UNITED FOR HUMAN RIGHTS

A Zimbabwe Human Rights NGO Forum
Newsletter August 2023

Zimbabwe HUMAN RIGHTS NGO Forum
CELEBRATING 25 YEARS OF FIGHTING FOR HUMAN DIGNITY

THE ELECTION EDITION

P4

The Dark Side

Unmasking the shocking abuse of power in elections



PIC: Women waiting to cast their ballots use mobile phones to check their names on the voters' roll at a polling station in Highfield Harare, August 23, Voting started late in many parts of Harare, Manicaland and Bulawayo. PIC TAPIWA ZIVIRA/ZEEMTV

We celebrate this milestone





And we keep our eyes on the ball, aware that the fight for human dignity remains on

THE FORUM AT 25

Zimbabwe HUMAN RIGHTS NGO Forum

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UNITED FOR HUMAN RIGHTS

THE DIRECTOR'S NOTE



The Forum Acting Executive Director, Adv Wilbert Mandinde

I would like to pay utmost tribute to Dr Musa Kika, the former Executive Director of the Forum who left the organisation on July 31.
Dr Kika served the Forum for three years, during which he oversaw the continuation of the great work of the Forum, and the legacy he created will forever be cherished.
So, in the month of August 2023, we unfortunately saw a continuation of the entrenchment of authoritarianism especially as the country held elections under conditions that were neither free nor fair. The Zimbabwe Electoral Commission (ZEC) remained biased, and to a very large extent, complicit in aiding the retention of power by ZANU PF, all of this being unconstitutional and against the spirit of democracy and good governance.

With the run up to the election tainted, the election day was no better.
In an unprecedented move, ZEC, on election day, delayed the distribution of ballot materials in Harare, Bulawayo and Manicaland, with some polling stations only opening as late as 12 midnight and voting had to be extended to the following day, putting a further dent to the already discredited election process.

On the night of the election, police arrested 40 members of the Zimbabwe Election Support Network and the Election Resource Centre who were part of the two organisations' observation teams. The arrested were denied access to their lawyers for the two nights they spent in police detention and the police did not have credible reasons to detain the 40, and this was yet another indictment on the authorities who had already shown their willingness to trample on the Constitution and electoral laws in order to retain power.
In addition to this, we witnessed the perpetuation of the use of the judiciary and the law enforcement system in suppressing campaigns by the opposition, again, all of this being unconstitutional.
Of grave concern is the continued suppression of civil society work through systematic lawfare, including the e recently amended Criminal Law (Codification and Reform) Act, to introduce "patriotic provisions ".
In this situation and context, as the Forum, we remain anxious and worried, however we remain alert, and continue to respond to victims of organised torture, arbitrary arrests and we carry out our mandate to provide legal medical and social support. Protecting human rights defenders will remain on the top list of our agenda and mandate as this breathes life into the constitutional values and guarantees.
Because the situation has continued to escalate, with continued blatant disregard of rule of law by the ruling authority, we believe that Zimbabwe requires the support of the region in the interests of the protection of its citizens from the predatory government. SADC, the African Union and the entire international community should come together to assist and rescue the situation in the Republic before it further degenerates. We hope we will never witness another 1 August 2018.

IMAGESTORY



PIC: A vendor walks across a barricaded street in Harare, Zimbabwe, two days after the August 23 election. Between August 25 and August 28, police barricaded roads leading to the Rainbow Towers Hotel housing the Zimbabwe Electoral Commission results command centre.
PIC TAPIWA ZIVIRA/ZEEMTV



Women waiting to cast their ballots check their names on the voters' roll at a polling station at Kwayedza Secondary School Highfield Harare, August 23, Voting started late in many parts of Harare, Manicaland and Bulawayo. PIC TAPIWA ZIVIRA/ZEEMTV

MAIN STORY

THE DARK SIDE OF ZIMBABWE'S ELECTION



In a highly anticipated but unsurprising announcement, the Zimbabwe Electoral Commission (ZEC) declared Emmerson Mnangagwa, the candidate for the ruling Zanu PF party, as the winner of the presidential election.
The declaration came amidst widespread criticism of the electoral process, with ZEC's bias towards Zanu PF being the centre of it, and international and regional observers rightfully condemned the election as unfree and unfair.

