

The Catholic Observer

Election Observation Report for 2013 Harmonised Elections Zimbabwe

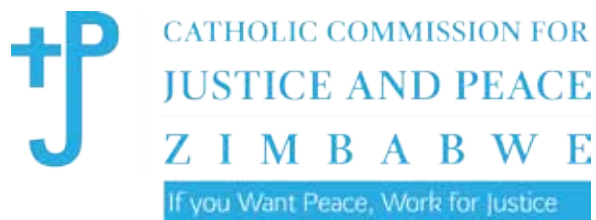


Catholic Commission for
Justice and Peace in Zimbabwe



The Catholic Observer

Election Observation Report for 2013 Harmonised Elections Zimbabwe



2013

A CCJPZ publication in collaboration with CPLO and SOCCOM
Africa Synod House
29-31 Selous Avenue/4th Street
Harare
Zimbabwe

“I’m deeply impressed by that moment when Christ stands alone before the world figured in Pilate. The truth is left alone, His own followers have been afraid. Truth is fearfully daring, and only heroes can follow the truth. So much so that Peter, who has said he will die if need be, flees like a coward and Christ stands alone.”

Oscar Romero: Violence of Love.

CONTENTS

ACRONYMS.....	1
ACKNOWLEDGEMENT.....	2
CCJP IN ZIMBABWE.....	3
EDITORS' NOTE.....	5
FOREWORD BY CCJPZ BISHOP CHAIR.....	6
EXECUTIVE SUMMARY.....	8
1. INTRODUCTION.....	15
2. INSTITUTIONAL AND LEGISLATIVE OVERVIEW.....	18
2.1. ZIMBABWE'S ELECTORAL HISTORY.....	18
2.2. BACKGROUND TO ZIMBABWE'S 2013 HARMONISED ELECTIONS.....	18
2.3. THE LEGAL FRAMEWORK.....	19
3. THE PRE-ELECTION ENVIRONMENT.....	25
3.1. HOW CCJPZ COLLECTS INFORMATION.....	25
3.2. THE POLITICAL SITUATION.....	25
3.3. THE ELECTION DATE.....	31
3.4. POLITICAL CAMPAIGNS.....	32
4. ELECTION DAY.....	34
4.1. ROLL OUT OF CCJPZ OBSERVATION PROCESS.....	34
4.2. POLLING DAY OBSERVATIONS.....	35
4.3. OTHER OBSERVATIONS.....	45
4.4. TYPES AND FREQUENCY OF RECORDED INCIDENTS: A SUMMARY.....	47
5. POST ELECTION PERIOD.....	50
6. CONCLUSIONS.....	52
ANNEXES.....	55
ANNEX 1: PRE-ELECTION PRESS STATEMENT.....	55
ANNEX 2: POLLING DAY STATEMENT.....	56
ANNEX 3: END OF POLLING STATEMENT.....	57
ANNEX 4: VIEWS OF OTHER ELECTION OBSERVERS.....	58
REFERENCES.....	59

LIST OF TABLES

Table 1: Zimbabwe's 8 Catholic Dioceses and the Districts they cover.....	4
Table 2: Summary of messages delivered during community meetings.....	27
Table 3: Number of observers deployed by CCJPZ in 2013 Harmonised Elections.....	34
Table 4: Summary of challenges associated with the ballot materials.....	38
Table 5: Estimated numbers of voters who requested assistance to vote but denied.....	41
Table 6: Incident Summary of Assisted Voters.....	42
Table 7: Summary of incidents associated with Special Votes ballots.....	45
Table 8: Summary of incidents related to poor lighting.....	46
Table 9: Types and frequency of incidents recorded: A summary.....	47
Table 10: Official Presidential Results.....	48
Table 11: Views of other Election Observers.....	58

LIST OF DIAGRAMS

Diagram 1: Opening of Polls.....	35
Diagram 2: Party agents representation on Polling Stations.....	36
Diagram 3: Adequacy of voting materials at Polling Stations.....	37
Diagram 4: Voters' with egistration Slips NOT allowed to vote.....	39
Diagram 5: Voters allowed to vote even without identity documents.....	40
Diagram 6: Voters who requested assistance to vote but were denied.....	40
Diagram 7: Voters who were allowed to vote on behalf of others.....	41
Diagram 8: Voters who were not marked with Indelibleink after voting.....	44
Diagram 9: Voters who were still on the queue at the official time of closing the poll.....	44
Diagram 10: Actual time of close of polls.....	45

CASE STUDIES

Case 1: Forced to pretend to be illiterate.....	43
Case 2: Justifying voting without assistance.....	43
Case 3: How someone was assisted to vote.....	43

ACRONYMS

AIPPA	Access to Information and Protection of Privacy Act
AU	African Union
CCJPZ	Catholic Commission for Justice and Peace in Zimbabwe
CAFOD	Catholic Agency for Overseas Development
COMESA	Common Market for East and Southern Africa
CPLO	Catholic Parliamentary Liaison Office
CRS	Catholic Relief Services
DHPI	Denis Hurley Peace Institute
ECF-SADC	Electoral Commissions Forum of SADC
EMB	Election Management Body
EPOIZ	Ecumenical Peace Observation Initiative Zimbabwe
ESC	Electoral Supervisory Commission
FPTP	First Past The Post
GNU	Government of National Unity
GPA	Global Political Agreement
IMBISA	Inter-Regional Meeting of Bishops of Southern Africa
IOM	International Organisation for Migration
LTO	Long Term Observer
MDC-N	Movement for Democratic Change - (Ncube)
MDC-T	Movement for Democratic Change - (Tsvangirai)
MKD	Mavambo Kusile Dawn
POSA	Public Order and Security Act
RGV	Registrar General of Voters
SADC	Southern African Development Community
SADC-CNGO	Southern African Development Community Council of NGO
SADC-ESN	Southern African Development Community Electoral Support Network
SADC-LA	Southern African Development Community Lawyers Association
SADC-PF	Southern African Development Community Parliamentarians Forum
SOCCOM	Social Communications Commission [of the ZCBC]
STO	Short Term Observer
ZANU-PF	Zimbabwe African National Union Patriotic Front
ZAPU	Zimbabwe African People's Union
ZCBC	Zimbabwe Catholic Bishops' Conference
ZDP	Zimbabwe Democratic Party
ZEC	Zimbabwe Electoral Commission
ZESN	Zimbabwe Election Support Network
ZRP	Zimbabwe Republic Police
ZUPCO	Zimbabwe United Public Commuters

ACKNOWLEDGEMENTS

The observation of the 2013 Zimbabwe Harmonized elections by the Catholic Commission for Justice and Peace in Zimbabwe (CCJPZ or the Commission), a commission of the Zimbabwe Catholic Bishops Conference (ZCBC), would not have been possible without the commitment, support and assistance of others.

Appreciation goes first of all to the ZCBC for giving CCJPZ the mandate to observe the 2013 Harmonized Elections as a contribution towards the promotion of justice and peace in Zimbabwe. CCJPZ is indebted to all the eight Catholic Dioceses, especially the Coordinators and their teams - Elliot Vengesa, Getrude Chimange, Joel N. Nkunsane, Cleophas Murakwani, Fr. Patrick Sibanda, Fr. Stanislaus Lumano, Nobert Mauta and Joseph. B. Nkatozo - for mobilizing, training and facilitating accreditation and deployment of observers to designated polling stations. And it is also indebted to the individual observers (also known as CCJPZ animators or justice and peace actors) for their commitment in accepting to be Catholic Observers. The process of collating, consolidating and disseminating information as well as organizing Election Day advocacy and liaisons was made possible by the CCJPZ National Coordinating team comprising Tarcisius Zimbiti, Isabella Kugotsi, Miranda Mangava, Memory Muchenje, Aaron Musimango, Brenda Gwasira, Philimon Handinahama and Dennis Mutadzakupa. CCJPZ is equally grateful to the Zimbabwe Electoral Commission (ZEC) for their reception, cooperation and good working relationship. The accreditation process of 2013 election observers was efficient and admirable.

Observation of Zimbabwe's 2013 Harmonized Elections was made possible by the support of Misereor, the Denis Hurley Peace Institute (DHPI), the Inter-regional Meeting of Bishops of Southern Africa, the Catholic Agency for Overseas Development (CAFOD) and Caritas Denmark. Apart from providing financial and technical support, these organisations offered valuable advice and kindness which contributed immensely to the method and success of the observation process. Recognition also goes to the Catholic Social Communications Commission (SOCCOM) and the Catholic Parliamentary Liaison Office (CPLO) who worked hard to ensure effective coordination of the Observation process. Finally, individuals that made up the Command Centers - data clerks, telephone attendants, information managers, and the rapid response team, ZCBC representatives and others not mentioned were very helpful in collecting and consolidating information, on a 24 hour basis.

Finally, appreciation goes to individuals who contributed by providing valuable inputs and comments: Elija Rubvuta, Fr. Fredrick Chiromba, Fr. Oscar Wermter, Dr. Christiane Averbeck and Joram Tarusarira.

May God Bless you all

THE CATHOLIC COMMISSION FOR JUSTICE AND PEACE IN ZIMBABWE

The CCJPZ was formed by the Zimbabwe Catholic Bishops Conference in 1972 to address issues of justice and peace particularly in relation to the Zimbabwe liberation war. The Commission was viewed by the Rhodesia authorities as 'anti-Government', especially after documenting and publishing the atrocities perpetrated on ordinary citizens by the Rhodesian army in *Civil War in Rhodesia: The Man in the Middle*, published and distributed in the United Kingdom by the Catholic Institute of International Relations, now Progressio. Some of the most active Commission members, such as the chairman, Donald Lamont, Bishop of Umtali (Mutare) were deported or restricted.

After independence in 1980, the CCJPZ moved closer to people. Using the Catholic Church as an entry point, it established Diocesan Commissions that have created community based structures useful for monitoring justice and peace situation in the country as well as disseminating justice and peace messages. The CCJPZ recognizes building relationships, based on respectful dialogue can be a fruitful strategy in terms of influencing policy. As a result, CCJPZ has been influential in providing civic educations on justice and peace at the local and national levels and has produced influential documents that have been used for relevant advocacy and liaisons. It co-published – with the Legal Resources Foundation *Breaking the Silence: Building True Peace* where CCJPZ found itself viewed as 'anti-government', this time by the new Zimbabwe government. But the publication inspired 1987 Peace Accord. Other publications include *Crises of Governance* (2000) and *Graveyard Governance* (2008) that encouraged Zimbabwe's main political parties to unite by negotiating and signing a Global Political Agreement in 2008, which paved way for peace and economic stability.

Underlying the work of CCJPZ is the Social Teaching of the Church (STC), which influences its Civic Education on peace building, conflict management, conflict resolution, human rights, research, advocacy and lobbying. The STC sheds the light of the gospel on issues that affect our lives in society and offers the Church's wisdom, insight and experience in dealing with them. They contain a number of principles:

- *The Dignity of the Human Person*: Every human being is created in the image of God (Gen. 1:26-27) and redeemed by Jesus Christ, and therefore is valuable and worthy of respect.
- *Respect for Human Life*: Human life is sacred because it was created by God. Human life at every stage of development and decline is precious and worthy of protection and respect.
- *Participation*: As is their right and duty as citizens, the STC encourages people to participate in all activities that promote the common good especially the poor and the marginalised.
- *Association*: People achieve their potential by working with others in families and other civic bodies that foster growth, protect dignity and promote the common good.
- *Subsidiarity*: It is a grave disorder for a higher body in the state, such as the government, to arrogate to itself powers that can be effectively exercised by lesser bodies such as voluntary associations, civil society, families and individuals.
- *The Promotion of Common Good*: The common good is the total of all living conditions – social, political, economic, cultural, technological and environmental – that make it possible for all people to fully achieve their potential for growth. The absence of sensitivity to the common good is a sure sign of decay in a society.
- *The Universal Enjoyment of the Earth's Goods*: The goods of this earth are for the benefit of everyone and should be shared justly and equitably.
- *Option for the Poor*: The poor and marginalised are often left out in the distribution of a nation's wealth. The Hebrew prophets railed against this injustice. Isaiah warned the people of his time (58:5-7) "to share your bread with the hungry" and Jesus took up the message announcing "good news to the poor... and the year of God's favour" (Luke 4: 16-19).
- *Solidarity*: To be in solidarity with others is to be moved by their suffering. The STC teaches us that we are brothers and sisters of each other and are to love one another. 'The joys and hopes, the griefs and anxieties of the people of our time, especially of those who are poor or afflicted in any way, are the joys and hopes, the griefs and anxieties of the followers of Christ. Nothing that is genuinely human fails to find an echo in their hearts' (Vatican II, *Gaudium et Spes*, #1, 7 Dec. 1965).
- *Stewardship of Creation*: God created the earth for us all and instructed us to be its stewards. A steward is a manager, not an owner. The STC calls us to respect, conserve and share the resources of the earth as part of God's creation.

CCJPZ has its presence in all provinces also known as (Arch) Dioceses in the Catholic language as illustrated in a table below:

(Arch) Diocese	Districts covered	Population	Coverage (sq. km)
Archdiocese of Bulawayo	Bulilima, Mangwe, Nyamandlovu, Tsholotsho, Bubi, part of Lupane and Ngayi with Shangaani River as boundary, Insiza, Matobo, Umzingwane, Beitbridge and Gwanda West of Umzingwane River.	1 925 000 of which 140 000 are Catholics	69 456
Archdiocese of Harare	Mazowe, Bindura, Shamva, Murewa, Rushinga, Mudzi, Mutoko, Kadoma, Chegutu, Harare, Goromonzi, Seke, Marondera, Chivhu, Wedza and Buhera.	4 250 000 of which 209 149 are Catholics	63 555
Diocese of Chinhoyi	Makonde, Hurungwe, Kariba (East of Sanyati River), Guruve, Centenary, Mount Darwin and Rushinga (North of Mazowe River).	2 million people of which 100 000 are Catholics.	56 000
Diocese of Gokwe	Gokwe North and Gokwe South, the area of Omay between the Sengwa and Sanyati Rivers in Kariba District, and the area of Nkayi District north of the Shangani River. It is bounded on the North by the Kariba Lake, on the east by Kariba and Kadoma Districts, on the south by Kwekwe and Nkayi Districts and on the west by Lupane and Binga Districts.	600 000 of which 76 248 are Catholics	26 000
Diocese of Gweru	Gweru, Kwekwe, Shurugwi, Chirumhanzu, Zvishavane and Mberengwa	1 521 000 of which 381 659 are Catholics	29 158
Diocese of Hwange	Hwange, Binga and the part of Lupane north of Shabula River. It is bounded on the North by Zambezi River, on the west by Botswana, on the east by the civil districts of Omay, Gokwe, Lupane and on the south by Nyamandlovu.	373 900 of which 36 030 are Catholics	43 427
Diocese of Masvingo	Beitbridge, Chiredzi, Chivi, Gutu, Bikita, Masvingo, Mwenezi and Zaka.	1 863 650 of which 215 500 are Catholics.	70 000
Diocese of Mutare	Mutare North, Mutare South, Mutasa, Makoni, Marange, Chimanimani, Chipinge and Nyanga.	1 675 000 of which 119 500 are Catholics	32 202

Table 1: Zimbabwe's 8 Catholic Dioceses and the Districts they cover¹

1 See Catholic Directory: 2012 - 2015

EDITORS' NOTE

One of the important questions when trying to assess the freeness and fairness of an election is where to draw the boundary when it comes to deciding relevant issues. The boundaries are very faint. While it is important to go beyond polling day and the vote count, the analysis and considerations ought not to overlook some broad determinants of political dynamics which may seem indirect to elections and voting. Questions relating to pre-election, election and post election situation, access to public media, determination of polling stations, boundary delimitation, political party funding, candidate selection and adoption all determine an election outcome. In terms of the election indicators, the basic approach CCJPZ took was not to pronounce upon the inherent freeness or fairness of an electoral system or regulation, but rather to assess whether the rules, were applied without bias. The report determines whether any observed shortcomings on the part of election administration could have been avoided.

While concluding on the basis of the reports received from the CCJPZ's network of observers across the country that there were indeed some concerns and irregularities in the conduct of this phase of the Zimbabwean electoral process, the CCJPZ recognizes relative positive strides achieved as compared to 2008 elections. Some of the shortcomings mentioned may not have been deliberate or willful, but could have been avoided. CCJPZ is therefore confident and hopeful issues and concerns highlighted will contribute positively to the improvement of the administration and conduct of future elections in Zimbabwe.

Arkmore Kori (National Coordinator, CCJPZ)
Fr. Edward Ndete (National Coordinator, CPLO)
Sr. Theresa Nyadombo (National Coordinator, SOCCOM)

FOREWORD

It is evident some of our elections have been associated with violence and even loss of lives. Human dignity has been lost. There is no adherence to conscience. The run up to June 2008 Presidential run-off elections was one of the worst scenarios in Zimbabwe's electoral history. For the love of political power, some people were burnt alive, human limbs were chopped off, houses and property were set on fire! This was another moment of madness!

A blind man once asked Jesus if there is anything worse than losing one's sight. Jesus answered: "Yes, when one has no vision." We need to have a vision. We need to closely study our *Strengths, Weaknesses, Opportunities and Threats*. We might have to challenge ourselves by hindsight: are we doing enough to enable communities to 'do justly and to love mercy, and to walk humbly with thy God?' (Micah 6:9). Do communities have adequate knowledge and skills to promote and work for justice and peace as their pastoral responsibilities? Do they have knowledge, skills and strategies to liaise and dialogue with their leaders?

I strongly suggest we need to lobby key stakeholders for almost everything: 'stand firm' on law makers so we are not 'burdened by a yoke of slavery' through laws such as POSA and AIPPA that have constrained democracy and 'freedom that Christ has set us free' (Galatians 5:1); traditional leaders to be non-partisan and be inspired by the leadership qualities of Jesus Christ in the process of executing their roles; political leaders to deliver promises they made during political campaigns; the government to provide basic services and eradicate corruption, poverty and unemployment. First we need to approach the matter from within: 'not by power, not by might, but by the Spirit' (Zachariah 4:6). If it fails, we would try to influence from outside by lobbying the Southern Africa Development Community, Africa's Heads of State and the African Union. We stand in need of God's grace to accomplish this!

There is evidence our July 2013 elections were associated with embedded violence, intimidation, and threats. How can people be forced to pretend illiteracy so political agents or activists can assist them vote? How can some traditional leaders assemble people on their homesteads on the voting day and march them to designated polling stations to vote for specific political parties? How can some traditional leaders deprive other community members of food or any other humanitarian aid because they support certain political parties? How can they threaten them with eviction if they do not support certain political parties? Above all, how can we promise more violence than that experienced in 2008, or even a 'liberation' war, if some political parties lose elections? Even after elections, there are some who have continued with the intimidation, targeting those who might have been strong enough to make their own independent political choices. It might not be far from the truth if we say some people voted in July 2013 elections to save their lives, limbs and property. They wanted to avoid a repeat of 2008.

We need to study and analyse methods of curbing political intimidation and threats. It is highly probable that most of us saw some of these various methods being employed but we kept quiet. This was either because we were afraid to be targeted as well, or we did not have enough knowledge and capacity on how to address such issues.

Since many people have remained in limbo about the future of this country, I suggest we begin the processes of healing and reconciliation. The country needs more healing and reconciliation than before because of the trauma experienced from the liberation war, Gukurahundi (1980s), Operation Restore Order/Murambatsvina (2005), 2008 political violence and the embedded violence and intimidation people continue to experience, even after elections. It is unfortunate the new Constitution brushes away our history of conflict and violence and pretends as if this country started to exist after 2008 violence. Without serious national healing and reconciliation processes, most people will carry the same fear and trauma up to 2018 elections where they will just vote, not for the best leaders, but to save themselves.

But most people do not look happy. They are tense. There is need to begin to pray and fast in preparation for 2018 elections. We need to preach and practice the virtue of patience and tolerance, inclusivity and peace. The Israelites took 40 years to reach Canaan. We are the new Israel, let us not give up. We are in the process

of being cleansed in preparation for the great banquet which is for no one else but for us all to enjoy. We are the rightful heirs of Zimbabwe. We shall overcome. Let us be like the two fishermen trapped in a storm in the middle of the sea where one turned and asked, "Should we pray or should we row?" his wise companion responded, "Let's do both!" Ladies and gentlemen, I say to you, DO WHAT YOU CAN, WITH WHAT YOU HAVE WHERE YOU ARE. The onus is upon us to work hard to promote justice and peace in our country. Remember no sweat no sweet; no pain no gain, no cross no crown.

*Right Rev. Bishop Alex Muchabaiwa,
CCJPZ Bishop Chairman*

November 2013



EXECUTIVE SUMMARY

This report evaluates Zimbabwe's July 2013 Harmonized Elections. It analyses the institutional and legal context, the pre-election situation, the Election Day Situation and the Post Election Situation. CCJPZ deployed 2330 observers who observed the elections and submitted their reports through established Church structures. The rate of return of the four fully completed questionnaires— Election Day Observation Form, Critical Incident Form and Election Count Form – from 2330 observers was 60% in which an average of 1336 questionnaires were analyzed, representing about 14% of the country's 9670 polling stations. The questionnaires were drafted in English language and some of the observers completed them in their local languages.

1. The legal and institutional context

Zimbabwe's 31 July 2013 Harmonized Elections were intended to bring a harmonious end to the Government of National Unity. The GPA proposed reforms that would make polls more credible. According to the GPA and the Zimbabwe election roadmap adopted by MDC-N, ZANU PF and MDC-T (or the three main political parties) in July 2011, the key areas for reform were:

- Media: opening up the air waves to more - especially private - broadcasters
- Security: ensuring that those in charge of the uniformed forces remain neutral
- Traditional leaders: ensuring that Chiefs and elders are not partisan
- Election procedures: wide ranging reforms to make elections more credible
- Legislation: changes in the law that hinders free citizen participation, such as the Public Order and Security Act
- Constitution: A new home grown Constitution to replace the Lancaster House Constitution

Progress on these reforms was slow, despite prodding from SADC. The Constitution making process and change in the electoral law were more expeditiously achieved. But even so, it took much time to finalize and implement the changes. In fact, the Electoral Amendment Act of September 2012 and the Constitution of May 2013 were the key legislative outputs of the GPA. Most other areas for reform remained unimplemented due to the failures of the parties to agree. An example of this was the MDC parties' concern about the uniformed forces' alignment to ZANU-PF. For their part, ZANU-PF resisted change citing the need for what they called "state security". Under media reform, two private radio stations were licensed during the GPA, but did not give equal opportunity to all political parties to publicize their political messages. ZANU PF was given more space in the local electronic media than any other political party. More than 90% of political rallies addressed by its leader were broadcasted live on national television and radio stations. No other political party was given the same opportunity. This state of affairs was unfair to other political parties who wanted their manifestos to be known by the voters and even to the voters themselves who wanted information of other political parties so that they could make their own choices. The media reforms were such that both MDC parties said they did not warrant them participating in the elections.

