

# Zimbabwe Lawyers for Human Rights

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## FREEDOM OF EXPRESSION IN ZIMBABWE UNDER SIEGE

Zimbabwe Lawyers for Human Rights (ZLHR) is gravely concerned at the impact on the right to freedom of expression of the forced closure of the privately owned *Daily News* following the recent Supreme Court ruling in the matter involving the Associated Newspapers of Zimbabwe (ANZ) and the Minister of Information & Publicity and the Media and Information Commission. The ANZ are the publishers of the *Daily News*, which is the only independent daily newspaper in Zimbabwe. This is not the first time that the employees and the newspaper itself have come under attack for their efforts to disseminate information to the public about affairs affecting their day-to-day lives.

ZLHR has always maintained that the Access to Information and Protection of Privacy Act (AIPPA) is a repressive piece of legislation that was enacted primarily to undermine the right to freedom of expression and stifle the exchange of ideas and information by the people of Zimbabwe. AIPPA, together with the Public Order and Security Act (POSA), the Broadcasting Services Act, the Miscellaneous Offences Act (MOA) and the Labour Relations Act (LRA), amongst others, form an axis of repression in Zimbabwe, assaulting the epicentre of the freedom of expression. The latest attempt to utilise AIPPA to effectively shut down the private media should leave no person in doubt as to the intentions of those who crafted the legislation and their desire to suppress freedom of expression in the country.

### The Supreme Court Ruling

Whilst reservations have been previously expressed about the independence of the Judiciary in Zimbabwe, ZLHR has remained fairly confident for some time that the bench would remain the final protector of universally recognised human rights and fundamental freedoms. In addition to the Constitution, Zimbabwe is bound by a number of international instruments that oblige it to conform with minimum standards in terms of promoting and protecting the right to freedom of expression which includes the right to impart and receive information. We have no doubt that the Supreme Court is aware of the obligations that Zimbabwe has in terms of such international instruments as The African Charter on Human and Peoples Rights and the International Covenant on Civil and Political Rights which guarantee the right to freedom of expression.

Even though ZLHR has not yet been able to obtain a copy of the Supreme Court's judgement in the ANZ matter in order to express a technical opinion, we are able to comment on the impact of the ruling on the right to freedom of expression as a fundamental human rights issue.

ZLHR notes with grave concern that the Supreme Court ruling effectively resulted in the biggest assault on the right of freedom of expression in the history of our Independence. It is indeed regrettable that the ambitious thrust by the Minister of Information and Publicity to enact, by any means, unconstitutional legislation designed to arrest expression, has now been given judicial approval by a court entrusted with the protection of fundamental freedoms and universally recognised human rights to ensure justice and freedom in Zimbabwe. Repression may therefore have sadly found itself an ally against human rights defenders, in the form of the Judiciary.

### The forced closure of the *Daily News*

It came as no surprise to ZLHR that the police acted with apparent haste and enthusiasm to close down the *Daily News* on 12 September 2003 once the Supreme Court had made its pronouncements. This effectively put the final nail in the coffin of the right to expression. ZLHR is also deeply concerned about the impact of the police conduct consequent to the Supreme Court ruling on the investment climate in Zimbabwe at a time when our economy is in serious disarray.

It is time for the Ministry of Information and Publicity to cease utilising repressive and unconstitutional pieces of legislation to stem the free-flow of information and ideas in Zimbabwe. We continue to call for the immediate repeal of AIPPA and POSA and the drafting of appropriate and lawful legislation after considered debate and input from all stakeholders.

13 September 2003

*To foster a culture of human rights in Zimbabwe*