



## The Access to Information and Protection of Privacy Act: Five Years On

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### TABLE OF CONTENTS

- I. Introduction
- II. AIPPA: Overview and Critique
- III. The Overall Context
  - III.1 Other Repressive Legislation
    - III.1.1 The Public Order and Security Act
    - III.1.2 The Broadcasting Services Act
    - III.1.3 Criminal Law (Codification and Reform) Act
    - III.1.4 General Laws Amendment Act
  - III.2 Control over the Public Media
  - III.3 General Harassment of the Media
- IV. Content Restrictions
- V. Newspaper Registration: Closure of The Tribune, The Weekly Times and *The Daily News*
  - V.1 Update Chronicle of the ANZ Legal Battle
  - V.2 Analysis of the ANZ Judgment
- VI. Accreditation of Journalists: The IJAZ Case
- VII. Conclusion

Annex: Table of Violations

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## I. Introduction

The Access to Information and Protection of Privacy Act, commonly referred to as AIPPA, was passed by the Parliament of Zimbabwe on 31 January 2002 and signed into law by President Mugabe on 15 March 2002. Since its enactment five years ago, Zimbabwean journalists and media practitioners continue to endure harassments and threats as the media landscape continues to shrink following the closure of four privately owned newspapers. This has left the media with little space to fulfil its public watchdog role as the fourth estate. Citizens have thus been deprived of their right to free expression and the right to access information.

AIPPA has been deployed as the leading weapon to stifle independent media reporting in Zimbabwe by the government and the ruling ZANU PF. Several other laws have also been formulated or are being contemplated to compliment provisions of the restrictive law, namely the Criminal Law (Codification and Reform Act), General Laws Amendment Act, Constitutional (No 17) Amendment Act and the Interception of Communications Act in 2007.

Enforced with draconian zeal by the former Minister of Information and Publicity, Jonathan Moyo, AIPPA's trail of destruction can be traced to its enactment in 2002 and the plethora of arrests, intimidation, harassment and measures of control which immediately followed. These have been directed at media workers of all sorts – journalists, photographers, vendors and even newsroom drivers – as well as media outlets, in particular, the independent print media.

Media space in Zimbabwe has continuously shrunk since the closure of the Associated Newspapers of Zimbabwe (ANZ), publishers of the mass circulating *The Daily News* and *The Daily News on Sunday*, on 12 September 2003. The government's determination to maintain AIPPA as its shield against criticism and exposure of corruption in high offices came in the wake of the closure of African Tribune Newspapers (ATN), publishers of *The Tribune* in June 2004 and that of *The Weekly Times* in February 2005.

The ATN had its licence suspended for a year in terms of Section 67 and 71 of AIPPA. The Media and Information Commission cancelled the ATN licence after it failed to inform the Commission that its two weeklies, *The Business Tribune* and the *Weekend Tribune* had been merged into one publication, *The Tribune*.

A brief history of the adoption of AIPPA provides some context as to why such a repressive piece of legislation was adopted and is still operational up to date. An important part of the context is the growing challenge within Zimbabwe to ZANU PF's political dominance. By 1999, ZANU PF was confronted with an increasingly popular opposition party, the Movement for Democratic Change (MDC), as well as an increasingly independent and assertive print media. This led to an intensification of attempts to muzzle the independent media.

The 2000 Constitutional Referendum marked a turning point in the fortunes of the ZANU PF party and an important milestone in the political history of Zimbabwe. In the Referendum, the people resoundingly rejected the government-sponsored draft constitution, the first time that ZANU PF had ever been defeated in an election. A key concern was that, even though the Constitutional Commission that produced the draft had been handpicked by the government, the executive

## AIPPA Five Years On

insisted on a number of clauses in the draft constitution, including one mandating official acquisition of land, on a compulsory basis and without compensation. The referendum loss was the first indication that ZANU PF was staring to lose its erstwhile almost total grip on political power. It also heralded a period of political violence and economic decline, after a period of relative calm and prosperity.

It should also be noted that in its determination to execute the failed projects in the referendum, the ZANU PF dominated parliament passed, against protests by the opposition, civic society organisations and the general populace, a controversial 17<sup>th</sup> amendment to the national constitution in August 2005. Among other contentious clauses, the Constitutional Amendment Act strips the right to the courts by aggrieved parties in cases where their property has been acquired by the State. The only appeal allowed is for compensation for the improvements on property such as land. This violates Zimbabwe's international obligations, particularly Article 7 (1) of the African Charter on Human and Peoples' Rights, which states, "every individual shall have the right to have his case heard". This right includes "the right to appeal to competent authority organs against acts violating his fundamental rights as recommended and guaranteed by conventions, laws, regulations and customs in force".

After near defeat in the parliamentary elections of 2000, ZANU PF, as the governing party, put in place a number of measures to increase its control over the media, access to information and the electoral process. These measures intensified in the lead-up to the presidential election of March 2002, although AIPPA was passed into law only after Mugabe had been declared the victor in that election.

A particular aspect of these measures was the emergence on the Zimbabwe political scene of a new breed of State-sponsored militias, created to terrorise political dissent, regardless of the form it took. The government trained youths in military strategy under the guise of the controversial National Youth Training Service. The brutal violence perpetrated by these militias is well-known and more than 180 people were reportedly murdered in the name of land redistribution and the oft-abused concept of sovereignty between February 2000 and March 2002.

The government also acted to further tighten its already considerable control over the government media, both print and broadcast, including Zimbabwe Broadcasting Holdings (ZBH) and leading newspapers such as *The Herald*, *The Sunday Mail* and *The Chronicle*. Control of the broadcast or print media by government has been tightened through appointments to the board of Zimbabwe Papers (Zimpapers), the publishing house for state print media and ZBH, which is the sole broadcasting licensee in Zimbabwe. Despite the two being public companies, appointment to the boards has been solely by handing of "politically correct" individuals by government without consultations with the public or at least parliament.

The year 2005 sadly saw the ubiquity of this onslaught against basic freedoms get murkier in the wake of reports that the country's secret service, the Central Intelligence Organisation (CIO) had acquired a controlling stake in the 'privately owned' Zimbabwe Mirror Newspapers Group, publishers of the *Daily Mirror* and *Sunday Mirror*.

Only three privately owned newspapers continue to report critically on the situation in Zimbabwe and these are *The Financial Gazette*, *Zimbabwe Standard* and *Zimbabwe Independent*.

## AIPPA Five Years On

Editorial policy at the state media, both print and broadcasting has also been dictated through the appointment of sympathetic individuals to run newsrooms as editors and senior staff. This has seen the country's sole public broadcaster being manned by inexperienced personnel as evidenced by the poor quality of news and programme content.

The government also introduced a number of repressive laws, starting with the Broadcasting Services Act 2001, passed on 4 April 2001, which gives the government extensive control over any future private broadcaster, should licences ever be issued (so far, none have). This was followed by the Public Order and Security Act (POSA) 2002, adopted on 10 January 2002, shortly before the presidential elections and then by AIPPA in March 2002. POSA imposes a number of stringent content restrictions on the media and also poses strict limits on demonstrations and public gatherings.

Further, the Criminal Law (Codification and Reform) Act and General Laws Amendment Act, which further tighten existing media laws, were passed on 2 June 2005 and 3 February 2006 respectively.

With the signing into law of the Criminal (Codification and Reform) Act, it will be increasingly difficult for the few journalists who are still employed to perform their newsgathering tasks without fear or favour.

Zimbabwean journalists now risk spending 20 years in jail following the signing of the Bill into law as the new Act introduces harsher penalties than those provided for under POSA and AIPPA.

A journalist convicted of contravening Section 31 (a) of the Act will be jailed for a period not exceeding 20 years or to a fine of up to Z\$2,5 million (about US\$25) or to both such fine and imprisonment.

Notwithstanding the enactment of the Codification Act, the Bill yet again seeks to tighten POSA by increasing the penalty fees against journalists convicted for publishing statements that undermine the authority of the President.

AIPPA, itself, seeks to control the independent media in a number of key ways. It grants wide-ranging powers to a Media and Information Commission, which is firmly under government control, and imposes registration/licensing requirements on both media outlets and individual journalists. It also imposes a number of strict content restrictions on the media.

The conviction of Botswana journalists under AIPPA demonstrates the government's zeal to maintain an iron fist on the right to free expression and media freedom and throws into serious doubt its pledges to the African Commission on Human and Peoples' Rights to repeal/amend AIPPA, the Public Order and Security Act and the Broadcasting Services Act.

Beauty Mokoba and Keketso Seofela from Botswana Television (BTV) made history when they became the first journalists to be convicted under AIPPA since its promulgation in 2002. The two pleaded guilty to contravention of Section 83 (1) of the Act which prohibits "...persons other than accredited journalists (to) practise as a journalist (or to) be employed **as such...**"

## AIPPA Five Years On

The two were also convicted on their own plea to contravention of Section 12(1) of the Immigration Act. The pair was arrested on 30 April 2006 in Zimbabwe's south-western town of Plumtree while covering an outbreak of a foot-and-mouth disease and cross-border cattle rustling between the two countries as possible causes for the spread of the epidemic.

The news crew was only able to return to Botswana on 2 May 2006 following their release and subsequent appearance before a Plumtree magistrate. They were each granted Z\$4 million bail. On 9 November 2006 Plumtree Magistrate Mark Dziva subsequently fined them Z\$4,000 (US\$16) for practicing journalism in the country without prior accreditation from the Media and Information Commission and Z\$1,000 (US\$4) for being in the country illegally

These events pose serious challenges to media freedom as envisaged under the Windhoek Declaration as it defines Zimbabwe as a no-go area for foreign journalists notwithstanding the difficult environment that local journalists operate under.

This is amply demonstrated by the continued unlawful arrest, harassment and intimidation of journalists working for the private media while conducting their professional duties.

And as the 2008 presidential, parliamentary and local government elections beckon, the Zimbabwean government appears more determined than ever in its quest to shut out all forms of dissent as evidenced by its unashamed attacks and assault of human rights activists and the unlawful detention of journalists covering national events as they unfold.

The evidence of the ruling Zanu PF's intolerance to opposing views came to the fore towards the end of 2006 and in March 2007 when riot police brutally crushed planned demonstrations and political rallies leading to the hospitalisation of prominent opposition and trade union leaders.

Wellington Chibhebhe the secretary-general of the Zimbabwe Congress of Trade Unions (ZCTU) was hospitalised after he was severely assaulted by the police when they cordoned off Harare's central business district on 13 September 2006 ahead of planned protests organised by the umbrella labour body to protest against the worsening economic hardships spawned by a hyper-inflationary environment.

The worst was still to come. Morgan Tsvangirai, the leader of the official opposition party sustained serious head injuries on 11 March 2007 when he was assaulted by the police resulting in his admission in the intensive care unit at the Avenue Clinic in Harare.

Lovemore Madhuku the chairman of the National Constitutional Assembly was given similar treatment on the same day together with other leaders of the MDC and human rights defenders. Photojournalist Tsvangirai Mukwazhi and Tendai Musiyazviriyo, a freelance television producer, who both freelance for Associated Press, were detained for two nights together with the opposition leaders after the police cordoned off Zimbabwe Grounds in Highfield, venue of a planned national day of prayer organised under the auspices of the Save the Zimbabwe Campaign.

Mukwazhi were severely assaulted by the police while in custody at Machipisa Police Station. Gift Phiri, the chief reporter of The Zimbabwean met with a similar fate when he was arrested at Sunningdale Shopping Centre in Harare on 1 April 2007.

## AIPPA Five Years On

These developments should be viewed against the three-month ban imposed by the police on 21 February 2007 against political rallies and demonstration in Harare in breach of universally acclaimed democratic practices and norms.

The trampling of these fundamental rights to freedom of expression, assembly and association notwithstanding the unlawful arrests of journalists conducting their lawful duties of gathering and disseminating information depicts a repressive environment backed by oppressive laws such as the Access to Information and Protection of Privacy Act (AIPPA), Public Order and Security Act (POSA), Broadcasting Services Act (BSA) and a battery of other restrictive legislations.

This is despite the assurances given by the government to the African Commission on Human and Peoples' Rights (ACHPR) acknowledging the restrictive nature of AIPPA and POSA and that it would seriously consider revisiting the laws in question.

These measures have, cumulatively, resulted in a high degree of control on the part of the government over the flow of information and a corresponding shrinking of the space for freedom of expression in Zimbabwe. They have also coincided with an extremely severe economic crisis, which has seen unprecedented contraction in the economy, as well as a period of serious social and political unrest, and violence.

This report is an updated version of an analysis focusing on the first two years of AIPPA (*AIPPA Two Years on*) carried out by MISA-Zimbabwe and Article 19: London. This analysis adds to the previous analysis up to the second half of the year 2007. It describes the legislation, critiquing it and providing an overview on how it has been implemented and the impact this has had on the free flow of information and ideas in Zimbabwe. It also provides an overview of the context in which AIPPA operates, including other repressive laws and measures, which prevent independent perspectives from being voiced.

### **II. AIPPA: Overview and Critique**

The enactment of additional anti-media freedom laws such as the Criminal Law (Codification and Reform) Act, Constitutional Amendment (No 17) Act, among others, demonstrates the government's determination to cling to repressive laws that curtail basic freedoms such as freedom of expression, assembly, association and the right to know through access to information held by public bodies.

These laws are being enacted to close whatever loopholes might exist making it difficult to win convictions under AIPPA or POSA, as is increasingly becoming evident since the two laws came into force. The intentions to muzzle the press or any other critical voices through complimentary laws came to the fore when the government seized the passport of publisher Trevor Ncube on December 8 2005 upon his arrival from South Africa in terms of the Constitutional Amendment (No 17) Act.

No reasons were advanced for the unlawful seizure other than that Ncube was on a list of citizens whose passports were to be withdrawn. Ncube is the chairman of Zimind, publishers of the Zimbabwe Independent and Zimbabwe Standard weeklies. He is also the publisher of the South

## AIPPA Five Years On

African weekly Mail and Guardian. His passport was released after the Attorney-General's Office conceded that the seizure was unlawful.

The Access to Information and Protection of Privacy Bill was first published in an Extraordinary Government Gazette on 30 November 2001 and then submitted to the Parliamentary Legal Committee for its consideration. Despite widespread criticism from both the Parliamentary Legal Committee and a wide range of other local, as well as international, bodies, the Bill was passed by the Parliament of Zimbabwe on 31 January 2002, over the objections of the opposition MDC party, and signed into law by President Mugabe on 15 March 2002.

Amendments to AIPPA were signed into law on 13 October 2003. The main import of the amendments for current purposes was twofold. First, the requirement for three of the five members of the Media and Information Commission to be nominated by journalists' or media associations was removed. Second, the amendments tightened up provisions relating to the publication of false news, which had already been declared unconstitutional by the Supreme Court in May 2003.

AIPPA was, as has been noted, subject to much national and international criticism. On 29 January 2002, just two days before it was passed, the Parliamentary Legal Committee roundly criticised the Bill as being unconstitutional<sup>1</sup>. The Chairman of the Committee, the late Dr Eddison Zvobgo, described the original version of the Bill as "the most calculated and determined assault on our (constitutional) liberties, in the 20 years I served as Cabinet Minister"<sup>2</sup>. He went on to assail the constitutionality of 16 provisions in the Bill. The version that was finally adopted differed only slightly from the version that was subjected to such serious criticism by a Parliamentary Committee dominated by members of the ruling party.

As its name implies, AIPPA does formally establish a right to access information held by public bodies. However, this right is so limited by exclusions and exceptions that its practical impact has been extremely limited. AIPPA does also impose limits on the collection of personal information by public bodies and the uses to which such bodies may put this information. However, the bulk of the provisions in AIPPA have nothing to do with either access to information or privacy. Instead, they impose a range of harsh restrictions on media freedoms.

Some of the more problematical aspects of AIPPA from the perspective of freedom of expression and of the media include the following:

- ❖ It allocates very substantial regulatory powers over media outlets and individual journalists to the Media and Information Commission (MIC), a body which is subject to extensive direct and indirect government control.
- ❖ All media outlets and any business disseminating media products must obtain a registration certificate from the MIC.
- ❖ Accreditation must be obtained from the MIC before anyone may work as a journalist, effectively a form of licensing.

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<sup>1</sup> See Zimbabwe Parliamentary Debates Volume 28, No 46, starting at column 4166

<sup>2</sup> See Zimbabwe Parliamentary Debates Volume 28, No 46, starting at column 4166

## AIPPA Five Years On

- ❖ Foreigners and non-resident Zimbabweans are precluded from owning shares in Zimbabwean media outlets, although they may be minority shareholders in companies which own media shares.
- ❖ Local and foreign media outlets may only employ Zimbabwean citizens or permanent residents.

AIPPA also includes two sections limiting the content of what may be published, section 64, titled “Abuse of freedom of expression”, and section 80, titled “Abuse of journalistic privilege”. These sections are now effectively identical in terms of the limits they impose on what may be published or broadcast. However, in the original version (before the October 2003 amendments), section 80 was broader and criminalized, among other things, the publication of ‘falsehoods’, with the possibility of imprisonment for up to two years.

The Parliamentary Legal Committee identified some 20 sections that were the ‘most offending’ of the Constitution and substantively critiqued many of these. It was highly critical of the broad powers allocated to the MIC, although it did not specifically criticise the fact that this body is effectively government controlled. The Committee was also highly critical of the registration regime for newspapers, stating that, “the only possible reason for this provision is to impose control by government over mass media owners and their products.”<sup>3</sup> It went on to note that the rules relating to registration – which include a two-year renewal period, grounds for suspending registration, such as a failure to pay certain charges, and a requirement of re-registration for even minor changes, such as an extension of distribution – made it practically impossible to operate a media outlet. The Committee was similarly dismissive of the rules regarding accreditation of journalists, noting that any such attempt violated the constitutional guarantee of freedom of expression. Regarding the wide restriction on foreign ownership of the media, the Committee noted that there were 100s of Zimbabweans who owned foreign newspapers and that it was clear, “beyond any reasonable doubt”, that the restriction was unconstitutional. The Committee also criticised the equivalent of what is presently section 64, as well as section 80, stating, in relation to the latter, that, “it is apparent that no regard was taken of the imperatives of Section 20 of the Constitution [guaranteeing freedom of expression].” All of these criticisms by the Parliamentary Legal Committee find support in international guarantees of the right to freedom of expression.

### ***II.1 Freedom of Information***

AIPPA establishes a general right to access information held by public bodies (section 5). This is a welcome development. However, the regime of exceptions is so comprehensive as to render any right to information largely illusory. Furthermore, review of refusals to disclose information is heard by the Media and Information Commission, a body controlled by the government, rather than by an independent body.

Several provisions in AIPPA provide for exceptions. The First Schedule lists a number of categories of documents to which the Act does not apply (pursuant to section 4). These include, among others, records containing teaching materials or research information of employees of a post-secondary educational body, any record that is protected in terms of the Privileges, Immunities and Powers of Parliament Act and material placed in the National Archives or the archives of a national body by or for a person or agency other than a public body. Section 9(4) (c)

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<sup>3</sup> See Zimbabwe Parliamentary Debates Volume 28, No 46, starting at column 4166



## AIPPA Five Years On

provides that public bodies do not have to provide information where granting access “is not in the public interest”. Sections 14 – 25 provide for a comprehensive regime of exceptions from the duty to disclose information. Exceptions include all cabinet documents, including draft legislation, advice or recommendations provided to public bodies (with some exceptions) and information whose disclosure would affect relations between different levels of government or which may result in harm to the economic interest of the public body.

Pursuant to section 5, non-citizens and any mass media outlet which is not registered do not have the right to request information under the Act. The Media and Information Commission is responsible for reviewing, upon request, any refusal to grant access to information (sections 9(3) and Part X).

The right to access information held by public bodies is part of the general right to freedom of expression, which includes the right to seek and receive information. In 2002, the African Commission on Human and Peoples’ Rights adopted the *Declaration of Principles on Freedom of Expression in Africa*, which states:

### IV *Freedom of Information*

1. Public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law.
2. The right to information shall be guaranteed by law in accordance with the following principles:
  - everyone has the right to access information held by public bodies;
  - everyone has the right to access information held by private bodies which is necessary for the exercise or protection of any right;
  - any refusal to disclose information shall be subject to appeal to an independent body and/or the courts;
  - public bodies shall be required, even in the absence of a request, actively to publish important information of significant public interest;
  - no one shall be subject to any sanction for releasing in good faith information on wrongdoing, or that which would disclose a serious threat to health, safety or the environment save where the imposition of sanctions serves a legitimate interest and is necessary in a democratic society; and
  - secrecy laws shall be amended as necessary to comply with freedom of information principles.
3. Everyone has the right to access and update or otherwise correct their personal information, whether it is held by public or by private bodies.

To the extent that AIPPA guarantees the right to information, it is welcome. However, the right to information as provided for is so thoroughly undermined by the very broad regime of exclusions and exceptions, as described briefly above, as to render the right essentially nugatory.

## AIPPA Five Years On

Many of the exceptions are seriously overbroad. An example is section 9(4) (c), which relieves public bodies of their obligation to disclose information whenever this is deemed not to be in the public interest. This reverses the normal approach, favouring openness, whereby information must be disclosed where this is in the public interest (see below). Furthermore, many exceptions do not require harm, termed “class exceptions”, contrary to international standards in this area. For example, section 18(1) (a) (i) provides that information shall not be disclosed where this would “affect” relations between the government and a municipal or rural district council. Under this provision, no harm is required; indeed the effect on the stipulated relations might be entirely salutary.

It is now widely accepted that exceptions in a freedom of information law must be subject to a general public interest override, whereby the information must be disclosed, even where such disclosure will harm a legitimate interest, where the public interest in having the information outweighs this harm. AIPPA does not contain a public interest override.

Any refusal to disclose information should be subject to appeal to an independent body. Unfortunately, as detailed below, the Media and Information Commission, to whom appeals lie under AIPPA, is firmly under government control and, therefore, lacks sufficient independence to undertake this important and politically sensitive task.

It may be noted that, given the fact that the bulk of AIPPA is devoted not to the matter of access to information but rather to regulating and controlling the media. Tainted in this way, few will be interested in using AIPPA’s access provisions.

### ***II.2 The Media and Information Commission***

The acquittal of Daily News journalist Kelvin Jakachira on charges of practicing journalism without accreditation on 31 August 2005 assisted in illuminating and bringing to the fore the professional conduct of the Media and Information Commission (MIC).

Viewed differently, it was the MIC, and not Jakachira, which was on trial as to whether the Commission can be trusted with the fair and impartial adjudication of matters pertaining to the media and makes a strong case for media self-regulation as opposed to statutory regulation as epitomised by the MIC.

