



## **Press Statement**

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### **ZESN PRELIMINARY STATEMENT ON THE 9 DECEMBER 2023 BY-ELECTIONS**

**10-December-2023** – The Zimbabwe Election Support Network (ZESN) observed the 9 December 2023 by-elections to determine whether elections complied with national, regional and international standards of electoral integrity. These by-elections were conducted in Lupane East, Binga North, Beitbridge West, Bulawayo South, Lobengula-Magwegwe, Mpopoma-Mzilikazi, Nketa and Cowdray Park. National Assembly and Local Authority vacancies arose following recalls of nine (9) incumbent legislators and 17 Councillors. The recalled Members of the National Assembly mainly from the Citizens Coalition for Change (CCC) who the ‘interim secretary general’ Sengezo Tshabangu declared had ceased to be members of the political party with effect from 3 October 2023 are; Morgan Ncube - Beitbridge West, Prince Dubeko Sibanda - Binga North, Nicola Jane Watson - Bulawayo South, Pashor Raphael Sibanda - Cowdray Park, Eric Gono - Lobengula-Magwegwe, Bright Vanya Moyo - Lupane East, Munyaradzi Febion Kufahakutizwi - Mabvuku-Tafara, Desmond Makaza - Mpopoma-Mzilikazi and Obert Manduna - Nketa. The elections also came at a time when the Honourable Justice Chitapi has issued a court order interdicting Tshabangu from recalling further CCC members of parliament and councilors pending finalization of an action pending in the High Court challenging the capacity of Tshabangu to act as Secretary General of the CCC.

On 9 December 2023, eight (8) by-elections were conducted in the southern region constituencies. The Harare, Mabvuku-Tafara by-election got canceled at the 11th hour. Cancellation of the Mabvuku-Tafara Constituency by-election followed the High Court judgment where it barred recalled legislators from contesting, ruling acceptance of their candidature by the Nomination Court was unlawful. Since there were only two candidates nominated for the Mabvuku-Tafara National Assembly constituency by-election, Sakwupwanya Pedzai of ZANU-PF became the sole candidate that was duly nominated and elected as the Member of National Assembly for Mabvuku-Tafara. By-elections proceeded in

the eight (8) constituencies with the Zimbabwe Electoral Commission (ZEC) reprinting ballot papers in compliance with the Court order.

The 9 December by-elections, just as the August 23 Harmonised Elections were highly litigated. After the 3 October CCC MPs recall, the CCC party and the recalled MPs filed a court application to challenge the decision by the Speaker of Parliament to dismiss them from Parliament. The High Court, under Judgement number HH601/23 and case number HCH6649/23, dismissed the application by CCC legislators to be reinstated. The recalled CCC members made an appeal at the Supreme Court to overturn the High Court decision that denied their request to be reinstated. However, the Supreme Court ruled in favour of Tshabangu, citing technical issues. Tshabangu further approached the High Court Friday night, the 8th of December 2023, seeking to execute the order he obtained in the High Court, notwithstanding the appeal which had been filed by the recalled MPs. The High Court grantee the application, affirming that CCC recalled MPs should not participate in the by-elections.

## **Legal Framework**

Zimbabwe's 2013 Constitution, the Electoral Act as well as Subsidiary and Subordinate legislation in the form of Statutory Instruments governed the conditions under which the by-elections were conducted. Sections 159 of the Constitution and Section 39 of the Electoral Act stipulates that whenever a vacancy occurs, it must be filled through a by-election. Accordingly, through Statutory Instrument 188 of 2023, Proclamation 8 of 2023, President Emmerson Mnangagwa proclaimed 9 December 2023 as the election date for the affected constituencies. The proclamation ensured that the election date sits well with the Zimbabwean Law as enshrined under Section 158 (3) of the Constitution which further mandates that any vacancy should be filled through a by-election within 90 days of the date in which the vacancy occurred.

In line with the proclamation, the Nomination Courts sat on 7 November 2023 in Bulawayo Metropolitan, Harare Metropolitan, Matabeleland North and Matabeleland South Provinces to receive candidates' nomination papers. Bulawayo Magistrates Court received nominations for Bulawayo South, Cowdray Park, Lobengula-Magwegwe and Mpopoma-Mzilikazi. Harare Magistrates Court received nominations for Mabvuku-Tafara. The Lupane Magistrates Court catered for nomination papers of Lupane East and Binga North candidates while Gwanda Magistrate Court was responsible for the Beitbridge West nomination papers.

