



PRESS RELEASE

ZESN COMMENTS ON THE ZIMBABWE 2002 PRESIDENTIAL ELECTIONS KHAMPEPE REPORT

20 November 2014- Harare - The Zimbabwe Election Support Network (ZESN) welcomes the publishing of the Khampepe Report commissioned by former South African president, Thabo Mbeki on Zimbabwe's 2002 Presidential Elections. Thabo Mbeki tasked two judges, with leading the Judicial Observer Mission (JOM) to cover the March 9 and 10 2002 elections and to draw up a report on their observation. The observer mission report was not published until this year when the Constitutional Court ordered the release of the report to the public at the instigation of the mail and guardian newspaper.

The report concluded that **“However, having regard to all the circumstances, and in particular the cumulative substantial departures from international standards of free and fair elections found in Zimbabwe during the pre-election period, these elections, in our view, cannot be considered to be free and fair.”**

The report's main findings include:

Access to the public media: Opposition candidates had limited access to the public media while ZANU-PF received considerably more coverage via the state-owned media.

Judicial Recourse: Morgan Tsvangirai challenged the results of the 2002 Presidential Election result. Twelve years later the High Court has still not passed a verdict on the matter.

Election related violence: The JOM's findings during the pre-election period include intimidation, and deaths of 107 people who were mainly opposition members. These people were reportedly killed during political violence that occurred between March 2000 and March 2002. This election-related violence and threats of violence, arson and hostage-taking curtailed freedom of movement, freedom of speech and freedom of assembly and that of association of voters.

Rule of Law: The report objected to the Government of Zimbabwe's failure to respect and implement recommendations by the Supreme Court and High Court.

Electoral framework: In the lead-up to the presidential elections, the electoral laws of Zimbabwe were amended dramatically and manipulated by executive decrees.

Voters Registration and the Voters' Roll: Final voter rolls and information on polling stations were not available timeously. The executive government discarded the rule of law by failing to give effect to decisions of the high court and the Supreme Court, and introducing statutory instruments or regulations that altered, reversed or undermined court decisions.

Distribution of polling stations: The number of polling stations in urban constituencies, and particularly in Harare and Chitungwiza, were substantially reduced. This reduction severely curtailed voters' access to polling stations. On the third day of polling, many voters who wished to cast their vote did not have a reasonable opportunity to do so. The number of voters prevented from voting could not be ascertained.

The findings of the Khampepe Report affirm, ZESN's observations in 2002. ZESN concluded that "The 2002 presidential election was characterised by violence, intimidation, the restrictive legislation, the disenfranchising of voters through the flawed registration process, the partiality of the election administrative and the breakdown of the rule of law and the disputed election results. It is from foregoing observations that ZESN...declares the 2002 Elections violated the SADC norms and standards and as a result the will of the Zimbabwean electorate was not expressed in a transparent, free and fair environment".

Therefore ZESN recommends that:

Electoral court: It is commendable that Part XXII of the Electoral Act creates an Electoral Court as a separate court with exclusive jurisdiction to hear electoral appeals, applications and petitions. However there is need for the electoral act to include provisions that ensure the appointment of judges who are not presiding over any other court during that time to the Electoral Court. This will help expedite electoral disputes that may arise.

Voter Registration and Voters Roll: ZEC must take full responsibility of the voters' registration process and maintenance of the voters' rolls. The Registrar General should have no role to play in Voter Registration. ZEC must create its own structures in the provinces and districts for its operations. The current electoral legislation must be amended accordingly so that the electoral act may comply with the constitution, specifically section 239 of the Constitution.

Electoral Conflict Management: There is need for ZEC to implement fully the functions of Multi Party Liaison Committees (MPLCs) that have structures in the country's provinces and districts. ZEC should also work with stakeholders to identify and implement other innovative electoral justice mechanisms.

Conclusion:

It is regrettable that it has taken 12 years for the report to be released as these pertinent findings could have informed subsequent electoral reform efforts. ZESN laments the numerous opportunities to implement wholesome electoral reforms, such as the when the Government of National Unity was in existence.

Despite this 12 year delay, the report's findings are still relevant because many of the issues that are raised have still not been fully addressed. ZESN therefore urges electoral stakeholders to seriously consider this report to draw lessons that can inform future elections. The Publication of this report provides an opportunity to reflect on the gaps that still remain in the Electoral Act.

FOR ADDITIONAL INFORMATION CONTACT

ZIMBABWE ELECTION SUPPORT NETWORK
PROMOTING DEMOCRATIC ELECTIONS IN ZIMBABWE



Dr. Rev. Solomon Zwana ZESN Chairperson - + 263 774198938
Rindai Chipfunde-Vava ZESN National Director -+263712415902
www.zesn.org.zw/ / info@zesn.net / zesn2011@zesn.net