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ZIMBABWE WATCH - Annex 1: gross irregularities

1. The March 2002 election for the president of Zimbabwe has to be seen as a watershed for Africa and indeed the whole world. The choice to be made is between genuine participatory and democratic processes, (involving tolerance and freedoms of speech, association and choice in voting), and manipulated, coerced and unfree elections (involving militarisation of elections, and partisan use of state institutions and resources).

Should a deeply flawed and distorted election in Zimbabwe be given the stamp of approval by the international community, and particularly by the African countries, a very negative message will be sent out. Permission will de facto be granted to political leaders to use similar methods to remain in power despite popular opposition.

The acceptance of a flawed election will in the long term set back the process of democratisation, and of the discovery and construction of true African modes of democracy, by many years. Whatever actual result of the elections may be announced, it is important that clear lessons are drawn and applied from the conduct of the preparations and the holding of the March 2002 elections in Zimbabwe, and that African leadership is exercised in ensuring that rigged, distorted and stolen elections are as unacceptable as military interventions in politics.

2. The preparatory period for the elections was a time during which a number of very serious distortions and limitations to essential freedoms were introduced and applied. It is clear that a whole range of strategies was applied gradually and cumulatively, with a view to preparing the ground for an apparently "free and fair election" - the overall style of governance may be described as a façade of legalism, covering a range of repressive and distorting mechanisms.

- **disenfranchisement and distorted registration of voters:** the voters roll in Zimbabwe has a long history of being chaotic. In the context of the present election, a very large number of people were unable to be registered as voters: key sectors include youth who have not been able to obtain identity documents yet; urban residents who do not have proof of residence; displaced rural people, also without proof of residence; Zimbabweans outside the country working or studying. New citizenship laws, introduced so as to have an effect of the voters roll for the presidential election, have disenfranchised many people who have lived (or whose families have lived) in Zimbabwe for many years, notably people whose families are of Zambian, Malawian and Mozambican origin. It is estimated that perhaps 500 000 people who should have been entitled to register have been excluded
- **media distortions:** state monopoly of the electronic media (Radio and television) has allowed a massive distortion of the messages that were conveyed to the society. Independent print media has suffered harassment of many kinds, including the bombing of the printing presses of the main independent daily newspaper
- **violence and harassment:** political violence since the June 2000 election has occurred in every province and district. In great majority, it is clear that the ruling party and groups it sponsors or co-opts ("war veterans", youth militia) are responsible for the immense list of violence, torture and harassment and political deaths. It is clear that some opposition youths are also involved in violence and harassment; while this is reprehensible, in no way is it comparable in scale with the ruling party's violence
- **partisan nature of policing:** the problem of violence has been compounded and exacerbated by the complicity or inaction of the police force (by and large) in situation of violence carried out by the ruling party
- **political cleansing** has seen the forcing of known or suspected sympathisers of the opposition out of the civil service, police and local government. The education system and the health system have suffered similar victimisations
- **pressures on and distortions of the judicial system:** while the Judiciary independent of the state to some degree, there has been a concerted effort by the executive, and the executive president, to force senior judges out of office, including Chief Justice Gubbay; an expanded Supreme Court bench was appointed, headed by a judge known his support of the ruling party. Direct personal threats to judicial officers by War veterans and youth militias has been used in attempts to coerce the courts. Nonetheless some rulings have been made against the state; in some cases, notably in terms of election regulations, these court rulings have been overruled by President Mugabe, under the Presidential (Emergency Powers) regulations

- **severe limitations on observers:** many obstacles have been placed in the way of creating an adequate national and international observing capacity for the elections. Regulations introduced in December attempted to exclude all national observers (as well as to ban civic education by non-government organisations); when this law was struck down as unconstitutional, a combination of administrative and bureaucratic means served to continue the exclusion. International observers were limited by a biased ruling party vetting process, and while many in the end were present for the elections, very few were present during the months before the election
 - **militarisation of structures of the State and the elections:** a large army was maintained since independence, despite the opportunities to demilitarise after Mozambique's peace process and South Africa's liberation. In recent years the rate of appointment of senior military people (active or retired) to various posts has increased, for example to head the Prison Service and the Electoral Supervisory Commission. Many presiding officers of polling stations are military personnel and war veterans. The War Veterans were semi-officially coopted into the Defence Forces as the military reserve in 2000, and the paramilitary youth militias are the latest (if largely undisciplined) addition to the repressive capacity of the state and the ruling party (between which little distinction is allowed).
 - **confusion of the electoral law and regulations:** a range of new laws, including the Public Order and Security Bill and the Access to Information Bill, as well as amendments to the Electoral Act, created uncertainty and a lack of clarity about the conditions for staging the election. Changes occurred to the regulations governing the elections at least five times in the three months running up to the elections, the last time being three days before the elections when Presidential powers reinstated regulations struck down by the Supreme Court the previous week.
 - **limitations on campaigning:** the main opposition party: no access to the state controlled electronic media was only one of the limitations to opposition party campaigning: at least 80 of its organised campaign rallies were not staged due either to police refusing permission, or to police failing to provide protection against harassment from ruling party militia and associated groups.
3. The holding of elections was carried out in ways which clearly indicated a will to frustrate and to impede voting for people suspected of supporting opposition, and in ways that facilitated the possibility of direct electoral fraud.
- **the supplementary voters roll:** there is extreme lack of transparency in the establishment of the supplementary voters roll, with reports that enrolment was continuing, without public notification, and clearly for the members of the ruling party, very close to the date of the election. There is clear indication that an attempt is being made to inflate the vote in areas thought to be mainly sympathetic to the ruling party.
 - The **main voters roll** was not readily available for inspection by the public, and it appears that during the election on 9 and 10 March a significant number of people were turned away from the polls because of not appearing on the roll, perhaps as many as 15% of all those who attempted to vote
 - **polling agents access and coverage:** by late Sunday 10 March the main opposition party was stating that its polling agents were not able to reach and supervise some 47% of polling stations, in particular most of the mobile polling stations. This came about because of problems of accreditation caused by the very late provision of information about polling stations by the Registrar General, and the harassment, violence and interference around their polling agents by police and militias. This is particularly serious given the extreme limitation on the numbers of accredited observers (only 470 of the 12 000 requested by the Zimbabwe Election Support Network were accredited)
 - **handling of polling stations and the role of police, militias:** though many presiding officers at polling stations were very professional, there are many situations and cases reported, in which police (uniformed, Police Support Unit, Riot Police) interfered in partisan ways in the long queues, in the arbitrary closing (or even opening) of some polling stations, and in allowing illegal political activities near the polls. Many potential voters report that they have been harassed in the line and chased away.
4. The legitimacy of governance and democracy is too often seen as a question of the effectiveness of the technical running of elections. It is crucial that in the African continent as we move towards better ways of governing ourselves for the good of our people, that the processes of participation and decision making, at all levels and all stages, be consolidated by a learning and discovery process about how to participate, how to govern responsibly and responsively.

