

**Refugee Review Tribunal  
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**RRT RESEARCH RESPONSE**

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**Questions**

**1. Please provide up-to-date information on the situation following the recent elections in Zimbabwe.**

**RESPONSE**

**1. Please provide up-to-date information on the situation following the recent elections in Zimbabwe.**

The following articles provide information on the situation following the elections held on 29 March 2008 in Zimbabwe.

A *BBC News* article dated 7 April 2008 indicates that the recent elections in Zimbabwe involved “four elections - presidential, House of Assembly, Senate and local councils - held on the same day.” Of the results announced so far, in the House of Assembly, the ruling “Zanu-PF has lost its majority for the first time since independence, with 97 seats against the MDC’s [Movement for Democratic Change] 99 in the 210-seat chamber. A smaller MDC faction has 10 seats.” In relation to the results of the Senate poll, “Zanu-PF and the combined opposition have 30 seats each.” The results of the presidential election have not been announced yet. According to the article, there are “indications that President Robert Mugabe may have come in second place.” In relation to why there has been a delay in announcing the results, it is stated in the article that:

It is generally assumed that Mr Mugabe and his close allies are still working out how to react to the results, before they are published.

The leadership of his Zanu-PF party has decided that the president should take part in a possible run-off, scotching speculation that he might stand down.

Election officials, however, say that they are still counting the votes and say it has taken so long because there were four elections - presidential, House of Assembly, Senate and local councils - held on the same day.

...Zanu-PF has asked for a recount of results in some areas, which could be used to justify the further delay.

The opposition fears that the authorities are using the extra time to prepare for a run-off, possibly by unleashing violence, which was largely absent from the first round.

In relation to a run-off, the article indicates that:

A candidate needs more than 50% to be elected president in the first round, otherwise there is a run-off, which is looking extremely likely at the moment.

The opposition Movement for Democratic Change (MDC) says its leader Morgan Tsvangirai won 50.3% of the vote and so should be declared the winner.

But an independent monitoring group and Zanu-PF sources say their projections show Mr Tsvangirai gained just less than 50% but is still ahead of Mr Mugabe.

The MDC says it would accept a run-off.

In relation to the significance of the parliamentary result, it is stated in the article that:

It is significant, as it loosens the ruling party's hold on power but the presidency is a far more powerful institution.

He can veto any legislation passed by parliament and can rule by decree in some instances.

So, if Mr Mugabe were to win the presidential race, he would be badly weakened but still be the most powerful figure in Zimbabwe ('Q&A: Zimbabwe elections' 2008, *BBC News*, 7 April <http://news.bbc.co.uk/2/hi/africa/7293810.stm> - Accessed 11 April 2008 – Attachment 1).

A further *BBC News* article dated 9 April 2008 refers to the MDC "hoping that legal action in the High Court will lead to the immediate release of the presidential results", with "[t]he judge in charge of reviewing the petition" saying that "he will try to come to a decision on Monday." The article also notes that "Zambia has called for an emergency meeting of southern African leaders on the Zimbabwean presidential poll delay." This "marks the first move by Zimbabwe's neighbours to intervene since the elections." The "Zambian President Levy Mwanawasa, who chairs the 14-nation South African Development Community (Sadc), said the entire region needed to work together to find a solution. The meeting is due to start on Saturday." The article also refers to the MDC's leader Morgan Tsvangirai "touring southern Africa in a bid to get regional leaders to put pressure on the Zimbabwean government to announce the results of the presidential election." The MDC "says its activists have been attacked in a campaign of "massive violence" around the country since the polls – although [sic] is unconfirmed by reporters and denied by the government." It is also stated in the article that:

Our World affairs correspondent Paul Reynolds says that Western governments believe the delay in announcing results is designed to buy time to organise intimidation.

It is possible, the governments think, that there will be no re-run and that Robert Mugabe will [sic] declared the winner after a “recount”, he says.

If all else fails, there could be martial law, though the loyalty of the military rank and file might be in doubt, he adds.

The article also provides information on recent farm invasions by war veterans “ignited by reports that some white farmers were returning to their former properties anticipating the opposition MDC’s victory” (‘Zimbabwe emergency talks called’ 2008, *BBC News*, 9 April <http://news.bbc.co.uk/2/hi/africa/7338925.stm> - Accessed 11 April 2008 – Attachment 2).

