

ZHUWAO AND COMPANY IN CONTEMPT OF PARLIAMENT

By Munyaradzi Bwanya

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The First All Stakeholders Constitutional Conference was organized and run by the Select Committee of Parliament created by the 19th amendment to the Zimbabwean Constitution and the GPA. The fact that the meeting was attended by other delegates who are not themselves MPs does not detract from the fact that the meeting was a Parliamentary meeting instead, in addition, it must be noted that the registration and accreditation of the first day was meant to ensure that those who attended it did so exclusively at the invitation and pleasure of Parliament. It cannot then be denied that the All Stakeholder Conference was Parliamentary business.

Hon Zhuwao, in his 30 minute moment of madness dishonourably disrupted a Parliamentary meeting. Even more sadly he did so in violent fashion, disrespecting the Speaker midway his opening speech, disrespecting the President of the Senate who deputizes the Speaker in the Standing Orders and Rules Committee, the several cabinet Ministers present, his fellow Hon MPs, therefore disrespecting Parliament itself by bringing its honour into serious disrepute. More importantly, he disrespected the inclusive government and its leaders by his divisive actions. Most importantly he created a negative image of the nation in the eyes of our fellow African brothers who have insisted to the rest of the world that we can amicably solve our problems in house. He should have taken his opposition to the Constitution making process up with the Principals who prescribed it in the GPA.

Hon Zhuwao led his comrades in a preconceived and likely rehearsed unlawful and disgraceful conduct which his uncle has labeled “this nonsense” to disrupt the conference with a possible intention of bringing it to a premature end. It is not a coincidence that they sang “Zvikaramba tinoita zvaJune...” (if we fail to stop

this conference we go back to our murderous tortuous rape and arson tactics of June 2008). These thugs were seated in the same bay and walked in a wedding kind step, in pairs towards the middle of the room past Hon Mohadi, Munangagwa and Made. It is stupidity of the worst kind to suppose that more than fifty people spontaneously decided to sit together, sing the same song at the same time and march in pairs towards the same destination arguably with the same intention. The video footage available points to the fact that someone gave the instruction and pulled the strings. Gestures by Hon Zhuwao and the encouragement given by Hon Kasukuwere, their relationship and their very positions of leadership make it almost a given that they together masterminded the unlawful activities of that day. The two MPs are also party to the Jonathan Moyo court proceedings against the Speaker having supplied supporting affidavits claiming that they had witnessed MDC MPs brandishing their ballots. It is not difficult therefore to see why the Speaker was their primary target after the Moyo case collapsed to the ground at the High Court a week prior.

Contempt of Parliament

The History of the Zimbabwean Parliament has three popular cases in which contempt was alleged and common sense point to the recent Zhuwao and Kasukuwere case being the forth. In 1986, Ian Smith (an MP then) was accused of having breached the privileges and immunities of Parliament during a TV interview with BBC in London. He had said that it was ill advised to allow universal suffrage to unschooled and unintelligent people. He argued that he did not quite see the point in allowing a man to vote without any guarantee that such a man understood the value of the vote yet require such a man to be tested before being allowed to get a driver's licence. His point was that a right to vote was a superior

right than that of driving and thus should not be freely given. It was found by the investigating Committee that he was talking only about black people and therefore his remarks were racist and in contempt.

The second case was in 1993 in which Didmus Mutasa had said at a conference in Darwendale that the calibre of his fellow ZANU PF MPs was questionable, he had been quoted in the Herald as having said “Parliament was almost meaningless because of some members he described as unwitty”. Lastly the famous Hon Deputy Minister Roy Bennet shoved Hon Chinamasa to the ground in response to severe insults by the latter. It was alleged by the investigating Committee that the unfortunate event was celebrated at a rally in Kuwadzana and in Bennet’s Constituency. I remember Bennet being called ‘Shumba yaPatrick’ in some circles. Bennet was sentenced to imprisonment although painful, typical of MDC MPs, it was not in vain, Bennet has now brought to the fore, the inhuman conditions of our prisons. He made the best of a bad situation so to say.

In all cases a Select Committee was duly constituted to investigate and consider evidence, to hear argument and finally to make recommendations in reports to be tabled in Parliament. In all three cases actions by the MP were found by the Committee to be in contempt. The powers of Parliament in that respect were clearly stated in the Mutasa case: ***“Parliament can if it deems it advisable reprimand, admonish, fine, suspend, expel or imprison a person found to be in contempt of Parliament....It is clearly the duty of every member to uphold the rights, the privileges and the prestige of this House and above all the honour of its members”***

Zhuwao’s conduct

In light of the fact that upholding the rights and privileges and prestige of the house is a duty and not a privilege, Zhuwao’ actions

are quite the contrary. His conduct tainted the image of the House as a whole as a rowdy and conniving crowd. Clearly he was at the Conference as a member of the House and not as a ZANU PF delegate, his name does not appear on the list of party delegates. He was an ambassador of Parliament at the Conference and the general public understood his behaviour as the behaviour of a member of parliament and to be the behaviour of MPs in general. His mere participation to undermine the authority of the Speaker and the prestige of the House is deplorable. Additionally to encourage others to do so is tantamount to incitement to contempt. He did not end with participation and incitement, he went further to defend the violence against other members who were verbally attacked and physically assaulted by the thugs with water bottles among other weapons. Hon Ian Kay for instance had to run for dear life when they started to use the furniture in front of him as weapons against with whom he was seated. Zhuwao confronted Hon Chibaya in a violent fit of anger for announcing through the microphone that only the violent delegates were to be removed from the venue. The riot police had targeted the delegates who were peacefully seated on the upper deck while ignoring the source of the chaos, the ZANU PF thugs on the ground floor. Surely his defence of violence against fellow members and the peaceful public is adequate to at least warrant an investigation by the Privileges Committee.

Both the Smith and the Mutasa investigations dealt with statements made outside Parliament. Smith did not even directly refer to Parliament or parliamentarians. In The Mutasa case he had merely passed a blanket statement regarding the intelligence of some members. Certainly it cannot be said that the Bennet attack which was spontaneous and provoked described then as the “worst attack on the dignity of Parliament known in the history of Parliament” is worse than this premeditated, carefully planned, possibly rehearsed systematically executed violent opposition to parliamentary business seen at the HICC publicly defended by Hon Zhuwao.

While it is up to Parliament to decide its internal affairs as it ought to, it must remain clear to MPs that an inherent component of the rule of law doctrine to which success of the nation depends is that law must not be selectively applied. Hon Zhuwao despite being nephew of the Head of State is subject to the same rules as Smith, Mutasa and Bennet. If his unbecoming conduct is left to grow he will surely have been preferentially treated. His innocence or guilt for contempt must be measured against the facts and the evidence available, he must be given adequate time to prepare his defence and must be heard by a Committee which is impartial. If it turns out that his wayward actions are worse than in the other three cases then his punishment must reflect that. Compliance with the rule of law is not to be expected from the executive arm of government only but from all Zimbabweans and their institutions especially those that make the law in the first place.

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