Zimbabwe Post Election Violence: Motlanthe Commission of Inquiry 2018

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Abstract

Zimbabwe held its national elections on 30 July 2018. The electoral process was generally peaceful until 1 August 2018, when demonstrators took to the streets of Harare demanding the immediate release of the presidential election results. Arguably, the police failed to contain the situation and sought the assistance of the military which fired live ammunition to unarmed civilians. By end of 1 August 2018, at least six (6) people had been tragically killed; injury of thirty-five (35), and extensive damage and destruction of property had been caused. Following these incidents, on 12 September 2018, 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 Commission of Inquiry Act [Chapter 10:07] through Proclamation 6of 2018 published in Statutory Instrument 181 of 2018, to investigate matters of public welfare arising out of the tragic events in Harare on 1 August 2018. This article argues that the Motlanthe Commission of Inquiry was biased against main opposition. The article concluded that the coverage of the public hearings was polarized and that Zimbabwe is a divided and polarized state. This article contributes towards policy and reform changes.

Key words: Commission of Inquiry, election violence, live ammunition, military, polarisation, recommendations

Background and Context:

Zimbabwe has a history of political violence which usually escalates during the pre, peri and post-election period (ZADHR Report, 2018). Makumbe, cited in Mapuva and Muyengwa-Mapuva (2014) argues that at the attainment of political independence in 1980, ZANU PF took on a commandist and regimentalist character rather than a democratic character in its operations. Violence has been part of virtually every election since 1980, with anyone who dares to oppose the establishment labelled a traitor whose ambition is to reverse the gains of independence (Masunungure, 2009; see Mungwari (2017) PhD thesis titled: ‘Representation of political conflict in the Zimbabwean press: The case of The Herald, The Sunday Mail, Daily News & The Standard: 1999-2016’). In 1990, Edgar Tekere received unprecedented support for his opposition of the then President Robert Mugabe. Members of his party, Zimbabwe Unity Movement (ZUM), were targets of violent attacks which left at
least five people killed. Former Gweru Mayor, the late Patrick Kombayi survived an assassination attempt after he was shot in the abdomen, and the perpetrators were pardoned immediately afterwards (News Day, 2013).

ZADHR Report (2018) asserts that more violence was witnessed in the 2002 Presidential election, with more people openly supporting the opposition party, violence, intimidation and coercion was systematically employed as a strategy to diminish support for the opposition. Although the opposition was also involved in violence, their responsibility in such activities was reported to be far less than the ruling party, which committed the bulk of the crimes (Melbar, 2002). More and even severe violence was to be witnessed in the 2008 Presidential runoff election. ZANU PF quickly responded to the loss of its parliamentary majority for the first time since independence and its leader finishing second in the presidential vote by unleashing a systematic and brutal campaign of violence against the opposition (Human Rights Watch, 2008).

More than one hundred people were murdered and over six hundred people were displaced from their homes (Zimbabwe Human Rights Forum, 2008). Research and Advocacy Unit, (2008) reports that Zimbabwe is the most politically violent country in Southern Africa since the civil wars ended in Angola and Mozambique and after Namibia and South Africa gained independence. The country was born out of a particularly violent struggle against white settler domination, entered a new internecine conflict in the 1980s, and, since 2000, has been the subject of violent elections, mass displacement, and continuous repression (RAU, 2018).

In November 2017, Robert Mugabe was forced to resign from the presidency after a military intervention coined “Operation Restore Order” (see Mungwari, 2017 article titled: ‘Framing of Zanu PF Internal Succession Struggles: Mnangagwa and the Military factor’). Although citizens took to the streets to celebrate the end of Mugabe’s rule, human rights organisations such as RAU were concerned about the military’s involvement in the civil affairs of the nation and questioned the military’s vote going into an election in 2018 (ZADHR, 2018). RAU described this new era in Zimbabwe as new and potentially dangerous (RAU, 2018).

Emmerson Mnangagwa, who took over the Presidency from Mugabe, was Mugabe’s henchman and has been accused by some sections of the media as being the mastermind of most of the atrocities that happened under the Mugabe regime (VOA, 2017, News Day, 2017). After being sworn in as president however, Emmerson Mnangagwa called all Zimbabweans to embrace a new era, let bygones be bygones and forget the past, and he declared Zimbabwe ‘Open for Business’; a mantra criticized by many (see Mungwari (2018) article titled: ‘Post Mugabe coup: Mnangagwa administration challenges’). After decades of being in isolation, Zimbabwe sought re-engagement with the west. Indeed, western observers were called in to observe the 2018 Zimbabwe harmonized elections (Mungwari, 2019). The President promised a free and fair, credible and violent free election. However, political events after elections show that Mnangagwa government has become worse than Mugabe era of civilian murders, brutal torture, rape, harassment and arrests with impunity of perpetrators in the name of the military, police, and state intelligence and ZANU PF youths.

