

Sokwanele - Enough is Enough - Zimbabwe

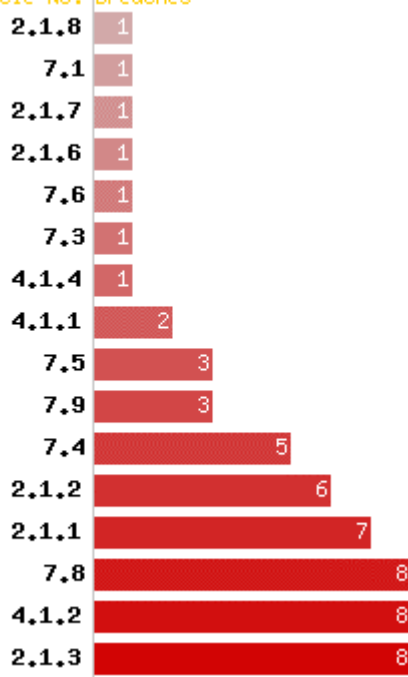
PROMOTING NON-VIOLENT PRINCIPLES TO ACHIEVE DEMOCRACY

Zimbabwe Election Watch

Issue 14 : 1 January 2008

Breaches in Issue 14

Article No. Breaches



In this final issue of Zimbabwe Election Watch for 2007, the articles logged place a stronger emphasis on the overall political and electoral climate than on specific examples of violations of the SADC Principles and Guidelines Governing Democratic Elections.

For example, Freeman Forward Chari, Secretary General of the Zimbabwe Youth Movement, writes in an article published by the Association of Zimbabwe Journalists: "Militarisation of Zimbabwe - Does the opposition stand a chance?"

Chari notes that, "in 2002, it became clear that the military had diverted from its constitutional mandate into civilian politics" and asks that, "as we brace for another presidential election, is the 2002 threat not going to be sent out again?"

He writes, "If you add up 35 000 war veterans, 200 000 ZPMs (Zanu PF's Zimbabwe People's Militia - created between 1980 and 1987 during the period of the Gukurahundi massacres), 30 000 from

National Youth Service and 15 000 retirees (from the police and army), we have a total of 100 000 civilians who have at least basic military education and training. To this number add 35 000 from the army, 5 000 from the air force, 25 000 from the police, 10 000 from prisons and about 15 000 from the Central Intelligence Organisation - at least 190 000 people..."

Chari then lists the names of the military personnel who control or hold senior positions in "the strategic entities that strictly deal with civilians". In summary, he notes that Zanu-PF controls: Food (Grain Marketing Board), Transport, Energy, Fuel and Power, Industry, Trade, Sport, Youth, the Attorney General and Elections.

He asks: "Can the civilians of this country go and impose their right to vote on an institution controlled by the military, funded by the military and run by the military, with the military fielding a man (Commander-in-Chief) in the elections?"

For further information, refer to Issue 7 of ZEW, dated 26 September 2007, in which Dr Francois Vrey from the University of Stellenbosch wrote that "Militarisation underpins much of Zimbabwe's security culture and directs many of the events on the political landscape..."

In an article published in the Zimbabwe Standard, the Zimbabwe Election Support Network stresses the critical importance of election monitoring and election observing. It points out that the SADC Guidelines, particularly Section 7.8, note the rationale of deploying observers to "ensure transparency and integrity of the entire electoral process." The article reminds readers that, in the 2005 parliamentary elections, many observer missions were denied a chance to observe the elections by the government.

In their latest pastoral letter, the Zimbabwe Catholic Bishops Conference discusses insights with regard to a credible electoral process for responsible and accountable leadership. The letter expresses concern that past elections have been marred by controversy and violence, and notes that the same concerns they cited in a pastoral letter in 2004 still exist.

The Mutambara faction of the MDC's secretary for information and publicity, Gabriel Chaibva, says March 2008 is too soon for an election as there is not enough time to implement what has been agreed on at the mediation talks.

The National Constitutional Assembly (NCA) has dismissed the recent amendments to the Electoral Act, the Access to Information and Protection of Privacy Act, the Public Order and Security Act and the Broadcasting Services Amendment Act in the belief that they are a ploy to entrench the government's power. The NCA says attempts to impose piecemeal amendments to the constitution will be vigorously defended and rejected.

