



FILE REF ZHRC/CHI/413/2018

In the matter between:

CHIRUMHANZU CONSTITUENCY RESIDENTS	1ST COMPLAINANT
And	
CHIRUMHANZU-ZIBAGWE CONSTITUENCY RESIDENTS	2ND COMPLAINANT
And	
COUNCILLOR WARD 2	1ST RESPONDENT
And	
COUNCILLOR WARD 6	2ND RESPONDENT
And	
COUNCILLOR WARD 17	3RD RESPONDENT
And	
ZANU-PF DISTRICT CHAIRPERSONS WARD 6	4TH RESPONDENT
And	
ZANU-PF DISTRICT CHAIRPERSON WARD 17	5TH RESPONDENT
And	
MINISTRY OF LANDS AGRICULTURE WATER CLIMATE AND RURAL RESETTLEMENT	6TH RESPONDENT

REPORT

1. INTRODUCTION

- 1.1 This report contains findings of the Zimbabwe Human Rights Commission (ZHRC/Commission), pursuant to post-elections investigations undertaken by the ZHRC into complaints alleging maladministration, violation of political rights and the right to equality and non-discrimination.
- 1.2 Complainants are residents of Midlands Province particularly Chirumhanzu and Chirumhanzu-Zibagwe, Constituencies in Chirumhanzu District.
- 1.3 Complainants allege partisan distribution of farming inputs under the Presidential Inputs Programme, threats of violence and intimidation.
- 1.4 The complaints were lodged with the ZHRC between 8 August -27 August 2018 and the field investigations were conducted from the 27 August -2 September 2018.

2. BACKGROUND TO THE INVESTIGATION

Facts

- 2.1 **Chirumhanzu Constituency:** The complainants alleged that *in ward 2*, there were some people who were repeatedly given inputs whilst others had not received any. It was also alleged that Village Heads received messages from the Councillor stating that all ZANU PF campaign agents should convene at the distribution point to receive inputs as a token of appreciation for the sterling work during the campaign. Supporters of opposition parties, MDC Alliance in particular, were being denied access to these inputs whilst ZANU-PF supporters had been given the inputs twice. In addition, the distributing committee of the Presidential Inputs including traditional leaders would be wearing ZANU PF regalia whilst distributing the inputs. It was further alleged that Headman Chaka was participating in party politics. Moreover, it was alleged that some of the Village Heads were polling agents of ZANU PF during the 2018 harmonised elections and benefited first before everyone

because of their political affiliation. Further allegations were that Village Heads with ZANU PF affiliation when compiling lists for intended beneficiaries of a particular program put forward ZANU PF supporters in their respective villages as the first beneficiaries. The complainants also stated that they phoned the GMB Manager and the District Administrator (DA) complaining about the manner in which the inputs were being distributed and they responded clearly stating that the Presidential Inputs were for all Zimbabweans regardless of political affiliation and it was wrong to discriminate beneficiaries on the basis of political affiliation. However, the Councillor and his committee were not deterred as they continued to distribute the inputs along political lines. ***In ward 6***, it was alleged that the ZANU PF District Chairpersons (Mr. Mujere and Mr. Johanes Saramusi Munyukwi) were in charge when it came to who benefited from the Presidential Input Scheme. The Chairpersons were alleged to have bluntly said that no one apart from ZANU PF supporters would benefit from the Presidential Input Scheme. The ZANU PF District Chairpersons allegedly instructed the Ward Councillor not to include members of the opposition when distributing inputs.

2.2 Chirumhanzu –Zibagwe Constituency: ***In ward 17***, which is Lalapanzi it was reported that there was partisan distribution and discrimination in the distribution of Presidential Inputs. ZANU PF Party officials through the party Chairperson took the sole responsibility of identifying recipients and distribution of any government related social program earmarked for community development. Further allegations were that the Councillor (Mr. Muzenda), ZANU PF Chairperson (Mr. Robert Antonio), Government officials from the Ministry of Gender and Ministry of Youth benefited more than was entitled to each beneficiary. It was further alleged that those government officials were active members of ZANU PF with party leadership positions and would assist the ZANU PF party Chairperson during the presidential input distribution processes.

3 MANDATE OF THE COMMISSION

- 3.1** The ZHRC is established as an Independent Commission in terms of Section 242 of the Constitution of Zimbabwe. The functions of the ZHRC are set out in Section 243 (1) (a)–(k) and include among others; to promote awareness of and respect for human rights and freedoms at all levels of society; to promote the protection, development and attainment of human rights and freedoms; to receive and consider complaints from the public and to take such action in regard to the complaints as it considers appropriate; and to investigate the conduct of any authority or person where it is alleged that any of the human rights and freedoms set out in the Declaration of Rights has been violated by that authority or person. Furthermore, the ZHRC can recommend the prosecution of offenders where human rights or freedoms have been violated.
- 3.2** The Zimbabwe Human Rights Commission Act [Chapter 10:30] in Section 9, empowers the ZHRC to conduct investigations into allegations of human rights violations.

