



**ZIMBABWE
PEACE
PROJECT**



**ZIMBABWE
LAWYERS
FOR
HUMAN RIGHTS**
Fostering a Culture
of Human Rights

ZLLI**COMP**

Independently monitoring the constitution making process

Harare Report

Shadowing the Outreach process

30-31 October 2010

Overview

The Report trails constitutional outreach consultations conducted in the metropolitan province of Harare between 30 and 31 October, activities that were resumed after having been suspended in September in the wake of inter-party violence between the supporters of the two main rival parties, ZANU PF and the MDC T.

Against this backdrop, ZZZICOMP applauds COPAC for ensuring public safety by deploying police to all outreach venues. Although the presence of heavily armed and stern-looking police details may have created a somewhat intimidating, subdued, somber and agitated atmosphere at outreach venues, the semblance of sanity and peace that prevailed enabled COPAC to successfully hold 51 of the targeted 52 outreach meetings, with only one meeting that was scheduled for 31 October at Gwinyai Government School in Ward 8 of Mbare of Harare Central called off due to poor turnout.

However, behind the smokescreen of calmness, was a process that remained under the tight grip of party politics and an operational environment that was hardly inclusive and tolerant to participants *with dissenting views*. The process was only inclusive as long as participants were expressing views that resonated with the dominant political group at the venue.

At outreach meetings that include St John Retreat Primary School in Ward 1 of Mbare, St Peters Kubatana Primary School in Ward 14 of Mbare in Harare South, Maguta Secondary School in Ward 1 of Epworth, Seke 2 High in Ward 20 of Chitungwiza Constituency, Tanganhamo Primary School in Ward 7 of Zengeza constituency, Shingai Primary School in Ward 2 of St Mary's constituency, Kambuzuma High One in Ward 14 of Kambuzuma constituency, Greystone Park Primary School in Ward 8 of Harare North; the political mood remained brittle, temperamental and visibly polarised along party lines. Reports refer to several incidents in which those expressing dissenting views were booed, verbally threatened, heckled, silenced or even force-marched out of outreach venues by the youths and supporters of dominant groups at venues while the police and COPAC teams watched helplessly. Contributions at most meetings reflected outright hate, mockery, personalisation of national issues, and shocking levels of political, racial and tribal tolerance-with some even carrying bizarre proposals to *kill* those who support sanctions or act as fronts for white people. The net picture is that had it not been the presence of heavily armed and stern-looking police details at some of these meetings, the risk of a replay of the ugly scenes of September hovered menacingly in the air.

Also vividly emerging from the Harare outreach consultations is an overwhelmingly ZANU PF-driven process-with proposal that are heavily skewed towards the now well-known ZANU PF position on the constitution. At St Peters Kubatana Primary School in Ward 4 of Mbare, the process was overwhelmingly controlled by ZANU PF that those who dare express views outside the framework of ZANU PF were reportedly cautioned for "provoking others" or their views dismissed as "no point" by the partisan Honourable MP [name withheld] of the COPAC Team. Thus, despite some effort by COPAC teams to ensure openness, debate remained muted and overly exclusive to other stakeholders.

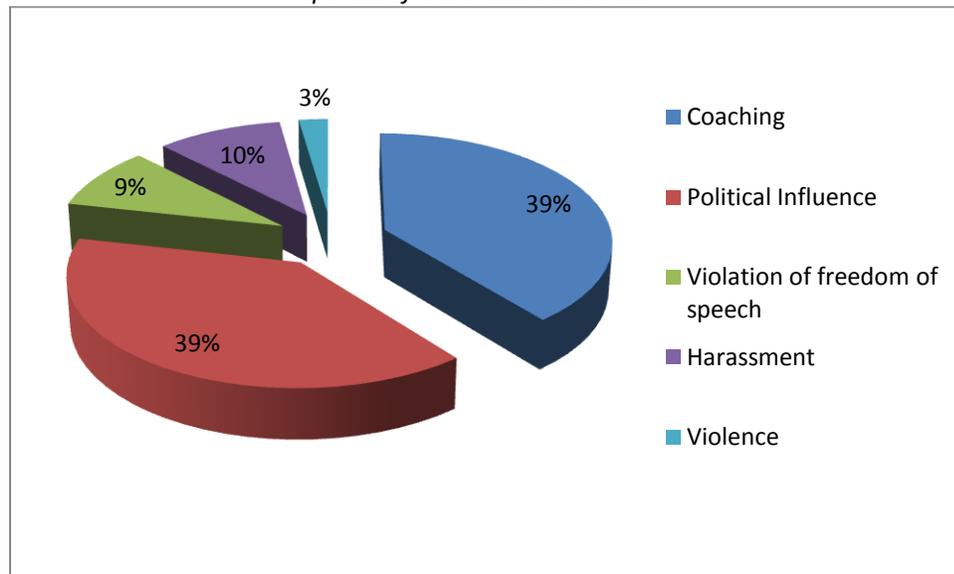
In fact, the Harare outreach meetings were at best miniatures of political rallies with party supporters instead of ordinary citizens as participants. At most outreach meetings, people were organized and seated as distinct groups, and expressing views laden with political connotations. In most cases, what passed as "unanimously agreed proposals" was largely one-party-dominated and engineered proposals in which party supporters masqueraded as participants were speaking from rehearsed and earlier-agreed positions of their political parties.

