

BIKITA WEST BY-ELECTION REPORT 2017



Njaravaza Primary School Polling Station in Bikita West, Ward 10



1. Introduction

Heal Zimbabwe monitored the electoral environment and the 21 January 2017 by election in Bikita West. To increase efficiency and effectiveness in doing so, a collaboration with the Elections Resource Centre (ERC) and the Zimbabwe Human Rights Association (ZimRights) was forged in the run up to the Election Day. The consortium monitors electoral processes with a view to protect and promote active citizen participation in democratic processes without fear of victimisation, intimidation and violence. Heal Zimbabwe takes particular interest in the electoral environment as part of its civic responsibility in advocacy for peaceful active citizen participation in democratic governance processes. In addition, the organisation has been working in Bikita District to build community cohesion, promote reconciliation and political tolerance. Therefore, by monitoring the electoral environment in Bikita West constituency, Heal Zimbabwe intended to safeguard the gains of its interventions in the District and learn at every turn.

Heal Zimbabwe observed that the balloting day was undoubtedly peaceful, albeit few incidences of intimidation. Zimbabwe Electoral Commission (ZEC) and the Police were able to maintain order within polling stations and broadly within the constituency. Only violations were recorded that involved intimidation and recording of people's at the polling station. However, the political environment before the polling day was outstandingly polarised with intimidation (56%), vote buying¹ and partisan distribution of food aid and farming inputs (21%). There were also isolated cases of assault (1%), disrupted political gatherings (1%), forced attendance to political gatherings (12%) and destruction of campaign materials (9%)

A total 58 polling station based volunteer monitors were deployed by Heal Zimbabwe to monitor the election environment before and during the polling day. The information collected was verified through 11 trained Human Rights Monitors in the constituency (Trusted Sources). On the polling day, Heal Zimbabwe also deployed 2 mobile teams of observers accredited by the ZEC.

¹ Vote buying refers to the distribution of or rewarding with material benefits or promises of benefits with an intention to influence one's voting behaviour in an election.

2. Bikita West By-Election Background

The Bikita West House of Assembly seat was declared vacant in line with section 129k of the constitution after Dr Munyaradzi Kereke was convicted for rape and sentenced to 10 years in prison. Six candidates Beauty Chabaya (ZANU PF), Kudakwashe Gopo (ZimPF), Madock Tatirai Chivasa (NCA), Tanyaradzwa Terrence Makumbo (PDZ) and two independent candidates Heya Shoko and Innocent Muzvimhiri contested for the seat.

Generally Bikita West constituency is a hot political ground in Masvingo Province. The constituency experienced political violence and gross human rights violations since the year 2000 during parliamentary elections pitting ZANU PF and the Movement for Democratic Change (MDC). Periods between 2001, 2005, 2007-09 and 2013 are haunting memories and depressing electoral events for the Bikita West residents. In those episodes, houses were burnt, activists murdered, families assaulted, tortured and displaced as violence reared its ugly head in the constituency. The year 2001 and 2008 were the most horrible election periods where many lives were lost.

Major perpetrators of violence since 2000 to 2013 included Chenjerai Hunzvi (the then War Veterans Leader), Colonel Claudious Makova, Joseph Chinotimba, Francis Zimuto (aka Black Jesus), Elias Musakwa, Chomunorwa Taruona, Munhande, Phillip Dliwayo, Blessing Chinondiwana, Jeppy Jaboon, Nhongonhema, Mashanda and Jabulani Sibanda.²

3. Bikita West By-election Observation Methodology

Guided by the Constitution of Zimbabwe, section 129k and 155 (1a-d), the Electoral Act as well as the SADC Principles and Guidelines on the Conduct of Democratic Elections, Heal Zimbabwe monitored the Bikita West pre-election campaign and the balloting day environment to detect cases of electoral violence and related human rights violations that could prevent people from exercising their right to vote peacefully. To collect data, Heal Zimbabwe adopted a participant observation method within the target 11 wards and 58

² Refer to Heal Zimbabwe Electoral Environment Constituency Review: Bikita West. Available at: <http://www.healzimbabwe.co.zw/wp-content/uploads/2016/12/Bikita-WEST-Constituency-Electoral-Environment-REVIEW-1.pdf>

polling stations. A total of 58 polling station based volunteers were deployed in all 11 wards making up the Bikita West Constituency. Two Heal Zimbabwe mobile teams of observers accredited by the Zimbabwe Electoral Commission (ZEC) were also deployed. The teams monitored 46 of the 58 polling stations. To improve data quality Heal Zimbabwe also used data sources or records from other organisations that were collaboratively monitoring the by-election. All data received from volunteers was verified through Heal Zimbabwe officials and trained Human Rights Monitors and other trusted sources.