4 METHODOLOGY

In conducting its investigation, the ZHRC employed a number of research tools encompassing desk research, interviews with key informants and interviews with the complainants and the respondents.

4.1 Desk Research

The ZHRC conducted wide legal research into the framework governing human rights locally, regionally and internationally. This was done in order to identify and assess the human rights that were allegedly violated by the respondents.

4.2 Interviews

The ZHRC interviewed complainants, community members and respondents in order to make a balanced assessment of the situation. This instrument was used to extract qualitative data. Individual meetings were organised in recognition of the quality of data expected from this interaction as well as to maximise on the meeting with interviewees' knowledge on the investigation at hand. The individual interviews created an accepting environment that put participants at ease allowing them to thoughtfully answer questions in their own words without fear of reprisals. The ZHRC interviewed the following:

- i. The complainants.
- ii. Community members
- iii. Traditional leaders
- iv. Councillors
- v. ZANU PF District Chairpersons
- vi. National Assembly member
- vii. The Minister of State for Midlands Province
- viii. Agricultural Technical and Extension Services Officials (AGRITEX)
- ix. Grain Marketing Board (GMB) officials
- x. District Administrator (DA)
- xi. Provincial Administrator for Midlands Province (PA)

These were targeted because of their knowledge concerning the investigations at hand.

5 FINDINGS FROM INVESTIGATIONS

From the interviews carried out during investigations, the ZHRC made the following findings:

5.1 The District Chairpersons of the ZANU–PF party were in charge of Presidential Inputs distribution

In **Chirumhanzu Constituency, Ward 6** complainant from Mudhagu village stated that the Village Head advised the villagers to go and receive inputs at Holy Cross Shopping Centre. When they reached Holy Cross, the ZANU PF District Chairperson Mr. Saramusi Munyukwi announced that the inputs were for ZANU-PF supporters only and not for MDC Alliance supporters. He then went on to chant a slogan and said ‘Pasi *na Chamisa*’ (meaning ‘down with Chamisa’). Complainant then raised his hand and he was given time to speak. He said it was not proper to chant slogans at community development gatherings or government programmes and also that saying ‘down with a person’ was wrong as it amounts to hate speech. The Chairperson then responded saying, ‘*ndiwe wandanga ndichitsvaga. Usatombouye hako panotambirwa mbeu nekuti hatikupe. Ukauya unongoona hako zvinenge zvichiwiwa vamwe.*’ (Meaning ‘I was actually referring to you. Do not ever come where agricultural inputs are distributed because we will not give you. If you come you will just see what others will be receiving’). At the distribution, only ZANU-PF supporters received starting with the ‘Top 6’ who were in the ZANU-PF district executive. This happened a few days before election. No distribution was done after election as there was a stalemate between the Councillor and Chairperson Mujere over how the inputs were to be distributed. This incident and the exchange of words between complainant and the Chairperson was confirmed by four residents of the ward interviewed individually in separate interviews.

Interviewees said that the ZANU PF District Chairperson Mr. Mujere was very active in the distribution of inputs and usually addressed the crowd before the Councillor. They said that the inputs were distributed on a partisan basis and that suspected and known members of the opposition were discriminated against and disparaged during the input’s distribution. They further stressed that they were upset by the way the District Chairperson denigrate opposition party members and even sometimes harass the councillor. In a separate interview another elderly woman described the Chairperson and his committee as ruthless people who were also thieves alleging that they store up

a lot of inputs for themselves depriving others whom they even sometimes falsely label as opposition party members. She said her neighbor was labelled to be an opposition party supporter simply because she had at some point two years ago gone to the church (popularly known as 'Sowe') of a family which supported the MDC Alliance during elections. The interviewee said she had received the inputs but was hurt with the way other people were treated by Mr. Mujere. Many people who were interviewed said Chairperson Mujere and his committee ridiculed the suspected and known opposition party members and even insulted them with words with vulgar words. Many elderly women would just say that "what he said could not be uttered; you could only look down when he was insulting the MDC Alliance people". They however indicated that it was wrong because that was not what the national leadership wanted. They said he treated people that way and he stole from them as no one could question him because he was always belligerent.

Community members stated that the District Chairpersons were in charge of the distribution of Presidential Inputs and the Councillor was not in control as each District Chairperson would take over the processes. The community said there was so much hate speech, mockery, and insult of opposition party members at the input distribution points. Two elderly women clad in their Roman Catholic Church uniforms who were interviewed stated that they were members of ZANU-PF and had received the inputs but were disturbed by the hate speech of the Chairperson Mujere whom they said was 'cheeky' (anovava) together with his committee. They also said suspected and known opposition party supporters were undressed and ridiculed by the Chairperson Mujere at the distribution points and every time he vowed that they would never benefit from the programme. They expressed concern over the manner in which opposition party members were treated and denied inputs, yet they needed assistance like anyone else. They also pointed out that Mr. Mujere was very corrupt and stole from government programmes. These were the general statements echoed by all the thirty (30) people interviewed in the ward of which twenty-eight (28) said they were ZANU-PF supporters and two said they did not belong to any political party.