In her judgment delivered on 31 August 2005, Harare magistrate Prisca Chigumba, described the evidence led by the State’s sole witness, MIC executive chairman Dr Tafataona Mahoso, as vague and confusing. Chigumba said it was common cause that Jakachira did submit his application in time and had thus complied with the application procedures as stipulated under AIPPA.

According to Section 82 of AIPPA one is deemed to have applied for registration upon lodging one’s application with the MIC and is entitled to continue practicing pending determination from the Commission.

The magistrate said the State, through Mahoso, had led unreliable evidence as to whether he had received Jakachira’s application, and whether a determination had been made and communicated to the accused.

## AIPPA Five Years On

This turn of events should be critically examined against the State's historical animosity towards the Daily News and its journalists who have variously been referred to as agents of imperialism bent on reversing Zimbabwe's gains as a sovereign nation.

Given that background vis-à-vis revelations made in court during the trial, the argument by MISA-Zimbabwe together with other progressive democratic forces, that the MIC as personified by Mahoso, cannot be trusted with the fair and impartial adjudication of matters pertaining to the media, becomes much more persuasive.

These assertions were reinforced by High Court judge Justice Rita Makarau's judgment on 8 February 2006 in which she ruled that the MIC board chaired by Mahoso was biased against the ANZ. Justice Makarau ruled that Mahoso was biased against ANZ, publishers of the banned Daily News and Daily News on Sunday.

The judge said the MIC's impartiality was tainted by the proven bias of Mahoso thereby barring all members of the Commission's board from involvement in the ANZ's protracted legal battle. It has been argued that the *quid pro quo* of members of the Commission being appointed by the Minister of Information is that they serve at the discretion of the Minister and the Executive.

While the acquittal of Jakachira strengthens the case for the repeal of AIPPA and the establishment of an independent self-regulatory body, it also exposed the hitherto undisclosed unproved intricate links between the Executive and the MIC in that the Commission at the material time was using the same postal address as that of the President's Office.

It was disclosed during evidence led in court during the trial of Jakachira that the MIC, did not even have its own private postal box but relied on the President's Office for its mail delivery service. This followed High Court judge Justice Rita Makarau's judgment in February 2006 in which she ruled that the MIC board chaired by Dr Tafataona Mahoso was biased against the ANZ. Justice Makarau ruled that Mahoso was biased against ANZ, publishers of the banned Daily News and Daily News on Sunday.

The judge said the MIC's impartiality was tainted by the proven bias of its chairman, Dr Tafataona Mahoso thereby barring all members of the Commission's board from involvement. Mahoso was non-committal if not evasive as to whether he had acknowledged receipt of Jakachira's application, let alone considered it as an individual application as required.

His evidence was that he had rejected wholesale the applications filed by the ANZ journalists because the publishing company was not registered with the MIC as required under AIPPA. Pressed by defence lawyer Beatrice Mtetwa, as to when he had received the application, Mahoso was stuck for an answer giving credence to the possibility that the MIC's mail is only delivered or forwarded to them at the pleasure and generosity of the President's Office.

Without evidence to the contrary, it therefore becomes difficult to dismiss off-hand concerns that with that kind of marriage in place, the MIC is by extrapolation simply an extension of the Ministry of Information. Put simply, it is the Ministry which decides which company and journalists should be registered and licensed to conduct the business of information dissemination.

## AIPPA Five Years On

The statutory closures of the Daily News, Daily News on Sunday, Weekly Times and The Tribune, smacks of intolerance and lack of appreciation of the vital role played by a free, independent and pluralistic media in the democratisation process as envisaged in the 1991 Windhoek Declaration.

AIPPA established the Media and Information Commission (Article 38) and gives this body a wide range of regulatory powers over the media, including in relation to refusals to disclose information, registration of the media, accreditation of journalists and monitoring media content (Articles 9(3) and 39). The Commission is governed by a Board, all of whose members are appointed by the Minister responsible for information, after consultation with the President (Article 40). Significantly, the requirement that three of the five members of the Media and Information Commission should be nominated by journalists' or media associations was removed by the 13 October 2003 amendments.

The Minister sets the term of office, as well as other terms and conditions of office, including allowances, appoints both the chair and the vice-chair, and may remove a member on a number of grounds, some of which are highly subjective (for example, where the member has conducted him- or herself in a manner which "renders him unsuitable") (Fourth Schedule, pursuant to Article 40 (3)). The Commission has broad investigative powers; more-or-less equal to those granted under the Commission of Inquiry Act (section 50) and, as detailed below, has broad powers to impose severe sanctions, including termination of a media outlet's registration or of a journalist's accreditation.

It is well established that bodies which exercise direct powers in relation to the media must be protected against political interference (i.e. that they must be independent of government). The reasons for this are obvious; otherwise there is a very real risk that media freedom will be undermined for political reasons, to the detriment of the public's right to know and democracy. The greater the powers of the body, the more important is the need for independence. As stated in the *Declaration of Principles on Freedom of Expression in Africa*, in relation to broadcast authorities:

Any public authority that exercises powers in the areas of broadcast or telecommunications regulation should be independent and adequately protected against interference, particularly of a political or economic nature.  
(Principle VII (1))

The same principle applies with greater force to regulatory bodies with powers over all media. Clearly the Commission lacks the required independence.

### **II.3 Registration of the Mass Media**

AIPPA requires all bodies which disseminate mass media products to obtain a certification of registration (section 66). Dissemination is defined to include "sale, subscription, delivery, diffusion or distribution". Furthermore, mass media products are defined to include an advertisement, any part of a periodical publication, "any electronically transmitted material, or audio or video recorded programme". As a result, this formally includes Internet providers, very small circulation, such as NGO publications, any store that rents videos, or even sells newspapers or music tapes, newspaper vendors and so on.

## AIPPA Five Years On

The certificate of registration must be obtained from the Media and Information Commission, and renewed every two years (sections 66(2) and (5)). The registration fee is set by the Minister, who is given broad discretion to apply higher fees to certain types of media services (section 70).

Only individuals who are citizens and companies where citizens have a controlling interest may own mass media outlets. Strict rules also relate to owning shares in media services restricting this to citizens, permanent residents and companies controlled by citizens or permanent residents. This means that residents may invest in mass media services, but not own them. Non-resident foreigners may invest in the mass media, but only indirectly, through companies controlled by Zimbabwean citizens or permanent residents (section 65).

The Commission is given broad powers to terminate or suspend the activities of a mass media service upon upholding a complaint against it or for breach of the law (section 71). Individuals who operate mass media services without a registration certificate are guilty of an offence and may be fined up to Zim\$300,000 (value in US\$ varies) and/or imprisoned for up to two years. In addition, a court may declare any equipment used in connection with the offence forfeited to the State (sections 72(2) and (3)). News agencies are also required to obtain a registration certification, with similar consequences in case of breach (section 74).

Foreign mass media may set up representative offices only with the permission of the Minister (section 90).

Technical registration requirements for the mass media and/or news agencies are not, *per se*, a breach of the guarantee of freedom of expression. However, such requirements are unnecessary and hence discouraged and they will fall foul of international guarantees if they are subject to political interference or if they are too broad in application. As the three specialised international mandates for protecting freedom of expression – the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression – stated in a Joint Declaration of 18 December 2003:

Imposing special registration requirements on the print media is unnecessary and may be abused and should be avoided. Registration systems which allow for discretion to refuse registration, which impose substantive conditions on the print media or which are overseen by bodies which are not independent of government are particularly problematical.

The system established by AIPPA, overseen by the Commission, with certain powers, for example in relation to fees, given to the Minister, clearly lacks sufficient protection against political interference. This problem is exacerbated by the excessively short registration period of only two years, which means that political interference can be brought to bear at regular intervals. The registration requirement is massively overbroad, covering all publications, no matter how small or irregular, and all forms of electronic communication, including the Internet.

Most serious, however, is the power of the Commission to refuse to register a media outlet, as it has in the case of *The Daily News* and *The Tribune*. This transforms it into a licensing system, not a technical registration system, which, at least for the print media, is quite clearly contrary to international law.

## AIPPA Five Years On

Ownership rules relating to broadcasting in other countries illustrate the illegitimacy of the AIPPA restrictions. For example, in South Africa, “foreign persons” are barred, directly or indirectly, from exercising control over a private broadcasting licensee, by owning more than 20% of the financial or voting interests in a licensee or from holding more than 20% of the directorships (*Independent Broadcasting Authority Act*, No. 153 of 1993, section 48). In Malawi, for non-community licences, the independent regulatory body, MACRA, may limit the financial or voting interest in the licence held by one or more foreign persons to forty per cent, as long as the restriction applies to all such licensees (*Communications Act 1998*, section 51(3)). In both of these countries, even less restrictive rules relate to ownership of the print media.

There are also serious problems with the system of sanctions for non-registration, and for other breaches of the law, in particular that it is excessively harsh and grants discretionary powers to the Minister, a political actor. Suspension and termination are, for media outlets, the most extreme sanction possible and should be applied, if at all, only after repeated and gross abuse of the law, as determined by a court. Similarly, for individuals the threat of imprisonment for non-registration, particularly where the scope of the registration requirement is so broad and unclear, is bound to exert a chilling effect on freedom of expression.

### **II.4 Accreditation of Journalists**

AIPPA only defines a journalist for purposes of Part XI (dealing with registration of the mass media), where they are defined broadly as anyone who “gathers, collects, edits or prepares messages and materials for the office of a mass media” (section 63). AIPPA does establish some rights for journalists, mainly in relation to access to information and to report in a manner consistent with their conscience (section 78). However, it also requires journalists to obtain accreditation and prohibits mass media outlets from employing anyone as a journalist who is not accredited (sections 79(1) and 83). Accreditation lasts for just 12 months, but may be renewed (section 84).

The Media and Information Commission is responsible for overseeing the process of accreditation (section 79). No one may be accredited as a journalist who does not possess the “prescribed qualifications” or who is not a resident citizen of Zimbabwe, although representatives of foreign mass media may be accredited for a limited period (section 79).

The Commission has broad powers to discipline journalists for breach of the code of conduct, including terminating or suspending accreditation, to impose fines of up to Zim \$50,000, to impose such conditions as it deems fit on their right to practise, and to refer them for prosecution (section 85).

The unbridled powers of the Commission came to the fore in April 2007 when it imposed a one-year ban against freelance journalist Nunurai Jena from practicing journalism in Zimbabwe.

The MIC ordered that Jena’s name be suspended from the roll of journalists for a one-year period beginning 3 April 2007 to 2 March 2008 (sic) effectively suspending him for 11 months.

Jena, who appeared before the Commission for a hearing over an expired accreditation card allegedly issued to him “in error” by the Commission was found to have contravened Section 79 (3)

## AIPPA Five Years On

of the Access to Information and Protection of Privacy Act (AIPPA) as read with regulations which incorporate Form AP5.

In a written determination the Commission ruled against Jena who filed an application for renewal of accreditation using Form AP5 instead of Form AP3 which regulates fresh applications as his circumstances had changed. Jena had changed his employment.

Further, the MIC said in his 2005 and 2006 application forms Jena had omitted to attach his photographs as required under AIPPA.

The MIC also penalised him for the errors committed by its official who issued accreditation cards to Jena on the basis of a recommendation but before the applications were approved, signed and stamped by the MIC chairperson Dr Tafataona Mahoso.

Media Lawyers Network lawyer, Tapiwa Muchineripi who represented Jena argued in vain that the MIC is mandated by Section 39 (1) (e) which deals with the functions and powers of the Commission to inform and educate the public about AIPPA, a function which it failed to perform in the case of Jena. He submitted that if the MIC had performed its duties as required it would have accordingly advised Jena to submit a fresh application.

Muchineripi's submissions in which he referred to a Supreme Court ruling in the case of *Mugabe and Mtezo versus the Law Society of Zimbabwe* that deletion from one's professional role is reserved for very serious offences fell on deaf ears. Regarding allegations that Jena had received an accreditation card issued on the basis of a recommendation and that the officer who made the recommendation had since been dismissed for "various acts of misconduct", Muchineripi's pleas that Jena had no control over the conduct of the MIC's employees and should therefore, not have been penalised for the employee's incompetence., was equally ignored.

Nevertheless, any obligation on individuals to be accredited as a journalist is incompatible with the right to freedom of expression. In an Advisory Opinion concerning a licensing scheme for journalists in Costa Rica, the Inter-American Court of Human Rights clearly stated the principle:

[T]he compulsory licensing of journalists does not comply with the (right to freedom of expression) because the establishment of a law that protects the freedom and independence of anyone who practices journalism is perfectly conceivable without the necessity of restricting that practice only to a limited group of the community. (*Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism*, Advisory Opinion OC-5/85, 13 November 1985, Series A, No. 5, para. 79)

This problem is exacerbated by the requirement that journalists must have certain "qualifications". The right to freedom of expression, which applies to all media, means that the State may not place conditions on individuals seeking to express themselves through the media, as the above quotation makes clear.

Furthermore, as has already been stressed, no powers in the area of the media should be exercised by bodies which are not independent. This condition is clearly not met in relation to

## AIPPA Five Years On

accreditation of journalists, given the extensive roles of both the Commission and the Minister. Again, this problem is exacerbated by the excessively short accreditation period of only 12 months.

The powers of the Commission to discipline journalists for breach of the code of conduct are unjustifiable not only because the Commission is not independent, but also because they apply in largely undefined circumstances and are excessively harsh. The only conditions placed on these powers are that there be a breach of the code of conduct and that the Commission gives the journalist a fair hearing. The power to terminate or suspend the right to practise journalists for breach of professional rules can never be legitimate.

### **II.5 Content Restrictions**

Section 80(1) imposes a number of restrictions on journalists, including:

- publishing falsehoods, and
- collecting and disseminating information on behalf of someone other than his or her mass media employer, unless he or she is a freelance journalist.

Breach of these provisions can lead to a fine of up to Zim\$100,000 or imprisonment for up to 2 years.

As has been noted, the first and most serious of these prohibitions was substantially amended in October 2003. As originally adopted, it represented a clear breach of the right to freedom of expression and ran directly counter to a recent ruling of the Supreme Court of Zimbabwe to this effect (see *Chavunduka and Choto v. Minister of Home Affairs & Attorney General*, 22 May 2000, Judgement No. S.C. 36/2000, Civil Application No. 156/99). The amended provisions are less clearly abusive but are still unnecessary and hence open to challenge.

### **III. The Overall Context**

AIPPA, although repressive enough of itself, does not operate in isolation but, rather, represents one element in a concerted attack against freedom of expression and political freedom. It is, as has been noted, supported by other repressive legislation, as well as informal measures designed to prevent independent media reporting and the expression of political dissent. This part of the report describes those measures in more detail.

#### **III.1 Other Repressive Legislation**

##### **III.1.1 POSA**

The Public Order and Security Act (POSA) was enacted on 10 January 2002, just before the presidential elections of that year. It is largely a reincarnation of the notorious Law and Order (Maintenance) Act (LOMA), which was introduced by the Colonial authorities in 1960. LOMA was widely used by the Rhodesian authorities to suppress civil dissent and many nationalists, including President Robert Mugabe, were victims of this repressive legislation, being detained for periods ranging up to many years. POSA was condemned by lawyers, human rights activists and journalists on the grounds that it contained several of the anti-democratic features of LOMA. The Act severely restricts freedom of assembly and movement, and provides the police with wide discretionary powers.

Some of the key features of POSA are:



## AIPPA Five Years On

- ❖ The police may prohibit demonstrations in an area for up to three months if they believe this is necessary to prevent public disorder.
- ❖ Public gatherings will not be allowed unless seven days notice is given to the police.
- ❖ The police are allowed to take measures, including lethal measures, to suppress an unlawful public meeting.

POSA also contains a number of provisions restricting freedom of expression. Section 15 effectively repeats the false news provision found in AIPPA, making it an offence to publish or communicate false statements which may be prejudicial to very broadly defined State interests, in the absence of reasonable grounds for believing they are true. Section 16 makes it a crime, punishable by imprisonment of up to a year, to make statements “knowing or realising that there is a risk or possibility” of engendering feelings of hostility towards, or cause hatred, contempt or ridicule of, the president”. It is quite clear under international law that special protection for public officials, and in particular senior public officials like the president, breach the right to freedom of expression; these officials should tolerate more, not less, criticism. This provision goes quite far in the opposite direction and, indeed, would prohibit much of what is considered normal electioneering in a democratic context.

### III.1.2 The Broadcasting Services Act

Until 2000, broadcasting in Zimbabwe was legally a State monopoly pursuant to section 27 of the Broadcasting Act, 1957. Capital Radio sought to obtain a broadcasting licence and, as part of this process, challenged the State broadcasting monopoly before the Supreme Court of Zimbabwe. In a judgment of 22 September 2000 (*Capital Radio (Private) Limited v The Minister of Information, Posts and Telecommunications*, Judgment No. S.C. 99/2000, Constitutional Application No. 130/2000), the Court held that the monopoly violated the constitutional right of freedom of expression by unduly limiting the public’s right to receive and impart information. The Court lamented the fact that the parties had failed to agree on a regulatory framework for broadcasting and, in light of this, ordered that the applicant be allowed to proceed to set up a broadcasting service.

Capital Radio started broadcasting on 28 September 2000 but the government quickly responded by raiding its offices and closing it down. It also promulgated the Presidential Powers (Temporary Provisions) Broadcasting Regulations, 2000, in early October 2000, under the Presidential Powers (Temporary Measures) Act. Under the latter, Regulations have a duration of six months. These Regulations set up a framework for broadcast regulation, including by requiring broadcasters to be licensed, and established a regulatory authority to undertake this task, the Broadcasting Authority of Zimbabwe (BAZ), under effective government control. Up until the present, no private broadcaster has been licensed under this legislation.

After the regulations expired in March 2001, the government tabled the Broadcasting Services Bill before Parliament. Despite strong criticism from national and international groups and an adverse Parliamentary Legal Committee report, which said eight sections of the Bill were in breach of the Constitution, the Bill was passed by Parliament on 4 April 2001.

Some of the key problems with the Act are as follows:

## AIPPA Five Years On

- ❖ The regulatory body, the Broadcasting Authority of Zimbabwe, is firmly under government control.
- ❖ The licensing system is controlled by the minister in his or her almost complete discretion; BAZ simply makes recommendations regarding licenses.
- ❖ Licensees are required to allocate one hour a week to the government, as well as to carry any messages of national interest, as directed by the minister.
- ❖ Only one national free-to-air broadcasting service for each of radio and television may be licensed, not including services provided by a public broadcaster.
- ❖ Only resident citizens may invest in or hold a directorship of a licensed service.
- ❖ No one is permitted to hold more than 10% of the shares of a licensed service, meaning that ownership of any broadcasting outlet must be shared among at least 10 different parties.
- ❖ For television stations, at least 75% of all programming must be from local or African sources, unless BAZ directs otherwise, and at least 40% of the local programming must come from independent sources.
- ❖ 10% of all programming must be in national languages other than Shona or Ndebele.
- ❖ The broadcasting of any false or misleading news is prohibited.

Capital Radio challenged the Act in a hearing before the Supreme Court in July 2002. Judgment was only rendered in the case over a year later, on 19 September 2003 (*Capital Radio (Private) Limited v. the Broadcasting Authority Of Zimbabwe; the Minister of State for Information and Publicity, and the Attorney-General of Zimbabwe*, Judgment No S.C. 128\02, Civil Application No 162\2001). The Court, under a new Chief Justice since the 2000 broadcasting judgment had been rendered, did strike down some of the more egregious provisions of the Act, including the following:

- section 6, providing that the minister, and not BAZ, should be the final licensing authority;
- section 9(1), limiting to one the number of national free-to-air broadcasting services for each of radio and television;
- section 9(2), providing that only one signal carrier licence could be issued; and
- section 9(3), providing that only a public broadcaster could hold both broadcasting and a signal carrier licence.

The Court, however, upheld all of the other challenged sections of the Act. It specifically held that BAZ was a legitimate regulatory authority, even though it is clearly not independent – the minister appoints the members of its Board, after consultation with the president. This is inconsistent with international standards in this area which, as noted above, quite clearly require bodies with regulatory powers over the media to be independent of government, for fairly obvious reasons.

### **III.1.3 Criminal Law (Codification and Reform) Act**

The Criminal Law (Codification and Reform) Act was signed into law on 2 June 2005; it introduces harsher penalties than those provided for under POSA and AIPPA. The law was adopted to proffer further restrictions and shield the president from public and media scrutiny and also trample on the citizens' right to freedom of expression.

Section 31 (a) of the Act which is almost a regurgitation of Section 15 of POSA, makes it an offence for anyone inside or outside Zimbabwe to publish or communicate to any other person a

statement which is wholly or materially false with the intention or realising that there is real risk or possibility of any of the following:

- (i) Inciting or promoting public disorder or public violence or endangering public safety
- (ii) Adversely affecting the defence or economic interests of Zimbabwe
- (iii) Undermining the public confidence in a law enforcement agency, the Prison Service or the Defence Forces of Zimbabwe.
- (iv) Interfering with, disrupting or interrupting any essential service.

An offence will still have been committed even if the publication or communication does not result in any of the envisaged scenarios.

Section 31 (b) of the Act is an extraction from Section 80 of AIPPA, which deals with issues linked, to the publication or communication of falsehoods.

Section 33 of the Codification Act is similar in all respects to Section 16 of POSA. It deals with “undermining the authority of or insulting the President”. It prohibits the making, publicly and intentionally, of any false statement (including an act or gesture) about or concerning the President or Acting President if the person knows or realises that there is a risk or possibility of endangering feelings of hostility towards or causing hatred, contempt or ridicule of him/her, whether in his official or personal capacity.

#### **III.1.4 General Laws Amendment Act**

Notwithstanding the enactment of the Codification Act, the General Laws Amendment Act yet again seeks to tighten POSA by increasing the penalty fees against journalists convicted for publishing statements that undermine the authority of the President.

The amendment increases the fine imposed under Section 16 of POSA, which deals with publication or communication of false statements prejudicial to the state, by a hundred fold. Prison terms for public gathering for purposes of demonstrating have also been increased to scrupulously deter citizens their right to be heard.

#### **III.2 Control Over the Public Media**

After the shock of the June 2000 parliamentary elections, the government moved to strengthen its control over the public media, both print and broadcast. Jonathan Moyo, appointed Minister of Information and Publicity in the President’s Office and Cabinet after that election, played a key role in these developments, as well as in the legislative developments described above.

In September 2000, the government dissolved the Zimbabwe Mass Media Trust (ZMMT), which had managed the government majority equity in Zimpapers, publishers of *The Herald*, *The Sunday Mail*, *The Chronicle* and a number of provincial papers. The ZMMT, a trust, was intended to provide a buffer between the government and the newspapers, offering some protection to the latter against direct government control and ensuring a partial degree of editorial independence,

## AIPPA Five Years On

although in practice the government had always exerted a varying degree of influence over these newspapers. As a result of dissolution of ZMMT, both Zimpapers and the Community Newspapers Group (CMG), now New Ziana, which runs a news agency and various local newspapers, came under the direct control of boards appointed by Moyo. Through the boards, the government controls the appointment of senior editorial staff and influences policy.

