



STATEMENT ON THE 2018 HARMONISED ELECTIONS AND THE POST ELECTION ENVIRONMENT IN ZIMBABWE.

The Zimbabwe Human Rights Commission (ZHRC/Commission) is amongst the five Independent Commissions established in terms of section 232 of the Constitution of Zimbabwe. The Independent Commissions are accorded the objectives of supporting and entrenching human rights and democracy, protecting the sovereignty of the people as well as securing the observance of democratic values and principles by the State and all institutions and agencies of Government. Section 242 of the Constitution establishes the ZHRC, with its functions spelt out in section 243. The functions of the ZHRC include monitoring, assessing and ensuring observance of human rights and freedoms. The rights and freedoms include political rights as guaranteed in section 67 of the Constitution, where citizens have a right to free, fair and regular elections, including the right to make political choices freely, among others.

In accordance with section 40K of the Electoral Act (Chapter 2:13) as amended up to 28 May 2018, the ZHRC was accredited to observe the harmonized elections. This gave the Commission an opportunity to execute its constitutional mandate of monitoring the human rights situation in the country before, during and after the elections. Through a sample based methodology, ZHRC observed the electoral environment and human rights situation throughout the country. ZHRC monitored the pre-election environment and issued a Statement on the 29th of July 2018. The Commission issued its preliminary election monitoring report on the 2nd of August 2018 covering the period up to 31 July 2018. This statement is therefore a summary of findings on the election related human rights situation by the ZHRC in the period from 1 August to 6 August 2018.

1. Election Day

As noted in the ZHRC preliminary statement, there was general calmness throughout the country on Election Day, with voters peacefully turning out in their numbers to cast their votes.

2. Post- Election Environment

The most disturbing post-election incident was the violence that erupted in Harare on the 1st of August 2018, which resulted in property such as cars being destroyed during MDC-Alliance demonstrations. These disturbances resulted in the loss of life of six civilians and the injury of many, following the intervention of the army. The ZHRC issued a statement on the 2nd of August 2018 condemning the violence and the loss of life due to the intervention by the army and urging all players to maintain peace.

The ZHRC also received complaints of members of the military allegedly indiscriminately harassing and beating up civilians in some suburbs in Harare. The Commission dispatched monitoring and investigative teams to assess the situation in Kuwadzana and Warren Park in Harare as well as in Chitungwiza following these reports and confirmed that indeed members of the public were being assaulted by people in military uniforms who were moving around the suburbs in military trucks. Of concern to the Commission is the fact that there seems to be no office taking responsibility over the deployment of soldiers into communities and streets. On the contrary, the Zimbabwe Defence Forces and the Government have incredibly denied this deployment. This poses an even bigger danger to communities as it appears that the 'soldiers' beating up civilians are not accountable to anyone. The Commission would have expected prompt investigation and prosecution by the relevant authorities if it is true that the assailants are impostors and/or rogue elements acting without official deployment.

The ZHRC however welcomes the consistent calls by the incumbent President for peace and harmony in the country, and the promise to set up a Commission of Inquiry into the death of civilians on the 1st of August 2018. ZHRC awaits the setting up of the Commission of Inquiry and the conclusion of investigations. The families that lost their loved ones should be adequately compensated and/ or assisted in other ways by the State as promised.

After the announcement of the results, the ZHRC received and continues to receive complaints of intimidation/ harassment and threats to citizens perceived to have voted for the opposition, those who acted as polling agents for opposition¹ candidates or stood as parliamentary or council candidates in both urban and rural communities. From the investigations undertaken to date, the ZHRC has established that there is hunting down and harassment of polling agents for independent candidates and opposition political parties, resulting in bodily and emotional harm as well as damage to property. Some of the victims, including women, have fled their homes for fear of political persecution. The Commission has received and confirmed a report on the burning of the homestead of an MDC Alliance polling agent David Chimanga in Mutoko East Constituency, and has since dispatched an investigative team to find out more details and assist the family to get appropriate support and redress.

The ZHRC is also concerned by the use of different social media platforms to convey hate speech and messages that have the potential of causing unrest in the country. Given the above facts and the current unstable situation prevailing in the country, the ZHRC makes the following recommendations:

To the Zimbabwe National Army

The Commission reiterates that all army deployments must be done in terms of the laws and Constitution of Zimbabwe and all members of the Zimbabwe National Army must be accounted for and warned not to attack civilians in order to stop further harm to members of the public.

¹ Those who are not members of the ruling party.

To the Zimbabwe Republic Police

- i. All cases of harassment, intimidation, arson and malicious damage to property based on political affiliation must be thoroughly investigated and be dealt with in a non-partisan manner.

To the Citizens of Zimbabwe

- i. The Commission urges Zimbabwean citizens to use social media responsibly, in order to ensure peaceful coexistence amongst Zimbabweans of different political persuasions, and in the process maintain peace and stability in the country.

To the Government of Zimbabwe

- i. The ZHRC urges the Government of Zimbabwe to put in place the legal mechanisms for the establishment of the long awaited Independent Complaints Mechanism which must be set up in terms of section 210 of the Constitution to allow citizens to lodge their complaints against members of the security services, especially in situations where their rights would have been violated.

To Political Leaders

- i. In light of the ongoing post- election human rights violations, ZHRC calls upon all political leaders at local and national level to encourage their followers to respect the political rights and opinions of others and to stop politically motivated human rights violations. National leaders must ensure that their message of peace, tolerance, respect for human dignity (*hunhu/Ubuntu*) and the sanctity of life cascades to all their supporters at community level.

To Traditional Leaders

- i. The Commission also urges Traditional Leaders to work with their communities, in fostering peace and political tolerance within communities and to desist from participating in partisan politics as this has the effect of alienating some of the citizens under their jurisdiction.

Conclusion

The Zimbabwe Human Rights Commission would like to take this opportunity to assure the citizens of Zimbabwe that it is working with many state and non-state entities and institutions so that peace loving Zimbabweans can enjoy their rights and go on with their daily business after the elections unhindered. The Commission is currently seized with cases of alleged politically motivated violence that it is investigating with the sole purpose of ensuring that those who violate the rights of others are brought to book and that those whose rights have been violated can get effective redress. We urge citizens to continue reporting any cases of politically motivated human rights violations or any other human rights violations to the ZHRC and the Zimbabwe Republic Police.

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