In **Chirumhanzu-Zibagwe, ward 17**, community members stated that the Councillor took instructions from the ZANU-PF District Chairperson and during distribution of Presidential Inputs the Councillor would just be standing whilst the Chairperson addressed people, attended to complaints, and was in charge. Some residents were full of praise of the Chairperson for ensuring that as party members they benefited from the programme. In Netherburn, one woman said she was happy because she, her husband and their seventeen-year-old daughter who was still in school and unmarried had each received the agricultural inputs. Another woman in the same village also stated that she and her four unmarried children (including a teenager who was not yet 18 years old) who were all staying under her roof and without families had individually benefited. One of her daughters was distributing the inputs since she was a ZANU-PF youth. The woman said the inputs were received whilst she was away and was only told by her children when she came back that she had received the inputs. Women in the village said their Chairperson was so considerate such that their children who were working in South Africa and Botswana were also receiving the inputs. In Jerusalem (a peri-urban village), those who had received said all ZANU-PF members were getting seed but the few fertilizer bags available were allocated to party leadership starting with those in the District leadership. One woman said she received seed only because she failed to attend many meetings as she was nursing twins such that she could not attend rallies and party meetings with them and they were told that fertilizer was only received by those who were consistent in attending ZANU-PF party meetings. In Matombo village, many people said the district party chairperson had clearly announced that opposition parties would not receive the inputs. Community members said Mr. Antonio and his committee were the ones to decide whether a person received the inputs or not.

5.2 Discrimination in Presidential Inputs distribution on the basis of political affiliation

Ward 17 Chirumhanzu –Zibagwe: In an interview with two pastors from different denominations in the community they stated that only ZANU PF members were ‘entitled’ beneficiaries of Presidential Inputs. They said, *‘most members of the community do not*

receive inputs as long as they did not vote for ZANU PF and did not attend rallies”. Furthermore, it was stated that the Presidential Inputs were used as a campaign tool by the ZANU PF District Chairperson even after election, as a gesture that only ZANU PF could take care of the community. The Cluster Chairperson for Netherburn who is an employee of the then Ministry of Gender (now Ministry of Women Affairs), a Ward Development Committee member and a member of the ZANU PF District Committee Mrs Moyo were fingered as having said that no MDC Alliance member was entitled to get inputs from ZANU PF as they were sell-outs. In an interview, one of the disabled residents from Matombo who openly supported an Independent candidate explained the ill-treatment and discrimination they were subjected to by the ZANU PF District Chairperson Mr Robert Antonio on the basis that they supported an aggrieved known former ZANU PF member who contested as an independent candidate. For that reason alone, they were told to go and benefit from their ‘friends’ as these inputs were meant for loyal ZANU PF cadres not sell outs of the revolution. He however approached the Councillor demanding his share of inputs and he was given. He said he got the inputs because he was vocal and also knew that he was ZANU PF. He said he supported an aspiring independent councillor, but he was supporting the ZANU-PF National Assembly and Presidential candidates. As such, he could not be lumped together with opposition people. Community consultations further revealed that Mr Robert Antonio verbally attacked women on the basis that their husbands were agents of the opposition and therefore they were not entitled to state provisions. One of the women was scourged in one of the community meetings on the basis that they were perceived G40 remnants.

In an interview with one of the residents who was deprived of inputs on the grounds of supporting a losing ZANU PF primary elections candidate she said she was bluntly told by the ZANU PF Chairperson Mr. Antonio that ‘a cat cannot breast feed from a dog’ meaning that if they were of the opposition they could not benefit from the inputs as those inputs were from the President of ZANU PF and thus she was forced to withdraw her part payment of \$2 (transport fees) for the Presidential Inputs. The findings also revealed that the allocation for those who were deemed opposition supporters was diverted and used as explosives in chrome field mines (this was specific to ammonium nitrate fertilizer that would have been distributed) and for resale purposes in local shops.

Investigation done by the ZHRC revealed that Presidential Inputs distribution in Lalapanzi was on a partisan basis and that ZANU PF members were given preference and were the sole beneficiaries of inputs. Members of opposition and those who were apolitical were deprived on grounds of not being ZANU PF members.

In **Chirumhanzu, Ward 2** residents were interviewed from Chigara, Muzanago, Chaka and Ndaruza villages. In an interview, one of the villagers from Chigara village, who said that she was the village secretary, stated that everyone in her village was listed in the input's beneficiary list and all members of the village had each received an input. She also stated that no one was left out on partisan or non-partisan lines and also that Village Heads had always been clear on when and how the inputs would be distributed. Interviews with residents in the village confirmed that there was no discrimination.

