to be forgiving of each other. There is a Shona saying which says that, “varume varume, kutsva kwendebvu vanodzimirana.” As a woman and a mother, I have stood up to contribute and say that I am alarmed by the contribution of my Hon. Minister, Dr Muchena. We have worked together for the past four years with Dr Muchena in the Women’s Caucus as women of Zimbabwe in the Zimbabwean Parliament. What I have seen in that Caucus is unity of purpose as sisters from one House of the Zimbabwean Parliament.

I know women to be peace builders even in times of problems. Women even lie when they are battered at the home and say, ‘ndadhonhera mutub’ for those who stay in suburbs. This is simply because they want to build their homes. When women speak in public, they speak of building and uniting people. We are talking in this manner from this side of the House because we know that something was wrong and for us to heckle is not proper.

I would reiterate the statement that when a child has had a problem in the home, you will inform the child that you will be beaten by a mulberry stick. That child begins to cry. He or she may go into the home or run away from the home. I believe and trust that we are approaching this issue with the seriousness it deserves. This is why we cannot afford to be playful because we are serious Madam Speaker – [AN HON. MEMBER: Mr. Speaker] – Oh Mr Speaker, otherwise I will be beaten by a mulberry stick – (Laughter.)

I also want to quote Martin Luther King Jnr when he said, “What worries me most is not violence of the few but the silence of many people.” I think you should be worried why this side is quite and very much in order because we are discussing an issue that will warrant a sentence. We know that. We are also human beings. This is why we are pleading with the Minister and the other side.

I know Hon. Chinamasa to be Catholic. This case occurred in May, I hope and trust that when he was going to church, he would pray to God that God should forgive Hon. Bennett. In a certain section of the Bible, it is stated that, “vengeance in mine, saith the Lord.”

Whatever action we are going to take against Bennett I think he had suffered enough both emotionally and physically. In the events that took place from 2000 up to to-date, his wife was six month pregnant and she suffered a miscarriage and lost a baby. He has lost a lot of livestock and equipment on his farm. It is in that vein that we have also to consider Hon. Bennett not trying to cover up what he has done and say that he had the warrant to assault Hon. Chinamasa.

I have known Hon. Chinamasa for the past four years in this House. On the date in question, I even went and applauded him and said, "thank you for your behaviour you were polite enough not to retaliate." He is almost the age of my father and I respect Hon. Chinamasa.

I beg you that as you pray and as you look at this issue, could you please forgive Hon. Bennett? I do not intend to mess the soup that has been cooked by very good cooks. I am speaking as a woman and as a mother and more importantly as Chairperson of the Pan African Caucus and say yes, we have witnessed this but I think it is not the end. We have to judge and make decision which is appropriate while leaving space for further investigations. Yes we might joke about it but I think we are serious as you can understand why this side has been very respectful in their approach to the Chair.

MRS KHUMALO: I feel sad with what happened in this august House on the 18th of May. It is a very bad thing. It is not something that is supposed to happen in this House. This parliament is responsible for governance. I would like to thank Hon. Speaker for the way you have handle this matter. I thank again Hon. Chinamasa in view of the fact that on the fateful day, he did not retaliate. I thank you Hon. Chinamasa, you showed that you are the real Leader of the House.

I should like to make it clear that Hon. Bennett was wrong. Not only did he fail himself but us as a party and the constituency that he represents. He erred even against you. What I am appealing to you is that let there be peace and not what we are seeing in Rwanda. The problems that are happening in Rwanda emanate from small things to that is why there is so much confusion there.

If we as the leaders propagate hate amongst people, what do you think will happen? If we are to open the wounds that were left by our forefathers how are we going to live.

We appeal to Hon. Chinamasa, no matter how painful it is, he has to soldier on, if I knew his totem I would have used it. I am appealing that he should let it go and not keep grudges. If a child makes mistake, he is punished. As the Leader of the House, he should take it lightly. I ask him sincerely as a mother. I do not want to see my children going astray. If a child makes a mistake, we do not kill the child because punishment has to suit the offence.

The punishment that has been meted out to Hon. Bennett is too much. It is just like a parent who has used excessive force over a child who has made a mistake. It is not better that you take it lightly?

You should give an appropriate punishment to an error so that tomorrow we may know that in the august House punishment is there. As the Leader of the House he should forgive and the progress of this matter lies on him. My plea is placed on Hon. Chinamasa.

Both sides of the House should take it up to solve the problems that may arise.

Women let us take it upon ourselves to appeal to the authorities that be so that he is not sent to jail. If he is sent to jail is he not going to be hardened in prison? If he is exposed to prison life he may become a hardened criminal. So I am appealing again to Hon. Chinamasa as the one who was offended. Let us put our heads together and try to get things right.

No matter what colour of his skin, he is Zimbabwean. He has erred against Zimbabwe. As I was listening to the plea my heart bled and my tears almost fell.

