



ZIMBABWE

National Overview 2004
by MISA Zimbabwe

Zimbabwe



By **Mathew Takaona**

Mathew Takaona is an award-winning Zimbabwean senior journalist and president of the Zimbabwe Union of Journalists.

Government on the warpath

Zimbabweans entered 2004 optimistic that the Supreme Court would quash sections of the Access to Information and Protection of Privacy Act (AIPPA), which had led to the closure of the vibrant, privately-owned Daily News and Daily News on Sunday.

This followed a protracted legal battle between the government and its publishers over the fate of the two publications, which were published for the last time on 12 September 2003 following a Supreme Court judgment which ruled in favour of the government-controlled Media and Information Commission (MIC). The MIC had declared that the two publications were operating illegally.

Of the state-sanctioned repressions against media freedom, the closure of the Daily News ranks as the most brutal given the paper's huge popularity as an alternative national must-read source of information.

That hope was, however, dashed when the government went on the warpath. Government officials tightened the screws of AIPPA and went on to close the privately-owned Tribune weekly publication in June. In doing so, they disregarded the outstanding matter between Associated Newspapers - publishers of the Daily News and Daily News on Sunday, and the MIC.

A siege mentality

This siege mentality spread to the State media when the Minister of Information and Publicity in the President's office, Professor Jonathan Moyo, declared that after dealing with "foreign-funded" papers such as the Daily News, its guns were now trained on internal enemies within the government-controlled media.

Moyo was true to his word. Robson Sharuko, Tendai Ndemera and Rex Mphisa, sports editor, senior reporter and assistant news editor, respectively, of the State-run Herald were fired from the national daily without appearing before any disciplinary hearing - as they should have in terms of Zimpapers's code of conduct.

A few weeks later, Matthew Takaona, an acting news editor with The Sunday Mail and president of the Zimbabwe Union of Journalists, was fired for addressing journalists from The Daily News.

The meeting was intended to address the plight of the journalists who are now unemployed. Takaona, who attended the meeting in his capacity as the president of the Union, was accused of playing a role that was in conflict with the interests of his employer.

As if that was not enough, more than 100 media workers were fired from the Herald after accusing management of corruption and mismanagement.

Government and media relations sour

Relations between the government and the media falls into two distinct areas: the government's relationship with the private media, and its relationship with the public media.

Relations between the government and the private media have never been cordial - not that they necessarily should be - but the situation deteriorated even further during 2004.

The Government, through the Department of Information, accused private newspapers of serving the “imperialist interests” of the British and United States governments. Zimbabwe has always maintained that the two countries are fighting to reverse the gains of the controversial state-sanctioned occupations of prime commercial farmland.

The MIC, a statutory regulatory body established under AIPPA, consistently and persistently attacked the private media, threatening them with closure whenever they were perceived as having stepped on the government’s toes.

Because of the ambiguity and contradictions in the law, the excuses used to threaten newspapers were never in short supply.

The threat of closure

Almost all private newspapers were either warned or threatened with closure. These incessant threats culminated in the closure of the Tribune in June.

The move was widely condemned as vindictive as it came after the Herald’s publisher, a ruling party MP and journalist, Kindness Paradza, attacked AIPPA in parliament as an undemocratic law. Hundreds of journalists and other media workers lost their jobs as the third national newspaper was forced to close under the repressive weight of AIPPA.

Unlike other countries elsewhere in the region, where heads of state and government meet with senior media practitioners, similar meetings, which President Robert Mugabe used to convene annually, were abandoned a long time ago. One would have to scratch one’s head to remember when President Mugabe last called a news conference with local journalists to discuss issues of national importance.

“Absolute control”

Instead, the media environment saw Moyo entrenching his absolute control over all state media apparatus following dubious but far-reaching restructuring exercises which saw experienced journalists and media workers being thrown into the streets to make way for pliable professionals who were at Moyo’s beck and call.

His perceived enemies within and without the ruling party were shut out of the mainstream government-controlled media, leaving the ordinary Zimbabwean lost as to what exactly was going on in government circles and who was in control where it concerned policy formulation and government socio-economic and political ideology.

Moyo achieved this media black-out through the aid of anti-media freedom and freedom of expression laws such as AIPPA, Public Order and Security Act (POSA) and the Broadcasting Services Act (BSA).

Tightening the noose

To ensure the government’s free reign in the conduct of national affairs without intrusion from its perceived enemies, the Criminal Law (Codification and Reform) Bill was introduced in Parliament for the purpose of tightening laws such as POSA, which pose serious impediments to freedom of expression, freedom of assembly, association and movement.

For instance, Section 15 of POSA, which deals with the publication, or communication of a statement prejudicial to the State, imposes a five-year prison term or a fine of Z\$200 000 or both for those who fall foul of the law.

Now under the Criminal Law (Codification and Reform) Bill, for committing a similar offence, the penalty suddenly shoots to a 20-year jail term or a fine of Z\$2,5 million or both the fine and a prison term.

Using its majority in Parliament, the ruling Zanu PF passed the Access to Information and Protection of Privacy (Amendment) Bill, which among other clauses, amends Section 83. This prohibits or suspends journalists from practicing without accreditation from the MIC.

The amended Act provides for a penalty in the form of a fine not exceeding \$600 000 or two years imprisonment — or both.

Clause 33 of the Criminal Law (Codification and Reform) Bill which deals with the publication of a false statement — one which undermines the authority of or insults the President or Acting President — imposes a one-year prison term or a fine of \$200 000 - or both.

Not just the media

Not content with muzzling the media, Parliament passed The Non-Governmental Organisations Bill, which threatens the very existence of virtually all non-governmental organisations working in Zimbabwe.

The Bill seeks to outlaw foreign funding to civic society organisations involved in human rights and governance issues.

President Mugabe is still to sign the Bill into law.

This intransigence in the wake of repeated calls for democratic reforms flies in the face of the SADC Guidelines and Principles on the conduct of free and fair elections which Zimbabwe endorsed at the regional meeting held in Mauritius in August.