Several editorial changes were instituted at Zimpapers, resulting in the removal of veteran journalists like Bornwell Chakaodza, *The Herald* editor, Funny Mushava of *The Sunday Mail* and Ednah Machirori of *The Chronicle*. These were replaced by relatively inexperienced journalist believed to be Former Minister Moyo's loyalists.

Similar structural changes were instituted in relation to the Zimbabwe Broadcasting Corporation (ZBC). On 13 November 2000, the Department of Information and Publicity gazetted a new law for the ZBC, the Zimbabwe Broadcasting Corporation Commercialisation Act. This law splits the ZBC into two companies, one concentrating on transmission and the other on broadcasting and programming. The former, the transmission company, is called Transmedia, while ZBH Holdings performs the latter function. Both are wholly owned and controlled by the State. Subsection 3 of the Act states: "In the performance of their functions, the successor companies (Zimbabwe Broadcasting Holdings and Transmedia) shall give priority to serving the needs of the state, to the extent that it is compatible with sound business practice." It is thus clearly a State, rather than a public, broadcaster. Section 8 of the ZBC Commercialisation Act gives the minister the power to supervise and direct the transition and future operations of the ZBH and Transmedia. The board and senior management of ZBH are appointed by the minister of information, in consultation with the president. As in the print sector, several veteran journalists and broadcasters were retrenched from ZBH and replaced by individuals loyal to the governing party.

The importance of broadcasting in a country like Zimbabwe cannot be overestimated. Much of the population is poor and for this reason, cannot access newspapers, many of which are not distributed in rural areas. This no doubt helps explain why the government has been so reluctant to license private broadcasters as radio is the most efficient and cheap means of accessing information.

There are numerous examples of biased reporting by the public media, as well as examples of them routinely echoing statements and positions of the government. The murder of Bulawayo war veterans' leader, Cain Nkala, is a good example of the way in which the State-controlled media seeks to serve the interests of the ruling party by inflaming government supporters against the opposition and, inevitably, the independent press. On 5 November 2001, Nkala, a senior war veteran and member of the ruling party, was abducted from his home in Zimbabwe's second city of Bulawayo, Magwegwe West suburb, by a group of armed men and killed, allegedly by being strangled. Nkala had earlier been arrested and charged in connection with the disappearance of an MDC election agent.

In relation to this story, *The Herald's* political editor, Phillip Magwaza, wrote:

Minutes before Bulawayo war veterans chairman Cde Cain Nkala was killed, he pleaded with his abductors to let him pray.

## AIPPA Five Years On

The gag around his mouth was removed, in Biblical style, like what Jesus Christ did, Cde Nkala asked that God should forgive his captors because they did not know what they were doing.... As the shallow grave was dug, Cde Nkala began to sing. Irked by his singing, the kidnappers put on the gag again. The dreaded shoelace was then tightened like a noose around his neck. Slowly and painfully, he struggled for breath.

If this account is taken at face value, it is an extraordinary scoop. Magwaza could only have gathered this information by either witnessing Nkala's death or interviewing eye-witnesses, presumably the murderers. Magwaza, now deceased, gave no indication of who his sources were. Another possibility is that Magwaza made the whole story up, basing it on the fragments of information that were available. Certainly it is not in the style of objective reporting and seems designed to provoke an emotional response. An MDC activist was charged with the killing but the High Court dismissed the State's case on the basis that the police evidence was inadequate. Significantly, the police did not try to put Magwaza on the stand.

Another example of the State media undermining the opposition involves allegations that presidential candidate Morgan Tsvangirai was involved in a conspiracy to murder President Mugabe. The story, which broke on 13 February 2002, during the heat of the presidential election campaign, involved allegations that Tsvangirai had approached a former Israeli intelligence officer, Ari Ben Menashe, now with a Canadian consulting firm, Dickens and Madson, to arrange the assassination. ZTV carried extensive coverage of the story – amounting to some 35 minutes over 5 days – but allocated only 70 seconds to MDC denials of its veracity. In its coverage, ZTV omitted to mention that Dickens and Madson were at that time employed by the ZANU PF government on a consultancy basis to undertake promotional work for them. (*Media Under Siege: Media Monitoring Project of Zimbabwe Report on media coverage of the 2002 Presidential and Mayoral Elections in Zimbabwe, 2003, Harare*)

### **General Harassment of the Media**

While cases pertaining to the harassment of journalists, media organisations declined markedly compared to the period leading to the parliamentary and presidential elections in 2000 and 2002, the conviction of Botswana journalists under AIPPA on 9 November 2006, demonstrates the government's zeal to maintain a stranglehold on the right to free expression and media freedom. The journalists were arrested after allegedly straying into the Zimbabwe part of the border with Botswana while covering a foot and mouth outbreak story in that area. They were subsequently charged under AIPPA for working as journalists without accreditation.

This situation poses serious challenges to media freedom as envisaged under the Windhoek Declaration as it defines Zimbabwe as a no-go area for foreign journalists notwithstanding the difficult environment that local journalists operate under. Media organisations such as MISA-Zimbabwe, the Zimbabwe Union of Journalists and Media Monitoring Project of Zimbabwe continue to be attacked as agents of imperialism in a desperate attempt to stall their efforts towards the establishment of an independent, self-regulatory media council.

In a statement published in the government-controlled national daily *The Herald* on 29 September 2006, MIC chairman branded the media organisations "regime change activists" ahead of a parliamentary workshop organised by the three groups. The MIC claimed that the two day workshop which was designed to review the state of the media in Zimbabwe had in fact been

## AIPPA Five Years On

convened to create a “stilted platform” to enable the media groups to engage in an orgy of anti-Zimbabwe diatribe.

These machinations were designed to scuttle the meeting, which discussed among other contentious laws, AIPPA, Dr Mahoso’s very lifeblood without which the statutory Commission he chairs would not have come into being. It is trite to note that MISA-Zimbabwe and ZUJ are membership driven organisations and have been on the forefront of pushing for media self-regulation. The vilifications by Mahoso are, therefore, aimed at alienating MISA-Zimbabwe, ZUJ and the MMPZ from their general membership and other freedom of expression and media freedom activists and Zimbabwean citizens at large.

It is against that background that attacks against the independent media continue in the form of threats of civil suits by senior government officials and ministers. The verbal attacks, which have involved a wide range of officials, as well as the government media itself, represent a concerted attempt to undermine the credibility of the independent media and, indeed, to create a climate of hatred towards them. Journalists working for the independent press have been referred to variously as agents of imperialism, sell-outs, enemies of the State and lapdogs of the former colonial master, Britain, bent on derailing the land reform programme.

This is amply demonstrated by the unlawful arrest of journalists working for the private media while conducting their professional duties. Journalists Ndamu Sandu and Godwin Mangudya were arrested on 19 July 2006 and detained at Harare Central Police station without any charges being preferred against them while covering a demonstration by residents demonstrating against poor service delivery by the Harare Municipality. Sandu and Mangudya are accredited journalists as required under AIPPA, but were still arrested while conducting their professional duties of covering and reporting on events as they unfold. Sandu is employed by the privately owned weekly, *The Zimbabwe Standard* while Mangudya is a journalist with the banned *The Daily News*.

A few examples give a sense of the flavour of these verbal attacks, which frequently contain veiled threats of serious consequences, employ language which suggests violence and/or contain allegations of treason or undermining State security. In December 2001, President Mugabe told church leaders that journalists who wrote “libellous reports” would be arrested, stating:

The media has been assaulting the integrity of private citizens. In my view, an assault on one’s integrity is even worse than an assault in physical terms. (*The Herald*, December 18 2001).

On 5 September 2003, Minister Jonathan Moyo lambasted the independent press at the launch of the New Ziana, a multi-media organisation charged with publishing government information, stating: “These papers are trash, and they injure our national interests.”

A none too veiled threat to the independent media was echoed by the now retired commander of the Zimbabwe Defence Forces, General Vitalis Zvinavashe. At a press conference in Harare on 10 January 2002 he stated:

## AIPPA Five Years On

The statements (in the foreign and local private media) have caused insecurity, uncertainty and confusion and tarnished the credibility of the country's security arms. (reported in both *The Daily News* and *The Herald* on 11 January 2002)

The statements in question were reports that the army had organised illegal farm seizures while the police stood by and watched, a matter of some public interest.

The war veterans and the State-controlled media have branded the independent press, together with the MDC, as sell-outs, traitors and stooges. These groups have even demonstrated against the independent media. For example, on 24 January 2001, hundreds of war veterans and ruling ZANU PF supporters, led by war veterans leaders the late Chenjerai Hunzvi (aka Hitler) and Joseph Chinotimba, demonstrated against *The Daily News* in central Harare.

These verbal attacks provide the background for the direct physical actions against the independent media and journalists. For example, during the opposition called mass action from 1-6 June 2003, alleged ZANU PF supporters beat readers of independent newspapers such as *The Daily News*, *The Financial Gazette* and *The Zimbabwe Independent*. Thousands of copies of these newspapers were destroyed during this period and war veterans and other pro-government militias "banned" the independent press from certain areas of the country.

While the cases of harassment and attacks have somewhat declined, the government has not relented in its vindictiveness against journalists working for the private press and those who work for the foreign media.

For instance, Mike Saburi a freelance cameraperson was arrested on 13 September 2006 together with leaders of the Zimbabwe Congress of Trade Unions (ZCTU) ahead of a planned protest march in Harare. Saburi and the ZCTU leaders were only released on bail after spending a night in police cells. ZCTU secretary-general Wellington Chibhebhe was hospitalised after he was brutally assaulted by the police in the cells of condemned police station following their arrest. Charges of contravening Section 37(1) (b) Chapter 9:23 of the Criminal (Codification and Reform) Act were however withdrawn against Saburi before plea on 3 October 2006. The section in question deals with conduct likely to result in the breach of peace.

On 14 February 2005, raided the offices of foreign correspondents, Angus Shaw, Jan Raath and Brian Latham accusing them of spying and working without accreditation. While Latham skipped the country following the raids, nothing became of the matter concerning Shaw and Raath who continue to file their stories from Harare.

An example of the hazards faced by journalists working for the independent press was the beating of four staffers of *The Daily News* – Collin Chiwanza, Mduduzi Mathuthu (both reporters), Urgania Mauluka (photographer) and Trust Masola (driver) – at a farm near Hwedza on 31 November 2001. The four, who had visited the farm to report on attacks on farm workers by alleged ZANU PF supporters, were punched and kicked resulting in them seeking medical attention. Police officers were present when the attack took place but took no action.

In May 2006, the Minister of National Security, Didymus Mutasa, threatened to set the notorious Central Intelligence Organisation on Walter Marwizi, the news editor of privately owned Zimbabwe

## AIPPA Five Years On

Standard. Marwizi was investigating squabbles in the ruling ZANU PF party over the running of City of Mutare.

A number of bombings have also been perpetrated against the independent media and, in particular, against *The Daily News*. Its offices were bombed on 22 April 2000, shortly before the parliamentary elections, and its presses were destroyed in a bombing on the night of 27-28 January 2001. A further bomb attack targeted its Bulawayo offices on the night of 10-11 February 2002. Significantly, no one has been arrested and brought to justice for these attacks. Following the bombing of *The Daily News*' printing presses, in an apparent attempt to deflect criticism, the war veterans association told the ZBC that, "the Rhodesian elements which support the MDC and the Daily News were behind the attack." (29 January 2001).

Similarly, the bombing of the offices of the radio station, *Voice of the People (VOP)*, on 29 August 2002, remains a mystery, with no one having been charged. Further to the bombing of VOP offices, on 15 December 2005, the police raided and confiscated equipment from the radio station before arrested the radio station's journalists, Nyasha Bosha, Kundai Mugwanda and Maria Nyanyiwa. The three journalists were detained at Harare Central Police Station. They were subsequently charged together with VOP bosses David Masunda, chairman, his deputy Arnold Tsunga; board of trustees members Lawrence Chibwe, Millie Phiri, Isabella Matambanadzo and Nhlanhla Ngwenya on allegations of contravening Section 7 (1) of the Broadcasting Services Act which prohibits broadcasting without a licence. On 25 September 2006, a Harare magistrate, however, refused to place them on further remand advising that the State to proceed by way of summons after a series of postponement of their trial at the request of the state.

### **Content Restrictions**

As noted above, both AIPPA and POSA contain restrictions on the content of what may be published or broadcast. The main content provision in AIPPA is section 80, which originally prohibited the publication of falsehoods. As detailed below, many journalists have been detained and/or charged under section 80.

The history of section 80 of AIPPA is both interesting and significant. In the case of *Chavunduka and Choto v. Minister of Home Affairs & Attorney General*, decided on 22 May 2000 (Judgment No. S.C. 36/2000, Civil Application No. 156/99), the Supreme Court of Zimbabwe held that the false news provision at section 50(2) of the Law and Order (Maintenance) Act (LOMA) was manifestly unconstitutional. It is, then, surprising that less than three years later the government sought to introduce a similar – indeed broader – restriction. Section 80 was quickly challenged by journalists as being in breach of the Constitution and, on 7 May 2003, the Supreme Court ruled that it was indeed unconstitutional (Judgment No. S.C. 280/2002). As a result, all of the charges which had been laid under this section had to be dropped.

The government quickly introduced amendments, including to this section, in October 2003. The false news offence was retained, but substantially narrowed, so that it is now only an offence to publish false information if the author knows it is false or does not have reasonable grounds for believing it is true and if he or she publishes it recklessly, or with malicious or fraudulent intent. This is still constitutionally suspect, but less obviously a breach than its predecessor. This amendment to section 80 of AIPPA has made it more difficult for the government to bring content-related



## AIPPA Five Years On

charges under AIPPA, leaving POSA and other criminal rules, such as criminal defamation provisions, as the preferred means of limiting criticism.

Since March 2002, more than 80 media workers have been arrested or detained under AIPPA, POSA and other laws such as criminal defamation<sup>4</sup>. Brief details of these cases are provided in the attached Annex: Table of Violations. In 2002 alone, 44 media practitioners were arrested, 13 journalists in the first 10 weeks after AIPPA was enacted. In May 2002, for example, 11 independent journalists were arrested. Bornwell Chakaodza, former editor of *The Standard* (formerly of *The Herald*), was charged on five occasions in one week for allegedly publishing falsehoods.

Only two of the 44 arrests in 2002 have proceeded to prosecution and been concluded. In six, the charges were withdrawn, in 22 those arrested were released without charge, one person was deported and 13 cases are still pending. In some cases, journalists were detained over weekends only to be released without charge, in an apparent attempt to intimidate them. It is significant that not one journalist or editor working for the State media has so far been arrested or charged under these laws, although in many cases those media reported on the same stories that attracted arrests of independent journalists.

On 10 January 2004, for example, three journalists working for *The Zimbabwe Independent* were arrested and detained for two nights for a story alleging that President Robert Mugabe had commandeered an Air Zimbabwe airplane to travel to the Far East. The three – Iden Wetherell, Vincent Kahiya and Dumisani Muleya, the weekly publication's editor, news editor, and chief reporter, respectively – were each charged with criminal defamation and released on \$20 000 bail.

On 21 May, Chakaodza, former editor of *The Standard*, and Valentine Maponga, a reporter, were arrested over a story headlined "Family of Slain boss blames government officials", which alleged that relatives of a slain mine boss accused government officials of involvement in the murder. In its case outline, the State argued that the two had published false news that was likely to cause public disorder, incite public violence and endanger public safety. The claim of falsity is based on the State claim that the relatives of the slain mine boss deny ever speaking to the paper. The police also argue that they have since arrested the murder suspects, who also deny the involvement of any senior government official in the murder. The police allege the story was meant to tarnish the image of the government and has charged the two under section 15 (1) of the Public Order and Security Act (POSA). Chakaodza and Maponga, however, insist their story is true and that they can quote the names of the relatives they talked to. The matter is still before the court.

The facts of some of these cases provide a clear indication of the abuse to which these repressive content restrictions are put. For example, Collin Chiwanza, of *The Daily News*, was detained overnight for a story which he had played no role whatsoever in publishing. On 23 April 2002, *The Daily News* carried a story alleging that two young girls had witnessed the beheading of their mother in the rural area of Magunje, supposedly by ZANU PF supporters and allegedly for having supported the opposition MDC. The story turned out to be untrue – it had been based on reports by someone claiming to be the husband of the woman and who claimed to have witnessed the incident – and the paper published an apology on 27 April 2002. Chiwanza's role was limited to

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<sup>4</sup> See [www.misazim.co.zw](http://www.misazim.co.zw) "State of Media Reports" or make a request to [misa@mweb.co.zw](mailto:misa@mweb.co.zw)

## AIPPA Five Years On

follow-up. After the story had been dismissed by the police, but before the apology was published, Chiwanza was dispatched to Magunje to check the facts. The story was in fact written by Lloyd Mudiwa.

An interesting, related case is that of Andrew Meldrum, correspondent for the UK-based *Guardian* newspaper, who was charged under section 80 of AIPPA on 20 June 2002 for abuse of journalistic privilege and, in particular, for publishing falsehoods, in relation to the same 'beheading' story published in *The Daily News* on 23 April 2002. The story was later published in the *Guardian*, having been reported by Meldrum. The High Court found Meldrum not guilty of publishing falsehoods with the intention of tarnishing the image of Zimbabwe. The court found that he had taken reasonable steps to verify the facts by contacting the police spokesman, who declined to comment on the allegations. After being acquitted, Meldrum was immediately served with deportation orders by immigration authorities. The court then suspended the order pending appeal but, despite this, Meldrum was deported on 16 May 2003.

### **IV. Newspaper Registration: Closure of *The Daily News***

The closure of *The Daily News* is without doubt the most significant blow to freedom of expression in Zimbabwe under AIPPA. The only independent daily newspaper in the country, *The Daily News* was a constant thorn in the side of the government, exposing its abuses and providing a platform for political voices other than ZANU PF. Its closure has led to a significant narrowing of the space for freedom of expression, leaving only government-controlled dailies in place.

Under AIPPA, all newspapers are required to register with the Media and Information Commission. On 19 October 2002, a meeting was organised by MISA-Zimbabwe, in conjunction with the Zimbabwe Union of Journalists, the Independent Journalists' Association of Zimbabwe, the Media Monitoring Project Zimbabwe, the Federation of African Media Women in Zimbabwe and the Foreign Correspondents Association, to discuss how to respond to issues regarding the registration and accreditation of mass media outlets and media practitioners, respectively, under AIPPA. Over 120 media practitioners attended this meeting.

Those present at the meeting were largely of the view that, although AIPPA was designed to muzzle the independent press, it would be strategic to register first and then to fight the legislation in various ways, including from newsrooms and editorial offices. The management of Associated Newspapers of Zimbabwe, which published *The Daily News* and *The Daily News on Sunday*, however, decided not to register with the Media and Information Commission and, instead, to challenge the constitutionality of AIPPA in the Supreme Court. Furthermore, its journalists did not apply for accreditation. All the other leading independent newspapers, together with their journalists, were duly registered/accredited in accordance with the provisions of AIPPA.

In a decision of 11 September 2003, the Supreme Court ruled that it would not hear the ANZ challenge because the newspaper had approached it with 'dirty hands', having refused to apply for registration. The government closed the newspaper down the next day and subsequently seized most of its equipment. ANZ then applied to the Media and Information Commission (MIC) for registration but was refused, and a series of court battles followed. The newspaper challenged the refusal by the MIC to register it before the Administrative Court, and the seizure of its equipment by

## AIPPA Five Years On

the police before the High Court. It was successful on both fronts, which the Administrative Court ruling that the MIC was improperly constituted and had wrongly denied ANZ registration and the High Court ordering the police to vacate the premises and return the seized equipment.

*The Daily News*, which had been off the streets more-or-less constantly since 12 September 2003, briefly came back into production on 22 January 2004, after the police finally responded to High Court orders to vacate the property. In a cruel twist, however, it closed again after 5 February 2004, when the Supreme Court, in a separate case, upheld the AIPPA requirement for journalists to be accredited, which the ANZ journalists were not. Furthermore, in a manipulative move, the MIC then refused to accredit ANZ journalists on the basis that they were not working for a registered newspaper.

In March 2004 the Supreme Court heard the various cases relating to the ANZ newspapers but reserved judgment, effectively maintaining the status quo, which is that the newspapers is effectively banned. Four years after the closure of the ANZ publications the matter remains unresolved as the courts continue to dither in concluding the matter and ensuring that justice is dispensed.

High Court judge Justice Anne-Mary Gowora's judgment on 9 May 2007 further diminishes hope for the immediate return of the banned *Daily News* and *Daily News on Sunday* as it fails to provide the relief that the Associated Newspapers of Zimbabwe (ANZ) was seeking from the courts in its rigmarole legal battle to be allowed to resume publishing.

Justice Gowora's judgment only adds to the agony of the ANZ's struggle to be duly licensed as it acknowledges without granting the relief sought, the bias of the state-controlled statutory licensing body, the Media and Information Commission (MIC), which has fought tooth and nail to block the return of the two publications.

The judge acknowledges, as noted in preceding judgments by the Supreme Court and her colleague Justice Rita Makarau now High Court Judge President, that the MIC's impartiality is tainted by the proven bias of its chairman Dr Tafataona Mahoso, effectively barring all members of the Commission's board from involvement in the matter.

She also found that the Minister of Information and Publicity had no intention of putting in place measures that will ensure that an impartial body is put in place to adjudicate over the application of the ANZ. "Clearly, this would be in violation of the applicant's rights in terms of the Act (Access to Information and Protection of Privacy Act) and the Constitution," she said.

Strikingly, Justice Gowora, notwithstanding her reservations with the Minister's intentions advises ANZ to apply for an order for the minister to be directed to take the necessary administrative action to ensure the application is duly considered and determined.

This route if considered by the ANZ will bring to almost 50 the number of legal challenges characterised by a myriad of appeals and counter appeals which are directly linked to the publishing house's bid to be duly licensed since its closure on 11 September 2003. That the matter will be speedily dealt with in the event of the ANZ filing for such an order can only be a matter of

## AIPPA Five Years On

conjecture given that it took almost nine months since September last year for Justice Anne Gowora to pass judgment in the matter.

Worse still, the Ministry of Information through the now deceased Minister of Information Dr Tichaona Jokonya, indicated that it would only appoint the desired impartial body if the offending Access to Information and Protection of Privacy Act (AIPPA) is duly amended to so empower the Minister.

Without prejudicing the ANZ's case, it is nevertheless disturbing if not intriguing that the matter remains unresolved despite the courts having ruled in its favour on at least five different occasions which should have brought the matter to its finality.

