

MISA-Zimbabwe

State of the Media Report 2003

In the Report

Introduction

Media environment

Print Media

Broadcasting

Attacks on MISA

Telecommunications

Media Violations statistics

Introduction

The State of the Media Report is an assessment of the media environment carried by the Media Institute of Southern Africa-Zimbabwe Chapter (MISA-Zimbabwe). The report looks at the operational environment of media practitioners and media organisations. Particular attention is paid to media and freedom of expression violations as these demonstrate the extent to which the media is free or otherwise in a given state.

The violations have a bearing on the quality of news and information that reaches the readership and/or listenership. In the case of Zimbabwe government officials have instigated most of the arrests made on journalists. On the other hand no conclusive investigations have been carried out on bombings of media houses that took place since 2000. The repressive media environment currently prevailing in Zimbabwe reflects on government's attitude and policy towards the media, a negative attitude that has been buttressed by the promulgation of repressive laws such as the Access to Information and Protection of Privacy Act (AIPPA) and the Broadcasting Services Act (BSA). As the distinction between telecommunications and the traditional media become increasingly blurred the report also assesses the state of development in the telecommunications sector. This sector has a bearing on media and freedom of expression in as far as it relates to the use of the Internet, e-mail, and text messages through mobile phone networks.

Since 2000, when Zimbabwe took a plunge both economically and politically, freedom of expression has become a victim as the government intensifies efforts to control and influence the flow of information. The failure of opposition parties to contest elections as a result of violence, beatings and threats meant that free expression and the right to elect political representatives of one's choice has been taken away. The Rural/Urban and parliamentary by elections held in mid 2003 demonstrated this point. Under the circumstances the media finds itself in a difficult situation where journalists cannot visit certain areas and have also become victims of the political violence, threats and intimidation from political players, security agents and government officials.

Media environment

The closure of *The Daily News* on 12 September 2003 marks a serious setback for the struggle for media and freedom of expression rights in Zimbabwe. The move by the authorities is unprecedented in Zimbabwe's 23 years of independence.

Although there seemed to have been a decline in the harassment of media workers in the first half of 2003 all this was reversed by the events of 12 September. Sixteen journalist and five executives of the Associated Newspapers of Zimbabwe were arrested and charged under the Access to Information and Protection of Privacy Act (AIPPA) for allegedly practising and operating a media house without accreditation and a license respectively. There has also been an upsurge in the arrests of demonstrators and media workers covering protests marches and/or political gatherings. The police have put a blanket ban on demonstrations or any public gatherings, which they perceive to be "political".

Positively, the scrapping of Section 80 of AIPPA played a significant role in removing the shackles journalists and media houses have been placed in since March 2002 when the law became operational. Section 80 placed criminal liability on what AIPPA called the "publishing of falsehoods"¹. Notwithstanding this development, authorities have turned to such laws as the

¹ In the case of Llyod Mudiwa And Geoff Nyarota Vs the State the full bench of the Supreme Court, headed by the Chief Justice Godfrey Chidyausiku made the following order on 7 May 2003:
i) Section 80(1)(b) as read with section 80(2) of the Access to Information and Protection of Privacy Act Chapter 10:027 were declared to be *ultra vires* Section 20 of the Constitution and struck down as being of no force and effect.

Public Order and Security Act (POSA) to arrests journalists and other media workers. Like in the past many of the cases have not been concluded and many charges remain hanging till today. Concerns still remain over the delays in the passing of judgments on landmark cases such as the challenge of an array of Sections of AIPPA by journalists.