Defamation and libel

Libel suits against newspapers have become commonplace to the extent that they no longer make news. This is not surprising considering that the media, and particularly the State media under the stewardship of Minister Moyo has discarded the cardinal rules of truth, accuracy, balance and fairness and allowed themselves to be used as the conveyor belts of hate speech, vengeance and retribution.

It is against that background that the now banned Daily News successfully sued Minister Moyo. The High Court ordered that he pay \$2,5 million in damages (US\$400) for a series of defamatory stories that appeared in The Herald.

The private media also was also hit with its fair - or perhaps unfair — share of defamation cases. The Speaker of Parliament, Mr Emmerson Mnangagwa successfully sued the banned Daily News for a story in which the paper alleged he influenced the release of his son from prison. The problem with following defamation cases in Zimbabwe is that it takes years before they are heard in the Courts.

Access to information

Laws such as AIPPA and POSA make it difficult to access information held by public bodies. This effectively kills investigative journalism.

Journalists were therefore reduced to reporting on what government officials and politicians

were saying as opposed to digging beneath the surface of their public statements in a country where corruption is on the ascendancy because public officials are not accountable to the taxpayer.

Most of the stories published were therefore mostly speculative, unsubstantiated and unsourced, leaving readers guessing at what exactly was going on around them.

Instances where efforts to access information landed journalists in trouble are too numerous to mention. However, one such case involves the detention of Desmond Kwande on 6 May 2004. He was detained by the police for taking pictures of a school that had been closed by the Minister of Education for increasing fees without government approval.

With the impending ban of non-governmental organisations, and if President Robert Mugabe signs the NGO Bill into law, Zimbabweans would yet again be deprived of alternative voices through which they were beginning to speak vociferously on issues affecting their socio-economic and political affairs.

The government's determination to stifle dissenting views was amply demonstrated when it threw out a COSATU delegation which had come to Harare on a fact-finding mission. The action was viewed as a prime example of the government's reluctance to subject itself to scrutiny on matters pertaining to respect for human rights and good governance.

Repressive laws still in place

The closure of The Tribune by MIC on the flimsy grounds that the company did not notify the Commission about the material changes to its ownership structures as required by AIPPA, and the upholding of that action by the High Court dashed hopes that repressive laws would be repealed. Appeals by both The Tribune and The Daily News against MIC rulings remained unheard throughout the year.

Ruling the airwaves

The Government continued to pay lip service to its commitment to open up the airwaves.

Zimbabwe Broadcasting Holdings, a State-owned radio and television company therefore continues as a monopoly. The Government, in accordance with Statutory Instrument 185 of 2004 Broadcasting Services (Licensing and Content) Regulations, announced the new broadcasting fees in September and followed this with yet another announcement in December, but there were no takers.

The regulations impose restrictive conditions for licenses and license fees that are out of reach for ordinary Zimbabweans, compounded by the prohibition of foreign funding in the broadcasting sector.

This media environment has seen a wave of radio stations based outside the country forming in order to fill in the void. The radio stations include the Voice of America, Studio 7 (based in Washington), SW Radio Africa, (London) and the Voice of the People Communication Trust.

Media diversity

Media diversity continued to shrink with the banning of The Tribune and the closure of Parade, the country's largest monthly magazine, due to financial constraints.

The government, using a memorandum of understanding between Zimpapers and the New Era of Namibia launched The Southern Times to counter negative stories about Zimbabwe published

by the Mail and Guardian and Sunday Times of South Africa.

The Southern Times has, however, failed to generate the anticipated readership as it relies heavily on stories filed by the State-controlled New Ziana news agency. This has resulted in very low circulation figures.

If the trend of cross-newspaper ownership is allowed to continue, with certain prominent citizens acquiring shares or expressing interest in the existing private publications, the existing small space for alternative voices will soon be closed, dealing a severe blow to Zimbabwe's quest for media diversity and pluralism.

This will inevitably result in the creation of a cartel of untouchable business moguls who will use the media to advance their selfish political and economic interests.

Journalists working together

The year provided some exciting times for media associations as they for the first time forged closer links and worked together on various projects. The Zimbabwe Union of Journalists (ZUJ), MISA Zimbabwe and the Media Monitoring Project Zimbabwe (MMPZ) came together and established the Media Alliance of Zimbabwe to co-ordinate media related activities.

One of MAZ's objectives is ensuring that there is no duplication of activities. A new organisation called Zimbabwe Journalists for Human Rights was also formed during the course of the year.

Conclusion

In a research paper, Takirambudde (1995), said:

“If democracy is based on rule by a majority of the population in a fair equitable society, then democratic institutions must work to empower people to make decisions within that society. “The ability of the governed to assert opinions without restraint is essential to this decision-making process. Media freedom is therefore critical to the establishment and continuity of democracy and becomes a primary indicator of the existence of a democratic society”.

Media laws in Zimbabwe do not allow citizens to assert opinions without restraint and it is critical that they be revisited.

Zimbabwe



Por **Mathew Takaona**

Traduzido por **Rui Correia**

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Governo em pé de guerra

Zimbabweanos começaram o ano de 2004 com optimismo que o Tribunal Supremo iria anular secções da Lei sobre o Acesso à Informação e a Proteção da Privacidade (AIPPA), que tinha levado ao encerramento dos dinâmicos jornais privados, Daily News e Daily News on Sunday.

Isto aconteceu depois de uma longa batalha jurídica entre o governo e a editora para decidir a sorte das duas publicações, que foram publicadas pela última vez a 12 de setembro 2003. O julgamento no Tribunal Supremo foi a favor da Comissão para a Comunicação Social e Informação (MIC), que é controlada pelo estado. A MIC tinha declarado que as duas publicações estavam a operar ilegalmente. De todos os actos de repressão do estado contra à liberdade da comunicação social, o encerramento do Daily News é considerado o mais brutal, dado a popularidade enorme do jornal, como uma fonte de informação alternativa, nacional e indispensável.

Essa esperança foi, no entanto, esmagada, quando o governo se pôs em pé de guerra. Agentes do estado apertaram ainda mais as disposições da AIPPA e procederam ao encerramento de uma publicação privada semanária, Tribune, em junho.

