



**THE WILL OF THE ZIMBABWEAN PEOPLE  
DENIED... AGAIN**

**How the Elections were rigged**  
**MDC Report on the March 2005 Parliamentary Elections**

**12 April 2005**

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## **1 Executive Summary**

Periodic and genuine democratic elections are the cornerstone of any functioning democracy. Zimbabwe does have periodic elections but they are not democratic.

The March 2005 parliamentary elections cannot be judged to be free and fair nor can they be deemed an accurate reflection of the will of the Zimbabwean people. The distorted nature of the pre-election playing field and the failure to address core democratic deficits, in the context of both the legal and administrative framework, and the political environment, precluded a free and fair election from the very beginning.

The determination of the Zanu PF government to manipulate the electoral process and to eschew the need to ensure adequate levels of transparency and fairness led to them breaching their own rules on polling day. They were determined to have a system in place with sufficient capacity to enable them to rig the ballot in the event that initial voting trends indicated an MDC victory.

**The MDC participated in the elections under protest.** More than 133,000 voters attempted to participate on election day but were turned away. Unknown thousands of voters were either added or subtracted from vote tallies in 72 of 120 constituencies where figures were made available by the Zimbabwe Electoral Commission (ZEC). We still have received no explanation from the ZEC for the serious inconsistencies in the ZEC's own figures.

- ZEC must supply the polling station returns (Form V11) for independent audit.
- ZEC must supply a copy of the voters roll in electronic format.

MDC agreed to participate on the basis that the prevailing view amongst our structures and supporters on the ground was in favour of participation. The issue of our participation, however, does not confer legitimacy on the result.

If the MDC had won the elections, and secured a parliamentary majority, it would have been a testament to the courage and determination of the people of Zimbabwe to overcome the nefarious obstacles deliberately placed by Mugabe and Zanu PF to frustrate their collective desire for a new beginning and a new Zimbabwe.

The electoral reforms introduced by the Zimbabwe Government were woefully inadequate and failed to ensure that Zimbabwe's electoral framework and political environment adhered to the new democratic benchmarks encapsulated in the SADC Protocol On Guidelines and Principles Governing Democratic Elections.

This report provides compelling evidence to substantiate the MDC's position that the elections cannot be judged free and fair.

**Chapter Two** exposes the fallacy of claims that the electoral process was managed and run by *'impartial, all-inclusive, competent and accountable national electoral bodies'*. Those who pronounce such claims site the role of the new 'independent' electoral commission.

The new Zimbabwe Electoral Commission (ZEC), as an institution, failed to demonstrate its independence. Its chair, Justice Chiweshe, was directly appointed by President Mugabe, without consultation, and failed to discharge his duties in an impartial manner. Moreover, the ZEC was established too late in the day to have any meaningful role in the management of the electoral process. By the time it was officially established most of its core duties, such as voter registration and the compilation of the voters' roll, had already been carried out.

The elections were managed and run by the same institutions that presided over the wholesale rigging and subversion of the electoral process in the 2000 parliamentary elections and 2002 presidential elections. Nothing had changed.

It is important to note, however, that the MDC retains a degree of confidence in the ability of the four ZEC commissioners, appointed upon the recommendations of Parliament. We believe that their task has been made impossible by the Commission chair and the staff seconded to the Commission. Given the irregularities that have occurred, in particular the discrepancies in a large number of constituencies between voter turnout and final totals, the onus is now firmly on these commissioners to demonstrate their independence, fairness and integrity in unequivocal terms.

**Chapter Three** outlines how the administrative processes for the elections were manipulated to secure political advantage for the ruling party. The voter registration exercise was carried out in a discriminatory manner under the directions and guidance of the Registrar General who openly supports Zanu PF. Thousands of people in urban areas (especially the youth), perceived MDC strongholds, were disenfranchised through gratuitous proof of residency requirements. Hundreds of thousands of Zimbabwean citizens outside the country were denied their legitimate right to vote, while the notorious Citizenship of Zimbabwe Act prevented thousands of Zimbabweans, whose descendents came from other southern African countries, from registering to vote.

The voters' roll used for the elections was a shambles. It was inaccurate and grossly inflated. The MDC was denied access to the electronic copy but was eventually given a hard copy. Data extrapolated from an audit of 10% of the roll indicated that there were over one million dead people on the roll. The names of MDC activists who have been killed were still on the voters' roll. The names of thousands of people who have left the country in the past few years, and who were denied their moral right to vote, are still on the roll. This created tremendous capacity for 'ballot stuffing', especially when one considers that members of the military, the ruling party or the intelligence service (CIO) were in charge of a large number of polling stations.

The delineation of constituency boundaries by the Mugabe appointed Delimitation Commission resulted in Harare and Bulawayo losing two constituencies each. Three new constituencies were created in areas perceived to be pro-Zanu PF. The MDC had technically lost three seats before a single ballot had been cast.

The allocation and location of polling stations was again a clear attempt to boost the electoral chances of the ruling party. A disproportionate number of polling stations were allocated to rural areas compared to urban areas. Moreover, a number of polling stations were located at the homesteads of local headmen renowned for their support for the ruling party.

**Chapter Four** illustrates the extent to which voters were unable to access the wide variety of information necessary to make an informed choice at the ballot box. Legislative curbs on a free press, and a flagrant lack of equal access to the state controlled media, severely restricted the free flow of information and ideas to the electorate, especially in rural areas. In this context, the situation was worse than in the 2002 presidential poll.

**Chapter Five** describes the hostile political conditions on the ground, which remained prevalent throughout the campaign period, and details the extent to which the law enforcement agencies and traditional leaders were firmly harnessed to the campaign agenda of the ruling party.

MDC rallies and meetings continued to be banned under the Public Order and Security Act. Not a single Zanu PF rally was banned. While the MDC was obliged to comply with Section 24 of this Act and provide police with notification of rallies/meetings four days in advance, this did not apply to Zanu PF; it was free to hold public meetings and rallies without police notification or permission.

While political violence was lower compared to the 2000 and 2002 elections it still remained at unacceptable levels. For this election, however, Zanu PF did not really have much need to encourage its supporters to go out and beat the electorate into submission. Five years of terror and violence has had a severe psychological impact on the electorate, especially in rural areas. People fear retribution if they freely express their political preferences. This psychological impact enabled Zanu PF to engage in slightly more subtle techniques to coerce and intimidate the electorate, as this chapter clearly demonstrates.

**Chapters Seven and Eight** demonstrate the extent to which Zanu PF breached the very rules that it had introduced to improve the transparency and fairness of technical and administrative procedures on polling day. These two chapters also underline the abject failure of ZEC to demonstrate its independence from the ruling party. Numerous incidents were recorded in rural areas of local Zanu PF officials, headmen or CIO officials acting as ZEC representatives at polling stations. This would have had a massive negative impact on the voters at polling stations where this occurred. Chapter 8 in particular details the unaccountable gaps in certain constituencies between the turnout

figures announced by ZEC and the final results announced by the same body hours later. **These discrepancies were facilitated by the deliberate and systematic breaches of the Electoral Act during election day.**

These discrepancies, along with many others, were reported to the various observer missions. The MDC remains deeply concerned that despite the weight of evidence available, the various observer missions invited by President Mugabe to observe the election process continue to claim that the MDC has no evidence to back up its allegations of electoral malpractice. As this report clearly demonstrates, this is not the case. Observer missions have been provided with evidence of numerous allegations of malpractice yet do not appear to have carried out full investigations.

We are concerned that they have spent too much time in urban areas and not sufficient time in rural areas, where most irregularities occurred.

The MDC received assurances from all the observer missions that they would conduct their duties in a fair, impartial and transparent manner. We were assured that their final reports would be based on an objective assessment and analysis of the situation on the ground.

Comments during the election period by senior South African officials mandated to observe the elections, raised suspicions that South Africa, from the very beginning, was bent on declaring the results a 'legitimate expression of the will of the people', regardless of the scale and extent to which the liberation principle of *one person, one vote* was subverted.

We are therefore not surprised that the SA Observer team was the first to declare the elections free and fair.

It is the MDC's view that the findings in this report demonstrate in unequivocal terms that the huge irregularities that occurred in both the pre-election period and on polling day itself, make it impossible to judge the elections as free and fair.

The will of the people has not prevailed. This is a serious setback for the democratization process in Zimbabwe and provides further confirmation of the extent to which Zanu PF has become detached from the principles that guided our liberation struggle.

The final chapter, chapter nine, sets out the political and electoral reforms that will be necessary to ensure that future elections in Zimbabwe are free and fair and produce outcomes that accurately reflect the sovereign wishes of the people.

## **2 The Management Structure for the Elections**

The elections, and the various administrative processes, have been supervised and conducted by the same partisan institutions who presided over the wholesale rigging and subversion of the electoral process in the 2000 parliamentary elections and 2002 presidential elections – the Office of the Registrar General, the Elections Directorate and the Electoral Supervisory Commission (ESC). Nothing has changed. This factor seriously undermined the legitimacy of the poll.

The electoral framework in Zimbabwe, despite the reforms that have been introduced, is still not adequately safeguarded from manipulation by the ruling party. Both the Office of the Registrar General, and the Elections Directorate are headed by two individuals (Tobias Mudede and Dr Mariyawanda Nzuwa) who openly support the ruling party.

Claims that the creation of the new Zimbabwe Electoral Commission (ZEC), established in terms of the Zimbabwe Electoral Commission Act, have helped to ensure that the electoral process has been managed in a manner consistent with what is expected under the new SADC standards, do not stand up.

Firstly, the ZEC was established too late in the day to have any real role in running the elections. Many of its key functions had already been carried out by the time it was formally established. For instance the Office of the Registrar General had carried out the voter registration exercise in May and July 2004.

The ZEC only became operational on 1 February 2005. By the end of February it still had no phones, no permanent office and only two members of staff. The timing of the ZEC's creation, and its obvious lack of capacity, rendered it a peripheral actor in the election process. Outside of its offices in Harare the ZEC had no other structures around the country. It had no visible presence. This made it difficult, especially for candidates in rural areas, to submit complaints of electoral malpractice for investigation.

Secondly, the ZEC failed to demonstrate its independence as an institution. Its 'independence' and authority has theoretically been compromised from day one. Under Zimbabwe's electoral laws and procedures the ZEC is subject to the authority of the Electoral Supervisory Commission, which is entirely appointed by President Mugabe. The ESC is established in terms of the constitution whereas the ZEC only has legislative backing. This undermines its status and authority.

The appointments procedure to the new Commission raised further concerns in relation to its independence. The Chair, Justice Chiweshe, was directly appointed by President Mugabe without consultation. In addition, as the ZEC was only officially established two days prior the official election date being promulgated it had no time in which to interview and recruit administrative and technical staff. Consequently, it was simply 'given' staff selected by the Government. The staff recruited were openly partisan and



often displayed hostility towards the MDC. ZEC must start afresh the process of recruiting its staff through an open and transparent public process.

The MDC had deep reservations about the appointment of Justice Chiweshe as chair of ZEC. He handed down a number of questionable judgments that kept MDC MP Fletcher Dulini Ncube, and others accused in the Cain Nkala murder case, in custody despite the dearth of evidence against them. All the accused were subjected to torture and all were eventually acquitted.

Justice Chiweshe also chaired the Delimitation Commission whose boundary changes, which are detailed in the next chapter, raised suspicions that the delineation of constituency boundaries was deliberately manipulated to secure political advantage for the ruling party.

Since assuming his role as the chair of ZEC Justice Chiweshe has done nothing to assuage MDC concerns over his impartiality. On the controversial issue of the transparency of procedures used to allow members of the uniformed forces to cast their ballots prior to the official polls, Justice Chiweshe told the Financial Gazette on 24 March that *“the votes are being sent to their various constituencies and this is being done in the presence of representatives from all parties”*. This claim was simply not true as the MDC had not been informed of this process.

On the eve of Zimbabwe’s legislative polls, Justice Chiweshe further vindicated the MDC’s position that the ZEC, under his directions and guidance, is a partisan body.

In terms of the Electoral Act, chief election agents (campaign managers of candidates) are required to notify, in writing, the constituency election officer of the names and addresses of election agents. It is also incumbent on each political party contesting the elections to publish adverts in national papers listing the names of all electoral agents. Under the terms of the Act this all has to happen at least three days before voting commences. In this instance, by 7.00am on Monday 28 March.

The MDC fully complied with these requirements. Adverts listing the names of all 24,000 of the MDC’s election agents were placed in the Financial Gazette, the Independent, The Mirror and the Sunday Mirror prior to Monday 28 March.

By Monday 28 March Zanu PF had only published one advert, listing the names of its election agents for the constituency of Bindura. The list of names of election agents for the remaining 119 constituencies only appeared the next day in the government controlled Herald newspaper. Zanu PF disingenuously dated the advertisement the 28 March but it only appeared on Tuesday 29 March. This represented a flagrant breach of the Electoral Act.

On the morning of Wednesday 30 March the MDC’s lawyers wrote a letter to Justice Chiweshe notifying him of this transgression and urging him to investigate the matter. So far we have received no response.

By lunchtime of that day the MDC began to receive disturbing reports from constituencies in Masvingo, Matabeleland North, Matabeleland South and Bulawayo of constituency election officers refusing to accredit MDC election agents on the preposterous grounds that they were unable to produce original copies of the newspapers carrying adverts listing election agents.

In constituencies such as Bubi- Umguza, the presiding officers insisted that the election agents had to provide letters on original letterhead signed by the Chief election agent attesting to the fact that they were indeed representing the Party. This was despite the fact that the election agents had their identity cards and photocopies of adverts where they had been published as MDC election agents. Nowhere in the Electoral Act does it say the election agents need to provide original copies of adverts in order to receive accreditation.

The ZEC is based in Harare and so could not have failed to see the adverts. The ZEC knows full well that in rural constituencies it will be impossible to get hold of the newspapers in question. Some of these newspapers do not even have a circulation of 24,000.

The ZEC must have noted that we published our advertisements in compliance with the Act and that Zanu PF only published its advertisements on the Tuesday, in breach of the Act. It did nothing against Zanu PF and yet behaved outrageously against the party that complied with the Act

This shows shocking bias and perhaps is the most damning evidence that the ZEC is a partisan body. As mentioned in the Executive Summary it is important to note, however, that the MDC retains a degree of confidence in the ability of the four ZEC commissioners, appointed upon the recommendations of Parliament. We believe that their task has been made impossible by the Commission chair and the staff seconded to the Commission. Given the irregularities that have occurred, in particular the discrepancies in a large number of constituencies between voter turnout and final totals, the onus is now firmly on these commissioners to demonstrate their independence, fairness and integrity in unequivocal terms.