MR. MASHAKADA: It is very clear that on this side, we do not condone the behaviour of Hon. Bennett and obviously we will be the first to accept that what he did is morally reprehensible. In the same vein, I would like to appeal to this House to consider that the verdict of the Privileges Committee, in my opinion, is so disproportionate to the offence itself. There is need to mitigate and lessen the verdict of the Privileges Committee.

Mr. Speaker, we should also consider that the circumstances surrounding this case are mired in racial controversy. We must also appreciate that the verdict of the Privileges Committee can spell serious racial connotations in this House. It has got serious implications on race relations in this country. Therefore it is important for this House to be magnanimous and draw lessons from this incident to ensure that mercy is extended. Everybody has learnt his or her lesson. There is no need for verdict to be sustained in its present form.

Mr. Speaker, although a lot of people may not see this point clearly, we must never underestimate the macro-economic ramifications of this verdict at a time when the Reserve Bank Governor is trying to come up with solutions to the economic problem. This is also a time when we all try to put our heads together to bring about

market confidence. The decision could derail those noble efforts because Zimbabwe will be perceived as a country which is despotic and a country where the last pillar of democracy, which is Parliament, is now sending people to jail. That is my fear from a micro-economic view point. It would undermine the necessary market confidence that we need.

Mr. Speaker, I am not a lawyer but my reading of literature I want to draw Hon. Chinamasa to the Shakespearian tragedy called *The Merchant of Venice*.

In this tragedy, there is one prominent character, - Shylock and the pound of flesh – in this tragedy Shakespeare talks about mercy – he describes what mercy is all about. There are two main characteristics of mercy. He said, “the quality of mercy is not vindictive. The quality of mercy is not arrogance.” He was trying to make a point that Shylock was frequently demanding the pound flesh. In the same vein I am saying that Hon. Chinamasa must not be like the heartless Shylock in the Shakespearean tragedy.

Mr. Speaker, at this juncture we need to think about national reconciliation. We need to seriously think about national healing and national integration. Most of all we need to think about racial tolerance. This verdict will put this Parliament in the annals of history as a Parliament which has gone way backwards in terms of democratic progression.

MR MKANDLA: Mr. Speaker, I would like to say just a few words on this issue. The matter is like that of a father and a son. If Bennett's father used to beat everybody then he is behaving like his father. Bennett should do what Blacks do, who are known for forgiveness. Somebody once asked me what we had done about Bennett's issue after what he had done it. At one time a servant threw sand to King David and someone asked him what he was going to do but he replied and said, “May he has been sent by God.”

In this view our party is used to such things. That is why I am saying we are amazed by the fact that we were together when we got into this House – Bennett started to undress himself and he remained with his underpants. I was shocked when I saw this. This is typical taking into account of what he did when he beat the Leader of the House. The spirit of his forefathers is still within him, that spirit of violence. I would like to thank Hon. Sibanda for his spirit of trying to negotiate. I want the incident to be seen as a crime. If somebody has erred, we usually try to deal with the issue.

Everybody looks at the House of Parliament and I was surprised at this incident. If you ask anyone who was at the main entrance and in this House, they will tell you that. When I look at the House I can only say, “Lord forgive them for they do not know what they do.” This was said by Jesus when he pleaded to God to forgive them. I would like to appeal to the authorities – I go to church therefore people should be open to correction and do good things. ZANU PF party believes in reconciliation. It is my plea that if we are to pass judgement, let God guide us in making this decision. We should not kill each other because we are people of the same blood. I am appealing to you present in this House to apologise.

Therefore I say to you that you should have told him to go quickly and apologise. If he refused to apologise, one of you should have formed a delegation to go and apologise for him. If he did so, he took a lot of time. Bennett was full of pride, he was boastful – oh Lord help us to forgive these people. Mr. Speaker, those people with small bodies are not usually heard but I appeal that you listen to me. Let Bennett be corrected, let him be brought in to the line. I thank you very much.

MR BHEBHE: Thank you Mr. Speaker. I am very privileged today to stand before this august House. Whilst I agree that Hon. Bennett did make a mistake, let us look at Zimbabwe as a country because this House represents Zimbabwe and its people. If we go back four years ago there was a lot of tension in this country, there were a lot of bad things that happened in this country and it was all about politics.

Yes, there is need to punish him but before I give my suggestion, I would want to possibly ask for your indulgence as to what happened personally to me.

I stand here today and I forgive all those that effected pain in me. Twice in 2001 I was adducted by people who were politically motivated and I was beaten until I lost consciousness, it was all politics. I managed to forgive and forget, regardless of the fact that some of the members that are in this House were behind that plan to abduct and beat me.

