

JSC appoints magistrates to deal with political violence

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Grace Moyo

The Judicial Service Commission has appointed magistrates in all 10 provinces of the country to preside over cases of politically motivated violence and intimidation over the next six months.

JSC chairperson and Chief Justice Luke Malaba made the announcement in a Statutory Instrument of an extraordinary Government Gazette.

According to the SI the appointed judges will “try cases of politically motivated violence and intimidation in the provinces under which their names appear before, during and after the harmonised elections for President, Members of the National Assembly and councillors scheduled to

take place on August 23.”

In Matabeleland South, magistrates, Charity Maphosa, Arafat Kozanai, Takudzwa Gwazemba, Jeconia Ncube, Busani Sibanda and Abednico Ndebele have been appointed to deal with cases of politically motivated violence.

Lindiwe Maphosa, Aillene Madzorera, Godswill Mavenge, Barbara Ntambile Phiri and urgent Vundla will adjudicate in Matabeleland North.

Sangster Tavengwa, Rachel R Makanga, Tinashe Langton Ndokera, Progress Murandu, Courage Ian Mudenda, Victor Mpofu and Thomas Gurajena are responsible for Bulawayo.

In total, 76 magistrates have been appointed across all the

provinces to deal with cases of politically motivated violence.

The provision for special courts was introduced in the Electoral Act before the 2013 elections following the widespread political violence of 2008, in section 133J (3) which provides that, “...immediately after an election has been called the Judicial Service Commission [JSC] must “designate one or more magistrates in each province ...to try cases involving politically-motivated violence and intimidation.”

Part XVIII A and Part XVIII B of the Electoral Act provide special measures for the investigation, prosecution and trial of cases of politically-motivated violence and intimidation, and the punishment of people convicted of such violence or intimidation.

The measures provided for are: Designating magistrates courts to deal with politically-motivated violence and intimidation; Requiring the Prosecutor-General to provide competent prosecutors to deal with these cases promptly, Requiring the Commissioner-General of Police to take measures to ensure that cases of politically-motivated

violence and intimidation are properly investigated; Making candidates and office-bearers of political parties responsible for ensuring that their supporters do not engage in politically-motivated violence or intimidation; special penalties that can be imposed for politically-motivated violence and intimidation.

Oswald Sibanda, a political analyst said while the move to appoint magistrates is a positive one and is in keeping with the Electoral Act, the onus is on the magistratres to demonstrate impartiality and strength when dealing with perpetrators of political violence.

“This is a noble development which is demanded by the law but the big question is, are the magistrates capacitated to deal with perpertrators without fear or favour? I say so because in the past, we have seen ruling party thugs committing political violence and not only getting away with it but having their victims arrested. My view is that our institutions have been weak-

ened and I stand to be proved wrong on this,” he said.

The Judicial Service Commission has also appointed 35 High Court judges to be Judges of the Electoral Court Division who will hear electoral petitions and arbitrate in electoral disputes.

Malaba appointed the 35 judges of the Electoral Court Division of the High Court “in terms of the Electoral Act after consultation with the Judicial Service Commission and the Judge President of the High Court. The judges are available to the division from June 1 to December 31.”

The appointed judges are Judge President Maria Dube, Garainesu Mawadze, Happias Zhou, Joseph Mafusire, David Mangota, Maxwell Takuva, Amy Tsanga, Nokuthula Moyo, Esther Muremba, Davison Moses Foroma, Tawanda Chitapi, Nyaradzo Munangati-Manongwa, Phildah Muzofa, Isaac Muzenda, Neville Wamambo, Sylvia Chirawu-Mugomba, Benjamin Chikowero, Pisirai Kwenda, Jacob Manzunzu,

Evangelista Kabasa, Christopher Dube-Banda, Siyabona Musithu, Sunsley Zisengwe, Webster Chinamora, Gladys Mhuri, Emilia Muchawa, Fatima Maxwell, Rodgers Manyangadze, Joseph Chilimbe, Cathrine Bachi-Muzawazi, Bongani Ndlovu, Samuel Deme, Munamoto Mutevedzi, Never Katiyo and Lucie-Annie Mungwari.