The Southern African Development Community (SADC) Electoral Observer Mission (SEOM), which typically endorses elections, expressed concern over various violations of Zimbabwe's constitution and electoral laws. The mission noted that several aspects of the election failed to meet the standards outlined in the Constitution of Zimbabwe, the Electoral Act, and the SADC Principles and Guidelines Governing Democratic Elections.

One of the key issues raised is the delimitation of constituencies. According to Section 161 of Zimbabwe's Constitution, constituencies should have a roughly equal number of voters, with a 20% deviation allowed to account for factors such as geography and community of interests. However, the ZEC's delimitation process did not reflect the significant shift of voters to urban areas, which are known to be opposition strongholds. Another major concern was the registration of voters.
ZEC is enjoined in terms of section 239 to ensure that elections are conducted effectiently , freely, fairly , transparently and in accordance with the law. ZEC is further mandated to register voters , compile voters rolls and registers.However, the ZEC has been accused of disenfranchising hundreds of thousands of voters by failing to register Zimbabweans living abroad and making registration difficult for young urban citizens.
Additionally, there were allegations of limited access to the voters' roll, a critical document for political parties and candidates. Section 21 of the Electoral Act mandates the ZEC to provide a copy of the voters' roll to every political party and candidate in a searchable and analyzable format.This did not happen.ZEC e ZEC provided the opposition coalition, known as the CCC, with the new voters' roll just days before the election, and in an unsearchable PDF format.

Many discrepancies and irregularities were discovered in the voters' roll, including names of deceased individuals, duplicate IDs, and the relocation of voters to distant polling stations.
Concerns were also raised regarding the bias of the police in the handling of the election campaign.
The Maintenance of Peace Act (MOPA) requires parties to notify the police of their political rallies, and the police have the power to ban these events. However, the opposition CCC alleged that MOPA was used selectively, resulting in the banning of more than 92 of their rallies, while Zanu PF rallies faced no such restrictions.

MAIN STORY

THE DARK SIDE OF ZIMBABWE'S ELECTION

The police have also been accused of ignoring threats of violence and targeting opposition supporters while being lenient towards Zanu PF.

Criticism extends to the ZEC itself, with claims of bias and illegal behavior.Sections 235 and 236 of the Zimbabwe Constitution emphasize the independence and impartiality of the ZEC.

However, reports suggest that the ZEC's conduct throughout the election was biased, illegal, and discriminatory.

Moreover, concerns have been raised regarding the high nomination fees for candidates, which disproportionately affected opposition parties that lack the same access to state resources as Zanu PF.

The ZEC also allowed fraudulent nominations by unauthorized candidates in several constituencies, further undermining the credibility of the electoral process.

The impartiality of the judiciary has also come under scrutiny. Despite constitutional provisions requiring the courts to be independent and impartial, there have been allegations of bias in handling election-related cases.

The judiciary's lack of independence is further called into question due to reports of substantial government-provided loans to judges shortly before the election.

Other issues highlighted include last-minute illegal amendments to electoral laws, unfair distribution of state resources, questionable sources of funding for Zanu PF's campaign, biased state media coverage, cherry-picking of elections.



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"THESE WOUNDS DO NOT HEAL"

Statement Released on The International Day of
The Victims of Enforced Disappearances
30 AUGUST 2023

On 18 December 1992, the United Nations) General Assembly (UNGA) adopted a declaration on the protection of all persons from enforced disappearance. The adoption came after the increased reports of cases of enforced disappearances in the world, arrest, detention and abduction which amounted to enforced disappearances. On 21 December 2010, the United Nations General Assembly by resolution 65/209 expressed its deep concern against enforced disappearances. By the same resolution, the Assembly welcomed and adopted the International Convention for the Protection of All Persons from Enforced Disappearances and declared 30 August the International Day of the Victims of Enforced Disappearances.