### **Closure of The Tribune**

While the reasons advanced for the closure would be deemed flimsy if not laughable in other functioning democracies, the reality is that The Tribune remains closed to this day despite its efforts to be relicensed at the expiration of the suspension of its operating licence.

In July 2005 the MIC chairman Dr Tafataona Mahoso refused to renew the licence in question because ATN had failed to show that it had enough capital to resume publication. Mahoso said the publisher, Kindness Paradza, had also suggested that they planned operating from his home upon re-registration.

Section 67 and 71 of AIPPA reads:

### **67 Notification of changes**

A mass media service shall be required to notify the Commission of any changes if –

- (a) the owner is replaced;
- (b) the co-owners change;
- (c) the name, language, form and frequency of the periodical dissemination of mass media is altered;
- (d) the area where the mass media products are circulated is changed;
- (e) the editorial office changes its place of location and form.

### **71 Suspension, cancellation and enforcement of registration certificates**

(1) Subject to this section, the Commission may, whether on its own initiative or upon the investigation of a complaint made by any interested person against the mass media service, suspend or cancel the registration certificate of a mass media service if it has reasonable grounds for believing that--

- (a) the registration certificate was issued in error or through fraud or there has been a misrepresentation or non-disclosure of a material fact by the mass media owner concerned; or
- (b) a mass media service concerned does not publish or go on air within twelve months from the date of registration; or
- (c) the mass media service concerned has contravened sections *sixty-six*, *seventy-six*, and *ninety-one* or this Act; or (sic).

## AIPPA Five Years On

"We are waiting for the city council to authorise *The Tribune* publisher to operate from a residential area and if that is rectified, we will be very happy to look at it (application) again," said Mahoso when justifying refusal to renew the licence.

Paradza, however, told MISA-Zimbabwe that they had met all the requirements for re-registration in terms of the Access to Information and Protection of Privacy Act (AIPPA).

"The issue of whether we have enough capital to resume publication does not arise at all because there are banks that are willing to grant us loans towards the re-capitalisation process."

Paradza denied that they planned to operate from his home. He said he had only informed the MIC that the company's assets were being kept at his home. "Our submissions to the Commission are in black and white," he said.

### ***Closure of The Weekly Times***

The closure of the *Weekly Times* is also of great significance as it demonstrates the repressive nature of the provisions of the Act in curtailing the free flow of information and ideas. The paper was closed after only publishing two issues which the MIC deemed political as opposed to dealing with developmental issues – the basis upon which the licence had been issued. The reasons advanced for the closure of these two publications make a mockery of the government's commitment to democratic practice as espoused in the declarations and conventions it has signed and ratified namely the Windhoek Declaration, African Charter on Human and Peoples' Rights, The Banjul Declaration the Principles of Freedom of Expression in Africa and the SADC Principles and Guidelines on the Conduct of Democratic Elections.

The *Weekly Times* which is published in Bulawayo by Mthwakazi Publishing House in Bulawayo hit the streets for the first time on Sunday, 2 January 2005.

Its survival was, however doomed from its inception. In a letter addressed to the paper's chief executive Godfrey Ncube, dated 5 January 2005, some three days after its launch, MIC executive chairman Dr Tafataona Mahoso, notified the publishing company that it risked having its licence suspended or cancelled.

Mahoso said that the publishing company had told the MIC that the *Weekly Times* aimed to "inform, educate, spearhead development in the country and uphold the rules of fairness, impartial reporting, honesty and integrity".

In his letter Mahoso said the MIC suspected that the publishers had misled the Commission upon observing that it is not a "general news vehicle" as had been pledged in its application papers.

"It is a running political commentary through and through. The paper makes no attempt at impartial reporting," said Mahoso in his letter.

Mahoso was apparently irked by the weekly's lead story in which it interviewed Archbishop Pius Ncube, an arch-critic of President Robert Mugabe.

In the interview, the outspoken Catholic cleric accused President Mugabe of allegedly remaining “unrepented” following the massacre of innocent civilians in Matabeleland during the dissident insurgencies in the early 1980s.

Mahoso said the story represented a “clear sectarian view” of the President of Zimbabwe.

It was for that reason, among other issues, that the Commission made its intention to suspend or cancel the paper’s registration certificate.

The threat against the newspaper and its subsequent closure in terms of Section 71 (a) of AIPPA on 25 February 2005 was widely viewed as part of the government’s efforts to clamp alternative sources of information ahead of the parliamentary elections which were held in March 2005.

### **V.1 Chronicle of The ANZ Case**

#### **11 September 2003**

##### ***Supreme Court refuses to hear ANZ case***

The Supreme Court refused to hear the ANZ case, on the basis that the newspaper publisher had approached it with ‘dirty hands’ by refusing to apply for registration in the first place.

#### **12 September 2003**

##### ***Government bans The Daily News and The Daily News on Sunday***

The government closed *The Daily News* and *The Daily News on Sunday*, as police armed with automatic rifles burst into the newspapers’ offices in central Harare at about 5pm and ordered all staff to leave. Nqobile Nyathi, the editor, and Simon Ngena, the production manager, were arrested and taken to Harare Central Police Station. They were later released. Tafataona Mahoso, Chair of the Media and Information Commission, was quoted as saying he would have been surprised if the police had not taken any action because “the Daily News does not exist in terms of the laws of the country”. (*The Herald*, 13 May 2003). These actions were widely condemned by both local and international actors as being a serious violation of media freedom.

#### **15 September 2003**

##### ***ANZ newspapers apply for registration***

The ANZ newspapers applied for registration with the Media and Information Commission.

#### **16 September 2003**

##### ***Police seize The Daily News’ equipment***

*The Daily News* was charged under AIPPA for operating without a licence; police confiscated computers and other equipment at *The Daily News* offices, saying the equipment would be retained as exhibits. ANZ, in turn, applied to the High Court for an order for the equipment to be released because the police did not have a court order to seize the exhibits.

#### **18 September 2003**

##### ***High Court rules paper may resume operations***

High Court judge Justice Yunus Omerjee ruled that ANZ could resume publication. Omarjee’s ruling followed an urgent application by the newspaper organisation to have its equipment returned

## AIPPA Five Years On

and to be allowed to resume publication. Omerjee noted that the Supreme Court judgment had not convicted the paper of a criminal offence but had merely declared that the newspaper was acting outside of the law. The company's equipment could only be seized pursuant to a court order. The judge further noted that ANZ had started operating within the law from the day it lodged its application for registration with the Media and Information Commission.

### **19 September 2003**

#### ***MIC refuses to register the ANZ newspapers and police defy High Court order***

The MIC unanimously refused the ANZ newspapers' registration application on the basis that it had not met the 31 December 2002 deadline, had been operating in breach of the law and had openly stated it would not register.

Armed police officers refused to vacate the paper's offices and prevented staff from accessing its offices. The police also refused to return *The Daily News*' computers and other equipment, allegedly seized as exhibits.

### **23 September 2003**

#### ***ANZ applied to Administrative Court for review of MIC registration denial***

The ANZ appealed to the Administrative Court against the refusal of the MIC to register its newspapers.

### **1 October 2003**

#### ***Journalists charged for practising without being accredited***

Six *The Daily News* journalists, Philemon Bulawayo, Margaret Chinowaita, Kelvin Jakachira, Sydney Saizi, George Muzimba and Lawrence Chikuvira, were charged with practising without being accredited. This brought to 15 the number of journalists from the Associated Newspapers of Zimbabwe who have been charged for this offence under AIPPA. The other nine, charged on 25 September 2003, are Luke Tamborinyoka, Pedzisai Ruhanya, Fanuel Jongwe, Precious Shumba, Chengetai Zvauya, Cornelius Mabasa, Conway Tutani, Gladwin Muparutsa and Darlington Makoni and Francis Mdlongwa.

### **24 October 2003**

#### ***Court orders Media and Information Commission to grant ANZ licence***

Judge Michael Majuru, President of the Administrative Court, held that the refusal of the MIC to register the ANZ newspapers was illegitimate, including because the MIC was improperly constituted and could not therefore issue or deny certificates of registration. He held that if, by November 30, the MIC was not properly constituted and, in that capacity, had not ruled on the ANZ case, the ANZ newspapers would be deemed duly registered to operate a media business.

### **25 October 2003**

#### ***The Daily News publishes again***

*The Daily News* hit the newsstands again for a day following its successful Administrative Court appeal, only to be reoccupied by the police within hours.

### **1 November 2003**

#### ***MIC appeals Administrative Court ruling***

The MIC appealed to the Supreme Court against the Administrative Court ruling, arguing that Justice Majuru and his two assessors erred in their finding that the Commission was not properly constituted.

### **13 November 2003**

#### ***ANZ directors' application dismissed***

Magistrate Mishrod Guvamombe dismissed an application by four ANZ directors asking the Court to reject the case in which they were charged with publishing *The Daily News* in breach of the law, in light of the Administrative Court ruling that the MIC should be properly constituted by 30 November 2003 or the ANZ would be deemed duly registered. Guvamombe said there was reasonable suspicion that the four had committed an offence by publishing before the 30 November deadline. The four directors, Samuel Sipepa Nkomo, Stuart Mattinson, Brian Mutsau and Rachel Kupara, who are on \$50 000 bail each, were ordered to appear in court on 6 February 2004, but this hearing was further remanded.

### **24 November 2003**

#### ***Hearing of ANZ application deferred***

An application by ANZ to the Administrative Court asking for its newspapers to be allowed to publish pending the outcome of the MIC appeal against its ruling of 24 October is postponed to the next day.

### **25 November 2003**

#### ***Judge Majuru recuses himself from the ANZ case***

On the morning that the Administrative Court's president, Michael Mujuru, was expected to preside over the ANZ application, the government-controlled daily, *The Herald*, reported that authorities were investigating his conduct pertaining to the pending application. The paper reported that the judge had allegedly told some members of the public of the decision he was going to make on the ANZ application. The ANZ case was postponed after Majuru recused himself as the presiding judge in the matter. He said it would be improper for him to hear the matter given the reports carried by *The Herald*.

### **25 November 2003**

#### ***MIC files an urgent application with the Supreme Court***

As the drama pertaining to Majuru's recusal unfolded, the MIC filed an urgent application with the Supreme Court seeking to bar the Administrative Court from hearing the ANZ application. In his application, Mahoso, the MIC chairman, said the Administrative Court had no jurisdiction to hear the application as it had already passed judgment in favour of ANZ on 24 October.

### **30 November 2003**

#### ***Administrative Court reserves judgment***

The Administrative Court reserved judgment in the ANZ case against the Media and Information Commission. Administrative Court judge Selo Nare said he was satisfied that the Court had jurisdiction to hear the application. The judge, however, reserved judgment on whether the ANZ newspapers could begin publishing, saying he needed more time to study submissions from the two parties.



**19 December 2003**

***Administrative Court rules ANZ newspapers may publish but police continue to occupy its premises***

Administrative Court judge Selo Nare ruled that the ANZ newspapers may publish, pending proper constitution of the MIC in accordance with the Court's 24 October ruling. Despite this, the police refused to vacate the premises.

**9 January 2004**

***Police defy order to vacate banned newspapers premises***

The High Court ordered the police to vacate premises of ANZ but the police refused to comply.

**22 January 2004**

***The Daily News hits the streets against***

*The Daily News*, banned since 12 September 2003, reappeared on the streets again, following a High Court order on 21 January again ordering the police to leave the ANZ premises.

**2 February 2004**

***ANZ journalists apply for accreditation***

A number of journalists working for the ANZ newspapers apply for accreditation with the MIC.

**5 February 2004**

***IJAZ judgment causes The Daily News to cease publishing***

The IJAZ judgment, released on 5 February 2004, upheld the provisions of AIPPA which require journalists to be accredited to practice. ANZ journalists had previously refused to file for accreditation, just as their newspaper had not applied for registration, on the basis that the law was unconstitutional. At the time of the IJAZ judgment, ANZ journalists were not registered. As a result, they had no choice but to cease working until they gained accreditation. As a result, *The Daily News* stopped publishing.

**11 February 2004**

***MIC rejects ANZ journalists' applications for accreditation***

The MIC rejected ANZ journalists' applications for accreditation on the basis that they had not met the requisite conditions, which include either working for a registered media house or proving that they are freelance journalists.

**4 March 2004**

***Supreme Court reserves judgment in the ANZ case***

The Supreme Court reserved judgment in three cases involving the ANZ newspapers – *The Daily News* and *The Daily News on Sunday* – and the Media and Information Commission (MIC) and the Minister of Information, Jonathan Moyo. These include the substantive constitutional challenge to the provisions of AIPPA that require newspapers to register and the appeal against the refusal of the MIC to register the ANZ newspapers.

**20 September 2004**

***ANZ Directors acquitted***

ANZ Directors Samuel Sipepa Nkomo, Rachel Kupara, Michael Mattinson and Brian Mutsau acquitted on charges of contempt of court and publishing the *Daily News* without a license.

**27 January 2005**

**Judgement date set**

Judgement in the matter in which the ANZ was fighting to resume publication reportedly set for 27 February 2005.

**23 March 2005**

**Supreme Court refers ANZ back to MIC**

The Supreme Court referred the ANZ back to the MIC for resubmission of its application to be registered. The court also upheld the sections of AIPPA that were being challenged by the ANZ as constitutional.

**12 May 2005**

**High Court dismisses ANZ application**

The High Court dismissed an application by ANZ seeking a declaratory order for its journalists to be accredited with the MIC in terms of AIPPA.

**13 June 2005**

**Daily News reporters summoned to court**

Eight journalists from the Daily News were served with summons to appear in court for practising journalism without accreditation in terms of AIPPA. They were expected to appear in court on 12 October.

**23 June 2005**

**ANZ files application for registration**

The ANZ said it had filed an application for registration with the MIC in terms of AIPPA.

**20 July 2005**

**ANZ to appeal against MIC**

Samuel Sipepa Nkomo, the ANZ chief executive told journalists that they would appeal against the decision by the MIC to deny them an operating license.

**27 July 2005**

**ANZ appeals against decision by MIC to deny them a license**

The ANZ filed its appeal with the Administrative Court following the MIC's refusal to grant them a license.

The ANZ argued the MIC erred by refusing to duly register them on the basis of contravening AIPPA in the absence of a criminal prosecution and conviction against the publishing company.

**4 August 2005**

**Daily News reporter tried for practising without accreditation**

Kelvin Jakachira, a reporter with the Daily News, was tried for practising without accreditation in terms of Section 83(1) Chapter 10:27 of AIPPA. The trial was postponed to 11 August at the request of his lawyer.

**11 August 2005**

**Jakachira applies for acquittal**

Defence applies for his acquittal on charges of practising journalism without accreditation.

**17 August 2005**

**Magistrate dismissed Jakachira's application for acquittal.**

**31 August 2005**

**Jakachira acquitted**

Harare magistrate Prisca Chigumba acquits Kelvin Jakachira saying he had complied with the application procedures and the state's evidence was vague and confused.

**16 September 2005**

**ANZ hearing date set**

The ANZ appeal in which it was challenging the government-controlled MIC's decision to deny them an operating license is set for 21- 22 September 2005 in the Administrative Court.

**21 September 2005**

**ANZ hearing postponed**

The hearing that had been set for the Administrative court was postponed to an unknown date. This followed the MIC's strong objection to the presence of two assessors who had presided in a previous matter in which the court ruled in favour of the ANZ.

**18 July 2005**

**MIC refuses to register ANZ**

The MIC refused to register ANZ because it had contravened Sections 66, 72, 76 and 79 of AIPPA. The sections in question deal with the registration of a mass media service provider, operating without an operating license and accreditation of journalists.

**1 December 2005**

**Former MIC member implicates Central Intelligence in ANZ case**

The weekly Financial Gazette reported that the Central Intelligence Organisation (CIO) had allegedly reversed a decision by the government-controlled MIC to register ANZ.

According to papers filed with the High Court, Jonathan Maphenduka, a former MIC board member, the regulatory body had on 16 June agreed to register ANZ.

**8 February 2006**

**Judge rules ANZ application should be reconsidered**

High Court Judge, Rita Makarau quashed the MIC's refusal to grant ANZ an operating license and ordered that the application for registration be considered afresh. She made the ruling on the grounds of Mahoso's perceived bias, which raised reasonable apprehensions that the ANZ would not receive a fair trial in the Supreme Court.

**17 March 2006**

**Twist to Daily News legal battle**

The MIC chairman admitted that the High ruling by Justice Rita Makarau barred it from involvement in the ANZ case. This shifted the resolution of the matter to Minister Jokonya to appoint a special

board to determine the application or instruct the MIC secretariat to issue a certificate of registration.

### **20 April 2006**

#### **Minister files opposing papers in ANZ case**

Minister of Information and Publicity, Tichaona Jokonya, says he can only appoint an independent committee to adjudicate over the ANZ's application to be licensed if AIPPA is duly amended. The High Court judgement by Justice Rita Makarau meant that the minister had to appoint an independent commission to preside over the case. Minister Jokonya argued that AIPPA did not provide him with powers to appoint an ad hoc commission when such a scenario arises.

### **9 June 2006**

#### **Minister has mandate to appoint committee to register ANZ**

ANZ insists that the minister has powers to appoint an ad hoc committee to deal with registration of the media house. In papers filed with the High Court, acting ANZ chief executive officer, John Gambanga, argued the minister could appoint the committee because the current MIC is an ad hoc committee as its three year term of office has expired.

### **5 October 2006**

#### **Daily News Appeal Case postponed**

The case in which ANZ, publishers of the banned Daily News and Daily News on Sunday, is seeking a High Court order to be duly licensed was on 5 October 2006 postponed to 9 October 2006 at the request of the state-controlled Media and Information Commission (MIC).

### **9 October 2006**

#### **Judgment reserved in ANZ case**

Hearing into the case in which ANZ is seeking an order to be duly licensed opens before Justice Anne Mary Gowora. Lawyers representing the publishing company argued that the decision to grant ANZ, publishers of the banned Daily News and Daily News on Sunday, now rests with the High Court.

Advocate Eric Matinenga representing ANZ in the matter, said the licensing authority, the Media and Information Commission (MIC), and the Ministry of Information and Publicity had failed to deal with the application within the stipulated period. Judgment was reserved indefinitely.

### **9 May 2007**

#### **High Court throws out yet another ANZ Application**

Justice Anne Mary Gowora dismissed an application in which ANZ were seeking an order to be duly licensed. Strangely, the court still reaffirmed the inability of the MIC to consider its application impartially.

She said the most appropriate route for the ANZ would be for them to apply for an order for the Minister of Information to be directed to institute the appropriate administrative measures and a legal framework for the application to be considered and determined despite finding that the responsible Minister had no intentions of acting accordingly.

## V.2 Analysis of the ANZ Judgment

On 11 September 2003, the Supreme Court refused to hear ANZ's substantive constitutional challenge to the IAPPA registration regime on the basis that ANZ had approached it with 'dirty hands'. This decision has led directly, through the sequence of events outlined above, to the effective banning of *The Daily News* and *The Daily News on Sunday*, a catastrophe for freedom of expression in Zimbabwe. It has been criticized by legal experts and human rights lawyers as illogical, strange and of grave concern to all those concerned with human rights in Zimbabwe.

In essence, the Supreme Court dismissed the ANZ case on the basis of the 'dirty hands' doctrine because the company had failed to comply with AIPPA's requirement that all newspaper companies should be registered with the government-appointed Media and Information Commission (MIC) by 31 December 2002. The Court ruled that the ANZ application could only be entertained upon compliance with the law in question, even though they had applied for review prior to the 31 December 2002 deadline.

The 'dirty hands' doctrine requires those wishing to challenge a law, or more commonly its interpretation or application, to first comply with the law and then to challenge it. The logic behind the doctrine is obvious for otherwise, anyone could dispute the application of any legal rule in any given case. It is designed to prevent a situation where by mere challenge of a rule or its application renders it of no force or effect.

It is, however, equally obvious that rather different considerations apply to questions involving constitutionally guaranteed rights where, if the law is in fact unconstitutional, compliance would, or at least could, represent a breach of one's fundamental rights. In other words, forcing initial compliance with constitutionally suspect laws, unlike compliance with other laws, risks breach of the State's fundamental obligations to respect rights. This is very apparent on the facts of this case, whereby formal application of the law has resulted in a situation whereby the MIC was able to ban the newspaper, a clear breach of its right, as well as that of all Zimbabweans, to freedom of expression.

All constitutional matters present a different aspect of this rule. As section 3 of the Constitution of Zimbabwe notes: "This Constitution is the supreme law of Zimbabwe and if any other law is inconsistent with this Constitution that other law shall, to the extent of the inconsistency, be void." Such pronouncements are understood as meaning that the law is void *ab initio*, or from the beginning, so that anything flowing from it is automatically void. This is based on the lexical superiority of the Constitution; to allow an inconsistent law to have had any force would imply that it is, to that extent, above the Constitution, which is impossible. This is quite different from an impugned interpretation or application of a mere law, which may well be upheld, notwithstanding that it was in fact wrong.

In its ruling that one must first comply with the law before challenging it, the Court relied heavily on the English case of *F. Hoffman-La Roche and Co A.G & Others v. Secretary of State for Trade and Industry* ([1975] AC 295). That case involved a statutory order made by the Secretary of State

regarding the price of drugs being sold. The plaintiff disputed the power of the Secretary to make such an order and, in the meantime, refused to comply with it. This is a classical application of the 'dirty hands' doctrine. Had the matter involved either a constitutional challenge or an issue where compliance would cause irreparable harm to the plaintiff, however, the decision may have been different.

According to some legal experts, the Supreme Court should instead have relied on the case of *The Minister of Home Affairs v. Bickle and others* ([1983] (2) Zimbabwe Law Reports 400 (Supreme Court Judgment)). In that case, the Minister of Home Affairs ordered Bickle's property forfeited to the State on the basis that he was an enemy of the State, an order Bickle challenged as a violation of his constitutional rights. The Minister argued that Bickle had no right to claim this relief, as he was a fugitive from justice. The Supreme Court ruled that if the courts are to fulfil their constitutional obligations, they could not, except in the "most exceptional circumstances", deny an aggrieved person access.

Exceptional circumstances might apply where the State or some other individual would suffer irreparable harm should the law not be observed pending constitutional review. There is no question of that in this case. If the law were upheld, no harm would have been occasioned by the temporary unregistered operation of the newspapers. On the other hand, if the law is held to be unconstitutional, it is obvious that ANZ has suffered irreparable harm. It may be noted, furthermore, that ANZ did not simply ignore the law; it applied to the Supreme Court for an assessment of its constitutionality, before the December 2002 deadline.

It is also unclear whether the Constitution of Zimbabwe permits the Court to refuse to hear an application in these circumstances. Section 24(1) gives everyone a right to apply to the Court when they allege that their constitutional rights have been, are being, or are likely to be infringed. Pursuant to section 24(4), the Supreme Court has original jurisdiction in such cases and may make any order, "it may consider appropriate for the purpose of enforcing or securing the enforcement of the Declaration of Rights". It says nothing about a power to refuse to hear such a case, which is largely the opposite of enforcing rights.