1.1. Changes brought by the New Constitution

Effective preparations for the July 2013 elections began with the acceptance of the new Constitution on 22 May in the same year. Although ZANU-PF had insisted on early elections from as far back as 2011, it dragged its feet on implementing the steps needed to hold them. We have already mentioned the inadequate reforms to the media and security sector. The process of drafting a new Constitution was also painfully slow. Yet when it came it did bring changes to the electoral system and it reestablished the Zimbabwe Election Commission with a mandate to:

- conduct all elections (especially the presidential and parliamentary) and referenda efficiently, freely, fairly, transparently and in accordance with the law.
- supervise elections of the President of the Senate and the Speaker.
- register voters and to compile and maintain voters' rolls.
- delimit constituencies, wards and other electoral boundaries.

- acquire materials required for, and to establish and operate, polling centres.
- conduct and supervise voter education.
- take action on electoral complaints from the public.

1.2. The Electoral Act

The re-establishment of the ZEC was brought into effect by the Zimbabwe Electoral Act, which gives the framework for the conduct of democratic elections. Among its components are:

1.2.1. Registration of Voters

The Electoral Act gives the Registrar-General of Voters (RGV) and the Constituency Registrars the mandate to register voters and to prepare and maintain the Voters' Roll. The Voters' Roll is open to public inspection at the Constituency Registrars' offices and copies may be supplied to the public in print or electronic format (Section 21(4) of the Electoral Act). According to the Act voter registration is voluntary. It closes 12 days after nomination day ahead of a national election. The new Constitution allowed for a second 31-day voter registration exercise after the first voter registration period held from 29 April to 19 May. This further registration exercise was conducted from 10 June to 10 July 2013.

While it should be possible for citizens to register to vote ahead of elections, CCJPZ noted the first voter registration (29 April to 19 May) was disturbed by poor financial support which reduced the time mobile voter registrars spent in wards. Also the first voter registration exercise was not adequately advertised. In some rural constituencies, information concerning voter registration was conveyed through political party structures. This, in practice, meant that some constituencies heard of the registration arrangements while others did not. Further many who applied to register were unable to meet the stringent requirements of proving their residential status, though requirements were later relaxed after the introduction of an affidavit forms provided at registration centers. Yet the process remained slow, especially in Harare.

In addition, ample opportunity was not given for mistakes to be noted and complaints lodged with the ZEC regarding the accuracy of the Voters' Roll. As noted above, provision was made for political parties or election observers to obtain a copy of every Voters' Roll, "within a reasonable period of time after the calling of an election." But what is 'a reasonable time'? The phrase is imprecise. In practice the ZEC failed to provide an electronic copy of the Voters' Roll to political parties and observers.

1.2.2. Voter Education

According to Section 40 of the Electoral Act, the ZEC has the responsibility to provide voter education. It is responsible for ensuring that any voter education provided by other organizations is accurate and un-biased. The Act also states that any foreign funding for voter education must be channeled through the ZEC. For the July 2013 Harmonized Elections, the ZEC deployed 3926 voter educators in the country's 1963 wards. The teams were instructed to educate the electorate about the voting process. This was a commendable attempt. But the teams lacked community entry strategies. Were they going to organize meetings/workshops or utilize planned community gatherings?

CCJPZ observed that some of the educators just waited at public places and asked passing people whether they have identification documents; whether they registered to vote, whether they know how to vote. Others tried to organise meetings at usual meeting places, but due to lack of community mobilization strategies, the meetings were poorly attended. Generally, the voter education teams focused on individuals met in the streets and so did not reach out to many people. In consequence voter education was inadequate and on Election Day there were relatively more assisted voters. Some voters arrived at voter registration centres with wrong identity documents and others were turned away because they had not registered. Lack of sufficient information was also noted during the election as many voters arrived at wrong polling stations.

1.2.3. Ward Based Elections

The Electoral Act was significantly amended by the Electoral Amendment Act of September 2012 and Statutory Instrument 85 of June 2013. The revision introduced Ward Based Election Centers where registration,

voting and counting of ballots was to be done at Ward level and results posted at the polling station. This change facilitated effective results management, transparency and accountability. In July 2013 Harmonised Elections, the system was very efficient and all results of the elections were released within five days as stipulated in the Constitution. But in some disputed areas and in remote areas, the Ward based election reduced citizen's freedom of choice owing to the trend of electoral violence, or the threat of it, that targeted those who make independent political choices. CCJPZ found evidence that when results are posted on the polling stations, they are analyzed by local political extremists who then target those who voted for a party different from their own. Ward based polling limits the freedom of people in politically polarized communities.

1.2.4. Accreditation of Observers

The Electoral Act mandates the ZEC to accredit foreign and local observers. A major achievement of the ZEC ahead of the July 2013 Harmonized Elections was the decentralization of accreditation of observers. This reduced costs and minimized inconveniences. In past elections, it was a nightmare when all observers had to come to Harare for accreditation. For the 2013 Harmonized Elections, the accreditation process was relatively quick and it started earlier. The ZEC is to be commended for the great improvement in the accreditation process.

1.2.5. Special Voting

The Electoral Act introduced two days of special voting for the uniformed forces on duty on Election Day. This included the police (regular forces and police constabulary), the ZEC employees, the Zimbabwe Prison Services and the Zimbabwe National Army. Statutory Instrument 85 also repealed Section 57 of the Act which had previously required voters to hold up their ballot papers to polling officials before putting them in the ballot box. This was seen as revealing the voter's choice and was therefore banned. Also commendable was the holding of special voting processes on public institutions such as community halls where special voters were reasonably free to make independent political choices. In the past, voting, especially by the uniformed personnel, was conducted inside barracks and state security premises.

The Special Voting process conducted on 14 and 15 July 2013 did not go well due to shortage of voting materials – ink, ballot papers, ballot boxes etc. Many people who had applied for a special vote did not manage to vote. The law states that if a person applies for a special vote and fails to vote on the special voting days, that person automatically loses their right to vote on the Election Day. Due to the problems mentioned, the ZEC applied to the Constitutional Court and was granted permission to allow those special voters who did not vote on their scheduled days to vote with others on the 31st of July 2013.

1.2.6. Public Order and Security Act (POSA)

POSA was passed by parliament in 2002 with the aim of regulating public meetings, including political campaign rallies. POSA limits democratic space and freedom of association by giving a lot of power to the Zimbabwe Republic Police (ZRP) to deny, restrict or allow civil activities such as public meetings and political rallies. POSA has not been equally applied. Some political parties have had their request for public meetings or political rallies delayed or disapproved whilst others were allowed. In fact, POSA was one of the key contentious issues in the GNU. It was never amended. In their 2007 Pastoral Letter, *God Hears the Cry of the Oppressed*, the Zimbabwe Catholic Bishops' Conference noted '... some of the unjust and oppressive security laws of the Rhodesian State have been repealed; (but) they have been reinforced by even more repressive legislation, the Public Order and Security Act and the Access to Information and Protection of Privacy Act, in particular. It almost appears as though someone sat down with the Declaration of Human Rights and deliberately scrubbed out each in turn.'

2. The Pre-Election Period

The pre-election period is usually defined as the period between the proclamation of the election date and the day before the actual polling. But since elections are a process, the pre-election period can be seen as a period between the day the previous election results were announced and the day before the next elections. Whilst the polling day is usually peaceful, the decisions voters make are often determined by the pre-election environment.

2.1. The Political Situation

Due to inherent similarities, the 2013 Harmonised Elections have often been seen as an extension or a conclusion of 2008 elections. The 2008 political violence created a situation of negative peace, that is, “peace” imposed by force. The Synod of the Catholic Church of Africa (2009) described our situation accurately when it had this to say, though it was speaking of Africa in general:

peace is often confused with a kind of unanimity or tranquillity imposed by force and keeping power in the hands of a single group to the detriment of the people. In such situations, citizens are unable to take part in public life and popular opinion cannot make a difference. As a result, people tend to withdraw and become disinterested.

The consequences of the 2008 violence should be seen in a broader context of Zimbabwe’s history of conflict and violence – a situation that has not been resolved.

2.1.1. Intimidation, Threats and Coercion

The 2008 violence was a political investment of the individuals, groups and institutions that perpetrated it. While there was little open violence after 2008, intimidation, threats and coercion continued, with war veterans and some traditional leaders as perpetrators. As in 2008, this charged atmosphere of intimidation was fuelled by the drive to influence voters’ political choices.

2.1.1.1. War Veterans

Zimbabwe’s war veterans are those who fought and sacrificed much for the liberation of the country from the colonial settlers. But in the new century they have been led again to use violence, this time against their own people. Between 2011 and 2013, one of their leaders, Mr. Jabulani Sibanda, travelled to almost all the provinces of Zimbabwe threatening people with death if his political party, ZANU PF, lost the ‘next elections’. Working closely with Chiefs, Headmen and Village Heads he addressed meetings issuing threats against his political opponents, whom he claimed were supporters of the Movement for Democratic Change (MDC). His threats were frightening for the people as he threatened greater violence than they had experienced in 2008. He even threatened another liberation war if ZANU PF lost the coming elections. He often appeared at meetings flanked by a bodyguard wielding a gun, a scene that reinforced his message.

And there were others who claimed to be war veterans and who reinforced such messages. On 29 July 2013 two such men moved around Ward 22 in Hurungwe North telling people if they did not vote for ZANU PF, there would be an election run-off in the manner of the violent 2008 elections. They also held meetings at Kazangarare, Nyaumbare and Kamutsamombe villages where they insisted that those supporting MDC were “illiterate” and needed to be “assisted” in voting. As a result many decided it was safer to vote for ZANU PF rather than to lose their lives, homes and limbs as happened in 2008.

2.1.1.2. Traditional Leaders

The Traditional Leaders Act provides traditional leaders with power and influence in their communities. Chiefs and the Village Heads control the distribution and use of land and this insures families and communities stay loyal to them. They also control welfare and humanitarian initiatives, including distribution of food and farm inputs. Traditional leaders maintain up-to-date registers of villages and inhabitants. In the pre-election period, some traditional leaders began to use their influence to force communities to support their political parties by organizing meetings where they would tell villagers to vote for ZANU PF otherwise they (i) will not receive humanitarian aid, and (ii) will be beaten, killed or their homes burnt worse than 2008 and (iii) they will be evicted from their villages. In some areas, traditional leaders instructed political opponents to pretend blindness or illiteracy so as to be assisted to vote by known political activists.

2.2. Political Campaigns

Although the campaign period was quiet, CCJPZ observed a continuity of intimidation, threats and promises of violence during the campaign, especially at the local level. The following were typical in some of the campaign rallies:

- There will be war if people vote wrongly;

- If you want peace, vote for us;
- War is bad, but you can avoid it by voting for us;
- This country will not be ruled by any other political party just because of an X.

Again, these threats of a return to the violence of 2008 was enough to scare people to vote for ZANU PF and so avoid the loss of homes, limbs and even life associated with that dreadful year.

3. Election Day

The Election Day was generally quiet. Most polling stations opened on time and the presiding officers were helpful. ZEC and the ZRP reacted positively to some of the concerns raised. However, the day was also associated with the following irregularities:

Intimidation: Some Village Heads instructed villagers to assemble at their homestead so that they would go to vote as a group. This created pressure on individuals to vote as instructed and diminished their freedom to vote as they wished. Other Village Heads asked voters to write the serial numbers of their ballots on their palms after voting.

Assisted voting: Those who were believed to have voted for a political party of their own choice in 2008 were “assisted” to vote by political party activists or agents. This was common in the Dioceses of Gokwe, Masvingo, Gweru and the Archdiocese of Harare, especially in Mutoko.

Inadequate voting materials: Some polling stations, especially in the Diocese of Hwange did not have voting material when polls opened and this delayed the voting process.

Mix-up of Special votes ballots: There were a number of inconsistencies in the number of ballots and the names on the Voters’ Roll. Some special votes ballots were delivered to the wrong wards and there were mismatches between the votes cast and the special voters on the register.

Use of registration slips: Due to the deficiencies of the Voters Roll, which did not include some of the people who had registered to vote, the ZEC allowed the use of registration slips. It would have been a positive decision if there were adequate mechanisms to determine the authenticity of the voter registration slips. But the provision was susceptible to abuse. Some people, especially in the Archdiocese of Harare presented fake registration slips. In Diocese of Hwange, there were incidents where some voted with registration slips that had no block/ward numbers.

4. Post Election

There have been isolated incidents of post-election violence and intimidation where those who voted for opposition parties were ‘cleaned up’. Some of the perpetrators of these incidents identified themselves as ZANU PF supporters and said they are already preparing for the 2018 elections and ‘everyone should be ZANU PF at least by 2014’.



5. Conclusions

Our treatment of the election so far shows that it was a process, not an event. Its outcome was based on a combination of the factors treated above and some conclusions can now be drawn:

5.1. Conclusions on the legal framework

As already mentioned the GNU proposed institutional and legislative reforms that would create an environment where citizens could make free political choices. One was the new Constitution which endorsed the ZEC as the sole body responsible for all elections and Constitutional referendums. The Electoral Act and Code of Conduct for Elections were established. Some media reforms were made and two radio stations were given licenses to operate.

Yet many of the reforms that would have created a more democratic environment for free and fair elections were not implemented in practice. For instance, the GNU said that traditional leaders should be non-partisan. In practice, most traditional leaders become highly partisan and became virtual campaign agents of one political party. The airwaves remained a privileged monopoly of one political party which broadcasted its campaign rallies live. POSA and AIPPA remained in full force despite the proposals the GNU endorsed to create more democratic space. Besides these acts were unevenly applied allowing ZANU PF to organize its political rallies, while constraining other political parties through bureaucratic procedures to acquire 'clearance' to speak to people.

5.2. Conclusions on the institutional framework

The establishment of the ZEC as the sole body responsible for elections and Constitutional referenda was commendable. Although it faced challenges in the registration of voters, Special Voting, provision of adequate voter education and logistical problems, it tried to facilitate a smooth electoral process. The decentralization of accreditation of observers enabled the smooth and convenient registration of observers. On Election Day, most of the polling stations opened on time. Those that opened late were allowed to stay open until midnight. The ZEC was also responsive to complaints especially those raised on Election Day. For example, they allowed the use of voter registration slips as evidence that a voter was registered, even though the facility was abused by those who wanted to vote more than once. The results of the election were also released within five days as stipulated in the Constitution.

Yet these achievements were spoiled by the ZEC's failure to disseminate hard copies of the Voters' Roll on time and to provide electronic copies (in analyzable format) in accordance with the Electoral Act and Election Code of Conduct. As a listing of those registered to vote, a Voters' Roll facilitates the process of voting and helps to prevent fraud. Given the challenges faced in voter registration and the popular talk that the Voters' Roll was a 'shambles' it would have helped to offset criticism that the Roll could be used to affect vote counts by increasing the vote share of some candidates and depressing the vote share of others. We can recall the words of Paul to Timothy to 'do your best to present yourself to God as one approved, a worker who has no need to be ashamed, rightly handling the word of truth' (2 Tim 2:15).

5.3. Conclusions on human rights, participation and association

As we have shown above, the pre-election period witnessed several incidences where people's civil and political rights were constrained. Traditional leaders were partisan, organizing village meetings and threatening villagers with woes worse than 2008 if they do not vote "correctly". They denied political opponents food handouts and threatened them with eviction if they make independent political choices in the 'next elections'. We have also seen how war veterans, notably Jabulani Sibanda, promised war and death if ZANU PF lost the elections. As a result people voted on 31 July 2013 to save their lives, limbs and property. No one wanted a repeat of 2008, still less a new 'liberation war' which would 'start on 6 August 2013 if ZANU PF lost'.

Civil and political rights protect the freedom of individuals. They ensure their ability to participate in the civil and political life of the state without fear. They also ensure peoples' physical and mental integrity, life and safety and give them protection from discrimination on grounds of creed, race or political affiliation. Civil and political rights also include free participation in civil society and politics, freedom of association, the right to assemble, the right to petition, the right of self-defense, and the right to vote.

Human rights, including civil and political rights, are given by God. They are not to be taken by the State or by any human being without giving offense to God. "The ultimate source of human rights is not found in the mere will of human beings, in the reality of the State, in public powers, but in man himself and in God his Creator."

Since human rights are given by God, they are (i) universal, (ii) inviolable, (iii) inalienable and (iv) indivisible. Consequently, we have to conclude that the pre-election, election and post-election situation undermined the Universal Declaration of Human Rights, that the will of the people shall be the basis of the authority of government and everyone has the right to participate freely in the political process, and also it undermined the Gospel values and principles the Church draws from them. Putting it another way the situations described above undermine the principle of the common good which requires that political, economic and the social order should 'allow people, either as groups or as individuals, to make independent choices to reach their fulfillment more fully and more easily.



6. Overall Conclusion

It has been highlighted in the discussion that an election is a process consisting of various events involving the legal framework, the pre-election environment, the Election Day itself and the post election period. In this regard, an objective verdict of an election outcome should draw from a careful analysis of these scenarios since they inter-related and affect the participation of citizens, political parties and other interested institutions. In July 2011, GPA principals agreed to reform at least six key institutions in order to create a conducive environment for the holding of credible, free and fair elections. But most of the recommended reforms, though logical for free and fair elections, were never implemented. This means that an uneven political and electoral playing field similar to the period prior to 2008 elections remained in place.

The pre-election analysis has evidence that some traditional leaders, war veterans and political activists across the country manipulated voters' freedom to choose the candidates of their choice. While the Election Day was calm, a significant number of people were forced to pretend to be illiterate and to request assistance to vote from known political activists which compromised their freedom to make political choices. It is acknowledged that ZEC exercised relative professionalism in accrediting observers, opening and closing of polling stations and the general administration of the voting processes, these achievements were weakened by its failure to provide the Voters' Roll as required by the Constitution. This contributed to the reduced confidence in the election outcomes especially considering that the extra printed ballot papers were not accounted for.

Further, there was post-election 'targeting' where some political activists 'punished' those who were perceived to have made their own independent political choices. Some traditional leaders have remained overtly partisan and biased, especially in distributing agriculture inputs and humanitarian aid. These practices will continue to influence future elections, including in 2018, if they are not addressed. Given these factors and the incongruence between the Election results and the mood on the ground, CCJPZ concludes that the events in the pre-election environment did not provide a sufficiently conducive atmosphere for a genuinely credible and even electoral contest. Therefore the 2013 Zimbabwe's Harmonised Elections were conducted in an environment that significantly compromised the free expression of the people in making their political choices.



1 INTRODUCTION

...the Church does not have technical solutions to offer and does not claim 'to interfere in any way in the politics of states.' She does, however, have a mission of truth to accomplish ... [one] that the Church can never renounce. Her social doctrine is a particular dimension of this proclamation: it is a service to the truth which sets us free.²

Elections are periodic democratic exercises that allow citizens to make independent political choices from contesting political parties. They are means of changing governments in a competitive and transparent manner. Genuine elections are an expression of sovereignty, which belongs to the people of a country. They represent the people's free expression of their will, which provides the basis for the authority and legitimacy of government. Genuine elections also serve to resolve peacefully the competition for political power within a country and thus are central to the maintenance of good governance, peace and stability.³

In the Catholic tradition, responsible citizenship is a virtue, and participation in political life, including elections, is a moral obligation. Since much of the suffering on earth is caused by godless leadership (Proverbs 28:12), the Church has theological and social responsibility to encourage citizens to exercise their democratic rights to 'select capable individuals from all the people—men and women who fear God, trustworthy men and women who hate dishonest gain —and appoint them as officials over thousands, hundreds, fifties and tens.' (Exodus 18:21). Certainly, the Catholic Church, through its Justice and Peace Commissions, has a specific mandate to participate in electoral processes.

The Second Synod of Bishops for Africa⁴ Proposition 26 on Elections, mandates Churches⁵ to provide education at various times of voting so that citizens would respect the principles of fair elections - electoral transparency, respect for one's political opponents, the Constitution, the ballot and the impartiality of the various observers as well as accepting legitimate defeat. The Church, through Justice and Peace Commissions, should monitor and observe elections, so that they become free, fair, and transparent and secure for all. While encouraging all Christians to take part in political life, the Synod Fathers encourages the Church, in its prophetic mission, to speak out against electoral abuses and all forms of cheating in the conduct of elections. Religious leaders are called upon to maintain impartiality and, in no case take a partisan position⁶. They are to be a discerning, objective and realistic voice for the voiceless, without compromising their impartiality.

As a follow up to elections, the Church has been mandated to promote good governance. Under Proposition 24 on Good Governance, the Synod Fathers urge Episcopal Conferences at all levels to establish advocacy bodies to lobby Members of Parliament, governments and international institutions, so that the Church can contribute effectively to the formulation of just laws and policies for the people's good. In the same context, the Synod Fathers, through Proposition 25 on Politics, instruct all Episcopal Conferences to promote multi-dimensional programs in civic education, implement programmes to foster the formation of a social conscience at all levels; and encourage competent and honest citizens to participate in party politics.

2 Benedict XVI, *Encyclical Letter Caritas in Veritate* (29 June 2009), 9: AAS 101 (2009), 646-647.

3 UN Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers (2005)

4 Occasionally, Catholic Bishops from around the world meet to discuss issues ranging from challenges for family, to resource exploitation, trade imbalances, debt, climate change, women in Africa, conflicts, poor governance, migration, corruption, globalization, health challenges, and insufficient media coverage of the real Africa with all its lights and shadows. During the meetings, the Bishops would come up with resolutions or propositions as a means to solving the problems. In 2009, they met in Rome for the Second Africa Synod and focused their discussions on the theological themes that are integral to the family of God – personal reconciliation, building a just social order and promoting peace through living the beatitudes. *Africae Munus* notes that the family is the place that propagates the "culture of forgiveness, peace and reconciliation" (#43). The 2009 Second Synod of Bishops followed the 1994 First Synod of Bishops for Africa - *Ecclesia in Africa* (1994) which focused on the "Church as Family of God".