The National Transitional Justice Working Group (NTJWG) joins the rest of the world in remembering victims of enforced disappearances. Based on our theme "These Wounds do not Heal," we lament the lack of commitment by the Government of Zimbabwe to address protracted enforced disappearances in the country. Enforced disappearances in the context of Zimbabwe place the disappeared outside the protection of the law and render them extremely vulnerable to gross human rights violations at the hands of their captors. The rights that are typically affected when a person is disappeared include the right to liberty and security of the person, the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, the right to human dignity, the right to health and the right to life. The effects of enforced disappearances breed secondary victims who suffer from vicarious trauma, especially those close to the disappeared such as the victim's relatives and friends.

Reminiscing on the history of our country, one is reminded of the thousands of people who disappeared during Gukurahundi, at the instigation of the State. From then on, enforced disappearances have characterised every election cycle. On this day, we are reminded of the disappearance of Rashiwe Guzha (disappeared May 1990), Marceline Dzumbira (abducted in the early 90's), Patrick Nabanyama (disappeared 19 June 2000), Paul Chizuze (disappeared 8 February 2012), Itai Dzamara (disappeared on 9 March 2015). The cross-cutting theme in these disappearances is the consolidation of political power.

The NTJWG stands in solidarity with families, friends and colleagues of all victims of enforced disappearances. Sadly, enforced disappearances are still a common trend in the country. During the 23-24 August harmonised elections, the NTJWG noted the use of enforced disappearances to suppress the rights of freedom of expression, association and freedom of assembly. An illustration is the enforced disappearance of Citizens Coalition for Change (CCC) polling in Maramba-Pfungwe Constituency at Tsika Primary school, Givemore Chari who went, missing at 16:00 hrs on 23 August 2023 and was only found in the early hours of 24 August 2023 severely bruised because of torture and assault. This latest example shows the State's resolve to use enforced disappearances for political expediency.

The NTJWG therefore calls upon:

- The Zimbabwean authorities to publicly denounce and desist from the practice of enforced disappearances.
- The authorities to swiftly respond to all reports of enforced disappearances, to completely eradicate this despicable practice from society;
- Members of the public to join the rest of the world in demanding the prompt release of all victims and the prosecution of the perpetrators of the disappearances.

Until these demands are met "These wounds do not heal."

FACING FAZ



FAZ members captured at a yet to be identified polling station. PIC x.com

A voter, who has requested anonymity, shares his experience on election day, and how he witnessed FAZ's organised intimidation in Bikita.

As a voter registered in rural Bikita, Zimbabwe, but resident in the capital Harare, I travelled home on 22 August,2023 to not only cast my vote, but to observe and witness what was happening on polling day.

What was supposed to be a normal polling day ended up being dominated by the presence of Forever Associates Zimbabwe (FAZ) members at some polling stations in the area.

Amidst the vibrant energy of villagers who woke up early and made a beeline to the polling station, one could not help but notice the striking FAZ representatives stationed at their exit poll survey desks.

Their desks, wrapped with the distinctive Zanu PF branded fabric, were situated in close proximity to the voting stations and boasted a collection of forms and pens, ready to capture the names and identity details of the intrepid voters.

Two FAZ members manned the desk near my polling station.

Making my way to my polling station, I could sense an undercurrent of apprehension among fellow voters, their eyes darting back and forth, mirroring the fear in their hearts.

Whispers and murmurs of concern permeated the atmosphere as many believed these FAZ members intended to intimidate voters, casting a shadow over this cherished democratic exercise.

However, it is only fair to state that not all voters were fazed by their presence, resolute in their quest to engage in the sacred act of casting their votes.

Having cast my own ballot, I became an observer, staying alert to the unfolding drama.

Amidst this political theatre, I witnessed FAZ members approaching voters at the exit poll survey desks.