4. Electoral Environment and Electoral Related Violations

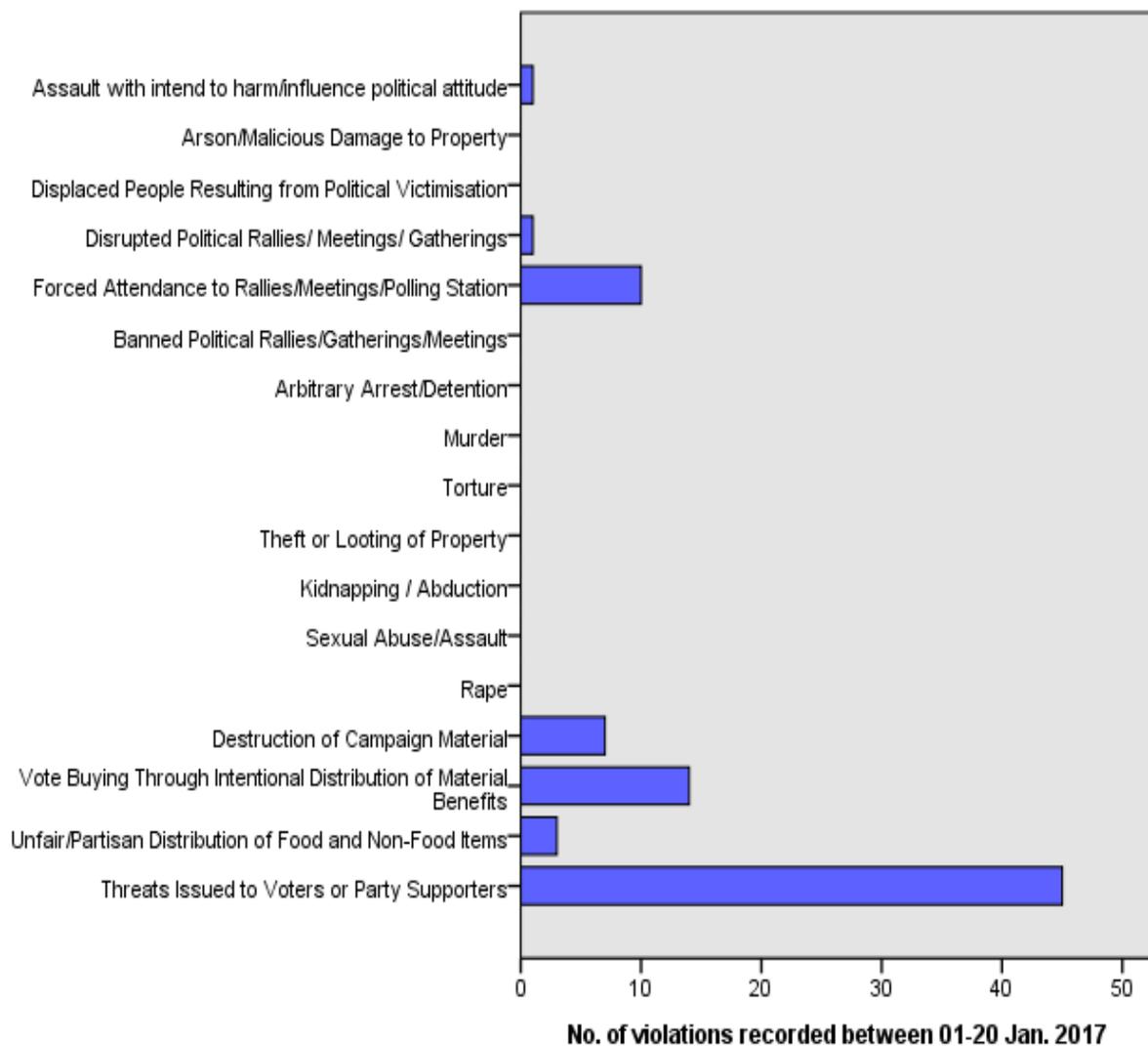
Heal Zimbabwe monitored the pre-election campaign atmosphere and the polling day environment. A total of 17 human rights violations peculiar to elections were tracked and 7 of them were witnessed as characterising the pre-election and polling day environment. These violations include; threats of violence and intimidation, disruption of political gatherings, assault of political opponents, forced attendance to rallies, vote buying, and destruction of campaign material, partisan distribution food aid and farming inputs. Among violations recorded between the 1st and the 21st of January 2017, 91% of violations constituted the pre-election environment while 9% involved violations recorded on the polling day. In the pre-election environment (recording from 1st and 20th of January 2017), the highest form of violation recorded is intimidation with 56% while the least violations recording 1% each were disruption of political gatherings and assault (on the basis of political issues). On the polling day, 88% of violations involved intimidation while 12% accounted for people forced to attend a meeting immediately after casting their ballot. This means the polling day was relatively peaceful as opposed to the campaign period prior to the 21st of January 2017. Heal Zimbabwe between 01 November 2016 and 21 January 2017 recorded 136 human rights violations in Bikita West. Below are Heal Zimbabwe's findings on the violations recorded three weeks before the polling day as well as violations noted on the polling day.