Uma mentalidade de cerco

Uma mentalidade de cerco espalhou-se através da comunicação social estatal quando o Ministro da Informação e Publicidade no gabinete do presidente, Professor Jonathan Moyo, declarou que depois de lidar com jornais financiados por estrangeiros, tais como o Daily News, iria virar a mira na direcção de inimigos internos dentro da comunicação social controlada pelo governo.

Moyo foi verdadeiro à sua palavra. Robson Sharuko, Tendai Ndemera e Rex Mphisa, respectivamente, editor de desporto, repórter sénior e editor adjunto de notícias, do diário estatal Herald foram demitidos sem mais nem menos, sem mesmo terem a oportunidade de comparecer a uma audiência disciplinar, como reza o Código de Conduta do Zimpapers, empresa estatal de gerência da mídia escrita do Zimbabwe.

Algumas semanas mais tarde, Mathew Takaona, um editor de notícias em exercício do Sunday Mail e presidente da União dos Jornalistas do Zimbabwe, foi demitido por falar com jornalistas do Daily News, numa reunião convocada para analisar a situação dos jornalistas que estão no desemprego. Takaona, que participou na reunião na sua capacidade de presidente da união, foi acusado de desempenhar um papel que estava em conflito com os interesses da entidade para a qual trabalhava.

Como se isso não chegasse, mais de 100 trabalhadores da comunicação social foram demitidos do Herald após terem acusado a gerência de corrupção e má administração.

Relações entre o governo e a comunicação social azedam

Relações entre o governo e a comunicação social dividem-se em duas áreas distintas: as relações do governo com a comunicação social privada, e relações com a comunicação social pública.

As relações entre o governo e a comunicação social privada nunca foram cordiais - não que necessariamente devesse ser assim - mas a situação piorou bastante em 2004.

O governo - através do Departamento da Informação - acusou os jornais privados de servirem “os interesses imperialistas” dos governos do Reino Unido e Estados Unidos. O Zimbabwe sempre manteve que os dois países fazem de tudo para inverter os ganhos do programa do estado para ocupações de terrenos comerciais de primeira categoria.

A MIC - um órgão regulatório estatutário estabelecido em termos da AIPPA - atacou consistentemente e persistente a comunicação social privada, ameaçando com o encerramento sempre que tocassem na imagem do governo. Por causa da ambiguidade e das contradições na lei, os pretextos usados para ameaçar os jornais nunca faltaram.

A ameaça de encerramento

Quase todos os jornais privados foram avisados ou ameaçados com encerramento. Estas ameaças incessantes culminaram no encerramento do Tribune em junho.

A acção tomada foi condenada como sendo extremamente vingativa, pois resultou de um ataque que o publicador do Herald, Kindness Paradza, fez à AIPPA. Paradza - que além de jornalista também é membro da Assembleia para o partido no poder - atacou a AIPPA na Assembleia Nacional, rotulando-a de ser uma lei ‘que não é democrática’. Centenas de jornalistas e outros trabalhadores da comunicação social perderam o emprego quando o terceiro maior jornal nacional foi forçado a fechar sob o peso repressivo da AIPPA.

Ao contrário de outros países noutras partes na região, onde os chefes de estado e de governo se encontram com profissionais da comunicação social, o presidente Robert Mugabe abandonou este hábito há muito tempo.

“Controlo absoluto”

Enchendo esse vazio, Moyo implementou o seu controlo absoluto sobre todas as actividades da mídia estatal, fazendo uso de exercícios de reestruturação, de legitimidade duvidosa, mas com o efeito desejado. O resultado foi a demissão de jornalistas e profissionais de mídia experientes, que foram substituídos por profissionais moldáveis às ordens de Moyo.

Aqueles que ele imaginava serem seus inimigos - dentro e fora do partido no poder - foram impedidos de terem acesso à comunicação social controlada por Moyo. Isto deixava o cidadão comum perdido a respeito do que passava nos círculos do governo e sem saber quem estava ao comando da elaboração da política e da ideologia socio-económica e política do governo.

Moyo conseguiu este ‘blackout’ de informação com a ajuda de leis contra a liberdade da comunicação social e a liberdade de expressão, tais como a AIPPA, a Lei sobre a Ordem e Segurança Pública (POSA) e a Lei dos Serviços de Radiodifusão (BSA).

Par dar ainda mais força à munição de que já dispunha e abusando da sua maioria na Assembleia Nacional, o governo da Zanu-PF conseguiu a aprovação de uma emenda da AIPPA, para proibir ou suspender jornalistas de praticar jornalismo sem acreditação da MIC. Trabalhar sem carteira pode resultar numa multa de 600,000 dólares zimbabwuanos ou dois anos de cadeia.

Difamação e libelo

Os casos de libelo contra jornais tornaram-se comuns até ao ponto de agora nem fazerem notícia.

No entanto, numa viravolta histórica, o Daily News - que agora está proibida - processou com sucesso o ministro Moyo por libelo. O Tribunal Supremo declarou que Moyo pagasse o equivalente a US\$ 400,00 em danos por uma série de artigos difamatórios publicados no Herald.

A comunicação social privada foi alvo de casos de difamação. O Presidente da Assembleia Nacional, Emmerson Mnangagwa processou com sucesso o Daily News por alegar que Mnangagwa influenciou a liberação do seu filho da cadeia.

Acesso à informação

Leis tais como AIPPA e POSA tornam difícil o acesso à informação retida por órgãos públicos. Isto mata eficazmente o jornalismo investigativo. Os jornalistas limitam-se a reportar o que os dirigentes do governo e políticos diziam, em vez de escavarem abaixo da superfície de suas declarações públicas. Isto, num país onde a corrupção está a aumentar cada vez mais, porque os dirigentes não são responsáveis perante o cidadão.

Assim, a maioria das histórias publicadas eram na maior parte especulativas, sem fundamento e sem fontes, deixando os leitores a terem que adivinhar exatamente o que estava acontecendo ao seu redor.