The new President promised a new style of government and sought re-engagement with Western countries. Indeed, Mnangagwa preached peace and promised a violent free election. Western countries saw the upcoming 2018 election as a key measure of the government’s will to uphold human rights and put a free, fair, credible and violent free election as the ticket to re-engagement. Thus, the 2018 Zimbabwe harmonized election on 30 July attracted a lot of media attention, locally, regionally and internationally (ZADHR, 2018).

However, Lawson (1993) defines a political regime as the formal and informal organisation of the center of political power, and of its relations with the broader society. A regime determines who has access to political power, and how those who are in power deal with those who are not.
Kitschelt’s (1992) conceptualization, political regimes are rules and basic political resource allocations according to which actors exercise authority by imposing and enforcing collective decisions on a bounded constituency. Based on these characteristics, a regime change is defined as ‘a change in (or abandonment of) the principles and norms governing the nature of a regime (Lawson, 1993: 186). Regime change is not change of characters. On this basis there is no second republic in Zimbabwe regime change. I have argued elsewhere that what changed in Zimbabwe after 2017 coup was change in person (Mugabe); not in ZANU PF cult, culture and administration. Critics argue that although Mugabe was a dictator, the new president is worse.

The Zimbabwean harmonized 2018 polls were the first election in almost 20 years without the fierce rivals Robert Mugabe and Morgan Tsvangirai on the ballot paper. The pre-election period was relatively violent free, with few cases of voter intimidation and intra-party violence from both the opposition and the ruling party recorded. The opposition held several demonstrations against the Zimbabwe Electoral Commission (Zec), again, these were violent free, with the police maintaining peace during the demonstrations and not violently dispersing demonstrations as what happened during the Mugabe era.

On voting day, voting proceeded peacefully, no cases of violence were recorded. However, on 1 August 2018, opposition supporters expressed growing impatience over the slow release of the historic presidential election results, and they took to the streets, alleging that their vote was being ‘stolen’. What started as a peaceful protest quickly turned violent, with opposition supporters allegedly burning cars and buses belonging to ZANU PF (Motlanthe report, 2018).

After the anti-riot police realized they ‘could not contain the protestors’, the army was called in to assist, but there was disproportionate and indiscriminate use of force by both the army and police. According to ZADHR (2018) report, ‘within a few minutes of the army’s deployment, Harare’s Central Business District (CBD) resembled a warzone, with army vehicles and helicopters patrolling the city, and soldiers opening live ammunition to the fleeing protestors’ (P.7).

This resulted in the death of at least six (6) civilians and a lot more were injured. In the following days the army carried out a crackdown in Harare’s high-density suburbs that included beatings (assaults) and harassment of people. In other rural areas such as Muzarabani, Mutoko and Maramba-Pfungwe (ZANU PF strongholds), opposition supporters and party polling agents were displaced from their homes after being threatened with torture or death, or both (ZADHR, 2018).

After the local and international community expressed concern to Mnangagwa government over the preceding events, the president later assembled a Commission of Inquiry to investigate what really happened. This article attempts to analyze the Commission of Inquiry’s public hearings and then examine the final report which was published. This paper analyses the state-controlled daily, The Herald and privately owned daily, News Day to ascertain how the two newspapers framed the events. The article also examined public reports such as the ZADHR, video footage and photographs as well as the Motlanthe Commission of Inquiry’s final report. The writer also gained insights from attending public hearings in Harare only. The article concludes that Motlanthe Commission of Inquiry was largely biased against the main opposition MDC – Alliance. The Zimbabwean society is polarised as reflected in the media reports including social media. The article contributes towards policy changes in government and political parties which should work towards National Peace, Healing and Reconciliation so that there is closure of past violent wounds.

**Commission of Inquiry Terms of Reference:**

By the end of 1 August 2018, six (6) people had been tragically killed, several others injured, and extensive damage and destruction of property had been caused. On 12 September 2018, following these events, the President of Republic of Zimbabwe
Zimbabwe, His Excellency Emmerson D. Mnangagwa, appointed a Commission of Inquiry in terms of Section 2(1) of Commission of Inquiry Act [Chapter 10:07], to investigate matters of public welfare arising out of the tragic incidents in Harare on 1 August 2018, with the following terms of reference:

a. To inquire into the circumstances leading to 1 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 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 day of swearing of the Commissioners.

Following the promulgation by the President of the Republic of Zimbabwe, His Excellency E.D. Mnangagwa of Proclamation 6 of 2018; the President swore in a seven-member Commission of Inquiry in terms of Section 2 of the Commission 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, (British Advocate), United Kingdom;
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. Ms. 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, that is, 19 September 2018.

Analysis of Mnangagwa’s Commission of Inquiry:

The Commission of Inquiry into 1 August 2018 Post-Election Violence was not a fair platform from the beginning and the opposition had previously expressed its concerns. Its composition and terms of reference were serious points of concern (Magaisa, 2018).

The commission was appointed by an interested party because as president at the relevant time, President Mnangagwa would have been responsible for the deployment of troops during the protests on 1 August 2018 (as the final report confirms). There were also conflicted members on account of their political affiliation and previous statements regarding the incidents under investigation. Finally, the terms of reference were too limited and appeared to have a bias towards finding fault with the opposition (again, the final report confirms these positions).