An *ABC News* article dated 10 April 2008 indicates that “Opposition Leader Morgan Tsvangirai” had “said overnight” that “Robert Mugabe has deployed troops across Zimbabwe to intimidate people ahead of a presidential run-off in a “de facto military coup”. Mr Tsvangirai said that “[t]his is, in a sense, a de facto military coup. They have rolled out military forces across the whole country, to prepare for a run-off and try to cow the population.” He also said that “[i]t’s an attempt to try to create conditions for Mugabe to win.” The article also indicates that “Mr Mugabe’s ruling ZANU-PF has said a run-off, which by law should be held on April 19, is “definite”, but Mr Tsvangirai claims he secured enough votes in the March 29 poll to claim outright victory” (‘Tsvangirai accuses Mugabe of ‘de facto military coup’ 2008, *ABC News*, 10 April <http://www.abc.net.au/news/stories/2008/04/10/2212647.htm?section=world> – Accessed 11 April 2008 – Attachment 3).

According to a *BBC News* article dated 10 April 2008, both President Mugabe and the opposition leader Morgan Tsvangirai were to attend the “emergency summit of regional leaders to discuss Zimbabwe’s recent election.” The article also indicates that the MDC Secretary General Tendai Biti had said that the MDC would “not participate in a run-off.” It is stated in the article that:

At a news conference in Johannesburg, South Africa, on Thursday, the Movement for Democratic Change said the delay of results amounted to “a constitutional coup d’etat”.

MDC Secretary General Tendai Biti said: “We won the presidential election hands down, without the need for a run-off, so we will not participate in a run-off.”

The MDC originally reported that Mr Tsvangirai had won 50.3% of the vote. Asked whether this was a big enough margin to declare victory, Mr Biti said the party had since obtained broader results suggesting it had done even better.

...Mr Biti accused ruling Zanu-PF-backed militias of unleashing a campaign of violence across the country to intimidate rural voters ahead of a possible run-off.

It coincided with a similar charge made by Amnesty International, which accused Zimbabwean police and soldiers of “organised post-election violence aimed at opposition supporters”.

...Independent and ruling party projections say Mr Tsvangirai did not win the 50% vote share needed to win outright.

...Meanwhile, Zimbabwe's state-run Herald newspaper reports the ruling Zanu-PF has increased the number of constituency results it is contesting from 16 to 21 ('Zimbabwe rivals to attend summit' 2008, *BBC News*, 10 April <http://news.bbc.co.uk/2/hi/africa/7340476.stm> - Accessed 11 April 2008 – Attachment 4).

An article dated 10 April 2008 on the Amnesty International website indicates that “[o]pposition parties in Zimbabwe have complained of violence against people perceived to be their supporters. There have been allegations of police and army involvement in some of the incidents in the post-election period.” According to the article:

Amnesty International has received information about widespread incidents of post-election violence, suggesting the existence of coordinated retribution against known and suspected opposition supporters. Violence has been reported in Harare, Mashonaland East, Midlands, Matabeleland North and Manicaland provinces.

According to the reports, victims of political violence have been pulled from buses and assaulted at their homes in rural areas, townships and farms (Amnesty International 2008, *Zimbabwe opposition under attack*, 10 April <http://www.amnesty.org/en/news-and-updates/news/zimbabwe-opposition-under-attack-20080410> - Accessed 11 April 2008 – Attachment 5).

Human Rights Watch, in another article dated 10 April 2008, has “said President Robert Mugabe’s ruling party, the Zimbabwe African National Union – Patriotic Front (ZANU-PF), is resorting to extreme measures to overturn the March 29 general elections, and is preventing the Zimbabwe Electoral Commission (ZEC) from announcing results of the presidential elections.” It is stated in the article that:

In the past few days, incidents of violence by ruling party supporters against opposition activists have also increased, with police seemingly unable or unwilling to arrest the perpetrators. For example, representatives from the opposition Movement for Democratic Change (MDC) informed Human Rights Watch that ZANU-PF supporters beat five MDC activists in Mashonaland West province on April 7. In other incidents, MDC Member of Parliament for Mutasa South Misheck Kagurabadza told Human Rights Watch that teams of ZANU-PF youth were patrolling his constituency in Manicaland province and assaulting people who they believe voted for the opposition. Human Rights Watch has also received credible information of dozens of other similar attacks by ZANU-PF supporters against opposition polling agents and activists, as well as perceived MDC supporters around the country.

The article also indicates that “ZANU-PF has questioned the validity of the presidential vote, challenged the results of 16 parliamentary constituencies which the MDC won, and called on the commission not to release the presidential results.” Also, “[s]ince April 4, the authorities have arrested at least eight election officers around the country on as yet unsubstantiated charges of committing fraud and abusing public office in favor of the MDC. In two of the cases lawyers representing the accused election officers were prevented from meeting their clients” (Human Rights Watch 2008, *Zimbabwe: Last Chance for SADC to Tackle Crisis*, 10 April <http://hrw.org/english/docs/2008/04/10/zimbab18502.htm> - Accessed 11 April 2008 – Attachment 6).

