



Zimbabwe

**REPORT OF THE
COMMISSION OF INQUIRY INTO THE
1ST OF AUGUST 2018 POST-ELECTION VIOLENCE**

FOREWORD BY THE CHAIRMAN

The President of the Republic of Zimbabwe His Excellency, E.D. Mnangagwa, established this Commission of Inquiry to inquire into the 1st of August 2018 Post-Election Violence, in Harare. The Commission was established with the purpose to help heal the country from the wounds occasioned by the deeply regrettable death of six people, the injuries to many, as well as destruction of property. As Commissioners, we understood the primary motivation for appointment of the Commission to be a quest to establish the truth of what happened in order to help heal the wounds and contribute towards assisting the people of Zimbabwe to be a nation at peace with itself.

The Commission, which is international in composition and impartial in character, was a necessary exercise to enable the people of Zimbabwe not only to come to terms with what happened during post-election violence but also to advance the cause of national reconciliation and healing by uncovering the truth.

The work of the Commission was comprehensive and was conducted in an inclusive and transparent manner. The media was granted full access to the Commission's proceedings. All those who had contributions to make towards the work and success of the Commission were afforded a fair opportunity to do so without fear, favour or prejudice. Voices from across the political and social spectrum were heard. In order to achieve this, the Commission visited many places of relevance to its work.

The Commission was readily accessible as a safe space where diverse narratives could be ventilated, allowing for a deeper and more balanced understanding of what really transpired during post-election violence.

My fellow Commissioners and I were deeply heartened to see the people of Zimbabwe warmly embracing the Commission and enthusiastically participating in its proceedings. For this we are most grateful.

The people of Zimbabwe demonstrated faith in the Commission's ability to help move the country forward towards a shared and prosperous future, free of violence and intimidation. We trust that we have not disappointed them.

Guided by the terms of reference of the Commission, all applicable laws and regulations, we conducted our work professionally, impartially and to the very best of our abilities. We spared no effort. We held nothing back. We accepted our responsibility as a Commission with abiding fidelity and a profound sense of duty to the people of Zimbabwe.

We saw ourselves as mere enablers of the justice that the people of Zimbabwe themselves wanted to see. Our ultimate reward will be a peaceful and prosperous Zimbabwe.

We trust that the Government and the people of Zimbabwe will find the contents of our report to be useful as they march forward along the journey of building peace, reconciliation, justice and deepening accountability.

On behalf of my fellow Commissioners and myself, I take this opportunity to once more express our deepest heartfelt condolences to the families of the deceased.

A special word of gratitude goes to all the witnesses that came forward and the people of Zimbabwe in general for cooperating with us. Many had to relive their misery of pain and loss in the quest to help the Commission fulfil its purpose, being to establish the truth. Without their cooperation, our work would have been much harder.

We would like to thank the Secretariat under the leadership of Mrs. V. Mabiza the Permanent Secretary of the Ministry of Justice, Legal and Parliamentary Affairs and the media for their contribution to the success of the work of the Commission.

Let the best among the people of Zimbabwe be filled with passionate intensity of patriotism for a brighter future. Let the healing process begin. It does not matter how slowly you go, do not stop.

.....

Kgalema Motlanthe

Chairman of the Commission of Inquiry into the 1st of August 2018 Post-Election Violence in Zimbabwe.

EXECUTIVE SUMMARY

Zimbabwe held its national elections on the 30th of July 2018. The electoral process was generally peaceful until the 1st of August 2018, when many demonstrators took to the streets of Harare demanding the immediate release of the election results. These events, particularly those that occurred within Harare's Central Business District (CBD), resulted in the death of six (6) people, injury of thirty-five (35), and massive damage to properties.

Following these incidents, the President of the Republic of Zimbabwe, His Excellency Emmerson Dambudzo Mnangagwa, appointed a Commission of Inquiry in terms of section 2(1) of the **Commissions of Inquiry Act [Chapter 10:07]** through Proclamation Number 6 of 2018 published in Statutory Instrument 181 of 2018, with specific Terms of Reference contained therein.

Through this promulgation, the President appointed a team of Commissioners comprising of: His Excellency Kgalema Motlanthe (Former President of the Republic of South Africa), who chaired the Commission; Chief Emeka Anyaoku (Former Commonwealth Secretary General, Federal Republic of Nigeria); Rodney Dixon QC (United Kingdom); General Davis Mwamunyange (Former Chief of Tanzania People's Defence Forces); Professor Charity Manyeruke (Political Science, University of Zimbabwe); Professor Lovemore Madhuku (Faculty of Law, University of Zimbabwe); and Mrs. Vimbai Nyemba (Former President of the Law Society of Zimbabwe).

Methodology

The Commission adopted a multipronged methodology for making its inquiries and findings as well as recommendations about the tragic events. The methods included obtaining written affidavits, verbal testimonies at public hearings, conducting inspections *in loco* and examining video footage from credible national and international media sources.

For over two and half months, commencing from September 2018, the Commission visited Mutare, Gweru, Bulawayo and Harare CBD to conduct its inquiry. Hundreds of Zimbabweans participated in the exercise in a free, open and safe atmosphere. From these interactions, the Commission has fulfilled its mandate within the stipulated time.

Findings

The Commission considered evidence from various witnesses across the political divide and the generality of the populace and made several findings. However, these findings were made against the background that police investigations relating to some of the cases cited during the Commission's hearings are yet to be finalised. Nevertheless, the Commission was satisfied that the substantial evidence it had received during its fact-finding mission, was sufficient for it to make key findings under various themes.

The crucial findings are that:

- a. The demonstrations which became riotous and caused extensive damage to property and injury had been incited, pre-planned and well organised by the MDC Alliance;

- b. The particular circumstances prevailing on the day justified the deployment of the Military to assist the Police in containing the riots; and
- c. Six (6) people died and thirty-five (35) were injured as a result of actions by the Military and the Police.

The evidence showed that the Government deployed the Military in accordance with the Constitution and the applicable law. The Commission also considered that whilst the deployment of the Military was lawful, the operational framework in terms of Section 37 (2) of **Public Order and Security Act [Chapter 11:07]** was not fully complied with in that the deployed troops were not placed under the command of the Harare Regulating Authority.

Recommendations

The Commission made several recommendations. Some of the key ones concern:

- a. Payment through a special Committee to be set up by the Government, of compensation for losses and damages caused including in particular, support and school fees for the children of the deceased;
- b. Promotion of political tolerance, and responsible and accountable leadership and citizenry;
- c. Electoral reforms including the development of Information Communication Technology (ICT), to among other things enhance the transparent and expeditious announcement of election results;
- d. The enforcement of law and order in order to ensure that the events of the 1st of August 2018 are not repeated;
- e. Accountability in respect of the alleged perpetrators; and
- f. Nation building and reconciliation including an initiative for multi-party dialogue and cooperation.

Conclusion

The testimonies and submissions that the Commission received indicated that the scope and consequences of the violence that occurred on the 1st of August 2018 were regarded as unprecedented in the history of Zimbabwean elections. The appointment and composition of the Commission of Inquiry, with a majority of international members, confirms President Mnangagwa's determination to ensure a non-repetition of such an unwholesome national experience in future.

From the testimonies of the witnesses who appeared before the Commission, it was noted that there is at present a very worrisome degree of polarisation and bitterness within the body politic of Zimbabwe. In this regard, the Commission commends the continuing statements by the President of the Republic calling for reconciliation, healing and unity among the citizenry. We urge all the people of Zimbabwe to respond positively to the President's appeals and, at the same time, the Government to reinforce these appeals with inclusive policies.

From our wide ranging fact-finding experience in Zimbabwe, we believe that President Mnangagwa is determined to open a new chapter in the policies and activities of the Government of the Republic of Zimbabwe, including the restoration of the country's diplomatic and commercial relations with the international community.

ACRONYMS

| | |
|-----------|---|
| AU | African Union |
| BVR | Biometric Voter Registration |
| CBD | Central Business District |
| CIO | Central Intelligence Organisation |
| COMESA | Common Market for East and Southern Africa |
| EUEOM | European Union Election Observation Mission |
| HICC | Harare International Conference Centre |
| ICT | Information Communication Technology |
| JSC | Judicial Service Commission |
| MDC A | Movement for Democratic Change- Alliance |
| MDC T | Movement for Democratic Change- Tsvangirai |
| MPLC | Multi Party Liaison Committee |
| NERA | National Election Reform Agenda |
| NGO Forum | Zimbabwe Human Rights NGO Forum |
| NPRC | National Peace and Reconciliation Commission |
| OPD | Out Patient Department |
| PCSRO | Parliament's Committee on Standing Rules and Orders |
| POSA | Public Order and Security Act |
| PSMAS | Premier Service Medical Aid Society |
| PSMI | Premier Service Medical Investments |
| SEOM | Southern African Union Election Observer Mission |
| WTPZ | We The People of Zimbabwe |

| | |
|---------|---|
| ZANU PF | Zimbabwe African National Union Patriotic Front |
| ZCTU | Zimbabwe Congress of Trade Union |
| ZEC | Zimbabwe Electoral Commission |
| ZHRC | Zimbabwe Human Rights Commission |
| ZLHR | Zimbabwe Lawyers for Human Rights |
| ZPP | Zimbabwe Peace Project |
| ZRP | Zimbabwe Republic Police |

Table of Contents

| | |
|---|-----|
| FOREWORD BY THE CHAIRMAN | iii |
| EXECUTIVE SUMMARY | v |
| ACRONYMS | ix |
| CHAPTER 1 | 1 |
| 1.0. INTRODUCTION | 1 |
| 1.1. The establishment of the Commission and its terms of reference | 1 |
| 1.2. Methodology | 3 |
| 1.3. Invitations to the public and to national institutions | 4 |
| 1.4. Public hearings | 4 |
| 1.5. Viewing of video footage and photographs | 4 |
| 1.6. Inspections <i>in loco</i> | 5 |
| 1.7. Written Submissions | 5 |
| 1.8. Post mortem reports and x-ray images | 6 |
| 1.9. Ballistics report | 6 |
| 1.10. Public reports | 6 |
| 1.11. Media reports including social media | 6 |
| 1.12. The Commission’s approach to the hearings | 6 |
| 1.13. Scope of participants and their presentations | 7 |
| 1.14. Date of conclusion of the Commission of Inquiry’s work | 8 |
| 1.15. Web page of the proceedings before the Commission | 8 |
| CHAPTER 2 | 9 |
| 2.0. PRINCIPLES APPLIED BY THE COMMISSION IN CONDUCTING ITS PROCEEDINGS | 9 |
| 2.1. Burden and Standard of Proof | 11 |
| CHAPTER 3 | 12 |
| 3.0. THE CIRCUMSTANCES LEADING TO THE EVENTS OF THE 1ST OF AUGUST 2018 AND THE ACTORS IN THE PROTESTS | 12 |
| 3.1. The 2018 Pre-election events | 12 |
| 3.2. Polling day | 15 |
| 3.3. ZEC Announcement of Results | 15 |

| | |
|--|----|
| 3.4. Events of the 1st of August 2018 violence | 16 |
| 3.5. Nature and extent of the violence | 17 |
| 3.6. The Demonstrators | 18 |
| 3.7. Political Parties | 19 |
| 3.8. MDC Alliance Leadership’s response to these allegations | 20 |
| 3.9. Electoral Law- Declaration of Presidential Election Results | 21 |
| CHAPTER 4 | 24 |
| 4.0. INTERVENTION BY THE ZIMBABWE REPUBLIC POLICE AND SUBSEQUENT INVOLVEMENT OF THE MILITARY | 24 |
| 4.1. Intervention by the Police | 24 |
| 4.2. Involvement of the Military | 26 |
| 4.3. The Law on the deployment of the military | 27 |
| CHAPTER 5 | 29 |
| 5.0. THE USE OF FORCE BY THE ARMY AND POLICE, WHETHER IT WAS PROPORTIONATE, AND THE CAUSES OF DEATHS AND INJURIES | 29 |
| 5.1. Introduction | 29 |
| 5.2. The evidence about the deceased | 29 |
| 5.3. The evidence from the Defence Forces | 32 |
| 5.4. The evidence of those injured by gunfire | 35 |
| 5.5. The evidence of those assaulted by the Army | 38 |
| 5.6. Proportionality of Army’s actions | 39 |
| 5.7. Causes of death and injury | 40 |
| CHAPTER 6 | 42 |
| 6.0. KEY FINDINGS IN ACCORDANCE WITH THE TERMS OF REFERENCE | 42 |
| 6.1. The circumstances leading to the 1st of August 2018 post-election | 42 |
| 6.2. The intervention by the Zimbabwe Republic Police in the | 45 |
| 6.3. The circumstances which necessitated the involvement of the | 45 |
| 6.4. Whether the degree of force used was proportionate to the ensuing | 47 |
| 6.5. The extent of damage/injury caused | 47 |
| 6.6. Any other matter which the Commission of Inquiry may deem | 49 |
| CHAPTER 7 | 50 |

| | |
|--|-----|
| 7.0. RECOMMENDATIONS | 50 |
| 7.1. Compensation | 50 |
| 7.2. Political Parties | 50 |
| 7.3. Electoral Reforms | 51 |
| 7.4. Enforcement of Law and Order | 52 |
| 7.5. Nation Building and Reconciliation | 53 |
| 7.6. Accountability | 54 |
| CHAPTER 8 | 55 |
| 8.0. CONCLUSION | 55 |
| Annexure 1 | 57 |
| Annexure 2 | 66 |
| Annexure 3 | 69 |
| Annexure 4 | 71 |
| Annexure 5 | 72 |
| Annexure 6 | 88 |
| Annexure 7 | 93 |
| Annexure 8 | 101 |
| Annexure 9 | 106 |
| Annexure 10 | 108 |

CHAPTER 1

1.0. INTRODUCTION

1.1. The establishment of the Commission and its terms of reference

Zimbabwe held its national elections on the 30th of July 2018. The elections were harmonised to include the Local Authorities, Parliamentary and Presidential elections. The entire electoral process up to the 31st of July 2018, was generally considered peaceful by all stakeholders, including the election observers.

On the 1st of August 2018, two days after the official closing of the voting stations, groups of people assembled at various points in the Harare Central Business District (CBD) to demand the immediate release of the election results. The number of demonstrators increased and the situation degenerated from peaceful to violent protests. The police failed to contain the situation and sought the assistance of the military. By the end of the 1st of August 2018, six (6) people had been tragically killed, several others injured, and extensive damage and destruction of property had been caused.

On the 12th of September 2018, following these events, the President of the Republic of Zimbabwe, His Excellency Emmerson Dambudzo Mnangagwa, appointed a Commission of Inquiry in terms of section 2(1) of the **Commissions of Inquiry Act [Chapter 10:07]** through Proclamation 6 of 2018 published in Statutory Instrument 181 of 2018, to investigate matters of public welfare arising

out of the tragic incidents in Harare on the 1st of August 2018, with the following Terms of Reference:

- a. To inquire into the circumstances leading to the 1st of August, 2018 post-election violence;
- b. To identify the actors and their leaders, their motive and strategies employed in the protests;
- c. To inquire into the intervention by the Zimbabwe Republic Police in the maintenance of law and order;
- d. To investigate the circumstances which necessitated the involvement of the military in assisting in the maintenance of law and order;
- e. To consider whether the degree of force used was proportionate to the ensuing threat to public safety, law and order;
- f. To ascertain extent of damage/injury caused thereof;
- g. To investigate into any other matter which the Commission of Inquiry may deem appropriate and relevant to the inquiry;
- h. To make suitable recommendations; and
- i. To report to the President in writing, the result of the inquiry within a period of three months from the date of swearing in of the Commissioners.

Following the promulgation by the President of the Republic of Zimbabwe, His Excellency E.D. Mnangagwa, of Proclamation 6 of 2018¹, the President swore in a seven-member Commission of Inquiry in terms Section 2 of the Commissions of Inquiry Act [Chapter 10:07], on the 19th of September 2018.

The Commission of Inquiry comprised the following members:

- a. His Excellency Kgalema Motlanthe, Former President of the Republic of South Africa;
- b. Rodney Dixon QC, United Kingdom;

¹ Statutory Instrument 181 of 2018.

- c. Chief Emeka Anyaoku, Former Commonwealth Secretary General, Federal Republic of Nigeria;
- d. General Davis Mwamunyange, Former Chief of the Tanzania People's Defence Forces;
- e. Professor Charity Manyeruke, Political Science, University of Zimbabwe;
- f. Professor Lovemore Madhuku, Faculty of Law, University of Zimbabwe; and
- g. Mrs. Vimbai Nyemba, Former President of the Law Society of Zimbabwe.

Following the swearing in, the Commission immediately commenced its work with its inaugural meeting held on the same day.

1.2. Methodology

The Commission's methodology for gathering information and evidence consisted of the following components:

- a. Sending invitations to the public and to national institutions to provide information and attend public hearings;
- b. Holding public hearings;
- c. Viewing video footage and photographs;
- d. Conducting inspections *in loco*;
- e. Receiving written submissions;
- f. Examining post mortem reports and x-rays;
- g. Assessing the ballistics report;
- h. Considering public reports; and
- i. Reviewing media reports including social media.

1.3. Invitations to the public and to national institutions

In order to get as many views as possible, the Commission started with placing advertisements in both print and electronic media inviting all persons with information that could assist the Commission in its work (See Annexure 1). The Commission also wrote to several organisations, institutions and political parties inviting them to participate in the hearings and submit any relevant information in their possession (See Annexure 2). The request for information *inter alia*, specified the need to provide either written or oral submissions or both and further gave notice of the dates and venues where the Commission would be conducting its hearings.