The local members of the commission were contentious choices. One is openly partisan and at least two were conflicted given their interests in the parties or matters which were under investigation. Professor Charity Manyeruke is a well-known supporter of ZANU PF and President Mnangagwa. Magaisa (2018) argues that Manyeruke makes no effort to hide her partisan views. She has been cheer-leading Mnangagwa and ZANU PF on both social and public media and has been highly critical of the MDC Alliance and Nelson Chamisa. The conflict of interest is beyond question. Arguably, Manyeruke was involved in Mugabe era violence
[(according to ex-ZANU PF terror leader, Jim Kunaka, during public hearings in Harare on 21 November 2018 (News Day, 22 November, 2018)].

Another commissioner who was conflicted is Professor Lovemore Madhuku, who was a presidential candidate in 2018 harmonised elections. Technically, he was an interested party in the events arising from and connected to the election- all of which was connected to the matters which were under investigation. Magaisa (ibid) further argues that as a candidate, Madhuku made comments critical or judgmental of parties in the matter investigated.

Vimbai Nyemba is the third local member of the commission. A former President of the Law Society of Zimbabwe, she already holds important roles within the current establishment. Earlier in 2018, she was appointed chairperson of the Procurement Regulatory Authority by President Mnangagwa. She was also appointed as a member of another Commission of Inquiry into the sale of state land in urban areas.

The law under which the Commission is appointed provides that one of its duties is “to make a full, faithful and impartial inquiry into matters [under investigation]…” How does one who is so openly partisan towards the appointing authority make a “full, faithful and impartial inquiry” into any matter in which they have already pre-judged and demonstrated partisanship (Magaisa, 2018)?

This article demonstrates the flaws of these members under ‘Public hearings’ section later.

Analysis of Terms of Reference:

The terms of reference are designed in a manner which steers the commission towards investigating “post-election violence” but make no specific reference to the reason purportedly begins the establishment of the commission which is the killing of civilians. Not once does the statement mention the killing of civilians, which prompted the call for the investigation. Instead, the terms of reference contain a presumption that the appropriateness of the force used must be measured against the “ensuring threat to public safety, law and order”.

A key term that is missing from the terms of reference is for the commission to investigate and establish the military chain of command in order to identify who gave the authority for the deployment of soldiers and the order to shoot to kill. Although the final report’s findings and Annexure 7 show the full record of these procedures followed with letters to confirm the above, it was necessary to include a specific terms of reference on this.

Finally, the commission’s remit seems limited to what happened on 1 August 2018. This is clearly inadequate given that numerous witnesses and reports chronicled assaults and harassment of civilians in urban residential areas including rural areas days after 1 August. Although the government and military denied involvement or responsibility, these incidences were widely covered by both local and international media. They should have been part of the commission’s specific remit. However, the commission used the wide latitude on paragraph (g) to investigate the violence against civilians after 1 August 2018, in both urban and rural areas. This was captured in the final report.

Framing of Commission of Inquiry:

The work of the Commission took almost two and half months, commencing from September 2018 to December 2018. Diverse narratives were ventilated during public hearings and other platforms. The media was granted full access to the Commission’s proceedings although on the first day of public hearings, police initially barred private journalists from the venue. It is against this context that this section analyses press representation of the Commission of Inquiry activities from October to December 2018.

Important to point out is that Zimbabwe is a divided and polarized state. The country has two ‘truths’; one told by ZANU PF and another told by MDC Alliance. The press depicts the two divergent dichotomy views reflecting polarization of the media.

A narrative that had been promoted through state media was that opposition leaders had incited protestors to go into the streets and that this was
The study of the ‘unsaid’ is more revealing than the said. *News Day* of 18 October, 2018 carried a story titled: “Killer soldiers ‘were driven by cruelty’”. This article notes that nearly all stories by privately owned press were accompanied by photography of a member of the army in kneeling position shooting into fleeing citizens. The story chronicles of Silvia Maphosa aged 53, who was shot in heart despite her pleading with the soldier to let her go. “… but he still fired and killed her. It was just purely out of cruelty, she was shot by a cruel person”. According to *News Day* (ibid) Maphosa’s sister, Miriam Chidamba, narrated that after her sister was dead, there was an attempt by doctors at Parirenyatwa Group of Hospitals to cover up by producing a death certificate which listed the cause of death as stab wounds. She said:

The doctor was not acting professionally. He was getting instructions from higher offices and when the family challenged the entry on the death certificate, with the help of Zimbabwe Association of Doctors for Human Rights (ZADHR). The doctor then changed the death certificate and entered that she had been killed owing to a gunshot wound (*News Day*, 18 October, 2018).