In terms of Section 125 (4) (b) of the Electoral Act, the number of duly nominated candidates exceeded the number of vacancies to be filled at the election hence, an election date was fixed.

Below is a table of the duly nominated candidates.

Constituency	Name of Candidate	Sex	Political Party	Recalled but recontesting (RR)
Bulawayo South	Modi Rajeshkumari	M	ZANU-PF	
	Sithole James	M	CCC	
	Watson Nicola Jane	F	CCC	RR
Cowdray Park	Mujeyi Auther	M	ZANU-PF	
	Chirwa Vusumuzi	M	CCC	
	Sibanda Pashor Raphael	M	CCC	RR
Lobengula - Magwegwe	Dube Menziwa	M	ZANU-PF	
	Gono Erec	M	CCC	RR
	Nyathi Tendayi Chitura	M	CCC	
Mabvuku - Tafara	Sakupwanya Pedzai	M	ZANU-PF	
	Kufahakutizwi Munyaradzi Febion	M	CCC	RR
Binga North	Muchimba Chineke	M	ZANU-PF	
	Sibanda Dubeko Prince	M	CCC	RR
	Sibanda Judith	F	CCC	
Lupane East	Machangu Phathisiwe	F	ZANU-PF	
	Nyathi David	M	CCC	
	Vanya Moyo Bright	M	CCC	RR
Beitbridge West	Ndou Thusani	M	ZANU-PF	
	Choeni Blessing	M	CCC	
	Ncube Morgan	M	CCC	RR
	Moyo Thoriso	M	ZAPU	
	Dube Blessing Brendan	M	INDEPENDENT	
Nketa	Mavunga Albert Tawanda	M	ZANU-PF	
	Manduna Obert	M	CCC	RR
	Sibindi Ambrose	M	CCC	
	Gwetu Luckmore	M	DOP	

<b>Mpopoma - Mzilikazi</b>	<b>Kamamba Dzingai</b>	<b>M</b>	<b>ZANU-PF</b>	
	<b>Makaza Desmond</b>	<b>M</b>	<b>CCC</b>	<b>RR</b>
	<b>Moyo Charles</b>	<b>M</b>	<b>CCC</b>	
	<b>Sibanda Blessings</b>	<b>M</b>	<b>DOP</b>	
	<b>Tapfumaneyi Pardon</b>	<b>M</b>	<b>INDEPEN DENT</b>	

## Observation Methodology

To effectively observe the general political and electoral environment in the run up to the 9 December by-election, ZESN members observed the pre-election environment in the nine (9) electoral constituencies where by-elections were set to happen, as well as the Local Authority by-elections that were held in Bulawayo Metropolitan Province. ZESN also trained and deployed 256 static observers and 38 mobile observers on Election Day to observe such electoral processes as opening, voting, closing and counting. This report is therefore largely based on ZESN members and observers' reports of the pre-election period and their Election Day submissions.

## Pre-election Environment

In all of the eight (8) constituencies in the southern region of Zimbabwe, ZESN volunteers and members observed that the environment was largely peaceful and calm. However, in Harare's Mabvuku-Tafara Constituency, ZESN members reported the political environment was characterized by tensions between ZANU-PF and CCC supporters emanating from the alleged abduction of three members of the CCC, torture and the subsequent death of one of CCC activists. The subsequent death of CCC supporter Pastor Tapfumaneyi Masaya further heightened tensions between ZANU-PF and CCC supporters in Mabvuku-Tafara, as CCC levelled allegations against ZANU-PF over the abduction and death. Additionally, ZESN members and volunteers reported that ZANU-PF campaign teams moved around the area asking people why they did not vote for Pedzai Sakupwanya in the August 23-24 Harmonised Elections. They carried with them copies of the constituency voters' roll during their door-to-door visits, imploring the electorate to vote for their candidate. This was however found to be an intimidatory campaign strategy.