4.1 Pre-election Environment

The pre-election environment is the political atmosphere running up to the Election Day. Heal Zimbabwe started monitoring the election campaign environment in Bikita West constituency from the 1st of November 2016 until the 20th of January 2016. However, the quantitative data presented here covers 1st – 21st of January 2017. A total of six candidates

have been campaigning within the constituency. Five opposition and independent candidates Kudakwashe Gopo (ZimPF), Madock Tatirai Chivasa (NCA), Tanyaradzwa Terrence Makumbo (PDZ) and two independent candidates Heya Shoko and Innocent Muzvimbiri were generally peaceful in their campaigns while the ZANU PF candidate Beauty Chabaya (Zanu PF) used intimidation, vote buying, partisan distribution of food aid and farming inputs during the campaign period. Citizens were also forced to attend ZANU PF gatherings while opposition gatherings and campaign material (mostly posters) were destroyed. Below is a presentation of findings on the nature of violations observed prior to the Election Day.

Figure 1: Pre-election Human Rights Violations Recorded in Bikita West (January 2017)



Intimidation topped human rights violations in Bikita West before and during the by-election with a 58%. Intimidation in Bikita West involved the use of threats of violence or punishment such as withdrawal of food aid and farming inputs as well as use of actions meant to instil fear among citizens. These forms of intimidation were mostly issued during party rallies, at growth points, during food distribution points and some were directed to individuals physically. The purpose of intimidation in an election is to instil fear so that the electorate vote under the influence of terror in favour of the predator.

Partisan distribution of food aid and vote buying using public resources including food and farming inputs³ has been a characteristic feature in Bikita West ahead of the elections recording 21%, ranking second from intimidation. The ZANU PF candidate Beauty Chabaya and her campaign team distributed food aid and farming inputs from the government which they openly said it was only ZANU PF members to benefit. The government has in the past refuted that food aid is being distributed in a partisan manner but the problem continues unresolved.⁴ Heal Zimbabwe is cognisant of the fact that election candidates are allowed to distribute their own resources as part of the campaigning. However, hijacking and partisanly distributing public resources is a violation that psychologically and emotionally inflicts pain among those denied food aid or farming inputs. Winning an election as a result of manipulating people's choices by using aid is against the spirit of democratic elections espoused by SADC guidelines and principles among other best practice instruments.

Some villagers in Bikita West constituency were also forced to attend political gatherings and meetings. This violation recorded 12% of the total violations observed from the 1st of January 2017. Forced attendance was done through force-marching people, using traditional leaders to call for meetings and through door to door visits. The constitution in section 67(2a) specifies that every citizen has the right "to form, to join and to participate in the activities of a political party or organisation of their choice" yet in Bikita people were threatened with violence if they do not attend rallies. They were told that if they do not attend, they will have

³ Unfair/ partisan distribution of aid (food/farming inputs) refers to the distribution of aid on the basis of political affiliation rather than on the basis of equality and fairness. Vote buying refers to the distribution of or rewarding with material benefits or promises of benefits with an intention to influence one's voting behaviour in an election.

⁴ NewsDay (2016) ZHRC blast Zanu PF over partisan food aid distribution: <https://www.newsday.co.zw/2016/09/08/zhrc-blast-zanu-pf-partisan-food-aid-distribution/>

their names written down and become targets of violence, face unspecified action or denied food aid.