1.4. Public hearings

Public hearings were conducted at the Cresta Lodge in Harare, the Rainbow Hotel in Bulawayo, the Suburban Village Lodge in Gweru and the Golden Peacock Hotel in Mutare. Most of the hearings were conducted in Harare where the 1st of August 2018 post-election violence took place. The Commission deliberately chose to sit in the other centres so as to get views from far and wide and also to accommodate those that may have been in Harare on the day in question and had either witnessed or participated in the demonstrations. The choice of towns where the hearings were held was guided by the judicial divisions of the country.

1.5. Viewing of video footage and photographs

The Commission received and viewed video footage and photographic evidence concerning the events of the 1st of August 2018 from various sources. The Commission also received and viewed video footage of events leading up to the elections.

1.6. Inspections *in loco*

The Commission conducted inspections *in loco* in Harare including the under listed places:

- a. ZANU PF Provincial Headquarters;
- b. Herald House;
- c. TV Sales and Home;
- d. Bakers Inn;
- e. Edgars First Street;
- f. Ximex Mall;
- g. Corner Inez Terrace and Kenneth Kaunda Avenue;
- h. VJ Wholesalers (Rezende Street/Charter Street);
- i. Hub Saleview Investments;
- j. Unique Fashions and Medex Press Pharmacy (Harare Street/Albion);
- k. ZANU PF National Headquarters;
- l. HICC (National Elections Command Centre);
- m. ZEC Head Offices;
- n. Zimbabwe Congress of Trade Unions offices at Gorlon House; and
- o. Harvest House, the MDC Alliance Headquarters.

These places were all referenced by different witnesses as locations where incidents relevant to the inquiry had occurred.

1.7. Written Submissions

The Commission received written submissions from individuals and organisations. Most written statements from individuals were in the form of affidavit (See Annexure 3). Several organisations responded to the Commission's request and submitted their written submissions (See Annexure 4).

1.8. Post mortem reports and x-ray images

The Commission received post mortem reports of the six (6) deceased persons. The Commission also received x-ray images and medical reports in respect of some injured persons.

1.9. Ballistics report

The Commission received and considered a report from the Police Ballistics expert (See Annexure 5).

1.10. Public reports

The Commission considered thirteen (13) observer mission election reports. The Commission also considered a range of documents relevant to its work.

1.11. Media reports including social media

The Commission considered media reports as well as articles from social media to advance its work.

1.12. The Commission's approach to the hearings

The Commission adopted a very flexible and open approach to receiving evidence. The Commission Chairman consistently invited members of the public to take the

witness stand and give evidence in addition to the scheduled witnesses. No evidence was heard in camera. The Commission regarded the media as a partner in informing the public of its work and all hearings were broadcast to the public.

The Commission did not permit the cross examination of witnesses. However, the Commissioners asked witnesses clarity-seeking questions. The key principle followed was that all witnesses could give their evidence with the full knowledge that such evidence could not be used against them in any legal proceedings.

1.13. Scope of participants and their presentations

The Commission heard oral evidence from one hundred and four (104) witnesses and considered sixty (60) written submissions (See Annexure 6). Among the witnesses were relatives of the deceased, government officials, leaders of political parties, the Army, the Police, and representatives of Civil Society Organisations.

The witnesses fell into the following categories:

- a. Those who were affected directly by the violence, including the ones who were injured and those who lost property;
- b. Relatives and friends of the deceased;
- c. Those who were not directly affected but gave an eyewitness account of what transpired;
- d. Those who did not witness the violence but gave evidence as concerned Zimbabweans;
- e. Those who came representing their institutions;
- f. Expert witnesses;
- g. The Police and the Army;
- h. Government officials; and
- i. Those who were invited by the Commission

1.14. Date of conclusion of the Commission of Inquiry's work

The Commission concluded its public hearings on the 27th of November, 2018.

1.15. Web page of the proceedings before the Commission

The full written transcript and video recordings of the proceedings before the Commission will be made available to the public on a web page (www.postelectionviolencecommission.gov.zw). References to evidence heard before the Commission that are made in this report can be found in the transcript and video recordings of the proceedings.

CHAPTER 2

2.0. PRINCIPLES APPLIED BY THE COMMISSION IN CONDUCTING ITS PROCEEDINGS

The Commission was guided in its work by the foundational principles applicable to independent commissions of inquiry. As has been explained by a leading constitutional expert:

*"Independent commissions of inquiry can be understood as a mechanism of the executive branch of government established on an ad hoc basis to inquire into and report on issues of public concern."*²

It follows that Commissions of Inquiry are initiated by an executive order issued pursuant to statutory authority. Of importance to note is the fact that in principle, the power to establish commissions of inquiry is limited to the subject matters that fall within the constitutional jurisdiction of the government that wishes to establish it.

As is the practice, a Commission of Inquiry has the duty to make full, faithful and impartial inquiry into the matters specified in the law that established the Commission.

As explained in a leading international case:

²Francis Reginald Scott: An analysis of the forms and functions of Independent Commissions of Inquiry (Royal Commission) in Canada

"A court of law is bound by rules of evidence and the pleadings, but a Commission is not. It may inform itself of facts in any way it pleases - by hearsay evidence and from newspaper reports or even through submissions or representations on submissions without sworn evidence."³

The **Commissions of Inquiry Act [Chapter 10:07]** governs the conduct of this inquiry. Section 7 of the Act provides as follows:

"It shall be the duty of the commissioners after taking the oath referred to in section five—

(a) to make a full, faithful and impartial inquiry into the matters specified in the proclamation; and

(b) to conduct the inquiry in accordance with the directions, if any, in the proclamation; and

(c) in due course, to report to the President in writing the result of their inquiry; and

(d) when required to do so, to furnish to the President a full statement of the proceedings of the commission and of the reasons leading to the conclusions arrived at or reported".

In order to discharge its duty of impartially establishing facts sufficient to reach conclusions about what happened as per the Terms of Reference, the Commission adopted an *inquisitorial* approach. The inquisitorial role of commissions of inquiry has been highlighted as follows:

"A Commission is itself responsible for the collection of evidence, for taking statements from witnesses and for testing the accuracy of

³ S v Sparks and Others 1980(3) SA 952 (T)

such evidence by inquisitorial examination – inquisitorial in the Canonical, not the Spanish sense.”⁴

2.1. Burden and Standard of Proof

It is well established that this Commission was by and large a fact-finding body, and not a court of law. The evidence considered fell into various categories including oral evidence, written statements, affidavits and expert reports. Witnesses were required to take an oath. As is common with inquisitorial proceedings, there was no strict burden of proof on any party. Rather it was the Commissioners’ responsibility to arrive at reasonably justifiable conclusions on the facts placed before them and the standard of proof that was applied was generally on a balance of probabilities.

For the Commission to formulate its findings on the probabilities of facts, it needed to evaluate all of the facts. Through this process, had to discern which evidence was true or false on a balance of probabilities.

⁴ UG-36-39: Report of the Commission of Inquiry into riots in Durban

CHAPTER 3

3.0. THE CIRCUMSTANCES LEADING TO THE EVENTS OF THE 1ST OF AUGUST 2018 AND THE ACTORS IN THE PROTESTS

3.1. The 2018 Pre-election events

In order to gain a clear understanding of the events of the 1st of August 2018, the Commission analysed the circumstances that took place before the elections, on the polling day and immediately after the Election Day. According to the evidence presented to the Commission by various witnesses, the pre-election period was peaceful. Political parties peacefully campaigned through rallies and other activities. However, on the basis of evidence heard, while peace prevailed during the pre-election period, certain utterances by leaders of the MDC Alliance, as shown below, were of concern to the Commission.

Though there were several parties contesting in the elections, it was clear that ZANU PF and MDC Alliance were the main contesting parties. The main challengers to the presidency were incumbent President ED Mnangagwa of ZANU PF and Advocate Nelson Chamisa, the leader of the MDC Alliance.

The political parties had distinct messages in the rallies that they conducted.

For the purposes of the Commission's inquiry, the relevant key features of the MDC Alliance leaders' messages during the election campaign, are summed up in the following:

- a. Addressing people during a rally which was held at Jerera Growth Point in Zaka, Masvingo, on the 14th of April 2018, Mr. Nelson Chamisa is quoted saying that they would “bring into the streets guys from Mbare Musika who were ready for violence”. [Mbare Musika is a bus terminus and vegetable market]. He further stated that he was “ready to take power either through votes or by any other means”⁵.
- b. Speaking at a campaign rally at Chemhanza grounds in Mabvuku-Tafara on the 26th of June 2018, Mr. Tendai Biti (the National Vice Chairman of the MDC Alliance) said that “the Alliance would not accept election results if ZANU (PF) was the winner”⁶. During an Interview with First TV on the 13th of July 2018 Mr. Biti was quoted saying “If they cheat us they will have to kill us on the streets.”

There was indeed overwhelming video evidence as well as evidence from Institutions which presented submissions to the Commission that show that MDC Alliance leadership made inflammatory statements in its campaign rallies and also at several press conferences, inciting violence⁷.

The Commission also viewed video footage where the ZANU PF leadership were calling for peaceful elections⁸ and unity across political divisions as shown below:

- a. The incumbent President in his campaign rallies preached peace, non-violence and the need for free and fair elections. On the 19th of May 2018 in Masvingo he said, “We want our election to be free of violence, I plead

⁵ See video on www.postelectionviolencecommission.gov.zw

⁶ See video on www.postelectionviolencecommission.gov.zw

⁷ See also other MDC rallies: 8 July 2018, Rudhaka Stadium, Marondera; 19 July 2018, Nyamhunga Stadium in Kariba; 19 July 2018 Chikangwe Stadium, Karoi; 22 July 2018, Mkoba Stadium in Gweru, 24 July 2018, Vengere Stadium in Rusape; 28 July 2018 Robert Mugabe Square Harare; 14 July 2018, Sakubva Stadium in Mutare, 31 July 2018 Press Conferences and 1 August 2018 Tweet by Nelson Chamisa and other videos on www.postelectionviolencecommission.gov.zw

⁸ See also other ZANU PF rallies: 13 July 2018, Lupane; 21 July 2018 in Mutare; 23 June 2018, White City Stadium in Bulawayo and other videos on www.postelectionviolencecommission.gov.zw

with you, it's more important, its more powerful for us to be peaceful, it means we are mature...We should not be distracted by small little politicians around the country who go about preaching hate speech. You must allow your brother, your sister to differ with you but never be violent because your sister or your brother has differed from you."

- b. On the 20th of February 2018, Vice President Constantino Guvheya Nyikadzino Chiwenga speaking in Insiza Matabeleland South stated that "we are clearly saying no fighting or violence as the road map to harmonised elections begins, our elections should be free, fair and credible. The electorate should be given the opportunity to vote for the candidates of their choice be it councillor, MP, or even the President. No to violence I repeat".
- c. Similarly, the Vice President Kembo Mohadi, addressing a symposium on peace organised by the University of Zimbabwe and the Election Resource Centre in Harare on the 18th of May 2018 stated that "the new dispensation has ushered in political freedom of association and assembly so that candidates and parties can campaign without hindrance. Regrettably, it is at the campaigns that inciting messages and hate speech can be relayed and trigger violent acts, which destabilise our communities. Such should be avoided".

However, evidence was also adduced by a witness during the hearings to the effect that Senator Josiah Hungwe of ZANU PF, at a rally in Masvingo in May 2018, made a statement implying that the soldiers would shoot for President Mnangagwa to stay in power. It was documented that the Senator refuted that statement. Also, Terrence Mukupe, a former ZANU PF Member of Parliament for Harare East, was reported to have said at a gathering in Goromonzi, that ZANU PF would engage

the Army to retain power. It was documented that he was immediately reprimanded by the Government and his party.

3.2. Polling day

Polling day passed on peacefully. There was a total of ten thousand nine hundred and eighty five (10985) polling centres throughout the country. According to the records availed by ZEC to the Commission, a total of four million seven hundred and seventy five thousand six hundred and forty (4 775 640) voters cast their ballots, representing a voter turnout of seventy five percent (75%). Reports from the Southern African Development Community (SADC), the African Union (AU), the European Union (EU), as well as local and other foreign Observer Missions, hailed the huge voter turnout and the peaceful conduct of the elections. They also observed that all polling stations opened at 0700hrs and closed at 1900hrs, as stipulated in the **Electoral Act [Chapter 2:13]**.

The voting, vote counting, tallying and tabulation were done at the polling stations in the presence of Election Agents of contesting parties and candidates, ZEC officials and observers. The results on the V11 forms were displayed outside the polling centres. The election results beginning with parliamentary constituencies started to be announced as early as the 31st of July 2018.

3.3. ZEC Announcement of Results

According to the evidence presented before the Commission, ZEC started announcing the election results by the 31st of July 2018. By the time the protests began, ZEC had announced results for seven constituencies.

The Commission noted that it was at this time that MDC Alliance leaders said that according to their record, Mr. Chamisa had won the elections, that their votes were being stolen and that their supporters would take protest action.

Mr. Chamisa also tweeted on the 31st of July 2018, the following;

“ZEC seeks to delay the release of the results to buy time and reverse the people’s presidential election victory. The strategy is meant to prepare Zimbabwe mentally to accept fake presidential results. We have more votes than E.D. We won the popular vote and will defend it”.

3.4. Events of the 1st of August 2018 violence

The following morning, according to the evidence presented to the Commission, MDC Alliance supporters began to congregate at their Party Headquarters by approximately 10:00hours. Their numbers grew steadily throughout the morning. It was from there that the protestors proceeded by early afternoon to the buildings and areas where members of these groups inflicted substantial damage as outlined below.

The Commission heard the evidence, from various sources, which were all consistent with these actions having been pre-planned and well organised, including the following:

- a. Rioters brought with them an assortment of the objects they used in their actions including logs, iron bars and containers of stones;
- b. The rioters also had pre-printed placards some of them saying “Chamisa chete chete” meaning “Chamisa only”;
- c. Witnesses testified that they saw alcohol being dispensed to rioters, as confirmed in video footage viewed by the Commission;

- d. There is evidence of people being transported from places outside Harare such as Epworth, Mberengwa, Headlands and Kwekwe to join the protestors;
- e. There was evidence that Mr. Tendai Biti was seen in the company of Mr. Jim Kunaka at Speke Avenue and Fourth Street addressing the demonstrators⁹. Both Mr. Biti and Mr. Kunaka denied this allegation before the Commission; and
- f. The pattern of the movement of the demonstrators by dispersing and regrouping at different locations.

3.5. Nature and extent of the violence

The Commission was presented with evidence of demonstrators engaging in the following acts:

- a. Tearing down billboards bearing the portrait of President ED Mnangagwa;
- b. Attacking the ZANU PF Provincial Headquarters and several buildings with stones;
- c. Pelting the Police with stones at the HICC;
- d. Barricading roads with various objects, burning tyres and rubbish, and uprooting concrete bins as well as traffic signs and lights;
- e. Looting of property and shops;
- f. Hitting moving vehicles with stones, logs and iron bars;
- g. Damaging and setting vehicles alight; and
- h. Forcing passers-by to join them.

The Commission heard evidence that at least six (6) people, indicated in the Table below; were injured as a result of actions by the rioters:

⁹ Evidence of James Saidi and Stellan Matsengarwodzi

Table 1: List of people injured by rioters

| | |
|-----------------------|---|
| Roy Jani | Hit by a missile in the head |
| Stella Matsengarwodzi | General body pains due to being pelted by stones, and eye problems from shattered glasses |
| Sheila Mutsenhu | Hit in the eye by a missile |
| Marshal Mabgwe | Injured when pushed to the ground in the stampede |
| Precious Chingwe | Injured when car she was in was hit with an iron bar |
| Julius Mashonganyika | Hit by a stone on the shoulder |

3.6. The Demonstrators

The Commission heard evidence from several witnesses who indicated that the demonstrators were mostly young men and women. As noted above, some of the people who participated in the riots were seen consuming intoxicating substances such as alcohol and broncleer during the demonstrations.

Some of the protestors were wearing red T-shirts, singing and chanting MDC Alliance slogans and complaining about stolen votes. They were denouncing ZANU PF and its Presidential candidate.

Video footage on the day in question, from various sources show large groups of youths moving in the streets of Harare singing and claiming that their votes had been stolen. They were also denouncing ZEC. The evidence showed that a general

thrust of the demonstrators' demands was that they wanted a young leader, Mr. Nelson Chamisa.

The evidence presented to the Commission shows that the demonstrators were supporters of the MDC Alliance. Many of them were wearing MDC Alliance colours. The placards and slogans repeated words that were previously uttered at MDC Alliance campaign rallies.

In terms of section 58 of the Constitution of the Republic of Zimbabwe, everyone has the right to freedom of assembly and association, and the right not to assemble or associate with others. Section 59 of the Constitution also provides the right for everyone to demonstrate and present petitions peacefully. In so exercising these rights, regard must be taken not to infringe the enjoyment of rights by other people as guaranteed in the Bill of Rights hence the general limitation clause under section 86 of the Constitution.

As noted above, the Commission heard evidence that in violation of these rights, the protestors destroyed and damaged property; they forced people to join them and others were forced to close their businesses. The protestors also threw stones at buildings, people, the Police and the Army.

3.7. Political Parties

The Electoral Act imposes various responsibilities and obligations on every political Party which is contesting an election. Section 133G of the Electoral Act provides for the responsibilities of political parties and candidates. By virtue of that section, every office-bearer of a political party that is contesting an election, and every candidate or agent shall take all appropriate measures to prevent politically-motivated violence. Political parties can be held liable for the indiscipline of their members before, during and after the election period.