Even if the Supreme Court was of the view that, legally, the ANZ newspapers should have registered before challenging the law, that does not justify their refusal to hear the case. This has simply delayed resolution of the question of the constitutionality of the registration provisions of AIPPA, thereby contributed to the banning of *The Daily News*, a clearly unconstitutional outcome.

#### **V. Accreditation of Journalists: The IJAZ Case**

AIPPA makes it illegal for anyone to practise journalism without being accredited by the Media and Information Commission (section 83). Only citizens and permanent residents may be accredited and the MIC may refuse to accredit anyone who does not possess, "the prescribed qualifications" (section 79). Accreditation, once obtained, lasts for one year (section 84). Pursuant to section 85, the MIC shall develop and police a code of conduct for journalists; anyone who fails to observe the conditions of the code may have his or her accreditation revoked.

## AIPPA Five Years On

Regulations adopted in 2002 provide for accreditation to be approved by the minister, as well as for an annual fee of Zim\$6,000 for journalists working for local media and US\$1050 for journalists working for foreign media.

As noted above, ANZ journalists were recently denied accreditation on the basis that the newspapers had not been registered, forcing the newspapers to cease publication. Prior to that, the main impact of the accreditation rules had been on foreign journalists, who have also been targeted through visa rules. As far back as early 2001, Mercedes Sayagues, correspondent for the *Mail and Guardian*, had her application for renewal of her residence permit refused. As a result of accreditation and visa measures, both before and since AIPPA, there are no longer any foreign correspondents based in Zimbabwe. Andrew Meldrum, journalist with the British-based *Guardian*, expelled in May 2003, was the last one.

The issue of foreign journalists continues to be an active one, although now it revolves around visiting correspondents, given that there are no foreign correspondents based in Zimbabwe. In April of this year, two journalists attempting to cover a cricket tournament – Mihir Bose and Telford Vice – were expelled from Zimbabwe on the grounds that they had applied late for accreditation. The real reason is almost certainly interest sparked by a strike on the part of Zimbabwean players about a player selection dispute.

The Independent Journalists' Association of Zimbabwe (IJAZ) challenged sections 79, 80, 83 and 85 of AIPPA as impinging on freedom of expression and freedom of the press. It argued that the accreditation system for journalists, which is actually a licensing system, not a system of accreditation, failed to pass constitutional muster for a number of reasons. First, it did not promote any legitimate government objective or, in legal terms, the measures adopted were not rationally connected to any legitimate aim. Although the promotion of professional standards is a laudable goal, it is neither appropriate nor effective to attempt this through licensing of journalists. The Constitution does not allow for restrictions on freedom of expression on this ground, but only on the much narrower ground of protecting the rights of others.

Second, the measures adopted, even if they did serve a legitimate goal, were not carefully tailored to achieve this goal so as to impair freedom of expression as little possible. If the aim was to protect the rights of others, this could be achieved through carefully drafted rules on content, such as defamation laws and rules relating to privacy. As the experience in other countries shows, there is no need to institute a licensing system for journalists to protect the rights of others.

Third, the harm to freedom of expression inherent in the licensing system is disproportionate to any possible benefit. The possibility that an individual may be banned from practising as a journalist through a refusal to provide him or her with a license simply cannot be justified. This has been the clear conclusion of international, as well as national courts, including from the region. It is also reflected in a range of authoritative international statements and the practice of countries around the world, including States in Southern Africa.

IJAZ also argued that the MIC lacks the independence from government required of a body with regulatory powers over the media. In particular, the fact that a politically controlled body has the discretion to refuse to license a journalist is open to serious abuse.

## AIPPA Five Years On

The full impact of the licensing system has been demonstrated quite clearly in the case of *The Daily News*, where, in a cruel twist of fate, it has effectively prevented the newspaper from publishing.

On 5 February 2004, over a year after the matter had been heard, the Supreme Court finally rendered judgment in the IJAZ case. Chief Justice Godfrey Chidyausiku, together with three other Supreme Court justices, upheld the sections relating to the licensing system as constitutional. In a dissenting judgment, Justice Wilson Sandura found all of the contested sections to be unconstitutional.

The majority judgment held that it was necessary to accredit (license) journalists for public order reasons. Unfortunately, the Court provided no reasoning whatsoever to support this conclusion, apart from referencing a Sri Lankan case which deals with regulation of the broadcast media, a totally different matter, and which does not in any case suggest that such regulation is justified by reference to public order.

In a minor victory for freedom of expression, the Court effectively re-wrote part of the Act, substituting 'must' for 'may' in relation to section 79(5), which states that the MIC may accredit journalists who meet the conditions listed. This should at least partially limit the discretion of the MIC to refuse accreditation.

The Court found that although the power to prescribe qualifications for obtaining accreditation is apparently unfettered, any such qualifications would have to be set out in regulation and, should such regulation be unconstitutional, it might be challenged directly. This totally fails to recognise the well-established principle that it is illegitimate to grant undue discretion to officials where there is a possibility that this might be used in such a way as to limit a guaranteed right. Instead, the primary legislation should provide clear parameters for the exercise of such discretion. In this case, it would have been a simple matter to provide at least a framework set of required qualifications.

Importantly, it also fails to take into account the fact that setting any conditions on who may practise journalism breaches the right to freedom of expression. That right, which applies to everyone and through any medium, clearly rules out State imposed restrictions on access to the media or on working as a journalist.

The Court also upheld the provisions regarding the code of conduct, again without providing any reasoning.

Regarding the issue of the independence of the MIC, the Court held that the matter was not properly before it, since the relevant sections had not formally been challenged. In any case, the Court referred to its judgment in the Broadcasting Services Act case for the proposition that this was not a constitutional problem. In that case, the Court found that the direct powers over licensing exercised by the Minister were unconstitutional and, in the present case, the Court again noted that the direct ministerial powers, found in the regulations, were constitutionally suspect and could be challenged. However, the Court declined to address this issue on the narrow technical ground that these provisions had not been challenged. This highly formalistic approach is quite inappropriate to constitutional interpretation, given the fact that the exercise of fundamental rights is in question. It is particularly illegitimate in this case, given that the matter of undue political control was directly in



## AIPPA Five Years On

question and that the Court had just held a very similar power to be unconstitutional in the broadcasting case.

### **Conclusion**

The chances for the return of the banned independent newspapers *The Daily News*, *Daily News on Sunday*, *The Tribune* and *The Weekly Times* in the foreseeable future appears remote as evidenced by the time it has taken to conclude ANZ's legal battle to be duly registered despite the courts' findings of obvious bias on the part of the Media and Information Commission.

Viewed against the enactment of additional restrictive legislation, AIPPA and POSA are set to remain firmly entrenched in the Zimbabwean statutes to serve the interests of the ruling elite ahead of the 2008 Presidential elections. It is poignant to note that these developments continue to unfold despite the existence of an adverse report by the African Commission on Human and Peoples' Rights

Experience from the past points to the inescapable conclusion that the battery of restrictive legislation that is being put in place and applied selectively is likely to manifest in a repeat of the same pattern of harassments against the private media and oppositional groupings as we draw close to the elections.

Laws such as AIPPA, the Broadcasting Services Act, POSA, and Criminal Law (Codification and Reform) Act are likely to remain in place to maintain a restrictive environment that stifles free expression and media freedom rights. In the unlikely event of AIPPA being repealed, the government can still revert to the afore-mentioned laws for similar purposes and objectives further eroding the little that remains of Zimbabwe's democratic space. The remaining privately owned newspapers that have been fearless in braving the harsh and restrictive socio-economic and political environment will no doubt be forced to weigh their options against the risk of suffering the same fate of the closed newspapers.

The mixed signals on the government's commitment to undertake major constitutional and legislative reforms in the wake of local, regional and international condemnation of laws such as AIPPA, POSA and the Broadcasting Services Act vis-à-vis the enactment and contemplation of additional undemocratic laws such as the proposed Interception of Communications law, reflect and express reluctance to create an environment that protects the enjoyment of basic human freedoms.

Suffice to say laws such as AIPPA and POSA which have already been condemned by the African Commission on Human and Peoples' Rights as undemocratic seriously limit freedom of expression and undermine the citizens' capacity to participate in governance issues in the spirit of good governance, transparency and accountability.

**ANNEX: Table of Violations**

**Law Enforcement: Arrests/Detentions/Raids/Charges**

<b>Name/Affiliation</b>	<b>Action/Charge</b>	<b>Date and Status</b>
Thabo Kunene (BBC correspondent)	Arrested in Lupane and released after one hour	29 January 2002 No charges laid
Rhodah Mashavane and Foster Dongozi ( <i>The Daily News</i> ) and Cornelius Nduna ( <i>The Standard</i> )	Arrested and released after four hours; charged under POSA for participating in a demonstration	30 January 2002 The journalists have not yet been taken to court
Basildon Peta (former Secretary General of Zimbabwean Union of Journalists)	Arrested and charged under POSA for allegedly organizing a demonstration	4 February 2002 Matter dropped
Edwina Spicer and Jackie Cahill (freelance film and documentary producer)	Arrested while filming the MDC leader who had been summoned to the police station, near State house but released after 5 hours; camera taken; charged under the Protected Areas Act for allegedly filming State house	18 February 2002 Police to proceed by way of summons; the two are yet to be taken to court
Newton Spicer (Spicer Productions)	Arrested and detained while covering an opposition demonstration; released after five hours; video camera confiscated but returned 6 days later	19 February 2002 No charges laid
<i>Radio Dialogue</i>	Promotional show in Plumtree stopped by the police on grounds that it was not sanctioned by the police as required under section 24 of POSA	21 February 2002
Book Café	Banned by the police from hosting public meetings that might include political discussions as defined under POSA.	28 March 2002
Peta Thornycroft (Zimbabwean citizen and foreign correspondent for <i>The Daily Telegraph</i> and VOA)	Arrested in Chimanimani while on course of duty and released 4 days later on 31 March; charged under AIPPA and POSA for operating as a journalist without accreditation and also writing subversive	27 March 2002 Police to proceed by way of summons; yet to appear in court

## AIPPA Five Years On

	material as defined under section 15 of POSA.	
Geoff Nyarota ( <i>The Daily News</i> , editor-in-chief)	Arrested and charged under AIPPA for publishing a story that the Registrar General misrepresented figures on the Presidential election	15 April 2002 Police to proceed by way of summons; yet to appear in court
Dumisani Muleya (Chief Reporter) and Iden Wetherell (Editor) ( <i>The Zimbabwe Independent</i> )	Arrested and charged under AIPPA for allegedly lying that the first lady was involved in a bid to take over a company with her brother; Muleya was also charged with criminal defamation	15 April 2002 (Criminal defamation); 17 April 2002 (AIPPA) Police to proceed by way of summons; both are yet to appear in court
Radio Dialogue Bulawayo	Raided by the police, searched and some documents and tapes confiscated	16 April 2002 No charges laid
Geoff Nyarota, Lloyd Mudiwa and Collin Chiwanza ( <i>The Daily News</i> )	Arrested and charged under AIPPA for writing that an opposition member had been beheaded by ruling party supporters; released on bail on 2 May; the story proved to be false and the paper apologized; referred to the Supreme Court on 24 July	30 April 2002. Supreme court ruled that section 80 is unconstitutional on 7 May 2003
Andrew Meldrum (UK <i>Guardian</i> newspaper, correspondent)	Arrested and charged under AIPPA (see above case)	1 May 2002 Found innocent on 15 July 2002 Ordered to leave Zimbabwe by Immigration but that order was set aside on 17 July 2002 by the High Court Finally deported on 16 May 2003 even though the High Court ordered that the deportation should not proceed
Pius Wakatama ( <i>The Daily News</i> , columnist)	Charged under AIPPA for commenting on the alleged incompetence of the Registrar General's office concerning the vote counting	6 May 2002 Police to proceed by way of summons; has yet to appear in court
Assel Gwekwerere and Aaron Ufumeli ( <i>The Daily News</i> )	Arrested while taking photographs of an arrested criminal and released after	7 May 2002 No charges laid

## AIPPA Five Years On

	hours of interrogation; film confiscated; police thought the two were part of a gang they had waylaid in an undercover operation	
Brian Mangwende ( <i>The Daily News</i> )	Arrested for allegedly writing a false story that teachers were being harassed and released after two hours	10 May 2002 No charges laid
Bornwell Chakaodza and Farai Mutsaka ( <i>The Standard</i> )	Arrested and released on bail two days later on 17 May; charged under Section 80 of AIPPA for writing that the police have bought anti riot gear	15 May 2002 Matter dropped after Section 80 was ruled unconstitutional by the Supreme Court
Bornwell Chakaodza and Fungayi Kanyuchi ( <i>The Standard</i> )	Arrested and released on bail two days later on 17 May; charged under AIPPA for writing that the police were involved in "sex for freedom deals" with sex workers	15 May 2002 Police to proceed by way of summons; journalists have yet to appear in court
Foreign Correspondents Association	Supreme court rules that its challenge of AIPPA will not be heard as an urgent matter	16 May 2002
<i>The Daily News</i> and <i>The Standard</i>	Sued by Police Spokesperson Assistant Commissioner Wayne Bvudzijena for defamation over stories that said that he once served in the colonial force	21 May 2002 The Standard agreed to pay Z\$800 000 in an out of court settlement
Bornwell Chakaodza (Editor) and Fungayi Kanyuchi (Entertainment Editor) ( <i>The Standard</i> )	Arrested and charged under the Censorship and entertainment Controls Act for publishing picture captions of semi naked alleged sex workers accompanied by a story on the police's "sex for freedom deals" with sex workers.	21 May 2002 Police to proceed by way of summons; the journalists have yet to appear in court
Bornwell Chakaodza and Farai Mutsaka ( <i>The Standard</i> )	Arrested and charged under section 80 AIPPA for writing that the Department of Information is mootting editorial changes at the state owned media	23 May 2002 Matter drooped as Section 80 was ruled unconstitutional on 7 May 2003

## AIPPA Five Years On

Bornwell Chakaodza and Fungayi Kanyuchi ( <i>The Standard</i> )	Arrested and charged under AIPPA for writing a story that the police were unfairly arresting independent media journalists; the story, entitled 'The Private Media's burden', was partly a narration of Kanyuchi's experiences in police cells	28 May 2002 As above
Iden Wetherell ( <i>The Zimbabwe Independent</i> , Editor)	Charged under the Censorship Act for publishing a picture of semi naked Amazonian man playing football in his traditional attire	30 May 2002 Police to proceed by way of summons; has yet to appear in court
Guthrie Munyukwi (Reporter), Urgurnia Mauluka (Photographer) and Shadreck Mukwecheni (Driver) ( <i>The Daily News</i> )	Arrested and beaten and released a day later on 17 June 2002; charged under POSA while covering a pro constitutional reform demonstration in Harare	16 June 2002 Police to proceed by way of summons
Chris Gande ( <i>The Daily News</i> , Bulawayo)	Arrested and charged under AIPPA for allegedly publishing falsehoods about the vice president	4 July 2002 Police to proceed by way of summons; has yet to appear in court
Voice of the People (VOP) Communications Trust (A short-wave radio station)	Raided by the police and tapes and files confiscated but later returned	4 July 2002 No charges laid
Stanley Karombo (Freelance journalist)	Harassed and detained for five hours while covering a mayoral election in the town of Kadoma	25 July 2002 No charges laid
Tawanda Majoni ( <i>The Daily Mirror</i> )	Arrested and detained for two days charged under section 80 AIPPA and the Police Act for having written falsehoods on the health of the Police Chief and for having improperly resigned from the police	12 September 2002 Sentenced to 3 months in prison on 12 September 2002
Henry Makiwa (Reporter), Aaron Ufumeli (Photographer) and Trust Maswela (Driver) ( <i>The Daily News</i> )	Arrested and detained by the police for one and a half hours whilst covering a demonstration by students in Harare; film confiscated	21 October 2002 No charges laid
Henry Makiwa and Gally Kambeu (Photographers) and Trust Maswela ( <i>The Daily</i>	Arrested and detained for four hours while covering an anti rape demonstration in Harare	19 November 2002 No charges laid

## AIPPA Five Years On

News)		
Nqobile Nyathi ( <i>The Financial Gazette</i> , Editor-in-Chief)	Arrested under Section 16 of the Public Order and Security Act in relation to adverts that were placed by a civic activist group in the paper	15 January 2003 Police to proceed by way of summons should they decide to take her to court
Willis Muponda ( <i>The Sun</i> , Editor and Publisher) (a weekly community publication in the city of Gweru)	Harassed by the police in the city after police demand a registration certificate from him as prescribed under AIPPA	15 January 2003 No charges laid
Tsvangirayi Mukwazhi ( <i>The Daily News</i> , chief photographer) and Americans Dina Kraft (Associated Press) and Jason Beaubien (National Public Radio)	Arrested for allegedly entering the Grain Marketing Board depot in Bulawayo illegally; released eight hours later	29 January 2003 No charges laid
Pedzisayi Ruhanya ( <i>The Daily News</i> , Deputy News Editor) and Ishmael Mafundikwa (Freelance Journalist)	Arrested at the High Court for allegedly obstructing police duties	3 February 2003 No charges laid
Peter Muringisanwa (Soundman) and Tawanda Mugwendere (driver) (SABC) and Tsvangirayi Mukwazhi (Freelance Photographer)	Arrested while covering an MDC demonstration at the Nigerian High Commission	7 February 2003 No charges laid
Lloyd Mudiwa (Reporter) and Aaron Ufumeli (photographer) ( <i>The Daily News</i> ), Tsvangirayi Mukwazhi (SABC, correspondent), Brian Hungwe and other unidentified photographers	Arrested while covering a women's march against violence on valentine's day and released after two hours	14 February 2003 No charges laid
Raymond Bouuman and Pam Haanches (Dutch TV Journal ITL5, Dutch Journalists)	Arrested for about 1 hour for taking pictures of a bread queue in Bulawayo	26 February 2003 No charges laid
Geoff Nyarota ( <i>The Daily News</i> , former Editor-in-Chief)	Warrant of arrest issued by the magistrate's court in Harare for failing to appear in court	28 February 2003 Nyarota is now in exile in the USA
William Nyamangara (Managing Director) and Mhlabene Bhebhe (Origination Manager) (Sovereign Publishers)	Arrested under POSA for allegedly printing subversive materials	11 March 2003 Police to proceed by way of summons
Philemon Bulawayo (photographer) and Gugulethu	Bulawayo was arrested while covering protest	18 March 2003 Police to proceed by way of

## AIPPA Five Years On

Moyo (Corporate Lawyer) ( <i>The Daily News</i> ) and Alec Muchadehama (Legal Practitioner)	demonstrations in a Harare High density suburb while Moyo and Muchadehama were arrested when they visited the police station to seek his release	summons; has yet to appear in court
Stanley Karombo (Freelance Journalist, Mutare)	Arrested under AIPPA for allegedly practicing as a journalist without accreditation, detained for 5 days, beaten and had mobile phone and recorder confiscated	19 March 2003 No charges laid
Lloyd Mudiwa ( <i>The Daily News</i> , former Reporter)	Charged with contempt of court for allegedly writing a story that undermined the judiciary	9 April 2003 Matter still before the courts but journalist now in exile
Norna Edwards ( <i>The Masvingo Mirror</i> , Editor)	Charged for having published a false story contrary to Section 80 of AIPPA	2 June 2003 Charges dropped after Section 80 of AIPPA was held unconstitutional by the Supreme Court on 7 May 2003
Shorai Katiwa, Martin Chimenya and John Masuku (VOP Communications Trust, Journalists)	Beaten by war veterans and ruling party supporters while covering the opposition mass protest; detained at ZANU PF headquarters and later taken to police station; recorders and mobile phones taken; the police also search Masuku's home, and confiscate files and a computer	3 June 2003 No charges laid
Edwina Spicer (Journalist and Film Producer)	Home raided by eight police officers; guards, gardener and maid beaten and gardener admitted to hospital for a day; cameras, videos and other equipment taken, including Z\$50,000	6 June 2003 No charges laid
Edwina Spicer (Journalist and Film Producer)	Home raided for the second time in as many days; police officers with a search warrant confiscate more equipment and six loaves of bread	7 June 2003 No charges laid
Francis Mdlongwa (Editor-in-Chief, <i>The Daily News</i> )	Arrested and charged under the POSA for allegedly publishing adverts that undermined the dignity of the	11 June 2003. Police to proceed by way of summons; has yet to appear in court

## AIPPA Five Years On

	President in 2002 when Mdlongwa was still with the Financial Gazette	
Bill Saidi ( <i>The Daily News on Sunday</i> , Editor)	Charged under section 16 of POSA for allegedly publishing a story in the <i>Daily News</i> in 2002 that President Robert Mugabe visited South Africa; the story proved to be incorrect	24 June 2003 Police to proceed by way of summons; has yet to appear in court
Nqobile Nyathi ( <i>The Daily News</i> , Editor)	Charged under Section 16 of POSA for allegedly published adverts denigrating the president; the adverts were placed by the opposition MDC	26 June 2003 Police to proceed by way of summons; has yet to appear in court
Sam Sipepa Nkomo (CEO) and Moreblessings Mpofu (Advertising Executive) ( <i>The Daily News</i> )	Arrested and charged under POSA section 16 for allegedly publishing adverts denigrating the President	30 June 2003 Police to proceed by way of summons; has yet to appear in court
Gugulethu Moyo ( <i>The Daily News</i> , Legal Advisor)	Arrested and charged under section 19 of POSA for allegedly inciting demonstrations for accompanying Sipepa Nkomo and Moreblessings (see above) to the Harare Central police stations when the police indicated that they were looking for her as well; she was also Initially denied access to a lawyer	30 June 2003 Police to proceed by way of summons; has yet to appear in court
<i>Daily News</i>	Banned by the Media and Information Commission and police after a Supreme Court judgment that the paper was operating illegally; police move into newsrooms and offices on 16 September and seize equipment and charge executives and journalists for operating without registration and accreditation; MIC denies the ANZ a license. (See chronicle of ANZ case)	11 September 2003: Supreme Court judgment 12 September 2003: paper banned
Tsvangirai Mukwazhi ( <i>Associated Press</i> ) and Paul Cadenhead ( <i>Reuters</i> )	Arrested at the offices of the <i>Daily News</i> for allegedly obstructing police work;	15 September 2003 Paid admission of guilty fines and released



