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## State of the Media Report 2008

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### ❖ Introduction

In its State of the Media Report for 2007, MISA Zimbabwe noted that the media environment in Zimbabwe remained tenuous and inimical to media freedom as well as freedom of expression. In the same period that was then under review, Zimbabwe's political and economic environment had deteriorated to the extent that it warranted the intervention of the Southern African Development Community (SADC) through a mediation process that was to see the main political parties in Zimbabwe negotiate a Constitutional Amendment Number 18 in lieu of elections that were scheduled for early 2008. In the immediate aftermath of this amendment, the political parties also agreed to amend three of the most infamous media laws in SADC, these being, The Access to Information and Protection of Privacy Act, the Broadcasting Services Act and the Public Order and Security Act (POSA) in tandem with the Electoral Act.

Indeed, as with any mediated process, there was hope and anticipation not only on the part of the Zimbabwean people but also in particular, its media fraternity that these amendments would yield democratic reforms to the regulation of the media, not only just for the elections scheduled for March 2008, but beyond. With the benefit of hindsight, and as this State of the

The majority of the legislative changes to media regulation and press freedom provisions have proven to be more cosmetic than democratic, and have not led to fundamental democratisation of the media.

This State of the Media Report for 2008 intends to narrate not only the technical framework of the media in the period under review but also key factors that affected freedom of expression and access to information. The primary reason for this, is that the year under review was characterised by seismic political and economic events within the context of an electoral period, continued regional and continental mediation in the country, abduction/harassment/arrest/detention/murder and torture of journalists as well as repression of civil society organisations and activists.

#### **Political Context and Key Events of 2008.**

The quest for a return to normalcy in the context of socio-economic and political stability heightened in the new year (2008) following the announcement of 29 March 2008 as the date for the harmonised presidential, parliamentary, senatorial and local government elections. The elections were held in a relatively peaceful environment largely due to intervention by SADC mediator and former South African President Thabo Mbeki that the 2008 elections be conducted in tandem with the southern African region's Principles and Guidelines on the Conduct of Democratic Elections<sup>1</sup>.

It is now common cause that the elections reversed Zanu PF's dominance as the ruling party since independence in 1980 after the two MDC formations garnered a collective parliamentary majority of 109 seats in the 210-member House of Assembly. Apprehension, however, engulfed the national mood in the wake of the unprecedented delays in announcing the results of the presidential elections. The results were eventually announced with MDC-T leader Morgan Tsvangirai having a slight edge over Zanu PF leader President Robert Mugabe necessitating a presidential election run-off between the two bitter rivals. The final showdown between President Mugabe and Tsvangirai was slated for 27 June 2008.

The results of the elections were condemned regionally and internationally as not having been free and fair in the face of unprecedented state sanctioned violence, abductions and murder of opposition party activists forcing Tsvangirai to pull out of what eventually turned out to be a one-man presidential race that resulted in President Mugabe as the sole winner for a five-year presidential term. In the meantime the socio-economic decline continued in the wake of increased shortages of basic commodities, stratospheric inflation, collapse of the education and health institutions exacerbated by endemic strikes by doctors, nurses and teachers demanding for improved working conditions.

Little wonder the huge sigh of relief across the socio-economic and political divide when the post-27 June 2008 SADC mediation efforts to break the impasse culminated in the signing of the Global Political Agreement (GPA) in Harare on 15 September 2008 for the formation of a power sharing inclusive government. Hailed as the best available option to halt the unprecedented decline, despair returned to haunt the traumatised and restless populace as the

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<sup>1</sup> The SADC Principles and Guidelines on the Conduct of Democratic Elections stress the full participation of citizens in the electoral process, press freedom and equal and equitable access by all political parties to state media, freedom of association and political tolerance and independence of the judiciary among its other 10 fundamental tenets for the holding of free and fair elections.

er the allocation of ministerial positions. Without a  
n place, policy interventions to address the gargantuan  
t ad hoc leading to the outbreak of a devastating cholera  
outbreak which has so far claimed close to 900 lives.

Evidence of the decline is clearly demonstrated by the government's failure to contain the spread of an otherwise easily preventable disease and to deliver on basic services such as clean water, drugs, electricity, refuse collection and repair of burst sewer pipes. As the year drew to a close all sense of national pride took a serious dent with the declaration of the cholera outbreak as a national emergency. A team of health experts from the United Nations and SADC arrived in the country on 8 December 2008 to assess the impact of the epidemic as assistance in the form of drugs; water treatment chemicals; water drips and vaccines started pouring into the country from the European Union, Namibia and Tanzania.

The presence of the SADC and UN teams ironically came on the backdrop of the refusal of entry visas to a team of members of the Elderly group comprising former United States President Jimmy Carter, former United Nations Secretary-General Kofi Annan and human rights activist Graca Machel who is the wife of former South African President Nelson Mandela on a fact finding mission to assess the country's humanitarian crisis<sup>2</sup>.

Concomitant with this deleterious situation, Zimbabwe's human rights record coming on the backdrop of the violence that preceded the June 27 presidential election runoff took a dent that triggered a crescendo of international outcry following the abduction of prominent human rights defender and director of the Zimbabwe Peace Project (ZPP) director Jestina Mukoko. Mukoko was abducted from her home in Norton, about 40 km west of Harare by armed men who sped off with her in an unmarked vehicle on 3 December 2008. She has not been seen since raising fears on her safety. While the nation was battling to come to grips with Mukoko's ordeal, two of her workmates were abducted almost in similar fashion seven days later from the ZPP offices in Harare. Mukoko was reportedly bundled into the vehicle in her night dress and bare footed. Family members expressed great concern on her circumstances as she is on medication which she is supposed to take three times a day.

These developments vitiate against the letter and spirit of the September 15 Agreement more so at a time when the key political parties had just agreed on a draft Constitutional Amendment No 19 Bill which is expected to consummate and legitimise the formation of the inclusive government with MDC-T leader Morgan Tsvangirai as Prime Minister. In terms of Article XVIII of the GPA which deals with security of persons and prevention of violence, parties to the Agreement pledged to acknowledge that violence dehumanises and engenders feelings of hatred and polarisation within the country<sup>3</sup>.

The media, especially the state-controlled, has not helped matters in that regard by continuing to spew hate language post the GPA which speaks and commits the political leadership on the

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<sup>2</sup> The World Food Programme estimates that about 50 percent of Zimbabwe's estimated 13 million people face starvation in a country with a world record inflation of 230 million percent, 80 percent unemployment and shortages of basic commodities that are not easily accessible by the poor majority in an economy that has since been dollarised in desperate efforts to contain the runaway inflation.

<sup>3</sup> Under the Agreement, the parties pledged to work together to ensure the security of all persons and property and to refrain from using abusive language that may incite hostility, political intolerance and ethnic hatred or unfairly undermine each other.

regain and restore Zimbabwe's pride of place in the

The country's humanitarian, economic, social and political crisis cannot and will not be resolved through the use of inappropriate language but requires a meeting of the minds across the political divide for the common good. The media and journalists at large should reflect on the role that they can play to influence all the critical players to use reason and people-centred pragmatism to secure the long cherished peace, stability, justice, prosperity and socio-economic wellbeing of the people of Zimbabwe.

It is therefore incumbent upon the principals to the GPA and Parliament to speedily establish a monitoring mechanism<sup>4</sup> to ensure the state media conforms to the envisaged principles of the Agreement and cover all issues affecting the country fairly and impartially in line with the African Charter on Human and Peoples Rights, Windhoek Declaration, African Charter on Broadcasting and Banjul Declaration on the Principles of Freedom of Expression in Africa.

As Zimbabwe reflects on the trials and tribulations of 2008 with increased anxiety and trepidation on whether the envisaged inclusive government will come into being as expected in January 2009, it becomes even more imperative for the nation to be seized with a greater sense of collective responsibility and commitment to work for the restoration of the greater good of the country and the majority of its pauperised citizens who forage the landscape on empty stomachs.

## ❖ Media Environment

### Regulation of the media

The media environment remained constricted through the continued existence and application of restrictive legislation notably the Access to Information and Protection of Privacy Act (AIPPA), Broadcasting Services Act, Criminal Law (Codification and Reform) Act and the Public Order and Security Act (POSA). The amendments to AIPPA, POSA and BSA which were passed by Parliament in December 2007 were inconsequential in relation to freeing the media media space.

In terms of the amendments to AIPPA statutory regulation was retained despite the name change of the state-controlled Media and Information Commission (MIC) to the Zimbabwe Media Commission (ZMC). The ZMC which is still to be constituted will still be tasked with the functions of media regulation, registration of mass media and accrediting of journalists. Members of the ZMC will consist of nine members appointed by the President from a list of persons nominated by the Parliamentary Committee on Standing Rules and Orders.

In a blatant disregard of the Banjul Declaration, the AIPPA Amendments will see the establishment of a Media Council, appointed by the statutory ZMC, which will be chaired by a member of the same Commission. This flies in the face of the Banjul Declaration and the principle of media self-regulation.

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<sup>4</sup> In terms of the Agreement the parties were supposed to have immediately constituted a Joint Monitoring and Implementation Committee (JOMIC) to ensure the implementation and letter of the agreement to among other issues, receive reports and complaints in respect to its implementation, enforcement and execution; promote continuing dialogue among the parties and serve as a catalyst in creating and promoting an atmosphere of mutual trust and understanding.

unequivocally states: *Self regulation is the best system of* . This position cannot be interpreted to mean otherwise as it is self-explanatory in its explicitness.

The amendments did not address the offending provisions that make it impossible for media diversity and pluralism through the entry of new private players into both the print and broadcasting sector as envisaged under the 1991 Windhoek Declaration and African Charter on Broadcasting.

For instance foreign funding and ownership in the print media is still restricted and can only be considered at the “absolute discretion” of the responsible minister.

As for the BSA, the amendments did not address the critical issue pertaining to the ban of foreign funding and partnership in the broadcasting sector of which the Broadcasting Authority of Zimbabwe (BAZ) has admitted is the major hindrance to the issuing of licenses to private players in order to free the airwaves from the stranglehold of the state-controlled Zimbabwe Broadcasting Corporation.

#### **Arrests, Harassment of Journalists**

While cases of the harassment, arrests and detention of journalists had somewhat decreased, the months preceding the 29 March 2008 elections and the sequel 27 June 2008 presidential election runoff was marked by an upsurge in the number of recorded cases of media freedom violations.

