



# ZIMBABWE

National Overview 2003  
by MISA Zimbabwe

# Zimbabwe



by Davison S Maruziva

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**“Freedom of expression constitutes one of the essential foundations of a democratic society and it is applicable not only to information and ideas that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the state or any sector of the population...” - Supreme Court (Zimbabwe 21 May 2000)**

Violations of media freedom and freedom of expression in Zimbabwe rose almost elevenfold during 2003, compared to those recorded in the previous year. The period under review saw the government declaring the private media “weapons of mass deception” and in its view, therefore, “weapons of mass destruction”. But it was the last quarter of 2003 that was dominated by a bruising fight to get *The Daily News* and its sister Sunday paper, *The Daily News on Sunday* back on the streets, while the government demonstrated its determination to silence alternative voices deemed critical of it.

Associated Newspapers of Zimbabwe (ANZ), the publishers of the two newspapers sought legal opinion during the early part of 2003 on whether or not it should register with the Media and Information Commission in order to continue to operate as a media organization. The legal advice given the newspaper group was not to register. Instead, it was recommended that it should mount a constitutional challenge.

While this was done, the Supreme Court, however, ruled on 11 September 2003 that ANZ was acting outside the law. The group hastily filed its papers for registration, but the Media and Information Commission (MIC) said that these were not in order. The MIC ordered the group to cease publishing its two titles until it was issued with a registration certificate. Armed police moved in and occupied the offices of ANZ. They also confiscated some of the company’s equipment, ensuring that staff would not be allowed to enter the premises, or if they did, that they would not have the resources to produce their newspapers.

The dramatic events of the last quarter of 2003 appear to portray in sharp focus, an escalation in the arrests, beatings, harassments, threats and torture of journalists, in a development that appears widely designed to panel-beat media practitioners and their organizations into subservient compliance. Repressive laws, such as the Access to Information and Protection of Privacy Act (AIPPA) were routinely applied against the private press in general, but in particular against titles from the Associated Newspapers of Zimbabwe (ANZ) stable.

An example is the arrest and assault of Philemon Bulawayo, a photojournalist with *The Daily News*, and Gugulethu Moyo, ANZ’s legal adviser, in March 2003. Another was that of Andrew Meldrum, a correspondent for *The Guardian* (UK), who was arrested, released, detained and later deported illegally despite a High Court ruling against such conduct.

The government used the Public Order and Security Act (POSA) to arrest three of *The Daily News* editors in June 2003. The State also used POSA to arrest members of the National Constitutional Assembly (NCA), who were holding a peaceful demonstration on 17 September 2003 to protest the forced closure of *The Daily News* and *The Daily News on Sunday* and also

for constitutional reforms.

Five ANZ directors were arrested on 26 and 27 October 2003 and charged with publishing a newspaper without a licence. A day earlier, 19 staffers from the company were arrested but later released after questioning by police. The argument was that they were employed by an unregistered media house, while the workers themselves were not accredited with the MIC.

After the Administrative Court ruled that the ANZ titles could resume operations, following closure of their offices on 12 September 2003, the government was infuriated. The Minister of State for Information and Publicity, Professor Jonathan Moyo, vowed, “to use all available legal means to resist the backdoor approach being used in the case...”. Professor Moyo described the court’s ruling as “outrageously political”.

However, if ever evidence was needed to confirm the state’s direct interest in the forced closure of the two ANZ titles, the Minister’s outburst seemed to provide proof. Yet up to this stage, the state had fought hard to portray this as purely a matter between the licensing authority, the Media and Information Commission (MIC), and Associated Newspapers of Zimbabwe.

Police besieged the offices and printing press of ANZ on 12 September 2003, determined to ensure the publications would not be printed or come out. The government reportedly instructed its officials to use whatever means necessary to ensure that publication would not happen. Plain clothes security police, accompanied by some 20 armed paramilitary officers took occupation of the ANZ premises, despite a High Court order instructing them to leave the premises and return all equipment seized, as well as to refrain from further seizure of the company’s equipment.

The threat to other private media organizations also deemed by the government critical to it continued to lurk in the wings.

In December 2003, two senior officials from the ruling Zanu (PF) instituted a Z\$600million lawsuit against *The Independent*. Similar litigation has previously drained the coffers of private media houses making editors think twice before publishing a controversial story that involves the government and/or its officers. The lawsuits are but one of the many impediments placed in the way of the private media. Since 2000, unruly ruling party supporters have emerged as one of the serious threats to freedom of choice, media freedom and freedom of expression. Journalists, newspaper vendors and distribution staff were regularly assaulted; newspapers were confiscated illegally and distribution of newspapers was banned in several of the country’s eight administrative provinces.

In early September 2003, the chairman of the Media and Information Commission (MIC), Dr Tafataona Mahoso, ominously remarked to a reporter from *The Independent’s* sister paper: “Oh, you are from *The Standard*, we will be coming to you. We will be writing to you soon. You are writing lies, carrying stories with initials as by-lines...”

With the ANZ titles torpedoed, the Media Institute of Southern Africa (MISA)-Zimbabwe chapter looked to be the next target appearing on the radar screen of the government-controlled media. While MISA was kept within striking range, it is only the protracted legal hearings over the ANZ titles that appear to have kept them from bearing the brunt of the government’s displeasure.

The MIC contends that MISA-Zimbabwe is subverting Zimbabwe’s laws by, “inciting law-abiding citizens to defy the law” and that it must register as a “media service provider”.

This however is a broader strategy by the government to harass and intimidate journalists and media organizations in order to determine the content of their reportage and news and curtail the work of media watchdog organisations.

The government's handling of the case involving ANZ mirrors that of the *The Guardian* newspaper by authorities in Swaziland during 2001. Any decision by the courts that went against the government came under intense fire, with the government immediately appealing against the court's ruling.

In the case of Zimbabwe, the effect of the appeals is that ANZ publications were forced off the streets for four months. *The Daily News* was being read by nearly one million people a day or 59 percent of the market share at the time of its forced closure. As a result of the forced closure, more than 300 workers and their families have been plunged into purgatory, their future uncertain.

*The Daily News'* competitor, the state-run *Herald* enjoyed 44 percent of the market, while its sister weekly, *The Sunday Mail*, had 792 439 readers, or 32 percent of the market. *The Daily News on Sunday* was fast catching up with 25 percent or 600 505 readers.

The impetus in shutting down alternative voices deemed critical of the government seems to have shifted a gear after the 30 and 31 August 2003 urban council elections during which the ruling party lost control of six key towns - Gwanda, Gweru, Kariba, Mutare, Redcliff and Victoria Falls. Previously the government had seen the loss of the major cities of Bulawayo (the second largest city), Chegutu, Chitungwiza (the third largest urban settlement), and Harare, the capital, and Masvingo.

These defeats were unprecedented and the government has neither forgotten nor forgiven the embarrassing losses. The opposition now controls 12 major cities in the country and 54 of the 120 contested constituencies in the country.

The government attributes its misfortunes to the private media. Attacks against the private media need to be seen against this background and in the context of preparations for the 2005 parliamentary elections, during which the government hopes to reverse the trouncing it suffered in 2000, when 58 seats went to opposition parties.

Another threat to operations of the media and the free flow of information during the period under review was the cost of newsprint. It became almost impossible to predict the cost of newspapers and magazines. Over the years, the pattern in Zimbabwe has been that with the introduction of a price increase in the cost of newspapers, causes demand to drop off by 10 percent. Information/knowledge, therefore, became the immediate casualty. Undemocratic governments thrive in circumstances where their citizens are deliberately kept uninformed.