The media environment in Zimbabwe remains tense as before and remains polarized. With just under 18 months left before Zimbabwe faces another general election, fears are that events of 2000 and 2002 when media houses were bombed and journalists arrested in droves are likely to resurface. This is so because the government has not taken any steps to improve the working environment of journalists and media houses and has infact intensified its vitriol against the private media. A senior official in the department of Information and Publicity called the destruction of private papers by ruling party ZANU PF supporters, in June 2003 "rejection by readers". MISA-Zimbabwe however notes that such incidences are outright criminal acts. In a few incidences, law enforcement agencies and other state security arms have demonstrated that given the necessary environment, support and room they have the capacity to put to an end the wanton destruction of private newspapers and general lawlessness that prevails. This was demonstrated, in June 2003 when the police and soldiers stationed in a Harare's dormitory town of Norton during an opposition stay away arrested suspected ZANU PF youths who had confiscated copies of *The Daily News* and about to burn them.

❖ Print Media

The media environment remains tense with verbal attacks and legal suits being piled on private owned papers like *The Daily News*, *The Standard* and *The Zimbabwe Independent*². As mentioned earlier the closure of *The Daily News* and *The Daily News on Sunday* is the most serious attack on media and freedom of expression rights in Zimbabwe experienced so far.

Attacks of individuals/readers caught with copies of privately owned papers also increased especially at times when political tensions were high³. Amendments to the media law, AIPPA, do not democratize the law and on the contrary made new insertions that strengthen the powers of an appointed Media and Information Commission while extending the definition a "media house" and "journalist"⁴. The imploding Zimbabwe economy has added another dimension to the problems being faced by the media in Zimbabwe. The print media has particularly been affected by the rising prices of newsprint resulting in reduced print run. Only one company in Zimbabwe supplies newsprint. Many small towns and outlying areas are no longer receiving adequate supplies of newspapers.

ii) Respondent bears the costs of the application.

² The Minister of State for Information and Publicity and the Chairperson of the Media and Information Commission on 5 September spoke against the private media at the launch of New Ziana, a multi media organisation charged with publishing government information. Minister Moyo said, "these papers are trash, and they injure our nationals interests".

³ Readers of private newspapers such as like *The Daily News*, *The Financial Gazette* and *The Zimbabwe Independent* were beaten by alleged ZANU PF supporters for reading these papers and thousands of copies of newspapers ere destroyed during this period. Before its closure *The Daily News* and *The Daily News on Sunday* had suffered loses of papers in towns such as Rusape, Bindura and Marondera due to destruction by ruling party supporters.

⁴ The new definition of a "journalist" now means a person who gathers, collects, edits or prepares news stories and materials for any service that produces an advertisement, the total print or part of the total print of a separate issue of a regular newspaper, magazine or journal, bulletin or any other publication with a constant name, a separate issue of a teletext programme, the total data or part of the data of any electronically transmitted material, or audio or video recorded programme (whether or not it also disseminates them), whether as an employee of the service or as a freelancer. The definition is vague and extremely open-ended, and an individual cannot easily establish whether s/he falls within the category.

The polarization that has characterized the print media since 2000 still exists with the private and public media reporting issues differently and from predetermined positions.

The newspaper stable in which the state has a major equity, the Zimbabwe Newspapers Company (ZIMPAPERS) remains under the tight grip of the Department of Information and Publicity in the Presidents Office. A lot of unethical and biased reporting still constitutes the bulk of public media news. The state media especially dailies, *The Herald* and *The Chronicle* are dominating in the absence of the *Daily News* and its sister Sunday paper. Reports by the Media Monitoring Project of Zimbabwe show that the state media is seriously misrepresenting news in Zimbabwe and in cases out rightly lying⁵.

The Southern Africa Printing and Publishing House (SAPPHO) launched its Daily paper *The Daily Mirror* in December after shutting it down mid 2003. The paper is the only privately owned daily in the streets.

Legal wrangles over the closure of *The Daily News* and *The Daily News on Sunday* continue with the Supreme Court expected to hear the matter in 2004. The state argues that the paper is in breach of the law and deliberately published even after being ordered to shut down. Despite court rulings by the Administrative court compelling the Media and Information Commission to license the papers, the commission and the Department of Information have appealed against all such rulings. Chances of the paper coming back soon appear remote as a result of the litigation web now surrounding this matter.