The second time around, it was on the 6th of February 2002, this time around I was abducted by the army. I was not born with the scar in my head, it was inflicted by those army personnel inside the police station. After getting such kind of beating, I was locked up in a cell for two days with no water to drink. Again, there are Hon. members

who are in this House who were behind the planning that kind of motive. Today if we decide to sit and agree to be driven by our political emotions, I do not think that we will be doing a good thing in this country. I was thinking that the country had now shown the world that we can do our own things. Let us agree that these political emotions that are driving us should aim to educate us or to be open to each other. While I agree that Bennett should be punished, we should remember that he has got a wife and children to look after. When I heard him speak, he was saying that everything has been taken away from him, he has got nothing. I imagine a situation where Bennett is in prison for a year, his family suffering and starving. I do not think that will be good enough for this House. We agree that he should be punished, but not to the extent of punishing his family. Mr Speaker, I stand here today not only to plead with the Leader of the House who in this case is the one who was involved.

Let us take an example, let us not use racial sentiments, let us not be driven by racial pressure, let us decide a punishment that is worthy because honestly Mr. Speaker, one year in prison with hard labour, whilst your family is suffering out there, I do not think that it would augur well in the book of history that the august House made this punishment to a Member of Parliament and that ended up reducing the family of that particular member to being destitutes. Therefore, I suggest that we take our time, not being driven by our political parties because I know ZANU PF as a party, they have got their own policies and MDC as a party, we have got our own policies. I know before we come to this House, ZANU PF had a caucus – you had one resolution. You never took time to scrutinise that resolution.

MDC as a party, we had a caucus pertaining to that but the caucus never took time to think about it. I therefore implore your Mr. Speaker to make determination to give us further time to go and think properly. To go and think a proper punishment that would be meted to Roy Bennett without taking this Honourable House down with a message that will be misconstrued out of the country – regionally and internationally.

MR MADIRO: The child Bennett erred. If he erred I have never heard the children asking and pleading that this sentence be a reduced one. Where I come from, they are bothered very much that Mr Bennett is still coming to Parliament bearing in mind the embarrassing act he did in this august House.

The Leader of the House is almost equated to like the president. He should not have been assaulted in such an embarrassing manner. I was much disturbed by that. I was embarrassed by the bad act done by these Hon. members. Our parents were enslaved by the whites here. Our fathers were used in farms and were not paid. Thereafter, today, after 24 years when we have been ruling, he comes here and assaults us and out there they have done celebrations that he has done well. And, we take three to four months looking at a person who has erred in such a manner and doing nothing about it.

All I am saying is Mr Bennett should be punished, but what I am asking Hon. members is that you should be asking for a reduction in this sentence. But Bennett erred and if it were at my own household, we would have sat down but then President and our Government are good people. They looked after Bennett for all this time. If I were to say Bennett should go scot-free, I am going to be embarrassed in my own position. Bennett is a murderer. After that Hon. member has erred in such a manner, a certain cat stands up and says that Hon. Chinamasa assaulted Hon. Bennett.

MR. SPEAKER: It is not permissible to call an Hon. member a cat. Proceed but you should first withdraw your last statement.

MR. MADIRO: I withdraw the statement which I said a cat. Some of these things I say because I am relatively new but I am quite embarrassed that such words could be said by Hon. members. We should respect one another and the Blacks should know that the country belongs to you and you are reeling under sanctions which are affecting Zimbabwe but you are happily celebrating.

Maybe you would want me to kill myself so that you will be embarrassed. People are suffering because of shortages of a lot of things like jobs and you have been asking all over – but gentlemen please be merciful. We are inviting you to come and get your land but you are dragged by white men's sons not to come and grab the farms. I see some of you are holding half loaves bread and I am saying that you should come and see us so that you can get some land. Be a father who is self determining. Be free.

MR MHASHU: I also arise and contribute from a premise of mitigation. This side is agreed that there was a mistake and contempt of Parliament – we agree and we are relied because Hon. Beennett, though belatedly, had apologised for what he did.

However, the contempt of Parliament that he committed was as a result of extenuating circumstances. The reaction that ensued after the provocation was impulsive. It was spontaneous and it was not premeditated. It just came as a result of emotion and I would like that to be understood that it was not premeditated – no, I repeat that it was spontaneous and impulsive. Therefore, there must be an element of forgiveness in that.

Let me talk about tolerance. This Parliament since 2000 is known to be a vibrant Parliament – a Parliament which is very active. It is known throughout the world that it is a lively Parliament. It is lively because we have that freedom of expression. We express ourselves and because of that we sometimes overstep and overreact but as I said earlier in the reaction from Hon. Bennett was as a result of what came before from Hon. Chinamasa.

Mr Speaker, let me come to national reconciliation – though it may be a small thing amongst the multitude of things, if we treat this case with clemency, it is a step forward towards reconciliation. You are aware that there is political polarisation and we want to have a country with harmony and a country of peace. If we demonstrate this by understanding and forgiving, we are going to move a step towards reconciliation. You are aware that on the 15th of October 2004, judgement was passed on Morgan Tsvangirai, the whole country and the whole world was relieved when we were looked at as a country that understands. That is tolerance and reconciliation. Why do we not do the same now with this Bennett's case? Yes, he made a mistake, but we are saying let us look at it again and consider clemency.