It is also instructive to note that while an attendance profile of 46 “highly attended” and 5 “lowly attended” cases is generally consistent with the usually knowledgeable, attentive, and highly participant nature of urban communities- close analysis of proceedings at most Harare outreach meetings calls for caution as scenarios suggest high possibilities of party-coerced gatherings. This is even more suspect as the bulk of these high attendances were reported political hotbeds areas that include St John Retreat Primary School in Ward 1 in Mbare of Harare South which had 1220 participants in attendance, Hopley Clinic in Ward 1 of Harare South where 708 participants turned up, St Peters Kubatana Primary School in Ward 4 of Mbare of Harare South where there were 400 people in attendance, Glen View New Hall in Ward 32 of Glen View South where 393 were in attendance, Hatcliffe Open Space in Ward 42 of Harare North where 741 people turned up, Harare High School in Ward 3 of Mbare in Harare South where 350 participants turned up. Incident of bussing of party supporters were also rampant at these venues. Equally suspect at these venues was the high incidence of “unanimity” cases on most thematic issues.

Outreach Violations

Although the violation toll declined by 45 per cent from 288 recorded in September to 130 in October, *the after effects of sustained pre-coaching, political manipulation and intimidation remained disturbingly manifest in most contributions.* In terms of spread, the violation toll also maintained a thin but visible spread with coaching and political interference each accounting for 39 % [51], harassment, 10 % [13], violations of freedom of speech, 9 % [12] and violence, 3 % [3]. See the pie-chart below:

Figure 1
Spread of Outreach Violations



Case Experiences

For a full detail of the specifics of these violations in terms of form and place of occurrence, reference is made to sampled case experiences in the following districts:

Waterfalls District

Despite the heavy police presence at most venues in this district, the operational environment remained exclusive and highly politically compromised to ensure conducive frameworks for genuine and free expression of citizen views. The district was home to cases of disruptive behaviour, political skirmishes,

hostility to journalists, assault, and open silencing of those with dissenting views. There was also visible dominance by ZANU PF supporters at most outreach meetings.

A meeting that was held on 30 October at *St John Retreat Primary School* in Ward 1 of Harare South, though, the most highly attended with around 1220 participants in attendance; was conducted under a stifling climate of political tension. The venue was, as reported, turned out to be a ZANU PF-initiated informal urban settlement. Incidents of political skirmishes, hostility to members of the media fraternity, assault, and racial intolerance and contempt of those holding dissenting views were commonplace. A middle-aged woman was reportedly verbally abused and was seen crying in public, reportedly because she had proposed that “*Commissioners must be appointed by Parliament and not by the sitting President*” while journalists who had arrived to cover the proceedings were reportedly mobbed, accused of painting a bad picture about Zimbabwe while a man and a woman they had interviewed were beaten up. Another young man suspected to be an MDC T supporter, who had attempted to lodge complaints of malpractices to COPAC members, was also mobbed and dragged a distance from the venue where he was reportedly beaten up, all in the presence of outnumbered police officers. Unconfirmed reports in the private media allege that he was stabbed and was fighting for his life at a hospital in Harare.

At another highly attended meeting held on 30 October at Hopley Clinic in the same constituency where 708 participants attended, debate was reportedly muted, with some participants showing contempt of the process by engaging in disruptive behaviour. Signs of political manipulation were also vividly evident in most contributions; some proposing that all streets and hotels that currently bear English names should be changed to Shona. At yet another meeting that was held on 30 October at *Waterfalls Community Hall* in Ward 23 of Waterfalls, there were allegations of bussing in of participants. Dissenting views were not tolerated by the dominating political group at the venue, scenarios that saw most issues unanimously agreed without being debated.

