

Report regarding breaches of the Electoral Act and the Constitution In Bulawayo East Constituency

The recent Zimbabwe election conducted on the 31st July 2013 was fraught with very serious breaches of Zimbabwe's Electoral Act and Constitution. This report focuses on the general breaches, which affected the entire election but also deals with particular breaches which occurred specifically within the Bulawayo East Constituency.

This report has been compiled by the David Coltart Campaign team with the assistance of over 90 election agents who observed the election on behalf of David Coltart and the MDC on the 31st July 2013. These agents had been trained beforehand and comprised a wide range of citizens including chartered accountants, teachers, human rights and political activists, university lecturers and other professionals.

PRE ELECTION

1. Illegal proclamation of the Election itself

President Mugabe's proclamation of the election date was in breach of section 31H of the previous Lancaster House Constitution (which provision was still in force at the time the proclamation was made) in that he did not consult Cabinet before making the declaration as he was obliged to.

2. Illegal use of the Presidential Powers Act and regulations to promulgate amendments to the Electoral Act

On the 13th June President Mugabe purported to amend the Electoral Act by means of three Electoral Amendment Regulations (Statutory Instruments 87, 88 and 89 of 2013) he made in terms of the Presidential Powers (Temporary Measures) Act. In doing so he was in breach of Section 157(1) of the Constitution and Section 4(2)(c) of the Presidential Powers (Temporary Measures) Act itself which both specifically state that the Electoral law cannot be made by regulations promulgated in terms of the Presidential Powers Act and must be made by a specific Act of Parliament.

3. Breach of Section 6(3) of the 6th Schedule as read with section 155(2)(a) of the Constitution

Section 6(3) of the 6th Schedule of the Constitution states that "the Registrar General, under the supervision of the Zimbabwe Electoral Commission, must conduct a special and intensive voter registration and a voters roll inspection exercise for at least 30 days after the publication day". This provision was very seriously breached by the Registrar General of Voters in the Bulawayo East Constituency and elsewhere in the country. For example in Ward 4 of the Bulawayo East Constituency the exercise only started on the 2nd July after the nomination court had already sat and then when it started there was initially only one registration centre located at Lochview School which is located on the outskirts

of the Constituency and far from the main population centres of the Constituency. This made it very difficult for the residents of Bulawayo East, especially young and poor people, to register. This matter was raised with the Minister responsible for the Registrar General's office Justice Minister Patrick Chinamasa repeatedly and with the ZEC itself.

There was a similar policy adopted countrywide in most urban centres. The Registrar General located insufficient numbers of registration centres in urban areas, they were often located at remote sites (such as Lochview School) and processing of applications was extraordinarily slow. This has resulted countrywide in tens, if not hundreds, of thousands of citizens effectively being disenfranchised because they were not given an opportunity to register. Serious anomalies have resulted with for example some rural provinces such as Mashonaland West (in the past a Zanu PF stronghold) registering almost 3 times the numbers of new voters than Harare the capital (an MDC T stronghold). The Constitutional provision is clear - it was to be "intensive" and was to last "30 days" and the exercise, certainly in Ward 4 of the Bulawayo East Constituency, was neither intensive, nor lasted 30 days in every Ward.

An analysis of the voters roll prepared prior to the intensive voter registration exercise done by the Research and Advocacy Unit is revealing in this regard. This analysis is based on several data sets:

1. 2012 Census¹ (ZimStat, 2012)
2. 2008 Voters Roll
3. 2013 Voters Roll (dated 15 June 2013) – note that this is not the Final Roll as used in the 31 July election.
4. 2008 Delimitation Report

Whilst this analysis does not draw on the final voters roll used in the election itself it is revealing in several respects. Common to the nationwide picture there are hardly any people in the 18 to 23 age band age group as indicated in the following table indeed accordingly the roll only 1799 in the 18 to 29 age groups out of a total adult population assessed by the census to be 28617!

Table 1 - Voters Roll according to age in Bulawayo East

¹ (ZimStat, 2012)

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Age Band	Voters	%
18 - 23	262	1.1%
24 - 29	1,537	6.4%
30 - 39	5,740	23.9%
40 - 49	6,041	25.2%
50 - 59	5,042	21.0%
60 - 69	2,674	11.1%
+70	2,712	11.3%
Total	24,008	

A further point to note is that the registration exercise resulted in double the numbers of new voters being registered in Ward 3 as compared to Ward 4 even though the census indicates that they almost have the same populations. This is shown in the following table. There is no doubt that the principle reason for this was because there must have been a secret voter registration exercise which focused on Ward 3 but excluded Ward 4.

Table 2 - 2013 Voters Roll changes in Bulawayo East

	2008 Voters on 2013 Roll			2013 New Voters			
WARD	Males	Females	Total	Males	Females	Total	Total
3	5,132	4,653	9,785	1,861	1,126	2,987	12,772
4	5,171	4,604	9,775	782	680	1,462	11,237
Total	10,303	9,257	19,560	2,643	1,806	4,449	24,009

The following table indicating the location of new voters further illustrates the point. Over 30% of all new registrations in the Constituency are located in either military barracks and the ZRP. A further 35.7% are located in Ward 3 leaving a small minority from Ward 4.

Table 3 - Location of New Voters in Bulawayo East

LOCATION	WARD	VOTER	%
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		S	
ZNA	3	1,241	27.9%
ZRP	3	159	3.6%
	4	5	0.1%
Other	3	1,587	35.7%
	4	1,457	32.7%
Total		4,449	100.0%

It should be stressed that these figures are based on the pre Section 6 of the 6th Schedule exercise which, as stated above, only started in Ward 4 on the 2nd July and was located in a distant and inaccessible location on the outskirts of Ward 4. In the circumstances it is reasonable to assume even without sight of the final voters roll that the disparity between Ward 3 and Ward 4 was even in more pronounced in the final voters roll.

From Table 2 above it can be seen that 1241 soldiers and 159 policemen and women were registered, a total of 1400 new registrations. From Table “1” above it can be seen that there were only a total of 1799 new registrations in the 18 to 29 age bracket. One must assume that nearly all the new registrations of soldiers and policemen were relatively young people in this age bracket and accordingly it follows that nearly all the new registrations of people under 29 were from the armed services.

Two questions arise. The first is why was there such a disproportionately high number of the military registered in this Constituency – over 30% of new registrations were either Police or Army. What measures were taken by the Registrar General of Voters to ensure that they were able to register and why was it that so few others managed to register prior to the intensive voter registration exercise?

The second is the clear breach of Section 155(2)(a) which states that the State “must take all appropriate measures (to) ensure that all eligible citizens are registered as voters”. This is an obligation which stands along side, but is far more fundamental than, Section 6 of the 6th Schedule of the Constitution. Ironically Section 155 is the section the ZEC used to go to the Constitutional Court to ensure that those members of the armed services who failed to vote during the Special Vote would be allowed to, despite the clear dictates of section 81B of the Electoral Act (which barred those who had claimed a Special Vote from voting in any other way). It is clear that neither the Registrar General of Voters nor the ZEC either during the intensive voter registration exercise or indeed before it took “all appropriate measures” to ensure that all the eligible voters in Bulawayo East were able to be registered. On the contrary the only possible inference is that they did just the opposite – they secretly registered those deemed sympathetic to Zanu PF or vulnerable to threats from within the military and took all possible measures to make it as difficult as possible for those sympathetic to the MDC parties to register.