We are sitting here as Parliament as a court. Whatever we decide is going to be very important to the lives of those who are going to be affected. As Parliament, I request that we be magnanimous. I am appealing for Parliamentary clemency for what happened. Clemency, because if we do that, we are going to project an image regionally and internationally, an image of democracy and tolerance. If things had gone wrong and we are hard on one another, then we defeat the purpose of democracy and tolerance. I plead with parliament that we look at this case with clemency and mete out a punishment that is commensurate with tolerance.

We are looking at national pacification of oppositional politics. There are major parties in the country that are always on a conflict path, if we begin to look at what has happened now and look at it with clemency, then we are moving towards pacification of the people of this country. Next year is a year of elections and we want the nation, especially our growing youths, to realise that when things go wrong we must be able to forgive. If in this case we are lenient – not that he is innocent, instead of the youths hardening their hearts it will soften them – to say where there is antagonism we can always mollify and ameliorate the situation. We are sowing in our youths a seed of love and reconciliation which is democracy.

I want to appeal to the Leader of the House that we are really sorry about what happened. It is not that he was the only one offended but the whole House, in particular, the Leader of the House. I would like that he listens to this, that you are not the only one who received the shame but please exercise clemency. Influence your colleagues on the other side. On this side we are saying things did not go right but a custodial sentence for a Member of Parliament on something that could be looked at again, revised and come up with another punishment. We are saying a custodial sentence is too much.

With those few words I hope Hon. Mangwana, who was Chairperson of your Committee, that you revise the sentence so that he is given a lesser sentence. We are not saying he must be exonerated but he must be given a lesser sentence. With these words I plead for mercy from the entire Parliament.

MR MAKOKOVE: Let us be reminded that this House where Members of Parliament debate and chart the way forward for the people we represent. Let us say each generation has a mandate to inherit and pass on to the new generation from what the previous generation was doing.

The matter before us is crucial. This is a classical case that will be quoted in the 7th and 8th Parliament of Zimbabwe when people get elected again in this House. We must make sure that a full stop is put to these things. I hope Hon. Bennett was not seeing his gardener when he moved five or ten metres towards the leader of the House. He could have cooled down before pushing down Hon. Chinamasa. This is one thing we must get rid of in this society. Hon. Bennett was in a mood of machetes and chambokos when he moved towards the Leader of the House. Instead he saw his worker which he used to beat at the farm. He must be given what he deserves.

Mr. Bennett is not sorry at all because he said I am sorry but send me to jail. He is not repentant at all. If you people had advised him correctly, he had enough time to cool down and realise that he had made a mistake, he should have come to apologise. I am sorry to say that he is not honourable because on the radio this morning I heard that he was running away. That is not honourable. If we accept people like that in this House that is very wrong.

MR MADZIMURE: I am proud not to have witnessed that incident. It is something which could have been avoided and it is regretted that it happened. I was able to talk to Hon. Bennett soon after the incident whereby he appeared even confused on what had happened. I think the time he come here to reflect on the matter. If he had that opportunity during that time, he could not have done what he did. The real cause is also what he was going through. He had nowhere to turn to and because of that, after having bottled up all the pressures and the suffering, he lost his coolness and ended up shoving up Hon. Chinamasa. I also feel sorry for Hon. Chinamasa. It is not something which any one of us would not like to experience.

Mr. Speaker, I would like to draw your attention to incidences which we experienced as individual MPs of Zimbabwe. I remember one day when I was seated with Vice President Msika in the Lobby. I received a telephone call from my son telling me that my house was under attack. Immediately, I decided to leave Parliament and go to my house. The Vice-President advised me to talk to the Deputy Minister of Home Affairs, Mr Rugare Gumbo but I could not locate him. He advised me to seek police assistance but I told him that it was too late, I have to go and face it head on. If I had got there in the presence of people who were attacking my house, they could have killed me but because it was my personal property, I had no option but to go there.

Another incident happened inside the police station where I was attached. Sometimes, you just have to react even though it is not in the best interest of yourself to react in that manner. This is exactly what happened to Hon. Bennett. When I was speaking to him going through his life, telling us how he managed to acquire some of the property which he has since lost, what happened to his wife, what was happening at his farm, it is common sense to tell one of us – he was somehow going to react. I am not saying he reacted in the best way he should have been reacted. I think we have to bear with him. We have to accept that he is a human being who also reacts and this is how he reacted, it is regrettable. I do not think he had thought of attacking Hon. Chinamasa, it is something which happened instantly. He had no motives whatsoever to attack Hon. Chinamasa.