*News Day* of 16 November, 2018 published an article with a heading: “Doctors nail army in killings”. Zimbabwe’s military was responsible for the fatal shooting of six civilians, some of whom had nothing to do with post-election protests. ZADHR report titled: ‘Zimbabwe a New Era/Error’, compiled by medical doctors Norman Matara and Fortune Nyamande, documents cases the group attended to between August 1 and September 5, including 72 cases of politically-motivated violence. The report said it had attended to 11 people with gapping gun-shot wounds and accused government of a cover-up job while in one case the feared Central Intelligence Organisation (CIO) tried to interfere with medical work.

A male (41) who was shot in the chest by soldiers and died on the spot…He was certified dead by a ZADHR doctor at Parirenyatwa Hospital. However, when the doctor tried to examine the body to ascertain the full nature of the injuries, he was stopped by a suspected state agent and the body was whisked away. Post-mortem results could not be obtained (ZADHR, 2018:14).

According to the report, most of those who were shot had wounds indicating they were fleeing. Reports by medical personnel indicated that most of the entry gunshot wounds and exit wounds of victims were consistent with those individuals shot whilst fleeing (ZADHR, 2018).

Top military and police commanders on 12 and 13 November, 2018 appeared before the Commission of Inquiry into the violence denied that the army was behind the deaths of six civilians by gunshot wounds. This article gives details later concerning the actual submissions by Commander Zimbabwe Defence Forces General Philip Valerio Sibanda and other senior army officials.

The ZADHR (2018) says there was disproportionate and indiscriminant use of force by the army, resulting in the death of at least six (6) civilians and a lot more were injured. ZADHR provided emergency medical and surgical treatment to victims, conducted rigorous in-depth interviews with survivors and offered psychological counseling services.

Important to point out is that state media’s agenda was to blame the opposition for post-poll violence; fulfilling Terms of Reference (b) “To identify the actors and their leaders, their motives and strategies employed in the protests”. This article argues that the Motlanthe Commission of Inquiry had a ‘template’ where they only had to fit in pre-enacted details. State controlled *Herald*’s headlines were predictable due to agenda setting.
‘Post-poll violence: Biti, Kunaka nailed’, read The Herald headline 18 October 2018; carrying pictures of both Biti and Kunaka. The story alleged that MDC-Alliance principal and Harare East Legislator Mr Tendai Biti and former ZANU PF Youth leader Mr Jim Kunaka incited youths that attacked the ZANU PF Harare Provincial Headquarters during the post-election violence in Harare on 1 August 2018. Consequently, the Motlanthe Commission of Inquiry report into the 1st of August 2018 post-election violence on page 13 recorded Biti’s pre-election campaign rally message at Chemhanza grounds in Mabvuku-Tafara on 26 June 2018 (see the report for details).

The author of this article attended all public hearings in Harare. The article agrees with Motlanthe report that “from the testimonies’ of the witnesses who appeared before the Commission, it was noted there is at present a very worrisome degree of polarisation and bitterness within the body politic of Zimbabwe …” (p. 55). In fact, Zimbabwean state has experienced deep polarisation from 1999 (Mungwari; 2017). As earlier noted, Zimbabwe is a divided and polarised state. The nation urgently requires nationhood characterized by de-polarisation, peace and unity - thereby reconstructing the state.

The Herald of 20 October carried a story with a headline: ‘Violence probe: Commission adjourns-police, army to testify when hearings resume’. Addressing a media conference, the Commission’s chairperson, former South African President Kgalema Motlanthe, said that the Zimbabwe Republic Police (ZRP) and the Zimbabwe National Army (ZNA) were expected to appear before the Commission of Inquiry.

We wish to announce that the Commission will today (yesterday), the 19th of October 2018, adjourns its hearings in Harare, thereafter we will conduct hearings on the 20th and 27th of October, 2018 in Bulawayo and Gweru respectively. The commission plans to visit Mutare and to continue with the public hearings in Harare from the 10th of November, 2018. We will be hearing especially from the army and the police then (The Herald, 20 October 2018).

His Excellency, Motlanthe reiterated that they would be impartial in carrying out their mandate.

We were sworn in on the day of 19 September, 2018 and we subscribed to the oath that each and every one of us will faithfully, fully, impartially and to the best of our ability discharge the trust and perform the duties to the best of our abilities. We therefore want to assure the citizens of Zimbabwe that we will carry out the inquiry in terms of the law (The Herald, 20 October 2018).

Before the adjournment, the Commission had also heard testimonies from various people on the events that occurred on the fateful 1 August 2018. The public media, particularly The Herald (and ZBC) leaned more in favour of the ruling ZANU PF whilst independent media was heavily tilted in favour of MDC Alliance.

The Herald (ibid) highlighted that academic and political analyst Tafadzwa Mugwadi said the MDC Alliance and its allies in the civil society should take responsibility for instigating the violent demonstrations that led to the death of the six people. “… The events that happened had been rehearsed and planned by MDC Alliance and were not spontaneous…” (The Herald, 20 October 2018).

What is shocking is that the state controlled and ZANU PF mouthpiece Herald is silent about the soldiers and police who killed and injured civilians but chose to be obsessed by blaming perceived ‘instigators’. On the previous day The Herald of 19 October, 2018 also carried a story with a heading: “Post-poll violence probe team assesses damages,” instead of highlighting the plight of the injured and circumstances of families, especially children who lost their loved ones on the fateful day.