The political parties are bound by the Fourth Schedule to the Electoral Act, which provides for the Electoral Code of Conduct for Political Parties and Candidates, hereinafter referred to as the Code. The purpose of the Code is to promote conditions that are conducive to free and fair elections and a climate of tolerance in which electioneering activity may take place without fear or coercion, intimidation and reprisals. In terms of the general principles of the Code, all political parties and their members and supporters must promote conditions conducive for free, fair and democratic elections. The Code prohibits politically motivated violence and intimidation and no political party or its members and supporters may use violence, or threaten or incite or encourage violence.

In light of these provisions, the actions of MDC Alliance as set out above, contravened the terms of the Code.

3.8. MDC Alliance Leadership's response to these allegations

Having heard extensive evidence on the MDC Alliance's role in the 1st of August 2018 protests, the Commission considered it fair and just to hear from the MDC Alliance leadership. It therefore specifically invited MDC Alliance leader Mr. Nelson Chamisa and another senior official Mr. Tendai Biti to give evidence.

In his submissions to the Commission, Mr. Chamisa categorically denied that the MDC Alliance played any role in the 1st of August 2018 protests. He said that the MDC Alliance leadership never gave any instructions for the demonstrations to take place on the 1st of August 2018, adding that his Party could not have organised protests because it believed it had already won the presidency and had no cause to engage in protest action.

On the allegation of inciting violence, Mr. Chamisa's position was that none of his political statements during the campaign rallies amounted to incitement. He suggested that the protests were organised by ZANU PF.

Mr. Tendai Biti's evidence was to the same effect: that the MDC Alliance and its supporters had always been the victims of political violence at the hands of the State. He outlined to the Commission a long history of political violence in Zimbabwe.

In respect of the events that took place on the 1st of August 2018, the Commission has based its findings on all of this evidence and all other evidence heard.

3.9. Electoral Law- Declaration of Presidential Election Results

As the protests appeared to have been centred on an alleged delay in the announcement of the Presidential results, the Commission therefore considered the electoral law in this regard and noted as follows:

- a. The law does not provide for electronic transmission of results from polling stations to the National Command Centre;
- b. Counting of votes takes place at the polling station. In terms of the Electoral Act, counting takes place "immediately after the close of the poll". Polling takes place between 0700hrs and 1900hrs;
- c. There are three elections: Presidential, Parliamentary and Local Authority;
- d. Each polling station has three results: Presidential, Parliamentary and Local Authority;
- e. Each result is recorded, announced and displayed at the polling station;

- f. Polling agents of candidates are afforded an opportunity to subscribe their signatures thereto before the announcement and display of the results;
- g. The Polling station return with all three results including the signatures of officials and polling agents is on a Form called V.11;
- h. Each candidate's agent is given a copy of the V.11;
- i. The Electoral Act specifically requires the result of each election to be displayed "outside of the polling station so that it is visible to the public and shall remain there so that all members of the public who wish to do so may inspect it and record its contents¹⁰; and
- j. In practice, the above process at every polling station is completed within twenty-four hours. This is so because there is a maximum number of voters per polling station [1000 or less].

It appears to the Commission that Presidential results could be available within twenty-four hours of the close of polls. What seems to be a weakness of the electoral law is that a result that can be available within twenty-four hours of the close of the poll, may take up to five (5) days to be declared.

There is no other counting outside a polling station. While counting is completed within twenty-four hours the movement of papers and figures from a polling station through various stations up to the National Command Centre can take up to four (4) days. During this period, political players preaching 'theft of elections' may gain momentum and mislead people because most voters neither know nor appreciate the process after the polling station. From a polling station, the Commission noted that Presidential results pass through the following:

- a. Ward centre;
- b. Constituency centre;

¹⁰ See section 64(1)(e) of the Electoral Act.

- c. Provincial command centre; and
- d. National Command Centre.

At each of (a)-(c) centres, a new form is completed, signed for and displayed. It also appears that the Forms must be delivered physically before a final result at the next centre is announced.

Electronic transmission of results in the Electoral Law (which several countries now provide for in their laws) may simplify the process of transmission of results and allow a presidential result to be declared directly from certified and verified polling station returns. As the whole country is a single constituency for the President, a ward or constituency or provincial aggregate of votes for the President should not delay the Presidential result as a candidate need not obtain a minimum number of votes in a given number of wards or constituencies to win.

The Commission took all of this information into account in making its recommendations on electoral reforms.

CHAPTER 4

4.0. INTERVENTION BY THE ZIMBABWE REPUBLIC POLICE AND SUBSEQUENT INVOLVEMENT OF THE MILITARY

4.1. Intervention by the Police

The Commission heard the following evidence from the Police:

- a. The pre-election period was peaceful but the utterances by MDC Alliance leaders at various campaign rallies and press statements to the effect that they would not accept any election result which was not in their favour made the likelihood of post-election violence possible.
- b. The Police had gathered intelligence that supporters of the MDC Alliance took the utterances by their leaders seriously and intended to demonstrate in the event that their presidential candidate lost the elections. The Police therefore made arrangements for police personnel to be available in the event of protests breaking out in Harare.
- c. Election duties, however, required most police officers to be deployed at various polling stations throughout the country. The Police therefore had a depleted force in Harare. It is this depleted force that ended up being deployed to maintain public order in Harare.
- d. At or about 0900 hours, on the 1st August 2018, the Officer Commanding Harare District, Chief Superintendent Albert Ncube deployed 167 Police officers at perceived 'hot spots'. These included HICC (ZEC national elections command centre), Harvest House (MDC Alliance Headquarters),

Market Square, Fourth Street Rank (Simon Muzenda), Coppa Cabanna and ZEC Headquarters at corner Jason Moyo Avenue and Harare Street.

- e. The Police officers deployed on that day were not armed and were under the command of constables. It was only at ZEC headquarters where the team there was armed with button sticks and tear smoke and was under the command of an Assistant Inspector.
- f. The one hundred and sixty seven (167) deployed Police officers included the team from the Zimbabwe Republic Police Support Unit.
- g. The orders given to the Police officers were to disperse any gatherings using button sticks, tear smoke and water cannons as the gatherings had not been sanctioned in terms of Public Order and Security Act (POSA).
- h. The Police did not immediately disperse the demonstrators who were gathering at different spots in the CBD as they were initially peaceful.
- i. As the day progressed, the crowds kept swelling and at one time the police estimated them to be about four thousand (4000) people.
- j. At about midday, the Police observed that the demonstrators who had split into different groups had become violent and were now armed with various weapons including stones, planks and metal rods.
- k. The Police efforts to disperse the demonstrators using tear smoke did not succeed as the demonstrators would retreat and return with more determination.
- l. The demonstrators not only intensified their violence against the Police but also continued and were ordering businesses to close, pulling down market stalls, barricading roads and uprooting traffic signs and lights.
- m. Even the use of water cannons and firing of twenty five (25) rounds in the air at ZANU PF Provincial Headquarters failed to disperse the demonstrators.

The Police officers on the ground were overwhelmed and could not handle the situation.

- n. It had become clear to the Police by about 1300 hours that they would not be able to contain the deteriorating public order situation.
- o. The Officer Commanding Harare District then wrote to his superiors requesting the assistance of the Army.
- p. As a result, the Commissioner General of Police invoked section 37 (1) of POSA and requested the Minister of Home Affairs to ask the Vice- President and Minister of Defence to seek the authorisation of the President in terms of section 213 of the Constitution for the deployment of the army to assist the police in the maintenance of law and order.

The Minister of Home Affairs at the time, Dr. Obert Mpofu, told the Commission that the deployment of the military was duly authorised in terms of section 213 of the Constitution. The full record of these procedures as followed on the 1st of August 2018 was provided to the Commission by the Government, and is annexed to this report as Annexure 7.

4.2. Involvement of the Military

The details of the evidence from the Military pertaining to the scope of its operations are set out in the next chapter. In this section and as set out above, the Commission has dealt with the evidence relating to the manner in which the military was deployed.

The Commander of the Defence Forces, General Philip Valerio Sibanda testified before the Commission that he had been advised by the Vice President and Minister of Defence, General Chiwenga, that His Excellency, President ED Mnangagwa had

authorised the deployment of the military in terms of the Constitution. It was on that basis that he gave orders for the deployment of the military to assist the Police. He produced to the Commission copies of the letters to confirm the above. The letters are attached to this report as noted in Annexure 7.

4.3. The Law on the deployment of the military

The Commission noted the legal framework on deployment of the Military to assist the Police to be as follows:

- a. Section 213(2) (b) of the Constitution of Zimbabwe provides as follows:
“With the authority of the President, the Defence Forces may be deployed in Zimbabwe... in support of the Police Service in the maintenance of public order”.

This provision is clear: only the President may authorise the deployment of the Defence Forces in Zimbabwe;

- b. In terms of section 37(1) of the Public Order and Security Act (POSA), the police can request for assistance of the Defence forces in the maintenance of Public Order. Section 37 of POSA reads as follows:

“(1) If, upon request made by the Commissioner of Police, the Minister is satisfied that any regulating authority requires the assistance of the Defence Forces for the purpose of suppressing any civil commotion or disturbance in any police district, he may request the Minister responsible for the defence to authorise the Defence Forces to assist the Police in the exercise of their functions under the Act in the police district concerned.

- (2) *Where authority is given under subsection (1) for the Defence Forces to assist the police*
- (a) *Every member of the Defence Forces who has been detailed to assist the police in any police district in the exercise of their functions under this Act shall be under the command of the regulating authority concerned.*
- (b) *A member of the Defence Forces who is assisting a Police officer in the exercise of his functions under this Act shall have the same powers, functions and authority, and be subject to the same responsibilities, discipline and penalties, as a member of the Police Force, and liable in respect of acts done or omitted to be done to the same extent as he would have been liable in the same circumstances if he were a member of the Police Force, and shall have the benefit of any indemnity to which a member of the Police Force would, in the same circumstances be entitled.”*

The Commission also heard from the Attorney General, Advocate Prince Machaya who confirmed that POSA must be read in conformity with the Constitution. He explained that it is the obligation of the Defence Minister under POSA, read with the Constitution to seek the consent of the President for the deployment in terms of section 213 of the Constitution. The Attorney General also confirmed that POSA regulates the conduct of the deployed members of the Defence Forces, and that the actions of the members of the armed forces can be investigated by the Police.

The Commission took all of this evidence above and all other evidence received into account in making its findings and recommendations in respect of the deployment of the Military.

CHAPTER 5

5.0. THE USE OF FORCE BY THE ARMY AND POLICE, WHETHER IT WAS PROPORTIONATE, AND THE CAUSES OF DEATHS AND INJURIES

5.1. Introduction

The Commission heard evidence from the Army and the Police about the use of force in response to the demonstrations. The Commission also received evidence from the families of the deceased, several witnesses to the events, and from persons who were shot and wounded. The Commission examined the post mortem reports of the deceased and medical reports of some of the injured persons. Expert evidence from doctors and a ballistics officer was heard. The Commission also inquired from the Police about the progress of their investigations into the deaths and injuries. The Commission arrived at its conclusions on the basis of all this evidence and the known circumstances.

5.2. The evidence about the deceased

The Commission heard from family members and friends of each of the deceased. Their evidence was the following:

- a. **Gavin Dean Charles** aged 45, National Identity Registration Number 08-547090-P-00 of Number 7 St. Kitts, Arcadia, Harare. His body was discovered at corner George Silunduka and Simon Muzenda Street. An autopsy was done at Parirenyatwa Hospital which revealed that death was due to hypovolemic shock following gunshot injuries.

The deceased's sister Elizabeth Glinette Rubeinstein gave evidence about the circumstances of his death. She testified that she was the elder sister to Gavin in a family of four (4). He was single and is survived by a 13 year old daughter.

- b. **Silvia Maphosa** aged 53, National Identity Registration Number 63-636165-P-50 of 619 Southway Prospect, Waterfalls, employed by the Zimbabwe National Water Authority (ZINWA), Harare. Her body was discovered at the corner of Inez Terrace and Kenneth Kaunda Avenue. The body was ferried to Parirenyatwa Hospital Mortuary by the police. An autopsy revealed that death was due to hypovolemic shock following gunshot injuries. She is survived by her husband and adult children.

Evidence from the family of the deceased was given by her young sister, Mrs. Marian Chidamba and her husband Mr. Thokozani Robert Maphosa. The witnesses indicated that the deceased was not a political activist but a Christian who was caught in the cross fire on her way home from work.

- c. **Ishmael Kumire** aged 41, National Identity Registration Number 63-932426-G-28 of number 3 Courtney Street, Ballantyne Park Borrowdale. He was shot at corner Jason Moyo Street and Cameron Street. His brother-in-law Mr. Ignatius Neshava took him to Parirenyatwa Hospital where it was pronounced that he had died. An autopsy revealed that death was due to hypovolemic shock following gunshot injuries.

Ishmael Kumire's family was represented by Mr. Ignatious Neshava, his brother in-law who indicated that he was in the company of the deceased when tragedy struck. It was his evidence that the deceased was not

participating in the riot but was guarding his fruit stall from the rioters. He is survived by his wife and four minor children.

- d. **Jealous Chikandira** aged 21, National Identity Registration Number 85-067548-A-85 residing at 610 Muzinda New Stands, Hatcliffe. He passed away at the Avenues Clinic and his body was transferred to Parirenyatwa Hospital Mortuary, where an autopsy revealed that his death was due to hypovolemic shock following gunshot injuries. The deceased's family was represented by Mr. Simbarashe Chikandira who indicated that he was an uncle to the deceased who according to him was a driver and was off duty on the day in question. He also indicated that the deceased was single with no children.
- e. **Brian Zhuwawo** aged 26, National Identity Registration Number 63-233737-D-63 of 1675 Overspill, Epworth, Harare. The deceased's body was taken by unknown persons to Parirenyatwa Hospital Mortuary. An autopsy revealed that death was due to hypovolemic shock following gunshot injuries.

Mr. Tineyi Zhuwawo represented the deceased's family. It was his evidence that he had parted with his brother in the morning of that day and when his brother did not return home that evening he got worried and went to the Police to find out what had happened to the deceased. He later found the deceased's body at Parirenyatwa hospital. He indicated that the deceased was married and had one minor child who was not yet school going. He appealed for support for the surviving spouse and the minor child.

- f. **Challenge Tauro** aged 20, National Identity Registration Number 05-140084-X-05 of Chitamba Farm, Mazowe. He was taken to Harare Central

Hospital on the 1st of August 2018 by unknown persons. Harare Central Hospital staff transferred him to Parirenyatwa Hospital on the same day, where he later died on the 2nd of August 2018. An autopsy revealed that death was due to hypovolemic shock following gunshot injuries.

The family was represented by the deceased's father, Mr. Maxwell Tauro, who indicated that the deceased was self-employed at Gulf Complex and was single but the family was relying on him as the breadwinner for support.

The pathologist Dr. Maxwell Hove testified that post mortems were conducted on four (4) bodies on the 2nd of August 2018 and on an additional two (2) on the 3rd of August 2018 at Parirenyatwa Hospital. He confirmed that the deceased had died as a result of high velocity projectiles. Of the six (6) victims, four (4) were shot from the back and two in the front.

In respect of two (2) of the bodies, the Commission heard evidence that families of the deceased had raised concerns about the causes of death that were first recorded as being from stab wounds. After they challenged these findings, the reports were changed to record that the cause of death was from gunshots.

As noted above, the body of the deceased, Brian Zhuwawo was left at Parirenyatwa Hospital by unknown persons driving a white van. No details about the identities of these persons or of the van were recorded by the Police at the Hospital. This is a matter that should be further investigated by the Police.

5.3. The evidence from the Defence Forces

According to the evidence of Brigadier General Anselem Nhamo Sanyatwe, the Tactical Commander of the National Reaction Force (NRF), following the request

and authority to deploy, he deployed sixty two (62) members of the NRF. The NRF consisted of members of the Defence Forces and of the ZRP Support Unit. The National Reaction Force was deployed to the CBD in three (3) platoons in the following areas:

- a. **Sector A** covered the area between Enterprise road and Sam Nunjoma Street.
- b. **Sector B** covered the area bounded by Sam Nujoma Street and Chinhoyi Street.
- c. **Sector C** covered the area between Chinhoyi Street and Rekai Tangwena Street.

It was his evidence that the deployed members were armed with AK 47 rifles but had no instructions to fire at the civilians. Their orders were to quell the violence and drive the demonstrators out of the CBD.

According to his evidence, Sector C encountered the biggest challenges as rioters in that area had increased to between four and five thousand and had to call for assistance and reinforcement from Sector B. He further stated that even with the reinforcement, the platoon met stiff resistance from the rioters:

"Whilst they [the platoon] were in between Netone building and ZEC offices just close to the intersection that's when they met stiff resistance from the rioters who were said to lead even throwing stones and other objects to the troops who had debussed. Some were even chanting MDC slogans and also chanting noises to the effect 'pfuti dzavo masoja hadzina mabara endai munodzitora. Batai musoja' [translated this means that 'the firearms of the soldiers were not loaded with any live ammunition. Go and take them. Grab the soldier']".

According to him the platoon employed crowd dispersal drills by debussing and firing warning shots in the air which led rioters to flee. It was in that general area in Jason Moyo Avenue that the kneeling soldier who appears in video footage was

captured firing in the direction of the protestors. The Brigadier General stated to the Commission that the kneeling soldier was firing at a 45 degree angle¹¹.

