

SADC PROTOCOL WATCH

‘MONTHLY UP-DATE’ – an assessment of the extent to which the Zimbabwe Government is complying with the SADC Protocol on Principles and Guidelines Governing Democratic Elections.

Over the past month pressure from the people has continued to create political victories for free and fair elections. This incremental progress is a source of great optimism although we remain some distance from the finishing line.

Issue 3: 17 October – 17 November

PRINCIPLES & GUIDELINES	PROGRESS TOWARDS COMPLIANCE	INCIDENTS/DEVELOPMENTS (During the time-period stated above)
GRADING: 1 = No Compliance 2 = Very Minimal Progress 3 = Minimal Progress 4 = Good Progress 5 = Full Compliance		
Full Participation of citizens in the political process	1	<p>17 November: The NGO Bill, which seeks to ban civic organisations operating in the areas of governance and human rights, passed its 2nd reading in parliament due to the support of Zanu PF members</p> <p>16 November: The Parliamentary Legal Committee submitted ‘adverse reports’ on both the NGO Bill and the Zimbabwe Electoral Commission Bill on the grounds that both contained provisions that were unconstitutional. Zanu PF used its parliamentary majority to reject both reports.</p> <p>Both Bills are expected to progress to Committee stage on Tuesday 23 November.</p> <p><i>“Provisions of this [NGO] Bill will allow the government of Zimbabwe to stop all human rights organisations from operating”,</i> said the report</p>
Freedom of Association	3	Over the past month the MDC has held numerous rallies across the country with thousands of supporters

		bravely defying intimidation to attend the rallies. Despite these significant political victories, secured through the principled bravery of the people, the police continue to arrest people for attending MDC meetings.
Political Tolerance	2	<p>28 October: Police arrest 34 MDC supporters for attending a party meeting in Bulawayo.</p> <p>There has been a slight reduction in the political temperature over the past month with a decrease in incidents of political violence, however, intolerance and intimidation remain pervasive.</p> <p style="text-align: center;"><i>“If it were up to me I would kill them (MDC supporters)...in my opinion MDC is not supposed to operate in Zimbabwe. They should all be arrested”,</i> said Major Mdsen Mupasu in a recent interview on ‘Face The Nation’ a programme broadcast by the state controlled ZTV.</p> <p>11 November: Richard Musazulwa, the Midlands’ correspondent for The Standard was arrested in Gweru in connection with a story he had written over four months ago.</p> <p>10 November: Owen Matava, a journalist with the Midlands News was arrested and questioned by police in connection with a story he wrote which angered the Midland Governor, Cephas Msipa.</p> <p>31 October: Armed Zimbabwean police raid the home of Colin Gwiyo, a senior trade unionist, after he and his colleagues had met with officials from the Congress of South African Trade Unions (COSATU).</p> <p>28 October: Zanu PF uses its parliamentary majority to secure parliament’s adoption of a recommendation by a parliamentary committee of enquiry that MDC MP Roy Bennett be sentenced to 12 months imprisonment, plus hard labour, for pushing Justice Minister Patrick Chinamasa.</p> <p>26 October: A delegation of officials from the Congress of South African Trade Unions, who had arrived in Zimbabwe on a fact finding mission, are detained by police and subsequently deported back to South Africa. The deportation was carried out in blatant defiance of a High Court order declaring the deportation illegal</p> <p>The Zimbabwe Republic Police has ordered its press officers not to answer queries from journalists working for non-government controlled newspapers.</p> <p>21 October: Mashonaland Central provincial governor, Ephraim Masawi, told church leaders who are not members of the ruling party that they should move out of his province before the serious campaigning starts for next year’s parliamentary elections.</p>
Equal opportunity for all political	1	Neither of the two Electoral Bills that are currently progressing through parliament contain provisions to