According to the Electoral Act, “The Electoral Court is a court of record with exclusive jurisdiction to hear appeals, applications and petitions and to review any decision of the Zimbabwe Electoral Commission or any other person made or purporting to have been made under that legal provision. The court shall have powers to give such judgments, orders and directions in those matters as might be given by the High Court.”

President Emmerson Mnangagwa proclaimed August 23 as the date of the harmonised elections. All is set for the Nomination Court to sit on the 21st of June to consider nomination of candidates.

“This is a noble development which is demanded by the law but the big question is, are the magistrates capacitated to deal with perpertrators without fear or favour?”

Court sets aside ZEC nomination fees



Grace Moyo

The Constitutional Court has ruled against the steep Zimbabwe Electoral Commission's gazetted 2023 harmonized election candidates' nomination fees and ordered parliament to within seven days, review the nomination fees for the upcoming harmonised elections.

ZEC by operation of Statutory Instrument 144 of 2022, had imposed a USD \$20 000 fee for presidential candidates, and USD \$1 000 for those vying for parliament while those eyeing council seats were charged \$100.

The ruling was made following a challenge against the nomination fees by Devine Mhambi Hove, of the opposition Na-

tional Alliance of Patriotic and Democratic Republicans (NPDR).

Prof Lovemore Madhuku who represented Hove argued that the gazetted exorbitant fees violated section 67 of the constitution which provides for political rights of citizens, including the right to "stand for public office."

"Parliament failed to fulfil its constitutional obligation in one or two ways. If it turns out that Statutory Instrument 144 of 2022 did not go through the procedure in section 152(3)(c) of the constitution, that would be a textbook failure to fulfil a constitutional obligation.

Secondly, and as an alternative, if Statutory Instrument 144 of 2022 went through the

procedure in 152(3)(c) of the constitution, the fact that parliament did not consider that it infringed the rights of citizens provided for and protected by section 67 of the constitution is evidence of failure to 'examine' and 'consider' within the contemplation of the constitution," argued Hove through his lawyer.

Led by Justice Elizabeth Gwaunza, the judges agreed with Hove that parliament had failed to examine the statutory instrument to ensure that it did not violate the constitution.

The ruling will come as a relief to opposition parties that have been lobbying for a downward review of the fees.

MDC-T leader Douglas Mwonzora had blamed the ruling Zanu PF for the pricy fees, alleging that it was part of its strategy to keep the opposition from contesting.

"That is a lot of money under these circumstances but the motivation is to stop people from contesting that is Zanu PF for you because Zanu PF is paying for all its candidates," he said in an interview with CITE.

The main opposition Citizens Coalition for Change is on record saying it needed close to 244 000 to field all candidates for the upcoming election.

When we did our calculations, we realised that we need around USD\$ 244 000 to just field candidates all over the country. That is unsustainable. We are supposed to be a multiparty democracy and if as parties, we are not able to field candidates throughout the country, then we cease to

be a multiparty democracy.

Our constitution says every citizen has a right to vote and be voted for. If I don't have the \$20 000 nomination fee, I cannot contest and that is an infringement on my right to be voted for. We are calling on Zec to review the nomination

fees," said Ellen Shiriyedenga, CCC's Deputy Elections Secretary.

Parliament must come up with a new nomination fees structure by 16 June. Zimbabweans go to the polls on August 23 this year.

ZAPU's grip questioned in former strongholds



Calvin Manika

The Zimbabwe African Peoples Union (ZAPU), one of the oldest political parties running in this year's elections, has been accused of lacking visibility.

Matabeleland region was once a ZAPU stronghold both before and after Independence but the party is now a pale shadow of its former vibrant self.

Despite having members from all over Zimbabwe, the party was associated with the Ndebele tribe.

The electoral system of the nation underwent numerous adjustments in the years immediately after independence. The 18 April 1980 constitution protected multipartyism and stipulated that 20 of the 100 seats in the House of Assembly would be reserved for white people for a period of seven years. There were two separate voter registration lists made – one for the white minority and one for the black majority.

In addition, the constitution of 1980 established a prime minister as head of government and a non-executive

president as head of state led by President Canaan Banana and Prime Minister Robert Mugabe.