Armed with their steadfast curiosity, they, with a sense of authority, requested names, as well as personal particulars such as identification numbers and addresses.

Some voters willingly provided this information, while others were hesitant and chose to refrain from sharing their personal details.

One elderly woman, with whom I was in the voting queue with, told me her son was a victim of Zanu PF violence in the 2008 election.

"My son was beaten up for supporting (the then opposition MDC leader Morgan) Tsvangirai. Zanu PF youths took him from our home one night after the March 29, 2008 elections and they spent a whole night beating him up."

"So now, during the entire election period, FAZ people have been around with some of them saying that people are going to be beaten up like what happened in 2008 if Zanu PF loses. When I saw the FAZ desks, I went to give them my details, and I will do the same after I vote. I do not want to be in trouble," she said.

It was clear that what FAZ members were doing was in contravention of electoral laws and as people made a beeline to the polling station and back, I could sense rising tension as some could be heard planning to forcefully remove the FAZ desk.

It was then around midday when a group of young people approached the FAZ members and started asking them why they were breaking the law.

A chaotic scene ensued as the youths ordered the FAZ members to remove their desks.

The youths went on to throw the desks all over.

Within a minute, the FAZ members had yielded, and they moved away from the station.

With the FAZ members gone, voters appeared to have found a new sense of hope and the voting process continued, but who knows what effect the initial presence had had on the actual voting process.

The impact of this on voter confidence and the overall integrity of the election is a matter that requires further investigation and clarification.

DISEFRANCHISED

Women participation suppressed over ZEC's delay in opening polling stations



PIC: Women waiting to for the polling station to open during the August 23 Zimbabwe election, seek shelter under a disused track at Western Triangle polling station in Highfield Harare. Voting started late in many parts of Harare, Manicaland and Bulawayo. PIC TAPIWA ZIVIRA/ZEEMTV

Faith Murembere, a resident of the low-class suburb of Highfield in Zimbabwe's capital, Harare, experienced deep disappointment during the August 23 and 24 election. Despite her eagerness to exercise her constitutional right to vote, circumstances prevented her from the once in five years' chance to cast her ballot.

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DISEFRANCHISED



PIC: An elderly woman takes a cool drink, known as Freezit, as she waits for the polling station at Zororo ECD Centre in Highfield Harare to open for the August 23 Zimbabwe Election. Voting started late in many parts of Harare, Manicaland and Bulawayo.
PIC TAPIWA ZIVIRA/ZEEMTV



PIC: Women wait for the polling station at Zororo ECD Centre in Highfield Harare to open for the August 23 Zimbabwe Election. Voting started late in many parts of Harare, Manicaland and Bulawayo. PIC TAPIWA ZIVIRA/ZEEMTV

Arriving at the polling station at 5am, Murembere hoped to join the early queue and quickly return home to tend to her four-week-old baby.

Like previous elections, she anticipated a smooth voting process, hoping that since polling stations opened at 7 am, she would be back home by 8 am.

However, delays in the deployment of ballot papers by the Zimbabwe Electoral Commission (ZEC) resulted in her inability, along with that of numerous urban women, to participate in the election.

The late arrival of ballot papers led Murembere to make the difficult decision to prioritise her baby's needs.

Despite her longing to take part in the election, she was unable to return to the polling station as the ballots arrived well after dark.

“I could not leave her home at night, neither could I go with him to the polling station as it was too cold, so I had no option but to prioritise my child.” she said.

The missed opportunity left her feeling disheartened and disappointed.

At the Kwayedza Secondary School polling station, voting did not commence until after 5 pm, carrying on until the following morning to accommodate the extended voting period.

Women displayed patience and determination, waiting late into the night to cast their votes.

Some continued to wait long past midnight, even in less-than-ideal surroundings, driven by the desire for change that would benefit future generations.

In Glen Norah, where the voting process also stretched into the evening, 63-year-old Esnath Makumbe, displayed remarkable resilience.