## AIPPA Five Years On

	charged under the Miscellaneous Offences Act	
Philemon Bulawayo, Margaret Chinowaita, Kelvin Jakachira, Sydney Saizi, George Muzimba and Lawrence Chikumbira ( <i>The Daily News</i> , Reporters)	Charged for practicing without accreditation by the Media and Information Commission	1 October 2003 Police to proceed by way of summons; the journalists have yet to appear in court
19 Media Workers ( <i>The Daily News</i> )	Police raid the Daily News offices and arrest the 19 media workers	26 October 2003 Police to proceed by way of summons; the journalists have yet to appear in court
Brian Mutsau, Stuart Mattinson, Samuel Nkomo, Rachel Kupara and Washington Sansole ( <i>The Daily News</i> , Directors)	ANZ directors were arrested for publishing without an operating licence	27 October 2003 Matter still before the courts
Gift Phiri ( <i>Weekend Tribune</i> , Journalist)	Detained by Bulawayo police for breaching the Public Order and Security Act (POSA) and released the same day	1 November 2003 Police to proceed by way of summons; has yet to appear in court
Martin Chimenya (VOP Communications Trust, Journalist)	Arrested and recorder and tapes confiscated; charged under Section 79 of AIPPA for practicing as a journalist without accreditation	8 December 2003 Matter dropped before plea
Father Nigel Johnson	Arrested by police for filming musical dances, detained overnight and released	5 January 2004 Police to proceed by way of summons; has yet to appear in court
Iden Wetherell (Editor), Vincent Kahiya (News Editor) and Dumisani Muleya (Chief Reporter) ( <i>The Zimbabwe Independent</i> )	Detained for publishing an alleged defamatory story entitled 'Mugabe grabs plane for far East Holiday'	10 January 2004 Granted bail \$20 000 each on 12 January
Raphael Khumalo (Managing Director) and Itai Dzamara (Reporter) ( <i>The Zimbabwe Independent</i> )	Charged with criminal defamation after publishing a story alleging that President Robert Mugabe had commandeered a plane to the Far East.	15 January 2004 Remanded out of custody
AIPPA	Supreme Court ruled that Sections 79, 83 and 85 of AIPPA which call for accreditation of journalists, outlaw practising journalism	5 February 2004

## AIPPA Five Years On

	without accreditation and empowers the MIC to develop and enforce a code of conduct as constitutional.	
Simon Bright (Independent Film Maker)	Arrested and detained over the weekend for allegedly participating in the production of a BBC documentary, Panorama, which focused on Zimbabwe's controversial youth training camps.	19 March 2004 No charges were preferred against him.
Koliwe Nyoni (Marketing Officer, Radio Dialogue) and Gordon Moyo (Coordinator, Bulawayo Agenda)	Arrested and questioned about a POSA public awareness advert that was placed in newspapers by MISA-Zimbabwe in 2003. Also questioned on the activities of MISA-Zimbabwe and Bulawayo Agenda. Moyo's house was searched.	26 March 2004 Released without charge
Shandukani Mathagu (SABC journalist)	Arrested at Beitbridge border post for allegedly entering Zimbabwe illegally.	11 April 2004 Released after South African Authorities provided his documents.
Mihir Bose (Daily Telegraph, journalist)	Deported from Zimbabwe for entering the country without proper accreditation.	21 April 2004
Ben Depear and Martin Smith (Sky News crew)	Department of Information asked them to leave the country because they had not been accredited to cover cricket yet the Ministry on Information had invited them.	29 April 2004
Desmond Kwande (Photographer, Daily Mirror)	Detained for one hour by the police for attempting to take a photograph of a poster at a school that had been closed for unauthorized school fees hiking.	4 May 2004 Released after arrival of officer in charge of the police station.
Rooftop promotions	The Censorship Board banned a satirical play, Super Patriots and Morons that portrayed an unnamed African country ruled by an out-of-touch president.	12 May 2004
Bornwell Chakaodza (Editor)	Arrested for contravening	21 May 2004

## AIPPA Five Years On

and valentine Maponga (Reporter) (The Standard)	section 15 of POSA when they published a story entitled "The family of slain mine boss blame government officials" which said the family of a slain mine boss, Dr Leonard Chimimba was blaming government officials for his death.	Released on \$50 000 bail each and remanded out of custody.
Africa Tribune Newspapers	MIC closed the media house, publishers of "The Tribune" for contravening section 67 of AIPPA that stipulates that the commission should be notified of any changes in titles, frequency and ownership. The letter from the MIC also said they employed an unaccredited journalist, Bekithemba Mhlanga but the publisher, Kindness Paradza, said Mhlanga was not an employee but only contributed to the letters to the editor section.	6 June 2004 ATN planned to challenge MIC in court
Samuel Nkomo, Raphel Kupara, Michael Mattinson and Brian Mutsau (Directors, Associated newspapers of Zimbabwe)	Charged under section 66 of AIPPA for publishing on October 24 2003 without a licence from the MIC. The edition was published after the Administrative Court had judged that the MIC had erred in denying the ANZ a license when it applied in 2003.	9 June 2004 They were acquitted on 20 September 2004
Africa Tribune Newspapers	ATN, publishers of The Tribune, challenged the MIC's decision to cancel their license.	21 June 2004 High Court upheld decision by the MIC.
Criminal Procedure and Evidence amendment Bill	Parliament passed the bill after resistance from the opposition MDC. The bill seeks to allow the police to hold a suspect for 3 weeks instead of the current 48 hours before going to court.	1 July 2004
Bornwell Chakaodza (Editor, The Standard)	MIC issued a final order to the editor of the Standard to submit negatives of a photograph of president Mugabe hitching up his	16 September 2004

## AIPPA Five Years On

	trousers under a headline "Smartening Up" MIC threatened that failure to hand in the negative would result in the MIC proceeding against Standard in terms of section 50 of AIPPA.	
Vincent Kahiya (Editor), Raphael Khumalo (General Manager) and Augustine Mukaro (Reporter) (Zimbabwe Independent)	Arrested and detained for violating section 80 of AIPPA that deals with abuse of journalistic privilege. They had published a story linked to the treason trial of opposition leader, Morgan Tsvangirai.	23 September 2004 Asked to report back to the police on 28 September 2004
Tawanda Majoni (Ass Editor, Sunday Mirror)	High Court quashed a three-month jail term imposed on Tawanda Majoni by a board convened by the Commissioner of police. He had been charged under AIPPA and the Police Act for writing falsehoods about the health of Police Commissioner, Augustine Chihuri.	30 September 2004 Charges under AIPPA fell away
Frank Chikowore (Freelance journalist)	Barred from covering the initial remand hearing of women who had been arrested for demonstrating against the NGO Bill. National Identity card and passport confiscated and was told to collect after producing an accreditation card from the MIC	30 September 2004
Tsvangirai Mukwazhi, Desmond Kwande and Howard Burditt (Photo-journalists)	Arrested outside Parliament Building while covering women who were protesting against the NGO Bill. They were detained for a day.	5 October 2004
AIPPA	The AIPPA Amendment Bill was tabled in Parliament. The bill seeks to provide for a fine and imprisonment for journalists practising without government accreditation.	6 October 2004
Richard Musazulwa (The Standard)	Appeared in court for contravening sections of	13 October Granted \$50 000 bail and

## AIPPA Five Years On

	AIPPA after publishing a story alleging that hungry ZANU PF youths had stormed a Heroes Luncheon hosted by military chiefs in Gweru.	remanded to 26 October 2004.
Zimbabwe Social Forum	Police barred the Zimbabwe Social Forum from holding a meeting in the Harare Gardens claiming it would disturb public order. The forum comprises NGOs, faith groups, social movements and unions opposed to neo-liberalism. The meeting was convened under the title "People's Forum Against Poverty, Gender Inequality and Oppression."	13 October 2004
Movement for Democratic Change	The Minister of Legal and Parliamentary affairs said the MDC would not be allowed airtime on the national Broadcaster in the March elections because they enjoy coverage from CNN and VOA.	13 October 2004
Owen Matava (Editor, Midlands News)	Picked up by police over a story on the alleged retirement of Midlands Province Governor Cephass Msipa. Msipa is denying the report that appeared in the Midlands news. Matava went through nine hours of questioning and police warned and cautioned his statement.	13 October 2004 Police to proceed by way of summons.
Desmond Kwande (Daily Mirror Photographer)	Arrested outside the High Court Building after the acquittal of opposition leader, Morgan Tsvangirai. Riot police demanded his camera for vetting and took him to Harare Central Police Station.	15 October 2004
BBC, The Times, Telegraph, Sun and Mirror	Journalists working for British media were banned from covering England's cricket tour. The decision was made on political grounds by the	24 November 2004

## AIPPA Five Years On

	government. Under AIPPA all foreign journalists should apply for accreditation a month before their intended visit to Zimbabwe.	
Simon Bright (Film maker)	Arrested by the police at the Harare International Airport for allegedly taking part in a BBC documentary, Panorama, production.	19 March 2004 Charged under POSA and released after 3 days.
Radio Dialogue	Police detained two radio Dialogue staffers before raiding their offices and confiscating documents.	26 March 2004 Released without being charged
Shandukani Mathagu (SABC journalist)	Arrested at Beitbridge for allegedly entering Zimbabwe illegally.	11 April 2004 Released after South African authorities produced her documents.
Desmond Kwande (Daily Mirror photo journalist)	Detained by the police for an hour for taking pictures of a school that had been closed by the government for increasing school fees without government approval.	6 May 2004
Davies Guzha (Producer-Rooftop promotions)	The censorship Board banned a satirical play, Super Patriots and Morons performed by Rooftop. The play portrays an unnamed African country ruled by an out-touch president.	12 May 2004
Tribune Newspaper	The MIC closed the African Tribune Newspapers (ATN), publishers of the Tribune on allegations of breaching section 67 of AIPPA. MIC closed the paper in terms of section 71 of AIPPA.	22 June 2004
The Tribune	The High Court upheld the closure of the newspaper after the MIC suspended it for a year for allegedly breaching AIPPA.	21 July 2004 Tribune appealed to the Supreme Court.

## AIPPA Five Years On

Vincent Kahiya, Raphael Khumalo and Augustine Mukaro	Arrested on allegations of abusing journalistic privileges under AIPPA.. The Zimbabwe Independent published a story which said the judgement in the treason trial of MDC leader Morgan Tsvangirai had been postponed because the assessors had not been given a chance to input into Judge Justine Paddington Garwe's findings.	23 September 2004 Still to be formally charged
Tsvangirai Mukwazhi, Desmond Kwande and Howard Burditt (Freelance photo journalists)	Arrested and detained while covering a demonstration by women members of WOZA pressure group protesting against the NGO Bill.	5 October 2004 Released after spending one night in prison.
Owen Matava (Midlands News Editor)	Arrested and questioned by the police over publication of a story detailing the retirement plans of Cephass Msipa, the Midlands Governor. The police recorded a warned and cautioned statement from him and said they would proceed by way of summons.	13 October 2004
Iden Witherell, Vincent Kahiya, Itai Dzamara and Dumisani Muleya	The four are on remand and stand accused of publishing a story in the Zimbabwe Independent on 9 January 2004 that claimed President Mugabe had commandeered an Air Zimbabwe plane to the far East.	
Broadcasting Authority of Zimbabwe (BAZ)	Announced that it was ready to process applications for private, community and commercial broadcasters.	6 September 2004
Criminal Law (Codification Bill)	Criminal Law Codification Bill seeks to impose a maximum of 20 years prison term or a fine of \$2,5million or both on journalists caught publishing or communicating information prejudicial to the state.	Bill still before parliament
AIPPA (Amendment) Bill	President Robert Mugabe	7 January 2005

## AIPPA Five Years On

	<p>signs the Bill into law. Under the Amendment Act it is now an offence for unaccredited or suspended journalists to practice without accreditation. Journalists caught on the wrong side of the law now risk a two-year jail term.</p>	<p>No journalists have yet been charged under this amendment.</p>
<p>Pius Wakatama, a renowned Zimbabwean newspaper columnist</p>	<p>Charged with publishing falsehoods under AIPPA after he allegedly repeated an allegedly false story published on 29 April 2002 by the now closed Daily News.</p>	<p>14 January 2005 Trial date set for 10 March 2005.</p>
<p>Frank Chikowore, a freelance journalist</p>	<p>Arrested while covering a demonstration by the Women of Zimbabwe Arise (WOZA), a militant women's pressure group.</p>	<p>18 January 2005 Released without charges after being detained at Harare Central Police Station.</p>
<p>Associated Newspapers of Zimbabwe (ANZ), publishers of The Daily News and Daily News on Sunday.</p>	<p>Judgment in the matter in which ANZ was fighting to resume publication reportedly set for 7 February 2005</p>	<p>27 January 2005</p>
<p>The Weekly Times</p>	<p>MIC closed the privately owned publication barely a month after its launch citing "misrepresentation and non-disclosure of material facts by the owners.</p>	<p>25 February 2005</p>
<p>Opposition MDC secretary-general Professor Welshman Ncube</p>	<p>Accuses the Zimbabwe Broadcasting Holdings of sabotaging its election campaign programmes. ZBH executive director said the issue should have been directed to Transmedia, which is responsible for transmission.</p>	<p>10 March 2005</p>
<p>Associated Newspapers of Zimbabwe (ANZ)</p>	<p>The Supreme Court referred back to the Media and Information Commission for resubmission of its application to be registered. The court also upheld sections of AIPPA, which were being challenged</p>	<p>14 March 2005 ANZ has to resubmit its application to the MIC.</p>



## AIPPA Five Years On

	by ANZ, as constitutional.	
Richard Musazulwa, correspondent with the weekly Standard newspaper	Musazulwa was being accused of abusing journalistic privilege under Section 80 (1) (b) of AIPPA. The charges followed the publication of a story on 29 August 2004 alleging that hungry Zanu PF had attempted to gatecrash a luncheon hosted by the Airforce of Zimbabwe in Gweru.	23 March 2005 The trial was postponed to 25 April 2005.
Toby Harnden, chief correspondent for the London Sunday Telegraph, photographer Julian Simmonds	Arrested and accused of covering the March 2005 parliamentary elections without official accreditation in terms of AIPPA as well as breaching the country immigration laws.	31 March 2005 He was remanded in custody.
SADC Election Observer Mission	The SADC criticized Zimbabwe's media environment and called on the government to create an enabling environment that allows for equitable access to the state media by citizens across the socio-political and economic divide. The call was made in Harare at the end of Zimbabwe's parliamentary elections held on 31 March 2005.	3 April 2005
Toby Harnden and Julian Simmonds	The pair filed an urgent application with the High Court for their release after they failed to appear in court three days after their arrest.	4 April 2005
Davison Maruziva, Savious Kwinika, editor and reporter with the Standard weekly newspaper.	Charged with abusing journalistic privilege in terms of Section 80 (c) (1) of AIPPA. This followed publication of a story on 10 April 2005 alleging that some ballot papers had gone missing during the March 2005 parliamentary elections.	20 April 2005 Police said they would proceed by way of summons after recording their warned and cautioned statements.

## AIPPA Five Years On

Radio Dialogue	Denied licence to operate a free to air commercial radio by the Broadcasting Authority of Zimbabwe. The BAZ ruled that in its application, Radio Dialogue had described itself as a community radio station but had proceed to apply for a free to air commercial radio licence in Bulawayo.	10 May 2005
ANZ, publishers of the Daily News and Daily News on Sunday	The High Court dismissed ANZ's application seeking a declaratory order for its journalists to be accredited with the MIC in terms of the AIPPA. The ANZ ceased publication on 11 September after the Supreme Court ruled that it was operating illegal, as it was not registered with the MIC.	12 May 2005
National Constitutional Assembly (NCA), pressure group agitating for constitutional reforms.	The police barred the NCA from launching its album dedicated to agitations for a democratic constitution in term of the Censorship and Entertainment Control Act. The album, Singing for a New Constitution, had been widely distributed despite the police ban.	18 May 2005
Criminal Law (Codification and Reform) Bill.	President Robert Mugabe signed the Bill into law after it was passed into law by parliament towards the end of last year. Zimbabwean journalists now risk spending 20 years in jail if convicted for publication or communication of falsehoods, which may incite public disorder or public violence.	2 June 2005 The Bill was gazetted.
SW Radio Africa.	The station that broadcasts from London was forced to beam its last short-wave broadcast due to repeated	2 June 2005

## AIPPA Five Years On

	jamming of its transmission signal by the Zimbabwean government. The station that is manned by Zimbabwean exiled in the UK is now broadcasting on medium wave, which does not cover the whole of Zimbabwe.	
Daily News journalists, Margaret Chinowaita, Taka Muparutsa, Conway Tutani, Darlington Majonga, Fanwell Jongwe, Pedzisayi Ruhanya, McDonald Dzirutwe and Cornelia Mabasa.	The eight journalists who worked for the banned Daily News were served with summons to appear in court for practicing journalism without accreditation in terms of the Access to Information and Protection of Privacy Act.	13 June 2005 The journalists are expected to appear in court on 12 October.
Willie Mponda, Editor of the Sun, a community newspaper in Gweru.	Charged with contravening Section 15 (1) (c) Chapter 11:17 of the Public Order and Security Act (POSA). This followed publication of a story in The Sun on 10 June 2005 that a Gweru woman had committed suicide after her two telephone shops were destroyed under the controversial clean-up campaign code named, Operation Restore Order.	16 June 2005
ANZ	The ANZ said it had filed its application to be registered with the Media and Information Commission in terms of AIPPA.	23 June 2005
African Tribune Newspapers (ATN), publishers of The Tribune weekly newspaper	The Media and Information Commission denied ATN an operating licence saying the media house had failed to meet the requirements for re-registration in terms of AIPPA by failing to prove that it had the requisite capital to resume publication.	13 July 2005
ANZ	The MIC refused to register ANZ because it had	18 July 2005

## AIPPA Five Years On

	contravened Sections 66, 72, 76, and 79 of AIPPA. The sections in question deal with the registration of a mass media service provider, operating without a licence and accreditation of journalists.	
ANZ	Simon Sipepa Nkomo, the ANZ chief executive told journalists in Harare that they would appeal the MIC's decision to deny them an operating licence.	20 July 2005
ANZ	The ANZ filed its appeal with the Administration Court following the MIC's refusal to grant them a licence. The ANZ says the MIC erred by refusing to duly register them on the basis of contravening sections of AIPPA in the absence of a successful criminal prosecution and conviction against the publishing company	27 July 2005
Willie Mponda, Editor of The Weekly Sun	Mponda pleads not guilty to publishing falsehoods in terms of Section 15 (1) (c) of POSA.	3 August 2005 The trial was adjourned to 11 August 2005 after charges were read to Mponda.
Kelvin Jakachira, journalist with the banned Daily News	Accused of practicing without accreditation in terms of Section 83 (1) Chapter 10:27 of AIPPA.	4 August 2005 Trial postponed to 11 August at the request of his lawyer.
Kelvin Jakachira	Defence applies for his acquittal on charges of practicing journalism without accreditation.	11 August 2005
Willie Mponda, Editor of The Sun.	Mponda was convicted of publishing a false statement prejudicial to the State in terms of Section 15 (1) (c) of the Public Order and Security Act (POSA) following the publication of a story which	12 August 2005 He was fined Z\$100 000.

## AIPPA Five Years On

	<p>claimed that a Gweru woman had committed suicide after the police destroyed her two telephone shops.</p> <p>The offence carries a five-year prison term, or alternatively both such fine and imprisonment.</p>	
<p>Ibbo Mandaza, publisher and editor-in-chief of the Zimbabwe Mirror Newspapers Group</p>	<p>Mandaza denied, in an interview with the SABC, any shareholding by the CIO in the Mirror Newspapers Group. The Zimbabwe Independent had published a story alleging the CIO controlled the newspaper company.</p>	<p>16 August 2005</p>
<p>Kelvin Jakachira, journalist with The Daily News</p>	<p>Magistrate dismisses application for his acquittal.</p>	<p>17 August 2005</p>
<p>General Laws Amendment Bill tabled before parliament.</p>	<p>The Bill seeks to amend several other Acts including 2 sections of POSA by increasing the penalty fees against journalists convicted of publishing statements that undermine the authority of the President.</p> <p>The present fine of Z\$100 000 will be increased to Z\$10 million or five years imprisonment or both such fine and imprisonment.</p> <p>The penalty fee under Section 16 which deals with undermining the authority of the President will be increased from \$20 000 to Z\$2, 2 million or one-year imprisonment or both such fine and imprisonment.</p>	<p>6 September 2005</p>
<p>ANZ</p>	<p>The ANZ appeal in which it is challenging the government-controlled MIC's decision to grant them an operating licence is set for 21-22</p>	<p>16 September 2005</p>

AIPPA Five Years On

	September 2005 in the Administrative Court.	
Ibbo Mandaza, CEO and editor-in-chief of the Zimbabwe Newspapers Mirror Group, publishers of the Daily Mirror and Sunday Mirror	Mandaza denies media reports that his newspaper group is controlled by Zimbabwe's secret service.	16 September 2005
Munhumutapa African Broadcasting Corporation (MABC).	The Broadcasting Authority of Zimbabwe (BAZ) denied MABC a licence to operate a commercial television station. The BAZ ruled that MABC had failed to demonstrate that it had the financial muscle to operate such a venture. The MABC is appealing the BAZ's decision.	16 September 2005
ANZ	The matter that had been set for hearing in the Administrative Court for 21-22 September was postponed to an unknown date. This followed the MIC's strong objection to the presence of two assessors who presided in a previous matter in which the court ruled in ANZ's favour.	21 September 2005
Dr Ibbo Mandaza	High Court Judge Justice Bharat Patel suggested that a retired judge should hear the case in which Mandaza is contesting his ouster from the Zimbabwe Mirror Newspapers Group.	11 October 2005
MISA-Zimbabwe	Theminkosi Sibanda, a Zanu PF councilor in Dete, Matabeleland North Province, barred a meeting organized by MISA-Zimbabwe under its Community Radio Initiatives saying the police had not cleared the meeting.	7 October 2005
Dr Ibbo Mandaza	Retired Chief Justice Anthony Gubbay selected to chair an independent labour panel to determine the suspension of	1 November 2005

## AIPPA Five Years On

	Mandaza.	
Zimbabwe Congress of Trade Unions (ZCTU) leaders, Lovemore Matombo and Wellington Chibebe and Last Taribuka, a photographer with the ZCTU's mouthpiece, The Worker.	Matombo the ZCTU president and secretary-general Chibebe, were arrested together with 100 other demonstrators following demonstrations in Harare against the ever-rising cost of living. Taribuka was arrested while covering the demonstrations.	8 November 2005
Dr Ibbo Mandaza	An independent labour tribunal set up to probe Mandaza's ouster from ZMNG fails to proceed with the hearings after parties to the dispute failed to agree on the need for independent arbitration.	22 November 2005
TeleAccess	The Postal and Telecommunications Authority of Zimbabwe (POTRAZ) cancelled TeleAccess' licence to provide fixed public telecommunications services in terms of Section 43 of the Postal and Telecommunications Act. POTRAZ said the licence had been cancelled after TeleAccess failed to provide the service by 1 May 2003 in terms of the licensing conditions.	29 November 2005
Associated Newspapers of Zimbabwe (ANZ), publishers of The Daily News and Daily News on Sunday.	The weekly Financial Gazette reported that the Central Intelligence Organisation had allegedly reversed a decision by the government-controlled Media and Information Commission to register ANZ. According to papers filed with the High Court, Jonathan Maphenduka, a former MIC board member, the regulatory body had on 16 June agreed to register ANZ.	1 December 2005

