PETE GAVA	**21ST RESPONDENT**
WILLIAM MUGADZA	**22ND RESPONDENT**
ZIMBABWE ELECTORAL COMMISSION	**23RD RESPONDENT**
THE CHAIRPERSON	
OF THE ELECTORAL COMMISSION	**24TH RESPONDENT**
THE CHIEF ELECTIONS OFFICER	**25TH RESPONDENT**

REGISTRAR
CONSTITUTIONAL COURT
15 AUG 2018
P.O. BOX 870, CAUSEWAY
ZIMBABWE TEL 04-798 000/5

FIRST RESPONDENT'S OPPOSING AFFIDAVIT

I, the undersigned **EMMERSON DAMBUDZO MNANGAGWA,** do hereby make oath and swear that:-

1. I am the first respondent. By way of preliminaries, I state the following:

   1.1 I swear to facts that are within my personal knowledge and to the best of my information and belief true and correct. Where I relate to matters of law I have taken legal advice.

   1.2 My address for service is care of my legal practitioners of record, **Messrs Dube, Manikai & Hwacha** namely **6th Floor Goldbridge, Eastgate, Corner Sam Nujoma and Robert Mugabe Road, Harare** (Ref: **CFD/EIM/em**).

2. I have read the applicant's founding affidavit, the supporting affidavits and the papers attached thereto. I however note that not all the attachments which are referred to in the founding affidavit have been attached. I oppose the application on the grounds that are set out below.

PRELIMINARY OBJECTIONS

3. **THERE IS NO VALID APPLICATION BEFORE THIS COURT**

   3.1 The present application purports to be made in terms of section 93 of the Constitution of Zimbabwe, 2013 ("the Constitution") and brought pursuant to rule 23 of the Rules of the Constitutional Court Rules, 2016 ("the rules").

   3.2 Section 93 (1) of the Constitution provides that:

   "93 ***Challenge to presidential election***

(1) Subject to this section, any aggrieved candidate may challenge the validity of an election of a President or Vice-President by ***lodging*** *a petition or application with the Constitutional Court within 7 days after the date of the declaration of the results of the election."*

(My emphasis).

3.3 Rule 23 of the Rules provides, in relevant part, as follows:

"23. *(1) An application where the election of a President or Vice President is in dispute shall be by way of court application.*

(2) The application shall be filed with the Registrar and shall be served on the respondent ***within 7 days*** *of the date of the declaration of the result of the election."*

(My emphasis.)

3.4 It therefore follows that the lodging of a court application in terms of section 93 (1) of the Constitution as read with rule 23 (2) of the rules constitutes of the filing and service of the S93 application ("the S93 application") within seven (7) days after the date of the declaration of the results of the election which the applicant seeks to challenge. I am advised and believe that the reference to "days" in both section 93 of the Constitution and rule 23 of the rules is a reference to calendar days and not court days. Counsel will deal with this in heads of argument.

3.5 Service of the application must be in the manner prescribed in the rules. Failure to file and serve in the manner prescribed in the rules within seven days of the declaration of the results is fatal. Counsel will relate to this in heads of argument.

3.6 Rule 9 of the rules provides in the pertinent part as follows:

"Service

9. (1) Any document required by these rules or by direction of the Court or a Judge to be served on any person shall be served as follows:—

(a) by personal delivery to that person or his or her duly authorised agent;

(b) by delivery to a responsible person at the residence or place of business or employment of the person on whom service is to be effected or at his or her chosen address for service;

...

*(7) All process **initiating litigation** in the Court **shall be served by the Sheriff."***

(My emphasis.)

3.7 I make the following points:

3.7.1 The Sheriff only served the application on me on the 11th August 2018 at 1030 hours, a day out of time. On the face of the application, the Sheriff appears to have been instructed by the applicant to serve it on me at 1000 hours on the 11th August 2018. Consequently, there is no valid court application before the court.

3.7.2 Equally, applicant must have served the application on each of the respondents through the Sheriff within seven days. Applicant did not do so. This is incurably fatal and cannot be condoned.

3.8 The application was filed on the 10th August 2018. I am being sued in my capacity as a candidate and not as the President of Zimbabwe. Accordingly, service of the application ought to have been done at the address I gave to the 23rd respondent in my nomination papers. This was not done. This is incurably fatal and cannot be condoned.

3.9 The applicant's legal practitioner, Mr. Chris Mhike of Atherstone & Cook, attempted to serve an incomplete version of the application on the Attorney General. I refer to the supporting affidavit of Advocate Prince Machaya, the Attorney General of Zimbabwe, attached hereto as ***Annexure "A"***. It will be clear from ***Annexure "A"*** that:-

3.9.1 The applicant's legal practitioners called on the Attorney General around 1639 hours on the 10th of August 2018.

3.9.2 They advised the Attorney General that they had been to my office, and that a security guard at the main entrance had advised them that all legal process is served on the Attorney General.

3.9.3 Around 1700 hours there would have been no one to receive the papers on my behalf at the offices of the State President. In any event, it is the Sheriff who should have served the papers at the address that I gave to the 23rd respondent referred to in paragraph 3.8 above.

3.9.4 Naturally, the Attorney General refused to accept service on my behalf. The applicant's lawyers wrongfully insisted on leaving the incomplete S93 application. He was advised that certain compact discs would be served later. These still have not been served on me.

3.10 The applicant refers to a "bundle of evidence" in his founding affidavit. This was not part of the S93 application that was filed and irregularly served on me.

3.11 I do not accept that this was valid service. Even assuming valid service, which is denied, the service of an incomplete application is not the service contemplated by law.

3.12 I am aware of a decision of this court to the effect that all the evidence in an election challenge under section 93 of the Constitution must be placed before the court at the time that the S93 application is filed.

3.13 Therefore the S93 application is not properly before the court, firstly because it is incomplete and thereby failing to meet the jurisdictional requirements that I will relate to below, and secondly because it was not properly served.

3.14 It follows that my election to the office of President of the Republic of Zimbabwe has not been validly challenged.

3.15 I therefore urge this honourable court to dismiss this application as there is no valid challenge to my election. The tool of an election challenge is frequently used to cast doubt on the integrity of the election. The applicant filed the application in the manner he did with the strategic intention of inviting technical objections and thus avoid a determination of this S93 application on the merits.

Meanwhile, the applicant would have succeeded in poisoning the minds of the electorate and other stake holders. This explains why the so-called bundle of evidence has to date neither been issued nor served.

3.16 Applicant makes bald and unsubstantiated allegations of fact. He filed a S93 application which is incomplete. Additionally the particularity and specificity required by section 93 (3) of the Constitution in a S93 application is lacking. The court must therefore find that the allegations have not and cannot be proven. The S93 application must therefore be dismissed.

3.17 Applicant's intention, with respect, is not to seek invalidation of the result of the presidential election, but to create doubt in the minds of people as regards the integrity of the process and in so doing:

3.17.1 undermine the presumption of a due return contemplated by section 93 of the Constitution, without discharging the requisite onus, and

3.17.2 invite condemnation of the court for resolving matters on the technical objections he has deliberately invited.

3.18 Consequently, this court in its judgment must not only censure the applicant but hold that this S93 application has not achieved the object of a challenge under section 93 of the Constitution and must therefore, be dismissed.

4. The next objection is that the applicant has scandalised the court from which he purports to seek relief and assistance. He has deliberately and consistently said that the court is a captive of the executive and an extension of my party. Throughout his campaign applicant has said that he will not approach the courts of the Republic of Zimbabwe. I attach as **Annexure "B"** a video wherein he makes these gross insults.

5. In **Annexure "B"**, applicant tells his supporters at rally that:-

5.1 the bench is a captive of the Executive and ZANU (PF), and

5.2 he had taken a decision not to prosecute certain matters before the court because he had become aware of a conspiracy between the courts, ZANU PF, and the 8th respondent to undermine what he terms the will of the people, and

5.3 he will only approach the courts once he is in power and the judiciary has become independent.

6. He has further asserted that our courts, the third and one of the fundamental constitutional pillars of the State, are not independent. At his Bulawayo White City Stadium Rally on the 21st July 2018, for example, Applicant said that:

> *"Our courts must be sanctuaries of justice, must be citadels of justice. It is very important for our courts to be independent; they must not be an extension of any political party. Now, we hear Mnangagwa saying we must approach the courts if we have any grievances. I am not going to court, I am not that dull.*
>
> *We will go to the people; we will go to the court of public opinion."*

7. I attach as **Annexure "C"** a copy of the Daily News report of the 23rd July 2018 from which the above quote is extracted. The applicant's numerous incidents of scandalising the court are well documented and undisputed.

8. The applicant, having scandalised the court, cannot be heard until he purges his scandal. He is a legal practitioner. He took oath to uphold and obey the Constitution and laws of Zimbabwe. He remains an officer of the court the third pillar of the State which he has decided to scandalise. He must purge his scandalous contempt. If he declines to do so, the inquiry required by section 93 (3) of the Constitution must be determined without him being heard any further in these proceedings.

9. I now turn to the merits of the challenge.

GENERAL

10. Save as is admitted generally and specifically in this opposing affidavit, I deny as false and malicious every allegation of fact in the applicant's founding affidavit. I further deny every conclusion of law therein that is inconsistent with this opposing affidavit.

11. I pray that the application be dismissed with costs at the legal practitioner and client scale.

12. I pray further that pursuant to section 93 (3) of the Constitution, this honourable court may be pleased to order and declare:-

12.1 That the Zimbabwe Presidential election held on the 30th of July 2018 was in accordance with the laws of Zimbabwe and in particular with the Constitution and the Electoral Act *[Chapter 2:13]*;

12.2 That the said election was free, fair, transparent and credible. Consequently, the result of that election is a true reflection of the free will of the people of Zimbabwe who voted; and

12.3 That I was duly elected President of the Republic of Zimbabwe and am accordingly confirmed as having been duly declared the winner of the said election.

13. It is necessary that I give the political, economic and related political background to the election, the subject of this application.

BACKGROUND

14. I am the incumbent President of Zimbabwe. I was sworn in as the President of Zimbabwe on the 24th November 2017 following the resignation of the former President of Zimbabwe. I was then re-elected and announced as the winner of the Presidential election that was conducted on the 30th of July 2018. The announcement of the result was made by the 24th respondent on the 3rd of August 2018.

15. The applicant is one of the twenty-two losing candidates in the said election. Having failed to persuade the electorate to return him as the President of Zimbabwe, the applicant who has publicly made it clear that he would not approach this court for any relief after losing the election, now turns to this very court with this frivolous challenge. As far as I am aware, the other twenty-one losing candidates have honourably accepted the verdict of the majority of the voters in Zimbabwe.

16. It is necessary that I provide the factual context within which this defective S93 application has been brought. The background is necessary to demonstrate that the applicant is mounting this challenge purely to save face after having lost in the political arena. It is also necessary to record the facts preceding the election which provide the necessary material upon which the legal issues herein are going to be resolved.

17. The war of liberation came to an end in 1980 after the United Kingdom relinquished colonial power over the country that is

now known as Zimbabwe. Independence was declared on the 18th of April 1980. That brought to an end a bitter and protracted war of liberation which was primarily centred on claims for universal suffrage and other political as well as economic rights.

18. The independence of Zimbabwe ushered in democracy which was protected in the Constitution of the country. The initial Constitution which had been negotiated at Lancaster House was replaced in 2013 by the current Constitution.

19. By November 2017 it was clear that the former President had lost capacity to exercise executive functions as the President of Zimbabwe in terms of the Constitution. A group of people including the former first lady had usurped and were exercising the functions of the President. The result was an undeniable destabilisation of the operations of Government. Equally, my political party, ZANU PF was thrown into a quandary. On the one hand, the generality of the people in the party respected the country's founding President. However, the conduct of the former first lady and those with whom she acted was simply untenable and abhorrent.

20. The upshot of the political and economic situation in the country was the military intervention in November 2017 which was supported by the majority of Zimbabweans who spontaneously throughout the country publicly expressed their support for the intervention. This resulted in the initiation of impeachment proceedings by Parliament against the former President. Faced with the imminent success of the impeachment motion, the former President resigned. He was subsequently procedurally dismissed from ZANU PF.

21. I must point out that the legality of the resignation of the former President is beyond question and has been declared lawful.

22. The applicant has always wanted to govern Zimbabwe at any cost. In November 2017 I had left Zimbabwe because I was in danger and had been expelled from ZANU PF and government. The events of November 2017 took place in my absence. It is important to note that the applicant actively supported the military intervention and the subsequent constitutional processes which removed the former President. He was one of the people that addressed multitudes of Zimbabweans at Zimbabwe grounds on the 17th November 2017 before the commencement of the impeachment proceedings against the former President. His Party then, MDC-T, supported the

impeachment. Following the resignation by the former President, my return to Zimbabwe and inauguration as President of Zimbabwe following full compliance with the law as already pronounced upon by this court, the applicant was amongst the first people to congratulate me at the venue of the inauguration.

23. Thereafter, the applicant who had by then been controversially appointed one of the two additional vice presidents of the MDC-T was involved in overtures to establish some kind of inclusive government. When such overtures failed because they had no constitutional foundation, the applicant and his Party began to relate to the events of November 2017 as a coup, denigrating my political Party and my government as a "junta". They organised themselves into what they called a coalition, being an amalgamation of seven fringe political parties under the banner of the MDC Alliance.

24. The MDC Alliance had a clear leadership and ideological crisis which made it fundamentally ill prepared for the election in that:-

    24.1 the late Morgan Tsvangirai was unfortunately seriously ill. It was clear that even if he had not sadly passed on, he was not going to be able to lead the MDC Alliance into the election. There was jostling for the vantage position which would allow for succession in the MDC-T, while at the same time there was debate as to who would lead the MDC Alliance itself.

    24.2 The MDC-T and the MDC Alliance did not therefore commence preparations for the elections because of these leadership uncertainties. The MDC Alliance in particular continued to negotiate with numerous and various fringe entities with the hope of having more takers for its so-called grand alliance.

    24.3 Morgan Tsvangirai unfortunately passed away on 14 February 2018. A day after the unfortunate passing on of Morgan Tsvangirai, the applicant allegedly without compliance with the Party constitution had himself nominated president of that Party by a National Council he had handpicked ahead of the only elected vice president of the MDC-T. There followed unfortunate scenes at the burial of the deceased in which the applicant unleashed his famed "vanguard", a violent youth militia, on his opponents, including an attempt to murder through acts of arson, the 8th Respondent and the Secretary General of the

Party. The result was that the MDC T split, with the 8th Respondent retaining the name MDC-T while the applicant now apparently only leads the coalition. The dispute between the 8th respondent and the Applicant spilled into the courts. It was initially disposed of against the applicant in the High Court. It went on appeal and was remitted back to the High Court for trial. It is still pending. This affected the applicant and his Party's preparations as they spent their time pursuing this and other law suits such that two weeks before the election the matter had been set down for trial in the High Court in Bulawayo and thereafter, Harare. This is one of the cases referred to above in which the applicant alleges a conspiracy between the 8th respondent, ZANU PF and the judiciary.

24.4 The applicant's woes were compounded by the fact that he had to deal with dissent in his Party, which additionally was near bankrupt.

24.5 The MDC Alliance had no clear campaign message or strategy. It operated in auto blind mode. The promulgation of the election dates took place at a time when it was grossly unprepared to launch any meaningful campaign. It objected to the election dates and alleged that these were meant to favour me and my Party. It alleged that there was need for reform of the electoral law and organised demonstrations allegedly to force the same.

24.6 When it became clear that its advisors had overlooked that by our Constitution the law could not be changed after the proclamation of the election dates, the MDC Alliance and the applicant changed tact and went after the 23rd and 24th respondents accusing them of lacking the competence and skill to run a credible election. It is noteworthy that the applicant sat on the Committee on Standing Rules and Orders of Parliament that interviewed and selected the Commissioners of the 23rd respondent. Strangely, applicant who was unprepared for the election, directed his energy to organising marches and demonstrations against the 23rd respondent.

24.7 The applicant had no message at all in his campaign. He made nonsensical and childish promises to the electorate. He promised bullet trains that are faster than the world's fastest trains and could compete with aeroplanes in making the Bulawayo-Harare trip in 45 minutes. He

promised "spaghetti roads" and airports in rural areas in a country whose health, transport, education and agricultural sectors required attention. He lied that Donald J. Trump, the United States President, had promised his outfit a staggering USD 15 billion should he win the elections. He lied further, that "whites" would soon bring truck and busloads of cash. He lied during a BBC Hard Talk interview that questioned him about lying. He promised to solve the cash crisis in two weeks.

24.8 Applicant had no visible campaign materials until a few weeks before the election, and even then these were few and spaced. The MDC Alliance could not afford advertising in both the print and electronic media. The MDC Alliance was broke. The applicant's MDC Alliance could not take or accept offers to advertise from the media. I attach hereto as **Annexure "D"** a ZBC report on their coverage of the election campaigns of the different political parties.

24.9 I draw attention to the schedules to **Annexure "D"** which show that the MDC Alliance was content with receiving coverage on the free allotments to all political parties, and committed very little resources towards funding a media campaign.

24.10 The same scenario applies to Zimbabwe Newspapers (1980) Limited ("Zimpapers"), as more fully appears in **Annexure "E"** attached hereto. In reply to an invitation to advertise within the Zimpapers stable, the applicant's MDC Alliance advised that they would only utilise the opportunity two weeks before the elections as per **Annexure "F"** attached hereto.

24.11 Without a funded budget and without a credible campaign message the applicant was doomed to fail. He launched an extensive Twitter and Facebook campaign. Unfortunately these are not voting constituencies.

24.12 In short:

24.12.1 the applicant's campaign commenced late.

24.12.2 his Party was fragmented and did not accept him from the onset as its leader.

24.12.3 his campaign message to the electorate was hollow to the extent that when he finally

published his manifesto, sections were plagiarised from the South African Constitution.

24.12.4 the applicant's campaign message did not resonate with the majority of the electorate in Zimbabwe which expected a candidate to deliver on basic necessities in their social and economic lives.

24.12.5 so mindless was the manifesto that it borrowed slavishly and extensively from the 2013 ZANU PF manifesto on issues such as land reform when the situation on the ground was that by 2018, these issues had been fully addressed and what remained was consolidation of the gains of the land reform programme.

24.12.6 the applicant's thinly veiled threat to reverse the gains of the land reform program further alienated it from the majority of the beneficiaries of the land reform programme who are the majority of the voters.

25. To the contrary, my Party and I were under no illusion of what was expected of us by the Zimbabwean voting population.

26. When I was inaugurated on 24th November 2017, I was acutely aware of the need to address the social, political and economic meltdown at hand. We immediately set out to address these.

27. Our campaign was not predicated on illusionary promises. We relied on timely delivery of tangible results on things relevant to the needs of the electorate in the short period I had been in office. In particular, we did the following:-

27.1 We immediately opened up and deepened the democratic space. Respect for fundamental freedoms such as thought, opinion and expression was strengthened. This is recognised in most of independent observer reports, including those sympathetic to the applicant.

27.2 Industries that had closed down were reopened. We commenced accelerated rehabilitation of the road network. We attended to the rehabilitation of hospitals and other public sector amenities. The National Railways of Zimbabwe, the Cold Storage Company, Blue Ribbon Food

and Cairns Foods are a few examples that immediately come to mind.

27.3 I uniquely connected government and the business sector in the corporate social responsibility space, which resulted in the rehabilitation and upgrading of public institutions such as Kadoma Hospital and Mabvuku Enhanced Poly-clinic.

27.4 My promises to the electorate were realistic and relevant, premised as they were on the delivery of **"the Zimbabwe that you want".** The electorate could see the real change that I spoke about. My five-point pledge focused on job-creation, zero tolerance to corruption, establishment of a modern and affordable healthcare system for all, the development of infrastructure worthy of a new Zimbabwe and the development of unprecedented educational and employment opportunities for our youth. I signed the pledge card, and requested that recipients keep the card and make sure that I keep my promises in the next five years. This is accountability at its best. I refer to **Annexure "G"** attached.

28. Our campaign was all inclusive as opposed to the applicant's sectarian approach. We did not isolate any sector of the Zimbabwean populace whether young, old, urban, rural, rich or poor. We had specific meetings with various community groups, such as the Indian Community, the Coloured Community, the White Community, captains of industry, students, young people, men and women, as opposed to the applicant who promised the Chinese community business grief.

29. I was and remain accessible, a servant leader who empathised and embraced the electorate. I had impromptu walkabouts in different public spaces including Chegutu, Mbare, Dulibadzimu and Harare First Street. During these events I freely interacted with citizens, something that I have been advised is novel and unprecedented. In contrast, the Applicant treated different sections of the community with contempt and disrespect: he was gender insensitive to the point of pledging to give me his sister if I got 10% of the votes as if is she was a chattel for him to give away, and at one rally he spoke out of turn to a person in the crowd at his rally telling them to 'shut up!'

30. We, as the party in government, reopened international reengagement and attracted foreign direct investment which at

the time of the election was around USD 16 Billion. We gave effect to our promise that "Zimbabwe is open for Business" even as we campaigned. The tangible results were there for all to see.

31. Whatever we promised we substantially delivered, which ironically applicant promised to reverse.

32. Our strategy on visibility as a Party was effective. We were visible. We had an extensive media campaign, as appears from **Annexures "D" and "E"**. I attach as **Annexure "H"** schedules of the distribution of Party regalia showing the extent of distribution.

33. Our supporters were well educated on the need to be registered voters.

34. Our campaign was not centred on one person and neither was it only about numbers at rallies. I addressed 22 rallies in June and July as appears from **Annexure "I".** In the same period, Vice President Chiwenga addressed 45 rallies, as appears from **Annexure "J"**. Vice President Kembo Mohadi addressed 3 rallies (**Annexure "K")** before his schedule was taken over by other senior Party officials who addressed a further 12, as appears from **Annexure "L".** Aspiring MPs also organised rallies that were addressed by Central Committee and Politburo members. On the last day of our campaign we had 53 rallies across Zimbabwe. I addressed the main rally at the National Sports Stadium. The applicant addressed one rally at the Civic Centre Grounds where most of his supporters from the whole of Zimbabwe gathered and he used that as a measure of success.

35. The applicant got intoxicated by crowd euphoria and conceived that there was only one possible outcome from the election. He boasted that not even a run off was possible, and that there "would be a run over". He had promised his supporters earlier on in his campaign that he would quit politics if he lost to me. He was so consumed with self confidence that he even pledged his sister to me if I got 10% of the vote.

36. He could conceive of no other outcome. He said as much. A few days before the election his legal team assured the nation that:

    36.1 victory was certain,

    36.2 that there would be no other outcome save for his victory,

    36.3 that he had anti-rigging mechanisms in place and

36.4 that "power will be relinquished, power will be taken".

37. His social media mantra became "Victory is certainly certain". On the 28th July 2018 the applicant and his lead counsel held yet another press briefing in which they reiterated the invincibility of what they said were 'anti-rigging' measures to prevent their fanciful allegations of rigging. They spoke about what they alleged was my Party's strategy to rig the election, how appropriate interventions had been put in place and how there was no chance that the will of the people would be subverted. His confidence in the integrity of the ballot is borne out by the SADC Electoral Observer Mission to Zimbabwe Report, (**Annexure "M"**), African Union Election Observation Mission to Zimbabwe (**Annexure "N"**), SADC Parliamentary Forum Election Observer Mission (**Annexure "O"**), Electoral Commissions Forum of SADC Countries Report (**Annexure "P"**), the Nordic African Centre Elections Observation Mission to Zimbabwe (**Annexure "Q"**) and the COMESA Election Observation Mission Report (**Annexure "R"**).

38. The integrity of the electoral processes and systems in the country is undoubtedly impeccable. The applicant himself vouched for that integrity prior to the election. It is, therefore, surprising that the applicant claims in this application that the election was rigged in my favour. He cannot turn around, simply because he has lost the election and seek to allege that the election was rigged.

39. This S93 application is a complete *volte-face*. It is about the applicant's ego and survival. Applicant's coalition lost the parliamentary elections, and applicant lost the presidential election. The MDC Alliance is faced with imminent implosion and disintegration with each party leader taking away what they brought into the coalition and maintaining their original identities. The applicant's former MDC-T is now firmly in the hands of 8th Respondent. The name MDC having been previously appropriated by Professor Welshman Ncube, the applicant has no original identity to revert to. He will be left in that event with no party, no name, no identity, no structures no members. He is desperate.

THE JURISDICTIONAL REQUIREMENTS

40. I contend that the applicant has not pleaded the necessary jurisdictional facts requisite for the assumption of jurisdiction under section 93 (3) of the Constitution with the required degree

of specificity and particularity as to bring him within the contemplation of section 93 of the Constitution.

41. Elections are central to our system of governance. They must be free, fair, transparent and credible. They are the constitutional expression of the democratic wishes of the people, who deserve to be governed in accordance with a system of government they have decreed by the constitution and that comes into being by the prescribed method. Underpinning section 93 of the Constitution is the presumption of a regular return. It is universally entrenched that this presumption is not easily discharged.

42. It is for this reason that the onus is on the applicant throughout the hearing. The onus is very specific:

42.1 The applicant must allege facts and present evidence at the time the application is filed, that brings him within the jurisdictional framework of an electoral challenge under section 93 of the Constitution.

42.2 I am advised and believe that this court has held that the meaning of s 93(3) of the Constitution is that this Court must inquire into and establish whether the alleged acts of corrupt practices, irregularities or acts, on which the validity of the election is impugned, happened. The legislature was alive to the fact that there are people of such ingenuity and tact as to want to undermine the due return of an election and consequently conspire to deceive on the basis of wholly untrue and contrived allegations. The factual allegation must be specific and particular about the alleged incidences of the alleged malpractices and irregularities. It is not enough, for example, to make a bold and general allegation of ballot staffing. The applicant must allege that at a particular polling station a given number of ballots were cast. He must provide evidence of this fact. He must go further to allege that there were an additional number of ballots of mysterious origin. He must provide proof of this fact. He must state that these alleged additional ballots were irregularly introduced into the ballot box. He must provide evidence of this fact. He must alleged, how, when and by whom they were introduced. He must name every known person who participated in this alleged criminal conduct.

42.3 It is only after the facts are established that the court moves to the next stage of the inquiry, which is whether the alleged malpractice or irregularity materially affected the outcome of the election. Sweeping bold and generalised allegations must not be made. Evidence is required to show what the final tally would have been had the alleged malpractice or irregularity not transpired and that the result would have been different.

42.4 As with all applications, the founding affidavit constitutes both the pleadings and the evidence. I am advised and accept that the finding of the truth or falsity of the allegations of fact on which the petition or application is based would require the hearing of evidence, and evaluation and assessment of it in accordance with the competent rules of analysis. I am advised that the Constitution has provided the only method by which this can be done. It is the application procedure. The application will thus stand or fall on the basis of the founding affidavit. Nothing more, nothing less!!

43. A failure to plead and establish by evidence the requisite jurisdictional facts with the required degree of particularity and specificity is fatal.

44. The applicant makes bold and serious yet unsubstantiated allegations of electoral fraud, criminal connivance in the alleged forgery or creation of non-existent votes. The principal allegations made are of a criminal nature. The threshold of proof is that of proof beyond a reasonable doubt. The evidence must be available and must be disclosed at the time the application itself is filed. There is no room for a "secret weapon" to be "unleashed" at the hearing as suggested in the applicant's press conferences addressed by his lawyers. The suggestion that evidence that is not now available will be subpoenaed by separate process is without legal foundation. Steps must have been taken immediately after the closure of polls and the sealing of the election residue to secure the same, and for the reopening thereof for the purposes of an election challenge. The specific provisions of the electoral law to this effect ought to have been invoked. They were not invoked for the obvious reason that the applicant's case being contrived, would be disproved by the unsealing and reopening of the election residue. The only court that can order the unsealing of the election residue by specific statutory sanction is the Electoral Court. There is no reason why

it was not approached immediately after the declaration of the result in order to unseal the residue and preserve the evidence.

45. The alleged criminal stuffing of ballots, criminal inflation and deflation of tallies, and the alleged criminal falsification of the declared result must be established beyond a reasonable doubt. There is no need for inconclusive statistical evaluations and extrapolations by "experts" of undocumented expertise based on information that is accepted to be different from the source documents, and some of which is of dubious origin and reliability such as the so-called citizen effort compiled by the applicant's Party and availed to the "experts".

46. The primary and original entries are the forms v11. These were made and verified by all candidates' agents at the close of polling and posted outside each polling station. It was upon the applicant to place before the court complete and regular forms v11 for all the polling stations. The applicant, thereafter, had the duty to tabulate the totals and show that these do not conform to the totals entered in the forms v23b received at the National Command Centre. If the allegation is that the forms v11 relied upon by the 23rd respondent were falsified, it must be shown that these differ from the applicant's own forms v11 signed by all parties at the close of polling at each station. It must be further shown that this is borne out by the forms v11 held by the other candidates.

47. The procedure which is followed before, during and after polling is set out in the affidavit of Honourable Ziyambi Ziyambi attached hereto as **Annexure "S."** This is the procedure set out in terms of section 64 of the Electoral Act. This is the procedure that was followed.

48. The applicant contends that there are votes that simply do not exist. He had the opportunity to immediately ask for a recount upon the declaration of the results. Despite the fact that his Chief Polling Agent and senior officials described the results as "fake" immediately before the declaration, the forty-eight hours within which he could ask for a recount lapsed with his team on a vicious twitter campaign asking citizens to provide forms v11 which they may have had. I have already pointed out that the best available evidence of the existence or otherwise of the alleged ghost ballots is the content of the sealed electoral residue. The law provides for a procedure to access the content of the sealed electoral residue.

49. The applicant has not resorted to this procedure. He has chosen to use data principally collected from citizens to commission a statistical analysis based on unproven suppositions. Statisticians relate to probability. When the event has occurred their evidence is unhelpful. It is irrelevant and inadmissible opinion evidence by a man whose documented research is on sugarcane and the migration patterns of fish. The CV of the expert relied on by Applicant does not show that he has done an analysis of this nature before nor does he reach a conclusive position, preferring to suggest possibilities and probabilities which the applicant then adulterates to give his generalised suppositions as fact.

50. In short, for one to bring himself within the jurisdictional contemplation of section 93 of the Constitution one must allege with sufficient particularity and specificity the irregularity and malpractice alleged. He must provide evidence in a manner consistent with rule 14 (4) of the rules which provides that:

"(4) An affidavit filed with a printed application:—

(a) shall be concise and not contain any irrelevant matter;

(b) shall be made by the applicant or respondent, as the case may be, or by a person who can swear positively to the facts or averments set out in therein; may be accompanied by documents verifying the facts or averments set out in the affidavit, and any reference in this Part to an affidavit shall be construed as including all such documents;

(c) shall contain all essential averments that are necessary to clarify and verify the cause of action;

(d) shall lay down the facts or law forming the basis of the jurisdiction of the Court;

(e) shall not contain any inadmissible evidence; and

(f) shall not contain any objectionable matter."

51. The applicant has not pleaded his case with the required degree of specificity and particularity. He has not provided any admissible evidence. Conjectural suppositions without any real evidence has been brought as evidence. The so-called bundle of evidence has not been served. The so-called compact discs have not been served. Some of the alleged necessary evidence is yet to be obtained. The applicant is outside the contemplation of the jurisdictional requirements of section 93 of the Constitution.

52. I must reiterate that as in all applications, this S93 application stands or falls on the founding affidavit. Where the founding affidavit is wanting in respect of essential averments necessary to upturn the result of an election, no other evidence can be accepted to achieve that object. As already pointed out, the founding affidavit of the applicant in the present matter is wanting in material respects. It does not make reference to some attachments which are made part of the application. The applicant cannot rely upon such attachments which have not been commented upon in the founding affidavit. In addition, the founding affidavit itself was not served with all the documents that should have been attached to it. Only annexures referred to in the founding affidavit were served with the application. A separate bundle of evidence which was referred to in the founding affidavit was not attached to the application and was not served with the application.

53. The court will not concern itself with suppositions or isolated incidences or grievances which have no effect on the validity of the election. The primary responsibility for electing a president reposes in the people. The court will intervene only when the applicant has met the threshold expected. There must be clear proof of facts of commission of the prohibited conduct which materially affects the validity of an election. The court's jurisdiction will not be triggered if the complaints are trivial or marginal and would not have resulted in a different outcome of the election. This must be clearly and specifically set out and established in the founding affidavit by reference to accepted standards of pleading and proof. This has not been done.

54. The totality of the above shows that I have been put to the unnecessary defence of a reckless and ill-conceived application, justifying a punitive order of costs. In the circumstances, the court can only dismiss the present application with costs at the legal practitioner and client scale.

THE FOUNDING PAPERS

55. I now turn to the founding papers. I deal first with the notice of motion. The notice of motion must be addressed to each of the respondents at specifically stated addresses where service can be effected. I have no obligation as the first respondent to try and locate the addresses for service for the other respondents. It is for the applicant to provide those addresses.

56. The applicant has provided numerous incomplete or meaningless addresses at which service cannot be effected. If I cannot serve the notice of opposition within the prescribed three days it is because I do not know where to serve. It is indeed doubtful that the application itself was served on all the respondents in view of the fact that there are no addresses specified for some of the respondents and there are incomplete addresses. For example Elton Mangoma, the 20th respondent's address for service is given as "Coalition of Democrats, Cnr 3rd Street/Kwame Nkrumah Avenue". This respondent is not a permanent fixture at the corner of the two streets. A full address for service ought to have been given. No address is given at all for the 2nd, 4th, 5th, 6th, 7th, 8th, 9th, 11th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 21st and the 22nd respondents. It is impossible to serve them with any documents. Neither the Sheriff nor the Registrar can serve them with any notices or directions. This is yet another example of deliberate breach of the rules and practice of this court in order to invite technical objections. The notice of motion is invalid, and therefore there is no application before the Court.

Affidavit of the Applicant

57. **Paragraphs 1.1**

Save to state that the applicant was a losing candidate no issues arise.

58. **Paragraphs 1.2 - 3.7**

58.1 Save to state that my address for service is care of my legal practitioners of record, and that to the extent that I am sued in my capacity as president elect as opposed to the President of Zimbabwe, service should have been at the address I gave 23rd respondent in my nomination papers, namely **Pricable Farm, Sherwood Block, Kwekwe.**

58.2 The service of this S93 application on 11 August 2018 at Munhumutapa Building, my official address as the President of Zimbabwe, is invalid not only because it was a day out of time but also because it was not done at my chosen address for the purposes of the rules.

59. **Paragraph 3.8**

I note the basis on which the Applicant challenges the results of the election but I do not accept that 23rd and 24th Respondents

'irregularly' announced said results. Instead there is a presumption that statutory power has been regularly exercised, which presumption I contend has not been rebutted. Further, this court has already ruled on the presumption of regularity in section 93 of the Constitution and how that presumption can be rebutted. I submit, therefore, that 23rd and 24th Respondents carried out their statutory duties and announced the results of the election in line with the outcome of that election. It was a free, fair, transparent and credible election whose results reflect the will of the people of Zimbabwe.

60. **Paragraph 3.9**

The Applicant makes reference to and reliance on, among other things, 'videos and photographs' as well as 'two bundles of evidence'. I can confirm that on Saturday 11 April 2018 my office was served with an application bundle by the Deputy Sheriff, the last page of which is numbered '216'. However, the bundle is shambolic, the pagination is all over the place as some page numbers are skipped, other repeated and yet others written over. There was no video, and there were no photographs (except for a few on an article that is appended at page 157 but which seem to have nothing to do with the application – one is a picture of a watch and another seems to be advertising web development services.) Equally, I have not received two bundles as referenced in this paragraph, but one.

61. It is my understanding, and one I believe to the correct, that for me to have been validly served, and therefore for there to be a valid application before this Honourable Court, all the documents referred to by the Applicant should have been served on me on or before 10 August 2018. This was not the case. The omission is incurably fatal which cannot be condoned.

62. **Paragraph 4.1**

This is noted, save to say that I will address the so-called procedural/statistical/mathematical grounds when they arise. I have however been unable to find anywhere in the Electoral Act or the Constitution where an election is challenged based on statistical models. My understanding is, and I aver it is the law of Zimbabwe, that an election is challenged based on solid hard evidence, using election materials that exist before the filing of that application. This is why the law provides for a procedure

whereby anyone who wants to challenge a result can apply to have 23rd Respondent avail all the raw election materials. I notice that the Applicant has chosen not to do that, but to rely instead on statistical algorithms and mathematical models. This obviously is insufficient to discharge the onus which falls upon the applicant throughout this S93 application.

63. **Paragraphs 4.2:**

No issues arise.

64. **Paragraph 4.3**

If there had been 'a litany of constitutional and electoral law violations' prior to the election, I would have expected the applicant to have recourse in the Electoral Court. The applicant did not avail himself of these remedies. Where he did so, judgements were rendered. I also recall that there was one protest, duly sanctioned by the police, at the offices of 23rd Respondent, at which Applicant and/or his surrogates threatened that unless their demands were met, they would follow individual commissioners to their homes. A press report to that effect confirming that 23rd Respondent complained to the police, is attached hereto **Annexure "T".**

65. In addition, I do know that during the same time, the Applicant and his surrogates engaged in a sustained campaign of character assassination against 24th Respondent, who despite being Chairperson of one of our most important institutions (23rd Respondent), is a Judge of the High Court. I attach, only as a sample, one press report on these attacks on 24th Respondent, marked **Annexure "U".**

66. In addition, the inappropriate conduct of the applicant was confirmed by Mrs Robinson (former President of Ireland), a member of The Elders which came to Zimbabwe as a pre-election observer group. At a press conference held before the elections, she deplored the attack by the applicant and his Party on female commissioners of the 23rd respondent. I attach hereto marked **Annexure "V"** a press report to this effect

67. Even in this S93 application, the attitude of the applicant is derogatory of the 24th respondent. Describing her conduct as taking '.....an attitude which vacillated between arrogance and obduracy' amounts to utter disdain and contempt of the 24th respondent. The 24th respondent is cited herein in her official capacity and in respect of matters which she presided over in that capacity. She had no personal interest in the election and indeed no evidence was produced of such interest. It is therefore improper to vilify her in her personal capacity. She is in addition a judge of the High Court.

68. I do not accept the contention that 23rd Respondent '...had no intention of conducting a proper election.' In fact, I would like to refer to the article by Derek Matyszak in the Daily Maverick, in which he posits that this election was much better than any we have ever had, and that Applicant lost fairly. This is attached hereto marked **Annexure "W".**

69. **Paragraph 4.4**

I note that the Applicant states that no proper election was held, but in the next line appears to only want to '...impugn the election result announced and the declaration of first Respondent as the President...'(sic). I also note that the Applicant seeks an order declaring him as the President. If no proper election was held, as alleged, how can anyone be declared a winner thereof? And if one says there was no proper election, how do they go on and in the next breadth to challenge the result and the announcement thereof? I think that this confusion is indicative of the fact that the Applicant is merely trying to grapple at straws, to find any and whatever reason he can use to challenge the result of a free, fair, transparent and credible election because he just never considered that there were always two possible outcomes: to win or to lose. I attach hereto marked **Annexure "X"** a press report from prior to the elections in which Applicant made it clear that the only result that he would accept was one in which he won. This S93 application is therefore not one informed by facts and the law, but by a premeditated view that the voters did not have 25 choices for the position of President, but one, the Applicant.

70. **Paragraph 4.5**

I note that the Applicant fails to clothe any of his allegations against 23rd and 24th Respondents with anything remotely resembling evidence. Instead, he makes bare and bald assertions and draws the conclusion that the 23rd Respondent favoured me. Yet later on in his affidavit, Applicant points to at least one occasion when what I believed to be quite a reasonable request (to allow dummy ballot papers to be used for voter education) failed to receive the consent of 23rd Respondent. I am sure that the 23rd and 24th respondents shall however deal with this allegation as it relates to them.

71. **Paragraph 4.5 – 4.5.3**

The Applicant makes a number of mistakes. First, Applicant includes The Herald and The Chronicle in his assessment of '...state owned media.' Of course, it is possible that Applicant might not be familiar with reading these publications, but in each copy, every day, is confirmation that they are owned by Zimbabwe Newspapers (1980) Limited, which company is on the Zimbabwe Stock Exchange and, besides the Mass Media Trust which owns majority shares, has ordinary shareholders that buy and sell shares in the company. I refer to **Annexure "E"** which shows the company's shareholding structure.

72. In addition, the Applicant has not been candid about section 61(4) of the Constitution. For the avoidance of doubt, I will cite it here:

61.(4). All State-owned media of communication must--

a. ***be free to determine independently the editorial content of their broadcasts or other communications***;

b. be impartial; and

c. afford fair opportunity for the presentation of divergent views and dissenting opinions.

(My emphasis)

73. Part of being free to determine their editorial content involves being able to operate without a statutory body being '....obliged to call [them] to order' as alleged. In any event, section 64 is part of our Bill of Rights. The Applicant had the opportunity to approach this Honourable Court and enforce his rights in so far as the conduct of these media houses was concerned, but I am not aware if he did. That, in my view, would have been eminently better than asking 23rd Respondent to interfere with their editorial independence.

74. In any event, I do not accept the premise that ZBC did not broadcast '....the divergent views and dissenting opinions offered by parties and candidates other than Zanu PF and first Respondent' as alleged. Many a time after a hard day's work on the campaign trail, the only way I could catch up on how Applicant and the other candidates were doing was by seeing them on ZBC TV or hearing about their events on ZBC radio. I refer to **Annexure "D"** which confirms access of political parties to ZBC's platforms over the elections period.

75. Further, the reference to video evidence is one I am unable to respond to as I have not been served with a video, in breach of the requirements of this S93 application made in terms of section 93 of the Constitution.

76. I deny that the 23rd and 24th respondents lacked independence, transparency or accountability. I further deny that they conducted their affairs in order to benefit me. Where such a serious allegation of a malpractice is made, it must be supported by evidence which is conclusive. In this instance, sadly bald and generalised allegations are made. These are evidently inadequate.

77. The applicant has not produced any evidence to support his averment that over 60% of the electorate in rural areas receive their information from ZBC. ZBC did not breach the law or the constitution. Impecunity is not a ground on which to found an electoral challenge. The applicant and his Party were free to have bought airtime from ZBC if they wanted more coverage. The applicant's Party expressly informed ZBC that they only intended to make use of the latter's airtime in the last two weeks of the election period – see **Annexure "F"**.

78. The applicant has not shown that there was any effect of the alleged conduct of the state media on the outcome of the election. In fact, the applicant's case is that the majority of the electorate voted for him, but that the result announced is where the challenge is. So in effect, the conduct of state media as well as The Herald and The Chronicle did not adversely affect the voting patterns.

79. In any event, it is impossible for this honourable court to make a finding of fact that the so-called state media was in violation of the law and therefore should have been subject to the 23rd respondent's disciplinary or corrective powers without affording the concerned entities the right to be heard. The applicant has deliberately not cited these entities notwithstanding that he makes serious allegations of improper conduct and breaches of the law against them.

80. **Paragraph 4.5.4**

Applicant says '...there is a substantial body of evidence which shows that traditional leaders were involved in the electoral process as polling agents on behalf of first respondent' but fails to produce any evidence. Instead, he states that '...an Alexandra Mujayina village head was a polling agent and Oliver Mafungo was also a polling agent', (sic) without stating where this was.

81. Firstly, even if this was true, which is denied, I do not think that two headmen (not chiefs) being polling agents out of the tens of thousands that had to be employed counts as '...substantial evidence' of traditional leaders being involved in politics. If the applicant were able to prove this, at best it would be an isolated and peripheral incident that has no bearing on the outcome of the election.

82. Secondly, I note that in the Affidavit of Patience Mutongwizo, who is said to be '....a roving polling agent for the MDC Alliance for Maramba Constituency' (sic), which is attached to this S93 application at what looks like page 76, (it is not legible, which I will respond to below) there is an unsupported claim that "....at Marenge Polling Station the Headman went further to act as the polling agent for Zanu PF' (sic). As polling agents were required

to be accredited, I do not believe that it should have been hard to produce some form of evidence to support this bare and bald assertion. And the tenor of the statement suggest that the headman only became an agent after assisting 'his subjects' to vote as claimed, which sounds not just irregular but quite unbelievable.

83. In any event, this is a challenge against my election to the office of President. These claims do not say whether these alleged traditional leaders were polling agents for the Zanu-PF candidate for councillor, for Member of Parliament or for President. While that would not condone the practice if it were true, which is denied, that could be an irrelevant consideration in this application.

84. **Paragraph 4.5.5**

Once again, the Applicant makes a bald and bare assertion without detail or evidence. The fact that '....there were also rogue elements who identified themselves as being from the security sector who went about campaigning and threatening villagers' (sic) should concern us all, but it would help if we were told (a) where this happened, (b) when this was, (c) which of the thousands of candidates in the election they were campaigning for, and (d) whether a report had been made to the police. But again, there is no effort to show why this assertion is relevant to *this* S93 application. It is an allegation made to sensationalise unproven allegations for political grandstanding.

85. **Paragraph 4.5.6 – 4.5.7**

No issues

86. **Paragraph 4.5.8 - 4.5.9**

The Applicant states that "..it is common cause that Mnangagwa obtained access to the unique combination of voters' ward details and cellphone numbers" (sic).

(a) Firstly: I assume that this is in reference to myself (as I am aware that there was another 'Mnangagwa' running for election as a Member of Parliament in the same elections),

but have to wonder why the Applicant, a practicing lawyer as I have heard, chooses to depart from the norm that litigants should be referred by who they are in the proceedings and not by name, especially when it leads to such ambiguities.

(b) Secondly, I notice that this is not the first time (or last) that Applicant states that something is 'common cause'. I am unable to relate to what that phrase means, but if it is meant to suggest that this is a prefix to some universal truth, this is completely false. I dispute the allegations being made and challenge the reasons being advanced in support thereof as spurious, circumstantial and illogical.

(c) Thirdly, I note that the Applicant makes claims about 'numerous reports' but fails to supply even one. Applicant mentions challenging 23rd Respondent and getting a reply ('they said') but fails to attach said reply; refers to 'others pointed out' without saying who these 'others' were and how they purportedly said what they said; and rounds off his unsupported claims with 'cellphone service providers denied...' but fails to say which service providers, how their views were sought and how they communicated their denial.