4. Breach of Section 61(4)(b) and (c) of the Constitution - freedom of expression and the media

Sections 61(4)(b) and (c) of the Constitution state that all “State owned media of communication” must be “impartial” and afford a “fair opportunity for the presentation of divergent views and dissenting opinions”. As you may be aware there are no independent radio and television stations in Zimbabwe. The only television station is the State owned ZBC. Although there are two nominally independent radio stations, namely Star FM and ZiFM, the former is owned by the Zimpapers Group, which is essentially State owned, and the latter is owned by Supa Mandiwanzira the Zanu PF candidate for Nyanga South.

The ZBC news bulletins were blatantly partisan for the entire electoral period. ZBC TV and radio has been blatantly biased in favour of Zanu PF and have not allowed a fair opportunities for the presentation of divergent views and dissenting opinions. The meetings of MDC Presidential candidate Professor Welshman Ncube have virtually been totally ignored by the ZBC. Although more coverage has been given to MDC T Presidential candidate Morgan Tsvangirai such coverage has been given has been obviously biased and has not given the fair opportunity guaranteed by the Constitution.

That has happened nationwide but it has also affected the campaign in Bulawayo East constituency. The MDC had a series of public meetings in Bulawayo East which were well publicised. For example meetings were advertised in the press at the Hotel Rio on Saturday the 20th July, the Natural History Museum on Friday the 26th July and the Paddonhurst early learning centre on Saturday the 27th July. The MDC candidate for Bulawayo East, Senator David Coltart is a well known figure having been a member of Parliament since 2000, the current Senator for Khumalo Constituency and the current Minister of Education, Sport, Arts and Culture. The ZBC, which has studios in Bulawayo, did not come to a single meeting, nor did it cover the meetings in any way. That stands in marked contrast to many Zanu PF candidates’ meetings held in Bulawayo and its environs which have been repeatedly and widely covered. This failure by the State owned media is in clear breach of Section 61 of the Constitution.

5. Biased application of Section 152 of the Electoral Act

Section 152 of the Electoral Act states that “from the date on which an election is called until its result is declared, no person shall deface or remove any billboard, placard or poster published, posted or displayed by a political party or candidate contesting the election.” It was this provision which was used this past week by the Zimbabwe Republic Police Queens Park East and the ZRP Law and Order section against the MDC election campaign distribution coordinator Malthus Ncube to arrest him, detain him overnight and prosecute him. The allegation against Ncube is that he tore a single A4 size poster of the Zanu PF Council candidate for Ward 3 and that he took down a few of Zanu PF Presidential candidate Robert Mugabe’s posters. The arrest, detention and prosecution was based on the evidence of a single Zanu PF operative despite independent evidence available from several vendors that the posters had fallen down and were not taken down by Ncube. Ncube was held for over 24 hours and when he came to court the ZRP opposed bail being granted. In other words there was a vigorous investigation and prosecution

of the alleged offence. Whilst it is no doubt the right and necessity of the ZRP to thoroughly investigate an allegation that the Electoral Act has been breached but this must be done fairly and impartially.

On Saturday morning the 27th July at 8.11am the MDC received a report that 3 men in a white pick up truck were at that time systematically taking down and on occasions destroying and ripping up MDC campaign posters all along the Airport road from the Woodville Drive turnoff to the centre of town. At 8.13am the Officer Commanding ZRP Queens Park East (the nearest police station) was telephoned by the candidate Senator Coltart to report the offences and the request was made that he immediately dispatch a team of policemen to stop those destroying my posters and that he arrest those responsible. At 8.22am the SADC team was telephoned by the candidate and request made that they go out to witness what was happening.

On subsequent inspection it was noted that every single one of tens of MDC posters which had been put up on the Airport road had been systematically torn down and many destroyed. It was noted that every single one of MDC T Presidential candidate Morgan Tsvangirai and MDC T candidate in Bulawayo East Thabita Khumalo's posters had also been torn down or destroyed. It was observed that two of the posters put up high on electricity poles on Tuesday 23rd July 2013 at the intersection of Woodville Drive and the Airport Road right next to the police road block at that intersection had been ripped down. It should be stressed that it would have taken people with a ladder to get them down. The presumption is that this illegal act was done in full view of policemen at the road block which is only 30 metres from the poles in question.

Despite the report being made to the ZRP it is clear that the Police have not investigated this brazen and repeated breach of Section 152 of the Electoral Act by Zanu PF operatives. It would appear that no action was taken by them to stop this illegal action. It should be stressed that Queens Park East Police station is less than 1km from the Airport Road and the report was made to the Police whilst the illegal activity was in progress. It must have taken at least an hour for the Zanu PF operatives to tear down in excess of 100 posters belonging to the MDC and MDC T over a stretch of some 5 kms of the Airport Road in broad daylight. The point is simply that there has been a biased and selective application of the law in this regard against people working for the MDC campaign team and in favour of those working on the Zanu PF team.

6. Breach of Section 21(6) and (7) of the Electoral Act by the ZEC

Zimbabwe's Electoral Act obliges the ZEC to supply both contesting parties and candidates with copies of both paper and electronic copies of the voters roll. Access to the voters roll is arguably the most important right in any democratic election.

Section 21(6) and (7) of the Electoral Act states as follows:

“(6) Within a reasonable period of the time after nomination day in an election, the Commission shall provide -”

(a) free of charge, to every nominated candidate, one copy in electronic form of the constituency voters roll to be used in the election for which the candidate has been nominated; and

(b) at the request of any nominated candidate, and on payment of the prescribed fee, one copy in printed form of the constituency voters roll to be used in the election for which the candidate has been nominated

(7) Where a voters roll is provided in electronic form in terms of subsection (3), (4) or (6), its format shall be such as allows its contents to be searched and analysed:

Provided that—

(i) the roll may be formatted so as to prevent its being altered or otherwise tampered with;

i. the Commission may impose reasonable conditions on the provision of the roll to prevent it from being used for commercial or other purposes unconnected with an election.”

Despite repeated requests made in writing and verbally both to the ZEC in Harare by the MDC’s National Election Director and in Bulawayo by the Bulawayo East Chief Election Agent neither the MDC nor David Coltart, as a candidate, were supplied with an electronic copy of the voters roll as is their right prior to the election or at all. Indeed a week after the election there is still no sign of the electronic voters roll.

In the Herald newspaper published on Monday the 29th July the Chairwoman of the ZEC Justice Makarau was reported as stating that due to “logistical challenges” the RGV’s office “may not be in a position to issue the electronic copies”. In the same report she stated that “hard copies of the voters’ roll can now be obtained by candidates from the office of the RGV”. As at the commencement of voting the MDC candidate in Bulawayo East not managed to obtain even a hard copy (paper) version of the roll notwithstanding the fact that that is not what the law requires the ZEC to supply each candidate.

It is hard to understand why “logistical challenges” can be the reason for this failure by the ZEC to comply with the Electoral Act as it is far more problematic to print paper versions of the roll and to distribute the same countrywide. In this digital age it is very easy to copy electronic data on to computer disks and to transmit them countrywide in seconds. The voters roll prepared by the Registrar General of Voters is already in digital electronic format so it is incomprehensible why that data could not have been made available in electronic form.

