

Voice of Democracy's message to the Zimbabwe Election Commission

Written by Administrator

Saturday, 14 March 2015 21:47 -

The Voice for Democracy warmly welcomes Vice President Mnangagwa's announcement that further amendments to the Electoral Act will bring it into line with the Constitution. The Vice President is also reported to have urged MPs to acquaint themselves with 11 Bills soon to be laid before Parliament to ensure that they conform to the Constitution. When questioned by an MP he said, "What we are doing is constitutional to the letter".

But this is rich indeed coming from a Vice President who has so recently flouted the letter of the Constitution and the Electoral Act. As audio evidence shows, he blatantly violated the Constitutional requirement that traditional leaders remain impartial and stay out of politics. He then added insult to injury by intimidating voters by threatening to "fence them out" in violation of the Electoral Act. The Former US Deputy Assistant Secretary of State for African Affairs, Todd Moss, was particularly scathing about the Vice President who "openly bragged about rigging the vote."

Jacob Ngarivhume, whose party, Transform Zimbabwe, is contesting the Chiramanzu-Zibagwe by-election, has issued a strongly-worded statement (attached) criticising the Vice President. The Vice President's unconstitutional and unlawful pronouncements renew fears of intimidation and fraud being used yet again as an electoral tool. The Voice for Democracy therefore calls upon the Zimbabwe Electoral Commission (ZEC) to implement the letter of the law.

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In terms of s.133G(c) of the Electoral Act, ZEC must call upon *all* political parties and candidates to publically undertake to abide by the code of conduct set out in the Fourth Schedule.

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In terms of the Fourth Schedule, every political party and candidate is required to condemn, unreservedly and publically, any violence or intimidation, avowing not to take reprisals against

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any person because of the way they voted.

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In view of the Vice President's utterances, ZEC must call upon him to state categorically that traditional leaders will not be used unconstitutionally in a partisan role to intimidate voters.

But there is more. The Electoral Act [s.133H(1)] requires the appointment of a Special Police Liaison Officer (SPLO) for every general election **and by-election** to investigate politically motivated intimidation and violence. To our knowledge, this has not been done. Sub-section (2) requires the Zimbabwe Human Rights Commission to establish and chair a Special Investigation Committee, which includes representatives of each political party contesting the election. Its task is to instruct the SPLO to investigate any intimidation or violence. Again, this Committee has not been established as required by law. It is ZEC's duty to ensure that this Committee is established and immediately investigates the offences committed by the Vice President.

The Voice for Democracy calls upon all national election monitoring agencies, the Parliamentary Committee on Human Rights, and diplomatic missions to apply for accreditation as observers for these crucial by-elections. These are, after all, the seats vacated by the Vice President and the former Vice-President of Zimbabwe. In view of their policy of engagement with the Government of Zimbabwe, we appeal to all member countries of the European Union, and the European Union itself, to apply to observe these by-elections.

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Dale Doré

Voice for Democracy

Transform Zimbabwe challenges Mnangagwa

Jacob Ngarivhume, President

Intimidation

Transform Zimbabwe deplores Vice President Emmerson Mnangagwa's shameless and unlawful intimidation of voters in Chirumanzu-Zibagwe constituency. By claiming to be able to identify anyone who votes against his wife, Auxillia, and then threatening to 'fence them out', Mnangagwa's utterances are a direct violation of our electoral laws.

The Electoral Act clearly states that intimidation includes "threatening to withhold from a person

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any assistance or benefit to which that person is legally entitled." According to the Act, a person, who through intimidation compels others to vote for a political party or candidate, is guilty of an offence.

It is the duty of the Zimbabwe Electoral Commission to enforce Section 133G(c) of the Electoral Act. The Commission is obliged to call upon all candidates – most notably Vice President Mnangagwa and his wife, Auxillia – to *make a public undertaking* to abide by the code of conduct for political parties and candidates set out in the Fourth Schedule.

The Fourth Schedule of the Act requires all political parties, as well as their candidates and supporters, to promote conditions conducive to free, fair and democratic elections. They must promote elections conducted through a *secret ballot* in a climate of democratic tolerance. They *must* accept others political rights to present their political principles and ideas in a peaceful environment *without intimidation or fear of reprisal*.

Transform Zimbabwe calls upon the Vice President and his wife to uphold the rule of law by stating publically, as required by Section 4 of the Fourth Schedule, that everyone has the right to freely express their political beliefs and opinions, and to condemn *unreservedly and publicly any violence or intimidation*.

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We, Transform Zimbabwe, the people of Zimbabwe, and the diplomatic community will be eagerly waiting to hear the Vice President's public and unreserved condemnation of violence or intimidation – in word and deed.

Traditional Leaders

Transform Zimbabwe also points out that Vice President Mnanagawa's intimidation and threats have been aggravated by his flagrant and unlawful solicitation of political support from traditional leaders for his party and their ZANU(PF) candidate. His call for voters to "go to the polls with the headman in front," is unconstitutional.

Transform Zimbabwe reminds the Vice President – a former Justice Minister, who should know better – of the Constitutional provisions that he has sworn to uphold. Section 281(2) of our Constitution states that traditional leaders ***must not be members of any political party or in any way participate in partisan politics,*** or further the interests of any political party or cause. They must not violate the fundamental rights and freedoms of any person, including the right to vote freely for a candidate of their choice.

Transform Zimbabwe trusts that Vice President, the ZANU(PF) candidates and their supporters will uphold traditional leaders' obligations in terms of the Constitution – both in word and deed.

Our Challenge

Transform Zimbabwe is baffled about why Vice President Mnangagwa deems it necessary to flout the laws and Constitution in his bid to secure a parliamentary seat for his wife. After all, he dismisses the other candidates, including Transform Zimbabwe's Abigail Musambasi, as having no history. He brags that ZANU(PF) received 18,000 votes in the last election in Chiramanzu-Zibagwe, leaving both other candidates with a mere 2,000 votes between them. So, why should he fear a free and fair election? Why should he fear a 'little known' party like Transform Zimbabwe?

Transform Zimbabwe challenges the Vice President, his wife, and their party to uphold the laws and Constitution of Zimbabwe, to ensure a fair and level playing field, and to allow the constituents of Chiramanzu-Zibagwe to exercise their sovereign right to elect a leader of their choice.

Vigilance

But whether or not Mnangagwa, his wife, and ZANU(PF) accept this challenge, Transform Zimbabwe will be on the ground monitoring their every threat and their every violation. These we will report to the Zimbabwe Electoral Commission and the Zimbabwe Human Rights Commission, as well as national monitors and international observers. And if we find sufficient evidence of electoral fraud that cause us to lose the elections, we will have no compunction in approaching the Electoral Court for redress.

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