The question is raised about the prospects that exist, in the long-term, for the papers in the ANZ stable to be allowed back onto the streets. While a decision was pending in the courts early in 2004 and the company was benefiting in the interim, at the time of writing it was difficult to make an informed forecast. Developments during the recent past confound attempts at guessing with any degree of certainty.

The Broadcasting Services Act (BSA) has continued to affect electronic media plurality in that despite assurances on at least three separate occasions by the Minister of State for Information and Publicity, that there would be new radio stations by the end of 2003, no such development has taken place. BSA has become the instrument through which the government exercises full

and overall control over the electronic media.

Aspiring radio station, Capital Radio partly won its constitutional challenge against the Minister of Information in its challenge of the BSA. The Supreme Court ruled in September 2003 that the Minister had too much power granted in the Act and also that no reasons were given as to why the law stipulates that only one license for another free-to-air radio and television station will be issued. Aspiring TV station, Munhumutapa African Broadcasting Corporation lost its Administrative Court case to have the Broadcasting Authority of Zimbabwe (BAZ) reverse its decision to deny it a license. The court ruled that BAZ had acted within the provisions of the law as the aspirant had failed to provide sufficient information in its application. The Zimbabwe Broadcasting Corporation also banned without reasons, an anti HIV-AIDS radio programme, Mopani Junction.

The ZBC like all newspapers controlled by the state has remained closed to any other voices apart from the government and ruling party, ZANU PF.

The government also appeared to signal a crack down against the free flow of information with the arrest of more than a dozen citizens in November 2003 for “circulating a subversive e-mail inciting the public to hold violent demonstrations”, allegedly to oust President Mugabe from office.

In this particular instance, the Public Order and Security Act (POSA) was evoked and they faced charges of spreading false information. The 14 people were arrested while writing e-mail messages to colleagues on the worsening economic and political situation in Zimbabwe.

This assault on the people’s privacy and their right to receive and impart information was confirmed with the revelation in *The Daily Mirror* of 9 December 2003 that the government intended to acquire Z\$4 billion worth of state-of-the-art eavesdropping equipment to monitor e-mail and internet traffic.

There were, however, indications of some light at the end of the long tunnel: Lower courts especially the High Court and the Administrative Court have shown some degree of consistency in defending media and freedom of expression rights. On 17 September High Court judge, Yunus Omerjee ruled that the police action in forcibly occupying ANZ premises and seizing the company’s equipment was illegal.

On 24 October Administrative Court judge, Michael Majuru, ruled that ANZ should be issued with a certificate of registration.

Judge Selo Nare allowed ANZ to carry into effect the judgement of Judge Majuru. He ruled the order should remain in effect despite the noting of an appeal against it by the MIC.

AIPPA has become a weapon in the arsenal of the government. It is used to exercise control over journalists and media houses in a bid to prevent or forestall critical reporting. This is done through licensing of mass media institutions and media practitioners.

The forced closure of *The Daily News* and *The Daily News on Sunday* leaves readers all the poorer in their freedom of choice and freedom to access information.

# Zimbabwe



**Por Davison S. Maruziva**

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*Reclamo (anúncio feito pelo editor): “liberdade de expressão constitui um dos fundamentos essenciais de uma sociedade democrata e é aplicável não só na informação e em ideias que são favoravelmente aceites ou tidas em consideração como inofensivas ou questões de indiferença, mas também naquelas que ofendem, chocam, incomodam o estado ou qualquer outro sector da população... Tribunal Supremo (Zimbabwe 21 de Maio de 2000)\**

**V**iolações da liberdade dos media e da liberdade de expressão cresceram quase 11 vezes mais durante 2003, quando comparadas com os registos do ano anterior. O período em estudo viu o governo declarar ao media privado “armas de decepção em massa” e deste ponto de vista, logo, “armas de destruição em massa”.

Mas só no ultimo quarto de 2003 é que houve uma luta violenta para pôr o *Daily News* e a sua irmã de Domingo, o *Daily News on Sunday* de volta às ruas, enquanto o governo demonstrava a sua determinação em silenciar as vozes alternativa consideradas para que tal acontecesse.

A Associação de Jornais de Zimbabwe (ANZ), os editores dos dois jornais procuraram opiniões legais no princípio de 2003 para saber se deviam registar-se na Comissão de Informação dos Media para continuar a funcionar como uma organização dos media. O conselho legal dado ao grupo de jornais foi para não se registar. No entanto, foi recomendado que se devia montar um reconhecimento constitucional.

No entanto, enquanto isto era feito, o Tribunal Supremo decidiu a 11 de Setembro de 2003 que a ANZ estava a agir à margem da lei. O grupo rapidamente preencheu seus papeis para registar-se, mas a Comissão de Informação dos media (MIC) disse que estes não estavam em ordem. A MIC ordenou que o grupo cessasse a publicação dos seus dois títulos até que publicado com o certificado de registo. Forças da policia armada agiram e ocuparam os escritórios da ANZ. Eles também confiscaram alguns equipamentos da companhia, assegurando assim, a não entrada do pessoal nas instalações, e caso entrassem, não teriam os recursos para a edição dos seus jornais.

Eventos dramáticos ocorreram no último quarto de 2003 mostraram em retracto detalhado, um aumento de prisões, brutalidade, perseguições, ameaças e torturas de jornalistas, que parecia ser um muro criado para levar os profissionais do media e suas organizações a uma concordância servil.

Leis repressivas, como O Acto de Protecção de Acesso a Informação (AIPPA) eram constantemente aplicadas contra à imprensa privada em geral, mais particularmente contra títulos do núcleo da Associação de Jornalistas de Zimbabwe (ANZ).

Um exemplo é a agressão e prisão de Philemon Bulawayo, um jornalista fotógrafo da *Daily News*, e Gugulethu Moyo, um conselheiro legal da ANZ, em Março de 2003. Outro acto foi de Andrew Meldrum, um correpondente para o *The Guardian* (U.K.), que foi preso, liberto, detido e mais tarde deportado ilegalmente apesar do Supremo Tribunal decidir-se contra este tipo de conduta.

O Governo usou a O Acto de Segurança e Ordem Pública (POSA) para prender três editores do *Daily News* em Junho de 2003. O estado também usou o POSA para prender os membros da Assembleia de Constituição Nacional (NCA), quando estavam a realizar uma manifestação pacífica a 17 de Setembro de 2003 para protestar contra o encerramento forçado do *Daily News* e do *Daily News on Sunday* e das suas reformas constitucionais.

Cinco directores da ANZ foram presos a 26 e 27 de Outubro de 2003 e acusados de publicar o jornal sem licença. Um dia antes, 19 empregados da empresa foram presos e mais tarde libertos após questionamento pela polícia. A justificação foi que eles foram empregues por uma casa dos media não registada, enquanto os empregados não estavam representados pela MIC.

Depois do Tribunal Administrativo decidir que as propriedades da ANZ podiam resumir as suas operações, após o encerramento dos seus escritórios em 12 de Setembro de 2003, o Governo ficou enfurecido. O Ministro do Estado de Informação e Publicidade, Professor Jonathan Moyo jurou, “usar todos os meios legais disponíveis para resistir a todos os confrontos que estão a ser usados pela porta do cavalo neste caso.....”. O professor Moyo descreveu a decisão do tribunal como “escandalosamente política”.

No entanto, se provas eram necessárias para confirmar o interesse directo do estado no encerramento forçado das duas propriedades da ANZ, o acesso de ataque pareceu fornecer provas. Mas até esta altura, o estado tinha lutado para retractar tudo isto como um simples assunto autorização de licença entre o media, a Comissão de Informação dos media (MIC) e a Associação de Jornais de Zimbabwe.