### **3 Electoral Administrative Processes**

The MDC does not believe that the electoral administrative processes were conducted in a transparent manner, free from manipulation. A substantial amount of evidence exists to corroborate these claims.

#### **3.1 Voter Registration**

The crucial exercise of voter registration was carried out in May and July 2004 under the direction and guidance of the Registrar General, whose track record of political bias was noted in the previous chapter. The Registrar General was also responsible for the compilation of the voters' roll.

Voter registration was carried out in a discriminatory and secretive manner with the aim to secure a political advantage for the ruling party. In urban areas, perceived to be MDC strongholds, the exercise was barely publicised and there was an evident lack of desire to encourage urban voters to register. This approach contrasted sharply to what was happening in rural areas, perceived Zanu PF strongholds. In rural areas an intense, door-to-door, voter registration exercise was conducted.

Thousands of urban voters who attempted to register were prevented from doing so on the grounds that they had not complied with the stringent proof of residency requirements that the Government introduced by statutory instrument on the eve of the 2002 presidential poll and which were incorporated into the new Electoral Act. Under the terms of the proof of residency requirements lodgers must either provide rates bills in their name and with their address or provide a lodger's card. Rates bills are always in the landlords name while a lodger's card often takes time to obtain. Those living with their parents must prove that they are a 'natural child' and they need to sign affidavits to this effect.

These stringent requirements, combined with the low-key manner in which voter registration was conducted in urban areas, disenfranchised thousands of urban voters, especially the youth. This was a discriminatory exercise, especially when compared to what happened in the rural areas. Moreover, in rural areas there are no stringent proof of residency requirements. To register, villagers just needed the local chief or headman to vouch for them. Chapter 5 of this document details the extent to which traditional leaders have become harnessed to the ruling party. Consequently there were widespread incidents of traditional leaders coercing the electorate and discriminating against those suspected of supporting the MDC.

#### **3.2 The Voters' Roll**

The discriminatory nature of the voter registration process intensified the MDC's concerns around the accuracy of the voters' roll. When the voters' roll was opened for inspection on 17 January, little attempt was made by the government to advertise the fact. There were also an inadequate number of inspection centres.

To date, the MDC has been denied access to the electronic version of the voters' roll. This has prevented the party from conducting a comprehensive audit of the roll to assess its accuracy. Although the party was finally given a hard copy of the roll in October 2004 (the initial application had been made in April 2002) it is simply too time-consuming, for obvious reasons, to audit the roll in its hard copy format. Nonetheless, the MDC has carried out a limited audit (10%) of the voters' roll over the past few months.

The anomalies that this limited process has revealed are staggering - dead people on the roll, people listed more than once and people not living at their recorded addresses. For instance, a partial audit of the roll by the MDC in Bulawayo revealed that out of a sample group of 500 voters, barely half were listed correctly and nearly a fifth of those named were dead. In Harare North constituency, a survey of residents in a particular area revealed that 64% of registered voters were not known at their given addresses.

By extrapolating the data gathered through the auditing process, the MDC estimates that there could well be over 1 million deceased voters still on the roll, over 300,000 duplicate voters and over 1 million not living at their recorded addresses. The ZEC claims that there are 5.7 million registered voters, however, the census that was carried out in 2002 says that the real figure is more likely to be 3.2 million, especially if one takes into account the number of people who have left the country and the number of people who have died of HIV/AIDS.

Naturally, only a comprehensive independent audit of the voters' roll can provide accurate figures pertaining to the number of irregularities. Given the valid public concerns surrounding the state of the voters' roll the MDC wrote to the chair of the ZEC, Justice Chiweshe, on 22 January 2005 requesting an independent audit to assess the accuracy of the roll and to ensure that all those wishing to register were given a reasonable opportunity to do so. The ZEC ignored this request.

The evidence gathered thus far, however, does substantiate claims that the voters' roll is in a shambles. Its inaccuracy confirms the MDC's fears that it was the government's principle vehicle for electoral fraud. An inflated and inaccurate voters' roll created tremendous capacity for 'ballot stuffing'.

The current state of the voters' roll has precluded the full expression of the principle '*one person, one vote*'.

### **3.3 Delimitation Commission**

President Mugabe appointed the Delimitation Commission on 15 September 2004. All those appointed had long and close ties with Zanu PF. The impartiality of the Commission was therefore compromised from the very start. In its assessment of existing constituency boundaries, the Commission used the flawed voters' roll information provided by the Office of the Registrar General. At no point did it question the accuracy of the information that it had received.

When the boundary changes were announced on 20 December 2004, it became evident that the process had been manipulated in favour of the ruling party. In areas perceived to be MDC strongholds the Commission reduced the number of constituencies, while in areas perceived to be pro-Zanu PF the number of constituencies were increased.

For instance, it merged two constituencies in Bulawayo and two in Harare. All of these constituencies returned MDC candidates in the last parliamentary elections. The Commission also merged the constituencies of Gwanda North and Gwanda South in Matabeleland which are currently held by MDC and Zanu PF respectively. Three additional constituencies were created in traditional Zanu PF strongholds.

The reasons given for the boundary changes were devoid of logic and exposed the political agenda which guided them. In the case of Harare the Commission Chair, Justice Chiweshe, put forward the argument that the constituencies in question were merged because the number of registered voters had fallen due to the migration of people from town to rural areas. This argument does not stand up to scrutiny. Across Africa, and other parts of the developing world, people are migrating from rural to urban areas. Moreover, the official census published by the government in 2002 confirmed that Harare's population had grown by 500,000.

## **4 Voters' Ability To Freely Access Information of Their Choice**

Voters' ability to access the information necessary to make an informed choice at the ballot box represents one of the hallmarks of a free and fair election. This did not happen in Zimbabwe in the 2005 parliamentary elections. Restrictions on a free press and the flagrant lack of equal access to the state media precluded the free flow of information and ideas, especially in rural areas. In fact the situation was worse than in the 2002 presidential polls.

### **4.1 Restrictions on a Free Press**

Over the past twelve months the notorious provisions contained in the Access to Information and Protection of Privacy Act (AIPPA) have been invoked to forcibly close down four independent newspapers – the Daily News, the Daily News on Sunday, the Tribune and the Weekly Times. Although the Supreme Court, on Monday 14 March 2005, set aside a decision by the state-controlled Media and Information Commission (MIC) denying the Daily News a license to publish, the MIC has yet to allow the paper to renew its operations.

AIPPA violates Zimbabweans constitutional right to freedom of speech. This piece of legislation was promulgated in April 2002, just after the presidential election. No attempt has been made to repeal sections which blatantly infringe upon peoples' basic right to receive and impart information of their choice. In fact, the Government has successfully introduced amendments aimed at strengthening restrictions covered by the Act. On 9 November 2004, the Zanu PF majority in parliament ensured that parliamentary approval was secured for amendments which included a new clause rendering journalists liable to either a hefty fine or up to two years in jail if caught operating without a license.

Under AIPPA all journalists and media organizations have to register with the MIC. The MIC is a completely partisan body which is given wide-ranging powers under the Act to decide which newspapers may operate and which journalists may practice their profession.

Scores of journalists working for the independent media have been arrested under AIPPA. Not a single journalist working for the state-controlled media has ever been arrested under AIPPA. This confirms the overtly discriminatory manner in which the authorities use powers provided under the Act.

AIPPA has cowed the independent media, which was the original aim of this piece of legislation. It has severely curbed the flow of objective information. Journalists often refrain from running stories exposing hard truths about the current government for fear of

arrest. Similarly, independent newspapers are conscious of what they publish due to the constant threat of closure by the MIC. Many areas of the country, especially rural parts of Mashonaland, remain no-go areas for journalists from the independent media due to the very real threat of arrest or physical assault.

Such is the culture of intolerance that has been perpetuated by President Mugabe and Zanu PF that people risk being beaten up if they are caught reading independent papers, especially outside Harare and Bulawayo.

The severe restrictions on the private media limited the ability of voters to access the wide range of information necessary to make an informed choice at the ballot box.

## **4.2 Access To The State Media By All Political Parties**

In elections held in 2000 and 2002 only Zanu PF had access to the state media, over which it has a monopoly. Although there has been limited access to the airwaves for opposition parties during the 2005 campaign it would be foolhardy to interpret this as consistent with SADC requirements relating to equal access to the state media. This has not happened. Apart from paid adverts on TV and radio the MDC was constantly frustrated in its attempts to use the state media as an effective means to communicate the party's policies and programmes to the electorate.

Most of the news coverage during the campaign was overtly biased in favour of the ruling party. There was little attempt at balance and the tradition of abusing the national airwaves, and pages in the state controlled print media, to misrepresent the MDC and denigrate the party and its leadership through unqualified attacks, continued.

### **4.2.1 Electronic Media**

On 16 February 2005 the Government gazetted regulations permitting opposition parties 'reasonable' access to the state-controlled electronic media. These regulations were introduced too late in the process to have any meaningful impact. They were cosmetic and merely a ruse to convince the region and the outside world that the Government was acting in good faith and making every effort to comply with the new SADC electoral standards.

There has been no equal or 'reasonable' access to the electronic media. For instance, the launch of the MDC's election campaign in Masvingo was not carried live by ZTV. Instead it gave the event two minutes and thirty five seconds coverage later that evening. This was followed by an hour long live interview with President Mugabe. The launch of the Zanu PF campaign on 11 February was allocated 18 minutes on a prime-time news bulletin. In addition, the party's four hour launch was covered live with the ZTV presenters wearing Zanu PF t-shirts.

On the occasions when the MDC was given airtime a number of underhand methods were used to frustrate the MDC's attempt to communicate its message to viewers/listeners. For instance, when the MDC was allotted 12 minutes on ZTV to present its manifesto, viewers were deliberately misinformed of the time when the presentation would be broadcast. This happened on several other occasions. On 7 March 2005, MDC Secretary General, Professor Welshman Ncube, wrote a letter to Zimbabwe Broadcasting Holdings Chairman, Rino Zhuwarara, to formally complain about the manner in which ZBH was handling the MDC's programmes on national television and radio:

*“We hereby lodge a formal complaint concerning the manner in which you handled our programmes on national television and radio. We are concerned and aggrieved by your continued sabotage of the party. You seem to be going out of your way to ensure that MDC efforts are thwarted....Yesterday ZTV featured an interview with MDC legislator and secretary for economic affairs Tendai Biti. As you are aware, in the major cities, the programme was clear only in Harare and Masvingo. In areas such as Gweru and Mutare the interview was not clear, as there was severe interference in the form of feedback from radio. In Bulawayo there was complete loss of transmission.*

*As far as the MDC is concerned this was deliberate sabotage. It appears to us that the blackout and severe interference was not coincidental”*

News bulletins on ZTV and on radio regularly misrepresented the MDC position on a range of issues during the election campaign. For example, on March 24, the ZTV 8 pm news bulletin claimed that MDC President Morgan Tsvangirai would “*remove newly resettled farmers from their allocated land if elected into power, saying the opposition party would distribute land in its desired way*”. But the video clip clearly showed Tsvangirai saying that those who had settled themselves illegally (without the authority of chiefs, headmen, district administrators etc) would be removed.

ZBH failed to accurately report on the preparations for the elections and slavishly praised the Government and the electoral institutions for the conduct of the campaign, blatantly ignoring the facts on the ground. It regularly, and erroneously, claimed that the elections were free of violence and intimidation and that all parties were enjoying equal access to the media.

Zanu PF had by far the highest number of campaign stories carried on the stations of ZBH. It also enjoyed the largest chunk of airtime. On March 26, the Media Monitoring Project Zimbabwe (MMPZ) noted in its ‘Daily Media Update’ that “Zanu PF continued to have unparalleled publicity on ZBH news bulletins. For example of the 18 reports ZTV carried in its main 6pm and 8pm bulletins 13 (72%) were on Zanu PF campaigns. One (5.5%) was on the MDC, two (11%) on Zanu (Ndonga) and two (11%) were on independent candidate Margaret Dongo.

In its weekly monitoring report for the period 7-13 March, the MMPZ recorded that ZBH covered the MDC in only 7 stories (9%) out of the 78 stories it carried on political campaign activities. It devoted a massive 71 stories (91%) to the ruling party's campaigns.



***“The little airtime accorded to MDC – around 12 percent on a weekly basis – was mostly devoted to portraying the party in a negative light,” said Nhlanhla Ngwenya of the MMPZ***

In the Zimbabwe context, radio is the key medium to communicate with the electorate, especially in rural areas where access to TV and newspapers is extremely rare. Zanu PF’s continued monopoly of the radio, and the very limited access afforded to opposition parties, leaves a significant proportion of the electorate at the mercy of Zanu PF propaganda. They have no means with which to access alternative information which would challenge the Zanu PF viewpoint and correct the negative perception of opponents perpetuated by Zanu PF over the airwaves.

By failing to fully open up the airwaves, and restricting large numbers of the electorate to a controlled diet of misinformation, the Government has prevented thousands from accessing the variety of information necessary to make an informed choice at the ballot box. This subverts the electoral process.

#### 4.2.2 Print Media

The Government made it clear, when it announced that it was gazetting regulations permitting ‘reasonable’ access to the electronic media for opposition parties and that these regulations did not extend to the state controlled print media. All state controlled newspapers refused to carry MDC adverts. Despite being publicly owned, these newspapers remained the sole preserve of the ruling party.

Throughout the campaign there was no attempt at balance. Readers were rarely provided with objective news content and were never given an unbiased assessment of the perceived strengths and weaknesses of each party’s manifesto. The pages of the state controlled newspapers were devoted to enhancing the electoral prospects of the ruling party and disparaging the MDC, misrepresenting our manifesto commitments and deliberately misquoting MDC officials and taking their comments out of context.

On 22 February, MDC Secretary for Information and Publicity, Paul Themba Nyathi, wrote to the editor of the *Herald* with regards to the paper’s distorted coverage of the MDC’s launch of its manifesto. In the letter Themba Nyathi wrote:

*“As a newspaper funded by tax payers’ money, your paper has a basic duty to act in the public interest and publish unbiased accounts of the issue of the day...Your correspondent’s report on the MDC’s launch of its manifesto in Masvingo [21 February] illustrated...the alarmingly partisan slant of your editorial line.*

*I urge your paper to revert to first principles and print the truth. You have a public duty, especially during election time, to provide readers with objective news content and balanced analysis on the issues of the day and to accurately convey the policy pledges and messages of all political parties participating in the election”.*

This letter was never published or even acknowledged. To date the MDC has never been accorded its right of reply in any of the state-run print media. Readers are only able to access one perspective. The banning of the Daily News means that Zimbabweans now do not have access to a daily paper that provides an objective and alternative position on the issues of the day. This represents a serious democratic deficit. Although the Daily Mirror promotes itself as an independent daily paper, the reality is different. Its news coverage is not objective on a consistent basis and its editorial line is often skewed to support the position of the ruling party.