The onslaught on media freedom and freedom of expression came in the form of resuscitation of cases against journalists which had hitherto been quashed for lack of evidence, re-arrests of foreign journalists released by the courts and allegations of the existence of a ‘blacklist’ barring certain journalists from being accredited to cover the 29 March 2008 elections.

As politically motivated violence swept the countryside ahead of the elections, Mathew Takaona, the president of the Zimbabwe Union of Journalists (ZUJ) was caught in the crossfire of the vortex of violence. Takaona was assaulted together with his brother by assailants in military fatigues at a shopping complex in Harare’s dormitory town of Chitungwiza. Another journalist, Frank Chikowore spent two weeks in custody before being granted bail on spurious charges of public violence related to the alleged torching of a bus in Harare’s suburb of Warren Park on 15 April 2008. In machinations designed to instil fear in those journalists deemed too critical of government, the Media and Information Commission (MIC) imposed a one year ban against freelance journalist Brian Hungwe backdated to 20 August 2007 for allegedly breaching Sections 90 and 79 (c) of AIPPA as read with Section 6 of Statutory Instrument 169 c of 2002. The Supreme Court quashed the MIC ban as unlawful.

#### **March/June Elections**

The Zimbabwe Electoral Commission on the MIC’s instruction, denied freelance journalist Hopewell Chin’ono accreditation to cover the 29 March 2008 elections. Freelance journalists were the main targets of this onslaught. In the eastern border town of Mutare, the police revived charges against Sydney Saize and charged him with contravening Section 15 (1) (c) of the draconian Public Order and Security Act which deals with communicating falsehoods. Saize was also charged with contravening the now repealed Section 83 of AIPPA which dealt with practicing journalism without accreditation. Mutare public prosecutor Malvern Musarurwa,



g the state did not have sufficient evidence to warrant

Freelance photojournalist, Tsvangirayi Mukwazhi, in early August 2008 was forced to temporarily relocate to South Africa with his family after being assaulted by the police and having his car confiscated. Mukwazhi said the police accused him of possessing an 'improperly registered vehicle.' Mukwazhi had told MISA-Zimbabwe a few days after the assault that the police accused him of having travelled and covered the opposition MDC leader, Morgan Tsvangirai, in the run up to the March 29 presidential elections. His maid was also beaten by the police when they broke into his house.

Mukwazhi informed MISA-Zimbabwe before he left the country that some plain clothes police officers came to his house on 29 July 2008 around 0530hrs, knocked down the main door and assaulted him and his maid before taking him to Southerton Police station where he was released after a couple of hours without charge. His car was confiscated by the police. The vehicle has since been released.

He told MISA-Zimbabwe he was concerned about his safety and that of his family and that he had seen his car being driven around the city centre by unknown persons. The tenacious photojournalist had endured similar assaults in the past at the hands of the police. In March 2007 his laptop and cameras were destroyed by the police while he was covering a national day of prayer called for under the auspices of the Save Zimbabwe Campaign. His vehicle was also confiscated during that time. He was severely beaten and had to seek medical attention.

#### **Media and Government relations**

On 12 December 2008 The Secretary for Information and Publicity George Charamba threatened to ban accredited foreign bureaux or local reporters working for foreign news organisations accusing them of embarking on a propaganda assault on Zimbabwe.

In an interview during the Zimbabwe Broadcasting Corporation main television news broadcast, Charamba said the foreign bureaux accredited in Zimbabwe had quoted President Robert Mugabe out of context following his remarks that the country had "arrested" the cholera outbreak. He said Zimbabwe had no need to accredit the foreign news agencies as required under the repressive Access to Information and Protection of Privacy Act (AIPPA).

The threat to deal with the foreign news organisations was given in greater detail the next day under the column: *The Other Side with Nathaniel Manheru*, published every Saturday by the state-controlled national daily, The Herald<sup>5</sup>. The Permanent Secretary is widely believed to be the author of the column. Reuters, AFP, BBC, AP, France 24 International and Al Jazeera were singled as undermining their bureaux in Zimbabwe and "reducing local reporters to mere runners, mere providers of raw copy which they then rewrite to suit their nations' agendas

These assaults, arrests, harassment and threats against journalists demonstrates the government's lack of commitment to the various charters and conventions that it has ratified which guarantee freedom of expression, access to information and freedom of the media, even at this crucial political moment for Zimbabwe.

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<sup>5</sup> The Saturday Herald, December 13 2008.

Zimbabwe continues to hog the international spotlight for its deteriorating human rights record, violations of freedom of expression and access to information. In her report to the 44th Session of the African Commission on Human and Peoples Rights in November 2008 in Abuja, Nigeria, Advocate Tlakula, the ACHPR Special Rapporteur on Freedom of Expression and Access to Information singled out Zimbabwe, Sierra Leone, Eritrea, Nigeria, Ethiopia, Lesotho and Cameroon as the offending countries<sup>6</sup>.

"The Special Rapporteur has been informed that in the run-up to the 27 June 2008 presidential elections run-off (in Zimbabwe), numerous journalists and leading cast members of plays perceived as critical of the government were allegedly harassed, arrested and detained. I have also received reports that journalists have been convicted for offences such as intentionally publishing falsehoods contrary to the country's media law," she said.

"In this regard, I would like to remind member states that, unlike other international human rights instruments, the African Charter does not contain a derogation clause. Thus, regardless of circumstances such as conflict, civil unrest or any other form of emergency, States have a perpetual obligation to respect, promote, protect and fulfil the right to freedom of expression as provided under the African Charter and the Declaration on the Principles of Freedom of Expression which supplements it."

She noted that only a few countries had adopted legislation on freedom of information that conforms to regional and international human rights standards. As such, she urged member states to ensure that their laws on Freedom of Information conform to applicable regional and international human rights standards, particularly Principle 4 of the Declaration on the Principles of Freedom of Expression in Africa<sup>7</sup>.

"There is need for continuous dialogue with States reminding them that adoption of effective freedom of information legislation remains a yardstick for determining transparency and accountability towards promotion of access to social and economic development in any society which lays claims to adherence to democratic ideals," she said.

MISA-Zimbabwe has produced a model access to information law as a lobby and advocacy tool for the repeal of the draconian Access to Information and Protection of Privacy Act (AIPPA).

Commissioner Tlakula noted that AIPPA, which only provides for access to information held by public bodies and for appeals to be lodged with the statutory Zimbabwe Media Commission (which is still to be constituted following the December 2008 Amendments), has been widely criticised for its broad exemption provisions. The Special Rapporteur drew parallels with the positive aspects of South Africa's Promotion of Access to Information Act whose

<sup>6</sup> Visit MISA-Zimbabwe Alerts: [www.misazim.co.zw](http://www.misazim.co.zw)

<sup>7</sup> The Declaration states, among other provisions, that public bodies hold information not for themselves but as custodians of the public good and everyone has the right to access that information, subject only to clearly defined rules established by law. South Africa, Mozambique, Malawi and Madagascar are the only four countries in southern Africa whose constitutions expressly protect the right to freedom of information.

South African Human Rights Commission, an independent

The South African Act contains exemption provisions that conform with international human rights standards and is subject to the public interest test. Its major weakness though is that it provides for appeals against decisions of public and private bodies to be lodged with the courts which are largely inaccessible to individuals in terms of costs and inordinate delays.

Advocate Tlakula said all laws relating to criminal defamation wherever they exist should be repealed or amended in conformity with the provisions of the Declaration on the Principles of Freedom of Expression in Africa.

Laws on defamation should respect the following standards:

- no one shall be found liable for true statements, opinions or statements regarding public figures which it was reasonable to make in the circumstances
- public figures shall be required to tolerate a greater degree of criticism
- sanctions shall never be so severe as to inhibit the right to freedom of expression

## Print Media

### banned publications

As of December 2008 despite the Amendments to AIPPA, growth in the print media remained stunted in the wake of the ban against publications such as *The Daily News* and *Daily News on Sunday*, *The Tribune*, and *Weekly Times*. In the case of *The Daily News* published by Associated Newspapers of Zimbabwe (ANZ), its quest for re-registration has been pending before the statutory Media and Information Commission (MIC) since its closure in September 2003.

Article XIX of the Global Political Agreement (GPA) recognises the importance of the right to freedom of expression and the role of the media in a multi-party democracy. In that vein parties to the Agreement undertook to expedite the “immediate processing” of all applications for re-registration and registration in terms of both the Broadcasting Services Act and AIPPA.

The retention of statutory media regulation and the failure to unconditionally lift the banning of the aforementioned publications in view of the GPA serves to confirm the lack of political will to free the media environment in a country which has no privately owned daily newspapers save for *The Herald* and *The Chronicle* which are published by the government-controlled Zimbabwe Newspapers Group. The existing independent weeklies, notably *The Financial Gazette*, *Zimbabwe Independent* and *Standard* have limited circulation which is mostly restricted to urban areas due to the acute shortages of newsprint and prohibitive production and transport costs arising from the hyper-inflationary environment.

### Media Policy and Law Reforms

It is MISA-Zimbabwe’s objective view that the print media environment will remain constricted in the absence of a holistic democratic media policy and legislative framework benchmarked in conformity with Article 9 of the African Charter, Windhoek Declaration and Banjul Declaration



ession in Africa, among others. A diverse, free and  
er the Windhoek Declaration is critical to the  
ility and economic development especially in the  
Zimbabwean context where urgent solutions are required to deal with the economic meltdown.

MISA-Zimbabwe's theme for the World Press Freedom Day celebrations, *Media Freedom Remains on the Agenda. We Demand a Constitution that Protects Media Freedom*, was therefore well-considered and realistically framed in the context and realisation that only an independent, free and pluralistic media can effectively play its role in democratic processes that inform national reconstruction and healing. It is only through a constitutional provision that explicitly and unequivocally protects media freedom that the media will be firmly anchored and positioned to undertake its ethical and responsible obligations of informing the citizenry without **fear** of falling foul of AIPPA, POSA, BSA, Criminal Law (Codification and Reform) Act and the Interception of Communications Act and any other nefarious laws intended to suppress media freedom and freedom of expression, association and assembly.

A constitutional provision guaranteeing media freedom and the right to access information will render the obtaining restrictive laws unconstitutional and safeguard against enactment of such legislation in the future. Would-be investors in the print media sector will be guaranteed security on their investments notwithstanding the potential for employment and economic growth.

Effectively, media freedom remains on the agenda in so far as adherence to the principles of the Windhoek Declaration is concerned.