Ocasões em que esforços para ter acesso à informação causaram sérios problemas a jornalistas são demasiado numerosos para mencionar aqui. No entanto, citemos um caso que levou à detenção de Desmond Kwande a 6 de maio 2004. Ele foi detido por policiais por tirar fotografias de uma escola que tinha sido encerrada pelo Ministro de Educação por ter aumentado as propinas sem aprovação do governo.

Regulando o espaço radiofónico

O governo continuou a prometer sem nada fazer para por em prática o seu compromisso de abrir o espaço radiofónico. Isto significa que a empresa estatal, Zimbabwe Broadcasting Holdings de rádio e televisão continua gozando do seu monopólio.

Os regulamentos para novas licenças impõem condições restritivas e os custos estão fora do alcance dos Zimbabueanos comuns - especialmente se levar em conta a questão da proibição de financiamento estrangeiro no sector de radiodifusão.

Este ambiente da comunicação social viu uma onda de estações de rádio sedeadas fora do país a preencherem o vácuo. Estas estações incluem a Voz da América, Studio 7 (que transmite de Washington), SW Rádio Africa (Londres) e da Voice of the People Communication Trust.

Diversidade da comunicação social

A diversidade da comunicação social continuou a sofrer perdas, com a proibição do Tribune e o encerramento da Parade, uma revista mensal - a maior do país, devido a problemas financeiros.

Em contra-partida, empresas estatais da Namíbia e do Zimbabue, a New Era Publications Corporation (Namíbia) e a Zimpapers (Zimbabue) lançaram um jornal regional de domingo, The Southern Times (Tempos Austrais) aparentemente numa tentativa de criarem uma oposição aos jornais sul-africanos Sunday Times (Tempos de Domingo) e Mail & Guardian, que eram visto como sendo contra o presidente Robert Mugabe. De acordo com uma declaração conjunta emitida pela editora na altura do lançamento, o novo jornal de domingo espera conquistar um potencial público de 'milhões espalhados pela região'. No entanto, após os primeiros dois meses, tinha vendido menos de 20 000 cópias no total, de acordo com fontes da Namíbia. Parte

da razão, é que o jornal depende demais da agência de notícias estatal, New Ziana para o seu material para encher as suas páginas. Ambos os governos financiaram a operação.

Se a tendência que se verifica de determinados cidadãos proeminentes adquirirem ações nas publicações privadas existentes, o espaço pequeno existente para vozes alternativas vai desaparecer. Isto seria um golpe mortal na busca pela diversidade e o pluralismo da comunicação social. Inevitavelmente, isto resultará na criação de um cartel controlado por empresários intocáveis que usarão a comunicação social para promover os seus próprios interesses egoístas - políticos e econômicos.

Jornalistas que colaboram

O ano teve momentos de grande emoção para associações da comunicação social, que pela primeira vez forjaram laços mais estreitos e colaboraram em vários projectos. A União dos Jornalistas do Zimbabwe (ZUJ), o MISA-Zimbabwe e o Projecto de Monitoria da Comunicação Social do Zimbabwe (MMPZ) juntaram-se e formaram a Aliança da Comunicação Social do Zimbabwe (MAZ) para coordenar actividades relacionadas com a comunicação social. Um dos objetivos da MAZ é zelar para que não haja duplicação de actividades. Uma outra organização, Jornalistas do Zimbabwe para os Direitos Humanos também foi lançada durante o ano.

Conclusão

Num estudo, Takirambudde (1995), disse:

“se a democracia é baseada no governo pela maioria da população numa sociedade egalitariamente justa, então as instituições democráticas devem trabalhar para capacitar os seus cidadãos para poderem tomar decisões dentro dessa sociedade.

“a habilidade dos governados de terem opiniões sem limitações é essencial a este processo de tomar decisões. A liberdade da comunicação social é consequentemente crítica para o estabelecimento e a continuidade da democracia e vem a ser um indicador principal da existência de uma sociedade democrática “.

As leis da comunicação social no Zimbabwe não permitem que os cidadãos tenham opiniões sem limitações e é crítico que se reanalise esta situação.

• **ALERT**

Date: January 2, 2004

Persons/Institutions: Radio Dialogue FM

Violation(s): Detained

On January 2 2004, the station manager of “Radio Dialogue FM”, Father Nigel Johnson, was arrested in Bulawayo - approximately 450km from the capital Harare - whilst filming footage for a music video. Father Johnson told MISA-Zimbabwe that he was filming a group of artists performing dances in the high density of Nkulamane when he was approached by two policemen and a civilian. The police confiscated his video camera and car keys, and demanded that he accompany them to the police station. After his arrest, he was taken to Nkulamane Police station before being transferred to Bulawayo Central Police Station and detained overnight. Father Johnson was charged under the Miscellaneous Offences Act and homicide. He was released on January 3, 2003. On January 5 the police picked up Father Johnson from the “Radio Dialogue FM” offices in Bulawayo for further questioning on the activities of the aspiring community radio station. The video camera was returned on his release.

• **ALERT**

Date: January 10, 2004

Persons/Institutions: Iden Wetherell, Vincent Kahiya and Dumisani Muleya

Violation(s): Detained

On January 10 2004, “Zimbabwe Independent” newspaper Editor, Iden Wetherell, News Editor Vincent Kahiya and Chief reporter Dumisani Muleya were arrested. The police allege that the journalists denigrated President Robert Mugabe by publishing a story that the president “commandeered” an air Zimbabwe plane to take him to Asia. The journalists were charged under Section 80 of the Access to Information and Protection of Privacy Act and the police indicated that it would consider charging them under the Public Order and Security Act (POSA) as well. The three were granted Z\$20 000 (approximately US\$24) bail each on January 12.

• **ALERT**

Date: January 14, 2004

Persons/Institutions: Raphael Khumalo and Itai Dzamara

Violation(s): Detained, charged

On January 14 2003, the manager of the “Zimbabwe Independent”, Raphael Khumalo and reporter Itai Dzamara were summoned to Harare Central Police station and charged with criminal defamation. They were released around 16h30 that same day.