## Campaigns

Both parties invested valuable resources into the campaigns. ZANU-PF provided campaign organisers, it appointed Politburo members, tasking them to work with provincial structures

and campaign teams in the nine (9) affected constituencies. The party appointed Simbarashe Mumbengegwi (Bulawayo South), Richard M Ndlovu (Lobengula-Magwegwe), Headman Moyo (Mpopoma-Mzilikazi), Daniel Mackenzie-Ncube (Cowdray Park), Alice Dube (Nketa), Christopher Mutsvangwa (Mabvuku-Tafara), Dr Obert Mpofu (Lupane East), Jacob Mudenda and Munyaradzi Muchada (Binga North) and Kenneth Musanhi (Beitbridge West).

On November 21, ZANU-PF Lobengula-Magwegwe aspiring candidate Menziwa Dube addressed widows in the constituency, accompanied by Senator Molly Mpofu also of ZANU-PF. Both elaborated on Dube's intentions to address the plight of widows once elected to office.

ZANU-PF Harare provincial chairperson Godwills Masimirembwa confirmed the party had deployed 1200 party members in Mabvuku-Tafara. Central committee, district, Politburo members, war veterans and collaborators were part of the campaign team on November 30.

ZANU-PF National Chairperson who is also the Minister of Defence Oppah Muchinguri-Kashiri addressed a rally in Bulawayo South constituency at Sizinda Hall on 30 November, as the ruling party prepared for by-elections. On 1 December 2023, the Second Vice President Kembo Mohadi was at Nketa 8 in Bulawayo to drum up support for the ZANU-PF candidate for Nketa Constituency, Albert Mavhunga. Vice President Dr Constantino Chiwenga was in Cowdray Park, Bulawayo drumming up support for ZANU-PF, House of Assembly candidate, Arthur Mujeyi on 3 December 2023. Whilst the Second Vice President Kembo Mohadi, accompanied by ZANU-PF deputy national commissar, was at Mhali Primary School in Lobengula-Magwegwe, Bulawayo for a ZANU-PF rally on 6 December 2023.

CCC, Led by Nelson Chamisa, addressed the Bulawayo South supporters on 3 December where aspiring candidate Nicola Watson was officially introduced. Campaigns issues raised were lack of medicine in hospitals, lack of cancer machines and cholera outbreak. On the same day, a CCC crowd in Nketa constituency were addressed by the National Deputy Spokesperson of the party. A CCC rally scheduled for Cowdray Park failed to take place and CCC, led by Chamisa, said the rally was banned by the police.

### **Vote buying**

The campaigns for the 9 December by-election were characterized by vote buying. ZESN members and volunteers witnessed villagers being given food hand-outs and farming inputs in Binga North constituency at Manjolo Business Centre.

### **Polling day political environment**

Polling day environment was largely peaceful in most of the areas that ZESN observed.

### **Set up and opening of polling stations**

The ZEC displayed voters rolls outside polling stations to enable the electorate to check their names. However, in Lupane East at Mpofu Primary School, no voters roll was displayed outside the polling station. Most polling stations opened exactly at the scheduled opening time.

### **Political parties' agents**

ZESN members and observers reported that ZANU-PF comprehensively deployed political party agents at all polling stations they are contesting, while CCC in some polling stations that were visited by the ZESN mobile teams, the party agents representing candidates that had been removed from the ballot papers were either present or had been asked to leave by the Presiding Officers. For instance, at Phumakhanye Primary School in Lupane East, party agents for Vanya Moyo Bright were present at the polling station. ZESN commends the political parties for their consistency in deploying political party agents in all elections as this permits them to track polling processes which in turn empowers them to make any arbitrations where desirable.

### **Polling officials, Voting process and procedures**

Each of the polling stations was manned by an average of seven (7) polling officers at the time of opening and the majority of the polling officials were female. ZESN observers noted that ZEC ensured gender parity by assigning both male and female Presiding Officers. Polling procedures were duly followed in accordance with the law, for example checking voters' names on the voters roll and checking their fingers for ink before they could be allowed to vote. Ballot papers were stamped with an official ZEC stamp before being issued to voters.

### **Assisted Voters**

Section 59 of the Electoral Act provides for assisted voting by illiterate or physically handicapped voters by a confidante of choice. ZESN observers reported that there were low numbers of assisted voters during the by-elections. Varying numbers of assisted voters were recorded across all constituencies. These were assisted for various reasons but mainly due to illiteracy or visual impairment. Higher numbers of assisted voters were recorded in rural constituencies. In Binga North at Damba Primary School, 40 and 29 at Sinampande School polling station were assisted. Most of these were assisted by ZEC Officials. In Lupane East, 24 voters were assisted to vote at Daluka Primary School polling station.