A polícia cercou os escritórios e os locais de impressão da ANZ em 12 de Setembro de 2003, determinada em garantir que as publicações não seriam impressas ou lançadas. O governo instruiu aos seus oficiais para usar todos os meios necessários para assegurar que os dois jornais da ANZ não fossem distribuídos. Polícias de segurança normais, acompanhados por cerca de 20 oficiais paramilitares ocuparam as instalações da ANZ, apesar da ordem do Tribunal Supremo para abandonar as instalações e devolver todo o material apreendido, bem como restringir futuras apreensões do equipamento da empresa.

Mas as ameaças a outras organizações privadas do media feita pelo governo às que considerava ameaça a eles continuavam à espreita.

Em Dezembro de 2003, dois oficiais seniores do dirigente Zanu (PF) instituíram um processo legal de Z\$600m contra o *The Independent*. Este litígio esvaziou os cofres das casas do media privado fazendo os editores pensarem duas vezes antes de publicarem uma história controversa que envolvesse o governo e/ou os seus oficiais. O processo legal é, portanto um dos muitos impedimentos colocados no caminho dos media privados. Desde o ano 2000, grupos defensores de dirigentes rebeldes tornaram-se sérias ameaças à liberdade, liberdade do media e liberdade de expressão. Jornalistas, vendedores de jornais e pessoal de distribuição eram regularmente assaltados; jornais eram ilegalmente confiscados, enquanto a distribuição de jornais era banida em muitas das oito províncias administrativas.

No início de Setembro de 2003, o presidente da Comissão de Informação do Media (MIC), Dr. Tafataona Mahoso, ominosamente comentou a um repórter do jornal *The Independent* “Oh, vocês são do *The Standart*, nós iremos atrás de vocês. Nós iremos escrever-vos em breve. Vocês estão a escrever mentiras, a lançar histórias com siglas nas entrelinhas ...”

Com as propriedades da ANZ torpedeadas O Instituto do Media de África do Sul (MISA) -

casa de Zimbabwe olhou para o alvo seguinte que surgia no radar de mísseis do governo para os media. O MISA estava dentro da distância de ataque. Somente as audiências prolongadas às propriedades da ANZ pareciam ser a salvação do MISA.

Mas isto é, no entanto uma grande estratégia do governo para hostilizar e intimidar jornalistas e organizações do media de forma a determinar o conteúdo das suas reportagens e notícias e encurtar o trabalho dos ‘cães de guarda’ das organizações dos media.

A forma como o governo orientou o caso envolvendo o caso dos espelhos da ANZ do jornal do *The Guardian* pelas autoridades em Swazilândia durante 2001. Qualquer decisão dos tribunais que foi contra o governo aconteceu com sob intensos ataques, com o governo apelando de imediato contra a decisão do tribunal.

No caso de Zimbabwe, o efeito dos apelos foi o de as tiragens da ANZ serem forçadas a serem retiradas da rua por quatro meses. O *The Daily News* era lido por quase um milhão de pessoas por dia ou 59 por cento da quota do mercado na altura do seu encerramento. Mais de 300 trabalhadores e suas famílias foram lançados para o purgatório, com o seu futuro incerto.

O competidor do *The Daily News*, o *Herald*, dirigido pelo estado, gozava de 44 por cento, enquanto que a sua irmã semanal, o *The Sunday Mail* estava bastante próximo com 25 por cento ou 600 505 leitores.

O ímpeto em calar as vozes alternativas credíveis por parte do governo pareceu diminuir de velocidade depois das eleições do conselho urbano de 30 e 31 de Agosto, durante a qual o partido governante perdeu o controle de mais cidades chave – Gwanda, Gweru, Kariba, Mutare, Redcliff, e Victoria Falls. Anteriormente o governo já tinha visto a perda das cidades importantes como Bulawayo (a sua segunda maior cidade), Chegutu, Chitungwiza (a terceira maior residência urbana), e Harare, a capital, e Masvingo.

As derrotas nunca antes tinham sido vistas. Mas o governo não se esquecia nem perdoava estas derrotas embaraçosas. A oposição controla agora 12 cidades importantes do país e 54 dos 120 eleitorados contestados do país.

O governo atribui os seus infortúnios ao media privado. Ataques contra o media privado têm que ser vistos contra este fundo e em contexto com as preparações com as eleições parlamentares de 2005, durante a qual o governo espera em reverter o trucidamento que sofreu em 200, quando 58 lugares foram para partidos da oposição.

Outra ameaça às operações do media e à livre circulação de informação durante o período em revisão era o custo da impressão. Tornou-se praticamente difícil de prever o custo de jornais e revistas. Ao longo dos anos, o padrão em Zimbabwe era que, cada vez que houvesse um aumento de preço dos jornais, a procura baixava em cerca de 10 por cento. Informação/ conhecimento, portanto, tornou-se uma casualidade imediata. Governos não democráticos prosperam em circunstâncias em que os seus cidadãos são deliberadamente mantidos ignorantes.

A questão é levantada sobre que perspectivas existem, a longo termo, aos jornais da ANZ serem permitidos de novo voltar às ruas. Enquanto uma decisão estava pendente nos tribunais no início de 2004 e a companhia beneficiava no espaço de tempo intermediário, no entanto, na altura da escrita era difícil de fazer um serviço informativo correcto. Desenvolvimentos durante o passado recente confundiram as tentativas em adivinhar o futuro com um certo grau de certeza.



O Acto de Serviços de Radiodifusão (BSA) continuou a afectar a pluralidade dos media electrónicos, apesar de por três ocasiões separadas, o Ministro do Estado de Informação e Publicidade, assegurar de que haveriam novas estações de rádio até ao final de 2003, nenhum desenvolvimento ocorreu. O BSA tornou-se o instrumento com qual o governo exercitava controlo total e completos obre os media electrónicos.

A ascendente estação de rádio, a Rádio Capital ganhou de forma parcial o seu desafio constitucional contra o Ministro de Informação no seu desafio ao BSA. O Tribunal Supremo decidiu em Setembro de 2003 que eram concedidos muitos poderes ao Ministro no Acto não havendo razões para que tal Acto fosse emitido. A ascendente estação de televisão, A Corporação de Radiodifusão Africana Munhumutapapa perdeu a sua causa jurídica para ver a Autoridade de Radiodifusão de Zimbabwe (BAZ) reverter a sua decisão e a negar a sua licença. O tribunal decidiu que a BAZ agiu dentro das provisões da lei já que a aspirante falhou em providenciar informação nas suas aplicações. A Corporação de Radiodifusão de Zimbabwe também baniu sem razão o Mopani Junction, um programa de rádio contra o HIV-SIDA.

O ZBC tal como todos os jornais controlados pelo estado mantiveram caladas todas as vozes que não fossem do partido dirigente, o ZANU PF. O governo também aparentou mandar um quebrar do livre trânsito de informação com a prisão de mais de uma dúzia de cidadãos em Novembro de 2003 por “circular um e-mail subversivo incitando o publico a demonstrações violentas”, alegadamente por destituir Mugabe do seu cargo.

Neste particular instante, O Acto de Ordem Publica e Segurança (POSA) foi revogado e sofreu acusações de espalhar informações de falsa informação. As 14 pessoas que foram presas enquanto escreviam mensagens por e-mail para os seus colegas sobre o agravamento económico e a situação política em Zimbabwe.

Este assalto à privacidade das pessoas e aos seus direitos de receber informação imparcial foi confirmado com a revelação no *The Daily Mirror* de 9 de Dezembro de 2003 que o governo tencionava adquirir um equipamento topo de gama de escuta para monitoramento de e-mails e tráfico de internet no valor de Z\$4 biliões (4 biliões de Rands).