Zimbabwe Lawyers for Human Rights (ZLHR) has expressed deep concern regarding the recent gazetting and subsequent fast-tracking of the Bills by both Houses of Parliament. ZLHR notes that this evidences "a worrying and flagrant lack of respect for processes allowing public input and scrutiny of legislation", and that "the Bills were drafted, presented and passed without any input from stakeholders within civil society."

Zimbabwe's state-controlled media commission has ordered journalists to apply for new licences, apparently ignoring moves by the government to tone down press laws. The Media and Information Commission (MIC) said reporters, newspapers and foreign news agencies would need to apply for new licences by December 31 if they wanted to operate for another year.

The Zimbabwe Human Rights NGO Forum's Political Violence Report for November reports on the violent attacks on activists during demonstrations organised by Women of Zimbabwe Arise (WOZA) and The National Constitutional Assembly (NCA). The total number of human rights violations documented by the organisation between 1 January and 30 November stands at 8 569.

On 19 December, The Zimbabwean newspaper reported that police had barred MDC legislator for Kuwadzana, Nelson Chamisa, from holding his graduation celebration gala, arguing that he needed permission under the Public Order and Security Act (POSA), which prohibits the gathering of more than four people. Two days later, Chamisa was granted permission - on condition no one mentioned the name of President Mugabe or made political statements.

Finally, Sokwanele would like to express appreciation for your concern, support and encouragement throughout the year. We wish you success and blessings in the year ahead.

Militarisation of Zimbabwe: Does the opposition stand a chance?

Source Date: 24-12-2007

..... It is the objective of this article to explore the levels of militarisation in Zimbabwe and ...to give a prognosis of the future political climate.

In 1980, when Zimbabwe got its independence from Britain there were more than 65 000 fighters ... waiting to be integrated into the Zimbabwe National Army whose capacity then was a mere 30 000. What it meant then was that there arose the need to demobilize and rehabilitate the other 35 000 soldiers. ...

At the height of the ZIPRA/ZANLA clashes between 1980 and 1987, Zanu PF created the Zimbabwe People's Militia (ZPM) which was typically a vigilante... This branch was ... at one point trained by the notorious North Koreans infamous for the ruthless Fifth Brigade. It does

not come as a surprise that ZPM has been implicated in the Matebeleland massacres of that time. The total number trained was estimated to be 20 000.

The government reintroduced the National Youth Service in the new millennium. The purpose of the training.... was specifically to consolidate power. In 2005 ...18 000 youths had graduated and were absorbed by the government. Coupled to the ministerial objective of producing 6 000 graduates per year it extrapolates to about 30 000 graduates to date.

The Zimbabwe National Army and the Zimbabwe Republic Police have in total recorded a voluntary retirement of about 15 000 members since 1997.

... If you add up 35 000 war veterans, 20 000 ZPM, 30 000 from the National Youth Service and 15 000 retirees we have a total of 100 000 civilians who have at least basic military education and training.

To this number, add 35 000 from ZNA, 5000 from Air Force of Zimbabwe, 25 000 from ZRP, 10 000 from Prisons and about 15 000 from the Central Intelligence Organisation (CIO) and it means we have at least 190 000 people in Zimbabwe who have a basic understanding of military language!

At the level of leadership and policy-formulation there is need to also explore the level of involvement of the military in strategic entities that strictly deal with civilians...

...(In summary, the appointments of military personnel in strategic entities demonstrate that) Zanu PF controls food (through the Grain Marketing Board), transport, energy, fuel and power, trade and industry, sport, youth, the Attorney General and Elections....

The military also controls the finances in one way or the other and even foreign policy is dictated by the military and not parliament ...

The question we pose to ourselves then is: in a country of nearly 200 000 military people, in a country whose public sector is run by the military, where does the common man fit? Is there a possibility of civil participation in the country?.....

Freeman Forward Chari
Secretary General
Zimbabwe Youth Movement

Source: zimbabwejournalists.com [1] (ZW)

SADC standards breached

- 2.1.1: Full participation of the citizens in the political process;
- 2.1.2: Freedom of association;
- 2.1.3: Political tolerance;
- 2.1.7: Independence of the Judiciary and impartiality of the electoral institutions ...
- 4.1.1: Constitutional and legal guarantees of freedom and rights of citizens
- 4.1.2: Conducive environment for free, fair and peaceful elections
- 7.1: [The member state holding elections shall] Take necessary measures to ensure the scrupulous implementation of the above principles ...
- 7.3: [The member state holding elections shall] Establish impartial, all-inclusive, competent and accountable national electoral bodies staffed by qualified personnel ...
- 7.5: [The member state holding elections shall] Take all necessary measures and precautions to prevent the perpetration of fraud, rigging...
- 7.8: [The member state holding elections shall] Ensure the transparency and integrity of the entire electoral process ...