With the proportional representation system in place in 1980, Joshua Nkomo's PF-Zapu secured 20 seats, while Mugabe's Zanu-PF won 57 of the 80 "common roll" (black African) seats in the House of Assembly.

43 years later, ZAPU, a party once led by Father Zimbabwe, Joshua Nkomo, a renowned nationalist, is barely visible in many areas of Matabeleland, let alone the entire nation.

"In Hwange, I haven't seen a rally or a meeting convened by ZAPU. I am originally from Bulawayo, I would prefer to support ZAPU but the party is not visible," said Themba Dhlamini, a Hwange resident.

Sibangilizwe Nkomo, current leader of ZAPU, stated in December 2022 that his party will be running in the 2023 elections as he sought to dispel the claims that the party had long ceased to exist after the signing of the Unity Accord in 1987.

Nkomo, the late ZAPU founding leader's son, made the comments at the party's first cadre development workshop in Bulawayo, the nation's second-largest city.

In preparation for the 2023 elections, the opposition ZAPU, claims that its candidate selection process has been completed in a number of constituencies nationwide.

According to ZAPU spokesperson Msongelwa Ndlovu, over 80% of the constituencies where the party will run for office already have candidates. Even though Ndlovu stated that the choice will be decided in due time, Sibangilizwe Nkomo is most likely to represent the party as president.

"In nearly 80% of the constituencies we are contesting, our candidate selection process is already complete. Until we field every candidate in every

constituency we're running for, the process is still ongoing," said Ndlovu.

Enos Chifamba of Dzivarekwa, Harare where one of the late Vice President Joshua Nkomo's farm is located says ZAPU seems to have morphed into a "Bulawayo party."

"Our grandparents supported ZAPU, they were party members with active structures. The current crop has failed to have a national influence and seems to be bankrupt of ideology in contrast with the days of Father Zimbabwe," said Chifamba.

The opposition ZAPU party chose Plumtree as the starting point of its election campaign for 2023 because it was inspired by the teamwork displayed by rural communities to earn money for their own community programs.

On December 31, ZAPU President Sibangilizwe Nkomo addressed party supporters, members of the National Executive Committee, and members of the National People's Council at Dingumuzi Stadium in Plumtree. He confirmed that the party was preparing for the 2023 general elections and would soon be announcing its governance blueprint to empower rural districts.

The model is intended to reverse rural-to-urban migration and provide sustainable development to underdeveloped rural districts, according

to Nkomo.

"Our emphasis is on rural districts development," said Nkomo.

Nkomo claimed that the party was motivated by the town's efforts to encourage regional growth when it introduced what it dubbed the "plumtree model."

"The Plumtree villagers, who gave us sanctuary and safe transit from Zambia to Botswana, contributed to our independence. You transformed into the water in which the fish lived and survived when ZPRA returned as a fighting force," said Nkomo.

After losing faith in the Unity Accord, the late Dumiso Dabengwa and other ex-PF Zapu members left Zanu PF in 2008 to resurrect the previous liberation organization.

Susan Booyon, a noted academic and researcher, claimed that while the 1987 Unity Accord caused hostilities to end, peace and harmony still proved elusive as violence victims have not received compensation.

"Neither have those responsible for the violence been brought to justice nor have they asked their victims for forgiveness, at the very least by admitting their participation in the catastrophe. Instead of being viewed, evaluated, and studied as a community and national endeavor, the Zimba-

bwean Unity Accord is done so in terms of personality. Many believed that Nkomo's death in July 1999 signaled the end of the Accord," said Bayoon.

In 2022, the then ZAPU spokesperson Iphithule Maphosa, said it was critical that Zimbabweans and the rest of the world understand that the Unity Accord was the 'biggest misnomer, a process that never was'.

"Whatever happened on that fateful 22nd of December was a sham, a deception, and the greatest betrayal of all values, intentions, and objectives of

the liberation struggle," he declared.

"For everyone who helped liberate our nation, December 22 must be a day of shame. The only celebratory drink that could have been consumed at the signing of the Unity Accord would have been the free-flowing blood of innocent children, women, and seniors as well as the appropriate ink used to sign the surrender paper," added Maphosa.

Over time, ZAPU has faced resource limitations, which ZIPRA veterans attribute to the government's confiscation

of the majority of the party's assets during the Gukurahundi era.