parties to access the state media		<p>ensure opposition parties have equal access to the state media. The state media remains harnessed to the political agenda of the ruling party.</p> <p>15 November: media reports alleged that the state-owned Zimbabwe Broadcasting Holdings is recording new propaganda music and television adverts to be used to campaign for Zanu PF in the next year's parliamentary elections</p>
Constitutional and legal guarantees of freedom and rights of citizens	1	<p>There has been no move to repeal those aspects of the Public Order and Security Act and the Access to Information and Protection of Privacy Act that place severe limitations on citizens' basic civil and political rights.</p>
Conducive environment for free, fair and peaceful elections	3	<p>Although there has been a slight reduction in the political temperature, and fewer MDC rallies/meetings are being banned, the situation on the ground is still not what is expected under the SADC protocol.</p> <p>13 November: the government announces plans to open up two new youth militia camps in Mashonaland West and Mashonaland East – two areas which are currently 'no-go' for the MDC.</p>
Non-discrimination in the voters' registration	1	<p>The Registrar General's office embarked on a mobile registration exercise in May 2004 but the exercise was discriminatory because in urban areas the RG's office was only issuing birth certificates and identity documents. In the rural areas, a massive door-to-door voters' registration exercise was conducted.</p> <p>In a letter to the Chairman of the Delimitation Committee, MDC Secretary General Welshman Ncube wrote, <i>"In our view, the voters' roll information submitted to your commission (by the RG's office) is incomplete and disenfranchises thousands of persons who should be entitled to vote"</i>.</p>
Existence of an up-dated and accessible voters' roll	2	<p>Opposition parties continue to be denied access to electronic copies of the voters' roll. Studies that have been carried out on parts of the hard copy version have revealed serious anomalies, indicating a deeply flawed and inaccurate voters' roll.</p> <p>Comparison with the lists used for the presidential polls in March 2002 show dramatic decline in registered voters in traditional MDC heartlands. For instance in Harare 878,715 voters were registered in 2002. Since then 46,780 names have disappeared. This reduction is open to serious doubt given that the last official census showed that Harare's population had increased by 30%, a trend consistent with most African cities as people migrate from the countryside in search of jobs. Interestingly, the roll reveals that in Mashonaland Central, a traditional Zanu PF stronghold, the number of registered voters has increased. It had 418, 277 registered voters in 2000 and now has 605, 390.</p>
Establish impartial, all-inclusive, competent and accountable	1	<p>Under the proposals for a new Electoral Commission, as laid out in the ZEC Bill, Mugabe will appoint the</p>

national electoral bodies		<p>chair of the proposed commission whilst the other four members will be chosen from a list provided by a Parliamentary committee dominated by Zanu PF.</p> <p>The Bill also contains a clause requiring state employees, including members of the defence forces, the police force and the prison force to be seconded to the Electoral Commission during elections.</p>
Ensure that adequate security is provided to all parties participating in elections	1	The police and other state security agents continue to be partisan and deny MDC members their right to protection under the rule of the law.
Independence of the judiciary	3	3 November: Tapera Sengweni, a Gweru magistrate was stripped of his magisterial powers a few hours after remanding in custody two Zanu PF youth. The youths are facing charges of bombing a vehicle belonging to Patrick Kombayi, the MDC's spokesperson for Midlands South.
Safeguard the human and civil liberties of all citizens, including the freedom of movement, assembly, association, expression and campaigning	2	<p>In the high density Harare suburb of Glen View Zanu PF youths continue to harass residents and force them to attend Zanu PF rallies. The Glen View constituency was secured by the MDC in the last elections by an overwhelming majority.</p> <p>16 November: a passenger on a bus in Harare was charged under the notorious Public Order and Security Act for accusing Mugabe of being a 'dictator who rules by the sword'. The individual in question was sentenced to 140 hours of community service.</p> <p>13 November: Zanu PF thugs descended on a flea market in Harare to stop the sale of Thomas Mapfumo's 'Chaputika' album which contains songs with lyrics critical of the ruling party.</p> <p>The producer's father was later attacked near his home in the Warren Park area. After the attack the thugs torched his car. The police have yet to make any arrests.</p> <p>9 November: the Zanu PF majority in parliament voted in favour of proposed amendments to the Access to Information and Protection of Privacy Act. The passing of the amendments will mean that journalists operating without accreditation will be liable to either a fine or two years imprisonment.</p>
Counting of votes at polling stations	4	The Electoral Bill contains a provision expressing the need for votes to be counted at polling stations; however, the Bill fails to make it clear whether or not this process will be mandatory.
Voter Education	1	The clauses in the ZEC Bill that ban civic society from engaging in voter education and ban foreign funding for civic education are unconstitutional.
Polling stations should be in	1	No law has been passed to ensure polling stations are in neutral places.

neutral places		
Regular intervals as provided for by the respective National Constitutions	5	The constitution provides for parliamentary and presidential elections every 5 years and 6 years respectively.
Take all necessary measures and precautions to prevent the perpetration of fraud, rigging or any other illegal practices throughout the whole electoral process in order to maintain peace and security	1	<p>The state continues to use food as a political weapon against its opponents, as illustrated in a recent report published by Amnesty International. In its report, AI points to the fact that Zimbabweans without ruling party membership cards have been denied access to grain distributed by the government-controlled Grain Marketing Board.</p> <p><i>“The monopoly of the state-owned GMB on trade in, and distribution of, maize has been used by the government to control food supplies and manipulate food for political purposes”,</i> says the report.</p>