## **5 Full Participation of Citizens In The Political Process**

The erosion of the democratic space in Zimbabwe has been the defining characteristic of the country's political landscape over the past five years. Political violence and intimidation has been pervasive. A repressive legislative framework has been established which severely curtails citizens' basic rights pertaining to freedom of speech, assembly and association. All these nefarious developments have negated free political activity and have had an alarming psychological impact on the electorate. People are often afraid to openly declare their political preferences because they fear retribution.

According to the Zimbabwe Human Rights Forum, between 1 January 2001 and 31 December 2004 there were 3,973 incidents of torture, 1,668 incidents of intimidation, 670 cases of abduction and 1,764 incidents of unlawful arrest.

These statistics underline the extent to which the rule of law has collapsed in Zimbabwe. A heavily politicized police force has resulted in not a single person being prosecuted for any of the crimes listed above. The collusion of the police and other law enforcement agencies in acts of violence and intimidation has entrenched a climate of fear in Zimbabwe. This climate has not gone away, despite the lower levels of violence recorded during the 2005 election campaign.

The intimidation tactics deployed this time round were more subtle but were, nonetheless, equally pervasive.

### **5.1 Freedom of Assembly and Association**

The Public Order and Security Act (POSA) imposes severe restrictions on citizens' ability to meet and assemble freely. This Act, as currently constituted, precludes free political activity. Police permission is required for a public meeting/rally of more than three people. Police use powers provided to them under POSA on a discriminatory and partisan basis. Zimbabwe Lawyers for Human Rights reported that in 2004, 950 human rights defenders were arrested under POSA.

During the election campaign MDC meetings continued to be banned under POSA on an arbitrary basis. On some occasions meetings that had been given police clearance were suddenly banned at the last minute. No plausible explanation was given. On other occasions police gave permission for a meeting to take place but then insisted on being allowed to sit-in on a meeting and observe proceedings. Not a single Zanu PF meeting was banned during the election campaign. Zanu PF was able to hold public meetings and rallies without police notification or permission. This factor underlines the extent to which the electoral playing field was distorted during the election campaign period.

### **Examples**

On **23 March** police barred a 'road show', planned by the MDC candidate for Harare Central. The commanding officer, Chief Superintendent Kunene, said that he could not sanction the 'road show' because it was not confined to "any particular constituency or police district". This was despite the fact that the candidate had specifically stated the constituency in which the event was to take place.

On **16 February** police in Harare raided a training session for the MDC's 120 candidates. Police claimed the meeting was illegal under POSA. Ian Makone, the MDC Director of Elections was arrested.

The ZEC Act bars civic society organizations from engaging in voter education. This is unconstitutional and severely undermines citizens' ability to fully participate in the political process. The new ZEC, which failed to demonstrate its independence, has a complete monopoly over voter education. Given Zimbabwe's political context, voter education is essential to restore citizens' faith in the electoral process. By barring civic society from engaging in this important process, the Government further eroded public confidence in the integrity of the electoral process.

Civic society organizations in Zimbabwe, which operate in the areas of governance and human rights, face a bleak future. The Non-Governmental Organisations (NGO) Act which was passed by parliament on 9 December (but which has yet to receive the assent of President Mugabe) is likely to come into force very soon. Many civic organizations are likely to be forced out of business by the stringent rules of operation contained in the Act. The NGO Act has no place in a democracy; it severely curtails citizens' ability to use the platforms provided by civil society to participate in the political process and influence political developments and government policy.

## **5.2 Political Violence and Intimidation**

The public pronouncements by President Mugabe calling for a violence free election failed to resonate with his officials and supporters on the ground. While levels of violence were lower when compared to the 2002 presidential poll they remained at an unacceptable level (see Chapter 6 for a full breakdown of incidents of violence and intimidation that have been recorded in constituencies).

Intimidation of MDC supporters, and the broader electorate, by Zanu PF structures, in particular the youth militia, was widespread. The MDC made it clear on the eve of the election campaign that the presence of youth militia in constituencies rendered a free and fair election almost impossible.

Large sections of the electorate have been profoundly affected by the violence of the past 5 years. Its cumulative impact has left a deep scar and creates sufficient capacity for voter intimidation. The very presence of youth militia in a constituency is likely to scare voters from freely voting for a candidate of their choice. The fear of retribution is very real. In a number of cases voters were warned that if they voted for the MDC they would face reprisals after 1 April. Zanu PF did not need to use the instrument of violence in this election to cow and coerce the electorate. Five years of violence had already achieved this goal.

In rural constituencies the MDC has received reports of Zanu PF officials warning voters that the new transparent ballot boxes will enable them to see how someone has voted. This blatant intimidation of the electorate has often been augmented by traditional leaders (see section below) who, in many areas, have gone around taking down the names and ID numbers of villagers and telling them that they can only vote at a designated polling station. This will make it easier to identify who has voted for the MDC.

#### **Examples**

**13 March, Hwedza:** Zanu PF district chair, together with Education Minister Aeneas Chigwedere, toured the constituency warning people that Zanu PF has been busy recording the names of those suspected of supporting the MDC. **People were told that after the elections all MDC supporters would be beaten up.**

**8 March 2005, Nhenda Village, Wuyu Wuyu area, Murehwa South:** Stanley Ndanga, Zanu PF District Chairman, and another one identified only as Magadza, addressed villagers who had been called for what was supposed to be a general village meeting. The two told the villagers that because translucent boxes will be used in the 31 March parliamentary elections, and counting will be done at the polling stations, Zanu PF will be able to detect who has voted for whom, and all those who will have voted for the MDC will be chased away from Murehwa South.

**27 February, Kadoma Central:** Bothwell Pasipamire was abducted from his home, badly beaten and injected three times with an unknown substance. He was then dumped in the bush between Gweru and Kwekwe and left for dead. The perpetrators were with the Zanu PF councillor for Ward 3, Councillor Siwela. The matter was reported to the police at around 1400hrs on 28 February.

### **5.3 The Role Of The Law Enforcement Agencies**

The increasing politicization of the law enforcement agencies has severely eroded the rule of law. Police often carry out their duties selectively and with overt political bias. During the election campaign rogue members of the police and army were complicit in violent attacks on MDC candidates and supporters. Police and army chiefs have refused to investigate these very serious allegations. In fact, senior police chiefs have used the pages of the state controlled newspapers to defend their officers against allegations of politically partisan behaviour.

The MDC however possesses *bona fide* evidence to corroborate allegations of members of the police and army actively perpetrating or encouraging acts of violence against MDC supporters. Over 20 MDC candidates were victims of harassment or intimidation by members of the police and army during the election campaign. 18 MDC candidates were the victims of arbitrary arrest.

The failure of the law enforcement agencies to act without fear or favour and discharge their mandates in a partisan manner severely undermined the legitimacy of the electoral process. Everyone should be equal before the law and receive equal protection under the law. Unfortunately, in many parts of Zimbabwe only proof of being a Zanu PF supporter can guarantee you this right.

#### **Examples**

**21 February:** MDC activist Tendai Matsine and his wife were severely beaten up by Zanu PF youth in Huruvingwe East. They were attacked after being caught putting up MDC posters. **The incident was reported to the police but police informed the MDC officials that they had been given instructions by their superiors NOT TO ARREST Zanu PF activists engaged in acts of violence**

**20 February:** 3 MDC candidates were attacked by a group of soldiers whilst returning from the launch of the MDC's election campaign in Masvingo. 2 were admitted to hospital to receive treatment for their injuries. The incident was reported to police but no arrests have been made.

**11 February:** the MDC candidate for Hurungwe West, Godfrey Gumbo, was abducted by a group of Zanu PF supporters and taken to their HQ in Harare where he was severely assaulted. Mr Gumbo was abducted along with Stanley Razaro (the District Chairperson for Hurungwe) and Masavhaya Dipuka (the Organising Secretary). **ALL THIS HAPPENED IN THE PRESENCE OF THE POLICE**

The politicization of the law enforcement agencies cast a serious doubt on the capacity of those members deployed as election officers to act in a fair and transparent manner. Under the Electoral Act, ZEC can second members of the army, police and prison service as constituency election officers and polling officers. It is estimated that over 20,000 members of the notorious youth militia were incorporated into the ranks of the police and army.

The very use of police and army personnel, in the Zimbabwe context, to run the elections does not inspire confidence. In the MDC's view their deployment increases the risk of serious electoral malpractice taking place at polling stations, in the form of voter intimidation and ballot box stuffing.

#### **5.4 Manipulation of Food Aid**

The use of food as a political weapon has been an integral part of Zanu PF's campaign strategy in recent elections. The use of this crude instrument to coerce the electorate was widespread during this election campaign.

As the next chapter will clearly demonstrate the MDC has received numerous reports from structures around the country of threats by ruling party officials to deny food aid to those who are suspected of voting for the MDC. In other incidents MDC supporters have been denied food aid.

The MDC has it on good authority that the Zimbabwe Government was secretly importing maize in the months leading up to the election. This maize has clearly been used to bribe the electorate. The bumper harvest promised by the Government never materialized. Food aid organizations were asked to leave the country last year as the Government claimed Zimbabwe had enough food to feed itself. The reality was that the Government did not want anyone else to be distributing food aid in an election year. With an estimated 5 million people now in need of food aid the ruling party has cynically played on their basic survival fears. The message in many areas where there are chronic food shortages has been simple but ruthless – *'Vote Zanu PF, or starve'*.

#### **Examples**

**18 March, Chipinge:** Reports were received that the local ruling-party candidate, Enock Porusengezi, was issuing badges to people who attended his rallies, and had ordered the local GMB depot to sell food only to people who could produce his badges.

**18 March:** In **Mwenezi** Zanu-PF candidate Isaiah Shumba had stopped the GMB from selling grain directly to the public and now only permits its sale through Zanu-PF structures so as to screen beneficiaries. Shumba is the Deputy Education Minister.

**11 March, Bulawayo:** Zanu (PF) candidate for Makokoba constituency, Sihle Thebe, warned people that they would be denied food if they voted for the MDC. Thebe told residents, in the presence of Vice-President Joyce Mujuru, that the ruling party controls the GMB and has powers to freeze supplies to them if they backed the opposition.

### **5.5 The Role Of Traditional Leaders In Coercing The Electorate**

In January 2005 the Government raised the salaries of headmen and village heads by 150%. In addition to this sizeable increment, the Government also gave them generous allowances for the purchase of luxury cars. This was a blatant political move aimed at securing the loyalty of the chiefs ahead of the elections. It worked.

In villages across the country, there were reports of villagers being threatened with expulsion if they were suspected of having voted for the MDC. Traditional leaders were also implicated in numerous cases of the use of food aid by Zanu PF as a political weapon.

The clear political bias exhibited by many chiefs had undermined the validity of elections in many rural constituencies. As a result of the chiefs activities thousands of rural voters are likely to be coerced into voting for Zanu PF. This is not consistent with standards for a free and fair election. The very presence of chiefs at polling stations will preclude many voters from freely exercising their political preferences. Voters in rural areas were very susceptible to threats from chiefs that the ballot was not secret and that it would be easy to identify how people had voted.

In the 2005 elections in Zimbabwe, attempts by a large number of traditional leaders to coerce the electorate, represents one of the most chronic democratic deficits of the whole process.

On 21 March kraal heads Makanyaire and Mudimu (**Hurungwe West**) addressed a rally at Mutakura Village where they threatened all those who vote for the MDC with eviction.

In **Chikomba** constituency 54 kraal heads were denied their February salaries by the government because the MDC is alleged to have a big following in their respective areas.

**Gwanda:** The following councilors, headman and chiefs have been manipulating food aid:

Sister Bhebhe (ward 2); Japhet Moyo (Ward 3), Jealot Moyo (ward 4), Chademana (ward 5), Godfrey Moyo, Billet Moyo, Mtshumayeli Sibanda (Ward 6), Levison Maposa (Ward 7), Rachel Ncube (Ward 8), Kenneth Mdaka Nyathi, Mrs. Mahlangu, Shedman Mhluphi (Ward 9), William Ncube and Headman Maupi (Ward 12), Carlot Diba Ndlovu, Mengezi Ndlovu and Zachariah Moyo (Ward 13), Councillor Mauba and Joel Sijiye (Ward 16), Ephraim Nyathi, Headman Poloko Mbigabulawe (Ward 17), Witness Sebata and war vets (Ward 18)



## **6 Incidents of Electoral Malpractice – Campaign Period**

### **6.1 Harare Province**

**Epworth, Harare, 3 February:** Armed soldiers were deployed in Hatfield Constituency to intimidate people in flagrant violation of the SADC guidelines and principles for free and fair democratic election

**Harare Central, 16 February:** The police disrupted a training session of the MDC's 120 candidates which was being held at the Sheraton Hotel in Harare. They arrested MDC Director of Elections Ian Makone. It was a strategic planning and training session ahead of the nomination court on Friday 18 February and the launch of the MDC campaign in Masvingo on Sunday, 20 February. Three plain clothes police details arrived and demanded to sit through the meeting. They then told the gathering that the meeting was illegal under the Public Order and Security Act (POSA) and that all those present should leave immediately or face arrest. Makone was released later the same day

**Epworth, 3 March:** Adam Chikanda and a Mr. Kadumbu, Secretary and Chairman respectively for Zanu PF's Epworth DCC 5, assigned Zanu PF activists Matthias Samson, Everisto Gochera to lead a selected group of 5 Zanu PF youths to identify MDC activists in Epworth so that could be targeted for attack. The following day a war veteran identified only as Mr. Machabvonga, led 12 Zanu PF youths and 12 soldiers armed with pistols to attack MDC activists in Epworth. They ransacked the houses of MDC activists Lameck Calisto, Najina Takadza and Mary Kurichapa and looted property valued over Z\$8 million. The cases were reported to ZRP Epworth and are recorded under RRB numbers 0767380/05, 0767382/05 and 0767381/05 respectively. Epworth police, under pressure from the Zanu PF leadership in the area, released the Zanu PF activists who they had arrested in connection with the attacks

**Harare Central, 23 March:** Police barred MDC Harare Central legislator Murisi Zwizwai from holding a road show. Chief Superintendent Kunene said he could not sanction the road show because it was not confined "to any particular constituency or police district" despite the letter of request from Zwizwai clearly stating the constituency in which the road show was to take place.