## ❖ **Broadcasting and Telecommunications**

### **Regulatory Framework**

On 11 January 2008 President Robert Mugabe signed into law the Amendments to AIPPA, POSA and BSA which had been passed by Parliament in December 2007. The amendments to the BSA for instance were more of an administrative nature as opposed to advancing the principles of the African Charter on Broadcasting. While the responsible minister was stripped of his powers to appoint members of the Broadcasting Authority of Zimbabwe, the executive still retains immense influence on BAZ thereby compromising its independence. In terms of clause 5 of the amended BSA the appointment functions were transferred to the President who has the power to appoint nine members to the BAZ after consultation with the Minister and Parliamentary Committee on Standing Rules and Orders.

Fundamentally the amendments still retain restrictive provisions on issues relating to foreign funding and ownership in the otherwise capital intensive broadcasting sector. In terms of foreign ownership and directorship, this will be decided at the absolute discretion of the Minister without any well defined criteria.

The government's intention through its continued reluctance to repeal or amend certain sections of the BSA to allow for the entry of private players into the broadcasting sector is solely designed to maintain its grip on the state-controlled Zimbabwe Broadcasting Corporation (ZBC) thus closing the industry to alternative and dissenting voices. This is evidenced by the firing of ZBC chief executive Henry Muradzikwa after the 29 March 2008 elections.

defying ministerial orders to deny the opposition Movement  
able coverage in the run-up to the 29 March 2008

elections. He was relieved of his duties on 14 May 2008 for openly defying the Minister of Information and Publicity Dr Sikhanyiso Ndlovu and the ministry's Permanent Secretary George Charamba to deny positive radio and television publicity to the MDC. He was also reportedly accused of denying President Robert Mugabe favourable coverage.

The minister is said to have also instructed the former ZBC boss to bar the MDC from flying its election campaign material with the state-controlled broadcaster subsequent to the 27 June 2008 presidential election runoff. The instructions defied by Muradzikwa fly in the face of the SADC Guidelines Governing Democratic Elections which stress equal opportunities and full participation of the citizens in political processes.

In terms of the guidelines on the conduct of democratic elections member states, Zimbabwe included, should adhere to the principles of freedom of association, political tolerance and affording all political parties equal and equitable access to the state broadcaster.

In comments published by the weekly Zimbabwe Independent Muradzikwa, however, said: "There was no specific reason (as to) why I was fired. It's only the part of the (dismissal) which says the shareholder had lost confidence in me that probably says something about the reasons of my dismissal. "I religiously stuck to the statutes governing our operations as a broadcaster as given in the amended Broadcasting Services Act. Nobody had the right to instruct me on how to act as this was outside the law. We made sure we stuck to the laws and I believe I was right in that approach."

#### **Political Interference and Censorship**

It is trite to note that when he appeared before the Parliamentary Portfolio Committee on Transport and Communications in 2007, Muradzikwa told the committee that political interference and censorship of news reports is the order of the day at the state-controlled broadcaster. He further mentioned that ZBC was reporting on the "basis of deception" and that the Ministry of Information and Publicity should be clear on what is expected of the state broadcaster.

The transformation of the ZBC into a truly independent public broadcaster as envisaged under the African Charter on Broadcasting will only be secured through the establishment of an independent broadcasting and telecommunications regulatory body to curb outside political interference. The current setup where the regulatory body, the Broadcasting Authority of Zimbabwe (BAZ) and ZBC board is answerable to the executive stands in the way of the desired transformation of the ZBC into a public broadcaster and enabler of free speech.

#### **ICTs and telecommunications**

With the advent of global advancements in ICTs which has ushered in digital citizen journalism and mobile reporting as new forms of citizen communication to share and exchange information on issues of interest, the need for an integrated telecommunications and broadcasting sector becomes even more imperative to entrench democracy and freedom of expression. This is more so given the appalling state of fixed and mobile telephone networks in Zimbabwe.

by the state owned *TelOne*, is in an appalling state of urban areas and is virtually non-existent in the rural areas. This has inadvertently led to a major increase in the use of mobile telephones by the majority of Zimbabweans from all socio-economic and geographic backgrounds. The three mobile telephone networks, (*Econet Wireless*, *Telecel*, and the state owned *Net One*.) have, however, failed to cope with the market demand for their services in Zimbabwe's hyper-inflationary environment.

On November 6, 2008, *Econet Wireless* published a statement in the local print media withdrawing its contract line services for clients under the *Business Partner* scheme as of November 10, 2008, a move which has left thousands of Zimbabweans deprived of their right to communicate. Other mobile service providers and affiliate service companies, in tandem with *Econet Wireless*, have increased tariffs, with the average cost of a text message having risen from approximately ZW\$1000 to at least ZW20 000, an increase of 2000%.

It is MISA Zimbabwe's considered position that this state of affairs in the telecommunications industry is a serious impediment on the right of the people of Zimbabwe to communicate; as well as their right to freedom of expression as guaranteed in Article 9 of the African Charter on Human and People's Rights. This right includes the ability and access to usage of tools of communication such as the Internet, fixed telephones and mobile telephone networks by ordinary people, as emphasised by the World Summit on Information Societies (WSIS) held in Tunis, Tunisia 2005.

In light of these universally accepted principles, MISA Zimbabwe urges the fixed and mobile telephone service providers as well as the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) to act with the full understanding that communication is a human right and not a privilege.

To therefore unilaterally increase tariffs without consulting members of the public or carrying out publicised surveys of the importance of communication to the people of Zimbabwe in times of social and economic strife is to act in contradiction with Article 19 of the Universal Declaration of Human Rights and to ignore the WSIS principles established under the auspices of the International Telecommunications Union which outline that all forms of communication, especially ICT's, must be geared towards meeting the Millennium Development Goals.

#### **Proposed ICT Bill**

In this vein MISA-Zimbabwe notes efforts by the Attorney-General's Office to develop an Information Communication Technologies (ICT) Bill through the circulation of a questionnaire which among other considerations seeks to identify shortfalls in ICT related legislation in Zimbabwe. The Posts and Telecommunications Act, Access to Information and Protection of Privacy Act (AIPPA) and the Broadcasting Services Act (BSA) are identified as some of the laws that will be taken into consideration towards the development of a national ICT Bill. The questionnaire therefore seeks to establish whether the three laws in question have overlapping functions and whether it is possible to consolidate them into one Act.

It is MISA-Zimbabwe's strong submission that in their present state the laws in question and BSA and AIPPA in particular, do not even meet the benchmarks for the enactment of a progressive and democratic national ICT legislation more so as it relates to the establishment

casting, ICT, cellular and telecommunications regulatory

The long term viability of the broadcasting, telecommunications and ICT sectors lies in securing the independence of their regulatory frameworks. The argument for the independence of regulators in the field of telecoms, broadcasting and technological convergence is guided by several regional and continental covenants such as the African Charter on Broadcasting (ACB), Declaration on the Principles of Freedom of Expression in Africa and the SADC Protocol on Culture, Information and Sport.

#### **Need for an Independent Regulatory Authority.**

The Independent Communications Authority of South Africa (ICASA) is hailed as a model independent regulator on the continent. It is MISA-Zimbabwe's argument that the manner in which the Zimbabwean regulators namely the Broadcasting Authority of Zimbabwe (BAZ) under the BSA, the Posts and Telecommunications Regulatory Authority of Zimbabwe, and Media and Information Commission under AIPPA, are constituted makes them susceptible to direct political interference. AIPPA through the MIC imposes statutory regulation in breach of the Banjul Declaration on the Principles of Freedom of Expression in Africa while BAZ is hostage to the whims and dictates of the Executive in violation of the African Charter on Broadcasting.

These bodies need to be replaced by a truly independent communications regulator that will oversee these sectors. This new regulator's independence must be guaranteed by the law and must have financial, structural and functional independence in order to regulate the sector effectively and impartially for the development of the ICT sector to be guaranteed.

#### **Access to Information**

Regulation should only be undertaken for purposes of promoting freedom of speech and access to information. The extent to which a country is said to be democratic is the extent to which it is seen to actively promote free expression and communication between the people and their leaders through such institutions as the media.

One of the ways of promoting free expression and communication is through the creation of an enabling environment for media freedom through, among other considerations, establishing a truly independent regulator to regulate the country's communications sector in the public interest, free of any political, commercial or individual self-interest.

The government in general in its quest to come up with a national ICT Bill should be guided by the following principles that govern the operations of independent regulatory bodies:

- there should be clear separation of powers, with the government being responsible for policy development, an independent body being responsible for the implementation of policies and regulating the sector whilst privately owned media concentrates on service provision.
- regulation should be done in the public interest, with the aim of: creating and maintaining order in the sector, establishing fair competition and quality service, promoting free speech, access to information as well as consumer protection.
- providing distinct legal mandate of the regulator's duties and responsibilities, free of ministerial, commercial or private control.

the executive, legislature, civic society, business and the  
ment process of the regulator's board.

## Way Forward in 2009

It is against the need for fundamental medial law reforms that more than 100 journalists and representatives of civic society organisations converged in Harare on 4 -5 December 2008 to forge a common strategy of coming up with a comprehensive media law and policy reform framework.

The conference ended with a firm and unequivocal resolve by delegates not to support nor accept nominations to the proposed statutory Zimbabwe Media Commission (ZMC) which retained statutory regulation of the media following the 2007 amendments to the repressive Access to Information and Protection of Privacy Act (AIPPA). The ZMC is still to be constituted.

Guided by the principles on freedom of expression and access to information enshrined under the Banjul Declaration of the African Commission on Human and Peoples Rights, Windhoek Declaration and African Charter on Broadcasting, delegates also called for a constitutional provision that explicitly guarantees media freedom and the repealing of repressive laws such as AIPPA, Public Order and Security Act (POSA) and the Broadcasting Services Act (BSA).

The delegates tasked the Media Alliance of Zimbabwe (MAZ) to identify a team of experts that will come up with the proposed model media law and policy framework.

Delegates agreed to come up with co-ordinated campaigns, lobby and advocacy activities for the enactment of a constitutional provision that explicitly guarantees media freedom. In that regard strategic meetings and engagements with civic society organisations, parliament and media organisations will be held in 2009 to influence and implement the desired legislative and media policy reform agenda.