The ZHRC participated in Presidential Inputs distribution that was held in **Ward 2**. The Commission witnessed that each household selected from the list of beneficiaries received a bag of seed, each beneficiary signed for the expected input. Once a beneficiary signed for an input they were due to receive, there was no provision to receive the same input twice. However, during the distribution exercise it was noted that Village Head Ndaruza from Ndaruza Village was constantly harassing and hurling abusive language to the GMB and AGRITEX officials who failed to take heed of his instructions on who to give and not to give. The same Village Head was accused of being corrupt, abusive and inefficient by residents from his community. It was further alleged that he sold land belonging to known orphans in the community to some unknown people who had started construction on the said land. The Commission could not conduct an interview with the Village Head to ascertain the above-mentioned claims as he kept on avoiding the ZHRC. One of the villagers even shed tears because of the Village Head's conduct and stressed that they had constantly been deprived of inputs as the Village Head did not like her family for some reason. Of the eleven (11) interviewees in Ndaruza village two said there was no problem in receiving inputs and they had already received seed and one bag of fertilizer. The other nine (9) stated that they had not received as yet and said it was the Village Head's usual practice that he would ensure that ZANU-PF members who were the people that he favoured received

first before others. They also said that the Village Head received many times and would actually offer to sell to those who would not have received.

5.3 Beneficiaries of Social Welfare were being denied their benefits on the basis of political affiliation

In **Chirumhanzu – Zibagwe, ward 17**, community members said after the election beneficiaries of Social Welfare who did not attend ZANU-PF campaign rallies and those who were members of opposition parties did not receive their grain as the District Chairperson told them to receive from the people they voted for.

5.4 Traditional leaders were members of political parties

In **Chirumhanzu, ward 2**, village heads Gwere and Ndaruza were polling agents for ZANU-PF during the elections. When interviewed Village Head Gwere did not dispute it. They were also active political party members. When the ZHRC went to the ward to interview the Councillor, he was having a meeting with traditional leaders and some of them were wearing party regalia including Village Head Ndaruza. When asked about their political participation in light of constitutional provisions, Village Head Gwere and another Village Head whose name was not mentioned said they were not aware of the constitutional provisions and they would reconsider the issue.

Headman Chaka was interviewed at his house. He said he was a war veteran and by virtue of that, no one could ask him about his involvement in politics. He declared that he was ZANU-PF and from the Chieftainship family with the duty of protecting the land, so as long as there were people like MDC who wanted to sellout the county he would not sit back and let the country get destroyed. He was aware of the constitutional provisions and said they were senseless and unreasonable to deny traditional leaders' participation in politics. He said he would not be bound by the provision because when it was written he was not there. Had he been involved in Constitution making that provision would not be there. Some villagers stated that they were unable to exercise their political will for fear of victimisation and being deprived of inputs or any other program related material from government. Some villagers who were MDC Alliance

supporters and agents stated that at a funeral when Headman Chaka was giving his speech he attacked them by their names and said, *“You do not deserve to benefit anything from Our President, your President Chamisa did not go to Brazil to source these inputs, it is our President ED”*. When asked about these allegations Headman Chaka pointed out that he had said it because it was the truth.

5.5 Corruption in the distribution of Agricultural Inputs and Other Government benefits

In **Chirumhanzu –Zibagwe, Ward 17** the ZHRC found that there was corruption in the distribution of Presidential Inputs. Husbands and wives received as well as children. Investigations were conducted in the mining compounds of Netherburn and Olivia and it was noted that in other households, children below the age of 18 and anyone in possession of a national indemnity card (ID) supporting ZANU PF benefited from the Presidential Inputs Scheme while other members of those communities who had no ZANU PF affiliation were deprived. In an interview with one of the residents, she highlighted that the ZANU PF District Chairperson during community meetings would stress out that ‘your **X** in the rightful candidate guarantees you your share of Presidential Inputs’. Most residents interviewed laid blame on the Chairperson than the Councillor. Interviewees stated that the ZANU-PF District Committee deprived them of inputs, yet they received more than their allocated share and received even for their children who did not stay there.

In Ward 2, Chirumhanzu interviewees were concerned with the conduct of some of their Village Heads especially Village Head Gwere and Village Head Ndaruza whom they accused of being corrupt and obnoxious.

5.6 Prioritisation of ZANU-PF supporters in benefiting from Government Programmes

In Chirumhanzu Constituency, **ward 2**, the ZHRC found that the first people to receive the inputs were Village Heads and members of the ZANU-PF leadership. They had even received twice yet there were other people on the registers who had not received

at all. The same was said to be happening in **ward 17**. This was different from **ward 21** where villagers were receiving despite political affiliation. In **Ward 21**, they however stated that some ZANUPF district members would antagonize them at the distribution points, but they ignored them because what they wanted was to get what was entitled to them. The ZHRC interviewed three MDC Alliance polling agents and two activists in separate individual interviews. They said they had received inputs but were always denigrated and disparaged.