As Parliament, we are faced with a situation where we are going to do something which will be referred to in the future by other Parliaments in the world. It is going to be a test case. Quite a number of people will ask us to explain how we arrived at such a judgement and I do not think it would be good for Zimbabwe. For us to come up with such a harsh judgement for a first offender – all of us agree that he had been going through a terrible situation. I think Hon. Chinamasa should accept the apology of Hon. Bennett. Maybe it was also because the Hon. Minister is the custodian of some of our laws. He is the person who is supposed to ensure that some of the court orders are respected. Maybe that also contributed but all the same, I think what we are going through today it going to set a precedent.

Mr Speaker, some Hon. members should realise that they are still very young. I think they would not want to be part of Parliament which will have come up with such a terrible judgement. We all admit that Hon. Bennett was wrong and there must be some form of punishment but the level is where the issue is. I urge Hon. members on the other side of the House not to forget that, yes he might have a different colour but what we are going to do here, whatever judgement we are going to give, it is going to set a precedent. Even in a Parliament where there is only one party, you have disagreements and sometimes the shovings.

Let us settle our differences. Let us preside over cases and consider them from a point of view where we are dealing with members of Parliament. I can not imagine anyone of us, myself and the Governor, I think we might look at Hon. Bennett as a Member of Parliament for the Parliament of Zimbabwe not to punish him on what his fore-fathers did to this country. I think it is not proper...

MR. SPEAKER: Order, you are just repeating yourself.

MR. MADZIMURE: I think I had come to the conclusion of my speech.

MR. GONESE: I think we all agree that the incident of the 18th of May was unfortunate. It is something which we do not want repeated in this Parliament but we must not lose sight of the fact that it actually happened on the spur of the moment. From what transpired before I think it is quite clear that there was no premeditation. Hon. Bennett

had contributed to the Adverse Report on the Stock Theft Amendment Bill. It is quite clear that he had not intended to cause the scuffle which eventually took place.

We are sitting here today as a court of law. I would like to urge all Hon. members to be guided by the rules and principles which are used by our courts of law. Violence is not unique to our Parliament, it has happened in Parliaments elsewhere. I just want to refer to a few incidences which happened in other Parliaments. In Taiwan, two politicians had a brawl over procedure and a Taiwan lawmaker had to take a Breathalyser inside Parliament. He called traffic policemen into the Chamber. After he was cleared of being drunk, he had this to say: "otherwise this will influence the country, no less than drunk driving affects traffic." He was saying that from time to time Members of Parliament debating should be subjected to a Breathalyser to ensure that they are not drunk.

I would also want to refer to another scuffle which happened in Asia in particular. There is fine line between verbal confrontation and physical violence as recent Parliamentary conflicts are going to show. In Taiwan there was a fist fight and one Member of Parliament, called Lo Kung Chu was suspended for six months after punching a female colleague at a rally. In our Parliament we also had some disturbances in the Fourth Parliament. I have here with me the verdicts on the utterances and actions taken by the Hon. Sikwili Moyo, Hon Margaret Dongo and Hon. Gen Tapfumaneyi Mujuru. For the benefit of those members who are not familiar, I will just summarise.

On the 26th of March 1998, the Hon. Sikwili Moyo said I am saying this because I remember some people were "wayetshaya amapoto eMaputo". In response Hon. Margaret Dongo says the following "munoitwa vakadzi naMugabe" (you are becoming Mugabe's wives). At that point, the Hon. Gen Mujuru charged towards Hon. Dongo. Madam Speaker asked Hon. Dongo to withdraw her statement. Hon. Mujuru was restrained by the Hon. member for Seke, Mr Manhombi. The recommendations of your Committee were as follows: the Hon. Sikwili Moyo was fined one thousand dollars, the Hon. Margaret Dongo was fined one thousand dollars but the Hon. Mururu was fined seven hundred dollars and the reason was that there was no premeditation to that.

I would like this Parliament to also be guided by the same recommendations. It is quite clear as I have already pointed out, that there was no premeditation on the part of Hon. Mujuru. On the day in question, we on this side of the House were very disturbed by what had happened. The leader of the Opposition, the Secretary-General and myself went to apologise to the Hon. Leader of the House. We also apologised to the Deputy Speaker because we were disturbed by this incident. It is quite clear that Hon. Bennett was wrong, that is why we went and apologised. We would like to appeal to members on the other side that there are times when people lose tempers.

Hon. Bennett read out his contribution, he submitted several cases of assaults and violence and it was quite clear that he was very aggrieved. I just want to appeal to Hon. Members to look at some deserving sentences. Let me cite two examples of State cases, the first one is of the youths who were fighting over a girl and the police arrived at the scene and they were arrested. Their parents asked for forgiveness saying that if the boys are sent to jail, they will lose their jobs. A fine of two hundred dollars coupled with two months community service was imposed. The second example is the case of the State versus X, again in that case, people asked for forgiveness and a non custodial sentence was imposed by the courts.