## ❖ Conclusion

Policies or any laws for that matter relating to the media should be guided and informed by the principles outlined under Article 9 of the African Charter on Human and Peoples Rights which states that *every individual shall have the right to receive information and the right to express and disseminate his opinions within the law.*

The Windhoek Declaration's Article 9 also states that: *African states should be encouraged to provide constitutional guarantees of freedom of the press and freedom of association and expression".*

The issues raised in this report are evidential of the lack of progress and political will and sincerity to implement let alone comply with declarations that guarantee and protect fundamental human rights particularly media freedom, freedom of expression, assembly and association as critical to democratisation and economic development. Selfish political interests as opposed to committed leadership dedicated to unstintingly serving the people are at the core of these issues. The Parliament of Zimbabwe and the government when it is eventually put in place in terms of the Global Political Agreement, should prioritise these issues as key to the expectations of the citizens as well as recommit themselves to that cause as opposed to the points-scoring games that we continue to witness at the peril of the nation.



the negotiating parties as well as the mediators to remain process that carries the people's confidence. This can only immediately allows citizens to enjoy their fundamental right to freedom of expression, association, assembly, access to information and media freedom.

End

### Media Violations Statistics 2008

#### Arrests, media laws, litigation

Victim/concerned party	Issue	Date
Access to Information and Protection of Privacy Act (AIPPA), Public Order and Security Act (POSA) and Broadcasting Services Act (BSA).	The amendments to these repressive media laws were gazetted on 14 December 2007. The Bills which included the Electoral Laws Amendment Act were signed into law by President Robert Mugabe on 11 January 2008.	11 January 2008
The Financial Gazette and The Zimbabwe Independent publishing companies.	Zimbabwe's constricted private newspaper publishing industry faced imminent collapse in the wake of prohibitive productions costs and an acute shortage of newsprint.	31 January 2008
Bright Chibvuri, editor of the Zimbabwe Congress of Trade Unions' The Worker magazine.	Chibvuri was being charged with contravening Section 83 of AIPPA which penalises the practice of journalism without accreditation .The trial which was supposed to have resumed on 31 January 2008 was postponed yet again because the trial magistrate Mark Dzira was on a prison visit in the border town of Plumtree where the trial is being held.	31 January 2008
Bright Chibvuri, editor of the Zimbabwe Congress of Trade Unions' The Worker magazine.	The trial was once more postponed to 28 February 2008 after magistrate Mark Dzira ruled that he needed time to consider legal	1 February 2008.

	<p>ments that had arisen ng the trial. Ironically, the nding section has since been repealed by the AIPPA Amendment Act which was signed by President Robert Mugabe on 11 January 2008.</p>	
<p>Minister of Information and Publicity Dr Sikhanyiso Ndlovu</p>	<p>The minister gazetted new registration and accreditation fees for mass media houses and journalists in terms of the repressive Access to Information and Protection of Privacy (AIPPA) and in terms of Statutory Instrument 19 of 2008. The fees were condemned as harsh and designed to limit the number of foreign journalists that will cover the 29 March 2008 elections.</p>	<p>15 February 2008</p>
<p>Freelance journalist Fazilla Mahommed</p>	<p>Arrested by riot police while covering developments at the Anglican Cathedral of St Mary and All Saints which is at the centre of a vicious feud between followers of Bishop Nolbert Kunonga and Bishop Sebastain Bakare. She was accused of failing to “adequately identify” herself. She was taken to Harare Central Police Station for questioning. The police confiscated her recorder before releasing her. She was asked to report to Harare Central Police Station the next day before being released without charges.</p>	<p>17 February 2008</p>
<p>Blessed Mhlanga, James Muonwa and Wycliff Nyarota, journalists with the Network Guardian in Kwekwe.</p>	<p>The three appeared in court on charges of contravening Section 80 of AIPPA by publishing a false story alleging that George Muvhimi and Tatenda Manhanga were caught with their pants down while having sexual intercourse in a vehicle at Mbizo shopping centre in</p>	<p>18 February 2008</p>

	kw. Trial date was set 5 April 2008.	
Bright Chibvuri editor of the Zimbabwe Congress of Trade Unions' The Worker magazine	Plumtree magistrate Mark Dzira said he will make a ruling on submissions by both the state and defence teams on 20 March 2008. The state closed its case on 28 February 2008 with the defence indicating that they would apply for the discharge of their client.	28 February 2008
Mutare journalists, Former Zimbabwe Broadcasting Corporation's (ZBC) Manicaland bureau chief Andrew Neshamba, ZBC cameraperson William Gumbo and Sidney Saize banned Daily News reporter	All three were charged with contravening Section 83 of AIPPA which penalises the practice of journalism without accreditation	18 March 2008
South African Globecast Satellite engineers, Siphon Moses Maseko and Abdulla Ismail Gaibee	The two were arrested at Harare International Conference Centre while covering a press conference on elections by the Minister of Information and Publicity Dr Sikanyiso Ndlovu. The two appeared before Harare Regional Magistrate, Lillian Kudya on 31 March 2008 and were charged for contravening Section 78 (2) of AIPPA as amended. The two, allegedly "held themselves as accredited journalists" without accreditation. Their trial date was set as 2 April 2008.	27 March 2008
Globecast freelance cameraperson Siphon Moses Maseko and satellite technician Abdulla Ismail Gaibee	Accused of contravening Section 78 (2) of the Access to Information and Protection of Privacy Act (AIPPA) for practicing journalism without accreditation. Rearrested on 4 April 2008 by police from the Law and Order Section. They were readmitted to bail on 7 April 2008.	4 April 2008

<p>journalist Stephan Bevan</p>	<p>...sed of practicing alism without ...ditation in terms of Section 78 (2) of AIPPA. The two were arrested on 27 March 2008. The section in question considers it an offence for one to hold himself or herself as an accredited journalist without being so accredited. Appeared before Harare Magistrate Shongwe who granted them bail Z\$300 million and ordered them to surrender their passports and not to interfere with witnesses. Remanded to 10 April 2008.</p>	<p>7 April 2008</p>
<p>Andrew Neshamba, former Zimbabwe Broadcasting Corporation Manicaland bureau chief.</p>	<p>Charged with contravening Section 174 (1) (a) of the Criminal Law (Codification and Reform) Act (Criminal Abuse of Duty as Public Officers). Allegations are that Neshamba and William Gumbo on 4 February 2007 facilitated the entry of Peter Moyo, South African based E- TV reporter into Chiadzwa diamond fields and took video footage of the minefields. Media Lawyers Network lawyer Cris Ndlovu successfully applied for the recusal of trial magistrate Billard Musakwa on allegations of prejudicing the matter.</p>	<p>8 April 2008</p>
<p>MISA-Zimbabwe</p>	<p>Issued an action alert in the wake of continued arrests and violations against journalists and called for its members, human rights and civic groups to condemn these actions. Appeals should be lodged with the Attorney General, President's Office and Cabinet, Parliament, The Ministry of Information and Police Commissioner General.</p>	<p>9 April 2008</p>
<p>Sipho Moses Maseko</p>	<p>Accused of contravening</p>	<p>10 April 2008</p>

<p>Gaibee.</p>	<p>Section 78 (20 of AIPPA or alternatively Section 6 (5) of the Electoral Laws Amendment Act which refers to observation of elections without accreditation. Their trial commenced before Harare Magistrate Shongwe with the accused pleading not guilty to the offence.</p>	
<p>New York Times correspondent Barry Bearaik and South African Freelance journalist Stephan Bevan.</p>	<p>The two were accused of practicing journalism without accreditation in terms of Section 78 (2) of AIPPA. Appeared before Harare Magistrate Gloria Takundwa for a hearing on their application for refusal of remand.</p>	<p>10 April 2008.</p>
<p>South African Siphosiso Maseko Globecast freelance cameraperson and Abdullahi Ismail Gaibee, satellite technician</p>	<p>Accused of contravening Section 78 (20 of AIPPA or alternatively Section 6 (5) of the Electoral Laws Amendment Act which refers to observation of elections without accreditation. The two were acquitted of the charges by Harare magistrate Dorris Shongwe who said the state had failed to prove how the two managed to observe the 29 March 2008 elections when in fact they were in custody. She said that the state's case had also been weakened by its witnesses among them the Permanent Secretary of Information and Publicity George Charamba who were not present at the scene of the alleged crime. The two were also acquitted on charges of defeating the course of justice.</p>	<p>14 April 2008.</p>
<p>New York Times correspondent Barry Bearaik and South African Freelance journalist Stephan Bevan.</p>	<p>The two were accused of practicing journalism without accreditation in terms of Section 78 (2) of AIPPA. Ruling in their application for refusal of remand and enquiry</p>	<p>14 April 2008</p>



	the police failure to comply with a directive from Attorney General's Office to release them, is set for 16 April 2008.	
Bright Chibvuri, editor of the Zimbabwe Congress of Trade Union's The Worker magazine.	Accused of contravening the now repealed Section 83 (1) of AIPPA which dealt with practicing journalism without accreditation. Judgment is set for 29 April 2008.	15 April 2008
Margaret Ann Kriel	Accused of practicing journalism without accreditation under AIPPA. Remanded out of custody to 22 April 2008 on Z\$100 million bail.	15 April 2008
Frank Chikowore	Arrested and detained on 15 April 2008 at Harare Central Police Station in unclear circumstances while on his way to work. Seven police officers, four of whom were in riot gear, proceeded to search his house and confiscated a laptop, recorder and camera. His lawyers said they were finalising an urgent application for him to be charged or released after he spent a night in police custody.	15 April 2008
New York Times correspondent Barry Bearak and South African Freelance journalist Stephan Bevan.	The two are accused of practicing journalism without accreditation in terms of Section 78 (2) of AIPPA. The two foreign journalists were each granted Z\$300 million bail by Harare magistrate Gloria Takundwa. The magistrate said their continued detention for five days was not only against the Attorney-General's order but was also unlawful as no warrant of arrest had been issued at the time of their arrest.	16 April 2008
Freelance journalist Frank Chikowore	Arrested and detained on 15 April 2008 at Harare Central Police Station in unclear	17 April 2008