**Harare Central, 24 March:** After a public meeting held at the Quality International Hotel, which was approved by the police, police arrested 3 MDC youth and the MDC candidate. They were taken to Harare Central. South African observers were present and intervened. They were later released without charge because of the observers' intervention.

**Harare North, 25 March:** Police arrested MDC candidate Trudy Stevenson for distributing campaign fliers in her constituency. She was charged under the Miscellaneous Offences Act for “obstructing traffic”. Stevenson was detained for six hours.

**Harare, 27 March:** Nearly two hundred MDC supporters were arrested in 3 separate incidents as they traveled home from a rally addressed by the party President, Morgan Tsvangirai at Zimbabwe Grounds in Harare. All of were charged under the Miscellaneous Offences Act for conduct likely to breach the peace and were later released after paying \$25 000 fines

**Harare, 27 March:** Chengeto Madende, Everisto Motsi, Roman Mashizha, Agnes Fidis, Samson Tatsenga and Calisto Zevezanai were arrested at the turn off of Simon Mazorodze and Willowevale as they drove from Zimbabwe grounds to Mbare after attending the rally. They were taken to Southerton Police Station. They were charged under the Miscellaneous Offences Act for conduct likely to provoke the breach of peace.

**Harare, 27 March:** A truck carrying about 30 MDC supporters to Kambuzuma after the rally was commandeered and directed to Southerton Police Station for allegedly blocking traffic. The group was detained for about two hours before being released without charge.

**Harare, 27 March:** 150 MDC supporters traveling in a lorry along Simon Mazorodze were arrested for singing and chanting MDC slogans as they drove from the same rally.

**Harare, 27 March:** Police in Mbare ran amock beating up anyone seen putting on an MDC t-shirt. 4 people were injured and were taken to hospital for treatment.

**Epworth, 29 March:** Gift Sunday was attacked and killed in the MDC stronghold of Epworth east of Harare by suspected Zanu PF supporters.

**Glen Norah, 28 March:** Bruce Machipisa was assaulted by 30 ZANU PF youth at Madambi home industries for being an MDC supporter. The Zanu PF youth threatened to burn down his store if he continued supporting the MDC.

## **6.2 Manicaland Province**

**Mutare North, 17 February:** A request to hold a rally at Chikanga was turned down by the police.

**Makoni West, 20 February:** A group of MDC youth were assaulted by four members of the Zane PF Hit Squad led by Fidelis Kangwere while they were putting up posters for MDC Makoni West candidate Remus Makuwaza. The Zanu PF group pulled down the posters then went on to attack the MDC group. They were told that Makoni West was a no go area for the MDC

**Mutare South, 20 February:** A group of soldiers attacked MDC officials who were coming from Masvingo where the MDC had launched its election campaign for the 2005 general elections. The MDC officials were at Wengezi Business Centre in Manicaland when they were assaulted by the soldiers. Among the MDC officials were three candidates for the 2005 general election namely Pishai Muchauraya the candidate for Makoni East, Edwin Maupa candidate for Mutasa South and Gabriel Chiwara the candidate for Makoni West. Chiwara and Munhumumwe sustained injuries all over their bodies as they were kicked and beaten with booted feet and fists by the furious members of the army. Chiwara also sustained a deep cut above the eye. The two were taken to Mutare General Hospital where they received treatment and were later released. The matter was reported to Mutare rural police station and a docket number RRB 0412126 was opened but to date no arrests have been made

**Muzarabani, 22 February:** Chief Kasekete and Luke Mushore, the Zanu PF candidate for Muzarabani addressed a meeting at Hoya Business Centre, where the Chief told kraal heads to register people so that their names could be checked against the list when they went to the polling stations to vote. He threatened to evict all people who migrated from Masvingo, and all known MDC supporters should the MDC candidate win the election.

**Mutare South, 25 February:** 5 police officers from Sakubva Police station led by Maria Murume attempted to disrupt a rally at Chikanga 2 Open Ground. They confiscated MDC campaign material. MDC candidate, Giles Mutsekwa, wrote to the Superintendent Majongwe complaining about the incident and requesting that the MDC campaign material be returned. He did not get any response.

**Muzarabani, 29 February:** In Chibaya village, Chief Kasekete addressed a meeting at Chibaya Business Centre where he again made similar threats. Kraal heads Makandiwa and Mariseni intimidated people in Muzarabani throughout the campaign period. The Kraal heads demanded a goat from parents of all known MDC youths as a penalty for allowing their children to participate in opposition politics

**Muzarabani, 1 March:** In Chiridza, Chief Kasekete addressed another meeting at Chiridza School where he again intimidated people to vote for the Zanu PF candidate, saying those who would vote for the MDC candidate would be evicted on 1 April after the announcement of the results. He told the meeting that MDC supporters who have had their membership cards confiscated by Zanu PF youths will not be allowed to cast their votes on their own. They should, instead, pretend that they are illiterate so that the Presiding Officer, who he said is a Zanu PF supporter, will help them cast their votes, and will therefore know which candidate they will have preferred

**Gambe Business Centre, Makoni East, 3 March:** Sitting Member of Parliament, Shadrack Chipanga sold GMB maize to Zanu PF supporters. They realized afterwards that an MDC supporter identified only as Madondo, had also bought maize. Chipanga instructed some Zanu PF supporters to retrieve the maize from Madondo. Madondo was severely assaulted.

**Zurura Growth Point, Makoni East, 4 March:** Shadrick Chipanga supervised the distribution of GMB maize. A man identified only as Mwamuka protested when he discovered that some maize had been kept away from buyers, and was severely assaulted, sustaining a deep cut above the left eye after he was struck with handcuffs by a police officer.

**Makoni East Constituency, 5 March:** Gave Mutsiwa, a Zanu PF official in the district, Martha Mudzindiko, Tebby Maina and Absalom Mabika, a war veteran, supervised a GMB maize distribution exercise at Chirimutsito re-settlement area, ensuring that maize was only sold to Zanu PF supporters. Amos Kutiya informed Nyazura Police about the unfair practice, but they told him to inform the District Administrator.

**Mutare South, 9 March:** Mai Tindori, a Sakubva MDC supporter had her house broken into and her property destroyed by known Zanu Pf youth who included Sharon Makanga of 407 Mawonde, Kudzi Kashiri of 320 Mawonde, Tatenda Mauya of 389 Mawonde. Giles Mutsekwa personally went to the police to report the matter. The officer in charge at Sakubva police station, Chief Inspector Rigomeka, was not cooperative and did nothing. Mutsekwa then appealed to Chief Superintendent Majongwe who intervened.

**Nyanga, 12 March:** Known MDC supporters or those suspected of being MDC supporters are being denied food aid and no food is being sold to them. MDC meetings scheduled for the 12<sup>th</sup> of March at Chagambe, Honde Valley & 14th March at London Trading Store Nyanga , were disrupted by Zanu PF supporters restricting access to these venues, reports were made at Ruda police station.

**Mutare South, 15 March:** MDC's Chief Election agent Mathias Tenga was picked up by the police when he was walking in Chikanga suburb and falsely accused him of stoning one Mr. Makaya's car. Makaya is a Zanu PF supporter. He was detained and taken to the Magistrate's court where he was given bail of Z\$500,000. The police officers involved were Police Inspector Jekerwa, Assistant Inspector Dongorere, Constable Jabulani and Constable Makuvire

**Muzarabani: 15 March:** MDC candidate Edwin Dzambara was besieged by a group of about 100 Zanu PF supporters while talking to Mr. Palmer in his tobacco barn at Palmer Farm. The Zanu PF gang, which was led by Tendai Makuvise, pulled Dzambara out of the barn asking him why he was getting into a Zanu PF no-go area. They handcuffed him and made him to sit in the hot sun. Police officers from Centenary Police Station who came to the site of the incident did not make an effort to arrest Makuvise and his colleagues.

**Buhera South, 17 March:** Anxious Muzilikazi, a headmaster at Muzilikazi Primary School who is also a Zanu PF councilor for Mawire ward as well as Zanu PF's Secretary for Education for the disabled for Manicaland province was appointed presiding officer at Muzilikazi Primary School. Muzilikazi was spearheading the Zanu PF campaign in Buhera Cinstituency and is known to have instructed all Kraal Heads to compile all

names of registered voters in their villages and instruct them to vote in specific polling stations so that it would be easy to know who voted for MDC.

**Buhera South:** Xavier Marwizi, who is a member of the Zanu PF candidate Kumbirai Kangai's campaign team and who is also Zanu PF's Secretary for Buhera South constituency committee, addressed kraal heads and instructed them to write down the names of all the registered voters in their villages and shepherd them to the polls on 31 March. He also said that because of the use of translucent ballot boxes in the election, the presiding officers, who he said would be mostly Zanu PF, would be able to detect who had voted for whom, and all those who would have voted for the MDC would be chased out of Buhera South. Marwizi was the presiding officer at Dune Primary School where he is the Headmaster.

On 22 March Edwin Dzambara escaped an attack by a group of Zanu PF youth led by Chief Chiweshe at Chawarura by business centre

**Makoni East, 20 March:** An MDC activist was violently dispossessed of his bicycle and a bag of clothes in the area known as 'Zuze'. This was reported to Rusape ZRP, in particular Chief Inspector Ngoro. He then went to recover these items but did not charge the individuals. The bicycle was held by Nyakuenzwa who is Chipanga's (Zanu PF candidate) campaign manager. Nyakuenzwa is also the GMB Manager in Rusape as well as being campaign manager for the ZANU PF candidate. The distribution and selling of food in this area has been partisan and used for vote buying.

**Makoni East, 20 March:** After an MDC rally, Lydia Ngorima a 13 year old girl had her bandanna forcibly removed from her head and beaten badly, after which she was left for dead. She was attended to by some other villagers and the case was reported to Chief Inspector Ngoro at Rusape police station but no arrests were made. The culprits were Nyakuenzwa, Mai Kavhu who is the Zanu PF District Chairperson for the Women's League in Makoni and a gang of youths

**Makoni East, 25 March:** After an MDC rally at Rukweza township, people needed transport to Rusape town and caught a lift in a truck which unfortunately belonged to the Central Intelligence Organisation (CIO). After driving for 5 km the CIO officers tried to throw people out of the truck. 15 people were injured and taken to Sasu private hospital. 14 have been released and one is still in hospital.

**Mutasa South:** Headman Vumbunu and Moyoweshumba threatened villagers in their areas that food would be withheld should they vote for the MDC. MDC posters have been consistently removed by ZPF supporters.

**Buhera:** Three headmasters, a teacher and two officials from the Ministry of National Affairs, Employment Creation and Co-operatives, all of them war veterans and local Zanu PF leaders, are believed to have connived to withdraw over ten teachers from participating as monitors in the March 31 Election on allegations that they were MDC supporters.

**Mutasa North:** The Zanu PF campaign manager regularly tore down MDC posters and deployed Zanu PF supporters to disrupt and occupy venues where MDC rallies were scheduled to be held. In Honde Valley, ward 4 Chief Mandeya warned people not to attend the MDC rally of the 7th March threatening to write down the names of those people who did attend and to deny them government food aid.

**Nyarubvurwei:** The Zanu PF ward chairman is the person in charge of food distribution. On 10 March 2005, also in Nyarubvirwei, 5 MDC youths were seriously injured after being beaten by Zanu PF supporters and were admitted into hospital. The same youths were arrested on the 18th March for violating POSA.

**Makonde:** All headmen and chiefs were transported to an unknown location by Zanu PF officials. Villagers were ordered to go and vote with their headmen. An unnamed policeman at Lions Den police station allegedly told resettled villagers that their stands would be repossessed if they voted for MDC. It was impossible for MDC to hold rallies in the constituency because all public venues were reportedly fully booked by ZPF from the 23rd March to the 18th April 2005. The MDC candidate was told to hold meetings outside his constituency.

**Mutare West, Mutenda Village L,** MDC activist Taurai Jim had his tobacco farm burnt down after he attended an MDC rally. The case was reported to the Odzi police station

**Mutasa North :** The following people were alleged to be denying food aid to suspected MDC supporters:

- Headman Mandeya who lives in ward 4 in Honde Valley, Mutasa District
- Zanu PF Councilor for ward 16 in Nyanga District
- Zanu PF ward chairman and Zanu PF co-ordinator at Agritex offices in Nyarumurwe ward 23 in Nyanga District.

### **6.3 Mashonaland Central Province**

**Bindura, 24 February:** Two MDC Candidates, Joel Mugariri of Bindura and Braine Mfuka of Rushinga were arrested together with Mashonaland Central Provincial Chairperson Tapera Macheke. The reason for the arrest was that they put up campaign posters for the Bindura candidate without permission from the City Council. They were taken to Bindura Police Station.

**29 February,** Chief Kasekete addressed a meeting at Chibaya Business Centre where he again made similar threats to the MDC that he had made earlier in Mazoe East. Known MDC activists and supporters have been denied access to food. Villagers from Kodzwa, the home area for the MDC candidate, and relatives of the candidate have not been allowed to buy grain provided under the government social welfare programme.

**Bindura, 4 March:** The MDC candidate for Mount Darwin South, Henry Chimbiri and the Provincial chairperson for Mashonaland Central Tapera Macheke and Petros Chiunye the election agent for Mount Darwin South were arrested in Bindura. The three were looking for information relating to polling stations and were deliberately directed to a municipal council office where a ZANU PF meeting was underway. As soon as they got into the office they were apprehended by the ZANU PF group and were accused of having waved the MDC slogan and were thus taken to the police. They were detained at Bindura police station for more than 8 hours and were released upon payment of admission of guilt fine of \$25 000,00 each

**Bindura, 6 March:** A group of ZANU PF supporters invaded the venue for an MDC rally and attacked MDC supporters injuring several of them. The MDC rally had been authorized by the police and ZANU PF had no reason to be at the MDC rally venue. Initially the ZANU PF mob was dispersed by the police but as soon as Chimankire the MDC deputy Secretary General concluded his speech, they went on rampage assaulting everyone who was suspected to have attended the MDC rally.

**Bindura,** MDC rallies were disrupted by Zanu PF youths who were deployed to the venues for these rallies every time a rally was about to take place. This happened at Bare and Nyakudya on Saturday, 19 March and at Gweshe and Glendale on Sunday, 20 March. Some of the MDC rallies that had been approved by police were cancelled and the reason given by police was that they did not have enough manpower to cover the rallies. This was despite the fact that the police had been given a two weeks notice.

**Bell Rock:** Luckymore Rwanga, an MDC activist, was assaulted by Zanu PF youths at Bell Rock and treated at Howard Mission. Police later arrested him for allegedly perpetrating acts of violence.