As shown by the media violations statistics in this report, journalists in the private media continue to face arrests, threats and intimidation in the course of duty. Despite the official accreditation that many have, the police and other state security agents refuse to recognize these cards or offer assistance to journalists. Infact journalists have been arrested, beaten and had their equipment confiscated despite producing the cards. Those without the cards have been arrested for practising as journalists without official accreditation.

❖ Broadcasting

The broadcasting arena is still dominated by the state through its ownership and control of the ZBC. Only the voice of government officials, the ruling party and its supporters is heard on the ZBC. The Media Monitoring Project of Zimbabwe (MMPZ) has adequately documented the biased and unethical reporting of the ZBC, which has become endemic⁶.

Although no serious moves have been made on licensing other private players the Minister of Information Jonathan Moyo has on three occasions in 2003 announced that private players would be licensed by the end of 2003. However 2003 has been concluded without any new player licensed.

⁵ "Since the closure of *The Daily News*, the government-controlled media have clearly demonstrated their capacity to omit and distort important news, and in the case of *The Herald* this week to deliberately publish falsehoods that misinform its readers. While the world's news agencies reported on Tuesday November 25th that Nigerian President Olusegun Obasanjo had declared that Zimbabwe would not be invited to the Commonwealth Heads of Government Meeting in Abuja, *The Herald* (26/11) stated that ". Obasanjo reiterated yesterday that he was still to invite President Mugabe." *The Herald's* story, headlined 'Obasanjo yet to invite President', also stated: "News agency reports said the Nigerian leader told reporters. That he had visited Harare last week to assess the situation in Zimbabwe." But it deliberately omitted the fact that Obasanjo had actually said: "We will not have an invitation (for Zimbabwe). MMPZ report No 2003/47 December 5 2003

⁶ For previous MMPZ reports, and more information about the Project, please visit the website at <http://www.mmpz.org.zw>

The Minister announced in September that the state owned New Ziana has been licensed to operate radio and television stations. It seems however that the licensing that the government is looking at is one in which it has direct control of the process and the licensing of New Ziana cannot be defined as that of a private player since the state is the sole owner of the news agency.

The Broadcasting Services Act (BSA) provides that the licensing process shall be in hands of the Minister of Information and many other restrictions are put in place that make it impossible for an broadcasting initiative to function sustainably⁷. The Minister and government officials have

⁷ Section 20 of the Broadcasting Services Act prohibits political parties or organisations from controlling broadcasting stations. This seemingly benign and reasonable restriction placed on broadcasters suffers from an internal contradiction in that the ruling party ZANU PF controls the Zimbabwe Broadcasting Corporation and private broadcasters, should any be licensed. More alarming is the fact that the restriction on political control is so vague, open-ended and in practice liable to subjective interpretation. The section maybe used to oppressively discriminate against broadcasters disliked by government.

This seemingly benevolent restriction on the right to impart and receive information, views and ideas is exceedingly potent. The Minister has absolute control over Zimbabwe Broadcasting Corporation. Therefore in theory and certainly in practice, ZANU PF has immediate access and control of not only a broadcaster but a signal carrier as well. A political party is usually easy to define and identify. An organization is defined as political if it has an objective the “*furtherance*” of the election to or removal of a person from public office. A group such as the Combined Harare Ratepayers Association, which for instance petitioned the High Court for the removal of the Commissioners running the City of Harare, is prohibited from having a licence or may have a broadcasting licence canceled. In other words, the Residents Associations will not be granted a broadcasting licence. The holding of elections is undoubtedly foundational to any democracy. The use of broadcasting as a medium of expression and exchanging views and opinions on the political process is key to sustaining a true democracy. Organizations that are not necessarily political but participate in the democratic debate related to elections, and seek, say the removal of a corrupt local government will be prevented from broadcasting. It maybe laudable that political parties should not control broadcasting, whether they are in government or opposition. If it is held that the restriction on political groups is one made by a “law” it may argued that direct political control of broadcasting stations will affect the independence, ethics and standards required to maintain objectivity within the broadcasting sector. However, this aim cannot be legitimate, nor one made in good faith. ZANU PF has access to the ZBC through the Minister. The restriction is made in bad faith. Further, Section 20 of the Constitution does not recognize the restriction on political parties in any of the limitation sections. It is doubtful that any legitimate objective exists at all for limiting the right. It seems that the only objective, though made in bad faith, exists to prevent legitimate political opposition, from accessing broadcasting.