Dzamara co-authored a “Zimbabwe Independent” story titled “Mugabe grabs plane for Far East Holiday”, with chief reporter Dumisani Muleya. The state alleges that the story is false and defamatory to President Robert Mugabe. Muleya was arrested on January 10 together with editor Iden Wetherell and news editor Vincent Kahiya. Police also wanted to charge Dzamara for practising without accreditation. Proof that he has applied for accreditation was sent to the police. On October 4 2004, Wetherell, Kahiya and Itai were charged with criminal defamation. They are awaiting the setting of a trial date after a magistrate ruled that they could have a case to answer.

• **ALERT**

Date: January 13, 2004

Persons/Institutions: Zimbabwe Independent, Iden Wetherell

Violation(s): Threatened

The Chairman of the government appointed Media and Information Commission, Dr Tafataona Mahoso, has threatened to take action against the “Zimbabwe Independent” and its editor Iden Wetherell over what he calls a “racist” letter to the editor that was published in the paper on

January 2, 2004.

Mahoso said this in an article he wrote in the government-owned “The Herald” on January 13. In the article, which he called an “open letter” to Iden Wetherell. Mahoso castigated Wetherell for allowing the publication of a letter to the editor, in which the writer called “Zimbabweans an unthinking lot”.

Mahoso said that publication of the letter is a clear indication that Wetherell “supported racist motives and the vilification of blacks in Zimbabwe.”

Mahoso’s letter reads that “consistent with its powers and functions, as outlined in the Section 39 Subsection (b), (h), (j) and (o) of the Access to Information and Protection of Privacy Act (AIPPA), the Media and Information Commission (MIC) deplores the increasing toleration and apparent encouragement of open expressions of racist attitudes and images through the press”.

“And because this trend appears to be growing among certain media houses and editors in Zimbabwe and within some SADC neighbours, the MIC feels compelled to publicise its response to one particular offensive letter to the editor of the Zimbabwe Independent published on January 2, 2004.”

“The letter you published on January 2, 2004 is typical of the worst expressions of racism from the former slave territories of the United States, from apartheid South Africa and from the days of UDI in Rhodesia.” Mahoso added: “the fact that this is supposed to be an individual’s letter expressing individual opinion does not in any way exonerate the editor or the publisher”.

Mahoso said that the publication “of this offensive letter called for drastic action”.

• **ALERT**

Date: February 5, 2004

Persons/Institutions: Media in Zimbabwe

Violation(s): Legislation

On February 5 2004, the Zimbabwe Supreme court ruled that the Access to Information and Protection of Privacy Act (AIPPA) is constitutional, casting a dark shadow over the future of the independent media in Zimbabwe.

In his ruling, Chief Justice Godfrey Chidyaisiku said that sections 79, 83 and 85 of AIPPA are constitutional.

The sections provide for accreditation of journalists, outlaws practising journalism without accreditation and empower a government appointed body, the Media and Information Commission (MIC), to develop and enforce a code of conduct respectively.

• **ALERT**

Date: March 19, 2004

Persons/Institutions: Simon Bright

Violation(s): Detained

On March 19 2004, a Zimbabwean independent film maker Simon Bright was arrested on allegations of having participated in the production of a BBC documentary, Panorama, which focused on Zimbabwe’s controversial national youth training service.

Bright was arrested at the Harare International Airport as he tried to board an Air Zimbabwe flight to London. He was detained for the weekend by police and questioned on whether he worked for “outside broadcasters. Bright was asked whether he was involved in making a BBC’s Panorama programme that claimed thousands of Zimbabwean youths are being trained in special camps to torture and intimidate opponents of President Robert Mugabe’s government. Police were “unable to say what was offensive” about the tape, adding that various government departments were involved in the making of the documentary.

• **ALERT**

Date: March 25 and 26, 2004

Persons/Institutions: Radio Dialogue. Koliwe Nyoni, Gordon Moyo

Violation(s): Bombed (raided), detained (2)

On March 25 and 26 2004, Police in Zimbabwe's second city of Bulawayo, raided the offices of "Radio Dialogue" - a community radio station that is based in the city - and arrested several staff members.

Five police officers came to the station in the morning and asked for Father Nigel Johnson, the station manager who was away in South Africa on business. The officers then produced a search warrant which stated that police had reason to believe that Father Johnson was in possession of subversive material. The warrant was to search the "Radio Dialogue" offices and Father Johnson's private home. The officers proceeded to search the eight offices and two studios and took away some documents. They also recorded the details of the station's 17 employees.

On March 26, the officers returned to "Radio Dialogue" where they arrested the Marketing Officer, Koliwe Nyoni. Nyoni spent the morning and part of the afternoon at the Central Police station. Nyoni was asked about a Public Order and Security Act public awareness advert that was placed in newspapers by MISA-Zimbabwe in 2003. A newspaper cutting of the advert was among the documents seized on March 25. Nyoni was also questioned on the activities of MISA-Zimbabwe and Bulawayo Agenda. On March 26 Bulawayo Agenda coordinator, Gordon Moyo, also spent the day at the station. After questioning him, the officers proceeded to search his house. The two were released without being charged.

• **ALERT**

Date: April 11, 2004

Persons/Institutions: Shandukani Mathagu

Violation(s): Expelled

On April 11 2004, South African broadcasting Corporation (SABC) journalist was arrested at BeitBridge border post for allegedly entering Zimbabwe illegally. He was released after the South African authorities provided his traveling details.

• **ALERT**

Date: April 20, 2004

Persons/Institutions: Richard Musazulwa

Violation(s): Beaten

On April 20 2004, the "Standard" journalist Richard Musazulwa, was assaulted by soldiers for writing a story in which he alleged that 65 army recruits had fled training.

• **ALERT**

Date: April 21, 2004

Persons/Institutions: The Daily Telegraph

Violation(s): Expelled

On April 21 2004, "Daily Telegraph" journalist Mihir Bose, was deported from Zimbabwe for entering the country without proper accreditation.