In what can be viewed as a trivialisation of the constitutional outreach consultations, a meeting that was scheduled to be held on 30 October at *Hatfield Hall* in Ward 22 of Waterfalls constituency was reportedly held outside because *the official venue was hosting two marriage celebrations* with even reports that the noise from the celebrations was drowning proceedings of the outreach meeting. However, the meeting reportedly progressed peacefully, though of course with isolated cases in which tempers flared up, especially on the War Veterans Talking Point. A meeting that was scheduled to be held on 30 October at *Masasa Park Creche* in Ward 22 of Waterfalls constituency had to be convened at an unofficial venue, reportedly because no one had turned up at the venue. Although tell tales of pre-coaching and political manipulation and bussing of MDC T activists were reportedly evident, the meeting reportedly progressed peacefully, police officers surveying proceedings from 100m away from the meeting.

Chitungwiza District

Meetings were generally conducted under heavy police surveillance. Despite this, isolated incidents of political interference, intimidation, political intolerance and disruptive behaviour were encountered at several meetings. Debates were also generally partisan and laden with political connotations; with suspected ZANU PF party youths generally in control of events at most venues, despite police presence.

At a meeting that was held on 30 October at *Tadzikamidzi Primary School* in Ward 6 of Chitungwiza District, political interference, harassment and coaching severely compromised expression of own views at this meeting. Participants were reportedly arranged and speaking along political lines, some participants even bragging about having been coached. An old lady [name withheld] was reportedly

seen reading from a written document and even daringly asking party colleagues to help her read out some of the words. There were also cases in which suspected party youths were seen intimidating and chased out of the venue participants perceived to be outspoken, scenarios that reportedly saw 8 participants opting to leave the venue out of fear. A male participant was reportedly thrown out of the gate for repeatedly arguing that Commissioners must be appointed on merit.

At another meeting that was held on 30 October at *Shingai Primary School* in Ward 2 of St Mary's Constituency, participants were reportedly repeating what had been said at other meetings verbatim and in some cases providing answers to questions that had not been asked. Political tolerance was also on the low side, tempers quickly flaring up, and some participants engaging in disruptive behaviour, booing and heckling those with different views-in the process ring-fencing expression of individual voice.

Another meeting that was held on the same date at *Tangenhama Primary School* in Ward 7 of Zengeza constituency were riddled with intolerance to political diversity, hate and verbal threats such as "*Watch out!--We do not want to hear that*" lavishly issued to political opponents. A participant, who had contributed in support of a governance structure with a President and a Prime Minister, reportedly received the "*You are a sell-out*" label. Contributions on thematic Talking Points also reflect a disturbing tendency to personalized issues of national concern, with some participants from the majority group [suspected to be ZANU PF], keeping on shouting that "*the President should never be removed from his seat till death and that the Prime Minister should be removed*".

At *Seke High* in Ward 20 of Chitungwiza constituency, elements of intolerance to political and racial diversity reared their ugly, some participants who had opposed the view that ZANU PF President Robert Mugabe should be life President reportedly force-marched out of the meeting by suspected ZANU PF party youths and supporters. A white man who had gone to the meeting as an observer was also reportedly pushed out of the gate by a group of suspected ZANU PF youth-despite the presence of the police and pleas from COPAC members.

Harare North

Although there were no reported incidents of political skirmishes and violence, hate language and contempt of dissenting views haunted proceedings at most outreach meetings in the district. Also noticeable was the malpractice of ferrying of outsiders into venues. The content of most contributions reflected the now well known ZANU PF mindset on politics and the constitution making process. At a meeting that was held on the same date at Dzivarasekwa 2 Community Hall in Ward 40, contributions included proposal to do away with English names, that "*No leaders without history*", suggesting that the Constitution must explicitly state that no President without liberation war credentials shall rule Zimbabwe. However, meetings that were held at Yemai School in Ward 40 of Dzivarasekwa Extension were reportedly conducted under relatively peaceful conditions, though elements of political influence were evident in contributions. There was a fair representation of civil society organisations, youth, adults and women, people participating freely.

Harare Central

Although as in other parts of Harare, outreach meetings were held under tight police surveillance, the district maintained its political hotbed status, suspected supporters of ZANU PF banally contemptuous of views from other stakeholders, be they political parties, individual citizens or civic organizations. In some cases, outreach meetings resembled a political rally, with party supporters in place as participants.