	<p>stances while on his to work. Lawyers filed an application compelling the police to take Chikowore to hospital, as he was complaining of abdominal and chest pains.</p>	
Freelance journalist Frank Chikowore.	Chikowore finally appeared in court together with six other accused among them Luke Tamborinyoka, the MDC secretary for information and publicity. Charged with public violence relating to the alleged torching of a passenger bus in Harare's suburb of Warren Park on 15 April 2008.	21 April 2008
Associated Newspapers of Zimbabwe (ANZ) publishers of the banned Daily News and Daily News on Sunday.	Hearings into the application by ANZ to be licensed commenced before a special committee of the statutory Media and Information Commission (MIC). ANZ represented by its lawyers and acting chief executive officer made representations before the committee pending a ruling on the application in terms of AIPPA.	21 April 2008
Freelance journalist Frank Chikowore.	Charged with public violence relating to the alleged torching of a passenger bus in Harare's suburb of Warren Park on 15 April 2008. Magistrate Olivia Mariga denied Chikowore and his co-accused bail saying the political climate in the country was still volatile and that the accused were likely to continue to incite public violence	22 April 2008
Freelance journalist Frank Chikowore.	Charged with public violence relating to the alleged torching of a passenger bus in Harare's suburb of Warren Park on 15 April 2008. Magistrate Olivia Mariga denied Chikowore and his co-accused bail saying the	22 April 2008

	cal climate in the country still volatile and that the sed were likely to continue to incite public violence.	
Freelance journalist Sydney Saize.	Charged with contravening Section 15 (1) (c) of the draconian Public Order and Security Act (POSA) which deals with communicating falsehoods. Was also charged with contravening the now repealed Section 83 of AIPPA which dealt with practicing journalism without accreditation. Mutare public prosecutor Malvern Musarurwa declined to prosecute saying the state did not have sufficient evidence to warrant prosecution. Saize was being accused of peddling falsehoods to Voice of America's Studio 7 alleging that Zanu PF youths, war veterans and the youth militia had assaulted two teachers from Gomorefu Secondary School in Marange.	22 April 2008
Andrew Neshamba, former Zimbabwe Broadcasting Corporation Manicaland bureau chief.	Charged with contravening Section 174 (1) (a) of the Criminal Law (Codification and Reform) Act (Criminal Abuse of Duty as Public Officers). Allegations are that Neshamba and William Gumbo on 4 February 2007 facilitated the entry of Peter Moyo, South African based E-TV reporter into Chiadzwa diamond fields and took video footage of the minefields. Trial postponed to 2 June 2008 because the trial magistrate was not feeling well.	23 April 2008.
Blessed Mhlanga, James Muonwa and Wycliff Nyarota, employed by the Network Guardian.	Charged with abuse of journalistic privilege in contravention of Section 80 (a) (ii) of AIPPA It is alleged that on 26 March 2006, the	24 April 2008

	<p>or one of them, lawfully and intentionally recklessly falsified information that is injurious to the reputation, rights, and freedoms of others and published a story that George Muvhimi and Tatenda Manhanga were caught with their pants down while having sexual intercourse in a vehicle at Mbidzo shopping centre in Kwekwe. Trial to continue on 6 May 2008.</p>	
Bright Chibvuri, editor of the Zimbabwe Congress of Trade Union's The Worker magazine.	Accused of contravening the now repealed Section 83 (1) of AIPPA which dealt with practicing journalism without accreditation. Convicted after the magistrate said he was satisfied by the evidence of the three state witnesses all of whom were police officers who arrested and interviewed Chibvuri on 3 March 2007. His lawyers indicated they will file an appeal against conviction	29 April 2008
Frank Chikowore, freelance journalist	Chikowore and his co-accused who include Movement for Democratic Change director of information and publicity Luke Tamborinyoka are being charged with public violence. High Court judge Justice Ben Hlatshwayo granted Chikowore and his co-accused Z\$5 billion bail and ordered them to report Harare Central Police Station Law and Order Section.	2 May 2008
Frank Chikowore, freelance journalist	Chikowore and his co-accused who include Movement for Democratic Change director of information and publicity Luke Tamborinyoka are being charged with public violence. Case is deferred to 8 May 2008 to allow a new	5 May 2008

	<p>ecutor to familiarise elf with the case. The ge against Chikowore arises from the torching of a bus in Harare's suburb of Warren Park on 15 April 2008.</p>	
<p>Blessed Mhlanga, James Muonwa and Wycliff Nyarota journalists employed by the Network Guardian.</p>	<p>Charged with contravening the Supreme Court-nullified Section 80 (1) (A) (2) of the repressive Access to Information and Protection of Privacy Act (AIPPA) which used to prohibit publication of falsehoods. The state alleges that on 26 March 2006, the three or one of them, unlawfully and intentionally and recklessly falsified information that is injurious to the reputation, rights and freedoms of others and published a story that George Muvhimi and Tatenda Munhanga were caught with their pants down while having sexual intercourse in a vehicle at Mbizo Shopping Centre in Kwekwe. Trial postponed after one of the state witnesses failed to turn up.</p>	<p>6 May 2008</p>
<p>Harrison Nkomo, leading media lawyer</p>	<p>Arrested and detained at Harare Central Police Station over an allegedly insulting statement he made against the President on 2 May 2008. He is accused of having made the statement to Michael Mugabe who is a law officer in the Attorney-General's Office on 2 April 2008 by allegedly saying: "Go and tell your father that he must vacate office because he has failed to rule." His lawyer Beatrice Mtetwa indicated that he was likely to be charged under Section 33 of the Criminal Law (Codification and Reform) Act which deals with undermining the authority or</p>	<p>7 May 2008</p>



	ing the president. e from the Law and r Section picked	8 May 2008
The Standard.	Maruziva from his offices in Harare and detained him at Harare Central Police Station for questioning over an opinion piece written by Professor Arthur Mutambara leader of the other faction of the Movement for Democratic Change. The article in question appeared on 20 April 2008 under the headline: A shameful betrayal of national independence. The article in question appeared on 20 April 2008 under the headline: <u>A shameful betrayal of national independence.</u>	
Frank Chikowore, freelance journalist.	Chikowore and his co-accused who include Movement for Democratic Change director of information and publicity Luke Tamborinyoka were charged with public violence. Trial date was set for 11 June 2008.	8 May 2008
Howard Burditt photographer with Reuters news agency.	Arrested and spent three nights at Harare Central Police Station and accused of illegally using a satellite phone to send pictures. Burditt who was arrested on 5 May 2008 was released on 9 May 2008.	9 May 2008
Davison Maruziva, editor of the privately owned weekly, The Standard.	Police from the Law and Order Section picked Maruziva from his offices in Harare and detained him at Harare Central Police Station for questioning over an opinion piece written by Professor Arthur Mutambara leader of the other faction of the Movement for Democratic Change. Was released on Z\$10 billion bail after spending a night in custody on charges of contravening the Criminal Law (Codification	9 May 2008

	Reform Act). enged under Section 33 of riminal Law (Codification and Reform) Act for allegedly making an insulting statement against the President on 2 may 2008. Released on Z\$5 billion bail and ordered to surrender his passport and report to Harare Central Police's Law and Order Section every Friday. Bail was granted by Harare magistrate Jarabini at Parirenyatwa Hospital where he had briefly been admitted under detention for hypertension.	9 May 2008
Bright Chibvuri, editor of the Zimbabwe Congress of Trade Unions' The Worker magazine.	Convicted on 29 April 2008 of contravening Section 83 (1) of AIPPA which criminalised practicing journalism without accreditation. His lawyer engaged by MISA-Zimbabwe under its Media Defence Fund facility, filed an appeal against both conviction and sentence with the High Court on 15 May 2008. His lawyer engaged by MISA-Zimbabwe under its Media Defence Fund facility, filed an appeal against both conviction and sentence with the High Court on 15 May 2008.	22 May 2008
Davison Maruziva, editor of the privately owned weekly, The Standard.	Charged with publishing or communicating a statement prejudicial to the state in contravention of the Criminal Law (Codification and Reform) Act. The alleged offence arises from an opinion piece that appeared in the weekly edition of 20 April 2008 which was written by Professor Arthur Mutambara leader of the other formation of the Movement for Democratic Change. Trial date set for 5 June 2008 by Harare magistrate Dorris Shomwe	23 May 2008

	ged under Section 33 or natively Section 41 of he inal Law (Codification and Reform) Act for allegedly making an insulting statement against the President on 2 May 2008.His lawyer Beatrice Mtetwa applies for him to be removed from remand arguing that there was no reasonable suspicion that he committed the offence. Harare magistrate Dorris Shomwe said she would deliver her ruling on 30 May 2008.	23 May 2008
Peter Godwin freelance journalist and writer.	Arrested at the Anglican Christ Church in Borrowdale, Harare after being accused of taking pictures of the graves of his parents without the permission of the priest in charge Reverend Harry Mambo Rinashe. He was released without charges.	25 May 2008
Bennet Hasen Sono, Resemate Chauke and Simon Maodi employed by Sky News.	Arrested in Esigodini in Matabeleland South province and were still in custody five days after their arrest. The state applied for their further detention without any charges being preferred against them. Sky News, BBC and CNN are among some of the foreign news organisations banned from reporting in Zimbabwe. The state applied for their further detention without any charges being preferred against them. Sky News, BBC and CNN are among some of the foreign news organisations banned from reporting in Zimbabwe.	28 May 2008
Blessed Mhlanga, James Muonwa and Wycliff Nyarota journalists employed by the Network Guardian.	Charged with contravening the Supreme Court-nullified Section 80 (1) (A) (2) of the repressive Access to Information and Protection of Privacy Act (AIPPA) which used to prohibit publication of	28 May 2008

	<p>hoods. The state alleges on 26 March 2006, the or one of them, unlawfully and intentionally and recklessly falsified information that is injurious to the reputation, rights and freedoms of others and published a story that George Muvhimi and Tatenda Munhanga were caught with their pants down while having sexual intercourse in a vehicle at Mbizo Shopping Centre in Kwekwe. The trio applied for discharge after the State closed its case with the defence arguing that the State had failed to prove its case against them.</p>	
<p>Bennet Hasen Sono, Resemate Chauke and Simon Maodi employed by Sky News and Bulawayo resident Craig Mark Ram Edy</p>	<p>The three finally appeared in court in Bulawayo on charges of contravening provisions of the Posts and Telecommunications Act after being found in possession of broadcasting equipment. The equipment was allegedly found at Edy house. Remanded in custody to 30 May 2008.</p>	<p>29 May 2008</p>
<p>Bennet Hasen Sono, Resemate Chauke and Simon Maodi employed by Sky News and Bulawayo resident Craig Mark Ram Edy</p>	<p>Convicted on their own plea on charges contravening section 33 of the Posts and Telecommunications Act which deals with possession of broadcasting equipment without authority. Edy was granted Z\$40 billion bail but the state launched an appeal and Edy remains in custody. The three Sky News employees were sentenced to six months imprisonment on 2 June 2008. Somo and Musimani were also convicted of contravening the Immigration Act.</p>	<p>30 May 2008</p>
<p>Media lawyer, Harrison Nkomo.</p>	<p>Accused of insulting the President of Zimbabwe in</p>	<p>30 May 2008</p>