## **Voter turnout**

ZESN observers reported that there were low numbers of people who turned up to exercise their Constitutional right to choose a representative of their choice in the National Assembly and Local Authority by-elections. Furthermore, most of the voters who were turning up to vote were largely females. In Beitbridge West, at Mudzwiti Primary School, three (3) people turned out to vote out of a total of 325 registered voters. Mooray Primary School in Bulawayo South, 34 people turned out to vote out of a total 624 registered voters. ZESN expresses concern over voter apathy which can also be classified as voter protest due to recalls. Recalls affect democratic essence and this has been evidenced by the decreasing numbers in voter turnout in by-elections held so far since the 2023 Harmonised Elections. Whereas Section 67 of the Constitution of Zimbabwe states that “every Zimbabwean has the right to vote,” there seems to be less uptake on exercising this constitutional right to elect leaders by eligible voters in Zimbabwe during by-elections. Voter apathy dilutes the value of democracy. Furthermore, lack of intra party democracy, processes and laws or rules governing the selection of leaders and candidates could also be attributed as one of the reasons which led to low turnout as it affects voters’ motivation and participation in electoral processes.

## **Redirected and turned away voters**

Numbers of redirected voters were significantly low in the by-elections. The major reason behind was reported as turning up at the wrong polling station. In Beitbridge West, at Beitbridge Mission Primary School A Polling Station, 15 people were redirected. In Lupane East at Makhovula Primary School Polling Station, 12 voters were redirected and in Lobengula-Magwegwe, nine (9) voters at Mazwi Primary School polling station were also redirected. Fewer people were also turned away during these by-elections. However, a significant number of 50 people were turned away at Emganwini, in Nketa.

## **Critical Incidents**

There were a few isolated critical incidents recorded during the by-elections, for example; at T M Cowdray Park A polling station, CCC party agents for Pashor Sibanda were withdrawn from observing after the Presiding Officer cited that Pashor was supposed to contest as an independent candidate. Furthermore, the Presiding Officers at Lifehope Centre polling stations (A, BA, and BB) in Cowdray Park asked the CCC candidates representing Sibanda Pashor Raphael to leave the polling stations as the candidate they were representing was not on the ballot paper. At Life Hope Centre polling station (A, BA, and BB) in Cowdray Park Ward 28, CCC candidates from the Chamisa faction’s agents were ordered out of three (3) polling stations and beyond 300m radius. Another critical incident was recorded in Cowdray Park again, at Hlalani Kuhle Tent A where two men refused to vote because their preferred

candidate was not on the ballot. The two refused to sign the register and the Presiding Officer warned them that he might get them arrested if they continued resisting orders and being violent. The Presiding Officer asked the police officer to stand by the door, and the two ended up voting. At Mkhombo Primary School, in Lupane East, it was reported that one of the two (2) CCC party agents set up a desk approximately 50 metres from the polling station and seemed to be writing down names of persons who came to the polling station.

## By-Election Results

The tables below show the results of the by-elections.

BULAWAYO SOUTH							
2023 By-elections				2023 Harmonised Elections			
Candidate	Sex	Party	Votes	Candidate	Sex	Party	Votes
Modi Rajeshkumari	M	ZANU-PF	1 608	Modi Rajeshkumari	M	ZANU-PF	3 752
Sithole James	M	CCC	1 130	Gomba Admore	M	DOP	160
Watson Nicola Jane	M	CCC		Watson Nicola Jane	M	CCC	10 470

COWDRAY PARK							
2023 By-elections				2023 Harmonised Elections			
Candidate	Sex	Party	Votes	Candidate	Sex	Party	Votes
Mujeyi Arther	M	ZANU-PF	1 765	Mthuli Ncube	M	ZANU-PF	6 513
Chirwa Vusumuzi	M	CCC	1560				
Sibanda Pashor Raphael	M	CCC		Sibanda Pashor Raphael	M	CCC	8 411