It goes without saying that the provision of the roll in hard copy (paper) form, especially at the eleventh hour, is useless. One cannot search or

analyse a paper voters roll at this late stage and even had we had it weeks ago that would still have been difficult. The particular provision in the Electoral Act mandating the supply of an electronic copy of the voters roll is new and it was a key clause which resulted from intense negotiations during the last few years. Section 21 (7) specifically obliges the ZEC to provide an electronic copy which allows “its contents to be searched and analysed” so as to enable political parties to be able to easily search for particular voters and also to easily audit the roll for duplications or other anomalies. Prior to the commencement of voting the MDC nor any of its candidates were never able to scrutinise the roll.

It would appear that the Registrar General of Voters and the Zimbabwe Electoral Commission cynically and deliberately breached this provision of the Electoral Act and the motivation for doing so is clear - it was designed to ensure that serious anomalies in the voters roll are not brought to light prior to the election and was a precursor to widespread rigging of the electoral process in favour of Zanu PF and its Presidential candidate Robert Mugabe. Both the Chairperson of the ZEC and the Registrar General of Voters are, or at least have been in the past, members or sympathisers of Zanu PF and the inescapable inference is that they have acted deliberately to subvert the electoral process in favour of that party.

The failure by the ZEC to comply with Section 21 of the Electoral Act is a very serious breach of the Act but also of the entire electoral process. The provision of a voters roll goes to the very heart of the electoral process in all democracies but especially in Zimbabwe where repeated elections over the last 13 years have been marred by allegations and proof of electoral fraud centered on the manipulation and distortion of the voters roll. In short the failure by ZEC to comply with Section 21 (6) and (7) of the Electoral Act renders the entire election illegal and at the very least means that it can no longer be viewed as free and fair.

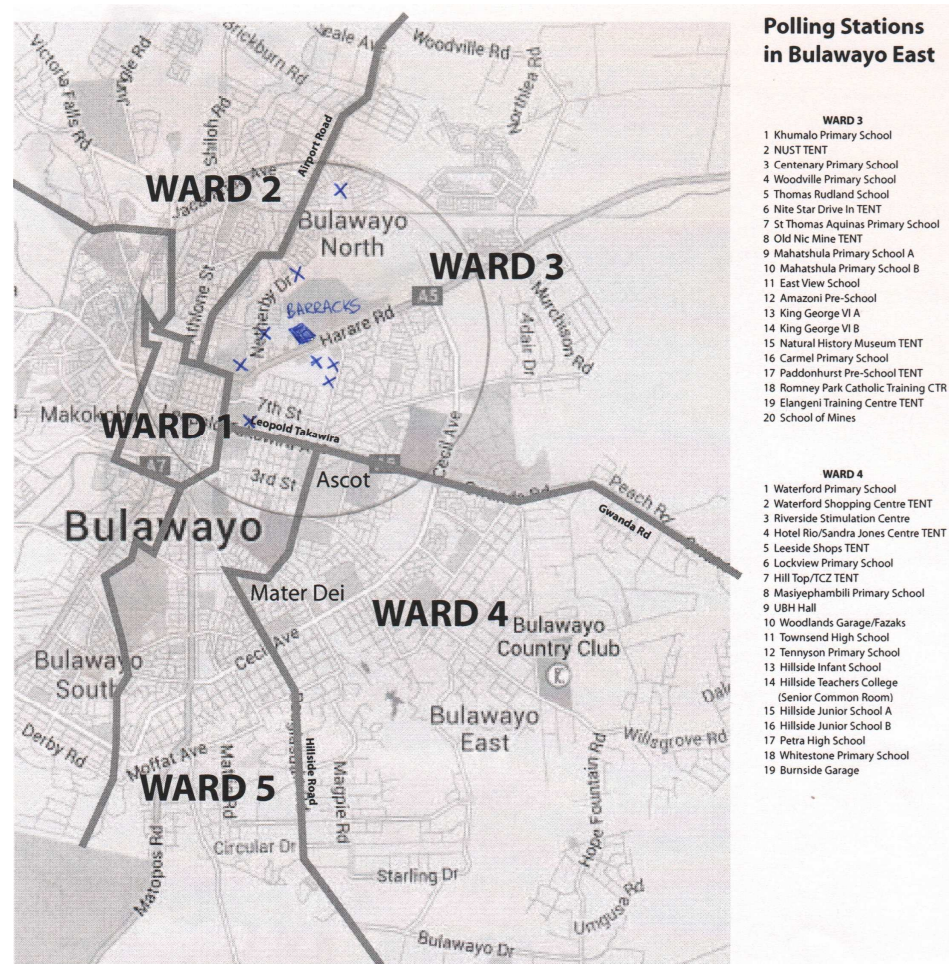
7. Disproportionate increase of number of Polling Stations around 1 Brigade (Brady) Barracks

Whilst the ZEC is entitled to determine the number and location of polling stations its actions in determining the location of new polling stations needs scrutiny.

In 2008 there were 3 polling stations within a 2 kilometer radius of Brady Barracks namely KG VI School, Paddonhurst Preschool and Thomas Rudland School. In the run up to the 2013 that number was almost tripled and the following 8 polling stations were located within a 2 kilometer radius of Brady Barracks, namely the original Thomas Rudland, Paddonhurst and KG VI and in addition Elangeni, KG VI B, Museum, Carmel School and Romney Park. In 2008 there were 21 polling station overall which overall was increased in 2013 to 39 polling stations. Accordingly there was a disproportionate increase in the number of polling stations around the Barracks. As voting patterns both in 2008 and indeed this year there was no need for this number of polling stations around the Barracks given the relatively low numbers of votes cast in each. Furthermore there were some vast areas of the constituency, far from the Barracks, which deserved to have extra polling stations, such as Lochview, which did not have a single polling station added to the area.

The following map of the constituency illustrates the location of the 8 polling stations located around the Barracks.

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One possible and reasonable conclusion to be drawn is that the number of polling stations situated close to the Barracks was specifically selected to enable a small number of soldiers to vote on multiple occasions within the close vicinity of the Barracks.

POST COMMENCEMENT OF VOTING

1. *Turning away of voters*

On the 31st July 2013 at least 1218 citizens were turned away and denied the right to vote in Bulawayo east Constituency. In almost all the cases those turned away could prove that they were citizens and the vast majority had voted in the Constituency before.

Nationwide over 300 000 potential voters were turned away for various reasons, ranging from their names being moved from their wards to other constituencies while names of many others were not on the roll despite having been registered or having inspected the voter's roll prior to the elections. A substantial number of people voted using fake voter registration slips even though their names did not appear on the voters' roll. The ZEC itself has stated that 304890 voters were turned away countrywide.

11% of potential voters were turned away in the Bulawayo East constituency, despite some having white registration slips, but being told that they were not on the voters roll. We have the data on voters turned away for 34 of the 39 polling stations in the constituency, and have used these numbers for the calculation. From the telephone calls and information received on polling day, it appears that many of these voters turned away were voters who wanted to vote for David Coltart. For example tens of voters from the Garden Park Old Age home situated in the Constituency were denied the right to vote – some 122 were turned away at their nearest polling station at United Bulawayo Hospitals. Another example is given in the wife of David Coltart's Pastor and her domestic worker who have both lived in Selborne Park (situated in the geographical middle of Ward 4) for over 10 years and who have voted there in the 2005 and 2008 election. When they went to vote they found they were not on the Ward 4 roll and on enquiring found they had both been unilaterally transferred to Ward 5 in the neighbouring constituency of Bulawayo Central. They were able to vote there but of course were denied the chance to vote for David Coltart. Their story is typical of hundreds save that most were not able to vote at all because they were not able to travel to different constituencies or Wards.