## AIPPA Five Years On

	ANZ is challenging the MIC's decision to deny it an operating licence to publish its titles.	
TeleAccess	In a public notice, TeleAccess said it is appealing against the cancellation of its licence to provide the country second fixed telecommunications services. TeleAccess said it is appealing to the Minister of Transport and Communications in terms of Section 96 of the Postal and Telecommunications Act Chapter 12:05 against the Postal and Telecommunications Regulatory Authority's decision to cancel the licence.	7 December 2005
Trevor Ncube, chairman of ZimInd Publishers, owners of the Zimbabwe Independent and Zimbabwe Standard weeklies. Ncube is also the publisher of the Mail and Guardian in South Africa.	Ncube filed an urgent application for a High Court Order compelling the government to return his passport arguing that the decision was an unlawful act which infringes on his basic rights and freedoms.	12 December 2005
Three Voice of the People Workers, Nyasha Bosha, Maria Nyanyiwa and Kundai Mugwanda.	Arrested and detained at Harare Central Police Station after police raided their offices in Harare confiscating equipment, computers and administration files.	15 December 2005
John Masuku, director of Voice of the People (VOP) radio station.	Appeared in court on further remand on charges of operating a radio station without an operating licence in terms of the Access to Information and Protection of Privacy Act (AIPPA).	13 January 2006 Masuku remanded out of custody to 30 March 2006.
Sidney Saize, freelance journalist and former journalist with the banned Daily News.	Arrested on charges of practicing journalism without accreditation and publishing falsehoods	18 January 2006 The police said they would be proceeding by way of summons
Arnold Tsunga, deputy chairman of VOP and board	Police descended on Tsunga and Ngwenya's homes in	21 January 2006 Kamba and Nyamufukudzwa



## AIPPA Five Years On

<p>member, Nhlanhla Ngwenya.</p>	<p>Harare saying they were keen to question them on allegations of operating a radio station without a licence. The police arrested and detained for three nights Anesu Kamba, a driver with the Zimbabwe Lawyers for Human Rights (ZLHR) and Charles Nyamufukudzwa, Tsunga's gardener.</p>	<p>were released without charges on 24 January 2006 after spending three nights in police custody on allegations of attempting to defeat the course of justice.</p>
<p>VOP radio station bosses, David Masunda, chairman, deputy chairman Arnold Tsunga, board members Lawrence Chibwe, Nhlanhla Ngwenya, Millie Phiri, Isabella Matambanadzo.</p>	<p>Charged with contravening the Broadcasting Services Act (BSA) by setting up an office in Harare equipped with computers which they used to produce radio programmes</p>	<p>24 January 2006 Granted \$4 million bail each and remanded to 10 February 2006 and ordered to report to the police once a week on Fridays. Matambanadzo was, however, not subjected to similar reporting conditions because she lives in South Africa.</p>
<p>SABC crew</p>	<p>SABC crew were barred from a press briefing during which Finance Minister Herbert Murerwa was discussing the outcome of an IMF team's visit to Zimbabwe.</p>	<p>2 February 2006 The minister, however, later granted the SABC an interview following his initial reluctance to host the news crew.</p>
<p>General Laws Amendment Act</p>	<p>The Act, which tightens the presidential insult laws and communication of falsehoods under the Public Order, and Security Act (POSA), is signed into law by Acting President Joice Mujuru.</p>	<p>3 February 2006</p>
<p>Associated Newspapers of Zimbabwe, publishers of the closed Daily News and Daily News on Sunday.</p>	<p>High Court judge Justice Rita Makarau quashed the government-controlled Media and Information Commission's (MIC) refusal to grant ANZ an operating licence and ruled that the application for registration should be considered afresh.</p>	<p>9 February 2006 The MIC was still to decide on the matter as of February 2006.</p>

## AIPPA Five Years On

VOP Radio Station board members	A Harare magistrate relaxed the reporting conditions against David Masunda, VOP chairman, his deputy Arnold Tsunga, and board members Lawrence Chibwe, Nhlanhla Ngwenya and Millie Phiri.	10 February 2006 The VOP bosses are on remand accused of operating a radio station without a licence in terms of the Broadcasting Services Act (BSA).
VOP Radio Station	VOP Radio directors filed an application for refusal of further remand. The directors, who are represented by Beatrice Mtetwa, are arguing that the facts placed before the courts do not constitute an offence.	28 February 2006 A ruling was expected to be made on 1 March 2006.
Voice of the People Radio (VOP) station board members, David Masunda, Nhlanhla Ngwenya, Lawrence Chibwe, Millie Phiri, Arnold Tsunga, Bella Matambanadzo and director John Masuku.	The seven are accused of operating a radio station without a licence in terms of the Broadcasting Services Act (BSA).	3 March 2006 The accused who are on bail, were remanded to 27 April.
Interception of Communications Bill 2006.	The government drafted the Bill to spy into telephone and e-mail messages. The Bill seeks to empower the chief of defence intelligence, the director-general of the Central Intelligence Organisation, Commissioner of police and Commissioner-General of the Zimbabwe Revenue Authority to intercept telephonic, email and cellphone messages.	17 March 2006. The Bill is still to be gazetted.
Associated Newspapers of Zimbabwe, publishers of the Daily News and Daily News on Sunday.	ANZ's protracted legal battle to be licensed took a new twist with the Minister of Information and Publicity Dr Tichaona Jokonya expected to decide the publishing company's fate..	17 March 2006. The ANZ has since filed an application for a High Court order compelling the Minister to declare them dully licensed.
Fungai Machirori, media student with National University	Taking photographs of students demonstrating at the	6 April 2006 Machirori was later released

## AIPPA Five Years On

of Science and Technology	university campus without police permission.	without charges.
Associated Newspapers of Zimbabwe, publishers of the Daily News and Daily News on Sunday.	The Minister of Information and Publicity Dr Tichaona Jokonya files opposing papers after the publishing house had filed for a High Court order to be deemed duly registered.	20 April 2006 The matter is still pending before the courts.
Voice of the People Radio Station directors, David Masunda, Nhlanhla Ngwenya, Lawrence Chibwe, Millie Phiri, Arnold Tsunga, Bella Matambanadzo and director John Masuku.	Charged with violating Section 7 (1) of the Broadcasting Services Act (BSA) by operating a radio station without a licence.	26 April 2006 A Harare magistrate set their trial date for 15 June 2006.
Beauty Mokoba and Keketso Seofela, journalists with Botswana Television	Arrested and detained for two days in Zimbabwe's south-western border town of Plumtree and charged with violating the Access to Information and Protection of Privacy Act (AIPPA).	4 May 2006 The pair was remanded out of custody.
Maria Nyanyiwa, Nyasha Boshia and Kundai Mugwanda, journalists with the Voice of the People	They have been subpoenaed to appear in court when the trial of their directors opens at the Harare Magistrates Courts on 15 June 2006.	12 May 2006 The trio was subsequently released without charges after spending four nights in police custody.
Church groups	Marches that they organised to commemorate Operation Murambatsvina were banned.	18 May 2006
Beauty Mokoba and Keketso Seofela, journalists with Botswana Television,	The two were further remanded to 26 July 2006 for practicing journalism without accreditation.	23 May 2006
Voice of the People Radio Station (VOP) board members Arnold Tsunga, David Masunda, Nhlanhla Ngwenya, Lawrence Chibwe, Millie Phiri, Isabella Matambanadzo and director John Masuku. Journalists, Maria Nyanyiwa,	The trial of VOP directors, being charged under the Broadcasting Services Act (BSA) which prohibits broadcasting without a license, was postponed to 25 September 2006 after the state applied for the postponement	15 June 2006 Trial postponed to 25 September 2006. A Harare magistrate refused to place them on further remand on 25 September 2006 saying the State's requests for further postponement of the trial was

## AIPPA Five Years On

<p>Nyasha Bosha and Kundai Mugwanda.</p>	<p>because its key witness was in Switzerland. It, however, turned out that the state had not subpoenaed its other witnesses to appear in court at the start of the trial.</p>	<p>turning into a “circus”.</p>
<p>Godwin Mangudya, a freelance journalist and Ndamu Sandu from the Zimbabwe Standard</p>	<p>The two were arrested and detained for demonstrations to press for the removal of the Chairperson of the Commission running the affairs of Harare Municipality.</p>	<p>19 July 2006 The two were still in police custody.</p>
<p>Godwin Mangudya, a freelance journalist and Ndamu Sandu from the Zimbabwe Standard and members of the Combined Residents Association (CHRA)</p>	<p>The two were arrested and detained for demonstrations to press for the removal of the Chairperson of the Commission running the affairs of Harare Municipality.</p>	<p>20 July 2006 The two journalists were still in police custody, without being charged.</p>
<p>Opposition parliamentarians, Job Sikhala, Goodrich Chimbaira and 20 Chitungwiza residents. Sikhala and Chimbaira are parliamentarians for St Marys and Zengeza respectively.</p>	<p>Charged for staging an allegedly illegal demonstration against Chitungwiza Municipality following an increase in water charges in contravention of the Public Order and Security Act (POSA).</p>	<p>16 August 2006 They are on Z\$300 bail (USD 1, 2) each.</p>
<p>Broadcasting Authority of Zimbabwe (BAZ) chairman Pikirayi Deketeke.</p>	<p>Deketeke blamed the Ministry of Information and Publicity for the delays in the issuing of broadcasting licenses to private players and for community radio stations as it had not responded to the enabling recommendations submitted by the licensing authority that would ease the entry of private players. He was giving evidence before the Parliamentary Portfolio Committee on Transport and Communications on why BAZ had not met its June/July deadline to issue licenses for community radio stations.</p>	<p>24 August 2006 The ministry was still to publicly respond by the end of August notwithstanding that no private players have been issued with broadcasting licenses since the enactment of the Broadcasting Services Act in 2001</p>
<p>Parliamentary Portfolio</p>	<p>The Committee grilled the</p>	<p>11 September 2006</p>

AIPPA Five Years On

Committee on Transport and Communications	Acting Minister on Transport and Communications Munyaradzi Paul Mangwana on what steps were being taken to allow the easy entry of private players into the broadcasting sector.	Mangwana told the Committee there would be no policy shift concerning the issue of foreign ownership in the broadcasting sector despite recommendations submitted by the Broadcasting Authority of Zimbabwe.
Mike Saburi, freelance cameraperson, and Zimbabwe Congress of Trade Unions (ZCTU) leaders	Armed riot police sealed off Harare's central business district and arrested Saburi and ZCTU leaders ahead of a planned demonstration against the worsening economic hardships.	13 September 2006 They were arrested and detained in Harare.
Mike Saburi, a freelance cameraperson and ZCTU leaders.	Saburi arrested together with the ZCTU leaders ahead of the planned demonstration on 13 September 2006 were released on bail after being charged with contravening Section 37 (1) (b) Chapter 9:23 of the Criminal Law (Codification and Reform) Act. The section deals with conduct likely to breach public peace.	15 September 2006 Remanded to 3 October 2006 on Zimdollars 20 000 (USd 80) bail each.
President Robert Mugabe	President Mugabe defends the brutal police attacks against leaders of the ZCTU despite international condemnation and increasing demands for full investigations into the assaults which led to the hospitalisation of secretary-general Wellington Chibhebhe.	25 September 2006 President Mugabe said the ZCTU leaders got the treatment they deserved.
National Constitutional Assembly (NCA).	Ten members of the NCA were injured, five of them seriously, when police disrupted a planned demonstration in Harare to press for a new democratic constitution.	25 September 2006 The assault came a few days after President Robert Mugabe defended the brutal police attacks against leaders of the ZCTU.
Mike Saburi, freelance cameraperson.	Saburi was removed from remand after the state withdrew charges against him. He was arrested on 13 September together with the	3 October 2006 The State withdrew charges before plea.

## AIPPA Five Years On

	leaders of the Zimbabwe Congress of Trade Unions ahead of planned nationwide demonstrations.	
Associated Newspapers of Zimbabwe (ANZ) publishers of the banned Daily News and Daily News on Sunday.	The case in which ANZ is seeking a High Court order to be duly licensed is postponed.	5 October 2006 The hearing was postponed to 9 October 2006 at the request of the state-controlled Media and Information Commission.
The Zimbabwean, a weekly published in London and distributed in Zimbabwe.	Law enforcement agents confiscated documents and demanded information from the proprietor of the Zimbabwean's Harare distributing office.	5 October 2006 Wilf Mbanga, the London-based weekly's publisher said the newspaper would not be intimidated by the state's "bully-boy tactics".
Associated Newspapers of Zimbabwe (ANZ) publishers of the banned Daily News and Daily News.	Hearing into the case in which ANZ is seeking an order to be duly licensed opens before High Court judge Justice Anne Mary Gowora.	9 October 2006 Judgment is reserved indefinitely
Zimbabwe Congress of Trade Unions leaders.	ZCTU president Lovemore Matombo and 30 other accused persons were arrested in Harare on 13 September 2006 ahead of planned demonstrations to protest against the worsening economic hardships.	17 October 2006 Their trial which was slated for 17 October 2006 is postponed to in to 30 October 2006.
Zimbabwe Congress of Trade Unions (ZCTU) leaders.	The trial of the ZCTU leaders accused of staging an illegal demonstration in Harare, again fails to kick off on 30 October 2006 after the defence applied to have the matter referred to the Supreme Court. In its application the defence argued that the Criminal Law (Codification and Reform) Act under which the accused are being charged is unconstitutional.	30 October 2006 The state was given up to 3 November to file their response to the defence application. Ruling in the matter is expected on 4 December 2006.
Interception of Communications Bill	The government redrafted the Interception of Communications Bill 2006 following strong objections by	3 November 2006 The revised version still falls far short of meeting the required constitutional and

AIPPA Five Years On

	the Parliamentary Legal Committee on the constitutionality of its provisions.	democratic benchmarks and largely ignores the inputs and concerns raised by civic society organisations and the business community.
Telecel	The High Court suspended the Telecommunications (International Termination Rates) Statutory Instrument 70 of March 2006 after mobile operator, Telecel challenged the constitutionality of the regulation which seeks to force all telecommunications service providers to utilise the government owned fixed telephone service provider, Tel*One's international gateway.	7 November 2006 If implemented, the law would mean that Tel*One controls all international communications and receives all foreign currency accrued from international connections.
Independent Journalists Association of Zimbabwe (IJAZ), Zimbabwe Lawyers for Human Rights (ZLHR), and Media Institute of Southern Africa (MISA-Zimbabwe)	The African Commission on Human and Peoples' Rights deferred a communication filed jointly by these organisations to their next session. The communication challenges the constitutionality of the Access to Information and Protection of Privacy Act.	27 November 2006 The ACHPR said it was postponing the issue so as to allow time for the involved parties to find amicable solutions regarding contentious legislation in the country.
Telecel, NetOne, Econet	Mobile phone operators in the country were allegedly issued with the wrong licenses by the Posts and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ). The license that they were meant to be given allow the government to intercept all telephony communications.	28 November 2006 In his oral evidence before the Parliamentary Portfolio Committee on Transport and Communications, Colonel Livingstone Chineka, Defence Forces director of communications, said the licenses in question should be revoked to link their base stations with the Mazowe Earth Station run by Tel*One. This would enable the government to intercept all telephony communications as is being considered under the Interception of

## AIPPA Five Years On

		Communications Bill.
Trevor Ncube, publisher of the Zimbabwe Independent and Standard and Mail and Guardian	Filed for a High Court order compelling the Registrar – General Tobaiwa Mudede to renew his passport following his application for Zimbabwean citizenship.	3 January 2007 Ncube cited the RG and Minister of Home Affairs as respondents after Mudede refused to renew his passport saying Ncube was a Zambian by descent and was required to renounce that country's citizenship in terms of Zambian law.
Media and Information Commission (MIC).	The MIC gazetted prohibitive application fees for the registration of mass media services and accreditation of journalists.	30 December 2006 The massive increments which were condemned as designed to restrict media freedom and freedom of expression were gazetted under the Access to Information and Protection of Privacy Act (AIPPA) (Registration, Accreditation and Levy (Amendment) Regulation 2006 (No 3) published in the government gazette on 30 December 2006.
Nunurai Jena, freelance journalist.	The Media and Information Commission (MIC) summoned Jena to appear before the Commission for a hearing over an expired accreditation card allegedly issued to him "in error" by the state-controlled media body.	12 January 2007 The MIC ordered him to appear for a hearing at its offices in Harare on 1 February 2007. The MC's machinations are widely seen as designed to deny Jena accreditation for the year 2007.
Selestin Jengeta, a teacher in Masvingo.	Jengeta spent three days in lice-infested police cells. He was arrested for remarking during a television news bulletin that the Zimbabwean crisis would only end upon the death of President Robert Mugabe.	16 January 2007 The teacher was remanded out of custody to 20 February 2007 after being charged with contravening the Criminal Law (Codification and Reform) Act which deals with undermining or insulting the President.
Gibson Murinye and Collen Mwachikopa.	The two appeared before Masvingo Magistrate Timeon Makunde on charges of contravening the Criminal Law (Codification and Reform) Act	16 January 2007 Remanded in custody to 27 February 2007.



## AIPPA Five Years On

	after they were charged with singing a song derogatory of President Mugabe.	
Zimbabwe National Editors Forum (Zinef).	The editors' forum condemned the Registrar-General's refusal to renew Trevor Ncube's passport as a direct assault on his freedom of expression and movement.	17 January 2007 Ncube argued that the withdrawal of his citizenship was unlawful as he has never been a citizen of any other country other than Zimbabwe but contends that his father was born in Zambia but is also a Zimbabwean citizen.
Posts and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ).	POTRAZ imposed uncompetitive tariffs without taking into account the termination rates of regional and international calls paid in foreign currency.	18 January 2007. Zimbabwe's mobile phone operators face serious viability problems which could see some of them winding their businesses because of the imposition of uncompetitive tariffs.
Trevor Ncube, publisher of the Standard and Zimbabwe Independent.	Hearing in the matter in which the publisher was seeking a High Court order compelling the Registrar General to renew his passport is postponed.	24 January 2007 The matter was postponed to 25 January 2007 at the request of the Attorney-General's Office which said it needed time to consider an opinion on Zambian citizenship laws.
Zimbabwe Broadcasting Corporation (ZBC).	The ZBC increased radio and television licence fees by more than 100 percent.	24 January 2007 The fees were increased through a Statutory Instrument published in the Government Gazette on 24 January 2007.
Trevor Ncube, publisher of the Standard and Zimbabwe Independent.	High Court judge Justice Chinembiri Bhunu ruled that the refusal to renew Ncube's passport was unlawful.	25 January 2007 He ordered the Registrar-General to meet Ncube's legal costs.
The Financial Gazette.	The state-controlled Media and Information Commission (MIC) is still to license the weekly Financial Gazette after the expiry of its two-year operating licence under the controversial Access to Information and Protection of Privacy Act.	31 January 2007 The editor of the Financial Gazette, Sunsley Chamunorwa, confirmed that they were still to be licensed after lodging the requisite re-registration documents. The MIC is reportedly refusing to license the weekly until it discloses its ownership.

## AIPPA Five Years On

<p>The Financial Gazette</p>	<p>The state-controlled Media and Information Commission was still to register the weekly financial newspaper almost a month after the expiry of its two-year operating licence on 31 December 2006 in terms of the restrictive Access to Information and Protection of Privacy Act.</p>	<p>1 February 2007 The Financial Gazette was still to duly register as of 28 February 2007.</p>
<p>Peter Moyo, Zimbabwean journalist who works for the South African-based E-TV, Trymore Zvidzai, William Gumbo, cameraperson with the Zimbabwe Broadcasting Corporation.</p>	<p>The three were arrested in the eastern border town of Mutare and found in possession of video equipment which they were using to cover illegal diamond mining activities in Marange Village in Manicaland Province.</p>	<p>6 February 2007 Remanded to 20 February 2007 for trial after being charged with contravening Section 83 (1) of AIPPA which bars practicing journalism without accreditation.</p>
<p>Nunurayi Jena, freelance journalist.</p>	<p>The state-controlled Media and Information Commission (MIC) postponed the case in which it had summoned Jena to appear before the Commission for a hearing over an expired 2006 accreditation card issued to him "in error" by the MIC. The MIC is arguing that the card in question was issued at the recommendation of an employee who has since been fired for misconduct before the application was approved, signed and stamped by the Commission.</p>	<p>14 February 2007 Hearing was postponed to 23 February 2007.</p>
<p>Zimbabwe Republic Police.</p>	<p>The police imposed a three-month ban on demonstrations and political rallies in Harare in terms of Section 27 of the repressive Public Order and Security Act (POSA) which allows for the temporary prohibition of the holding of public gatherings within police districts within a period of three months. The police cited the violence, looting and</p>	<p>21 February 2007 The MDC lodged an appeal with the Minister of Home Affairs, Kembo Mohadi to have the bans declared null and void in terms of POSA.</p>

## AIPPA Five Years On

	destruction of property in Highfield on 18 February 2007 and Kambuzuma on 4 February as reasons for the ban. The police on 18 February 2007 violently stopped a High Court sanctioned rally in Highfield which had been planned for by the opposition MDC to launch its 2008 presidential campaign.	
Nunurayi Jena	Jena appeared before the state-controlled Media and Information Commission for a hearing in a case in which the Commission wants to cancel an expired card that it issued to the freelance journalist “in error” as well as delete him from the roll of journalists. The accreditation card expired on 31 December 2006.	23 February 2007 The Media and Information Commission reserved its ruling in the matter.
Voice of America (VOA) Studio 7	The government admitted that it is jamming the VOA’s Studio 7 broadcasts into the country.	1 March 2007 The admission was made in parliament on 28 February 2007 by the deputy Minister of Information Bright Matonga. Matonga said the actions are aimed at protecting Zimbabwe’s sovereignty and could not allow foreigners to invade the country’s airwaves.
Opposition MDC	The opposition MDC lodged an appeal with the Minister of Home Affairs Kembo Mohadi seeking nullification of the ban on demonstrations and political rallies imposed by the police on 21 February 2007.	1 March 2007 The matter is still pending before the courts.
E-TV Reporter Peter Moyo and Trymore Zvidzai.	Moyo and Zvidzai were each convicted and fined Z\$40 000 for practicing journalism in Zimbabwe without accreditation in terms of Section 83 (1) of the Access to Information and Protection of	5 March 2007 The pair were arrested together with Zimbabwe Broadcasting Corporation employees, Manicaland bureau chief Andrew Neshamba, and Harare-based cameraperson

## AIPPA Five Years On

	Privacy Act (AIPPA).	William Gumbo. Neshamba and Gumbo are being charged under Section 174 (1) of the Criminal Law (Codification and Reform) Act. The section deals with criminal abuse of duty by public officers.
Bright Chibvuri, editor of The Worker which is published by the Zimbabwe Congress of Trade Unions.	Chibvuri was arrested in Plumtree on 3 March 2007 and spent two nights in police custody on allegations of practicing journalism without accreditation.	6 March 2007 He was remanded out of custody on free bail to 27 March 2007.
Zimbabwe Mirror Newspapers Group (ZMNG).	The ZMNG which publishes The Daily Mirror and Sunday Mirror closed business on 8 March 2007 after failing to produce the paper on two consecutive days due to acute financial problems.	8 March 2007 Although the management said the closure was a temporary set back, the papers were still to return to the streets by end of March 2007.
Tsvangirai Mukwazhi, freelance photojournalist.	The whereabouts of Mukwazhi who freelances for Associated Press remained unknown as of 12 March 2007 amid reports he had been arrested together with leaders of opposition parties during skirmishes in Harare during which police shot and killed an opposition MDC activist, Gift Tandare, in cold blood.	12 March 2007 Lawyers representing Mukwazhi told MISA-Zimbabwe then that they were battling to ascertain Mukwazhi's whereabouts as the police were not co-operating with them.
Freelance journalists Tsvangirai Mukwazhi and Tendai Musiyazviriyo, opposition and civic leaders Morgan Tsvangirai, Aurthur Mutambara and Dr Lovemore Madhuku, leader of the National Constitutional Assembly.	High Court judge Justice Chinembiri Bhunu ordered the police to allow lawyers representing the two detained journalists, opposition and human rights activists access to their clients.	12 March 2007 Mukwazhi and Musiyazviriyo were among those being detained at various police stations in Harare together with leaders of opposition political parties and civic society organisations.
Freelance Journalists Tsvangirai Mukwazhi and Tendai Musiyazviriyo.	The two journalists and leaders of opposition political parties and civic society organisations finally appear in court following their arrest on 11 March 2007 when the police disrupted a national day of prayer in	13 March 2007 They were all referred to hospital for treatment after they complained that they had been brutally assaulted by the police following their arrest and detention.