5 Synodus Episcoporum: *Propositions of the II Special Assembly for Africa of the Synod of Bishops on the theme The Church in Africa at the Service of Reconciliation, Justice and Peace*. "You are the salt of the earth ... You are the light of the world" (Mt 5:13,14) at http://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20091023_elenco-prop-finali_en.html accessed 29 September 2013

6 See http://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20091023_elenco-prop-finali_en.html accessed 29 September 2013

In this regard, the CCJPZ, mandated by the ZCBC, initiated an independent election observation process for Zimbabwe's July 31 2013 Harmonized Elections. The commitment of the Church leadership in Zimbabwe to issues of justice and peace, which have been consistent since 1972 when CCJPZ was formed, required an elaborate plan which culminated in an Election Response Strategy in February 2013.

1.1. CCJP Election Response Strategy

The aim of the Election Response Strategy was to promote effective citizen participation in the electoral processes of 2013 as a way of contributing to democratically elected leadership institutions responsive to the needs of citizens who would have voted them into power. The following were the specific objectives:

- To increase citizens' awareness and knowledge on Social Teachings of the Church and Human Rights
- To contribute to the creation of a conducive atmosphere for the people of Zimbabwe to willingly and independently vote without fear
- To contribute to a peaceful post-election period

The key elements in the CCJPZ 2013 Elections Strategy program included the following:

1.1.1. The Pre-Election period involving:

- Collating information on the Political and Economic situation in all the Dioceses covering the period July 2010 to July 2013⁷ : Information gathered was analyzed and published by CCJPZ in its monthly Situational Reports.
- Observing and gathering information on the Political Parties' candidate adoption processes, including Primary elections: This activity was undertaken and reported through CCJPZ's bi-monthly Situational Reports which highlighted among others, the political and economic situation in the dioceses.
- Observing the Campaign events of Political parties: CCJPZ developed standardized Campaign Events Observation and Incident Report Forms for the purpose of collating and analyzing information noted by the respective CCJPZ structures and the Spiritual Advisors in the dioceses;

1.1.2. The Election Day involving:

- Recruitment, training, accreditation and deployment of election observers to designated polling stations in areas identified by CCJPZ as traditional hotspots and remote areas associated with electoral violence.
- Formulating information collection tools: Election Observation Forms, Count forms and Incident Report forms
- Setting up an information command centre to collect and collate information from the observers that came through the Dioceses

1.1.3. The Post-Election Period involving:

- Observing and recording the situation, at least two weeks after the elections and contribute to a peaceful atmosphere in the pre and post election period.

⁷ Collection of information on current situation that undermine justice and peace is an ongoing activity for CCJPZ



1.2. Conclusion

The Church, through Justice and Peace Commissions, has a pastoral responsibility to be involved in politics, including electoral processes. However, it should not be partisan. Politics and political choices have an influence on people's lives. The human person was created by God not to suffer, but to be fulfilled physically, emotionally, intellectually, socially and culturally.⁸ Their talents and capabilities, including making informed political choices, facilitate the creation of a social, cultural, economic and political environment which makes human beings 'more humane and dignified'.⁹

Thus political institutions, which are largely determined by elections, contribute to the creation of those conditions that make it possible for everyone to 'flourish and enjoy life... and have it in abundance - to the full, till it overflows' (John 10:10).

An election is a process. Analysis of the Election Day only is not adequate in giving a fair verdict of an election. A holistic analysis of elections should include fundamental elements of the electoral cycle beginning in the pre-election period. Citizens' participation and even political choices they make on the Election Day are largely determined by the pre-election scenarios.

1.3. Recommendations

CCJPZ should be vigilant in observing elections. It should not take elections as events that only require Election Day Observation. The Church should therefore be upbeat to observe and analyze the essential rudiments of the electoral cycle on a continuous basis.

CCJPZ should be proactive rather reactive. It should always be ahead of other national processes related to elections in order to provide citizens and relevant institutions with informed advice, guidance and recommendations.

8 Vatican Council II, "Pastoral Constitution on the Church in the Modern World", (Gaudium et Spes), *The Conciliar and Post Conciliar Documents*, edited by Austin Flannery, OP. New Revised Edition 1992 cited in CCJPZ (2009): *Graveyard Governance: A Report on Political Violence following the March 2008 Elections*, CCJPZ

9 See John Paul II: *Centesimus Annus*: encyclical letter to his venerable brother bishops in the episcopate, the priests and deacons, families of men and women religious, all the Christian faithful and to all men and women of good will on the hundredth anniversary of *Rerum Novarum* accessed at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus_en.html on 3 October 2013.



2. INSTITUTIONAL AND LEGISLATIVE OVERVIEW

2.1. Zimbabwe's Electoral History

Zimbabwe has held at least fifteen national elections since 1980 when it won independence from Britain. This includes parliamentary elections in 1980, 1985, 1990, 1995, 2000, 2005; senatorial elections of November 2005; presidential elections of 1990, 1996 and 2002 and Constitutional referendums of 2000 and 2013. Since 2008, Zimbabwe's Presidential, Parliamentary and Local Authority elections have been conducted simultaneously as Harmonized Elections. So far, the Harmonized Elections have taken place twice - in 2008 and in 2013. In 2008 a Presidential Run-off election was held as the first round of the Presidential Election was inconclusive.

Prior to 2008, the Presidential elections were conducted separately from the Parliamentary elections. The President was directly elected by popular vote for a six year term, under a 'simple majority' electoral system where the person with the most votes won the election. Members of the Senate and Parliament were elected to serve five year terms of office under the First-Past-The-Post (FPTP) electoral system. With the exception of the Constitutional Referendum held in 2000, and despite the disputes associated with Zimbabwe's elections, ZANU-PF has won all elections since independence. The emergence of the Movement for Democratic Change (MDC) in 1999 presented the first major challenge.

Zimbabwe's elections are always contentious and since 2000, they have been associated with violence, intimidations and accusations of fraud. The violence peaked in 2008 in the first three weeks of June when the country was preparing for the Presidential run-off. The results were contested and the economy continued to shrink. Inflation reached record levels. Under pressure from countries in the region a power sharing arrangement – a Global Political Agreement (GPA) - with the three main opposition political parties was agreed and implemented after a drawn out wrangle over posts in the new Government of National Unity (GNU) in February 2009. The new government stabilized the economy. Incidents of open violence were reduced although intimidation and coercion continued, especially in contentious and remote areas. The GNU eventually (in 2013) produced a new Constitution which was to be the basis for new "free and fair" elections. The hope was that the parties would commit themselves to the aspirations laid out in the new document.

2.2 Background to Zimbabwe's 2013 Harmonized Elections

Zimbabwe's 31 July 2013 Harmonized Elections were intended to bring a peaceful end to the GNU. The GPA had proposed reforms that would make the polls credible and acceptable. These were:

- The Media was to be opened up to independent broadcasters
- Security forces were to be neutral
- Traditional leaders also were to be non-partisan
- New electoral laws were to make the polls more credible
- The restrictive nature of laws, such as the Public Order and Security Act, was to be removed to allow free participation of people in the electoral process.
- A new Constitution was to be adopted to replace the Lancaster House Constitution, which had been amended 19 times

Progress on reforms was slow despite probing from SADC. The Constitution making process on the other hand was effected even though it too took much time. The Electoral Amendment Act of September 2012 and the new Constitution approved in May 2013 were the key legislative outputs of the GNU. In other areas, particularly in matters of security, the parties of the GNU failed to agree on reforms.

The media reforms consisted of allowing two new private radio stations to operate, but did not give equal opportunity to all political parties to publicize their political messages. ZANU PF was given more space in the local electronic media than any other political party. More than 90% of political rallies addressed by its leader were broadcasted live on national television and radio stations. No other political party was given the

same opportunity. This state of affairs was unfair to other political parties who wanted their manifestos to be known by the voters and even to the voters themselves who wanted information of other political parties so that they could make their own choices. The media reforms were such that both MDC parties said they did not warrant them participating in the elections. They pointed to Article 17(3) of the African Charter on Democracy, Elections and Governance (2007), and Article 2.1.5 of the SADC Principles and Guidelines for Democratic Elections (2004) which provide for free access to the media by all contesting political parties.

These disagreements over reforms led to a further dispute over the date for Zimbabwe's Harmonized Elections with ZANU-PF pressing for immediate elections. In fact, ZANU PF had called for elections as early as 2011 even before there was a new Constitution. The MDCs argued elections would not be free and fair without reforms and the new Constitution.

2.3. The Legal Framework

Zimbabwe's July 31 2013 Harmonized Elections were intended to be guided by the country's new Constitution of 2013. There were also other acts that would guide the process; among them were the Electoral Act, the Political Parties (Finance) Act, and the Public Order and Security Act (POSA). These laws provide the parameters for conducting elections, the delimitation of constituency boundaries, the registration of voters, voter education and the operation of the Zimbabwe Electoral Commission.

2.3.1. The Zimbabwe Electoral Commission (ZEC) and the New Constitution

The ZEC was established in 2005 to replace the Electoral Supervisory Commission. In October 2007, and in line with 2004 SADC Guidelines and Principles governing the Conduct of Democratic Elections, Zimbabwe effected Constitutional amendments that made ZEC Zimbabwe's sole Election Management Body. Constitutional Amendment 18 of 2007, for example, abolished the Delimitation Commission and transferred its functions to the ZEC. In addition, the Electoral Amendment Act of 2012 made specific provisions for the independence and impartiality of ZEC.

Zimbabwe's new Constitution was approved in a referendum on 16 March 2013 and approved by parliament on 9 May 2013. Serious preparations for the July 2013 Harmonised Elections began when the President signed the new Constitution into law on 22 May 2013. Articles 232-241 of the new Constitution confirmed the existence of ZEC and mandated it to:

- conduct elections efficiently, freely, fairly, transparently and in accordance with the law.
- supervise elections of the President of the Senate and the Speaker.
- register voters and to compile and maintain voters' rolls.
- delimit constituencies, wards and other electoral boundaries.
- acquire materials required to establish and operate polling centres.
- conduct and supervise voter education.
- take action on electoral complaints from the public

The Zimbabwe Electoral Act (discussed below) adds the following to the functions of the ZEC¹⁰:

- conducting and promoting research into electoral matters;
- developing expertise and the use of technology;
- promoting co-operation between the Government, political parties and civil society;
- keeping the public informed about all electoral processes; and
- making recommendations to Parliament on appropriate ways to provide public financing for political parties

2.4. The Electoral Act

The Zimbabwe Electoral Act gives the framework for the conduct of democratic elections. Some of the important components are:

2.4.1.1. Registrar-General of Voters

The Electoral Act gives the Registrar-General of Voters (RGV) and constituency registrars the mandate to

10 Zimbabwe Electoral Act 2013

register voters. The RGV also prepares, compiles and maintains the Voters' Roll. The registration of voters is done in each constituency by a constituency registrar appointed by the Registrar General's office partially controlled by the ZEC. Applicants are issued with Registration Slips. Voters' Rolls are open to public inspection at Constituency Registrar's offices during office hours and copies may be supplied to the public in print or electronic format on payment of a prescribed fee. According to the Electoral Act, voter registration is continuous and voluntary: it is up to an individual citizen to determine whether they want to register to vote. It closes 12 days after nomination day ahead of a national election.

Prior to 2013 Harmonized elections, the RGV had already conducted a mobile voter registration exercise from 29 April to 19 May 2013 before the new Constitution was adopted. The process also allowed those who were already registered to check the Voters' Roll in order to ascertain their registration. This was especially important given the change from Constituency to Ward based Voters' Rolls. The new Constitution called for a 31-day voter registration exercise after it was adopted. Consequently, another voter registration exercise was conducted from 10 June to 10 July 2013.

CCJPZ noted the first voter registration held from 29 April to 19 May 2013 was disturbed by poor financial¹¹ support which reduced the time mobile voter registrars spend in wards. The first voter registration exercise was also not adequately advertised. In some rural constituencies, information concerning voter registration was conveyed through political party structures¹². This means only a certain constituency of people was privileged to hear the information and therefore register to vote. Many potential registrants were unable to prove their residential status because requirements for proof of residence were too stringent. Although, requirements were later relaxed¹³ after the introduction of an affidavit form provided at all registration centers, the process remained slow, especially in Harare. It took an average of 20 minutes, for example, for someone to register to be a voter in Mabvuku/Chizhanje, Harare Central and other urban registration centers. As a result, many people did not register.

2.4.1.2. Voters' Roll

No Voters' Roll is perfect, even in mature democracies. There is a general belief that Zimbabwe's Voters' Roll is seriously flawed: contains names of dead people and some people appear twice. Figures have been mentioned. Some say it has more than 1 million dead people; 35 000 double entries; has names of people some of whom are now in the Diaspora etc.¹⁴ Even if there are double entries, it is difficult for people to vote twice due to the indelible ink system. Those who are dead cannot vote, so are those in the Diaspora. ZEC has asked those who know the dead people on the Voters' Roll to come forward and advice: 'It's everybody's effort to clean the Voters' Roll'.

But there was inadequate opportunity to check the accuracy of the Voters' Roll and lodge complains with the ZEC. Section 21(4) of the Electoral Act states "within a reasonable period of time after the calling of an election, the [Zimbabwe Election] Commission shall provide, on payment of a prescribed fee, to every political party that intends to contest the election, and to any observer who requests it, one copy of every Voters' Roll to be used in the election, either in printed or in electronic form as the party or observer may request."¹⁵ But the question arises: what is a 'reasonable time'? In fact the ZEC breached this section when it failed to provide political parties and observers with electronic copies of the Voters' Roll. Further, SADC Principles and Guidelines Governing Democratic Elections (2004), under Section 2.1.6, and Section 4.1.3 states: "... member countries shall ensure non-discrimination in the voters' registration and the existence of an updated and accessible voters roll..." and for "Equal opportunity to exercise the right to vote and be voted for."¹⁶

The registration of voters should be seen as part of the ZEC's main responsibilities. The Registrar-General's

11 See <http://www.swradioafrica.com/2013/05/13/zec-relaxes-proof-of-residency-requirement-for-voters/>

12 This was common in areas like Gokwe North, and South, Masvingo, Manicaland as well as parts of the Midlands Province. See CCJPZ Bi-Monthly Information Sharing Report, May 2013

13 <http://www.swradioafrica.com/2013/05/13/zec-relaxes-proof-of-residency-requirement-for-voters/>

14 See <http://www.zimeye.org/?p=85132>

15 Zimbabwe's Voters' Roll for July 2013 Elections was released almost a week before the elections. It was provided in hard copies and it needed a lot of time to study the voluminous book.

16 SADC (2004): *SADC Principles and Guidelines Governing Democratic Elections*, SADC Secretariat, Botswana

office should play a complimentary role if need be in order to give ZEC its Constitutional mandate to exclusively manage Zimbabwe's elections. Many questions relating to the Voters' Roll were directed to the ZEC which made it difficult to explain and even account for the registration of voters which was carried out by RGV - another state institution with its own independence and monopoly. Consequently, there were logistical problems between the ZEC and the RGV, which should have been 'ironed out'¹⁷ for there to have been an effective voter registration exercise. ZEC can become more effective if it takes up the responsibilities to register voters and administer the Voters' Roll.

2.4.1.3. Voter Education

According to Section 40 of the Electoral Act, only the Zimbabwe Electoral Commission should be responsible for voter education. Other organizations can only be commissioned or allowed by ZEC to carry out voter education. The Act also states that foreign funding for voter education must be channeled through the ZEC. For the July 2013 Harmonised Elections, the ZEC deployed 3926 voter educators in the country's 1963 Wards (almost two per Ward). The teams' task was to educate the electorate about the voting process but they lacked community entry strategies. Were they to organize meetings and workshops of their own or were they to utilize planned community gatherings? CCJPZ observed that some of the educators waited at public places and asked passing people questions, such as, "do you have an ID?" "Are you registered to vote?" "Do you know how to vote?" Others tried to organize meetings at usual meeting places of people, but due to lack of effective community mobilization strategies, the meetings were poorly attended. Generally, the voter education teams focused on individuals met in the streets and so did not reach out to many people. It became clear that voter education was inadequate. More could have been done if organizations with existing community structures were accredited to assist. As it was, the lack of adequate education contributed to voters unknowingly spoiling their ballots, or arriving at voter registration centres with the wrong identity documents or being turned away because they had not registered or going to the wrong polling stations.

2.4.1.4. Accreditation of Observers

The Electoral Act also mandates ZEC to accredit foreign and local observers. There could have been some isolated challenges, but a major achievement of the ZEC was the decentralization of accreditation of observers. This reduced costs and minimized inconveniences. In past elections, it was a nightmare when all observers had to go to Harare for accreditation. But for 2013 elections, the accreditation process itself was much improved: it was quick and started in good time.

Ward Based Elections

The Electoral Act Amendment of September 2012 and Statutory Instrument 85 of June 2013 introduced Ward Based Election Centers where registration, voting and counting of ballots would be done. The results would be posted at the ward polling station. This change led to effective results management, transparency and accountability. It went well and all election results were released within five days as stipulated in the Constitution. But in some contested or remote areas, ward based elections reduced citizen's freedom of choice. Voters were aware of the threat of violence that might be suffered by anyone who made an independent political choice. When results were posted they were likely to be analyzed by local political extremists who might well mete out retribution.

2.4.1.5. Electoral Code of Conduct

The Electoral Act, under the Fourth Schedule, introduced the Electoral Code of Conduct largely for political parties "to promote conditions that are conducive to free and fair elections and a climate of tolerance in which electioneering activity may take place without fear or coercion, intimidation or reprisals." The provisions of the code apply to political parties, candidates, party members and supporters and candidates' agents. The parties are expected to publicize the code and their commitment to it which includes their acceptance of the results or, if they have complaints, to challenge them through a court of law. The Code of Conduct also allows political parties and their members to:

- Freely express their political beliefs and opinions
- Challenge and debate the political beliefs and opinions of others

17 See <http://www.herald.co.zw/zec-deploys-voter-educators/>.

- Canvass freely for membership and support
- Attend public meetings convened by others
- Distribute campaign material

Similarly, the Electoral Amendment Act of 2012 introduced further reforms not only to create an environment of free and fair elections, but also to prevent problems encountered during the 2008 elections, for example:

- A quick resolution of disputes through litigation in an electoral court
- An announcement of the election results within five days
- Police officers were to be stationed outside polling stations
- Disabled and illiterate voters were to choose who would assist them to vote
- Postal voting was to be restricted to state employees outside the country
- Committees were to be set up to prevent violence and intimidation during elections
- A copy of the electronic Voters' Roll in analyzable format was to be provided free of charge while a printed copy would also be available on the payment of a prescribed fee. (This would enable observers to compare the two types of the Voters' Roll for discrepancies.)

2.4.1.6. Special Voting

The Electoral Act also introduced two days of special voting for the uniformed forces on duty on the Election Day.¹⁸ This included the police (regular forces and police constabulary), ZEC employees, Zimbabwe Prison Services and the Zimbabwe National Army. Statutory Instrument 85 also repealed Section 57 of the Act which had previously required voters to hold up their ballot papers to polling officials before putting them in the ballot box. This was seen as revealing the voter's secret and was therefore banned. Also commendable was the holding of special voting processes on public institutions such as community halls where special voters were reasonably free to make independent political choices. In the past, voting, especially by the uniformed forces, was conducted inside barracks and state security premises.

The Special Voting process conducted on 14 and 15 July 2013 did not go well due to a shortage of voting materials – ink, ballot papers, ballot boxes etc. Many people who had applied for a special vote did not manage to vote. The law states that if a person applies for a special vote and fails to vote on the special voting days, that person automatically loses their right to vote on the Election Day. However, due to these challenges, ZEC applied to the Constitutional Court and was granted permission to allow those special voters who did not vote on their scheduled days to vote with others on the 31st of July 2013.

2.4.1.7. Electoral Court

The Electoral Act established an Electoral Court and provides for its functions, which include the hearing and determination of election petitions. In the event of any challenges to the presidential elections, the newly elected president would only be sworn in upon exhausting the challenge of the elections.

2.4.2. Public Order and Security Act (POSA)

POSA was introduced by the Zimbabwean Parliament in 2002. It requires people to inform the police of any gathering, but it does not give the police the power to sanction a meeting. The way it has been administered has shrunk the democratic space and threatened freedom of association by giving a lot of power to the police to allow, deny or restrict public meetings and political rallies. Before any gathering takes place an application has to be made to the police who can approve or forbid the meeting. In practice POSA has not been applied equitably and has favoured ZANU PF over others who have not had an answer to their applications or had them refused. In fact, POSA was one of the most contentious issues for the GNU.

In their 2007 Pastoral Letter: *God Hears the Cry of the Oppressed* the Zimbabwe Catholic Bishops' Conference noted that "POSA and AIPPA, legislation which muzzles the press, have their roots in colonial times. Despite the rhetoric of a glorious socialist revolution brought about by the armed struggle, some of the colonial institutions endure in independent Zimbabwe". They continue:

¹⁸ This is conducted 16 days before election day

...some of the unjust and oppressive security laws of the Rhodesian State have not been repealed; in fact, they have been reinforced by even more repressive legislation, the Public Order and Security Act and the Access to Information and Protection of Privacy Act, in particular. It almost appears as though someone sat down with the Declaration of Human Rights and deliberately scrubbed out each in turn.¹⁹

But why were such laws enacted? The ZCBC notes that:

Soon after Independence, the power and wealth of the tiny white Rhodesian elite was appropriated by an equally exclusive black elite, some of whom have governed the country for the past [33] years through political patronage. Black Zimbabweans today fight for the same basic rights they fought for during the liberation struggle. It is the same conflict between those who possess power and wealth in abundance, and those who do not; between those who are determined to maintain their privileges of power and wealth at any cost, even at the cost of bloodshed, and those who demand their democratic rights and a share in the fruits of independence; between those who continue to benefit from the present system of inequality and injustice, because it favours them and enables them to maintain an exceptionally high standard of living, and those who go to bed hungry at night and wake up in the morning to another day without work and without income; between those who only know the language of violence and intimidation, and those who feel they have nothing more to lose because their Constitutional rights have been abrogated and their votes rigged. Many people in Zimbabwe are angry, and their anger is now erupting into open revolt in one township after another.²⁰

The AU/OAU Declaration (2002) safeguards the human and civil liberties of all citizens including the “freedoms of movement, assembly, association, expression and campaigning as well as access to the media on the part of all stakeholders during the electoral process...”²¹

2.4.3. Political Parties (Finance) Act

The Political Parties (Finance) Act (as amended) provides for the regulation of state funding to political parties which won 5% of the national vote during the last elections. The Act, which dates back to 1992, also prohibits foreign funding and donations to political parties. But political parties that do not have the capacity to acquire at least 5% of the votes see it as a way of political marginalization and exclusion.²² For some of them, access to political finances should be based on the number of voters a political party obtained in the last election.²³ The 5% threshold sustains and strengthens the dominance of traditional political parties and restricts the growth of ‘smaller’ and new political parties that are important in enlarging citizens’ political choices.