Houve, no entanto, indicações de alguma luz no fundo do longo túnel: Tribunais Inferiores, especialmente o Tribunal Supremo e o Tribunal Administrativo mostraram certos graus de consistência na defesa dos media e dos direitos da liberdade de expressão.

Em 17 de Setembro, o juiz do Tribunal Supremo, Yunus Omerjee decidiu que as acções da polícia na ocupação forçada às instalações da ANZ e apreensão dos equipamentos ilegal.

Em 24 de Outubro o juiz do Tribunal Administrativo, Michael Majuru, decidiu que devia ser emitido um certificado de registo à ANZ .

O juiz Selo Nare permitiu a ANZ dar seguimento da decisão de juiz Majuru. Ele decidiu que a ordem deveria tomar efeito apesar saber de um recurso contra isso por parte da MIC.

O AIPPA tornou-se uma arma no arsenal do governo. Ele é usado para exercer controle sobre jornalistas e empresas dos media numa tentativa de dispersar reportagens de informação crítica. Isto é feito pelo licenciamento das instituições dos media em massa e profissionais dos media.

O encerramento forçado do *The Daily News* e do *The Daily News Sunday* deixa os leitores em geral mais pobres na sua liberdade de escolha e liberdade de acesso a informação.

■ ALERTS

• **DATE: January 3, 2003**

**PERSONS/INSTITUTIONS: Kennedy Murwira, Norna Edwards**

**VIOLATIONS: Detained (charged)**

On January 3 2003, Norna Edwards, editor of *The Mirror*, a Masvingo-based weekly news paper, was arrested and charged with contravening section 80 of the Access to Information and Protection of Privacy Act. The police are also reportedly looking for reporter Kennedy Murwira, who wrote the story. MISA-Zimbabwe was made to understand that Murwira was planning to hand himself over to the police on January 6.

• **DATE: January 10, 2003**

**PERSONS/INSTITUTIONS: Lewis Machipisa**

**VIOLATIONS: Threatened**

The state media and the government have accused Zimbabwean journalist Lewis Machipisa of spying for the BBC and SW Radio Africa, a London-based community radio station. In a front-page lead story that appeared in the state-owned weekly *The Sunday Mail* on December 22 2002, the paper said that Machipisa is now working for the BBC and SW Radio Africa “despite the fact that the government banned the BBC from operating in Zimbabwe after accusations that the station was peddling falsehoods.” The government has also labelled SW Radio Africa as a hostile station, which officials accuse of peddling “anti-Zimbabwe propaganda.”

• **DATE: January 13, 2003**

**PERSONS/INSTITUTIONS: Daily News**

**VIOLATIONS: Legislation (negative)**

Beatrice Moyo, the wife of Minister of Information and Publicity Jonathan Moyo, has instructed her lawyers to sue *The Daily News* newspaper for 10 million Zimbabwe dollars (US\$182,000), for damages allegedly caused by an article that appeared in the paper on January 13 2003. Beatrice Moyo is also demanding that the paper retract the story and issue an apology. According to reports broadcast by the Zimbabwe Broadcasting Corporation (ZBC), Beatrice Moyo contends that the article entitled ‘Moyo Beats Up Wife’, is “untrue, malicious, and has caused suffering and damage to (her) dignity and social standing.”

• **DATE: January 14, 2003**

**PERSONS/INSTITUTIONS: Brian Mangwende**

**VIOLATIONS: Threatened**

Ernest Mungwari, who runs one of Zimbabwe’s largest transport companies, Tenda Transport Private Limited, is reported to have hired thugs to beat up Brian Mangwende, *The Daily News* bureau chief in the eastern border city of Mutare.

• **DATE: January 24, 2003**

**PERSONS/INSTITUTIONS: Fanuel Jongwe**

**VIOLATIONS: Charged, detained, equipment confiscated, released**

Fanuel Jongwe, a senior journalist with *The Daily News* newspaper, was arrested with five foreigners on January 24 2003, in the mining town of Zvishavane. The group was charged with “practicing journalism without a licence” under Section 72 (1) of the Access to Informa-

tion and Protection of Privacy Act. Section 72 prohibits the practice of journalism or operating a media service without a licence granted by the government-appointed Media and Information Commission.

• **DATE: January 29, 2003**

**PERSONS/INSTITUTIONS: Dina Kraft, Jason Beaubien, Tsvangirayi Mukwazhi**  
**VIOLATIONS: Detained, released**

On January 29 2003, police detained Tsvangirayi Mukwazhi, chief photographer of *The Daily News* newspaper, and two American reporters for almost seven hours in Bulawayo, Zimbabwe's second largest city. The journalists were covering Zimbabwe's food crisis when they were accused of unlawful entry into the Grain Marketing Board's premises. They were not charged with any offence.

Mukwazhi was arrested with Dina Kraft of the Associated Press and Jason Beaubien, Africa correspondent for National Public Radio. The two Americans came to Zimbabwe with a fact-finding mission led by James Morris, head of the World Food Programme. The reporters are believed to have asked for - and received - a one-week extension of their visas and accreditation. The three were arrested together with Bulawayo Movement for Democratic Change (opposition) Councillor Charles Mpofu and his driver. The journalists were reportedly denied access to their lawyer and were barred from communicating with anyone.

• **DATE: January 29, 2003**

**PERSONS/INSTITUTIONS: *Daily News* newspaper, staff**  
**VIOLATIONS: Threatened**

Minister of Information and Publicity Jonathan Moyo has said that *The Daily News* newspaper and all its journalists are operating illegally because they are not registered with the Media and Information Commission. Moyo's statements are contained in his founding affidavit to the Supreme Court, defending the "legality" of the Access to Information and Protection of Privacy Act (AIPPA). Moyo, the Media and Information Commission and the Attorney General are respondents in a Supreme Court challenge brought by the Associated Newspapers Group (ANZ), the publishers of *The Daily News*. The ANZ is challenging the constitutionality of the registration of media houses clause in the AIPPA.

• **DATE: February 3, 2003**

**PERSONS/INSTITUTIONS: Ishmael Mafundikwa, Pedzisayi Ruhanya**  
**VIOLATIONS: Detained, beaten**

On February 3 2003, Pedzisayi Ruhanya, deputy news editor of *The Daily News* newspaper, and freelance journalist Ishmael Mafundikwa were arrested for allegedly obstructing police duties. Ruhanya was manhandled by three baton-wielding policemen and dragged into a police vehicle. It is not clear when Mafundikwa was picked up. The journalists two are currently being held at the Harare central police station.

• **DATE: February 3, 2003**

**PERSONS/INSTITUTIONS: Ishmael Mafundikwa, Pedzisayi Ruhanya**  
**VIOLATIONS: Victory**

The two Zimbabwean journalists who were arrested on February 3 2003 have been released after the Attorney General refused to prosecute them. The Attorney General's Office said *The Daily News* deputy news editor Pedzisayi Ruhanya and freelance journalist Ish Mafundikwa

have no case to answer as they did nothing wrong. The office advised the police to go by way of summons should new evidence arise against the two reporters.

• **DATE: February 19, 2003**

**PERSONS/INSTITUTIONS: Simon Briggs**

**VIOLATIONS: Expelled**

On February 19 2003, immigration officers at Harare International Airport barred a reporter for the British newspaper *Daily Telegraph* from entering Zimbabwe. Cricket writer Simon Briggs, who was due to cover the match between Zimbabwe and India on February 19, was stopped upon arrival in Harare and told to return to Johannesburg.