News Day of October 27, 2018 carried a story with a headline: ‘August 1 shootings hearing abandoned in Byo’. Riot police armed with assault rifles and water cannons were called when violence broke out at Rainbow Hotel in Bulawayo during hearings conducted by the Commission of Inquiry. Former
South African President Kgalema Motlanthe and this team were forced to leave the venue through the back door.

Some people in attendance questioned why the Commission was investigating Harare killings in Bulawayo, arguing this was an attention seeking stunt by President Emmerson Mnangagwa regime. They said the inquiry was a waste of time and resources since soldiers were caught on camera spraying bullets on fleeing civilians. Some activists questioned why government was keen to investigate the August 1 killings during which six people were killed, but had not done so with the 1980s Gukurahundi mass killings in Matabeleland and Midlands province during which thousands of mainly Ndebele speaking people were murdered. The activists demanded the release of the Chihambakwe Commission of Inquiry report that contained findings of the Gukurahundi atrocities that left some 20 000 civilians dead (Ndlovu-Gatsheni, 2012).

Motlanthe, however, justified the visit to Bulawayo saying:

The Commission, in its wisdom, decided to come to Bulawayo because there is a possibility that some people in Matabeleland have been in Harare or had relatives who were injured or killed on the day and would, therefore, want to hear the circumstances of what happened, or you have suggestions and recommendations as to how law enforcement agents must handle such situations (News Day, 27 October 2018).

Considering the foregoing revelations, this article posits that there is need for nation building, healing and reconciliation based on the critical finding that Zimbabwe is a divided state, lacking common purpose and is highly polarised. There is urgent need for closure pertaining to the Gukurahundi atrocities among other events of June 2008 and August 1, 2018. This article argues that Mnangagwa had two opportunities to express his apologies to Zimbabwe. Firstly, President Mnangagwa could have publicly apologised on state television soon after August 1 tragic incidents; but he did not do so. Secondly, Mnangagwa could have apologized to the nation soon after he was presented with the Motlanthe Commission of Inquiry 2018 report. Again, he has not done so despite the findings that “the use of live ammunition directed at people … when they were fleeing was clearly unjustified and disproportionate” (Motlanthe Commission of Inquiry 2018:47). This article argues that Mnangagwa has no remorse to apologise but defend his party despite the truth obtaining.

Reconciliation is a concept that falls under peace building discourse, which refers to a process that facilitates the establishment of durable peace in times of democratic transition or gross human rights violation. Lederach (1997:26) argues that reconciliation is a peace building process that assists conflicting groups in engaging with each other as humans-in-relationship. This is based on the view that when community members have a positive working relationship, they are likely to seek non-violent means to resolve any dispute that arise among them. Karen Brouneus (2003:20) defines reconciliation as ‘a societal process that involves the mutual acknowledgement of past sufferings and the changing of destructive attitudes and behaviour into constructive relationships towards sustainable peace’. These processes can be official (government sanctioned), for example the Truth and Reconciliation Commission in South Africa, or unofficial (community-based), for example the magama spirits rituals in Mozambique.

Various scholars who have written about Gukurahundi and reconciliation in Matabeleland, such as the Catholic Commission for Justice and Peace in Zimbabwe and the Legal Resources Foundation (CCJPC 1997), Eppel (2006; 2008), Hananyengwi-Chemhuru (2013), Mashingaidze (2010), Murambadoro (2015) and Murambadoro & Wielenga (2015) argue that the government has been reluctant to address the past injustices for fear of being implicated in the process. It is against this background of previous incidents of violence that this article urges President Mnangagwa to apologise for the 1 August 2018 post-election violence. This would initiate the process of national healing and
reconciliation. Murambadoro (2015) asserts that we cannot reconcile until the past has been acknowledged. The Commission noted that it received evidence of grievances among communities especially in Matabeleland and the Midlands, arising from the events of the past such as Gukurahundi. In this regard, the Commission recommended the need for National Healing (see Motlanthe Commission of Inquiry, 2018; 53).

**Police and Army testimonies**

After the Commission of Inquiry adjourned public hearings in Harare, it conducted public hearings in Bulawayo, Gweru and Mutare. The Commission resumed conducting testimonies in Harare on 10 November 2018; during which ZRP and ZNA senior officials gave evidence before the public inquiry by a Commission led by Kgalema Motlanthe.

*News Day* of 13 November 2018 published a story with a headline: ‘Police, army clash over shootings’. During verbal submissions, the Officer Commanding Harare District, Chief Superintendent Albert Ncube testified that members of the military who were deployed into Harare to quell demonstrations against Zec’s alleged failure to release presidential election results on time were deployed illegally and violated provisions of the Public Order and Security Act (POSA).