Other violations least recorded involve disruption of political gatherings and assault recording only 1% each in the run up to the by-election between 1st - 21st January 2017. In terms of disruption of political gatherings, opposition political parties and independent candidates who were campaigning had their meetings prevented from taking place or being disrupted through space invasion by their political opponents. Disrupting political activities for other contestants restricts the exercise of political rights both to citizens and political actors. Assault, on the other hand, involved beating of political opponents at rallies, public places and food distribution points. Madock Chivasa of NCA together with his election agent Thomas Mudzamiri, for instance, were assaulted at Nyika Growth Point while they were going about their business.

Actors in the Pre-Election Day Violations

Heal Zimbabwe established that most of the violations committed in Bikita West were largely meant to harvest fear for electoral victory. Members of the Executive arm of the government, Members of Parliament, ZANU PF leaders and supporters as well as Traditional leaders were the major actors in perpetrating human rights violations and inciting violence. Members of Parliament and the Executive who incited violence and perpetuated human rights violations in Bikita West include; the Masvingo Resident Minister, Hon Shuvai Mahofa, Josiah Hungwe (Minister of State for Liaising on Psychomotor Activities in Education Vocational Training), Joseph Chinotimba (Buhera South MP) Jeppy Jaboon (Bikita South MP) Webster Shamu (Chegutu East MP). Most of these government officials incited violence through their speeches at rallies as well as perpetuating human rights violations by acts of commission and omission. ZANU PF leaders and supporters participated in perpetuating intimidation and partisan distribution of food aid and farming inputs mostly.

Traditional leaders perpetuated human rights violations by accepting to be used as political commissars who mobilised villagers to political rallies. They also commanded people to vote for a specific political party instead of maintaining neutrality as prescribed by law. For example Chief Mupakwa called for a meeting at his homestead on the 7th of January 2017 and commanded all people in attendance to vote for ZANU PF failure of which one would be

expelled from the village. Chief Marozva also ordered Village Heads under his jurisdiction on the 3rd of January where he implored them to mobilise people to attend a rally scheduled for the 4th of January 2017. The constitution prohibits traditional leaders from campaigning or aligning to any political party or grouping for the purposes of maintaining neutrality and objectivity in their work. Section 281 (2a-b) states that traditional leaders must not “be members of any political party or in any way participate in partisan politics” and “act in a partisan manner.” It is therefore, necessary for traditional leaders to respect the constitution by withdrawing from partisan politics and political campaigns unconditionally.

It is noteworthy that some of the actors noted as inciting violence and perpetuating human rights violations in Bikita West by-election have also been actively doing the same in the past elections 2001, 2005, 2008 and 2013. Such traditional violence instigators include Nhongonhema, Phillip Dliwayo, Jeppy Jaboon, Joseph Chinotimba, Lawrence Katsiru (Marondera MP), Sabina Kudzongonya (Councillor for ward 9) Charles Tirukai, Fungai Taruona, Peter Munhande (former ward 9 Councillor) and Ngoni Taruona.

All individuals and groups involved in election violence should be taken to task by the responsible authorities. The Zimbabwe Human Rights Commission (ZHRC) was also on the ground in Bikita west monitoring the environment and responding to cases, but it was evident that the team deployed was overwhelmed posing a recommendation to the Public Protector office to be sufficiently funded in order to timeously respond to violence.. With a general election coming in 2018, All forms of electoral violence, intimidation and malpractice should be condemned and action taken to deal with perpetrators.

Sites of Bikita West Polling Day on the 21st of January 2017



Figure 2: H.Z.T. Executive Director, Rashid Mahiya seeking clarification from ZEC Chief Elections Officer Mr Utoile Silaigwana as to why 2 polling stations were located 100m from each other.



Figure 2: Elderly man Mr Gondongwe in the wheelbarrow coming from Makotore Polling Station to cast his vote.