• **ALERT**

Date: April 29, 2004

Persons/Institutions: Sky News television crew

Violation(s): Expelled

On April 29 2004, the Department of Information, asked a "Sky News" television crew - Ben

Depear and Martin Smith - from Britain to leave the country, saying it had entered the country illegally without observing accreditation laws. In London, "Sky" said it had not tried to enter the country clandestinely and believed it had clearance to send a two-man crew from Johannesburg to film matters related to cricket.

It emerged a week later that the team had in fact been invited by the ruling, Zimbabwe African National Union Patriotic Front (Zanu PF) party through the country's Ministry of Information.

• **ALERT**

Date: April 30, 2004

Persons/Institutions: Media in Zimbabwe

Violation(s): Threatened

On April 30 2004, Minister for Information and Publicity Professor Jonathan Moyo threatened to arrest Zimbabwean journalists who report for foreign media houses. Addressing journalists at a press conference in Zimbabwe's second city of Bulawayo, Minister Moyo said there was enough space in Zimbabwe's prisons for journalists caught dealing with foreign media houses. He added that after dealing with corrupt financial businesses the government would deal with the journalists.

• **ALERT**

Date: May 4, 2004

Persons/Institutions: Desmond Kwande

Violation(s): Detained

On May 4 2004, Desmond Kwande, a photographer with the "Daily Mirror", was detained for one hour by the police for attempting to take a picture of a banner at a school that was under police guard. Kwande visited Eaglesvale High School, which is one of the 45 schools closed by the government over unauthorized hiking of school fees. Kwande was about to take a photo of a banner at the school when a police officer, identified only as Constable Chirenje, approached him demanding to know why he wanted to take the picture. The police officer allegedly informed Kwande that he could not take the pictures as it might result in the officer losing his job.

When told that the picture had nothing to do with him, the officer insisted that Kwande's fate could only be determined by his superiors. The photographer was released after the arrival of the officer in charge of Marimba police station, situated in a suburb of the capital Harare.

• **ALERT**

Date: May 12, 2004

Persons/Institutions: Davies Guzha (Rooftop Promotions)

Violation(s): Censored

On May 12 2004, the Censorship Board banned a satirical play, Super Patriots and Morons, performed by Rooftop promotions. The play portrays an unnamed African country which is ruled by an out-of-touch president.

• **ALERT**

Date: May 21, 2004

Persons/Institutions: Bornwell Chakaodza, Valentine Maponga

Violation(s): Others (legislation)

The editor of "The Standard" newspaper Bornwell Chakaodza and reporter Valentine Maponga, were arrested on May 21, 2004, for contravening section 15 of the Public Order and Security Act (POSA). Allegations against the two journalists arose on May 16 2004, when they published a story headlined "The family of slain mine boss blames government officials." The story read that the family of slain Trojan Mine boss, Dr Leonard Chimimba, was blaming government

officials for his death. They relied on a named source who has since distanced himself from the article. They were released on that same day on Zimbabwe \$50 000 bail each. On June 8 2004, they were further remanded out of custody to August 14 2004.

• **ALERT**

Date: June 6, 2004

Persons/Institutions: Taxpayers of Zimbabwe

Violation(s): Legislation (threatening)

On June 6 2004, the government gazetted the Zimbabwe Broadcasting Corporation (Debt Assumption) Bill which seeks to pave the way for the state to take over the state broadcaster's debt which runs into billions of Zimbabwe dollars.

Under the Bill, the government will assume all obligations arising from the corporation's agreements and instruments of debt owed to the various institutions to the tune of US1, 9million.

The Act in part reads,

Section 3(1) Subject to this Act the Minister responsible for Finance shall, on behalf of the state, assume responsibility for the discharge of-

(a) The outstanding obligations of the Zimbabwe Broadcasting Corporation under the agreement and instruments of debt specified in the schedule; and

(b) Such other obligation as he may consider expedient in relation to any such assumption specified in the schedule;

And may give written authority to any person to sign and execute as his representative any undertaking, agreement or document pursuant to any such assumption or responsibility.

(1) The terms and conditions under which the minister assumes responsibility in terms of section

(2) for the discharge of any obligation under or in relation to any agreement or instrument specified in the Schedule shall be fixed by the minister with the consent of the creditor concerned.

The Corporation embarked on a major restructuring exercise in 2001 which culminated in the Zimbabwe Broadcasting Corporation (Commercialization) Act passed in 2001. The act split the ZBC into two companies, i.e the Zimbabwe Broadcasting Holdings (ZBH) and Transmedia, a signal transmission service provider. ZBH has since been split into business units which are financially independent and are expected to sustain their operations from revenue generated. The corporation has however continued to face serious financial problems as evidenced by failure to pay service providers and also delays in paying salaries to employees.

• **ALERT**

Date: June 6, 2004

Persons/Institutions: Africa Tribune Newspapers (ATN) (Pvt) Ltd (The Tribune)

Violation(s): Censored

The government appointed Media and Information Commission (MIC) has shut down the media house, The Africa Tribune Newspapers, (ATN) publishers of "The Tribune" newspaper on allegations of breaching section 67 of the Access to Information and Protection of Privacy Act (AIPPA). MIC closed the paper in terms of section of section 71 of AIPPA.

In a press statement, MIC chairperson Tafataona Mahoso says that the media house breached section 67 which stipulates that the commission must be informed of any changes in the titles, frequency and ownership of a licensed Media house. MIC says the media house failed to:

1. Report material changes in terms of section 67

2. Failure to answer critical questions once the opportunity to do so was provided.

3. Misrepresentation of important information in an attempt to mislead the Commission.

MIC says as a result of the reasons provided, the newspaper will be shut down for a year. The

publisher of The Tribune, Kindness Paradza told MISA-Zimbabwe that the MIC letter to the ATN states that ATN failed to inform the MIC that The Tribune newspaper, initially published on Thursdays as The Business Tribune and on Saturdays as The Weekend Tribune had been merged into one. The Tribune is now published on Fridays only.

Paradza adds that the letter states that the paper changed its title, imprint and ownership without notifying the MIC. The letter also states that the paper employed an unaccredited journalist, Bekithemba Mhlanga as a reporter.