“I did not know that soldiers were in town by the time they deployed. I only heard gunshots…I then learnt that soldiers were on the ground and that they were shooting” [Albert Ncube quoted by *News Day* (ibid)]. Ncube said that under POSA, any member of the army deployed upon request was supposed to report to the police commanders first and operate under their orders, but this did not happen in this case. The Police Commissioner-General, Godwin Matanga also collaborated Ncube’s account, arguing they had to cut corners and deploy the military without the knowledge of the regulating authority because there was no time to follow procedures.

However, Matanga absolved the soldiers from having shot at the protestors, saying instead, the six people confirmed by autopsy to have died from gunshot wounds consistent with AK-47 assault rifle bullets could have been shot by the military wing of the MDC.

Matanga told the Commission that it was President Emmerson Mnangagwa who deployed the troops to assist the overwhelmed police officers and said he had a letter of authority to use the military from the President.

However, Zimbabwe Defence Forces Commander, Philip Valerio Sibanda, said he received the order to deploy soldiers verbally from Vice-President Retired General Constantino Chiwenga and had not seen orders from Mnangagwa.

I received a letter from Commissioner General Police to the Minister of Home affairs (then Obert Mpofu), then a letter from the Minister of Defence (then Chiwenga), then a letter from Minister of Defence to the President requesting assistance from the army. I do not know if the President responded to the letter from the Defence minister, I assume there was verbal communication, I received orders from the Minister of Defence verbally to deploy the military to help the police (Phillip Valero Sibanda quoted by *News Day*, 13 November 2018).

Sibanda also said the MDC’s youth wing, the Vanguard, could have been behind the shootings because State security intelligence pointed to the fact that they have arms (this exposes state security vigilance).

To demonstrate the fact that State media leaned on ZANU PF, *The Herald* of 13 November carried a story with a headline titled: ‘ZD denies shooting civilians’. Appearing before the Commission, the tactical commander of the National Reaction Force, who was also Presidential Guard Commander, Brigadier-General Anselem Sanyatwa testified that the ZDF did not kill any civilian on 1 August 2018. The state controlled press’ propaganda narrative stated “…during an operation aimed at restoring order in Harare’s CBD”. Asked about a picture that
trended on social media of a kneeling soldier firing at protestors, Sanyatwa’s response was “… He took that position because he was avoiding missiles that were being thrown at him…” This was a reckless and insensitive lie considering the loss of life and injuries.

On the contrary, Motlanthe report reiterated that “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” (p.40).

News Day of 22 November 2018 published a story with a headline: “Ex-ZANU PF terror leader spills the beans”.

The ruling ZANU PF party’s dirty tactics of allegedly using security forces to manipulate elections and deal with political polls through abductions, torture and smear campaigns were exposed by former terror leader under oaths before the Motlanthe Commission of Inquiry. Former ZANU PF provincial youth leader, Jim Kunaka told the Commission that one of the Commissioners, Charity Manyeruke was a key cog in ZANU PF’s alleged terror campaigns. Kunaka testified during public hearings thus:

I am shocked that as commissioners you are seating with Charity Manyeruke, she is actually one of the architects of violence in ZANU PF when I was provincial chairman of ZANU PF. We actually sat on the same table planning how to attack and beat up MDC supporters. She was my commander and she sent me on errands of violence …Manyeruke is dirty; I don’t want to answer any question from this woman (News Day, 22 November 2018).

Manyeruke responded by saying: ‘Chairman, mine is not a question. Let me set the record straight. I have never sat in any meeting with Jim Kunaka: She did not respond when Kunaka threatened to spill more beans and produce more evidence against her.

However, Motlanthe Commission of Inquiry (2018:26) revealed that the Commander of the Defence Forces, General Philip 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 authorized 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 Motlanthe report in Annexure 7.

What is surprising in the report is the absence and silence of Brigadier General Sanyatwe (then). Ironically, Mnangagwa promoted Sanyatwe to the rank of Major General as if rewarding him for deploying the troops which killed and injured civilians, details of which have been earlier stated in this article.

According to Motlanthe Commission of Inquiry (2018) report, causes of death and injury were captured as: The Commission received extensive evidence of the Army and the Police using live ammunition and firing at civilians, including; the video evidence of soldiers firing at civilians, such as the kneeling soldier (see pages 40-41 for details (35) were injured as a result of the actions by the Military and the Police.’

MDC Alliance leadership testimonies

The Commission presented an opportunity for the opposition to articulate its position on elections and political violence and to counter the narrative that had been promoted by the state that its leaders had incited violence. This was an opportunity for the opposition to articulate its own narrative of political violence and place it on the record. It was apt for the opposition to give a voice to victims of violence over the years, because that history of political violence provides a good context for understanding what transpired on 1 August 2018 (Magaisa, 2018).

The opposition’s leadership took the position that they would not volunteer to appear before the Commission. However, the game changed when the Commission summoned them by way of invitation. Motlanthe (2018) report said “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” (p.20).

In his submissions to the Commission, Chamisa categorically denied that the MDC Alliance played a 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 allegations of inciting violence, Chamisa’s position was that none of his political statements during campaign rallies amounted to incitement. He suggested that the protests were organised by ZANU PF (Motlanthe report (2018).

