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Workers issue ultimatum

HARARE-The Zimbabwe Congress of Trade Unions (ZCTU) has issued an ultimatum to the transitional coalition government and employers to improve salaries and working conditions.

The government, the biggest formal employer, pays civil servants a monthly salary of between \$150 and \$200.

ZCTU President Lovemore Matombo told workers at a rally to mark International Workers Day last Saturday that the labour union would organise job actions to compel employers and the government to reward workers by paying them a minimum living wage of \$500 a month.

Matombo said the labour union would protest against the high levels of taxation and lack of access to the life prolonging anti-retroviral drugs (ARV)'s. Both employers and employees are struggling with lost production hours due to the ravages of HIV/AIDS.

"Income tax should be lowered and ARV's should just not be availed to connected and influential people but to those who deserve them," said Matombo.

The trade union leader gave the government and employers up to the end of July to wrap up the current collective bargaining process. Matombo said workers would take action if this deadline was not met.

Prime Minister Morgan Tsvangirai, who launched his political career on the back of the ZCTU, sat at the high table as Matombo berated the transitional government's failure to improve workers' conditions.

"Everything (collective bargaining) should be finished by July. We are going to take to the streets," said Matombo.

Matombo echoed calls by civil society leaders at the commemorations for the repealing of harsh laws such as the Access to Protection of Privacy Act (AIPPA) and the Public Order and Security Act and the Criminal Codification (Reform Act), which have been abused by the police to stifle the activities of labour and civil society organisations.

The ZCTU President said Tsvangirai and President Robert Mugabe's coalition government had failed to resolve the decade-long political and economic crisis.

"We are not happy with the government. Fourteen months (since the formation of the government) has been enough for the government to solve the economic and political crisis. Tamboshingirira. Asi patavakuenda pakati shatei. We want to toyi toyi very soon. (We have been tolerant but we are losing our patience and we will soon embark on anti-government protests," said Matombo.

Matombo said his union would campaign against politicians who were advocating for the freezing of workers' salaries.

"No one should freeze salaries. Zvakaipa izvozvo. (That's a wrong attitude). We are still getting interferences even under the inclusive government. This must stop. Interference is a serious issue. We are reporting the statement of freezing salaries to the International Labour Organisation (ILO)," he said.

Tsvangirai, a fiery ZCTU secretary-general before forming the Movement for Democratic Change, attended the celebrations together with several government ministers, including Labour Minister Paurina Mpariwa. In his speech, Tsvangirai promised workers that no freeze would be imposed on their salaries.

Tsvangirai cautioned against ill thought indigenisation policies.

"Zvejambanja zvakaitwa kumapurazi. Haungaiti jambanja pacompany pausina kuisa cent. Ngatizivei zvaturikuita because we are not the last investment destination in the world. (The violence that accompanied farm invasions should not extent to industries.)

Mpariwa said a bill to harmonise labour laws would be pushed through in Parliament.



Penga mushandi penga... ZCTU President Lovemore Matombo addressing workers at Dzivarasekwa Stadium

Govt pleads guilty

HARARE-The government has admitted that harsh laws and politicised security agents have stifled workers' rights.

Paurina Mpariwa, the Minister of Labour and Social Services said government would amend the Public Order and Security Act (POSA), a draconian piece of legislation which Harare has used to suppress opposition and human rights activists since its enactment almost a decade ago.

She revealed this in a letter to the International Labour Organisation (ILO).

"It should be noted that the Public Order and Security Act is being amended in consideration of the Inclusive Government's affirmed commitment to the principle of freedom of assembly and association. It is in this spirit of engagement among the people of Zimbabwe that the Commission's (ILO) recommendations are accepted by the government. Government wishes to advise that the implementation of the recommendations, while already on going, will be informed by the overall government targets," said Mpariwa in her letter dated 20 April.

The Minister was responding to the ILO fact finding mission report entitled: "Commission of Inquiry on the Observance of the Freedom of Association and the Protection of the Right to Organise Convention and the Right to Organisation Collective Bargaining Convention".

The ILO report followed its visit to Zimbabwe in August last year to investigate allegations of breaches of the conventions and violations of workers' rights in Zimbabwe.