On the other hand, the legislation allows ZANU PF to have access to the Zimbabwe Broadcasting Corporation and have a compulsory and cumulative one-hour per week broadcasts on every licensed private broadcasting station. No legally valid explanation seems possible for this particular restriction.

The Minister has power to amend, suspend and cancel licenses contained in the Broadcasting Services Act. It unduly restricts the right to receive and impart views and ideas. The Minister’s power violates section 18(9) of the constitution, which requires the government to grant citizens the opportunity to be heard before any act prejudicial to the rights or interests of the individual is affected. The dispute resolution mechanism created by Section 16 as read with Section 43 of the Broadcasting Services Act, fails to afford a licensee, an impartial tribunal or court in the determination of the existence and extent of his civil rights and obligations. Section 15(1)(c) and (d) of The BSA grant the Minister, absolute power to amend a licence, interfering with the nature, quality and quantity of information broadcast, by a licensee. Further, the Minister has power to unilaterally amend a licence in the “public interest”. Public interest is a most vague concept. Its definition left to the absolute discretion of one man, a political appointee and ruling party stalwart is open to gross abuse and subjective interpretation. It may be used to cover every conceivable act despised by the government. The Minister may get rid of a broadcaster in the following manner. Utilising his discretionary powers contained in Sections 11(I)(c) and 15(I)(c) and (d), and he will impose onerous conditions, which the broadcaster cannot observe either because of practical or economic difficulties. Failing observance, the broadcaster’s licence will then be suspended or canceled. *Ref: MISA-Zimbabwe Broadcasting Services Act Analysis 2002.*

stressed that there is no way they are going to leave the process to be handled by any other authority none other than themselves.

The government has embarked on measures to strengthen the capacity of the ZBC by sourcing new technology to enhance its outreach. This is being done through loans from the Iranian government. This development might be positive in the long term and future role of the ZBC if and when it becomes a public broadcaster as opposed to the manner it is operating now. The government has also intensified its information dissemination capacity by setting up information kiosks in various rural and peri urban centers. These kiosks are, according to government officials, meant to “counter western propaganda being disseminated through the British Broadcasting Corporation, Voice of America and various short-wave radio stations such as SW radio Africa (London) and Voice of the people (Harare).

On a positive note the Supreme Court ruled that section 6 of the BSA seriously undermines the independence of the regulatory authority. Section 6 makes the minister the licensing authority, while the Broadcasting Authority of Zimbabwe (BAZ) processes the applications for a broadcaster’s licence. It therefore, unanimously ruled that the section in question was unconstitutional because it subordinates the authority to grant licences to the minister. The ruling was made after aspiring radio station, Capitol radio had challenged the constitutionality of several sections of the BSA⁸.

❖ Attacks on MISA

MISA-Zimbabwe notes that there has also been an intensification of physical and verbal attacks on its members. In Kwekwe a MISA-Zimbabwe member Flata Kavinga was severely assaulted, and had to be hospitalized for two days, for wearing a MISA T shirt. Cyril Zenda a journalist with *The Financial Gazette* and a member of MISA-Zimbabwe had his MISA-T-shirt torn in Harare’s high-density suburb of Mbare in October 2003. The assailants accused Zenda of wearing a T-shirt of an organisation that promotes oppositional politics. Zenda lost his cellphone and wallet to a vigilante group known in the suburb as Chipangano and linked to the ruling party, ZANU PF. Many ordinary persons wearing MISA T-shirts have also been beaten and the t-shirts torn and some confiscated. The Minister of Information and Publicity Jonathan Moyo and the Chairperson of the Media and Information Commission have also intensified their attacks on MISA-Zimbabwe labeling it a foreign organisation promoting foreign interests. Such attacks, abhorrent and undesirable as they are, show us that the work we are doing is not in vain and the message is getting home. Accusations labeled against the organisation do not hold water as seen by the fact