• **DATE: February 19, 2003**

**PERSONS/INSTITUTIONS: Philimon Bulawayo**

**VIOLATIONS: Detained, beaten, censored**

On February 19 2003, soldiers manning queues at a supermarket in the capital, Harare, assaulted photographer Philimon Bulawayo, of *The Daily News* newspaper, as he prepared to take pictures of the long winding queues.

Bulawayo was standing opposite Batanai Supermarket, preparing to take photographs, when two soldiers approached him. The soldiers proceeded to beat him up, saying he was “likely to take pictures.” After the assault, the soldiers handed him over to police, who confiscated his camera. The police then handcuffed Bulawayo and took him to the Harare central police station, where he was made to sit on the floor while police officers beat him up.

• **DATE: February 26, 2003**

**PERSONS/INSTITUTIONS: Daily News journalists**

**VIOLATIONS: Censored**

Journalists with the private daily newspaper *The Daily News* were barred from covering Parliament and sitting in the public gallery on February 26 2003. As justification for the move, Parliament officials said the daily’s journalists are not accredited and the paper is not registered with the Media and Information Commission.

• **DATE: March 18, 2003**

**PERSONS/INSTITUTIONS: Gugulethu Moyo, Philemon Bulawayo,**

**VIOLATIONS: Detained, beaten**

*Daily News* photographer Philemon Bulawayo and the newspaper’s legal advisor, Gugulethu Moyo, were arrested in Harare’s Glen View suburb and released from police custody that same day. No charges were laid.

Bulawayo was arrested while taking pictures of police officers beating people in Harare’s Glen View suburb. Zimbabwe was at a standstill on March 18 and 19, due to a stay-away called by the opposition Movement for Democratic Change (MDC). Moyo and *Daily News* lawyer Alec Muchadehama were arrested and beaten when they visited the police station seeking Bulawayo’s release. Muchadehama was released soon after his arrival at the police station.

Moyo and Bulawayo were released the evening of their detention after the High Court ruled that their arrests were illegal. Bulawayo and Moyo have since gone to the Avenues Clinic for treatment. Reports indicate that the two were badly injured. A Zimbabwe Broadcasting Corporation (ZBC) news crew was also reportedly attacked by a mob in Glen View suburb during the demonstrations. A ZBC car was stoned, but the crew managed to escape uninjured.

• **DATE: March 19, 2003**

**PERSONS/INSTITUTIONS: Stanley Karombo**

**VIOLATIONS: Detained, beaten, censored**

On March 19 2003, freelance journalist Stanley Karombo was arrested and charged under the Access to Information and Protection of Privacy Act (AIPPA) for allegedly practicing journalism without accreditation. Karombo says police beat him and searched his home after arresting him on March 19. He was released March 24 on Z\$5 000 (approximately US\$6) bail.

• **DATE: May 6, 2003**

**PERSONS/INSTITUTIONS: Lloyd Mudiwa, Geoff Nyarota**

**VIOLATIONS: Victory (positive judgement)**

The Supreme Court has passed a landmark judgment against the Access to Information and Protection of Privacy Act (AIPPA) by declaring Section 80 unconstitutional. The full bench of the Supreme Court ruled in favour of *Daily News* reporter Lloyd Mudiwa and the paper's former editor-in-chief, Geoff Nyarota.

• **DATE: May 7, 2003**

**PERSONS/INSTITUTIONS: *Daily News*, media in Zimbabwe**

**VIOLATIONS: Threatened**

Tafataona Mahoso, chairman of the Media and Information Commission (MIC), has demanded that journalists recruited by the privately-owned newspaper *The Daily News* two weeks ago surrender accreditation cards issued to them by the MIC.

• **DATE: May 16, 2003**

**PERSONS/INSTITUTIONS: Andrew Meldrum**

**VIOLATIONS: Expelled**

On May 16 2004, Zimbabwean immigration officials deported Meldrum. Officials at Harare Airport forced Meldrum onto a London-bound Air Zimbabwe flight, ignoring a High Court order staying the reporter's deportation and instructing authorities to produce Meldrum for a court hearing on his expulsion. Meldrum was accused of being an "undesirable inhabitant" of Zimbabwe, in reprisal for his critical reporting on the government.

• **DATE: May 21, 2003**

**PERSONS/INSTITUTIONS: Andrew Meldrum**

**VIOLATIONS: Expelled (update)**

Beatrice Mtetwa, the lawyer representing Andrew Meldrum, a correspondent for the United Kingdom-based *Guardian* who was deported on May 16 2003, has filed an application at the High Court seeking her client's return. Mtetwa filed the application on May 21. In it, she says that Minister of Home Affairs Kembo Mohadi, Chief Immigration Officer Elasto Mugwadi and Evan Siziba, a senior immigration officer, should ensure Meldrum's return or face jail.

• **DATE: May 20, 2003**

**PERSONS/INSTITUTIONS: Stanley Karombo**

**VIOLATIONS: Victory (positive judgement)**

On May 20 2003, Stanley Karombo, a freelance journalist based in the city of Mutare, was removed from remand by the Magistrates' Court. Karombo was arrested on March 19 on

charges of violating Section 83 of the Access to Information and Protection of Privacy Act (AIPPA), which prohibits anyone from practicing as a journalist without accreditation. Karombo's lawyer argued that the section under which the journalist was being charged was already being challenged at the Supreme Court.

The court was provided with copies of the application by the Independent Journalists Association of Zimbabwe (IJAZ), whose case challenges a number of the AIPPA sections, including Section 83.

• **DATE: May 22, 2003**

**PERSONS/INSTITUTIONS: Nqobile Nyathi, Sydney Masamvu, Luke Tamborinyoka and Abel Mutsakani**

**VIOLATIONS: Threatened**

**T**he government appointed Media and Information Commission is demanding accreditation cards it issued to four journalists be returned.

According to the commission, the journalists have changed jobs and need to apply again as they cannot work for their new employer who is not licensed. Commission Chairperson Tafataona Mahoso wrote to the Associated Newspapers Group (ANZ), publishers of *The Daily News*, demanding that Nqobile Nyathi, Sydney Masamvu, Luke Tamborinyoka and Abel Mutsakani return accreditation cards issued when they were employed by the *Financial Gazette*. The four have since joined the *The Daily News*.

Mahoso said that it is fraudulent for journalists accredited while employed by one newspaper company to work for another.

• **DATE: June 2 and 3, 2003**

**PERSONS/INSTITUTIONS: Daily News**

**VIOLATIONS: Censored, beaten**

**S**upporters of the ruling Zimbabwe African National Union-Patriotic Front (Zanu-PF) have destroyed thousands of copies of the privately-owned *Daily News* newspaper since the beginning of a nation-wide strike called for by the main opposition party, the Movement for Democratic Change (MDC), on June 2 2003.

MISA's Zimbabwe chapter, witnessed hundreds of copies of *The Daily News*, *Financial Gazette*, *The Standard* and the *Zimbabwe Independent* being destroyed. Similar incidents were recorded in other towns such as Kwekwe, Bulawayo and Gweru.

The destruction of independent papers, especially *The Daily News*, continued on June 3 in central Harare. People found reading or carrying a copy of *The Daily News* were reported to have been beaten by Zanu-PF supporters.

The ruling party accused *The Daily News* of supporting the five-day strike. Ongoing harassment and beating of newspaper vendors has also occurred.

• **DATE: June 2 and 3, 2003**

**PERSONS/INSTITUTIONS: Daily News**

**VIOLATIONS: Threatened**

**O**n June 2 2004, Information Minister Jonathan Moyo launched an attack on *The Daily News*, accusing the paper of writing a false story over a High Court judgment stopping the strike. The minister accused the newspaper of working with the MDC and not verifying facts when writing stories.

*The Daily News* extensively quoted the MDC leadership's objections to the court order, which they said had many anomalies.