2.5. Zimbabwe’s Electoral System

For Presidential elections, the Zimbabwe Constitution requires the winning candidate to obtain more than 50% of the votes cast in the first round. If this is not achieved by any candidate there is a run-off second round.

The country has a bicameral Parliament made up of the Senate and the House of Assembly. The Senate comprises 80 seats. Eighteen seats are reserved for Chiefs chosen by their peers in a separate election. Two members are elected to represent people with disabilities. Six are elected from each of the 10 provinces using proportional representation based on each party’s proportion of the provincial vote obtained in the House of Assembly elections.

The House of Assembly comprises 210 Seats filled by members who are elected by direct popular majority vote in single-member constituencies. For the next two elections after the promulgation of the 2013 Constitution, there will be 60 seats in the House of Assembly reserved for women and six seats will be allocated from each province based on provincial party lists. The number of seats a party receives is based on the proportion of seats the party won in the national assembly election in that province. Since 2008, the term of office for the President has been harmonized to fit with the same five years as the members of Parliament. Prior to 2008, the presidential term of office was six years.

19 *God Hears the Cry of the Oppressed: Pastoral Letter by the Zimbabwe Catholic Bishops’ Conference on the Current Crisis of our Country: Holy Thursday, 5 April 2007*

20 *God Hears the Cry of the Oppressed: Pastoral Letter by the Zimbabwe Catholic Bishops’ Conference on the Current Crisis of our Country: Holy Thursday, 5 April 2007*

23 See *African Union Declaration on the Principles Governing Democratic Elections in Africa*, AHG/Decl.1 (XXXVIII), 2002 on http://www2.ohchr.org/english/law/compilation_democracy/ahg.htm accessed 18 October 2013

22 Ecumenical Peace Observation Initiative (EPOIZ) interview with Patriotic Union of Matebeleland (PUMA) and ZAPU Federal Party, 7 May 2013

23 Ibid



2.6. Conclusions

- Zimbabwe's July 31 2013 Harmonized Elections were held before some of the reforms proposed by the GNU were implemented. These included security sector reform, ensuring traditional leaders are not partisan and laws that hinder free citizen participation such as POSA. This means the democratic space prior to elections remained restricted.
- The media reforms allowed for the licensing of two private radio stations. Other issues concerning the media remained unresolved at the end of the GNU.
- The GNU succeeded in making a new Constitution which renewed the existence of the ZEC by making it the sole Election Management Body. However, the ZEC's management of elections is limited because it does not have full control of the voter registration process and therefore management of the Voters' Roll. The process of registering voters was associated with logistical problems and many potential voters did not register.
- One major achievement of the ZEC ahead of the 2013 Harmonized Elections was the decentralization of accreditation of observers. This reduced costs and minimized inconveniences. In past elections, it was a nightmare when all observers had to come to Harare for accreditation. The accreditation process itself was quick and completed on time. The ZEC should be commended for the great improvement in this process.
- The Election Act and the Election Code of Conduct have positive clauses that could create a conducive environment for people to vote freely. In practice there was a gap between what the policies say and what happened on the ground. For example, the Voters' Roll was supposed to be available electronically in analyzable format free of charge and hard copies were supposed to be available to those who paid the prescribed fee. But this did not happen though attempts were made to provide them.
- Further, section 21(4) of the Electoral Act requires the ZEC to provide copies of the Voters' Rolls "within a reasonable period of time after the calling of an election." But there was no definition of what is "reasonable."
- The ZEC deployed voter educators without community entry strategies and popular education skills. As a result, few people benefited.
- Ward based elections ensure efficiency in counting and disseminating results. The posting of the results outside polling stations also ensures accountability. But in politically polarized areas, where the results can be used as the basis to target those perceived to have made independent political choices, it creates more problems than it solves.
- The Special Voting process conducted on 14 and 15 July 2013 did not go well due to shortage of voting materials. Many who had applied for a special vote did not manage to vote despite the ZEC's successful application to the Constitutional Court to allow those special voters who did not vote on their scheduled days to vote with others on the 31st of July 2013. But a positive factor was the holding of special voting processes on public institutions such as community halls where special voters were reasonably free to make independent political choices.
- AIPPA and POSA constrained access to information²⁴ and the holding of meetings. The laws were applied selectively.²⁵ They represent what the Church calls "even more repressive legislation" when she writes "...some of the unjust and oppressive security laws of the Rhodesian State have been repealed (in theory but in practice) they have been reinforced by even more repressive legislation, POSA and the AIPPA, in particular."²⁶

2.7. Recommendations

- The ZEC should have full control of the registration of voters and compiling the Voters' Rolls. The current situation where the RGV is responsible for registering voters and compiling the Voters' Roll limits ZEC both in terms of planning and accounting for the people on the Voters' Rolls.
- To gain more respect and confidence from political parties, election observers, civil society, the Church and the electorate at large, the ZEC should strictly adhere to the provisions of the Electoral Act and the Election Code of Conduct. Voters' Rolls, for example, are pre-requisites of any credible election and should be available as stated under the relevant regulations.
- Part of the Electoral Act Section 21(4) that relates to the provision of the Voters Rolls in different formats in a 'reasonable period' after the proclamation of the election date should be specific. It should clearly state the time within which the Voters' Roll should be provided after the calling of an election.
- The Special Voting process should be well organized. If there are reasons why some special voters are

24 For example, some political rallies belonging to one political party were broadcast live on television and radio whilst other political parties were not given the same opportunity.

25 Similarly, other political parties would easily get clearance from the police to hold their political rallies whilst other political parties will not easily get the permission.

26 *God Hears the Cry of the Oppressed: Pastoral Letter by the Zimbabwe Catholic Bishops' Conference on the Current Crisis of our Country: Holy Thursday, 5 April 2007.*



3. THE PRE-ELECTION ENVIRONMENT

My people are destroyed for lack of knowledge... (Hosea 4:6)
A fool always loses his temper, But a wise man holds it back (Proverbs 29:15)

The pre-election period is the time between the proclamation of an election date and the actual election.²⁷ But since elections are a process, the pre-election period can be seen as the time between the day election results are announced in the last election and the day of the up-coming elections. Some political parties begin preparing for the next election as soon as the current one is over. In this 2013 election the day of polling was quiet and relatively peaceful. It was the pre-election period that calls for detailed scrutiny. CCJPZ had an ongoing program of collecting information on the pre-election environment and it was used for advocacy and liaisons for justice and peace at different levels.

3.1. How CCJPZ collects information

CCJPZ has structures from the village to the national level. The Catholic Church has eight dioceses, administrative areas, in the country similar to the provinces (See Table 1). Each diocese has deaneries, parishes and small Christian communities, which are similar to districts and wards and villages. At each level there is a justice and peace committee who volunteer to collect information in their area as part of their responsibility as Catholic Christians. In fact by accepting baptism, every Catholic becomes a CCJPZ member although, of course, there are some who are more enthusiastic than others. These latter go through a CCJPZ animator formation programme which includes research methods called the Pastoral Cycle.

Reports produced at each level are checked and verified by the resident priest and are further verified at each level of the structure until they come to the national office where they are consolidated and analysed in preparation for dissemination. To ensure uniformity in the ordering of material, the CCJPZ has developed context specific tools for animators to use when they collect information. Due to limited resources and a diminishing number of volunteers ready to do the task, this goal of uniformity has not always been achieved. CCJPZ has had to focus on remote and contested areas where the challenges are greater. And this means that the trend differed from one diocese to another. In this regard, it must be said that CCJPZ does not claim to report on the whole country despite its structures in all areas.

3.2. The Political Situation

3.2.1. Note on 2008 violence

In 2008, violence was systemic and synchronised. It was carried out by local leaders who were responsible for identifying political opponents within their jurisdiction, war veterans who suggested the form of violence to be used and the youth whose energy and strength enabled them to carry out the assaults in return for cash, drugs and alcohol. The Church has been concerned about the role of elders in encouraging the youth to participate in violence:

*The youth are influenced and formed as much by what they see their elders doing as by what they hear and learn at school or from their peers. If our young people see their leaders habitually engaging in acts and words which are hateful, disrespectful, racist, corrupt, lawless, unjust, greedy, dishonest and violent in order to cling to the privileges of power and wealth, it is highly likely that many of them will behave in exactly the same manner... Evil habits and attitudes take much longer to rehabilitate than to acquire.*²⁸

The 2008 violence was an investment. It has been kept alive in people's minds by continuous rehearsals and promises of more violence if people make independent political choices in the 'next' elections. As such, the 2008 political violence created a situation of subjugation often described as peace. The Africa Synod summarises such a scenario when it says:

27 See <http://www.parliament.uk/briefing-papers/SN05262> accessed 10 October 2013

28 *God Hears the Cry of the Oppressed: Pastoral Letter by the Zimbabwe Catholic Bishops' Conference on the Current Crisis of our Country: Holy Thursday, 5 April 2007.*

...peace is often confused with a kind of unanimity or tranquillity imposed by force and keeping power in the hands of a single group to the detriment of the people. In such situations, citizens are unable to take part in public life and popular opinion cannot make a difference. As a result, people tend to withdraw and become disinterested.’²⁹

In these circumstances, the Church has encouraged national healing and reconciliation:

We accepted without discrimination and looked after those whose hands were chopped off, those whose homes were burnt and those wounded in crossfire. We saw victims of inhuman torture in our hospitals. Through our faithful, we were made to be the good Samaritan, prepared to heal, often at our own expense (Luke 10:25-37)...but we appeal to the perpetrators of these atrocities, accomplices, and instigators of violence to acknowledge the evil deeds and in conscience to own up and make restitution as Zacchaeus did (Luke 19:8). You need to be justified before God to find peace. Finally, we appeal to the victims of any of the evil acts in our country, the offended, to forgive. It is not easy. Do not expect total compensation but what the community can afford in the circumstances we find ourselves.³⁰

Finally, the effects and consequences of the 2008 violence should be seen in a broader context of Zimbabwe’s history of conflict and violence which have not been adequately resolved. As a nation,

we made mistakes in the euphoria of independence: we forgot to attend to the needs of those who were traumatized by the war, especially the ex-combatants; we ignored those who were physically and psychologically devastated by poverty, discrimination and oppression.³¹

People were neither counselled nor treated at the time of independence and up to today. Colonialists who lost political power were not helped to come to terms with the trauma of that loss. Some of them tried to recreate “Rhodesia” in the middle of a new nation with an African government.³² *Gukurahundi* was made a secret and pretence as if it did not happen. Some people whose houses were destroyed in 2005 during *Murambatsvina* are still homeless and traumatised. Lives, limbs and property were lost in 2008 because people differed in their political choices. Nothing significant has been done to heal the souls of the victims. Pretence, anger and hatred have accumulated over many years and cannot simply vanish.³³

The 2013 elections were held in this context of failure to deal with past pain, trauma and fear. This type of trauma leads to a loss of faith that there is any safety, predictability, or meaning in the world, or any safe place in which to stay.³⁴ It makes it difficult to be confident and independent, especially in making political choices. Without comprehensive national healing and reconciliation, people’s political choices, even in 2018 and beyond, might be influenced more by what they have experienced over years– intimidation, coercion, violence, trauma and hurt.

3.2.2. Intimidation, Threats and Coercion: Some Continuities

While collecting information on the situation is an ongoing activity for CCJPZ, a deliberate and planned focus to monitor the current political situation began in September 2011. Immediately after GNU was established, there was some semblance of peace in the country. For example, hate language diminished.³⁵ But veiled

29 Vatican City (2006): “II Special Assembly for Africa; The Church in Africa in Service to Reconciliation, Justice and Peace” ‘You are the salt of the Earth, You are the light of the world” (Mt 5: 13-14): Vatican City. P8

30 *National Healing and Reconciliation: God Can Heal The Wounds of the Afflicted*: Pastoral Letter By the Zimbabwe Catholic Bishops’ Conference: 1 October 2009

31 *National Healing and Reconciliation: God Can Heal The Wounds of the Afflicted*: Pastoral Letter By the Zimbabwe Catholic Bishops’ Conference: 1 October 2009

32 *National Healing and Reconciliation: God Can Heal The Wounds of the Afflicted*: Pastoral Letter By the Zimbabwe Catholic Bishops’ Conference: 1 October 2009

33 *National Healing and Reconciliation: God Can Heal The Wounds of the Afflicted*: Pastoral Letter By the Zimbabwe Catholic Bishops’ Conference: 1 October 2009

34 See sychcentral.com/lib/understanding-the-effects-of-trauma-post-traumatic-stress-disorder-ptsd/000397 accessed 10 October 2013

35 On 21 February 2009 for example, ‘The Other Side’ a regular column in *The Herald* written by a Nathaniel Manheru which used hate language, especially against political opponents, was discontinued. Nathaniel Manheru had published 200 pieces in the state controlled Herald in 200 weeks, but promised to bounce back when need arose. Also see <http://business.highbeam.com/407748/article-1G1-194325692/zim-hate-columnist-puts-up-pen-charamba-rantings-end>

violence continued and started to increase even though with little involvement by the energetic youth³⁶ who were active in 2008.

The main perpetrators this time were the war veterans and, to a large extent, the traditional leaders. As in 2008, the intimidation was connected to elections.

3.2.2.1. War veterans

Zimbabwe’s war veterans did a great work in liberating the country from the colonialists. They sacrificed a great deal for the country’s liberation. But the Church has been concerned by the activities of some war veterans, ‘in rural areas who have failed to promote democracy and diversity, fundamental tenets of the liberation war.’³⁷

Between 2011 and 2013, a War Veteran leader, Mr. Jabulani Sibanda, moved around the country, threatening people with death should his political party, ZANU PF, lose the ‘next elections’. ³⁸ Working closely with Chiefs, Headmen and Village Heads in organising meetings of wards, he directed threats at his political opponents, who he claimed were supporters of the Movement for Democratic Change (MDC). His threats frightened the electorate when he promised more violence than the communities experienced in 2008. He even promised a new liberation war. Mr. Sibanda often appeared flanked by armed bodyguards and threatened to kill political opponents of ZANU PF if the party lost the elections. Table 1 below shows the places he visited dates and summary of his messages.

Place	Date	What he did	Message delivered during meetings
Masvingo Province:	July 2011 – January 2012; July 2013	Worked with traditional leaders to organize Ward meetings for example in Bikita, Gutu, Chiredzi, Nyika, Mukaro, Chivi, Mwenezi and Masvingo Districts	<ul style="list-style-type: none"> Told people during ward/village meetings that if ZANU PF loses the next elections, ‘hell will break loose’ as all people will be killed. ⁴¹ At some meetings, he said if ZANU PF loses elections, he would slaughter everyone and roast their livers⁴² He promised to bring 20 litre empty containers for all old people. The containers will be kept in their homes and will be filled with the blood of their sons and daughters who will be killed if ZANU PF loses 2013 elections. Encouraged small scale sugarcane farmers to dispose of those who did not support his political party Organised meetings with civil servants and forced them to form grassroots structure for his political party. The civil servants were also forced to take positions in the structures

36 This may be one of the reason why there was no open violence – those with physical strengths were not involved as they did in 2008.

37 *Tolerance and Hope: A Pastoral Letter of the Zimbabwe Catholic Bishops’ Conference: May 2001*

38 The ‘Next Elections’ refers to the Harmonised Elections held on 31 July

Place	Date	What he did	Message delivered during meetings
Manicaland Province ⁴³	November 2012 ⁴⁴ - February 2013	Organized meetings with Headmen for example at Nyarukowa Business Centre and Magarati Primary School. Similar meetings were also organized in Mutasa and Nyanga	<ul style="list-style-type: none"> In an emotional way, he instructed all Headmen not to allow any other political party, especially MDC, to organize political rallies in their areas⁴⁵ Issued a strong warning that all Headmen will be accountable and responsible for their subjects who do not vote for ZANU PF in the 'next elections' Supporters of other political parties, especially MDC, were asked to surrender their political party affiliation cards
Matebeleland North: Lupane	May 2013 ⁴⁶	Organized meetings in different Wards e.g. Ward 18	<ul style="list-style-type: none"> Community members supporting other political parties, especially MDC, were asked to submit their political party affiliation cards to him, dig holes and burn them shouting 'go away Satan'. He told the community he had a list of people who supported MDC and action will be taken against them if they vote for it in the next elections.
Mashonaland ⁴⁷ Central	July 2013	Organized meetings in different wards, especially in Muzarabani	<ul style="list-style-type: none"> Threatened villagers with death if ZANU PF loses July 2013 Harmonised Elections
Midlands	May 2013	Organised meetings in different wards, especially in Negande, Gokwe	<ul style="list-style-type: none"> He promised to kill and clear all supporters of other political parties, especially MDC, especially if ZANU PF loses the next elections

Table 2: Summary of messages delivered by Mr. Jabulani Sibanda in meetings he organized for different wards and villages in collaboration with some traditional leaders between 2011 and 2013^{39,40,41,42,43,44,45}

There were also other individuals who claimed to be War Veterans. On 29 July 2013 for example, two men claiming to be War Veterans moved around Ward 22 in Hurungwe North telling people if they do not vote for ZANU PF, an election run-off was imminent since the 2013 elections would be carried out in the same manner as the 2008 elections. They also held meetings at Kazangarare, Nyaumbare and Kamutsamombe villages where they instructed those supporting MDC to pretend to be illiterate so that they will be assisted to vote.

⁴⁶ Most community members, especially those who participated in such meetings and others who heard the

39 Also see <http://www.thestandard.co.zw/2012/12/23/sibanda-forces-villagers-to-support> - accessed 27 September 2013

40 According to the animators who witnessed the meeting, most of the people at the meeting, especially the elderly 'shivered' when they heard this. The animators added that it might have led to the popular mantra: voting to save limbs and lives

41 Also see <http://www.thestandard.co.zw/2012/12/23/sibanda-forces-villagers-to-support-zanupf/> accessed 27 September 2013

42 Also see <http://reliefweb.int/report/zimbabwe/zpp-monthly-monitor-january-2013>.

43 <http://www.thestandard.co.zw/2012/12/23/sibanda-forces-villagers-to-support-zanupf/> accessed 27 September 2013

44 See <https://www.newsday.co.zw/2013/05/17/jabulani-sibanda-wreaks-havoc/> accessed 25 September 2013

45 Heal Zimbabwe Trust Report at <http://changezimbabwe.com/index.php/news-mainmenu-2/18-business/4739-incidents-of-intimidation-zimbabwe-wide> accessed 27 September 2013

46 Also see Heal Zimbabwe Trust Report at <http://changezimbabwe.com/index.php/news-mainmenu-2/18-business/4739-incidents-of-intimidation-zimbabwe-wide> accessed 27 September 2013

messages said it was much safer to vote for ZANU PF than to lose their lives, homes, property and limbs as some did in 2008.

These actions contradicted the generally agreed frameworks for holding democratic elections. According to SADC guidelines on Elections, SADC Member States should allow full participation of citizens in the political process, freedom of association and political tolerance.⁴⁷ Writing in an Encyclical Letter entitled *Sollicitudo Rei Socialis* (1987), Pope John Paul II says that the “structures of sin” are “rooted in personal sin, and thus always linked to the concrete acts of individuals who introduce these structures, consolidate them and make them difficult to remove. And thus they grow stronger, spread, and become the source of other sins, and so influence people’s behaviour.”⁴⁸

3.2.2.2. Traditional Leaders

Traditional leaders (Chiefs, Headmen and Village Heads⁴⁹) are empowered by the Traditional Leaders Act [Chapter 29:17] to make key decisions in the community and safeguard tradition, culture and ritual. They control the distribution and use of land⁵⁰ which makes people loyal to them. They also control welfare and humanitarian assistance especially in times of drought. According to the Act, the chief, under the direction of the rural district council, ‘assist drought and famine relief agencies in coordinating relief and related matters in their areas.’⁵¹ Further, Chiefs have to maintain up-to-date registers of names of villages whilst the Village Heads should maintain an up to date register of all the inhabitants of the village. They can call meetings whenever they want and are not affected by POSA. These responsibilities are justifiable if they are executed in an impartial manner that benefits all. In the pre-election period, some traditional leaders began to use their influence to force communities to support their political parties using two main ways:

(i) Compulsory Village/Ward Meetings⁵²

The frequency and intensity of village or ward meetings where elections were discussed depended on the certainty or uncertainty of the election date. They increased when the election date became certain. Compulsory village meetings began in earnest in the first half of 2011.⁵³ After discussing issues related to the villages or wards, the meetings usually ended with a directive: everyone should vote for ZANU PF in the next election. This was common in the Midlands Province, Mashonaland East, West and Central. The meetings became quiet in the last quarter of 2011 but became relatively common in early 2012. In January 2012, for example, meetings organized by traditional leaders were common in Gokwe North, especially Tshoda Business Centre. Similar meetings organized by traditional leaders were also common in Mashonaland East Province, especially in Mutoko, Murehwa and Kotwa where communities were threatened with death if they did not vote for ZANU PF. Meetings organized by traditional leaders increased in 2013, especially after the Constitutional referendum in almost all the Provinces. Generally, the messages were the same:

- Everybody should vote for ZANU PF in the next elections, otherwise those who will be identified as political opponents will be beaten worse than what happened in 2008
- Those who will not vote for ZANU PF in the next elections, especially the newly resettled farmers, will be evicted from their land

47 See SADC Principles and Guidelines Governing Democratic Elections Section 2: Principles for Conducting Democratic Elections on http://www2.ohchr.org/english/law/compilation_democracy/sadcprinc.htm accessed 18 October 2013

48 John Paul II (1987), Encyclical Letter *Sollicitudo Rei Socialis*, paragraph 36

49 See *Traditional Leaders Act* (Chapter 29:17)

50 The Chief is empowered by Section 5 (1h and 1i) of the Traditional Leaders Act to prevent unauthorized settlement or use of any land. Acting on advice from the Headmen, the Chief can approve the settlement of any new settler in his area. See *Traditional Leaders Act* (Chapter 29:17) page 368. Section 12 (1d) empowers Village Heads to consider request for settlement by new settlers.

