

Citizenship Lobby Group Update #7

January 30, 2002

Dear All

This month, some people who gave up Zimbabwean Citizenship in preference of their foreign citizenship in compliance with the Electoral Amendment Act 2001, have been receiving NOTICE OF OBJECTION letters from District and Provincial Registries around the country.

The letter reads as follows:

Electoral Act Chapter 2.01 (Sect 25) Notice of Objection

You are notified that I have reason to believe

- a) that you are not to be entitled to be registered as a voter in (area)
- b) that you are not qualified for registration as a voter in (area)

on the grounds that you have in terms of schedule 3 section 3 (3) of the Constitution of Zimbabwe ceased to be a citizen of Zimbabwe and that, unless you give notice of appeal on the form annexed hereto before the expiration of seven days from the date of this notice, or unless on representation made by you, I withdraw the objection:

- c) your claim to be registered as a voter will be rejected
- d) your name will be struck off the roll.

If you give due notice of appeal, the matter will be set down for a hearing before a magistrate of the province in which you reside and the day and place appointed for such hearing will be notified in due course.

Signed by constituency registrar, (area)

Note: You should return this form, together with a deposit of \$50, to the constituency registrar who notified you of his objection to your registration or continued registration. If the constituency registrar does not himself withdraw his objection, the matter will be set down for hearing before a designated magistrate of the province in which you are registered, and you will be notified of the date, time and place of the hearing.

Your rights

Permanent residence is an implicit part of citizenship. Prior to renunciation in the latter part of 2001 you would have been a de facto permanent resident.

Regardless of the fact that you may have chosen to retain your foreign citizenship over your Zimbabwean citizenship, you are nonetheless eligible to vote as evidenced by the following relevant details extracted from the High Court judgement handed down by Justice Rita Makarau on January 25, 2002:

1. In order to comply with section 28(2) of the Constitution of Zimbabwe, for the Presidential elections scheduled for 9 and 10 March 2002, the Registrar General shall ensure that there is in place a common roll.
2. The common roll referred to in 1 above, shall contain the names and such other information as may be necessary, of all persons who have attained the age of 18 years, are citizens of Zimbabwe or, since 1985, have been regarded by a written law to be permanent residents in Zimbabwe and who meet the residential requirements of any particular constituency or have

satisfied him that for reasons related to place of origin, political affiliation or otherwise, it is appropriate that they be registered in a constituency in which they do not reside;

3. The Registrar General shall restore to the voters roll of any constituency all voters who, on or before 18 January 2002, were on that roll or were eligible but were refused to be on that roll, who may have lost or renounced their citizenship of Zimbabwe, but who since 1985, have been regarded by a written law to be permanently resident in Zimbabwe;
4. The Registrar General shall make adequate and reasonable administrative arrangements for all voters registered on the common roll who will not be in their constituencies on the polling days, to exercise their vote

Notes regarding the draft *Notice of Appeal Against Objection to Registration*

1. The draft is included at the end of this document.
2. The grounds specified in this draft may not apply to everyone.
 - If, for instance, a person has been removed from being a citizen simply because they have a right to a foreign citizenship, then they should argue that they are still a citizen of Zimbabwe and they are entitled to be registered on that basis.
 - Alternatively, they can also say that if they have been a permanent resident in Zimbabwe since 31 December 1985 they qualify on that ground as well, to be a voter.

What you should do if you receive one of these letters

1. Respond immediately.
2. Use the following draft *Notice of Appeal Against Objection to Registration* - it has been provided by a lawyer with plenty of experience.
3. Preferably hand deliver your response to the relevant registrar's office AND request a receipt for the document OR;
Post your response by registered post
4. Keep me informed of:
 - your name
 - date since which you've been a permanent resident of Zimbabwe
 - which city/district you reside in
 - when you received your Notice of Objection
 - Date on Notice
 - Postmark on envelope
 - Date on registered slip
 - Date registered slip collected
 - Date Notice collected
 - Date appeal lodged OR Date appeal refused and reason
 - how you submitted your response
 - what happens to you next in this regard

Fee

Apparently a \$50 money order earns commission of \$150 and registering \$88, so be prepared to pay out \$288 if you want to return your documents by registered post in this manner.

As usual your information will be used to keep others informed and updated. Please remember that I am not a lawyer and am therefore unable to supply legal advice. For this, you should contact a practising lawyer.

Best regards

Brenda Burrell

Incl. draft *Notice of Appeal Against Objection to Registration*

Electoral Act (Chapter 2:01)

Notice of Appeal Against Objection to Registration

The grounds of my appeal are as follows:

I have been a permanent resident of this country since that is before 31 December 1985. I am therefore entitled to register as a voter on the common roll in terms of section 3 (1) (b) of Schedule 3 of the Constitution. I would be grateful therefore if you will retain my name on the voters' roll.

I should mention that although your letter is dated I note that the postmark on the envelope containing your letter is dated In fact I only received your letter on from which date I presume the seven day notice period commences.

Signed
Name
Date