(d) In any matter where one has to prove their case on the higher standard of proof, I aver that this failure to even attempt to provide some evidence for his assertions is incurably fatal to the application and cannot be condoned whatsoever. This S93 application therefore falls far short of the requirements for a section 93 application.

87. **Paragraph 4.5.10**

Applicant does not indicate when he made this request and what he did afterwards. He does not say why it was turned down: if a letter was written it must be attached. The Applicant might not agree with whatever reason was given, but that does not mean the application if made was turned down '.....for no apparent reason'. Again, I point out that the Electoral Court was fully functional throughout these elections, and Applicant would have been able to get an adequate remedy from that Court if he felt that any refusal by 23rd Respondent (if the same is true) was unlawful.

88. **Paragraphs 4.5.11 and 4.5.13**

The Applicant suggests that people who were ineligible to vote were registered to vote, but makes no effort to show who those people are and where they can be found. This is startling, as the registration of non-citizens is a serious matter. It would have helped if Applicant had produced some evidence. I do note that an "Islam Madhosi" who has supplied a supporting affidavit (at p.84, discussed below) makes a point of observing that "17 of the Indians were allowed to vote". I am aware that we have Zimbabweans with Indian ancestry but they are not in any shape or form "Indians" in the nationality sense. It is unfortunate that the Applicant would like to make congress with such divisive beliefs.

89 **Paragraph 4.5.12**

Again, the Applicant refers to matters as being 'common cause' but does not share the basis on which this is so. The Applicant claims that '...a variety of audits of the voters roll ...were done' but fails to share even a single one. The Applicant makes reference to discrepancies which are 'extrapolated' (I think that means a small sample was used, then estimated over the total) to leave 625 000 voters missing. Despite posting this number, the Applicant fails to explain why it is that, (if there truly was that large a number of voters missing from the voters roll), there is no correspondingly large number of people that were turned away at the polling stations for not being registered. The Applicant does not even engage with this fact.

90. The Applicant again makes reference to evidence of 'other audits' which found '....serious discrepancies including duplicate voters, false ID numbers and false surnames' as being part of a separate bundle. Again, I reiterate that I have not received a separate bundle. Not serving all the evidence relied upon in the application is incurably fatal to a S93 application and cannot be condoned whatsoever.

91. **Paragraph 4.5.14 – 4.5.15**

The Applicant makes the allegation that 'Judge Chigumba... allowed herself to be photographed in regalia which was used by

..Emmerson Mnangagwa.' 'Judge Chigumba' is of course 24th Respondent. The Applicant does not say what that regalia was, and I am not aware of the 24th Respondent ever wearing Zanu PF regalia. I do know however that ever since I started wearing a scarf with our national colours, the Applicant and his surrogates have tried to call it a 'Mnangagwa scarf' (which is incorrect) and 'Zanu PF regalia.' There is no way that the scarf is Zanu PF regalia, and for one reason: political parties tend to be territorial about their colours, and will not put colours which are not part of their identity on their regalia. There is no white on the Zanu PF flag, but on the national flag. There is no Zimbabwe Bird on the Zanu PF flag, but on the national flag. Green, yellow, red and black are not patented to Zanu PF. The scarf is therefore a representation of our national flag, and one that Zimbabweans should wear with pride. The practice is not uncommon.

92. In fact, I would hasten to make reference to the views expressed by the publisher of NewsDay (a paper that will never be accused of liking me) when discussing this very issue, shown here marked **Annexure "Y".** The scarf is not Zanu PF regalia, it is a representation of a national symbol: our flag.

93. Besides, I think the issues we deal with in this S93 application should never be petty. For example, I once saw on TV 24th Respondent wearing a red scarf. Red is Applicant's Party's colour of choice. I did not think for a moment that this somehow suggested that 24th Respondent has been captured by the Applicant.

94. **Paragraph 4.5.16**

The Applicant states that the voters roll that he got 'did not contain any biometric data on it, such as photographs and fingerprints.' This is farcical and demonstrates ignorance.

(a) Firstly, photographs are not biometric data.

(b) Secondly, I am not aware of any reason why a candidate would seek to have a voters roll in their possession containing the fingerprints of all the voters registered in the country. To what end?

(c) Thirdly, the Applicant's Party was involved in a case in the High Court (*Mpezeni vs ZEC and Others, HC 6332/2018* ZHOU J.) ("Mpezeni Case") in which a voter successfully applied for an interdict barring 23rd Respondent from publishing her photographs in the voters roll prepared for public consumption, citing her right to privacy as protected in our constitution. There were press reports that 24th Respondent confirmed that 23rd Respondent would not be publishing a voters roll with photographs citing privacy concerns. One such report is attached hereto marked **Annexure "Y".**

The Applicant was therefore well aware, before the election, that the voters roll which he was going to receive would not contain photographs. The Applicant is therefore trying to mislead this honourable court. This is conduct which is least expected of an officer of this honourable court, and certainly conduct which warrants censure from the Law Society of Zimbabwe.

95. Because of his political party's participation in the Mpezeni Case above, that 23rd Respondent filed papers showing that the electronic voters roll in its possession had been hacked, and was being edited and changed from a location in Slough, United Kingdom.

96. The fact that 23rd Respondent's alleged server can be (and has been) hacked is a serious national security issue. The Applicant seems to be using materials produced off the products of such hacking, and that is very worrying.

97. **Paragraphs 4.5.17 - 4.5.19**

I note that the Applicant observes that, contrary to his earlier assertion, 23rd Respondent did not favour Zanu PF and grant everything that my Party asked for. However, I am unable to comment further because again, the evidence referenced is apparently in a bundle that I have not been served with. But I deny that any samples used for voter education were '....fertile ground for rigging through ballot swapping and stuffing', especially given that samples used for voter education had a very legible mark written 'SAMPLE', and would not have been sequential to the other ballots used at polling stations.

Applicant's party was given similar samples. Anything stated to the contrary is denied. If they did not use them for voter education, that is his choice. A copy of the sample ballot paper is attached hereto **Annexure "Z".** The fact that Applicant failed to apply to unseal the ballot boxes was not, I submit, because of lack of knowledge or negligence, but precisely because he would have known that an examination of the ballots would reveal that all these allegations are unfounded and that he genuinely lost this election.

98. In any event it is not correct that only 23rd respondent can conduct voter education. Section 40C of the Electoral Act is very clear that a political party or a person who is a citizen of Zimbabwe can undertake voter education.

99. **Paragraphs 4.5.20 - 4.5.23**

23rd Respondent would be best placed to reply to these paragraphs. However, I will say briefly that the contents herein are without foundation. The Applicant alleges that the design of the ballot paper gave me a 'material advantage' but does not say why this is so. There is no evidence, or expert opinion, to suggest that placement on the ballot gives a 'material advantage'. What the Applicant is suggesting is that voters go to a polling station, queue for hours, and go to vote for someone based on their placement on the ballot. That is a patronising view of the voters.

100. **Paragraphs 4.5.24 - 4.5.26**

The allegation that "...**returns were not posted at 21% of polling stations"** is one that makes a large part of the Applicant's case. It is also one that sounds, on the face of it, to be quite serious. It is also the one that informs another allegation (made for example in the affidavit of one Joseph Madzidzo, which I will address below) that after the elections, authorities tried to force polling agents to sign blank v11 forms, presumably to cover up for the missing ones.

101. Unfortunately for the Applicant, this allegation is based on a total and utter fabrication. The lie was started by one of Applicant's surrogates, a Mr David Coltart, who claimed on social media that his source was a report by the Zimbabwe

Electoral Support Network (ZESN). Copies of David Coltart's social media activities around this claim are attached hereto marked **Annexure "AA".** ZESN have disputed this claim. A fact-check report conducted on these exchanges is attached hereto marked **Annexure "BB".**

102. I also attach hereto marked **Annexure "CC",** the official ZESN report on the elections being disputed by the Applicant. **Annexure "CC"** shows that the results announced by 23rd and 24th Respondents were very much within their assessment, and that in fact, I got slightly less votes than some of their estimates. In S93 application whose primary basis is that 23rd and 24th Respondents inflated votes for the winner, it is perhaps not surprising that Applicant did not seek to take this Honourable Court into his confidence and produce that report, whose existence he ought to be aware of given its centrality to the claim on the so-called missing v11s at 21% of the polling stations.

103. **Paragraphs 4.5.27 - 4.5.31**

Again, this is something that 23rd Respondent is best placed to respond to. But I would add that Applicant had the option, once the results were announced, to apply for the unsealing of the ballot to assess which candidates got how many of these 7500 postal ballots. Again, I can only surmise that the only reason for not doing so, knowing how crucial such evidence could have been to prove the point that Applicant is clearly trying to make (which is, that police officers were ordered to vote for me), is that as with everything else, the Applicant knows that there was no malfeasance in this election and that he lost a free and fair vote.

104. **Paragraphs 4.5.32 and 4.5.33**

Again, 23rd Respondent would be best placed to comment. However, again, the best verification available to Applicant would have been to apply for the ballots to be unsealed, and present them as physical hard evidence. What the Applicant is trying to do is make insinuations, then animate those insinuations into conclusions of fact. That is not possible.

Speculation does not become hard evidence just because it is repeated many times.

105. **Paragraph 4.5.34**

The Applicant again makes unsupported allegations that soldiers threatened people to vote for 'Mnangagwa'. There is no evidence proffered to support this claim. And I know it to be false. Instead, I am again referred to 'the bundle', which has not been served on me.

106. **Paragraph 4.5.35**

Once again, while making reference to '....widespread reports of threats' being made against rural voters, the Applicant fails to attach even one such report. The claim that there is no assurance that rural voters voted freely and voluntarily is without foundation, and goes against every report by all the observer missions, which confirmed that the pre-election and election time had been characterised by a peaceful atmosphere and that people had voted freely. I refer to the observer missions' reports above.

107. **Paragraphs 4.5.36 - 4.5.39**

The Applicant is once again not being candid with the Court. The input scheme is a government initiative. All citizens, regardless of party affiliation, can access food aid, seed and fertiliser from government. It happens every year, even when there are no elections. There was no vote buying. I attach hereto government guidance on the 'Food Deficit Mitigation Strategy' (**Annexure "DD"**) and Food Deficit Mitigation Strategy (**Annexure "EE"**) to demonstrate beneficiary selection criterion.

108. **Paragraph 4.4.40 to 4.4.43:**

I aver that after 33rd Respondent delivered a legitimately free, fair, transparent and credible election, any threats to legitimacy that may come will emanate from the fact that Applicant has decided to make these spurious and wholly unsupported allegations of vote manipulation, voter intimidation, vote buying and electoral malfeasance. Our democracy will be the victim,

because a process that was run freely, fairly, transparently and credibly has been marred in its aftermath by the actions of Applicant and his surrogates.

109 **Paragraph 4.6**

The Applicant makes an admission here which is crucial: his belief that he has won the election is founded not just on his earlier assertion that he would brook no other result but a win, but by social media hype over early returns. I must point out that this honourable court cannot rely on v11 forms obtained from the social media. They are not official documents. The integrity of their collection is not vouched for. The persons who obtained them had no legal duty to keep them intact. Their completeness is also not confirmed.

110 **Paragraph 4.7**

The suggestion that 23rd Respondent halted the counting of ballots in response to social media reports of the Applicant leading is not one that should be given serious consideration. It is clearly speculative. It is crucial that having had not one, not two, not ten, not even one hundred, but tens of thousands of agents, the Applicant has not deposed even one of them to confirm that at such and such a polling station, counting was stopped at 2am '...after it became apparent that first respondent was in a state of deep bother' (sic). The failure to do so is because as with the other allegations on which this claim is based, it is a baselessly speculative conclusion having no relationship at all with the facts.

111 It has not been established at all, that at any polling station, the polling station returns (v11 forms) were not completed at the close of polling as required by the law. It is simply not true that the forms were completed on the 31st of July 2018.

112 I must also point out that as a matter of fact, I never expressed 'deep bother'. This again is mere speculation which is given by the applicant as a fact. I did not communicate with the 23rd or 24th respondents during the period concerned. I do not know why the applicant concludes that I was in a state of 'deep bother'. The applicant's case in this regard, like in many other

respects, is based upon his creation of what he perceives to have been the facts as opposed to what actually transpired. Indeed, the 23rd and 24th respondents will provide their evidence on what actually transpired in the counting of the votes.

113 **Paragraph 4.8**

I am not familiar with any statute that suggests that 23rd Respondent should announce results from cities first or based on where the National Command Centre is. In any event, I fail to see how the order in which results were announced affects the outcome of the election. The fact that an averment can be made does not necessarily mean that it *should* be made, and I think this applies here.

114 **Paragraph 4.9**

The Applicant says that the fact of there being no announcement of the Presidential election result on the second day after voting 'was of concern' but does not state why. The Applicant is well aware that 23rd Respondent had up to 5 days to announce the results, but was assuring the nation through periodic broadcasts that they expected to announce those results within a much shorter timeline than the statutory 5 days.

115 In fact, in one such broadcast, I recall 24th Respondent stating that they needed all the Election Agents for the 23 candidates to come and carry out their verifications so that the process of announcing the results could start. I notice from the affidavits and letters attached to this S93 application that this was just before or around the time when Mr Morgan Komichi was writing threatening letters to 23rd Respondent demanding access to the 23rd Respondent's servers for him and his agents to examine the data (annexure B to Applicant's affidavit at p.130-131).

116 **Paragraph 5.1**

I observe that the Applicant confirms that his agents were allowed to freely view what was happening within the 23rd Respondent's command centre, belying any suggestion that

there was something to hide. The short sentence: 'for close to two days that process continued' is important: Applicant's representatives had an unlimited time within which to observe what was going on. And it is crucial to bear in mind that the people they were watching were '...in excess of twenty'.

117. The suggestion that an organisation with a nefarious plan to steal an election as Applicant suggests would have 'in excess of twenty' people working independently of each other under the full glare of election agents but still manage to run a coordinated and systematic conspiracy to defraud one candidate is just not credible. How is it being suggested that they relayed messages to each other as to how many votes needed to be 'massaged'? Excel as far as I am aware is not a messaging service, so how is it being suggested that these 'in excess of twenty people' received instructions from 23rd Respondent to steal the election in front of Messrs Komichi and Timba?

118. **Paragraph 5.2**

The Applicant says here: "***I was also aware that twenty third respondent had received, as it should do, results from all polling stations in real time and stored them into its server***". I think at this point it is necessary to pause and reflect on the following very important issues:

118.1 This is not an ordinary matter that the Court has to decide, but one which determines, for good or ill, the person that gets to be head of state of our country for the next five years. It is a solemn matter.

118.2 23rd Respondent is trusted with the solemn duty of superintending over one of our democracy's most important moments: national elections.

118.3 In order to carry out this solemn duty, 23rd Respondent is trusted with very sensitive information on each of our citizens old enough to vote. Names, addresses, ID numbers, sex, fingerprints and photographs.

118.4 The Applicant confirms in his papers, and the affidavits of his surrogates, that he was refused access to the 23rd Respondent's server.

118.5 We know from 23rd Respondent that sensitive information on our citizens had been hacked, and people have been able to access said information and even amend it.

118.6 But, again, we know that Applicant's representatives were denied access to what they called a server.

118.7 So, one must ask, exactly how did applicant know that results from all polling stations were being received in that putative server in real time? The only inference that can be drawn is that the applicant or those working with him were responsible for the hacking, accessing and manipulation of data on 23rd respondent's server.

118.8 It is a known fact that one of the websites utilising information obtained from 23rd Respondent's website through hacking has published graphs and statistics that are eerily similar to those that were simultaneously being filed with this S93 application.

119. I am advised that as a matter of fact, the 23rd Respondent did not receive any results in real time, nor is that a requirement of the law. The applicant makes assumptions which he postulates as fact consistently throughout this application. This cannot be allowed.

120. **Paragraph 5.3 - 5.8**

The averments herein relate to matters of fact which are within the knowledge of the officers of the 23rd respondent. I therefore defer to the 23rd respondent to answer to these paragraphs.

121. **Paragraphs 5.9 - 6.1**

I do not accept that the Applicant has made out a case for challenging the election results and I submit that what he calls 'gross mathematical errors' are speculative conclusions compounded by his failure to request the unsealing of the ballots. I dispute the suggestion that the results announced by 23rd Respondent were in any way manufactured or engineered, and Applicant has not made out a case that they were. In addition, I wish to state the following fundamental issues which affect the applicant's case:

121.1 Implicit in paragraph 5.9 is the fact that all the preceding paragraphs are not relevant to the challenge. The gravamen of his challenge is described as 'narrow and twofold'. One wonders why it has taken 13 pages of small print for the applicant to get to the point and begin to set out his cause of action.

121.2 It is a fundamental principle of pleading in constitutional matters that the cause of action must be set out with conciseness. In this instance, the applicant must have shown, based on credible and verifiable facts, what the true outcome of the election is and compare it to what was announced by 23rd respondent. The variance must be established in a manner that does not leave any reasonable doubt. In addition, the applicant must have shown that the variance was so material as to have affected the outcome that was announced by the 23rd respondent in such a manner that the result can simply not stand.

121.3 The errors of the 23rd and 24th respondent must be established to have been culpable. The applicant has simply not attempted to set out his cause of action in a clear and concise manner. It is evident that his conclusions in the founding affidavit are not supported by the attachments to it. The founding affidavit therefore masks the facts instead of showing them to the court. This is a deliberate ploy to make political statements instead of addressing the legal requisites of a S93 application.

122. **Paragraphs 6.2.1 - 6.2.2**

The averments herein are denied. The 23rd respondent will be best placed to give a more detailed response. In response to the allegations made I refer to and incorporate by reference Annexure "S", which is the affidavit of my Chief Election Agent Honourable Ziyambi Ziyambi.

123. **Paragraph 6.2.3 - 6.2.4**

It is odd that the Applicant says '....the process did not take place' in relation to the verification exercise, yet claims that his agents were excluded from the process. There were 23 candidates in the election. Only 1 (the Applicant) has come to claim that no verification took place. That is telling. I suggest that having refused to participate at the tail end of the verification process when it became clear that he was losing, the Applicant cannot validly claim that there was a '....failure to refer to the v11 forms and the results posted on the servers..' How can he make this claim? On the basis of what information, obtained from where, and how?

124. The Applicant had a remedy even after the announcement: he could have and should have applied for a recount or to have the ballots unsealed. That would have informed this S93 application: or at the very least, led him to see that this S93 application was futile. Again, I hasten to point out that the Applicant is a lawyer, has lawyers around him and has hired more lawyers, from home and abroad: so he would have known this. Which leaves us with only one conclusion: knowing that his application was baseless, the Applicant decided not to apply to unseal the ballots so that he could give himself an alibi for making this highly speculative and baseless S93 application. As 10th Respondent (Prof Madhuku) has said in a much publicised video on social media regarding this S93 application: Applicant is using this S93 application (and therefore this Honourable Court) to consolidate his position in his party and to campaign for the position of President of Zimbabwe in 2023. I refer to the video that will be filed with my opposing affidavit marked **"GG".**

125. The Applicant suggests that Excel spreadsheets can be '...easily manipulated and changed by the person making entries...' which is denied and yet

(a) does not make a case that this is what has happened,

(b) at paragraph 5.1 of this affidavit confirms that his agents Mr Komichi and Mr Timba were present watching a process that carried on for two days, and

(c) does not mention that they witnessed any opportunities or instructions for this to be done.

126. **Paragraph 6.2.5**

I have no knowledge of this claim, but from the totality of what I have seen including the affidavits filed with this S93 application, Applicant's agents refused to sign off on the results. In fact, in his *impromptu* announcement when he commandeered 23rd Respondent's microphone on 3 August 2018, Mr Morgen Komichi made it clear that the decision to not sign off was made by him. It is therefore dishonest to suggest, as the Applicant does, that '.....my agents were not afforded the opportunity to sign off on the results before they were announced.'

127. **Paragraph 6.2.6**

I do not accept the allegation that the total votes cast for each constituency had been changed, blatantly as alleged or at all. Given that 23rd Respondent has published in the press and the gazette full totals for each ward and constituency, I fail to see merit in the suggestion that the announcement per province was meant to conceal anything. If something needed to be concealed then, what changed the very next day to allow said publication.

128. In any event, I recall that 24th Respondent made clear that the results being announced on national TV were available on disk, and again would have revealed whatever it is that Applicant suggests needed to be concealed. In fact, the Applicant does not even say which information needed to be concealed, for which constituencies, and what are the totals. He just makes the bald and bare assertion and leaves it to hang on the basis of supposition.

129. The Applicant makes a point of emphasising that '...presidential elections are constituency based and hence declaration of results are also constituency based...[and] departure from this position affected the manner in which the elections are conducted and the final declarations made' but does not bother to show in what way. At best, this submission is just plain childish and sensational.

130. In what way does announcing segments of a whole in whatever manner affect the sum total of the whole? The fact that

preliminary numbers are announced by ward, or constituency, or province does not change the result. And in any event, the votes had already been announced per ward using the v11s posted outside every polling station.

131. There is no statutory requirement to break up the announcement of the presidential election result into segments based on constituencies.

132. **Paragraph 6.2.7**

The Applicant argues that the election must be nullified because 24th Respondent allowed her fellow commissioners to announce some of the provincial totals. According to Applicant, our law requires that only 24th Respondent announce the result. I make the following point in this regard:

(a) The 'result' that must be announced is the number of people that have voted for each candidate nationally, that is, the final totals. Any other segments of that number is not 'the result'.

(b) The 'result' was announced by 24th Respondent, when she declared me the winner of the Presidential election. The fact that 24th Respondent allowed other Commissioners to announce the numbers leading up to that figure does not in any way, shape or form affect the 'result'.

(c) The Applicant acknowledges that 24th Respondent delegated, 'in her presence', the task of announcing provincial totals to her fellow Commissioners. We are not shown any statutory basis on which it is alleged that 24th Respondent does not have powers of delegation in this way.

133. **Paragraph 6.3**

The Applicant is suggesting that because the 24th Respondent asked her fellow commissioners to announce some of the provincial totals, and because 23rd Respondent announced provincial totals instead of constituency totals, for this very reason there is '...no assurance that the correct result was

announced.' Does he mean that the Commissioners sitting next to 24th Respondent reading out provincial totals prepared by 23rd Respondent read out the wrong numbers? That the same papers they were reading from, if read by 24th Respondent, would have mutated into different numbers? It is worth noting that despite claiming that '....wrong numbers were announced as will be demonstrated below', the Applicant fails to demonstrate any such thing. It is true that 'Zimbabwe cannot be governed by a person who did not win the election', which is why Applicant would have been best advised not to pursue this frivolous and vexatious S93 application. He did not win the election. I did.

134. **Paragraph 6.4**

It is not correct that '....if thirty thousand votes are knocked off' from my total number of votes I would have failed to reach the 50% plus 1 needed to avoid a run-off. In an application of this nature, it helps if an Applicant is exact, not speculative.

135. **Paragraph 6.4.1 - 6.4.3 and 6.4.6**

I do not accept that there is a difference between what was announced by 23rd Respondent and what 23rd Respondent has. In any event, Annexure 'C' to the applicant's affidavit appears to be a reproduction of results by province, without any analysis which would show the alleged discrepancy. It seems that Applicant does not know his own pleadings. There does appear to be a piece of paper marked 'annexure D' which seems to suggest that there was a difference of 762 votes between the numbers said on TV and what is on the CD. Even if this were true, which is disputed, there could be all sorts of explanations for this, none of which would have the effect of impugning the integrity of the election. It could be that whoever was reading was not heard clearly by whomever created this schedule for Applicant.

136. But, whatever it is, one does not, unless they were being immature and pedantic, run off to the Constitutional Court and allege, as the Applicant does, (paragraph 6.4.3) that '.....on that basis, the result cannot stand' merely because there is a variance of 762 votes in the oral statement of the results. Parties in pleadings have an obligation to be truthful, in fact

that is the whole point of deposing to an affidavit under oath. It is not correct that 'the discrepancies are material.' 762 votes, even if true, is not material in an election in which the winner got in excess of 300,000 votes more than their nearest challenger.

137. It is crucial to note an important admission made by the Applicant. The schedule (which is in fact annexure D) that he refers to shows '.....discrepancies between the votes announced by ZEC ***and the actual tallies derived from v11 and v23 data***.'(emphasis added). In terms of '***the actual tallies derived from v11 and v23 data'*** provided by Applicant, he received 2,151,620 votes equating to 44.4% of the total votes cast and I received 2,455,559 votes, which equates to 50.7% of the votes cast. This is not correct, but even if it was, (which is denied) that would still be enough for me to win the election.

138. **Paragraph 6.4.5**

The Applicant again makes the admission that the voters roll he had was not the one used for polling. That is an important admission. It was always clear that the voters roll to be used for polling would be different from the one given to the parties, in compliance with the decision of Zhou J in the Mpezeni Case, where Applicant's party was one of the respondents. Be that as it may;

138.1 In fact, the number relied upon by the applicant is incorrect as the actual number as reported by 23rd respondent is over 85%.

138.2 The Applicant says '...it was announced by ZEC that the total votes cast were 72% of registered voters' and goes on to hang his entire argument on this so-called announcement.

138.3 We are not told in what context, when and by whom on behalf of the 23rd Respondent this announcement was made.

138.4 To jump from an announcement (the context of which is not clear) to interrogating evidence on hand using that announcement is an exercise in futility. One must always

rely on the best evidence available. In this instance alone, a purported announcement is not enough to impugn the numbers that the Applicant has on hand.

139. **Paragraph 6.4.7**

There is no factual basis for accepting that there was a variance between the Presidential and Parliamentary votes totalling 40,000. It is dangerous for the applicant to premise his case on a figure that is derived from unverified sources.

140. **Paragraphs 6.4.9 and 6.5.1**

Again, the Applicant makes reference to a disk attached to the papers marked F3. I have not received this disk. I am unable to comment on what it says. But, I would say that:

140.1 The Applicant had an obligation, in order to prove his case beyond a reasonable doubt, to use the best evidence possible. Rather than providing schedules or analyses, he needed to have either applied for a recount of the votes and/or, during the same period, apply to have the ballot boxes unsealed. Either of these options would have allowed him, and this honourable court if necessary, to see what the actual votes in the ballot boxes reveal.

140.2 It is telling that the Applicant did neither of these things, and again brings back my view that this S93 application is a political ploy to hold the nation at ransom and cast a shadow of doubt over the elections for Applicant's political gain within his fragmented political party.

140.3 In any event, even if these so called variances are taken into account and removed from both mine and his totals, they would have no material effect on the outcome of the election. I would still win.

140.4 The applicant has not produced the full set of v11 forms and v23b forms from which he purports to derive the alleged variances. The honourable court cannot rely upon the alleged variances unless the original and

primary documents from which the alleged variances arise have been produced before the court. The attempt to rely upon the copies of v11 forms obtained through a social media campaign will not suffice. The court must rely upon official records.

141. **Paragraph 6.5.3 - 6.5.3**

I deny that there were any places with more votes than the number of registered voters. The 23rd Respondent shall address the Applicant's claim in this regard. In addition:

141.1 The fact the Applicant uses the false information generated by Mr David Coltart that '....this also explains why no results were posted at 21% of the polling stations' just demonstrates that this point is unstainable.

141.2 The Applicant says that '*there are polling stations where ZEC claims there was a plus 90% turnout. This is unimaginable*'. This is so unsubstantiated and puerile that it would deserve no response if not for the fact that one must respond to every allegation made in this S93 application. There is no basis for making this outlandish claim. Politicians must in fact endeavour for a 100% turnout in elections, because that means we are all participating as stakeholders in our own democratic processes. If someone wants to be President of a country, and can imagine trains that run faster than those invented, and can imagine 'airports in your backyard' but finds a 90% turnout in a democratic election 'unimaginable', then perhaps that person needs to find a new line of work where their imagination would be less harmful to the population.

142. **Paragraphs 6.5.4**

The Applicant seeks to use television projections as fact and argues that less people voted in certain areas than was announced in the results.

142.1 First, the Applicant does not attach the ZBC report to the papers that I have received. No name of the reporter has been mentioned. No date and time of the report by ZBC

has been mentioned. This is just a vague statement. Even if the details had been supplied, a report on a news bulletin from a television broadcast cannot be relied upon as evidence to prove the correctness of what is stated in that report.

142.2 Second, the Applicant does not point to a statutory basis on which an announcement of voting totals during an election binds 23rd Respondent to such numbers yet has spent a large part of his claim pointing out that 23rd Respondent should only make announcement in terms of the statutory framework.

142.3 Third, the Applicant omits to mention a television report about Harare Province, in which it was reported that about 400,000 people had voted by 5pm, yet the final totals in that province exceed 700,000, suggesting that 300,000 people voted in two hours. Given that most of the votes in Harare Province went to the Applicant, one is tempted to say 'That takes everyone for granted, that is simply ridiculous', but one is respectful of this honourable court and this process, and so one will not say that. The submission is simply without foundation and devoid of merit.

142.4 The affidavits that Applicant has attached purporting to show that no increase in the voting patterns occurred are therefore irrelevant as they address a point that has only arisen from a ridiculous conclusion based on a television report whose binding nature is non-existent.

143. **Paragraph 6.5.7 - 6.5.9**

Applicant claims that 40 000 teachers did not vote.

143.1 There is nothing in the way of evidence that is produced to support this total.

143.2 The claim that the affidavit on which the applicant relies upon shows '....actual numbers of state employees disenfranchised' is a lie. It does not. All the affidavit does is give a blanket number without foundation. What the Applicant has attempted to do is bring speculation by

affidavit, in the hope that that elevates it to evidence. It does not.

143.3 The suggestion that Applicant knows that these 40 000 teachers if they did exist would have voted for him is presumptuousness.

143.4 Besides which, the Applicant completely ignores one important fact: all the civil servants involved in the elections volunteered their services. For a fee. They were not conscripted. On application, they knew that they could well be deployed away from their constituencies.

143.5 The issue did arise prior to the elections, and instead of relying on 'promises made', the Applicant ought to rely on the judgement of the High Court on the matter.

144. **Paragraph 6.6.1**

The issue of the postal voting is again one that 23rd Respondent will respond to. I however note that the Applicant is suggesting that the contesting candidates should be notified of where postal voting is taking place. I am not aware of the statutory basis for this expectation, and Applicant does not offer one.

145. **Paragraph 6.6.2**

I again point out that the requirement in S93 applications is that the Applicant must prove each and every allegation that he is making and demonstrate materiality to the relief sought. He needs to show how assisted voting affected the outcome of the election, and how an SMS message along the lines of 'Please vote for me' amounts to intimidation. Just making the bare and bald averment is not enough. The applicant is trying to suggest that the people that were assisted to vote were being assisted to vote for me. There is simply no evidence offered to support this.

146 **Paragraph 6.6.2.1**

There are a number of problems with the Applicant's averments here:

146.1 Instead of relying on 'the mathematics', the applicant had the option to ask that the actual ballots be recounted or unsealed. He did neither. The Court is being asked to speculate on 'the mathematics' rather than use actual data.

146.2 It is worth noting that in his prayer on this point the Applicant asks that an alleged 7,703 inflated votes be removed from my total and says nothing about the numbers that have allegedly been 'inflated' in his favour.

147. **Paragraph 6.6.2.1 (sic)**

The Applicant states that 21 polling stations disappeared but

147.1 fails to state where these polling stations were,

147.2 fails to state what happened to the people that presumably would have gone to those polling stations to vote,

147.3 relies on an affidavit allegedly sworn to by Tawanda Rlaph Magunje (*sic*) which is in fact not attached to the documents that were served on me. The applicant's conduct of making unsubstantiated allegations and relying on non-existent evidence persists.

148. **Paragraph 6.6.2.2**

Once again, the Applicant relies on the claim that at 21% of the polling stations the returns were not posted.

148.1 As I have already stated, this claim is quite simply a lie, a figment of Mr David Coltart's imagination in respect of which he has been called out as a liar by the people on whom he sought to rely,

148.2 But that the Applicant then chooses to base his claims that this was how 23rd Respondent manipulated the vote

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should demonstrate, beyond a reasonable doubt, that there was in fact no manipulation of the vote.

148.3 Similarly, the fact that the Applicant uses these fictitious 21% polling stations with no results posted as the basis for why there was a 'delay' in the counting process demonstrates that there is no foundation to that claim either.

149. **Paragraph 6.2.2.3**

The Applicant claims that there were results that were similar. My view is that:

149.1 The Applicant had the option of asking for the unsealing of the ballots to ensure that actual votes are tallied,

149.2 The Applicant is ignoring the opinion of his own experts. He says '....there can be no doubt that these results are man made' yet his own experts both say it **'could'** be manipulation, with one of them clearly stating that it could also be a data capturing error. While it is a fact that the Applicant was given to hyperbole during his campaign, as a lawyer he should know better than to overstate his evidence. There is a real world of difference between **'there is no doubt'** on the one hand, and **'it could be'**, on the other, and the Applicant knows this.

150. **Paragraph 6.2.2.4**

Again, it is necessary to recall that in a S93 application, materiality is key. The Applicant says that the total votes on the 23rd Respondent's CD do not add up to 100% but to 98.4% but fails to say, 'of what'? And if those numbers show that I won 50.67% (which is denied) of the vote in an election where I only needed 50% plus a single vote, what is the point of this S93 application again?

151. **Paragraph 6.6.3**

I have already dealt with the averments relating to the voters roll earlier on when I referred the honourable court to the judgement of the High Court in Mpezeni Case. I therefore abide by my earlier evidence in this regard.

152. **Paragraph 6.6.4**

The Applicant is challenging the results of an election conducted on 30 July 2018. What has allegedly happened to his agents after that date is irrelevant to this S93 application, but I would still like to state that:

152.1 It is highly likely, in fact almost certainly true, that the claim that people have been harassed so that they sign new v11s is false.

152.2 This is because such a need would only arise if it were true that 21% of polling stations had no v11 forms posted outside the polling stations. This is quite simply a lie created by Mr David Coltart. So the need to have new ones signed does not arise.

152.3 In fact, as confirmed by ZESN (Annexure "CC") it is applicant and his political party that did not have polling agents at all polling stations. Therefore, the only candidate that would have an incentive to make people sign v11 forms after the fact is the applicant and his political party.

152.4 The suggestion that I have become 'desperate' is symptomatic of applicant's childish and immature behaviour he deployed during the campaign when he substituted substance for insults. It did not work then, it will not work now.

153. **Paragraph 6.7 - 6.7.1**

The Applicant has not defined what he calls 'unusual' voting patterns. In fact, it seems that were he loses badly, the Applicant does not wish to accept the result, but calls it 'unusual' as if he has an automatic and natural entitlement to win at all costs. I work in Harare, but I lost in some wards very badly. I did not think that was 'unusual', though of course I am

disappointed that my message did not reach those people and will do my best to earn their trust over the next five years. Votes are not betrothed, or mortgaged to a candidate, but must be won freely, fairly, transparently and credibly. And when one does badly with a constituency, it is sad yes, but not 'unusual' to an extent of being elevated to 'irregularities.' In fact, there is no such thing as a 'usual voting pattern'.

154. **Paragraph 6.7.2**

The Applicant claims that there were blank v11s that were signed and stamped but without data, and that these were used to rig the election. And yet:

154.1 The Applicant's entire case up to this point has been that the numbers in 23rd Respondent's so-called server are the real-time results supported by v11s and v23s.

154.2 The Applicant has failed to apply to unseal the ballot, which would have tallied with what he claims to know about the server, and thus render any fraudulent v11s irrelevant.

154.3 The Applicant has also alleged that 23rd Respondent has been forcing people to sign new v11s after the elections (see paragraph 6.6.4), but does not explain why this is necessary if 23rd Respondent already has blank v11s ready to be used to manipulate the results.

154.4 The Applicant announced, prior to the elections, that his party had rig-proof strategies that they were going to deploy to ensure that the election was not stolen. He fails to show how they failed to detect these.

155. **Paragraph 6.7.2.3**

I am advised that in terms of the Constitutional Court Rules, documents filed must be clear and legible. The point that Applicant is trying to make in this paragraph is not only speculative, but hard to follow given that it requires a very legible copy of the return in question. I do not have it.

156. **Paragraphs 6.7.4 - 6.7.5**

The affidavits that Applicant makes reference to do not in fact '.....deal with a litany of many other violations' but, as I will briefly show, follow the same pattern established by the Applicant and make bald and bare assertions unsupported by the any evidence.

157. **Paragraphs 6.8 - 7.1**

The Applicant has:

157.1 failed to demonstrate a statutory basis for challenging an election based on what are called 'mathematical violations', as he clearly distinguishes them from 'constitutional and statutory violations',

157.2 misstated his evidence when he claims that the 'irregularities' (which is disputed) 'do not arise from mistakes' yet his own 'experts' clearly point to the possibility of any issues being attributable to mistakes,

157.3 failed to demonstrate materiality if, as he claims, the 'irregularities' are such that they '...show a tally well in excess of 30 000 which subtracts from first respondent's tally'. Even if the allegation that if 30000 votes could be removed from my total was justified, which is denied, I would still be the winner of this election. It would appear that the Applicant does not seem to understand his own evidence.

158. **Paragraph 7.2**

158.1 It is my understanding as stated above that when one files a S93 application, one provides all their evidence with the application. The Applicant states that he will '....subpoena the real results which are in the ZEC system' but does not state when this will be done.

158.2 The averments in this paragraph put beyond doubt the fact that the applicant admits and acknowledges the inadequacies of his founding affidavit. If it had been adequate, there would have been no need for the suggested subpoena to be issued. Having admitted the

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inadequacies, the applicant must accept that the application stands to be dismissed for its insufficiency.

158.3 I must also point out that there is no legal basis for the issuance of the intended subpoena in the constitution or the rules of the honourable court. Accordingly the applicant cannot have recourse to a procedure which is alien to the law.

159. **Paragraph 7.2 - 7.7**

The Applicant has not made a case that he '....won the election and won it resoundingly.' What he has done is to present a host of unsupported allegations, outright lies, scripted talking points and zero evidence with a suggestion of past, present or current access to the 23rd Respondent's server and a heavy dose of tangential reliance on pseudo-experts and is trying to concoct a case for the nullification of an election result. This S93 application is what has been termed 'a dog's breakfast.'

160. What is clear is that the people of Zimbabwe voted in a free, fair, transparent and credible election and chose a candidate whose message best represented the promise of the Zimbabwe we want. In doing so, they rejected a divisive and immature message grounded in hate, ridicule and verbosity, and a candidate that had a one track campaign strategy and zero plan for the future. They rejected a candidate who showed in his actions by running a sub-standard campaign that he could not be trusted to build anything, choosing instead someone whose campaign strategy was based not on science fiction promises but on deliverables.

161. The Applicant lost the election. To borrow his words in paragraph 6.7.2.3, 'this cannot with respect be got over.' Of course, one sympathises with him that he cannot get over his loss, but it is unconscionable that he would abuse our court processes by making a spurious application such as this one merely because he cannot 'get over' the fact that he lost. That is not why we have these procedures.

162. This affidavit is irrelevant, immaterial and inadmissible. My Counsel will address the legal issues that arise from this opinion by Dr Ouko but I would like to say the following:

162.1 The 'expert' has listed his publications, which include only 7 'first author' publications in the areas of sugar cane, fish, water, trailer traffic on highways and HIV. There are none on elections, aside from some consultancy work carried out in 2005 involving the election of a Sugar Board. While I am certain that *'An Integrated Model for Optimising Harvesting of Fish'*, or indeed that the "*Estimation of Population sizes of Migrating Species'* are papers that those in the fishing industry might find useful, I fail to see how these qualify this author as an expert on elections.

162.2 His narration of his expertise and experience is inconsistent with the narrative in his curriculum vitae.

162.3 The 'expert' admits that he is relying on source documents which the Applicant has already admitted are not the ones used in the election, and fails to factor this to his report,

162.4 The 'expert' says that he relied on form v11s, but does not say how many or from which constituencies.

162.5 He claims that the total votes in 12 constituencies are different for the Parliamentary and Presidential election, but glosses over the crucial question of which MPs won in those constituencies.

162.6 He refers to '.....atypical variations in the voting patterns' but does not show the assumptions informing that conclusion, especially as his source documents do not include numbers from previous elections in the same areas,

162.7 He concludes that the reason for variations 'could point to' irregularities and 'could be' attributed to extraneous contextual factors. In fact, this is evidence of what is known as a confirmation bias. He started from a conclusion that the voting patterns were influenced by coercion and intimidation and went out of his way to

manipulate the unreliable data provided to him by the applicant to attempt to establish his preconceived idea.

162.8 He does not show the basis of his assumption that such extraneous factors might be coercion or voter intimidation

162.9 He makes the unsupported claim that the overall prejudice is 345 784 votes due to '....polling station specific cases of voter intimidation, voter coercion and/or otherwise potential manipulation' without any basis for this claim. There is nothing in his source documents to support any allegations of voter intimidation or coercion.

162.10 In fact, the 'expert' in his own report first states that there was an overall prejudice to the applicant of 305 784 votes (which is denied) and then without explanation changes that number some few paragraphs later to 345 784 votes.

162.11 He talks of 'overvotes' in a total of 8 constituencies, with a total of 1,468 votes, which is statistically irrelevant to the total, but fails to make any point about how this might have affected the result,

162.12 He specifically calls double counting an error (page 49) and thus excluding intention to defraud as the Applicant alleges in paragraph 6.6.2.1 of his affidavit. In this respect this 'expert' agrees with another 'expert', Nyandoro (see below) who calls these 'overvotes' a double-counting error (page 73, para 8.9)

162.13 He gives a figure of 6,787 as the alleged total prejudice from the alleged double counting, contrary to the figure given by the Applicant of 9,035 (paragraph 6.6.2.1)

162.14 He refers to 'other v11 anomalies' but does not mention them, yet it seems that was the whole point of the report.

162.15 He relies on and produces excel spreadsheets in an application where the Applicant has been at pains to show that these are notoriously un-reliable and can be changed at any point, including between the 'expert'

transmitting his report to the Applicant and the application being filed

163. It is however worth noting that even when his so-called experts' conclusions are guarded and qualified, the Applicant uses them to suggest proof beyond a reasonable doubt.

164. I refer to and incorporate by reference the affidavit by Douglas Hoto attached hereto marked annexure **"HH1"** which addresses the report by this 'expert'. I also attach hereto his curriculum vitae which shows that he is competent and qualified to comment on the report of Dr Ouko. I refer the honourable court specifically to the gross anomalies and inconsistencies highlighted by Douglas Hoto in the affidavit of Dr Ouko.

Affidavit of George Nyandoro

165. Again, this affidavit is irrelevant, immaterial and inadmissible. But, I will make brief comments as follows:

165.1 I do not accept this author's expertise in analysing elections, and do not see anything in his qualifications to suggest that this is an area that he has specialised in,

165.2 The 'expert' makes partisan generalisations not supported by the evidence. For example, he calls the results announced on TV for me 'considerably different' from the ones on the ZEC CD. Given that we are talking about an alleged difference of 4,904 in an election where even by their own figures I received some 2,460,000 votes I would say that 4,904 (which figure is disputed) is not that 'considerably different' a number.

165.3 He contradicts Dr Ouko by saying there were overvotes in 111 constituencies as opposed to 8. The 'expert' says that this resulted in 31 204 more votes for me, but fails to show on what basis this claim can validly be made without the ballots being unsealed. It is worth noting that applicant states that (paragraph 6.5.3) this explains the missing 21% v11s, except that that 21% is a fiction.

165.4 He relies on anecdotal evidence such as a ZBC report in which a polling officer misspoke as fact, which skews his results

165.5 He refers to information 'harvested from v11 forms' which allegedly shows that votes were inflated for me, but fails to identify the v11s in question and whether any alleged anomalies were identified in applicant's total.

165.6 He uses samples for an event that has already happened, instead of the primary evidence. This is wrong.

165.7 He contradicts his own conclusions to make an illogical partisan conclusion: at paragraph 8.9 of his report the 'expert' accepts the possibility of 'consistent failure of data capture' and again at paragraph 9.1 he accepts that there might have been 'duplication of data'. Yet at paragraph 9.3, barely 4 sentences later, the 'expert' states 'In fact there is clear evidence of manipulation of figures.'

Affidavit of Patience Mutongwizo

166. I do not accept that this affidavit speaks to the truth. There were numerous observer missions around most if not all polling stations. If headmen were acting as brazenly as claimed, at least one of the observer missions would have picked it up. Yet there were no such reports.

167. No evidence of this deponent's accreditation has been provided, another serious omission on the part of the applicant.

168. In any event, there is no suggestion being made that these people were being told how to vote, or even to vote for me. This is again a speculative assertion which fails to meet the standard of proof required.

169. When talking about the alleged trucks with ballot boxes, the deponent claims that she retained two truckloads of alleged ballots, inspected them and handed them over to security from

MDC Alliance headquarters. Yet not a single ballot from this alleged horde has been attached to this application. This is telling.

170. The account that the truck drivers and police officers ran away from a single person at night, abandoning their trucks and contents, is simply incredible. Right throughout his founding affidavit, the applicant has demonstrated a worrying propensity and inclination to rely on the unreliable, and this is one more example. This account is brazen and palpably false. The fact that applicant, who has previously indicated that perfectly reasonable facts from 23rd Respondent are 'simply unimaginable', demonstrates a strange partiality to fiction.

171. In any event, this affidavit claims to have been commissioned on the 19th of August 2018, a date 9 days in the future from when the application was filed. Accordingly, the affidavit is invalid and cannot be relied upon.

Affidavit of Gilbert Kabodora

172. I do not believe that this affidavit takes the Applicant's claim any further.

173. I am not aware of the television report which the deponent of this affidavit relies upon. But if there was such a report, it would be irrelevant because whoever is allegedly to have made that statement had not authority to make such announcement.

174. In any event, a report on TV about how many people had voted during an election while those elections are taking place is nothing but an estimate. This is the equivalent of saying "I heard the weather report yesterday, it said today temperatures would be 26*C so I will not accept the actual readings with show that it was in fact 29*C because it is inconsistent with what was estimated." It is just silly.