LOBENGULA-MAGWEGWE							
2023 By-elections				2023 Harmonised Elections			
Candidate	Sex	Party	Votes	Candidate	Sex	Party	Votes
Dube Menziwa,	M	ZANU-PF	1 318	Ndibali Innocent	M	EFF	142
Nyathi Tendayi Chitura	M	CCC	1 648	Khanye Lwazi	M	MRP	782
Gono Ereck	M	CCC		Gono Ereck	M	CCC	10 114
				Zivavose Godwin	M	UFP	187
				Dube Anold	M	UZA	101
				Ncube Douglas	M	ZANC	139
				Ndlovu Butholezwe	M	ZANU- PF	2 400
				Ndlovu Nigel	M	ZAPU	438

Mabvuku-Tafara							
2023 By-elections				2023 Harmonised Elections			
Candidate	Sex	Party	Votes	Candidate	Sex	Party	Votes

				<b>Kufahakutizwi Febion</b>	<b>M</b>	<b>CCC</b>	<b>15 680</b>
<b>Pedzai Sakupwanya</b>	<b>M</b>	<b>ZANU-PF</b>		Pedzai Sakupwanya	<b>M</b>	ZANU-PF	12 038

<b>BINGA NORTH</b>							
<b>2023 By-elections</b>				<b>2023 Harmonised Elections</b>			
<b>Candidate</b>	<b>Sex</b>	<b>Party</b>	<b>Votes</b>	<b>Candidate</b>	<b>Sex</b>	<b>Party</b>	<b>Votes</b>
<b>Muchimba Chineke</b>	<b>M</b>	<b>ZANU-PF</b>	<b>9 882</b>	Munsaka Kudakwashe Mavula	<b>M</b>	ZANU PF	9 663
Sibanda Judith	<b>F</b>	CCC	1 004	Nyoni Peter	<b>M</b>	Indepen dent	174
Sibanda Dubeko Prince	<b>M</b>	CCC		Munsaka Million	<b>M</b>	NCA	289
				Siachami Wesselle Siankumba	<b>M</b>	MDC-T	288
				Sibanda Dubeko Prince	<b>M</b>	<b>CCC</b>	<b>13 530</b>

<b>LUPANE EAST</b>							
<b>2023 By-elections</b>				<b>2023 Harmonised Elections</b>			
<b>Candidate</b>	<b>Sex</b>	<b>Party</b>	<b>Votes</b>	<b>Candidate</b>	<b>Sex</b>	<b>Party</b>	<b>Votes</b>
Machangu Phathisiwe	<b>M</b>	<b>ZANU-PF</b>	<b>6 863</b>	Machangu	<b>M</b>	ZANU-	6 241

and					Phathisiwe and		PF	
Nyathi David	<b>M</b>	CCC	1 750		Moyo Ezekiel	<b>M</b>	UZA	171
Vanya Moyo Bright	<b>M</b>	CCC			<b>Vanya Moyo Bright</b>	<b>M</b>	CCC	<b>6 476</b>
					Gumbo Mtenjwa	<b>M</b>	ZAPU	881

BEITBRIDGE WEST								
2023 By-elections				2023 Harmonised Elections				
Candidate	Sex	Party	Votes		Candidate	Sex	Party	Votes
<b>Ndou Thusani</b>	<b>M</b>	<b>ZANU-PF</b>	<b>4 929</b>		Ndou Thusani	<b>M</b>	ZANU-PF	7 332
Choeni Blessing	<b>M</b>	CCC			Ndou Moffat Cephass	<b>M</b>	Independent	1114
Ncube Morgan	<b>M</b>	CCC			<b>Ncube Morgan</b>	<b>M</b>	CCC	<b>7 428</b>
Moyo Thoriso	<b>M</b>	ZAPU	255		Gumbo Mtenjwa	<b>M</b>	ZAPU	881
Dube Blessing Brendan	<b>M</b>	Independent	366					
NKETA								
2023 By-elections				2023 Harmonised Elections				
Candidate	Sex	Party	Votes		Candidate	Sex	Party	Votes

<b>Mavunga Albert Tawanda</b>	<b>M</b>	<b>ZANU-PF</b>	<b>1 550</b>		Zidya Tavengwa	<b>M</b>	ZANU-PF	2 556
Manduna Obert	<b>M</b>	<b>CCC</b>			<b>Manduna Obert</b>	<b>M</b>	<b>CCC</b>	<b>10 605</b>
Sibindi Ambrose	<b>M</b>	<b>CCC</b>	1 439		Ndlovu Vincent Bhala	<b>M</b>	Indepen dent	1 196
Gwetu Luckmore	<b>M</b>	<b>DOP</b>	177		Dube Catherine	<b>M</b>	UZA	183