The Zimbabwe Congress of Trade Unions (ZCTU) dismissed the government's response saying it did not address the issues which the ILO had raised. Khumbulani Ndlovu, the ZCTU Information Officer, told *The Legal Monitor* that Mpariwa's letter placed more emphasis on the creation of the inclusive government than going through the steps government is taking to ensure that workers' rights are not violated or that the arrests, beatings and ban of meetings that happened in the past do not happen again.

Mpariwa told the ILO that the transitional government had created an Organ on National Healing. Said Ndlovu: "The ZCTU is not excited by the work of the Organ on National Healing that is mentioned in the government's response. This Organ is out of touch with reality or with real issues affecting victims of state-sponsored violence. The ILO recommendations are very clear. Among other things, there is need to drop all cases against labour activists that arose through POSA. This has not happened. Activists are still appearing in court charged under POSA."

She added that amending POSA was not enough.

"There is need to repeal POSA - currently discussions are around amending POSA and not repealing it," she said, adding that the State must not interfere in trade union work. "We have police writing the ZCTU a letter telling them who should or should not speak at this year's May Day commemorations."

Ndlovu added: "Arrests, detentions should cease - a few weeks after the Commission left Zimbabwe, the ZCTU president (Lovemore Matombo) and four other were arrested and charged under POSA. We also had the police defying a High Court order and refusing that ZCTU commemorates a September 13 (2006) event. The police actually wrote to ZCTU overturning the High Court order saying they did not take instructions from the Courts but from 'higher offices.'

"These are some of the examples that even though government has accepted the report they are not willing, or are reluctant to implement the recommendations. Accepting the report is one thing, while implementing it is another. The ZCTU is keener on seeing the (ILO) recommendations being implemented."

The issue of POSA in Zimbabwe has remained a thorny issue since its enactment in 2002 when it replaced the colonial and repressive Law and Order (Maintenance) Act which Ian Smith had introduced in the 1960s to suppress the rights and activities of nationalists and freedom fighters. Progressive organisations such as Zimbabwe Lawyers for Human Rights have extensively documented the abuse of the legislation by the police and other state actors, and continue to call for the total repeal of POSA.

Statement on the status of constitutional reform process

ZESN/ ZPP/ ZLHR Independent Constitution Monitoring Project

The Zimbabwe Election Support Network (ZESN) and Zimbabwe Lawyers for Human Rights (ZLHR) and Zimbabwe Peace Project (ZPP) Independent Constitution Monitoring Project (ZZZICOMP) have noted with deep concern the delays in the Constitution making process. According to the Global Political Agreement (GPA), the outreach process was supposed to have been completed no later than four (4) months after the First All Stakeholders' Conference. This has, however, not been the case as it is now eight (8) months since the conference was held and there remains no sign that the outreach will commence any time soon.

Also, of concern are reports of people who are being harassed and threatened for expressing their views on what should be and should not be included in a new constitution. Notably, the process has become highly politicized with several incidences in which constitutional deliberations have ended up entirely focusing on the adoption of the Kariba Draft in sharp contrast to the letter and spirit of the GPA.

Furthermore, the recent proclamation by the Principals of the Inclusive Government that there will be general elections in 2011 has shifted the focus from the constitution making process and automatically set the country in an election mode, and moved attention away from the constitution-making debate, thereby further compromising the course of the process. Unfortunately, such statements have a negative impact on the sincerity

of the political parties in their commitment to the constitution making process.

Citizen participation in key ongoing constitutional related activities is reportedly being marred by political interference such as "coaching" the ordinary person on what to say thus stifling the people's right to freedom of expression and invariably negating the principle behind a people-driven process.

In addition, there have been several incidents in which constitution awareness workshops by civil society organisations have been disrupted and facilitators accused of advocating for regime change. In some areas community members are reportedly being "trained" on what to say when the outreach teams visit their areas.

For any national process to be inclusive and people-oriented, there is a need to ensure a conducive environment which allows people to express their views in safety and with the assurance that they will not be arbitrarily targeted for harassment, intimidation and/or retribution by any political party, state actor, or other player. In light of the above, ZZZICOMP appeals to the Principals of the GPA to facilitate a conducive environment for all in ongoing national processes, as promised in the GPA to which they appended their signatures and commitment in September 2008.