6 APPLICABLE LAW

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

The Constitution of Zimbabwe is the supreme law of the land and the following provisions are key:

6.1.1 Section 67 (1)-(3) which provides as follows:

“(1) Every Zimbabwean citizen has the right –

(a) to free, fair and regular elections for any elective public office established in terms of this Constitution or any other law; and

(b) to make political choices freely.

(2) Subject to this Constitution, every Zimbabwean citizen has the right—

(a) to form, to join and to participate in the activities of a political party or organisation of their choice;

(b) to campaign freely and peacefully for a political party or cause;

(c) to participate in peaceful political activity; and

(d) to participate, individually or collectively, in gatherings or groups or in any other manner, in peaceful activities to influence, challenge or support the policies of the Government or any political or whatever cause.

(3) Subject to this Constitution, every Zimbabwean citizen who is of or over eighteen years of age has the right—

(a) to vote in all elections and referendums to which this Constitution or

*any other law applies, and to do so in secret; and
(b) to stand for election for public office and, if elected, to hold such office.”*

6.1.2 Section 60 (1) (a) and (b) provides that every person has a right to freedom of conscience, which includes freedom of thought, opinion, or belief and to practice and propagate their thought, opinion, or belief in public or in private and whether alone or together with others.

6.1.3 Section 58 (1) provides that every person has a right to freedom of assembly and association.

6.1.4 Section 56 provides for equality and non-discrimination on the basis of political affiliation.

6.1.5 Section 53 guarantees freedom from physical or psychological torture or cruel, inhuman, or degrading treatment or punishment.

6.1.6 Section 13 which provides for National Development

6.1.7 Section 15 which provides for food security

6.1.8 Section 67 which provides for political rights

6.1.9 Section 77 which provides for the right to food and water

6.1.10 Section 68 which provides for the right to administrative justice

6.1.11 Section 281 which provides for principles to be observed by traditional leaders.

6.1.12 Section 51 Right to human dignity

6.1.13 Section 82 Rights of the Elderly

6.1.14 Section 83 Rights of Persons with disabilities

6.2 International Law

6.2.1 Universal Declaration of Human Rights (1948)

The general principle of liberty is a fundamental element of international human rights law. **Article 3** states that ‘Everyone has the right to life, liberty and security of person’.

Article 5 provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.’ **Article 20 (1)** provides that everyone has the right to freedom of peaceful assembly and association. **Article 21 (1)** further provides that everyone has the right to take part in the government of his country, directly or through freely chosen representatives. **Article 22** provides for right to social security. It states that *everyone, as a member of society, has the right to social security and is entitled to realisation through national effort and international cooperation and in accordance with the organisation and resources of each state, of the economic, social, and cultural right indispensable for his dignity and free development of his personality*

6.2.2 International Covenant on Civil and Political Rights

Article 7 of the Convention provides that, *‘No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment...’* **Article 9 (1)** further provides that everyone has the right to liberty or security of person. **Article 19 (1) and (2)** provides for the right to hold opinions without interference and the right to freedom of expression. **Articles 21 and 22 (1)** provides for the right of peaceful assembly and the right to freedom of association with others respectively. **Article 25 (1) (2)** provides that every citizen shall have the right to take part in the conduct of public affairs directly or through chosen representatives and the right to vote and to be elected at elections.

6.2.3 International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 11 (2) (a) states that;

The States Parties to the present Covenant recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, the measures, including specific programmes, which are needed:

a.) *To improve methods of production, conservation, and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilisation of natural resources.*

6.2.4 African Charter on Human and People's Rights

Article 6 further provides that, 'every individual shall have the right to liberty and to security of his person ...' Article 10 provides for the right to free association and Article 11 provides for the right to assemble freely with others.

7 RESPONSES FROM RESPONDENTS CITED BY THE COMPLAINANT

In accordance with the *audi alteram partem* rule ("let the other side be heard as well"), the ZHRC held separate meetings with the respondents so as to hear their side of the story. From the separate meetings and in response to the allegations raised by the complainants, the following information was gathered:

7.1 Interview with District Chairpersons

In Chirumhanzu, one District Chairperson Mr Mujere was interviewed. In **Holy Cross ward 6**, the Commission managed to conduct interviews with the ZANU PF District Chairperson and residents of that area. The allegations as stated by the residents and members of the opposition were refuted by the District Chairperson who denied any partisan distribution of the Presidential Inputs and also denied his involvement in the distribution. Mr. Mujere stated that as a Ward District Committee (WADCO) member he also took the opportunity of ZANU-PF party meetings to conduct WADCO business because he could not call for different meetings as the same people attended.