175. If the deponent did collect some statistics, as is being claimed, it is a wonder that none have been attached to his affidavit. Like everything else being relied on in this application, it likely does not exist.

Affidavit of Islam Madhosi

176. Aside from a hint of racism which has no place in our society, this affidavit does not add anything to the Applicant's case.

Affidavits of Dr Admire Virimayi Jira

177. These affidavits are inadmissible and sensational. They are clearly attached to the application without the applicant specifically referring to them or adopting their content in the founding affidavit. I specifically draw the court's attention to the following:

177.1 the affidavits were prepared in terms of section 278(1) - (13) of the Criminal Procedure and Evidence Act [Chapter 9:07]. They were therefore supposedly intended to have been used in a criminal trial.

177.2 no police report was attached to this S93 application to confirm the intended use of the affidavits. This raises serious doubts that any police report was ever made by the alleged victims.

177.3 it is therefore very suspicious that the alleged victims are real persons who underwent the alleged assaults.

177.4 I must point out further that no affidavits were deposed to by the alleged victims. What was placed before the court by the applicant are only the two affidavits from Dr Jira.

177.5 the two alleged victims are said to ordinarily reside in Ward 28 Buhera South. No evidence from any person who lives with the alleged victims in Buhera South has been adduced to corroborate the accounts of the alleged victims as given to Dr Jira.

177.6 From the secondary hearsay evidence of Dr Jira , the alleged victims were assaulted on the third of August 2018. The elections in issue were conducted on the 30th

of July 2018. The incident narrated, if it happened did not affect the voting at any polling station in Buhera South because voting had been concluded four days before it happened .

177.7 In addition, the two affidavits could only have been admissible if they complied with Section 20 as read with Section 23 of the Civil Evidence Act (Chapter 8:01) . The requisites of these statutory provisions have not been met . I therefore move that the honourable court strikes off these irregular documents from its record. As already pointed out above, a S93 application must not contain inadmissible evidence .

177.8 Further and in addition, assuming that the affidavits were admissible, I deny their contents . In terms of section 20 of the Civil Evidence Act, their contents cannot be accepted into the record without the deponent giving evidence before the court and being questioned on the veracity of his averments .

177.9 It is also surprising that these two alleged victims claim to have been assaulted in Buhera South on the 3rd of August 2018, were examined in Harare on the 6th of August 2018 and the affidavits, like many others were commissioned on the 9th of August 2018, a day before the application was filed.

177.10 Strangely, the two affidavits are similar in content as to the complaints raised including having the same 14 different symptoms including the temporally impossible claim that ' work was lagging behind" . Clearly, these affidavits under interrogation are falsehoods and concoctions.

178. The doctor purports to have examined a husband and wife on 6 August 2018, and recorded what they told him allegedly happened on 3 August 2018. His report of what they said is hearsay. The Applicant has not shown why this is relevant to his claim. It is possible that he seeks to invite the court to draw the conclusion that the assailants were my supporters. If relevant, the affidavits should have been deposed to by the victims, not their doctor. And this incident allegedly happened after the elections.

179. Sadly, these affidavits evidently were not prepared for judicial purposes but for political sensationalisation . They are already well publicised in the social media and attracting negative publicity for the country in general and the recent elections in particular. There is just no link between the alleged assaults and the processes leading to the election and the announcement of the election results which are subject to this application.

Affidavits of Morgen Komichi and Jameson Timba

180. I deny the contents of these affidavits. The procedure provided for by law was followed by the 23rd Respondent . It is set out in the supporting affidavit of Ziyambi Ziyambi, attached hereto as Annexure "S", which I rely on as my reply to these affidavits .

Affidavit of Jokoniah Mawopa

181. The deponent says that he is a ZCTU Regional Chairperson but does not state where.

182. The deponent refers to a survey, but does not share this with the court, hoping instead that his word is enough. The numbers that he uses are unsourced, and again are not to be taken at face value.

183. I aver that this affidavit again fails to add anything to the Applicant's case.

Affidavit of Swithern Chirowodza

184. The issue of postal voting raised in this affidavit is one that has been addressed and will be replied to by 23rd Respondent. But I fail to see what value this affidavit is to the Applicant's case, especially given its very partisan tone.

Affidavit of Obert Masaraure

185. The deponent does not say how many members they have and how many were allegedly affected. Instead, he refers to the same unsourced numbers as representing the total numbers of teachers allegedly affected and not able to vote.

186. It is worth pointing out that none of the people deposing to affidavits about teachers being denied their opportunity to vote thought to find at least one such teacher and ask them to depose to an affidavit. One therefore wonders if any teachers were unable to vote as alleged.

187. There is also no evidence to suggest that these teachers (if they exist) would have voted for the Applicant.

Affidavit of Joseph Madzudzo

188. I have already indicated that the purpose for this affidavit is to support the claim that after 21% of polling stations failed to post v11s, 23rd Respondent then went out to get polling agents to sign them. As I have already shown, this 21% number is a fiction, devoid of any basis in fact.

189. As such, any claim that efforts were made to support this conspiracy is false. The deponent's own account is implausible, if anyone really was that desperate to cover their tracks, they would not just drive away because he refused to sign, would they?

190. And since the deponent refused to sign these alleged v11s, there is no relevance of this account to the application.

Affidavit of Machoka Gift Kajonga

191. I notice that the deponent talks about his 'own tally' which saw him win, but does not state what that tally is, or show the basis on which it was made.

192. In any event, this affidavit is irrelevant and immaterial to the matter at hand because it talks about a parliamentary election which is not the subject of this application.

Conclusion

193. From the foregoing, I conclude by praying that the honourable court dismisses this application with costs on an attorney and client scale and confirms me to be duly declared the winner of the presidential election held on 30 July 2018. I say so for the following reasons:

193.1 The applicant has not placed before the court any evidence of irregularities which warrant the setting aside of the declaration made by the 23rd Respondent that I won the presidential election.

193.2 This S93 application is wanting in the most elementary requirements of an application in terms of section 93 of the Constitution. So glaring are the deficiencies that the honourable court's jurisdiction in terms of section 93(1) cannot be activated. The only order which is appropriate in the circumstances is a dismissal of this application with punitive costs.

193.3 The application is afflicted with patent procedural irregularities. It was lodged out of time. Even then, it is wanting in respect of the addresses of 19 out of 25 respondents. No proof of service was filed with the registrar of the honourable court within 48 hours as required by the rules. It was not served with all documents that the applicant claimed to have filed. This host of irregularities is fatal to the application.

193.4 By intimating an intention to issue out a subpoena against the 23rd respondent, the applicant necessarily accepts the inadequacies of his evidence. The proper course of action which the honourable court must adopt is to accept this admission and dismiss this application.

193.5 The application is premised on alleged mathematical anomalies which have no factual foundation. The lofty conclusions made by the applicant are unsubstantiated and completely unbelievable. The supposed experts whose affidavits the applicant relies upon do not help the court at all.

193.6 These so-called experts who attempt to support the propositions of the applicant are in fact no experts at all. Their conclusions are at variance with the applicant's conclusions from the same data. They rely upon secondary data from unreliable sources and make conclusions which are not themselves coherent. Evidently, they are not independent but partisan. They do not establish any integrity in respect of the materials upon which they relied.

193.7 The applicant has not mounted this application for the bona fide purpose of setting aside the result of the presidential election conducted on 30 July 2018. Instead, the intention was to delay my inauguration as the duly elected president of the Republic of Zimbabwe and to make political statements in court. This is apparent from the fact that the application does not comply with the rules of the honourable court and the constitution. The honourable court must see through this stratagem and dismiss the application. In addition the applicant must be censured for the grossly childish manner in which he prosecuted this application. An order for costs is therefore merited.

Thus done and sworn to at Harare this ...13th.....day of August 2018.

.....

Emmerson Dambudzo Mnangagwa

Before me

.....

Commissioner of Oaths

JOHN MUGOGO
LLB (HONS) ZIMBABWE
Legal Practitioner, Conveyancer,
Notary, Public Commissioner Of Oaths
Zimbabwe

Annexure A

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IN THE CONSTITUTIONAL COURT OF ZIMBABWE **CASE NO. CCZ 42/18**
HELD AT HARARE

In the matter between

NELSON CHAMISA **APPLICANT**

REGISTRAR
CONSTITUTIONAL COURT
15 AUG 2018
P.O. BOX 870, CAUSEWAY
ZIMBABWE TEL: 04-798634/5

AND

EMMERSON DAMBUDZO MNANGAGWA	**1ST RESPONDENT**
JOSEPH BUSHA	**2ND RESPONDENT**
MELBAH DZAPASI	**3RD RESPONDENT**
NKOSANA MOYO	**4TH RESPONDENT**
NOAH MANYIKA	**5TH RESPONDENT**
PETER WILSON	**6TH RESPONDENT**
TAURAI MTEKI	**7TH RESPONDENT**
THOKOZANI KUPE	**8TH RESPONDENT**
DIVINE MHAMBI	**9TH RESPONDENT**
LOVEMORE MADHUKU	**10TH RESPONDENT**
PETER MUNYANDURI	**11TH RESPONDENT**
AMBROSE MUTINHIRI	**12TH RESPONDENT**
TIMOTHY JOHANNES CHIGUVAIRE	**13TH RESPONDENT**
JOICE MUJURU	**14TH RESPONDENT**
KWANELE HLABANGANA	**15TH RESPONDENT**
EVARISTO CHIKANGA	**16TH RESPONDENT**
DANIEL SHUMBA	**17TH RESPONDENT**
VIOLET MARICHIYA	**18TH RESPONDENT**
BLESSING KASIYAMHURU	**19TH RESPONDENT**
ELTON MANGOMA	**20TH RESPONDENT**
PETER GAVA	**21ST RESPONDENT**
WILLIAM MUGADZA	**22ND RESPONDENT**
ZIMBABWE ELECTORAL COMMISSION	**23RD RESPONDENT**
THE CHAIRPERSON OF THE ELECTORAL COMMISSION	**24TH RESPONDENT**
THE CHIEF ELECTIONS OFFICER	**25TH RESPONDENT**

AFFIDAVIT BY PRINCE MACHAYA

I, **PRINCE MACHAYA** , hereby make oath and swear that :

1. I am the Attorney General of Zimbabwe. The matters of fact which I depose to herein are within my personal knowledge and are true and correct to the best of my knowledge and belief.

2. On Friday, 10 August 2018 at approximately 16:30 hours, a legal practitioner by the name **Chris Mhike** came to my office reception in the company of another gentlemen who I did not immediately recognise. Mr Mhike explained that the purpose of his visit to my office was to serve me with a copy of a court application in the matter of **Nelson Chamisa V Emmerson Dambudzo Mnangagwa and 24 others, case No. CCZ 42/18**, which had been filed in the Constitutional Court.

3. I was puzzled at this intention to serve on me documents which pertained to the President of Zimbabwe in his capacity as a candidate in a Presidential Election. When I pointed this out, Mr Mhike responded by advising me that he and his colleague had just come from the Office of the President at Munhumutapa Building where they had attempted to serve the court application personally upon the President.

4. Mr Mhike went on to explain that upon arrival at Munhumutapa Building, they had been directed to an official by the name Sibanda, who had gone around to make enquiries in connection with the intended service of the application upon the President . In response to a question from me, Mr Mhike explained that the person identified as Sibanda was not the same Sibanda as Chief Secretary to the President and Cabinet.

5. Mr Mhike concluded by saying that it appeared that exhaustive enquiries had been carried out and the result was that he and his colleague were informed that the President insisted that service be effected on me as I handled all legal process on his behalf.

6. I then pointed out that I had not received any such instructions from the President himself or from his office, and therefore, did not see why I should accept service of the court application . Mr Mhike was, however, insistent that I should accept service as that was the message that had been conveyed to them although they did not speak to the President himself.

7. I then pointed out to Mr Mhike that I was not trying to frustrate him, and that there was nothing more which I wanted to do than to peruse the contents of the application which they had brought. I then indicated that they could leave the application with me, but that the risk was theirs. The two of them were happy with that and I instructed my personal assistant to sign and affix our office rubber date stamp onto two copies of the application and to write –in, the time of service, which she then entered as "16:46".

8. I then queried with Mr Mhike whether the court application was the only document which was being served . I informed him that I had read on the internet that the application was being accompanied by another document which was 700 pages long. Mr Mhike replied that there was no such document but there were two "c.d.s" which would be served later. I asked whether they had these "c.d.s." on them , and he replied that they did not.

9. I then handed over to Mr Mhike one stamped and signed copy of the application before he and his colleague took their leave. The exchanges between us were cordial and courteous but also professional .

10. That is all that transpired in connection with the service upon me of the court application .

THUS DONE AND SWORN TO AT HARARE THIS .....13th.....DAY OF AUGUST 2018

SIGNED _____

PRINCE MACHAYA

BEFORE ME _____

COMMISSIONER OF OATHS

JOHN MUGOGO
LLB (HONS) ZIMBABWE
Legal Practitioner, Conveyancer,
Notary, Public Commissioner Of Oaths
Zimbabwe

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DailyNews Live

MDC Alliance not going to court

Jeffrey Muvundusi • 23 July 2018 11:19AM • 13 comments

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BULAWAYO - MDC Alliance president, Nelson Chamisa, said they will not waste their time by taking their grievances to courts, alleging such a move was unnecessary since the Judiciary was compromised.

This was after President Emmerson Mnangagwa had told his supporters in Mutare on Friday that those aggrieved with how the Zimbabwe Electoral Commission (Zec) was managing the forthcoming polls should approach the courts for redress.

This also comes after the Judiciary threw out an appeal for the nullification of the postal votes for members of the police in the latest of court decisions to go against the opposition parties.

Addressing hundreds of his supporters at White City Stadium here on Saturday, Chamisa said it was futile to approach the courts as they were not dull.

"Our courts must be sanctuaries of justice, must be citadels of justice," Chamisa said.

"It is very important for our courts to be independent; they must not be an extension of any political party. Now, we hear Mnangagwa saying we must approach the courts if we have any grievances. I am not going to court, I am not that dull.

"We will go to the people; we will go to the court of public opinion. Let the people decide. We are not joking. We insist, and what we used to do at university, we will this time do it 10 times. We don't want any nonsense, we want proper elections," he thundered.

The youthful presidential candidate whose support was boosted by the presence of Zapu president Dumiso Dabengwa said the MDC Alliance was not going to relent on its push to have Zec accede to their demands.

He revealed that the MDC Alliance was scheduled to have a meeting with Zec tomorrow (Tuesday), just a day before the coalition of eight political parties unleashes its members to lay all night vigils at the commission's offices countrywide in its last attempt to force the elections management body to agree to their demands.

"We want a ballot paper that is genuine, we don't want a ballot which is fake, we don't want a ghost ballot and we will not accept what they did to the late Morgan Tsvangirai," he said.

"The least we are prepared to do and accept is to be allowed to test the ballot paper — batch by batch. It is our constitutional right (to do so) and we are not going back on that. On Tuesday we have a very important meeting with Zec where we hope to reach a compromise or agreement, but rest assured that we will not accept any nonsense. We are very clear on that," said Chamisa.

In spite of the disagreements, Chamisa is confident that he will emerge victorious after July 30.

"We are certainly forming the next government, in terms of opinion polls, we are also doing very well, there is no way Mnangagwa will defeat us, we are winning this election hands down. All the people I have met are saying this is the time for change and the change that is being talked about is not cosmetic but real," he said.

In a jest, Chamisa recounted the explosion at the same venue last month during a Zanu PF star rally which left several including top government officials injured and two dead.

"...surely, why would someone want to kill my customer, who was handed to me by Mugabe? I want to defeat him cleanly," he said amid cheers from the crowd.

Speaking at the same event, MDC Alliance spokesperson Welshman Ncube also took aim at Zec.

"There is only one thing that wants to disturb our second independence. There are those that we gave a task and mandate to be a referee in the upcoming elections...they are the biggest national threat today, the challenge to our national security today, the biggest obstacle to a new Zimbabwe is Zec, but this time around, we will not allow Zec to steal our vote," Ncube said.

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- MDC-Alliance
- Zimbabwe
- Nelson-Chamisa

Comments (13)

they say ignorance of law has no defense.

dzimbabwe *- 23 July 2018*

chamisa proved to be more confused than confusion.

dombo *- 23 July 2018*

chamisa arikuda kunosungisa vanhu nekuita zvema demo iye anenge akarara kumba kwake.

april tafi *- 23 July 2018*

vanoshandiswa vacho ndomapenzi, kunorariswa panze kuti chamisa awane basa

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panda *- 23 July 2018*

the fact is chamisa is not ready for elections so he wants to delay

blade *- 23 July 2018*

thanks !!!!!!!!!!!!!!!!mmm!!!! .

- 23 July 2018

Its a shame those zanu idiots are the ones answering. honestly how can zanu be a player and referee at the same time. chamisa is right. chisa mpama chisa.

e[illegible]s *- 23 July 2018*

they know havana nyaya, they just want to cause confussion

Django Django *- 23 July 2018*

Then you wonder kuti vari kudei chaizvo chaizvo

Chamisa Neria *- 23 July 2018*

yes i think they know that their cases are baseless

Dombo Rakaomarara *- 23 July 2018*

Zvakafanana nechana chinorovha chikoro chichiti ndinorwara kuzochitin oh chihande unobaiwa jekiseni haa ndoapunoona kuti munhu anga achinyebedzera

Grace Moyo *- 23 July 2018*

Hama dzangu ngatichingoendai kuelection izvi zvotoita izvi zvava kushaisa party chimiro izvi

Chamisa Neria *- 23 July 2018*

atanga maC.I.O aya kuisa macomments. Ndofunga haasi kurara kumirira kuti paper ichingoiswa online wokanda campaign comment dzawo. why not just read and let it go. varwadziwa nei. its politics, let politicians do wat they know best. mnangagwa fights with zec. chamisa fights with mass demos. thats it. ahwina ahwina. makwana papi apa

chisa mpama *- 24 July 2018*

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- Editor

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(D)

1.0 DEFINITION OF THE ZIMBABWE BROADCASTING CORPORATION (PRIVATE) LIMITED (ZBC)

Background to the formation of Zimbabwe Broadcasting corporation (Private) Limited (ZBC)

Following the promulgation of the **ZIMBABWE BROADCASTING CORPORATION (COMMERCIALISATION) ACT, Act** 26/2001 which was meant *to provide for the formation of successor companies to take over the functions, assets, liabilities and staff of the Zimbabwe Broadcasting Corporation; to provide for the repeal of the Zimbabwe Broadcasting Corporation Act [Chapter 12:01]; and to provide for matters connected with or incidental to the foregoing* two independent companies were then formed.

3 Formation of signal carrier and broadcasting companies

The Minister shall take such steps as are necessary under the Companies Act [Chapter 24:03] to secure the formation of the following two successor companies, limited by shares, which shall be the successor companies to the Corporation for the purposes of this Act¾

(a) a broadcasting company, which will, subject to this Act, take over the functions of broadcasting, and such assets, liabilities and staff of the Corporation as are connected with those functions; and

(b) a signal carrier company, which will, subject to this Act, take over the functions of signal carriage, and such assets, liabilities and staff of the Corporation as are connected with those functions:

Initial shareholding in successor companies

(1) All the shareholders of the signal carrier company and the broadcasting company on incorporation shall be persons nominated by the Minister, after consultation with the President and in accordance with any directions that the President may give him and shall hold their shares on behalf of the State.

(2) Any person so appointed to hold shares, shall do so nominally as an agent for the State.

Pursuant to that ZBC was duly registered in terms of the Companies Act [Chapter 24:03] on the 13th of June 2003.

ZBC is therefore a commercial entity which is not purely speaking a parastatal *per se*. It is private company duly incorporated and registered in terms of The Companies Act. It is run by a Board of Directors with the Ministry representing the Government in the ownership structure.

2.0 SOURCES OF FUNDING OF ZBC

ZBC's source of funding is 70% adverts and 30% licensing fees.

Perusal of information from public broadcasters world over shows that their major source of revenue is mainly;

i. direct funding from the fiscus, and
ii. licensing fees.

ZBC's scenario is different though, because following the unbundling (referred to above) a separate entity Transmedia was formed and mandated to be in charge of all issues pertaining to transmission. The challenges come when viewers/listeners refuse to pay on the basis of non-existent or poor transmission which is purely beyond ZBC's purview. This then affects to a large extent voluntary compliance to faithfully meet their licensing obligations by the viewing and listening public. This is notwithstanding the fact that legally mere possession of the requisite gadget makes one liable to pay the license fees.

ZBC as a commercial entity needs revenue in order to sustain its operations. ZBC's mandate is to inform, educate and entertain. In addition, ZBC has to cover news and national events which are not at all commercial but they come at a cost that has to be borne by ZBC. ZBC has thus to make do with revenue from adverts to cover all its operations.

3.0 EDITORIAL CONTENT

The Constitution of Zimbabwe Amendment (No. 20) Act, 2013

61 Freedom of expression and freedom of the media

(3) Broadcasting and other electronic media of communication have freedom of establishment, subject only to State licensing procedures that—

(a) are necessary to regulate the airwaves and other forms of signal distribution; and

(b) are independent of control by government or by political or commercial interests. (4) All State-owned media of communication must— (a) be free to determine independently the editorial content of their broadcasts or other communications; (b) be impartial; and (c) afford fair opportunity for the presentation of divergent views and dissenting opinions. (5) Freedom of expression and freedom of the media exclude— (a) incitement to violence; (b) advocacy of hatred or hate speech; (c) malicious injury to a person's reputation or dignity; -----

ZBC thus has the right to editorial independence enshrined in the Constitution. To that end it has an editorial policy in place that governs its broadcast. ZBC ,is thus impartial in its broadcast ,which solely governed by its internal editorial policy as enshrined in the Constitution ,which is the supreme law of the land, as well as other pieces of legislation like the Broadcasting Services Act *inter alia.*

4.0 POLITICAL PARTIES ADVERTISING

On the 2nd of July 2018 a call was made to all political parties and Independent candidates contesting in the 2018 harmonized to come forward to the ZBC for allocation of advertising airtime on the ZBC platforms as well as to bring their advertising material. The Political parties and independent candidates were advised to come forward within a period of 48 hours. The call was made on ZBC TV as well as all the four national radio stations. The advert calling the on the political parties and independent candidates to approach the ZBC as described above ran for 7 days from the 2nd of July 2018 up to the 9th of July 2018.

After the call was made, only Zanu PF responded to the call on the 3rd of July 2018. No other political parties or independent candidates responded within the 48 hour period as requested in the advert. Having received no responses from other political parties other than Zanu PF, one of our Marketing Officers was tasked to approach the MDC Alliance to discuss their advertising requirements ahead of the elections. The response that was given the MDC Alliance was going to start advertising in the last two weeks running up to the election date.

The MDC Alliance eventually came forward with their advertising material on the 14th of July 2018. Their request and material was specifically for radio and there was nothing for TV. The material started flighting on the same day (14th July 2018) and as per their request was flighted on the 14th, 16th, 24th, 25th and 28th of July 2018. Airtime requested and allocated to the MDC Alliance based on the payments the party made was as follows:

- 14th July 2018 – 1 minute

- 16th July 2018 – 3 minutes
- 24th July 2018 – 15 minutes
- 25th July 2018 – 15 minutes
- 26th July 2018 – 7 minutes

5.0 Constitutional Mandatory Programmes

ZBC through its News and Current Affairs Department managed to record and transmit the three mandatory elections programmes, The Candidate, The Manifesto and The Debate, for all participating political parties and candidates. Find attached schedule which indicates the date of recording and transmission for both Radio and Television platforms.

Annex 1

UTILIZATION OF ADVERTISING TIME BY POLITICAL PARTIES

ZANU PF

Date	Time utilized per day
JULY	
3	100.5 mins
4	100.5 mins
5	100.5 mins
6	100.5 mins
7	100.5 mins
8	100.5 mins
9	100.5 mins
10	100.5 mins
11	100.5 mins
12	100.5 mins
13	100.5 mins
14	100.5 mins
15	100.5 mins
16	100.5 mins
17	100.5 mins
18	100.5 mins
19	100.5 mins
20	100.5 mins
21	90mins
22	90mins
23	90mins
24	90mins
25	90mins
26	90mins
27	194mins
28	194mins

MDC ALLIANCE

Date	Time utilized per day
14	1 min
16	3 mins
24	15 mins
25	15mins
28	7mins

PPPZ

Date	Time utilized per day
28	3mins

ANNEX 2

ZBC TV 2018 ELECTION PROGRAMMES

THE MANIFESTO: RECORDING & TRANSMISSION SCHEDULE:

EPISODE DURATION: 15 MINUTES

NUMBER	PARTY	NAME OF CANDIDATE	RECORDING DATE	TRANSMISSION DATE
1	FreeZim Congress	Busha Joseph Makamba	21.06.18	04.06.18
2	Rebuild Zimbabwe	Chikanga Everisto Washington	21.06.18	04.07.18
3.	United Democratic Front	Gava Mapfumo Peter	21.06.18	06.07.18
4.	People's Progressive Party	Chiguvare Tonderai Joannes	21.06.18	06.07.18
5.	Zimbabwe Partnership for Prosperity	Kasiyamhuru Blessing	02.07.18	10.07.18
6.	Independent	Bryn Taurai Muteteki	02.07.18	10.07.18
7.	MDC Alliance	Nelson Chamisa	02.07.18	12.07.18
8.	MDC –T	Dr Thokozani	09.07.18	12.07.18
9.	People's Rainbow Coalition	Joice Mujuru	11.07.18	13.07.18
10.	Alliance for the People's Agenda	Dr Nkosana Moyo	06.07.18	13.07.18
11.	National Patriotic Front	Ambrose Mutinhiri	09.07.18	14.07.18
12.	Republicans Party of Zimbabwe	Hlabangana Kwanele	03.07.18	14.07.18
13.	National Alliance of Patriotic and Democratic Republicans	Hove Mhambi Divine	03.07.18	15.07.18

14..	#1980 Freedom Movement Zimbabwe	Dzapasi Melbah	03.07.18	15.07.18
15.	Bethel Christian Party	Mugadza William Tawonezvi	04.07.18	16.07.18
16.	Coalition of Democrats	Elton Mangoma	04.07.18	16.07.18
17.	National Constitutional Assembly	Prof. Madhuku Lovemore	09.07.18	18.07.18
18.	United Democratic Movement	Mariyacha Violet	05.07.18	18.07.18
19.	United Democratic Alliance	Shumba Daniel	05.07.18	20.07.18
20.	New Patriotic Front	Munyanduri Tendai Peter	05.07.18	20.07.18
21.	Build Zimbabwe Alliance	Manyika Noah Ngoni	04.07.18	26.07.18
22.	Democratic Opposition Party	Wilson Harry Peter	10.07.18	26.07.18
23.	ZANU PF	Emmerson Dambudzo Mnangagwa	12.07.18	28.07.18

THE CANDIDATE: RECORDING & TRANSMISSION SCHEDULE:

EPISODE DURATION: 30 MINUTES

NUMBER	PARTY	NAME OF CANDIDATE	RECORDING DATE	TRANSMISSION DATE
1	FreeZim Congress	Busha Joseph Makamba	21.06.18	06.07.18
2	Rebuild Zimbabwe	Chikanga Everisto Washington	21.06.18	07.07.18
3	People's Progressive Party	Chiguvare Tonderai Johannes	21.06.18	08.07.18

4	Zimbabwe Partnership for Prosperity	Kasiyamhuru Blessing	21.06.18	9.07.18
5.	Independent	Bryn Taurai Muteteki	22.06.18	10.07.18
6.	People's Rainbow Coalition	Joice Mujuru	10.07.18	11.07.18
7.	National Patriotic Front	Ambrose Mutinhiri	10.07.18	12.07.18
8.	MDC Alliance	Nelson Chimasa	02.07.18	13.07.18
9.	Alliance for the People's Agenda	Dr Nkosana Moyo	11.07.18	14.07.18
10.	MDC –T	Dr Thokozani Khupe	09.07.18	15.07.18
11.	Republicans Party of Zimbabwe	Hlabangana Kwanele	03.07.18	16.07.18
12.	National Alliance of Patriotic and Democratic Republicans	Hove Mhambi Divine	03.07.18	17.07.18
13.	#1980 Freedom Movement Zimbabwe	Dzapasi Melbah	03.07.18	18.07.18
14.	Bethel Christian Party	Mugadza William Tawonezvi	04.07.18	19.07.18
15.	Democratic Opposition Party	Wilson Harry Peter	04.07.18	20.07.18
16.	Coalition of Democrats	Elton Mangoma	05.05.18	21.07.18
17.	National Constitutional Assembly	Prof. Madhuku Lovemore	11.07.18	22.07.18
18.	United Democratic Front	Gava Mapfumo Peter	22.06.18	23.07.18
19.	United Democratic Alliance	Shumba Daniel	06.07.18	24.07.18
20.	New Patriotic Front	Munyanduri Tendai Peter	09.07.18	25.07.18
21.	United Democratic Movement	Mariyacha Violet	06.07.18	26.07.18

22.	ZANU PF	Emmerson D. Mnangagwa	12.07.18	27.07.18
23.	Build Zimbabwe Alliance	Manyika Noah Ngoni	05.07.18	28.07.18

THE ELECTION DEBATE: RECORDING & TRANSMISSION SCHEDULE:

EPISODE DURATION: 1 HOUR

NUMBER	POLITICAL PARTIES	RECORDING DATE	TRANSM. DATE
1.	MDC Alliance MDC T-Khupe Bethel Christian party	06. 07.18	11.07.18
2.	Rebuild Zimbabwe National Alliance of Patriotic and Democratic Republicans Build Zimbabwe Alliance	06.07.18	12.07.18
3.	People's Progressive Party Independent-Mteki United Democratic Alliance	09.07.18	13.07.18
4.	United Democratic Movement Coalition For Democrats National Constitutional Assembly	10.07.18	14.07.18
5.	Republicans Party of Zimbabwe, Zimbabwe Partnership For Prosperity SUVOZ	11.07.18	15.07.18
6.	New Patriotic Front People's Rainbow Coalition Alliance for the People's Agenda	12.07.18	16.07.18

7.	ZPM UMD ZAPU	15.07.18	17.07.18
8.	ZDU MRP TTTZ	16.07.18	18.07.18
9.	ZRDP UCA RPZ AND TAD	17.07.18	19.07.18
10.	FJCZ ZIM FIRST FDZ	18.07.18	20.07.18
11.	ERA MAAT ZIM UANC	19.07.18	23.07.18
12.	AKE DAUPP CP CHIEFS	20.07.18	24.07.18
13.	FMZ ZLP UCADGPZ	21.07.18	25.07.18
14.	FZC NAP ANSA	22.07.18	26.07.18
15.	ZANU PF National Patriotic Front #1980 Freedom Movement Zimbabwe	23.07.18	27.07.18
16.	Democratic Opposition Party FreeZim Congress United Democratic Front	24.07.18	28.07.18

2018 HARMONIZED ELECTIONS PROGRAMMING SCHEDULE

The Candidate

These programmes will be broadcast as indicated

	PARTY	CANDIDATE	RECORDING DATE	BROADCAST DATE	TIME
1.	Rebuilding Zimbabwe	Everisto Chikanga	04.07.18	05.07.18	19:15 – 19:45
2.	Coalition of Democrats	Elton Mangoma	09.07.18	09.07.18	19:15 – 19:45
3.	United Democratic Movement	Mariyacha Violet	09.07.18	09.07.18	10:15 – 11:45
4.	FreeZim Congress	Joseph Busha	09.07.18	10.07.18	19:15 – 19:45
5.	National Alliance of Patriotic and Democratic Republicans	Hove Mhambi Divine	09.07.18	11.07.18	11:15 – 11:45
6.	People's Progressive Party	Chiguvare Tonderai James	09.07.18	13.07.18	18:05 – 18:35
7.	#1980 Freedom Movement ChinhuChedu	Melbah Dzapasi	10.07.18	13.07.18	11:30 – 12:00
8.	Zimbabwe Partnership for Independence	Kasiyamhuru Blessing	10.07.18	11.07.18	19:15 – 19:45
9.	United Democratic Front	Gava Mapfumo Peter	11.07.18	12.07.18	11:15 – 11:45
10	National Constitutional Assembly	Lovemore Madhuku	11.07.18	14.07.18	18:05 – 18:35
11	People's Rainbow Coalition	Joice Teurairopa Mujuru	16.07.18	16.07.18	19:15 – 19:45
12	Alliance for the people's Agenda	Nkosana Moyo	04.07.18	17.07.18	11:15 – 11:45

13	Movement for Democratic Change Alliance	Nelson Chamisa	17.07.18	17.07.18	19:15 – 19:45
14	National Patriotic Front	Ambrose Mutinhiri	17.07.18	18.07.18	19:15 – 11:45
15	Movement for Democratic Change-Tsvangirai	Thokozani Khuphe	18.07.18	19.07.18	11:15 – 19:45
16	Build Zimbabwe Alliance	Manyika Noah Ngoni	23.07.18	23.07.18	19:15 – 19:45
17	New Patriotic Front	Munyanduri Tendai Peter	23.07.18	24.07.18	11:15 – 11:45
18	United Democratic Alliance	Shumba Daniel	24.07.18	24.07.18	19:15 – 19:45
19	Independent	Taurai Brian Mteki	24.07.18	25.07.18	10:15 – 10:45
20	Republicans Party of Zimbabwe	Hlabangana Kwanele	24.07.18	25.07.18	19:15 – 19:45
21	Zimbabwe African National Union Patriotic Front	Emmerson Dambudzo Mnangagwa	25.07.18	26.07.18	11:15 – 11:45
22	Democratic Opposition Party	Wilson Harry Peter	26.07.18	27.07.18	19:15 – 19:45
23	Bethel Christian Party	Mugadza William Tawonezvi	27.07.18	28.07.18	19:15 – 19:45

Manifesto

These programmes will be broadcast as indicated

	PARTY	CANDIDATE	RECORDING DATE	BROADCAST DATE	TIME
1.	Rebuilding Zimbabwe	Everisto Chikanga	04.07.18	05.07.18	09:30 – 09:35
2.	Coalition of Democrats	Elton Mangoma	08.07.18	08.07.18	18:35 – 18:40
3.	United Democratic Movement	Mariyacha Violet	08.07.18	09.07.18	09:30 – 09:35
4.	FreeZim Congress	Joseph Busha	08.07.18	09.07.18	18:35 – 18:40
5.	National Alliance of Patriotic and Democratic Republicans	Hove Mhambi Divine	09.07.18	10.07.18	09:30 – 09:35
6.	People's Progressive Party	Chiguvare Tonderai James	09.07.18	10.07.18	18:35 – 18:40
7.	#1980 Freedom Movement ChinhuChedu	Melbah Dzapasi	10.07.18	11.07.18	09:30 – 09:35
8.	Zimbabwe Partnership for Independence	Kasiyamhuru Blessing	10.07.18	11.07.18	18:35 – 18:40
9.	United Democratic Front	Gava Mapfumo Peter	11.07.18	12.07.18	09:30 – 09:35
10	National Constitutional Assembly	Lovemore Madhuku	11.07.18	12.07.18	18:35 – 18:40
11	People's Rainbow Coalition	Joice Teurairopa Mujuru	16.07.18	16.07.18	09:30 – 09:35
12	Alliance for the people's Agenda	Nkosana Moyo	04.07.18	17.07.18	18:35 – 18:40
13	Movement for Democratic Change Alliance	Nelson Chamisa	17.07.18	17.07.18	09:30 – 09:35
14	National Patriotic Front	Ambrose Mutinhiri	17.07.18	18.07.18	18:35 – 18:40
15	Movement for Democratic Change-Tsvangirai	Thokozani Khuphe	18.07.18	19.07.18	09:30 – 09:35

16	Build Zimbabwe Alliance	Manyika Noah Ngoni	23.07.18	23.07.18	18:35 – 18:40
17	New Patriotic Front	Munyanduri Tendai Peter	23.07.18	24.07.18	09:30 – 09:35
18	United Democratic Alliance	Shumba Daniel	24.07.18	24.07.18	18:35 – 18:40
19	Independent	Taurai Brian Mteki	24.07.18	25.07.18	09:30 – 09:35
20	Republicans Party of Zimbabwe	Hlabangana Kwanele	24.07.18	25.07.18	18:35 – 18:40
21	Zimbabwe African National Union Patriotic Front	Emmerson Dambudzo Mnangagwa	25.07.18	26.07.18	09:30 – 09:35
22	Democratic Opposition Party	Wilson Harry Peter	26.07.18	27.07.18	18:35 – 18:40
23	Bethel Christian Party	Mugadza William Tawonezvi	27.07.18	28.07.18	09:30 – 09:35

DEBATES

These will be broadcast live every Tuesday and Thursday from 1915-2000

	Parties	Transmission Date
1.	UCADGPZ SUVOS MTEKI BETHEL CHRISTIAN PARTY	10.07.18 - 19:15 – 20:00
2.	People's Rainbow Coalition (JOICE MUJURU) Alliance for the People's Agenda (NKOSANA MOYO) Build Zimbabwe Alliance (NOAH MANYIKA) FORCES OF LIBERATION ORGANIZATION OF AFRICAN NATIONAL (EGYPYT DZINEMUNENZVA)	12.07.180- 18:15 – 19:00
3.	ZAPU ZIM PARTNERSHIP FOR PROSPERITY ZIM DEMICATIC UNION REPUBLICAN PARTY OF ZIM	13.07.18 - 18:15 – 19:00
4.	MDC Alliance MDC-T Khuphe National Alliance of Patriotic and Democratic Republicans(DIVINE HOVE) MDC	14.07.18 - 18:15 – 19:00
5.	United Democratic Alliance (VIOLET MARIYACHA Democratic Opposition Party(WILSON HARRY PETER) National Constitutional Assembly (MADUKU	18.07.08 – 11:30 – 12:00
6.	PEOPLE'S PROGRESSIVE PARTY OF ZIM COALITION OF DEMOCRATS FREE ZIM CONGRESS MRP	19.07.18 – 18:15 – 19:00
7.	NEW PATRIOTIC FRONT ZRDP RDZ CHIEFS PARTY	20.07.18 – 18:15 – 19:00
8.	Zimbabwe Partnership for Independence MAATZIM ZIM FIRST RUCZ	21.07.08 – 18:15 – 19:00

6	ZANU PF National Patriotic Front (MUTINHIRI) #1980 Freedom Movement Chinhu Chedu UDA	26.07.18 – 19:15 – 20:00
7	FZC NZRP BETHEL CHRISTIAN PARTY ERA	27.07.18 – 18:15 – 19:00
8	ANSA TAD NAT ACTION PARTY SUVOS	28.07.18 – 18:15 – 19:00

THE CANDIDATE SCHEDULE

DURATION 30 MINUTES

BROADCAST TIME: 19:00HRS

TUESDAY, THURSDAY

NUMBER	PARTY	CANDIDATE	RECORDING DATE	BROADCAST DATE
1	FreeZim Congress	Busha Joseph Makamba	03/07/2018	04/07/2018
2	Rebuild Zimbabwe	ChikangaEveristo Washington	04/07/2018	06/07/2018
3	People's Progressive Party	ChiguvareTonderai Johannes	05/07/2018	07/07/2018
4	Zimbabwe Partnership for Prosperity	Kasiyamhuru Blessing	06/07/2018	08/07/2018
5	People's Rainbow Coalition	JoiceMujuru	06/07/2018	09/07/2018
6	National Patriotic Front	Ambrose Mutinhiri	09/07/2018	10/07/2018
7	MDC-T	DrThokozaniKhuphe	10/07/2018	11/07/2018
8	MDC Alliance	Nelson Chamisa	11/07/2018	12/07/2018
9	Democratic Opposition Party	Wilson Harry Peter	04/07/2018	13/07/2018
10	Coalition of Democrats	Elton Mangoma	04/07/2018	14/07/2018
11	Build Zimbabwe Alliance	Manyika Noah Ngoni	04/07/2018	15/07/2018

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12	United Democratic Movement	Mariyacha Violet	05/07/2018	16/07/2018
13	United Democratic Alliance	Shumba Daniel	05/07/2018	17/07/2018
14	New Patriotic Front	Munyanduri Tendai Peter	05/07/2018	18/07/2018
15	Alliance For the People's Agenda	DrNkosanaMoyo	06/07/2018	19/07/2018
16	National Constitutional Assembly	Prof. LovemoreMadhuku	06/07/2018	20/7/2018
17	Republicans Party of Zimbabwe	HlabanganaKwanele	02/07/2018	21/07/2018
18	Independent	Bryan TauraiMteki	07/07/2018	22/07/2018
19	United Democratic Front	GavaMapfumo Peter	07/07/2018	23/07/2018
20	ZANU-PF	Emerson DambudzoMnangagwa		24/07/18
21	National Alliance of Patriotic Democratic Republicans	Hove Mhambi Divine	03/07/2018	25/07/2018

22	#1980 Freedom Movement Zimbabwe	DzapasiMelbah	03/07/2018	26/07/2018
23	Bethel Christian Party	Mugadza William Tawonezvi	03/07/2018	27/07/2018

MANIFESTO NATIONAL FM PROPOSED RECORDING AND TRANSMISSION SCHEDULE

MANIFESTO DURATION: 5 MINUTES

BROADCAT TIME: 17:00

DAILY BROADCAST

PRE-RECORDED

NUMBER	PARTY	CANDIDATE	RECORDING DATE	BROADCAST DATE
1	FreeZim Congress	Busha Joseph Makamba	04/07/2018	05/07/2018
2	Rebuild Zimbabwe	Chikanga Everisto Washington	04/07/2018	06/07/2018
3	People's Progressive Party	Chiguvare Tonderai Johannes	04/07/2018	07/07/2018
4	Zimbabwe Partnership for Prosperity	Kasiyamhuru Blessing	04/07/2018	08/07/2018
5	People's Rainbow Coalition	JoiceMujuru	05/07/2018	09/07/2018
6	National Patriotic Front	Ambrose Mutinhiri	05/07/2018	10/07/2018

7	MDC-T	Dr Thokozani Khuphe	05/07/2018	11/07/2018
8	MDC Alliance	Nelson Chamisa	05/07/2018	12/07/2018
9	Democratic Opposition Party	Wilson Harry Peter	06/07/2018	13/07/2018
10	Coalition of Democrats	Elton Mangoma	06/07/2018	14/07/2018
11	Build Zimbabwe Alliance	Manyika Noah Ngoni	06/07/2018	15/07/2018
12	United Democratic Movement	Mariyacha Violet	06/07/2018	16/07/2018
13	United Democratic Alliance	Shumba Daniel	06/07/2018	17/07/2018
14	New Patriotic Front	Munyanduri Tendai Peter	06/07/2018	18/07/2018
15	Alliance For the People's Agenda	Dr Nkosana Moyo	07/07/2018	19/07/2018
16	National Constitutional Assembly	Prof. Lovemore Madhuku	07/07/2018	20/07/2018
17	Republicans Party of Zimbabwe	Hlabangana Kwanele	07/07/2018	21/07/2018
18	Independent	Bryan Taurai Mteki	07/07/2018	22/07/2018

19		United D emocratic Front	Gava Mapfumo Peter	07/07/2018	23/07/2018
20		ZANU-PF	Emmerson Dambudzo Mnangagwa	09/07/2018	24/07/2018
21		National Alliance of Patriotic Democratic Republicans	Hove Mhambi Divine	10/07/2018	25/07/2018
22		#1980 Freedom Movement Zimbabwe	Dzapasi Melbah	11/07/2018	26/07/2018
23		Bethel Christian Party	Mugadza William Tawonezvi	09/07/2018	27/07/2018

ELECTIONS DEBATE NATIONAL FM PROPOSED RECORDING AND TRANSMISSION SCHEDULE

DURATION: 1 HOUR

BROADCAST TIME: 19:00HRS

MONDAY, WEDNESDAY, FRIDAY

NUMBER	PARTY	CANDIDATE	RECORDING DATE	BROADCAST DATE
1	BCP , UDA,FREE ZIM CONGRESS,ERA	MUGADZA, SHUMBA ,	06.07.18	06.07.18
2	MDC , MDC T , RPZ,ZRDP	CHAMISA , KHUPE , HLABANGANA	08.07.18	09.07.18
3	BZA , NAPD, ZPI,MRP	MANYIKA , HOVE , KASIYAMHURU	10.07.18	11.07.18
4	PPP, INDE, FZC,AKE	CHIGUVARE , MTEKI , BUSHA	12.07.18	13.07.18
5	NPA , DOP ,UDM,MDC ALLIANCE.	MADHUKU , MARIYACHA , HASRRY PETER	15.07.18	16.07.18
6	PRC , APA , CD,UDF,	MUJURU , MOYO , MANGOMA	17.07.18	18.07.18
7	#1980 Freedom , NPF , ZANUPF,AKE	DZAPASI , MUTINHIRI , MNANGAGWA	22.07.18	23.07.18
8	TAD,ANSA,NA.P. U.C.A.TRIPPLE PZ		24.07.18	25.07.18

9	C.P,D,ZIMFIRST,FJCZ,F.M.Z.		26.07.18	27.07.18

RADIO ZIMBABWE THE CANDIDATE SCHEDULE

CANDIDATE	PARTY	DATE OF RECORDING	DATE OF BROADCAST
MUTEKI BRIAN	INDEPENDENT	04/07/18	05/07/18
EVERISTO WASHINGTON CHIKANGA	REBUILDING ZIMBABWE	05/07/18	06/07/18
NOAH NGONI MANYIKA	BUILD ZIMBABWE ALLIANCE	06/07/18	07/07/18
WILLIAM TAONEZVI MUGADZA	BETHEL CHRISTIAN PARTY	06/07/18	08/07/18
TENDAI PETER MUNYANDURI	NEW PATRIOTIC FRONT	06/07/18	09/07/18
WILSON HARRY PETER	DEMOCRATIC OPPOSITION PARTY	09/07/18	10/07/18
BUSHA JOSEPH MAKAMBA	FREEZIM CONGRESS	10/07/18	11/07/18
MANGOMA ELTON	COALITION OF DEMOCRATS	11/07/18	12/07/18
KASIYAMHURU BLESSING	ZIMBABWE PARTNERSHIP FOR PROSPERITY	12/07/18	13/07/18