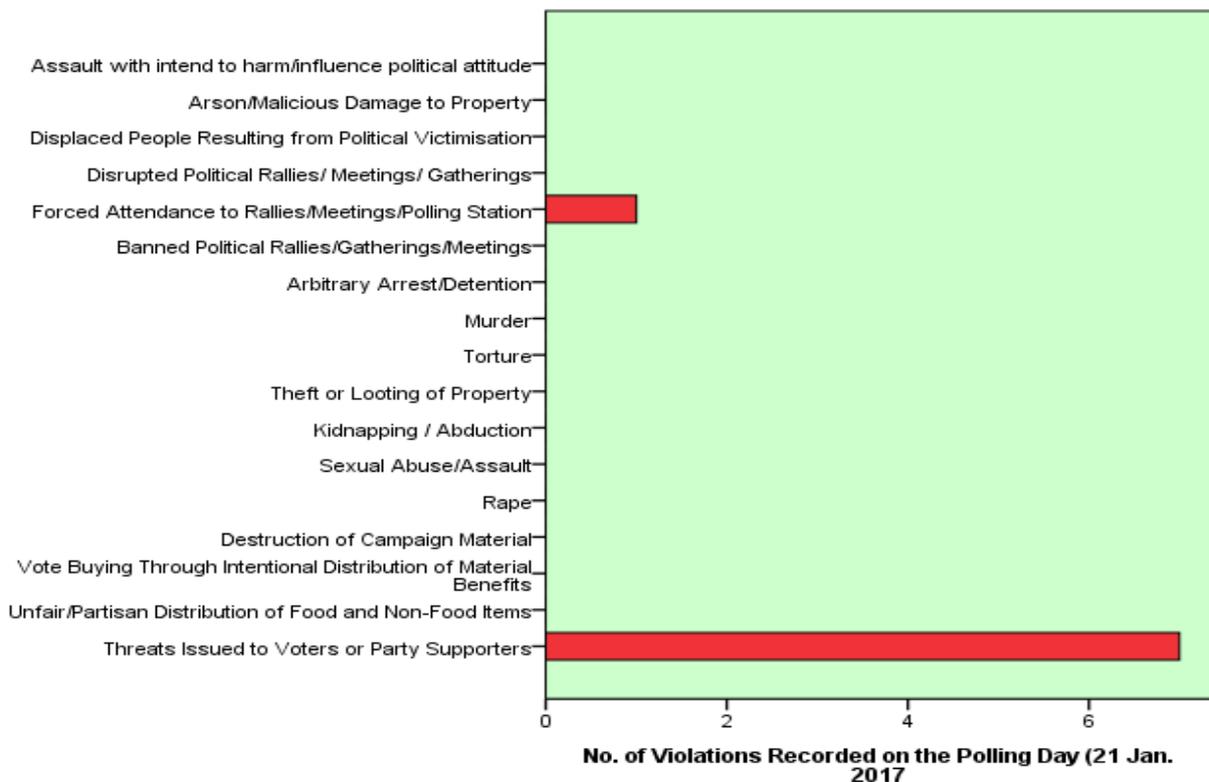


Figure 4: Sites of twin polling stations at Bikita Minerals

Polling Day Environment

The 21st of July, 2017 was the polling day when the election was held. The electoral environment was generally peaceful and people went to cast their votes with minimum challenges. However, there were few incidences of human rights violations with intimidation recording 88% and forced attendance to a political meeting after voting recording 12%. Heal Zimbabwe visited 46 polling stations and within all the polling stations 2 cases of intimidation were noted within the 100 metre radius were polling agents and ZANU PF youth were writing down people's names after voting.

Figure 5: Balloting Day Human Rights Violations Recorded in Bikita West (21 January 2017)



As observed above, there were few cases of intimidation that were recorded on the polling day as opposed to the pre-election campaign period. This proves that the balloting day was peaceful and free from violence. However, the level of assisted voters raises concerns against the background that before the Election Day, Heal Zimbabwe recorded cases where people were told to declare themselves illiterate and be assisted by traditional leaders or ZANU PF members to vote against their will.

At Bikita Minerals Recreational Hall in ward 30, 11 of 92 people who had voted had been assisted by 10:00 hours, at Makondo Primary School, 21 people had been assisted out of 153 votes casted by 10:00 hours, at Mukanganwi Secondary School, 20 people had been assisted out of 125 votes casted by 10:00 hours and at Birivenge Primary School in Ward 12, a total of 26 people of 292 people had been assisted by 14:00 hours. The Election Presiding Officers indicated that reasons for assistance were mainly old age, blindness and multiple sclerosis. However, given that Heal Zimbabwe once recorded cases where people were told to declare themselves illiterate, these high numbers could indicate coerced assistance.

In the observed polling stations, voting assistance was mostly done by two ZEC officials and one police Officer. However, there are cases where assisted voters would come with someone. While it is lawful to have assistance in voting (Electoral Act Section 59), it is against the law to coerce people to declare illiteracy or partial blindness so that they can be assisted to vote. Assisted voters must choose who to assist them in accordance with section 59(1a) of the Electoral Act as opposed to coercion into deciding who should assist them to vote.