According to the NRF Commander, Sector A platoon had to split into two sections with a vehicle accompanying each. One of the sections followed rioters at Fourth Street bus terminus and dispersed them along Robert Mugabe to Enterprise road. This was the same section of Sector A Platoon that went to rescue the employees at ZANU PF Provincial Headquarters having heard of their predicament. According to his evidence, whilst at the ZANU PF Provincial offices the section witnessed and saw a trail of blood on the tarmac. Upon inquiry they were informed that one of the rioters had been shot before their arrival but they did not see the body. Video footage of rioters at Fourth Street from BBC supports this view¹². In that video gunshots are heard and the deceased is seen being carried away by rioters shouting that he has been killed. From the evidence, there were no soldiers in sight at that time. The video footage does, however, show a police officer pointing a gun at the rioters.

Public Service Medical Aid Society (PSMAS) clinic (which is very close to the scene, along Fourth Street) confirmed that this body was received by them shortly thereafter. The deceased person was identified as Gavin Dean Charles.

There is thus no evidence received by the Commission to suggest that the NRF is responsible for his death. The only evidence of shooting in that area before the arrival of the NRF is that of the Police officers stationed at ZANU PF Provincial

¹¹ <https://www.itv.com/news/2018-08-01/armed-troops-on-streets-of-zimbabwes-capital-amid-election-anger/>

¹² <https://www.bbc.co.uk/news/world-africa-45035533>

offices, one of whom admits to have fired twenty five rounds on that day as warning shots when the office was under siege from the rioters.

This evidence was followed by evidence of the Commander of the Defence Forces (CDF), General Phillip Valerio Sibanda. He testified that the MDC Alliance leaders had instigated violence in the lead up to the elections. He confirmed that he was directed by the Minister of Defence to deploy the NRF. He testified that no orders were given to open fire on civilians. The troops used whips and batons and warning shots were fired in the air in limited situations. It was his evidence that no soldier had fired directly at civilians. In relation to the video footage of the kneeling soldier he stated that this soldier was acting contrary to the orders to march forward and that his commander tapped him on the shoulder to remind him of that.

He further testified that he had heard the sounds of gun fire from his office long before the soldiers were deployed. He stated that he had no reason to believe that the fatalities were caused by his forces, which he stated acted professionally. He further indicated that the possibility of the Vanguard [a body of the MDC Alliance], as well as business people, having used arms cannot be ruled out.

5.4. The evidence of those injured by gunfire

The Commission heard evidence from three persons of those injured by the firing of live ammunition. They all informed the Commission that they were shot while fleeing from soldiers who were in the immediate area and firing in their direction.

The list of those injured as provided by Parirenyatwa and Harare Hospital is as follows:

| NAME OF PATIENT | SEX | AGE | ADDRESS & CONTACT NUMBER | DIAGNOSIS | CONDITION |
|------------------------------------|------------|------------|--|---|------------------|
| Pure Simango NR: 04-142080-K04 | Male | 29 | 5392 Glenora B, Harare 0734808332 | Laceration gunshot wound | Stable |
| NdongweTapera NR: 42-142374 C42 | male | 43 | 1455 Kuwadzana 2 Harare 0773735538 | Soft tissue injury | Stable |
| Gora Angeline NR. nil | female | 19 | 5441 Budiriro 3 Harare 0772930705 | Soft tissue injury second to trauma | Stable |
| Chipokoza Simeon NR nil | male | 19 | 29 Carrel Road, Southerton, Harare | Gunshot wounds fibula left leg (fracture) | Stable |
| Dzikamai Chivanga NR. nil | male | 25 | 3132/42 Crescent Glenviwew 2, Harare | Gunshot wound on left ankle | Stable |
| Majuru Fibion NR. Nil | male | 20 | Block2 B 56 Matapi Flats Mbare, Harare 0772214903 | Gunshot wounds right hand | Stable |
| Sigauke Tinashe NR. nil | male | 20 | 707 Budiriro 4 Harare 0773036531 | Gunshot wound right leg on thigh | Stable |
| TapiwaTshumo NR. nil | male | 39 | 7523 Southlands, Harare 0772487775 | Soft tissue injury secondary to gunshot wound | Stable |

| | | | | | |
|----------------------------------|--------|----|--|---|----------|
| Vincent Dabudzo NR. nil | male | 22 | No address | Superficial laceration | Stable |
| Tafadzwa Muchandionga NR, nil | female | 14 | 1968 Kuwadzana Harare | Soft tissue injury | Stable |
| Enos Mutangadura NR. Nil | male | 44 | 12188 Budiro 4 Harare 0775808012 | Fracture pelvis | Stable |
| Constance Muchena NR. nil | female | 52 | | Soft tissue injury | Stable |
| Abigail Mandundu | female | 39 | | Soft tissue injury | Stable |
| Adrian Munjere NR. nil | male | 31 | 0782470215 | Gunshot wound on right hand | Stable |
| Tariro Chitomba NR. nil | male | 43 | | Soft tissue injury secondary to gunshot | Stable |
| Marshal Mabwe NR. Nil | male | 22 | | Penetrating hand injury | Stable |
| Wisdom Chipere NR. Nil | male | 30 | | Laceration penis and scrotum secondary to gunshot | Critical |
| Fungai Makanyire | female | 45 | | Gunshot wound on the left shoulder | Critical |

| | | | | | |
|--------------------------------|--------|----|--|---|--------|
| Zvichapera Chibanda NR. nil | Male | 44 | | Gunshot wound on the right arm | Stable |
| Lorrein Kurimi NR. nil | female | 22 | | Gunshot wound | Stable |
| Loveday Munesi NR. Nil | male | 29 | | Soft tissue injury secondary to gunshot wound | Stable |
| BrancoBibbon NR. Nil | Male | 31 | | Upper hip laceration | Stable |

The Commission also received affidavits from other people who were injured but are not on the hospitals' list as follows:

| | |
|------------------|---------|
| Fourpence Roza | Gunshot |
| Bernard Chiweshe | Gunshot |
| Victor Langton | Gunshot |
| Enock Juma | Gunshot |

5.5. The evidence of those assaulted by the Army

The Commission received evidence from the following people who claimed they were assaulted by the Army:

| | |
|------------------|---------|
| Precious Mabenga | Assault |
| Norest Kembo | Assault |
| Catherine Govera | Assault |

| | |
|-----------------------|--|
| Mafuwu Nyashadzamwari | Assault |
| Wonder Masamba | Assaulted by army in Chitungwiza on 02/08/18 |

The Commission heard evidence from a vendor, Ms. Precious Mabenga who worked along Nelson Mandela avenue, close to the MDC headquarters, outside TV sales & Hire. It was her evidence that the crowds at Harvest House were singing and dancing and celebrating and that she only later saw people running when soldiers came in. She further indicated that she was assaulted by members of the Army with a sjambok whilst on the pavement and her picture while being assaulted appeared on the front page of Newsday, a local daily newspaper of the independent press.

The Commission also viewed video footage¹³ of people being assaulted.

From the evidence considered by the Commission, both oral, written and video footages, it is undisputable that some soldiers were assaulting members of the public as they drove them out of the city.

5.6. Proportionality of Army's actions

The Commission has considered the proportionality of the Army's actions in relation to the available evidence of the threat to public safety that had to be addressed. There was evidence received of life and property being under direct threat as noted above. In these limited circumstances, the use of warning shots could be considered proportionate.

¹³ <https://www.youtube.com/watch?v=99HiL4u8KC4&feature=youtu.be>
https://www.youtube.com/watch?v=zLzxG9Q_6sE

However, where there is evidence of civilians being directly fired on (as summarised below), the equation clearly changes. The evidence provides no justification for the use of live ammunition directly against protestors.

5.7. Causes of death and injury

The Commission heard evidence of allegations that persons with guns other than the Army and Police could have been involved in causing the deaths and injuries. The Commission was also shown video footage where persons standing outside the Gorlon Building were saying that someone was shooting from that building. However, no firing of any weapon is seen in that video and no person was killed or injured at that location at that time. The Commission was handed a bullet head and two cartridges by a Security Guard at Zimbabwe Congress of Trade Unions (ZCTU) Head Office, who said that he had found a bullet head and a cartridge case on the second floor and another cartridge case on the pavement outside the building. The Commission has not received any concrete evidence that any persons other than the Army and the Police used guns during the protests on the 1st of August 2018.

The Commission received extensive evidence of the Army and the Police using live ammunition and firing at civilians, including;

- a. The video evidence of soldiers firing at civilians, such as the kneeling soldier;
- b. The ballistics expert found that an AK47 bullet had been fired from the street outside Gorlon House into the second floor and that shots had also been fired into the third floor. The Commission heard evidence from the legal adviser of ZCTU to this effect. There is video evidence of a soldier firing into the building that could explain this damage;

- c. The post mortem reports confirmed that the six deceased persons died from wounds caused by high velocity projectiles;
- d. As noted above, several persons were injured by live fire; and
- e. Witnesses testified about soldiers patrolling in the CBD and firing live ammunition.

The Commission's findings in respect of the role of the Army and the Police are based on the above evidence and all of the evidence received by the Commission.

CHAPTER 6

6.0. KEY FINDINGS IN ACCORDANCE WITH THE TERMS OF REFERENCE

The Commission considered evidence from various witnesses across the political divide and the generality of the populace. The testimonies received often fell into two categories: some testified that they never witnessed any riotous behaviour and damage to property; on the other hand, others testified that they never saw the shootings but only saw the Army driving people out of town and rescuing the situation.

One limitation that faced the Commission was that Police investigations relating to the events were still underway. Had the results of the investigations been available to the Commission, this would have enhanced the work of the Commission. However, the Commission received substantial evidence which was sufficient for them to make the findings set out below. The following are the key findings based on the full observations contained in this report as a whole.

6.1. The circumstances leading to the 1st of August 2018 post-election violence and the actors

- a. The environment preceding the 30th of July 2018 national elections was generally peaceful, with all political parties conducting their campaigns freely.
- b. The public media leaned more in favour of the ruling ZANU PF whilst independent media was heavily tilted in favour of the MDC Alliance.

- c. The elections conducted on the 30th of July 2018 were peaceful and orderly as supported by the observer missions' reports.
- d. The election itself was adjudged to have been free and fair by most observers as per their reports.
- e. The Commission was struck by the deep polarization between the country's two main political parties — ZANU PF and MDC Alliance — and their supporters.
- f. On the basis of the evidence presented, the Commission found on a balance of probabilities that the protests were pre-planned and well-organised as shown, for example, by the evidence of the pre-election speeches of the MDC Alliance leaders and the evidence of all of the events that took place on the 1st of August 2018 including the fact that groups arrived with an assortment of objects such as containers of stones, bricks, logs and posters, which they used in their demonstrations. The protests were not limited to Harare only but also occurred in some other urban areas such as Gweru where properties were also destroyed.
- g. The demonstrations started peacefully in the morning in front of Harvest House, MDC Alliance headquarters, and degenerated into violent protests as the demonstrators split and moved to HICC, ZEC Headquarters and ZANU PF headquarters (western side of the CBD) and ZANU PF Provincial Offices (eastern side of CBD) as the day progressed.
- h. The Commission found that the rioters were forcing ordinary people who were conducting their day to day business to join the riots. This move did not spare the physically incapacitated members of the public.

- i. Fake, fabricated and biased news on social media contributed to the violence.
- j. Having considered all the evidence, the Commission found on a balance of probabilities that speeches made by political leaders mostly the MDC Alliance before and after the elections heightened tensions and played a part in inciting some members of the public to protest. The influence of these speeches is evidenced by protestors reproducing in many cases word for word the language used at the rallies in their songs and speeches during the demonstrations. During the pre- election rallies, the MDC Alliance had taken a position that if their Presidential candidate did not win the election, they would protest; a threat that they implemented.
- k. The existence of arms in hands other than the Military and the Police cannot be dismissed especially considering video footage from eNCA where a journalist reports of people saying someone was shooting from a building; the allegations of business owners using weapons to protect their properties; and the evidence of a spent cartridge found on the second floor of Gorlon House.
- l. As evidenced by its Chairperson before the Commission, ZEC complied with the electoral law. She said that if there were any deficiencies in the law, these would need to be debated in Parliament.
- m. The Commission found that opposition political parties mistrusted the Zimbabwe Electoral Commission (ZEC) during the recent elections.

6.2. The intervention by the Zimbabwe Republic Police in the maintenance of law and order

- a. The demonstrations were unsanctioned in terms of Section 25 of the Public Order and Security Act as the police had not been notified.
- b. According to the evidence received by the Commission, the Police's orders to disperse the protesters were not effectively carried out.
- c. Evidence showed that the demonstrators employed a tactic of appearing, dispersing and regrouping at different locations thereby making it very difficult for the police to disperse them.
- d. The fact that the Police were severely depleted because of duties at polling stations throughout the country and that they were ill- equipped did not help the situation. As the demonstrations degenerated into a riot, the Police were overwhelmed.

6.3. The circumstances which necessitated the involvement of the military in assisting in the maintenance of law and order

The evidence showed that the Government deployed the Military in accordance with the Constitution and the applicable law.

- a. The deployment of the Military to assist the Police in the maintenance of law and order is provided for in terms of Section 213 of the Constitution and section 37 of POSA. There was compliance with the relevant law as evidenced by the trail of communication between the relevant Government authorities.
- b. According to the evidence produced before the Commission, there is no doubt that many demonstrators became riotous and caused substantial damage with several cars being set ablaze which resulted in a serious threat to public safety.

Moreover, there is evidence of damage to fuel pumps at Zuva Service Station at number 100 Chinhoyi Street in Harare when about sixty (60) protesters attacked the station. This evidence indicates that there was a risk of the service station being set alight. Given the nature of these actions it was clear that had the riots not been contained, the situation could have escalated resulting in disastrous consequences.

- c. It was therefore not surprising that the Commissioner General of Police requested the Minister of Home Affairs to initiate the steps required by the Constitution and the applicable law for the deployment of the Army to assist the Police in the containment of the riots and the restoration of law and order.
- d. The Commission found that on the basis of all the prevailing circumstances, and in the light of all the evidence presented including the rapid escalation of the situation in a very short space of time, the decision to deploy the Military to assist the Police in the containment of the riots was justified.
- e. The deployment could only have been avoided if the Police were adequately experienced, better equipped, sufficient in numbers and more suitably organised. While recognising that in the circumstances, the deployment was unavoidable, the Commission considers that it would have been preferable if the Police had been able to deal with the situation on their own.
- f. Whilst the deployment was lawful, the operational framework in terms of Section 37 of POSA was not fully followed in that the deployed troops were not placed under the command of the Regulating Authority due to time constraints as acknowledged by the Commissioner General of Police.

6.4. Whether the degree of force used was proportionate to the ensuing threat to public safety, law and order

- a. Given that property and lives were under threat at various locations, and in light of the inability of the Police to disperse the protesters, the firing by the Army and the Police of warning shots in the air in pursuit of their stated mission which was to clear the CBD of violent protesters was proportionate.
- b. However, the use of live ammunition directed at people especially when they were fleeing was clearly unjustified and disproportionate.
- c. The use of sjamboks, baton sticks and rifle butts to assault members of the public indiscriminately was also disproportionate.

6.5. The extent of damage/injury caused

- a. It is undisputed that six (6) people died as a result of gunshot wounds and according to the evidence from the two major hospitals twenty three (23) people were injured as a result of gunshots and one (1) person of assault. As noted above, in addition to these persons there were eleven (11) persons who did not attend these hospitals, who were injured as a result of actions of the Military and the Police. The total number of persons injured is therefore thirty five (35).
- b. The six (6) dead bodies were collected from the following identifiable places:
 - i) Sylvia Maphosa – at the corner of Inez Terrace and Kenneth Kaunda Avenue;

- ii) Ishmael Kumire – Cameron Street close to the intersection at Cameron Street and Jason Moyo Avenue;
 - iii) Gavin Dean Charles – Fourth Street and Speke Avenue;
 - iv) Jelous Chikandira – Nelson Mandela Avenue and Rezende Street;
 - v) Challenge Tauro – died at Parirenyatwa hospital; and
 - vi) Brian Zhuwawo – Coppacabanna area (as noted in the post mortem report).
- c. The Commission’s finding on a balance of probabilities from all the evidence received is that the deaths of these six (6) people and the injuries sustained by thirty five (35) others arose from the actions of the Military and the Police.
- d. At least six (6) persons sustained injuries as a result of the actions by the protesters.
- e. Several people and institutions had their property including vehicles and wares either looted, damaged or burnt. A detailed list of these is attached as Annexure 8.
- f. In addition, the negative impact of the riots on the economy of the country as a whole has been assessed and reported on by the Ministry of Industry and Commerce (Annexure 9).

6.6. Any other matter which the Commission of Inquiry may deem appropriate and relevant to the inquiry

- a. The Commission noted that it received evidence of persisting grievances among communities especially in Matabeleland and the Midlands, arising from the events of the past such as Gukurahundi.
- b. The Commission was concerned about incidents of politically related violence against women before, during and post-election period.

CHAPTER 7

7.0. RECOMMENDATIONS

7.1. Compensation

- a. The payment of compensation is recommended for all victims of the violence and dependents of the deceased. Where the deceased had young children, they should be urgently assisted with school fees and their general welfare.
- b. The Government should put in place a special committee to assess and determine quantum of damages and compensation to be awarded to victims on a case by case basis.
- c. The Government should set up a fund to assist those directly affected.
- d. There is urgent need to avail medical support to all the injured such as Simeon Chipokosa who still has a bullet lodged in his leg and Adriane Munjere who requires physiotherapy for his hand.

7.2. Political Parties

- a. There is a need for the registration of political parties so as to ensure accountability of party leaders. The enforcement of the ZEC Code of Conduct for political parties has been hampered due to the absence of institutional obligations on the part of political parties.
- b. A nationwide campaign should be initiated to raise awareness and educate political parties and members of the public in general on the proper

parameters for peaceful demonstrations and respect for national institutions.