PETER GAVA MAPFUMO	UNITED DEMOCRATIC FRONT	13/07/18	14/07/18
HLABANGANA KWANELE	REPUBLICANS PARTY OF ZIMBABWE	13/07/18	15/07/18
HOVE MHAMBI DIVINE	NATIONAL ALLIANCE OF PATRIOTIC DEMOCRATIC REPUBLICANS	13/07/18	16/07/18
DZAPASI MELBA	#1980 FREEDOM MOVEMENT ZIMBABWE	16/07/18	17/07/18
AMBROSE MUTINHIRI	NATIONAL PATRIOTIC FRONT	17/07/18	18/07/18
JOICE MUJURU	PEOPLE'S RAINBOW COALITION	18/07/18	19/07/18
LOVEMORE MADHUKU	NCA	19/07/18	20/07/18
NELSON CHAMISA	MDC ALLIANCE	20/07/18	21/07/18
THOKOZANI KHUPHE	MDC-T	20/07/18	22/07/18
NKOSANA MOYO	ALLIANCE FOR THE PEOPLE'S AGENDA	20/07/18	23/07/18
DANIEL SHUMBA	UNITED DEMOCRACTIC ALLIANCE	23/07/18	24/07/18
VIOLET MARIYACHA	UNITED DEMOCRATIC MOVEMENT	24/07/18	25/07/18

TONDERAI JAMES CHIGUVARE	PEOPLE'S PROGRESSIVE PARTY	25/07/18	26/07/18
EMMERSON DAMBUDZO MUNANGAGWA	ZANU PF	26/07/18	27/07/18
WELSHMAN NCUBE	MDC	26/07/18	28/07/18
DUMISO DABENGWA	ZAPU	27/07/18	28/07/18
	ZPM	27/07/18	28/07/18
	UMD	27/07/18	28/07/28
	NPF	27/07/18	28/07/18
	Zdu	27/07/18	28/07/18
	Zipp	27/07/18	28/07/18

RADIO ZIMBABWE THE MANIFESTO SCHEDULE

CANDIDATE	PARTY	DATE OF RECORDING	DATE OF BROADCAST
MUTEKI BRIAN	INDEPENDENT	04/07/18	05/07/18
EVERISTO WASHINGTON CHIKANGA	REBUILDING ZIMBABWE	05/07/18	06/07/18
NOAH NGONI MANYKA	BUILD ZIMBABWE ALLIANCE	06/07/18	07/07/18

WILLIAM TAONEZVI MUGADZA	BETHEL CHRISTIAN PARTY	06/07/18	08/07/18
TENDAI PETER MUNYANDURI	NEW PATRIOTIC FRONT	06/07/18	09/07/18
WILSON HARRY PETER	DEMOCRATIC OPPOSITION PARTY	09/07/18	10/07/18
BUSHA JOSEPH MAKAMBA	FREEZIM CONGRESS	10/07/18	11/07/18
MANGOMA ELTON	COALITION OF DEMOCRATS	11/07/18	12/07/18
KASIYAMHURU BLESSING	ZIMBABWE PARTNERSHIP FOR PROSPERITY	12/07/18	13/07/18
PETER GAVA MAPFUMO	UNITED DEMOCRATIC FRONT	13/07/18	14/07/18
HLABANGANA KWANELE	REPUBLICANS PARTY OF ZIMBABWE	13/07/18	15/07/18
HOVE MHAMBI DIVINE	NATIONAL ALLIANCE OF PATRIOTIC DEMOCRATIC REPUBLICANS	13/07/18	16/07/18
DZAPASI MELBA	#1980 FREEDOM MOVEMENT ZIMBABWE	16/07/18	17/07/18
AMBROSE MUTINHIRI	NATIONAL PATRIOTIC FRONT	17/07/18	18/07/18
JOICE MUJURU	PEOPLE'S RAINBOW COALITION	18/07/18	19/07/18

LOVEMORE MADHUKU	NCA	19/07/18	20/07/18
NELSON CHAMISA	MDC ALLIANCE	20/07/18	21/07/18
THOKOZANI KHUPHE	MDC-T	20/07/18	22/07/18
NKOSANA MOYO	ALLIANCE FOR THE PEOPLE'S AGENDA	20/07/18	23/07/18
DANIEL SHUMBA	UNITED DEMOCRACTIC ALLIANCE	23/07/18	24/07/18
VIOLET MARIYACHA	UNITED DEMOCRATIC MOVEMENT	24/07/18	25/07/18
EMMERSON DAMBUDZO MUNANGAGWA	ZANU PF	25/07/18	26/07/18
TONDERAI JAMES CHIGUVARE	PEOPLE'S PROGRESSIVE PARTY	26/07/18	27/07/18

RADIO ZIMBABWE DEBATE SCHEDULE

	POLITICAL PARTIES	TRANSMISSION DATE	
1	PEOPLE'S RAINBOW COALITION (MUJURU) APA (NKOSANA MOYO)	09/07/18	1905hrs-

	ZIMBABWE PARTNERSHIP FOR INDEPENDENCE (KASIYAMHURU) REPUBLICANS PARTY OF ZIMBABWE (KWANELE) DA-UPP		2000hrs
2	MDC ALLIANCE (CHAMISA) MDC-T (KHUPE) COALITION OF DEMOCRATS (MANGOMA) UDF	10/07/18	1905hrs-2000hrs
3	#1980 FREEDOM MOVEMENT (DZAPASI) BUILD ZIMBABWE ALLIANCE (MANYIKA) FREEZIM CONGRESS (BUSHA) PEOPLE'S PROGRESSIVE PARTY (CHIGUVARE) AKE	11/07/18	1905hrs-2000hrs
4	REBUILDING ZIMBABWE (CHIKANGA) INDEPENDENT (BRIAN MTEKI) BETHEL CHRISTIAN PARTY (MUGADZA) DEMOCRATIC OPPOSITION PARTY (HARRY PETER) CHIEF'S PARTY	16/07/18	1905hrs-2000hrs
5	NCA (MADHUKU) NEW PATRIOTIC FRONT (MUNYANDURI) NATIONAL ALLIANCEW OF PATRIOTIC AND DEMOCRATIC REPUBLICANS (HOVE) UNITED DEMOCRATIC MOVEMENT (MARIYACHA) UNITED AFRICAN NAT COUNCIL	17/07/18	1905hrs-2000hrs

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6	ZANU PF (MNANGAGWA) NPF (MUTINHIRI) UNITED DEMOCRATIC ALLIANCE (SHUMBA) UNITED DEMOCRATIC FRONT 9GAVA MAPFUMO)	18/07/18	1905hrs-2000hrs
7	ZPM UMD ZAPU ERA	19/07/18	1900-1930hrs
	NATIONAL ACTION PARTY SUVOS TAD FDZ	24/07/18	1900-1930hrs
	NZRP FCZ UCADGPZ-SIMON KACHE ZIM FIRST	25/07/18	1900-1930hrs
	FORCES OF LIBERATION ORGANIZATION OF AFRICAN NATIONALS - EGYPT DZINEMUNHENZVA ZIMBABWE LABOUR PARTY ZIMBABWE DEMOCRATIC UNION FJCZ	26/07/18	1900-1930hrs

	ZIMBABWE PARTNERSHIP FOR PROSPERITY MRP ZRDP UCA	27/07/18	1900-1930hrs

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2018 HARMONIZED ELECTIONS PROGRAMMING SCHEDULE

The Candidate

These programmes will be broadcast as indicated

	PARTY	CANDIDATE	RECORDING DATE	BROADCAST DATE	TIME
2	Rebuilding Zimbabwe	Everisto Chikanga	04.07.18	05.07.18	1505 – 1530
2	Coalition of Democrats	Elton Mangoma	08.07.18	08.07.18	1405 – 1430
2	United Democratic Movement	Mariyacha Violet	08.07.18	09.07.18	1405 – 1430
2	FreeZim Congress	Joseph Busha	08.07.18	09.07.18	1505 – 1530
2	National Alliance of Patriotic and Democratic Republicans	Hove Mhambi Divine	09.07.18	10.07.18	1505 – 1530
2	People's Progressive Party	ChiguvareTonderai James	09.07.18	10.07.18	1505 – 1530
3	#1980 Freedom Movement ChinhuChedu	Melbah Dzapasi	10.07.18	11.07.18	1505 – 1530
3	Zimbabwe Partnership for Independence	Kasiyamhuru Blessing	10.07.18	11.07.18	1505 – 1530
3	United Democratic Front	GavaMapfumo Peter	11.07.18	12.07.18	1405 – 1430

3	National Constitutional Assembly	Lovemore Madhuku	11.07.18	12.07.18	1405 – 1430
3	People's Rainbow Coalition	Joice Teurai Ropa Mujuru	16.07.18	16.07.18	1505 – 1530
3	Alliance for the people's Agenda	NkosanaMoyo	04.07.18	17.07.18	1505 – 1530
3	Movement for Democratic Change Alliance	Nelson Chamisa	17.07.18	17.07.18	1505 – 1530
3	National Patriotic Front	Ambrose Mutinhiri	17.07.18	18.07.18	1505 – 1530
3	Movement for Democratic Change-Tsvangirai	Thokozani Khuphe	18.07.18	19.07.18	1505 – 1530
3	Build Zimbabwe Alliance	Manyika Noah Ngoni	23.07.18	23.07.18	1405 – 1430
4	New Patriotic Front	MunyanduriTendai Peter	23.07.18	24.07.18	1405 – 1430
4	United Democratic Alliance	Shumba Daniel	24.07.18	24.07.18	1505 – 1530
4	Independent	Taurai Brian Mteki	24.07.18	25.07.18	1505 – 1530
4	Republicans Party of Zimbabwe	HlabanganaKwanele	24.07.18	25.07.18	1505 – 1530
4	Zimbabwe African National Union Patriotic Front	Emmerson DambudzoMunangagwa	25.07.18	26.07.18	1505 – 1530
4	Democratic Opposition Party	Wilson Harry Peter	26.07.18	27.07.18	1505 – 1530
4	Bethel Christian Party	Mugadza William Tawonezvi	27.07.18	28.07.18	1405 – 1430

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Manifesto

These programmes will be broadcast from 11:30 – 12:00 & 19:15 – 19:45 hours on the indicated dates.

	PARTY	CANDIDATE	RECORDING DATE	BROADCAST DATE	TIME
2	Rebuilding Zimbabwe	Everisto Chikanga	04.07.18	05.07.18	1330 – 1335
2	United Democrats Alliance	Daniel Shumba	06.07.18	07.07.18	1330 – 1335
2	United Democratic Movement	Mariyacha Violet	06.07.18	08.07.18	1330 – 1335
2	FreeZim Congress	Joseph Busha	09.07.18	09.07.18	1330 – 1335
2	National Alliance of Patriotic and Democratic Republicans	Hove Mhambi Divine	09.07.18	10.07.18	1330 – 1335
2	People's Progressive Party	ChiguvareTonderai James	10.07.18	11.07.18	1330 – 1335
3	#1980 Freedom Movement ChinhuChedu	Melbah Dzapasi	10.07.18	12.07.18	1330 – 1335
3	Zimbabwe Partnership for Independence	Kasiyamhuru Blessing	11.07.18	13.07.18	1330 – 1335
3	United Democratic Front	GavaMapfumo Peter	11.07.18	14.07.18	1330 – 1335
3	New Patriotic Front	MunyanduriTendai Peter	12.07.18	15.07.18	1330 – 1335
3	Build Zimbabwe Alliance	Manyika Noah Ngoni	13.07.18	16.07.18	1330 – 1335
3	Independent	Brian Muteki	13.07.18	17.07.18	1330 – 1335
3	Movement for Democratic Change Alliance	Nelson Chamisa	14.07.18	18.07.18	1330 – 1335
3	National Patriotic Front	Ambrose Mutinhiri	14.07.18	19.07.18	1330 – 1335

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3	Movement for Democratic Change-Tsvangirai	ThokozaniKhuphe	17.07.18	20.07.18	1330 – 1335
3	People's Rainbow Coalition	Joice Mujuru	17.07.18	21.07.18	1330 – 1335
4	National Constitutional Assembly	Lovemore Madhuku	18.07.18	22.07.18	1330 – 1335
4	Coalition of Democrats	Elton Mangoma	19.07.18	23.07.18	1330 – 1335
4	Alliance for the people's Agenda	NkosanaMoyo	23.07.18	24.07.18	1330 – 1335
4	Republicans Party of Zimbabwe	HlabanganaKwanele	24.07.18	25.07.18	1330 – 1335
4	Zimbabwe African National Union Patriotic Front	Emmerson DambudzoMunangagwa	25.07.18	26.07.18	1330 – 1335
4	Democratic Opposition Party	Wilson Harry Peter	26.07.18	27.07.18	1330 – 1335
4	Bethel Christian Party	Mugadza William Tawonezvi	27.07.18	28.07.18	1330 – 1335

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The Debate

	Parties	Transmission Date	Time of Transmission
9.	People's Progressive Party Independent-Brian Mteki United Democratic Alliance	05/07/18	1915 – 2000hrs
10	MDC ZAPU RPZ	10/07/18	0715 – 0800hrs
11	MDC Alliance MDC T (Khuphe) National Alliance of Patriotic and Democratic Republicans	10.07.18	1915 – 2000hrs
12	UCADGPZ FORCES OF LIBERATION ORGANISATION AFRICAN NATIONAL TAD AKE	11/07/18	0715 – 0800hrs
13	People's Rainbow Coalition Alliance for the People's Agenda United Democratic Movement	12.07.18	1915 – 2000hrs
14	Democratic Opposition party FreeZim Congress	17.07.18	1915 – 2000hrs

	Bethel Christian Movement ZimFirst		
15	Chiefs Party ZRDP FJCZ ANSA	18/07/18	0715 - 0800
16	Rebuilding Zimbabwe Republican Party of Zimbabwe SUVOZ UMD	19.07.18	1915 – 2000hrs
17	New Patriotic Front ZANU PF #1980 Freedom Movement Chinhu Chedu UCA	24.07.18	1915 – 2000hrs
18	FMZ NZRP RZP Zimbabwe Partnership for Independence	25/07/18	0715 – 0800hrs
19	National Constitutional Assembly Coalition of Democrats Zimbabwe Partnership for Prosperity MAAT ZIM	26/07/18	1915 – 2000hrs

PUBLIC STATEMENT BY THE ZBC CEO MR. PATRICK MAVHURA ON POLITCAL ADVERTISING

Following the proclamation of the harmonised elections on 30 May 2018 by President Emmerson Dambudzo Mnangagwa which set elections for 30 July 2018, and the subsequent sitting of the nomination court on, 14 June 2018, putting into motion, the election period, the Zimbabwe Broadcasting Corporation, ZBC has taken the necessary steps in accordance with the Constitution, the Electoral Act and the ZEC Media Coverage Regulations, to allow political advertisements on radio and television.

The Marketing Department has made a call out for political parties to submit their political advertisements.

Accordingly, ZBC has since allocated airtime to all participating political parties as stipulated by the law. However, airtime will be forfeited for those political parties who have not heeded the call to bring in their political advertisements.

This means that there is no banking of airtime as it does not accrue.

Please note that according to the law, Political advertisements for both radio and television are discounted by 30% the normal advertising rates for both radio nad television advertisements.

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Zimbabwe Newspapers (1980) Limited

HARARE - BULAWAYO - MUTARE

HEAD OFFICE: P. O. Box 55, Harare, Telephone 704088, 708298/9, 795839, 705199, Fax 702400

The Herald | The Sunday Mail | The Sunday News | Chronicle | B-Metro | The Southern Times | The Manica Post | Bridal Magazine | Umthunguwa | B-Metro | zimtravel | MATPRINT | MobileNEWS

12 August, 2018

Cde G. Charamba
The Permanent Secretary
Munhumutapa Building
HARARE

Dear Sir

RE: 2018 HARMONISED ELECTION

Background

Following the just ended 30 July harmonized election that was won by President elect Cde Emmerson Dambudzo Mnangagwa, one of the losing presidential candidates, Mr Nelson Chamisa is challenging at the Constitutional Court the result as announced by the Zimbabwe Electoral Commission (ZEC). In the court application, Zimbabwe Newspapers (1980) Limited (Zimpapers) is wrongly alleged to be a State entity and accused of biased coverage of the 2018 harmonized elections.

Zimpapers Shareholding Structure

We hereby would like to clarify the myth that Zimpapers is a state company as shown by the shareholding structure below as reported in the 2017 annual report.

Directors: Mr D. Lipepe (Chairman), Mr. P. Deketeke (Group Chief Executive) Mr. F. Matanhire (Chief Finance Officer), Dr. N. Madzingira, Mr. R. Mbire, Bishop T. Manhanga, Mrs. D. Sibanda, Mr. G. Manyere, Mr. F. Moyo, Ms. K. Dube, Mr. T. Hussein, Ms. R. Nharaunda

Table 1: Zimpapers Top 20 Shareholding Structure:

Shareholder Name	Total Holding	Percentage of Total Shares
Zimbabwe Mass Media Trust	294,299,040	51.09%
Old Mutual Life Assurance of Zimbabwe	81,956,387	14.23%
Hamilton & Hamilton Trustees Ltd - NNR	38,937,547	6.76%
Hot Air Investments (Pvt) Ltd	27,183,952	4.72%
Zimpapers Employee's Share Trust	22,178,697	3.85%
Messina Investments Limited	13,660,315	2.37%
Willoughbys Consolidated PLC	11,989,679	2.08%
Zimpapers Pension Fund	9,359,184	1.62%
National Socila Security Authority	8,431,602	1.46%
The Bexley Trust	7,789,465	1.35%
Zimpapers Managers' Share Trust	5,394,663	0.94%
Hamilton & Hamilton Trustees	4,417,160	0.77%
Stanbic Nominees (Pvt) Ltd NNR A/C 1200167700	4,000,000	0.69%
Hot Air Investments (Pvt) Ltd	2,585,024	0.45%
Kamba Thompson Togarepi	2,576,198	0.45%
Datvest Nomiees (Pvt) Ltd	2,257,667	0.39%
Wabatanore Biriam	2,000,000	0.35%
Workers Compensation Insurance Fund	1,792,177	0.31%
Hooper Adian Charles Norgate	1,600,000	0.28%
LHG Malta Holding Limited	1,474,117	0.26%
Total of Top 20 Shareholders	**543,882,874**	94.42%
Remaining Shareholding	**32,117,126**	
Total issued Shares	**576,000,000**	

Adapted from the 2017 Zimpapers Annual Report

Zimbabwe Newspapers (1980) Limited, Not a State Entity:

As shown by the above shareholding structure, Zimpapers is not a State entity nor a parastatal. The company was not brought into being by an Act of Parliament. Please note, the Zimbabwe Mass Media Trust which owns 51.09% shareholding in Zimpapers is a duly registered Trust under deed of trust number M.A174/81, **(Annexure 1)**. The initial Trustees were appointed by the Minister of Information and Tourism and these Trustees would then appoint replacing Trustees upon expiry of their term or vacation of office. These Trustees were empowered to appoint Directors for Zimpapers who would be ratified at the Company's Annual General Meetings in line with the dictates of the Company's Act and this has been fully complied with to date.

The Company does not receive any financial support from the Government/Treasury. The company operates as a standalone commercial entity with a Board of Directors comprised of eleven (11) members, nine (9) of which are all non-executive. It is governed by the Company's Act and bound by the Zimbabwe Stock Exchange listing rules just like any other listed company.

Editorial Policy

The Company's editorial policy during the election period was guided by the Zimbabwe Electoral Act and our coverage was in compliance with the same Act. The Company's Board of Directors plays an oversight role over the Zimpapers publications to ensure compliance with the code of ethics.

Affording Equal Advertising Opportunities to Political Parties- 2018 Elections

In line with the requirements of the Zimbabwe Electoral Act, Zimpapers gave all political parties opportunities to advertise on its platforms during the election campaign period. Zimpapers platforms are open to trading as prescribed by the Company' trading policies.

Invitations to place political advertisements were sent to all political parties, including the Movement for Democratic Change Alliance (MDC- Alliance). We hereby attach a proposal **(Annexure 2)** that was done to solicit for adverts, which was not taken up by the MDC- Alliance for the newspapers while they exercised their full rights on Zimpapers Radio Stations.

Following an invitation from Zimpapers to take up advertising on its newspaper platforms, the MDC- Alliance initially indicated their willingness to place adverts in our papers in the last week of July. Unfortunately, this was also not fulfilled.

To this effect, we have also attached emails and documents exchanged between Zimpapers and the MDC- Alliance **(Annexure 3)**.

On the other hand, Zanu-PF took up this opportunity for advertising and placed their adverts through Tatu Media, Barker McComarc Ogilvy and Direct Impact Advertising Agencies all of which were paid for in full.

We accordingly advise.

Yours faithfully

Pikiray Deketeke
GROUP CHIEF EXECUTIVE OFFICER

Zimpapers

2018 Political Advertisements

ELECTION RELATED REVENUES (Newspapers)

Client	May	June	July	Total	Outstanding payments
ZEC	285,839	180,296	449,131	915,265	428,022
TATU MEDIA	-	-	120,191	120,191	-
TOTAL	285,839	180,296	569,321	1,035,456	428,022

ELECTION RELATED REVENUES – (Radio)

Station	Zanu Pf	MDC Alliance	MDC Alliance Supportes	ZIPP	NPF	MDC T	APA	INDEPENDENTS	TOTAL
Star FM	US$65,197	US$16,843	US$3,000	US$0	US$0	US$0	US$0	US$0	US$85,040
Capitalk FM	US$38,342	US$196	US$0	US$0	US$0	US$0	US$300	US$1,037	US$39,874
Diamond FM	US$27,504	US$0	US$0	US$0	US$2,200	US$115	US$0	US$0	US$29,819
Nyaminyami FM	US$22,134	US$0	US$0	US$25	US$0	US$0	US$0	US$0	US$22,159
Total	**US$153,177**	**US$17,038**	**US$3,000**	**US$25**	**US$2,200**	**US$115**	**US$300**	**US$1,037**	**US$176,891**

Payments									
Client Above		17,038.06	3,000.00	25.00	2,200.00	115.00	300.00	1,036.50	23,714.56
Direct Impact	56,434.56	-	-	-	-	-	-	-	56,434.56
Barkers	96,742.07	-	-	-	-	-	-	-	96,742.07
Total	**153,176.63**	**17,038.06**	**3,000.00**	**25.00**	**2,200.00**	**115.00**	**300.00**	**1,036.50**	**176,891.19**

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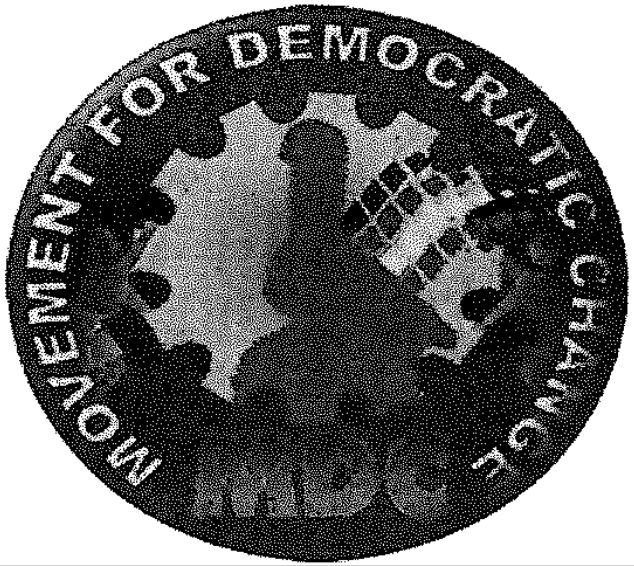
ANNEXURE 2.

Zimpapers MDC Media Proposal

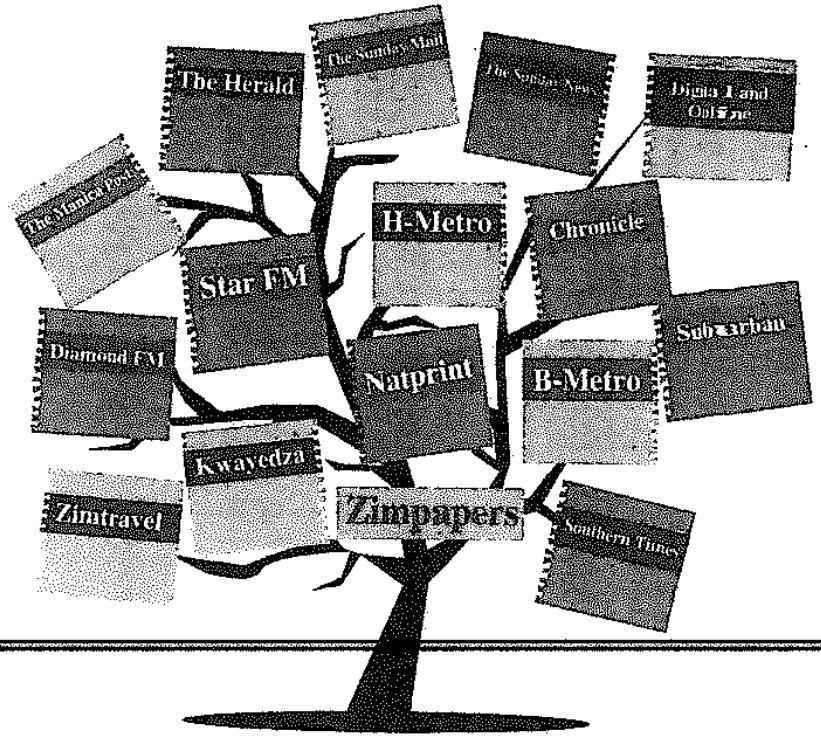


ZIMBABWE NEWSPAPERS (1980) LIMITED

Print, Digital, Mobile & Radio

BACKGROUND

Zimbabwe Newspapers 1980 Ltd is the largest integrated media house in Zimbabwe with 12 paid newspapers 2 magazines, 2 free sheets and 1 regional newspaper on the market. These attract 2.25 million readers per week. Star FM and Diamond FM are also leading brands in the electronic media space. The 12 newspapers have popular websites which draw readers across the globe and offer in excess of 10.7 million page views monthly averaging 250 000 unique visitors daily.



Consequently it has the capacity to effectively run a media campaign for the MDC 2018 harmonised elections.

SUMMARY

PRODUCT	NEWSPAPER
CAMPAIGN 30 DAYS COUNT DOWN LAUNCH JACKETS	HERALD AND CHRONICLE
WEEKLY SPONSORED COLUMNS	HERALD, CHRONICLE, MANICAPOST, KWAYEDZA,UMTHUNTWA
WEEKLY PRINT ADVERTS	HERALD, CHRONICLE, MANICA POST, HMETRO AND BMETRO
DAILY COUNT DOWN DISRUPTIVE ADS	HERALD, CHRONICLE, SUNDAY MAIL AND SUNDAY NEWS
DESIGNING OF FLIERS AND POSTERS	CREATIVE HUB
DIGITAL CAMPAIGN	ALL WEBSITES

PRINT MEDIA SCHEDULE PROPOSAL

PUBLICATION	POSITION	SIZE	COST/INSERT	NO OF INSERTS	TOTAL AMOUNT
HERALD	HALF JACKET	2 PAGES	$10 000	1	$10 000
CHRONICLE	HALF JACKET	2 PAGES	$8 000	1	$8,000
HERALD	GTD PAGE 3,5,7	HALF PAGE	$2255.99	7	$15,789
CHRONICLE	GTD PAGE 3,5,7	HALF PAGE	$1771.20	7	$12,397
MANICA POST	GTD PAGE 3,5,7	HALF PAGE	$1833.71	7	$12,835
HMETRO(Thurs)	GTD PAGE 3,5,7	HALF PAGE	$456.96	7	$31999
BMETRO (Friday)	GTD PAGE 3,5,7	HALF PAGE	$228.48	7	$2635
KWAYEDZA (Friday	GTD PAGE 3,5,7	HALF PAGE	$384	7	$2688
UMTHUNYWA (Friday	GTD PAGE 3, 5,7	HALF PAGE	$306	7	$2142

PRINT MEDIA SCHEDULE PROPOSAL....CONT

PUBLICATION	POSITION	SIZE	COST/INSERT	NO OF INSERTS	TOTAL AMOUNT
HERALD	30 DAYS COUNT DOWN	12X3 F/C	$350	30	$10500
CHRONICLE	30 DAYS COUNT DOWN	12X3 F/C	$300	30	$9000
SPONSORED COL (Herald)	ELECTION GUIDE COLUMN	11X 9 F/C	$636	7	$4452
SPONSORED COL (Chronicle)	ELECTION GUIDE COLUMN	11X9 F/C	$550	7	$3850
SPONSORED COL (Kwayedza)	ZIVAI NEZVESARUDZO	5X7 F/C	$92	7	$644
SPONSORED COL (Umthunywa)	YAZINI NGOKHETHO	5X7 F/C	$67	7	$469
HERALD WEBSITE	HOME PAGE	PAGE TAKEOVER	$3,500.00	1 MONTH	$3500.00
MANICA POST WEBSITE	HOMEPAGE	LEADEBOARD 1	$1500.00	2 MONTHS	$3,000.00
HERALD	FACEBOOK	LIVESTREAMING	$3500	3HRS	$3500
CHRONICLE WEBSITE	HOMEPAGE	LEADERBOARD 1	$1,500.00	2 MONTHS	$3,000.00
LESS 10% DISCOUNT					**$8,958.80**
TOTAL INC VAT					**$80,620.20**

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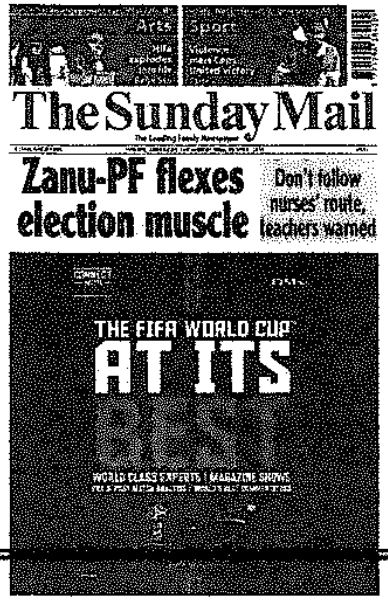
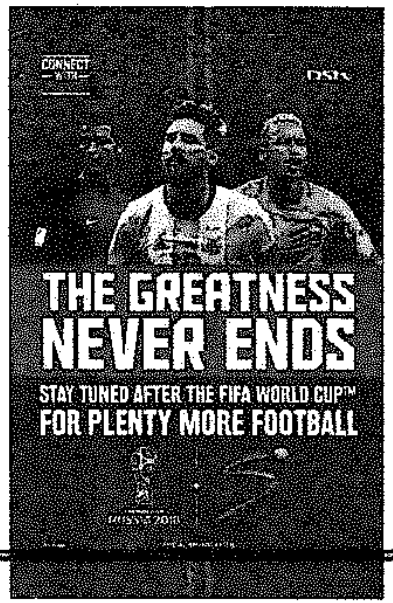
Jacket Adverts

Front cover



Front cover inside



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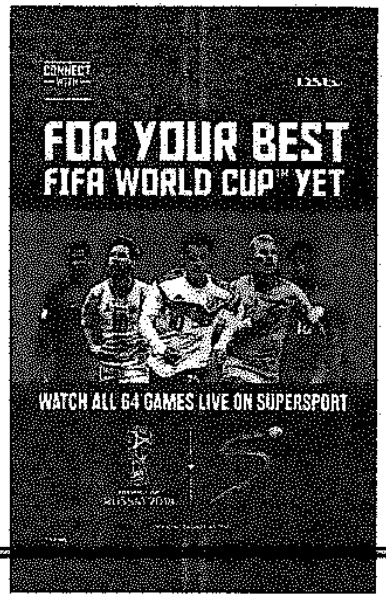

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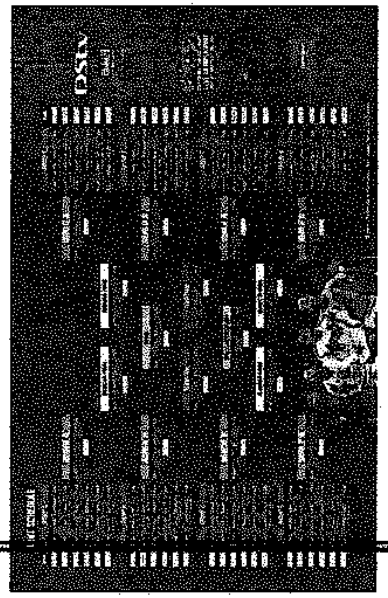

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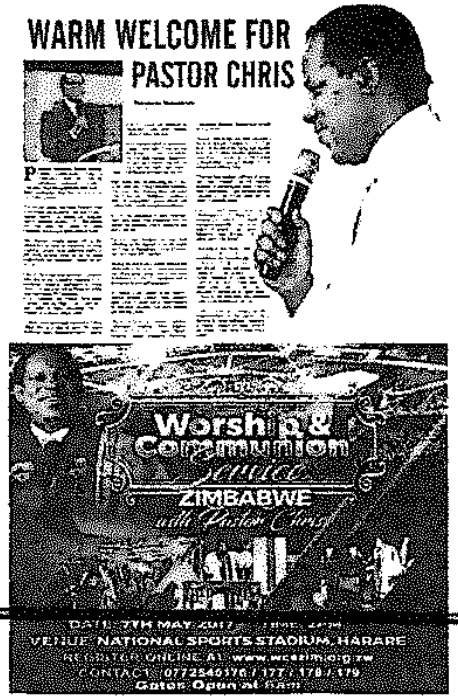
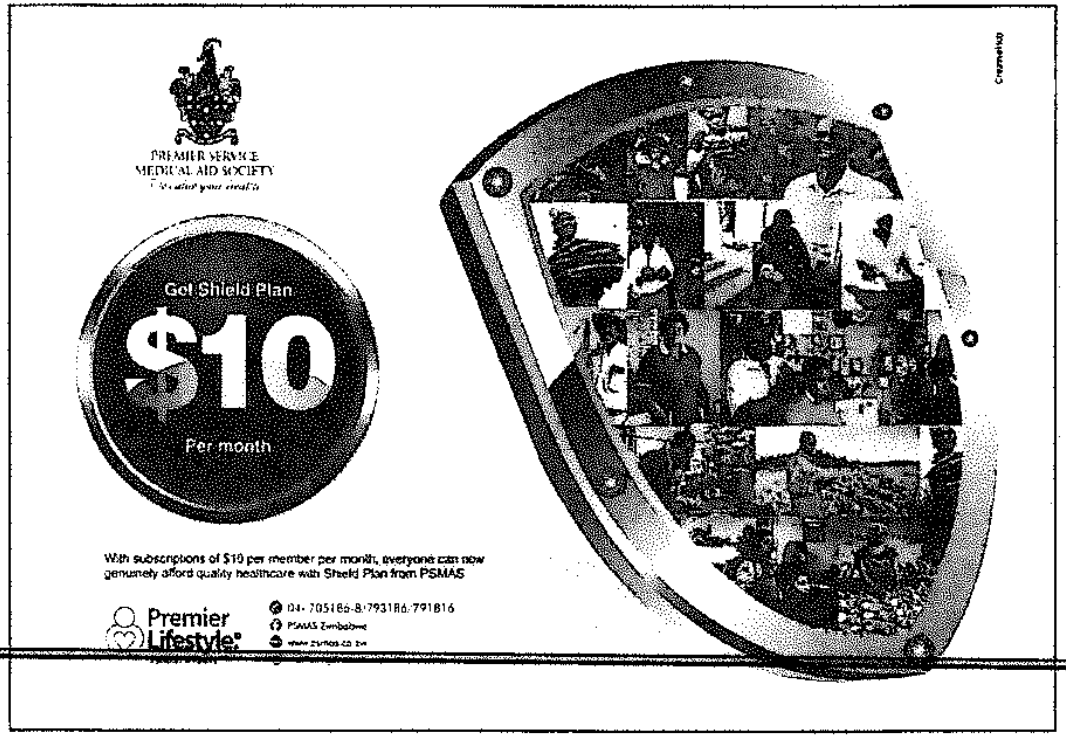
PRESS ADVERTS





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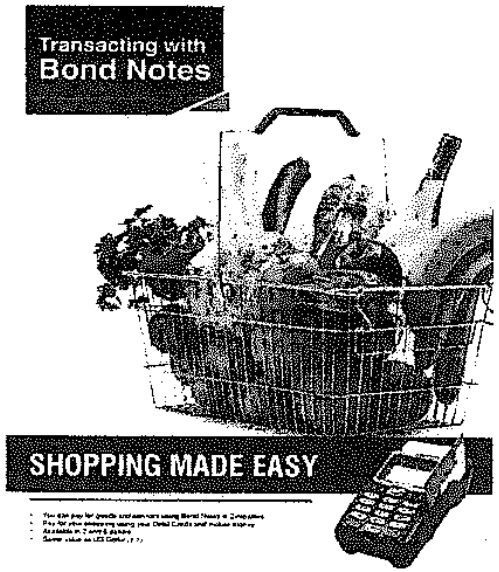
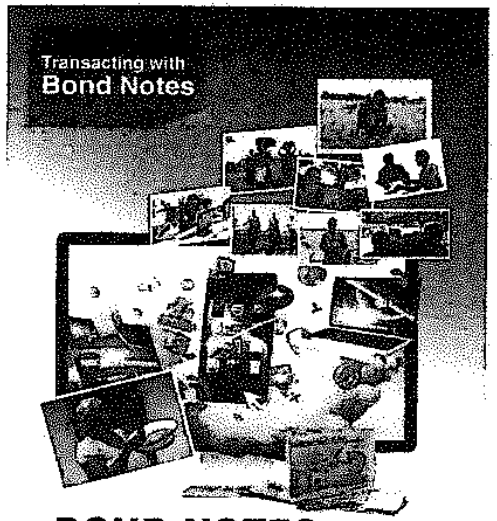
Inserts and fliers





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NEWS: MBARE MUSIKA TO GET FACELIFT: PAGE 6

BUSINESS: TOBACCO FARMERS GROSS $500M: B1

The Herald

4 DAYS TO GO

INSIGHT
Producers team up:
Page A4

SPORT
Shabanie-bound?:
Page 11

Established 1891 | Harare, Zimbabwe, Tuesday 12 June 2018 | US$1

1

Govt launches school health policy

China gets nod to invest in all sectors

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ZB FINANCIAL HOLDINGS

Stakeholders' roles, responsibilities in veld fire management

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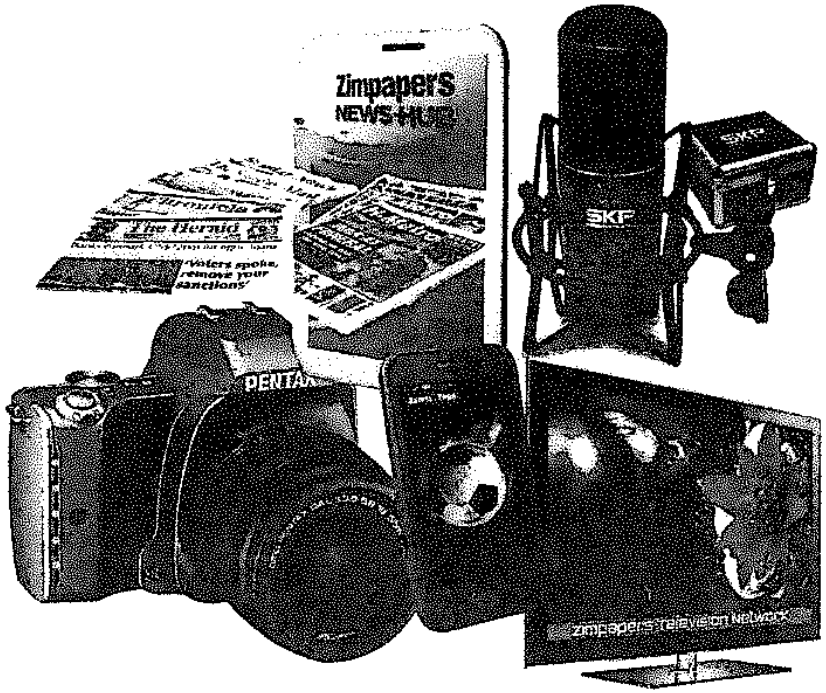

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THE COMMUNICATIONS DEPARTMENT
Morgan Richard Tsvangirai House
44 Nelson Mandela Ave
Harare, Zimbabwe
email: info@mdc.co.zw Phone: 0774 107 682, 0772 011 303

06 July 2018

ATT: Charity
Senior Marketing Executive
AFRIZ
Herald House
Harare

RE: EXPRESSION OF INTEREST TO ADVERTISE ON YOUR PLATFORMS

The above matter refers.

Thank you for your proposal and rates for advertising on your platforms. As party we will appreciate the use of these platforms to push out our message to people of Zimbabwe.

We express, by copy of this letter, our interest in making use of your platform the last two weeks leading to the elections.

We will get back to you in due course.

Yours Sincerely

.....

Yvonne Mashayamombe
Acting Communications Director
MDC Headquarters Communications Department
0774107682Q1

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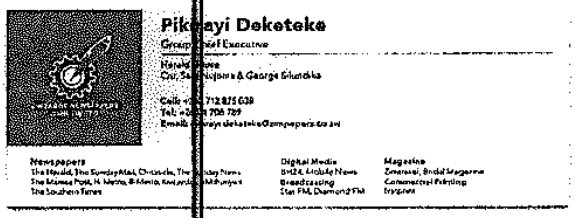
farai matanhire

From: pikirayi deketeke
Sent: Sunday, August 12, 2018 8:57 AM
To: farai matanhire
Subject: FW: MDC ELECTION PROPOSAL
Attachments: zimpapers media Presentation1.pptx; mdc.jpg



From: Charity Gwata
Sent: Sunday, August 12, 2018 7:05 AM
To: pikirayi deketeke <pikirayi.deketeke@zimpapers.co.zw>
Cc: Munyaradzi Hatendi <Munyaradzi.Hatendi@zimpapers.co.zw>
Subject: Fwd: MDC ELECTION PROPOSAL

Morning Sir

Please find attached the proposal and the letter showing that were ere in communication with MDC office in terms of advertising. We made follow-up but the chasing was never fruitful.

First communication I with Robert Mandeya his number is **0772 466 925** but previously my point of communication for adverts was Yvonne her number is **0774 107 682** whom I also forwarded the proposal after she requested for it.

Sent from my iPad

Begin forwarded message:

> **From:** "Charity Gwata" <Charity.Gwata@zimpapers.co.zw>
> **To:** "mandeyarobert@gmail.com" <mandeyarobert@gmail.com>
> **Cc:** "Munyaradzi Hatendi" <Munyaradzi.Hatendi@zimpapers.co.zw>
> **Subject: FW: MDC ELECTION PROPOSAL**
>
> Dear Robert
>
> Please find attached our proposal as per the telecom we had this afternoon.
>
> Regards.

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Charity Gwata-Chirume
Business Manager-Special Projects
Herald House 1st Floor
Cnr G.Sundika and Sam Nujoma
Tel:263-4795771-76|Cell: 0773 296 072
SKYPE: Charity Gwata|mail: charity.gwata@zimpapers.co.zw
[hm_002]

'G'

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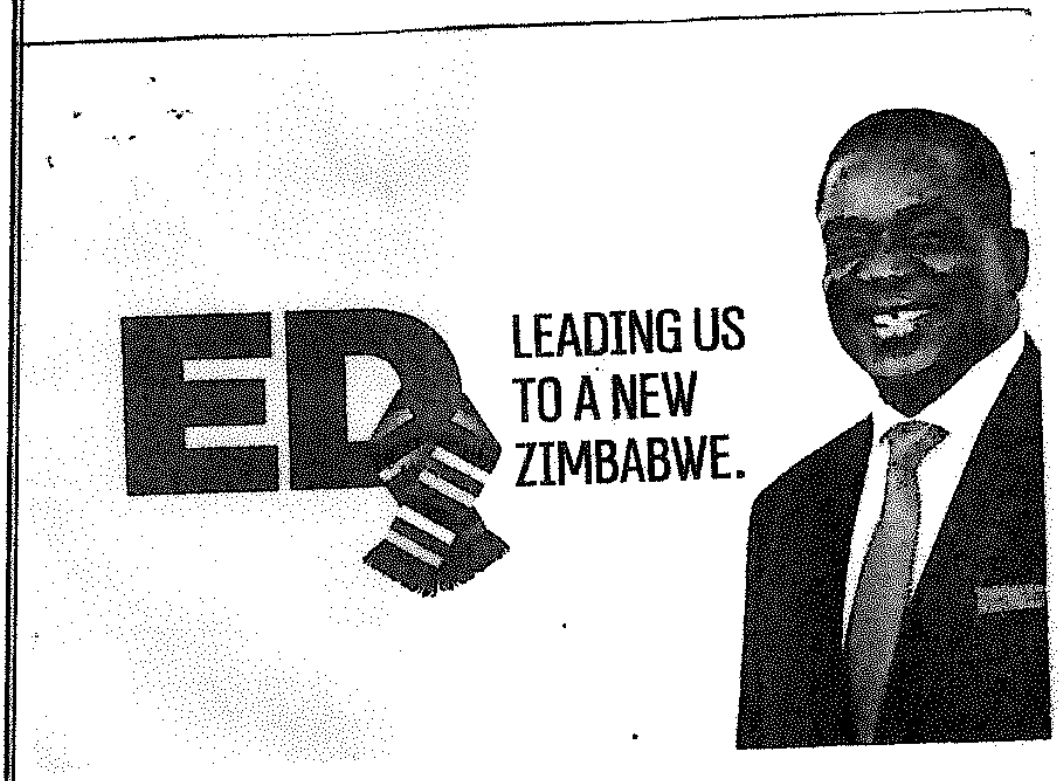

IN THE NEXT FIVE YEARS I PLEDGE TO:

Put job creation first: Leveraging the huge investment wave to create hundreds of thousands of jobs in agriculture, mining, tourism, the service sectors and new infrastructure projects

Have Zero-tolerance to corruption: Anyone found guilty of corruption will be immediately fired and punished accordingly – nobody is above the law!