**Mt Darwin, 13 March:** Saviour Kasukuwere's campaign manager, Kenny Marodza, led a group of Zanu PF youths to threaten MDC youths putting up posters for their candidate at Madondo.

**Mt Darwin South, 7 March:** Villagers from Karanda, Nyamazizi and Chimumvuri were denied access to social welfare food for allegedly being MDC supporters

**Mt. Darwin South, 13 March:** Terry Marodza, a Zanu PF activist threatened MDC activists who were putting up posters at Pfura Township. A report was made to Mt. Darwin Police, but no arrest was made. However, on March 7, 2005, police arrested MDC activist Clayton Chiunye for allegedly insulting Kasukukuwere's mother, an offence which Kasukuwere's mother herself denies.

**Mt. Darwin South, 23 March:** Saviour Kasukuwere, MP elect, threatened Faith Chimbiri, a vendor at Pfura Market in Mt. Darwin South for supporting the MDC. Faith is the sister-in-law of the MDC candidate.

**Guruve North, 26 March:** SW Africa radio reported that violence and intimidation was on the increase in Guruve North. The MDC candidate for the constituency, Allan McCormick told SW Africa radio that the level of intimidation and violence had hampered campaigning in his constituency. On Saturday, 26 March, the opposition convoy was ambushed and attacked by a group allegedly sponsored by the ZANU PF candidate David Butau. Mr McCormick said the team consisted of a group of war veterans, councillors and youth. He added that police in Guruve South were not helpful.

#### **6.4 Mashonaland East Province**

**Gutu North, 22 February:** People in Gutu North were being denied food by the GMB by virtue of being MDC supporters. The matter was taken to the DA who in turn wrote to the GMB depot manager. However the manager refused to comply.

Gutu: "Taskforce" members, soldiers in civilian clothing, deployed to the constituency by Zanu PF, were intimidating voters and disrupting MDC campaign activities. Chiefs were also denying MDC activists and supporters access to social welfare food and were not allowed to buy grain from the GMB. This was reported to both the Police at Gutu and the District Administrator but no action was taken. Police were also harassing MDC activists in the area. Charles Mabhuku, an MDC activist, was arrested by Gutu Police after an MDC rally at Makumbe on Monday 21 March. One of the MDC youths assaulted was treated at Gutu Hospital. The incident was reported at Gutu police station.

**Murehwa North, 4 March:** Four MDC youths, Archibald Mudzingwa, Lovemore Munyoro, Tapfumaneyi Munyoro and Martin Chipango were picked from their homes and detained at Murehwa police station. They were accused of distributing MDC campaign fliers

**Mudzi West, 5 March:** The MDC candidate for Mudzi West, Shorai Tsungu, was arrested at around 2200hours and was detained at Nyamapanda Police Border Post. Shorai had earlier that day attended a meeting at Kotwa Business Centre called by ZEC officials to discuss possible locations for polling stations. He was accused of writing on the roads in the area. A new docket was however not opened but the police resuscitated a docket no 16/03/02 which indicated that he was responsible for fanning violence with the then MDC MP for Mbare East, Tichaona Munyanyi and St Mary's MP Job Sikhala.

**Mutoko South:** War veterans were demanding peoples' ID numbers and names and intimidating them by telling them that the voting process was not secret. A well known war vet, Zano Kahuni publicly stated that people who voted for the MDC would be denied food aid. Reports were made to the police but no action was taken.

**Chibeta, 5 March:** A brother of Kraal Head Kumbure, who is a member of the Zimbabwe National Army and who has been campaigning in the constituency, addressed a meeting in the Chibeta area where he threatened to evict anyone who voted for the MDC in the elections. He asked people in the area to bring forward all the names of MDC activists in the area so that they could be dealt with.



**Murehwa South, 8 March:** Nhenda Village, Wuyu Wuyu area - Stanley Ndanga, Zanu PF District Chairman, and another one identified only as Magadza, addressed villagers who had been called for what was supposed to be a general village meeting. The two told the villagers that because translucent boxes would be used in the elections, and that counting would be done at the polling stations, Zanu PF would be able to detect who had voted for whom, and that all those who had voted for the MDC would be chased away from Murehwa South. The villagers were told that there would be an outbreak of war if the MDC won as the whites would want to reclaim the country.

**Marondera West, 10 March:** The MDC ward 16 Chairperson Parthias Ndati, 50, was attacked by a group of 10 youths aligned to Ambrose Mutinhiri, the Zanu PF candidate. They accused him of organising a rally on Wednesday 9 March that was addressed by the MDC president Morgan Tsvangirai. The youths also beat Ndati's two sons, Matthew and Silas, who sustained injuries. Among the assailants, Ndati identified Patson Nhumbe, Tendai Kasinamunda, Fungai Zvarehwa and Lawrence Mushangazhike. Ndati has since made a report to the police in Mahusekwa

**Matedza, 16 March:** A war veteran fired shots at MDC activists who were putting up MDC campaign posters at Matedza Business Centre. No one was injured.

**Marondera West, 16 March:** Shadreck Chipangura of MDC was pursued by Mutinhiri, the Zanu PF candidate, by car for a distance of +/- 20 kilometers threatening to kill him. The incident was reported to the Mahusekwa police station. Other passengers in the vehicle gave statements to the police. The police did not make any arrests.

**19 March:** Outgoing Member of Parliament, Olivia Muchena addressed a rally at Makora Primary School where she instructed Zanu PF supporters to identify MDC supporters seen putting up posters so that false claims could be made against them. She boasted that all the MDC supporters arrested would be sentenced to 6 months' imprisonment. Muchena had her 2000 parliamentary victory set aside by the High Court because of violence and widespread electoral malpractice.

**Chikomba:** 54 kraal heads were denied their February salaries by the government because the MDC had a big following in their respective areas. Vice-President Mujuru had publicly announced at Zanu PF rallies that chiefs and kraal heads should shepherd their subjects to polling stations on voting day. Mugabe also held briefings with these traditional leaders. The same traditional leaders attended Zanu PF rallies dressed in their chieftainship attire.

**UMP:** In Uzumba Maramba Pfungwe, a local Zanu PF leader, Jerry Gatora, confiscated national identification documents from all persons suspected of supporting the MDC. MDC officials, Edwin Muswe and Tongesai Chitengu, had their ID cards confiscated. The identification cards were handed to kraal head Stephen Gatora, and the owners were asked to come to vote at Magunje school polling station at 2.00pm on 31 March 2005, when their identification documents would be returned to them to enable them to vote.

**Mudzi East, 27 March:** Zanu PF forced back to Harare 800 polling officers who had been deployed by the Zimbabwe Election Commission (ZEC) to manage polling stations in Mudzi East Constituency, claiming that they were MDC supporters. 800 polling officers arrived at the Mudzi East Parliamentary offices at Kotwe Business Centre at around 1.00am on Sunday 27 March 2005, only to be told by the security guard at the Mudzi East Parliamentary Information Centre that the District Administrator had left a message that the polling officers should go back to Harare upon arrival. The polling officers could not take the guard's word and decided to seek an audience with the District Administrator.

A delegation representing the polling officers met with the District Administrator at about 10.00am, who told them that he had enough human resources to run the elections and did not need polling officers from Harare. While the delegation representing the polling officers was meeting with the District Administrator, the Zanu PF candidate for Mudzi East, Ray Kaukonde, came to the centre in the company of other local Zanu PF leaders, who told the polling officers they were not wanted in Mudzi because they were MDC supporters and sympathizers. Sensing danger, all the 800 returned to Harare, where some of them were re-deployed at Queen Elizabeth High School in Harare at 9.00am on Monday. Police officers who were undergoing a training exercise at the centre did not do anything to stop the Zanu PF officials from sending back the polling officers.

**Murehwa South:** Police clearance for meetings was slow and only one meeting per ward per day was granted and this hampered progress in campaigning. Intimidation by headman and chiefs was widespread with threats of repercussions should the village/ward vote go to the MDC. People were told that since transparent boxes would be used, the vote would not be secret.

**Marondera East, 28 March:** Sydney Sekeramayi, the defence minister and Zanu PF candidate for Marondera East, addressed a rally at Rakodzi farm and threatened to fire workers if they voted for the MDC. According to a sworn statement signed by a 23-year-old woman who was present, Mr Sekeramayi threatened to seize Mitchell and Mitchell if people did not vote for Zanu PF. Another woman, 36, said: "He told the people who were in the meeting that if you vote, you must vote Zanu-PF. If you do not vote Zanu-PF, I will close this company because you are an MDC member." Sworn statements signed by three more workers, all of them present at the rally, echo the same sentiments.

**Mudzi West, 27 March:** A shop owned by MDC Vice District chairman Mr Chengahomwe was attacked by Zanu PF supporters. 54 window panes, 4 roofing sheets, 8 window panels and 5 asbestos were destroyed. The shop is located at Masenda Township near Benson Mine. The incident was reported to the police and a docket -RB no 0545986 was opened.

## **6.5 Mashonaland West Province**

**Norton, Manyame, 5 February:** A group of ZANU PF supporters went on a rampage and started beating up people who were suspected to be affiliated to the MDC. They accused their victims of selling the country to the whites by supporting the MDC. They proceeded to Katanga beer-hall where they beat up innocent people who were drinking

**Manyame, 23 February:** Hilda Mafudze and a group of MDC youths were assaulted by Zanu PF supporters as they were distributing campaign material. The material which consisted of t-shirts, posters and fliers were confiscated and burnt by the Zanu PF mob. The matter was reported to Norton Police but the police declined to make any arrests and instead referred her to Dzivarasekwa Police Station.

**Zvimba North, 3 March:** Prince Chibanda the MDC candidate for Zvimba North and Paidamoyo Muzulu the district information and publicity secretary were arrested and detained at Chinhoyi police station 100 km north of Harare. Chibanda was in the constituency campaigning when a group of ZANU PF supporters headed by a war vet only known as Kangachepi at Basset farm in Rafingora abducted him and his team. Chibanda and his team were assaulted and taken to a torture camp on the farm. Eight of his team members managed to escape and reported the matter to the police while Chibanda and Paidamoyo remained under siege. The police later arrested the ZANU PF war vet.

The two MDC officials were taken to Chinhoyi police station together with the ZANU PF activists but were surprised when they were told that they would have to spend the night in the cells because the officers who were supposed to attend to their case had gone home for the day. The two were detained for the night at Chinhoyi police station

**Zvimba North, 14 March:** Prince Chibanda MDC candidate was abducted during a campaign at Nyarapinda Farm for 3-4 hours on 14th March, by Fainos Kangachena, Zanu PF councilor for Ward 13. He was charged and released on bail.

**Muriel Mine, 14th March:** MDC flyers and T-shirts were confiscated and Zanu PF supporters sprayed a vehicle with paint. Five people were arrested and a docket number RRB (Book 25) 0084586 was opened by Inspector Chiwanga.

Trelawney Ward 19th & 20th March a CIO vehicle, Red Mazda twin-cab, registration number CZG 401MP, advanced on a crowd of MDC supporters with the intention of knocking them down. An army truck was used to transport ZPF supporters to disrupt an MDC rally, registration number 01GC-75.

**Chegut, 2 March:** Villagers were frog-marched to a Zanu PF rally addressed by Vice-President Joyce Mujuru

Numerous reports have been received of chiefs intimidating voters by writing down their names and indicating that they are expected to vote for the ruling party.

Chegut: A Zanu PF official ordered people to pay \$10,000 to access food aid

Chegututu: Chiefs asked people to write down their ID numbers and warned people that if they voted for MDC food aid would be withdrawn. People were also being misinformed about the secrecy of the ballot.

**Hurungwe West, 17 March:** Chief Dandawa unsuccessfully tried to block an MDC rally held at Chidamoyo Business Centre. The Chief insisted that the MDC candidate, Godfrey Gumbo, should have sought permission from him first, and demanded a bribe from Gumbo if he wanted to proceed with the rally. As police clearance had already been granted, Gumbo ignored the Chief's demands and proceeded with the rally, which attracted an impressive crowd.

**Hurungwe West, 18 March:** Gumbo, his campaign manager Jesus Maketa and the MDC Hurungwe West District chair Stanley Razaro were arrested at Gumbo's home when members of Gumbo's campaign team were having lunch. Police accused them for holding an illegal gathering. The three were detained for 10 hours, and asked to report to Karoi Magistrate court where they were each made to pay Z\$100 000.00 each

**Zvimba South, 24 March:** The Zanu PF constituency coordinator, Caleb Chigomora, called on all the village headmen to bring a register of names and ID numbers of all those in their villages to Murombedzi growth point on 24th March. Villagers were warned that the Government would be able to know how they voted.

**Mutakura village, 21 March:** Kraal heads Makanyaire and Mudimu addressed a rally at Mutakura Village where they threatened all those who voted for the MDC with eviction. The two also told the meeting that MDC supporters would be denied agricultural inputs. They threatened to deal with Chamunorwa Jingura, the MDC District youth chairperson who resides in the area. Chief Nyamhunga, also from Hurungwe West constituency, threatened MDC supporters with eviction if they voted for the MDC.

**Hurungwe West, 24 March:** police officers tried to cancel Gumbo's campaign rally at Sengwe, saying the rally had not been sanctioned by the police. He had to produce the approval letter before the rally could proceed as planned.

In **Zvimba South constituency**, Chief Dzvaka denied the Masimba family permission to bury their relative in the constituency on 19 March because Emily Masimba is the MDC candidate for that constituency. The deceased, Mationesa Ziponde, is a sister to Masimba's husband. Masimba is stood against Zanu PF's Sabina Mugabe for the Zvimba South constituency seat.

## **6.6 Masvingo Province**

In **Chiredzi**, a senior Zimbabwe National Army officer, Col Killian Gwanetsa, campaigned for Zanu PF in Chiredzi South using an army vehicle. On 4 March, Gwanetsa instructed two war veterans, Elson Muko and Flaxman Mpapa, to pull down

campaign posters for the MDC candidate Emmaculate Makondo at Old Boli. Gwanetsa is also reported to have been at the vanguard of the intimidation of MDC supporters in the constituency.

**Bikita East, Negovana, 21 March:** People in army uniforms were moving around the area telling people that they would come back and kill them if they voted for the MDC.

**Bikita East:** Village headmen in Bikita East were issued with exercise books to record names of all adult people in their constituencies, and visitors to their areas.