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Background of the Partnering Organisations

ZESN

The Zimbabwe Election Support Network is a network of 30 independent, non-partisan NGOs that has been observing all aspects of the electoral process in Zimbabwe since 2000. Its vision is a Zimbabwe where democratic electoral environment and democratic processes are upheld. The organisation has also been observing elections in other countries and deriving best practices for electoral reforms. Over the years observation of electoral processes by ZESN has contributed immensely to instilling confidence, deterring electoral fraud and providing independent findings to various stakeholders. ZESN reports have thus been used and referred to by many as sources of reliable and credible information.

ZLHR

Zimbabwe Lawyers for Human Rights is a not for profit human rights organization whose core objective is to foster a culture of human rights in Zimbabwe as well as to encourage the growth and strengthening of human rights at all levels of Zimbabwean society through observance of the rule of law. ZLHR is committed to upholding respect for the rule of law and the unimpeded administration of justice, free and fair elections, the free flow of information and the protection of constitutional rights and freedoms in Zimbabwe and the surrounding region. It keeps these values central in its programming activities.

ZPP

Zimbabwe Peace Project is an NGO which promotes peace through monitoring and documentation of politically motivated human rights violations. The vision of ZPP is sustainable justice, freedom, peace, and development in Zimbabwe for all. ZPP has strong a monitoring and documentation system with a presence in the 210 constituencies of Zimbabwe. ZPP is one of the premier organizations compiling information on the human rights situation on a regular basis in Zimbabwe. ZPP reports have been used as reference material by local and regional election observers, civil society organizations, embassies and international organizations.

ZLHR salutes workers

Zimbabwe Lawyers for Human Rights (ZLHR) joins the oppressed workers of Zimbabwe and the Zimbabwe Congress of Trade Unions (ZCTU) in commemorating International Workers' Day on 1 May 2010.

We pay homage to all those who, throughout the country's 30-year history, have sacrificed so much to promote and defend the rights of working women and men and strive for social justice and human rights for all, regardless of social status or privilege.

On a day when millions of working people across the globe join together to celebrate the achievements and progress of more than a century of trade unionism, it is sad that in Zimbabwe workers have nothing to celebrate 30 years after attaining independence.

The right to work, as enshrined in Article 23.1 of the Universal Declaration of Human Rights, states that: *"Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment"*.

This right is also recognized in the International Covenant on Economic, Social and Cultural Rights, which emphasizes economic, social and cultural development. Article 15 of the African Charter on Human and Peoples' Rights also states that: *"Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work"*.

These rights are not bestowed at the discretion and/or the benevolence of governments or employers - they are basic and universal rights that workers are all entitled to by virtue of our common humanity. The government of Zimbabwe has voluntarily committed itself to such regional and international obligations and must ensure that they are respected, protected, promoted and fulfilled.

The universally acknowledged principles of equality, justice, human dignity and peace fought for by the international trade union movement are just as relevant today as they were when working men and women first came together to fight for their rights to social and economic justice.

Sadly for Zimbabwean workers, three decades after our independence, the right to justly

commensurate and fair labour remains amongst the many that are not recognized in the Declaration of Rights in the Constitution of Zimbabwe. As a result, the harsh reality is that for the past three decades workers have continued to be deprived of their fundamental rights and freedoms, and subjected to exploitation by unscrupulous employers and a repressive and autocratic regime. Inequality and unemployment grow whilst a small minority accumulates incalculable wealth on the backs and labour of the downtrodden.

The continuing violations of the fundamental rights of workers and the labour movement, which became more apparent during the era of the failed Economic Structural Adjustment Programme (ESAP), as evidenced by the food riots of 1998, were acknowledged at the historic National Working Peoples' Convention in February 1999, from which the idea of a working peoples' party emerged.

Despite its origins in the labour movement, and as a working peoples' party, and despite the presence of the Movement for Democratic Change (MDC) in the Inclusive Government established in February 2009, it is disappointing to note that these partners in the struggle for democracy appear increasingly unable to prioritize the needs of the majority who remain mired in poverty, terrible conditions of work, or outside the safety net of formal, decent and uplifting employment. Whilst nothing can be expected from the former repressive regime - which has spurned the workers' base and actively sought to destroy the labour movement - the progressive forces within the Inclusive Government can - and indeed must - do more.