Figure 6: January 21st Final Bikita West By-Election Results

FORM V.23B
COLLATION AT NATIONAL ASSEMBLY CONSTITUENCY CENTRE
OF WARD RETURNS FOR NATIONAL ASSEMBLY CONSTITUENCY ELECTIONS IN THAT CONSTITUENCY
Section 37(C)(b)(ii) of the Electoral Act [Chapter 2:13]

Name of Constituency: BIKITA WEST
Name of Province: MASVINGO

Collation of Ward Returns in respect of National Assembly Constituency Election

Ward No.	1. CHABAYA BEAUTY (ZANU PF)	2. CHIVASA MADOCK TATIRAI (NCA)	3. GORO KUDARWASHE (ZIM PF)	4. MAKUMBO TANYARADZWA TERENCE (PDZ)	5. MUZVIMBIRI INNOCENT (INDEPENDENT)	6. SHOKO HEYA (INDEPENDENT)	Votes Rejected
5	1351	28	159	21	70	14	21
9	1746	94	375	27	54	9	38
10	1394	23	250	4	20	6	19
11	1766	12	102	8	110	6	32
12	1030	9	249	7	22	3	18
13	1455	73	678	25	104	12	28
19	1218	23	112	19	133	12	33
22	1497	24	343	12	42	9	32
23	73	0	24	0	3	0	1
30	329	1	13	2	144	3	2
32	1292	56	148	7	23	2	23
Total Votes Received	13156	343	2453	132	725	76	247

Recommendations

Intimidation: Any practice of intimidation, in form and substance, works against free citizens' political participation. Communities are encouraged to report such cases of intimidation to law enforcement agencies and Human Rights Defenders for assistance. The ZEC ZHRC and the Police are also urged to be responsive to acts of intimidation experienced by the electorate in order to instil confidence and a sense of protection among voters.

Assisted Voters –to increase transparency, accountability and free political choices, assisted voters should be encouraged to request assistance from their trusted relatives. There is need to ensure that the number of assisted voters is kept minimal through reduced fear and intimidation, High volumes of assisted voters casts doubt on the genuineness of such votes given that Zimbabwe has a high literacy rate; both young and elderly people are generally expected to read and write making them able to vote without assistance. Assisted voters should also be able to come with someone whom they trust unlike the current situation where an assisted voter will have the Presiding Officer, a Police Officer and another ZEC Official being asked to assist each voter.

Traditional Leaders –traditional leaders must NOT participate in political activism. They should desist from being partisan and respect human rights and dignity in line with their duties and responsibilities established in the constitution. Political parties should also desist from abusing traditional leaders by taking advantage of their incumbency. Continuous involvement of traditional leaders in partisan political processes takes away their dignity and reduces their respect within communities.

Partisan Food Aid Distribution and Vote Buying– partisan distribution of food aid and farming inputs violates the right to food and fair treatment. Vote buying on the other hand amounts to undue influence. This means ZEC should not only footnote the allegations but instead be responsive to vote buying allegations and address them with the urgency they deserve as such practice are capable of creating ceaseless conflicts which exists beyond the elections period.

Community Cohesion and Political Tolerance – there is need to promote political tolerance and community cohesion. Going forward, the Government should consider establishing the

National Peace and Reconciliation Commission (NPRC) so that it can address some of the challenges affecting communities from participating in democratic processes. The most important challenge that needs urgent address are the effects of the past violations that continue haunting communities and withholding their freedoms of political participation. The NPRC's availability may also contribute significantly towards the building of effective community cohesion and political tolerance ahead of the 2018 elections and also offer a rapid early warning and early response to human rights violations.

Conclusion

Heal Zimbabwe concludes that the Bikita by-election was held in a generally peaceful manner. Also, gross human rights violations that acutely short-change voters such as arson, murder, torture, rape, abduction or kidnapping, arbitrary arrest and detention and voters displacement were not observed. Only two cases of assault were recorded from the 11 wards in Bikita West. This is a marked improvement on by-elections compared to those held in 2015 and 2016 (in Tsholotsho North, Hurungwe, Headlands, Mhondoro-Ngezi, Chimanimani, and Norton. As such, Heal Zimbabwe applauds the Zimbabwe Electoral Commission (ZEC), the police and other Government departments involved in ensuring that the voting process in Bikita West take place peacefully.

However, although the balloting day was peaceful, the election was entirely compromised by the pre-balloting period where villagers were subjected to threats of violence and withdrawal of food aid (intimidation), forced attendance to political gatherings vote buying, and discrimination from accessing food aid on the basis of political affiliation. This makes it difficult to declare the elections free and fair.