<b>MPOPOMA-MZILIKAZI</b>								
<b>2023 By-elections</b>				<b>2023 Harmonised Elections</b>				
<b>Candidate</b>	<b>Sex</b>	<b>Party</b>	<b>Votes</b>		<b>Candidate</b>	<b>Sex</b>	<b>Party</b>	<b>Votes</b>
Kamanga Dzingai	<b>M</b>	<b>ZANU-PF</b>	1 097		Masikati Admire Tonderai	<b>M</b>	ZANU-PF	2 433
Moyo Charles	<b>M</b>	<b>CCC</b>	1 632		Zvikwete Innocent Mbano	<b>M</b>	ZANC	43
Makaza David	<b>M</b>	<b>CCC</b>			<b>Makaza David</b>	<b>M</b>	<b>CCC</b>	<b>10 808</b>
Sibanda Blessings	<b>M</b>	<b>DOP</b>			Sibanda Blessings	<b>M</b>	<b>DOP</b>	<b>54</b>
Taphumaneyi Pardon	<b>M</b>	Indepen dent			Taphumaneyi Pardon	<b>M</b>	<b>Indepen dent</b>	<b>570</b>
					Mukhandla Strike	<b>M</b>	<b>Indepen dent</b>	<b>107</b>
					Muzenda Sihle	<b>F</b>	<b>F.A</b>	<b>148</b>

## **Results Analysis**

In the just-ended by-election, ZANU-PF won three seats in Cowdray Park, Nketa, and Bulawayo South while two seats (Lobengula-Magwegwe and Mpopoma-Mzilikazi) went to the CCC- (Tshabangu faction). Bulawayo has been an opposition stronghold since the formation of MDC in 1999 with ZANU-PF failing to clinch more seats in a square off election with the opposition parties. Except in instances where opposition either fielded double candidates or in years like 2015 where MDC boycotted elections, the ruling party has failed to grab more seats in Bulawayo. Whereas it won elections in five constituencies in 2015, it is important to note that the party had approximately 11450 votes out of over 100 000 registered voters in the five constituencies. In the December 9 by-election, ZANU-PF bagged three (3) seats of Bulawayo province, and two (2) went to the opposition CCC of Tshabangu faction.

While Zimbabwe by-elections have been characterised by very low voter turn-out, the December 9 by-election can be attributed to voter fatigue, loss of electoral significance and confidence in elections.

It is also important to note that while the Lobengula-Magwegwe and Mpopoma-Mzilikazi seats were won by the CCC sponsored by Mr Tshabangu, significant margins between the by-election winners and recalled MPs were noted. In August 2023, the winning CCC MP for Lobengula-Magwegwe had 10 114 votes and the by-election winner had 1 648. Such margins also exist for the Mpopoma-Mzilikazi constituency that has been grabbed by the CCC, with 1 632 votes against the polled 10 808 by the recalled MP.

## **Conclusion and Recommendations**

ZESN commends voters who took time off to cast their vote in peace during the by-elections despite the low turnout which can be attributed to voter fatigue and voter protest due to recalls. This is against the background that electoral turnout is greater in national Harmonised Elections compared to national assembly and local authority by-elections, and greater in the latter than in local authority elections.

The Network, therefore, proffers the following recommendations to improve the pre, polling and post-electoral periods in future elections.

- Parliament should amend Section 129 (k) of the Constitution as recalls affect the essence of democracy. The power to recall, if any, must reside in the people and not political parties as is the trend in the majority of democracies.

- There is a need to register and regulate political parties to address the issue of recalls as they bring into question the significance and relevance of elections.
- Political parties should enhance intra party democracy, processes and laws or rules governing the selection of leaders and candidates to ensure motivation of voters and participation in electoral processes.
- There is a need for electoral stakeholders to continue supporting voter education efforts on the need for voters to participate in by-elections.
- There is a need for political parties to strengthen and amplify voter engagements as it plays a significant role in participation of the electorate in electoral processes.//ENDS

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#### **PROMOTING DEMOCRATIC ELECTIONS IN ZIMBABWE**

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