At a meeting that was held on 31 October at *Harare High School* in Ward 3, the environment was reportedly tense and threatening to those with views different from the majority political group at the venue. People were reportedly organized along party lines, those with different views, in many instances silenced through booing, interjections and verbal insults. Some participants were alleged to have been ferried from outside Mbare to represent Mbare residents. At another meeting that was held on 31 October at *St Peters Kubatana Primary School* in Ward 4, the environment was reportedly tense with ZANU PF members reportedly playing the controversial and banally exclusive music of *Mbare Chimurenga choir*. People giving different opinions from ZANU PF positions were not given enough time to explain by other participants, with the one Honourable Member of the COPAC team [name withheld] reportedly being partisan, judging and giving comments on participant views, dismissing others as “*no point*” or even cautioning those expressing views different from those of the majority group, for “*provoking others*”. At yet another meeting that was held on 31 October at *Chiroodza Primary School* in Ward 12, the meeting was reportedly attended by supporters of one political party with all contributions hurriedly endorsed with little accompanying debate.

Highfields

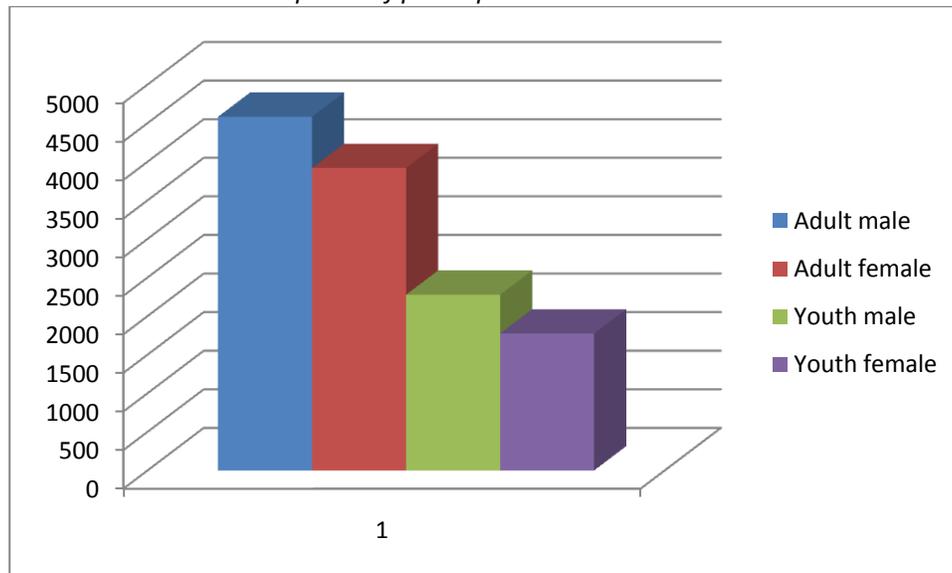
Scenarios in this district were generally consistent with the politics of exclusion observed at most meetings where ZANU PF is the majority group at the venue. In a conduct reminiscent of racism, a meeting that was held on 30 October at *Gwinyiro Primary School* in Ward 35 of Highfield was disrupted for 15 minutes when suspected ZANU PF supporters objected to the arrival of some white observers, arguing that they were foreigners and therefore intruders to the venue. Evidence of pre-coaching was also visible during contributions, with some participants seen reading from typed pieces of papers, some even incessantly answering wrong questions while others raised their hands to answer questions not even asked. At another meeting that was held on 30 October at *Zororai Centre* in Ward 26 of Highfield West constituency, war veterans were reportedly intimidating those with views contrary to what they termed “*war veterans’ principles*”.

These scenarios generally characterized outreach meetings in other districts of Harare. At a meeting that was held on 30 October at *Maguta Secondary School* in Ward 1 of Epworth constituency in Epworth District, the meeting was conducted under a climate of political tension, with ZANU PF as the dominant group. Political interference, extreme hate speech and contempt of alternative views haunted proceedings at the meeting with some participants even submitting proposals that “*Those blacks who front white men must be killed*”. Similar proposals were also expressed at a meeting that was held on 30 October at *Kambuzuma High One* in Ward 14 of Kambuzuma constituency where one contributor said in Shona “*Isu tinoti anotengesa ivhu ngaafe—those who bring sanctions to the country must be killed*”.