Establish a modern, affordable healthcare system for all: Reducing hospital fees by 50%, improving the supply of critical drugs, guaranteeing free healthcare to all cancer patients and building 78 new hospitals ensuring one hospital per district

Develop infrastructure worthy of the new Zimbabwe: Increasing power generation capacity, constructing a new railway network system connecting all provinces, towns and neighbouring countries, and dualisation of all major roads

Generate unprecedented educational and employment opportunities for our youth: Developing empowerment programmes such as Youth Business Hubs, fostering youth ownership and control of resources, establishing quotas for allocation of stands and houses, and mentorship and training programmes

KEEP THIS PLEDGE CARD AND MAKE SURE THAT WE KEEP OUR PROMISES

Emmerson Dambudzo Mnangagwa

Real Leadership - Action, Not Words

Zimbabwe African National Union Patriotic Front (ZANU PF)

ty Peace and Development

HEADQUARTERS
Rotten Row / Samora Machel Ave.
P.O. Box 4530
Tel No. 774160
After hours & Emergency: 780713
Fax No. 774160/753383
HARARE

Dept: Nat. Chair

ZANU PF HEADQUARTERS
SECRETARY FOR COMMISSARIAT
ROTTEN ROW / SAMORA MACHEL AVE
HARARE
TEL: 774160

11 June 2018

His Excellency, President and First Secretary of ZANU PF

RE: **PROPOSED CAMPAIGN PROGRAMME**

1. Your Excellency Sir, pursuant to the implementation of the ZANU PF Election Roadmap, underlisted is a programme proposal of your Provincial campaigns.

SERIAL	PROVINCE	PROPOSED DATE	NUMBER OF T-SHIRTS
(a)	(b)	(c)	(d)
01	Masvingo	Friday 15 June 2018	80 000
02	Mat South	Saturday 16 June 2018	30 000
03	Mat North	Friday 22 June 2018	30 000
04	Bulawayo	Saturday 23 June 2018	50 000
05	Midlands	Friday 29 June 2018	80 000
06	Manicaland	Saturday 30 June 2018	60 000
07	Mash Central (Bindura)	Friday 06 July 2018	60 000
08	Harare (Chitungwiza)	Saturday 07 July 2018	50 000
09	TOTAL NUMBER OF T-SHIRTS		440 000

2. The proposal is forwarded to you for your consideration.

3. Thank you.

PP

LT GEN (rtd) DR E.A. RUGEJE GZM, psc,rcds, MSc (Lancs), PhD (UKZN)
SECRETARY FOR COMMISSARIAT

PAMBERI NE ZANU PF
PAMBILI LE ZANU PF
FORWARD WITH ZANU PF

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Zimbabwe African National Union Patriotic Front (ZANU PF)

y Peace and Development

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Rotten Row / Samora Machel Ave.
P.O. Box 4530
Tel No. 774160
After hours & Emergency: 780713
Fax No. 774160/753383
HARARE

Dept: Nat. Chair

11 June 2018

His Excellency, President and First Secretary of ZANU PF

RE: **PROPOSED CAMPAIGN PROGRAMME FOR VICE PRESIDENT K.C.D. MOHADI**

1. Your Excellency Sir, pursuant to the implementation of the ZANU PF Election Roadmap, underlisted is a programme proposal for Vice President K.C.D. Mohadi's Provincial campaigns.

SERIAL	PROVINCE	PROPOSED DATE	NUMBER OF T-SHIRTS
(a)	(b)	(c)	(d)
01.	Masvingo	Wednesday 23 May 2018	(Covered)
02.	Mash Central	Wednesday 30 May 2018	(Covered)
03.	Mash East	Wednesday 13 June 2018	10 000
04.	Manicaland	Wednesday 20 June 2018	10 000
05.	Bulawayo	Wednesday 27 June 2018	10 000
06.	Midlands	Thursday 28 June 2018	10 000
07.	Mash West	Wednesday 11 July 2018	10 000
08.	Harare	Thursday 12 July 2018	10 000
09.	Mat North	Wednesday 04 July 2018	10 000
10.	Mat South	Thursday 05 July 2018	10 000
11.	**TOTAL NUMBER OF T-SHIRTS**		**80 000**

2. The proposal is forwarded to you for your consideration.

3. Thank you.

pp

LT GEN (ltd) DR E.A. RUGEJE GZM, psc,rcds, MSc (Lancs), PhD (UKZN)
SECRETARY FOR COMMISSARIAT

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Zimbabwe African National Union Patriotic Front (ZANU PF)

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SECRETARY FOR COMMISSARIAT
12 JUN 2018
ROTTEN ROW / SAMORA MACHEL AVE
HARARE
TEL: 04-774160

11 June 2018

His Excellency, President and First Secretary of ZANU PF

RE: **PROPOSED CAMPAIGN PROGRAMME FOR VICE PRESIDENT C.G.D.N. CHIWENGA**

1. Your Excellency Sir, pursuant to the implementation of the ZANU PF Election Roadmap, underlisted is a programme proposal for Vice President C.G.D.N. Chiwenga's Provincial campaigns.

SERIAL	PROVINCE	PROPOSED DATE	NUMBER OF T-SHIRTS
(a)	(b)	(c)	(d)
01	Mash West	Thursday 07 June 2018	(Covered)
02	Harare	Wednesday 13 June 2018	10 000
03	Masvingo	Wednesday 20 June 2018	10 000
04	Midlands	Thursday 21 June 2018	10 000
05	Mat North	Wednesday 27 June 2018	10 000
06	Mat South	Thursday 28 June 2018	10 000
07	Mash Central	Wednesday 04 July 2018	10 000
08	Mash East	Thursday 05 July 2018	10 000
09	Bulawayo	Wednesday 11 July 2018	10 000
10	Manicaland	Thursday 12 July 2018	10 000
11	TOTAL NUMBER OF T-SHIRTS		90 000

2. The proposal is forwarded to you for your consideration.

3. Thank you.

PP

LT GEN (rtd) DR E.A. RUGEJE GZM, psc,rcds, MSc (Lancs), PhD (UKZN)
SECRETARY FOR COMMISSARIAT

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Zimbabwe African National Union Patriotic Front (ZANU PF)

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P.O. Box 4630
Tel No. 774160
After hours & Emergency: 780713
Fax No. 774160/753383
HARARE

Dept: Nat. Chair

11 June 2018

His Excellency, President and First Secretary of ZANU PF

RE: PROPOSED CAMPAIGN PROGRAMME FOR NATIONAL CHAIRMAN

1. Your Excellency Sir, pursuant to the implementation of the ZANU PF Election Roadmap, underlisted is a programme proposal for the National Chairman's Provincial campaigns.

SERIAL	PROVINCE	PROPOSED DATE	NUMBER OF T-SHIRTS
(a)	(b)	(c)	(d)
01.	Mat South	Thursday 21 June 2018	5 000
02.	Harare	Thursday 05 July 2018	5 000
03.	Midlands	Thursday 12 July 2018	5 000
04.	Manicaland	Thursday 19 July 2018	5 000
05.	**TOTAL NUMBER OF T-SHIRTS**		**20 000**

2. The proposal is forwarded to you for your consideration.

Thank you.

pp

LT GEN (rtd) DR E.A. RUGEJE GZM, psc,rcds, MSc (Lancs), PhD (UKZN)
SECRETARY FOR COMMISSARIAT

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HE ED MNANGAGWA RALLIES 2018

Ser	Province	District	Constituency	Activity	Guest of Honour	Date
1	Midlands	Gokwe	Mapfungautsi	Star rally at Mapfumo primary sch	HE	06/07/18
2	Midlands	Chirumhanzu	Chirumhanzu	Commissioning of Allumino Thermic Plant (Chinyika Range)	HE	25/07/18
3	Mash West	Chegutu	Chegutu West	HE rally	HE	01/06/18
5	Mash West	Kadoma	Kadoma Urban	HE rally Rimuka Stadium	HE	19/07/18
6	Mash West	Chegutu	Mhondoro Mubaira	HE rally Mubaira B/S	HE	24/07/18
7	Masvingo	Masvingo	Masvingo Urban	HE rally at Mucheke grounds.	HE	15/06/18
8	Byo Metro	Bulawayo	Byo Urban	HE rally at White City	HE	23/06/18
9	Mash Central	Bindura	Bindura	HE rally Chipadze stadium	HE	07/07/18
10	Mash central	Shamva	Shamva	HE rally at Goora centre, Zimbabwe Africa high school	HE	07/07/18
11	Mat South	Gwanda	Gwanda Central	HE launch Command livestock	HE	22/06/18
12	Mat South	Beitbridge	Beitbridge East	HE rally at Dulivhadzimu stadium. Ground breaking ceremony Beitbridge Border Post Upgrade	HE	10/07/18
13	Mat North	Lupane	Lupane	HE rally at Somhlolo stadium where he launched livestock programme at Arda Jotsholo.	HE	13/07/18

14	Manicaland	Mutare	Mutare South	HE Addressed at Johani Marange (Mufararikwa) annual pass over in Marange.	HE	14/07/18
15	Manicaland	Mutare	Mutare	HE rally at Aerodrome	HE	20/07/18
16	Manicaland	Mutare	Sakubva	HE rally Sakubva Stadium	HE	22/07/18
17	Mash East	Mutoko	Mutoko	HE rally	HE	09/06/18
18	Mash East	Marondera	Marondera Central	HE rally Rudhaka Stadium	HE	21/07/18
19	Harare Metro	Harare	Harare	HE addressed members of ZILWACO.	HE	14/07/18
20	Harare Metro	Harare	Harare	HE Interface rally Borrowdale White community.	HE	21/07/18
21	Harare Metro	Harare	Mbare	HE tours Matapi flats	HE	26/07/18
22	Harare Metro	Harare	Harare	Mother of all rallies National Sports	HE	28/07/18

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ZANU PF RALLIES ADDRESSED BY VP CHIWENGA

Ser	District	Constituency	Activity	G.O.H	Date
1.	Harare	Harare South	Zanu PF Star rally	VP Chiwenga	13/06/18
2.	Harare	Epworth	Zanu PF star rally at Domboramwari B/C	VP Chiwenga	13/06/18
3.	Harare	Mabvuku Tafara	Zanu PF star rally	VP Chiwenga	17/06/18
4.	Harare	Chitungwiza	Zanu PF star rally at Chibuku Stadium	VP Chiwenga	24/06/18
5.	Harare	Arcadia	Zanu PF star rally	VP Chiwenga	30/06/18
6.	Harare	Hatcliffe.	Zanu PF star rally at Friendship High School.	VP Chiwenga	01/07/18
7.	Harare	Harare North	Zanu PF star rally at Belvedere Teachers Collage.	VP Chiwenga	08/07/18
8.	Harare	Kuwadzana East	Zanu PF star rally	VP Chiwenga	08/07/18
9.	Harare	Budiriro	Zanu PF star rally at Budiriro 2 High School.	VP Chiwenga	09/07/18
10.	Harare	Kambuzuma	Zanu PF star rally	VP Chiwenga	14/07/18
11.	Harare	Mbare	Zanu PF star rally	VP Chiwenga	14/07/18
12.	Harare	Highfields	Zanu PF star rally at Ganzura Stadium	VP Chiwenga	16/07/18
13.	Bulawayo	Nketa	Zanu PF star rally at Nketa grounds.	VP Chiwenga	15/07/18
14.	Bulawayo	Cowdray park	Zanu PF star rally.	VP Chiwenga	15/07/18
15.	Bulawayo	Pumula	Zanu PF Star rally.	VP Chiwenga	18/07/18
16.	Bulawayo	Lobengula	Zanu PF star rally at Lobengula grounds	VP Chiwenga	18/07/18
17.	Chipinge	Musikavanhu	Zanu PF star rally	VP Chiwenga	18/07/18
18.	Guruve	Guruve South	Zanu PF star rally	VP Chiwenga	07/07/18
19.	Mt Darwin	Mt Darwin	Zanu PF rally at Dotito	VP Chiwenga	24/07/18

20.	Chikomba	Chikomba	Zanu PF star rally at Madzivire Primary School.	VP Chiwenga	26/07/18
21.	Murewa	Murewa North	Zanu PF star rally	VP Chiwenga	26/07/18
22.	Goromonzi	Goromonzi West	VP Chiwenga star rally at Domboshava Show grounds	VP Chiwenga	26/07/18
23.	Goromonzi	Goromonzi South	Zanu PF star rally at Calidonia	VP Chiwenga	27/07/18
24.	Hurungwe	Hurungwe	Zanu Pf star rally at Tegwe country club	VP Chiwenga	07/06/18
25.	Magunje	Magunje	Zanu PF star rally at Magunje Growth Point	VP Chiwenga	07/06/18
26.	Norton	Norton	Zanu PF star rally	VP Chiwenga	22/07/18
27.	Zvimba	Zvimba North	Zanu PF star rally at Mafuta Farm in Raffingora.	VP Chiwenga	23/07/18
28.	Zvimba	Zvimba	Zanu PF star rally at Whitecliff Farm	VP Chiwenga	23/07/18
29.	Bikita	Bikita South	Zanu PF rally at Baradzanwa B/C.	VP Chiwenga	20/06/18
30.	Zaka	Zaka North	Zanu PF star rally at Mutsambwe Secondary school.	VP Chiwenga	20/06/18
31.	Mwenezi	Mwenezi south	Zanu PF rally at Maranda B/C.	VP Chiwenga	21/06/18
32.	Masvingo	Masvingo South	Zanu PF rally at Nyikavanhu Sec School.	VP Chiwenga	21/06/18
33.	Tsholotsho	Tsholotsho North	Zanu PF star rally at Tsholotsho B/C	VP Chiwenga	04/07/18
34.	Hwange	Hwange Central	Zanu PF star rally	VP Chiwenga	04/07/18
35.	Binga	Binga	Zanu Pf star rally	VP Chiwenga	05/07/18
36.	Nkayi	Nkayi South	Zanu PF star rally	VP Chiwenga	05/07/18
37.	Bubi	Bubi	Hand Over ceremony of mining equipment at Bubi Gold service centre.	VP Chiwenga	22/07/18
38.	Beitbridge	Beitbridge West	Zanu PF star rally at Zhovhe Dam	VP Chiwenga	10/07/18
39.	Gwanda	Gwanda Central	Zanu PF star rally at Ntepe	VP Chiwenga	11/07/18

40.	Plumtree	Plumtree	Zanu PF star rally at Dingumuzi stadium	VP Chiwenga	11/07/18
41.	Insiza	Insiza North	Zanu PF star rally at Filabusi centre.	VP Chiwenga	12/07/18
42.	Shurugwi	Shurugwi South	Zanu PF star rally	VP Chiwenga	27/06/18
43.	Gweru	Gweru Urban	Zanu PF star rally	VP Chiwenga	04/06/18
44.	Gokwe North	Gokwe Kabuyuni	Zanu PF Star rally at Siamuchembu Pri school	VP Chiwenga	10/07/18
45.	Gokwe North	Gokwe Chireya	Zanu PF star rally at Chireya High School.	VP Chiwenga	20/07/18

ZANU PF RALLIES ADDRESSED BY VP KEMBO MUHADI

1.	Chiredzi	Chiredzi East	Zanu PF star rally at Tsvovane	VP Kembo Mohadi	03/06/18
2.	Lupane	Lupane East	Zanu PF star rally at St Paul	VP Kembo Mohadi	04/07/18
3.	Mt Darwin	Mt Darwin	Zanu PF rally at Chiunye Primary School	VP Kembo Mohadi	07/07/18

ZANU PF RALLIES ADDRESSED BY SENIOR POLITICAL FIGURES

Ser	Province	District	Constituency	Activity	Guest of Honour	Date
1.	Byo Metro	Byo Urban	Nkulumane	Rally at Cowdry park and Stanley Square	Angelina Masuku	09/07/18
2.	Manicaland	Makoni	Makoni Central	Ground breaking ceremony of a bridge in Rugoyi at Nyatande river.	Cde Joram Gumbo	17/07/18
3.	Midlands	Zvishavane	Ngezi	Campaigning meeting by cde Owen Ncube at Mhototi Primary school.	Provincial Affairs Minister, cde Owen Ncube	14/07/18
4.	Mash East	Marondera	Marondera west	Campaigning meeting at St Nicholas Mahusekwa High School, where Senator Sekeramai donated 40 computers.	Senator Sekeramai	13/07/18
5.	Mash East	UMP	Uzumba	Zanu PF rally at Nhakiwa B/C	P Shiri	24/06/18
6.	Midlands	Gokwe	Nembudziya	Zanu PF rally	E Rugeje	16/07/18
7.	Mash Central	MT Darwin	MT Darwin West	Zanu PF Star rally at Chikwira School.	P Shiri	17/07/18
8.	Mash Central	MT Darwin	MT Darwin West	Zanu PF Star rally at Mutungagore School.	P Shiri	17/07/18
9.	Mash Central	Guruve	Guruve South	Zanu PF rally at Mudindo Growth Point	P Shiri	19/07/18
10.	Midlands	Gokwe Nembudziya	Gokwe North	SB Moyo rally at Nembudziya Growth point, Kuwirirana B/C Nyamazengwe and Nyatso	SB Moyo	21/07/18
11.	Harare	Harare	Harare South	Sb Moyo rally Harare South	SB Moyo	July 2018
12.	Midlands0	Zvishavane	Zvishavane	W Chitando rally at Maglas stadium	W Chitando	17/07/18

M

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SADC ELECTORAL OBSERVATION MISSION (SEOM) TO THE REPUBLIC OF ZIMBABWE

PRELIMINARY STATEMENT

BY

HIS EXCELLENCY MANUEL DOMINGOS AUGUSTO

MINISTER OF EXTERNAL RELATIONS OF THE REPUBLIC OF ANGOLA

AND HEAD OF THE SEOM

TO THE 2018 HARMONISED ELECTIONS

IN

THE REPUBLIC OF ZIMBABWE

HELD ON

30 JULY 2018

Delivered on 01 August 2018
Rainbow Towers Hotel
HARARE

Your Excellency Mr John Dramani Mahama, Former President of the Republic of Ghana and Head of the Commonwealth Election Observation Mission;

Your Excellency Hailemariam Desalegn Boshe, former Prime Minister of the Federal Democratic Republic of Ethiopia and Head of the African Union (AU) Election Observation Mission to the Republic of Zimbabwe;

Your Excellency Dr. Stergomena Lawrence Tax, Executive Secretary of the Southern African Development Community (SADC);

Honourable Justice Patrick Matibini, SC, Speaker of the National Assembly of Zambia and Head of Mission of the SADC Parliamentary Forum;

Hon. Justice Semistocles S. Kaijage, Chairperson of the National Electoral Commission of Tanzania and Head of Mission of the Electoral Commissions Forum of SADC Countries;

Ambassador Ashraf Gamal Rashed, Member of the COMESA Committee of Elders;

Distinguished Members of the Zimbabwe Electoral Commission (ZEC);

Esteemed Members of the SADC Organ Troika on Politics, Defence and Security Cooperation;

Distinguished Members of the SADC Electoral Advisory Council (SEAC);

Representatives of the Government of the Republic of Zimbabwe;

Leaders and Representatives of Political Parties;

Local and International Election Observation Missions;

Members of the Diplomatic Corps and International Organisations;

Religious Leaders;

Members of the Media;

Members of Civil Society, Women and Youth Organisations;

Distinguished Guests;

"Kwaziwayi".

"Linjani"

"Good morning"

It is my privilege to welcome you all to this august event, the presentation of the Preliminary Statements of the International Electoral Observers to the Harmonised Elections in the Republic of Zimbabwe that took place on Monday, 30 July 2018.

I am honored to present the Preliminary Statement of the SADC Electoral Observation Mission (SEOM).

Your Excellencies;
Ladies and Gentlemen;

In accordance with the established practice to observe the National Elections in SADC Member States, His Excellency João Manuel Gonçalves Lourenço, President of the Republic of Angola and the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation constituted the SADC Electoral

Observation Mission (SEOM) to observe the elections following an invitation extended by the Government of the Republic of Zimbabwe.

This practice is in conformity with the *SADC* Treaty; *the SADC Protocol on Politics, Defence and Security Cooperation* and the revised *SADC Principles and Guidelines Governing Democratic Elections (2015)*.

In this regard, President João Lourenço mandated Dr. Stergomena Lawrence Tax, the Executive Secretary of SADC to facilitate the deployment of the SEOM to the Republic of Zimbabwe.

Furthermore, the Chairperson appointed me in my capacity as the Minister of External Relations of the Republic of Angola to lead the SEOM to the Republic of Zimbabwe.

Your Excellencies;
Ladies and Gentlemen

As you may know, SADC has now employed the Long Term Election Observation Methodology as stipulated in the Revised SADC Principles and Guidelines Governing Democratic Elections. To this end, we deployed the SADC Electoral Advisory Council (SEAC) in March, 2018, to assess whether the political and security environment was conducive to the holding of democratic elections; as well as gauge the state of preparedness of the Zimbabwe Electoral Commission (ZEC).

It is significant to note and appreciate, therefore, that both the SEAC and the Long Term Observation Mission observed that there had been a remarkable transformation in the exercise and protection of civil and political rights in Zimbabwe compared to the 2008 presidential run off. Further to this, the SEOM notes that Zimbabwe has welcomed international election observers, some of whom were previously barred or not invited to observe elections in Zimbabwe. This is a commendable move towards electoral transparency and confidence building in the electoral process.

Your Excellencies;
Ladies and Gentlemen;

The Mission notes that the 30 July 2018 Harmonized Elections in Zimbabwe were regulated by the Constitution of the Republic of Zimbabwe and the Electoral Act.

According to Section 158 (1)(a) of the Constitution of Zimbabwe, 2013, General Elections should take place not more than thirty days before the expiry of the five-year period in terms of Section 143 of the Constitution. By proclamation call the President sets the date for a General Election after consultation with the Zimbabwe Electoral Commission.

Pursuant to Section144 of the Constitution of Zimbabwe, His Excellency Emmerson Dambudzo Mnangagwa, on 30th May 2018, issued a proclamation setting the 30 July 2018 as the date for Presidential, Parliamentary, and Local Government Elections, referred to as the Harmonised Elections.

Your Excellences;
Ladies and Gentlemen;

As part of its observation process, the SEOM engaged a wide range of stakeholders constituting state and non-state actors beginning with the Government of the Republic of Zimbabwe; ZEC, Political Parties, Council of Chiefs, media, representatives of regional and international organisations, academia, faith-based organisations; and civil society as well as persons with disabilities, women and youth.

The SEOM will continue with long term observation of the post-election phase – the findings of which will be incorporated into the final report of the Mission. Our assessment takes note of the major positive aspects related to the administration of the legal and constitutional framework and its transformative effect on the political and security context. We also take note of those areas that require improvement in order to enhance the electoral system and democracy in general.

1. FINDINGS OF THE SADC ELECTORAL OBSERVATION MISSION TO THE REPUBLIC OF ZIMBABWE

The Mission wishes to share the following Preliminary Findings of the 30th July, 2018 Harmonised Elections:

1.1 The Legal and Constitutional Framework

The Constitution promotes key principles for conducting democratic elections which include:

(a) The right for all political parties to function and campaign freely within the law;
(b) The will of the people to be demonstrated through elections that are conducted in a free, fair, transparent and efficient manner; and
(c) State-owned media to be impartial and afford fair opportunity for the presentation of divergent views and opinions.

The SEOM further notes that the Constitution introduced new institutional mechanisms that promote democracy and good governance, which had to be factored into existing or new legislation in order for the laws of the country to be aligned with the Constitution. The Mission was informed by the ZEC that the process of aligning the Electoral Act with the Constitution is ongoing.

The Mission further notes that on 28th May 2018, the Government published the Electoral Amendment Act, 2018, whose key positive aspects include a new *Electoral Code of Conduct for Political Parties and Candidates and other Stakeholders*. The Code of Conduct is an essential framework enabling a climate of tolerance in which election activity may take place without fear, coercion, intimidation or reprisals.

The Mission also notes that public funding for political parties is based on the Political Parties (Finance) Act where funding is available based on achieving at least 5% of the parliamentary vote. The Act also prohibits political parties and candidates from accepting funding from individuals and entities who are foreigners and not resident in Zimbabwe.

1.2 Mandate and Appointment of ZEC Commissioners

Elections in Zimbabwe are conducted and managed by the ZEC which is one of the five *Chapter 12* institutions of the Constitution whose purpose is to promote democracy in Zimbabwe. The other four are the Human Rights Commission, the Gender Commission, the Media Commission, and the National Peace and Reconciliation Commission, which have a complementary role to play in the electoral context, particularly in conflict prevention, management and resolution.
The SEOM notes that the involvement of the public and political parties in the appointment of ZEC Commissioners is a commendable practice as it potentially lends credibility to the electoral management body. The ZEC is made up of a chairperson appointed by the President after consultation with the Judicial Services Commission (JSC) and the Parliamentary Committee on Standing Rules and Orders, which also includes ruling party and opposition parties; and eight other members appointed by the President from a list of not less than twelve (12) nominees submitted by the Committee. The appointment of the Commissioners is based on stakeholder consultations, public nomination processes, and public interviews in Parliament. The ZEC's mandate includes:

(i) Conducting and managing elections and referenda in Zimbabwe in a transparent, impartial and independent manner;
(ii) Establishing a voter registration system that results in a credible Voters' Roll;
(iii) Creating and consolidating structures that facilitate good relations between and among stakeholders in elections; and
(iv) Designing and developing a voter education programme that informs and educates the electorate in Zimbabwe.

In line with the ZEC mandate, the SEOM notes that the ZEC has made a number of positive improvements to the management of the elections, which include the following:

(i) Introduction of a Biometric Voter Registration (BVR) system on 14th September, 2017 through Statutory instrument 109 of 2017, following the disagreements between contesting political parties in 2013 over transparency and management of the voters roll. This is consistent with the provisions of the Revised SADC Principles and Guidelines Governing Democratic Elections;

(ii) ZEC is now fully in charge of the registration of voters and management of the voters' roll;

(iii) The introduction of Polling station specific registration which confines each voter to cast ballots at only one polling station of their choice within the precincts of their homes, to allay fears of multiple voting;

(iv) The establishment of the Multi-Party Liaison Committee as a platform for political party dialogue and engagement on issues related to the election process;

(v) The positive engagement with civil society organisations, particularly in respect of civic and voter education.

Further to this, and in the context of electoral conflict prevention, management and resolution, the National Peace and Reconciliation Commission (NPRC) has been operational since February 2018, and has evidently contributed to the enhancement of the climate of peace and political tolerance by facilitating commitments to *the Peace Pledge* signed by 21 political leaders ahead of polling day. In addition, the Human Rights Commission now has the mandate to observe the elections in Zimbabwe, and deployed observers in this respect.

Despite these highly significant initiatives by the ZEC and other Chapter 12 Institutions, the SEOM also took note of the varied concerns raised by stakeholders in respect of ZEC and its management of some aspects of the electoral process. The following were the main issues raised by stakeholders:

(i) delays in the release of the voters' roll to political stakeholders;

(ii) alleged lack of transparency in the procurement and printing of the ballot papers;

(iii) the layout of the ballot paper, which was alleged to have favoured one candidate over others;

(iv) alleged lack of impartiality by the ZEC and bias towards one political party over others; and

(v) lack of a pro-active communication strategy with respect to the concerns of political parties.

The Mission finds that some of the issues raised were due to residual historical distrust towards state institutions, particularly the Electoral Management Bodies, for example, the Registrar General whose Office in the past was responsible for the registration of voters.

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Other challenges were seemingly due to ZEC's apparent inability to employ a comprehensive communication strategy that could have engendered greater transparency while enhancing confidence amongst stakeholders.

1.3 Registration and Preparation of the Voters' Roll

The Mission finds that there has been a general consensus amongst the stakeholders consulted that the introduction of the BVR has had the potential effect of rendering improved confidence to the electoral process. Further to this, the Mission also notes that independent civil society organisations were permitted to conduct an audit of the voters roll to ascertain its veracity.

Although the introduction of the BVR was a significant development in the electoral process of Zimbabwe, some stakeholders expressed concerns over the resultant voter's roll. It was the view of the opposition and some civil society groups that the Voters' Roll was shared late and in a format that was not analyzable and therefore, not consistent with the provisions of the Constitution.

The aggrieved stakeholders also expressed concern that the time allocated for inspection and verification of the voters' roll was inadequate for both registered voters and political parties. Furthermore, the electronic copies of the voters' roll were only made available after the nomination process.

1.4 Concerns about Postal Voting

The SEOM notes that there has been considerable confusion amongst stakeholders regarding the procedures for postal voting. This may have arisen from the apparent conflation of *special voting*, which has since been repealed, with *postal voting*. The SEOM notes that the Electoral Act does not require observation or supervision of the postal voting process.

1.5 Diaspora Voting

Despite the concerns raised by stakeholders regarding the lack of facilities for diaspora voting, the Mission notes that the Constitution of Zimbabwe makes no such provision; and the Electoral Act limits voting to within the voters constituency, with the limited exception of postal voting. Further, the Mission also takes note of the judgment of the Constitutional Court of Zimbabwe delivered on 30 May 2018, which confirms that there is no constitutional provision for diaspora voting.

1.6 Role of the Police in National Elections

Thus far, the Mission has found the conduct of the Police to have been of a high professional standard which has contributed to the peaceful

dispensation experienced during this election. With a few exceptions for which justifications were proffered, the Police permitted political parties to exercise their freedom of assembly and association during the campaign period. The Mission also commends the Police for developing a booklet on the code of conduct for their officers during elections which was based on the revised SADC Principles and Guidelines Governing Democratic Elections.

1.7 Role of Traditional Chiefs in National Elections

Traditional leaders at whose apex are the Chiefs play a critical role in the rural economy of Zimbabwe. They are responsible for the implementation of customary law and the allocation of rural land. The Mission noted concerns by stakeholders that some traditional leaders were using their influence to intimidate or coerce the rural population into supporting the ruling party. Nonetheless, the Mission observes that the Constitution of Zimbabwe prohibits traditional leaders from furthering the interests of any political party or acting in a partisan manner. Furthermore, the Mission notes the High Court of Zimbabwe judgment, which ordered the leadership of the Traditional Leaders not to be partisan. The SEOM also notes that the Zimbabwe Human Rights Commission has advised stakeholders such as traditional leaders to desist from voter intimidation.

1.8 Women Participation

The Mission notes that Zimbabwe has provided for legislated gender quotas in the Constitution to facilitate parity in governance structures. To this end, 60 seats are allocated to women on Proportional Representation (PR) basis. This is an important initiative not only in the national context but also in the endeavor to fulfil relevant provisions of the SADC Protocol on Gender and Development andthe Revised SADC Principles and Guidelines Governing Democratic Elections. However, the Mission notes that this provision will fall away in the next elections in 2023. Furthermore, despite the existence of the gender quota, there has been comparatively lower participation by women in this election as candidates despite their superior numbers in the voter register.

1.9 Persons with disabilities

The Mission also noted the concerns raised by the visually impaired that there is no provision for braille ballot papers, and the procedure is that the visually impaired voters are permitted to be accompanied by a trusted person who assists them to cast their votes. However, this procedure does not protect the secrecy of the vote of the visually impaired.

1.10 Access to the Media

The Mission notes that the Electoral Law provides for indirect and direct access during elections for political parties to the public broadcaster. While the law also affects private media, its requirements are more stringent in relation to State-owned media on account of they being public institutions.

The Mission noted, in this regard, that the public broadcaster and the State-owned newspapers were in favour of one political party, contrary to the relevant provisions of the Constitution, the Electoral Act, and the Revised SADC Principles and Guidelines Governing Democratic Elections, which requires State-owned media to be impartial.

Your Excellences;

Ladies and Gentlemen;

On Election Day, the Mission observed a total of 178 polling stations of which 52% were in rural areas and 48% in urban constituencies. The following was observed by the Mission during opening, voting and closing of polling stations on election day in this regard:

(i) The environment at all of the polling stations observed was peaceful, and all the polling stations opened and closed on time without any disruption of the procedures;

(ii) The voting process in most of the observed stations was carried out in accordance to the set procedures;

(iii) Most of the polling stations were accessible to persons with disabilities;

(iv) The police were present at all polling stations and were found to be professional, attentive and discreet;

(v) Some voters were turned away, among other things, because they were at the wrong voting station while some could not be positively identified;

(vi) Some voters in need of assistance were assisted mainly by persons of their choice, and in certain cases, by the election officer and police;

(vii) During closing and counting, the reconciliation process took place in the presence of party agents and the reconciliation numbers were announced to all present;

(viii) At all the polling stations observed, the V.11 form, which confirms the results of the particular polling station, was duly completed and signed by the party agents.

Your Excellences;
Ladies and Gentlemen;

In summary, the pre-election phase and the voting proceeded in a peaceful and orderly manner, and were largely in line with key provisions of the Legal and Constitutional Framework and in conformity with the revised SADC Principles and Guidelines Governing Democratic Elections. The peaceful environment provided the people of Zimbabwe the opportunity to exercise their constitutional right.

SEOM will continue to assess the post-election period covering the counting, tallying and tabulation of results; and other relevant aspects of the result management process.

Your Excellences;
Ladies and Gentlemen;

In view the above, the SEOM presents the following recommendations:

2. LEGAL FRAMEWORK

The Mission urges the Government of Zimbabwe to consider expediting alignment of outstanding aspects of the Electoral Law to the new Constitution.

2.1 Voters roll

The Mission urges ZEC to endeavour to avail the voter's roll, as and when, required by stakeholders to allow enough time for inspection and verification.

2.2 Public Communication by ZEC

Given the concerns raised by certain stakeholders on the alleged partiality of the ZEC, the Mission calls on ZEC to consider adopting a pro-active communication strategy which engages stakeholders at every relevant stage of the electoral processes in order to build confidence and a sense of ownership amongst key stakeholders and the general public.

2.3 Postal voting

The Mission urges the ZEC to conduct sensitisation programs regarding postal voting particularly related to its modalities and management.

2.4 Diaspora Voting

The Mission advises that, consideration should be given to permit voting by Zimbabweans in the diaspora.

2.5 Media

The Mission advises the ZEC and the Media Commission to ensure that the Constitution and Electoral Law are enforced with respect to the conduct of the media.

2.6 Women and gender balance

In line with the Constitution of Zimbabwe, and the SADC Protocol on Gender and Development of 2008, the SEOM encourages all stakeholders to review the political and social environment, with a view to promoting women and gender balance in positions of political leadership.

2.7 Provisions for persons with disabilities

While the Mission commends ZEC for introducing mechanisms for voters with disabilities to access polling stations, the Government and ZEC are urged to continue to establish user-friendly polling stations to cater for people with disabilities, including the provision of braille ballot papers.

Your Excellences;
Ladies and Gentlemen;

In conclusion, the Harmonised Elections of 30th July, 2018, represent a political watershed in Zimbabwe's history as they may open a new chapter leading towards socio-economic recovery and consolidation of democracy.

The Mission wishes to commend the people of Zimbabwe for conducting themselves in a peaceful, orderly and exemplary manner during the pre-election phase and voting day. In the event of any disputes around the outcome of these elections, candidates are strongly urged to channel their grievances through established dispute resolution mechanisms as provided by the law; and refrain from any form of violence.

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Tatenda
Siyabonga
Thank you
Muito Obrigado
Merci beaucoup

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AFRICAN UNION
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AFRICAN UNION ELECTION OBSERVATION MISSION (AUEOM) TO ZIMBABWE

30 JULY 2018 HARMONISED ELECTIONS

PRELIMINARY STATEMENT

Harare, 1 August 2018

INTRODUCTION

On 30 July 2018, Zimbabweans went to the polls to elect the country's next President, Members of the National Assembly and Local Government Representatives. They are the first post-independence elections to be held without former President Robert Mugabe who ruled for 37 years and are widely seen as an important moment in the country's democratic transition.

The African Union (AU) participated in the elections following an invitation from the Government of the Republic of Zimbabwe by deploying both long- and short-term election observers on the 1 July 2018 and 23 July 2018, respectively. The Mission which is led by H.E. Hailemariam Desalegn Boshe, former Prime Minister of the Federal Democratic Republic of Ethiopia and assisted by H.E. Minata Samate Cessouma, the AU Commissioner for Political Affairs, comprises of sixty-four (64) observers – 14 long-term and 50 short-term observers – drawn from AU member states and institutions.

In this preliminary statement, the African Union Election Observation Mission (AUEOM) offers a summary of key observations from the electoral process thus far, including the political context, legal framework, election administration, campaign, participation of women and media environment, as well as election day voting and counting process. This statement is preliminary because it is issued while the tabulation and announcement of results are ongoing and, therefore, an assessment of the entire electoral process cannot be provided at this stage.

SUMMARY OF KEY FINDINGS

The Pre-Election Environment

Political Context

The elections took place in a generally peaceful and calm environment with no major incidents of violence and restriction on the activities of political parties and candidates observed. The process was highly competitive as evidenced by the high number of presidential, national assembly and local council candidates. As an indication of the marked improvement in the political space, the AUEOM notes a very low threshold requirement for registration of political parties and candidates to contest the elections.

Legal Framework

Zimbabwe's 2018 elections were conducted under an improved legal framework consisting of the 2013 Constitution, The Electoral Act, other Acts and Legislation, Rules and Regulations promulgated by Zimbabwe Electoral Commission (ZEC). Some of the improvements noted in the legal framework that the AUEOM notes include:

- The new 2013 Constitution provides a comprehensive framework to govern the elections;
- The new Electoral Act and various Regulations supplemented and streamlined electoral dispute resolution by establishing the Electoral Court with exclusive jurisdiction to hear electoral appeals, applications and petitions;
- The creation of Multi-Party Liaison Committees (MPLC) to enforce the Code of Conduct and assist ZEC in managing inter-party conflict.

Despite these improvements, the legal framework contains several gaps – for example, various regulations and the Electoral Act are not properly aligned with the 2013 Constitution.

Electoral Administration

Zimbabwe Electoral Commission (ZEC) is the sole body established under the Constitution with the responsibility to prepare, conduct and supervise elections, register voters, conduct and supervise voter education, undertake boundary delimitation, accredit observers and receive and consider complaints.

The AUEOM found that the Government of Zimbabwe wholly funded the 2018 elections, which were substantially conducted by ZEC, with some technical support from international organisations.

Despite some financial challenges and logistical issues, the Mission observed that ZEC carried out all the stages of the electoral process in accordance with the electoral timeline and was fully prepared. It made concerted efforts to engage electoral stakeholders at various stages of the process through the establishment of the Multi-Party Liaison Committees (MPLCs). While this is a good practice, the Mission however observed that this platform for interaction and resolution of disputes was not fully utilised by all concerned. The Mission notes that meetings were not consistently held, with some political parties expressing dissatisfaction regarding the manner in which ZEC conducts and reacts to

issues during MPLC meetings. Overall, there was low confidence among many of the opposition parties that the Mission consulted regarding the impartiality of ZEC and its ability to conduct transparent and credible elections.

Voter Registration

Following concerns about the inadequacies of the 2013 Voters Roll, the ZEC undertook an ambitious process to create a new roll by introducing the Biometric Voter Register (BVR) system in order to enhance its accuracy and inclusiveness – a process its undertook from 18 September 2017 to 2 December 2017. At the end of the registration process, a total of 5,695,706 were registered, of whom 2,622,516 are males (46.1%) and 3,073,190 are females (53.9%).

Given that it was the first time Zimbabwe is using a BVR system to register voters, many stakeholders have shown keen interest in the procurement of kits, roll out and integrity of the system. While ZEC consistently assured stakeholders and undertook necessary steps to ensure the integrity of the BVR system, some opposition parties and civil society organisations expressed numerous concerns about the accuracy, completeness and inclusivity of the register. Another concern by political parties and candidates was the late submission of the Final Voters Register by ZEC. These concerns were further reinforced by the failure of ZEC to carry out a proper and independent auditing exercise, which impacted stakeholder confidence in the register.

Political Participation

The 2018 contest witnessed a high level of participation of political parties and independent candidates in all cadres of representation. The number of presidential candidates has increased significantly from 5 in 2013 (all of whom were male) to 23 in 2018 (of which 4 were women). The increased number of candidates and political parties participating in the 2018 elections is evidence of the improved political space currently prevailing in the country. The AUEOM observed that political parties and candidates were able to freely associate and function without much inhibition to their rights.

Election Campaign

The AUEOM observed that the election campaign was largely peaceful, and parties and candidates were able to exercise their fundamental rights of association, free speech and assembly without inhibitions or restrictions. Political parties and candidates adopted various campaign strategies during the campaign period. These included the use of posters,

billboards, caravans, rallies, t-shirts, 'vuvuzelas', door-to-door visitations, rallies and social media postings. All these strategies were implemented in a peaceful manner in adherence to the Code of Conduct for political parties and candidates.

While the campaign was largely peaceful, there were a few isolated violent incidents observed in Kwekwe district in Midlands province as well as reports of tearing down of posters of political opponents. There were also allegations made against the ruling party of using state resources in its campaign activities, particularly public space and government vehicles. Opposition parties also complained about the ruling party's use of school children to attend rallies without parental consent, use of school buses and buses belonging to the Zimbabwe Military Academy (ZMA) and the Zimbabwe Electricity Transmission and Distribution Company (ZETDC) to ferry party supporters to campaign rally grounds, use of traditional leaders for campaigning and the distribution of food aid and agricultural inputs as a means of vote buying, as well as subtle acts of intimidation. While the AUEOM did not confirm several instances of these practices and cannot determine the extent to which these activities have impacted on the credibility of the electoral process, it is important to underline that such activities could have provided an unlevelled playing field in the electoral contest.

Women's Participation

The AUEOM notes the constitutional guarantees of equality of participation of Zimbabwean men and women in all spheres of public life, as well as specific provisions in the electoral act on women's participation in the electoral process. While the legal framework adequately provides for women's political participation and, indeed, the state took special measures to promote women's participation such as the reserved seats for women in the National Assembly, overall, women's representation as candidates was generally low. For instance, although women constituted 54% of the registered voters in the 2018 elections, only 7% of the candidates contesting the elections at all levels were female.

However, the Mission was pleased to see that 4 out of the 23 presidential candidates were women, and that the majority of polling staff on election day were women.

The Media

Although the AUEOM has recommended in the past for measures to be undertaken to guarantee equal access to the State Broadcaster to all contestants during election period and for the full implementation of the Broadcasting Service Act to ensure balanced and

pluralistic media, regrettably, these recommendations were not implemented. The media environment still remains largely polarized.

While the Electoral law mandates ZEC to regulate the media during elections through the establishment of a Media Monitoring Committee, it has been unable to effectively operationalize this Committee, leading to a media environment that has operated without any systematic regulation during the 2018 election period. As a result of the foregoing, both private and state-owned media houses have exhibited a noticeable degree of polarization characterized by biased reporting and inequitable coverage of political parties and candidates contesting the elections.

Civil Society Participation

The AUEOM observed a high level of involvement of civil society organisations in civic and voter education and monitoring of the elections. The Mission notes ZEC's close collaboration and cooperation with various civil society organisations and other relevant stakeholders in sensitising voters, particularly women, youth and minority groups, which impacted positively on the electoral process. However, the Mission notes concerns expressed by civil society organisations regarding the levy of a fee for accreditation of domestic observers which, to some extent, impacted on their level of participation in the electoral process. While the imposition of fees and/or charges on domestic observer groups is lawful, it contravenes Zimbabwe's international obligations, particularly Article 12(3) of the 2007 African Charter on Democracy, Elections and Governance, which requests State Parties to create conducive conditions for civil society organisations to exist and operate within the law.

Election Day

On Election Day, the AUEOM observed the opening and closing in 23 polling stations (18 in urban and 5 in rural areas) and voting in 345 polling stations (74% in urban and 26% in rural areas) in 43 districts of the country's 10 provinces. Below is a summary of the Mission's observations on Election Day:

- The vast majority of polling stations visited opened on time, with only 2 that opened approximately half an hour late due to receipt of incorrect materials and delay in setting up the polling stations.

- Despite the large voter turnout, voting took place in a generally peaceful and orderly environment.

- The secrecy of the vote was guaranteed in all polling stations visited.

- The vast majority of polling stations visited had a large number of party agents present – mostly representing Zimbabwe African National Union – Patriotic Front (ZANU-PF) and Movement for Democratic Change – Alliance (MDC-A) parties – and were given access to observe, which demonstrates a substantial level of transparency.

- A number of voters were seen turned away in some polling stations we visited due to various reasons, including being in the wrong stations, failure to verify voter's identification, failure to find the voter's name on both the voters and exclusion lists, and duplicate registration. However, corrective measures were taken by polling staff.

- Security personnel were visibly present inside and outside the polling stations visited but their presence was mostly discreet, non-intrusive and professional.

- Most polling stations visited were accessible and priority was given to voters with special needs, including persons with disabilities, the elderly, pregnant women and women with babies. Separate queues to cater for both men and women were observed, in line with ZEC's Polling Station Guidelines.

- We observed campaign materials in 28 out of 345 polling stations visited. However, no campaign activities were observed.

- We observed that ZEC was generally well-prepared for the polls as all essential election materials were available in adequate quantities in all the polling stations visited throughout the day.

- More than half of the number of polling staff were women in all polling stations. Women were also well represented as party agents and observers in all polling stations visited.

- Poor lighting was observed in most of the polling stations using tents. Although this was a challenge, voting and counting was not compromised.

- We observed that polling staff largely adhered to the prescribed voting procedures. Overall, we assessed the performance of polling staff and conduct of polling as mostly very good. However, there is room for improving the procedures for counting the ballot papers in order to make it simple and less cumbersome.

Conclusion

The 2018 elections is an important moment in Zimbabwe's democratic transition and provides an opportunity for the country to change course, in particular, broadening the political space and allowing citizens to exercise their constitutional rights in a democratic way. By and large, the process was peaceful and well-administered.

Recommendations

The AUEOM offers the following preliminary recommendations for consideration by the Zimbabwean stakeholders for improvement on their electoral processes in future:

- **Legal framework:** There is need to align and harmonise the electoral laws to comply with the Constitution.