Even free and fair elections need to be monitored
Source Date: 23-12-2007

... The holding of consistent, timely, free and fair elections which are subject to observation by local, regional and international groups and individuals has come to be quintessential to democratic practice and good governance. ..

The SADC Guidelines and Principles governing democratic elections, particularly section 7.8, note the rationale of deploying observers as to "ensure transparency and integrity of the entire electoral process." Section 7.8 states that the member country holding elections should:

"Ensure the transparency and integrity of the entire electoral process by facilitating the deployment of representatives of political parties and individual candidates at polling and counting stations and by accrediting national and/or other observers/monitors."...

According to section 2.1.1 of the SADC Principles and Guidelines for Democratic Elections, member states are expected to ensure full participation of the citizens in the political process. It is our argument that full participation in the electoral process by citizens also entails affording them the right to observe and or monitor electoral processes in their country.

Article 13 (1) of the African Charter on Human and People's Rights (ACHPR) to which Zimbabwe is signatory further vindicates our call for any observer group or individual interested in observing the election to be accredited for the purposes of observing the elections. Article 13 (1) provides that: " Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law".

It is our call therefore that all citizens, citizens groups, be it the media, non-governmental organisations, civil society in its broad sense, be allowed to observe the elections if they so wish.

It is also important, for the purposes of transparency, that observers from without observe our elections. These could be from the region, SADC, or international observer groups under the auspices of different organisations who might feel interested in observing our electoral process.

In the 2005 parliamentary elections unfortunately, a lot of observer missions were denied a chance to observe our elections because the government, either did not invite them, or denied their requests to be accredited to observe the elections....

There is, therefore, need for a truly independent electoral management body to be tasked with inviting observers, accrediting them and running the whole electoral process.

Government, its ministers or any participant in the election, should not be given the job of either inviting or accrediting the observers....

Produced by the Zimbabwe Election Support Network (ZESN). Comments are welcome on zesn@africaonline.co.zw [2]

Source: [Zimbabwe Standard, The](#) [3] (ZW)

SADC standards breached

2.1.1: Full participation of the citizens in the political process;
7.8: [The member state holding elections shall] Ensure the transparency and integrity of the entire electoral process ...

Catholic bishops call for free and fair poll in 2008

Source Date: 18-12-2007

Zimbabwe's Catholic Bishops have called on the government to ensure a free and fair environment for the holding of elections in 2008.

In a pastoral letter issued by the Catholic Bishops Conference the group expressed concern over the manner in which past elections have been conducted, citing violence and intimidation in the process...

The group said the government should 'establish a credible electoral process, whose outcome will be free and fair and with local and international recognition.'...

They stressed the importance of an independent electoral body saying this had to inspire confidence and protect the integrity of the process to deliver a free and fair election.

The bishops also noted how the same concerns they cited in a pastoral letter in 2004 still existed....

Source: [SW Radio Africa](#) [4] (ZW)

SADC standards breached

- 2.1.1: Full participation of the citizens in the political process;
- 2.1.2: Freedom of association;
- 2.1.3: Political tolerance;
- 2.1.6: Equal opportunity to exercise the right to vote and be voted for
- 2.1.8: Voter education.
- 4.1.2: Conducive environment for free, fair and peaceful elections
- 4.1.4: Existence of updated and accessible voters roll;
- 7.4: [The member state holding elections shall] Safeguard the human and civil liberties of all citizens ...
- 7.5: [The member state holding elections shall] Take all necessary measures and precautions to prevent the perpetration of fraud, rigging...
- 7.6: [The member state holding elections shall] Ensure the availability of adequate logistics and resources for carrying out democratic elections;
- 7.8: [The member state holding elections shall] Ensure the transparency and integrity of the entire electoral process ...
- 7.9: [The member state holding elections shall] Encourage the participation of women, disabled and youth in all aspects of the electoral process ...

Mutambara MDC says March too soon for elections

Source Date: 18-12-2007

Describing a statement by Mugabe last week that elections would be held in March next year as just simple "macho rhetoric," the spokesperson for the Mutambara MDC formation has said there is not enough time to implement what has been agreed on at the mediated talks.