51 See *Traditional Leaders Act* pages 365 and 370

52 Traditional leaders have not been affected by POSA. They can organise village or ward meetings whenever they feel.

53 This was because of a speculation that elections would be held in September 2011

Some traditional leaders, especially from Mutoko (Mashonaland East Province and parts of Gokwe (Midlands), instructed political opponents to pretend blindness or illiteracy to be assisted to vote by known political activists who will be witnesses of their political choices in the community. Similar scenarios occurred on 29 July 2013 in different parts of the country.⁵⁴

Mashonaland East Province:

- Mutoko, Ward 4: On the 29th of July 2013, a local Headman called for a meeting where he informed people that on the 31st (of July 2013), they must all meet at his homestead and go to vote in the company of their respective Village Heads. He said this will be done to ensure that nobody votes for MDC.⁵⁵

Masvingo Province

- Bikita West, Ward 32: A Headmen held a meeting where he told all villagers that they must be assisted to vote by their Village Heads if they want a peaceful environment after elections.
- Bikita East, Ward 17: the Headman held a “voting preparatory” meeting in Gorekwaro village. At the meeting all his political opponents were assigned people who would assist them to vote. A total of 80 people were assigned voting assistants despite their being literate and able to vote for themselves.
- Zaka West, Ward 24: A Headmen went around the ward intimidating and threatening villagers. He was telling people all those who support MDC must ask ZANU-PF supporters to assist them to vote or they risk losing their lives after the election.

(ii) Exclusion: politicization of food, agriculture inputs

Traditional leaders also used their position to influence people to vote in a way they wanted by their control over humanitarian and welfare activities. They denied food handouts, farm inputs and other assistance to those who did not cooperate though the intention of the donors was that the aid should benefit all those in need. This practice became widespread. In the last quarter of 2011, for example, more than twenty villagers from Gowakowa village in Makoni North were unable to register for government subsidized agricultural inputs after traditional leaders asked them to produce political party affiliation cards.⁵⁶ This practice was also seen in Chimanimani West where Headmen demanded ZANU PF political affiliation cards before registering people for government subsidized maize seed and fertilizer.⁵⁷ And in Mashonaland East, a Village Head was suspended after he was suspected⁵⁸ of supporting a political party of his choice. He was also excluded from all community activities.⁵⁹

In the first quarter of 2013, some traditional leaders from Mashonaland West (e.g. Kanyaga) excluded some community members from participating in community activities and benefiting from food aid and agriculture inputs largely because of their political affiliation. In the same period, traditional leaders from Masvingo Province (Bikita, Nyika and Chivi) excluded their political opponents from accessing food aid and agriculture inputs for the same reason. This also occurred in the Midlands Province (Mvuma, Mavise, Chinyuni) where food was distributed on political party lines: families and individuals known to be affiliated to a particular political party benefited whilst political opponents were denied. In Mangwe, Matebeleland South, some drought relief distribution meetings were turned into political rallies where political opponents were denied food. At the same meeting, some traditional leaders introduced political candidates to the people who had come to collect food relief. An aspiring MP for a constituency in Gokwe North combined her political rally with the distribution of 600 bags of maize from the Grain Marketing Board for a grain loan scheme.

54 Cases recorded by Heal Zimbabwe Trust at <http://changezimbabwe.com/index.php/news-mainmenu-2/18-business/4739-incidents-of-intimidation-zimbabwe-wide> accessed 27 September 2013

55 Courtesy of Heal Zimbabwe Trust Report at <http://changezimbabwe.com/index.php/news-mainmenu-2/18-business/4739-incidents-of-intimidation-zimbabwe-wide> accessed 27 September 2013

56 Zimbabwe Peace Project: “Summary on Politically Motivated Human Rights and Food Related Violations” – October 2011

57 Zimbabwe Peace Project: “Summary on Politically Motivated Human Rights and Food Related Violations” – October 2011

58 The *Traditional Leaders Act Chapter 29:17* gives the Minister the power to suspend a Village Head from his duties if he commits offence or misconduct as outlined in Section 13 (1-7) of the Traditional Leaders Act Chapter 29:17.

59 CCJPZ March 2013 Bi-Monthly Report

Political parties in the Government of National Unity had agreed to make the traditional leaders' institution impartial but this was never implemented. It remained an 'outstanding issue' until the GNU ended on 31 July 2013.

Section IV (10) of the AU/OAU Declaration on Democracy, Elections and Governance (2002) prohibits the practice of using material goods and donations and favours in return for electoral reward: "All stakeholders in electoral contests shall publicly renounce the practice of granting favours to the voting public for the purpose of influencing the outcome of elections..."⁶⁰ Further, the scenarios undermine the gospel value of love (1 Peter 4:8) which CCJPZ preaches. They also contradict the principles of respect for human dignity (Genesis 1: 26-27), and participation, association, tolerance, unity and diversity: 'If we have been united with him like this in his death, we will certainly also be united with him in his resurrection' (Romans 6:5). The Zimbabwe Catholic Bishops' Conference condemns such inhibiting actions which are against God's purpose for creation. Writing in a Pastoral Letter entitled *Zimbabwe 2013 Elections and the God of Second Chances*, the ZCBC says "Good candidates of political parties treat all citizens with respect and would want to offer all citizens equal opportunities as much as possible. Jesus speaks to us all when he says, "So always treat others as you would like them to treat you; that is the law and the prophets" (Mathew 7:12).⁶¹

3.3. The Election Date

In June 2013, an 'aggrieved' citizen, Jealous Mawarire approached the Constitutional Court and demanded his right to elect a new government since GNU was Constitutionally coming to an end on 29 June 2013.⁶² In the case he filed with the Constitutional Court, he challenged President Mugabe to set dates for presidential and parliamentary elections by the 29th June, arguing the executive risked violating the Constitution.⁶³ In favour of Mr. Mawarire, the Constitutional Court ruled elections should be held latest by July 31, 2013.⁶⁴

On 13 June 2013, President Robert Mugabe, through the extra-ordinary Government Gazette under Statutory Instrument 85 of 2013, proclaimed 31 July 2013 as the election date for the 2013 Harmonised Elections. At the same time the President used his Presidential powers to amend the Electoral Act through Statutory Instrument No 85.⁶⁵ This decision was opposed by the MDC formations and other political parties who claimed President Mugabe undermined the spirit of the GPA where he was supposed to consult other parties in the GNU.⁶⁶ But the proclamation was within the confines of the law although it was undermining the consultative spirit of the Government of National Unity. Section 4.1.5 of the SADC Principles Governing Democratic Elections (2004) provides that member states shall be guided by the principle of the "timely announcement of the election date".⁶⁷

3.3.1. Mediation by SADC

After failing to influence the proclamation of the election date, the MDC formations approached SADC which convened a special summit of the heads of state in Maputo on 15 June 2013. The summit advised the Zimbabwean government to consider postponing the election date by at least 14 days. SADC urged the Zimbabwean government to implement all reforms that had been agreed by the political parties in GNU. The Summit also recommended reforms made to the Electoral Act by the Presidential Powers (Temporary Measures) Act should be brought to Parliament for debate and adoption. The summit further advised that an inter-ministerial committee be appointed to deal with implementation of agreed issues on media reform and the monitoring of hate speech in all media particularly within the remaining time of Parliament's tenure.⁶⁸ Finally, Zimbabwe political parties were urged to negotiate and make necessary amendments to POSA, AIPPA

60 AU/OAU (2002): *AU/OAU Declaration on the Principles for Democratic Elections in Africa*, Addis Ababa, Ethiopia
61 *Zimbabwe 2013 Elections, And the God of Second Chances: A Pastoral Letter of the Zimbabwe Catholic Bishops'*

Conference On the National Processes in The Year Of Faith 2013: Friday 15 March 2013

62 <http://bulawayo24.com/index-id-news-sc-national-byo-31063.html>.

63 <http://bulawayo24.com/index-id-news-sc-national-byo-31063.html>.

64 <http://harare24.com/index-id-news-zk-14907.html>.

65 <https://www.newspday.co.zw/2013/06/14/mugabe-declares-election-date/>

66 <http://www.voazimbabwe.com/content/zimbabwe-mugabe-elections-dates-july31/1680933.html>

67 http://www2.ohchr.org/english/law/compilation_democracy/sadcprinc.htm.

68 The life of parliament ended on 29 June

and the Broadcasting Act.⁶⁹

3.3.2. Constitutional Court Ruling

Following the recommendations made by SADC, the government, through the Ministry of Justice, Legal and Parliamentary Affairs filed a petition to the Constitutional Court for an extension of the election date by at least 14 days. The MDC formations also filed similar petitions. The Constitutional Court sat on 3 July 2013 and dismissed all the applications. It ruled July 31st 2013 as the date for Harmonised Elections as proclaimed by President Robert Mugabe.⁷⁰

3.3.3. Nomination of Candidates

The ZEC announced 28 June as the date for the nomination court. On that day, all the parties contesting the elections submitted their nominations despite the fact that the reforms were not yet implemented. By this action they endorsed the president's decision to hold the elections on 31 July 2013.

3.4. Political Campaigns

Although the campaign period was quiet, the CCJPZ observed a continuity of intimidation, threats and promises of attack after the elections in some of the campaign rallies:

- There will be war if people vote wrongly
- If you want peace, vote for us
- War is bad, but you can avoid it by voting for us
- This country will not be ruled by any other political party just because of an "X"

There were also specific incidents recorded on 29 July 2013:⁷¹

Mashonaland Central:

- Muzarabani South, Ward 22: a Ward councillor candidate forced people to attend a political meeting where she intimidated villagers and promised a repeat of the 2008 violence if ZANU PF loses the elections. The candidate is a known perpetrator of the 2008 political violence.
- Muzarabani North, Ward 2: an aspiring councilor moved around the Ward telling people that they should vote for ZANU PF if they want peace to prevail after elections.

Masvingo Province

- Zaka North, Ward 11: At noon, a parliamentary candidate for Zaka North held a meeting with 21 Village Heads where he informed them that political opponents will be severely dealt with if ZANU PF loses elections.

Mashonaland East

- Mutoko: An aspiring Member of Parliament promised political opponents that ZANU PF will attack political opponents more than it did in 2008. For him, "what we did in 2008 was just a mere breakfast...this time it will be supper time."
- A Headman instructed all people to assemble at his homestead in the morning of the Election Day so that they can each be assigned a person to assist them to vote.

Mashonaland Central Province

- Mt Darwin, Ward 31: a group of 6 political activists (including an aspiring councillor) held a meeting where they declared that all political opponents will be killed soon after the elections if ZANU PF loses. They promised to start with an aspiring MDC candidate for the Ward.
- Two people - a lady and a man – moved around the ward telling people that if ZANU PF loses the election, people will be beaten up starting on the 1st of August 2013.

69 <http://allafrica.com/stories/201306150532.html>

70 <http://www.swradioafrica.com/2013/07/04/> (4 July 2013): "Constitutional Court Upholds Mugabe's July 31 Poll Date"

71 Courtesy of Heal Zimbabwe Trust Report at <http://changezimbabwe.com/index.php/news-mainmenu-2/18-business/4739-incidents-of-intimidation-zimbabwe-wide> accessed 27 September 2013



3.5. Conclusions

- The pre-election period was quiet, but not peaceful. There was an absence of open violence, but communities were being intimidated and coerced in order to vote in a particular way. Those involved were traditional leaders and war veteran leader, Mr. Jabulani Sibanda.
- Intimidation in the pre-election period may have influenced the outcome of the elections. Since there were promises of more violence than that experienced in 2008, death and even loss of homes, some people may have voted to save their lives, limbs and property.
- Not everyone who was assisted to vote was illiterate or physically challenged. Assisting people to vote, especially those known to make independent political choices, was something that was planned before the Election Day to ensure people voted for a specific political party.
- Intimidation continued until immediately before the election where some communities were instructed either by political party activists or traditional leaders that they should assemble at the residence of traditional leaders before going together as a group/village to vote. This was a way of sifting political opponents for future targeting.
- Some traditional leaders were partisan and extensions of a political party. They became activists in mobilizing support for their political party. They used their powers - including land allocation, food distribution and other forms of humanitarian assistance to coerce individuals and communities to vote in a particular way.
- Efforts at national healing and peace building from 2008 were half hearted and inadequate in assisting victims of violence. People lived in a state of trauma as incidents of political, social and economic violence continued and more was promised. People were not confident that they could vote freely according to their choice.

3.6. Recommendations

- The government, the Church and civil society organizations should engage traditional leaders, war veterans and other leaders to persuade them to be impartial. They should be leaders who "... shepherd the flock ... exercising oversight not under compulsion, but voluntarily, according to the will of God; and not for sordid gain, but with eagerness" (1 Peter 5:2). The Zimbabwe Catholic Bishops' Conference Pastoral Letter, *Solidarity and Service*, states, 'this country was given to all of us by God. ...it does not belong to one particular class or privileged group. Our leaders and public servants know this. They should continually remind themselves of this so as to avoid the danger of becoming a merely self-serving caste.'⁷²
- The provision of civic education on human rights, the Social Teaching of the Church, Constitutional government and elections help communities rediscover their dignity in contrast to the violence, intimidation and coercion they so often experience. The Social Teaching, and even human rights, emphasise everyone's right and a duty 'to participate in society, seeking together the common good and well-being of all, especially the poor and vulnerable... without such participation the benefits available to people will not be realized. The human person has a right not to be shut out from participating in those institutions that are necessary for human [progress and happiness].'⁷³
- Reconciliation, national healing and other peace building processes should be implemented to assist victims, and perpetrators, of violence to come out of their trauma and live fuller lives. A political commitment to these processes needs to be pursued. Pope John Paul II, in his message for the World Day of Peace (2009), stresses that there is "No peace without justice, no justice without forgiveness."⁷⁴ St. Paul (quoted by Pope John Paul at the end of "Ut unum sint"): says "Mend your ways, encourage one another, live in harmony, and the God of love and peace will be with you..."⁷⁵

72 Zimbabwe Catholic Bishops' Conference: *Solidarity and Service*: Pastoral Statement of the Zimbabwe Catholic Bishops' Conference: 26th of November 1989

73 Robert P. Maloney, C.M.: *Ten Foundational Principles in the Social Teaching of the Church* at <http://vinformation.famvin.org/vincentian-spirituality/in-todays-world/ten-foundational-principles-in-the-social-teaching-of-the-church/> accessed on 10 October 2013

74 Pope John Paul II Message for the World Day of Peace , 2009

75 Pope John Paul II: *Ut unum sint*, 25 July 1995



4. Election Day

‘...select capable individuals from all the people — men and women who fear God, trustworthy men and women who hate dishonest gain — and appoint them as officials over thousands, hundreds, fifties and tens.’ (Exodus 18:21)

4.1. Roll Out of the Observation Process

4.1.1. Training and Deployment of Observers

The Election Day Observation Process started with a National Training of Trainers (ToT) workshop in the Archdiocese of Bulawayo. The workshop was attended by all the 8 Diocesan Coordinators and Spiritual Advisors from all dioceses. Thereafter, each diocese trained, accredited and deployed observers in different wards. A total of 2,330 Observers nationwide were trained, accredited and deployed as shown in the table below:

Diocese	Number Accredited & Deployed
Bulawayo Archdiocese	390
Chinhoyi Diocese	220
Gokwe Diocese	300
Gweru Diocese	270
Harare Archdiocese	365
Hwange Diocese	250
Masvingo Diocese	365
Mutare Diocese	170
TOTAL	2,330

Table 3: Number of observers deployed by CCJPZ in 2013 Elections

4.1.2. Development and Dissemination of Observation materials

The following educational materials and observation tools were developed and disseminated to 2330 observers:

- Election Day Observation Form
- Critical Incident Form
- Election Count Form
- Guidelines for Election Supervisors
- Election Observer’s Training Manual

The rate of return of the three questionnaires – Election Day Observation Form, Critical Incident Form and Election Count Form – from 2330 observers was 60% in which an average of 1336 questionnaires were analyzed, representing about 14% of the country’s 9670 polling stations. The questionnaires were drafted in English language and some of the observers completed them in their local languages. Consequently, responses made in local languages were translated into English language.

4.1.3. Setting up of the Election Monitoring Centres

The CCJPZ set up centres in each of the 8 Dioceses to monitor the elections and these sent the information they gathered to the national office. The Diocesan centres collected their information from their observers in the field and verified and collated information before sending it on. The centres comprised

- Team leaders
- Information collection and management
- Hot line operations
- Media and information dissemination
- Legal and rapid response
- Spokespersons

4.2. Polling Day Observations

4.2.1. Opening of Polling Stations

Most polling stations opened on time and were not associated with serious problems. Delays were not widespread. More than 80% of polling stations observed by CCJPZ opened between 7am and 8am as shown in Diagram 1 below:

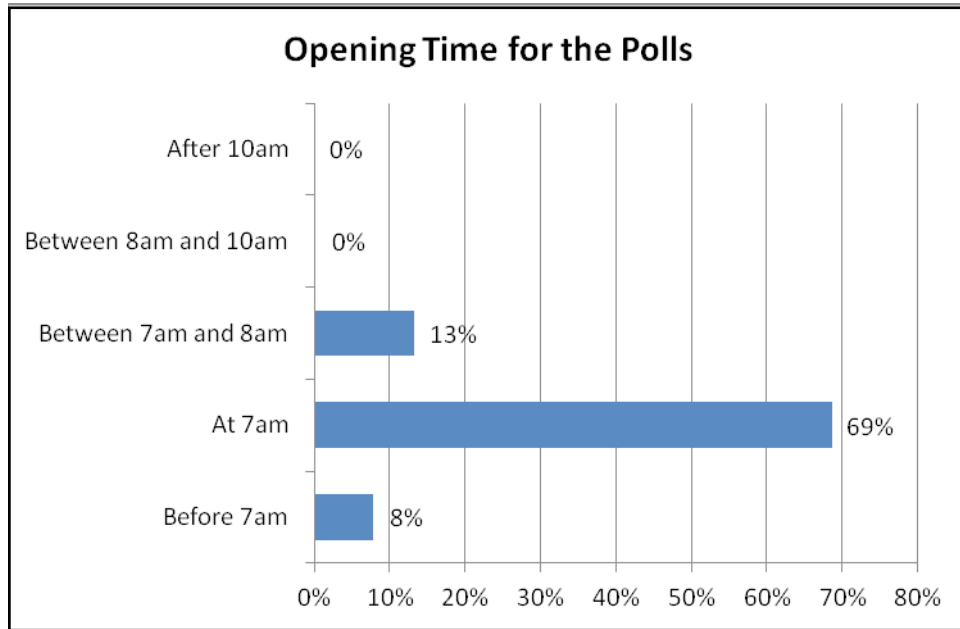


Diagram 1: Opening of the Polls

However, there were some polling stations which opened on time but the voting itself did not commence until after 8.00 am. The following are some of the examples:

- Musuna Polling Station, Ward 10 Hwange East Constituency: The Polling Station opened on time but voting started at 0859 because there were no materials such as indelible ink, seal strips and padlocks when it opened.
- Gondwa Business Centre Poling Station, Ward 6, Hwange East Constituency: The polling station opened on time, but voting commenced at 1045hrs because there were no voting materials – ink, ballot papers etc.
- Nkandebwe Polling Station, Ward 10, Hwange East constituency: The polling station opened on time, but there were no indelible ink. This delayed the start of voting.
- St Peters Primary School Polling Station, Ward 24, Chipinge South Constituency: Polling station opened on time, but voting started at 1000hrs. Wrong materials had been delivered at the polling station - ballot papers for the House of Assembly were showing wrong pictures of candidates. The ballots were sent to the local Command Centre and a new set was delivered.

4.2.2. Presence of Party Agents

Zimbabwe's 2013 Harmonised Elections were well monitored by political party agents. As illustrated in Diagram 2 below, ZANU PF and MDC had their agents in more than 85% of the polling stations observed by CCJPZ whilst MDC-T was represented in 44% of the polling stations. ZAPU was represented in 15% of the polling stations whilst MKD and ZANU Ndonga agents were present in 3% of the polling stations.

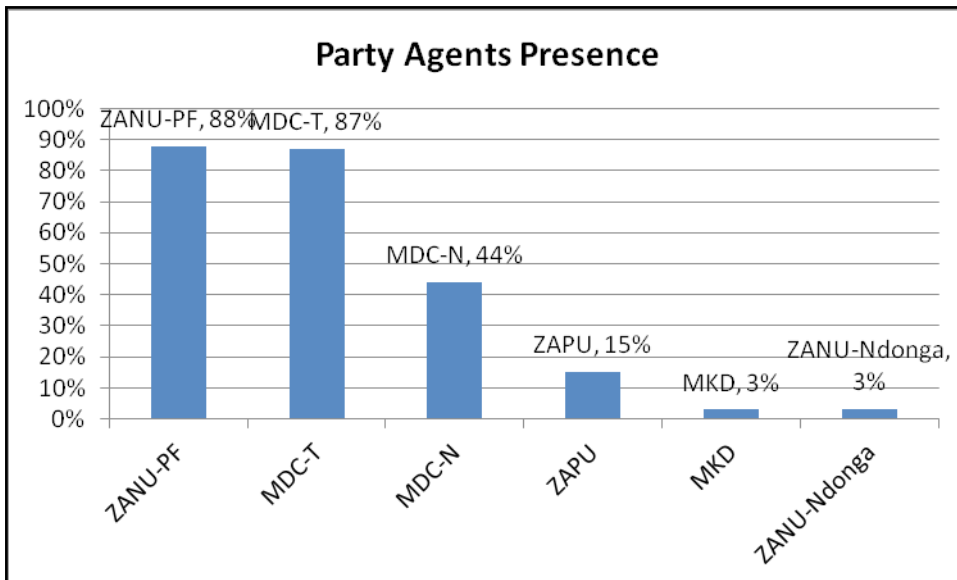


Diagram 2: Party Agents representation on polling stations

However, the following incidences were noted:

- Counting was suspended for an hour at Lord Malvern School Polling Station, Ward 23, Hatfield constituency, after party and polling agents started arguing about the authenticity of 'X's. The Police intervened and removed some of the political agents from the room, leaving one agent per political party
- At Mhlabauyatshisa Primary School polling station, Nkayi North, a political party agent was ticking names of voters from a book while at Gwanyika Polling station, Gokwe South, one of the polling officers was taking down names of all the voters who had cast votes at the station.
- At Dukaupfu Secondary School Polling station, Gokwe, political party agents were strategically positioned by the gate, taking turns. They were replaced by a Police officer late in the afternoon.