Interestingly, as will appear from Table “4” far more voters were turned away in Ward 4 than in Ward 3. Proportionately David Coltart got more support in Ward 4 than in Ward 3 and as a result the turning away of voters in such large numbers directly impacted the election result, give that the final tally was so close as will appear from Table 6 below.

Table 4 - Voters turned away

Number of Voters turned away - Ward 3	484
Number of Voters turned away - Ward 4	734

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Total Number of Voters turned away (34 Stations)	1218
Total Number of Voters (34 Stations)	11210
% of Voters turned away	11%

Table 5 - Voters turned away according to location

Area	Polling Stations	Ward 3	Ward 4	Turned Away
Burnside and Fortunes Gate	Burnside Garage		332	46
	Whitestone School		391	20
	Leeside Shops		414	59
Malindela and Ilanda	Hillside Primary A		320	40
	Hillside Primary B		226	37
	Hillside Infants		75	38
	Hillside Teachers College		338	36
Woodlands and Ascot	Tennyson Primary		400	25
	Woodlands Garage/Fazak		394	47
	Townsend High		283	36
	UBH		287	122
Matshemhlope	Petra High		193	30
	Masiyephanile		201	not avail
	TCZ (Hilltop)		382	72
	NUST	96		not avail
Waterford and Lochview	Waterford School		96	3
	Waterford Shops		247	36
	Riverside Stimulation Center		111	14
	Hotel Rio		314	15

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	Lochview School		419	58
Killarne and Mahatshula	School of Mines	125		11
	Old Nic Mine	300		2
	Centenary School	270		10
	Nitestar Drive In	115		14
Mahatshula and Woodville	Eastview School	297		not avail
	Mahatshula Primary A	401		15
	Mahatshula Primary B	270		26
	amazoni Primary/Pre-School	97		not avail
	Woodville Primary	50		not avail
Romney Park, QPE and P/Hurst	Thomas Rudland School	700		60
	Romney Park Catholic Center	477		38
	Paddonhurst Pre-School	600		62
	Carmel Primary	265		69
Khumalo, Suburbs, Parklands	Elangeni	380		10
	St Thomas Aquinas	450		42
	KG VI A	165		24
	KG VI B	337		22
	Museum	350		17
	Khumalo Primary	460		62
TOTAL				1218
2008	6205	5423		
% increase	4343	3788		
	43%	43%		

Table 6 Effect of the turning away of voters on the final result

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Area	Polling Stations	Ward 3	Ward 4	Turned Away	Tabitha extra voters	Dave extra voters
Burnside and Fortunes Gate	Burnside Garage		332	46	17.48	
	Whitestone School		391	20	7.6	
	Leeside Shops		414	59	22.42	
Malindela and Ilanda	Hillside Primary A		320	40	15.2	
	Hillside Primary B		226	37	14.06	
	Hillside Infants		75	38	14.44	
	Hillside Teachers College		338	36	13.68	
Woodlands and Ascot	Tennyson Primary		400	25	9.5	
	Woodlands Garage/Fazak		394	47	17.86	
	Townsend High		283	36	13.68	
	UBH		287	122	46.36	
Matshemhlophe	Petra High		193	30	11.4	
	Masiyephabile		201	Not Avail		

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	TCZ (Hilltop)		382	72	27.36
	NUST	96		Not Avail	
Waterford and Lochview	Waterford School		96	3	1.14
	Waterford Shops		247	36	13.68
	Riverside Stimulation Center		111	14	5.32
	Hotel Rio		314	15	5.7
	Lochview School		419	58	22.04
Killarney, Mahatshula	School of Mines	125		11	278.92
	Old Nic Mine	300		2	73.4 extra Dave
	Centenary School	270		10	
	Nitestar Drive In	115		14	
Mahatchula and Woodville	Eastview School	297		Not Avail	
	Mahatschula Primary A	401		15	
	Mahatschula Primary B	270		26	

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	Amazoni Primary/Pre School	97			Not Avail
	Woodville Primary	50			Not Avail
Romney Park, QPE and P/Hurst	Thomas Rudland School	700			60
	Romney Park Catholic Center	477			38
	Paddenhurst Pre-School	600			62
	Carmel Primary	265			69
Khumalo, Suburbs, Parklands	Elangeni	380			Not Avail
	St Thomas Aquinas	450			42
	KG VI A	165			24
	KG VI B	337			22
	Museum	350			17
	Khumalo Primary	460			62
	TOTAL			TOTAL	1208
	2008	6205	5423	11628	
	% increase	4343	3788	8131	

43%

43%

43%

2. Poor quality ink and poor lighting in tents

The ink used to mark voters in terms of Section 56(4)(b) of the Electoral Act (to indicate that a voter has voted) was sub standard and washed off easily. Each voter was required to dip a finger in pink ink. However this ink came off very easily and even using normal soap it came off with a few washes. Anyone using an appropriate chemical would be able to easily remove the ink and then vote again, and again.

That situation was compounded by the fact that many of the polling stations were in tents with very poor lighting even at midday which made it virtually impossible for polling officers to adequately check that potential voters did not vote more than once.

Given the highly unusual pattern of voting around Brady Barracks with Robert Mugabe and the Zanu PF Parliamentary candidate getting votes in some 7 polling stations within a 2 kilometer radius of the Barracks completely contrary to both historical trends and even trends elsewhere in the Constituency on the day (see paragraph 5 below) it is not unreasonable to suggest that the combination of poor quality/easily erasable ink and poor lighting in polling tents facilitated multiple voting by young soldiers who were seen by agents at all these polling stations. This concern is further heightened when one considers that in 4 of these stations the numbers voting for Robert Mugabe were almost identical ie 220, 220, 224 and 330.

3. Absence of ultra violet light detectors

Historically polling stations in Zimbabwe have always had ultra violet light detecting machines to check whether potential voters have ink on their fingers. These machines of course provide the most secure manner of checking whether a potential voter has already voted. For reasons which have not been explained by the ZEC there was not a single machine used in Bulawayo East Constituency. In one or two stations there were machines but none were used.

The absence or non-use of these machines seriously compromised the legitimacy of the elections and would have been a key component in the facilitation of double voting.

4. Presence of Police during the count breach of Section 62 of the Electoral Act

Zimbabwe's Electoral Act makes it clear that the roll of the Police is solely confined to keeping order at polling stations. Section 55(6) states:

55(6) A presiding officer may call upon a police officer for assistance in keeping order at the polling station and the area surrounding it, and every police officer so called upon shall provide whatever assistance is needed.

(7) The Commissioner-General of Police shall ensure that sufficient numbers of police officers are available in the immediate vicinity of each polling station to provide immediate assistance; if called upon in terms of subsection (6).