	<p>Harare magistrate Doris Shomwe dismissed his application for removal from remand. The magistrate cited Article 13 subsection (2e) of the Constitution which states that for one to be deprived of his personal liberty as may be authorised by law, there should be reasonable suspicion of having committed or about to commit a criminal offence. She said reasonable suspicion existed that an offence was committed.</p>	
<p>South African media workers Bernet Hassen Sono, Resemete Boy Chauke and Simon Maodi.</p>	<p>Arrested in Plumtree on 23 May 2008 after being found in possession of broadcasting equipment belonging to Sky News. They were convicted on their own plea of contravening Section 33 of the Post and Telecommunications Act. Magistrate John Masimba sentenced them to 6 months imprisonment.</p>	<p>2 June 2006</p>
<p>Media lawyer, Harrison Nkomo.</p>	<p>Accused of insulting the President of Zimbabwe in contravention of Section 33 and 41 of the Criminal law (Codification and Reform) Act. His lawyer Beatrice Mtetwa applied to have the matter referred to the Supreme Court in terms of Section 24 (2) of the Constitution arguing that the two sections under which Nkomo was being charged for contravening Section 20 (1) which provides the right to freedom of expression. Magistrate remanded the matter to 25 June 2008 for her ruling.</p>	<p>3 June 2008</p>
<p>South African media workers Bernet Hassen Sono, Resemete Boy Chauke and</p>	<p>Convicted on their own plea and sentenced to 6 months imprisonment after being</p>	<p>3 June 2008</p>

	<p>...d in possession without a ...se, broadcasting ...ment belonging to Sky</p> <p>News in contravention of Section 33 of the Post and Telecommunications Act. Lawyers representing the three media workers filed an appeal against sentence at the Bulawayo High Court arguing that the punishment was excessive and that a fine would have been adequate punishment.</p>	
Howard Nicholas Burditt, photographer with Reuters news agency.	<p>Convicted on his own plea of contravening Section 27 (1) of the Broadcasting Services Act which outlaws unauthorized possession, establishment and operation of signal transmitting lines after he was found in possession of a satellite phone. Harare magistrate Archie Wochionga fined Burditt Z\$20 billion and suspended two months imprisonment on condition he does not commit a similar offence in the next five years.</p>	3 June 2008
Professor Arthur Mutambara, leader of the other formation the opposition Movement for Democratic Change.	<p>Charged with contempt of court and communicating falsehoods prejudicial to the state following an opinion piece published in The Standard newspaper's edition of 20 April 2008. The state alleges that the article was false and thus undermined public confidence in the law enforcement agents, defence forces and prison services. He was granted Z\$20 billion bail and ordered to report to the Criminal Investigations Department Law and Order Section every Friday and to surrender title deeds to his Marlborough house in Harare.</p>	3 June 2008
Davison Maruziva, editor of The Standard weekly.	<p>Maruziva was accused of contravening Section 31 of the</p>	5 June 2008



	<p>riminal Law (Codification Reform) Act which deals publication of a statement prejudicial to the state following the publication of an opinion piece written by Professor Arthur Mutambara leader of the other formation of the MDC. The trial failed to commence after the state set a joint trial date for all the matters related to the case. Trial date eventually set for 17 June 2008.</p>	
<p>Abel Chikomo, Maureen Kademanga and Abel Kaingidza, employees of the Media Monitoring Project Zimbabwe (MMPZ) and 10 other members of the organisation's Public Information Rights Forum.</p>	<p>Arrested and detained by police in Binga who accused them of holding a public meeting without police clearance. MMPZ co-ordinator Andrew Moyse said the meeting in question was not a public meeting but a professional meeting which did not require notification or clearance with the police in terms of the Public Order and Security Act (POSA).</p>	<p>8 June 2008</p>
<p>Andrew Neshamba, former Zimbabwe Broadcasting Corporation bureau chief in Manicaland.</p>	<p>Charged with abuse of duty as a public officer in contravention of Section 174 of the Criminal Law (codification and Reform) Act. Mutare provincial magistrate Chipadze agreed to postpone the case by at least two months following application to stop proceedings pending its appeals against the magistrate's decision to dismiss an application that ZBC was not a public body as envisaged by the law in question. The matter was remanded to 4 August 2008.</p>	<p>9 June 2008</p>
<p>Abel Chikomo, Maureen Kademaunga and Abel Kaingidza, employees of the Media Monitoring Project Zimbabwe (MMPZ) and 10 other members of the</p>	<p>Arrested and detained by police in Binga who accused them of holding a public meeting without police clearance. Released without charges after spending three</p>	<p>11 June 2008</p>

	s in police custody.	
reporter with the Network Guardian in Kwekwe.	nganga together with colleagues Wycliff Nyarota and James Muonwa are facing charges of contravening Section 80 (1) (a) (2) of AIPPA which prohibits publication of falsehoods following publication of a story which alleged that George Muvhimi and Tatenda Munhanga were caught having sexual intercourse in a vehicle at Mbizo shopping centre in Kwekwe. Kwekwe magistrate Oliver Mudzingachiso acquitted Mhlanga after he found that none of the state witnesses had implicated him. His co-accused were, however, put to their defence.	11 June 2008
Davison Maruziva, editor of The Standard, Professor Aurthur Mutambara leader of the other formation of the MDC.	Accused of contravening Section 31 of the Criminal Law (Codification and Reform) Act. The charges arise from the publication of an article by Professor Mutambara which appeared in The Standard on 20 April 2008. Their trial was postponed to 10 July 2008 after the state indicated that it was still to provide the defence counsel with the state papers and that the prosecutor responsible for the case was attending to other commitments.	17 June 2008
Freelance journalist Frank Chikowore.	Charged with public violence with 12 others who include Luke Tamborinyoka, the MDC director of information. The offence arises from the alleged torching of bus in Harare's suburb of Warren Park on 15 April 2008. Trial postponed to 14 July 2008 after the state advised the court of the absence of the	19 June 2008

	Magistrate. accused of insulting the President of Zimbabwe in contravention of Section 33 and 41 of the Criminal law (Codification and Reform) Act. Magistrate Doris Shomwe referred the matter to the Supreme court which will sit as a constitutional court to determine the constitutionality of the Criminal Law (Codification and Reform) Act after his lawyer Beatrice Mtetwa argued that Sections 33 and 41 contravene Section 20 (1) of the Constitution which protects freedom of expression.	25 June 2008
Freelance journalists Frank Chikowore and Edgar Mwandiambira.	Arrested while covering election proceedings at Mhofu Primary School in Harare suburb of Highfield at the opening of presidential election run-off on 27 June 2008. Released on the same day after being fined for criminal nuisance under the Criminal Law (Codification and Reform) Act.	27 June 2008
Freelance photographers Richard Judson, Regis Marisamhuka and Agrisson Manyenge	Arrested in Harare while covering the 27 June 2008 presidential election run-off. Released without charges after spending a night in police custody.	27 June 2008
E-tv reporter Tumaole Mohlaole and cameraperson Elelewani Rampfumedzi.	Arrested in the southern border town of Beitbridge while covering a protest march against the Zimbabwean elections which had been boycotted by Morgan Tsvangirai, the leader of the opposition MDC. Released without charges after spending a night in police custody.	27 June 2008
Kholwani Nyathi, Bulawayo- based correspondent with <i>The</i>	Nyathi was ordered to report to police in Plumtree for	7 July 2008

	<p>tioning over an published story he had stigated following a visit to the south-western border town before the presidential election run-off on 27 June 2008. however, Police in Plumtree dropped the case against Nyathi after he travelled to the border town with a lawyer engaged by MISA-Zimbabwe under its Media Defence Fund facility.</p>	
<p>Flata Kavinga, editor of The Midlands Observer</p>	<p>Kavinga was summoned by police in Gweru following publication of a story which alleged that a police officer had reportedly been dismissed for refusing to cast a postal ballot in the 27 June 2008 presidential election run-off. Kavinga was told to retract the story by the police. Kavinga, however, said they would conduct further investigations and provide details in the paper's next edition</p>	<p>8 July 2008</p>
<p>Davison Maruziva, editor of The Standard and Professor Arthur Mutambara, leader of the other formation of the Movement for Democratic Change.</p>	<p>They are jointly charged with publishing falsehoods in violation of the repressive Access to Information and Protection of Privacy Act (AIPPA) as well as contempt of court as defined in the Criminal Law (Codification and Reform) Act. The charges arise from the publication of an opinion piece written by Professor Mutambara. Harare regional magistrate Morgan Nemadire dismissed an application for refusal of further remand. The magistrate said it was fair and in the interest of justice that the accused remain on remand since the prosecution had provided the defence with its state papers.</p>	<p>10 July 2008</p>

Simon Musimane.	<p>three were convicted on own plea and sentenced months imprisonment</p> <p>after being found in possession of broadcasting equipment belonging to Sky News without a license in contravention of Section 33 of the Posts and Telecommunications Act. The three were subsequently fined and released after High Court judge Justice Maphios Cheda reviewed the sentence and commuted it to a fine. They were each fined Z\$50billion and immediately deported after paying the fines</p>	11 July 2008
Wycliff Nyarota and James Muonwa, journalists from Kwekwe	Accused of publishing falsehoods in breach of Section 80 (1) Access to Information and Protection of Privacy Act (AIPPA) by publishing a story in the Network guardian that George Muvhimi and Tatenda Munhanga were caught with their pants down while having sexual intercourse in a vehicle at Mbizo shopping centre in Kwekwe. Judgment has been set for 29 July 2008	15 July 2008
Globecast Satellite , a South African company	Globecast Satellite was being charged of illegally importing broadcasting equipment into Zimbabwe. Trial is expected to continue on 22 July 2008 when more witnesses are expected to testify.	17 July 2008
Globecast Satellite	The trial continued with state leading evidence from an engineer with the Broadcasting Authority of Zimbabwe (BAZ).	22 July 2008
Wycliffe Nyarota, James Muonwa, Kwekwe journalists	Accused of publishing falsehoods in breach of the repressive Access to Information and Protection of Privacy Act(AIPPA) Kwekwe	29 July 2008