ZLHR continues to observe with increasing dismay the apparent structured and systematic attack and the unwarranted harassment by the Zimbabwe Republic Police and other state and non-state actors and agents, of labour rights activists. The harassment of workers movements is a clear and contemptuous violation of workers' rights which must not be tolerated.

State security agents still hound trade unionists as evidenced by the arbitrary arrest and detention of Lovemore Matombo, the President of the ZCTU and several other office-bearers in Victoria Falls during internal union meetings in early 2010, and the crackdown on Gertrude Hambira, the General Secretary of the General Agriculture

and Plantation Workers Union of Zimbabwe (GAPWUZ), who remains in exile due to fears for her safety. Such agents continue to infiltrate and disrupt union meetings, raid union offices, and threaten, harass, arbitrarily arrest, detain and maliciously prosecute leaders and members of the ZCTU and its affiliates with impunity.

The harassment and attacks on ZCTU and GAPWUZ leaders only serve to emphasize the findings of the International Labour Organisation (ILO) Commission of Inquiry Report, which concluded that, amongst other violations, Zimbabwe's state security forces have used arrests and torture of labour leaders to stifle union activity in the country over the last decade.

The report also rejected accusations that the ZCTU was bent on tarnishing the image of the country by peddling lies of human and trade union rights abuses.

ZLHR has noted the government's acceptance of the ILO Report; however it is clear from the arrogance with which it seeks to bypass key findings and recommendations that we still have a long way to go before the state realizes its obligations to the workers of Zimbabwe and their unions and takes strong action to ensure an improvement in their treatment.

As a matter of priority, the Inclusive Government must:

- Urgently and fully implement the ILO Report recommendations, which include probing workers' rights abuses, ending anti-union practices, and creating a functional and effective human rights commission to deal with future abuses;
- Provide clear timelines for how and when these recommendations and remedies will be instituted and finalized;
- Prioritize the reform of the Zimbabwe Republic Police to instill professionalism and end their abuse of obnoxious laws such as the Public Order and Security Act to stifle legitimate union activities;
- Unequivocally guarantee - through the highest offices of the Commissioner-General of Police and the Co-Ministers of Home Affairs - the rights, safety and security of

workers and their representatives as human rights defenders;

- Ensure a Minimum Wage that is a Living Wage, universal social security for all workers and place decent work at the core of development, economic, and trade policies;
- Strengthen protection of the right to organise and the right to collective bargaining of all workers;
- Increase transparency, equality and accountability in the use and distribution of the natural wealth and resources of Zimbabwe so as to uplift the lives of the workers and the poverty-stricken; and
- Provide retirees with the basic needs for a dignified life.

The years of the government abrogating its obligation to govern responsibly must end. Workers must be empowered to fulfill their aspirations - for themselves and the generations to follow. They must be given the chance to build decent lives through decent work and through public services and proper distribution of wealth that meet their needs.

It is time to put the interests of workers and their families at the top of the political agenda.

ZLHR remains in solidarity with the ZCTU which has been championing workers' rights. We consider any harassment of, or attack on them to be an attack on the human rights movement and an unacceptable assault on the human dignity of the majority in our society.

In the hope that their struggle - which is also the struggle for human rights - may continue and succeed, ZLHR lends its support, by action in solidarity where it is within our power and ability to do so, in the firm belief that *"an injury to one is an injury to all"*.

SHINGA MUSHANDI SHINGA!

ZLHR: Fostering a culture of workers' rights

New or false?

HARARE-The government has significantly slashed fees for foreign journalists and media organisations who must apply for permits to operate in the country.

Under the new schedule released on Friday through a statutory instrument issued as a supplement to an Extraordinary Government Gazette, a foreign media organisation will pay a total of \$2 500 as application for permission to operate a representative office of foreign mass media service or news agency. This is down from \$30 000 which was gazetted last year.

Local journalists working for foreign media will pay a total of \$120 in application and accreditation fees, down from the previous amount of \$4 000.