Sitting and resting her body against the classroom wall of the polling station, she endured a whole day without adequate food and water, committed to having her voice heard.

The Zimbabwe Human Rights NGO Forum highlighted the numerous barriers that hindered women's participation in the electoral process, emphasising the existence of legal, financial, and administrative obstacles that disproportionately affected women, exacerbating existing inequalities.

Observer missions expressed concerns regarding the delayed start of the voting process, particularly in urban areas.

This has been condemned as an act to suppress voters.

Women, comprising over half of the registered voters, faced difficulties that prevented their meaningful participation.

These challenges, including the late deployment of ballot papers, resulted in over two million people being unable to cast their votes.

For Murembere, she only looks ahead to the next electoral cycle in 2028, yearning for another opportunity to exercise her democratic right.

ARRESTS SOIL POLL CREDIBILITY

On 26 August 2023, the Zimbabwe Electoral Commission (ZEC) made an announcement that sparked controversy across the nation. The incumbent President Emmerson Mnangagwa, from the ruling ZANU PF party, had apparently secured re-election during the 23 August plebiscite.

However, the circumstances surrounding this declaration were far from ideal. The night of the election day was marred by chaos and unrest, as the country grappled with the aftermath of an eventful voting process.

During this tumultuous time, the offices of election watchdog organisations, like the Zimbabwe Election Support Network and the Election Resource Centre, were raided by the police. Dozens of activists, who had been tirelessly monitoring the voting results, were arrested in these raids.

Heavily armed Zimbabwean police details conducted these arrests, raising concerns about the state of the country's democracy. The activists were accused of interfering with the election process, yet their only intention was to ensure transparency and accountability.

The arrests prevented them from accessing legal representation, which the Zimbabwe Lawyers for Human Rights (ZLHR) condemned as a violation of constitutional rights. The ZLHR referred to this action as an "enforced disappearance," highlighting the police's obligation to respect the rights of arrested and detained individuals.

Unfortunately, these arrests were not isolated incidents. Just a week before the election, the police had also apprehended 40 members of the leading opposition party, the CCC.

The party activists had allegedly disrupted order during a campaign event. The CCC claimed that their members had been exercising their democratic right to campaign when they were abruptly detained by the authorities.

These individuals spent over a week in detention, only being released after the conclusion of the election. These events further fueled concerns about the state of human rights and democracy in Zimbabwe. In response to these disturbing incidents, the Zimbabwe Human Rights NGO Forum issued a statement, saying, "Tthe actions of the police, as witnessed during the election period, are deeply troubling and represent a clear violation of fundamental human rights.

It is crucial for law enforcement agents to respect the rights of all citizens, regardless of their political affiliations, and refrain from engaging in actions that undermine the fabric of democracy." The statement by the Zimbabwe Human Rights NGO Forum encapsulates the growing sentiment among many observers, both within Zimbabwe and internationally, that the country's recent election had been marred by irregularities and a disregard for human rights.

As Zimbabwe moves forward, it is essential that these issues are addressed to ensure a more democratic and inclusive future for all its citizens.



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ABOUT US

The Zimbabwe Human Rights NGO Forum is a coalition of 22 human rights organisations that was formed in 1998 as a mechanism to react to the many human rights violations that arose from the food riots. The coalition over the years has become a strong network with organisations working in different humanrights fields all to promote the human rights agenda in Zimbabwe. It liaises closelywith its colleagues and peers such as the National Association of Non-Governmental Organisation (NANGO), the Crisis in Zimbabwe Coalition, the National Constitutional Assembly (NCA) and the Zimbabwe Congress of Trade Unions (ZCTU). Membership of the Forum is open to any organisation which is based in Zimbabwe, and which is bona fide concerned with human rights, with the elimination of organised violence and torture. After realising that Zimbabwe's legacy of violence goes beyond the daily violations and goes to the roots that hold the pillars of social trust, the Forum, in 2008, launched the transitional justice advocacy programme to motivate more comprehensive redress of the root causes of violence.

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