• **DATE: June 2 and 3, 2003**

**PERSONS/INSTITUTIONS: Shorai Katiwa, Martin Chimenya, John Masuku**

**VIOLATIONS: Bombed (raided), detained, censored, beaten**

On June 2 2003, two journalists from the Voice of the People Communications Trust (VOP) were detained, interrogated, beaten and had their mobile phones and recorders confiscated by ruling party Zimbabwe African National Union-Patriotic Front (Zanu-PF) youths and war veterans. In a related incident, the home of VOP Coordinator John Masuku was searched and VOP administrative files and a computer used in programme production were confiscated. The journalists were taken to Borrowdale police station for further interrogation. From Borrowdale, they were taken to Zanu-PF headquarters in the Harare city centre, where they were beaten and further interrogated.

On June 3, Masuku, Katiwa and Chimenya returned to the Central police station in the company of their lawyer, Jacob Mafume. The police informed them that they had not found anything suspicious in the computer or the files. These were immediately returned to them. However, the police said they had been unable to recover their mobile phones and minidisks and advised them to report the items as stolen. Masuku confirmed that they have since filed a report with police.

• **DATE: June 6, 2003**

**PERSONS/INSTITUTIONS: Edwina Spicer**

**VIOLATIONS: Beaten, bombed (raided), censored**

At midnight on June 6 2003, eight men wearing police uniforms and driving four police cars raided the home of film and documentary producer Edwina Spicer in the capital, Harare. They took away video cameras, recording equipment, a fax machine and Z\$50,000 (approx. US\$62), an undisclosed source told MISA Zimbabwe.

Spicer and her family were away on holiday in England at the time of the raid. The men, who said they were police officers, beat the gardener, domestic worker and guards at Spicer's home. The gardener received treatment for a dislocated bone at the Avenues Clinic in Harare. The men said they were looking for guns.

• **DATE: June 11, 2003**

**PERSONS/INSTITUTIONS: Francis Mdlongwa**

**VIOLATIONS: Charged, legislation**

On June 11 2003, Francis Mdlongwa, editor-in-chief of the Associated Newspapers of Zimbabwe Group (ANZ), was charged with publishing a false advertisement when he was still in the employment of the *Financial Gazette* newspaper in 2002. He was charged under Section 15 (1a) or, alternatively, Section 16 (2a) of the Public Order and Security Act (POSA).

• **DATE: June 11, 2003**

**PERSONS/INSTITUTIONS: Andrew Meldrum, Dolores Cortes Meldrum**

**VIOLATIONS: Expelled, threatened (update)**

In what can be described as the continued victimisation of the family of Andrew Meldrum, the deported Zimbabwe correspondent for the United Kingdom-based newspaper *The Guardian*, his wife Dolores Cortes Meldrum has fled Zimbabwe after being ordered to report to the Immigration Department. Dolores Cortes Meldrum, whose husband was illegally expelled from Zimbabwe in May 2003, fled the country on June 11, fearing she would face the same fate as her husband. She was due to arrive in London on June 12.

• **DATE: June 11, 2003**  
**PERSONS/INSTITUTIONS: Media in Zimbabwe**  
**VIOLATIONS: Legislation**

On June 11 2003, the Zimbabwean Parliament passed into law amendments to the Access to Information and Protection of Privacy Act (AIPPA). The government said the amendments are intended to correct anomalies and errors that became apparent after the law was signed by President Robert Mugabe in March 2002.

• **DATE: June 19, 2003**  
**PERSONS/INSTITUTIONS: Munyaradzi Huni**  
**VIOLATIONS: Threatened**

*The Sunday Mail*, a weekly newspaper in which the Zimbabwean government is the majority shareholder, has put its political editor, Munyaradzi Huni, under 24-hour guard. Huni has been receiving threats from unknown persons.

• **DATE: June 24, 2003**  
**PERSONS/INSTITUTIONS: Bill Saidi**  
**VIOLATIONS: Detained (charged)**

On June 24 2003, Bill Saidi, editor of *The Daily News on Sunday*, a sister paper of *The Daily News*, was charged under the Public Order and Security Act (POSA) for allegedly publishing a false story in 2002.

• **DATE: June 26, 2003**  
**PERSONS/INSTITUTIONS: Nqobile Nyathi**  
**VIOLATIONS: Detained (charged)**

On June 26 2003, *The Daily News* editor Nqobile Nyathi was arrested and charged under the Public Order and Security Act (POSA) for allegedly publishing advertisements insulting the president. Nyathi confirmed that she had been summoned to Harare Central Police Station. "I was summoned to the public order and security section at the Central Police Station," said Nyathi.

• **DATE: June 30, 2003**  
**PERSONS/INSTITUTIONS: Sam Nkomo, Moreblessing Mpfu, Gugulethu Moyo, Philemon Bulawayo**  
**VIOLATIONS: Detained (charged)**

Sam Nkomo, chief executive officer of the Associated Newspapers of Zimbabwe (ANZ), publishers of *The Daily News*, Moreblessing Mpfu, the newspaper's commercial director, and Gugulethu Moyo, the ANZ's legal advisor, were charged under the Public Order and Security Act (POSA) on June 30 2003.

Moyo told MISA-Zimbabwe that Nkomo and Mpfu were charged under Section 16 of the POSA for allegedly running advertisements in *The Daily News* that "denigrated President Robert Mugabe".

• **DATE: August 9, 2003**  
**PERSONS/INSTITUTIONS: Flata Kavinga**  
**VIOLATIONS: Beaten**



On August 9 2003, Flata Kavinga, a journalist with *The Midlands Observer*, a weekly provincial newspaper, was attacked by suspected ruling party Zimbabwe African National Union Patriotic Front (Zanu-PF) youths. The incident occurred at the Mbizo Inn, a nightclub in the city of Kwekwe, in the Midlands province.

• **DATE: August 9, 2003**

**PERSONS/INSTITUTIONS: Flata Kavinga**

**VIOLATIONS: Censored**

On September 11, the Supreme Court dismissed ANZ's (publishers of *The Daily News*) application challenging the constitutionality of certain sections of the Access to Information and Protection of Privacy Act (AIPPA). The application was dismissed on the basis of the "Clean Hands" doctrine in that the company had failed to comply with the Act that requires all newspaper companies to be registered by the Media and Information Commission (MIC).

• **DATE: September 12, 2003**

**PERSONS/INSTITUTIONS: Daily News**

**VIOLATIONS: Censored (closed)**

On the evening of September 12, armed riot police and intelligence officers took over the eight-story Associated Newspapers Group (ANZ) offices in the city centre and its printing factory in the industrial areas of Harare and ordered all employees out. ANZ publishes the *Daily News* and *Daily News on Sunday*. *The Daily News* was accused of operating illegally because it did not register with the MIC. Under Zimbabwe's strict media laws, all news organisations, newspapers and journalists must register with the MIC. *The Daily News* had refused to register, saying mandatory registration with the commission is unconstitutional. The paper subsequently applied to register with the commission.

• **DATE: September 17, 2003**

**PERSONS/INSTITUTIONS: Tsvangirai Mukwazhi, Aaron Ufumeli, Syrus Nhara**

**VIOLATIONS: Detained, other**

On September 17 three freelance photojournalists Tsvangirai Mukwazhi, Aaron Ufumeli, Syrus Nhara were arrested at a pro-democracy protest march in the capital, Harare, and charged with "interfering with police activity". They spent the night in a holding cell at Harare's Central Police Station, and were released the following day after paying a small fine. According to news reports, protesters at the march called for the reopening of *The Daily News*. Police arrested more than 100 demonstrators before breaking up the rally.