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 hand of the State. He outlined to the Commission a long history of political violence in Zimbabwe (Motlanthe report, 2018:21).

The article argues that both Nelson Chamisa and Tendai Biti delivered eloquent, powerful and compelling testimonies. In the end, the Commission asked for recommendations from the two opposition leaders. What had appeared to be hostile territory was turned into friendly ground, where mutual respect was evident (Magaisa, 2018). Biti was the first to give his testimony. He was calm, composed and erudite as he delivered his testimony. Detractors expected Biti to be emotional, aggressive and brash. Instead, he was humble, calm and respectful. Detractors expected Biti the politician to turn up. Instead, it was Biti the advocate who turned up. He commanded the stage, knew when to pause for effect, to let the message sink and when to resume. He was respectful and recognized the authority of the commission, even though he disagreed with its composition and terms of reference.

Biti went on for a long time. His purpose was simple he wanted the commissioners to get a full picture of the history of political violence in Zimbabwe. That context, he said, was relevant to understand the events of 1 August 2018. He argued that this was a violent state. It has always been violent from day one. Violence was there at the founding of the colonial state and throughout the colonial experience, during the liberation war and it continued after independence (Magaisa, 2018).

Biti’s historical testimony was convenient because it gave the Commission and the watching world a fuller and clearer picture that 1 August 2018 cannot be viewed in isolation, that the state is institutionally violent and what happened cannot be divorced from this history of state impurity (as evidenced by the Army and Police senior officials testimonies of denial in the shooting of civilians).

The strategy was to remind the world that ZANU PF is violent party. “We are the victims,” Biti reiterated with emphasis, as he chronicled the periods of extreme political violence unleashed by ZANU PF including Gukurahundi and the 2008 election violence. He took his time to re-count specific cases of political violence. Biti argued that ZANU PF is not only a violent party but that perpetrators have never been prosecuted. He painted a picture of impunity that leads to state agents and ZANU PF supporters violating people’s rights because they are always protected.

When Chamisa came to deliver his testimony, he was also respectful yet firm.

Biti poked Madhuku’s conscience, tactfully reminding him that he too was a victim of violent state. Chamisa and Biti recognized that the Commission was a political opportunity to articulate the views of the opposition. It is not often that the opposition gets a public stage which is covered both locally and internationally. There had been a lot of attention on the Commission and its proceedings had been broadcast live on national television and also other broadcasters on the internet. It was their chance to showcase the opposition as a party of substance, contrary to the caricature that is often presented on captured national television.

This article argues that the public hearings which were beamed live on various digital platforms, including ZBC-TV, enabled people to be actively
involved through social media discussions. This was refreshing development because people wanted to know the reason behind demonstrations and the shootings. Relatives of the deceased and the nation at large longed for closure to the tragic violent incident. Zimbabwe also wants to move on and resolve other critical challenges such as the economy.

From the testimonies offered before the Commission, it was clear that individuals who testified perceived it was popularity contested, dominated by a “them” and “us” attitude.

People who testified should have understood that six people needlessly lost their lives, and many others were injured. Their families lost breadwinners, fathers, mothers, sisters, brothers, cousins, uncles, aunts, among others. And Zimbabwe lost citizens.

Motlanthe report: Analysis of Findings & Recommendations

The much anticipated report of the Motlanthe Commission of Inquiry into the August 1, 2018 post election violence was finally released to the public. It is commendable that President Emmerson Mnangagwa stuck to his promises to release the report. Given the experience with the Chihambakwe and Dumbutsvena Commissions’ reports which were never released to the public domain, there were some reasonably placed fears that the government would not honour its word to release the report. The true test is what the government will do with this report particularly the recommendations. It should be borne in mind that a commission plays an advisory role of sorts to the President. It is a recognized tool for Presidential decision making on matters that are complex and are in the public/national interest.

The report itself is a mixed bag with some damning findings against the Army and the Police on the one hand, and the MDC Alliance on the other. It also, unsurprisingly, is a ball of contradictions making it difficult to make sense of what the final report is all about, but much of it is a repetition or attempt to explain the unexplainable.

Finding 1: ‘The MDC Alliance incited, pre-planned and well organised the demonstrations’. Rather absurdly, the Commission starts its report on the premise that the MDC Alliance was responsible for the violent demonstrations and instead of determining which other parties/individuals or factors may have led to the violent protests, the Commission readily assumes that it is the MDC Alliance alone that is to blame. The Commission cites two speeches by Nelson Chamisa and Tendai Biti as the basis of incitement and pre-planned protest. While the commission refer to some incidents where inflammatory comments were made by some members of ZANU PF such as Josiah Hungwe and Terrence Mukupa, it quickly counters those claims either by indicating that the individuals were reprimanded by the government or that the person alleged to have made the statement, refuted the claims (which were never made available into the public domain). Already, the report takes a seemingly anti-MDC position which is consistent throughout the report.