Two months before the elections, ZAPU sympathisers are wondering if the former political giant will awaken.

"The truth is that the majority of the youths we encouraged to register to vote do not even know anything about ZAPU. It's sad for a party which is supposed to have roots here in Matabeleland," said Patrick Ngwenya of Sibangani village in Lupane.

Vote for God-fearing candidates: MP

Nqobile Ngwenya

Citizen's Coalition for Change (CCC) Member of Parliament for Hwange West has urged the electorate in the resort city of Victoria Falls to vote for God-fearing, mature, corruption-free and responsible leaders to restore order and transparency.

Godfrey "Kujatana" Dube told Community Podium that he hopes to be the CCC candidate for Hwange West in the forthcoming harmonised elections. His party is yet to announce its candidate list with just a week before the Nomination Court sits.

According to Dube, there is need for vibrant and innova-

tive leadership regardless of party affiliation for Victoria Falls to remain the prime of all tourism in Zimbabwe.

"We need people who are responsible and God-fearing, not those who are just hun-

gry for money. The electorate should elect bold leaders who are mature to make informed decisions and answerable to any city issues," said Dube. He added that local people with properties in the city are fit to be elected as city leaders so



that they can make sustainable bye-laws which promote the interests of voters.

CCC made headlines earlier this year when it revealed that one of the party's requirements for those aspiring to run for office was for them to prove their relationship with the Creator.

Dube said it would be a noble idea for civil society organisations to conduct an education campaign in Victoria Falls on the calibre of good candidates to be voted into power.

"I call upon civic society to educate voters on the calibre of councillors to be voted into office. We need to restore our city. The electorate know

must know their candidates because we need leaders with sharp Intelligent Quotient (IQ). Above all, leaders should fear God," said Dube who kept on referring to the scriptures to buttress his views.

Commenting on the fights which rocked the CCC candidates' selection process last weekend, Dube condemned violence and cheating as he said they were against biblical ethos. He said candidates should not fight but ensure peace.

"Violence is not good not only in CCC but in other parties too. Fighting is not healthy and undermines the party and gives the opponent an edge to overcome us. I hope we are

going to regroup and focus on winning the elections," said Dube.

Victoria Falls City is run mostly by CCC councilors but a number of them have been singled out as drivers of corruption allegedly working in cahoots with municipality employees. Residents allege that there is no order in the resort city where "anyone is building anywhere and service delivery is at an all-time low.

Chapter 2.38 of the Electoral Act states that the purpose of the Nomination Court is to select candidates for Presidential, House of Assembly and Local Authority. The Nomination Court is set to sit next week on Wednesday.

Tsamaiso ea Likhetho sesosa sa ho se tsotelle ha bakhethi: Sechaba



Ka Thembelihle Mhlanga

Sechaba se ileng sa vouta likhethong tse qalang tsa 1980 Zimbabwe se bolela hore phetoho ea tsamaiso ea likhetho e kentse letsoho ho fokotseng palo ea bakhethoa Zimbabwe.

Ka 1980 Dikgetho di ile tsa etswa ho latela Tumellano ya Lancaster House mabapi le metheo ya molaotheo e ne e batla e le bonolo. Ntlo e ncha ea Seboka e ne e tla ba le litho tse 100, bao ba 80 ba bona ba neng ba tla kheth-

oa lethathamong le le leng ke moahi e mong le e mong e moholo.

Sepheo e ne e le ho ea likhethong mabatoeng a litho tse le 'ngoe empa leha ho le joalo ka lebaka la ho haella ha lenane la bakhetho le nako, likhetho tsa pele li ne li lokelela ho etsoa ke liprofinse ho sebelisa manane a koetsoeng a hlahisitsoeng ke mekha ea lipolotiki. Bakhethi ba ne ba tsoailoe menoana ka enke e sa bonahaleng e hlahang ka tlas'a khanya ea Ultraviolet ho lemoha boiteko ba ho vouta habeli.

E le hore o tsoanelehe bakeng sa litulo profinseng, mokha o ne o lokela ho finyella liphe-sente tse itseng tsa likhetho, ebe litulo har'a mekha e tsoanelehang li aroloa ka ho lekana.