Foreign journalists intending to temporarily operate in the country will fork out \$100 in both application and accreditation fees.

Local journalists will pay \$30 in accreditation and registration fees while late renewal of accreditation will attract a penalty of \$1 per day.

To apply for registration of a mass media service Zimbabweans will have to pay \$2 000.

The gazettement of the accreditation and registration fees follows the appointment of the Zimbabwe Media Commission (ZMC), which is expected to licence new media players and drive media

reforms as part of the democratic process agreed to by Prime Minister Morgan Tsvangirai and President Robert Mugabe when they established the transitional coalition government.

The banned *Daily News* and *News Day* are some of the publications that intend to seek registration to publish daily newspapers.

Under Zimbabwean law media organisations must register with the ZMC which regulates their operations. Whilst it is not mandatory for journalists to be accredited unless they wish to attend state functions, most will therefore be forced to do so if they wish to cover major political, economic and social events. However, the vast

majority of journalists in the country favour self-regulation of their profession over being policed by the State-run ZMC and have formed the Voluntary Media Council of Zimbabwe (VMCZ) to regulate their profession and adjudicate on media complaints from concerned stakeholders.

For almost a decade journalists were regulated by the defunct Media and Information Commission (MIC) which was chaired by media hangman Tafataona Mahoso. During his tenure Mahoso presided over the closure of at least four newspapers, the deportation of several foreign correspondents and the arbitrary arrest, detention and malicious prosecution of hundreds of local journalists, editors and publishers.



A crowd gathered for the Nyanyadzi Global Political Agreement awareness workshop left disappointed after ZANU PF supporters and the police stopped the event

Warning against Chiadzwa stones

LONDON-A Kimberly Process (KP) member has warned Zimbabwe against exporting diamonds mined in Marange without KP certification.

Global Witness, a London-based NGO that oversees the work of the KP last week said statements by Zimbabwe that the country would export Marange diamonds with or without KP certification would only entrench the country's status as an international pariah and ward off potential investors.

The response from Global Witness followed comments by Mines Minister Obert Mpofu that Zimbabwe would sell Marange diamonds irrespective of KP decisions. Mpofu said this after High Court Judge, Bharat Patel ruled against the London Stock Exchange-listed Africa Consolidated Resources (ACR) application to

stop the sale of Marange diamonds pending the resolution of a dispute over the ownership of diamonds extracted from the controversial mining fields.

Global Witness was one of the first organisations to bring the issue of conflict diamonds to international attention.

The KP, a joint government, civil society and industry body formed to stop the flow of conflict diamonds, in February appointed a monitor to ensure Marange diamond operations met the group's minimum standards before being sold.

The monitor, South African Abbey Chikane, has said controversially licensed miners, Mbada Diamonds and Canadile Miners - joint venture firms between the Zimbabwean government and

South African investors - are yet to fully comply with KP standards.

ACR contends that Mbada and Canadile are mining on claims allocated to it in 2006 and therefore all diamonds mined there are stolen.

Global Witness, on the other hand, is more concerned about the rights abuses committed by the army, and insists that Zimbabwe should withdraw the military from the fields.

"What has been taking place in Marange is unconscionable and there is no way that exports should restart until the government can prove that it has taken the necessary action to end the abuses and hold the perpetrators to account," said Global Witness campaigner, Elly Harrowell.

"If the government goes ahead with its plan to sell diamonds without prior approval from

the Kimberley Process, it will be in breach of its commitments and should face suspension. Member states will need to act swiftly if they want to maintain the credibility of the scheme and protect consumer confidence in the international diamond market," said Harrowell.

Harrowell said Mpofu should adhere to internationally accepted standards.

"If Minister Mpofu really wants the Zimbabwean people to benefit from the wealth beneath their feet, he should start by withdrawing the army from the area, which is responsible for serious human rights abuses and is still profiting from the illegal trade in smuggled Marange diamonds," said Harrowell. "Until this happens diamonds from Marange will continue to be tainted by violence and corruption."

Electoral reforms fall short

HARARE-Electoral reforms agreed to by transitional government partners would strengthen Zimbabwe's voting system, but concerns remain over key areas such as voter registration, access to the voters' roll and voter education, the country's biggest elections watchdog group has said.