(7a) Police officers referred to in subsection (7) -

- . (a) shall have the sole functions of maintaining order and preventing contraventions of the law so that voters may freely cast their votes;
- . (b) shall not interface with the electoral processes at the polling station;
- . (c) when inside a polling station, shall exercise their duties under the direction and instruction of the presiding officer.

Section 62 is even stronger in that it makes it clear that during the counting process the Police are to play no role whatsoever and are not even meant to be in the room where the counting takes place.

62(2) At the counting of the votes the following persons **and no others** may be present—

(a) the presiding officer and such polling officers as he or she may consider necessary and not more than the prescribed number of monitors and observers; and

(b) the candidates, and every chief election agent and election agent of each candidate (or, if section 95(5) applies, of each political party) who, at the time of the commencement of the counting, is present within the polling station or in the immediate vicinity of the polling station: Provided that a candidate or his or her chief election agent or election agent may not be present at the counting of the votes at an election for which that candidate was not nominated ; and

(c) any roving political party election agent who, at the time of the commencement of the counting, is present within the polling station or in the immediate vicinity of the polling station.

Policemen are not “polling officers”. Their job in terms of Section 55 is solely to maintain law and order. Accordingly during the voting process they are not meant to interfere in any way with the voting and should not be gathering information. The only other role allowed for policemen is to assist illiterate voters to vote in terms of Section 59 of the Electoral Act if such illiterate voters do not have anyone they would like to assist them.

Despite these clear provisions of the law policemen were heavily involved in the process in every single polling station in Bulawayo East. In all 39 polling stations the MDC election agents reported that police throughout the day got voting figures from the Presiding Officer and then communicated the same by cell phone or radio to some central Police command.

What follows are extracts of a sample of reports received from Election Agents:

“Also concerning was the behaviour of the police officer on duty at the door. She approached the PO at regular occasions and asked for numbers which she promptly sms'd to someone having written them down in a note book. When I approached the Presiding Officer about this was told none of my business” (comment from a Chartered Accountant).

“As early as 10am I raised concern with the Presiding Officer that the police officer who seemed to be in charge of the polling station was interfering with the polling process. He had the rank of Chief Inspector. At regular intervals of 30 minutes he would go to the Presiding Officer's desk and obtain information which he would write in his diary and then relay to someone on a cellphone from an office adjacent to the polling station. I noticed that that from the time when the polling station opened all voters with voting slips were being referred to the Presiding Officer and the police officer would come and sit by the presiding officer's desk and listen in to the conversation and took down notes.” (comment from a IT specialist who was an election agent at a polling station where over 100 voters were turned away).

David Coltart's Chief Election Agent, a retired Manager of a Building Society, reported as follows:

- 1 *At the Presiding Officers training, Mr. Ncube – District CEO in answer to my question, confirmed that one policeman would be allowed inside the station for security and would not participate in the voting in any way or have any communication with the ZEC staff or interfere with the electoral process. ZEC manual Section 5.*
- 2 *There was more than one policeman within a station in many cases.*
- 3 *In many of the stations, the presiding officer was supplying the police with information. I believe the information to be the numbers passing through and the numbers turned away.*
- 4 *My attempts to advise the presiding officer that this was not allowed had no effect. Mr. Ncube had gone to great lengths to explain that the PO was in command of the station and police regardless of rank should take notice of their instruction. This did not happen and on no occasion to my knowledge, did the Presiding Officer attempt to correct the police activities.*

Report regarding breaches of the Electoral Act and the Constitution

- 5 *At Petra High School polling station, I approached a Chief Inspector and asked him why he was taking notes , as this was not his allowed duty. I was told that they were personal notes for his later use. He noted my visit and was later seen by me handing papers to another policeman who drove off.*
- 6 *Other police were making notes of whoever filled in the visitors register.*
- 7 *I could not accurately identify the information taken or supplied*
- 8 *Upon arrival at Byo East Command centre I lodged a complaint with both Mr. Ncube and Mr. Masaisai (the Constituency returning Officer) who agreed information should not be taken or exchanged. Nothing happened.*
- 9 *At Hillside Primary I witnessed Police outside the station radioing in “numbers turned away”*
- 10 *The roaming agent for Ward 4 also reported similar happenings in the afternoon to Mr. Masaisai who was his usual unresponsive self. Masaisai asked if it was still happening as I had reported similarly in the morning.*
- 11 *The above was happening throughout both wards although not at every station. Some Presiding Officers admitted to supplying information when requested.*
- 12 *At St.Thomas Aquinas , the Headmaster and Presiding Officer showed me his manual where he had misinterpreted section 16 where the police radio or telephone may be used to communicate with the Constituency Command centre. ZEC were using their phones to report hourly. It is not clear to whom the police were giving information copied from the Presiding Officer records.*
- 13 *At the close of voting when the ballot numbers were being assessed at Hillside Training College, a policeman unseen before arrived to join the one inside together with the one outside. The new arrival began writing down the ballot numbers. There were now three inside. One of the agents objected and the presiding officer agreed and asked him to stop taking notes which he did and left.*
- 14 *In the meantime, I was asking Masaisai to witness what was happening in his station not 50 meters away. He basically refused.*
- 15 *At the count, the Act 62(2) is clear that no police officer be present. I had already left Hillside when the same policeman and another returned. The same agent together with the presiding officer lodged a complaint. Masaisai did not eject the two police officers but allowed them to sit in a corner.*

It now appears that police were present at every station during the count.

At a debriefing meeting held for the MDC Bulawayo East Election agents on the 5th August it was confirmed that Police officers were involved at every polling stations and recorded voting figures the entire day. More concerning was the serious breach of Section 62 of the Electoral Act in that Police officers were present and involved in the counting at every polling station. The Act is very clear in this regard – Police officers were not allowed to be inside the counting hall and were.

Given the wider concerns relating to the manipulation of the result and allegations of replacement of ballot boxes and ballot stuffing in other constituencies, the breach of Section 62 of the Electoral Act is a serious, not pretty or peripheral, violation of the Electoral process. Given that the MDC Election Agents in Bulawayo East were all well trained and backed up by a team who knew the dictates of the Electoral Act and prepared to enforce it as much as possible, the Police were constantly monitored. However the same cannot be said for the vast majority of polling stations throughout the country especially those in rural areas. In many rural polling stations there were either no Election agents at all and in most those agents were not properly trained, had no communication whatsoever on the election day with the candidate or the Chief Election Agent and would have been entirely subject to the power and whim of local Police officers.

In view of the fact the Commissioner General of the ZRP has made it clear on numerous occasions in the past few years that he supports Zanu PF it is reasonable to assume that most senior police officers would have acted countrywide in support of Zanu PF. The ramifications regarding the integrity of the vote in remote rural polling stations are obvious. If the Police played such an active, brazen and illegal role in Bulawayo East when they were so closely observed then it is safe to assume that they would have played an even more intrusive role in the process in rural constituencies.

"This is no mere technical breach of the Electoral Act - it goes to the very heart of a free and fair election. As stated above and as demonstrated in the above-mentioned case of Malthus Ncube the ZRP generally acts in a partisan manner. Law in Zimbabwe is often used selectively as a weapon, not as a fine instrument of justice. Accordingly the presence of police officers in polling stations during the vote and their actions in recording votes cast would in itself have been highly intimidatory, especially to many rural voters. Their presence and the recording of votes cast by police officers in both the voting process and the count may well have facilitated a much wider fraud. For example the recording of votes cast could have facilitated the assessment of how many votes would have to be manufactured in remote, unsupervised, rural polling stations to counter votes cast in MDC friendly urban centres. The bottom line though is that the Police clearly have no role or right to record votes cast or to be present during the count and their actions in this regard alone constitute a profound breach of the law."