4.2.3: Adequacy of Materials at Polling Stations

One criteria used in assessing the elections was availability of essential voting materials in polling stations such as

- Indelible Ink/Markers
- Three Ballot Boxes
- Presidential Ballot Papers:
- Parliamentary Ballot Papers:
- Local Government Ballot Papers:
- Official Stamp/Mark
- Final Voters' Roll
- Polling Booths

The distribution of voting materials for 2013 Harmonized elections was relatively better when compared to the special voting days. At the opening of polling stations, almost 90% of the polling stations observed by CCJPZ had all the materials needed for polling. In 10% of the polling stations observed, voting materials were not adequate. However, they were delivered later after delays in the start of voting. Diagram 3 below shows the presence of different voting materials in observed polling stations:

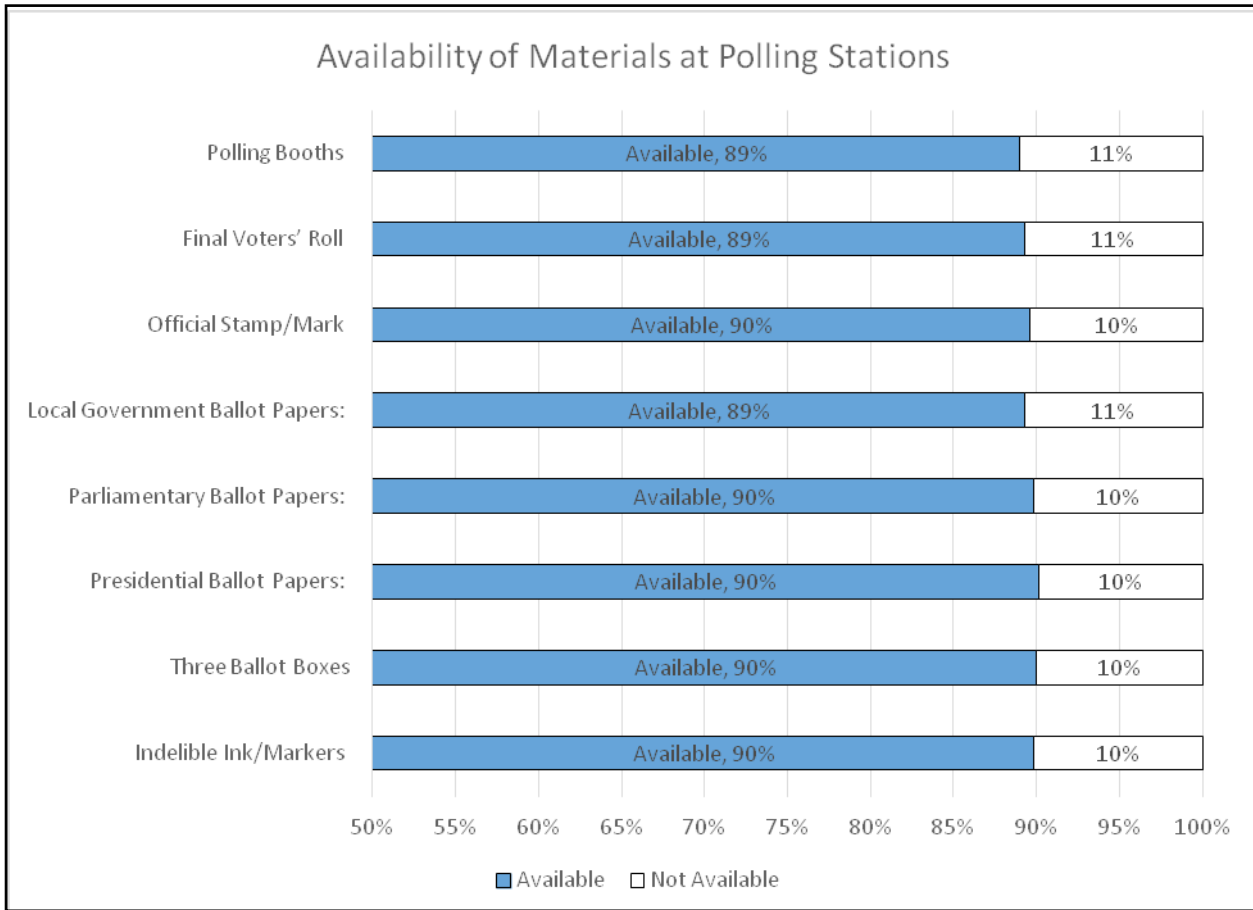


Diagram 3: Adequacy of voting materials at polling stations

Some of the specific shortages of voting materials observed are listed in Table 4 below:

(Arch) Diocese	Affected Polling Stations	Incidents
Harare	Sanyati Constituency Ward 8, Mashonaland West Province & Kadoma District.	-There was a missing page in the councilors election booklet
	Kadoma Central constituency ward 12 at DDF Rest Camp Polling station & Harare Urban – at Open Space polling station, at Old Mabvuku Pre School Polling station; at Open Space at Matogo Polling Station, and at Tafara High Polling Station.	- 1 page was missing in each Ballot Booklet for Presidential and the Councilors Election.
	Goromonzi South constituency, ward 7 at Ruwa Rehabilitation Centre Polling Station	-There were 5 extra ballot boxes in a corner. 2 of them had ballot papers inside and were sealed. A polling officer indicated that the papers were for the special votes
	Chegutu District, Chegutu East constituency, Ward 13, Selous Primary Polling Station	-2 Ballot Boxes were being used instead of the three that were supposed to be used
	Chegutu district, Chegutu East constituency, Ward 13, Selous Primary Polling Station	- The serial numbers checked before the start of the count at the polling station were not the same as at the end. The presidential Ballot Box in the morning had No. 7748811 and in the evening it was No 7803899
Hwange	Nkandebwe Polling Station, Ward 10, Hwange East constituency; Musuna Polling Station, Ward 10, Hwange East Constituency, Gondwa Business Centre Poling Station, Ward 6, Hwange East Constituency; Nkandebwe Polling Station, Ward 10, Hwange East constituency	Polling stations either did not have indelible ink at the opening of the polling station or enough ballots
Gokwe	Kaguta (Gokwe South) and Kuedza and Chomuuyu (Gokwe North).	Ballot Papers with missing pages or wrong serial numbers
	Ungwe Primary School Polling Station	Ballot paper ran out at 1230 hrs. The supply was only replenished at 1506 hrs.
	Chimhamhari Polling station - Gokwe North	Some pages for local authority ballot books had candidates not known to the voters.
	Kamwa and Simbe Polling Stations	No V11 forms at the close of polling. Counting had to be delayed
Mutare	St Peters Primary School Polling Station, Ward 24, Chipinge South Constituency.	Wrong ballot papers had been delivered - the ballot papers for the House of Assembly were showing wrong pictures of candidates.

Table 4: Summary of challenges associated with the ballot materials

4.2.3. Voters with Registration Slips NOT Allowed to Vote:

In July 2013 Harmonised elections, voters with registration slips were allowed to vote even if their names did not appear in the Voters' Roll. As shown in Diagram 4 below, there were voters with registration slips that were not allowed to vote in some polling stations.

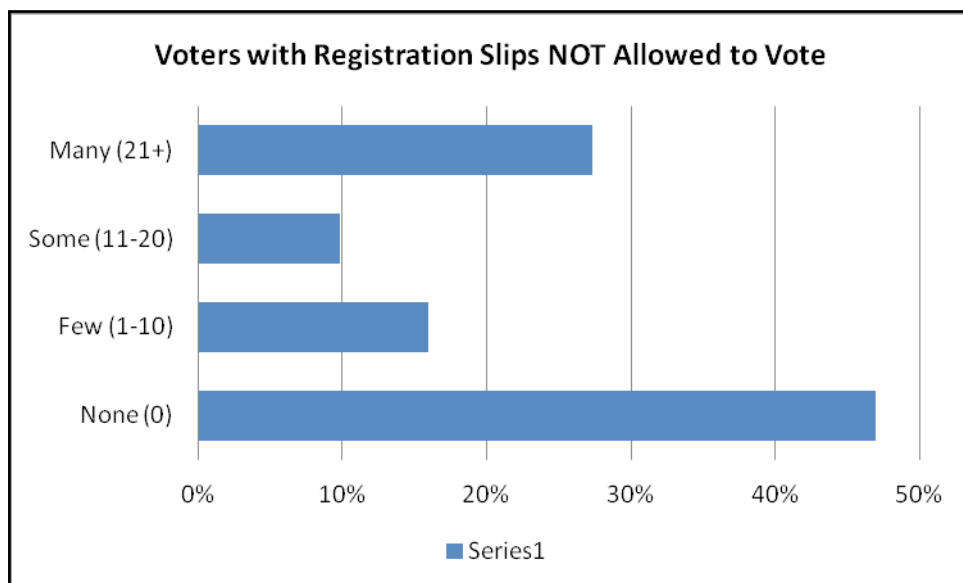


Diagram 4: Voters with Registration slips Not allowed to vote

As shown in Diagram 4 above, 48% of the cases observed by CCJPZ, voters with voting slips were allowed to vote. Between 1 and 10 or 'few' people with registration slips were not allowed to vote in 15% of the cases observed by CCJPZ whilst between 11 and 20 or 'some' people with voting slips were not allowed to vote in 10% of the cases. However, many people – more than 21 – with voting slips were not allowed to vote in 27% of the cases observed by CCJPZ. Of the 372 reported cases as having been denied the opportunity to vote using voter registration slips, the highest occurrence was recorded in Harare (with 86 cases) followed respectively by Midlands (84 cases), and Bulawayo (73 cases). This represents a probable number of at least 7,812 individual voters having been denied the opportunity to cast their votes.⁷⁶ However, some people who wanted to use fake voter registration-slips were arrested and this heightened the possibility that many more people with fake voters-slips could have voted throughout the country. The following are examples of specific cases:

- Fake registration certificates: At Hatfield Girls High Polling Station, Ward 23, Hatfield Constituency, 24 people wanted to vote with fake registration certificates. They claimed they got them from a church in Waterfalls. Some said they got them from a political candidate, 3 days before the elections. However, it later turned out the slips were being issued in a car behind the building. All of them were arrested and taken to Hatfield Police Station.
- Voters turned away even though they had voter registration slips: At Chikamba Village Business Centre Polling Station, Ward 7, Hwange East Constituency, 13 people were turned away because their names were not appearing in the Voters' Roll even though some of them had their registration slips. Others claimed they had registered but had not been issued with slips.
- People voted with registration slips that did not have block numbers: At St. Ignatius Primary School polling station, Ward 9 Hwange Central, some people were allowed to vote using the registration slips even though their names did not appear on the Voters' Roll. Some of the registration slips had no block/ward numbers

4.2.4. Voters Allowed to Vote even without ID, Passport and Registration Slip:

There was no one allowed to vote without an ID or registration slip in 97% of the polling stations observed by CCJPZ. However, in 3% of the polling stations observed, there were voters who were allowed to vote even when they did not have Voters' slip or ID. For example, 2 people were allowed to vote at Mwembesi Polling

76 Based on the Response option "Many" representing a Minimum value of 21 people and above: thus $372 \times 21 = 7812$

Station in Gokwe, even though their IDs did not have photos:

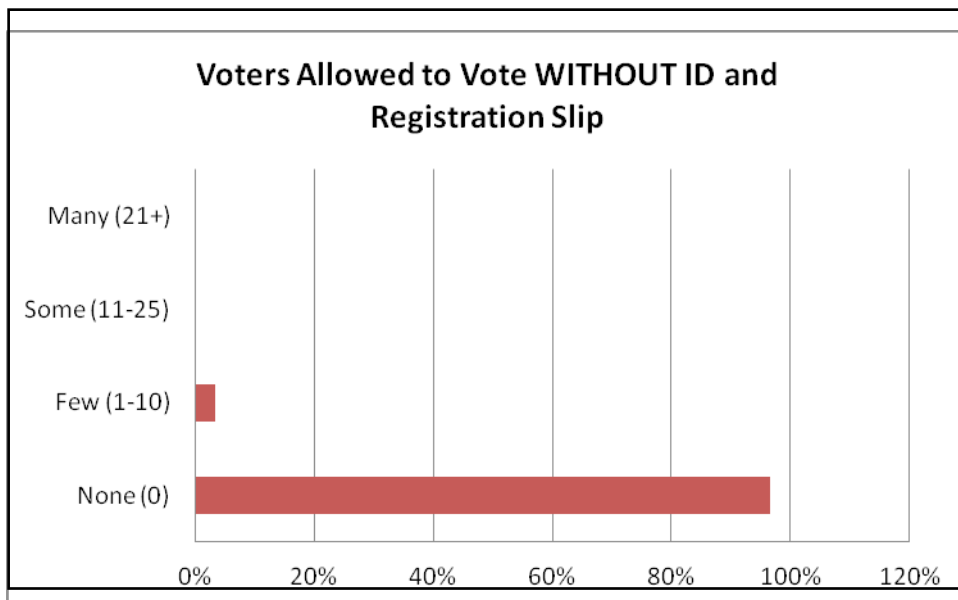


Diagram 5: Voters allowed to vote even without Identity documents (ID) or registration slips

4.2.5. Voters needing assistance to vote who were denied

CCJPZ observed in 92% of the responses, all voters who requested assistance to vote were assisted; whereas in a total of 8% of the cases, voters who requested to be assisted were denied. Of these, those denied were said to be “Many” (21+) in 3% of the cases, and “Some” (11-20) in 1% of the cases; and as “Few” (1-10) in 4% of the cases. Diagram 6 below illustrates this situation:

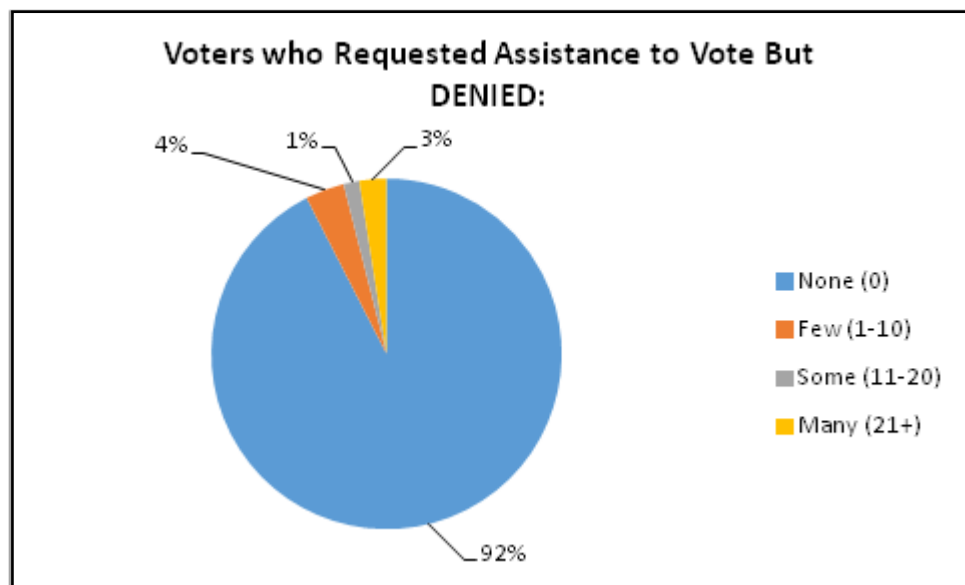


Diagram 6: Voters who requested assistance to vote but were denied

Further, CCJPZ observers’ reports suggest from 1,364 polling stations whose responses to this question was analyzed, between 983 voters and 5,610 voters were denied assistance to vote for various reasons as shown in Table 5 below:

	Reports	Response Range		Polling Stations	Est. Numbers	
	Observation	Min	Max		Min	Max
None (0)	92%	0	0	1261	0	0
Few (1-10)	4%	1	10	49	49	490
Some (11-20)	1%	11	20	20	220	4400
Many (21+)	3%	21		34	714	720
Total Re-ports:	1364			1364	983	5610

Table 5: Estimated numbers of voters who requested assistance to vote but were denied

4.2.6. Voters allowed to vote on behalf of others

Out of 1363 reports received from observers relating to this aspect, 83% of the reports indicated no voters were allowed to vote on behalf of someone whilst a cumulative total of 17% reports indicated a positive response. Proportionately, higher numbers were reported in Midlands Province (76 reports), Mashonaland East (55 reports); Masvingo Province (49 reports), Matabeleland (24 reports) and Manicaland (21 reports). Figure 7 below illustrates this:

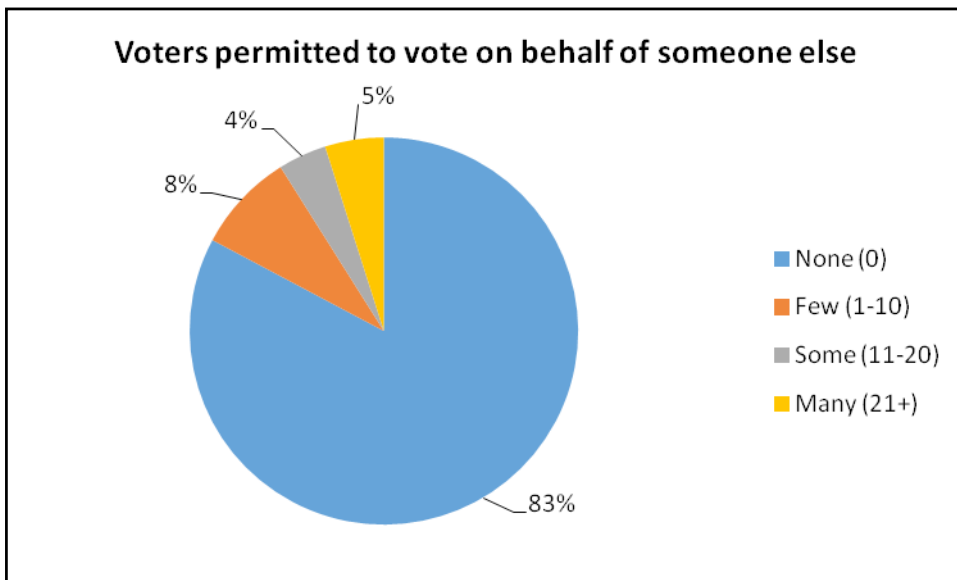


Diagram 7: Voters who were allowed to vote on behalf of others

The CCJPZ observed a high number of assisted voters. This included cases where voters known to be literate were forced to request for assistance to vote as a way to assure themselves of safety against post-election reprisals. In a number of cases, the CCJPZ observed instances where voters, after claiming to be illiterate and getting assistance, would, as per requirement, write their own names and sign in the book of records of assisted voters. As noted in the pre-election analysis, some traditional leaders instructed some community members to be 'illiterate' so that they could be assisted to vote. The following table illustrates some specific examples:

(Arch) Diocese	Affected Polling Stations	Incident
Harare	(Mashonaland East Province) Mutoko East constituency, Ward 17 at Chipfiko Primary Polling Station	-One woman was forced to have her vote cast by a known person (as an assisted vote). This was done because the woman was known to have been an MDC supporter/sympathizer so she was forced to be assisted by a ZANU PF member
	Mutoko district, Mutoko East Ward 18, Bwanya Primary Polling Station	-There was a man who assisted someone else to vote. When he then wanted to vote, he was told he also needed to be assisted.
Masvingo	Mutikizizi Primary school, Bikita South	-Generally, the number of assisted voters across the diocese was high with some well-known teachers, nurses and other literate people being assisted to cast their votes. Since the observers were local, they could distinguish between those who genuinely needed assistance and those manipulated into being assisted. At Mutikizizi primary school in Bikita South the observer was a teacher and witnessed his former 'O' Level student being assisted to vote not by his relative but by the chairperson of a political party.
Gokwe (Midlands/ Matebeleland Provinces)	St. Hughs Polling Station and Mutukanyi Primary Polling Stations:	145 voters were assisted by political party agents. At Mutukanyi Primary Polling Station, a political agent assisted 63 voters.
	Kwayedza School Polling Station	52 people were allowed to vote on behalf of others
	Chitsa Polling Station	12 people were assisted to vote as they claimed to be blind. When the presiding officer was asked by an observer why the number of blind voters was that high at the polling station, the presiding officer told the observer that he was not an optician.
	Chomuuyu, Gunguwe Shingai, Mhumha and Chimhamhari Polling Stations	People known to be highly literate, and even many youths were seeking assistance to vote. At Shingai and Mhumha Polling stations, a political agent voted for 53 and 61 people respectively.
	Mtanki SDA Primary School Polling Station (Gokwe South)	32 people were assisted to vote

Table 6: Incident summary of assisted voters

Similarly, the CCJPZ observed intimidation and coercion, especially by some traditional leaders through “group/village voting”. This involved instances where voters were instructed to take turns to vote under the watchful scrutiny of their Village Heads. There were also several incidents that involved traditional leaders lining up villagers, making a note of their ID numbers and sending them to specific polling stations to vote. This was particularly common in Bikita, Mwenezi, Gutu, Gokwe and Mutoko. In some cases, voters were given a voting number which some of the traditional leaders claimed they could use to trace whom the voter voted for. The following cases are examples of how assisted voting was forced:

Case 1⁷⁷ : Forced to pretend to be illiterate

James⁷⁸ told me⁷⁹ that on the morning of 31 July 2013, he was visited by Mrs. Moyo at his home. Mrs. Moyo told him that he was supposed to act as an illiterate person when voting and that he was to go to a specific polling station to cast his vote, although he was closer to another polling station. James said he was told if one refused to be assisted he/she would not be given maize and that his/her own houses might be burnt by ZANU PF after the elections. Mrs Moyo said she was asked to give this instruction by the councilor. James agreed with what Mrs. Moyo had said. But he decided not to go to the specified polling station and went to the closer polling station and cast his vote independently. But now James is afraid he might suffer from hunger since ZANU PF won the election. Mrs Moyo is the wife of the village head where James resides. It is highly possible that James will not receive food aid or any other humanitarian aid because whatever comes from government is distributed through the village head.

When Mrs Moyo left James's house she went to visit Mike and his wife. Mrs Moyo instructed Mike and his wife to be assisted voters. Mrs. Moyo told them if they refused to be assisted they would not receive maize and their house might be burnt soon after the elections. Mike and his wife agreed to be assisted to vote. However, they went separately to vote.

When James's wife arrived at the polling station, she asked ZANU PF party agent, who is also the local chair lady of ZANU PF to assist her because she was afraid. James failed to find someone to assist him because he voted at sunset when all those 'assisting' had gone home, thinking that everyone had voted.

Case 2: Justifying voting without assistance

On 31st July 2013 Mrs. China was asked by a local political activist why she voted without assistance as she was supposed to be assisted during voting. Mrs China said she was not illiterate that is why she voted on her own. Mrs. China reported the case to a Police Officer outside the polling room. The Police Officer announced to the queuing voters to stop such 'bad crimes.' However the Police Officer didn't probe the matter any further. The political activist is still at his home. The Police Officer did not take any effective action.