	<p>strate Oliver Zongachiso found the two journalists guilty of contravening section 80(1) (a) of AIPPA for unlawfully and intentionally publishing a false story.</p>	
Globecast Satellite , a South African company	<p>Globecast Satellite which had earlier been removed from remand was back in the dock after being summoned to court for continuation of their trial. The company is being accused of illegally importing broadcasting equipment in the country. To save time and bring the matter to finality, defence lawyer Beatrice Mtetwa decided not to challenge the summons and continuation of the matter despite the earlier refusal of further remand granted by Harare magistrate Archie Wochiunga.</p>	30 July 2008
Media lawyer, Harrison Nkomo	<p>Nkomo was facing charges of insulting the President of Zimbabwe in contravention of section 33 and 41 of the Criminal Law (Codification and Reform) Act. Harare magistrate Chiwoniso Mutongi removed Nkomo from remand. Mutongi agreed with Harrison lawyer's reasoning that since the matter had been referred to the Supreme Court it was no longer necessary for Harrison to appear before both the Supreme and the Magistrate Court.</p>	31 July 2008
Andrew Neshamba, former	<p>Allegations against Neshamba</p>	5 August 2008



	<p>that on February 2007 together with William bo, facilitated the entry of Peter Moyo, an accredited South African based journalist with E-TV into Chiadzwa diamond mining fields in Manicaland. Mutare provincial Magistrate Chipadze refused to remove Neshamba from remand on charges of abuse of office as a public officer but allowed for a longer remand period to 12 January 2009.</p>	
<p>Davison Maruziva, editor of <i>The Standard, The Standard</i> newspaper and Professor Mutambara, faction leader of the Movement for Democratic Change</p>	<p>They were jointly charged for communicating falsehoods, prejudicial to the State and contempt of court. The charges arise from the publication of an opinion piece written by professor Mutambara. Maruziva and others who were not due in court until 28 August made an unscheduled appearance in court upon which they applied to have the matter postponed as Mutambara was due to travel to Denver in Colorado for the 2008 International Leaders Forum running between 24 and 28 August 2008. The State did not oppose the application.</p>	<p>8 August 2008</p>
<p>Tsvangirayi Mukwazhi, freelance journalist</p>	<p>Mukwazhi left for South Africa with his family after being assaulted by the police officials who confiscated his car on allegations that it was not properly registered. The police also accused him of travelling and covering the opposition MDC leader, Morgan Tsvangirayi, in the run up to the March 29</p>	<p>8 August 2008</p>

	<p>idential elections.</p> <p>wazhi told MISA that the vehicle and assault matter was being handled by Harare lawyer Beatrice Mtetwa, but that he feared for his family's safety.</p>	
Globecast Satellite	<p>The South African company was being charged for illegal importation of broadcasting equipment in violation of the Broadcasting Services Act (BSA). The ruling in the application for discharge at the close of the state case was deferred to August 18 2008, after the State prosecutor, Florence Ziyambi failed to turn up.</p>	13 August 2008
Rutendo Mawere, Gweru-based correspondent with the privately owned weekly, <i>The Standard</i>	<p>Mawere was arrested by a plainclothes policewoman identified as Million on allegations of taking pictures of a crowd that included soldiers and policemen queuing for basic commodities. She was taken to Gweru Central Police Station where she was questioned on why she had taken pictures. Mawere was released without being charged after being questioned for about an hour.</p>	25 August 2008
Davison Maruziva, editor of <i>The Standard</i> , <i>The Standard</i> newspaper and Professor Mutambara, faction leader of the Movement for Democratic Change	<p>They are jointly charged for communicating falsehoods, prejudicial to the State and contempt of court. The charges arise from the publication of an opinion piece written by professor Mutambara. Harare Magistrate Morgan Nemadire</p>	28 August 2008

	<p>ted an application of al of further remand by Standard Newspaper editor.Nemadire discarded the application made by the defence counsel on the basis that the application was 'premature and its basis unclear.'</p>	
<p>Davison Maruziva, editor of The Standard and Professor Arthur Mutambara, leader of the other formation of the Movement for Democratic Change.</p>	<p>Jointly charged with publishing falsehoods in violation of the repressive Access to Information and Protection of Privacy Act (AIPPA) as well as contempt of court as defined in the Criminal Law (Codification and Reform) Act. The charges arise from the publication of an opinion piece written by Professor Mutambara which was published the weekly newspaper. Harare regional magistrate Morgan Nemadire rejected an application of refusal of further remand. The magistrate discarded the application on the basis that the application was "premature and its basis unclear". The newspaper and its editor were remanded out of custody to 22 September 2008</p>	<p>3 September 2008</p>
<p>Peter Muchengeti, regional chairman of the National Association of Non – Governmental Organisations (NANGO)</p>	<p>Peter Muchengeti was being charged of communicating falsehoods .The state was alleging that Muchengeti had allegedly told Voice of America (VOA) Studio 7 that " six bodies " had been discovered in Matshekandumba village at the 30 – kilometre peg along the Kwekwe – Gweru highway. The state had dismissed the allegations as "wholly false". Prosecutor</p>	<p>22 September 2008</p>

	<p>erine Chisvo told Gweru strate Irvine Mhlanga that tate was withdrawing its case against Muchengeti owing to lack of evidence.</p>	
<p>Davison Maruziva, editor of The Standard and Professor Arthur Mutambara, leader of the other formation of the Movement for Democratic Change.</p>	<p>They are jointly charged with publishing falsehoods in violation of the repressive Access to Information and Protection of Privacy Act (AIPPA) as well as contempt of court as defined in the Criminal Law (Codification and Reform) Act. The charges arise from the publication of an opinion piece written by Professor Mutambara which was published by the weekly newspaper. The case was postponed to 22 October 2008 following a request by Professor Mutambara who was travelling to China on the same date that they appeared in court.</p>	<p>25 September 2008</p>
<p>Bhekinkosi Ncube Editor of <i>Umthunywa</i>.</p>	<p>Surveillance of Zimbabwe newspaper group (Zimpapers) editors since August resulted in the hacking of private emails of Bhekinkosi Ncube that led to his suspension. Ncube was accused of insulting the president and the government. Tom Ndovi, Zimpapers Information Technology manager told the hearing that he accessed all group editors' private emails and presented all findings to the Groups Chief Executive Officer, Justin Mutasa. Mutasa told an internal disciplinary hearing following Ncube's suspension that he authorised the hacking and admitted that editorial standards were the prerogative of a given Minister. Lawyers</p>	<p>20 October 2008</p>

	<p>representing Ncube argued the evidence against him led to the interception of Communication Act as Zimpapers accessed his emails without his consent.</p>	
<p>Davison Maruziva, editor of The Standard, The Standard newspaper and Professor Arthur Mutambara, Deputy Prime Minister designate.</p>	<p>They were jointly charged with publishing falsehoods in violation of the repressive Access to Information and Protection of Privacy Act (AIPPA) as well as contempt of court as defined in the Criminal Law (Codification and Reform) Act. The charges arise from the publication of an opinion piece written by Professor Mutambara. Their lawyer submitted to Harare regional magistrate Morgan Nemadire the need to refer the matter to a higher court, citing that the Magistrate Courts do not have the jurisdiction to hear the matter if it is deemed that there was contempt of court by the accused.</p> <p>The matter was postponed to 12 November 2008 for ruling on whether the matter should or should not be referred to a superior court.</p>	<p>22 October 2008</p>
<p>Philip Warington Taylor, a British journalist</p>	<p>Arrested on 30 October 2008 by members of the Central Intelligence Organisation (CIO) for allegedly practicing journalism without accreditation. He was arrested aboard his flight which was about to take off after he had spent 30 days in Zimbabwe. Taylor was granted \$Z150 000 bail and ordered to surrender his travel documents. He was expected in court on 5 November 2008. Taylor who was represented by Harrison Nkomo denied the charges</p>	<p>3 November 2008</p>

	<p>ing he was only a visitor never practiced alism during his stay in Zimbabwe.</p>	
Philip Warington Taylor, a British journalist	<p>Taylor who was being expected in court on 5 November 2008 failed to turn up after informing his lawyer Harrison Nkomo that he had already left. Nkomo told Harare Magistrate Catherine Chimanda that he had received a text message from Taylor on 4 November 2008 informing him that he had left the country and was now in South Africa. Taylor virtually skipped bail.</p>	5 November 2008
Zimbabwe Newspapers group (Zimpapers)	<p>Zimpapers reportedly stopped circulation of its two publications, the monthly magazine <i>Trends</i> and the weekly Matabeleland vernacular tabloid <i>Umthunywa</i> due to the critical shortages of newsprint. The newsprint shortages have also forced the group to scale down its operations resulting in other newspapers within the stable to print fewer pages. Other newspapers within the stable include the Herald, the Chronicle, the Sunday mail, the Sunday news and Kwayedza. Suppliers of newsprint said that they were operating under harsh conditions due to the shortage of raw materials, fuel and the erratic electricity supplies.</p>	7 November 2008
Harrison Nkomo, human rights lawyer	<p>The Media Institute of Southern Africa (MISA) Zimbabwe Chapter received reports on the police's intentions to arrest Harrison Nkomo, who was representing Philip Warington Taylor, a British journalist who skipped bail. It is reportedly said that</p>	10 November 2008



	<p>Police want to charge me with defeating the course of justice under</p>	
	<p>Section 184 subsection 1 paragraph A of the Criminal Law (Codification and Reform) Act. The police officers from the law and order section reportedly visited Nkomo's offices in Harare looking for the lawyer who was reported to be out of town</p>	

▪ **Beaten/Assaulted**

Victim/concerned party	Issue	Date
Sydney Saize, freelance journalist	Assaulted by unknown assailants in the eastern border town of Mutare after being accused of being a sellout. The incident occurred after his assailants had given him what was supposed to have been an innocent lift home. The four assailants were driving in an unmarked Nissan double cab vehicle. He sustained a swollen lip following the assault.	16 May 2008
The Zimbabwean on Sunday.	Unknown assailants waylaid and set ablaze a truck-load of 60 000 copies of the weekly and assaulted its driver Christmas Ramabulana, a South African citizen and distribution assistant Tapfumaneyi Kancheta.	23 May 2008
Tafadzwa Sikwila, Power Fm Disc Jockey	Tafadzwa Sikwila, also known as DJ Squila, sustained head injuries after being assaulted by four alleged soldiers. The men accused Sikwila of wearing army replica pants without authorisation.	30 October 2008
Makomborero Mutimukulu, Sunday Mail Sports Reporter	Mutimukulu was assaulted by three bouncers soon after the match between Dynamos FC and Gunners FC who accused him of 'writing nonsense'.	30 October 2008.