- **Political Environment:** Continue to maintain the current open and free political environment, and all stakeholders must refrain from acts that may undermine the integrity of the electoral process or threaten the country's peace and stability.

- **Women's participation:** Consider putting in place mechanisms to increase women's participation in the electoral process, particularly as candidates.

- **Media:** In light of the partisan and polarised nature of the media in Zimbabwe, consider full implementation of the Broadcasting Service Act and ensure equal access to the State Broadcaster to all contestants during elections.

- **Voters Register:** ZEC should avail the final voters register to political parties, candidates and other relevant stakeholders within a reasonable time to allow for a comprehensive voter audit and verification, as well as facilitate effective participation in the process.

- **MPLCs:** ZEC should foster dialogue and consultation with stakeholders to enhance confidence in the electoral process and put measures in place to efficiently operationalise the Multi-Party Liaison Committee meetings to improve communication with stakeholders.

Harare, Zimbabwe

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PRELIMINARY MISSION STATEMENT

BY THE SADC PARLIAMENTARY FORUM ELECTION OBSERVATION MISSION TO THE 2018 ZIMBABWE HARMONISED ELECTIONS

DELIVERED BY
MR JUSTICE DR PATRICK MATIBINI, SC., FCIArb, MP
HEAD OF MISSION AND SPEAKER OF THE NATIONAL ASSEMBLY OF THE REPUBLIC OF ZAMBIA AS WELL AS A MEMBER OF THE SADC PF EXECUTIVE COMMITTEE

ON 1 AUGUST 2018

AT HARARE INTERNATIONAL CONFERENCE CENTRE IN HARARE, ZIMBABWE

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SALUTATIONS

- Honourable Manuel Domingos Augusto, Head of SADC Electoral Observation Mission (SEOM) and Minister of Foreign Affairs of the Republic of Angola,;
- Your Excellency Hailemariam Desalegn, Head of the African Union Election Observation Mission and Former Prime Minister of the Republic of Ethiopia;
- Esteemed Heads and Members of International Election Observation Missions;
- Justice Priscila Makanyara Chigumba, Chairperson of the Zimbabwe Electoral Commission (ZEC) and ZEC Commissioners here present;
- Members of the Diplomatic Corps;
- Esteemed Leaders of Political Parties;
- Members of Civil Society Organisations;
- Media Representatives;
- Distinguished Guests;
- Ladies and Gentlemen

It is my singular honour and privilege to present the SADC Parliamentary Forum Election Observation Mission's Preliminary Statement on the 2018 Zimbabwe Harmonised Elections.

1. INTRODUCTION

In line with its goals of protecting electoral integrity within the SADC Region, the Southern African Development Community Parliamentary Forum (SADC PF),[1] constituted a 22-Member Election Observation Mission to the 2018 Zimbabwe Harmonised Elections following an invitation by the Zimbabwe Electoral Commission (ZEC). The Mission comprised a Pre-Election Technical Assessment Mission which was in the country from 14 to 26 July and the main Short Term Observation Mission which arrived in Zimbabwe on 26 July to 02 August 2018.

The Mission comprises Members of Parliament drawn from five National Parliaments of SADC countries, namely Angola, Botswana, Namibia, South Africa and Zambia and is supported by officials from the SADC PF Secretariat and National Parliaments.

I was honoured to be the Head of the Mission while Hon. Agnes Limbo from the National Assembly of the Republic of Namibia is the Deputy Head of Mission.

This Mission is the fifth SADC PF Election Observation Mission to be deployed in Zimbabwe, with similar Missions having been deployed during the 2000, 2002, and 2013 general elections as well as the 2013 constitutional

[1] The SADC Parliamentary Forum (SADC PF) is a Regional inter-parliamentary forum for national Parliaments of SADC Member States established in 1996 and was approved by the SADC Summit in 1997 as a consultative and deliberative body in accordance with Article 9 (2) of the SADC Treaty. It is currently composed of 14 National Parliaments, namely Angola, Botswana, Democratic Republic of Congo (DRC), Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Eswatini, Tanzania, Zambia and Zimbabwe.

referendum. The SADC PF Election Observation Mission to the 2018 Harmonised Elections is also the 42nd Election Observation Mission to be deployed to a Member State since 1999 when SADC PF started observing elections in the SADC Region.

The purpose of this Preliminary Statement is to share with ZEC and other stakeholders the Mission's findings and recommendations, which are aimed at strengthening electoral institutions and promoting the integrity and efficacy of elections freeness, fairness as well as the overall credibility and integrity of elections in Zimbabwe and the entire SADC Region.

This Preliminary Statement details the Mission's findings, overall assessment and recommendations to date. The Mission is well aware that this Preliminary Statement is being issued when the tabulation, verification and declaration of results is still ongoing. SADC PF will continue to observe the post-election developments and will capture these in a more detailed Final Report that will be compiled and published within 60 days from the date of this Preliminary Statement. SADC PF will, in line with established practice, formally present the Mission's Final Report to ZEC and share experiences for electoral reforms in line with the SADC Model Law on Elections which SADC PF is currently finalising.

2. TERMS OF REFERENCE

The Mission's Terms of Reference were based on the revised *SADC Principles and Guidelines Governing Democratic Elections* (2015) and the *African Charter for Democracy, Elections and Governance (2007)*, among other international election instruments. More specifically, the Mission's observation work was guided by the following points of inquiry that are contained in the SADC PF's *Benchmarks for Assessing Democratic Elections in Southern Africa (2013)*:

i) Political Context and the Campaign Environment;
ii) Constitutional and Legal Framework;
iii) Electoral System and Boundary Delimitation;
iv) Electoral Management;
v) Media Coverage;
vi) Role of Security Forces;
vii) Role of Traditional Leaders;
viii) Gender Mainstreaming;
ix) Participation of Youths;
x) Electoral Dispute Resolution;
xi) Voter Education;
xii) Registration of Parties and Nominations;
xiii) Political Party Funding and Campaign Funding;
xiv) Voter Registration and the State of the Voters Roll;
xv) Voting Operations and Polling Arrangements;
xvi) Vote Counting;
xvii) Declaration of Results;
xviii) Complaints and Appeals Procedures;
xix) Good Practices;
xx) Areas of Improvement; and

xxi) Overall Assessment of the entire Electoral Processes.

3. DEPLOYMENT PLAN

The Mission deployed its Teams in five of Zimbabwe's 10 provinces, namely; Harare Metropolitan, Mashonaland West, Mashonaland East, Manicaland and Midlands. The teams were deployed as follows:

PROVINCE	TEAM MEMBERS	M/F	COUNTRY
Harare	**Team 1**		
	Mr Justice Dr Patrick Matibini, SC., FCIArb, MP, Head of Mission	M	Zambia
	Hon. Agnes Limbo (Deputy Head of Mission)	F	Namibia
	Chongo MUSONDA – Staff	M	Zambia
	John CHELU – Staff	M	Zambia
	Cleophas Gwakwara- Staff	M	Zimbabwe
Mashonaland West	**Team 2**		
	Hon. Botlogile Tshireletso- (Team Leader)	F	Botswana
	Hon. Jorge Augusto	M	Angola
	Geoffrey Zulu-Staff	M	Zambia
Mashonaland East	**Team 3**		
	Hon. Chunga Ponde Mecha- (Team Leader)	M	Zambia
	Hon. Sedirwa Kgoroba	M	Botswana
	Victor Fernandes-Staff	M	Angola
Manicaland	**Team 4**		
	Hon. Stevens Mokgalapa- (Team Leader)	M	South Africa
	Hon. Elizabeth Phiri	F	Zambia
	Rumbidzai Chisango-Staff	F	Zimbabwe
Midlands	**Team 5**		
	Hon. Ruth Andriano Mendes - (Team Leader)	F	Angola
	Hon. Hlomane Patrick Chauke	M	South Africa
	Bonnet Moeng-Staff	M	Botswana
Secretariat	Sheuneni Kurasha – Mission Coordinator	SADC PF Secretariat	
	Unaro Mungendje – Finance and Logistics	SADC PF Secretariat	
	Mr Tawanda Mubvuma - Rapporteur	Resource Person	
	Ms Cecilia Njovana - Mission Secretary	Parliament of Zimbabwe	

4. OBSERVATION METHODOLOGY

The Mission held consultations with stakeholders including ZEC, political parties, civil society organisations (CSOs), media, security forces, academia and the general electorate. The Mission also observed political campaign rallies, witnessed door-to-door campaigns by political parties and candidates and monitored the mass media. Consultations were held with other Election Observation Missions including SADC, African Union, Electoral Commissions Forum of SADC (ECF – SADC), Commonwealth, European Union, Carter Center, National Democratic Institute (NDI)/International Republican Institute (IRI) and local observers. The Mission also reviewed the constitutional and legal framework governing Elections in Zimbabwe as part of its methodology.

5. GUIDING PRINCIPLES FOR THE SADC PF MISSION

In carrying out its observation work, the Mission was guided by the key observation principles of impartiality, neutrality, comprehensiveness, transparency, inclusiveness and objectivity.

6. MISSION FINDINGS

6.1 Political Context and the Campaign Environment

The Mission noted that the 2018 Zimbabwe Harmonised Elections are the second elections to be held under the new Zimbabwe Constitution adopted in 2013 and the first elections following the political transition which saw the former President Robert Mugabe resigning on 21 November 2017 and being succeeded by former Vice-President, Emmerson Mnangagwa on 24 November 2017. In addition, the Mission noted that the elections were duly proclaimed through Statutory Instrument 83 of 2018 issued in terms section 158 of the Zimbabwean Constitution, declaring 30 July as the Election Day and 8 September as the day for presidential election runoff, if need be.

Stakeholders, including political parties, candidates and the electorate indicated that more democratic space had opened-up in the build-up to the 2018 elections. The environment allowed political parties to campaign unimpeded throughout the country and citizens to enjoy the rights enshrined in the Constitution. It was also indicated that although the Public Order and Security Act had not been aligned to the new Constitution, the Zimbabwe Republic Police (ZRP) granted authority to all political parties to hold public assemblies including rallies and demonstrations in a professional and timely manner.

Against years of international isolation, the 2018 elections are viewed by a broad range of stakeholders within and outside Zimbabwe as crucial in restoring the legitimacy of the State and the country's re-engagement with the international community.

Overall, the Mission observed that in spite of the 2018 elections having been a very tight contest, Zimbabweans are commended for exercising political tolerance and maturity which contributed to peaceful environment during the campaign period and on Election Day. However, the Mission took note of isolated cases of election related offences in the pre-election period such as inter-party and intra-party violence, intimidation and defacing of campaign posters.

The Mission urges Zimbabweans to continue in the spirit of tolerance and harmony in the post-election period.

6.2 The Constitutional and Legal Framework

The Mission observed that Constitution of Zimbabwe, the Electoral Act [Chapter 2:13] and the regulations issued in terms of the Act, comprehensively provide for all aspects of organising and conducting elections in Zimbabwe.

The Constitution provides for the protection of citizens' fundamental rights and liberties which include freedoms of expression, assembly and association, movement, freedom of conscience and religious belief, as well as participation in elections. Section 58 of the Zimbabwean Constitution in particular, provides for the freedom of assembly and association and Section 61 provides for freedom of expression and freedom of the media. Section 66, subsection 2 (a) of the Constitution safeguards the citizens' right to move freely within Zimbabwe while Section 67 provides for the political rights.

The Mission is generally satisfied that the afore-stated rights and freedoms were respected and exercised without undue hindrance during the campaign period and on Election Day.

The Mission welcomes the various electoral reforms introduced through the Electoral Amendment Act of 25 May 2018, which include statutory limits on the amount of contingent ballot papers to be printed in an election and the setting of timelines for determination of election results petitions. The reforms responded to some of the recommendations made by observers during the 2013 elections. The reforms also contributed towards improving the legal framework governing elections in Zimbabwe.

The Mission noted the significant progress that Zimbabwe has made in improving the constitutional and legislative framework governing elections in the country in line with the *SADC Principles and Guidelines Governing Democratic Elections*.

6.3 ZEC and Election Administration

ZEC is established by the Constitution as the body responsible for the preparation, conduct and supervision of Elections and Referenda in Zimbabwe. Furthermore, the Constitution expressly mandates ZEC to ensure that elections and referenda in Zimbabwe are conducted efficiently, freely, fairly and transparently.

The Mission notes the low levels of confidence expressed by some political parties in ZEC, in particular, with regards to the design, printing, storage and transportation of ballot papers. Cognisant of progress made in addressing these matters in other SADC countries, the Mission urges ZEC to engage stakeholders with a view to drawing lessons from these countries in the post-election period.

The Mission notes that ZEC has adequately prepared and managed all aspects of the electoral process such as training and deployment of electoral officers, procurement of electoral materials, registration of voters, provision of voter education and other logistical arrangements timeously and in accordance with the electoral timetable.

The Mission took note of concerns regarding the inadequacies of ZEC's communication strategy which was perceived to be reactionary in some instances as opposed to being proactive.

6.4 The Role of Security Forces

The Mission observed that ZRP trained its officers in election instruments, human rights and police duties during elections. ZRP, also constantly liaised with ZEC and other stakeholders including the Zimbabwe Human Rights Commission (ZHRC) and CSOs in providing security to the electoral process. Stakeholders also commended the professional manner in which ZRP had policed public assemblies during the campaign period. On voting day ZRP played an important role in guaranteeing public safety and providing security without interfering with the electoral processes across the country.

6.5 Voter Registration and the State of the Voters' Roll

The Mission notes that the 2018 Zimbabwe Harmonised elections were the first elections in which ZEC assumed full control for the compilation of a new voters roll. ZEC used biometric technology for compilation of a new voters roll which ushered polling station based voting for the first time in Zimbabwe.

The SADC PF Mission learnt that ZEC undertook an extensive biometric voter registration exercise from 14 September 2017, culminating in a total of 5,695,706 voters, of which 3,073,190 were female while 2,622,516 were male, at the closure of the voters roll of the 2018 elections on 8 February 2018. The Mission took note that a local civil society organization, the Zimbabwe Election Support Network (ZESN), carried out an independent audit of the voters roll and concluded that the roll was a significant improvement over the 2013 Preliminary voters roll. In particular, the audit did not identify anomalies in the 2018 voters roll that affected a large percentage of registrants or that were concentrated amongst registrants, of a particular area, gender or age. Furthermore, the audit also revealed that the 2018 voters roll has a significant number of new registrants, as well as more urban and young registrants when compared to the one used during the 2013 elections.

6.6 Civic and Voter Education

The Mission commends ZEC for the collaborative approach to voter education which saw ZEC accrediting a record number of CSOs to undertake voter education. The voter education efforts benefited from the amendment to the Electoral Act to provide for the direct receipt of foreign donations to fund voter education activities by CSOs as opposed to via ZEC as was the case previously.

Voter education assumed a multi-pronged approach which included print and electronic media adverts, door to door campaigns, distribution of posters, pamphlets and leaflets, roadshows, use of bill boards and operation of an electoral information dissemination call centre, including in local languages. In addition, the Mission observed that the contesting political parties also played a significant role in providing voter education to their members during the build-up towards the 2018 Zimbabwe Harmonised Elections.

6.7 Legislation Governing Regulation of Political Parties

The Mission observed that Zimbabwe has no law governing the establishment, registration and operation of political parties. Political parties only need to make announcements that they have been established. The absence of a law governing the registration and operation of political parties has led to the proliferation of political parties, thereby presenting administrative challenges for ZEC in determining the number of political parties when organising meetings and designing the ballot papers. Drawing from experiences elsewhere in the SADC region, there is need to promulgate a law to govern the registration and operations of political parties.

6.8 Political Party Funding

The Mission noted that political party and campaign funding in Zimbabwe is regulated by the provisions of the Political Parties (finance) Act [Chapter 2:11]. According to the Act, political parties and candidates that would have garnered a minimum threshold of five percent of the votes cast during the most recent elections are entitled to a proportional allocation of state funding as determined by government annually.

6.9 Media Coverage of the Elections

The SADC PF Mission noted the critical role played by the media in enhancing awareness on the election process including voter registration, voter education and candidate nominations and communicating the political choices available for the voters. This went a long way in promoting public interest and encouraging public participation in the Elections.

The Mission took note of the trend of acute polarisation that generally characterised the coverage by mainstream media, both private and public print and electronic media prior, during and post the 2018 Zimbabwe Harmonised Elections. Further, the Mission expresses its concern regarding the continued trend of bias by the public media towards the ruling party in its coverage of elections as was observed during the 2013 elections. The SADC PF Mission, therefore, urges for ethical and balanced reporting during elections.

The Mission also noted the robust use of social media especially in urban areas, by various political parties, candidates and other stakeholders as a tool for communication. The Mission however, received concerns on the abuse of social media and the negative impact it has on political participation of women.

6.10 Gender Mainstreaming and Participation of Women

The Mission notes that out of the 23 Presidential candidates, only 4 candidates were women, while out of the 1631 direct election National Assembly candidates, only 240 (14.7%) were women. The same pattern replicated itself in the local authority elections where out of 6576 candidates, 1132 (17.21%) were women. The SADC PF Mission noted that most of the political parties did not have deliberate policies to promote the inclusion of women as candidates in accordance with the SADC Protocol on Gender and Development.

The Mission commends the provision in the law for 60 quota seats for women in the National Assembly and the 'zebra system' for Senatorial seats where the law requires that the first candidate on the list should be a woman.

6.11 Electoral Dispute Resolution Mechanisms

The Mission commends the amendment to the Electoral Act to provide for the setting up of Multi-Party Liaison Committee's (MPLCs) at least 12 months prior to the date of election as opposed to soon after the sitting of Nomination Courts as was the case before. The MPLCs are a strategic platform for alternative dispute resolution and consensus building between political parties and ZEC. The Mission witnessed the MPLCs in operation at national and provincial levels.

6.12 Voting, Counting and Declaration of Results

ZEC deployed sufficient numbers of staff to manage polling stations and the officers were evidently trained and they managed the process professionally. Voting proceeded smoothly in most polling stations observed by the Mission teams. The Mission also commends the polite and helpful way Electoral Officials liaised with political party agents in resolving issues during the voting, verification and counting process.

There were adequate polling stations with clear signage in most cases. Most polling stations visited by the Mission's teams on Election Day opened at 0700 hours and closed at 1900 hours in line with the law.

Voting materials were available in adequate quantities and voting proceeded smoothly in a peaceful environment. The polling station design guaranteed the secrecy of the vote. Voters who were already queued up by 1900 hours were allowed to vote in line with the law.

The counting process was done in a stringent and orderly manner following procedures. All reconciliations were done in consultation with and to the satisfaction of party agents. However, some polling stations particularly temporary structures, did not have adequate lighting and this slowed the counting process.

The Mission commends the posting of results for each polling station outside the respective polling station.

7. GOOD FEATURES AND PRACTICES FROM THE 2018 ZIMBABWE HARMONISED ELECTIONS

The Mission observed the following features and good practices from the 2018 Zimbabwe Harmonised Elections:

i) The mature and tolerant manner in which Zimbabweans conducted themselves prior to the elections, on Election Day and in the immediate post- election period.
ii) Higher voter turnout at most polling stations.
iii) The peaceful and conducive environment in which the 2018 elections were held.

iv) Timely distribution of election materials and deployment of trained polling officers as well as security personnel.
v) The stringent and orderly manner in which ZEC managed the voting and counting process on Election Day.
vi) Use of technology by ZEC during the voter registration and verification exercise.
vii) The provision in the law for the setting up of Multi-Party Liaison Committee's (MPLCs) at least 12 months prior to the date of election as opposed to soon after the sitting of Nomination Courts as was the case in the past.
viii) ZEC's preparation of a comprehensive and credible voters' roll during their first attempt at applying biometric technology.
ix) The introduction of polling station based voters roll and polling station specific voting.
x) Introduction of legal provisions to ensure the mainstreaming of gender in the entire electoral process.
xi) Opening–up of funding regulations to enable CSOs to receive external funding directly as opposed to via ZEC for purposes of conducting voter education.
xii) Provisions in the law which limits the maximum number of ballot papers that can be printed for any election to not more than 10% of the number of registered voters eligible to vote in the election.
xiii) Decentralised structure of the ZEC which allowed the ZEC to effectively discharge its mandate working hand in hand with stakeholders at Constituency, District, Provincial and National levels.
xiv) Prioritisation of special groups such as those with disabilities, the elderly and pregnant mothers during voting in order to ensure they exercise their right to vote.
xv) The high number of polling stations to ensure that all voters have easy access to the polling stations.
xvi) Nationwide civic and voter education by ZEC assisted by CSOs and political parties to generate interest in and knowledge of the voting process.
xvii) The provision within electoral legislation for the establishment of an Electoral Court which is required to resolve post electoral disputes within 3 months of being lodged with it and the resolution of possible appeals to the Supreme Court and which appeals are required to be determined within 6 months.
xviii) Counting and declaration of ballots at polling stations and the posting results outside the polling station.
xix) The legal requirement for announcing of the election outcome within five days.
xx) The Gazetting of the polling day, (30th July 2018) as a public holiday to enable as many Zimbabweans as possible to exercise their democratic right to vote.
xxi) Number of women in ZEC including the Commissioners and electoral officials.

xxii) Public denouncing of political violence by the leaderships of the main political parties as well as other stakeholders such as religious groups and civic society.

xxiii) The use of national IDs to as proof of identification during voting instead of having separate voting cards and readily accessibility of national IDs for those who would have lost them during election period.

8. AREAS FOR IMPROVEMENT

The Mission observes the following as areas requiring improvement to further enhance the credibility and integrity of elections in Zimbabwe:

i) The need to promulgate the law to govern the regulation of political parties in Zimbabwe.

ii) The need for ZEC to improve on its communication strategy for purposes of confidence building with stakeholders.

iii) The need for ZEC to engage political parties and stakeholders to establish consensus on measures to enhance transparency in the management of elections in particular the printing, storage and transportation of ballot papers.

iv) The need to strengthen the legal framework governing media coverage of elections in order to enhance fair, balanced and responsible reporting by the media especially the public media.

v) The need to develop strong legal and administrative mechanisms to encourage and support the adoption of women as candidates so as to ensure gender parity in political and decision making positions in line with the SADC Protocol on Gender and Development.

vi) Need to improve lighting in polling stations especially in temporary structures.

vii) The need to streamline the counting process to make it less tedious.

viii) The need to standardise timelines for the verification of ballot papers.

9. PRELIMINARY ASSESSMENT OF THE 2018 ZIMBABWE HARMONISED ELECTIONS

Based on its overall findings of the electoral processes to date, the Mission is satisfied that there existed a conducive and peaceful environment in which the Elections were conducted. This accorded Zimbabweans the opportunity to freely express their will in voting for the candidates of their choice.

The observed pre-election period from 14 July, the Election Day and immediate post-election period as at 31 July 2018, was observed to be peaceful, free and transparent.

SADC PF will continue to observe the post-election process, including the final declaration of results and post-election developments, and will pronounce itself ultimately in its Final Report.

I thank you

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PRELIMINARY STATEMENT OF THE ELECTORAL COMMISSIONS FORUM OF SADC COUNTRIES (ECF-SADC) ON THE HARMONISED ELECTIONS OF THE REPUBLIC OF ZIMBABWE

30 JULY 2018

Forum Presidency: Justice Priscilla Chigumba - President (Zimbabwe), Justice André da Silva Neto (Angola)
EXCO: Chairperson: Adv Notemba Tjipueja (Namibia), **Vice Chairperson:** Abdul Carimo Nordine (Mozambique)
Justice A. Mafa (Botswana), Corneille NANGAA YOBELUO (DRC)

Introduction and background

1. The Electoral Commissions Forum of SADC (ECF – SADC) Countries received an invitation from the Zimbabwe Electoral Commission dated 22 May 2018 to observe the Harmonised Elections of the Republic of Zimbabwe scheduled for 30 July 2018. In line with its mandate of strengthening co-operation amongst Electoral Commissions in the SADC region, the ECF-SADC fielded an Observer Mission for this election.

2. This is the fourth time that the ECF – SADC has observed elections in the Republic of Zimbabwe, the last being the Harmonised Elections of 31st July 2013.

3. The ECF-SADC Election Observer Mission was led by Honourable Justice Semistocles S. Kaijage, the Chairperson of the National Electoral Commission of Tanzania. The Mission comprises twenty-seven (27) observers from the Electoral Commissions of Angola, Botswana, the Democratic Republic of Congo, Lesotho, Malawi, Mozambique, South Africa, Tanzania, Zambia and Zanzibar. The Mission commenced its work on 18th July 2018.

Guiding Election Observation Instruments and Values

4. ECF-SADC election observation missions are guided by the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO) (2003), the Revised SADC Principles and Guidelines for Governing Democratic Elections in the SADC Region (2015) and the African Charter on Democracy, Elections and Governance (2004).

5. Consistent with the above mentioned instruments, ECF-SADC Election Observer Missions are guided by the values of impartiality, neutrality, transparency, and objectivity.

Observation Methodology and Activities undertaken

6. The observation mission employed complementary data collection methods including (i) documentary review (ii) electronic and print media (iii) paying courtesy visits to the host Commission (iv) conducting refresher training for the members of the Mission (v) observing campaign rallies (vi) hosting a seminar with local stakeholders (vii) the polling and (viii) counting processes.

7. The Mission also interacted with other international Observer Missions in order to exchange information. The various activities undertaken enabled the Mission to gather strategic and comprehensive information so as to assess the administration and management of the 2018 Harmonised Election of the Republic of Zimbabwe.

Deployment

8. The Mission's deployment began on the 26th July 2018 and six (6) teams were deployed to four provinces of Zimbabwe, namely; Bulawayo, Mashonaland Central, Manicaland, Midlands and two teams in Harare.

9. The Mission was able to attend the final rallies of political parties; these were of the ZANU-PF and MDC-Alliance held over the weekend of 27 – 29 July 2018. The Mission found these rallies to be generally peaceful.

A. Pre-Election Phase

The section of the statement shall cover the pre-election activities of the Mission.

i. Pre-Assessment Mission

10. A pre-assessment mission to Zimbabwe, comprising three electoral commissions, was undertaken from 14th – 16th May 2018. This was a solidarity visit to the Zimbabwe Electoral Commission, a member Commission, to establish its preparedness for the election. The Mission also took the opportunity to meet with other key electoral stakeholders, including the Electoral Institute of Sustainable Democracy in Africa, Election Support Network of Southern Africa, organisations under the umbrella of the National Association of Non-Governmental Organisations and the Mass Public Opinion Institute.

11. The Mission noted that the stakeholders were complimentary to the ZEC regarding the management of the registration process. However, a number of concerns were raised. These included: the removal of the special votes from the legislation, the absence of a substantive CEO, the logistical capacity of the ZEC to manage postal votes, some officials of the ZEC being drawn from the security sector, and poor or delayed information to stakeholders.

ii. Consultation with Stakeholders

12. The Mission held a stakeholder seminar at Rainbow Towers Hotel, Harare on 25th July 2018 with stakeholders representing different sectors of society. These included, but were not limited to, the Zimbabwe Electoral Commission, the legal fraternity, the media, academia, political parties and non-state actors. This accorded the Mission an opportunity to understand the conditions in which the elections would take place.

13. Issues raised by stakeholders

    i. The existence of many 'final versions' of the voter's roll
    - Stakeholders highlighted that they had been given access to a number of differing versions of the voters roll. The Zimbabwe Electoral Commission did, however, release a voters roll in order to be scrutinised by independent organisations.

ii. Reactive communications strategy by the Zimbabwe Electoral Commission with the electoral stakeholders.
   - Stakeholders stated their displeasure at the reactive nature of communications from the Zimbabwe Electoral Commission. They were of the view that the Commission needed to be proactive in its communications approach with stakeholders.

iii. Accreditation fees for observers
   - Concerns were raised regarding the accreditation fees for both local and international observers. Stakeholders informed the Mission how these fees would influence their ability to deploy large numbers of observers. The Mission learnt that the accreditation fees were provided for in the law and that electoral reforms were necessary to address this matter.

iv. Build up to the elections with an acting Chief Elections Officer (CEO)
   - The Commission does not have a permanent CEO. The stakeholders opined that this position is critical to operational decisions of the Commission.

v. A number of stakeholders highlighted their lack of confidence and trust in the Zimbabwe Electoral Commission.

vi. The Zimbabwe Electoral Commission is unable to fully monitor the media as per the provisions of the Electoral Act.
   - Stakeholders alleged that the Zimbabwe Electoral Commission has not been able to address media related issues including the distribution of airtime to political parties on the state media platforms.

14. The Mission paid a courtesy visit on the Zimbabwe Electoral Commission on 27th July 2018. This visit was undertaken in the spirit of collaboration and cooperation with the Commission as a member of the Forum. It was at this meeting that the Mission engaged ZEC on the recommendations raised during the harmonised elections of 2013 and the the pre-election visit in May 2018. The Mission appreciated that ZEC was able to implement some of the recommendations.

15. The Mission held bilateral meetings with the SADC Election Observation Mission (SEOM) and the SADC Parliamentary Forum (SADC PF). The Mission also participated in the Heads of International Observation Missions meeting organised by the SEOM and African Union (AU) Election Observation Missions on 29th and 31st July 2018 respectively. Missions were able to share their observations on the pre-polling, polling, and post-polling phases.

B. Election Phase

Polling Day

16. On polling day, the Mission observed the following:

i. Most polling stations visited opened on time and opening procedures were followed.

ii. Election materials were adequate in most polling stations visited.

iii. The layout in most polling stations allowed for smooth flow of voters and the secrecy of the vote was safeguarded. However, there were inconsistencies in set-up and management of polling stations.

iv. Signage to polling stations was not always visible.

v. Voters with special needs were given priority to vote. This included expectant and nursing mothers.

vi. Indelible ink markers were used, but the application varied between the stations visited.

vii. International and domestic observers were visible at most polling stations visited.

viii. Party agents were present in most polling stations visited, though they represented few political parties. They did not have copies of the voters roll.

ix. The practice of marking ballot boxes in the colour of the ballot paper was not universally applied.

x. Persons with disabilities were assisted. It was further noted that a number of polling stations had ramps which facilitated access for persons with disabilities.

xi. Women were well represented in the complement of polling staff. In general, staff seemed adequately trained to perform their duties.

xii. A number of polling stations visited were staffed with young female officers.

xiii. Security personnel were visible, but did not interfere with the voting process.

xiv. Some polling staff voted at the polling station where they were based, while others had to travel to their stations to cast their votes.

xv. Generally, polling took place in a peaceful and secure environment. Even in situations when queues were long, the voters remained calm and orderly.

Counting and Management of Results

17. The Mission observed the closing and counting processes and noted the following:

i. There was insufficient lighting at some of the polling stations.

ii. The counting procedures were followed but the exercise itself was strenuous.

iii. Party agents were present during the counting and were required to confirm the results on the tally sheet.

LESSONS LEARNT

18. The following lessons were drawn from the 2018 Harmonised Elections of the Republic of Zimbabwe to be adopted as best practices in the SADC region:

i. The provision of adjustable polling booths used by voters with disabilities.

ii. The gender consideration in relation to the appointment of the Chairperson and the Deputy Chairperson of the Zimbabwe Electoral Commission.

iii. The partnership between the Zimbabwe Electoral Commission and civil society organisations to strengthen voter education initiatives.

iv. Introduction and utilization of the legally established Multiparty Liaison Committee.

v. The designation of members of the Commission to specific portfolios during the electoral period.

AREAS NEEDING IMPROVEMENT

19. The Mission reiterates the following recommendations made during the 2013 Harmonized elections:

i. Regular stakeholder engagements to strengthen communication between the Electoral Commission and its stakeholders.

ii. Voter education to be strengthened to deal with prohibited conduct such as undue influence on voters.

iii. The rights of the persons with disabilities to cast their vote in secret must be upheld through the adoption of new electoral innovations.

iv. The need to educate stakeholders on the results system that gives tabulation and compilation of results to minimize uncertainty and public suspicion.

iv. The need to use different colour-coded ballot boxes for each of the three elections (Presidential, National Assembly and Local Authority) for ease of identification.

v. The need to broaden the scope of postal voting to accommodate all Zimbabweans living abroad.

KEY RECOMMENDATIONS

20. The ECF – SADC Mission makes the following key recommendations to the Zimbabwe Electoral Commission:

i. There is need to standardise the training of all polling staff to ensure that processes are actioned uniformly.

ii. The Zimbabwe Electoral Commission should continue to develop and maintain the voters roll to ensure that it is accurate, complete, inclusive and verifiable.

iii. There is need for the Zimbabwe Electoral Commission to develop a dedicated communications strategy which should also include managing communications with all observer missions.

iv. Stakeholders should be encouraged to use the existing alternative dispute resolution mechanisms to deal with post-electoral matters, as provided for in the Electoral Act.

v. The need to enact legislation for the registration and management of political parties.

vi. The need for the Zimbabwe Electoral Commission to urgently finalise the appointment of the Chief Elections Officer to ensure execution of the operations of the Commission.

vii. The media monitoring role of the Zimbabwe Electoral Commission needs to be strengthened to ensure compliance with the Electoral Act.

viii. Processes for guaranteeing that polling staff are able to cast their ballots may need to be enacted to ensure that they are not disenfranchised.

CONCLUSION

i. The ECF- SADC Mission commends the Zimbabwe Electoral Commission for their efforts in managing the Harmonised Elections and mobilising voters to participate in the poll.

ii. The Mission also congratulates the people of Zimbabwe on the manner in which they conducted themselves during the electoral period.

i. The contesting political parties are commended for their role in the electoral period. They showed a spirit of tolerance and ensured that their supporters remained calm and restrained throughout the electioneering process.

v. As the electoral process is not yet complete, the ECF-SADC encourages the people of Zimbabwe to remain tolerant, peaceful and to accept the outcome of the election results.

Signed on this 1st August 2018 in **Harare, Zimbabwe.**

Justice Semistocles Kaijage
Mission Leader
Electoral Commissions Forum of SADC Countries

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NORDIC AFRICAN CENTER
ELECTION OBSERVATION MISSION TO ZIMBABWE

PRESS STATEMENT 1/07/2018

"Voter education Inadequate for the election of Senators and allocation of parliamentary seats reserved for women and people with disabilities"

The Nordic African Election Observation Mission in Zimbabwe wishes to applaud the people of Zimbabwe for turning up in large numbers to cast their votes during the 30Th July, 2018, harmonized elections. The Mission would like to urge the Zimbabweans, having cast their votes, to continue maintaining peace and calmly wait for the results being announced by Zimbabwe Electoral Commission (ZEC).

The Nordic African Election Observation Mission is set-up by the Nordic Africa Center for Local Democracy and Electoral Support (NAC-DES), a Danish based NGO. The Mission deployed international election observers to Bindura, Shamva, Guruve and Mazowe Districts in Mashonaland Central as well as in and around Harare District in Harare Metropolitan Province.

During its elections observatory tour of duty, the Mission's primary focus was placed on three key areas namely; Women, Ethnic Minorities and the Persons With Disabilities' Participation in the electoral process.

Part 3 (1) (a)(b)and (d) of the Zimbabwean constitution provides for the election of the 80 members to the senate.In this regard, the Mission observed and noted with concern that despite these constitutional provisions there has been insufficient constitutional and voter education on the electoral process with regards to the election of the 6 people from each of the 10 provinces into which Zimbabwe is divided, the election of the 16 chiefs as well as the election of the two (2) people with disabilities to the Upper Chamber.

Further, Part 4 article 124 (1) (b) of the constitution also provides for an additional sixty (60) women members to the National Assembly, six from each of the provinces into which Zimbabwe is divided, elected through a system of proportional representation based on the votes cast for candidates representing political parties in a general election for constituency members in the provinces. The Mission was appalled that a number of voters it interacted with expressed either ignorance or had inadequate knowledge on the propotaional representation system and how it is used at intra - party level and calculated to second and allocate the percentage of votes to women to take up the 60 seats reserved for them in the National Assembly.

The Mission, however wishes to reaffirm its position that the polling day was calm, peaceful, full of enthusiasm with a relaxed atmosphere prevailing. Voting processes were conducted in a transparent manner and most polling stations were accessible by the Persons With Disabilities through the inbuild or the temperoal provision of the rumps at the entrances to the polling stations. Most Polling stations' staff were quicker in the ushering, inspection of identity cards, issueing of ballot papers, inking and direction of the voter to the booth and the eventual vote casting. The voters needing redirection were respectfully redirected, the pregnant women, women with babies and the aged were given priority and quickly ushered in to cast their votes.

Despite observing significant queues before the opening of the polling stations and commencement of voting in the morning,the Mission was impressed that at a number of polling stations observed, queues of people who wanted to vote were cleared by the afternoon, unlike the situation in the previous election Zimbabwe has had held.

"The Mission was pleased to note a high level of participation by women, senior citizens, people with disabilities and visible ethnic minorities noted in the polling stations observed by the Mission." Said Mr. Emmanuel Kamwi, who is the Lead Observer for the Nordic Africa Election Observation Mission to Zimbabwe:

The Mission was pleased to see and interact with the large numbers of national citizen observers deployed and also the presence of atleast 3 different party agents in all stations observed.

In conclusion, it is the considered view of the Mission that it is too early to make substantive comments on the outcome of the election. The Mission is hopeful that the queues, voter enthusiasm and committment by Polling staff observed on Monday 30th July, 2018, will be matched by compilation of results and a commitment to honouring the choice of the Zimbabwean electorate.

Issued by

CR Inggs

Charlie Inggs

Election Expert and Press Contact Person
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COMESA ELECTION OBSERVER MISSION TO THE 30th JULY 2018HARMONISED ELECTIONS IN THE REPUBLIC OF ZIMBABWE

PRELIMINARY STATEMENT

1. Introduction

In response to an invitation from the Government of the Republic of Zimbabwe, the Common Market for Eastern and Southern Africa (COMESA) deployed a mission to observe the 30th July 2018 Harmonised Elections.

The COMESA Observer Mission is led by Amb. Ashraf Rashed, a member of the COMESA Committee of Elders. The Mission is comprised of observers from five Member States of COMESA, DR Congo, Kenya, Malawi, Sudan, Zambia as well as the Secretariat.

2. Mandate of the Mission

The Mission anchored its assessment on the legal framework governing elections in Zimbabwe and the regional, continental and international standards on the conduct of democratic elections.

2.1 Deployment

COMESA initially deployed a Pre-election Mission from 21st to 29th May 2018to assess the level of preparedness on the part of all key stakeholders. This included consultations with the Zimbabwe Electoral Commission (ZEC), the Chief Justice, political parties, relevant Government ministries, the Commissioner General of Police, Civil Society Organisations (CSOs), independent think tanks and selected members of society who raised pertinent issues on the electoral process, which were shared with ZEC and the Government, with the Mission's recommendations.

Following the Pre-election Assessment Mission, a short-term Observer Mission arrived in Zimbabwe on Saturday 21st July 2018. The Mission endeavoured to observe a significant number of polling stations covering the ten provinces including voting and counting. The provinces observedareBulawayo, Harare, Manicaland, Mashonaland Central, Mashonaland East, Mashonaland West, Masvingo, Matebeleland North, Matebeleland South and Midlands.

Based on its observation, the Mission is pleased to report the following-:

3. Preliminary Findings

The findings are based on the Mission's observations on the pre-election, voting day and the counting of votes at the polling stations.

3.1 General Observation

The Zimbabwe Electoral Commission (ZEC) was able to effectively conduct the elections despite somechallenges, as well as allegationsraised during the Pre-election Assessment Mission, that in our view largely emanated from mistrust and lack of confidence in the electoral process due to past experiences. The Mission observed a significant improvement in the current electoral process as compared to previous elections. In general, the election took place in an orderly, calm and peaceful environment.

3.2 Election Campaigns

The Mission observed that campaigns were peaceful compared to previous elections, notwithstanding some acts of violence, particularly during the party primaries.

Candidates had the opportunity to campaign freely and made use of the significant political space which was noted during the elections.

In addition, the Mission appreciates:

i. the progress made in the implementation of the new provisions of the Electoral Act;
ii. the establishment of the Inter-Party Dialogue to promote engagement among political parties with the aim of reaching consensus.

3.3 Media Coverage

Several stakeholders raised concerns with regards to the unbalanced media coverage for political parties especiallyon the public-owned media during the campaigns.

3.4 Civic and Voter Education

The Mission commends the efforts made by ZEC in collaboration with accredited Civil Society Organisations in conducting voter and civic education. This significantly contributed to thehigher voter turnout in all the polling stations observed by the Mission.

3.5 Biometric Voter Registration

The Mission also commends ZEC for the introduction of the Biometric Voter Register (BVR) which limited the possibility of multiple registration. In addition, the decision to use a polling station-based system of voting, as well as to cap the number of voters per polling station to a maximum of 1,000 contributed to the efficient management of the voting process.

The Mission acknowledges the efforts by ZEC to ensure that all voters were registered within the stipulated time frame. However,political parties and civil society

organisations raised concernswith regards to the voters' roll.

3.6 Gender Representation and Participation

The Mission notes with appreciation the considerable number of femalecandidates contesting the elections as compared to the past elections.However, the Mission expresses concern towards expressions of violence targeted at female candidates.

The high presence of females as voters, party agents, election officials and police officers at most of the polling stations observed is a welcome development.

4. Polling Day Observations

The Mission observed the opening, voting and counting of the votes at polling stations.

4.1 Opening of Polling Stations

Almost allpolling stationsobserved opened on time and adhered to opening procedures as stipulated by ZEC. All required voting materials were available.

4.2 Voting

Zimbabweansturned out in large numbers in polling stations that the Missionobserved as manifested by the

long queues forming way before voting started. Voting processes progressed smoothly in a calm, well-organised and orderly environment. Local and international observers had full access to all polling stations and were welcomed by all stakeholders.

The Mission observed that polling was mainly conducted in schools, and in some instances in tents. The Mission also observed that ZEC provided adequate voting booths which were arranged in a way that ensured privacy and secrecy of the vote.

In some polling stations voters complained about long queues and slow progress of the voting process. In the Mission's view this was due to the large numbers of voters present at each polling station at the time of opening.

Most of the voters were able to cast their votes without any challenges. However, few voters were reported to have been turned away becausethey did not either possess valid national identification or did not appear in the voters' roll, while others were redirected to their polling stations.

Voters with special needs, including the elderly, expectant mothers, persons with disability were given priority, and assisted to cast their votes.

Furthermore, at several polling stations the Mission was informed by the Electoral Officials that over 50% of registered voters had cast their votes by early afternoon.

The Mission observed that though the ballot papers were printed in black and white, they were generally readable.

4.3 Collaboration between different Government Organs

The Mission observed smooth collaboration between relevant government organs. Security was adequately provided. Police officers were present at all polling stations and they conducted their duties in a professional manner, without interfering with the voting process. In some regions, the Zimbabwe Red Cross Society was available to provide assistance when needed.

4.4 Presence of Party/ Candidate Agents

With regards to agents of parties and candidates, the Mission noted their presence in all polling stations particularly those representing ZANU-PF and MDC-Alliance.The Mission did not note complaints from party or candidate agents during the voting process or the counting of votes.

5. Closing of the polling process and counting of votes

The Mission observed that the closing and the counting processes took place on time as scheduled, in adherence to the laid-down ZEC procedures and in a calm and peaceful environment andin the presence of agents and observers.

6. Best Practices from the Zimbabwe 2018Harmonised Elections

The COMESA Observer Mission noted the following best practices:

1. The establishment of the Inter-Party Dialogue forum for engagement among political parties with a view of building consensus on key issues;
2. The use of Biometric Voter Register;
3. The use of Short Messaging Services (SMS) to verify voter registration status as well as the identification of polling stations.

The COMESA Observer Mission appreciates the following electoral practices:

1. The invitation of regional and international observers as well as the presence of local observers created a level of confidence amongst stakeholders and enhanced the credibility of the process;
2. The adequate training of Electoral Officials who were observed to be performing their duties in a professional and impartial manner;
3. The use of the polling station-based voting system that restricts each voter to a particular polling station;
4. The high level of transparency witnessed during the voting and counting of votes.

7. Key Preliminary Recommendations

The Mission recommends that:

1. Whereas the capping of voters at polling stations to 1,000 is a positive development, ZECmay consider increasing efficiency incasting of ballots by further reducing the number of voters per polling station.

2. To enhance the clarity of ballot papers, ZEC may consider printing the ballot papers in colour, as was the case with the Biometric Voters' Roll.

3. Given that media monitoring reverts to ZEC after proclamation, it is recommended that ZEC considers putting in place a strategy to ensure balanced media coverage for all parties and candidates on public owned media (electronic and print).

4. The inclusion of the diaspora in the voting process will be a positive development taking into consideration that the Constitution stipulates that all Zimbabweans have the right to vote.

8. Conclusions

Based on the observations above, the Mission notes that the electoraland polling processes in Zimbabwe were

generally peaceful, transparent and adheredto national, regional and international standards.

The Mission also notes that this is an important opportunity for Zimbabwe to build on a new foundation. The 2018 Harmonised Elections represent a turning point; an epic moment for Zimbabwe and the Mission implores that the same constructive spirit observed during the voting day, and also duringthe campaign period will continue to prevail as the country embarks on completing the tallying process and subsequent announcement of the final results. The Mission urges contestants and all other stakeholders to respect the will of the people, maintain peace and to resort to legal channels in addressing any disputes that may arise.

The Mission congratulates all citizens of Zimbabwe for turning out in large numbers to exercise their democratic right to vote, and for ensuring that the process was orderly and peaceful.

The COMESA Mission will continue to observe the completion of the tallying process, and will issue a more comprehensive report in due course.

Finally, the Mission wishes the People and Government of the Republic of Zimbabwe continued peace, progress and prosperity.

Ambassador Ashraf Rashed
Head of COMESA Election Observation Mission to the Republic of Zimbabwe's 2018 Harmonised Elections
Harare, Zimbabwe
1st August 2018.