Participants

The month of October recorded a total of 12 553 participants, 37 % [4583] being male adults, 3919 [31%] being female adults, 18 % [2277] being female youths and 14 % [1774] being male youths. However with the reported partisan nature of the outreach process coupled with deep-seated intolerance to dissenting views, coaching, intimidation and political manipulation—the extent to which these participants were given space to express own views remains suspect. Added to this is the possibility of coerced gatherings and bussing in of participants. See the graph below:

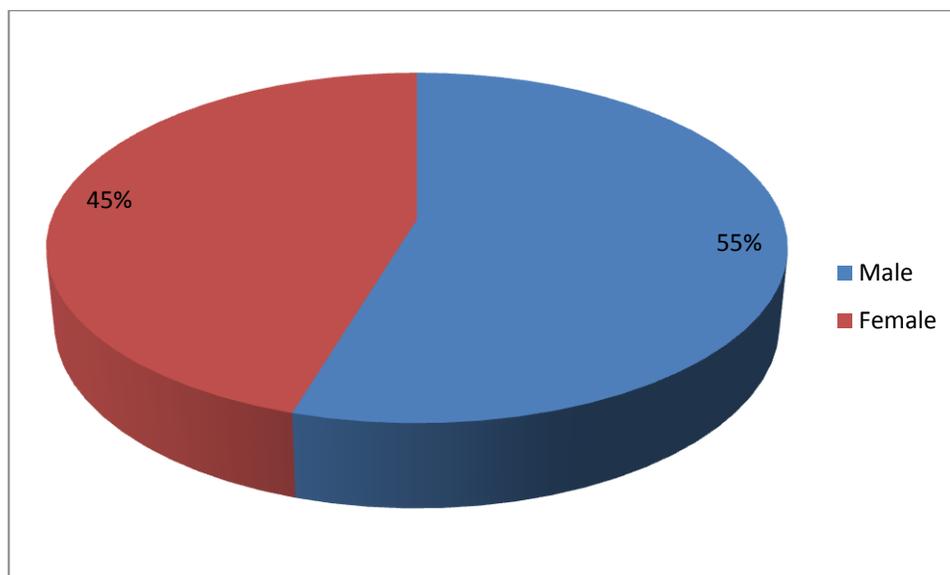
Figure 2
Spread of participants



Participant spread by age, as in September, remained heavily skewed towards the adult population who accounted for 68 % [8502] of the total participants while youth participants accounted for 32 % [4 051]. Thus, as in other provinces, youth participation remained low note.

Spread of participants by gender point to a male-dominated process, males accounting for 55 % [6 860] while females constituted 45 % [5 693] of the total participants. Below is a pie-chart of participant gender spread.

Figure 3
Participant Spread by gender



Emerging Issues and Concluding Remarks

Harare province was home to controversial constitutional proposals-which if taken on board would produce a bizarre constitution based on hate and deep-seated contempt of political and racial diversity. Among the weird proposals were calls for life presidency, death to people who invite sanctions, that the post of Presidency of Zimbabwe must be held by someone with liberation struggle credentials.

Other contributions, though constitutionally relevant, largely reflect the dominance of the ZANU PF. These include death penalty, no to dual citizenship, respect for the war of liberation, war veterans, irreversibility of the land reform and defence of natural resources, no to homosexuality, compulsory national service, unitary state, among others.

The net impression is that in terms of constitution making, there appears to be no difference between the aborted September and the October meetings. While the September one disrupted the *process* through open violence, they inflicted the same injury by *mocking, ridiculing and distorting content*. While in the October meetings, participants managed to formally go through the consultation sessions, their voice as citizen *participants was clandestinely denied though party dominance, hate speech, interjections, booing, disruptive behaviour and contempt of dissenting voice*. Thus in terms of value addition and resources, the nation remained worse off, as most of the allocated time was calculatingly wasted, focusing on trivialities and non constitutional issues.

Thus as in September, outreach experiences in Harare remained essentially a mockery of the constitution making process. Though highly attended, the operational environment was not hospitable to participants with dissenting views. It was only conducive to those with views that resonated with those of the dominant group at most venues-which coincidentally was ZANU PF. Thus in the context of the Harare outreach consultations, it was ZANU PF calling the shots, dictating the content of proposals and singing and dancing to revolutionary beat of its favourite *Mbare Chimurenga* music while the other

stakeholders, individual citizens, political parties and civic groups, watched tight-lipped from the sidelines.