Case 3: How somebody was assisted to vote

It was just a day after the election and I⁸⁰ visited Mrs. Phiri, one of the assisted voters. As an observer I asked her why she was assisted to vote and she told me that as she went to the polling station and was about 150m away from the station she met five people standing on the road. Mrs. Phiri was instructed to stop by the group and one lady, who seems to be the leaders said: "you have told us that you no longer support any other political party except ZANU PF so to be clear and honest to us today you are illiterate / unable to read and write and you should be assisted to vote by any one of us. If you disagree nothing is going to be given to you like maize and you may be at risk soon after the elections." Mrs. Phiri told me that she was warned not to say that she was forced to pretend illiteracy, but to say she was illiterate. Out of fear Mrs. Phiri complied and went with one of the ladies to assist her in voting. This method was conducted in the whole ward. In each and every way to the polling station ZANU PF deployed its members to threaten people so that they vote for ZANU PF.

77 Cases recorded by CCJPZ volunteers and loosely translated or edited to maintain originality

78 Not real names; the real names have been retained for the security of the informants

79 This refers to a volunteer

80 This refers to a volunteer

4.2.7. People who voted and were NOT marked with indelible ink

From a total of 1364 responses received from the observers relating to this issue, 99% of voters were marked with indelible ink after voting, while 1% did not comply. The cases of non-compliance with this requirement were noted in Midlands (4 cases) and Manicaland Provinces (3 cases).

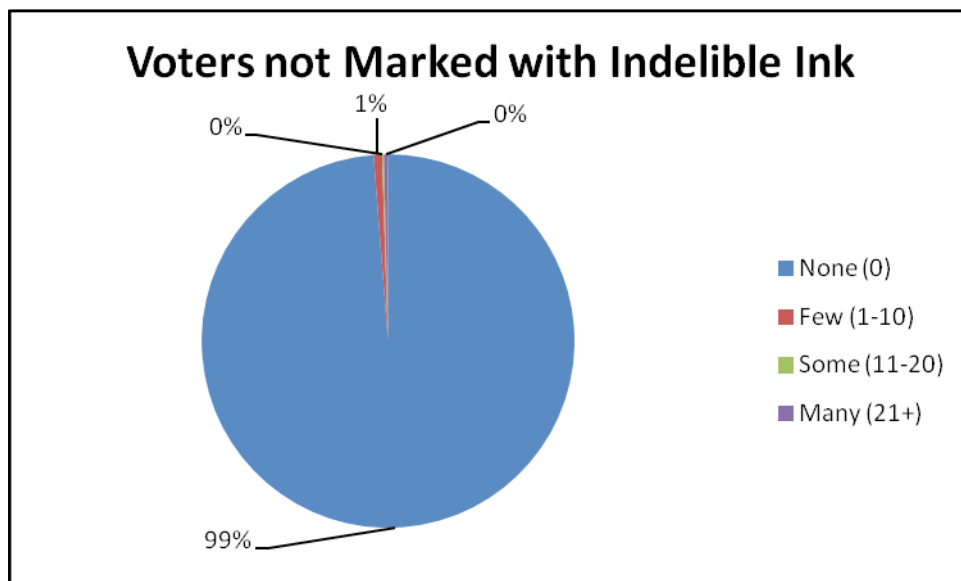


Diagram 8: Voters who were NOT marked with Indelible Ink after voting

4.2.8. Number of voters still on the queue to vote after 7pm

In most polling stations, voting took place within the stipulated time - from 7:00am to 7:00pm. In over 97% of the 1364 polling stations whose information were analyzed, there were no voters still in a queue waiting to vote at 7:00pm. Only a 'few' voters were reported as waiting in 2% of the polling stations observed while 'many' voters were reported to still queuing in 1% of the polling stations observed. This is illustrated in Diagram 9 below:

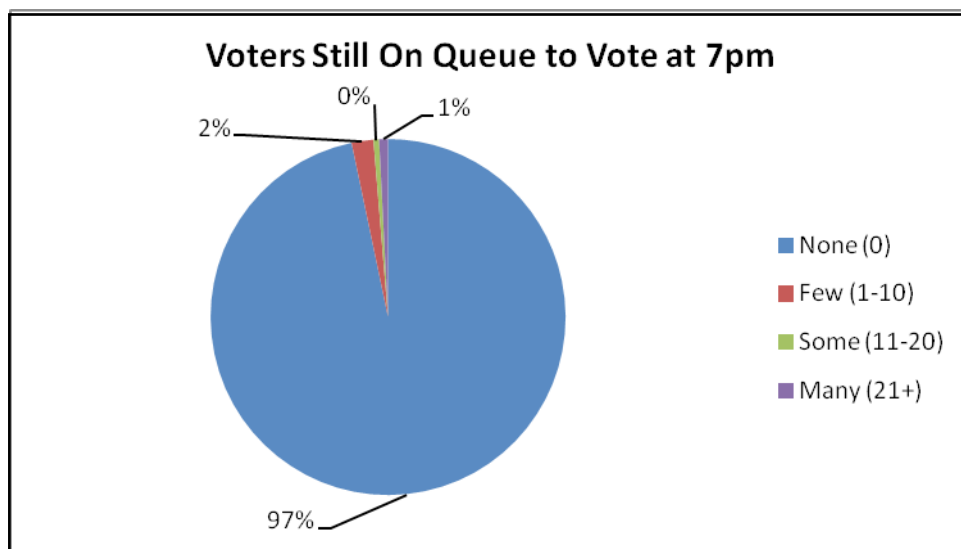


Diagram 9: Voters who were still in a queue at the official time of closing the poll

4.2.9. Actual time of close of polls

According to 1283 observers' reports processed for this question, 78% of polling stations closed at 7:00pm as required by law. As shown in Diagram 9 below, 16% of the polling stations observed, closed polling between 7:00pm and 7:30pm, whereas in 2% of the cases, polling closed between 7:30pm and 8:00pm. The polling stations that actually closed after 8:00pm constituted only 1% of the polling stations observed. Although time was allowed up to midnight for voters in queues to cast their votes, most polling stations operated within

the stipulated voting time.⁸¹ In fact, up to 3% of the 1283 polling stations analyzed closed the polling process even before 7:00pm.

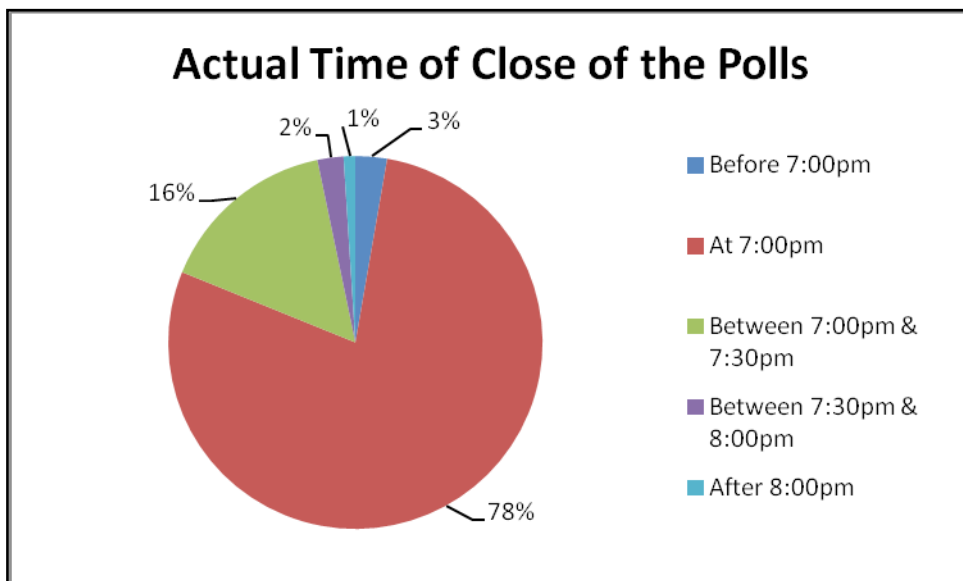


Diagram 10: Actual Time of close of polls

4.3. Other Observations

4.3.1. Special vote ballots

In some polling stations, it was noted during counting that the number of special votes cast were more than the expected special voters as recorded in the Voters' Roll. Table 7 below shows some specific examples:

(Arch) Diocese	Affected Polling Stations	Incident
Harare	Marondera Central constituency, Ward 9 at Cherutombo Polling Station	21 special votes instead of 8 as indicated on the register
	Chikomba East constituency, Ward 25, Sadza Primary polling station	The Special Ballot Register had a total of 76 names of which 4 were not on the final Voters' Roll. The total number of special Ballot Envelopes brought was 85 of which two (2) were rejected because they had no ward number. The MDC-T agent argued about it and it brought about disagreement as to what to do with the extra ballots. The ZEC Command centre when contacted advised party agents to take it up and agree on a decision. The extra ballots were eventually counted despite the objection by the MDC-T agent
Gweru	Vungu constituency & Whawha primary school	Special votes at the wrong polling stations: ballot papers for Vungu constituency found at Whawha primary school.
Masvingo	Masvingo South Rengo Mine	The issue of special votes proved to be problematic in many polling stations, with the numbers in the Voters' Roll not matching with the casted in envelopes at Rengo Mine there were 51 envelopes instead of 30 and, as in most polling stations, all special votes were counted in.

Table 7: Summary of incidents associated with the special votes ballots

81 ZEC had announced a general extension of voting of up to 5 hours (until midnight) to allow voters who were still on queue an opportunity to cast their votes.

4.3.2. Poor lighting

(Arch) Diocese	Affected Polling Stations	Incident
Mutare	Mutare South Constituency, Ward 15 at Muduma Business Centre Polling Station	The gas lamp was leaking at the polling station when it was lit at 5:30pm. Voting was temporarily stopped and resumed after 30 minutes. 8 candles were brought in and later on a solar lamp was provided by one of the observers. The gas lamp was later fixed for the counting period.
	Manicaland Province, Mutare District, Mutare North Constituency, Ward 5, At Dora Secondary School Polling Station	The polling station used candles which provided inadequate light during the counting process.
	Mutare North Constituency, Ward 5 at Matika Primary Sch Polling Station	Inadequate lighting: Only one torch used during counting
Harare	Chitungwiza district, Zengeza West constituency, Ward 7 at Open Space Cnr Chingururu/Hombarume Polling Station	It was a dark in the tent. The gas lamps were faulty so people continued voting until 10:00pm when the problem was rectified.
	Harare Urban, Mbare constituency, Ward 3 Open Space Matererini Polling Station	There was poor lighting in the tent. The polling officers had to open a side of the tent to allow inflow of light for visibility during voting.
Gokwe	Gokwe North & Nyamazengwe.	At Bande polling station there was poor lighting in the polling station. The elderly would go out of the booths and move close to windows for better lighting before marking their ballot. One booth which was close to the window was used more frequently than the others.
	Maliambi Primary polling station	There was not enough lighting. Candles used during vote counting did not provide adequate light.
Hwange	Hwange Central constituency, Ward 8 at Open Space Opposite Hwange Hospital polling station	There was inadequate lighting during counting. Candles were used, but still, they could not provide adequate lighting.
	Tobwe Primary School Polling Station, Ward 16, Binga South Constituency, Binga District	Candles and a gas light were used for lighting but the lighting was inadequate
Masvingo	Makweva Primary School Polling Station	A gas lamp burst resulting in the ballot boxes being rushed outside the room before being returned after the fire had been put out.

Table 8: Summary of incidents related to poor lighting

4.4. Types and frequency of recorded incidents: A Summary

S/No	Nature of Incident Reported	% Cases Reported
1	Voters Turned Away	31.0%
2	Inadequate Light	9.0%
3	Assisted Literate Voters	8.3%
4	Intimidation of voters (Cadres/Head men)	5.5%
5	Special Votes number not Tallying	4.8%
6	Lack of Materials	4.1%
7	Observers sent away	3.4%
8	Voter with 2008 Voter's Slip Not Allowed to Vote	2.1%
9	Missing Ballot paper leafs	2.1%
10	Late Opening of Polls	2.1%
11	Inadequate Materials	2.1%
12	Fake Registration Slips	2.1%
13	Voting Interrupted	1.4%
14	Votes in Wrong Ballot Box	1.4%
15	Shortage of Materials	1.4%
16	Disruption of Voting	1.4%
17	Civilians Voted as Security personnel	1.4%
18	Ballot Papers ran out	1.4%
19	Voting on behalf of others	0.7%
20	Voting on behalf of others	0.7%
21	Voters with No ID Allowed to Vote	0.7%
22	Voter Handcuffed	0.7%
23	Voter Denied Right to Vote	0.7%
24	Voter Bribery & Blackmail	0.7%
25	Very Late opening of Polls	0.7%
26	Used Ballot Boxes	0.7%
27	Unregistered Voter Allowed to Vote	0.7%
28	Unauthorized Persons at Polling Stations	0.7%
29	Serial Number Mis-match	0.7%
30	Police Vote with Document	0.7%
31	No Register	0.7%
32	News Personnel denied Information	0.7%
33	Multiple Voting	0.7%
34	Lights went Off during Counting	0.7%
35	Inked Voter allowed to Vote	0.7%
36	Campaign Materials near Polling Station	0.7%
37	Ballots Papers Taken Away then Returned	0.7%
38	Ballot Paper Problems	0.7%
39	Ballot Boxes reopened after sealing	0.7%
40	Ballot Boxes inadequate	0.7%

Table 9: Types and frequency of incidents recorded

4.5. Announcement of Results

From August 1 2013, the ZEC started to announce election results for the parliamentary elections on electronic and print media on constituency basis as and whenever the final results for each constituency were finalized. On 4 August 2013, the ZEC announced the final election results for the Presidential election. The official results gave Mr. Robert Mugabe a clear win of over 60% of the vote thereby avoiding a run-off.

No	Candidate	Party	Popular vote	Percentage
1	Robert Mugabe	ZANU-PF	2,110,434	61.1%
2	Morgan Tsvangirai	MDC-T	1,172,349	34.9%
3	Welshman Ncube	MDC-N	92,637	2.7%
4	Dumiso Dabengwa	ZAPU	25,416	0.7%
5	Kisinyoti Mukwazhe	ZDP	9,931	0.3%
	Valid Votes		3,410,767	99.7%
	Poll Turn-out			

Table 10: Official Presidential Results

Following the announcement of the election results, the MDC led by Mr. Tsvangirai disputed the results. On 13 August 2013, they filed a petition with the Constitutional Court. Accordingly, in keeping with the provisions of the new Constitution, the swearing-in of the President-elect was put on hold pending the determination of the election petition by the Constitutional Court. However, the MDC later withdrew the case. But the Constitutional Court went ahead by throwing away the petition and declaring Zimbabwe's 31 July 2013 Harmonised Elections 'free and fair.' Consequently, on 22 August 2013, Mr. Mugabe was sworn in as the duly elected President of Zimbabwe for a five year term.



4.6. Conclusions

- Most polling stations observed by CCJPZ opened and closed on time. Voting was extended to 12 midnight for polling stations that did not open on time. Political parties were fairly represented.
- There were isolated logistical challenges, especially relating to the dissemination of voting materials and essential utilities (such as lighting) to polling stations. There were also irregularities and mix up of the special voters' ballots.
- There were high numbers of assisted voters despite the country's literacy levels. Whilst this may indicate a lack of voter education, processes of assisting people to vote was planned by some traditional leaders and political party activists before the Election Day. This is evidenced in one incident where one person who assisted somebody to vote was also assisted when he wanted to cast his own vote. Those who assisted others to vote were largely political party agents and activists. Most assisted voters were those suspected to have made independent political choices in 2008 elections.
- Some community members were put into groups to vote as a village. This was planned before the Election Day by some traditional leaders and political activists. In addition, there were designated polling stations where people belonging to a particular political party were expected to cast their votes. These scenarios might have influenced people's political choices.
- The use of voter registration certificates might have been positive in that those who had genuinely registered to vote but were not appearing in the Voters Roll were allowed to make their political choices. However the facility was abused by those who wanted to maximize their number of voters. This challenge is associated with the deficiencies of the Voters' Roll, which should be improved to avoid such anomalies.

4.7. Recommendations

- No election can be perfect, but the ZEC should exercise more diligence in its logistical processes. They should deliver voting materials and other important essentials on time to avoid inconveniencing voters and election officials. Polling stations affected by logistical challenges in July 2013 Harmonized Elections may seem statistically insignificant, but the mere existence of irregularities, which could have been avoided, reduces confidence in the electoral process.
- As the institution mandated by the Constitution to manage elections, the ZEC should be mandated to administer all processes relating to the management of elections, including having the full responsibility over the voters' registration and managing the Voters' Roll.
- The ZEC should review the factors and reasons that led to such high levels of voters being turned away, and errors on the Voters' Roll and develop appropriate remedies.
- Relevant authorities and the ZEC should consider adopting a 'District-based' Voters' Roll as opposed to the 'Ward-based Voters' Roll' in order to significantly minimize the possibility of 'double voting', aiding 'ghost voters' and the problem of voters not knowing which ward to vote from. This can also minimise targeting after voting.
- The ZEC should consider establishing permanent polling stations and one system of identifying polling stations by special IDs for this purpose. This would help in planning for observers and placing electoral agents. It would also help scrutiny of the results.
- While acknowledging the rationale for easing the participation of many voters in the election by allowing them to use 'Voting Slips', the ZEC and the relevant authorities should consider the need for enhancing the level of personal identity by requiring all voters to have an ID bearing their photo in order to vote and avoid allowing persons with ID's that have no photos to vote.
- The ZEC should seriously consider enhancing the confidence in the Special Voting by ensuring better management of the special votes in future, and include close consultations with key electoral stakeholders on the management of special votes.
- Civic education remains essential for communities so that they understand the electoral processes. This would minimize the number of assisted voters. The education, which must also target traditional leaders and political party agents/activists, should include human rights, the Constitution and peace building.



5. POST-ELECTION PERIOD

If we confess our sins, he is faithful and just and will forgive us our sins and purify us from all unrighteousness (1: John 1:9)

The post Election Period⁸² has also witnessed some politically motivated violence. Some individuals and groups, especially those who claim to be ZANU PF, have said they are now preparing for 2018 elections and therefore those they think voted for the MDC on 31 July 2013 should 'come home'⁸³ before 'it is too late'. In parts of the Midlands Province, the common adage has: 'we won the elections and therefore MDC supporters should be won as well'. The following are some of the strategies and examples of post 2013 election intimidation, violence and exclusion:

5.1. Post Election Intimidations: Some Cases

- Alaska, Makonde District, Chinhoyi: On 16 September 2013 people suspected to have made independent political choices were forced to relocate after being labelled sell-outs of western imperialists. One of the victims stood as an MDC councillor in the July 2013 election and the other was an MDC election agent. The victims are no longer residing in the area for fear of victimisation.
- Gwave Mission, Machisa, Gokwe: On 4 August 2013, a family man ran away from his home with one of his wives after receiving political threats from some villagers.
- Mberengwa North: On 1 August 2013, a single parent was forced to leave her home with her 3 children after being threatened with death for voting for a political party of her choice on July 31 2013. The woman received an anonymous phone call, advising her to leave her home.
- Mvuma, Midlands Province: A man, suspected to have voted for MDC was beaten by a group of people claiming to be ZANU PF supporters. The man, who was later hospitalized after sustaining serious injuries, was told that since ZANU PF had won the elections, MDC supporters should be won as well.
- Marange, Mutare: On 10 August 2013, a CCJPZ observer was threatened by political activists accusing him of working for justice and peace, a work they said done by MDC supporters.
- Gandira Village, Mutare: A group of people, who call themselves war veterans, threatened those they thought supported MDC and accused them of being sell-outs and deserving punishment. They have popularized a saying *wamhanya pakarimwa* - you have treaded on dangerous ground - as a way of sending a message of fear to political opponents.
- Mbare, Harare: A few days after the announcement of election results, about 20 people fled their homes after panicking that they were going to be targeted by their political opponents. They ran away after a group of people moved around the community singing Chimurenga songs carrying a coffin with MDC regalia. However, those who had run away returned three days later after hearing that only election agents were targeted.
- Sesame Constituency, Huchu 5, Gokwe: On 16 September 2013, pockets of rice were distributed on a partisan basis by a councillor assisted by some Village Heads. Some people were denied the food as punishment for being MDC supporters. One lady was even asked to leave the meeting.

82 The post election period in this context covers three weeks after the announcement of the Presidential results ie up to 25 September 2013

83 According to the perpetrators of intimidations, to come home means to become ZANU PF and vote for the political party in any election.



5.2. Conclusions

- Political intimidation and even open violence have continued after the elections. This is likely to continue as a way of sustaining fear among individuals and communities to influence their political choices.
- Exclusion of political opponents from drought relief and food has also continued in some communities. Traditional and political leaders have used their power to force people to be members of their political party if they want food. Out of desperation many individuals give in to this pressure in order to feed their families.
- Some traditional leaders have been partisan and seem to have become part of political party structures. In such a situation it is difficult for citizens to make independent political choices.

5.3. Recommendations

- The government, civil society and the Church should, in different ways, promote peace, justice, democracy, tolerance, diversity and human rights especially in rural communities. Individuals and communities should be aware that even if they are intimidated, they still remain images of God (Genesis 1:26-27) with exclusive rights, including the right to participate and associate with any party of their choice.
- National healing and reconciliation should be prioritized by the government, civil society and the Church. As long as communities and individuals remain traumatized and in fear, they will not be confident enough to freely exercise their democratic right, even in future elections.
- Perpetrators of violence and intimidation should face the law. Intimidation, violence and exclusion have become casual and part of people's lives partly because little has been done to the perpetrators.
- Traditional leaders should not be partisan. In fact, the traditional leadership institution should be de-politicized. Jesus said, "he who wants to be great among you must be your servant" (Mark 10:43).



6. Conclusions

An election is a process, not an event. Its outcome is based on the institutional and legal framework, the pre-election environment – the political situation and the campaigns – Election Day and the post-election period. The elections were characterized by,

- protracted disagreement and tension on the choice of a date for the elections, which prompted SADC's intervention;
- partisan acts of coercion and intimidation by some war veterans, political party activists and traditional leaders, particularly in rural areas in the pre-election, election and post election periods;
- a significant numbers of eligible voters who failed to register during the registration period due to the slow process, especially in urban areas;
- a significantly high number of the voters who turned up to vote only to find their particulars not in the register or having been moved to other locations;
- Incidents of unofficial voters slips having been issued to ineligible persons and ended up being used

6.1. Conclusions on the Zimbabwe Legal framework

The GNU proposed some institutional and legislative reforms to create an environment where citizens would freely and independently make their political choices. One of the successful reforms was the new Constitution which endorsed the ZEC as the sole body responsible for elections and referendums. A well written Electoral Act and Code of Conduct for Elections were enacted. Some media reforms were made in that two radio stations were given licenses to operate.