The party's secretary for information and publicity, Gabriel Chaibva, said it would take nothing short of a miracle to complete the people-driven constitutional process they insist on and to implement changes to oppressive legislation which have been agreed at the talks between the MDC and the ruling party. Chaibva said Mugabe wanted to be seen as a strong man and his pronouncements on these issues are "pure rhetoric."

Chaibva also stressed that they would face Mugabe in March at an election, if it were possible to get things in order, but there was a need to create an atmosphere conducive to free and fair elections after finalising their agreements at the talks. He said this needed much more time and March was too soon to even dream about....

Source: [SW Radio Africa](#) [5] (ZW)

SADC standards breached

2.1.1: Full participation of the citizens in the political process;
2.1.3: Political tolerance;
4.1.2: Conducive environment for free, fair and peaceful elections
7.8: [The member state holding elections shall] Ensure the transparency and integrity of the entire electoral process ...

NCA press statement on passing of electoral laws

Source Date: 23-12-2007

The National Constitutional Assembly (NCA) is disturbed by the continual abuse of legislative and executive powers by the house of assembly and the executive in Zimbabwe.

The recent passing of the amendments to the Access to Information and Protection of Privacy Act (AIPPA), Broadcasting Services Act (BSA), Public Order and Security Act (POSA) and the Electoral Act is a direct violation of the people's rights.

The NCA is concerned because no body was given a mandate by the people of Zimbabwe to write a constitution for them or has a right to impose a constitution on the people.

The NCA dismissed the recent amendments to the Electoral Act, AIPPA, POSA, and BSA as a non-event. It is the NCA's belief that the amendments are a ploy by politicians to entrench their power and the amendments will achieve nothing for ordinary Zimbabweans.

The NCA further reiterates that attempts to impose piecemeal amendments to the constitution will be vigorously defended and rejected.

What the people of Zimbabwe need is a people-driven constitution not a political settlement between political parties....

It is only a new constitution that can stand as a voice of morality and vision for a prosperous Zimbabwe. ...

Our once placid nation has been thrust into chaos because of a constitutional crisis. It is the process and the contents of our current constitution which was not for the people but for a few politicians who were negotiating for power which is the source of our current problems.

And as such the solution does not lie in imposing a constitution on the people; rather it lies in giving the people a right and a chance to participatory democracy.....

"If Zimbabwe is ever going to be a legal democracy, this has to be underpinned by a brand new people-driven constitution that guarantees individual rights and equality before the law.

New institutions to support the transitional democracy can then be set up and running (including a constitutional court - the highest court of the land) once a new constitution is in place.

By Maddock Chivasa
National Spokesperson
National Constitutional Assembly Zimbabwe

Source: [Zimbabwean, The](#) [6] (ZW)

SADC standards breached

- 2.1.1: Full participation of the citizens in the political process;
- 2.1.2: Freedom of association;
- 2.1.3: Political tolerance;
- 4.1.2: Conducive environment for free, fair and peaceful elections
- 7.4: [The member state holding elections shall] Safeguard the human and civil liberties of all citizens ...
- 7.5: [The member state holding elections shall] Take all necessary measures and precautions to prevent the perpetration of fraud, rigging...
- 7.8: [The member state holding elections shall] Ensure the transparency and integrity of the entire electoral process ...

Fast-tracking of various amendments through parliament

Source Date: 21-12-2007

Zimbabwe Lawyers for Human Rights (ZLHR) wishes to express its deep concern over the continued lack of respect for the fundamental freedoms of association, assembly, and expression by holders of public office in Zimbabwe.

The recent gazetting and subsequent fast-tracking of the Public Order and Security Amendment Bill, the Access to Information and Protection of Privacy Amendment Bill and the Broadcasting Services Amendment Bill by members of both Houses of Parliament evidences a worrying and flagrant lack of respect for processes allowing public input and scrutiny of legislation which affects the Zimbabwean public.

This, in turn, greatly undermines the democratic space, and the promotion and protection of human rights in the country. ...

... it is our preliminary view that the amendments do not substantively address the concerns of those who have been most affected by the clampdown on freedom of expression, association and assembly and they fail to address fundamental concerns which have been in the public domain for as long as the legislation itself has been in operation.

They also fail to take into account regional and international standards to which Zimbabwe has bound itself and which it is obliged to promote, respect, ensure and fulfil.

ZLHR considers this a missed opportunity to involve all stakeholders and ensure that substantive, far-reaching and acceptable amendments were made to such insidious legislation which could have had a substantive effect on ensuring a satisfactory electoral environment in the run up to the 2008 polls and beyond.