This tight law, this is a severe punishment. Before the courts send someone to prison, it must ask if it is really necessary. That is the same question Hon. members, is it really necessary to send Hon. Bennett to prison? In one of the cases in Taiwan, which I have referred to, a Member of Parliament was suspended for six months. As I understand from the Committee, they were unable to find a precedent anywhere in the world where a Member of Parliament has been incarcerated.. It is the first case in the history of the Parliament. As I indicated earlier, this is the first incidence of this nature.

I would like to appeal to other members that let us sit down and come up with an appropriate punishment. We all know that emotions are raised and the political temperatures are high. We know from the side of the House that the Hon. Bennett deserves punishment but I am appealing to the other side to sit down together as Zimbabweans and impose a punishment which is appropriate.

PROF. NCUBE: Thank you Mr. Speaker. Let me start by saying that as the Privileges Committee found Hon. Bennett guilty of contempt by unanimous decision of that committee. There can therefore be no doubt that what happened in this august House was wrong; cannot be condoned and deserves to be punished. However the offence of contempt of Parliament is not an offence which is designed to exact vengeance, to exact retribution. It

is an offence in respect of which Parliament is given extraordinary powers. I repeat, extraordinary powers for it to punish a wrong which is done to itself as a body.

We all know that elsewhere in the world outside Parliament, those who have been wronged do not exact the punishment themselves. For the simple reason that it is very difficult to get justice where the injured person himself or herself then sits as a judge to punish. But it is still very necessary to have this offence of contempt for the simple reason that it enables Parliament to deal with all those breaches that may take place in the House disrupting the orderly conduct of business of the House.

Understood in this way, the purpose of the offence of contempt of Parliament is very simple to ensure that Parliament is possessed of such powers as will enable it to deal effectively with disruption of its processes. I say so because it is important for us when considering the appropriate penalty. It is important for us when assessing the appropriate penalty. I underline the purpose of us as Parliament having the power to punish for contempt is to enable this House to ensure that its business is not unduly disrupted.

It is the same principle with a court of law when it punishes for contempt. It is not the purpose of contempt of court again to exact retribution, to send people to jail willy-nilly but simply to ensure that the processes which are happening in a court of law are not unduly disrupted.

I therefore differ fundamentally with my learned friend, the Chairman of the Privileges Committee, when he writes in his Report that the purpose of Parliament having to deal with this contempt is to set an example; to make an example of Hon. Bennett; to inflict the maximum possible pain so that he does not do it again and so that others do not do it again. That is not why Parliament is possessed of the power to punish for contempt. It is possessed with that power so that it can protect the dignity of its proceedings, so that it can stop or bring to an end any disruption by exercising that power.

Yes, as I have said at the beginning, Hon. Bennett did wrong. Yes he acted in contempt of this House. Yes, he acted in contempt of this House. His conduct was contemptuous of this House. However, we should not as a House seek retribution – (Prof J MOYO: a punishment) – A punishment – we all know - must be fair, must be regarded by all right thinking people as merited as against the offence that has been committed.

I submit that to send an Hon. member for twelve months, a whole year in prison for contempt of the nature which was committed – which is serious – but nonetheless, not the worst possible contempt, one can imagine induces a sense of shock to any right thinking person.

To develop further, Hon. Gonese's point, what we do as a Parliament must be guided by the knowledge that is available to us; the experiences that are available to us from our own history; from the history of other African countries and from history of the rest of the world. For us to judge that what we are doing is fair, is just, is proper and is right, when we sit here today and look right across the world, since Parliaments came into existence and we are unable to find, as Hon. Gonese has said, just one precedent where an individual has been sentenced to a year in jail by Parliament, we must stop and think. There is no precedent of this sort of thing, as Hon. Gonese has said. We will be going into history ourselves as a nation by sending an Hon. member to jail for twelve months.

I have read far and wide. Some time long ago in the eighteenth century, you will find a precedent in the British Parliament, of all Parliaments, sending an Hon. Member of Parliament to jail for a month and no more. When I fact you have regard to the sort of jails and prisons we have in Zimbabwe, when you are actually sending a person to our prison for twelve months, it is the severest term of punishment that one can imagine.

Justice must be compassionate. Justice must be merciful. In my respectful submission justice must be merciful and when you propose to send an Hon. member to a term of imprisonment to a term of 12 months for having acted in contempt of this House, we are acting in my respectful submission unjustly, unfairly and vindictively. For those reasons Mr Speaker, I am unable to associate myself with the sentence that is proposed or that is recommended by the majority of the Privileges Committee.

Even if Mr Speaker we were to say some form of imprisonment might be merited, which I submit it is not, but even if we were to consider and say some

we are guided by precedents in this regard since we are sitting as a court. When you are dealing with a first offender that has shown contrition, if there is to be imprisonment, it must be a short sharp term of imprisonment which does not have the effect of dehumanising and turning the convicted person into a hardened criminal.