Findings 2: “The President deployed the army” There was finally consensus that the President authorized the deployment of the army in terms of Section 213 (2) (b). The Commission bases this on two aspects: the confirmation by the Attorney General that the army could only be lawfully deployed by the President and the confirmation by the Commander of the Zimbabwe Defence Forces that the then ‘Minister of Defence’, sought authorization from the President to deploy the army. Though there are clumsy attempts by the Commission to reconcile Public Order and Security Act (POSA) and Section213 of the Constitution, the report squarely places like authorization of the deployment on the President, as required by the Constitution. This is a rather interesting change of
narratives because previous reports by the various Army and Police officials (among others) seemingly absolved the President from the decision and the President himself seemed to suggest that the deployment was not directly authorized by him. Strangely the Commission failed to point out the contradiction and flag it as such (Paul Kaseke, quoted by News Day, 28 December 2018).

Findings 3: “The death and injuries arose from the actions of the military and police”. This is an obvious yet welcome concession by the Commission in that it has officially discredited the views of the ZDF and some sectors of government that previously tried to blame the MDC Alliance for the loss of life and injuries sustained. The state controlled media as used as a mouth piece to project the anti-MDC Alliance narrative: What will become clear, however, is that despite this finding, the remedial action suggested hardly corresponds to the gravity of the actions of the army. This is a fatal move by the Commission which will make it harder to sanitize and accept its findings.

Recommendations by the Commission

The recommendations are perhaps the most disappointing part of the report. Most the recommendations are compensatory in nature or adding new thing to the existing terrain. The Commission, for instance, suggests that parties adhere to the electoral code, but this is already a requirement. The Commission further suggests that parties should be registered, which is already a requirement. However, the Commission recommendation on Nation Building and Reconciliation is significant. That there is need for National Healing as heightened by the continued reference especially in Bulawayo and Gweru to events such as Gukurahundi; as well as 2007 violence among others.

The dilemma of moving forward

The testimonies provided to the Commission of Inquiry clearly showed a divided nation which cannot see one thing and reach to the same conclusion. The testimonies further showed that the lack of nationhood in Zimbabwe is far from ethnic but largely political. The commission chairperson, Motlanthe, in a post hearings interview commented that, “we believe what we saw is that Zimbabweans want dialogue and they were talking to each other through the commission.” Indeed, the commission hearings became a ventilating platform where different political views were aired without limitation. Witnesses went to far lengths to disprove “opponents’ views” and propagate their own. In the end, what was clear was the fact that Zimbabwe is at crossroads, Vis avis the national question: Whither Zimbabwe?

The elephant in the room: Military factor. The role of the military in the politics of Zimbabwe dates back to the liberation struggle (see Mungwari, 2019 article titled: The Politics of State Capture in Zimbabwe). The inseparability of the liberation movement and the military wing continues to cloud the future of democratization of Zimbabwe. Events of June 2008, November 2017 and August 1, 2018 are clear testimony of the many faces but critical interventions of the military in the politics of Zimbabwe in recent times. Testimonies of witnesses to the Commission of Inquiry all featured the military’s different faces and roles. Depending on who was giving the testimony, the face of the soldier would be either positive or negative. When the truth is fictionalized! Gabriel Chaibva, Jim Kunaka, Shadreck Mashayamombe, Linda Masarira, Anselem Sanyatwe and Paddington Japajapa’s testimonies received different views from the general public. More so, they received polarized reactions. But what is the truth? There is no reconciliation without truth… The polarized reactions to the testimonies by witnesses further demonstrate the nation’s state of divided affairs. Can such levels of polarity see a united nation through? When truth is fictionalized, and there is an elephant in the room, what becomes the way forward?

Conclusion

The article concludes that the death of at least six civilians and injury of many others of the post – election violence of 1 August 2018, was regarded as being unprecedented in the history of elections in
independent Zimbabwe. This reopened wounds of previous orchestrated by ruling party since 1980; which included atrocities of Gukurahundi and 2008. There is at present a very worrisome degree of polarisation and bitterness within the body politic of Zimbabwe. The Commission of Inquiry into the August 1, 2018 post-election violence has a significant bearing on the future of Zimbabwe. It signifies a possible beginning to economic revival; nation building, healing and reconciliation based on the critical finding that Zimbabwe is a divided state, lacks common purpose and is highly polarized. The national question confronts the country, and there is no better time to ignite the process towards responding. The article also concludes that the media in Zimbabwe is polarized as demonstrated by the manner they framed events. It should be pointed out that state controlled media and the judiciaries are some of the institutions which are captured by the ruling party. Security sector reform must define the new administration’s intention to reform and democratize the state. The Commission of Inquiry is an important first step as it has exposed the entrenchment of the military in the politics of the country. Zimbabwe is a ‘bleeding’ nation that requires peace, unity, reconciliation and healing; once these processes are done in earnest there could be closure of many hurts and wounds. The point of departure could be genuine national dialogue between ZANU PF and MDC Alliance; though efforts to engage each other appear elusive.

References:

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