Source: [Zimbabwean, The](#) [7] (ZW)

SADC standards breached

- 2.1.1: Full participation of the citizens in the political process;
- 2.1.2: Freedom of association;
- 2.1.3: Political tolerance;
- 4.1.2: Conducive environment for free, fair and peaceful elections
- 7.4: [The member state holding elections shall] Safeguard the human and civil liberties of all citizens ...
- 7.8: [The member state holding elections shall] Ensure the transparency and integrity of the entire electoral process ...
- 7.9: [The member state holding elections shall] Encourage the participation of women, disabled and youth in all aspects of the electoral process ...

Zimbabwe's media commission orders journalists to get new licences

Source Date: 19-12-2007

Zimbabwe's state-controlled media commission on Tuesday ordered journalists to apply for new licences, apparently ignoring moves by President Robert Mugabe's government to tone down press laws.

The Media and Information Commission (MIC) said reporters, newspapers and foreign news agencies would need to apply for new licences by December 31 if they want to operate for another year....

Source: [Zimbabwe Situation, The](#) [8] (ZW)

SADC standards breached

2.1.3: Political tolerance;

4.1.1: Constitutional and legal guarantees of freedom and rights of citizens

4.1.2: Conducive environment for free, fair and peaceful elections

7.4: [The member state holding elections shall] Safeguard the human and civil liberties of all citizens ...

7.8: [The member state holding elections shall] Ensure the transparency and integrity of the entire electoral process ...

Political Violence Report Nov 2007

Source Date: 20-12-2007

On 5 November 98 members of WOZA were arrested during a protest outside the Parliament building in Harare. A deputation drawn from the membership began a protest to press for an end to violence.

Members also wanted to express their commitment to repealing of the Public Order Security Act (POSA) and the Access to Information and Protection of Privacy Act (AIPPA).

As the procession was to arrive at Parliament, the Riot Squad, based at Africa Unity Square, intercepted it and began to beat the peaceful activists. Some of their members were later taken to Harare Central Police Station where they were reportedly held for 7 hours before being released without charge.

On 22 November, 23 members of NCA were severely assaulted and some allegedly tortured after an attempt to demonstrate close to the motorcade of South African President Thabo Mbeki on his visit to Harare. The protestors were demonstrating against the recent Constitutional Amendment No 18 Bill. ...

The total number of human rights violations recorded between 1 January and 30 November - comprising abductions/kidnapping, assault, death threats, displacement, freedom of expression/association, murder, political discrimination and intimidation, property related, torture, unlawful arrest and unlawful detention - was 8 569.

Identified perpetrators: The Zimbabwe Republic Police and the riot squad

Source: [Zimbabwe Human Rights NGO Forum](#) [9]

SADC standards breached

2.1.1: Full participation of the citizens in the political process;

2.1.2: Freedom of association;

2.1.3: Political tolerance;

4.1.2: Conducive environment for free, fair and peaceful elections
7.4: [The member state holding elections shall] Safeguard the human and civil liberties of all citizens ...
7.8: [The member state holding elections shall] Ensure the transparency and integrity of the entire electoral process ...
7.9: [The member state holding elections shall] Encourage the participation of women, disabled and youth in all aspects of the electoral process ...

Police deny MDC MP Chamisa permission to hold graduation party
Source Date: 19-12-2007

Zimbabwe Republic Police barred MDC legislator for Kuwadzana, Nelson Chamisa, from holding his graduation celebration gala which had been set for this weekend in his constituency.

The police denied him permission to hold the rally arguing that he needed to seek permission under the Public Order and Security Act (POSA), which prohibits the gathering of more than four people.

Since 2000 the Zimbabwe government has been using POSA to break up opposition rallies and to prevent political meetings organised by political parties and civic groups.

Addendum: Chamisa was subsequently given permission on condition no one mentioned the name of President Robert Mugabe or made political statements.

Identified victims: Nelson Chamisa, MDC legislator for Kuwadzana

Source: [Zimbabwean, The](#) [10] (ZW)

SADC standards breached

2.1.2: Freedom of association;
2.1.3: Political tolerance;
4.1.2: Conducive environment for free, fair and peaceful elections

Source URL (retrieved on 09.01.2008 - 07:53):

http://www.sokwanele.com/articles/sokwanele/zew_issue14_010108.html

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