- c. Election candidates must abide by the ZEC Code of Conduct and there is need for strict enforcement of the Code of Conduct. Parliament should consider passing a law to empower ZEC to sanction candidates who breach the Code of Conduct.
- d. A thorough review should be undertaken of all laws relating to hate speech, abuse of cyberspace and incitement to commit acts of violence.
- e. Political parties should be encouraged at all times to preach unity for the benefit of all Zimbabweans in order for the people to be able to live together as citizens of one nation despite their political differences.

7.3. Electoral Reforms

- a. In order to enhance efficiency and transparency in the announcement of election results, the Commission recommends the development of ICT facilities for expeditious transmission of results to the Command Centre as soon as practicable.
- b. The Commission recommends that Parliament should consider adopting legislation to shorten the time taken in the announcement of presidential results in future elections.

7.4. Enforcement of Law and Order

- a. The Commission recommends that Parliament should give consideration to aligning the POSA with the provisions of the Constitution on the deployment of the Military internally.
- b. Police should be equipped with the necessary skills and capacity for dealing with rioters.
- c. Whilst the use of the Military to assist the Police for the control of public order, is recognised worldwide, this should only be resorted to as a last measure in extraordinary situations.
- d. The Commission recommends in the interests of national cohesion and the protection of all citizens, that the Police should be further trained to be professional and non-partisan.
- e. The Military should conduct an immediate and full audit of its standing orders and procedures for engagement in law and order enforcement operations, including riot control, in order to identify in an appropriate public report the lessons learnt and the tailored safeguards and targeted training to be undertaken to prevent any ill-discipline that could lead to loss of life and injury in the future on the part of its forces in highly politicised, tense, and stressful situations of crowd control. This would include the firing of warning shots not in accordance with its standing operational procedures.
- f. The Military, in conjunction with the Police, should consider and adopt contingency policies and plans for emergency situations when the exigencies of time do not permit detailed consultations so that there are no gaps in the applicable procedure or any uncertainties or ambiguities, and

that a workable operational plan at all levels is prepared in advance of any future possible disturbances. The important point is that corporate failings must be prevented in the future.

- g. The use of live ammunition as warning shots should be discouraged and should only be used in limited circumstances of danger to public safety.

7.5. Nation Building and Reconciliation

- a. The Commission recommends the establishment of a multi-party reconciliation initiative, including youth representatives, with national and international mediation to address the root causes of the post-election violence and to identify and implement strategies for reducing tensions, promoting common understandings of political campaigning, combating criminality, and uplifting communities.
- b. The Commission recommends that the National Peace and Reconciliation and Human Rights Commissions should increase their efforts to fully implement their mandates.
- c. There is need for National Healing as highlighted by the continued reference especially in Bulawayo and Gweru to events such as Gukurahundi.
- d. The Commission recommends that a special attention should be given to the issue of harassment and violence especially against women in institutions and politics.

7.6. Accountability

- a. It is imperative for the Police urgently to complete their investigations to enable the prosecution of those persons responsible for all alleged crimes committed on the 1st of August 2018.

- b. Those particular members of the Military and the Police found to have been in breach of their professional duties and discipline on the 1st of August 2018 should be identified as soon as possible for internal investigations and appropriate sanction, which should include hearing from the victims and their families for impact assessment and to provide the necessary compensation.

CHAPTER 8

8.0. CONCLUSION

It was very clear to the Commission from all testimonies and submissions received that the scope and consequences including the death of six civilians of the violence that occurred on the 1st of August 2018, following the national elections was regarded as being unprecedented in the history of elections in independent Zimbabwe. In the Commission's view, the appointment of the Commission of Inquiry into the violence with a majority of international members, and with terms of reference relating to both the present and the future, was indicative of President Mnangagwa's determination to ensure a non-repetition of such an unwholesome national experience in future.

It was also clear to the Commission from the testimonies of the witnesses who appeared before it that there is at present a very worrisome degree of polarisation and bitterness within the body politic of Zimbabwe. The Commission therefore, in this regard, commends the continuing statements by the President of the Republic of Zimbabwe calling for reconciliation, healing and unity among the citizenry. The Commission urges all the people of Zimbabwe to respond positively to these appeals by the President and at the same time the Government to reinforce these appeals with inclusive policies.

The Commission believes from its wide-ranging experiences in Harare, Bulawayo, Gweru and Mutare, that President Mnangagwa is determined to open a new chapter in the policies and activities of the Government of Zimbabwe, including the restoration of the country's diplomatic and commercial relations with the international community.

We the undersigned do hereby accept the content of this report as a true reflection of our findings.

His Excellency Kgalema Motlanthe,
Chairman of the Commission



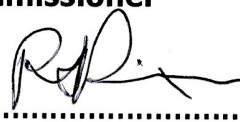
.....

Chief Emeka Anyaoku
Commissioner



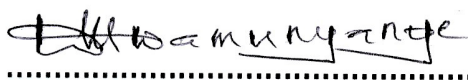
.....

Rodney Dixon QC
Commissioner



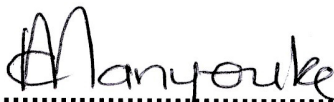
.....

General Davies Mwamunyange
Commissioner



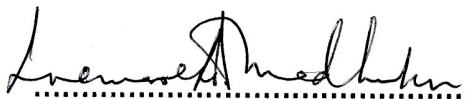
.....

Professor Charity Manyeruke
Commissioner



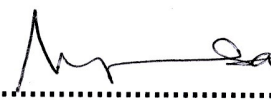
.....

Professor Lovemore Madhuku
Commissioner



.....

Mrs. V. Nyemba
Commissioner



.....

Dated this 01 Day of DECEMBER 2018 at Harare.

Annexure 1

Press Statements



ZIMBABWE

PRESS STATEMENT

REQUEST FOR INFORMATION: COMMISSION OF INQUIRY TO INQUIRE INTO THE POST ELECTION VIOLENCE THAT TOOK PLACE ON THE 1ST DAY OF AUGUST, 2018 IN ZIMBABWE

The general public is hereby informed that, following the promulgation by His Excellency, the President of the Republic of Zimbabwe, Cde, Emmerson Dambudzo Mnangagwa of Statutory Instrument 181 of 2018 (Proclamation 6 of 2018), which established a Commission of Inquiry to inquire into the post election violence that took place on the 1st day of August, 2018 in Zimbabwe, the President has put in place a seven-member Commission of Inquiry in terms of Section 2 of the **Commissions of Inquiry Act [Chapter 10:07]**, to investigate into the matter.

The terms of reference of the commission of Inquiry are as follows—

- (a) to inquire into the circumstances leading to the 1st of August, 2018 post-election violence;
- (b) to identify the actors and their leaders, their motive and strategies employed in the protests;
- (c) to inquire into the intervention by the Zimbabwe Republic Police in the maintenance of law and order;
- (d) to investigate the circumstances which necessitated the involvement of the military in assisting in the maintenance of law and order;

- (e) to consider whether the degree of force used was proportionate to the ensuing threat to public safety, law and order;
- (f) to ascertain extent of damage or injury caused thereof;
- (g) to investigate into any other matter which the Commission of Inquiry may deem appropriate and relevant to the inquiry;
- (h) to make suitable recommendations; and
- (i) to report to the President in writing, the result of the inquiry within a period of three months from the date of swearing in of the Commissioners.

In order to assist the Commission to make fair and appropriate findings, we hereby call upon members of the public with relevant information which may be of assistance to the Commission of Inquiry to submit written submissions with contact details to the Secretariat at Office No. 136 Cresta Lodge, Samora Machel Avenue, Harare or email PostElectionInquiry2018@gmail.com or call on the following number: 0242 777052.

The submissions to the Commission will be protected by law and will be received on a **"without prejudice"** basis. Necessary measures have been put in place to guarantee the safety and protection of potential witnesses.

After receiving the written submissions, the Commission shall conduct public hearings.

The deadline for submissions is the 12th of October 2018.



V. Mabiza (Mrs.)
SECRETARY TO THE COMMISSION OF INQUIRY



ZIMBABWE

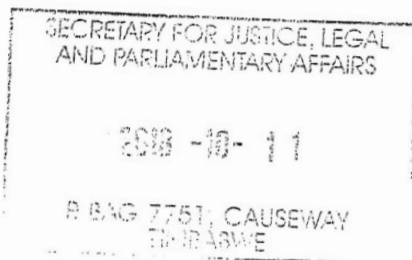
PRESS STATEMENT

INVITATION TO ATTEND HEARINGS: COMMISSION OF INQUIRY TO INQUIRE INTO THE POST ELECTION VIOLENCE THAT TOOK PLACE ON THE 1ST DAY OF AUGUST, 2018 IN ZIMBABWE

The general public is hereby invited to attend public hearings to be held from Tuesday the 16th to Thursday the 18th day of October 2018 at 0930 hrs. The hearings will be held at Muchero Conference Room, Cresta Lodge, Msasa.

V. Mabiza (Mrs.)

SECRETARY TO THE COMMISSION OF INQUIRY





ZIMBABWE

PRESS STATEMENT

INVITATION TO ATTEND HEARINGS: COMMISSION OF INQUIRY TO INQUIRE INTO THE POST ELECTION VIOLENCE THAT TOOK PLACE ON THE 1ST DAY OF AUGUST, 2018 IN ZIMBABWE

The general public is hereby invited to attend public hearings to be held in Bulawayo at Rainbow Hotel on the 26th day of October 2018 at 10.30 hrs.

The Commission also notifies the general public that the public hearings being held in Harare at Muchero Conference Room, Cresta Lodge, Msasa, have been extended to Friday the 19th day of October, 2018.



V. Mabiza (Mrs.)

SECRETARY TO THE COMMISSION OF INQUIRY



ZIMBABWE

PRESS STATEMENT

INVITATION TO ATTEND PUBLIC HEARINGS: COMMISSION OF INQUIRY TO INQUIRE INTO THE POST ELECTION VIOLENCE THAT TOOK PLACE ON THE 1ST DAY OF AUGUST, 2018 IN ZIMBABWE

The General Public, Civic Society Organisations and Opinion Leaders, in and around Bulawayo and Gweru, are hereby invited to attend public hearings to be held in—

- Bulawayo at Rainbow Hotel on the 26th day of October 2018 at 10.00 hrs; and
- Gweru at Suburban Village on the 27th day of October 2018 at 10.00 hrs respectively.

A handwritten signature in blue ink, appearing to read 'V. Mabiza'.

V. Mabiza (Mrs.)

SECRETARY TO THE COMMISSION OF INQUIRY



PRESS STATEMENT

INVITATION TO ATTEND HEARINGS: COMMISSION OF INQUIRY TO INQUIRE INTO THE POST ELECTION VIOLENCE THAT TOOK PLACE ON THE 1ST OF AUGUST, 2018 IN ZIMBABWE

The General Public, Civic Society Organisations, Political Parties and Opinion Leaders, in and around Mutare are hereby invited to attend public hearings to be held at Golden Peacock Mutare on the 10th of November 2018 at 1000hrs.

Further, the Commission invites those who wish to testify on the above stated date to submit their details with our secretariat at Golden Peacock Mutare from the 7th to the 9th of November, 2018.

A handwritten signature in blue ink, appearing to read 'V. Mabiza'.

V. Mabiza (Mrs.)

Secretary to the Commission of Inquiry



ZIMBABWE

PRESS STATEMENT

INVITATION TO ATTEND HEARINGS: COMMISSION OF INQUIRY TO INQUIRE INTO THE POST ELECTION VIOLENCE THAT TOOK PLACE ON THE 1st DAY OF AUGUST, 2018 IN ZIMBABWE

The General Public, Civic Society Organisations and Opinion Leaders are hereby invited to attend the continuation of public hearings at Cresta Lodge, Harare from the 12th to the 13th of November, 2018 at 1000 hrs.

A handwritten signature in black ink, appearing to read 'V. Mabiza'.

V. Mabiza (Mrs.)

SECRETARY TO THE COMMISSION OF INQUIRY.

POST ELECTION VIOLENCE COMMISSION OF INQUIRY 2018

All Communications
to be addressed to the
"SECRETARY"



CRESTA LODGE HARARE
Cnr S Machel/R Mugabe Road
Harare
Office 136 Tel: (0242) 777052
Cell:
Email:PostElectionInquiry2018@gmail.com

PRESS STATEMENT

INVITATION TO ATTEND HEARINGS: COMMISSION OF INQUIRY TO INQUIRE INTO THE POST ELECTION VIOLENCE THAT TOOK PLACE ON THE 1st DAY OF AUGUST, 2018 IN ZIMBABWE

The general public is hereby invited to attend public hearings to be held in Harare at Cresta Lodge, Muchero Conference Room, , Msasa on Wednesday 21st day of November, 2018 at 10.00hrs.

A handwritten signature in black ink, appearing to read 'V. Mabiza'.

**V.Mabiza (Mrs)
SECRETARY FOR THE COMMISSION OF INQUIRY**

POST ELECTION VIOLENCE COMMISSION OF INQUIRY 2018

All Communications
to be addressed to the
"SECRETARY"



CRESTA LODGE HARARE
Cnr S Machel/R Mugabe Road
Harare
Office 136 Tel: (0242) 777052
Cell:
Email:PostElectionInquiry2018@gmail.com

PRESS STATEMENT

INVITATION TO ATTEND HEARINGS: COMMISSION OF INQUIRY TO INQUIRE INTO THE POST ELECTION VIOLENCE THAT TOOK PLACE ON THE 1st DAY OF AUGUST, 2018 IN ZIMBABWE

The general public is hereby invited to attend public hearings to be held in Harare at Cresta Lodge, Muchero Conference Room, Msasa on Monday 26th day of November, 2018 at 2.00pm.

A handwritten signature in blue ink, appearing to read 'V. Mabiza'.

V.Mabiza (Mrs)
SECRETARY TO THE COMMISSION OF INQUIRY

Annexure 2
LIST OF INVITED ORGANISATIONS, POLITICAL PARTIES AND
INSTITUTIONS

1. Team Pachedu
2. Zimpapers
3. Star FM
4. Alpha Media
5. SABC
6. Aljazeera
7. The Independent
8. Capitalk
8. Daily News
9. Zimbabwe Broadcasting Corporation
10. ZiFM
11. MDC Alliance
12. ZANU PF
13. VICET
14. National Vendors Association
15. Law Society of Zimbabwe

16. Zimbabwe Human Rights Commission
17. Zimbabwe Electoral Commission
18. Zimbabwe Lawyers for Human Rights
19. Zimbabwe Republic Police
20. Central Intelligence Office
21. Zimbabwe Defence Forces
22. Ministry of Home Affairs
23. Ministry of Defence and War Veterans Affairs
24. Ministry of Justice, Legal and Parliamentary Affairs
25. Attorney-General's Office
26. Mthwakazi
27. Women's Institute for Leadership and Development
28. Bulawayo Progressive Residents Association
29. Public Policy Research Institute for Zimbabwe
30. Bulawayo Vendors and Traders Association
31. Christian Law Society
32. Abammeli Human Rights Network
33. Habbakuk Trust

34. Evangelical Fellowship of Zimbabwe
35. Gweru Residents Forum
36. Gweru Residents and Rate Payers Association
37. Compensation Zimbabwe
38. Zimbabwe Congress of Trade Unions
39. Gweru Ministers Fraternity
40. Catholic Commission for Justice and Peace
41. National Association for Non-Governmental Organisations
42. Women's Coalition of Zimbabwe
43. NANGO
44. Pastors Fraternity
45. Churches in Manicaland
46. Mutare Teachers' College
47. Marymount Teachers' College
48. Mutare Polytechnic
49. Manicaland State University and Catholic University

Annexure 3

LIST OF SUBMISSIONS FROM INDIVIDUALS

1. Mitchel Manyonga
2. Angelina Mhazvi
3. Justice Mbabvu
4. Wellington Mushoshoma
5. Juliet Muchineripi
6. Esther Zimhunda
7. Varaidzo Maketo
8. Shorai Kachere
9. Tsitsi Muzvondiwa
10. Elizabeth Tozivepi
11. Pauline Gomwe
12. Florence Ngonyemoto
13. Farai Mateke
14. Fadzai Mateke
15. Tinashe Siamkoba
16. Esteri Raphael
17. Belief Maketo
18. Mr Matara
19. Rehema
20. Martin Karimira
21. Martin Damba
22. Trymore Malunga
23. Mind Kasere

24. Yolanda Masocha
25. Fungai Changara
26. Dadirai Madombwe
27. Stella Nhau
28. L. Kamba
29. E. Mutsaru
30. S. Machaka
31. B. Chatingadzi
32. E. Wadi
33. C. Matema
34. Andrew Makono
35. Shamiso Garikai
36. P Chizuva
37. Josephine Tereza
38. G Chataika
39. Bella Cabbage
40. Peter Maxani
41. Kudzai Mulambo
42. Angeline Mhazvi
43. R. Chinamatira
44. Mrs Munaku
45. Monalisa Chishonga
46. Tariro Mudzamba
47. Johnson Tozivipi
48. Sheilah Tachiona

Annexure 4

LIST OF SUBMISSIONS FROM ORGANISATIONS

1. National Peace and Reconciliation Commission
2. The Zimbabwe Broadcasting Corporation
3. The Zimbabwe Human Rights Commission
4. Free and Fair Foundation
5. National Vendors Union Zimbabwe
6. Zimbabwe African National Union Patriotic Front
7. The Zimbabwe Educational Scientific, Social and Cultural Workers Union
8. Citizens Against Violence and Anarchy Trust
9. Zimbabwe Human Rights NGO FORUM.
10. Central Intelligence Organisation
11. Zimbabwe Defence Forces
12. Zimbabwe Republic Police
13. Zimbabwe Election Commission

Annexure 5

2018

**Scene Attendance: Post-election
Violence**

19 November 2018

Director

CRIMINAL INVESTIGATION DEPARTMENT

Attention: Officer Commanding Crime

Sir,

SUBJECT: Scene Attendance by CID Forensic Ballistics: Post-election Violence

Executive summary

CID Forensic Ballistics is an expert section which works as an aide or a tool to the investigator. It stands as a support section to the organisation, assisting in the criminal investigations not only to the Zimbabwe Republic Police but also to other sister organisations in Zimbabwe and in the region.