⁸ In its judgment delivered on 25 September, Chief Justice Godfrey Chidyausiku, said the court had struck off certain sections of the BSA “in order to breathe life into a Constitution with a declaration of rights in great need of rejuvenation”. The Supreme Court regrettably pinned most of its decisions on whether Capital Radio had *locus standi* (legal basis) to challenge the constitutionality of some of the sections of BSA. The Supreme Court, therefore, ruled that freedom of expression as enshrined in Zimbabwe’s Constitution should be interpreted to include freedom of the press, which should also be enjoyed by corporate persons. In that vein the court ruled that Section 6 of the Act seriously undermines the independence of the regulatory authority. Section 6 makes the minister the licensing authority, while the BAZ processes the applications for a broadcaster’s licence. It therefore, unanimously ruled that the section in question was unconstitutional because it subordinates the authority to grant licences to the minister. The court ruled that Capital Radio did not have *locus standi* to challenge the sections in question. These are Sections 8 and 22. Section 8 (1) (2) and (5) stipulate among other conditions that a licence will be issued only to citizens ordinarily resident in Zimbabwe or to a body corporate in which the controlling interests should be in the hands of one or two citizens of Zimbabwe. Subsection 5 states that no applicant that is a body corporate shall be qualified to be licensed if any one person holds or controls more than 10 percent of the securities in that body corporate. Section 22 states that no person other than a citizen of Zimbabwe ordinarily resident in Zimbabwe shall be a director of a licensee.

MISA-Zimbabwe State of the Media Report 2003

that a sizable number of members who benefit and support the work of MISA are in fact journalists and media workers with the state media such ZBC and ZIMPAPERS.

MISA-Zimbabwe has responded to demands that it registers as a media house by taking the Minister of State for Information and Publicity and the Media and Information Commission to court. MISA-Zimbabwe argues that it is not a media house but a media watchdog and advocacy organisation.

❖ Telecommunications

Zimbabwe's telecommunications sector was deregulated in the mid to late 1990's a process that resulted in private companies investing in this sector. Zimbabwe has three wireless phone service providers. A new player, TeleAccess, was licensed in the fixed telephone service sector in December 2002. This brings the number of fixed telephone service providers to two. TeleAccess is still to launch its operations owing to the rising costs and distortions caused by the continued fall of the local Zimbabwe currency. The roll out of the TeleAccess service is expected to offer relief to thousands of Zimbabwe's some who have been on waiting list for a lifetime. The launch is expected also to influence positively, the pricing of such services as the Internet.

❖ Media Violations: 2003 Statistics

Violations against journalists, media houses and other media workers continue unabated in Zimbabwe. One such serious violation was the 16 May, deportation of Andrew Meldrum by the immigration department against court judgments and orders that he be left alone. The act sends a chilling effect that the authorities are above the law and can act with impunity. As a result of such an action neither media workers nor ordinary persons are guaranteed protection under the law. The closure of *The Daily News* and *The Daily News on Sunday* however remains outstanding as the most serious violation to take place in Zimbabwe since 1980. MISA-Zimbabwe's reports on media violations can be read on www.misa.org. Those interested in receiving the reports by e-mail can make such requests to misa@mweb.co.zw or rashweat@misazim.co.zw.