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IN THE CONSTITUTIONAL COURT OF ZIMBABWE **CASE NO. CCZ 42/18**
HELD AT HARARE

In the matter between

NELSON CHAMISA	**APPLICANT**
AND	
EMMERSON DAMBUDZO MNANGAGWA	**1ST RESPONDENT**
JOSEPH BUSHA	**2ND RESPONDENT**
MELBAH DZAPASI	**3RD RESPONDENT**
NKOSANA MOYO	**4TH RESPONDENT**
NOAH MANYIKA	**5TH RESPONDENT**
PETER WILSON	**6TH RESPONDENT**
TAURAI MTEKI	**7TH RESPONDENT**
THOKOZANI KUPE	**8TH RESPONDENT**
DIVINE MHAMBI	**9TH RESPONDENT**
LOVEMORE MADHUKU	**10TH RESPONDENT**
PETER MUNYANDURI	**11TH RESPONDENT**
AMBROSE MUTINHIRI	**12TH RESPONDENT**
TIMOTHY JOHANNES CHIGUVAIRE	**13TH RESPONDENT**
JOICE MUJURU	**14TH RESPONDENT**
KWANELE HLABANGANA	**15TH RESPONDENT**
EVARISTO CHIKANGA	**16TH RESPONDENT**
DANIEL SHUMBA	**17TH RESPONDENT**
VIOLET MARICHIYA	**18TH RESPONDENT**
BLESSING KASIYAMHURU	**19TH RESPONDENT**
ELTON MANGOMA	**20TH RESPONDENT**
PETER GAVA	**21ST RESPONDENT**
WILLIAM MUGADZA	**22ND RESPONDENT**
ZIMBABWE ELECTORAL COMMISSION	**23RD RESPONDENT**
THE CHAIRPERSON OF THE ELECTORAL COMMISSION	**24TH RESPONDENT**
THE CHIEF ELECTIONS OFFICER	**25TH RESPONDENT**

REGISTRAR
CONSTITUTIONAL COURT
15 AUG 2018
P.O. BOX 870, CAUSEWAY
ZIMBABWE TEL: 04-798634/5

SUPPORTING AFFIDAVIT OF ZIYAMBI ZIYAMBI

I, the undersigned **Ziyambi Ziyambi** do hereby make oath and state the following, which is within my personal knowledge and to the best of my information and belief, true and correct:

1. I was the 1st Respondent's Chief Election Agent during the 2018 presidential elections held on 30th July 2018. The facts that I depose to herein are known to me.

2. I have read the Application filed by the Applicant as well as the affidavits attached thereto and I wish to address the averments made in several affidavits (attached to the application) which relate to my scope of duties during the pre-election period, election day, and post-election period.

3. I have also read the opposing affidavit deposed to by 1st Respondent in this matter and I fully associate myself with the averments made therein.

4. It is necessary that from the outset, I set out the procedure for conduct of elections, which process the Applicant is well versed with, but which he either elected to dispense with or failed to implement.

Conduct of elections

5. Section 55 (2a) as read with section 95 of the Electoral Act ("the Act)" provides that each presidential candidate is entitled, through his or her Chief Election Agent, to assign an election agent at each and every polling station in Zimbabwe for the purposes of observing whether the electoral processes at the polling station concerned are conducted in accordance with the Act. The assigned election agents are entitled to be present from the period of at least thirty minutes before the poll opens until close of poll.

6. Section 54(1) (b) of the Act provides that , thirty minutes before the commencement of the poll, the presiding officer at every polling station shall ensure that the ballot boxes to be used at every polling station are empty and further that the presiding officer shall show the interior of the empty ballot boxes to all the officials assigned to the polling station including the election agents for all the candidates present. Thereafter, the presiding officer shall immediately seal the ballot boxes in the presence of all the election agents. Further, the ballot boxes shall not be opened except in terms of section 62 of the Act.

7. In terms of section 54A of the Act , the presiding officer at every polling station shall count and record the total number of ballot papers received from 23rd Respondent at the polling station before polling opens. Once again, election agents observe this pre voting audit process.

8. Section 62 of the Act then guides the presiding officer on the procedure to be followed for unsealing the ballot boxes at the close of poll and for the purposes of counting and recording votes cast. The material aspects to point out from this procedure are that:-

   a. The assigned election agents for all the candidates are entitled to be present and to observe the unsealing of the ballot boxes.

   b. The assigned election agents for each candidate are entitled to observe the counting process.

   c. The assigned election agents are entitled to observe the unsealing of each sealed packet containing unused and spoilt ballot papers and the register of assisted voters.

   d. Independent election monitors and observers are also entitled to observe this process before the data is captured on V11 forms.

   e. Election agents confirm the results recorded in the V11 forms after counting by appending their respective full names, name of political party represented, date and signature .

I have attached hereto, as **Annexure "SA1"**, a copy of the V11 form as prescribed by section 64 of the Act which bears the entry sections for the above stated process.

9. In addition to assigning a particular election agent per polling station, a candidate is also entitled to assign "roving" election agents for each ward, who are entitled to move from one polling station to another noting feedback from the stationed election agents for the same candidate.

10. Section 64 of the Act then provides that after the close of poll and counting process as outlined above, a copy of the V11 form reflecting

the election outcome for each candidate per polling station is to be posted outside the polling station, another copy is sent to the Ward Elections officer and each election agent is issued with a copy of the V11 form bearing the results of the election.

11. I have to date, received reports from all the 1st Respondent's polling station agents and roving agents to the effect that, the strict procedural provisions outlined above were observed at their respective polling stations and wards and further to that, all the election agents have to date delivered to me, the V11 forms issued to them at close of poll and counting.

12. 1st Respondent's election agents also reported a few set back challenges that were faced at different polling stations, for example in Norton , one polling station had to delay polling because a wildfire broke out at a farm where the tent was pitched. In order to protect the public the fire had to be put out first before polling could commence. In another constituency, a woman collapsed and died at a polling station .

13. I detain the court with this outline of polling procedures in order to demonstrate that the Act itself makes provision for immediate audit processes by candidates through their assigned election agents, before, during and at a close of poll. The measures equally enable agents to raise alarm through the roving agents once irregularities in the number of ballot papers, contents of ballots prior to poll or voter intimidation has been observed during the poll.

14. Further, the outline demonstrates that any analysis of the election results which concludes, as Applicant does, that there were anomalies, but without taking into account the total number of ballot papers provided per polling station and the number of unutilised ballot papers would be highly inaccurate.

15. It further demonstrates how the 23rd Respondent's V11 forms as issued to the election agents for all candidates at close of poll are the best evidence to any election petition given that the data thereon is captured immediately after the counting of votes as well as an audit of not only the votes cast and spoiled ballots, but also, the number of ballots issued to a polling station prior to poll as well as the number unused ballot papers at close of poll.

AFFIDAVIT BY JAMESON TIMBA

14. The averments made in this affidavit and conclusions of law reached are disputed.

15. AD PARAGRAPHS 1 – 4

15.1. Save to state that the averments which Mr Timba associates himself with have been disputed and challenged by the 1st Respondent , no issues arise in respect of the averments made in these paragraphs.

18 . AD PARAGRAPHS 5- 5.2.

18.1. The averments made in these paragraphs are disputed. The Act is clear that the design of the ballot paper is the prerogative of the 23rd Respondent . In any event , the deponent fails to demonstrate how the final design of the ballot paper disadvantaged him and aided the 1st Respondent.

19. AD PARAGRAPHS 6 - 11

18.1. The averments made in these paragraphs are disputed. **Annexure "T"** clearly proves that the Applicant's Chief Election agent was granted audience more than twice by 23rd Respondent, both private audience and through the multiparty liaison meetings , the latter where all parties had an equal opportunity to air their grievances.

16. AD PARAGRAPH 12

16.1. The averments made in this paragraph are disputed . To my knowledge , all the lawful demands made by the Applicant were met by 23rd Respondent. The rest of the demands made by Applicant were outrageous , a point which was noted by independent pre election monitors. One such body being the team of Elders , chaired by the former Secretary General of the United Nations, Mr Koffi Annan .

17. AD PARAGRAPHS 13-16, 8

17.1. The averments made in these paragraphs are disputed.

17.2. The Applicant's Chief Election Agent Mr Jameson Timba as well as the MDC Alliance Chief election agent Mr Morgan Komichi were present during the verification process of the presidential election results . Applicant was afforded all the rights to verify the election results as anticipated by the provisions of section 110 of the Act.

AFFIDAVIT BY MORGEN KOMICHI

18. AD PARAGRAPHS 1-7

18.1. The averments made in these paragraphs are disputed.

18.2. I am not in a position to comment on averments which relate to 23rd Respondent, however, I can confirm that Mr Morgan Komichi participated in the presidential election verification exercise. He was however, very disappointed that Applicant lost the election.

18.3. Further and as has been alluded to above, the provisions of the Act provide a simple and straight forward audit process which commences 30 minutes before the poll opens at each polling station and ends with each candidate receiving all the v11 forms from every polling station through their election agents.

THUS DONE AND SWORN TO AT HARARE THIS ....13th....DAY OF AUGUST 2018

SWORN

ZIYAMBI ZIYAMBI

BEFORE ME

COMMISSIONER OF OATHS

JOHN MUGOGO
LLB (HONS) ZIMBABWE
Legal Practitioner, Conveyancer,

'S1'

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Form V.11

POLLING STATION RETURN

Section 64(1) (c) of the Electoral Act [*Chapter 2:13*]

Presidential	
National Assembly	
Local Authority	

Tick applicable

Section A
Details of polling station

Name of Polling Station	
Ward	
Constituency	
District	
Province	

Section B
Ballot paper account before poll
Ballot paper received

Book	**Serial numbers**		**Number of ballots**
	From	To	
Book 1			
Book 2			
Book 3			
Book 4			
Book 5			
Book 6			
Book 7			
Book 8			
Book 9			
Book 10			
		Total	

Section C
Ballot paper account after close of poll
To be completed before unsealing of ballot boxes

Total number of ballot papers expected to be in ballot boxes *To be determined before opening of ballot boxes by adding up the counterfoils for issued ballots*	

Unused ballot papers after polling	**Serial numbers**		**Totals**
	From	To	
Unnumbered ballot papers			

Cancelled ballot papers	
Ballot papers not accounted for	
Total	

Section D
Polling station results return after counting

	Name of candidate (surname first in alphabetical order)	**Political party or independent**	**Votes received**
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
		Total Votes Received	
		Total Votes Rejected	
		Ballot Papers Unaccounted For	
		Total Valid And Rejected Votes Cast	

Declaration by Presiding Elections Officer
I hereby certify that the above is a correct statement of all votes cast at this polling station.

Full names of Presiding Elections Officer	
Signature of Presiding Elections Officer	
Date	
Name of witness (Polling Officer)	
Signature of witness	

Declaration by candidates/ election agents
I hereby declare that this return is a correct statement of all votes cast at the above mentioned polling station.

	Name	**Name of political party**	**Independent candidate**	**Designation**	**Date**	**Signature**
1.						
2.						
3.						
4.						
5.						

Copies of this form must be produced and they must be distributed as follows:

Presidential election	**National Assembly election**	**Local authority election**
Affix copy outside of polling station	Affix copy outside of polling station	Affix copy outside of polling station
Provide copy to each election agent and observer present at polling station	Provide copy to each election agent and observer present at polling station	Provide copy to each election agent and observer present at polling station
Seal copy in the ballot box.	Seal copy in the ballot box.	Seal copy in the ballot box.
Send original return to Ward Collation Centre and copies to Presidential Constituency Centre, Pro-	Send original return to Ward Collation Centre and copies to National Assembly Constituency Centre,	Send original return to Ward Collation Centre, Provincial Command Centre and National Com-

vincial Command Centre and National Command Centre.	Provincial Command Centre and National Command Centre.	mand Centre.

[Form substituted by s.1 87 of 2013]

Form V.12

Form V.13

Form V.14

[Forms V.12, V.13 and V.14 repealed by s.1 84 of 2013]

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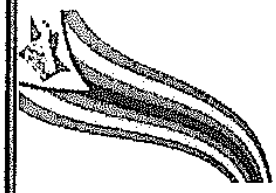
Pindula News



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ZEC Reports MDC Alliance To The Police, Says We Were Threatened

Tayana July 14, 2018 1

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Addressing election observers in Harare on Friday, Zimbabwe Electoral Commission (Zec) deputy chair Commissioner Emmanuel Magade said they have reported the MDC Alliance to the police to ensure their security saying they were threatened.

Magade said the MDC Alliance which held a demonstration on Wednesday, threatened to hunt down Zec officials from their homes and harm them. Said Magade

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We Will Never Allow That "Small Boy" To Rule This Country: Mahiya

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I can confirm that such threats have been issued. Some unkind and uncharitable things have been said about us. We find it totally, totally despicable and unconscionable and deplorable. What we have done as law abiding citizens is to refer those threats to the police and other law enforcement agencies. Our wish and our ambition is that we should have an incident-free election. It is very regrettable that people like us who are supposed to be neutral umpires.

More: **Chronicle**

Emmanuel Magade	MDC Alliance	Zimbabwe Electoral Commission

Emmanuel Magade is currently the acting chairperson of Zimbabwe Electoral Commission . He was the Dean of Law at the University of Zimbabwe. He was appointed as a Zec commissioner in June 2015 and has served as the deputy chairperson since March 2017. His current... Read More About **Emmanuel Magade**

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Zimbabwe Electoral Commission (ZEC)

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Zimbabwe Elections 2018

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Chamisa and his thugs were seen once more storming the office of Justice Chigumba without an appointment. They demanded to see her at once. Their small minds immersed in inferiority complex were talking loud, almost doing what they know best: rudeness and total disregard of the person who holds such a high office in the land. On a woman called Justice Priscilla Chigumba. Curiously we share the concerns of the majority of the population that ZEC should be more transparent in their execution of their mandate and partiality to all political parties.

The problem we have with MDC-Alliance is their total disrespect of women. It would appear as if Chamisa and his thugs are fighting the woman: Justice Chigumba more than their grievances. Chamisa is wholly disturbed by the fact that it is a woman in charge, hence their rudeness in dealing with her: mistreating her because she is a woman. It is inconceivable for an aspiring presidential candidate to just match in and force himself into the office of ZEC, demand to see her without prior appointment. This is absolute rudeness on the part of MDC-Alliance is insulting; it is telling all that this woman is not worth the office, the office must be occupied by a man; that is their inherent message as a matter of fact.

We know too that if the Head of ZEC was a man and not Chigumba the woman, Chamisa would not have done what he did, just storming into the office and demand to see Justice Chigumba. Chamisa would not dare storm into Mnangagwa's office and shout of top of his head the way he did to Chigumba in that video. This is the reality we women of Zimbabwe have to live and cope with daily: absolute rudeness coming from some of our men folk. Chamisa is an advocate who should know better than he does, not to behave the way he did, it did not matter how wrong Justice Chigumba may be, she does not deserve disrespect. But he did it because he is Chamisa the future Fuehrer of

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a mere woman and deserves bullying.

We women should come together and denounce this rudeness meted on another woman. Just twelve days ahead of harmonised elections, sex accusations are surfacing to reduce her: they are to pin her down as a woman with loose morals because "them men" have better morals than her! My foot. Those men, misogynistic in nature, know too well what devastating effect it has on women when you confront her using sex as a weapon of Zimbabwe mass destruction. We do not demand to know Justice Chigumba's private life by no account. We have nothing to do with her private sexual life. But is it those twisted men, women haters will turn around any story and make it sexual so that it's sellable to Zimbabwe societies that curiously frown at sex. Zimbabwe is a society that put measure of a decent woman in terms of her sexual life.

For argument sake if it was a men who had sexual relationship/s with multiple women, that man would be considered a decent man by Zimbabwe standards. Zimbabwe is a very promiscuous society: Sex is the glory of men and not women. Zimbabwean men cheat their wives almost on daily basis: there are small houses dotted around Zimbabwe from prominent men with money. There is no mention of the men having multiple sexual partners on social media. But they will seek, scrutinize her, will want to know all about Justice's Chigumba's private especially sexual life in detail to flash it on social media to denigrate her, to reduce her to a slut, they have already called her a "Hure" in the presence of Chamisa. Who gives them the right to dwell into other people's private lives? We shall never stop to denounce this uttermost rudeness on our women. Amai Mujuru was treated the same as all of the women in powerful positions: was shamed using sex: a Zimbabwean weapon of mass destruction. Any woman who dares to assume a powerful position in public offices will be targeted and will be humiliated with unprintable words. Enough is enough! We want our dignity as women period!

Sis Thoko was treated in the same, conspiracy-minded treatment she got from Chamisa and the whole MDC-Alliance right up to the thugs outside the Harvest House, to apportion absolute rudeness and name-calling of sexual nature that will shame her. (Chigumba is loose because she has a sexual relationship with a married man!) Advocate Jessie Majome was mistreated the same way was told she is some old woman fit to go back to the reserves to herd donkeys. Majome was supposed to be reduced and diminished, belittled and deprecated by none either than her own Party MDC-Alliance and Chamisa never said a word about it.

Now the playground for MDC-Alliance is ZEC offices targeting the very woman who chairs the Big Office and a very important place for all future citizens of this country: Justice Chigumba. ZEC has become an office where MDC-Alliance can exercise their misogynistic language of hate towards women. They feel they can permit themselves, force themselves on the premises without the due appointment. I ask everybody to see the video once more of Chamisa and his thugs forcing themselves into the ZEC offices to go and exhibit hatred towards Chigumba, shouting: kicking and screaming on top of their heads at the secretary's desk. Then you ask yourself a second question: is this the quality of a future president of the Republic of Zimbabwe?

The worth of note is the video of Ruvheneko Parirenyatwa with Justice Chigumba: indeed the video is worth watching once more. What is striking most in that video is the civility of the interview?

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Chamisa could learn the same to highlight his grievances to Justice Chigumba without calling her names and without exhibiting disregard for her as a woman without being rude to her, without mistreating her, but to respect the office and authority she holds at the same time putting the grievances he deems fit to redress before the harmonised elections with civility. We should be a civilized nation and not marauding thugs that enter offices to disrupt work.

Reading a today's article written by Jonathan Matika: "Why women will know their place in Chamisa's Zimbabwe: this article, written by a man, made many of us hope that there are men out there who genuinely appreciate our plight as women. Thank you Jonathan Matika, for that today's insightful article on Bulawayo 24. We sincerely can never say all men in Zimbabwe are misogynistic. On the other hand, the content of the article makes one to despair from the onset: If indeed Chamisa came to power, what will be the plight of women in his administration. How are women going to develop their potential in a misogynistic government poisoned by a misogynistic attitude of a young man?

Chamisa rates women as the second class has a conspiracy-minded attitude towards women. If he can casually bat using his sister, his ability to sleep with any woman, but he is a pastor, tells us he can prove his sexual competency on any woman in Zimbabwe: the body language between his wife and himself will inform us that she is put at her place in their home; the man is supreme in Chamisa's home. What does that tell us about Chamisa, the future president of this country? Is that the language from a pastor: the man of God and a learned advocate? Whether Chamisa wins or loses these elections we shall never stop to fight for our rights as women. We shall talk and talk: we shall fight and fight for our rights as women. We know we shall be told off by those men with an inferiority complex, insult us with all sorts of names one can imagine.

We demand that Justice Chigumba is treated with respect in as much as all other human beings in the land. We demand you Chamisa and your kitchen cabinet to respect women. Stop insulting Justice Chigumba using sex as a Zimbabwean weapon of destruction even if it's your thugs that do the insulting on your behalf. We are mothers and grandmothers of this land. Please stop those insults of sexual nature Justice Chigumba at once as they insult all women in the land. Stop witch-hunting her private life at once! We are sick and tired of being insulted and our private lives exposed to destroy us emotionally. You are such cowards; cowards! We are behind Justice Chigumba because she is a woman, a mother and a sister of this great nation. (She will solve her problems in ZEC alone.) We come to her defense because she is a woman and nothing else. When MDC-Alliance attacks Justice Chigumba using sexual insults you are insulting all women in the land. So please stop it at once!

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ZEC chairperson Justice Priscilla Chigumba

(https://s3-eu-west-2.amazonaws.com/newzimlive/wp-content/uploads/2018/03/06225931/Justice-Priscilla-Chigumba.jpg)

Kofi Annan team says 'shocked' and 'appalled' by anti-Chigumba vitriol

22nd July 2018

Politics (https://www.newzimbabwe.com/category/news/zimbabwe/politics/), Zimbabwe (https://www.newzimbabwe.com/category/news/zimbabwe/)

By Staff Reporter

EMINENT global personalities visiting Zimbabwe have expressed shock at the attacks, especially from opposition forces and activists, aimed at Zimbabwe Electoral Commission (ZEC) chairperson Justice Priscilla Chigumba.

Former Irish President Mary Robinson and former UN secretary general Kofi Annan said they had been appalled at how Chigumba had been exposed to the attacks without shielding from the media and authorities.

"We were quite shocked when we met with chair of the Electoral Commission she was accompanied by two women commissioners.

"They have been vilified on social media and even threatened. It's unacceptable," Robinson said.

Chigumba has been accused of having a sexual relationship with a minister with the opposition demanding that she resigns on the basis that she is now conflicted. Robinson added: "Yes you can criticise them for being a little too legalistic.

"When Kofi (Annan) asked who defends them, there was silence. It's not allowed to vilify them on social media or elsewhere."

Annan weighed in, imploring the media to work as a buffer to defend the country's

"It's not about the election because they are not an end. You must defend them.

"Even going forward, help defend women's rights. Often when there is violence, women tend to stay away," the respected Ghanaian said.

Robinson added that she had also been shocked by personal attacks on other candidates in the election.

"We were also shocked by attacks on fellow candidates. Political leaders must take the lead in helping stop this," the UN human rights commissioner said.

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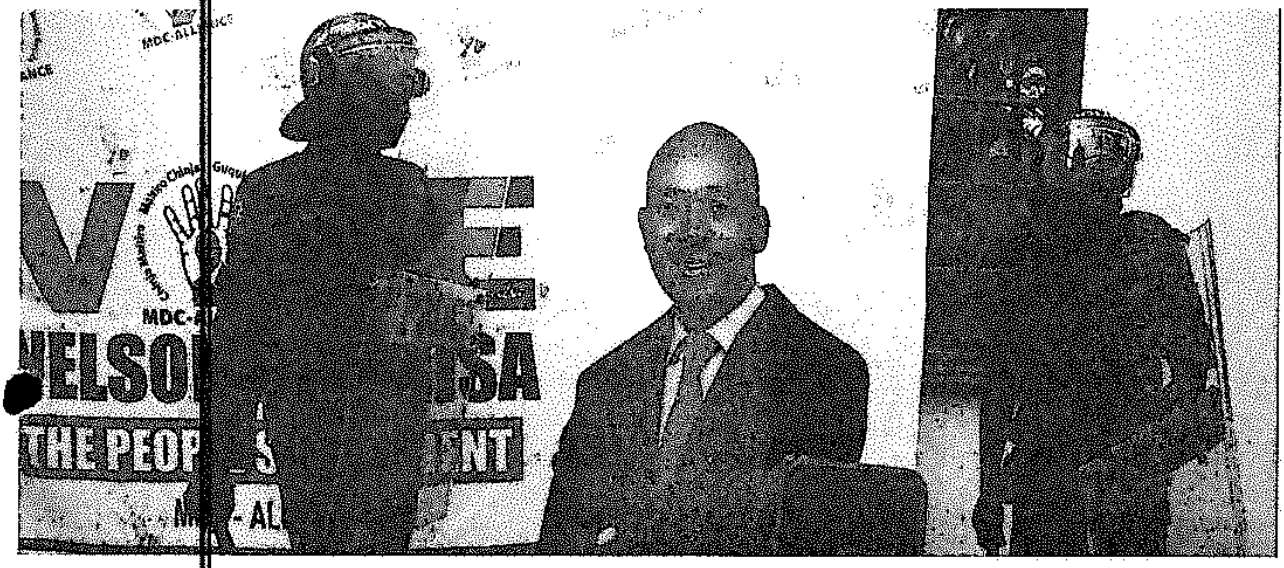

Manufacturing dissent – the cost of election propaganda in Zimbabwe

By refusing to accept the election results and alleging fraud, Nelson Chamisa has kept tensions high.

08 AUG 2018 / BY DEREK MATYSZAK

The response of Zimbabwe's main opposition party, the Movement for Democratic Change (MDC) Alliance, to the defeat of their presidential candidate suggests that its supporters might be victims of their own propaganda. Nelson Chamisa lost with 44.3% of the vote to Emmerson Mnangagwa of the ruling Zimbabwe African National

Zimbabwe's elections are won and lost in rural areas, home to about 70% of the voter population. The 2018 general election was no different. Viewing elections through an urban lens can be highly misleading, as rural voters are often motivated by different considerations to those of their urban counterparts.

Without ignoring the fact that ZANU-PF has considerable and ardent support among rural voters, it is clear that clientelism plays an important role. Many rural voters in Zimbabwe seem to view elections as an opportunity to show fealty to those in power rather than an exercise of democratic choice.

Loyalty is rewarded in the form of food aid and free agricultural inputs. Backing the 'wrong' candidate can attract harsh reprisals – an election 'promise' ZANU-PF has a reputation for keeping. A rural voter then may make a pragmatic and carefully considered calculation as to who will win, and vote with head rather than heart. To win an election, the candidate needs to look as if he or she will win.

The MDC Alliance did a remarkable job at persuading many that Chamisa had massive nationwide support. It was aided and abetted by opposition-leaning political analysts who willingly spread Alliance spin.

The MDC Alliance did a remarkable job at persuading many that Chamisa had massive nationwide support

As this spin would have it, Zimbabwe's intelligence services had done their own opinion poll that showed that Mnangagwa was intensely disliked and would get no more than 11% of the vote. Deposed ex-

president Robert Mugabe, it was claimed, enjoyed massive residual support in some provinces.

Mugabe's statement on the eve of polling that he would not vote for his 'tormentors' was seen as a cue to this support base to vote for Chamisa. Chamisa, only just the minimum age for a presidential candidate at 40, was presented as the natural choice for the 60% of the voter population under 40, rather than the 75-year-old Mnangagwa who represented the old order.

Insiders, it was said, knew the rural population was 'fed up' with ZANU-PF's misgovernance and that ZANU-PF had lost its ability to command the rural vote. The mood throughout Zimbabwe was one of euphoria, not experienced since independence in 1980. The election would be the country's second liberation.

There was scant evidence to support this spin. An opinion poll conducted just a month before the election by Afrobarometer gave Mnangagwa a slim lead. This evidence was brushed aside. If Chamisa didn't win, the MDC Alliance insisted, it could only mean that the election was rigged.

Zimbabwe's elections are won and lost in rural areas, home to about 70% of the voter population

The MDC Alliance appears to have been convinced by its own propaganda. Chamisa declared that he had won resoundingly before the tally of the votes had been completed by the Zimbabwe Electoral

Commission (ZEC). Then, as soon as it became apparent that Mnangagwa had won, MDC Alliance supporters claimed the election was rigged.

The evidence? Of course Mnangagwa couldn't have won because of the mood in the country, and the large number of Mugabe's supporters, fed-up rural voters, and the youth who would have voted for Chamisa.

There was, however, the small problem of conflicting evidence in the form of Xs on ballot papers. The votes are tallied at the polling stations and the results entered onto a V11 form. Party representatives are invited to sign the V11 and are given a copy.

The V11s go to the ward counting centres. The totals from the polling stations in the ward are calculated and entered on a V23. The process is repeated as the tallies are forwarded to constituency and provincial levels.

Despite these safeguards, the MDC Alliance alleged that ZEC had altered the numbers on the returns. The allegation was readily believed, as throughout the latter part of the electoral period, ZEC seemed to go out of its way to earn the distrust of opposition parties through opaque procedures and manifest bias towards ZANU-PF.

MDC Alliance officials said they would render the country ungovernable if they didn't get their way

In response, ZEC published spreadsheets showing all the totals at each level of counting, inviting anyone with documentary evidence

stop Chamisa from claiming he had copies of returns proving fraud, but then declining to reveal them.

Before the polling, MDC Alliance officials said they would render the country ungovernable if they didn't get their way. Chamisa had threatened that if the vote were stolen, he would get what was rightfully his, not through the courts, but through people taking to the streets in anger.

A jumpy military command placed battle-hardened troops on high alert – with tragic consequences. When a small but destructive band of demonstrators gathered to protest against the count, the military was almost immediately deployed, ignoring the presence of the police who ought to have been able to contain the situation without difficulty.

Trigger-happy soldiers went on a rampage, indiscriminately firing on civilians in Harare's city centre, leaving at least six dead and many more wounded. Over the next few days the military imposed an unofficial curfew in MDC Alliance stronghold areas, beating residents at whim. For many, it seemed that a thin veneer of civilian rule had been stripped away.

By refusing to accept the election results and alleging fraud, Chamisa has kept tensions high. He has also retained support among party cadres that might otherwise have dissipated had he conceded defeat. This has been accomplished at considerable cost.

Derek Matyszak, Senior Research Consultant, Peace and Security Research Programme, ISS

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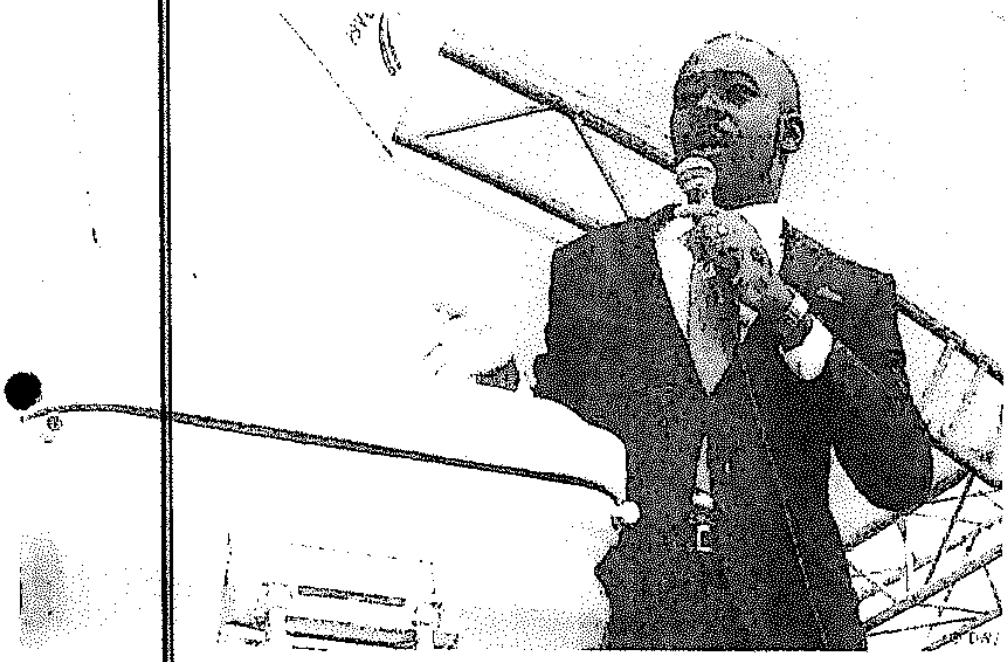
[illegible] shocked as Nelson Chamisa [illegible] what he will do if he loses 2018 [illegible]ential elections

Muza Mpofu



50 SHARES

[illegible] acting president, Nelson Chamisa yesterday told tens of thousands of party [illegible] that he would quit politics if President Emmerson Mnangagwa wins the next [illegible]ns, insisting the opposition party will form the next government.

[illegible]ssing mourners at the funeral of the late MDC-T leader, Morgan Tsvangirai in [illegible]nkwi village, Buhera, Chamisa, whose leadership of the party is under contestation, [illegible]ed on uniting the party to face off with Mnangagwa.

[illegible] declared he would quit politics "if Mnangagwa wins the next election".

[illegible] are ready to form the next government and in September we will," Chamisa declared [illegible] cheers from the crowd.

[illegible]ngirai, who succumbed to cancer of the colon last week, was buried at his rural [illegible]stead under a tense atmosphere, as internal power struggles stole the show.

[illegible] President Robert) Mugabe failed to plan his succession, but our president [illegible]) did. God has a plan for everything. When a great leader dies, his protégé takes [illegible].

[illegible] I was appointed vice-president, people did not understand him," he said, dismissing [illegible] for an extraordinary congress to elect a substantive party leader.

[illegible] things first, our constitution is clear. You cannot just wake up and rush into an [illegible]ordinary congress.

[illegible] is an elaborate process to be followed and we will be consulting the whole [illegible]ship.

[illegible] a people's party and we will make sure nobody wrecks it at whatever cost.

[illegible] will convene special meetings and we will not accept any noise in the cockpit. If you [illegible] our orders, we will deal with you."

[illegible]onal People's Party (NPP) leader and former Vice-President, Joice Mujuru announced [illegible] was ready to join hands with the MDC-T ahead of elections later this year.

[illegible] event has reminded me of the event in Gweru (where she walked hand in hand with [illegible]angirai)," she said. "We agreed with Tsvangirai in the presence of (his cousin Hebson) [illegible]vise that we will work together.

[illegible] memorandum of understanding represents the wishes of Zimbabweans. We are ready [illegible] with you, let us work together," she said, sending the crowd into a frenzy.

[illegible]uru and Tsvangirai signed a memorandum to enter into a coalition, but talks collapsed [illegible] the deal and the two formed separate alliances.

[illegible]gira[illegible] worked hard and suffered at the hands of Zanu-PF," he said.

[illegible] people made money, but he died a pauper.

[illegible] used as a goblin by some people to make money.

[illegible]one knows this man won the 2008 elections, but being a man of the people, he [illegible] to walk to State House skipping dead bodies.

[illegible] allowed Mugabe to rule and the fact that the current President Emmerson Mnangagwa allowed government to assist with his treatment and funeral means he acknowledges [illegible] hero."

[illegible]gira[illegible] younger brother, Manase, threw down the gauntlet and demanded that the [illegible] stick to its democratic values to settle the current leadership dispute.

[illegible] not to popularily contest and you should stick to constitutionalism. Follow the rules [illegible] party and go back to the people.

[illegible] do not force yourself on people. Respect these people and do not handle then like [illegible] he said.

[illegible] a man, who lived a life of service and sacrifice.

[illegible]gira[illegible] persevered the brutality of a vile regime and would want to see you all united [illegible]lowing procedure.

[illegible] family, we are watching to see to it that his legacy is not washed away down the [illegible]

[illegible] his death, Tsvangirai's family has been thrust into the limelight after seemingly

...ngirai's golf partner, identified as Majuru, described the MDC-T leader as a rare breed ...honest African politicians.

...Tsvangirai that I knew and the one portrayed by the media, especially the State ..., are different," he said.

...angirai was an honest man and honesty is a rare trait in African politics.

... death should be a wake up call to those in power to redefine and broaden the ...ction of a hero."

... Mhurahwa, a brother to Tsvangirai's late wife, Susan, also waded into the succession ...

...good that if there is someone whom the people want, go back to the constitution and ... democratic tenets," he said.

...would be saddened that at a time we are celebrating the life of a hero, people are ...ing to outdo each other."

...an Kenyan opposition leader, Raila Odinga described Tsvangirai as an African icon and ...national statesman.

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We Will Not Issue Voters' Roll With Photographs Because of Privacy, Security Reasons: Chigumba

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Maveric June 25, 2018 0

Alibaba.com

The Zimbabwe Electoral Commission chairperson Justice Priscilla Chigumba has said that the electoral body will not issue a voters' roll with photos to contesting parties because of security and privacy reasons. She said that this was meant to protect the electorate as some unnamed individuals had threated to track down "their victims' door to door." Addressing the media on Monday, Chigumba said,

Cash Barons Will Soon Be Making Losses, We Are Flooding Market With Foreign Currency: Mangudya

We Will Never Allow That "Small Boy" To Rule This Country: Mahiya

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The public is being advised that the voters' roll being distributed by the Commission is authentic. Our lawyers advised us that providing a voter's roll with photos of registered voters was a violation of privacy and not necessary according to the constitution since it was going to be online... Following threats by some unscrupulous individuals to track down their victims' door to door, the Commission will not issue the voters' roll with photographs in an effort to protect voters.

However, the Commission will print voters' rolls with photographs for every polling station. Section 20(5) of the Electoral Act states that in the event of any discrepancy between an electronic copy and a printed copy of a voters' roll, the latter shall be deemed to be the authentic record of the voters' roll.

However, critics have pointed out that it is illogical for Zec to refuse to put people's photographs when it is already providing information which is actually more difficult to access such as dates of birth and national identification numbers and addresses.

Priscilla Chigumba	Zimbabwe Electoral Commission

Priscilla Chigumba is a Zimbabwean lawyer, a judge of the High Court of Zimbabwe and the Chairperson of the Zimbabwe Electoral Commission (ZEC). Justice Chigumba succeded Justice Rita Makarau as the chairperson of ZEC.

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Chigumba was appointed the chairperson of ZEC on 31 January 2018. Read More About **Priscilla Chigumba**

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	Name of candidate	Name of party	Symbol	Photograph
1	[illegible]	FL		
2	[illegible]	MDC-ALLIANCE	MDC-ALLIANCE	
3	[illegible]	DEP		
4	[illegible]	[illegible]		
5	[illegible]	[illegible]	WORLD REDEMPTION CONGRESS	
6	[illegible]	RPF	RPZ	
7	[illegible]	[illegible]	ZIPP	
8	[illegible]	[illegible]		
9	[illegible]	[illegible]	NCA	
10	[illegible]	[illegible]	CODE	
11	[illegible]	[illegible]		
12	[illegible]	[illegible]		
13	[illegible]	[illegible]		
14	[illegible]	[illegible]	NAPDR	

SAMPLE

	Name of candidate	Name of party	Symbol	Photograph
15	[illegible]	ZANU PF	ZANU PF	
16	[illegible]	APA	APA	
17	[illegible]	INDEPENDENT		
18	[illegible]	DCP		
19	[illegible]	PRC	PRC	
20	[illegible]	NPF	NPF	
21	[illegible]	[illegible]		
22	[illegible]	[illegible]		
23	[illegible]	[illegible]		

SPECIMEN

SAMPLE

AA

David Coltart
@DavidColtart

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ZESN have just produced a report which states that in 21% of polling stations no V11 was posted outside with the Presidential results on it as required by section 64(1)(e) of the Electoral Act. If true this will be a serious violation of the law.

MDC Alliance official David Coltart's tweet

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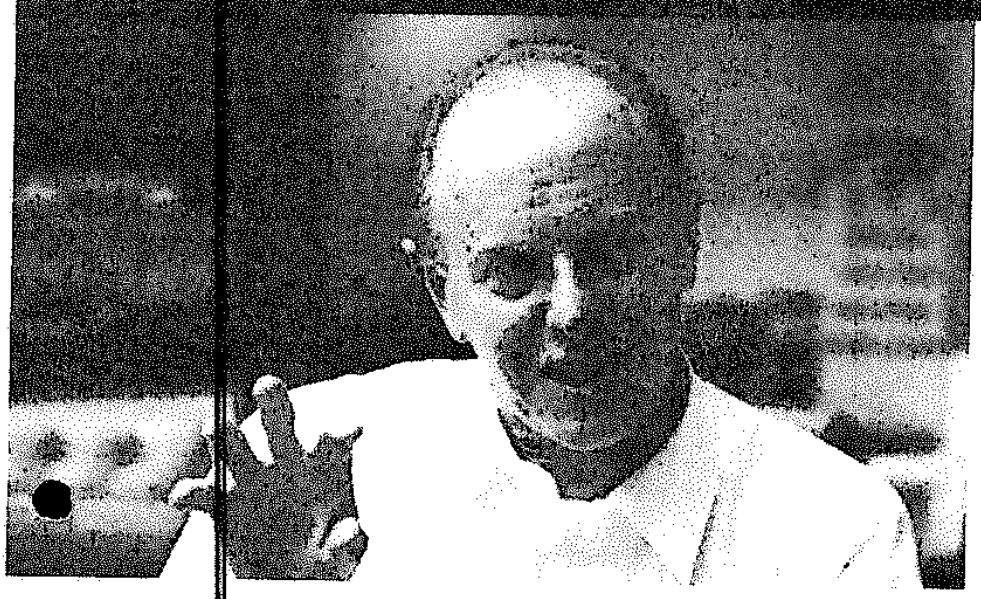

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News

Coltart exposes the MDC Alliance on the V11 forms saga

August 6, 2018 Staff Writer 0 Comments David Coltart, elections 2018, mdc alliance, ZEC

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MDC-Alliance senior official Mr David Coltart has exposed the hypocrisy by coalition president Mr Nelson Chamisa after he went on social media pleading with party members to bring V11 forms for use in challenging the July 30 election results.

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The position conflicted with Mr Chamisa's claim that the V11 forms showed that the Zimbabwe Electoral Commission rigged the election in favour of Zanu-PF candidate, President Mnangagwa.

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Mr Chamisa has been telling journalists that they would challenge the Presidential election, saying V11 forms indicated that they had won the election.

But Mr Coltart has been calling for party members to bring V11 forms to verify the election results.

"Citizens, please respond to this call. We particularly need V11 forms from Mashonaland Central and West provinces where it appears the main focus of rigging was," said Mr Coltart on his Twitter handle.

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Independent Member of Parliament Mr Temba Mliswa laughed off Mr Coltart's call.

"Conflicting statement. On one hand @nelsonchamisa says he has the V11 forms on the other hand @davidcoltart appeals for them. These are forms signed for by all agents and copies given to each before posting outside the centre," said Mr Mliswa on his Twitter handle.

Addressing journalists in Harare on Friday, Mr Chamisa claimed they had gathered adequate evidence to prove that ZEC had rigged the election.

The call for V11 forms by Mr Coltart gives credence to an assertion that the MDC-Alliance failed to field election agents in most polling stations.

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This also seemed to be confirmed by ZEC commissioner Dr Qhubani Moyo while responding to one of the MDC-Alliance activists on social media.

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"Am sick and tired of dishonest people who want to blame others for their faults. You spend so much time insulting us instead of organising agents, now you want to claim V11 forms from where you were never present," posted Dr Moyo on his Facebook page.

In another post, Dr Moyo said: "This provocation by Sydney Chisi is clear invitation for some of us to begin to speak about the dishonest presentation about the V11 forms by some political parties that had no election agents in half of the constituencies yet claim omnipresence. The sooner some political parties stop blaming us for all their shortcomings the better for them."

One political analyst said the contradiction by the MDC-Alliance showed they did not have any evidence to back their claim that the elections were rigged.

"They are clutching at thin air. ZEC did their work professionally. This was equally supported by the report by the Zimbabwe Election Support Network which corroborated ZEC's figures. How can they call for V11 forms if they were present in those polling stations?" said the analyst.

- Herald

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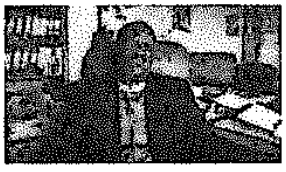

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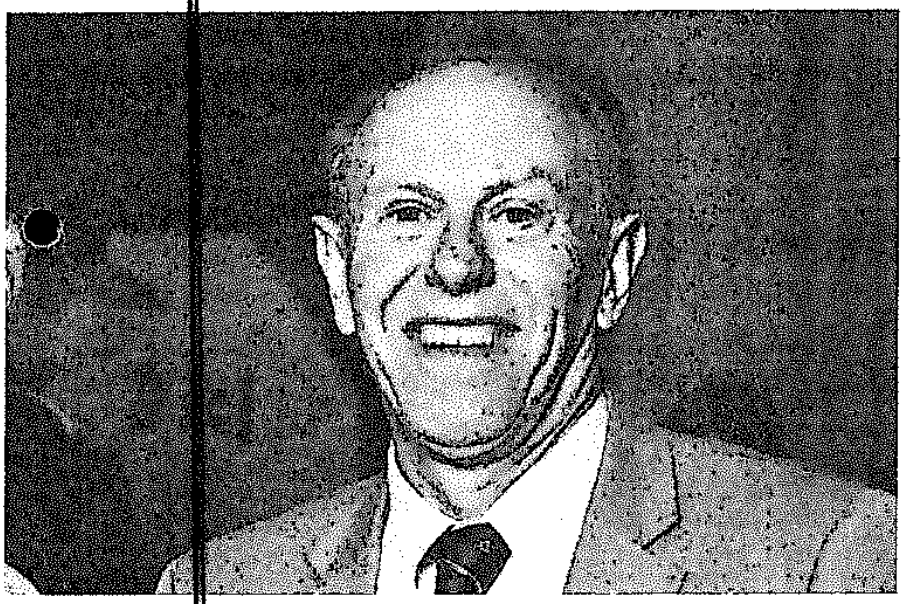

Opposition official David Coltart

CLAIM: Opposition officials, citing a report by the Zimbabwe Election Support Network (ZESN), say 21% of the nearly 11,000 polling stations used for the July 30 general election did not post presidential election results (v11 forms)

CONCLUSION: False. ZESN's preliminary assessment report does not say 21% of polling stations did not display the presidential results form. The ZESN report, based on a statistical sample of 750 polling stations out of the total 10,985 used for Monday's election, said party polling agents present at 93% of the surveyed polling posts got copies of the presidential election results.

David Coltart @DavidColtart Follow

ZESN have just produced a report which states that in 21% of polling stations no V11 was posted outside with the Presidential results on it as required by section 64(1)(e) of the Electoral Act. If true this will be a serious violation of the law.

MDC Alliance official David Coltart's tweet

What does the law say?

Section 64 (1) sub section (e) of the Electoral Act requires the presiding officer to, without delay and in the

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Analysis – Missing village, street voices in Zimbabwe elections

ZESN's methods

ZESN is Zimbabwe's largest independent election watchdog. It deployed over 6,500 observers across the country for the July 30 polls.

For its preliminary report, ZESN took a sample of 750 polling stations (just under 7% of total) "to provide truly representative information on the conduct of voting and counting in near real time."

By the time ZESN published its preliminary statement on July 31, observers in 739 out of the surveyed 750 polling stations had reported back.

