

CRISIS IN ZIMBABWE COALITION

CLOSURE OF DAILY NEWS A DISGRACE

The Crisis in Zimbabwe Coalition is dismayed but not surprised by the forced closure of the Daily News on Friday September 12, 2003.

On Thursday September 11, the Supreme Court ruled that Associated Newspapers of Zimbabwe (ANZ), publishers of the Daily News and the Daily News on Sunday was operating illegally, and required the organisation to register as a mass media house in accordance with the provisions of the widely contested Access to Information and Protection of Privacy Act (AIPPA) before ANZ's case on the constitutionality of AIPPA would be heard.

In statements published in both the Daily News and the state-controlled newspaper The Herald, ANZ officials were quoted as intending to respect the judgement by registering the paper. However, it was noted that the process of registration itself can be time consuming, and might take several months.

Despite these intentions, armed members of the Zimbabwe National Army and the Zimbabwe Republic Police arrived at the offices of the Daily News on the afternoon of Friday September 12 and evacuated the staff from the offices. They did not present a court order, but instead declared that the paper would not be publishing, in either print or electronic form, for the following day.

The police have since sealed off the building both for office and production work, effectively incapacitating even ANZ staff members from preparing the paper work necessary for registration. However, officials of the Daily News report that they have not even been given access to the Supreme Court ruling, further comprising their ability to comply with the judgement.

The Crisis Coalition is concerned by the above-described events for several reasons:

1. The swiftness of the Supreme Court's ruling is surprising. In November 2002 the case of the Independent Journalists Association of Zimbabwe (IJAZ) challenging AIPPA was heard, but judgement still has to be handed down. In contrast, the Supreme Court hastened to make a ruling on the ANZ application. Typically, if the constitutionality of a law is being questioned from several quarters, it is standard practice to stay all judgements until each aspect of the law has been heard, and the judgements can be made concurrently.
2. The forced closure of ANZ by the army and police demonstrates an excessive use of force by the state machinery. Moreover, it is unprocedural for the police to enter a building, detain several officials for questioning and close down a business without producing a Court Order or explaining the legal foundation for their actions.
3. If the Daily News is not allowed to operate or publish, Zimbabweans will be deprived of an alternative source of information. Free media access is a cornerstone of a democratic society. The silencing of the independent press is a blatant attempt by the ruling party to further consolidate its stranglehold on people's access to information. Also, if only one paper is in circulation, this will further contribute to the polarised and dichotomous reporting of the news—both about the ANZ story and more general issues—to the Zimbabwean people.
4. The Supreme Court judgement represents a worrying endorsement of AIPPA, a law whose constitutionality has been questioned by journalists and civil society actors both within Zimbabwe and across the region.
5. The objectivity of a government run Media and Information Commission (MIC) in debating the operations of the press in Zimbabwe contains both regulatory and financial biases. The government has clear political interests in ensuring a monopoly on the print media—to complement its control on the broadcast sector—in order to narrow public awareness of current issues. In addition, the state has a financial conflict of interest, which prevents it from being an impartial referee in the question of newspaper publication. There is no doubt that the growing popularity of the Daily News—and its expanding market share—have had financial implications on the viability of state-owned ZimPapers.

The Crisis Coalition is stunned by the irregularity with which this case has been handled, and the perverted sense of justice demonstrated by the Supreme Court in this instance. In a democracy, citizens should be allowed to challenge the constitutionality of a law before having to comply with it, without being accused of subverting the legal process.

The Coalition demands that ANZ immediately be permitted to resume operations. It calls for the repeal of AIPPA, and the return to non-partisan application of the rule of law in a way that is consistent, fair and procedural.

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Crisis in Zimbabwe is a grouping of 350 civil society organisations and coalitions whose vision is a democratic Zimbabwe.