According to the organisations set procedures, all experts are called to a crime scene by the attending details when a circumstance calls for that. [Police Duties and Investigations Manual page 18 procedure-10.13 and 10.17 calling experts- 10.23 and page 62 scenes 30.14 and 30.24]

In this matter Ballistics experts only attended to two places of occurrences related to the post-election violence that is :-

- Zimbabwe Congress of Trade Unions Offices, Gorton Building, Corner Jason Moyo Avenue and Harare Street.

- City Centre Car Park ,Corner Angwa Street And George Silundika Avenue after being advised by the command. Herewith are the findings and evaluations.

CRIME SCENE NUMBER [1]

ZIMBABWE CONGRESS OF TRADE UNIONS [ZCTU] OFFICES: GORLON BUILDING; CORNER JASON MOYO AVENUE AND HARARE STREET: SHOOTING INCIDENT/PUBLIC VIOLENCE

REFERENCE - HARARE CENTRAL CR 315/8/2018.

On the 13th of November 2018 at around 0900 hours, Superintendent Paradzayi T.L, Detective Inspector Mutizwa A. and Detective Inspector Taringa A. visited the shooting incident scene together with a team from CID Law and Order headed by number 058541F DAI Mukohwa V. Upon arrival it was observed that the ZCTU Staff had long reverted to their normal business, hence the scene had been completely disturbed.



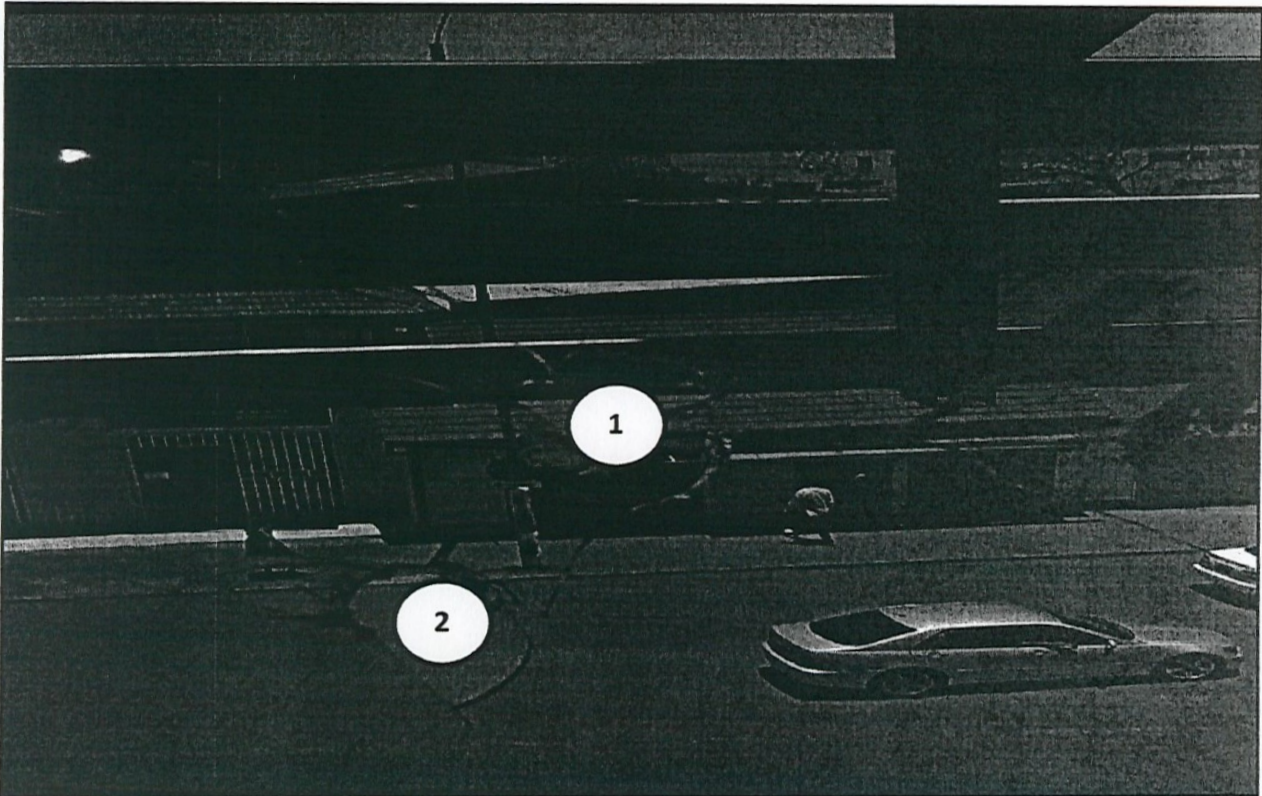
Gorlon Building where the ZCTU Offices are located

OBSERVATIONS

1. THE THIRD FLOOR

- a) Two bullet holes approximately 2.4 cm and 2.5cm in diameter, 8.5 cm horizontally apart and 137cm and 129cm from the floor respectively were observed on one window pane facing Jason Moyo Avenue. Further examination of the holes showed that the bullets were fired from outside. (Entrance holes are neater and clean cut. They tend to be smaller. Exit holes are large and messy. The exit point of the bullet through the glass is able to be determined by chipping of the initial hole. Bullets are fired with

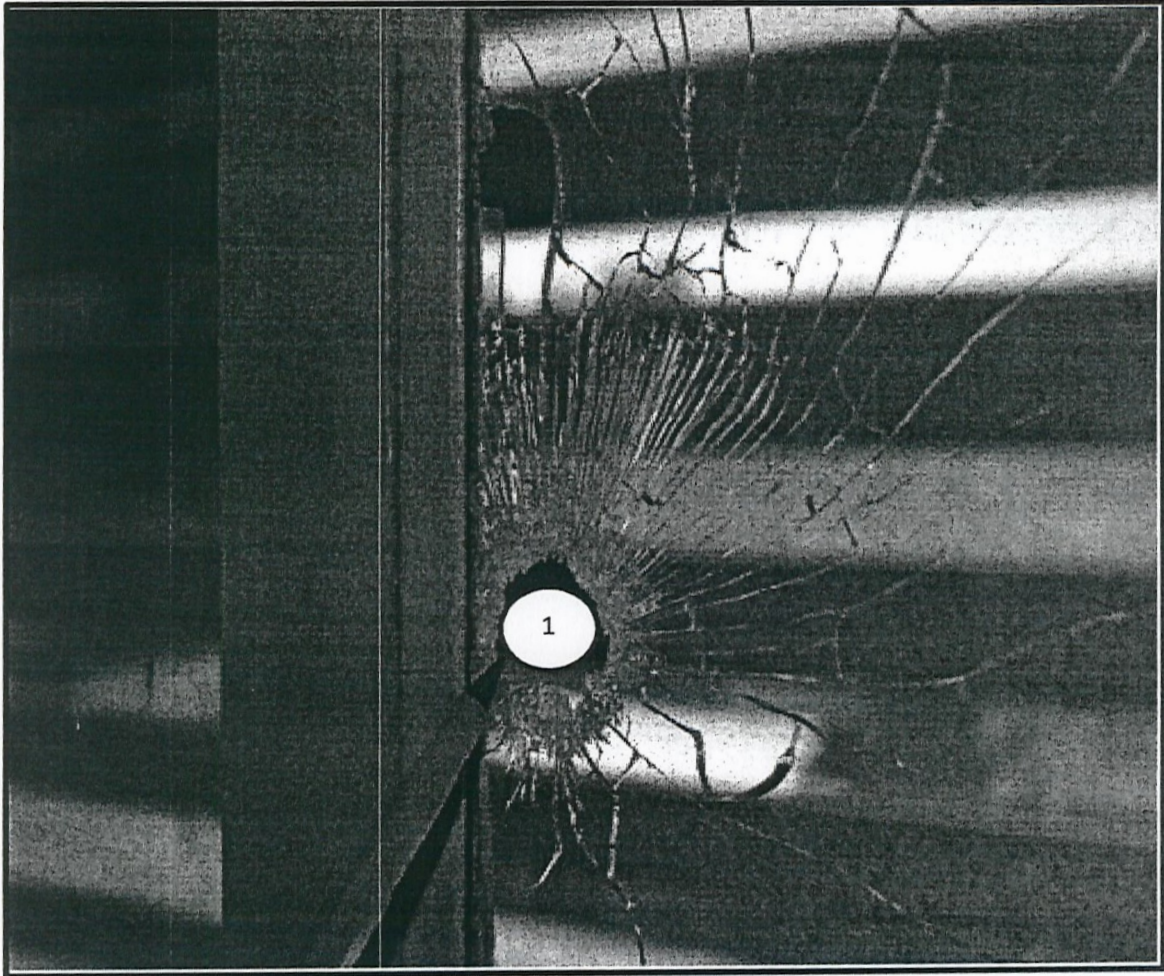
a lot of force. This force carries pieces of glass through the hole and out the other side. Glass fragments tend to stick out at the exit hole.)



Two holes on a window pane in the third floor

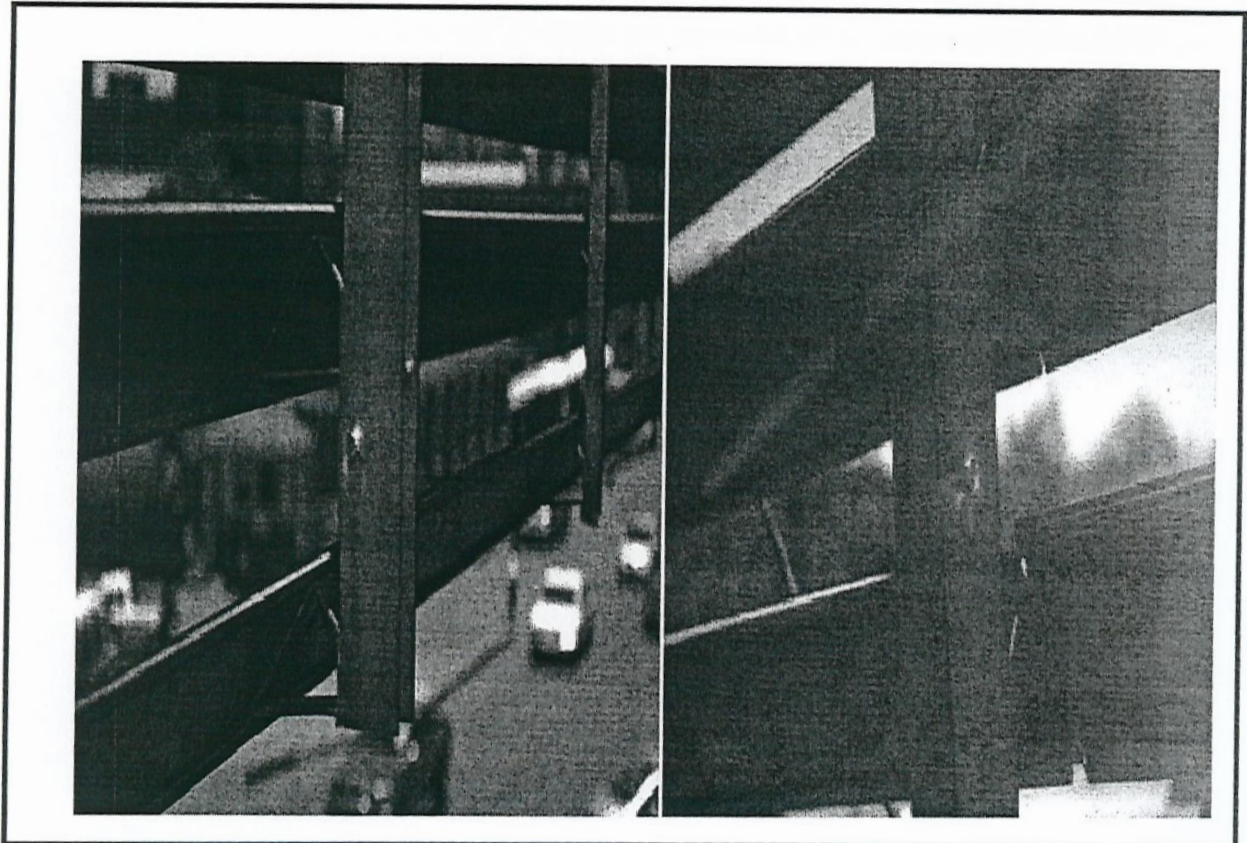
2. SECOND FLOOR

- a) One bullet hole approximately 2.3cm in diameter and 182cm from the floor was discovered on one window pane facing Jason Moyo Avenue. Further examination of the hole showed that the bullet was fired from outside.



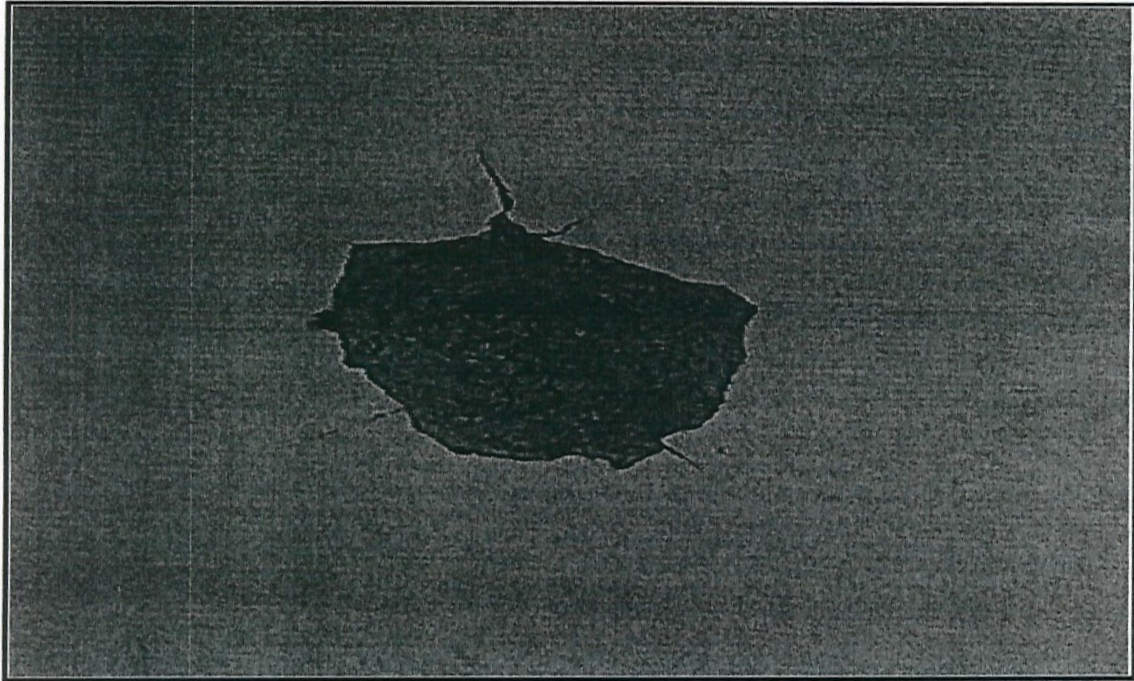
One bullet hole on a window pane in the second floor

- b) Two bullet entry holes and two exit holes were also located on the aluminium screen for the window panes facing Jason Moyo Avenue) The position of exit holes in relation to the entry holes showed that the bullets were fired from outside.[but could not be measured due to their location]



Bullet entry and exit holes on aluminium screen for the window

- c) A bullet mark approximately 3cm in diameter was identified on the concrete ceiling of the room.



Bullet mark on the ceiling of the room in the second floor

CRIME SCENE NUMBER [2]

CITY CENTER PARK SHOOTING INCIDENT: CITY CENTER CAR PARK.
(CORNER ANGWA AND GEORGE SILUNDIKA)

REFERENCE -

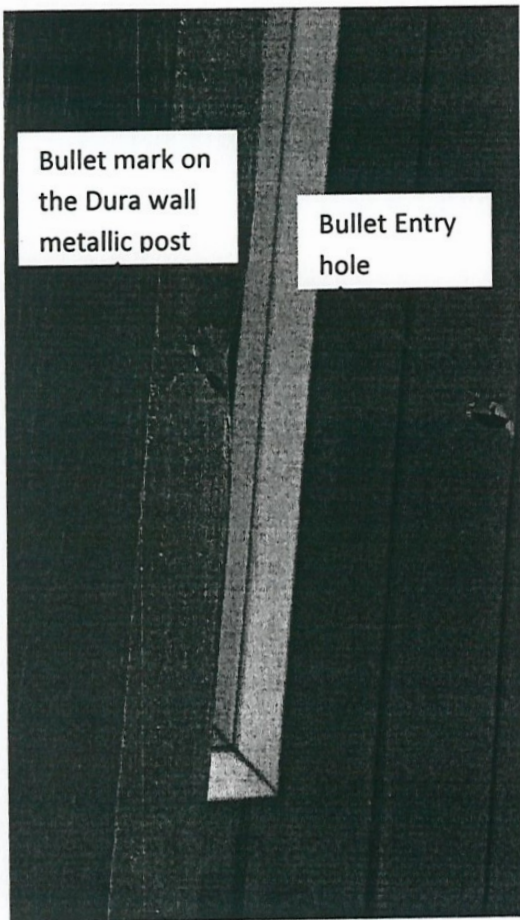
On the 15th of November 2018 at around 0930 hours, Superintendent Paradzayi T.L, Detective Inspector Mutizwa A. and Detective Inspector Taringa A. visited the shooting incident scene by number 058541F DAI Mukohwa V. from CID Law and Order.