An interview was conducted with the District Chairperson for **Ward 17** Chirumhanzu-Zibagwe who refuted the claims of partisan distribution and discrimination against non-ZANU PF members. He pointed out that '*all complaints by people who claimed they were denied inputs on the basis of being opposition members or non-partisan prior to distribution were addressed*' and everyone benefited without a doubt. He further stressed that 'they' agreed with the Councillor to redo a list that included each member of the community entitled to benefit from the scheme. Basically, he was confirming that he was the one in charge of all distribution programmes, not the Councillor as mandated by the law. In his responses one could tell that he was being evasive as he kept on

emphasizing that he was mandated by his party's constitution to ensure that the Councillor performed as per the party's expectations, therefore his role was to help the Councillor in executing his duties.

7.2 Interview with Councillors

Councillor for **ward 6 Chirumhanzu Constituency** stated that the ward first received inputs before elections and that time only ZANU-PF supporters received. He confirmed that the Chairpersons were in Charge and he could not do anything about it. At the time of interview, he confirmed that the ward had not managed to distribute because of the issues with Chairperson Mujere who wanted the distribution point to be changed arguing that his district members walked long distances to the distribution point. He also confirmed that politicians particularly the Chairpersons were saying that opposition party members should not benefit but ZANU PF members should get the inputs even if it meant receiving the inputs repeatedly. The Councillor said he knew the policy on distribution of government benefits and that it should be non-partisan. He said he had advised the Chairpersons though. The Councillor also stated that the issue of partisan bias was glaring as known MDC Village Heads wrote their members at the top of the list and ZANU-PF Village Heads would do the same. He also pointed out that last season there was a scenario in certain villages when MDC supporters had received inputs before ZANU-PF supporters received and they were shouting in their villages saying as MDC members, they were benefiting from ZANU-PF while ZANU-PF supporters were not. ZHRC noticed that they were written in terms of seniority in the party with the top six being written first.

In **ward 17 Lalapanzi Chirumhanzu Constituency**, the ZHRC interviewed Councillor Muzenda who when the Commission put forward the complaint, insisted on the name of complainant. He said he knew it was the MDC Alliance because they were ungrateful and always complaining frivolously. He said he was distributing the inputs above board and the ZRP officer-in –Charge for Lalapanzi was involved to ensure transparency. He said when they distributed their first distribution after elections, the MDC Alliance 'Chief' agent for the ward and an agent for an Independent candidate approached him and

asked why they were being side-lined from benefiting. He told the MDC agent to write the list of people he worked with so that they could all receive the inputs (Ndakamuti anyone mazita evakomana vaaishanda navo ndivape) but he came back with a list of four people saying the others had refused to be listed and others did not have identity documents. The MDC Alliance agent coincidentally passed by the place where the Commission was interviewing the Councillor and he confirmed what the Councillor had said. The following day, the ZHRC sought further explanation from the MDC agent as to why only his brother was on the list when four people had been registered. He said his brother had gone to his mine. The brother explained that he was there when the Councillor advised him to write the MDC members to receive the inputs, but he advised to only write himself and his family members who were already known to be MDC members. He said that the suggestion by the Councillor was a strategy of getting the names of people who were in the opposition so that they would discriminate against them. He said he told his brother that if he wrote the names he would be exposing people and when ZANU-PF started doing” its things” those people would be targeted and abused.

Concerning allegations of opposition party supporters being left out during registration the Councillor said that if any people were left out, they should come to him or to the officer –in-charge and register their names. He said the Ward Development Committee was made up of members of cluster committees. He said in Lalapanzi they had different clusters which included Netherburn chaired by Mrs Moyo, Matombo chaired by Mr. Makiwa, Jerusalem chaired by Mr. Antonio, Mayard and business cluster (Chaired by one Sammy).

Concerning allegations that the leaders of the clusters and the WADCO were composed of ZANU-PF supporters and leadership, he said he could not work with neutral people because they stalled development.

On composition of the distribution committees, he said that it was made up of the ZRP Officer-In-Charge, Ministry of Women’s Affairs, Ministry of Youth, One War Veteran and Chairperson of clusters. He said the members represented their constituencies. He also said church leaders were also in the WADCO but when interviewed the church leaders

said they were in Village Development Committees not the WADCO. The Councillor confirmed that people were selling and using the inputs as explosives in the chrome fields but highlighted that he could not do anything as this was beyond his control considering that once a person had received his share, they could do whatever they wanted without anyone reprimanding them.

In an interview with the Councillor, he denied any partisan distribution and also affirmed that there were members of MDC who had benefited in previous distribution. The Councillor provided a list of the opposition members who benefited. However, as the Commission conducted further investigations, it was discovered that those who benefited were MDC District Top Party Leadership and their family members, not everyone as purported by the Councillor.

7.3 Interview with Village Heads

In an interview with Village Head Muzanago of Muzanago Village **Ward 2**, he reiterated the President's call for nation building and unity through fair distribution and conduct by public officials or community leaders. He also pointed out that the President had been clear on national objectives and he could therefore not deviate from the dictates of the law or the President of the country. In addition, he reiterated that the communities needed to follow suit and desist from disruptive actions which painted the President in bad light as the community leaders were a reflection of the President's desires. Village Head Gwere totally denied any discrimination in the distribution of Presidential Inputs.