	Mutimukulu however, professed ignorance of what they meant and added that he did not know which story could have possibly infuriated the bouncers.	
Obrian Rwafa, assignment news editor with ZBC	Obrian Rwafa a news assignment editor with the state-controlled Zimbabwe Broadcasting Corporation was on 13 December 2008 allegedly abducted and severely assaulted by unknown assailants in Harare	15 December 2008

▪ Harassed / Threats/Kidnapped

Victim/concerned party	Issue	Date
Regis Chingawo editor of the Masvingo Mirror	Chingawo and journalists at the weekly publication in Masvingo were threatened by suspected security agents over articles published in their edition of 8 – 14 February 2008. Two men clad in black suits and dark glasses stormed their newsroom on a Saturday morning demanding to know the sources of two articles published by the paper following the announcement by former Finance Minister Dr Simba Makoni of his presidential ambitions as an independent candidate in the 29 March 2008 elections. The matter was reported to the police in Masvingo	8 February 2008
Minister of Information and Publicity Dr Sikhanyiso Ndlovu	He threatened to sue the weekly Financial Gazette which reported that the minister and ruling Zanu PF politburo member Dumiso Dabengwa had refused to sign President Robert Mugabe's presidential nomination papers in a show of defiance. The minister asked the privately owned	22 February 2008

	<p>... weekly to retract the story. ... Financial Gazette had done so by 29 February 2008</p>	
Privately owned weekly, Zimbabwe Independent newspaper	Zimbabwe's Central Intelligence Organisation (CIO) seeks a High court order to bar The Independent which was about to disclose details relating to the organization's director-general Happyton Bonyongwe. In an affidavit supplied by Bonyongwe he said the story was 'manifestly and palpably malicious and false' and therefore should not be published.	20 March 2008
War veterans	War veterans in Matabeleland South Province ordered villagers in the area to remove satellite television receivers from their homes. The war veterans told the villagers that the dishes were misleading them into voting against Zanu PF. Most villagers in the area can only watch and listen to South African and Botswana television and radio stations because of poor transmission signals from the state controlled Zimbabwe Broadcasting Corporation.	27 May 2008
Flata Kavinga, editor of the The Midlands Observer.	A liberation war veteran named as Diva threatened Kavinga and told him that there was a "programme of action" against him because his newspaper was pro-opposition as it wrote articles critical of the government. The war veteran told him to be careful or face the consequences.	29 May 2008
Freelance journalists Brian Hungwe and Frank Chikowore, Reuters, AFP, BBC, AP, France	The Permanent Secretary for Information and Publicity George Charamba	15 December 2008

	<p>threatened to ban accredited foreign bureaux or local reporters working for foreign news organisations accusing them of embarking on a propaganda assault on Zimbabwe.</p>	
<p>Freelance photojournalist Shadrack Manyere</p>	<p>Disappeared after taking his vehicle to a garage in Norton, 40 km west of Harare. The police later visited his home in Harare's suburb of Westgate a day after his disappearance with a search warrant and confiscated a laptop, video camera and tapes. His lawyers have since filed an urgent application seeking a High Court order for the police to bring him to court or conduct investigations to establish his whereabouts.</p>	<p>13 December 2008</p>

▪ Banned/Deported/ Denied work permit

Victim/concerned party	Issue	Date
<p>Freelance journalist Brian Hungwe</p>	<p>The state controlled Media and Information Commission imposed a one year ban against Hungwe backdated to 20 August 2007. The MIC said it had suspended him from the roll of journalists for allegedly breaching Sections 90 and 79 (c) of AIPPA as read with Section 6 of Statutory Instrument 169 c of 2002.</p>	<p>26 February 2008</p>
<p>Zimbabwean freelance journalist, Brian Hungwe</p>	<p>MISA-Zimbabwe appointed lawyer representing Hungwe, Selby Hwacha, notified the MIC that the year ban on Hungwe was unlawful, and gave until March 5 for the lifting of the ban stating that failure to do so would see</p>	<p>3 March 2008</p>

		m filing an urgent court application seeking its nullification.	
Hopewell Chin'ono, local freelance journalist	Chin'ono was denied accreditation to cover the 29 March 2008 elections by the Zimbabwe Electoral Commission on the MIC's instruction. Media and Information Commission reportedly blacklisted several journalists and advised the Zimbabwe Electoral Commission to bar them from being accredited to cover the elections. In a letter sent to ZEC, his lawyers argued that the ZEC was deliberately impeding the full coverage of the elections through selective accreditation of journalists.	11 March 2008	
Zimbabwean freelance journalist, Brian Hungwe	High Court judge Justice Chitakunye dismissed the application by Brian Hungwe seeking nullification of his one-year ban from practicing journalism ruling that the urgency was "self-created." His lawyer, Selby Hwacha immediately filed an appeal with the Supreme Court arguing that the judge had misdirected himself and dismissed the application without affording Hungwe the right to be heard.	12 March 2008	
Several journalists	Several journalists were barred from covering the SADC troika mediated talks. Security personnel's manning the entrance to the premises of the rainbow towers hotel where the talks were being held turned away a number of freelance journalists who were not accredited with the	28 October 2008	

	<p>tutory Media and Information Commission (MIC). They demanded that journalists produce MIC accreditation cards for them to cover the event.</p>	
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- **Victory**

<b>Parties</b>	<b>Matter</b>	<b>Date</b>
Zimbabwean freelance journalist, Brian Hungwe	Chief Justice Godfrey Chidyausiku declared the Media and Information Commission's (MIC) ban against senior journalist Brian Hungwe from practicing journalism null and void at the Supreme Court stating that the MIC did not comply with Section 85 (3) of AIPPA	26 March 2008
World Association of Newspapers (WAN) and World Editors Forum (WEF)	The two organisations have appealed to President Robert Mugabe to repeal punitive "luxury" tax on newspapers imported into Zimbabwe. The World Association of Newspapers (WAN) and World Editors Forum (WEF) called on President Mugabe to remove the luxury tax on foreign publications and to end state intimidation of the independent media.	9 July 2008



<p>supporters,.</p>	<p>Charged with inciting public violence, were on 14 July 2008 removed from remand.</p>	<p>14 July 2008</p>
	<p>The presiding Magistrate, Margaret Rusinahama granted the application for removal of remand made by the defence lawyer, Alec Muchadehama, on the condition that it would not prejudice the state in anyway.</p> <p>In her ruling, Magistrate Rusinahama concurred with the defence ordering that the remand be lifted as the state had not given valuable reasons for further remand. She asked that the State make available other witnesses other than Kunyongana and that if there was any need for the accused to appear before the court, the state should proceed by way of summons</p>	
<p>Globecast Satellite</p>	<p>Harare magistrate, Archie Wochiunga acquitted Globecast Satellite company. The magistrate was satisfied that there was lack of intention to commit an offence on the part of Globecast after going through the exhibits tendered in court. State counsel notified the court of the State's intention to appeal against the Magistrate's decision.</p>	<p>18 August 2008</p>
<p>Margaret Kriel</p>	<p>Kriel was arrested in Bulawayo on allegations of practicing journalism without proper accreditation. She was accused of having gone around Bulawayo with other persons covering political rallies in the run-up to the March 29 2008 elections without proper accreditation pretending to be journalists when they were not.</p>	<p>19 September 2008</p>

	Bulawayo magistrate Singandu lele acquitted Kriel on the basis that the prosecution had failed to prove its case against the accused Kriel pleaded not guilty to contravening Section 33(1) of the Posts and Telecommunications Act which deals with working, possessing or being in control of broadcasting equipment without a licence.	
Lovemore Moyo , The Speaker of Parliament	Speaking at the National Journalistic and Media Awards (NJAMA) the speaker said that laws such as Access to Information and Protection of Privacy Act (AIPPA), Public Order and Security Act (POSA) and Broadcasting Services Act (BSA) hinder freedom of expression. He stated that the laws make it difficult for new players in the media industry and make it difficult for journalists to operate. He said parliamentarians were prepared to ensure liberalisation of the media in line with power sharing agreement signed on September 15, 2008.	26 September 2008
Davison Maruziva, editor of The Standard, The Standard newspaper and Professor Arthur Mutambara, Deputy Prime Minister designate.	Harare magistrate , Morgan Nemadire referred the matter to the Supreme Court following submissions on 22 October 2008 by defence lawyer, Beatrice Mtetwa for the case to be referred to a higher court , arguing that the magistrates courts did not have jurisdiction to hear the matter if it was deemed that there was contempt of court by the accused	12 November 2008
Advocate Pansy Tlakula, the African Commission on Human and Peoples Rights' (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information in Africa	Advocate Pansy Tlakula expressed concern with the reports she has received on violations of freedom of expression and access to information in several African countries including Zimbabwe. In her report to the 44th Session of the ACHPR in Abuja, Nigeria	14 November 2008

	<p>Advocate Tlakula singled Zimbabwe, Sierra Leone, Eritrea, Nigeria, Ethiopia, Lesotho and Cameroon as the offending countries. The Special Rapporteur was informed that in the run-up to the 27 June 2008 presidential elections run-off (in Zimbabwe), numerous journalists and leading cast members of plays perceived as critical of the government were allegedly harassed, arrested and detained. Tlakula also received reports that journalists were convicted for offences such as intentionally publishing falsehoods contrary to the country's media law. Tlakula reminded member states that unlike other international human rights instruments, the African Charter does not contain a derogation clause. Tlakula said that States have a perpetual obligation to respect, promote, protect and fulfill the right to freedom of expression as provided under the African Charter and the Declaration on the Principles of Freedom of Expression which supplements it</p>	
<p>Jestina Mukoko, veteran journalist, Zimbabwe Peace Project (ZPP) Director</p>	<p>High Court Judge Justice Anne-Marie Gowora on 9 December 2008 ordered the police to search for human rights activist and director of the Zimbabwe Peace Project Jestina Mukoko allegedly abducted from her home on 3 December 2008 by armed men who claimed to be police. The order followed an urgent application filed by the Zimbabwe Lawyers for Human Rights (ZLHR) represented by prominent human rights lawyer Beatrice Mtetwa.</p>	<p>10 December 2008</p>