MEDIA VIOLATIONS STATISTICS 2003

Arrests

Victim	Charge	Date
Nqobile Nyathi, Editor in Chief, <i>The Financial Gazette</i>	Arrested under the Public Order and Security Act in relation to adverts that were placed by a civic activist group in the paper	15 January 2003
Kenneth G Mathe, opposition MDC official in Victoria Falls	Arrested for giving a statement to <i>The Daily News</i> on the harassment of civilians by the police	8 January 2003
Tsvangirayi Mukwazhi, <i>Daily News</i> chief photographer and Americans Dina Kraft, AP and Jason Beaubien, National Public Radio	Arrested for allegedly entering the Grain Marketing Board depot in Bulawayo illegally	29 January 2003 released eight hours later.
Pedzisayi Ruhanya, <i>Daily News</i> Deputy News Editor and Ishmael Mafundikwa,	Arrested at the High Court for allegedly obstructing police duties.	3 February 2003

MISA-Zimbabwe State of the Media Report 2003

Freelance Journalist		
Peter Muringisanwa, a Soundman, Tawanda Mugwendere, a driver - both working for the SABC and Tsvangirayi Mukwazhi, a stills photographer	Arrested while covering an opposition party, MDC, demonstration at the Nigerian High Commission	7 February 2003
<i>The Daily News</i> crew of Reporter Lloyd Mudiwa, photographer Aaron Ufumeli and Tsvangirayi Mukwazhi, SABC correspondent Brian Hungwe and other unidentified photographers.	Arrested while covering a women's march against violence on valentine's day.	14 February 2002
Dutch journalists Raymond Bouuman and Pim Hauinkels The two work for the Dutch TV Journal ITL5.	Arrested for about 1 hour for taking pictures of a bread queue in Bulawayo.	26 February
Geoff Nyarota Former editor in Chief <i>The Daily News</i>	Warrant of arrest issued against Nyarota by the magistrate's court in Harare for failing to appear in court. State insists that a warrant be issued despite adequate explanations by defence lawyers.	28 February 2003
William Nyamangara, the managing director of Sovereign publishers and Mhlabene Bhebhe the company's origination manager	Arrested for allegedly printing subversive materials	11 March
Philemon Bulawayo <i>Daily News</i> photographer, Gugulethu Moyo, <i>Daily News</i> corporate lawyer and Alec Muchadehama legal practitioner	Bulawayo was arrested while covering protest demonstrations in a Harare High density suburb. Moyo and Muchadehama were arrested when they visited the police station to seek his release	18 March
Stanley Karombo. Freelance journalist in Mutare	Arrested for allegedly practicing as a journalist without accreditation. Detained for 5 days, beaten and had mobile phone and recorder confiscated	19 March
Lloyd Mudiwa Former <i>Daily News</i> reporter	Charged with contempt of court for allegedly writing a story that undermined the judiciary	9 April 2003
Journalist Shorai Katiwa and Martin Chimunya and John Masuku of the Voice of the People Communications Trust.	Detained and beaten by war veterans and ruling party supporters while covering the opposition mass protest.	3 June

MISA-Zimbabwe State of the Media Report 2003

A short-wave radio station.	Recorders and mobile phones taken. Detained at ZANU PF headquarters and later taken to police station. The police also search the home of the coordinator of VOP, John Masuku, confiscate files and a computer	
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 President in 2002 when Mdlongwa was still with the Financial Gazette	11 June 2003
Bill Saidi, Editor <i>The Daily News on Sunday</i>	Charged under sec 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 was proved to be untrue, as the President never went to South Africa as said in the story.	24 June 2003
Nqobile Nyathi. Editor <i>The Daily News</i>	Charged under Sec 16 of POSA for having published adverts denigrating the president. The adverts were placed by the opposition MDC	26 June 2003
<i>The Daily News</i> CEO Sam Sipepa Nkomo and Advertising executive Moreblessings Mpofo.	Arrested and charged under POSA section 16 for allegedly publishing adverts denigrating the state President.	30 June 2003
Gugulethu Moyo <i>The Daily News</i> Legal Advisor	Arrested and charged under section 19 of POSA for allegedly inciting demonstrations. Moyo had accompanied Sipepa Nkomo and Moreblessings (see above) to the Harare Central police stations when the police indicated that they were looking for her as well. Initially denied access to lawyer	30 June 2003
Tsvangirai Mukwazhi of the <i>Associated Press</i> and Paul Cadenhead of <i>Reuters</i> were	Arrested at the offices of The Daily News for allegedly obstructing police work. Charged under the Miscellaneous Offences Act	15 September
<i>Daily News</i> Reporters/ Philemon Bulawayo, Margaret Chinowaita, Kelvin Jakachira, Sydney Saizi, George Muzimba, Lawrence	Police charge six Daily News reporters for practising without accreditation by the Media and Information Commission.	1 October

