

**Will Zimbabwe hold free and fair polls?
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Harare – With a new constitution approved, Zimbabweans are now looking toward a fresh general election, while wondering whether the polls will be free and fair.

The overwhelming nod for the charter at a weekend referendum raised much optimism for democratic changes in a country long regarded by the West as a pariah state.

The new supreme law protects against all forms of violence and torture and guarantees freedom of expression. But observers say there is little in it that directly affects the way elections are run.

“The constitution does very little to affect electoral conditions,” said Zimbabwean legal and political analyst Derek Matyszak.

“If people are thinking the new constitution is going to create conditions for free and fair elections they are going to be very disappointed.”

The scars of election chaos are still fresh in Zimbabwe.

Disputed 2008 polls claimed nearly 200 lives and forced President Robert Mugabe and Prime Minister Morgan Tsvangirai into a regionally-brokered power-sharing government to prevent a full blown conflict.

With a major hurdle toward fresh polls cleared by Saturday’s vote, Zimbabweans are expected to return to the ballot box later this year.

The adoption of the new text, which curtails the president’s powers and sets a limit of two five-year terms, left both leaders of the compromise government beaming.

“That’s the type of constitution we want,” Mugabe, who has been in power since 1980, told Zimbabwean state media in Rome where he was attending Pope Francis’s inaugural mass.

New energy

His rival Tsvangirai said the new supreme law “sets in motion a new and democratic paradigm for the country”.

Political scientist at the University of Zimbabwe Charity Manyeruke said that the draft did give Zimbabweans a new impetus to respect laws despite little change in the way elections are carried out.

“What the draft constitution does is to give confidence ... new energy, new commitment to follow the rule of law, to follow the dictates of the constitution in the conduct of the elections.”

Confident of a peaceful vote, she said: “People are tired of violence.”

The constitution dictates that the security sector, which is currently staffed with mainly Mugabe’s sympathisers, must remain impartial.

But without provisions to enforce this, questions have been raised.

“There is no doubt that without the proper security sector reforms the forthcoming plebiscite would not be free, fair and credible,” said an editorial in the NewsDay on Wednesday.

The paper said that if Mugabe “is sincere about his persistent calls for peace, then he should spearhead the chlorination of the security sector”.

This had been acknowledged by the Southern African Development Community, the curator of the coalition government, as needing “urgent attention”.

The referendum weekend saw police raids and the arrest of Tsvangirai aides and his party’s attorney. There were also isolated violent incidents against both political sides in the vote run-up.

A Zimbabwean magistrate on Wednesday denied bail to four aides to Prime Minister Morgan Tsvangirai and their lawyer, whose arrests marred a constitutional referendum last weekend.

“The court denies all the accused persons bail,” ruled magistrate Marehwanazvo Gofa after two days of hearings in the capital, Harare.

He said the staffers were facing serious charges including breaching state secrets laws, and so did not qualify for bail.

Beatrice Mtetwa, a prominent human rights lawyer who has represented the opposition and rights activists, was also denied bail after her arrest for allegedly shouting at the police during a raid of the prime minister’s communications office on Sunday.

“The commotion and shouting can hinder the police in carrying out their investigations accordingly. Bail application is denied,” Gofa said.

A court had earlier ordered Mtetwa’s release from police custody, but the order was ignored by police.

The five detainees will appear in court again on 3 and 4 April, the judge ruled on Wednesday.

Defence lawyers said they planned to appeal the bail denial at the country’s High Court.

Repeated calls by Mugabe and Tsvangirai to shun violence bring hope that “we are likely to have a credible election”, said Joseph Kurebga, a lecturer at the University of Zimbabwe.

While politicians up their rhetoric around peace, there is a resurgence of intra-party violence as members jostle for spots in party primaries, said Thabani Nyoni, a rights campaigner in Bulawayo.

Such tensions could escalate across rival parties, he said.

“All those are clear signs that the ghost of violence of 2008 could repeat itself,” said Nyoni of Radio Dialogue, a civil society organisation.

University of Johannesburg professor of development studies David Moore said levels of violence will likely escalate in the run up to the high-stakes elections.

“But I don’t think they will be as high as in 2008 because that was a catastrophe,” he said.

The election is likely to be close amid growing disillusionment with Tsvangirai’s Movement for Democratic Change.

The party “will have to work as hard as Obama did against the Republicans” to remain competitive, said Moore.