## **6.7 Matabeleland South Province**

**Gwanda, 2 February:** Thirteen MDC youths were arrested by the police and were detained at Gwanda police station on allegations that they had insulted the ZANU PF candidate for Gwanda in the 2005 general elections, Abednigo Ncube. They spent a night in the cells and were only released upon paying admission of guilt fines of \$25 000,00 each.

**Insiza, February 22:** MDC youth activist Thembekile Moyo 29, was badly injured in the leg after being struck with a stone while putting up posters for the MDC Insiza candidate Siyabonga Malandu Ncube (091369188). Moyo, who was with Malandu and a group of MDC youths, was struck after having been waylaid by the ZANU PF group in the dark. Moyo was struck in the leg and sustained a suspected fractured leg. The Zanu PF group was led by Spare Sithole who is the election agent for the Zanu PF candidate for Insiza, Andrew Langa. The incident was reported to Inspector Edmund Shoko who quickly despatched a group of police officers to the scene. On arrival at Filabusi Centre they found Langa's brothers, Ben and Sindiso, with a group of Zanu PF supporters pulling down the MDC posters. The group ran away but Sindiso Langa and one member of the militia were apprehended

**Gwanda:** The following Zanu PF councilors, headman and chiefs manipulated food in an attempt to coerce the electorate to vote for Zanu PF:

Sister Bhebhe (ward 2); Japhet Moyo (Ward 3), Jealot Moyo (ward 4), Chademana (ward 5), Godfrey Moyo, Billet Moyo, Mtshumayeli Sibanda (Ward 6), Levison Maposa (Ward 7), Rachel Ncube (Ward 8), Kenneth Mdaka Nyathi, Mrs. Mahlangu, Shedman Mhluphi (Ward 9), William Ncube and Headman Mauipi (Ward 12), Andreas Pindi, Carlot Diba Ndlovu, Mengezi Ndlovu and Zachariah Moyo (Ward 13), Councillor Mauba and Joel Sijiye (Ward 16), Ephraim Nyathi, Headman Poloko Mbigabulawe (Ward 17), Witness Sebata and war vets (Ward 18). Incidents have been reported but nothing has been done.

**Gwanda, 9 March:** At Lote Business centre in Ward 18, Councilor Ulita Malungisa, Headman Siwana, Headman Lerato Noko, Amon Dube and K. Baphala and other Zanu PF supporters occupied a venue where the MDC was supposed to have a rally. Efforts to get help from the ZRP were fruitless.

On Wednesday 23 March ZRP refused permission for MDC to use a venue for a rally. Zanu PF instead held its rally at the same venue at the time which had been previously allocated to MDC.

In another incident, when the MDC vice President was scheduled to have a rally at Sanyaukwe business centre, headman Jack Sioka barred the MDC from having access to the venue and had Zanu PF supporters occupy the place. This was reported to the police but nothing was done.

At Hwali Business centre in ward 20 , councilor Joram Matsikiti, war vet Jacob Ncube, war vet Freddie Nsinge and Hopolang Sebata barred MDC access and occupied the venue with other Zanu PF supporters. Again, this was reported to the police. They promised to open a docket and make arrests but nothing has been done to date.

At Tshongwe Business center in Ward 11, councilor Witness Sebata sent war veterans to occupy a venue where MDC was scheduled to hold a rally. At the same place Lesley Ncube, the son of Zanu PF candidate Abednico Ncube, was tearing down MDC posters

On 26 March at Buvuma and Silonga business centres and another one on 29 March at Blanket mine, MDC was denied permission to hold meetings.

However, Abednico Ncube did not seek police permission to hold his meetings but arranged them through the kraalheads and chiefs using promises of food, seed and rural electrification. Assisting him were 4 policemen – Mandere of Gunu police station, PDIO Kalo, Deputy officer commanding Mungezi and one other.

**Mzingwane, 12 March:** Thandiwe Sibanda, the Zanu PF councilor for Mankula, informed people who had attended a rally held by Nomalanga Khumalo the MDC candidate, that they would no longer be receiving food.

## **6.8 Matabeleland North Province**

**Hwange East:** In written correspondence Hwange Colliery Chairman of the Board and the Colliery's Human Resources Manager barred MDC candidate Thembinkosi Sibindi from campaigning within the Hwange Colliery compound which consists of more than three quarters of Hwange East constituency. They claimed that the Colliery is private property. The Chairman of the Board once stood for parliament on a Zanu PF ticket.

Hwange East: MDC candidate Thembinkosi Sibindi had two rallies cancelled on 22 March in Chewumba and one on 23 March in Mkhosana Township. Police clearance had initially been granted and later cancelled.

On 25 March Maxwell Ndeve, Sibindi's polling agent, was arrested for putting up posters.

In Jambezi on 27 March MDC supporters were threatened by war vets and youth not to attend a rally and forced to go back to their houses.

## **6.9 Midlands North Province**

**Gokwe Chireya, 14 February:** Sibangani Mlandu, candidate for Gokwe Chireya had his bicycle taken away from him by Muungani Mudumbwi, a Zanu PF supporter, at Copper Shopping Centre. He reported the matter to a sergeant Makanda and Constable Maenzanise at Zhomba Police Camp but no action was taken.

**Silobela 1.** Chief Paramount Malisa sold 152 bags of maize to Zanu PF cardholders and intimidated people into chanting ZANU PF slogans.

March 16 - On the eve of 17th March the day the MDC Secretary General was to have addressed a rally in Silobela, Chief Ruya called all kraal heads to his homestead and told them that if they attended the MDC rally they would be struck from being kraal heads and chased out of Silobela.

March 22 - Whenever there was a meeting called by MDC, Nchelele and Zanu PF put out word that they would be distributing food. People then go to queue at the given point and when they do not get the food they do not attend the meeting/ rally as they believe they had been lied to.

March 12 – in the area of Rutendo there was a rally and ZRP were present, a small truck dropped off Zanu PF youths at the entrance of the brickyard and had youth stationed at the gate. ZRP failed to do anything and said that the youth were not interfering with the meeting. This was reported to the Liaison Committee and the local ZRP but there was no action taken. The youth were Shadreck, Mandida and a third who are notorious for intimidating.

**Kadoma Central: 27 February** – Bothwell Pasipamire was abducted from his home, beaten badly and injected three times with an unknown substance. He was then dumped in the bush between Gweru and Kwekwe and left for dead. The perpetrators were with Zanu PF Ward 3 Councilor Siwela and were driving a government vehicle with the registration number beginning GLL. This was reported to Kadoma Central police station at about 1400hrs on 28 February 2005.

**Ingezi, 6 March:** 3 Zanu PF youth were caught defacing and tearing up MDC posters. They were arrested and made to pay \$200,000 each after having stayed in the cells for three nights. The fine was paid by the candidate.

23 March: Ngoni Tutayi, an MDC youth wearing an MDC t – shirt was abducted on his way to Rimuka and thrown into a car and taken to Jamaya's (ZPF candidate) building.

They tried to take away his t-shirt. The matter was reported to the police – Assistant Inspector Zawimba in Kadoma central. CRB 058176

**Rimuka, 10 March:** At Rimuka High School, the headmistress Mrs. Ndoro, tore down the MDC posters that were on the school's dura wall. The matter was reported to the police but the police refused to record the case and no action was taken.

**Ingezi, 22 March:** An MDC youth called Dick was attacked by Zanu PF youth because he was wearing an MDC t-shirt. They took his t-shirt, tore it and forced him to wear a Zanu PF t-shirt. The matter was reported to the police on 25 March.

**Kadoma Central, 25 March:** 3 Zanu PF ward councilors were selected as presiding officers: Mai Phiri (the Mayor's wife), Councillor Bonde from ward 16 and Councillor Mvula from ward 16. This was reported to the DA and to Mr. Shumba who is the registrar in Kadoma.

At Rimuka Hall which is situated next to the Zanu PF office, people wearing Zanu PF t-shirts were being sold 25kg bags of mealie meal. The Zanu PF candidate J. Muduri had a grinding mill and claimed that the use of it was only for Zanu PF officials and supporters. In Ward 2 on 23 March, Zanu PF supporters congregated at an MDC supporter Mai Ndini's house and threatening her. This was reported to the police but they refused to investigate.

## **6.10 Midlands South Province**

**Mberengwa East, 5 February:** A group of war veterans known as Mbuya Nehanda War Veterans in Mberengwa East ransacked the house of MDC activist Zebron Zhou on 5 February 2005 and stole several household goods, his national identification document and his wife's passport. His wife's passport was returned two days later, with a note to say they had taken the documents because of his involvement in MDC activities. His National Identification was returned defaced so that he was unable to vote.

**Zvishavane:** A soldier known as Ranganai Jarimani assaulted 3 MDC youths putting up posters at Mabaso Growth point. One of those assaulted was Senima Matangira. The case was reported to Officer Moyo, at Mataga, but police failed to take action. At Mutambi, in the same constituency, MDC campaign material was confiscated by Zanu PF youths on 15 March. The case was also reported to police in Zvishavane.

**Zvishavane:** A Zanu PF councilor for Ward 4 in Zvishavane, known as Hogwe, threatened people that they would burn down all villages which voted for the MDC.

At Shabanie mine, which is believed to be an MDC stronghold, line managers and foreman told workers that they should report for work on the March 31, despite it being declared a public holiday.



**Gweru Rural, Saturday, 19 March:** MDC activists were prevented from receiving social welfare food by local war veterans.

**Gweru Rural, 26 March:** An MDC activist, D. Maphosa was assaulted and stabbed by 10 Zanu PF youths at Nyama. The incident was reported at Maboleni Police Post on 27 March, and the RRB no. is 0626092.

Some of the chiefs who attended a closed meeting with Vice President Msika before his star rally at Maboleni on 24 March, told the MDC candidate for Gweru Rural, Renson Gasela, that Msika advised them to coerce their people to go and vote for Zanu PF.

Villagers attending rallies organised by the MDC candidate for Gweru Rural, Renson Gasela, on Friday 25 March, reported that MDC activists were being denied access to grain on the basis of their political affiliation. A member of the SADC observer mission, Chauke, was present at these rallies

**Gweru Urban, 29 March:** The MDC candidate for the constituency, Timothy Mukahlera, reported that his Zanu PF rival was paying youths to destroy his campaign posters. Some of the youths employed can confirm this.

**Mberengwa West, 18 March:** Zanu PF activists disrupted an MDC rally by occupying the venue. Two Policemen who were at the scene could not remove them from the venue. The incident was later reported to Zvishavane on the same day and 2 of those involved were arrested

### **6.11 Bulawayo Province**

**Bulawayo, 13 February:** Seven MDC supporters who were distributing MDC campaign material in the city were arrested by police and detained at Bulawayo Central police station. The seven are David Moyo, Rephenet Moyo, Philani Nkomo, Swithun Chiroodza, Lawrence Mashungu Tsepiso Helemu and Nare who was driving the truck they were using. The truck was also impounded while the campaign material was also confiscated.

**Bulawayo, 26 March:** Police threw a tear gas canister into the crowd during the MDC rally at White City Stadium in Bulawayo on Saturday, 26 March. This was in full view of election observers who quickly took notes on the incident. Members of the notorious youth militia milled outside the stadium in a vain attempt to scare away those going to the rally

## **7 Polling Day**

### **7.1 Overview**

Polling day was marred by a number of irregularities which underlined the extent to which the whole election process had been deliberately subverted by the ruling party to secure a favourable election outcome.

Concerns over the accuracy of the voters' roll, the discriminatory manner in which the voter registration exercise was conducted and the lack of transparency in the delimitation of constituency boundaries, were vindicated by the disturbingly high number of people who were turned away at polling stations. Official figures provided by ZEC indicate that the number of votes cast and those turned away by close of polling in six provinces totaled 133,155 or 10% of the voters. For instance, in Makoni East, where Zanu PF won by 9,201 votes compared to the MDC's 7,708, a total of 2,223 voters were turned away. In Mutasa South, where Zanu PF polled 9,715 to the MDC's 9,380, a total of 1460 voters were turned away. In both cases, the number of voters turned away was higher than the margin of victory.<sup>1</sup>

The MDC was unable to deploy polling agents to all 8,235 polling stations, despite having recruited and trained 24,000 polling agents for this very purpose. Full deployment was rendered impossible due a combination of presiding officers refusing to accredit MDC polling agents and Zanu PF officials barring our polling agents from polling stations. As a result of these illegal activities, many polling stations, especially in rural areas were completely controlled and managed by the ruling party. This created huge potential for electoral malpractice to take place. For example, in Zvimba South constituency the MDC did not have polling agents in 60% of polling stations as the agents had been threatened and chased away.

The absence of MDC polling agents was not the only key grievance vis-à-vis polling stations. At numerous polling stations in rural areas the presiding officer, the ZEC official or the ESC official were either the local Zanu PF senior official, a headman or a local CIO officer i.e the very people who have been coercing and intimidating the local population for the past 5 years. The very presence of these people at polling stations, operating under the guise of impartial electoral officials, precluded many people from voting or from freely exercising their political preferences. For instance, in Insiza

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<sup>1</sup> The Zimbabwe Election Support Network (ZESN)

constituency, the presiding officer at one polling station was the brother of the Zanu PF candidate (see below).

## **7.2 Breach by ZEC officials/police in preventing election agents from carrying out duties**

According to Second Schedule of S.I. 21 of 2005 (Section 19(2) and (3)):

### ***“Maximum Number of Election Agents, Observers and Journalists Who May Be Present Within the Polling Stations, Etc”***

	<i>Polling station</i>	<i>Opening of postal ballot box</i>	<i>Constituency centre</i>
<i>Election agents; parliamentary elections</i>	<i>1 per candidate standing in the constituency concerned within a polling station at any one time</i>  <i>1 per candidate standing in the constituency concerned within 100 metres of a polling station at any one time</i>	<i>*1 per candidate standing in the constituency concerned</i>	<i>*1 per candidate standing in the constituency concerned</i>
<i>Observers</i>	<i>3 per observer group within a polling station or within 100 metres of a polling station</i>	<i>*1 per observer group</i>	<i>*1 per observer group, provided that the constituency elections officer may in his or her discretion permit a greater number per observer group, subject to a maximum of 20 observers at any one time.</i>
<i>Journalists</i>	<i>Not exceeding such number as the presiding officer, in his or her discretion, may allow at any one time.</i>	<i>None</i>	<i>None</i>
		<i>*At these occasions or locations, the possession or use of cellphones, pagers or similar devices is strictly prohibited.</i>	

In a majority of polling stations, presiding officers allowed the one election agent inside the polling station as per the Electoral Act. The additional election agent, however, was very often required to move at least 200 metres away from the polling station rather than within the prescribed 100 metres. The illegal prohibition of outdoor election agents was repeated, widespread, systematic, and nationwide.