Mongwe wa dingwaga tse di masome a supa le botlano, Mlimisi Kokobe le wa kgaolo ya Mlambapele kwa kgaolong ya Gwanda yo o neng a tlhopha ka 1980, a re thulaganyo e ne e le bonolo e bile e le molemo.

"Likhetho tsa 1980 li ne li le bonolo ho li etsa haholo-holo re le mokhethi, ha rea ka ra ngolisa kaha ka nako eo ke batho ba 'maloa feela ba neng ba e-na le litokomane tsa boitsebiso,' me motho e mong

le e mong e moholo (ea seng a qetile lilemo tse mashome a mabeli a motso o mong a sebelisa botšephehi ba hae) o ne a e-na le tokelo ea ho khetha.", ha rialo Kokobe.

Komisi ea mehleng ea Tsamaiso ea Likhetho eo e neng e le karolo ea Liofisiri tsa Likhetho tsa 1980, Kembo Mkalipe, o itse palo ea bakhethi e ne e le ngata ka 1980 le 1985 kaha ho ne ho se na tlhoko e ngata.

"Likhethong tsa 1980 mokhetho a ne a le holimo ka lebaka la hore ho ne ho sa hloka hore u ngolise kapa u hlahise tokomane efe kapa efe e bontšang hore u mokhetho, seo mokhethi a neng a lokela ho se etsa ke hore feela a ee setšeng a il'o khetha" ho rialo Mkalipe.

O boetse a re palo ea likhetho tse phahameng li tsoa ho Proportional Representation (PR) moo bakhethi ba khethetseng mokha feela eseng bakhetho le liperesente tsa likhetho tse fumanoeng ke mokha oa lipolotiki o fetoletsoeng ho litulo tsa paramente.

Leha ho le joalo, tsamaiso ea likhetho e ile ea fetoha ho tloha ka 1990 ho tloha ho PR ho ea ho First Past the Post (FPTP) eo litho tsa paramente li khetheloang lenaneng le le leng e le litho tse ngata tsa

litho tse le 'ngoe' me e ne e le nako eo lenane la bakhethi le neng le hlahisoa, e leng se ileng sa lebisa ho. ho theoha ha palo ea bakhetho.

Ho latela Africa Election Database, palo ea bakhetho e fokotsehile ho tloha ho batho ba mashome a robong a metso e meraro ka 1980-85 ho isa ho mashome a mane a metso e meraro lekholong ka 2008.

Khaolo ea 3 ea Molao oa Motheo oa Zimbabwe e fane ka litsamaiso tse fapaneng tsa likhetho moo litho tsa Sebo-ka sa Naha li khethoang ka tsamaiso ea FPTP le Senate, Baemeli ba Basali ba khetho- oa ka tsamaiso ea likamano tsa sechaba ha mopresidente a khetho ka likhetho tse tloaelehileng (tse hlahosang hore mokhetho ho phatlalatsa e le mopresidente o ne a lokela ho fumana liperesente tse mashome a mahlano le voutu e le 'ngoe.)

Litlhoko tsa hore motho a ngolisoe le ho tsoaneleha ho ba mokhethi li ile tsa baka khoao har'a bakhethi 'me tsa hlahisa ho se tsotelle ha bakhethi kaha bakhethi ba ne ba belaela hore lintlha tsa bona tsa botho mohlomong li ne li sebelisoa ho ba sala morao bakeng sa ho hlekefetsoa ka mor'a likhetho.

"Komisi ea mehleng ea Tsamaiso ea Likhetho eo e neng e le karolo ea Liofisiri tsa Likhetho tsa 1980..."

Exclusion rife in electoral system



Providence Moyo

The inclusion of marginalised groups in Zimbabwe's electoral processes remains a pipe dream, an expert has said.

This emerged at the weekend during the Election 101 Series, a Twitter Space focused on issues around the electoral processes.

"For inclusion to happen, there are a lot of loopholes that need to be addressed because currently an inclusive electoral system remains a pipe dream and there is a lot of work that must be done to attain it," said legal practitioner and disability activist Abraham Mateta.

He bemoaned the exorbitant electoral fees as a huge de-

terrent to marginalised groups such as youths, rural communities, women and people with disabilities.