An article in *The Guardian* dated 11 April 2008 refers to the Movement for Democratic Change saying “it will not take part in a run-off presidential election, in a move that may provide the pretext for Robert Mugabe to extend his 28-year rule.” The article also refers to “Tendai Biti, the MDC’s secretary-general,” saying that “there is “evidence of the regime trying to reverse the gains we made in parliament” after Zimbabwe’s election commission agreed to recount votes in five seats lost by Zanu-PF, and will consider reversing the results in seven others, in a move that could see the MDC stripped of its newly-won majority.” He “called the recounts “illegal” because the law requires they be within 48 hours of the original count. He also accused Mugabe of unleashing a wave of violence to intimidate voters into supporting him if another round of elections is held.” He said that “[t]he lives of all pro-democracy actors are not safe””. The article also indicates that:

The opposition’s concerns have been heightened by the closure of the Zimbabwe electoral commission’s “national command centre” to oversee the balloting, and the moving of the recounts and collating of figures to the commission’s Harare headquarters, to which opposition monitors have been denied access.

The chairman, George Chiweshe, said the commission had “scaled down” because most of the counting is done.

But Simba Makoni, a rebel Zanu-PF presidential candidate who came a distant third according to unofficial results, said he is suspicious after being prevented from observing the compilation of results (McGreal, Chris 2008, ‘Opposition rejects run-off as Mugabe tightens grip: Regional leaders to debate vote at emergency summit Zanu-PF moves to reverse parliamentary defeat’ *The Guardian*, 11 April – Attachment 7).

An article dated 11 April 2008 indicates that President “Mugabe has deepened the crisis over the March 29 elections by controversially extending the life of his Cabinet, which was dissolved ahead of the polls as he clung to power amid revelations of an elaborate plan by his ruling ZANU-PF to regain control.” The Movement for Democratic Change had “said the move was evidence President Mugabe wanted to remain in power “forever”.” The article indicates that the “developments are seen further delaying the release of presidential results, giving ZANU-PF time to put in motion its survival plan, which includes disrupting the activities of ZEC [Zimbabwe Electoral Commission] and deploying its campaign machinery into the countryside.” It is stated in the article that:

Over the past week, ZANU-PF has paralysed ZEC, and led a propaganda war designed to justify the deployment of security agents and war veterans to close off resettled areas from the opposition, pending a declaration of a presidential runoff.

...The ZANU-PF strategy involves disrupting the work of ZEC, demanding recounts, and ratcheting up temperatures in the rural areas, while setting up special task forces to lead campaigning in a new round of elections.

ZEC’s national command centre, where results of elections were collated and announced, was shut down this week. Equipment was dismantled and left at the entrance. Police denied journalists access to the centre.

Election agents of political parties and ZEC staff were asked to leave the command centre, housed at the Harare International Conference Centre (HICC). Political parties have now been barred from the facility.

At least seven ZEC officials, accused of rigging the elections against President Mugabe have been arrested.

There has been no comment from ZEC on any of these developments. Repeated attempts to reach ZEC officials were unsuccessful yesterday.

There had been discussion within ZANU-PF over the prospects of a rerun - as opposed to a runoff - if ZEC could be pushed hard enough to concede to the “widespread irregularities” claimed by Didymus Mutasa, the party secretary for administration.

The article also indicates that:

ZEC has ordered recounts in Mutare West, Bikita West, Chimanimani West, Zhombe and Gutu South. ZANU PF is contesting results in 21 constituencies.

ZEC has however rejected ZANU PF’s recount requests in seven constituencies on the grounds that these were not made within the stipulated 48 hours (Ncube, Njabulo & Mberi, Rangarirai, 2008, ‘Mugabe Clings to Power’, *All Africa*, source: Financial Gazette, 11 April – Attachment 8).

An *Agence France-Presse* article dated 11 April 2008 refers to “[t]he Zimbabwe Electoral Commission (ZEC)” saying “that its hands are tied over the release of March 29 presidential election results because the matter is in court, state media said on Friday.” According to the article:

The ZEC, breaking its silence since announcing the last senate results, said it was not in a position to comment on the presidential election results as the issue was now the subject of legal proceedings in a Harare high court.

A high court judge on Wednesday wrapped up hearing on an opposition Movement for Democratic Change (MDC) petition demanding the immediate release of the presidential election results and said he would deliver his judgement on Monday.

...The government on Thursday denied suggestions [sic] that it was stopping ZEC from releasing results of the presidential election.

...The MDC on Thursday ruled out a run-off vote between its leader Morgan Tsvangirai and Mugabe as the two looked set for a weekend showdown at an emergency summit convened by the 14-nation regional bloc, the Southern African Development Community (SADC) in Lusaka, Zambia.