I urge this House that if it were inclined to in fact, impose a custodial sentence, then let it be the shortest, briefest possible term of imprisonment as opposed to the lengthy, in my view unjust, 12 months imprisonment.

MR G SIBANDA: I stand to make my remarks on behalf of my colleagues from the Opposition of which I have the privilege to lead in this Hon. House. I would like to prefix my remarks - I will be very brief and I think most of the issues have been raised and it is quite evident, it has been one of mitigation. Before I make a formal proposal to this august House, as to the sort of sentence which we feel will be reasonable and not punitive but making a point, I just want to indulge you Mr Speaker, and make some few observations as to the developments that have characterised this House.

This Parliament since 2000 has been a real Parliament. It has been emotional but clearly vibrant. We have debated difficult and divisive issues at great length sometimes running till the early hours of the morning. All this was necessary for the growth of our democracy as a country. We have exchanged harsh words and insults. We have had to divide the House a record number of times since 2000.

All this was necessary for the growth of our democracy as a country. Sadly, in the course of the pursuit of the democratic course, the country has become acutely polarised. There has been extreme hatred and hate speech in this House. Since last year, we have made significant progress in the process of healing our nation. We as a party took significant steps to create a conducive environment for the resolution of the crisis in our country. We started coming to listen to his Excellency the President during his presentation to this House.

We did this because we believed that our country needs national healing. We need a new beginning. Our people need jobs to bread the chains of poverty that is harnessing them. It is our responsibility as leaders, to end the polarisation. We must implement a healing process. We must all be committed to the spirit of building bridges.

Two weeks ago, it has been cited during the debate here this afternoon, we celebrated the acquittal of MDC President Morgan Tsvangirai. We viewed this as a truly positive step in the process of healing our nation. We need a new beginning for our country. It is our collective responsibility as a nation that we promote every opportunity and initiative that gives our country an opportunity to resolve the economic crisis in order to create jobs and food for the people.

While the MDC has never and will never condone the use of violence to settle an argument regardless of the provocation involved, as a party, we do not agree with the disproportionate nature of the sentence recommended on Hon. Roy Bennett. The sentence appears to be motivated more by vindictiveness than justice. We believe that the recommended sentence is excessive.

Such an excessive sentence threatens to polarise the nation and scuttle all the efforts and achievements in the process of healing our nation. We must not be motivated by hate; we must look to the future of our country. We must be guided by the bigger picture. I implore this august House to focus on what is good for our nation.

We must look beyond the next elections. ZANU PF MPs must look beyond just getting a two-thirds majority in Parliament at the 2005 elections. MDC MPs must also look beyond the desire of winning a majority of MPs in Parliament in the 2005 elections.

We have seen the Berlin Wall crumble to the ground thereby ushering in a new economic world order of globalisation. We have seen a prisoner for 27 years incarceration walk free to the State House. It can be done, if the will is there. Together we can build a new nation, a new Zimbabwe for all of us and our children and for the children of our children. There is hope. On behalf of the MDC Members of Parliament, we propose a less harsh penalty, a suspension from Parliament for six months together with the maximum fine of level (7) which is prescribed as maximum.

THE MINISTER OF PUBLIC SERVICE, LABOUR AND SOCIAL WELFARE (P MANGWANA)

Mr Speaker, I would like to thank all the members who have made their valuable contributions to this debate. I wish to restate the nature of the case than Hon. Bennett committed. It would appear from the contribution made by most Hon. members that they are looking at this mater as one of common assault. That, in my view, is not a correct position. We are looking at an attack on the dignity of Parliament.

What took place is an attack on the dignity of an institution of the State. We have three institutions of the State, that is, the Executive, the Judiciary and the Legislature. I shudder to think what kind of a punishment would meet

the justice of the case where the accused assaults a Judge of the High Court or an accused assaults the Chief Justice. – (Prof W Ncube: You know that that is a false analogy.) – yes, we have a situation where a Cabinet Minister appointed by the President exercising his duties bestowed upon him by the Constitution, is attacked in this House.

This is the reason why we cannot find a precedent anywhere in Southern Africa where there has been assault on the Leader of the House during a session of Parliament. This is because what has happened is beyond the imagination of all civilisation. We all know about Parliamentary democracy and this has not happened. We started our Parliamentary business in 1990 and we checked through the precedents of Southern Rhodesia to Rhodesia and to Zimbabwe. We could not find a single precedent where this kind of precedent for contempt of Parliament had happened. The feeble, the short, the small, must find space to debate without fear of an assault of a fellow member. Therefore it is critical and important that the sentence must be deterrent.