5. *Historical and general Voting trends in the constituency and presence of large numbers of soldiers*

If the voting figures in the July 2013 election in Bulawayo east Constituency are to be believed both Robert Mugabe and the Zanu PF Parliamentary candidate enjoyed a dramatic increase in support from the last election held in 2008. Robert Mugabe's vote increased from 844 votes in 2008 to 3319 votes in 2013 aX% increase in support. The Parliamentary candidate's vote went from 1020 to 2514 in 2013 a Y% increase. This appears from the tables below.

Table 7 Presidential results in 2008

BULAWAYO		PRESIDENTIAL RESULT			Dated 12 April 08	
Ward/Polling Stns	CANDIDATES			TOTALS		
	SM	MT	RG	LT		
BYO EAST						
WARD 3						
Khumalo Primary	246	226	35	1	508	
Centenary Primary	120	111	23	0	254	
Woodville Primary	146	102	57	1	306	
Thomas Rudland Primary	291	381	67	0	739	
Mahatshula Primary	221	194	28	1	444	
KGVI Primary	282	214	88	0	584	
NUST Tent	38	37	8	0	83	
Nite Star Drive-InTENT	94	88	24	0	206	
Old Nic Mine TENT	110	145	44	2	301	
Paddonhurst PreSchool TENT	343	419	199		961	
Postal votes						No info

Report regarding breaches of the Electoral Act and the Constitution

WARD 4

Lockview Primary	119	107	23	2	251	
Masiyephambili Primary	152	142	22	0	316	
Waterford Primary	175	86	28	0	289	
Hillside Primary	238	263	41	2	544	
Whitestone Primary	225	143	22	0	390	
Townsend Secondary	139	90	11	1	241	
Hotel Rio TENT	169	132	35	1	337	
Hilltop College TENT	73	63	7	0	143	
Leeside shops TENT	264	209	35	2	510	
Tennyson Primary	257	223	31	3	514	
UBH	112	138	16	0	266	
Postal Votes						No info
Constituency Total	3814	3513	844	16	8187	

Table 8 Presidential results in 2013

	Dumiso	Robert	Kisinoti	Welshman	Morgan	TOTAL
	Dabengwa	Mugabe	Mukwazhe	Ncube	Tsvangirai	VOTES
Khumalo Primary School	0	129	0	53	372	554
%	0%	23%	0%	10%	67%	100%
NUST TENT	2	18	0	13	58	91
%	2%	20%	0%	14%	64%	100%
Centenary Primary schl	1	59	1	25	215	301
%	0%	20%	0%	8%	71%	100%

Report regarding breaches of the Electoral Act and the Constitution

Woodville Primary schl	1	64	1	23	156	245
%	0%	26%	0%	9%	64%	100%
Thomas Rudland schl	8	220	0	45	405	678
%	1%	32%	0%	7%	60%	100%
Nite Star Drive In TENT	2	19	0	17	64	102
%	2%	19%	0%	17%	63%	100%
St Thomas Aquinas Primary School	7	85	0	43	293	428
%	2%	20%	0%	10%	68%	100%
Old Nic Mine TENT	10	122	0	21	189	342
%	3%	36%	0%	6%	55%	100%
Mahatshula Primary School A	6	170	1	39	255	471
%	1%	36%	0%	8%	54%	100%
Mahatshula Primary School B	2	58	0	31	173	264
%	1%	22%	0%	12%	66%	100%
East View School	2	72	0	31	192	297
%	1%	24%	0%	10%	65%	100%

Report regarding breaches of the Electoral Act and the Constitution

Mahatshula North Secondary School	0	0	0	0	0	0
%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Amazoni Pre School	1	23	0	5	69	98
%	1%	23%	0%	5%	70%	100%
King George VI A	4	111	0	22	209	346
%	1%	32%	0%	6%	60%	100%
King George VI B	1	50	0	8	106	165
%	1%	30%	0%	5%	64%	100%
National Museum TENT	4	220	0	24	129	377
%	1%	58%	0%	6%	34%	100%
Carmel Primary School	2	120	0	12	138	272
%	1%	44%	0%	4%	51%	100%
Paddonhurst Pre-schol TENT	12	224	0	34	356	626
%	2%	36%	0%	5%	57%	100%
Romney Park Catholic Training Sch.	1	124	0	42	312	479
%	0%	26%	0%	9%	65%	100%
Elangeni Training Centre TENT	0	330	0	4	63	397

Report regarding breaches of the Electoral Act and the Constitution

%	0%	83%	0%	1%	16%	100%
School of Mines	4	32	0	0	74	110
%	4%	29%	0%	0%	67%	100%
WARD 4						
Waterford Primary Schl	1	24	1	1	55	82
%	1%	29%	1%	1%	67%	100%
Waterford Shopping Centre TENT	8	45	1	42	145	241
%	3%	19%	0%	17%	60%	100%
Riverside Stimulation Centre	0	20	0	12	79	111
%	0%	18%	0%	11%	71%	100%
Hotel Rio/Sandra Jones Centre TENT	5	72	1	39	194	311
%	2%	23%	0%	13%	62%	100%
Leeside shops TENT	8	79	0	68	262	417
%	2%	19%	0%	16%	63%	100%
Lockview Primary Schl	6	99	2	41	261	409
%	1%	24%	0%	10%	64%	100%

Report regarding breaches of the Electoral Act and the Constitution

Hill Top/TCZ TENT	4	71	0	48	256	379
%	1%	19%	0%	13%	68%	100%
Masiyepambili Primary School	5	40	0	33	123	201
%	2%	20%	0%	16%	61%	100%
UBH Hall	1	54	0	27	198	280
%	0%	19%	0%	10%	71%	100%
Woodlands Garage/Fazaks	1	85	0	41	257	384
%	0%	22%	0%	11%	67%	100%
Townsend High School	5	43	0	29	204	281
%	2%	15%	0%	10%	73%	100%
Tennyson Primary Schl	5	74	0	43	287	409
%	1%	18%	0%	11%	70%	100%
Hillside Infant School	1	44	1	14	174	234
%	0%	19%	0%	6%	74%	100%
Hillside Teachers College	1	61	1	31	241	335
%	0%	18%	0%	9%	72%	100%
Hillside Junior School A	7	57	3	30	220	317

Report regarding breaches of the Electoral Act and the Constitution

%	2%	18%	1%	9%	69%	100%
Hillside Junior School B	1	53	1	15	156	226
%	0%	23%	0%	7%	69%	100%
Petra High School	1	39	0	32	119	191
%	1%	20%	0%	17%	62%	100%
Whitestone Primary Schl	0	52	0	52	278	382
%	0%	14%	0%	14%	73%	100%
Burnside Garage	1	57	1	26	241	326
%	0%	17%	0%	8%	74%	100%