#### UPDATE

• **DATE: September 18, 2003**

**PERSONS/INSTITUTIONS: Daily News**

**VIOLATIONS: Censored (update)**

Zimbabwean police have defied a High Court ruling granted on September 18 2003, which ordered that *The Daily News* newspaper be allowed to reopen.

Armed police officers have remained inside *The Daily News* premises and prevented staff from accessing the offices.

The police have also defied the High Court by refusing to return *The Daily News'* computers and other equipment they confiscated, allegedly to use as exhibits in court to show that the paper was operating illegally.

**UPDATE**

• **DATE: September 19, 2003**

**PERSONS/INSTITUTIONS: *Daily News***

**VIOLATIONS: Censored (update)**

On September 19 2003, the MIC unanimously decided not to grant a licence to the ANZ, arguing that the group had been publishing illegally. In its ruling, the MIC said the ANZ filed its application for registration eight and a half months after expiry of the December 31 2002 registration deadline. The commission further said that the ANZ openly announced that it would not register, as it considered the AIPPA to be unconstitutional.

**UPDATE**

• **DATE: September 19, 2003**

**PERSONS/INSTITUTIONS: *Daily News***

**VIOLATIONS: Censored (update)**

The banned independent newspaper *The Daily News* will appeal to the Administrative Court to overturn the Media and Information Commission's (MIC) decision not to grant it a licence. Gugulethu Moyo, director of corporate affairs of the Associated Newspapers Group (ANZ), which publishes *The Daily News*, said the group would file an appeal with the Administrative Court.

Moyo said the ANZ will also argue that the MIC is improperly constituted, as no media houses or journalists' associations were consulted when it was appointed. Media houses and journalist's associations are supposed to nominate three people to sit on the MIC, according to provisions of the Access to Information and Protection of Privacy Act (AIPPA).

• **DATE: September 19, 2003**

**PERSONS/INSTITUTIONS: Media in Zimbabwe**

**VIOLATIONS: Victory (positive judgement)**

On September 19 2003, the Supreme Court of Zimbabwe declared unconstitutional certain sections of the Broadcasting Services Act (BSA) that gave the Minister of Information and Publicity the power to licence would-be broadcasters. The Supreme Court struck down Section 6 of the BSA, which made the minister the licencing authority.

• **DATE: September 23, 2003**

**PERSONS/INSTITUTIONS: *Daily News*, MISA-Zimbabwe**

**VIOLATIONS: Censored (update)**

On September 23 2003, the Associated Newspapers Group (ANZ), publishers of *The Daily News* and *The Daily News on Sunday* newspapers, filed an application with the Administrative Court challenging the Media and Information Commission's (MIC) refusal to grant them an operating licence.

• **DATE: September 23, 2003**

**PERSONS/INSTITUTIONS: *Daily News*, MISA-Zimbabwe**

**VIOLATIONS: Censored**

On September 23, MISA-Zimbabwe filed an application with the High Court, challenging certain sections of the AIPPA. The director of the Attorney General's Office's Civil Division, Loyce Matanda-Moyo, confirmed that MISA-Zimbabwe had filed the application.

Matanda-Moyo said MISA-Zimbabwe claimed that it was not covered by the AIPPA and was therefore not compelled to register with the MIC. MIC Chairman Mahoso, however, described the court action by MISA-Zimbabwe as hostile.

In MISA-Zimbabwe's application to the High Court it requested a "declarator", thereby asking the High Court to determine whether it is a mass media house and whether it qualifies for registration with the MIC.

• **DATE: October 1, 2003**

**PERSONS/INSTITUTIONS: Philemon Bulawayo, Margaret Chinowaita, Kelvin Jakachira, Sydney Saize, George Muzimba, Lawrence Chikuvira, Luke Tamborinyoka, Pedzisai Ruhanya, Fanuel Jongwe, Precious Shumba, Chengetai Zvauya, Conelias Mabasa, Conway Tutani, Gladwin Muparutsa, Darlington Makoni, Francis Mdlongwa**  
**VIOLATIONS: Detained (charged)**

On October 1 2003, Zimbabwean police charged six journalists from *The Daily News* and *The Daily News on Sunday* for practicing without Media and Information Commission (MIC) accreditation.

The six journalists are Philemon Bulawayo, Margaret Chinowaita, Kelvin Jakachira, Sydney Saize, George Muzimba and Lawrence Chikuvira.

The six new charges brought to 15 the number of journalists from the Associated Newspapers of Zimbabwe who have been charged for breaching the Access to Information and Protection of Privacy Act (AIPPA).

**UPDATE**

• **DATE: October 1, 2003**

**PERSONS/INSTITUTIONS: Daily News**

**VIOLATIONS: Censored (legislation)**

On October 1 2003, High Court Judge Tendai Uchena ordered the police to continue holding equipment they had confiscated from *The Daily News*. The judgement followed a September 17 *The Daily News* appeal to have its seized equipment returned.

Judge Uchena did not give any reasons as to why the 160 computers can not be released by the police. Under the law, the equipment could eventually be forfeited to the state.

• **DATE: October 3, 2003**

**PERSONS/INSTITUTIONS: Cyril Zenda**

**VIOLATIONS: Beaten**

On October 3 2003, a vigilante group attacked Cyril Zenda, a senior journalist with the *Financial Gazette* newspaper, robbing him of 5000 Zimbabwe dollars (approx. US\$6) and his mobile phone.

Zenda told MISA-Zimbabwe that he was spotted by a vigilante group known as Chipangano began interrogating him about the message on a MISA-Zimbabwe t-shirt he was wearing. The t-shirt bore the message "Free My Voice: Free the Airwaves".

• **DATE: October 13, 2003**

**PERSONS/INSTITUTIONS: Media in Zimbabwe**

**VIOLATIONS: Legislation**

Zimbabwean President Robert Mugabe has signed into law the Access to Information and Protection of Privacy Amendment Act (AIPPA Amendment), which seeks to correct certain anomalies that came to light after the law was promulgated in 2002.

• **DATE: October 16, 2003**

**PERSONS/INSTITUTIONS: Chris Gande, Oscar Nkala, Saul Gwakuba Ndlovu, Grey Chitika**

**VIOLATIONS: Detained (charged)**

Four journalists from *The Daily News* have been charged by police for practicing without accreditation, as required by the Access to Information and Protection of Privacy Act (AIPPA). MISA has confirmed that Bulawayo-based journalists Chris Gande, Oscar Nkala, Saul Gwakuba Ndlovu and Grey Chitika are the latest to be charged under the AIPPA. The four new charges bring to 20 the total number of Associated Newspapers of Zimbabwe (ANZ) journalists arrested under the AIPPA.

• **DATE: October 22, 2003**

**PERSONS/INSTITUTIONS: Blessing Zulu, Newton Spicer**

**VIOLATIONS: Detained**

On October 22 2003, journalist Blessing Zulu of the *Zimbabwe Independent* newspaper and freelancer Newton Spicer were arrested while covering a demonstration organised by the National Constitutional Assembly (NCA). Lawyers representing the detained journalists have been denied access to their clients and have also been threatened with incarceration. Photographer Simon Sithole and trainee journalist Takunda Mawodza, both from the state-controlled *Herald* newspaper, were also allegedly detained for a brief period for covering the demonstration.

• **DATE: October 22, 2003**

**PERSONS/INSTITUTIONS: NCA demonstrators**

**VIOLATIONS: Other**

On October 22 2003, more than 300 NCA members were also arrested, including NCA leaders who were lobbying for a new democratic people's constitution. The NCA was demonstrating, among other things, against the government's failure to deal with the collapse of the economy and the hardships caused by bad governance. Heavily armed riot police put an end to the demonstration. The journalists were detained at the Harare Central police station, together with the 300 demonstrators.