"There has been an argument that the fees will attract only serious candidates to take up the spaces but these fees are exorbitant. The electoral system needs to consider vulnerable groups like women, youths and people from remote areas because not so many of them would afford these fees and that preserves political positions for the fortunate ones whilst shutting out those from poor backgrounds which then kills the essence of equality because our political space favours those who are financially viable. These make up the majority of citizens and their inclusion would benefit the

country."

Last week, parliament okayed the Zimbabwe Electoral Commission's nomination fees that have caused an outcry. Under the steep fees structure, presidential candidates must fork out \$20 000 while parliamentary hopefuls have to part with \$1 000 to participate in the 23 August election.

Mateta said it is important for electoral information to be clear and understandable to everyone as he castigated the use of unhelpful jargon in electoral information.

"Electoral information is replete with jargon which youths fail to understand and hence since they do not understand they then feel not part of the electoral system in the country. There is need for electoral information to be accessible and understandable so that people grow interest in it," he said.

Issues of physical accessibility also came to the fore during the discussion. Concerns were raised about the failure to provide ramps, braille and other facilities to cater for PWDs in electoral processes.

Questions were raised as to why Nomination Court proceedings take place in designated areas which are at times far away from where people live. In the spirit of

leaving no one and no place behind, there was emphasis on decentralising the Nomination Court process to areas where people live. Mateta spoke about how someone living in a remote area is disenfranchised by having to travel long distances just to submit papers expressing interest to contest.

He added: " Inclusivity of processes underpins patriotism. The idea is to ensure everyone feels part and parcel of the process and that the system

must be designed in such a way that embraces everyone including the marginalised."

Election series 101 is a youth led online platform that seeks to enriches electoral discussions for an inclusive society with particular interest in the 2023 Elections.

Wednesday 21 June is nomination day when all nominations of presidential candidates are received in the capital city Harare. Nominations of National Assembly Constituency

members will be received at designated provincial venues for all constituencies in the respective provinces.

Nominations of party-list candidates for the Senate, National Assembly and Provincial Councils will be received at designated Provincial venues. Nominations of candidates for election to local authority councils will be received at designated offices of the various local authorities country-wide.

NO Presidential candidate for ZAPU



Opposition Zimbabwe African People's Union (ZAPU) will not be fielding a presidential candidate due to the exorbitant presidential nomination fee.

"We will not, however deploy a presidential candidate this year owing to the participation fees charged by ZEC. While our members insisted that we deploy our president, the leadership collective felt that it was unwise to spend little resources from our members' contributions on nomination fees for one candidate when the money could be spread between 20 candidates," said the party in a statement released by Spokesperson Mso Ndlovu.

In the absence of own presidential candidate, ZAPU implored its members, supporters and all registered voters

to “use their conscience to choose from available candidates, a president who has no history of mass murders, corruption and failed promises, to lead our beloved nation for the next five years.”

The party also called upon its members in constituencies where it will not be fielding candidates to vote for “like-minded” progressives pursuing reform and change.

Then led by Dumiso Dabengwa, a decorated liberation war hero, ZAPU threw its weight behind Nelson Chamisa who was MDC Alliance president in the 2018 election.

The party revealed that sub-

ject to nomination court processes, it will be deploying 29 member of the National Assembly candidates throughout the country with the highest number coming from Matabeleland South.

“We are further deploying 178 councillors with a representation of nine out of ten provinces in the country.”

According to Statutory Instrument 144 of 2022 gazetted by ZEC, those vying for the presidency must fork out US\$20 000 while parliamentary hopefuls are required to pay US\$1 000. Last week the Zanu PF-dominated parliament upheld the fees.

The two main players in the upcoming elections, President Emmerson Mnangagwa of the ruling party and Nelson Chamisa of CCC have reportedly filed their nomination on the eve of today’s sitting of the nomination court after paying the fees.

An urgent High Court application by Egypt Dzinemuhenzva, Harare North MP Allan Markham, Tapiwanashe Chiriga and Vongai Zimudzi challenging the steep candidate nomination fees was dismissed on the eve of the of the nomination court. The High Court ruled that the application was not urgent.