We must send a message that we have a civilised democracy which will not tolerate that kind of behaviour from an Hon. member. A number of the Hon members have attempted to persuade that Hon. Bennett showed remorse and contrition. I beg to differ. Yes, Hon members from his party pleaded on his behalf but he did not show remorse. As he was walking out of this Parliament, he was bragging that we could send him to jail for twelve months because he was ready. That is not the conduct of a person who is showing contrition. He did not only injure Hon. Chinamasa, but he did not even apologise to the Hon. Speaker.

I can only put it into context the reason why the words “I am sorry” passed through the mouth of Hon. Bennett. He could see that his fate is well determined and the only thing he could simply say was “I am sorry”, in the last hour. When one looks at the context in which he made those words, when he was about to walk out of Parliament, that he did not mean them from his heart. I also wish to comment on the contribution made by Hon. Misihaireabwe. This matter had nothing to do with partisan politics. When your Committee considered this matter we considered the seriousness of the case, what message it would send to the present and future Parliamentarians and to the future of democracy in our country.

This Parliament cannot tolerate a situation maybe where physical might replaces intellectual prowess. People should come to Parliament with a mindset to debate. That the conduct of Hon. Bennett was not premeditated, I beg to disagree. It has been established and agreed that at one of the Portfolio Committee meetings, he came to almost assaulting another Hon. member. On this particular day, he carried on with his particular mindset – (Mr BITI: that was not premeditated.)

Mr Speaker, for Hon. Bennett, he was acting on impulse and to be simply forgiven, one should look at the distance that he walked. Your Committee looked at that and still maintains its position, that if his colleagues had been responsible enough, from approaching Hon. Chinamasa, we could have been talking of a different position. They did nothing until the assault took place. This plea for clemency is belated.

It is the dignity of Parliament, which we need to preserve. It is the dignity of Parliament which was injured. Quite a number of Hon. members from the other side were pleading to the conscience of Hon. Chinamasa. I wish to correct that mindset. It is not Hon. Chinamasa, it is his office, as Leader of the House, as a Cabinet Minister and it is the dignity of this House of Parliament which has been injured. We owe it to future generations, that we, this Parliament have made a point that violence will not be tolerated in this House, that violence will not be part of this House and that violence will not be part of our democratic people.

I heard Hon. Chebundo citing the Bible. Mr Speaker, it is my wish that Hon. Chebundo should have approached Hon. Bennett with some more verses from St Paul's writings and probably, by the time that he appeared before this Committee, he could have shown more remorse than how he behaved. My view is that the sentence should not be viewed from a political context, it is not retribution, it is not vengeance, it is simply putting a record straight to ensure that our democracy develops and people are able to come to Parliament without fear and use the institutions set up by Parliament to complain whenever you think that your rights are being trampled upon by certain members, but not to resort to taking the law into one's hands and thereby demeaning the integrity of this Parliament.

It is my submission, Mr Speaker and my appeal to all members who wish to see the development of our democracy, the engagement to electoral discourse, serious discussion of national issues, without fear or favour, that you accept the recommendation of the Committee of Privileges set up and mete the punishment as recommended. I therefore move that the recommendation of the Committee be adopted by this honourable House.

MR SPEAKER: We are now coming to the conclusion of this matter. I have given both sides ample time to debate, I have not stopped anybody from expressing one's views. I have allowed all those who had views to express to do so, I also give you a full day to go and reread the report in order for you to formulate and consider the submission as Hon. Members of this august House. In terms of our rules, I shall come to a decision and we shall ask Hon. Bennett to come in the Chamber to be informed of whatever decision you people have arrived at.

The mover of the motion has moved for the adoption of the motion as presented. It is my duty, as Speaker, to put the question. I put the question that having been found guilty of contempt he be sentenced to 15 months imprisonment with labour of which three months is suspended on condition that he does not commit a similar offence in five years.

Motion put.

MR. SPEAKER: although in terms of Parliament the Noes have shouted higher than the Ayes, it is difficult for me to determine.

Bells rung.

Order, the tellers on my right would be the Chief Whip and his deputy Mr J. M. Gumbo and Mr. R. Kaukonde and the tellers on my left shall be the Chief Whip, Mr Gonese and his deputy Miss Khupe.

House divided.

Ayes: 53

Noes 42

Mr SPEAKER: The result of the count is Ayes 53 and Noes 42.

In terms of the rules can we have Hon. Bennett in the Chamber.

Hon Bennett enters the Chamber.

Mr SPEAKER: Hon Bennett, the House has debated the report of the Parliamentary Privileges Committee on the alleged breach of privilege by yourself and have found you guilty of contempt of Parliament and sentenced you to fifteen months imprisonment, with labour, of which three months is suspended on condition that you do not commit a similar offence within five years and for which you are sentenced to imprisonment.

I now direct the Sergeant-At-Arms to escort Hon. Bennett out of the Chamber.

Hon. Bennett is escorted out of the Chamber by the Sergeant-at-Arms.