Key findings

- Observers were allowed in at 100% of surveyed polling stations
- At 99% of polling stations the seals on the presidential ballot box were intact when counting commenced
- At 3% of polling stations, an MDC Alliance agent requested a recount of the presidential ballot paper
- ZANU-PF polling agents requested recounts at 2% of the polling stations.
- At 97% of the polling stations, MDC Alliance agents signed the presidential results form
- ZANU-PF agents signed the presidential results form at 99% of the polling posts.
- At 93% of polling stations all party agents present were given a copy of the presidential results form.
- At most polling stations, the presidential results were posted immediately after counting finished.
- Presidential results were posted less frequently for Bulawayo and Matabeleland North than other provinces

As [redacted] about the supposed 21% of polling stations where v11 forms were not posted as stipulated, ZESN director Rindai Chipfunde Vava, said: "We did not produce a report that states those statistics."

By ZimFact staff

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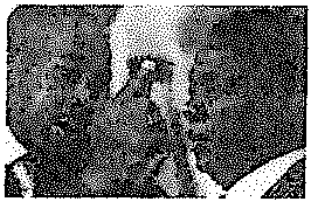

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ZESN's Presidential Results Projection from Sample-Based Observation

Harare – 03 August 2018 – The Sample-Based Observation (SBO) Project is an initiative of the Zimbabwe Election Support Network (ZESN), the largest local observer group in Zimbabwe. ZESN is a coalition of 36 Non-Governmental Organizations formed in 2000 to coordinate activities pertaining to elections. Its major focus is on the promotion of democratic processes and free and fair elections in Zimbabwe. The organisation is strictly nonpartisan. ZESN observes elections so that citizens can exercise their fundamental right to vote and to provide independent non-partisan information on the conduct of elections to citizens, political contestants and the Zimbabwe Electoral Commission (ZEC). All of ZESN's activities are in accordance with the Declaration of Global Principles for Citizen Election Observation and Monitoring, the laws of Zimbabwe and, in particular, the ZEC's Code of Conduct.

ZESN closely monitored the pre-election period in accordance with its electoral cycle approach to the observation of electoral processes in Zimbabwe. As such, 210 long term observers were deployed in the run up to the harmonised election to observe and report on the pre-election environment. In addition, ZESN also conducted an audit of the voters roll.

As part of its comprehensive effort to observe the 2018 Harmonised Elections, ZESN trained and deployed over 6,500 observers to every ward, constituency, district and province of the country. Out of these, 750 were Sample-Based Observation observers. The SBO is an advanced Election Day observation methodology which allows ZESN to confidently comment on the voting and results tabulation processes, including an independent verification of the Presidential results as announced by the ZEC. SBOs have contributed to systematic election observation efforts around the world and in 12 countries in Africa such as Cote d'Ivoire (2016), Malawi (2009 and 2014), Zambia (2008, 2011, 2015 and 2016), Ghana (2008, 2012 and 2016), Uganda (2011), and Nigeria (2011, 2012 and 2015). In all cases the SBO accurately projected the vote tabulation outcomes including presidential results.

SBO observers were deployed to a nationally representative sample of polling stations throughout the country. This random sample was representative in terms of the geography of the country, the distribution of polling stations and the distribution of registered voters across Zimbabwe. SBO observers witnessed the entire voting and counting process at sampled polling stations and recorded the official result as announced by the polling officials. By 12 noon 31 July, ZESN had received reports from all 750 sampled polling stations and had verified and analysed their data; therefore, this report is based on a 100% response rate.

Key Findings from the Pre-Election and Election Day Processes

As highlighted in ZESN's preliminary statement released on July 31, the electoral process was marked by improvements from previous elections as well as lost opportunities that could have measurably increased confidence in the integrity of the election.

Key findings in the pre-election period included:

- The pre-election environment was more peaceful and open than in previous elections including the broad invitation of international observers; however, incidents of intimidation to manipulate voters was still noted throughout the country. The signing of the National Peace Pledge and the Code of Conduct by the political parties during the campaign period is commendable, though there were limited enforcement mechanisms.

- ZEC did not address concerns raised by stakeholders with regards to the design, printing, and dispatch of ballot papers and did not permit meaningful observation of the production of ballot papers or testing of indelible ink.

- The voters roll has improved from 2013; however urban registration lagged behind rural registration with 73% of people in urban areas registered to vote compared to 82% in rural areas.

- State media and other state resources were abused throughout the pre-election period to the advantage the ruling party.

Key findings from ZESN's observation on Election Day include:

- At 99% of polling stations polling officials were present when ZESN observers arrived prior to opening, and 97% of polling stations opened by 7:15 am.

- 98% of polling stations were set up in a manner that allowed voters to mark their ballot papers in secret.

- At 6% of polling stations many voters (26 or more) were turned away and not permitted to vote, but for Harare province this affected 19% of polling stations.

- At 45% of polling stations many voters (26 or more) were assisted to vote. This was particularly prevalent in Manicaland, Mashonaland Central, Masvingo, Matabeleland North, and Matabeleland South provinces.

- At 98% of polling stations all polling agents present were given an official copy of the V11 results form and/or the official results were immediately posted. At only 2% of polling station were official copies of the V11 results form not provided to all polling agents and the official results not immediately posted.

SBO Methodology

The SBO percentage estimates for turnout, vote for each candidate, and rejected ballots are based on the official results as announced by polling officials at the 750 sampled polling stations. At these polling stations there were 383,272 registered voters and 324,948 votes were cast. The SBO data is based on these actual votes. The SBO is not an exit poll. No voters were asked whom they voted for. Since the SBO is based on a sample of polling stations it produces estimated ranges within which the results announced by the ZEC should fall. The ranges are based on the SBO estimates plus or minus a margin of error.

Turnout

The SBO data shows overall turnout at 84.7%, with a margin of error of +/- 0.7%, with all provinces with turnout over 80%. There were 11 (1.5%) polling stations with turnout over 95% of which 5 (0.8%) had turnout of 100% or more.

Presidential Results

Below are the SBO estimated ranges for each of the major candidates. As noted, the official results as announced by the ZEC should fall within these estimated ranges.

SBO Estimates and ZEC Official Results for the 2018 Presidential Election				
Presidential Candidate	**SBO Estimate**	**Margin of Error**	**SBO Estimated Range**	**ZEC Announced Official Results (3 August)**
Nelson Chamisa (MDC Alliance)	45.8%	+/- 2.0%	43.8% to 47.8%	44.3%
Emmerson Mnangagwa (ZANU-PF)	50.7%	+/- 2.0%	48.7% to 52.7%	50.8%
All Other 21 Candidates	3.5%	+/- 0.2%	3.3% to 3.7%	
Rejected Ballots	1.4%	+/- 0.1%	1.3 % to 1.5%	

Conclusion

ZEC's announced official results are consistent with the SBO projections. The percent vote for each candidate as officially announced by the ZEC fall within the SBO estimated ranges. Because the SBO estimated range for the leading candidate falls above and below 50%, the SBO cannot definitively confirm whether or not there should have been a runoff.

ZESN calls upon the ZEC to urgently release on its website polling station level results for all elections, including the presidential election, to enhance transparency and accountability. This is even more important given concerns raise by some stakeholders about the process. We encourage all Zimbabweans to be peaceful and if there are any disputes related to this electoral process, the aggrieved parties should seek peaceful redress and exercise restraint. ZESN also calls upon security forces to avoid being heavy handed in their efforts to restore order.

ZESN will continue to observe the post-electoral environment in pursuit of its mandate of promoting democratic electoral processes in Zimbabwe.//End/

PROMOTING DEMOCRATIC ELECTIONS IN ZIMBABWE

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Website: *www.zesn.org.zw*

ANNEXURE 1

Distribution of All Polling Stations and Sampled Polling Stations by Province				
Province	All Polling Stations		Sampled Polling Stations	
	Stations	Percent	Stations	Percent
Bulawayo	428	3.9%	28	3.7%
Harare	1,175	10.7%	78	10.4%
Manicaland	1,438	13.1%	99	13.2%
Mashonaland Central	973	8.9%	66	8.8%
Mashonaland East	1,244	11.3%	86	11.5%
Mashonaland West	1,322	12.0%	90	12.0%
Masvingo	1,324	12.1%	92	12.3%
Matabeleland North	877	8.0%	60	8.0%
Matabeleland South	664	6.0%	46	6.1%
Midlands	1,540	14.0%	105	14.0%
Total	10,985		750	

Distribution of Registrants at All Polling Stations and at Sampled Polling Stations by Province (figures based on ZEC's List of Polling Stations)				
Province	All Polling Stations		Sampled Polling Stations	
	Registrants	Percent	Registrants	Percent
Bulawayo	258,567	4.5%	17,177	4.5%
Harare	900,728	15.8%	58,140	15.2%
Manicaland	733,370	12.9%	48,098	12.5%
Mashonaland Central	531,984	9.3%	34,169	8.9%
Mashonaland East	633,410	11.1%	41,063	10.7%
Mashonaland West	655,133	11.5%	44,113	11.5%
Masvingo	617,212	10.8%	45,256	11.8%
Matabeleland North	339,135	6.0%	25,289	6.6%
Matabeleland South	264,185	4.6%	18,597	4.9%
Midlands	761,982	13.4%	51,370	13.4%
Total	5,695,706		383,272	

'DD'

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FOOD DEFICIT MITIGATION STRATEGY

(FDMS)

FOOD FOR ASSETS / PUBLIC WORKS PROGRAMME

OPERATIONAL MANUAL

MINISTRY OF PUBLIC SERVICE, LABOUR AND SOCIALWELFARE

(MoPSLSW)

1. INTRODUCTION

1.1 Food Insecurity Post Agricultural Season in Zimbabwe

The 2nd Round Crop Assessment Survey shows whether there will be a national cereal deficit or not owing to the prevailing conditions. In the event of an unfavorable weather pattern the likelihood of a drought is quickly predicted and mitigation measures are put in place.

The Zimbabwe Vulnerability Assessment conducted in the second quarter also comes in handy providing levels of food insecurity in the rural districts. ZimVac Rural Livelihoods Assessment (RLA) survey also monitors issues of chronic malnutrition in areas that are traditionally food secure.

Once all data on food insecurity and general vulnerability is available Government together with partners put in place interventions to assist vulnerable populations.

2 The Food Deficit Mitigation Strategy

In response to the food insecurity of the 2009/2010 agricultural season, the Government in partnership with Donors and Humanitarian partners developed a Food Deficit Mitigation Strategy (FDMS).

The FDMS follows ***four phased cycle of*** delivery of assistance to the vulnerable households and is guided by the following principles and assumptions:

- That it is fundamentally the responsibility of the Government of Zimbabwe to provide social protection to its citizens so that they can manage vulnerability associated with exogenous shocks.
- That since Zimbabwe is part of the international community; support from donor partners is welcome to complement Government efforts.
- That to mitigate the effects of the seasonal drought, the Government of Zimbabwe will be complemented by the donor community.
- That the Grain Marketing Board (GMB) will continue to be supported to purchase grain locally.

2.1 Objectives of FDMS

The FDMS seeks to:

- Mitigate the effects of drought on **NON LABOUR CONSTRAINED** households through public works / cash transfers and food for asset programmes,
- Avail free food assistance to the chronically ill, **LABOUR CONSTRAINED** older person headed households, and child headed households,
- Increase food access by **NON –RESOURCE CONSTRAINED** households through improved market distribution, and
- Mitigate the impact of future drought through the rehabilitation of existing irrigation schemes.

Whilst the FDMS will be implemented in a 4 phased cycle, the strategy takes cognizance of the fact that in order to support crop production partners will alternate between productive community works, C/F for Asset (C/FFA) programmes and general vulnerable group feeding (VGF) food distributions as follows:

April to June	*Harvests, Assessments & Programming*
July to September	*Productive Community Asset Programmes (C/FFA)* *Input Scheme Programmes (Crop /Livestock)*
October to December	*General vulnerable group feeding programmes* *Input Scheme Programmes (Crop /Livestock)*
January to March (PEAK HUNGER)	*General vulnerable group feeding programmes*

*The period **July to December** will also be complemented with free input distribution (Presidential Input Support Programme) in order to promote household and national food security.*

2.2 Promoting Effective Partnerships

The FDMS calls for increased cooperation between government and Donor agencies working to ensure food security in the country. Whilst phase 1 of the strategy will be wholly funded by Government, phases 2, 3, and 4 have an equal contribution by both Government and Donors.

In order to avoid creating community disharmony, Government and Donors will operate in the same ward and targeting the same group. As such, assistance will alternate from one month to the other, with one month beneficiaries receiving a cash transfer from the government and donor support the following month.

2.3 Targeting Mechanisms

To ensure that assistance is channelled to those districts and areas that have the highest levels of food insecurity, a targeting methodology based on vulnerability assessments (2nd Round of Crop Assessments and May ZIMVAC) will be developed for the national, district and community levels.

2.3.1 National Level Targeting

The FDMS will be implemented in most food insecure districts as identified by the 2nd crop assessment and the ZIMVAC. Assistance will depend on the level of vulnerability and food insecurity.

2.3.2 District Level Targeting

Within the District, the FDMS is expected to be implemented in wards with high levels of food insecurity and vulnerability. The District Drought Relief Committees will identify wards that are most food insecure and vulnerable using the May-June ZIMVAC results.

2.3.3 Community Level Targeting

Beneficiary selection process for **non labour constrained** households will be to a greater extent **self targeting** by use of a remuneration rate which is far below the prevailing wage rate in agriculture. Therefore, households whose opportunity cost of labour is higher will be **most unlikely** to participate in the programme as they could be engaged in other more paying activities and be able to feed their families.

However, the **self targeting mechanism** will be **modified so as not to exclude non labour constrained households** in the following categories:

- Female-headed households
- Elderly headed households with labour.
- Large households caring for orphans.
- Disabled persons households with labour
- Vulnerable and disadvantaged households.

For targeted, free cash / food distribution, priority would be given to:

- Child headed households
- People living with chronic illness
- People living with disabilities
- Older person headed households.

2.4 Identification of works / community assets

The community, through its local level committees have the authority to identify and prioritise community projects to be executed through productive community works or cash/ food for assets C/FFA) programmes. However, proposed projects must have a clear link to food security, poverty reduction and empowerment of local communities.

2.5 **Supervision & Verification of Works**

Supervision and verification of community works will be conducted by the Ministry of Rural Development Promotion & Preservation of National Culture & Heritage through Local Authorities and other technical agencies like District Development Fund (DDF). The Drought Relief Committees will arrange logistics.

2.6 **Modalities for cash / food distribution**

The District Drought Relief Committees will arrange logistics for food / cash distribution.

3 **Promotion and Public Relations**

The Ministry of Labour and Social Services (MLSS), RDCs and Implementing partners will undertake an intensive campaign to educate and inform people about the existence of the strategy. Part of the information to be given out includes strategy objectives, geographical coverage, the target groups, eligibility criteria, and who to contact for more information.

The MLSS, assisted by the Ministry of Local Government, will organise workshops at the district level to promote the objectives of the strategy and lay out modalities for stakeholder participation in FDMS implementation.

At the local level, promotion will be done through Local Governance Structures, local leaders, schools, Community-based Organisations (CBO), NGOs, and traditional leaders.

4. **ORGANISATIONAL STRUCTURE OF FDMS**

National level

The FDMS will be coordinated through a technical committee, chaired by the Ministry of Labour and Social Services. The following are members of the Technical Committee:

Ministry of Public Service, Labour and Social Welfare (Chair)
Ministry of Agriculture, Mechanization and Irrigation Development
Ministry of Local Government, Public Works & National Housing
Ministry of Rural Development Promotion & Preservation of National Culture & Heritage
Ministry of Women Affairs, Gender and Community Development
Ministry of Health and Child Care
Ministry of Transport & Infrastructure Development
Ministry of Finance
Ministry of Youth, Indigenization and Economic Empowerment
Ministry of Economic Planning and Investment Promotion
Grain Marketing Board (GMB)
Department of Agricultural Research and Extension (AGRITEX)
Partners (World Bank, Food Agricultural Organization (FAO), World Food Programme (WFP) and its selected implementing partners)
Donors and NGOs (eg. USAID, DFID, CARE, etc)

Provincial Level

At the Provincial Level, the Provincial Drought Relief Committee (PDRC) will oversee the implementation of the FDMS in their respective districts. The PDRC will co-opt other members whom they see as key in the operationalising the FDMS strategy.

District level

At the District level, the District Drought Relief Committees (DDRC) will oversee implementation of the FDMS in their respective wards. The DDRC will co-opt other members whom they see as Key in operationalising the FDMS strategy.

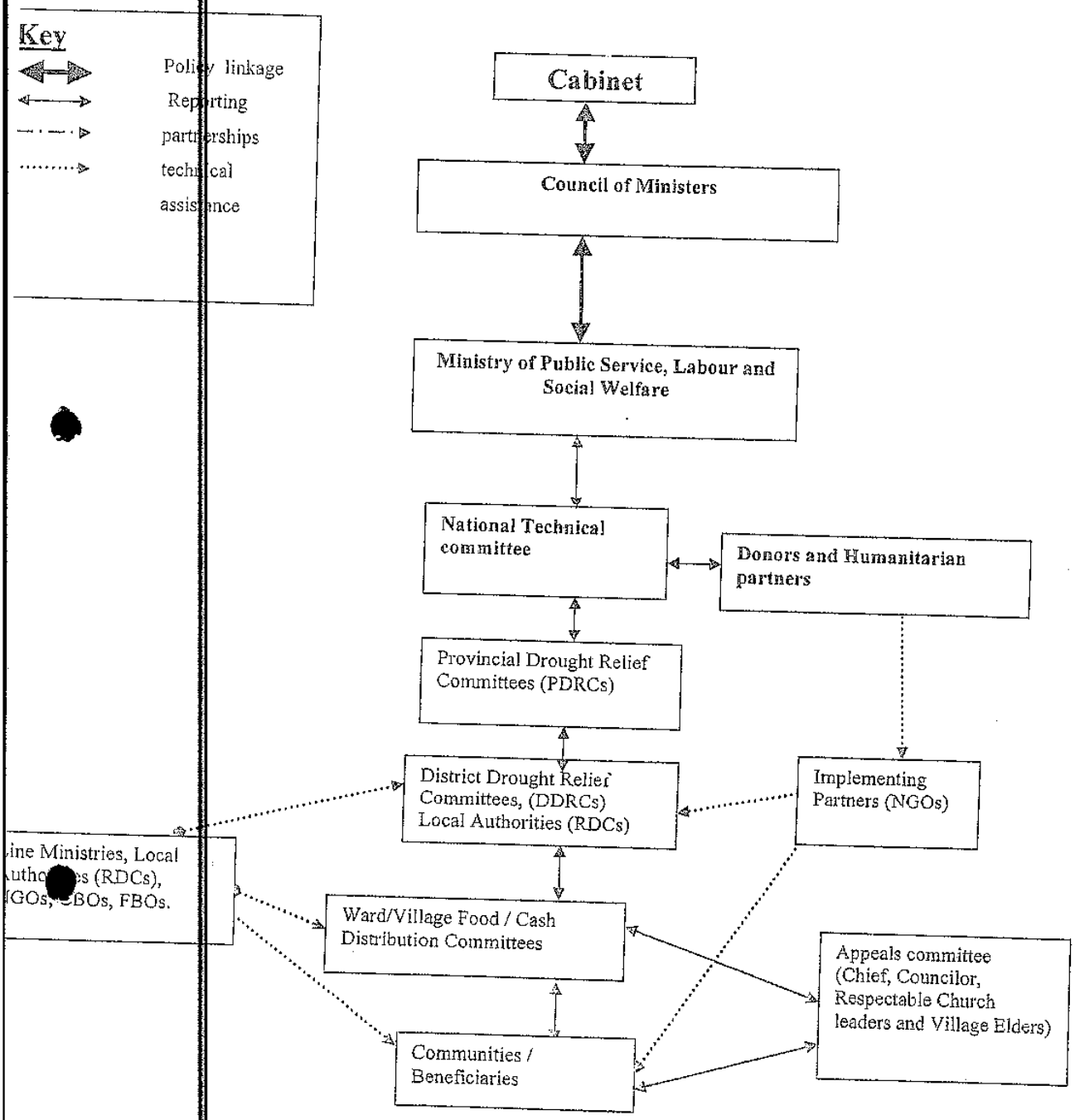
Ward level

A ward food / cash distribution committee will be constituted. The headman, village heads and representatives of women and youths religious groups will be members of the committee.

Village level

A village food / cash distribution committee will be constituted. The village head, representatives of women and youths will be members of the committee.

FOOD DEFICIT MITIGATION STRATEGY ORGANISATIONAL STRUCTURE



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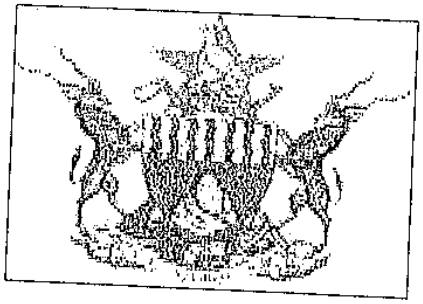

Government of Zimbabwe

Food Deficit Mitigation Strategy through PUBLIC WORKS

2010 - 2011

Ministry of Labour and Social Services

1. **Rationale**

This strategy document is a food deficit mitigation strategy addressing how government intends to mitigate the effects of the 2010 to 2011 localised crop failure across districts of Zimbabwe. However, government is cognizant of the fact that Zimbabwe, like most Southern African countries, is a drought prone country. In this respect, a comprehensive drought mitigation policy will need to be developed to provide long term drought management initiatives. Meanwhile, there is need to address short term food requirements of food insecure households.

2. **Background**

The 2nd Round of crop assessment shows that there will be a national cereal deficit owing to the current drought. It is however gratifying to note that there was a 6 percent increase in annual production in the 2010/2011 agricultural season as opposed to previous season. Despite the marginal increase, a significant population will suffer food deficit. It is also important to note that even in districts that were considered self sufficient by the crop assessment, pockets of localized food insecurity may exist. These would be captured by the ongoing ZIMVAC survey and targeting adjustments would be made accordingly. In the mean time, this strategy will address the food requirements for the most affected areas in a phased manner.

It is against this background, that the Government of Zimbabwe proposes the following phased delivery of assistance to the vulnerable households under the following principles and assumptions:

- That it is fundamentally the responsibility of the Government of Zimbabwe to provide social protection to its citizens so that they can manage vulnerability associated with exogenous shocks.

- That since Zimbabwe is part of the international community; support from donor partners is welcome to complement Government efforts.
- That to mitigate the effects of the 2009/2010 drought, the Government of Zimbabwe will be complemented by the donor community through the Consolidated Appeal Process (CAP).
- That the GMB is and will continue to be supported to purchase grain locally.
- That in order to reduce dependence syndrome associated with free food handouts, the 2010/2011 mitigation will proceed on a public works or food for assets basis.

3. **Policy Strategic Objectives**

- To mitigate the effects of drought on **NON LABOUR CONSTRAINED** households through public works / cash transfers and food for asset programmes.
- To avail free food assistance to the chronically ill, **LABOUR CONSTRAINED** older person headed households, and child headed households.
- To increase food access by **NON –RESOURCE CONSTRAINED** households through improved market distribution.
- To mitigate the impact of future drought through the rehabilitation of existing irrigation schemes.

4. **Proposed Food Deficit Mitigation Strategies**

It is proposed that the 2010/2011 drought intervention programme be implemented in line with the above strategic objectives:

4.1 **Strategic objective 1: Phased food distribution to address food requirements of non labour constrained households.**

Support will follow four phases as follows:

4.1.1 Phase One – July to May 2011

The second crop assessment indicated that three districts of Chivi, Mangwe and Mberengwa had cereal production that would last for one to three months. This implies that these districts have a food deficit stretching for about 10 months. Currently, the total number of food insecure households receiving assistance in these districts is 15 764. However, given the localized severity of the current drought, the number of households assisted will be scaled up by 10 percent, thus a total of 17 340 (see annex 1) households will be assisted. Government is therefore required to provide fully for this phase up to September there after the Donor pipeline will reduce the burden on the fiscus.

4.1.2 Phase two – October to May 2011

The second crop assessment also shows that an additional eight districts, with a total of 63 304 (annex 1) vulnerable households will require food assistance for seven months from October 2010 to May 2011. During this period, donor funds that will have been mobilized through CAP will start to trickle in so that Partners will be able to complement Government efforts. These resources will build up on a Government program that will already be running thus resulting in reduced Government spending by about 50%. During the same period the beneficiary households will also be paid through agricultural input packs in addition to food packs or cash transfers.

4.1.3 Phases three and four: January to May 2011

In phase 3, a total of 68 628 households will require food assistance for 4 months whilst an additional 55 788 will need assistance for only one month. During this period, January to May 2011, it is assumed that donor pipeline substantially increases such that the program could be run entirely on donor food. However, the delivery mechanism will remain the same.

4.2 Strategic objective 2: Free food distribution to labour constrained households

Free food distribution to households headed by the elderly, people living with disabilities, chronically ill, and child headed households will continue to be provided by the donors through their distribution mechanisms. However, all donors will continue to draw beneficiaries from local beneficiary registers already in place. Whilst results are not yet out, normally 10 percent of all households fall within this category. The ongoing ZIMVAC will come up with specific figures of households falling under this category. In the mean time, the Donor partners will be encouraged to continue assisting this group.

4.3 **Strategic objective 3: improved cereal availability on the market for non resource constrained households in both rural and urban areas.**

Internal redistribution of grain will depend on a viable and competitive market. There is need to capacitate both private grain buyers and GMB to purchase grain from farmers with surplus for onward sale on the market. In this respect, Government will set up a funding mechanism with financial institution such that all players including GMB could borrow funds to purchase grain. It is recommended that this strategy be pursued by the Ministry of Finance, Financial Institutions, GMB, and other grain buyers.

4.4 **Strategic objective 5: Rehabilitation of irrigation schemes**

It should be noted that Government as a matter of policy is determined to encourage food self sufficiency through irrigation schemes were possible. In this regard, rehabilitation of irrigation schemes will be part of the envisaged public works. However, this will entail additional costs.

5. **Beneficiary selection**

Beneficiary selection process for non labour constrained households will be to a greater extent self targeting by use of a remuneration rate which is far below the prevailing wage rate in agriculture. Therefore, households whose opportunity cost of labour is higher will be most unlikely to participate in the programme as

they could be engaged in other more paying activities and be able to feed their families.

However, the self targeting mechanism will be modified so as not to exclude non labour constrained households in the following categories:

- Female-headed households
- Elderly headed households with labour.
- Large households caring for orphans.
- Disabled persons households with labour
- Vulnerable and disadvantaged households.

For targeted, free cash / food distribution, priority would be given to:

- Child headed households
- People living with chronic illness
- People living with disabilities
- Older person headed households.

This programme will be harmonized with the current donor programmes in terms of harmonized implementation modalities.

6. Institutional Delivery Framework

The Steering Committee will be established and be responsible for giving the overall policy guidance to the program and will be responsible for ensuring that the program achieves its objectives. The Committee will report to Cabinet on implementation progress.

The Steering Committee will be structured as follows:

Ministry of Labour and Social Services (Chair)
Ministry of Agriculture, Mechanization and Irrigation Development
Ministry of Local Government, Urban and Rural Development
Ministry of Women Affairs, Gender and Community Development

Ministry of Regional Integration and International Cooperation
Grain Marketing Board (GMB)
Ministry of Finance
Ministry of Youth, Indigenization and Empowerment
Ministry of Economic Planning and Investment Promotion
Department of Agricultural Research and Extension (AGRITEX)
World Bank
Food Agricultural Organization (FAO)
World Food Programme (WFP)
Consortium for Southern Africa Food Security Emergency (C-SAFE)
National Association for Non-Governmental Organizations (NANGO)

7. **Government / Donor Partnership Arrangement**

- The Government, WFP/CSAFE will need to agree to the use food as a means to pay the labour provided for by the beneficiaries.
- The existing NGO arrangement is to be used as a delivery mechanism for the food and inputs to participants.
- The identification/ supervision of public works are the responsibility of Government through its structures outlined above.
- Targeted feeding to continue as per current arrangements (ie chronically ill, disabled, ART beneficiaries, child headed households etc).
- Use synchronized registers to avoid double dipping and synchronized benefits to avoid intra program competition.

This strategy paper will be complemented by an implementation manual which will be developed through consultation between Government, donors and other partners.

- Also it should be noted that the total costs of the strategy will be worked out once the Government has approved the strategy paper.

'HH'

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IN THE CONSTITUTIONAL COURT OF ZIMBABWE — CASE No. CCZ 42 18

HELD AT HARARE

In the matter between:

NELSON CHAMISA	**APPLICANT**
And	
EMMERSON DAMBUDZO MNANGAGWA	**1ST RESPONDENT**
JOSEPH BUSHA	**2ND RESPONDENT**
MELBAH DZAPASI	**3RD RESPONDENT**
NKOSANA MOYO	**4TH RESPONDENT**
NOAH MANYIKA	**5TH RESPONDENT**
PETER WILSON	**6TH RESPONDENT**
TAURAI MTEKI	**7TH RESPONDENT**
THOKOZANI KHUPE	**8TH RESPONDENT**
DIVINE MHAMBI	**9TH RESPONDENT**
LOVEMORE MADHUKU	**10TH RESPONDENT**
PETER MUNYANDURI	**11TH RESPONDENT**
AMBROSE MUTINHIRI	**12TH RESPONDENT**
TIMOTHY J. CHIGUVARE	**13TH RESPONDENT**
JOICE MUJURU	**14TH RESPONDENT**
KWANELE HLABANGANA	**15TH RESPONDENT**
EVERISTO CHIKANGA	**16TH RESPONDENT**
DANIEL SHUMBA	**17TH RESPONDENT**
VIOLET MARIYACHA	**18TH RESPONDENT**
BLESSING KASIYAMHURU	**19TH RESPONDENT**
ELTON MANGOMA	**20TH RESPONDENT**
PETE GAVA	**21ST RESPONDENT**
WILLIAM MUGADZA	**22ND RESPONDENT**
ZIMBABWE ELECTORAL COMMISSION	**23RD RESPONDENT**
THE CHAIRPERSON OF THE ELECTORAL COMMISSION	**24TH RESPONDENT**
THE CHIEF ELECTIONS OFFICER	**25TH RESPONDENT**

REGISTRAR CONSTITUTIONAL COURT
15 AUG 2018
P.O. BOX 870, HUGLEWAY ZIMBABWE TEL: 04-790264/5

SUPPORTING AFFIDAVIT OF DOUGLAS HOTO

I the undersigned **DOUGLAS HOTO** swear that:

1. I am an actuary. I hold the necessary qualifications to undertake the analysis that I undertake herein. I attach hereto as Annexure "DH1" my curriculum vitae.

2. I have been asked to study the report by **Dr. OTUMBAR EDGAR OUKO** relied upon by the applicant to relate to what he says are the mathematical aspects of the election.

3. This report is a brief analysis of the information in the petition by an expert in Statistics. I have not had sight of the materials that the expert has relied upon and make no assumptions or conclusions as regards the reliability or authenticity of the materials from which the figures are drawn.

4. The analysis is premised on trying to establish whether claims made by the expert can be of significance in terms of the Presidential Election from a quantitative analysis i.e. based on the numbers given and adjusted for any discrepancies fully established and corroborated by irrefutable evidence.

5. The analysis does not consider qualitative views opinions or enuendos that the experts may have about non mathematical issues.

6. In arriving at any conclusions it is important to note in statistical analysis significance of numbers is of utmost importance.

7. The following information is relied upon in the expert report:

(a)

Registered voters	5659583
Total votes cast (as announced on TV by ZEC)	4847547
Voter turnout	85.65%

(b)

Registered voters	5659583
Total votes cast(ZEC Disc)	4846312
Voter turnout	85.63%

8. The difference between the alleged ZEC disc figures and those allegedly announced on TV is 1235. In the context of the nearly 5 million votes under review this is not significant when one considers the differences in votes between the Applicant and the First Respondent.

9. As a percentage of the registered voters it is 0.02%. That difference, therefore, is **not significant** from a Mathematical perspective.

10. In order for one to win the election they should get 50% of the votes plus one vote. We can use the 4846312 voted as the figure for the total votes cast discussion. This is because this figure gives a lower difference between the applicant and first respondent.

11. The minimum number of votes required to win is thus (4846312/2) +1=**2423157.**

12. The declared votes for the first respondent are2455559 giving a winning margin of (2455559-2423157) =**32402.**

13. The votes for the applicant as declared are 2151620 and they are the short by (2455559-2151620) =**303939**

14. I note that expert claims that ZEC announced a voter turnout of 72 % or 4032000 without proving any evidence. From the above we can safely assume that this is false.

Parliamentary Votes versus Presidential Votes

15. The total votes assigned to the two elections by the expert report are as follows:

Presidential	4774878
Parliamentary	4734161
Difference	40711

16. The gap is found in 21 constituencies. There is a mixture of strong holds for MDC Alliance and ZANU PF.

17. In the MDC strong holds namely Hwange East, Hwange West Chinhoyi and Binga South the data is as follows:

Presidential votes	67972
Parliamentary Votes	48516
Difference	19456
Average difference per constituency	4864
Outlier constituency difference	8753*

*this refers to Binga South which had the largest difference.

18. In the MDC strong holds the Zanu PF vote is as follows:

Presidential vote	29875
Parliamentary	27977
Difference	1898
Average per constituency	475

19. In the ZANU PF strong holds the situation is as follows:

(This involves the following 8 constituencies: Mt Darwin West, Zvishavane Ngezi, Hurungwe Central, Mtoko South, Mwenezi West, Chipinge central, Chimanimani Eastand Muare North)

Presidential Votes	145231
Parliamentary votes	93479
Difference	51752
Average per constituency	6469
Difference per outlier constituency	12488*

*this refers to Mutare North.

20. MDC Alliance Numbers are as follows

Presidential Votes	66591
Parliamentary	41122
Difference	25469
Average difference	3184

21. From the above analysis the following emerges:

Increase in votes from Parliamentary to Presidential:

Zanu PF	(1898+51752) =53650
MDC Alliance	(25469+19456)=44925

22. Absolute difference between Zanu PF and MDC Alliance is as follows:

53650-44925=8725

23. From my initial findings this difference, if assumed to be the alleged bias, is far less than **32402** required to reduce the margin of ZANU PF to below 50%. Therefore it has no significance. I must add that there is no basis that has been established as regards why this should be assumed to be bias against the applicant or that this should be accordingly deducted from the first respondent's tally.

Alleged Voting behaviour anomaly

24. The expert chose 4 constituencies to illustrate this point namely Kadoma Central, Chipinge Central, Muzvevzve and Gokwe Mapfungautsi.

25. The claim is that there are outlier polling stations in a local area to suggest manipulation/intimidation.

26. Those qualitative aspects cannot be deduced from the analysis provided.

27. In fact on average out of 20 to 25 polling stations only 2 showed that anomaly. And the number of votes at those were too small to be significant.

28. However, what emerges from the expert analysis is rather interesting. It suggests that in the rural areas Zanu PF would get 60% of the vote with MDC Alliance getting 40% and vice versa in Urban areas.

29. Going by this finding the following emerge:

Total votes for MDCA and ZanuPf= (2151620+2455559)= 4607179

Split by population distribution in Zimbabwe 69% rural and 31% urban it will be as follows:

Rural	3178953
Urban	1428226

30. Accordingly the votes will come out as follows:

MDCA	= (1428226*.6+3178953*.4)=2128517
ZANU	= (.6*3178953+'4*1428226)=2478662

31. The following analysis emerges

Party	Actual votes announced	Estimate above	Difference
MDCA	2151620	2128517	19134
ZANU PF	2455559	2478662	23103

32. As can be seen above this independent estimate as inadvertently suggested by the expert confirms the reasonability of the results announced and has an error margin of less than1% for both MDCA and ZANU PF.

Alleged Double Counting of some polling stations and different polling stations with identical numbers

33. The expert observed the above anomaly. If true, it should be adjusted for.

34. The check used by the expert to establish the alleged duplication, which I have had no opportunity to verify or analyse because of the absence of the materials he used, produces the following data:

35. The alleged additional votes for the first respondent are 6787, which again won't be significant in relation to outcome as already alluded to above. Further the expert advises as follows:

Total votes with those alleged discrepancies	4774939
Total votes per ZEC	4774878
Difference	61

36. This is a difference of 61! In about 4.8 million. This is referred to as quest for spurious accuracy! Needless to say it's all insignificant.

Conclusion

37. The evidence given by the expert when analysed only serves to confirm that the results are reasonable.

SWORN TO AT HARARE THIS 13th DAY OF AUGUST 2018.

SWORN:

DOUGLAS HOTO

BEFORE ME:

COMMISSIONER OF OATHS

GIVEMORE MADZOKA
LEGAL PRACTITIONER,NOTARY PUBLIC
COMMISSIONER OF OATHS
ADVOCATES' CHAMBERS, 4TH FLOOR
CORNER 3RD / KWAME NKRURMAH
TEL: 04- 252858

'DH7'

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CURRICULUM VITAE – DOUGLAS HOTO

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Borrowdale
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HARARE
Tel : 860054
Mobile: +263 772 234 047

PERSONAL DETAILS

Name	:	**Douglas Hoto**
Date of Birth	:	**17 February 1965**
Place of Birth	:	**Chivi, Masvingo Province, Zimbabwe**
Gender	:	**Male**
Nationality	:	**Zimbabwean**

EDUCATIONAL PROFILE

BACHELOR OF SCIENCE HONOURS DEGREE IN MATHEMATICS
University of Zimbabwe – Zimbabwe
Attained the degree in 1998 with an Upper Second Class

PROFESSIONAL QUALIFICATIONS

SENIOR EXECUTIVE PROGRAM
London Business School
May - June 2006

FELLOW OF THE INSTITUTE and FACULTY OF ACTUARIES OF THE UNITED KINGDOM 1999 (FIFA)

FELLOW OF THE ACTUARIAL SOCIETY OF SOUTH AFRICA (FASSA)

DIRECTORSHIPS AND OTHER RESPONSIBILITIES

Former Chairman:	Zimbabwe National Statistics Agency (ZIMSTAT) (currently HR Committee Chairman)
Former Director:	Insurance and Pensions Commission (IPEC)
Former Chairman:	Actuarial Society of Zimbabwe
Director	Rainbow Tourism Group (RTG) (currently Audit Committee Chairman)
Trustee:	The S V Muzenda Scholarship Trust (Foundation)

EMPLOYMENT HISTORY

Current Employment:
1 March 2012 to date

Group Chief Executive Officer, First Mutual Holdings Limited
(previously named Afre Corporation)
(A diversified insurance group listed on the Zimbabwe Stock Exchange).

Responsible to the Board of Directors for the overall direction and strategy for the businesses of First Mutual Holdings, namely:

First Mutual Health Company;
First Mutual Life Assurance Company;
First Mutual Wealth Management;
FMRE Life & Health;
FMRE Property & Casualty (Zimbabwe);
FMRE Property & Casualty (Botswana);
Pearl Properties (2006) Limited; and

1 Jul 2007 to 29 Feb 2012	**Chief Executive Officer, Altfin Holdings** Responsible to the Board of Director for the overall direction and strategy for the business of Altfin Holdings namely: Altfin Insurance Company (AICO); Life and Altfin Assurance Company (ALAC); and Altfin Health Insurance Company (AHIC). Also responsible for developing the growth strategy of the Company in the Non-Banking Financial Services Sector.
1 Jan 2007 to 30 Jun 2007	**Actuarial Consultancy** Independent Consultant in the field of Insurance and Actuarial Services.
1 Aug 2004 to 31 Dec 2006	**Group Chief Executive, First Mutual Limited** (A diversified insurance group listed on the Zimbabwe Stock Exchange) Responsibilities: - Reporting to the Board of Directors for the overall strategies and direction of the group. Duties include but not limited to: - Achieve the set financial targets for the group and the FML; - Grow the share price of the company progressively; - Create a positive image of the group in the market; - Minimise the number and severity of audit reportable conditions; - Successful implementation of group IT systems; - Produce an appropriate Risk management plan for the group and manage all risks i.e strategic, financial, operational, commercial and technical risks; - Corporate Governance: 1. Full compliance with accounting, audit and reporting requirements of the ZSE, RBZ and Commissioner of Insurance; 2. Full compliance with solvency ratios prescribed by regulatory authorities; 3. Recruit, develop and retain key Human Resources for the group.
1 Oct 2003 - 31 Jul 2004	**Managing Director, First Mutual Life Assurance Company (Pvt) Ltd** Responsibilities: - Responsible to the board of directors and Group Chief Executive for the overall direction and profitability of the company; - Responsible for setting the strategy and vision and their implementation working with the divisional executives; - Marketing and market development for the company through the marketing executive; - Maintenance of key IT systems necessary to run the business; - Control, the budgetary process and ensure that there is the effective use of company resources; - Involved in the holding company (First Mutual Limited) in the overall policy direction and providing technical input on insurance matters to other group companies; - To provide IT services to other group companies in respect of shared infrastructure and applications.

1 Dec 2002	30 Sep 2003	**Business Unit Executive – Life Pensions and Information Services, First Mutual Life Assurance Society of Zimbabwe** Duties: As above but responsible to the Group Chief Executive.
1 Aug 2000	31 Aug 2002	**Business Unit Executive – Pensions and Actuarial, First Mutual Life Assurance Society of Zimbabwe** Duties: - Responsible for running the Employee Benefits of First Mutual Life Assurance Society of Zimbabwe; - Chairman of the Investment Management Committee of First Mutual Life Assurance Society; - Overall Actuarial responsibility for both Employee benefits and Ordinary Business Branch business in First Mutual Life Assurance Society of Zimbabwe
8 Mar 1999	31 Jul 2000	**Process Owner – Actuarial and Product Development, First Mutual Life Assurance Society of Zimbabwe** Duties: - Overall responsibility for being the in-house Actuary at First Mutual Life; - Actuarial valuation of the Society's business both for statutory and internal purposes; - New product technical specification/product profitability analysis; - Research and development; - EB valuations; - Quality control of EB records; - Investment management committee secretary; - Chairman of FML budget committee
1 Feb 1998 –	7 March 1999	**Actuarial Consultant (Corporate and Individual Life) Old Mutual Zimbabwe** Duties and Responsibilities: **Capital Management Process:** - This mainly involved performing quarterly internal valuations for employee benefits and calculating the profitability of each of the products; - Monthly profit reporting; - Bonus investigation for employee benefits Deposit Administration product. **Expense Monitoring and Investigation for Individual Life Business:** - This involved calculating the fees the business generates and comparing with the actual expenses. A report was given to General Management every month; - Individual Life product development and maintenance; - Individual Life business quotations.

Other Actuarial Investigation:

- Mortality and expenses;
- Individual life business rules specifications for the new system developed.

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1 Feb 1997 – 31 Jan 1998

Actuarial Consultant (Corporate and Individual)
Old Mutual Headquarters, Cape Town, South Africa

Development Actuary's Division:

- Investigating business cases for developing new products;
- Product developments based on the business cases;
- Pricing and profit testing of the products.
  I was specifically tasked to develop a business case for savings product in the lower end of the market

Corporate Actuary's Division:

- I subsequently moved to the Corporate Actuarial Division where I was involved in compiling a report about Reasonable Benefit expectations of the policy holders in the wake of demutualisation proposal.

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1 Feb 1995 – 31 Jan 1997

Actuarial Consultant Pensions Actuarial (Assistant Divisional Manager Status)
Old Mutual Zimbabwe

Duties:
- Overall responsibility for a portfolio of pension schemes done by a team of 6 staff members including at least on department manager;
- Passing all the valuations for the pensions actuary's signature;
- Assisting and representing the pensions actuary in presentation of valuations to clients;
- Doing internal presentations to other departments with Old Mutual;
- Training of staff and maintenance of the workflow;
- Resolving of premium rates for risk business and expenses for administration business;
- Line management functions for team being led;
- Participating in Old Mutual's Actuaries development program as a facilitator.

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01 Dec 1992 – 31 Jan 1995

Department Manager (Pensions Actuarial Department)
Old Mutual Zimbabwe

Duties:
- Checking valuation calculations done by sub-ordinates;
- Analyzing of surplus for valuation results;
- Proof reading of draft reports;
- Reconciliation of the analysis figures;
- Training of new clerks in the department;
- Passing of payments not exceeding a department head's limit;
- Taking the valuation results to the pensions Actuary for signature.

1 Sep 1990 – 30 Nov 1992	**Actuarial Clerk (pensions Actuarial Division)** **Old Mutual Zimbabwe** Duties - Data validation for pension fund valuations; - Doing actual pension fund valuation calculations; - Doing tenders for new business; - Preparing draft valuation reports; - Doing transfer value calculations; - Doing benefit changes quotations.
1 Feb 1990 – 31 Aug 1990	Teaching Assistant in the Department of Statistics **University of Zimbabwe**
1 Jan 1989 – 31 Jan 1990	Mathematics Teacher **Hippo Valley High School**

SECONDARY SCHOOL EDUCATION

1984 - 1985	Attained A' Levels at Goromonzi High School
1980 - 1983	Attained O' Levels at Musume Secondary School, Mberengwa

PROJECTS UNDERTAKEN

An integration of the Defined Benefit Schemes with State Scheme (NSSA) – 1995

A report on the Reasonable Benefit Expectations of Old Mutual's Policyholders in the wake of demutualization (1997)

Demutualisation of First Mutual Life Assurance Society between 2001 and 2003

Valuation of the NSSA Workmen's Compensation Fund

Valuation of NSSA Pension and other benefit schemes

Setting up of African Actuarial Consultants Company as company from a Division of First Mutual Life Assurance Society

Setting up of Tristar Insurance Company

Setting up of First Mutual Reinsurance Company

Creation of Pearl Properties Limited from the portfolio of First Mutual Life Assurance Company and listing it on the Zimbabwe Stock Exchange (2006)

Setting up of Altfin Life Assurance Company (ALAC) 2007

Setting up of Altfin Health Insurance Company (AHIC) 2010

Conversion of Pension Schemes in Zimbabwe to US Dollars 2009 – to date

REGIONAL PROJECTS

Demutualisation of the Mukuba Pension Scheme Trust in Zambia 2009 – 2011.

Setting up the Actuarial Management Principles for Smile Life Insurance Company of Malawi in 2009 – 2010.

Conversion of the Zambian Workman's Compensation Fund from Defined Benefit to Defined Contribution Scheme.

REFEREES

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