**TOTAL VOTES BYO
EAST
PERCENTAGE**

131	3319	15	1116	7578	12159
1%	27%	0%	9%	62%	100%

**WARD 3
PERCENTAGE**

70	2250	3	492	3828	6643
1%	34%	0%	7%	58%	100%

**WARD 4
PERCENTAGE**

61	1069	12	624	3750	5516
1%	19%	0%	11%	68%	100%

Table 9 Parliamentary results in 2008

Ward/Polling Stns BYO EAST	Candidates							
	MDC	MDCTsv	ZanuPF	UPP	PUM	FDU	Indep	Indep
WARD 3								
Khumalo Primary	155	246	41	3		6	11	42
Centenary Primary	77	121	26	1		6	5	18
Woodville Primary	101	105	71	4		4	6	14
Thomas Rudland Primary	173	396	89	18		12	5	43
Mahatshula Primary	155	199	42	4		15	3	26
KGVI Primary	156	240	113	4		8	13	47
NUST Tent	23	40	11	0		1	0	7
Nite Star Drive-InTENT	57	100	27	0		7	2	13
Old Nic Mine TENT	102	128	48	0		7	4	11
Paddonhurst PreScho TENT	210	403	229	10		6	14	59
Postal Votes								
WARD 4								
Lockview Primary	78	105	34	3		12	2	16
Masiyephambili Primary	112	141	31	2		6	3	18
Waterford Primary	124	108	32	1		6	5	12
Hillside Primary	181	269	42	7		12	4	28
Whitestone Primary	211	135	22	1		1	9	12
Townsend Secondary	106	95	16	4		2	1	15
Hotel Rio TENT	144	120	50	2		6	1	12
Hilltop College TENT	51	65	7	1		4	14	1
Leeside shops TENT	220	199	41	4		10	10	22
Tennyson Primary	198	221	29	10		13	11	33
UBH	81	149	19	1		2	4	9
Postal Votes								
CONSTITUENCY								
TOTALS	2715	3585	1020	80	0	146	127	458

Table 10 Parliamentary results in 2013

Parliamentary								
David	Tinashe	Kevin	Norman	Thabitha	Kevin	Tapson	Stanley	TOTAL
Coltart	Kambarami	Kasosera	Kaviza	Khumalo	Muzvidziwa	Tivarere	Moyo	VOTES
215	4	1	1	223	103	0	0	547
39%	1%	0%	0%	41%	19%	0%	0%	100%
44	1	1	1	36	11	1	1	96
46%	1%	1%	1%	38%	11%	1%	1%	100%
115	1	1	1	131	53	1	1	304
38%	0%	0%	0%	43%	17%	0%	0%	100%
64	1	1	1	112	68	1	1	249
26%	0%	0%	0%	45%	27%	0%	0%	100%
160	2	3	1	307	192	5	4	674
24%	0%	0%	0%	46%	28%	1%	1%	100%
40	1	1	1	45	17	1	1	107
37%	1%	1%	1%	42%	16%	1%	1%	100%
202	1	1	1	159	1	1	1	367
55%	0%	0%	0%	43%	0%	0%	0%	100%
56	45	2	1	120	114	1	2	341

Report regarding breaches of the Electoral Act and the Constitution

16%	13%	1%	0%	35%	33%	0%	1%	100%
140	1	1	1	179	141	1	1	465
30%	0%	0%	0%	38%	30%	0%	0%	100%
98	1	1	1	108	47	1	1	258
38%	0%	0%	0%	42%	18%	0%	0%	100%
101	7	0	2	129	58	1	1	299
34%	2%	0%	1%	43%	19%	0%	0%	100%
0	0	0	0	0	0	0	0	0
#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
19	1	1	1	58	21	1	1	103
18%	1%	1%	1%	56%	20%	1%	1%	100%
126	0	2	0	125	92	1	1	347
36%	0%	1%	0%	36%	27%	0%	0%	100%
55	1	1	1	58	1	1	1	119
46%	1%	1%	1%	49%	1%	1%	1%	100%
69	0	1	0	85	221	1	0	377
18%	0%	0%	0%	23%	59%	0%	0%	100%
71	0	1	2	88	109	0	0	271
26%	0%	0%	1%	32%	40%	0%	0%	100%

Report regarding breaches of the Electoral Act and the Constitution

161	1	1	1	254	206	2	2	628
26%	0%	0%	0%	40%	33%	0%	0%	100%
155	1	0	0	213	109	1	1	480
32%	0%	0%	0%	44%	23%	0%	0%	100%
31	0	0	0	43	321	0	0	395
8%	0%	0%	0%	11%	81%	0%	0%	100%
38	1	1	1	47	30	1	1	120
32%	1%	1%	1%	39%	25%	1%	1%	100%
42	1	1	1	42	15	1	1	104
40%	1%	1%	1%	40%	14%	1%	1%	100%
128	3	0	1	71	32	0	1	236
54%	1%	0%	0%	30%	14%	0%	0%	100%
49	1	1	1	43	12	1	2	110
45%	1%	1%	1%	39%	11%	1%	2%	100%
138	2	4	2	106	56	1	3	312
44%	1%	1%	1%	34%	18%	0%	1%	100%
204	0	1	2	149	62	0	62	480
43%	0%	0%	0%	31%	13%	0%	13%	100%

Report regarding breaches of the Electoral Act and the Constitution

157	6	1	1	155	88	1	0	409
38%	1%	0%	0%	38%	22%	0%	0%	100%
166	4	1	2	154	52	0	0	379
44%	1%	0%	1%	41%	14%	0%	0%	100%
103	1	1	1	65	1	1	1	174
59%	1%	1%	1%	37%	1%	1%	1%	100%
91	1	0	1	141	45	0	0	279
33%	0%	0%	0%	51%	16%	0%	0%	100%
153	2	0	4	159	66	0	0	384
40%	1%	0%	1%	41%	17%	0%	0%	100%
152	1	0	1	94	34	0	0	282
54%	0%	0%	0%	33%	12%	0%	0%	100%
191	6	0	3	148	55	0	0	403
47%	1%	0%	1%	37%	14%	0%	0%	100%
116	1	1	1	89	1	1	1	211
55%	0%	0%	0%	42%	0%	0%	0%	100%
142	1	1	1	145	1	1	1	293
48%	0%	0%	0%	49%	0%	0%	0%	100%
140	0	0	0	128	52	0	0	320

Report regarding breaches of the Electoral Act and the Constitution

44%	0%	0%	0%	40%	16%	0%	0%	100%
96	1	1	1	83	1	1	1	185
52%	1%	1%	1%	45%	1%	1%	1%	100%
113	1	1	1	49	24	0	1	190
59%	1%	1%	1%	26%	13%	0%	1%	100%
236	1	1	1	103	1	1	1	345
68%	0%	0%	0%	30%	0%	0%	0%	100%
162	1	1	1	116	1	1	1	284
57%	0%	0%	0%	41%	0%	0%	0%	100%

4539	104	37	44	4560	2514	32	97	11927
38%	1%	0%	0%	38%	21%	0%	1%	100%

1960	70	21	18	2520	1915	22	21	6547
30%	1%	0%	0%	38%	29%	0%	0%	100%

2579	34	16	26	2040	599	10	76	5380
48%	1%	0%	0%	38%	11%	0%	1%	100%

The dramatic increase in support for Robert Mugabe is particularly suspicious. Bulawayo in general has been known as a hot bed of opposition to Robert Mugabe and Zanu PF in general ever since 1980. Bulawayo has battled economically more than other centres since independence and much of its decline is blamed on a succession of Zanu PF Governments. People in this constituency have not benefitted from the land reform programmes or even Zanu PF's indiginisation programme.