According to a Zimbabwe Election Support Network (ZESN) analysis of the proposed reforms, the creation of ward, house of assembly and senatorial centres for the collation of results, where results will be posted for public scrutiny, will reduce opportunities for manipulation and fraud.

President Robert Mugabe's ZANU PF party and the two Movement for Democratic Change formations agreed to the electoral reforms as part of the prolonged power-sharing talks that suffering Zimbabweans want concluded urgently. Under the reforms, assisted voters such as the blind and illiterate would be able to select a person of their choice to assist them to vote. This removes the old requirement for a police officer or presiding officer to assist such people, which is widely criticized as compromising the secrecy of the ballot.

ZESN said proposals for an audit of presidential elections results that would be facilitated through an amendment to the Electoral Act should be extended to house of assembly and senatorial elections to ensure that numbers added up in voting for all types of seats.

In relation to politically-motivated violence, parties in the transitional government agreed to the following measures:

- Set up a special body to receive complaints of violence and to monitor and investigate such reports
- Refer allegations to the police for expeditious investigations and prosecutions
- Set up electoral courts at the magistrates' court level to try cases of political violence committed during the election period

- Request the Attorney General to set up a special unit in his office dedicated to prosecution of cases of politically-motivated violence during the election period

- Provide for a special law that, upon conviction, the court can ban candidates from further participation in electoral processes

ZESN however said past experiences have proved that good intentions on paper needed to be accompanied by thorough reform of the responsible institutions to ensure practical delivery.

"There is concern that most of the provisions have more results in places where there is rule of law and equality before the law," said ZESN.

The watchdog added that: "The police for example was not able to help victims of politically-motivated violence in 2008 and there is very little confidence in this body by the citizenry as a body of protection. ZESN notes with concern that in the past the electoral court has been moribund due to lack of resources."

ZESN went on to express its disappointment with the failure to clearly define the security sector's role in elections.

"While (the) reforms provide for the removal of the police officer from the polling station and assisting the voter, they do not explicitly show that the role of the police and other security forces is to maintain order and security and not the running of elections. Security sector reform is one of the issues that needs to be addressed to ensure an electoral environment that promotes democratic elections in Zimbabwe," noted ZESN, which also called for a revision of presidential powers as a sitting president could be a candidate in the election as well.

Other matters unresolved by the reforms include political party financing, the abuse of State resources for election campaigning and harsh

media and security laws such as the Access to Information and Protection of Privacy Act and the Public Order and Security Act. Hundreds of journalists and rights and political activists have been arrested under these laws since 2002.

ZESN, a coalition of over 30 rights groups and churches, raised concern that the reforms fail to address issues regarding media plurality and equitable access to media for political parties during election time.

The reforms would limit postal votes to officers outside the country on State duty, while people involved in the running of the elections such as polling officers and security officers would be allowed to vote a week before the election. This effectively rules out over 3 million Zimbabweans who have sought political and economic sanctuary in the Diaspora.

On the registration of voters, delimitation of constituencies and voter education, ZESN noted the following concerns:

- **Voter education;** While the law provides that voter education will take place 90 days after the proclamation, the time frame between the Proclamation is usually less than the stipulated time and so parties agreed to remove the 90 days time frame. Voter education will take place a week after the proclamation dissolving parliament and calling for elections. ZESN is concerned that the issue of 90 days which was given importance is not the most important issue regarding voter education. It is important to open up space for civic society and non-governmental organisations to provide non partisan and accurate voter education to the electorate. The issue of the capacity of ZEC to provide voter education given inadequate resources was not interrogated and so the issue of voter education remains a contentious issue that needs to be addressed. ZESN urges political parties to take voter education as a continuous and comprehensive process and not a once off event.

- **Availability and accessibility of the voters roll;** Parties agreed to make the voters roll available to political parties and candidates upon request. However, this is on condition that while CD is open and capable of electronic analysis will not be tampered with. While this is a commendable move, ZESN notes with concern that access to the voters roll for free is only made to political parties and not civil society which has the role to monitor the roll which can lead to electoral fraud if not accurately made. Currently the voters roll is very expensive to buy and only hard copies are available.