#### **UPDATE**

• **DATE: October 24, 2003**

**PERSONS/INSTITUTIONS: *Daily News***

**VIOLATIONS: Victory (positive judgement)**

On October 24 2003, Zimbabwe's Administrative Court ordered that *The Daily News*, which was shut down by the government in September, be granted an operating licence. The Administrative Court made the ruling following the newspaper's appeal for review of a decision by the Media and Information Commission (MIC) to deny it an operating licence. The judge ruled that the government-appointed MIC had wrongly denied *The Daily News* a licence.

MISA has confirmed that the judge ordered the licence to be issued as soon as possible. If a licence has not been issued by November 31, then a licence will be deemed to have been issued. In addition, the judge said the commission had not been properly constituted, invalidating all its actions to date.

• **DATE: October 25, 2003**

**PERSONS/INSTITUTIONS: *Daily News*, staff**

**VIOLATIONS: Censored, detained, bombed (raided), threatened**

On October 25 2003, police occupied the offices of Zimbabwe's only independent daily newspaper, halting operations and detaining staff one day after a court order blocked government efforts to shut it down. Officials at *The Daily News* said armed police raided the newspaper's offices in central Harare and detained 18 journalists and administrators.

The employees were released after about four hours, but were required to sign statements saying they worked for the Associated Newspapers of Zimbabwe (ANZ), the newspaper's publisher. They also received a verbal warning not to return to work, newspaper staff said.

• **DATE: October 26, 2003**

**PERSONS/INSTITUTIONS: Washington Sansole**

**VIOLATIONS: Detained**

The following day, police arrested Washington Sansole, a director of *The Daily News*, on charges of operating without a licence. According to *Daily News* legal adviser Gugulethu Moyo, authorities told the ANZ that they would not release Sansole until the ANZ's other directors presented themselves to the police. Sansole was released after lawyers for the newspaper obtained a High Court order for his release.

• **DATE: October 27, 2003**

**PERSONS/INSTITUTIONS: Samuel Sipepa Nkomo, Michael Stuart Mattinson, Brian Mutsau, Rachel Kuapara, Washington Sansole**

**VIOLATIONS: Detained (charged)**

On October 27, four directors of the Associated Newspapers of Zimbabwe (ANZ), the company that owns *The Daily News*, were arrested and will spend the night in police custody in the capital, Harare. The four directors - ANZ CEO Samuel Sipepa Nkomo, Michael Stuart Mattinson, Brian Mutsau, and Rachel Kuapara - were arrested after presenting themselves to police in Harare. They were charged with publishing a newspaper without a license under Zimbabwe's repressive Access to Information and Protection of Privacy Act (AIPPA). If convicted, the directors each face a large fine or a two-year jail term.

• **DATE: October 28, 2003**

**PERSONS/INSTITUTIONS: Frank Chikowore, Stanley Karombo**

**VIOLATIONS: Censored, threatened**

On October 28 2003, freelance journalists Frank Chikowore and Stanley Karombo were barred from covering proceedings at the nomination courts in Kadoma, approximately 30 kilometres west of Harare, where political party candidates were expected to hand over their nomination papers before the end of the day. The journalists told MISA-Zimbabwe that supporters of the ruling Zimbabwe African National Union Patriotic Front (ZANU-PF) party were chanting party slogans outside the courts and threatened them with incarceration for covering the event.

**UPDATE**

• **DATE: November 12, 2003**

**PERSONS/INSTITUTIONS: *Daily News***

**VIOLATIONS: Censored (update)**

On November 12 2003, the Associated Newspapers of Zimbabwe (ANZ), publishers of *The Daily News* and *The Daily News on Sunday*, filed a High Court application seeking an order to resume operations.

The ANZ asked the court to order the Media and Information Commission (MIC) to allow the newspaper group to resume publishing pending the outcome of the MIC's appeal of an Administrative Court ruling.

• **DATE: November 18, 2003**

**PERSONS/INSTITUTIONS: Samuel Sipepa Nkomo, Stuart Mattinson, Brian Mutsau, Rachel Kupara (targets: media worker(s) , newspaper(s) , organisation(s) , publisher(s)**

**VIOLATIONS: Detained (charged)**

On November 14 2003, the Magistrate Court dismissed an application by four Associated Newspapers of Zimbabwe (ANZ) directors, in which they asked the court to drop the charges laid against them.

The four directors - Samuel Sipepa Nkomo, Stuart Mattinson, Brian Mutsau and Rachel Kupara - are to appear in court on February 6 2004 for a routine hearing pending a trial date.

Harare Magistrate Mishrod Guvamombe dismissed their application, saying there was "reasonable suspicion" that the directors had committed an offence. Guvamombe also rejected the four directors' argument that they could not be charged in their capacity as directors.

• **DATE: November 18, 2003**

**PERSONS/INSTITUTIONS: Shadreck Pongo**

**VIOLATIONS: Beaten, censored**

On November 18 2003, Shadreck Pongo, a photojournalist with *The Standard* newspaper, was severely beaten and injured by police officers in Harare while covering a nationwide demonstration organised by the Zimbabwe Congress of Trade Unions (ZCTU).

Riot police apprehended Pongo while he was taking photographs of demonstrators. They pulled him into a police truck, where they assaulted him with police batons.

The police seized the photojournalist's camera and destroyed it before dumping Pongo at the city centre's periphery. He was rushed to Harare's Avenues Hospital, where he is receiving medical attention.

• **DATE: November 18, 2003**

**PERSONS/INSTITUTIONS: Andrew Moyse**

**VIOLATIONS: Other**

On November 19 2004, Andrew Moyse, director of the Media Monitoring Project of Zimbabwe, and seven other civic leaders were arrested during a nation-wide demonstration organised by the Zimbabwe Congress of Trade Unions (ZCTU).

They were detained at Harare's central police station and are expected to appear in court on November 20.

• **DATE: December 8, 2003**

**PERSONS/INSTITUTIONS: Bright Chibvuri**

**VIOLATIONS: Beaten, censored**

On November 30 2003, Bright Chibvuri, an editor for *The Worker* newspaper, was kidnapped by alleged Zimbabwe African National Union Patriotic Front (ZANU-PF) youths and state security agents in Kadoma, approximately 292 kilometres from the capital, Harare.

The incident occurred while Chibvuri was covering a parliamentary by-election.

• **DATE: December 8, 2003**

**PERSONS/INSTITUTIONS: Martin Chimenya**

**VIOLATIONS: Detained (charged), censored**

**M**artin Chimenya, a journalist for the Voice of the People Communications Trust (VOP), was arrested on December 8 2003 in the city of Masvingo, 293 kilometres south of the capital, Harare. His tape recorder and tapes were confiscated.

He was charged under Section 79 (1) of the Access to Information and Protection of Privacy Act (AIPPA) for allegedly practicing as a journalist without accreditation. The Magistrate's Court released Chimenya on Z\$15,000 bail (approx. US\$19) on December 10. He was ordered to appear in court on December 23. His tape recorder and tapes have yet to be returned.

• **DATE: December 9, 2003**

**PERSONS/INSTITUTIONS: Internet/website(s)**

**VIOLATIONS: Legislation (censorship)**

**T**he Zimbabwean government is planning to introduce new measures to police all broadcast and Internet-based information circulation in a bid to control the flow of information in the country, *The Daily Mirror* reported on December 9 2003.

According to the newspaper, this move, if successfully completed, would mean that the government will be able to monitor individual information, messages and letters, which could lead to the arrest of all those involved in circulating information that the government says "undermines the sovereignty of the country."