It should also be noted that, with hindsight, an insufficient number of election agents was allowed within each polling station. This is because three streams of voters (based on alphabet) were able to cast ballots simultaneously in three different ballot boxes within

each polling station. As a result, the lone election agent for each party had a very difficult challenge in observing three separate processes and thus protecting the integrity of the process inside the polling station.

### **7.3 Breach by ZEC: utilising removable indelible ink**

According to Section 56 (5) of the Electoral Act:

“The mark referred to in paragraph (b) of subsection (4) shall be made with indelible ink of a type approved the Commission, and in such a way that the mark is readily visible in daylight to the naked eye.”

Voters in several areas were able to remove indelible ink utilising the readily available domestic cleanser “Jik” immediately after voting. The implications of this mean that Section 56(3)(b) “there is no indication that the applicant has previously received a ballot paper or postal ballot paper for the election” could have been breached allowing one voter with a bottle of Jik to vote several times at different polling stations within a constituency, especially because each polling station was given a full list of registered voters for the entire constituency.

### **7.4 Procedure after sealing of ballot boxes (Section 62)**

According to the MDC Shadow Minister for Legal and Constitutional Affairs, the approved draft of the Electoral Bill specifically stated that commencement of counting “shall not be more than three hours after” the sealing of the ballot boxes. The final copy of the Electoral Act, however, does not mention the maximum three-hour timeframe and simply states that the count shall begin “as soon as the voting materials have been sealed.”

Nationwide, most voting materials had been sealed by 7:30 p.m. yet, in a majority of polling stations, the presiding officers only started the count at 11 p.m. Presiding officers were given specific instructions NOT to commence the count in breach of Section 62(1). Many election agents and candidates observed the Presiding Officers were tired and were anxious to get on with the count. However, they received repeated instructions not to do so.

An interesting deviation from the instructions to delay the count occurred in a small number of polling stations within most constituencies where the count started almost immediately after the voting materials were sealed. The results of these counts were communicated to constituency election officers with a “sample” of votes cast before the majority of polling stations were allowed to commence the count later that evening.

One interpretation of the eventual delay in counting and announcement of results:

Once the ZEC became aware of the results from this “sampling” of several polling stations nationwide who HAD been allowed to count in a timeous way, certain people became aware that early numbers revealed strong support for the opposition. As in the Presidential elections, a “Plan B” systematic rigging effort was therefore launched to “correct” the results.

It is pertinent to note that the ZEC abruptly stopped counting the results of those who had voted during the day after having only announced turnout figures for 72 constituencies. (See Appendix I).

### **7.5 Counting of Ballots**

In theory, the changes to the electoral laws allowing the ballots to be counted at polling stations was a step in the right direction, in relation to improving the transparency of procedures governing polling day. The reality however was very different as Zanu PF went out of its way to ensure that, where possible, there was very little transparency in the counting of ballots. Moreover, the printing and distribution of ballot papers was not carried out in a transparent manner. Given the inaccuracy of the voters’ roll, the lack of transparency in this context raises valid concerns about ‘ballot stuffing’, especially at polling stations where there were no other observers apart from Zanu PF officials.

#### **Section 64 Recording and notification of result of count**

In terms of section 64, after the counting, the presiding officer “shall without delay” complete the polling station return and send it to the constituency election officer. He/she must then affix a copy of the polling station return on the “outside” of the polling station so that it is “visible to the public.”

The purpose of this provision is to ensure that the public knows the result of the count immediately.

In flagrant breach of the Act, most presiding officers failed to comply with this provision either by not posting the result at all, or by placing it in a location where it was not visible to the public.

#### **Section 9 of the Electoral Regulations**

Section 9 of the Electoral Regulations states:

“No person in attendance at the counting of the votes, shall, before the result of the poll is recorded on the polling-station return and such polling-station return has been affixed outside the polling station by the presiding officer in accordance with section 64(2) of the Act, communicate to any person outside the place where the voters are being counted any

information relating to the results of the count or to the number of votes given to any particular candidate at the polling station.

Despite the clear right afforded by this section for all people to communicate the result of the poll as soon as the result is recorded and affixed, election agents, Chief election agents and candidates were prevented in most constituencies from communicating the results. Many were locked inside polling stations under police guard and denied permission to use cell phones.

Incidents were also recorded of MDC officials and candidates being forced to leave constituency command centres when tallies were coming in from polling stations. For instance, in the constituency of Chiredzi South, the MDC candidate and her team were told by both the police and the Constituency Presiding Officer that due to a power failure there was no need for them to stay at the constituency command centre since they would not be able to receive results from the various polling stations. They were consequently forced out of the command centre. Their absence meant that they were unable to corroborate the final results or vouch for their authenticity.

## **7.6 Examples of Malpractice**

**On Sunday 10 April, the Standard newspaper reported that police had arrested Zaka District Administrator, Nyashadzashé Zindova, after he was allegedly found with seven ballot boxes and ballot papers at his home. The paper also reported that a teacher at Bvudzi Primary School, who was the presiding officer in Zaka West, was arrested after she had allegedly 'lost' a ballot box.**

**Hurungwe East, Mashonaland East:** MDC chief polling agent, Chinembiri, was ordered to leave Hurungwe East Command Center by a police captain identified as Chateya. Consequently, some of the results were received in the absence of MDC officials raising suspicions of ballot fraud. In the same constituency all ballot papers and voting material were delivered to a war veteran's home.

**Bulawayo:** The MDC is highly disappointed that notwithstanding repeated assurances by the government that the indelible ink which was to be used in the 2005 Parliamentary elections was in fact not indelible at all at certain polling stations in Bulawayo. After receiving repeated telephone calls from numerous voters alleging that the supposedly indelible ink could in fact be removed by washing one's fingers with lemon or brake fluid, the MDC has since established that it was in fact true that the indelible ink could be instantly removed by either cleaning it with brake fluid or lemon.

At least 10 members of the public visited the MDC Regional Office in Bulawayo after having cast their ballots were able to immediately wash the ink off their index fingers. This has raised concerns that at polling station where the ink was easily removable people would have been able to vote more than once.

**Insiza, Matebeleland South:** Nyamini Polling Station- Collen Bawn Over 200 Zanu PF Youth and War Veterans were camped within the 100m radius of the polling station. This is illegal under the Electoral Act. Their presence intimidated voters. MDC Security Personnel approached the Presiding officer to ensure that these youth removed from where they were camped. The presiding officer flatly refused to cooperate. They then approached the police detail manning the polling station who tried to get the Zanu PF youths and War veterans to move, but to no avail.

A report was eventually made to the ZEC Provincial Officer, a Mr. Ngwenya, who promised to look into the issue. Eventually the Zanu PF youths were not removed.

This polling station had an inflated figure of over 1000 people having voted when most polling stations were averaging around 500 people.

In the same constituency, Andrew Langa, the Zanu PF candidate threatened to shoot MDC polling agents at Silalatshani Business Centre as they were being deployed in readiness for the election. This disrupted the deployment exercise. The matter was reported to Gwanda Police Station. As a result the polling station opened without MDC polling agents being present.

**Mangwe, Matebeleland South:** Brunaberg Polling Station. The polling station was not opened until about 11am because of the absence of polling booths. This was reported to the Provincial ZEC Officer who confirmed that the polling station was indeed opened late and promised that efforts would be made to ensure that the polling station would not be closed until everyone had had an opportunity to cast their ballots.

**Bubi-Unguza Matebeleland North:** Hundreds of Shona speaking people were deployed in this constituency. These people were deployed to Sawmills, Inyathi and Insuza areas. There seems to be no reason for their deployment as they were neither polling agents nor observers. It is likely that they were simply there to inflate the numbers of Zanu PF voters in the area.

In the same constituency MDC election agents were turned away from polling stations because they do not have letters from the party confirming them as polling agents. In some cases they were turned away because they had photocopies of newspapers, which advertised their names instead of the original copies. All this was done in contravention of the Electoral Act as the law does not require the said letters from the party. This was simply a ploy to ensure that the MDC election agents were not at the stations by the time voting started as they had to travel back to Bulawayo before going back to the stations.

**Zvimba South, Mashonaland West:** MDC polling agents were attacked by Zanu PF supporters and chased away from their respective areas. In 60% of the polling stations, the MDC did not have election agents as they were threatened and chased away.

**Mazowe East, Mashonaland Central:** The MDC youth chairperson for Mashonaland Province, Blessing Nhimba, and three other MDC youths, were brutally assaulted in the presence of the police by a group of ZANU PF supporters at Tsungubvi polling station in Glendale.

Nhimba was deploying MDC polling agents when he was stopped at Tsungubvi polling station, where he intended to cast his ballot. He was apprehended by the police who accused him of having made MDC slogans. He was handed over to some ZANU PF supporters who severely assaulted him together with his colleague Nomington Dokotera while Look and Mark Patarawo managed to escape. His left arm was broken. The police under the supervision of Officer Musengezi impounded his truck.

The voters who were in the voting line were terrified and many departed before casting their ballots.

**Chiredzi South, Masvingo Province:** The MDC candidate and her team were told by both the police and the Constituency Presiding Officer that due to a power failure there was no need for them to stay at the constituency command centre since they would not be able to receive results from the various polling stations. They were actually forced out of the command centre where the results were being received. But as soon as they had left they received the news of the results over the radio. This means that they could not corroborate the results or vouch for their authenticity.

**Gutu North, Masvingo:** At various polling stations in the constituency the Constituency Registrars e.g. Mawere polling station, announced that at the counting stage they would take into account an unspecified number of postal votes which they had received. The postal votes were not physically produced; they were just simply added to votes cast on polling day at the particular polling station. This was irregular because all postal votes were received and counted at the constituency counting center. These were fictitious votes. Gutu North only received 5 postal votes through the constituency registrar. The whole scheme was to facilitate rigging by inflating the figures in favour of ZANU PF.

**Mwenezi, Masvingo:** The constituency registrar refused to accredit MDC polling agents in spite of the fact that their names had appeared in the National newspaper as required by under the Electoral Act. The presiding officers said that they wanted to see original copies of the newspapers. This was deliberately meant to facilitate rigging in favour of ZANU PF.

**Zvimba North, Mashonaland West:** ZANU PF Councilor Kadheza was addressing voters within the 100 metre radius at Trelawney polling station threatening that anyone who voted for the MDC would be dealt with.

At Makwadzi, Strathdon and Beatrice polling stations all MDC polling agents were chased away by suspected ZANU PF officials and Presiding officers. The matter was reported to the police but no action was taken. The matter was also reported to the



constituency registrar, a Mr Bakare, who promised to come back to the MDC but never did. Counting was thus done in the absence of MDC polling agents.

At Sharton Mine Polling Station and Mapinge Polling stations MDC election agents were barred from entering the polling station until 1pm.

**Manyame, Mashonaland West:** At Porta Farm polling station, Zanu PF supporters chased away local observers and MDC polling agents. Zanu PF supporters were also writing down names and identity card numbers of people who were going into the polling stations thus intimidating voters. The fact that the MDC election agents were not at the polling station meant that the result was subject to manipulation.

At Hknewe polling station, Zanu PF supporters were asking people to write down their names after voting. This intimidated voters. The police officers who were present were not co-operative when asked to remove the Zanu PF supporters.

**Chinhoyi, Mashonaland West:** At Nemaikonde polling station ZANU PF supporters were writing down the names of all the people who were coming to cast their votes.

**Makoni West, Manicaland:** MDC polling agents were chased away at Dowa polling station at 0700 hours.

**Kwekwe Constituency, Midlands:** At Mbizo Ext 1 polling station, Zanu PF supporters harassed people as they queued to cast their ballots.

**Zvishavane, Midlands:** At Masuku B/C, Wallace and Maramba polling stations, the kraal heads were sitting close to the polling stations writing down names of people who were arriving to vote.

**Chegutu, Mashonaland West:** A bus was picking up people from polling stations and taking them to the 'David Whitehead bus depot' where they were allegedly washing away the supposedly indelible ink and then departing to vote again at different polling stations.

**Zhombe, Midlands:** In Zombe kraal-heads were working as ZEC officials at some polling stations:

- Ngilazi Ali Malanda at St. Theresa Polling Station
- Ephraim Chiyangwa at Navata Polling Station
- Dumezweni Ncube at Ntabeni Primary School Polling Station
- Doman Timothy Moyo at Mdluli Business Centre
- Titos Noyi Ncube at Ngigeni Business Centre
- Phillip Ndawana at Zhombe Primary School
- Ben Mpofu at Mopani Primary School
- Samuel Samambwa at Pomona Primary School
- Calisto Mutandi at Donjani Secondary School Polling Station
- Cephas Moyo at Maholokohlo Primary School Polling Station

Zanu PF ward coordinators were employed as ESC monitors. These include Mrs. Magugu and Mrs. Mhlanga.

At St. Andrews, the majority of voters had been instructed to say that they were unable to write, so they had to request the presiding officer to assist them to cast their vote. 144 voters were assisted to vote at this one polling station.

At Sengezi Polling Station, the presiding officer, David Maumbe brought 40 postal votes and said he had been instructed by the Constituency Command Centre to mix these votes with other votes at Sengezi Polling Station. The following are some of the names of people who were said to have voted using postal ballot:

- Muchemedzi, Professor (ID number still being established)
- Mafavhuke Victor 58-197571D 58
- Moyo Nkululeko 58-188116B 58
- Zhuwaniko, Christopher 05-862828Y 05
- Manhuru, Amos 58-155291X 58

Zanu PF candidate, Daniel McKenzie Ncube had the results for Rio Tinto High before the counting had started. Asked how he had the results before counting had started, Ncube said these were his unofficial results. The District Administrator Mrs. Muzenda defended Ncube by stating that the unofficial results were not important because she was the only person who received the official results. How Ncube got the unofficial results before the counting had even started is yet to be established.

**Mutoko North, Mashonaland East:** The MDC candidate for Mutoko North, Shupikai Mandaza, noted some irregularities in the figures announced at the National Command Centre. When counting had been completed at more than 79 polling stations, with only 3 outstanding, about 10 000 votes had been counted by 23.00 hours. While waiting for the results from the remaining 3 polling stations, namely Chisambiro, Kapondoro and Kangozo, the final results of Mutoko North were announced on the radio with the ZANU PF candidate getting 16,257 votes and the MDC getting 3,782 votes.

When confronted with the information that the results had been announced on radio even before the results from the 3 polling stations had come in, the presiding officer at the command centre, Mr Nyabadza, expressed surprise and had no explanation.

**Bindura, Mashonaland Central:** At Chipadze polling station Zanu PF supporters were sitting outside the polling station and writing down the names of people going to vote.