MISA-Zimbabwe State of the Media Report 2003

Chikumbira.		
<i>The Daily News</i>	Police raid offices of the Daily News and arrest 19 media workers.	26 October
<i>Daily News</i> Directors Brian Mutsau, Stuart Mattinson, Samuel Nkomo, Rachel Kupara, Washington Sansole	ANZ directors were arrested for publishing without an operating licence	27 October
Freelance Journalists Frank Chikowore Stanley Karombo	Were barred from covering proceedings at the nominations courts in Kadoma by alleged Zanu PF supporters.	28 October
Gift Phiri, <i>Weekend Tribune</i> Journalist	Detained by Bulawayo police for breaching the Public Order and Security Act (POSA).	1 November
Martin Chimanya Journalist Voice of The People Communications Trust	Arrested on 8 December and charged Under Section 79 of AIPPA for practising as a journalist without accreditation. Recorder and tapes Confiscated	8 December 2003

Beaten

Victim	Incident/issue	
<i>Daily News</i> Photographer Philemon Bulawayo	Beaten by soldiers and the police while preparing to take photos of a queue at a supermarket in Harare	
<i>The Daily News</i> driver Shadreck Mupambi	Abducted by war veterans in the town of Rusape (165 km east of Harare) while on duty delivering newspapers, severely assaulted.	
Flata Kavinga <i>Midlands Observer</i> Journalists (Kwekwe)	Beaten by alleged ruling party, ZANU PF youths for wearing a MISA- T shirt and working for a paper they allege is anti government. Hospitalized for two days.	
Shadreck Pongo, Photojournalist- <i>The Standard</i>	Severely assaulted by police while covering a ZCTU demonstration	20 November

Harassed / Threats/Kidnapped

Victim	Incident	Date
Willis Muponda editor and publisher of <i>The Sun</i> a weekly community publication in the city of Gweru	Harassed by the police in the city. The police demand a registration certificate from him as prescribed under AIPPA.	15 January 2003
<i>Daily News</i> Vs Information and Publicity Minister J Moyo	Moyo says the paper is operating illegally in his affidavit to the Supreme Court defending the constitutionality of AIPPA.	30 January 2003

MISA-Zimbabwe State of the Media Report 2003

<i>The Daily</i> and Information Minister and Media Commission	Information Minister Jonathan Moyo writes to Media Commission Chairperson Dr Tafataona Mahoso on the “legality” of the continued existence of the Daily News since it is not registered and its reporters are not accredited	Alert written of 5 February 2003
<i>Daily News</i> editor Nqobile Nyathi, Managing Editor, Abel Mutsakani, Assistant Editor Sydney Masamvu and News Editor, Luke Tamborinyoka	The Chairperson of MIC ⁹ , Tafataona Mahoso, writes to them and the <i>Daily News</i> saying the must surrender accreditation cards they were given while working for the <i>Financial Gazette</i> . Mahoso said that the cards cannot be used at The Daily News since the paper is not registered.	14 May
<i>The Daily News</i> , The Financial Gazette, The Zimbabwe Independent, Standard and Mirror	Ruling party, 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
Edwina Spicer. Journalist and film producer	His home is raided by eight police officers. Guards, gardener and maid beaten. Gardener admitted in hospital for a day. Cameras, videos and other equipment taken, including Z\$50 000.	6 June 2003
Edwina Spicer	Home raided for the second time. Poice officers with a search warrant confiscate more equipment and six loaves of bread.	9 June 2003
Munyaradzi Huni, <i>The Sunday Mail</i> Political editor	Tells MISA-Zimbabwe that he is being threatened by unknown persons who call on his mobile phone. As a result of this the <i>Sunday Mail</i> has provided him with a 24-hour guard at his home.	18 June 2003
Tafireyi Shereni reporter with <i>the Telegraph</i> in Chinhoyi	Had his film confiscated by prison guards on 6 January 2003. The guards accused him of having filmed prisoners at the Chinhoyi courts. He denies this accusation. The officer in charge of Chinhoyi prisons told MISA-Zimbabwe that the film was blank. He also says that their superiors	6 January 2003

