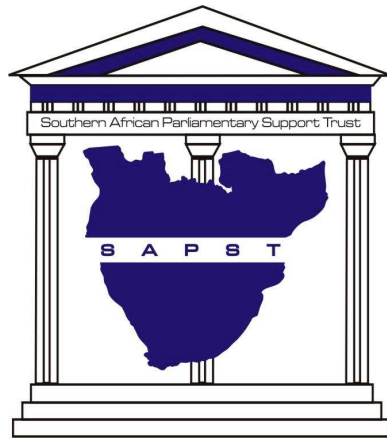




PARLIAMENTARY

ROUND UP: BULLETIN NO. 19 - 2010

Bulletin for Tuesday 19 October 2010



Presidential Motion

Political Violence

The motion in reply to the presidential speech dominated debate in the House of Assembly on Tuesday 19 October 2010, with the House divided along political lines. The debate focused on two major themes; violence and distribution of agricultural inputs.

ZANU PF and MDC MPs traded accusations on who is responsible for political violence in the country. The controversy was instigated by Hon. Festus Dumbu (MDC-T Zaka West) who said despite the fact that President Mugabe called for peace in the country when he officially opened the 3rd Session of the 7th Parliament on 13 July 2010, political violence has become endemic in the country. He said Zaka District has always borne the brunt of political violence by ZANU PF dating back to pre-independence. Hon. Dumbu alleged that during the liberation struggle for independence, the majority of people in Zaka District associated with PF ZAPU policies and ideology, which did not go down well with ZANLA freedom fighters that operated in the area. Thus Zaka people were persecuted by ZANU PF as they were labeled sell-outs. In the 90s, Zaka people were subjected to yet another spate of political violence, this time for supporting ZUM led by Edgar Tekere. Hon. Dumbu further alleged that Zaka people have been punished by ZANU PF for supporting MDC. He accused ZANU PF of sending the War Veterans leader, Jabulani Sibanda, on an errand to terrorize villagers in Masvingo Province and Zaka District in particular. MDC Members called for responsible authorities to reign in Jabulani Sibanda without any further delays.

Hon. Dumbu's debate did not go down well with ZANU PF Members who tried in vain to have him ruled out of order for accusing a person who could not defend himself in the House.

In retaliation, Hon. Makhosini Hlongwane (ZANU PF Mberengwa East) said MDC-T was equally to blame for political violence in the country. He said in actual fact all major political parties were guilty for fanning political violence in the country as acknowledged in the Global Political Agreement (GPA). Hon. Hlongwane told the House that he had evidence of MDC terror camps based in Epworth, Mufakose and Chitungwiza during the 2008 Harmonized Elections. He accused MDC activists trained from these "terror camps" for murdering ZANU PF supporters during the election period in question. Other ZANU PF Members who debated the motion apportioned blame on MDC as they argued that the

emergence of political violence coincided with the formation of the MDC in 1999.

This argument was strongly rejected by MDC Members led by Hon. Tabitha Khumalo who said ZANU PF's propensity for political violence predated the formation of MDC. She cited the 80s political violence meted out on PF ZAPU supporters, which has come to be known as 'Gukurahundi'.

Members were agreed that continued political violence in the country made mockery of the Organ for National Healing and Integration.

Distribution of Agricultural Inputs

ZANU PF and MDC backbenchers were again at logger heads regarding the distribution of agricultural inputs. MDC Members condemned the "partisan" manner in which the inputs were being distributed. They alleged that MDC officials (MPs and councilors) were excluded in the distribution committees and as a result their supporters were excluded from lists of beneficiaries. Thus, MDC called for a more transparent mechanism for distributing these inputs to ensure that all deserving villagers benefit from such state resources irrespective of their political affiliation. ZANU PF Members vehemently denied allegations leveled on their party by MDC MPs.

Legislation Update

Adverse Reports on Statutory Instruments

The Chairperson of the Parliamentary Legal Committee (PLC), Hon. Shepherd Mushonga presented three adverse reports on statutory instruments published in the government gazette of June and July 2010; namely S.I. 102, 113 and 106 respectively. The PLC unanimously resolved to issue adverse reports on the afore-mentioned statutory instruments for the following reasons;

(i) Statutory Instruments 102 and 113 of 2010

The fines provided for as punishment for breaching several sections of these Statutory Instruments 102 and 113 are above level 3 (\$20). In terms of section 271(2) (b) as read with section 141 and 356 of the Criminal Procedure and Evidence Act [chapter 9:07] a fine above level 3 can only be imposed by a Court of law after fully canvassing the essential elements of the offence. The Statutory Instruments are ultra vires the Criminal Procedure and Evidence Act chapter 9:07 to the

extent that the Statutory Instrument allows council to collect these fines outside the judicial system.

(i) Statutory Instrument 106 of 2010 - Plumtree Town Council By-Laws.

(a) Part 11 Section 4(b) creates an offence of “Building Without Plan Approval”. The penalty for that offence is “fine and demolish”. There is no exact or maximum quantum of fine specified. The Committee resolved that penalty creating provisions that do not specify the exact or maximum quantum of fine chargeable are arbitrary as they leave a lot of discretion in the hands of the collector of the fine. This does not afford enough protection of the law to accused persons as enshrined in section 18 of the Constitution of Zimbabwe.

(b) Section 7 creates the offence of “illegal dumping” The penalty is described as “cost recovery + 50”. The amount envisaged by the phrase “cost recovery” is vague. The collector of the fine can impose any amount arbitrarily as a “cost recovery” figure. This does not afford protection of the law to the accused person as provided for by section 18 of the Constitution. Accordingly, this Statutory Instrument was found to be in violation of the Bill of Rights, particularly the protection of the law provision that is, Section 18 of Constitution.

Debate on the afore-mentioned statutory instruments could not be concluded yesterday as Minister responsible for those statutory (Hon. Chombo) were not in the House to respond to the observation of the PLC. Thus debate was deferred until such a time that the Ministers responded to the adverse reports by PLC. *[It should be noted that PLC’s reports are not binding as they merely offer a legal opinion to the House. It is up to the House to make a resolution on a PLC adverse report by simply majority. If the House adopts the PLC adverse report, the legislation in question is referred back to the drawing board to amend the offending clauses.]*

Public Order and Security Amendment Bill

Debate on the *Public Order and Security Amendment Bill* was deferred to Wednesday 20 October 2010. Unconfirmed reports attributed delays on the Committee Stage of the Bill to behind-the-scenes horse-trading by MDC and ZANU PF. It is understood that some ZANU PF Members wish to propose amendments to the Bill.

Adjournment

The House of Assembly adjourned to Wednesday 20 October 2010 at 1415 hours.