However, most of the proposed reforms that would have created a more democratic environment for free and fair elections remained on paper. For instance, there was a proposal by the GNU that traditional leaders should be non-partisan. In practice most traditional leaders become more partisan than before and became extensions of a political party. The airwaves remained a monopoly of one political party. POSA and AIPPA remained in full force despite the proposals of the GNU and were unevenly applied. While it was easy for ZANU PF to organize political rallies, this was not the case for others who had to go through bureaucratic procedures to be 'cleared' to speak to people. Isaiah 56: 1-2: instructs us to "be just and fair to all," and to "do what is right and good.'

6.2. Conclusions on the institutional framework

The establishment of the ZEC as the sole body responsible for elections and Constitutional referendum was commendable. Although it faced challenges in the registration of voters, special voting, the provision of adequate voter education and isolated logistical challenges in delivering voting material to some polling stations on the Election Day, it tried to facilitate a smooth electoral process. The decentralization of accreditation of observers was an achievement. It enabled smooth and convenient registration of observers. On the Election Day, most of the polling stations opened on time. Those that opened late were allowed to open until 12 midnight. The ZEC was also responsive to complaints and concerns especially those raised on day of the elections (e.g. the use of voter registration slips although it was abused by some). The results of the election were also released within five days as stipulated in the Constitution.

However, these achievements were spoiled by the ZEC's failure to disseminate hard copies of the Voters' Roll on time and the complete failure to provide the electronic copies (in analyzable format) against the provisions of the Electoral Act and Election Code of Conduct. As a list of those registered to vote, a Voters' Roll facilitates the process of voting and helps to prevent fraud. Given the challenges faced in voter registration and the popular talk that the Zimbabwe Voters' Roll was in 'shambles' there was a great need to do something credible to counteract this. Yet the feeling persisted it would be used to affect vote counts by increasing the vote share of some candidates and depressing the vote share of others. The SADC Principles and Guidelines Governing Democratic Elections (2004), under Section 2.1.6, and Section 4.1.3 provides for non-discrimination in the Voter Registration and the existence of an un-updated Voters Register: "... SADC member countries shall ensure Non-discrimination in the voters' registration and existence of updated and accessible Voters' Roll..."

and for “Equal opportunity to exercise the right to vote and be voted for.”⁸⁴ Scripture advises us to ‘do your best to present yourself to God as one approved, a worker who has no need to be ashamed, rightly handling the word of truth’ (2 Timothy 2:15).

6.3. Conclusions on human rights, participation and association

The pre-election period witnessed incidents where people’s civil and political rights were diminished. Some traditional leaders became partisan. They organized village meetings and threatened villagers if they do not vote for ZANU PF. They denied political opponents food handouts and threatened them with eviction if they make independent political choices in the ‘next elections’. This was worsened by some war veterans, that promised war and death if ZANU PF lost the elections. The situation became tense with some voting on 31 July simply to save their lives, limbs and property. No one wanted a repeat of the 2008 violence or a second ‘liberation war’. The AU/OAU Declaration (2002) safeguards the human and civil liberties of all citizens including the freedoms of movement, assembly, association, expression and campaigning as well as access to the media on the part of all stakeholders during the electoral process...” Article 17(3) of the African Charter on Democracy, Elections and Governance (2007), and Article 2.1.5 of the SADC Principles and Guidelines for Democratic Elections (2004) provides for free access to the media by all contesting political parties.

Civil and political rights protect individuals’ freedom from unwarranted infringement. They ensure one’s ability to participate in the civil and political life of the state without discrimination or repression. They also ensure peoples’ physical and mental integrity, life and safety; protection from discrimination on grounds such as political affiliation. Civil and political rights also include free participation in civil society and politics, freedom of association, the right to assemble, the right to petition, the right of self-defense, and the right to vote⁸⁵.

Human rights, including civil and political rights, are simply given by God. They are not to be taken by the State or by any human being without giving offense to God.⁸⁶ “The ultimate source of human rights is not found in the mere will of human being, in the reality of the State, in public powers, but in man himself and in God his Creator.”⁸⁷

Since human rights are given by God, they enjoy a four-part quality: they are universal, inviolable, inalienable and indivisible. The pre-election, election and post election situations did not only undermined the Universal Declaration of Human Rights – that the will of the people shall be the basis of the authority of government and guaranteeing to everyone the rights that are essential for effective political participation⁸⁸ – but also Gospel values. They undermine the principle of the common good which requires that political, economic and the social order should ‘allow people, either as groups or as individuals, to make independent choices to reach their fulfillment more fully and more easily’.⁸⁹

84 SADC (2004): *SADC Principles and Guidelines Governing Democratic Elections*, SADC Secretariat, Botswana

85 *The Universal Declaration of Human Rights* accessed at <http://www.un.org/en/documents/udhr/> accessed 10 October 2013

86 See also Andrew Greenwell, Esq (2011): *Catholic Social Doctrine: Human Rights are Given, Not Taken* at <http://www.catholic.org/hf/faith/story.php?id=43639>. Accessed 10 October 2013

87 *Compendium of the Catechism of the Catholic Church* at http://www.vatican.va/archive/compendium_ccc/documents/archive_2005_compendium-ccc_en.html Accessed 10 October 2013

88 *The Universal Declaration of Human Rights* accessed at <http://www.un.org/en/documents/udhr/> accessed on 10 October 2013

89 Vatican Council II, ‘Pastoral Constitution on the Church in the Modern World’ (*Gaudium et Spes*, December 7 1965), *The Conciliar and Post Conciliar Documents, New Revised Edition* 1992: 927



7. Overall Conclusion

It has been highlighted in the discussion that an election is a process consisting of various events involving the legal framework, the pre-election environment, the Election Day itself and the post election period. In this regard, an objective verdict of an election outcome should draw from a careful analysis of these scenarios since they inter-related and affect the participation of citizens, political parties and other interested institutions. In July 2011, GPA principals agreed to reform at least six key institutions in order to create a conducive environment for the holding of credible, free and fair elections. But most of the recommended reforms, though logical for free and fair elections, were never implemented. This means that an uneven political and electoral playing field similar to the period prior to 2008 elections remained in place.

The pre-election analysis has evidence that some traditional leaders, war veterans and political activists across the country manipulated voters' freedom to choose the candidates of their choice. While the Election Day was calm, a significant number of people were forced to pretend to be illiterate and to request assistance to vote from known political activists which compromised their freedom to make political choices. It is acknowledged that ZEC exercised relative professionalism in accrediting observers, opening and closing of polling stations and the general administration of the voting processes, these achievements were weakened by its failure to provide the Voters' Roll as required by the constitution. This contributed to the reduced confidence in the election outcomes especially considering that the extra printed ballot papers were not accounted for.

Further, there was post-election 'targeting' where some political activists 'punished' those who were perceived to have made their own independent political choices. Some traditional leaders have remained overtly partisan and biased, especially in distributing agriculture inputs and humanitarian aid. These practices will continue to influence future elections, including in 2018, if they are not addressed. Given these factors and the incongruence between the Election results and the mood on the ground, CCJPZ concludes that the events in the pre-election environment did not provide a sufficiently conducive atmosphere for a genuinely credible and even electoral contest. Therefore the 2013 Zimbabwe's Harmonised Elections were conducted in an environment that significantly compromised the free expression of the people in making their political choices.

Annexes

Annex 1: Pre-election Press Statement⁹⁰

Voting and voting peacefully is Every Citizen's Responsibility

Peace Be with You!

As the nation approaches the Zimbabwe Harmonized Elections to be held on the 31st of July 2013, the Catholic Commission for Justice and Peace in Zimbabwe (CCJPZ), a commission of the Zimbabwe Catholic Bishops' Conference (ZCBC), encourages all citizens to vote. As advised by the latest ZCBC Pastoral Letter entitled **ZIMBABWE ELECTIONS 2013: And the God of Second Chances**, CCJPZ encourages all to exercise their democratic rights to **'select capable individuals from all the people — men and women who fear God, trustworthy men and women who hate dishonest gain — and appoint them as officials over thousands, hundreds, fifties and tens.'** (Exodus 18:21). In the Catholic tradition, responsible citizenship is a virtue, and participation in political life is a moral obligation... Participation in political life in light of fundamental moral principles is an essential duty for every Catholic and all people of goodwill. (United States Catholic Bishops' Conference, 2013).

There have been challenges that may have reduced our confidence in electoral processes, but we are always asked to **'...be strong and courageous! Do not be afraid and do not panic before them. For the Lord your God will personally go ahead of you. He will neither fail you nor abandon you.'** (Deuteronomy 31:6). Much of the suffering on earth is because of godless leadership (Proverbs 28:12). Some good people are equally to blame for bad situations as they do nothing about it. As responsible citizens, we must participate in choosing God fearing leaders who are selfless, responsible, accountable and truthful; leaders who respect human life and human dignity. The Zimbabwe Electoral Commission has assured the nation of the secrecy of the ballot and how each vote will count.

As usual, the Catholic Church, through CCJPZ, and other regional church institutions such as the Inter-Regional Meeting of Bishops of Southern Africa will be actively participating in the electoral processes as CATHOLIC OBSERVERS so that we can independently and freely exercise our democratic right. Their role will be to observe the process and inform the local and regional Church leadership, which, if necessary, will dialogue with responsible authorities to improve the electoral processes.

With the Prophet Isaiah, we say: **'Fear not, for I am with you; be not dismayed, for I am your God; I will strengthen you, I will help you, I will uphold you with my righteous right hand'** (Isaiah 41:10). **'May our country rise to new life in the Lord and move forward to the Kingdom future he promises. We invite all... people to commit themselves to promoting peace in Zimbabwe and overcome the culture of intolerance, intimidation and political violence. As Church we will endeavour to facilitate forgiveness, national healing and reconciliation in the years to come. We invite you all to pray for our country at all times and during all occasions particularly at this important time in our life as a nation.'** (ZCBC Pastoral Letter, 15 March 2013).

90 Statement Released on 29 July 2013. Also see <http://ccjpz4peace.wordpress.com/2013/07/31/election-statement-delivered-july-31-by-ccjp/>; <http://www.thezimbabwean.co/news/zimbabwe/67417/ccjp-notes-voting-irregularities.html>; <http://www.herald.co.zw/ccjp-urges-electorate-to-remain-calm/>; <http://www.zbc.co.zw/news-categories/local-news/35267-ccjp-hails-the-harmonised-elections.html>; <http://talkzimbabwe.com/zim-election-was-peaceful-credible-observers/>; <https://www.newsday.co.zw/2013/08/01/ccjpz-records-serious-electoral-irregularities/>

Annex 2: Polling Day Statement

Election Statement for the 2013 Zimbabwean Harmonised Elections: Wednesday July 31 2013

Delivered at Africa Synod House, Harare
By the Catholic Commission for Justice and Peace (CCJPZ) and IMBISA at 2pm

The Catholic Commission for Justice and Peace in Zimbabwe (CCJPZ) and the Inter-regional Meeting of Bishops of Southern Africa (IMBISA) deployed 2,796 observers.

What we are sharing here is based on what we have observed as from opening of the polling stations to mid-day.

The Church notes that:

- The voting day has been characterised by peaceful atmosphere
- Most polling stations opened on time and the church commends ZEC for the timely opening process.
- Polling officials have been impartial and professional.
- Many people turned up to vote as shown by the long queues at many polling stations

However:

- Voting process has been slow and waiting time in the queue has been long particularly in highly populated areas. The slowness of the process has been largely attributed to inadequate copies of the voter's roll
- As a Church, we urge people to be patient and be at the polling station before 7pm. Any voter on the queue by that time shall be allowed to vote.

The Church has also noted some incidents which have been reported to the police and the police have taken action. We encourage citizens to report all cases of misconduct to relevant authorities. So far, the Police have responded positively to the cases we have reported to them.

The Church will continue to observe the process.

May God Bless the Nation

Bishop Alexio Muchabaiwa

CCJPZ Bishop Chairman

Annex 3: End of Polling Statement

The Catholic Commission for Justice and Peace in Zimbabwe (CCJPZ) and Inter-Regional Meeting of Bishops of Southern Africa (IMBISA): July 2013 Zimbabwe Harmonised Elections: End of Poll Statement Delivered at Africa Synod House on 1 August 2013 at 10am

CCJPZ and IMBISA noted positive achievements in the conduct of the 2013 Harmonised Elections:

- The environment remained peaceful up to the close of the poll;
- Those who were still on the queue at the close of the polls were allowed to vote. ZEC even extended the time for those polling stations that did not open on time, the church recognises the effort of ZEC to allow people to vote until midnight;
- Counting in most polling stations started immediately after the close of the polls soon after 7pm
- The counting process proceeded peacefully

However, there are few concerns we identified in the observation process that if taken as opportunities, will improve our future electoral processes and systems:

The church is concerned about some of the incidents reported:

- A significant number of voters could not find their names in the voters' roll despite having registered to vote. Voters who were mobile managed to check around and found their names in Wards and even in Constituencies where they had not previously registered. However, those who were less mobile could not exercise their voting right. For example, in Mutare 433 people were turned away. Similar incidences were also reported in Gokwe and Hwange.
- Disruption and stoppage of the counting largely as a result of missing or misappropriated information especially for the Special Votes Ballot Boxes.

By close of polls, CCJPZ had recorded 47 incidents as reported to the CCJPZ as follows:

- **13%** representing intimidation or coercion near the Polling station - wearing political party regalia, singing political party songs, political candidates promising unspecified action for queuing voters if they lose elections mainly caused by political party supporters;
- **9%** representing irregular or inconsistent vote counting processes
- **4%** representing observers denied access to polling stations
- **The rest of the incidents involved different situations such as:**
 - 2%** representing Polling Stations that opened 'Very late' or after 10am
 - Another **2%** representing observers who were not permitted to write on their observation forms
 - Voters being turned away even though they had registration certificates.
 - Unexplained shifting of Ballot Boxes.
 - Ballot booklets with inconsistent serial numbers and therefore invalid for the voting processes.
 - The church urges the people to remain patient as we await the announcement of the results, and requests ZEC to provide the results within the timeframe mandated by the electoral laws.

Thank you Zimbabwe for voting peacefully! God will continue to bless our peace loving nation.

Remain Blessed

Bishop Alexio Muchabaiwa, CCJPZ Bishop Chairman

Annex 4: Views of other Election Observers

Observer Group	No. of observers	Conclusions
The Zimbabwe Election Support Network (ZESN)	7000	"Based on the empirical reports from our observers, regardless of the outcome, the credibility of the 2013 Harmonized Elections is seriously compromised by a systematic effort to disenfranchise an estimated million voters..." citing among others, the high number of disenfranchised voters of over 1,000,000.
Southern African Development Community (SADC)	573	"In the main, the electoral process was characterized by an atmosphere of peace and political tolerance. Political parties and candidates were able to freely undertake their political activities unhindered... and on behalf of the entire SADC family, I wish to sincerely congratulate ZEC and the people of Zimbabwe for holding free and peaceful harmonized elections on 31 July 2013"
African Union (AU)	60	Zimbabwe's 2013 Harmonised Elections were free and credible "unless any evidence to the contrary emerges". It requested Zimbabwe electoral authorities to "investigate reports that tens of thousands of eligible voters were turned away".
The SADC Parliamentarians Forum (SADC-PF)	60	"Based on its overall findings, the Mission is of the view that there existed a generally conducive and peaceful environment in which the elections were conducted. Notwithstanding the challenges and observations made thereto, Zimbabweans were mostly accorded the opportunity to freely express their will in voting for political parties and representatives of their choice" Accordingly, the SAD-PF declared the 2013 Zimbabwe Harmonised General Elections as free and fair.
The SADC Electoral Support Network (SADC-ESN)	60	"SADC-ESN would like to acknowledge the peaceful and orderly in which the voting process proceeded. It is our considered view that the environment preceding the Election Day was relatively conducive to allow for free participation of the electorate. However, the concerns raised entail that there is still room for continuous improvement of the electoral process in Zimbabwe"
The Electoral Commissions Forum of SADC Countries (ECF-SADC)	No data	"The Zimbabwe 2013 harmonized elections conformed to SADC Principles and Guidelines Governing Democratic Elections..."
SADC Council of Non-Governmental Organizations (SADC-CNGO)	No data	"The SADC-CNGO Mission concludes that the credibility, legitimacy, free and fair conduct of the Zimbabwe 31 July 2013 harmonized elections and their reliability as the true expression of the will of the people have been highly compromised,"
The SADC Lawyers Association (SADC-LA)	25	"...the elections were held in an apparently peaceful manner... however, the SADC-LA was concerned with the pre-electoral period which he said was characterized by legal challenges and operational restrictions."
The Common Market for East and Southern Africa (COMESA)	27	COMESA did not pronounce themselves to whether the elections were free and fair. They stated "...as the electoral process is still ongoing, this statement limits itself to the assessment made on the process up to the counting of results..."

Table 11: Summary of other Observers' Conclusions⁹¹⁹²

91 The word "fair" is intentionally omitted in many instances

92 SADC PF Website:

REFERENCES

- African Charter on Democracy and Good Governance* on http://www.au.int/en/sites/default/files/AFRICAN_CHARTER_ON_DEMOCRACY_ELECTIONS_AND_GOVERNANCE.pdf accessed 18 October 2013
- African Union Declaration on the Principles Governing Democratic Elections in Africa*, AHG/Decl.1 (XXXVIII), (2002) on http://www2.ohchr.org/english/law/compilation_democracy/ahg.htm accessed 18 October 2013
- Benedict XVI, *Encyclical Letter Caritas in Veritate* (29 June 2009), 9: AAS 101 (2009), 646-647.
- Heal Zimbabwe Trust Report at <http://changezimbabwe.com/index.php/news-mainmenu-2/18-business/4739-incidents-of-intimidation-zimbabwe-wide> accessed 27 September 2013
- <http://allafrica.com/stories/201306150532.html> accessed 10 September 2013
- <http://bulawayo24.com/index-id-news-sc-national-byo-31063.html> accessed 27 September 2013
- <http://harare24.com/index-id-news-zk-14907.html> accessed 27 September 2013
- <http://www.herald.co.zw/zec-deploys-voter-educators/> accessed 27 September 2013
- <http://www.parliament.uk/briefing-papers/SN05262> accessed 10 October 2013
- <http://www.swradioafrica.com/2013/05/13/zec-relaxes-proof-of-residency-requirement-for-voters/> accessed 10 October 2013
- <http://www.swradioafrica.com/2013/07/04/> Accessed 16 August 2013
- <http://www.thestandard.co.zw/2012/12/23/sibanda-forces-villagers-to-support> - accessed 27 September 2013
- <http://www.thestandard.co.zw/2012/12/23/sibanda-forces-villagers-to-support> - accessed 27 September 2013
- <http://www.voazimbabwe.com/content/zimbabwe-mugabe-elections-dates-july31/1680933.html> accessed 18 October 2013
- <http://www.voazimbabwe.com/content/zimbabwe-mugabe-elections-dates-july31/1680933.html> accessed 18 October 2013
- <http://www.zimeye.org/?p=85132> accessed 20 October 2013
- http://www2.ohchr.org/english/law/compilation_democracy/sadcprinc.htm accessed 18 October 2013
- <https://www.newsday.co.zw/2013/06/14/mugabe-declares-election-date/> accessed 18 October 2013
- John Paul II: *Centesimus Annus*: encyclical letter to his venerable brother bishops in the episcopate, the priests and deacons, families of men and women religious, all the Christian faithful and to all men and women of good will on the hundredth anniversary of Rerum Novarum accessed at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus_en.html accessed 3 October 2013
- Pope John Paul II: Message for the World Day of Peace, 2009
- Pope John Paul II: *Ut unum sint*, 25 July 1995

Robert P. Maloney, C.M.: Ten Foundational Principles in the Social Teaching of the Church at <http://vinformation.famvin.org/vincentian-spirituality/in-todays-world/ten-foundational-principles-in-the-social-teaching-of-the-church/> accessed on 10 October 2013

SADC (2004): *SADC Principles and Guidelines Governing Democratic Elections*, SADC Secretariat, Botswana

SADC Principles and Guidelines Governing Democratic Elections Section 2: Principles for Conducting Democratic Elections on http://www2.ohchr.org/english/law/compilation_democracy/sadcprinc.htm accessed 23 August 2013

Synodus Episcoporum: *Propositions of the II Special Assembly for Africa of the Synod of Bishops on the theme The Church in Africa at the Service of Reconciliation, Justice and Peace*. "You are the salt of the earth ... You are the light of the world" (Mt 5:13,14) at http://www.vatican.va/roman_curia/synod/documents/rc_synod_doc_20091023_elenco-prop-finali_en.htm accessed 29 September 2013

ZCBC (2005): *Tolerance and Hope: A Pastoral Letter of the Zimbabwe Catholic Bishops' Conference: May 2001 UN Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers (2005)*

Vatican City (2006): *II Special Assembly for Africa; The Church in Africa in Service to Reconciliation, Justice and Peace* "You are the salt of the Earth, You are the light of the world" (Mt 5: 13-14): Vatican City

Vatican Council II, "Pastoral Constitution on the Church in the Modern World", (*Gaudium et Spes*), The Conciliar and Post Conciliar Documents, edited by Austin Flannery, OP,. New Revised Edition 1992 cited in CCJPZ (2009): *Graveyard Governance: A Report on Political Violence following the March 2008 Elections*, CCJPZ

ZCBC (2007): *God Hears the Cry of the Oppressed: Pastoral Letter by the Zimbabwe Catholic Bishops' Conference on the Current Crisis of our Country: Holy Thursday, 5 April 2007*.

ZCBC (2009): *National Healing and Reconciliation: God Can Heal The Wounds of the Afflicted: Pastoral Letter By the Zimbabwe Catholic Bishops' Conference: 1 October 2009*

ZCBC (2013): *Zimbabwe 2013 Elections, And the God of Second Chances: A Pastoral Letter of the Zimbabwe Catholic Bishops' Conference On the National Processes in The Year Of Faith 2013: Friday 15 March 2013*

ZCBC (1989): *Solidarity and Service: Pastoral Statement of the Zimbabwe Catholic Bishops' Conference: 26th of November 1989*

Zimbabwe Electoral Act 2013

Zimbabwe Peace Project: *Summary on Politically Motivated Human Rights and Food Related Violations – October 2011*



CATHOLIC COMMISSION FOR
JUSTICE AND PEACE
Z I M B A B W E

If you Want Peace, Work for Justice

**Africa Synod House
29-31 Selous Avenue/4th Street
Harare
Zimbabwe**