⁹ Media and Information Commission

MISA-Zimbabwe State of the Media Report 2003

	ordered them to stop journalists from taking pictures of prisoners.	
Cyril Zenda Journalist <i>The Financial Gazette</i>	Harassed and had his T shirt torn, lost a wallet, cell phone and money in Harare's suburb of Mbare to a political vigilante group	October 2003
Access to Information and Protection of Privacy Act (AIPPA)	President Robert Mugabe signed AIPPA amendments into law.	13 October
Bright Chibvuri, editor <i>The Worker</i>	Kidnapped on 30 November in the town of Kadoma while covering elections. Spent a night under "detention". Released on 1 December.	30 November 2003

Banned/Deported/ Denied work permit

Victim	Case	Date
Simon Briggs, <i>Daily Telegraph</i> (Britain) sports reporter	Barred from entering Zimbabwe and bundled into a plane back to South Africa. Briggs was set to cover a world cup cricket match	19 February 2003
<i>The Daily News</i> and Parliament of Zimbabwe	Reporters barred from covering parliament. Parliament officials said that the journalists are not accredited hence the ban.	26 February 2003
Andrew Meldrum: <i>Guardian</i> correspondent	Harassed by state security agents who visited his home in the middle of the night, goes into hiding. Kidnapped by the police and immigration officers and thrown out of Zimbabwe on 16 May	7 and 16 May 2003
Dolores Cortes Meldrum, wife of deported <i>Guardian</i> correspondent Andrew Meldrum	Flees Zimbabwe after being ordered to report to the immigration department	12 June 2003
Mopani Junction Radio programme on HIV-AIDS awareness	Banned by the ZBC. No reasons given.	27 July 2003
<i>The Daily News</i>	Banned by the government appointed Media and Information Commission and police after a Supreme Court judgment that the paper was operating illegally.	Supreme Court judgment 11 September, paper banned on 12 September. Police move into newsrooms and offices, 16 September equipment seized, executives and journalists arrested and charged for operating without registration and accreditation. MIC denies the ANZ a license.

Victory

Parties	Matter	Date
Geoff Nyarota and Lloyd Mudiwa (all formerly with <i>The Daily News</i>)	The Attorney General admits that Section 80 under which the two are being charged under is unconstitutional. Matter referred to the Supreme Court for determination of the constitutionality of Section. On 7 May 2003 the Supreme court declared section 80 unconstitutional.	7 May 2003
Stanley Karombo Vs the State	Karombo is removed from remand after the state agreed to wait for a Supreme court ruling as section 83 of AIPPA is being challenged in the Supreme Court. Section 83 barres anyone from practicing journalism without being accredited.	20 May 2003
Norna Edwards editor of <i>the Masvingo Mirror</i>	Charges dropped in the matter in which she was being charged for having published a false story, which was an offence under Section 80 of AIPPA. The section has since been struck off by the Supreme Court as unconstitutional.	2 June 2003

For any comments, queries and or questions on this reports please contact

Rashweat Mukundu
Research and Information Officer
MISA-Zimbabwe
84 McChlery Ave
Eastlea
Box HR 8113
Harare
Zimbabwe
Phone 00 263 4 776 165, 746 838
Mobile 00 263 11 602 685
E-mail misa@mweb.co.zw or rashweat@misazim.co.zw