



Regional Office

Anti-Corruption Trust of Southern Africa

c/o Legal Assistance Centre (LAC)

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16 February 2009

**MR ROBERT GABRIEL MUGABE
OFFICE OF THE PRESIDENT
MUNHUMUTAPA BUILDING
SAMORA MACHEL AVENUE
CAUSEWAY, HARARE
ZIMBABWE**

Your Excellency,

RE:- REQUEST TO SET UP A COMMISSION OF ENQUIRY INTO THE CONDUCT OF THE ZIMBABWE ELECTORAL COMMISSION (ZEC) IN THE 2008 GENERAL AND THE PRESIDENTIAL RUN-OFF ELECTIONS

We are glad to bring to your attention a report that was produced by the Anti-Corruption Trust of Southern Africa (ACT-Southern Africa) in January 2009, pertaining to the conduct of the Electoral Commission of Kenya (ECK) and the Zimbabwe Electoral Commission (ZEC) in the management of free and fair democratic elections.

As you are already aware, the elections in the two countries were problematic since they triggered violence that resulted in loss of life, internal displacements and extreme levels of insecurity. In Kenya alone, the violence left more than 1,200 people dead and close to 350,000 uprooted. In Zimbabwe, at least 160 people were killed and about 30,000 were internally displaced. Other effects of the bungling by the ZEC is that the state was left paralysed and with no government in place from March 2008 until February 2009.

However, in Kenya, the Government of National Unity (GNU) has taken progressive steps to address the situation in the spirit and mood of reconciliation. Two Commissions of Enquiry were set up to investigate the bungled elections and they have long since produced reports on the same. One of the Commissions was led by Justice Johann Kriegler and six other members who were appointed to hold a public inquiry into allegations of electoral fraud during the 2007 elections. Justice Kriegler was assisted by Horacio Boneo, an Argentinean election expert, and Tanzania's Justice Imani Daudi Aboud. The setting up of the Commission follows an agreement between Mwai Kibaki's Party of National Unity (PNU) and the Orange Democratic Movement (ODM). Both sides identified two representatives while the panel of eminent persons led by former UN Secretary General Kofi Annan picked Justice Kriegler and two foreign experts.

Chairperson:- Mr. Norman Tjombe

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In our report, we have recommended that the Zimbabwean Government of National Unity (GNU) should consider the following actions in the spirit of reconciliation:-

- a) The setting up of an independent commission of enquiry into the conduct of the ZEC on the elections held on 29 March 2008, and the Presidential run-off election that took place on 27 June 2008. If an enquiry is made, we recommend that the findings of such an enquiry should be made public and its recommendations fully implemented, and
- b) Investigate fully and prosecute all those responsible for the abductions and killings of political activists, human rights defenders and electoral officials such as Mr. Ignatius Mushangwe, a ZEC official who was abducted and killed in June 2008.

Please refer to our report, attached hereto, for more information about the conduct of the ZEC and other recommendations made to political parties, ZEC officials, law enforcement agents, the AU, the SADC and United Nations.

Also please feel free to contact the undersigned for any further clarifications pertaining to this request.

We look forward to your co-operation.

Yours sincerely,


NORMAN TJOMBE

Chairperson

Anti-Corruption Trust of Southern Africa

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Munhumutapa Building,
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Mr. Kembo Mohadi- Minister of Home Affairs
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Hon. Lovemore Moyo- Speaker of Parliament of Zimbabwe
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