Most of the support for David Coltart came from voters who chose RGM and MT as their Presidential candidate, and who then made a conscious

choice to vote for DC for Parliament. Specifically, on a Constituency wide basis, approximately 21% (1 in 5) ZANU PF voters went on to vote for DC while 36% of MDC-T voters went on to vote for DC.

Table 11 - votes for David Coltart

Robert Mugabe	Kevin Muzvidziwa/No Vote	Voter who voter for RM then DC	% of Voters who voted RM and then DC
3319	2634	685	21%

Morgan Tsvangirai	Thabitha Khumalo / No Vote	Voters who voted for MT then DC	% of Voters who voted MT and then DC	Welshman Ncube	David Coltart	Voters gained by DC from ZANU and MDC-T supporters
7578	4840	2738	36%	1116	4539	-3423

The first anomaly in the results is discovered in examining the 5 polling stations around the Barracks. Examining the 34 polling stations in the rest of the constituency, a picture emerges of 28% of ZANU PF voters going on to vote for DC. In the 5 around the Barracks, this figure plummets to 6%. This brings us to conclude that in those 5 stations around the Barracks, voters were forced to vote in a particular pattern, namely for ZANU PF all the way through. This is not consistent with the numbers in areas where people are given freedom to choose. We calculate that had the 1,114 ZANU-PF voters in these 5 stations been given the freedom to choose, and replicated the rest of the constituency, an additional almost 250 votes would have accrued to DC, winning the election.

Table 12 - votes for David Coltart

	Robert Mugabe	Kevin Muzvidziwa/No Vote	Voters who voted for RM then DC	% of Voters who voted RM and then DC
The Constituency Norm excluding Stations around Barracks	2205	1585	620	28%
The 5 Polling Stations around the Barracks	1114	1049	65	6%
Combined figures	3319	2634	685	21%

Morgan Tsvangirai	Thabitha Khumalo/No Vote	Voters who voted for MT then DC	% of Voters who voted MT and then DC
6487	4063	2424	37%
1091	777	314	29%
7578	4840	2738	36%

Report regarding breaches of the Electoral Act and the Constitution

Welshman Ncube	David Coltart	Voters gained by DC from ZANU and MDC-T Supporters
997	4047	-3050
119	492	-373
1116	4539	-3423

The second anomaly, tied in to the first, was that ZANU-PF received a disproportionate number of their votes from 5 of the polling stations immediately around the Barracks, as compared with the rest of the Constituency. ZANU-PF Presidential candidate received 34% of his total votes from the 5 polling stations, and the ZANU-PF Parliamentary candidate received 42% of his total votes from these 5 stations. These 5 stations comprised 19% of the total vote (2,350 of 12,159 votes cast on the day)

From the final voting patterns around the Barracks and in general it will be seen that there was a massive increase in votes for Zanu PF which occurred in the polling stations immediately adjacent to Brady Barracks and the ZRP Police station in Queens Park East.

Table 13 - Presidential

	Robert Mugabe	Morgan Tsvangirai	Welshman Ncube	Others
Total number of votes-Byo East	3319	7578	1116	146
Number of Votes received in the 5 stations around the Barracks	1114	1091	119	26

Report regarding breaches of the Electoral Act and the Constitution

Percentage of individuals total votes from the 5 Polling Stations around the Barracks	34%	14%	11%	18%
Number for Votes received in the rest of the Constituency	2205	6487	997	120
Percentage of individuals total votes received from the rest of the Constituency	66%	86%	89%	82%

Table 14 - Parliamentary

Kevin Muzvidziwa	Thabitha Khumalo	David Coltart	Others	Total
2514	4560	4539	314	11927
1049	777	492	27	2345
42%	17%	11%	9%	100%
1465	3783	4047	287	9582
58%	83%	89%	91%	100%

MDC Election Agents in these polling stations reported disproportionately high numbers of young men with shaven heads who voted in these stations. An Election agent at one station directly opposite the Barracks reported approximately 100 young men lined up at 6am ready to vote.

An election agent at another station reported seeing a similar number of young men arrive after dark in the evening to vote at this other station. As indicated elsewhere the numbers of people voting for Robert Mugabe at some of these stations was astonishingly similar – 220, 220 and 224. In the 4 of the stations closest to the Barracks Robert Mugabe received 994 votes, more than all the votes he received in the entire constituency in 2008. Although no video evidence was captured of soldiers or young people being bused in to the Constituency as happened in Mount Pleasant in Harare one witness has given evidence of numerous buses being seen driving in to Bulawayo East Constituency early in the morning of the 31st July from Mbizo Barracks which is located just outside the municipal boundaries of Bulawayo.

In the context of the covert method of registration of soldiers and police officers prior to the 15th June, the disproportionate number of soldiers and policemen registered as new voters (30% of all new registrations), the dramatic increase in the number of polling stations around the Barracks, the presence on the day of large numbers of young men with shaven heads at these same polling stations and the voting patterns at the same polling stations which are completely at variance with historical voting patterns in the area, the failure to have ultra violet light detectors, the use of erasable ink, it is reasonable to argue that the high number of votes cast for Zanu PF in polling stations around the Barracks were manufactured.

Whilst it cannot be conclusively proved there is sufficient circumstantial evidence to suggest that soldiers were used to illegally increase the votes cast for Zanu PF through multiple voting.

None of this has a direct bearing on the non election of David Coltart because he did not lose due to these factors. However these voting patterns had a major bearing on Robert Mugabe's votes and of course in the calculation of the seats decided upon by means of proportional representation. Furthermore if the military and Police were used in this manner in Bulawayo East Constituency which was closely monitored by a team of highly proficient Election agents one can but wonder what happened in remote rural polling stations.

CONCLUSION

From this report it will be apparent that the electoral process in Bulawayo East Constituency was subverted through a detailed and carefully laid plan executed with military precision by a variety of Government offices and institutions. This involved the systematic and deliberate breach of a variety of laws contained in the both the Electoral Act and the Constitution. At the core of this was the non availability of the voters roll in electronic format which, had it been available, would have exposed much of the electoral fraud. Its continued non availability over a week after the election has been concluded despite repeated post election requests for it is further proof of how pivotal it is to exposing the widespread voter fraud.

It should be stressed in closing that the primary cause of David Coltart's defeat in the Bulawayo east Constituency was not the breaches of the law detailed above. The primary cause was the failure of the two MDC parties to agree on a coalition. Although the turn away of 1200 voters

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arguably hurt David Coltart more than his MDC T opponent (and in the context of such a close contest may have yielded a different final result) the main purpose of this is not to demonstrate that but rather that the breaches of law in Bulawayo East contributed significantly to benefit Zanu PF and its candidates. Given the fact that this happened within the context of a well organized urban campaign illustrates all the more how the electoral process could have been subverted in remote, relatively disorganized rural constituencies. It is hoped that it may help explain how some of the thoroughly extraordinary results in favour of Zanu PF were achieved in those constituencies.

MDC Bulawayo East campaign Team

Bulawayo

9th August 2013