**Gokwe Chireya, Midlands:** Voters in Maganga village were denied the right to vote after kraal- heads, headmen and chiefs had collected national registration identity cards from the people on the pretext that they would facilitate their registration in preparation for the elections. On the voting day hundreds of these people were told that their names were not appearing in the voters' roll and as such they were not eligible to vote.

At various polling stations such as Nyawaya, Zviyo, and Dambamazuva Mateva young people were forced to claim that they were not able to vote on their own and as such needed to be assisted to vote. In the same constituency more than 500 youths were not allowed to vote.

The MDC candidate was not given accreditation cards and as such he was denied access to most of the polling stations.

## **8 The Final Results: Discrepancies**

Investigations and analysis by the MDC has revealed that in 30 constituencies (see list below) in the provinces of Manicaland, Mashonaland West, Mashonaland East and Matabeleland South there are serious and unaccountable gaps between the Zimbabwe Electoral Commission's (ZEC) official pronouncements on the number of votes cast and the final totals accorded to each candidate. This indicates massive fraud in which the ZEC appears complicit.

At present the MDC is unable to carry out an analysis of the accuracy of the number of votes cast in constituencies in Mashonaland Central, Masvingo, Matabeleland North, Midlands North and Midlands South as the ZEC refuses to release these figures. The ZEC's refusal to release these figures indicates widespread irregularities.

Where the MDC was widely predicted to regain seats, such as in Harare and Bulawayo, very few discrepancies were identified. This raises further suspicions that there was a calculated plan to ensure that the MDC won a sufficient number of seats to provide the electoral process with a veneer of legitimacy. While little attempt was made to deny the MDC victory in key urban areas it is clear that all stops were pulled out to ensure the MDC made few gains elsewhere.

In 11 constituencies (Kariba, Manyame, Goromonzi, Murehwa South, Mutoko North, Seke Rural, Buhera South, Mutare South, Mutasa South, Mutasa North and Nyanga) the deficits between the ZEC's official pronouncement on the number of votes cast and the final total directly account for the Zanu PF 'victories'. In most of these constituencies the Zanu PF candidate was either a senior party official or a Government Minister.

This analysis does not even take into account the uneven electoral playing field, the inflated voters' roll, the coercion of the rural electorate, nor the high number of people who were turned away on polling day.

### **8.1 Examples**

1. **Manyame:** ZEC announced the total votes cast as being 14 812. The MDC candidate polled 8 312 votes, meaning she had an unassailable lead. However, when results were finally announced the winning Zanu PF candidate was reported to have received 15 448 votes, with 543 ballots spoilt. The total vote count for the constituency becomes 24 303, with the discrepancy being 9 491 votes.

2. **Goromonzi:** ZEC announced the total votes cast as being 15 611. The MDC candidate, with 8 578 votes, polled more than half of the votes cast. However, when results were finally issued the Zanu PF candidate was announced the winner with 16 782 votes, 1 171 votes more than the total number of votes cast. The total votes cast for the 2 candidates, including spoilt ballots, becomes 26 123. The discrepancy is 10 512 votes.
3. **Kariba:** ZEC announced the total votes cast as being 16 676. The MDC candidate, with 9 540 votes, polled more than half of the votes cast. However, when results were finally issued the Zanu PF candidate was announced the winner with 13 1719 votes. The total votes cast for the 2 candidates, including spoilt ballots, becomes 24 142. The discrepancy is 7 466 votes.
4. **Seke Rural:** ZEC's total votes cast in Seke are given as 11 344. The MDC candidate, with 8 843 votes, polled more than half of the votes cast. But, when results were finally issued the Zanu PF candidate was announced winner with 15 434 votes, which is 4 090 more votes than the total votes cast. The total votes for all the candidates, including spoilt ballots, mysteriously becomes 24 873. The discrepancy is 13 529.
5. **Mutare South:** The ZEC figures for the total votes cast is 14 054. The MDC candidate received 12 163 votes. The final result released shows total votes as being 28 575, with 16 412 of these being for the winning Zanu PF. This registers a discrepancy of 14 521.
6. **Buhera South:** The total ZEC figure for votes cast is 25 447. The MDC candidate received 13 893 votes, more than half of the total votes cast. When results were finally issued, the Zanu PF candidate was announced the winner, with 15 066 votes. This gives a total of 28 959 ballots cast for the constituency, leaving a discrepancy of 3 512.
7. **Marondera East:** The total ZEC figure for votes cast is 25 193. When results were finally issued, the Zanu PF candidate was announced the winner, with 19 192 votes against 10 066 for his MDC counterpart. The total vote count for the constituency is 29 935, leaving a discrepancy of 4 742.
8. **Buhera North:** The total ZEC figure for votes cast is 16 795. When results were finally issued, the Zanu PF candidate was announced the winner, with 17 677 votes against 4 137 for his MDC counterpart. The total vote count for the constituency is 22 688, leaving a discrepancy of 5 893.
9. **Murehwa South:** The total ZEC figure for votes cast is 8 579. The MDC candidate received 4 586, more than half of the total votes cast. However, when results were finally issued the winning Zanu PF candidate was announced to have received 19 200 votes, more than double the number of votes cast. This gives a total of 24 463. There is a discrepancy of 15 207.
10. **Mutasa South:** The total ZEC figure for votes cast is 15 733. The MDC candidate received 9 380, more than half of the total votes cast. However, when results were finally announced the Zanu PF candidate was reported have received 9 715votes. The total vote count, including spoilt ballots, amounts to 19 573, leaving 3 840 votes unaccounted for.
11. **Mutasa North:** The total ZEC figure for votes cast is 10 986. The MDC candidate polled 6 605 votes, again more than half of the total votes cast. But, when results were finally announced the Zanu PF candidate was reported have received 10 135 votes. The total vote count, including spoilt ballots, amounts to 17 204, leaving 6 218 votes unaccounted for.
12. **Nyanga:** The total ZEC figure for votes cast is 13 896. The MDC candidate polled 9 360 votes. When results were officially announced, the Zanu PF candidate was reported have received 12 612 votes. The total vote count, including spoilt ballots, amounts to 22 739, leaving 8 843 votes unaccounted for.
13. **Chimanimani:** The total ZEC figure for votes cast is 23 896. The MDC candidate received 11 031 votes, while 794 votes were spoilt. When results were officially announced, the Zanu PF candidate was

reported to have received 15 817 votes. The total vote count, including spoilt ballots, amounts to 27 642, leaving 3 746 votes unaccounted for.

14. **Makoni North:** The total votes cast for the constituency, according to ZEC was 14 068. However, when results were officially announced the winning Zanu PF candidate received 18 910, with the MDC's candidate polling 6 077 votes, giving total votes for the two candidates as 24 987. There is a discrepancy of 10 919 votes.

15. **Chipinge North:** The total ZEC figure for votes cast is 23 896. When results were finally issued, the Zanu PF candidate was announced the winner, with 16 047 votes against 10 920 for his MDC counterpart. The total vote count for the constituency is 27 576, leaving a discrepancy of 3 625.

16. **Chipinge South:** The total ZEC figure for votes cast is 29 479. When results were finally issued, the Zanu PF candidate was announced the winner, with 16 412 votes against 12 163 for his MDC counterpart and 2 129 for Zanu Ndonga. The total vote count for the constituency is 30 704, leaving a discrepancy of 1 225.

17. **Makoni East:** ZEC announced that 20 454 people voted. When results were finally announced, the total votes for the 2 candidates, including spoilt ballots, amounts to 17 341, leaving a negative balance of 3 113 votes unaccounted for.

18. **Beitbridge:** ZEC announced that 36 821 had voted but the totals for the candidates only add up to 20 602, leaving a negative balance of 16 219 votes unaccounted for.

19. **Hwedza:** ZEC announced that 23 698 people voted. The total votes cast for all candidates, including spoilt ballots, amount to 26 736, leaving 3 038 votes unaccounted for.

20. **Mutare West:** ZEC announced that 18 584 people voted. The total votes counted for the candidates, including spoilt ballots, amount to 20 950, leaving 2 366 votes unaccounted for.

21. **Chegutu:** ZEC announced that 19 763 people voted. The total votes counted for the candidates, including spoilt ballots, amount to 25 374, leaving 5 611 votes unaccounted for.

22. **Chikomba:** ZEC announced that 18 401 people voted. The total vote count, including spoilt ballots, amount to 26 050, leaving 7 649 votes unaccounted for.

23. **Hurungwe East:** ZEC announced that 22 533 people voted. The total votes counted for the two candidates is 26 552, leaving 4019 votes unaccounted for.

24. **Mudzi East:** ZEC announced that 12 499 people voted. The total votes counted for the candidates is 22 420, leaving 9 921 votes unaccounted for.

25. **Mudzi West:** ZEC announced that 10 998 people voted. The total votes counted for the candidates is 22 796, leaving 11 798 votes unaccounted for.

26. **Murehwa North:** ZEC announced that 17 606 people voted. However, when results were finally issued the winning Zanu PF candidate was announced to have received 17 677, while his MDC counterpart received 4 137. The total votes counted for the candidates is 22 353, leaving 4 747 votes unaccounted for.

27. **Mutoko North:** ZEC announced that 10 721 people voted. But, when results were finally issued the winning Zanu PF candidate was announced to have received 16 257. The total votes counted for the candidates is 20 652, leaving 9 931 votes unaccounted for.

28. **Mutoko South:** ZEC announced that 15 863 people voted. But, when results were finally issued the winning Zanu PF candidate was announced to have received 19 390. The total votes counted for the

candidates is 23 481 leaving 7 618 votes unaccounted for.

29. **Insiza:** ZEC announced that 20 220 people voted. When results were officially announced, the winning Zanu PF candidate was announced to have received 13 109, while his MDC counterpart received 8,840 votes. The total votes announced for the constituency is 22 099, leaving 1 879 votes unaccounted for.

30. **Gwanda:** ZEC announced that 23 288 people voted. When results were officially announced, the winning Zanu PF candidate was announced to have received 13 109, while his MDC counterpart received 10 961 votes. The total votes announced for the constituency is 24 594, leaving 1 300 votes unaccounted for.

## **9 The Way Forward: Demands & Recommendations**

If future elections in Zimbabwe are to stand any chance of being free and fair, and adhering to SADC standards, the current government needs to implement comprehensive electoral reforms and take immediate steps to fully open up the democratic space and restore people's basic rights and freedoms.

There needs to be a collective effort by all stakeholders to advance the process of democratization in Zimbabwe. If this doesn't happen, Zimbabwe's protracted crisis will simply get worse.

### **9.1 Opening Up The Democratic Space**

Demands

- ZEC must supply the polling station returns (Form V11) to an independent body.
- ZEC must supply a copy of the voters roll in electronic format.

To open up the democratic space, the Government needs to do the following:

- i. Draft and formulate a new constitution. This exercise must be people driven and conducted in an open, transparent and consultative manner. The new constitution must entrench citizens' basic freedoms and human rights and provide the anchor for accountable, pluralistic and democratic government.
- ii. Stop the use of food as a political weapon. All food must be distributed through commercial outlets where it would be available to all without restriction.
- iii. Disband the youth militia and fully restore the rule of law
- iv. Ensure that police and security forces are impartial and non-partisan in conducting their duties.

- v. Remove all legal and administrative obstacles with regards to the registration of voters, in particular the stringent proof of residency requirements. All Zimbabwean citizens residing outside the country must have the right to vote.
- vi. Amend the Public Order and Security Act (POSA) to fully restore basic rights pertaining to freedom of assembly and association and in particular repeal the clause which obliges political parties and others to inform the police whenever they are planning to hold a meeting.
- vii. Amend the Access to Information and Protection of Privacy Act (AIPPA) to remove the powers of state controlled institutions to close down newspapers and to decriminalize so called 'false news'.
- viii. Immediately allow all closed newspapers (Daily News, Daily News on Sunday, the Tribune and the Weekly Times) to re-open unconditionally.
- ix. Ensure fair and equitable access to publicly owned newspapers by all political parties at all times. In addition, these newspapers must be regulated to report without bias.
- x. Ensure that the public electronic media is accessible by all political parties at all times and that there is fair and unbiased reporting by the public broadcaster.
- xi. Open up the airwaves and allow private broadcasters to broadcast. This process must be completed within six months.
- xii. Depoliticise traditional leaders and provide in law that they are prohibited from playing any active role in politics.
- xiii. Open up all resettlement areas to all political parties. The ruling party must stop running these areas as organs of Zanu PF by restoring full political freedoms in ALL resettlement areas. There must also be a cessation of all threats of withdrawal of land rights from those who do not wish to be members or supporters of Zanu PF.

## **9.2 Electoral Reforms**

While the Government did introduce a number of electoral reforms prior to the March 2005 legislative polls, these reforms were woefully inadequate. The reforms systematically failed to protect the process from manipulation by the Executive and the ruling party.

Listed below are the key electoral reforms that need to be implemented in order to restore public confidence in the electoral process and harness acceptable levels of transparency and fairness.

- i. Create a truly independent electoral commission under the Constitution which would have exclusive control of all election matters, including voter registration, the delimitation of constituency boundaries and the compilation of the voters' roll. This new electoral body must be adequately resourced to carry out all its duties and must be free to recruit its own staff at all levels. Soldiers and members of the Central Intelligence Organisation must be removed from all election matters.
- ii. The first task of the new electoral commission must be to conduct a thorough and transparent audit of the voters' roll with a view to removing all 'ghost' voters and ensuring that the voters' roll is accurate and beyond reproach.
- iii. The Electoral Supervisory Commission must be abolished as it serves no purpose other than to deploy Zanu PF functionaries as its representatives at polling stations.
- iv. Establish a sufficient number of polling stations (at least 1 polling station per 1000 registered voters in a constituency) in order to ensure that voting can be completed in one day
- v. Remove all administrative bottlenecks used to deny election agents access to polling stations on polling day.
- vi. Permit "assisted" voters to select a person of their own choosing to help them vote.
- vii. Ensure that results at every polling station are tallied openly, transparently, accurately and in a timely way. Results must be certified at the polling station and signed by representatives/election agents of all contesting parties at the polling station. The results must then be immediately posted at the polling station and every representative of the contesting parties must be given a copy of the results certified or signed at the polling station.
- viii. Representatives of all contesting parties must be allowed at all command centres, i.e. at constituency, provincial and national levels. This is essential in order to remove all suspicion as well as all opportunities for fiddling with the ballot figures.
- ix. Ensure unhindered access to the entire electoral process by political parties as well as domestic, regional and international observers and allow civic organisations to conduct voter education.