7.4 Interviews with the National Assembly member for Chirumhanzu Constituency

A telephone interview was conducted with the Chirumhanzu Constituency Member of the National Assembly Mrs. Barbara Rwodzi who expounded that people were still hyped by post-election frenzy which had put them into overdrive mood when it came to separating party politics from government programs. She did not refute the claims but however stressed that she would look into the issue and reprimand the District Chairperson for his actions.

7.5 Interview with the then Minister of State for Midlands Province

A meeting was conducted with the then Midlands Minister of State Mr. Owen Ncube. He was not aware of such occurrences in his Province as his office had not received any complaints to that effect, but however said the only known complaint he received was the transport issue where beneficiaries were subjected to paying transport fees in order for them to receive Presidential Inputs. He said his office dealt with that issue and it had stopped especially in his Constituency of Gokwe Kana. He further emphasized that his office had always preached against partisan distribution of Presidential Inputs as they were government programmes meant to ensure sustainable development, rural development and create food security in relevant communities and not ZANU PF Party programmes.

7.6 Interview with AGRITEX Officials

In **ward 2 Chirumhanzu**, the AGRITEX officer said the registration was done by village heads. The copies were compiled and kept by the Councillor, the District Administrator and the Grain Marketing Board. He said there were three officials in the Ward, so they were unable to compile the list as required for the programme, so they delegated to village heads. He said for any programme that they carried out, they worked with Village Heads, for instance, conservation farming. They said the programme was launched by the DA, and at the launch, all the Councillors and Chiefs were present when the DA clearly stated that the programme was supposed to benefit everyone regardless of political affiliation.

A meeting was held with the Provincial Crop and Livestock Production Officer, Mrs. Magwenzi. She informed the Commission that the extension workers were the ones who compiled the list of beneficiaries in conjunction with Local Authorities such as Village Heads thus making it easy to account for every household. She also stated that during distribution, an AGRITEX Extension Officer should be present so as to monitor the distribution. She further explained that from Local Authority, the Councillor was the one who was in charge of distribution and that no political party members were to be

involved in the distribution as this was not a party program. When asked about accountability, she explained to the Commission that there were no accounting measures in place to ensure that each household received the input or that no other person other than the intended beneficiaries benefited. There was no audit held by the government on ensuring that the inputs were rightfully distributed and avoid double dipping.

7.7 RESPONSE FROM MIDLANDS PROVINCIAL ADMINISTRATOR (PA)

The Provincial Administrator, Mr. Maronge revealed that every household was entitled to benefit from the Presidential Scheme without being subjected to discrimination and regardless of their political affiliation. According to a circular from the then Ministry of Agriculture and Rural Development, each household got 10kg of maize seed, 50kg compound D and 50kg of Ammonium Nitrate fertilisers respectively. The scheme was for free and was not subject to being sold or diverted for any other use. The PA further stressed that his office through the DA's always urged the traditional leaders to desist from nepotism or any other kinds of discrimination. He further underscored that his office had not received such complaints regarding favouritism and discrimination. He noted with thanks the Commission's efforts and said he would task the DAs to look into the matter forthwith so that such acts were done away with. He highlighted that he would write an email to all DAs to that effect so that the intended beneficiaries received their lot without being subjected to any form of discrimination by local and political authorities who acted as government proxies in ensuring the welfare and needs of people were well catered for. He reiterated that politicians were not supposed to be a part of the distribution process as it was a government program not a party program. He noted that stance with concern and said he would discuss the matter with the Minister of State for Provincial Affairs. He highlighted that his office had an open-door policy to any complaints regarding deviation from national processes.

8 ANALYSIS OF VIOLATIONS OF HUMAN RIGHTS

The rights that the ZHRC found to have been violated are discussed and analysed in detail below.

8.1 Political Rights (Section 67 of the Constitution of Zimbabwe).

According to the Constitution, every Zimbabwean citizen has a right to make political choices. In the present case, complainants were being discriminated and more rights were violated because they had exercised their political rights of belonging to a political party of their choice.

9 FINDINGS FROM INVESTIGATIONS

Based on the investigations conducted by the ZHRC and analysis of the Constitution and the applicable law, the ZHRC made the following findings;

- 9.1 There was partisan distribution of Presidential Inputs in Chirumhanzu District.
- 9.2 Zanu-PF District Chairpersons were in charge of Presidential Inputs distribution and other government programmes in the District.
- 9.3 There was corruption in the distribution of Presidential Inputs and food aid in Chirumhanzu District.
- 9.4 AGRITEX officials were being sidelined and stopped from executing their role in Presidential Inputs distribution by Zanu-PF District leadership.
- 9.5 The VIDCO and WADCO were composed of ZANU-PF Party leadership.
- 9.6 Councillors were overpowered by ZANU PF District Chairpersons.
- 9.7 Social Welfare benefits were being distributed on a partisan basis in Chirumhanzu district ward 17.
- 9.8 Traditional leaders were active members of political parties and also acting in a partisan manner in Chirumhanzu District. This was in violation of section 281 (2) of the Constitution of Zimbabwe.
- 9.9 ZANU-PF Chairpersons were conversant with Presidential Inputs and Social Welfare guidelines for distribution, yet they blatantly violated government policy and procedures.
- 9.10 There was systematic violation of human rights in the District.