Paradza informed MISA-Zimbabwe that they never employed Mhlanga who made contributions through the “Letters to the editor” pages. Paradza also said that they challenge the closure tomorrow.

• **UPDATE**

Date: June 9, 2004

Persons/Institutions: Samuel Nkomo , Rachel Kupara, Michael Mattinson , Brian Mutsau

Violation(s): Censored

Four directors of The Associated Newspapers of Zimbabwe (ANZ), publishers of the banned “Daily News” and “Daily News on Sunday” pleaded not guilty on Wednesday, June 9 2004, to charges of publishing without a licence.

The four face charges under section 66 of the Access to Information and Protection of Privacy Act, (AIPPA), for publishing without a license from the government appointed Media and Information Commission. The state contends that ANZ directors, Samuel Nkomo and directors Rachel Kupara, Michael Mattinson and Brian Mutsau published the “Daily News” illegally on October 24 2003, six weeks after it was shut down. The comeback edition was published a day after the administrative court ruled that the Media and Information Commission (MIC) had erred in denying the ANZ a licence when it applied for one in September 2003.

MIC executive chairperson, Dr Tafataona Mahoso testified that the newspaper editors misinterpreted the court ruling and should have waited before restarting publication of the newspaper. The Administrative court had on October 23 2003 ordered that the ANZ be granted a licence by November 30. Resuming publication immediately was “the accused’s interpretation” of the judgment, said Tafataona Mahoso.

“Following the judgment of October 23 2003, it (the paper) should have waited until after the 30th of November,” he contended. “In my understanding, the Associated Newspapers of Zimbabwe was publishing outside the law,” said Mahoso.

On July 12 the four ANZ directors sought a court ruling discharging them from charges of having printed the “Daily News” illegally on October 25, 2003. The Directors say the state has failed to prove its case against them.

On September 20 2004, the ANZ and its four directors who were being jointly charged with contempt of court and publishing The Daily News without the requisite licence, were acquitted of the charges.

• **UPDATE**

Date: June 21, 2004

Persons/Institutions: Africa Tribune Newspapers (ATN) (Pvt) Ltd (The Tribune)

Violation(s): Censored

On June 21 2004, the High Court reserved judgment in the case in which Africa Tribune Newspapers (ATN) (Pvt) Ltd, the publisher of “The Tribune” weekly newspaper are challenging the Media and Information Commission’s (MIC) decision to cancel its license.

On July 21 2004, the high court upheld a decision by the Media and Information Commission to suspend the license of The Tribune newspaper for a year.

• **ALERT**

Date: July 1, 2004

Persons/Institutions: Media in Zimbabwe

Violation(s): Legislation (threatening)

Zimbabwe's Parliament has passed a tough new Bill that allows police to hold suspects for three weeks before they are brought to court. The Criminal Procedure and Evidence Amendment Bill was passed late on July 1, 2004, despite stiff resistance from the opposition Movement for Democratic Change (MDC), said the party's shadow justice minister David Coltart.

Under the Bill, suspects arrested on suspicion of corruption or violating security laws would be detained for up to 21 days instead of the 48 hours previously allowed to schedule a court appearance. The Bill will now be presented to President Robert Mugabe who is expected to sign it into law.

• **ALERT**

Date: August 23, 2004

Persons/Institutions: Tawanda Mudimu

Violation(s): Beaten

On August 23 2004, "Herald" newspaper photographer Tawanda Mudimu was harassed by police officers while taking pictures of a prominent gospel musician who arrived at the Harare Magistrates Court for initial remand hearing. The policemen who were escorting gospel singer Charles Charamba into the court buildings, damaged Mudimu's camera worth \$10 million (approximately US\$1 886) as they tried to prevent him from taking pictures of the musician. According to the "Herald", a report was made at the Harare Magistrates police post.

• **ALERT**

Date: September 16, 2004

Persons/Institutions: Bornwell Chakaodza

Violation(s): Threatened

On September 16 2004, the Media and Information Commission (MIC) issued an October 1 2004 deadline to editor of the privately-owned "Standard" weekly newspaper, Bornwell Chakaodza, to submit a negative of the photograph of President Robert Mugabe taken at the Harare Agricultural Show in August this year.

On August 29 2004, the "Standard" published a front page photograph of President Mugabe hitching up his trousers under a headline titled "Smartening Up". MIC chairman Dr Tafataona Mahoso, claimed the Commission had received "numerous telephone complaints" about the photograph. In a final letter of demand for information requested to assist with the investigations dated September 28, 2004, Mahoso warns Chakaodza and the publishers of the paper, that failure to comply by October 1, 2004, would compel the MIC to proceed against them in terms of Section 50 subsection (2) and (3) and 52 of the Access to Information and Protection of Privacy Act (AIPPA) as well as Section 12 (b) of the Commissions of Enquiry Act.

• **ALERT**

Date: September 23, 2004

Persons/Institutions: Vincent Kahiya, Raphael Khumalo, Augustine Mukaro

Violation(s): Detained

On September 23 2004, Editor Vincent Kahiya, General Manager Raphael Khumalo, and reporter Augustine Mukaro of the privately owned "Zimbabwe Independent", were arrested by the police on allegations of abusing journalistic privilege under the Access to Information and Protection of Privacy Act (AIPPA). The arrest of the three follows the publication of a story linked to the treason trial of Morgan Tsvangirai, the leader of the opposition Movement for

Democratic Change (MDC).

The three who were detained at Harare Central Police Station were picked up from their work place in Harare at approximately 10h00 on September 23, 2004. Confirming the arrests, Iden Wetherell, the publishing company's group projects editor, said the police had recorded warned and cautioned statements from the three before releasing them at around 16h00 the same day. They had been charged under Section 80 C (ii) of AIPPA, which deals with abuse of journalistic privilege. They were asked to report back at Harare Central Police Station at 09h00 on September 28, 2004.