## AIPPA Five Years On

	Highfield, Harare.	
Freelance journalists Tsvangirai Mukwazhi and Tendai Musiyazviriyo.	The two journalists together with opposition leader Morgan Tsvangirai and other human rights activists are released from police custody.	14 March 2007 The state will pursue the matter by way of summons if it is still interested in the matter.
Advocate Pansy Tlakula, the African Commission on Human and Peoples Rights (ACHPR) Special Rapporteur on Freedom of Expression in Africa.	The Special Rapporteur sent an urgent letter of appeal to President Robert Mugabe following a complaint she received from MISA-Zimbabwe and the Media Monitoring Project Zimbabwe on the deteriorating situation on freedom of expression in Zimbabwe, the brutal assault of Tsvangirai Mukwazhi and the continued harassment, unlawful arrests and detention of journalists.	20 March 2007 She urged President Mugabe to respect the rights enshrined in the African Charter on Human and People's Rights to which Zimbabwe is a state party in particular Article 9 and the Declaration on the Principles of Freedom of Expression in Africa.
Tsvangirai Mukwazhi, freelance photojournalist	The police released the motor vehicle they had seized from the freelance journalist following the intervention of his lawyers	26 March 2007 The police were, however still to release his laptop computer and digital camera which they said they were failing to locate.
Bright Chibvuri, Editor of The Worker published by the Zimbabwe Congress of Trade Unions.	Chibvuri is facing charges of practicing journalism without accreditation in violation of Section 83 (1) of the repressive Access to Information and Protection of Privacy Act (AIPPA).	27 March 2007 He was further remanded out of custody to 26 April 2007.
Frank Chikowore, freelance journalist.	Chikowore was arrested in Harare when police cordoned off the central business district in Harare and raided the offices of the opposition MDC at Harvest House.	28 March 2007 Chikowore was detained at Harare Central Police Station together with 35 MDC administrative members of staff and supporters who were arrested during the police raid.
Frank Chikowore, freelance journalist.	Chikowore is released from police custody without being charged.	29 March 2007 Chikowore who is duly accredited in terms of the repressive Access to Information and Protection of Privacy Act was released after spending a night in police cells

AIPPA Five Years On

		following his unlawful arrest.
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**Attacks/Harassment**

<b>Name/Affiliation</b>	<b>Action</b>	<b>Date/Outcome</b>
The Daily News and The Financial Gazette	Copies of these newspapers were destroyed by ZANU PF youths on their way to the airport	10 January 2002
Shepherd Ngundu (teacher in the rural area of Mount Darwin)	He was beaten to death for possessing a copy of the Daily News	5 February 2002
The Daily News Offices in Bulawayo	Campaign posters of President Mugabe are pasted all over the outside walls of the building	8 February 2002
The Daily News offices in Bulawayo and the Daily Press printing company (unrelated)	Both were petrol bombed in Bulawayo	11 February 2002 No report of the investigation has so far been released and no arrests have been made
Tongai Manomano and Munyaradzi Mapingo (The Daily News, Vendors)	They were beaten and their newspapers destroyed by 15 ruling party youths in the town of Rusape	20 March 2002 No arrests have been made
Geoff Nyarota (The Daily News, Editor-in-Chief)	Threatened with arrest by Information and Publicity Minister Jonathan Moyo over a story that appeared in the Daily News	27 March 2002
Patrick Jemwa (ZBC, Cameraperson)	He was beaten and seriously injured by soldiers while covering a pro constitutional reform demonstration in Harare	6 April 2002 Zimbabwe National Army apologised
The Daily News	Information Minister urges government departments and parastatals to stop advertising in the paper	29 April 2002
The Daily News	The State-owned Bulawayo based newspaper, The Chronicle, calls for the banning of the Daily News in a front page lead story	3 May 2002
Joy TV	"Banned" from featuring BBC	8 May 2002

## AIPPA Five Years On

	news in its programmes. Joy TV was leasing ZBC studios and frequency. The station was forced to do operate without a news programme, broadcasting only entertainment programmes.	
The Daily News	ZANU PF threatens to sue the paper for writing that its supporters beheaded a woman; the paper apologized saying it was misled	13 May 2002
National Development Association (NDA)	NDA programme, 'Talk to the nation' banned by ZBC in 2001	30 May 2002 High Court ordered ZBC to bring back show on 30 May 2002; ZBC appealed against this decision on 22 August 2002 but the appeal is yet to be heard
Joy TV	Contract with ZBC ends and is not renewed and station is closed.	31 May 2002
independent media and journalists	In a Sunday Mail story Information Minister Moyo threatens that media houses and journalists who do not register will be arrested	23 June 2002
Chris Gande (The Daily News, Bulawayo)	Thrown out of court by prison officers	28 June 2002
Precious Shumba (The Daily News) and Peta Thornycroft (UK based The Telegraph)	Held hostage by war veterans and ruling party supporters for five hours together with a commercial farmer they were interviewing at a farm 26 km to the west of Harare	14 August 2002
VOP Communications Trust	Their offices in Harare were bombed and property worth millions of dollars was lost	29 August 2002 No report of the investigation has so far been released and no arrests have been made
ZBC	Bomb threat made in a phone call at the Mbare Studios but a search reveals no bomb	13 September 2002
The Daily News	Information Minister Moyo calls on advertisers and readers to abandon the paper	8 October 2002

## AIPPA Five Years On

	after a story that President Mugabe was snubbed by his colleagues at a regional meeting	
The Daily News	450 Newspapers confiscated by youths from the Border Gezi National Service Programme in Mutare and the vendors threatened; these incidents continue throughout the year and many are not recorded	9 October 2002
The Financial Gazette and its Assistant Editor, Abel Mutsakani, and Political Editor, Sydney Masamvu	Attacked by Information Minister Moyo and his Permanent Secretary George Charamba and threatened with arrests over two stories that appeared in the paper on 24 October	25 October 2002
Blessing Zulu (The Zimbabwe Independent) and Pedzisai Ruhanya (The Daily News)	Threatened with shooting by police Assistant Inspector Dowu at the home of deceased MDC MP Learnmore Jongwe	25 October 2002
Radar Private (Ltd) and independent media	Threatened by Chimanimani based Central Intelligence Operative Joseph Mwale that he will not allow an aerial media tour of its (Radar) fire destroyed plantations because independent media journalists are not welcome	26 October 2002
Independent Media	Information Minister castigates independent media alleging that it is unpatriotic	18 November 2002
Shadreck Pongo (The Standard, Photojournalist)	Severely assaulted by police while covering a ZCTU demonstration	20 November 2002
Simon Briggs (UK The Telegraph, Sports Reporter)	Barred from entering Zimbabwe to cover a world cup cricket match and sent back to South Africa	19 February 2003
The Daily News	Reporters barred from covering parliament as officials claimed they had not	26 February 2003



## AIPPA Five Years On

	been accredited	
Nqobile Nyathi (Editor), Abel Mutsakani (Managing Editor), Sydney Masamvu (Assistant Editor) and Luke Tamborinyoka (News Editor) (The Daily News)	The Chairperson of the MIC, Tafataona Mahoso, wrote to them saying they must surrender accreditation cards they were given while working for the Financial Gazette; Mahoso said that the cards cannot be used at The Daily News since the paper is not registered.	14 May 2003
The Daily News, The Financial Gazette, The Zimbabwe Independent, The Standard and The Mirror	ZANU PF supporters destroy thousands of copies of the papers in all towns during a weeklong mass protest called for by the opposition	2-6 June 2003
Dolores Cortes Meldrum (wife of deported Guardian correspondent Andrew Meldrum)	Flees Zimbabwe after being ordered to report to the Department of Immigration	12 June 2003
Mopani Junction Radio programme on HIV-AIDS awareness	Banned by the ZBC with no reasons given	27 July 2003
Bright Chibvuri (The Worker, Editor)	Kidnapped overnight on 30 November and released on 1 December in the town of Kadoma while covering elections	30 November 2003
Radio Dialogue	Police in Bulawayo raided the Radio Dialogue offices and confiscated some documents; they also took down details of the employees at the station. The police had a warrant of search that stated that the station manager, Father Nigel Johnson was in possession of submissive material.	25 March 2004
Richard Musazulwa (Standard)	Was assaulted by soldiers for writing a story stating that 65 army recruits had fled training.	20 April 2004
Journalists	The Minister of Information and Publicity, Jonathan Moyo+ threatened journalists writing for foreign publications	30 April 2004

## AIPPA Five Years On

	that they will be thrown into prison.	
Tawanda Mudimu (The Herald)	Harassed by police while taking photographs of a prominent gospel singer arriving at the High Court for initial remand hearing. Mudimu's camera worth \$10m (approximately US\$ 1 800) was damaged. The Herald made a report to the Harare Magistrates Police Post.	23 August 2004
Mathew Takaona	Zimpapers dismissed him after he held a meeting with dismissed Daily News journalists.	4 March 2004 Dismissal still being contested in court.
Richard Musazulwa (Standard newspaper journalist)	Musazulwa was illegally detained and assaulted by soldiers for writing a story in which he alleged that 65 army recruits fled training.	20 April 2004
Mihir Bose (Daily Telegraph journalist)	Deported from Zimbabwe for entering the country without proper accreditation.	21 April 2004
Ben Depear and Martin Smith (Sky News journalists)	Ordered to leave the country by Jonathan Moyo, Minister of Information because they were not accredited to interview President Mugabe. They were eventually allowed to conduct the interview following the intervention of ZANU PF spokesman, Nathan Shamuyarira	30 April 2004
Tichaona Chifamba, Marvelous Mapiringa, James Chikwanha and Constantine Chimakure (Tribune journalists)	Tribune management fired eight journalists for embarking on a strike to force management to own up to promised back pays.	10 May 2004
Sovereign publishers	Police questioned Sovereign Publishers on how the printing company receives and distributes the Mail and Guardian in Zimbabwe. The police also demanded copies of bank statements of the Mail	9 July 2004

AIPPA Five Years On

	and Guardian from Century Bank. The police did not disclose why they wanted the information on question for.	
Tawanda Mudimu (Herald Photographer)	Mudimu was harassed by police while taking pictures of gospel singer, Charles Charamba, as he arrived at the Harare Magistrates Court on allegations of fraud.	23 August 2004
ANZ retrenched workers	ANZ, publishers of the Daily News defy a Retrenchment Board order to pay the 153 retrenched workers severance packages totalling \$2,3billion. ANZ management appealed against the decision which is still pending before the Supreme Court.	20 September 2004
Frank Chikowore (Freelance journalists)	Barred from covering the initial remand hearing of women protesters who were arrested in Chegutu while on their way to Harare to protest the NGO Bill. The police confiscated his national identity card and passport. His identity documents were returned when he produced his accreditation card.	30 September 2004
Bornwell Chakaodza (The Standard Editor)	Accused by the MIC of publishing an offensive photograph of President Mugabe hitching his trousers at the Harare agricultural show. The MIC demanded the negative of the photograph. Chakaodza through his lawyers submitted that they could not produce the negative in question because their photographer had used a digital camera.	The picture was published on 29 August 2004
Iden Wetherell, Vincent Kahiya and Itai Madzamara (Zimbabwe Independent)	The three are being charged with criminal defamation arising from the publication of	4 October 2004 Waiting for trial date to be set.

## AIPPA Five Years On

	a story alleging that President Mugabe had commandeered an Air Zimbabwe plane to the Far East, applied for removal from remand.	
AIPPA	AIPPA (Amendment) Bill is tabled before parliament. The Bill seeks to provide a penalty fine and imprisonment term for journalists practising without government accreditation.	6 October 2004
Richard Musazulwa (Standard Midlands correspondent)	Charged under AIPPA for publishing falsehoods arising from a story published on 22 August 2004. The story alleged that hungry ZANU PF had stormed a Heroes luncheon hosted by military chiefs at Thornhill Airbase in Gweru.	13 October 2004 Remanded out of prison on \$50 000 bail.
British journalists from The times, BBC, Mirror and The Sun.	Banned from covering the England's Cricket tour on 24 November 2004.	They were finally admitted after the intervention of ZANU PF spokesperson, Nathan Shamuyarira on 25 November.
Weekly Times	The Media and Information Commission (MIC) threatens to close the Weekly Times for allegedly misleading the Commission on the thrust of its editorial policy.	5 January 2005
Jan Raath, Angus Shaw, Brian Latham, Harare-based foreign correspondents	Police raided the offices of the three foreign correspondents accusing them of spying and working without accreditation. The three were reported to have skipped the country following the raids. However, Raath and Shaw in Zimbabwe from where they continue to file their stories.	14 February 2005
Herald reporters	An unnamed policewoman threatened to beat up a news crew from the government – controlled national daily, The Herald covering a traffic	17 February 2005

## AIPPA Five Years On

	<p>accident in which 14 people were killed. The policewoman had been incensed by an earlier story accusing the police of responding late to public calls that a man was lying dead at a shopping complex in Harare.</p>	
<p>Wilf Mbanga, editor and publisher of the London-based <i>The Zimbabwean</i>. Mbanga is also the founding CEO of ANZ, publishers of the <i>Daily News</i> and <i>Daily News on Sunday</i>.</p>	<p>MIC chairman Dr Tafataona Mahoso criticised Mbanga for producing a donor-funded newspaper, which intends to undermine the existence of national and sovereign publications.</p>	18 February 2005
<p>Frank Chikowore, freelance journalist</p>	<p>Assaulted and subsequently arrested by the police while covering a blitz on street vendors and suspected criminals in Harare's central business district. Released on 19 May 2005 without charges after spending a night in police cells at Harare Central Police Station</p>	18 May 2005
<p>DStv Subscribers</p>	<p>DStv subscribers in Bulawayo were asked by the police as to produce the source of the foreign currency they use to pay their monthly subscriptions. The police said they were justified to investigate cases where they suspect crimes were being committed.</p>	17 June 2005
<p>Hosea Chipanga, prominent Zimbabwean musician.</p>	<p>Accused and grilled by members of the Central Intelligence Organization for allegedly singing that President Mugabe would only vacate office upon his death.</p>	5 August 2005
<p>Dr Ibbo Mandaza, suspended founding chief executive and editor-in-chief of the Zimbabwe Mirror Newspapers Group.</p>	<p>Mandaza confirmed that the CIO had infiltrated the media house by wresting a majority shareholding through a</p>	7 October 2005

AIPPA Five Years On

	company known Unique World Investments.	
Trevor Ncube, chairman of Zimind Publishers, owners of the Zimbabwe Independent and Zimbabwe Standard weekly newspapers. Ncube is also the publisher of the Mail and Guardian in South Africa.	Immigration officials seized Ncube's passport upon his arrival from South Africa.	8 December 2005
Voice of the People radio station.	Police raided the VOP offices in Harare, confiscating equipment, administration files and computers. The offices of the VOP which broadcasts on short-wave were bombed on 29 August 2002 during which property worth millions of dollars were destroyed.	15 December 2005
Zimbabwe Independent.	George Charamba, the Secretary for Information and Publicity threatened to set the police on the privately owned weekly and institute legal action over a story linking him to Zanu PF's succession infightings published on 10 March 2006.	13 March 2006 Vincent Kahiya, the editor of the Zimbabwe independent declined to comment saying the matter was subjudice.
The Zimbabwe Independent and the area prosecutor for Manicaland, Levison Chikafu.	The Minister of National Security Didymus Mutasa threatens to sue the Independent and Chikafu over the publication of statements made in an open court.	11 August 2006 Chinamasa has since been acquitted of the charges.
ZCTU president Lovemore Matombo and secretary-general Wellington Chibhebhe.	Detained and brutally assaulted by police following their arrest on 13 September 2006. Chibhebhe was hospitalised following the brutal attacks.	14 September 2006 Police recorded their warned and cautioned statements and indicated that they planned to charge them for contravening Section 37 of the Criminal Law (Codification and Reform Act) which deals with violations of public peace or bigotry.
MISA-Zimbabwe, Zimbabwe Union of Journalists and Media	The three media bodies which constitute the Media Alliance	29 September 2006. MISA-Zimbabwe dismissed the

## AIPPA Five Years On

<p>Monitoring Project of Zimbabwe</p>	<p>of Zimbabwe (MAZ) were branded “regime change activists” by the state-controlled Media and Information Commission. The MIC statement was issued on the eve of a two-day parliamentary lobbying conference organised by MAZ to push for the repeal of the Access to Information and Protection of Privacy Act, Public Order and Security Act and Broadcasting Services Act.</p>	<p>MIC statement as not warranting any serious attention saying the Commission’s chairman Dr Tafataona Mahoso will go to any lengths to protect his job which comes by way of the Access to Information and Protection of Privacy Act which created the statutory MIC.</p>
<p>Zimbabwe Union of Journalists (ZUJ) and freelance journalist, Nunurai Jena.</p>	<p>The chairman of the state-controlled Media and Information Commission Dr Tafataona Mahoso said the government should investigate the ZUJ leadership for what he described as its “anti-government propaganda” activities. In a statement the MIC also accused Jena, ZUJ’s provincial secretary in Mashonaland West Province, of stringing for the Voice of America’s Studio 7.</p>	<p>2 October 2006 ZUJ president Mathew Takaona said the union’s activities were above board. Jena is a licensed freelance journalist as required under the controversial Access to Information and Protection of Privacy Act (AIPPA).</p>
<p>George Charamba, the Secretary of Information and Publicity.</p>	<p>Charamba threatened the Zimbabwe Independent and Standard following the Registrar-General’s refusal to renew Trevor Ncube’s passport. He referred to Ncube as Aphiri, a derogatory reference to Zimbabweans of Malawian extraction describing the year 2007 as the “year of closure”.</p>	<p>6 January 2006. Charamba writes as Nathaniel Manheru in the government-controlled national daily, The Herald’s Saturday column, The Other Side.</p>
<p>Caiphus Chimhete, The Standard and The Zimbabwean newspapers.</p>	<p>The RBZ threatened to sue Chimhete, the privately owned Standard and The Zimbabwean over stories reporting that Central Bank Governor Gideon Gono had</p>	<p>16 January 2007 The Standard later retracted the story and apologised to the Governor for the erroneous report. Gono withdrew the libel suit.</p>

AIPPA Five Years On

	bought himself a top of the range Mercedes Benz Brabus for US\$ 365 000. The Standard published the story on 7 January 2007.	
Bill Said, deputy editor The Standard	Saidi received a brown envelope containing a bullet and threatening message warning him to “watch out”. The envelope also contained a press cutting of a cartoon that was carried by the weekly privately owned newspaper with an illustration of baboons having a good laugh after picking up a pay slip belonging to soldiers of the Zimbabwe National Army who are reportedly lowly paid.	31 January 2007 A report was made to the police, but the progress of their investigations is still to be made known.
Freelance journalist Herbert Chikosi	Police in Masvingo on 26 February 2007 questioned Chikosi following publication of a story by The Zimbabwean alleging that members of the force in the town had refused to sing the national anthem in protest over poor salaries.	1 March 2007 Chikosi was interrogated for about 40 minutes by Inspector Nyambo. He was also asked whether MISA-Zimbabwe had offices in Masvingo. Chikosi denied writing the story.
Sunsley Chamunorwa, Editor of The Financial Gazette.	Chamunorwa, known for his hard-hitting editorials at the weekly financial publication was suspended over a story reportedly involving the business interests of Ray Kaukonde, the Governor of Mashonaland East province and a strong ruling Zanu PF stalwart.	12 March 2007 Jacob Chisese, the chief executive officer of The Financial Gazette said Chamunorwa would remain suspended pending a final decision by the company’s board of directors.
Zimbabwe Lawyers for Human Rights (ZLHR), MISA-Zimbabwe Legal Officer Wilbert Mandinde.	The lawyers who were representing freelance photojournalist Tsvangirai Mukwazhi were barred from entering Machipisa police station to secure the release of Mukwazhi’s motor vehicle, a laptop computer and digital camera.	22 March 2007 The lawyers said they would file for an urgent High Court order to secure release of the vehicle which was impounded by the police following Mukwazhi’s arrest on 11 March 2007.



AIPPA Five Years On

<p>Jan Raath and Peta Thornycroft, Zimbabwean-based foreign correspondents.</p>	<p>The government through the Ministry of Information and Publicity threatened and warned the two journalists to steer clear of Zimbabwe's security matters or risk unspecified reprisals.</p>	<p>23 March 2007 The government issued the threat in the wake of the growing international condemnation of Zimbabwe's dented human rights record following the brutal assault of leaders of opposition political parties, civic society organisations, human rights activists and journalists while in police custody.</p>
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