The article also indicates that “[t]he Herald said three of 15 ZEC officials arrested for varying cases of misconduct during the elections have been convicted for fraud arising from a ballot box that went missing during transportation”, with one official “fined eight million dollars (266 US dollars or less than two dollars at parallel market rates) for losing a ballot box when it was moved from a polling station to a regional centre.” Another two officials “facing similar charges await their sentencing” (‘Presidential poll in Zimbabwe: electoral agency says hands tied’ 2008, *Agence France-Presse*, 11 April – Attachment 9).

An article in *The Economist* dated 12 April 2008 indicates that “[a]fter seeming to totter, Zimbabwe’s president now looks determined to hang on by hook or by crook”. It is stated in the article that:

THE opposition says it has won, but Zimbabwe is holding its breath, with the official results of the presidential election still undeclared 12 days after the poll. In the meantime, Robert Mugabe is tightening the grip he seemed to have lost last week. People in his ruling ZANU-PF have been hinting at a second round; after a five-hour meeting of its top body on April 4th, the party said it would be firmly behind Mr Mugabe in the event of a run-off.

The article notes that “[t]hough the ruling party is divided, those in it who want him [Mugabe] to go have so far been afraid to stand up to him. When Simba Makoni, a former finance minister, openly broke ranks and stood as an independent, few party bigwigs dared back him openly.” The article also indicates that:

No one knows how long the electoral commission will sit on the presidential results while a divided ZANU-PF ponders what to do. A state of emergency would mean suspending the electoral process. A run-off, if it came to that, should take place within three weeks from the date of the first election, but some suggest Mr Mugabe may postpone it for 90 days, to give his party time to flex its muscle and re-establish control over voters, especially in the countryside. In any event, the incidents of the past few days point to a blunt counter-offensive. But heavy-handed violence or massive fraud look like the only things that could now keep Mr Mugabe in power (‘Robert Mugabe refuses to give up – Zimbabwe’ 2008, *The Economist*, 12 April – Attachment 10).

## **List of Sources Consulted**

### Internet Sources:

#### **Government Information & Reports**

##### **United Nations (UN)**

##### **Non-Government Organisations**

Human Rights Watch <http://www.hrw.org/>

Amnesty International <http://www.amnesty.org>

##### **International News & Politics**

*BBC News* <http://news.bbc.co.uk>

*ABC News* <http://www.abc.net.au/news/>

##### **Region Specific Links**

##### **Search Engines**

Copernic <http://www.copernic.com/>

### Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

MRT-RRT Library Catalogue

## **List of Attachments**

1. ‘Q&A: Zimbabwe elections’ 2008, *BBC News*, 7 April  
<http://news.bbc.co.uk/2/hi/africa/7293810.stm> - Accessed 11 April 2008.
2. ‘Zimbabwe emergency talks called’ 2008, *BBC News*, 9 April  
<http://news.bbc.co.uk/2/hi/africa/7338925.stm> - Accessed 11 April 2008.

3. 'Tsvangirai accuses Mugabe of 'de facto military coup'' 2008, *ABC News*, 10 April <http://www.abc.net.au/news/stories/2008/04/10/2212647.htm?section=world> – Accessed 11 April 2008.
4. 'Zimbabwe rivals to attend summit' 2008, *BBC News*, 10 April <http://news.bbc.co.uk/2/hi/africa/7340476.stm> - Accessed 11 April 2008.
5. Amnesty International 2008, *Zimbabwe opposition under attack*, 10 April <http://www.amnesty.org/en/news-and-updates/news/zimbabwe-opposition-under-attack-20080410> - Accessed 11 April 2008.
6. Human Rights Watch 2008, *Zimbabwe: Last Chance for SADC to Tackle Crisis*, 10 April <http://hrw.org/english/docs/2008/04/10/zimbab18502.htm> - Accessed 11 April 2008.
7. McGreal, Chris 2008, 'Opposition rejects run-off as Mugabe tightens grip: Regional leaders to debate vote at emergency summit Zanu-PF moves to reverse parliamentary defeat' *The Guardian*, 11 April. (FACTIVA)
8. Ncube, Njabulo & Mberi, Rangarirai, 2008, 'Mugabe Clings to Power', *All Africa*, source: Financial Gazette, 11 April. (FACTIVA)
9. 'Presidential poll in Zimbabwe: electoral agency says hands tied' 2008, *Agence France-Presse*, 11 April. (FACTIVA)
10. 'Robert Mugabe refuses to give up – Zimbabwe' 2008, *The Economist*, 12 April. (FACTIVA)