Upon arrival at City Center Car Park it was observed that normal operations had since resumed, an indication that the scene had been completely interfered with.

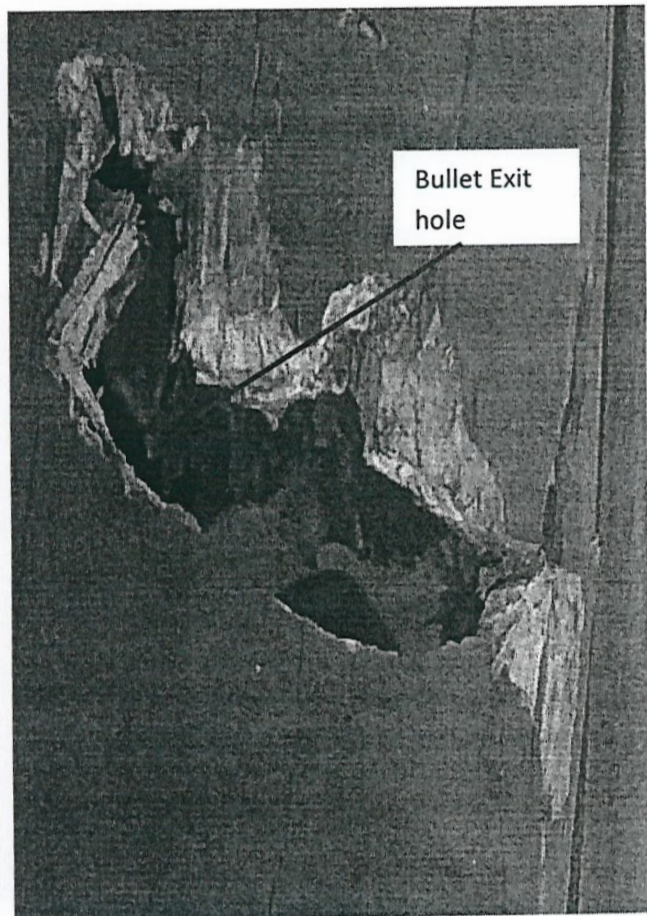
OBSERVATIONS

1. GUARDROOM

a) One bullet entry hole and one exit hole were observed on the Car Park wooden guard room Northern and Southern views respectively. (The Bullet was fired from the Northern side of the guardroom, and it struck one of the metallic post of the durawall prior to penetrating past the Northern and Southern views of the guardroom.

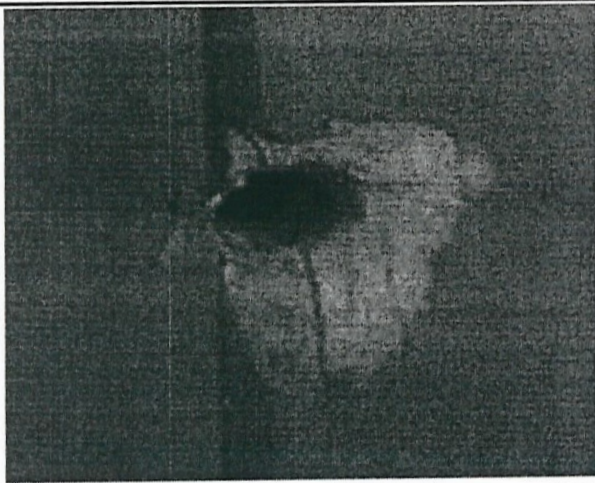


Car Park wooden guard room Northern view (External side)

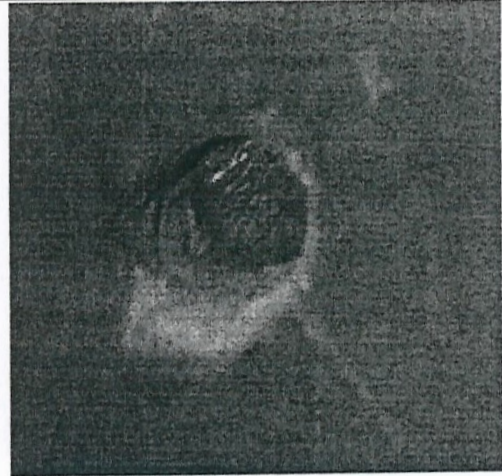


Car Park wooden guard room Southern view (External side)

b) One bullet entry hole approximately 7.5mm diameter and one exit hole approximately 9.2mm diameter were observed on the car park wooden guard room Western view. The Bullet was fired from the Western side of the guardroom, and it penetrated past the Western side but it did not touch the Eastern side of the guardroom thereby raising a suspicion that it fell in the guardroom.



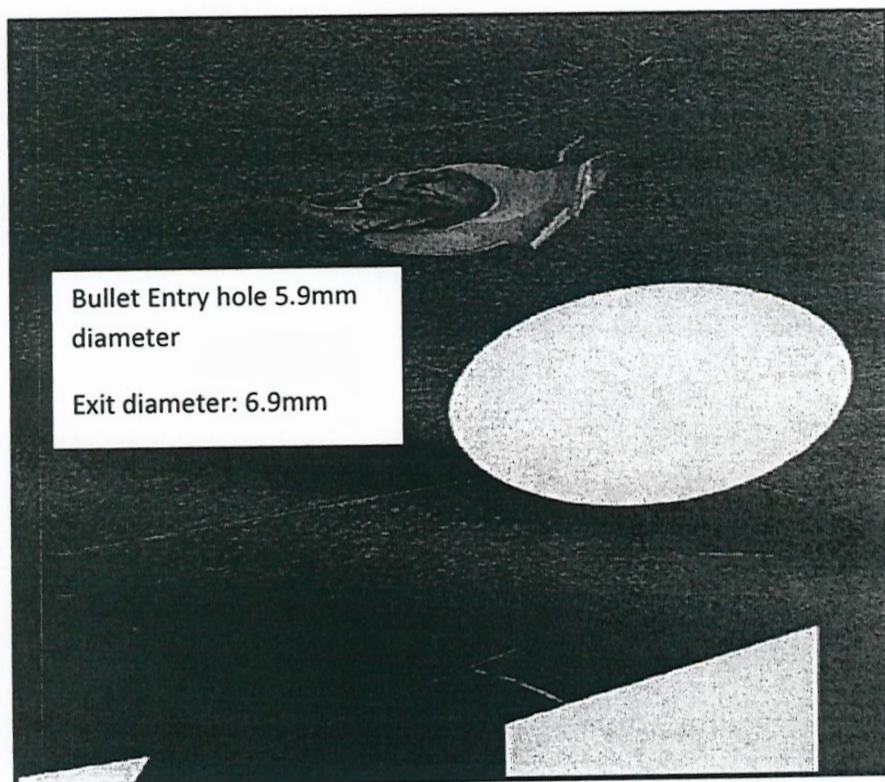
Car Park wooden guard room Western view (External side)



Car Park wooden guard room Western view (Internal side)

2. BARCLAYS BANK MIN-BUS (ABB 7536 MARCOPOLO)

a) One bullet entry hole and one exit hole were found on Barclays Bank min-bus (ABB 7536 Marcopolo) which was parked in the car park. The bullet that hit the bus was fired from the northern direction.



Side view of Barclays Bank min-bus (ABB 7536 Marcopolo)

3. VICTIM (ADRAINE MUNJERE NATIONAL REGISTRATION NUMBER 63- 1292874 F32)

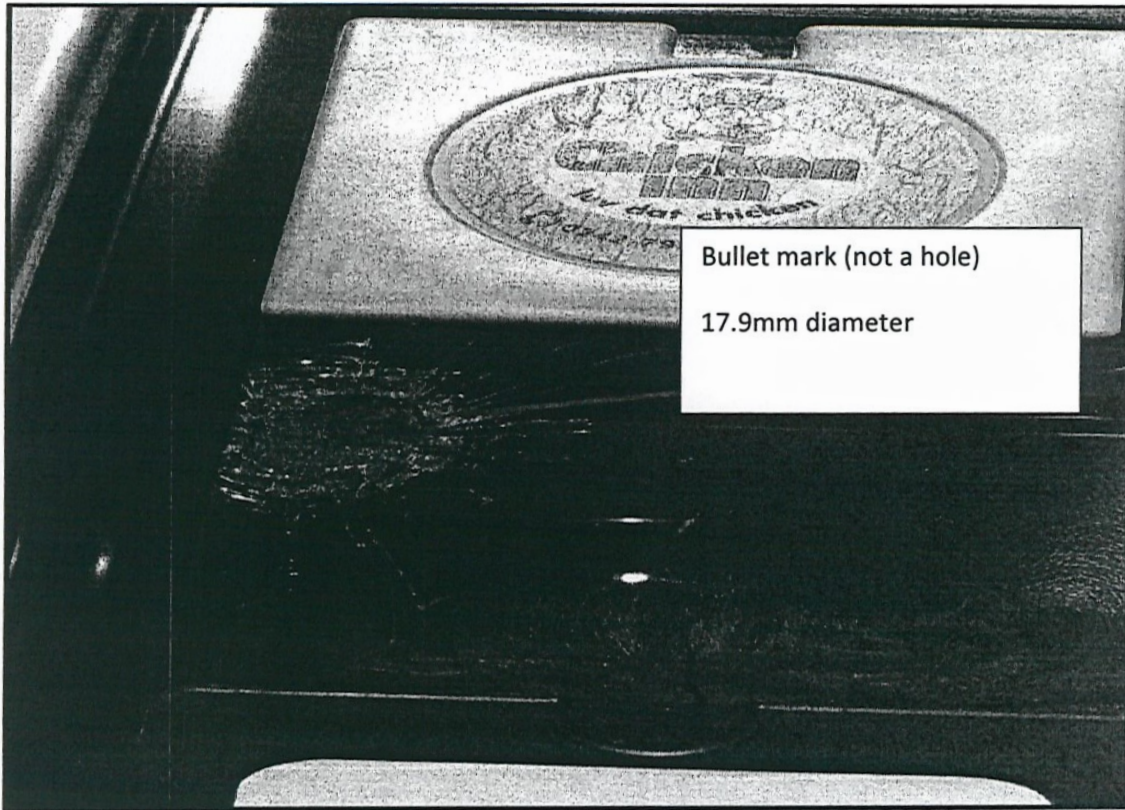
- a) One bullet entry and one bullet exit marks/scars were identified on **Adraine Munjere** (An Un registered dealer in cell phones at the car park area), **National Registration Number 63- 1292874 F32 of 1077 Shambare Street, Mabvuku**. The bullet marks were located just below the right elbow and the bullet was fired from the front direction.



Bullet scar on Adraine Munjere' s right arm

4. MITSUBISHI COMMUTER OMNIBUS (AAQ 0173)

- a) One bullet mark on the wind screen of a white Mitsubishi Commuter Omnibus (AAQ 0173) parked at the car park along George Silundika Avenue. Owner was not located at the time of the scene revisiting.



View of a bullet mark on Mitsubishi Commuter Omnibus (AAQ 0173)

Conclusion

Pertaining Crime Scene Number One (ZCTU OFFICES) nothing was picked by the Forensic Ballistics experts since the scene had been already disturbed. However in connection with the scene, CID Law and Order Harare, brought the following exhibits per hand of number 071110 S Detective Constable Vhenduka;

- a) 2 x 7, 62 x 39mm Spent Cartridge Cases

b) 1 x steel core

Examination of exhibit (a) showed that they are 7,62 x 39mm spent cartridge cases which were discharged by two different AK Rifles that chambers 7,62 x 39mm live ammunition.

Further examination of exhibit (a) showed that they did not match any outstanding scenes in the laboratory.

Examination of exhibit (b) showed that it is a steel core for a 7, 62 x 39mm bullet.

No comparisons could be done on exhibit (b).

Pertaining to Crime Scene Number two (CITY CENTER CAR PARK) nothing was picked from the scene by the Forensic Ballistics experts since the scene had already been disturbed.

Furthermore, with regards to this scene, no exhibits have been brought to Forensic Ballistics by any other station for Forensic examinations.

Respectfully referred, Sir.



[PARADZAYI] Superintendent
Superintendent CID Forensic Ballistics
CRIMINAL INVESTIGATION DEPARTMENT.

Annexure 6

List of witnesses who gave oral submissions

1. Patricia Ruzawe
2. Nyasha Gift Tapfumanei Zenda
3. Walter Mutanga
4. Milton Mawore
5. Lawson Nyanhanda
6. John Makesure Dizai
7. Adrian Munjere
8. Stella Matsengarwodzi
9. Marian Chidamba
10. Peter Makani
11. Precious Mavenga
12. Roy Janhi
13. Fortunate Kangombe
14. Wellington Mushoshoma
15. Esther Keresia Magadu
16. Cephas Chinhamura Chikuru
17. Elizabeth Glynnette Rubeinstein
18. Tineyi Zhuwawo
19. Royan Tapiwa Bingadadi
20. Yolanda Tatenda Masocha

21. Islam Madosi
22. Zakeyo Mutimutema
23. James Saidi
24. Lovemore Chinoputsa
25. Regis Makiwa
26. Makomborero Haruzivishe
27. Maxwell Tauro
28. Ignatius Neshava
29. Terrence Shandukai Kumire
30. Zivanai Mugwara
31. Tendai Chirau
32. Vivid Gwede
33. Tafadzwa Mugwadi
34. Taurai Kandishaya
35. Felix Sibanda
36. Siphamandla Mafu
37. Mabutho Moyo
38. Patric Mutandazo Ndlovu
39. Agnes Moyo
40. Mlungisi Moyo
41. Aleck Gumede
42. Thompson Ndlovu

43. Sengezo Tshabangu
44. Virginia Mpasu
45. Cornelius Mupereki
46. Shepherd Sungayi
47. Nugget Kenny Farai Manyima
48. Joseph Madyagwai
49. Kudakwashe Hove
50. Erasmus Jaya Mativenga
51. Tariro Maturure
52. Lameck Mateko
53. Dorothy Sololo
54. Kudakwashe Muziva Shambare
55. Kudakwashe Munengiwa
56. Shingai Gamuchirai Trevor Mabwe
57. Leornard Bhebhe
58. Hosea Muvhiringi
59. Munetsi Albert Nyama
60. Sheila Munyaradzi Mutsenhi
61. Dorcas Kanyurira
62. Johnson Mudzamiri
63. Lyton Limbo
64. Thasin Dube

65. Innocent Magutakuona
66. Rashwell Banga
67. Irvan Mbengo
68. Patricia Mpofu
69. Crispen Dube
70. Richard Chitema
71. Simbarashe Chikandira
72. Julius Mashonganyika
73. Timothy Chikwena
74. Maxwell Hove
75. Pamhidzai Pasi
76. Joseph Tshuma
77. Albert Ncube
78. Ellen Sithole
79. Lillian Chigwedere
80. Thandabantu Godwin Matanga
81. Ansleem Nhamo Sanytwe
82. General Phillip Valerio Sibanda
83. Justice Priscilla MakanyaraChigumba
84. Never Katiyo
85. Edmore Muchineripi Runganga
86. Gabrial Chaibva

87. Thokozani Robery Maphosa
88. Paddington Japajapa
89. Noah Madziva
90. Sarudzai Mudyamhuru
91. Last Bright Kapingidza
92. Jim Kunaka
93. Shadreck Mashayamombe
94. Tsitsi Paradzai
95. Maynard Kudakwashe Manyowa
96. Simeon Chipokosa
97. Prince Machaya
98. Mordecai P Mhlangu
99. Admire Maticha
100. Tendai Luckson Biti
101. Nelson Chamisa
102. Pure Simango
103. Obert Moses Mpofu Masarira
104. Linda Tsungirirai

ANNEXURE 7

Letters of Authorisation

ZIMBABWE REPUBLIC POLICE

Official communications should not be addressed to individuals.

PHONE: 777777
EXTENTIONS



REFERENCE:

HARARE CENTRAL DISTRICT HEADQUARTERS
P.O. BOX CY 154
CAUSEWAY
HARARE

1 August 2018

The Officer Commanding Police
HARARE PROVINCE

Assistance by the Zimbabwe Defence Forces: Civil Commotion in Harare Central District.

I refer to my letter dated 29 July 2018 on anticipated public disorder in my district. There are approximately four thousand protesters on the streets of the Central Business District (CBD) of Harare protesting against alleged rigging of the just ended elections

The situation has gone so bad that about five (5) cars and a bus have been set on fire around 4th street corner Jason Moyo Avenue. Several shops had windows smashed, goods are being looted and cars windscreens are being smashed. The protesters are moving in large groups forcing business operators to close shops while armed with an assortment of weapons which include logs and metal rods of various sizes. They are bullying street vendors to joining them in the process looting vendors' wares.

Some buildings are in the danger of catching fire since the protesters are setting fire on some politicians' bill boards affixed onto buildings. Used car tyres have been set on fire hence there is smoke all over; roads have been barricaded with stones and boulders rendering most roads impassable.

Police officers deployed in various spots in the CBD have been overwhelmed and literally withdrawn.

