

## Questions over post-poll violence commission

A commission of inquiry into the deadly post-election violence in Zimbabwe – to be led by former SA President Kgalema Motlanthe – could have been illegally formed, a legal think tank has noted. The investigation team was expected to look into the killing of six people following military intervention in the capital, Harare, two days after the election. Its seven members include British lawyer Rodney Dixon, counsel for Kenya's Government at the International Criminal Court as it tried to avoid charges against current President Uhuru Kenyatta related to post-2007 election violence. A report on the [News24](#) site notes that legal think tank Veritas believes the commission, which was yet to begin its work, could have broken some of the country's constitutional requirements. It said President Emmerson Mnangagwa violated section 110(6) of the Constitution by unilaterally picking the commissioners without involving Cabinet. **'Under the Commissions of Inquiry Act, the President is never required to appoint one, and, hence, if he does, he must act on the advice of the Cabinet,'** it said. The report notes that Zimbabwe has been without a Cabinet since 26 August when Mnangagwa took the oath of office following a protracted Constitutional Court application challenging his victory. [NewsDay](#) reports that some legal experts have disagreed with Veritas, saying Mnangagwa was legally allowed to form a commission without Cabinet's input. Midlands State University law lecturer Valentine Mutatu said 'the conclusion that the President was legally obliged to get advice from Cabinet might not be legally correct'. And rights lawyer Prayers Chitsa said Cabinet was only allowed to give the Mnangagwa advice and he was not obliged to take it into account.