- **Voter education;** ZEC is virtually in control of the voter education and anyone other organisations other than political parties that would want to provide voter education would have to get ZEC approval. Previous experience has shown that ZEC did not have adequate human and financial resources to carry out this function, which was left to political parties. ZESN recognises the importance of an independent electoral management body in the provision of voter education. In addition, ZESN also notes the need for NGOs and civil society in providing impartial and non partisan voter education.

- **Local, Regional and International Observers;** The invitation of international and regional observers is currently the mandate of the ministry of foreign affairs and in the past the ministry has "cherry-picked" observers while observers from states and organisations deemed hostile to the state have been denied access. ZESN is of the view that the role of ZEC should include the invitation and accreditation of observers. This function requires the independence of ZEC and lack of interference from the executive.

These reforms however, have only been agreed at the negotiating table. It remains to be seen whether and when they will be translated into law and implemented.

CISOMM engages JOMIC

HARARE-Delegates from the Civil Society Monitoring Mechanism (CISOMM) presented their power sharing agreement implementation report to the Joint Monitoring and Implementation Committee (JOMIC) secretariat on Friday.

The report produced by CISOMM analyses the transitional government's compliance with the Global Political Agreement (GPA) according to specific benchmarks. Member organisations gather and collate information in their areas of specialisation, thus contributing to the overall report and offering recommendations. JOMIC assesses implementation of the GPA and is mandated to receive and follow up on

complaints or reports relating to the provisions of the GPA.

JOMIC, which was set up under the GPA, promised to consider the recommendations and analysis contained in the CISOMM report.

The meeting was intended to develop a co-operational relationship between civil society and the government's internal monitoring unit. It was recognised that engagement and dialogue between the parallel mechanisms could enhance the scope of their actions, ensuring a more concerted effort and fulfilment of their mutual desire to see full and speedy implementation of the GPA.

All reports can be viewed on www.cisomm.org

Mayor trial: justice wheels spinning?

HARARE-The trial of Harare Mayor, Muchadeyi Masunda and eight councillors facing allegations of criminal defamation for allegedly "leaking or publishing" a report implicating top businessman Philip Chiyangwa in a major land scandal will resume this week.

Chris Mutangadura, the Chief Law Officer in the Attorney General's office, confirmed to *The Legal Monitor* that the trial would be resuming this week at the Harare Magistrates' Court. "Yes. Ready for it. There is nothing that can really stop the State from resuming the trial," he said.

But Alec Muchadehama, the lawyer representing the Mayor and councillors, said he was yet to receive State papers relating to the trial.

"Since we have a trial date, we have no choice but to have my clients clear themselves, but we are yet to receive the State papers on the matter. Ordinarily, we must be given adequate time to prepare," said the human rights lawyer.

The controversial case will start at a time when the Council is still awaiting a response from the Commissioner-General of Police, Augustine Chihuri, on whether he will order his subordinates to look into the allegations that Local Government Minister Ignatius Chombo and Chiyangwa were involved in a scandal that saw them allegedly acquire

council land without following procedure, mostly in the northern area of Harare.

Last month Charity Bango, the then Acting Mayor, wrote to Chihuri asking him to look into the allegations which were being levelled against Chombo and Chiyangwa. The letter was copied to co-Home Affairs Ministers, Kembo Mohadi and Giles Mutsekwa, and the Officer Commanding CID, Senior Assistant Commissioner Nyati.

Rather than investigating the claims, the police charged Masunda and eight councillors with criminal defamation for allegedly "leaking or publishing" the report which allegedly exposed Chombo and Chiyangwa.

The Council report, compiled by a Special Committee of councillors led by Warship Dumba, alleges that Chiyangwa and Chombo, with the assistance of two council employees - Director of Urban Planning, Psychology Chiyangwa and Finance Director, Cosmos Zvikaramba - illegally grabbed vast tracts of prime land from the city on the cheap, without following proper procedure.

The 54-page report on land sales from October 2004 to December 2009 alleges that there were several cases of suspected fraud and irregular sales where "Chombo would identify pieces of land in the city, influence council officials to apply to him for change of land use and then sit over the same applications and approve the change".



CISOMM representatives present their report to JOMIC officials