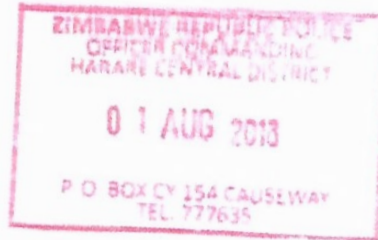
If the prevailing situation is not contained in the shortest possible time there is likely to be a serious disaster in the city. The violence, protests and disturbance are in progress and the numbers are increasing.

I therefore pray to your office sir, that the Zimbabwe Defence Forces be requested to assist in quelling the disturbances in the terms of the Section 213(2) of the Constitution of Zimbabwe as read with Section 37(1) of the Public Order and Security Act [Chapter 11:17].

Respectfully referred sir.

aus

[NCUBE A.] Chief Superintendent
Officer Commanding Police
HARARE CENTRAL DISTRICT



01 August 2018

Honourable Dr O M Mpopfu [MP]

Minister of Home Affairs and Cultural Heritage

**ASSISTANCE BY THE ZIMBABWE DEFENCE FORCES: CIVIL
COMMOTION IN HARARE CENTRAL POLICE DISTRICT**

Reference is made to our correspondence dated 29th July 2018 and our conversation of this morning in connection with the above subject matter.

I write to request, in terms of Section 213(2) of the Constitution of Zimbabwe, as read with Section 37(1) of the Public Order And Security Act (Chapter 11:17), for the immediate assistance of the Zimbabwe Defence Forces to suppress the violent disturbance of peace and security in Harare Central Police District, and other districts around Harare Metropolitan Province.

The supporters of the Movement For Democratic Change Alliance have gone on a seriously unpeaceful demonstration around the Harare central business district. Citizens are being terrorised, vehicles damaged and even burnt, shops and other properties are being vandalised. The lives of people and the security of properties are in extreme danger.

As per my letter referred to above, The Zimbabwe Republic Police does not have sufficient manpower to contain the situation at hand. We have already deployed our police officers, but it is abundantly evident that they are not able to contain the obtaining civil

commotion, which looks likely to escalate, as we have reliable information that people are being bussed from outside Harare.

I therefore kindly request your office to request for the immediate assistance of the Zimbabwe Defence Forces to suppress the civil commotion and return public order in the district.

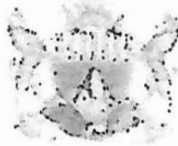
Referred for your approval, please.



T G MATAंगा
COMMISSIONER GENERAL OF POLICE

COMMISSIONER GENERAL
ZIMBABWE REPUBLIC POLICE
- 1 AUG 2018
P. O. BOX CY 34, CAUSEWAY
ZIMBABWE

Your Ref:
Telephone: 703641-4
Telegrams: "LEGAL"



MINISTRY OF HOME AFFAIRS
AND CULTURAL HERITAGE
Private Bag 7703
Causeway
HARARE

ZIMBABWE

01 August 2018

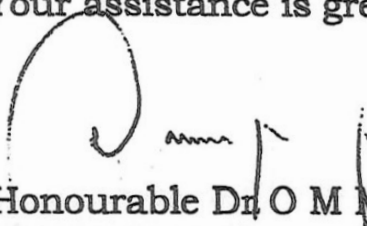
General [Rtd] Dr C G N D Chiwenga
Honourable Vice President and Minister of Defence,
Security and War Veterans Affairs

**REQUEST FOR IMMEDIATE ASSISTANCE BY THE ZIMBABWE
DEFENCE FORCES TO MAINTAIN PUBLIC ORDER IN HARARE
CENTRAL POLICE DISTRICT**

As per our telephone conversation of this morning in connection with the above matter, please find attached self-explanatory letters from the Commissioner General Of Police dated 29th July and 1st August 2018 respectively.

We kindly request for the authorisation of the Zimbabwe Defence Forces to assist the Zimbabwe Republic Police Service to fulfil its constitutional mandate of maintaining public order in Harare Central Police District, and other areas in Harare Metropolitan Province.

Your assistance is greatly appreciated.


Honourable Dr O M Mpofu [MP]
Minister of Home Affairs and Cultural Heritage

Telephone: 707091/9
Telegram: "SECPRES"



Reference:

OFFICE OF THE VICE PRESIDENT
Private Bag 7700
Causeway
Harare

01 August 2018

His Excellency, Cde. E.D. Mnangagwa
**President of the Republic of Zimbabwe and
Commander-in-Chief of the Zimbabwe Defence Forces**

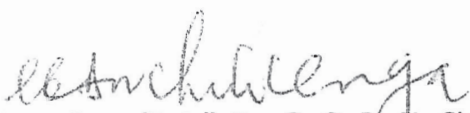
REQUEST FOR THE IMMEDIATE DEPLOYMENT OF THE DEFENCE FORCES IN TERMS OF SECTION 213 (2) (b) OF THE CONSTITUTION OF ZIMBABWE AS READ WITH SECTION 37 (1) OF THE PUBLIC ORDER AND SECURITY ACT. (CHAPTER 11:17)

Your Excellency, pursuant to Section 213 (2) (b) of the Constitution of Zimbabwe as read with Section 37 (1) of the Public Order and Security Act (Chapter 11:17), the Minister of Home Affairs and Cultural Heritage is requesting for the immediate assistance of the Defence Forces for the purpose of suppressing violent disturbances in Harare Central Police District and other areas in Harare Metropolitan Province.

Pursuant to Section 213 (2) (b) of the Constitution of Zimbabwe as read with Section 37 (2) of POSA. I kindly request for your authorisation of the immediate deployment of the Defence Forces to assist the Zimbabwe Republic Police Service in the maintenance of public order as requested by the Minister of Home Affairs and Cultural Heritage.

Please find attached herewith, a self explanatory letter from the Minister of Home Affairs and Cultural Heritage outlining his grounds for the request.

Forwarded for your approval, Your Excellency.


Hon. Gen. (Retd) Dr. C. G. D. N. Chiwenga 'GCZM'
**VICE PRESIDENT OF THE REPUBLIC OF ZIMBABWE AND
MINISTER OF DEFENCE AND WAR VETERANS AFFAIRS**

Cc: Minister of Home Affairs and Cultural Heritage

Telephone: 707091/9
Telegram: "SECPRES"



Reference:

OFFICE OF THE VICE PRESIDENT
Private Bag 7700
Causeway
Harare


01 August 2018

General P.V. Sibanda
Commander Defence Forces

IMMEDIATE DEPLOYMENT OF THE DEFENCE FORCES IN TERMS OF SECTION 213 (2) (b) OF THE CONSTITUTION OF ZIMBABWE AS READ WITH SECTION 37 (1) OF THE PUBLIC ORDER AND SECURITY ACT. (CHAPTER 11:17)

General, pursuant to Section 213 (2) (b) of the Constitution of Zimbabwe as read with Section 37 (2) of the Public Order and Security Act, the President as Commander-in-Chief of Defence forces has authorized the deployment of the Defence Forces, in support of the Police Service in the maintenance of public order.

Accordingly, as sanctioned by law, I hereby direct you to command the Defence Forces to immediately deploy and assist the Zimbabwe Republic Police Service to quell the violent disturbances in Harare Central Police District and other areas within Harare Metropolitan Province.


Hon. Gen. (Retd) Dr. C. G. D. N. Chiwenga 'GCZM'
**VICE PRESIDENT OF THE REPUBLIC OF ZIMBABWE AND
MINISTER OF DEFENCE AND WAR VETERANS AFFAIRS**

Cc: Minister of Home Affairs and Cultural Heritage

OUR REF :
TELEPHONE : 703641-3
TELEGRAMS : "LEGAL"



MINISTRY OF HOME AFFAIRS
AND CULTURAL HERITAGE
PRIVATE BAG 7703
CAUSEWAY

ZIMBABWE

01 August 2018

Commissioner General of Police

Attention: Cde T G Matanga

**REQUEST FOR IMMEDIATE ASSISTANCE BY THE
ZIMBABWE DEFENCE FORCES TO MAINTAIN PUBLIC
ORDER IN HARARE CENTRAL, SOUTH, SUBURBAN,
MBARE AND CHITUNGWIZA POLICE DISTRICTS**

Reference is made to our telephone conversation of this morning and your follow-up letter, in connection with the above matter.

I write to inform you that **His Excellency the President, Cde E D Mnangagwa** has, in terms of Section 213(2) of the Constitution of Zimbabwe, duly authorised the deployment of the Zimbabwe Defence Forces to assist the Zimbabwe Republic Police in the maintenance of public order in the above mentioned police districts.


Honourable Dr O M Mpofu [MP]
Minister of Home Affairs and Cultural Heritage

Annexure 8

LIST OF DAMAGED PROPERTY

| NAME | PROPERTY INVOLVED | MODUS | VALUE |
|----------------------------|---|------------------|--------------|
| Nyasha Gift Zenda | Bus | Burnt | \$100 000-00 |
| Godfrey Zembe | Shop windows | Smashed | \$2 370-00 |
| Walter Mutanga | Herald House windows | Smashed | Not given |
| Milton Muwori | Flea market tents and wares | Burnt | \$3500-00 |
| John Makesure Disai | Edgars shops windows and two signages | Smashed | \$3189-00 |
| Rayon Tapiwa Bingandadi | Protein shop windows | Smashed | \$534.00 |
| Mavis Makiwa | Televisions, TV stand and gas tank | Looted | \$2200.00 |
| Zivanai Mugwara | Honda fit at ZANU PF Provincial HQ | Burnt | \$3500-00 |
| Jennifer Chindedza | Shop window, Gains Cash and Carry | Smashed | \$120-00 |
| Tineyi Kwenda | Nagarji store shop window | Smashed | \$900-00 |
| Tsitsi Muzvondiwa | Bale of second hand clothes | Burnt | \$150-00 |
| Stella Matengarwodzi | Nissan King Cab ABD 1298, ZANU PF Provincial HQ | Burnt and stoned | \$3000-00 |
| Shorai Kachere | One bale second hand shoes | Looted | Not given |

| | | | |
|--|---|---------|-----------|
| Rapahel | One bale second hand clothes | Burnt | \$350-00 |
| Juliet Muchineripi | Blankets for sale | Burnt | \$500-00 |
| Wilfred Manjoro | Fourteen (14) windows to a building | Smashed | \$2000-00 |
| Peter Kadzimba Zimowa | ZANU PF Provincial HQ windows | Smashed | Not given |
| Varaidza Maketo | Two bales of baby wear | Looted | \$200-00 |
| Tinashe Siamkoba NR 23-015700P23 | Second hand shoes | Looted | \$300-00 |
| Fadzai Mateke | Second hand shoes | Looted | \$150-00 |
| Florence Ngonyemoto NR-63-129297V15 | Second hand clothes | Looted | Not given |
| Dadirai Madombwe | Three bales of second clothes | Burnt | \$500 |
| Justice Mbabvu | Second hand clothes | Looted | Not given |
| Elizabeth Tozivepi | Bale of second hand clothes | Looted | \$105-00 |
| Belief Maketo | Second hand shoes and t-shirts | Looted | \$215-00 |
| Pauline Garwe | Bale of second hand clothes | Burnt | \$180-00 |
| Sincere Makere (shop assistant) | Cell phones and accessories, watches, cosmetics and swipe machine | Looted | \$4500-00 |

| | | | |
|---------------------|--|----------------------------------|-----------|
| Roy Janhi | Toyota Allion at ZANU PF Provincial HQ | Burnt | \$9500-00 |
| Pride Peturu | Zuva service station and fuel pumps | Smashed | \$5000-00 |
| Ishwarial Gopal | Bottle store windows and three bottles of alcohol | Smashed by stones and looted | \$630-00 |
| Mutevani Ashington | Toyota Raum vehicle AEQ 6361 window screen and two doors | Hit by stones | \$475-00 |
| Clive Mangondo | Toyota Belta AED 6049 boot and right side | Hit with a plank | \$500-00 |
| Tichatonga Matsinde | Nedbank ATM | Smashed with stones | \$537-00 |
| Precious Nembaware | John Boyne Building windows and car park signage | Smashed with stones | \$537-98 |
| Felistus Murombo | Car and wind screen rear-view mirror and body | Smashed with stones and missiles | Not given |
| Moses Gwaindepi | Motor vehicle BT50 rear side passenger door | Hit with an iron bar | \$120-00 |
| Raymond Ogenio | Vehicle | Shaken by rioters over and over | None |

| | | | |
|--|-------------------------|------------------|-----------|
| | | setting on alarm | |
| KFC Corner Inez Terrace/Speke Avenue | 4 windows smashed | | Not given |
| Chicken Inn Corner Inez Terrace/Speke | 7 windows smashed | | Not given |
| T Corner 1 st /Nelson Mandela Avenue Sales and Home | One glass panel smashed | | Not given |
| Bakers Inn and Chicken Inn corner Chinhoyi/Bank street | 8 windows smashed | | Not given |
| Venus House corner Robert Mugabe and Cameron Street | 8 windows smashed | | Not given |
| Pace Fashions Corner Albion/Cameron Street | 7 windows smashed | | Not given |
| Modern furniture Corner Camero/Robert Mugabe Street | 7 windows smashed | | Not given |
| Station Furnishers Corner Cameron Street/Robert Mugabe Road | 13 windows smashed | | Not given |
| Swanko Furnishers Corner Albion/Chinhoyi Street | 10 windows smashed | | Not given |

| | | | |
|---|---|--|-----------|
| Hub Saleview Investments Corner Harare/Albion | 7 windows smashed | | Not given |
| Unique Fashions Corner Harare/Albion | 3 windows smashed | | Not given |
| Medex Pharmacy Harare/Albion | 1 window smashed | | Not given |
| VJ Wholesalers Rezende Street/Charter Road | 6 display booths destroyed, clothes looted | | Not given |
| Eat and Lick Corner Chinhoyi/Bank Street | 6 windows smashed | | Not given |
| Vintage Cameron Street | 4 glasses smashed | | Not given |
| Chicken slice Corner Speke/Mbuya Nehanda | One glass smashed | | Not given |

Annexure 9

REPORT ON VIOLENT PROTESTS HELD ON 01 AUGUST 2018 AND THE SUBSEQUENT ECONOMIC LOSS PRESENTATION TO THE COMMISSION OF ENQUIRY : 13 NOVEMBER 2018, CRESTA HOTEL MSASA.

1.0 INTRODUCTION

1.1 The Ministry of Industry and Commerce was invited by the commission to give evidence on the economic costs directly and indirectly that were a result of the violent demonstrations. Representing the Ministry was the Director for legal affairs Mr N. Katiyo, Legal Officer Mr Muhumbe and Economist department of Enterprise Development Mr M. M. Chitsa.

Following the oral evidence to the commission, the Ministry came up with the written report on the impact of the August 1 violence on the economy.

2.0 SUBMISSIONS MADE TO THE COMMISSION

2.1 Director Katiyo outlined the costs of violence from the general overview of any economy. In his presentation he outlined that, Conflict disrupts the economy, upsets social order and derails human life. Business detest investing in a volatile political environment where citizens are mercilessly killed and constantly displaced. Submissions made to the Ministry by stakeholders noted that the following were the direct costs incurred by business during the disruptions.

2.2 The consequences of violent demonstrations on 01 August 2018

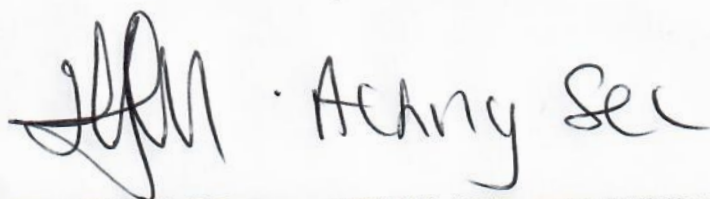
Thousands of residents stayed out of work, many unwillingly due to threats of intimidation. The incident affected a number of selected big brands shops as well as small and informal shops. Notable examples of vandalized shops include Chicken Inn, Choppies, KFC, Edgars, among others. Such threats to the formal and informal retail sector undermine the country's economic development and occasion unnecessary losses. Many shops in the CBD and other neighbourhoods have had to temporarily close shop just to be sure that the environment is safe to operate, from our initial assessment of the retail shops

affected, we estimate that retailers lost approximately \$1.8 Million in damages to property, theft and Vandalism; not mentioning the losses incurred during the time some shops had to close shop with others cutting their operating time for for safety concerns. Such threats to the formal and informal retail sector undermine the country's economic development and occasion unnecessary losses to our members and non-members. Many shops in the CBD and other neighborhoods have had to temporarily close shop just to be sure that the environment is safe to operate.

The incidents, which affected a number of selected big brands shops as well as small and informal shops, are highly regrettable. Some of the shops which were vandalized include Chicken Inn, Choppies, KFC, Edgars, among others. We are also deeply saddened by the loss of six lives as well as the injury of many innocent civilians who were going about their business, including customers who were doing their usual shopping.

2.3 Other indirect costs to the Economy

The country is on an investment drive to attract Foreign Direct Investments. The violence that took place in light of this seems to have alerted some political instability of the Country and generally makes investors skeptical. It goes without saying that the nation suffered perceived investment risk and stands to miss out on the 16 Billion United States Dollars worthy of inquired investments in the re-engagement effort. Notable indirect losses cited was the revenue lost when the retail outlets closed and the subsequent Government revenue lost that could have been collected from Value Added Tax from the sales made by these retail outlets.



MINISTRY OF INDUSTRY AND COMMERCE
29/11/2018

Annexure 10

Demonstrations



Police and Army



Commissioners Sworn in



Inspection *in loco*



Hearings



Hearings