10 CONCLUSION

From the above observations, the ZHRC concluded that complainants' political rights were being violated as they were punished for supporting the opposition parties. Further, rights such as the right to equality and non-discrimination, and right to food were violated by ZANU-PF party members, particularly the ZANU-PF District Committee members.

Government policies, guidelines, and official procedures were compromised. Agricultural Extension Workers under the Ministry of Lands, Agriculture, Water, Climate and Rural Resettlement and Social Workers employed by the Ministry of Public Service, Labour, and Social Service were being side-lined by politicians and traditional leaders. They were neither responsible nor accountable for the programmes that their respective ministries were mandated to implement. Some traditional leaders were openly affiliated to political parties, in particular ZANU PF, to the extent of organising political meetings and rallies, wearing party regalia, chanting party slogans and even working as election agents. This did not only bring their honourable offices into disrepute but caused community conflicts and tension. This compromised their role in performing their functions as set out in section 282 of the Constitution of Zimbabwe, in particular Section 282 (1) (e) which empowers traditional leaders *“to resolve disputes amongst people in their communities in accordance with customary law.”*

11 RECOMMENDATIONS

From the aforementioned report and findings, the ZHRC makes the following recommendations:

TO THE MINISTRY OF LANDS, AGRICULTURE, WATER, CLIMATE AND RURAL RESETTLEMENT

- 11.1 The Ministry must take steps that empower and protect their officials in the provinces and districts to perform their duties without interference from politicians and other stakeholders;
- 11.2The Ministry must come up with monitoring and evaluation measures for accountability for Presidential Inputs scheme and any other state funded programme;
- 11.3That the Ministry must ensure that their extension officers develop official inputs distribution registers for all villages in consultation with nonpartisan local leaders and stakeholders;
- 11.4The Ministry must establish a queries or help desk mechanism in each district to address exclusion/inclusion errors in the inputs distribution programme;
- 11.5The Ministry must establish clear terms of reference for stakeholders involved in inputs distribution and restrict traditional leaders and policy level local leaders (including Ward Councillors) to an oversight as opposed to an implementation role.
- 11.6The Ministry should come up with guidelines where distribution of inputs are suspended for a specified period in the run up to an election to avoid politicization of the programme.

TO THE MINISTRY OF PUBLIC SERVICE LABOUR AND SOCIAL WELFARE

- 11.7The Ministry must take steps that empower and protect their officials in the provinces and districts to perform their duties without interference from politicians and other stakeholders;
- 11.8The Ministry must come up with monitoring and evaluation measures for accountability for food assistance and any other state funded programme;

- 11.9 That the Ministry must ensure that their Social Workers develop official inputs distribution registers for all villages in consultation with nonpartisan local leaders and stakeholders;
- 11.10 The Ministry must establish a queries or help desk mechanism in each district to address exclusion/inclusion errors in government social protection programmes;
- 11.11 That the Ministry must investigate cases of beneficiaries of Social Welfare who were illegally denied their benefits and ensure that the perpetrators are held accountable.
- 11.12 The Ministry must establish clear terms of reference for stakeholders involved in social protection programmes and restrict traditional leaders and policy level local leaders (including Ward Councillors) to an oversight as opposed to an implementation role.
- 11.13 The Ministry should come up with guidelines where, except for emergency situations, food distribution is suspended for a specified period in the run up to an election to avoid politicization of the programme.

MINISTRY OF LOCAL GOVERNMENT, PUBLIC WORKS, AND NATIONAL HOUSING

- 11.14 The Ministry should ensure that traditional leaders are well aware of their Constitutional obligations and principles including the principle not to belong to political parties or act in a partisan manner. This is a non-negotiable issue which should be guided by a clear Code of Conduct.
- 11.15 The Ministry should ensure that there are capacity building programmes put in place to induct and equip local authorities (Councillors and traditional leadership) on their respective roles in ensuring non-partisan implementation of development programmes.

TO ZANU-PF

- 11.16 That the ZANU-PF party should ensure that its officials and members do not interfere or politicize implementation of state funded development programmes;
- 11.17 That the party should respect the role of traditional leaders and refrain from using traditional leaders for political party issues.
- 11.18 That as the ruling party they should demonstrate political maturity and tolerance by advocating for inclusive development programmes.