• **ALERT**

Date: September 30, 2004

Persons/Institutions: Tawanda Majoni

Violation(s): Victory

On September 30 2004, the High Court quashed a three-month jail term imposed against Tawanda Majoni, the assistant editor of the privately-owned "Sunday Mirror", by a board that had been convened by the Commissioner of Police in September 2002. Majoni was found guilty of breaching the Police Act and told to pay a fine of \$500 failure of which he would be jailed for 10 days. Majoni was arrested on September 12, 2002, and charged under the Access to Information and Protection of Privacy Act (AIPPA) for allegedly writing falsehoods about the health of Police Commissioner Augustine Chihuri and for breaching the Police Act. Charges under AIPPA fell away.

• **ALERT**

Date: September 30, 2004

Persons/Institutions: Frank Chikowore

Violation(s): Censored

On September 30 2004, freelance journalist Frank Chikowore was barred from covering the initial remand hearing of women protestors who were arrested in the town while on their way to Harare to protest against the controversial Non-Governmental Organisations (NGO) Bill. The police confiscated Chikowore's national identity card and passport and told him to collect the documents in question upon production of his press accreditation card issued by the Media and Information Commission (MIC).

• **ALERT**

Date: October 5, 2004

Persons/Institutions: Tsvangirai Mukwazhi, Desmond Kwande and Howard Burditt

Violation(s): Detained

On October 5 2004, photo-journalists Tsvangirai Mukwazhi, Desmond Kwande and Howard Burditt were arrested outside Parliament Building in Harare while covering a demonstration by women protestors demonstrating against the proposed Non-Governmental Organisations Bill. The three were taken to Harare Central Police Station where they were detained till the next day after their arrest around 15h00. Mukwazhi and Burditt are freelance photo-journalists while Kwande works for the privately-owned "Daily Mirror".

• **ALERT**

Date: October 6, 2004

Persons/Institutions: Media in Zimbabwe

Violation(s): Legislation (threatening)

The Access to Information and Protection of Privacy Act (AIPPA) Amendment Bill which will

tighten the controversial media law was tabled in Parliament on 6 October 2004. Among others, the Bill seeks to provide a penalty fine and imprisonment term for journalists practicing without government accreditation.

• **ALERT**

Date: October 6, 2004

Persons/Institutions: Richard Musazulwa

Violation(s): Detained

On October 13, 2004, special correspondent of the privately-owned “Standard” weekly newspaper Richard Musazulwa, appeared in court on charges of publishing falsehoods under the Access to Information and Protection of Privacy Act (AIPPA) arising from a story published in January 2004. The story alleged that hungry ZANU PF youths had stormed a Heroes luncheon hosted by military chiefs at Thornhill Airbase in Gweru.

He was charged with contravening Section 80 (1) (b) of AIPPA which deals with the publication of falsehoods. He was granted \$50 000 bail and remanded to October 26, 2004.

• **ALERT**

Date: October 13, 2004

Persons/Institutions: Members of the Zimbabwe Social Forum

Violation(s): Other

On October 13 2004, Zimbabwe Police barred members of the Zimbabwe Social Forum from holding a meeting scheduled for October 14, 2004, in the Harare Gardens claiming that the meeting would disturb public order. The Forum comprises anti-globalisation activists, social movements, NGOs, community based organisations, faith-based groups and unions opposed to neo-liberalism. The meeting was to be convened under the theme “People’s Forum Against Poverty, Gender Inequality and Oppression” and was meant to prepare for Zimbabwe’s participation in the forthcoming Africa and World Social Forums scheduled to be held in Zambia in December 2004 and in Brazil in January 2005.

• **ALERT**

Date: October 13, 2004

Persons/Institutions: Movement for Democratic Change (MDC)

Violation(s): Other

The government will not allow the opposition Movement for Democratic Change (MDC) access to the public media ahead of the parliamentary elections slated for March 2005, the Minister of Legal and Parliamentary Affairs, Patrick Chinamasa said in Harare on October 13, 2004.

The SADC Principles and Guidelines Governing Democratic Elections which, among other provisions, stress the need for political tolerance, binds member states to allow all political parties equitable access to the state media. On the ruling party’s monopoly of the state media, he said the scales were in fact tilted in favour of the MDC which he said enjoyed extensive coverage by CNN and the VOA.

• **ALERT**

Date: October 13, 2004

Persons/Institutions: Owen Matava

Violation(s): Detained

On 13 October 2004, the editor of the Kwekwe-based “Midlands News” Owen Matava, was picked up by police in Kwekwe and questioned over a story on the alleged retirement plans of the Governor of the Midlands Province, Cephass Msipa.

Matava was picked up from his offices and taken to the Gweru Central police station where he endured nine hours of questioning before he was released at about 4.45 pm.

The police recorded his warned and cautioned statement and said they would notify him of when he would appear in court by way of summons.

On September 18, 2004, the weekly "Midlands News" published a story which said Msipa would be retiring from the government at the end of the year. Msipa is denying reports of his alleged retirement plans.

• **ALERT**

Date: October 15, 2004

Persons/Institutions: Desmond Kwande

Violation(s): Detained

On October 15 2004, "Daily Mirror" photojournalist Desmond Kwande was arrested outside the High Court Buildings in Harare, just after the acquittal of opposition MDC leader Morgan Tsvangirai on treason charges. Kwande was on his way to the "Daily Mirror" offices when he was stopped by members of the riot police who demanded he handover his camera for "vetting". Kwande was bundled into a police open truck and driven to Harare Central police station around noon.

• **ALERT**

Date: November 24, 2004

Persons/Institutions: BBC, The Times, Telegraph, Sun, Mirror

Violation(s): Expelled

BBC journalists and several others working for British newspapers have been banned from covering England's cricket tour of one-day internationals which begins in Harare on Friday, November 26. According to an AFP report, on November 24, 2004, the decision to deny 13 of the 36 visa requests from British media outlets was made on political grounds. Journalists from "The Times", "Telegraph", "Sun", "Mirror", and their Sunday editions, also had their applications turned down by the government.

Under the controversial Access to Information and Protection of Privacy Act (AIPPA), all foreign journalists should apply for accreditation at least a month before their planned visit to Zimbabwe.