State of the Media Report 2010

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Ⅴ Introduction

The institution and formalisation of the inclusive government in February 2009 comprising the three leading political parties Zanu PF and the two MDC formations was hailed as a panacea that would address Zimbabwe’s socio-economic and political ills and usher relative peace and stability.

With the expected peace and stability underpinned by reconciliation among the former feuding parties notably Zanu PF and the MDC-T led by President Robert Mugabe and Prime Minister Morgan Tsvangirai, Zimbabwe would thus be best positioned to fulfil its obligations as agreed to in terms of the Global Political Agreement (GPA) and Constitutional Amendment No 19.
The GPA of 15 September 2008 paved way for the passing of Constitutional Amendment No 19 in December 2008 resulting in the subsequent formation and consummation of the inclusive government in February 2009. The GPA as underpinned by Constitutional Amendment No 19 binds and commits the inclusive government to undertake fundamental socio-economic and political reforms as well as a comprehensive all-inclusive constitution making process.

The constitution making process which eventually took off in 2010 was thus expected to usher a new people-driven democratic constitution within the two-year lifespan of the transitional arrangement before the next elections.

Regrettably, not much progress was made in terms of the envisaged reforms as the major political players notably President Mugabe and Prime Minister Tsvangirai continued to bicker over so-called outstanding issues at the expense of national healing and the envisaged fundamental media reforms.

Rather than resolve their differences, the two protagonists despite earlier denials of existing acrimony, upped the ante and dared each other to an electoral contest in 2011 with or without a new democratic constitution. Inevitably, this raised fears of regression and reversal of the economic gains realised following the relative peace and stability brought by the formation of the inclusive government.

v  Political Context and Key Events of 2010

Granted, the inclusive government brought about relative economic stability mirrored by improved availability of goods, inflation decline, pockets of improved service delivery, the opening of schools and hospitals, among other indicators of measured success.

Politically, the parties managed to usher some semblance of calm and tranquillity.

Unfortunately and as reported in our state of the media report for 2009, progress in the envisaged socio-economic and political reforms was, however, stalled. The three major political parties haggled and maintained intransigent positions over so-called outstanding issues. Outstanding issues pertained to the appointment and retention of Attorney-General Johannes Tomana, Reserve Bank Governor Gideon Gono and provincial governors by President Robert Mugabe and his refusal to swear Roy Bennet of the MDC-T as deputy minister of agriculture, among other contentious issues.

As these issues remained unresolved, the survival of the inclusive government came under serious threat following presidential appointments of new ambassadors and the re-appointment of serving provincial governors by President Mugabe. The MDC-T led by Prime Minister Tsvangirai cried foul and described the appointments as unconstitutional because the President did not consult the Prime Minister and his Deputy as mandated in terms of Constitutional Amendment No 19 where it concerns key appointments to public office.
The GPA states that Executive authority of the inclusive government shall vest in, and be shared among the President, the Prime Minister and Cabinet as provided for in terms of Constitutional Amendment No 19. It further stresses that decisions should be made by consensus as well as taking collective responsibility for all Cabinet decisions, including those originally initiated individually by any member of Cabinet.

President Mugabe told journalists in December 2010 that there would be no movement on the issue of provincial governors until the MDC-T commits itself to the termination of targeted sanctions and ‘pirate radio stations’ manned by exiled Zimbabwean journalists in the Diaspora.

Signatories to the GPA collectively agreed that the stations in question namely Voice of America’s Studio 7, SW Radio Africa and Voice of the People which broadcast from the United States and United Kingdom should cease beaming into Zimbabwe.

In the meantime, progress in the constitution making process was hampered by lack of adequate funding amid reports of intimidation and violence in some parts of the country as the leading political parties went out of their ways to lead, influence and dominate the process.

At the time of writing this report in December 2010 the constitutional information gathering outreach exercise had been concluded but it was not certain as to when the processing of the data collected would start. The remaining phases of the process include special consultations for prisoners, data analysis, Second All-Stakeholders Conference and presentation of the draft to Parliament and a referendum.

The constitution-making process is worthy of mention in that it could provide the lasting solution to the envisaged media reforms in the event of the inclusion of constitutional provisions that explicitly guarantees media freedom and the citizens’ right to access to information.

v Media Environment

Regulation of the media

As mentioned earlier in this report, the political brinkmanship and bickering over outstanding issues had a negative impact on the envisaged media reforms despite the three leading parties agreeing on the need to revamp Zimbabwe’s media landscape. Repressive media laws notably AIPPA, BSA, Criminal Law (Codification and Reform) Act and the Interception of Communications Act remained untouched to the detriment of citizens’ right to freedom of expression, access to information and media freedom.

Resultantly, and as the year progressed, no meaningful attention was paid to the envisaged media reforms that would allow citizens to enjoy the right to freedom of expression, association

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and assembly in terms of Article 19 of the GPA which deals with freedom of expression and communication.

Under Article 19.1 of the Agreement, the parties agreed among other issues that:

The government shall ensure the immediate processing by the appropriate authorities of all applications for re-registration and registration in terms of both the Broadcasting Services Act (BSA) as well as the Access to Information and Protection of Privacy Act.

Save for the licensing of new players in the print media, repressive legislation such as AIPPA, Criminal Law (Codification and Reform) Act, Interception of Communications Act and the Broadcasting Services Act (BSA), remained firmly entrenched in the country’s statutes. The broadcasting media environment in particular remained clamped with the state-controlled Zimbabwe Broadcasting Corporation (ZBC) retaining its stranglehold on the airwaves as the sole single monopoly broadcaster.

A positive development though was the tabling of a private members bill by MDC-T chief whip Innocent Gonese to amend the draconian Public Order and Security Act (POSA). Parliamentarians drawn from ZANU PF and the two MDC formations on 4 October 2010 agreed to amend POSA during the Second Reading stage of the Amendment Bill.

The amendments sailed through Parliament on 8 December 2010.

POSA was borne out of the colonial Law and Order Maintenance Act (LOMA). Since its enactment in January 2002 the law has been used to suppress freedom of expression, association and assembly through its draconian provisions which include the notification or seeking of a police clearance to carry out any public event.

Over the years, journalists, civic society members and opposition supporters have been arrested and charged under POSA through wanton arrests that breached citizens’ right to freedom of expression, assembly and association. Previous amendments to POSA (effected in 2008) marked a decline in the number of cases involving the arrests of journalists following the transfer to the Criminal Law (Codification and Reform) Act notably of Sections 15 and 16 which among other oppressive measures, dealt with the publication or communication of falsehoods or statements prejudicial to the State.

However, the Criminal Law (Codification and Reform) Act, is now the weapon of choice in dealing with dissenting voices and should thus be subjected to similar scrutiny by Parliament as it has provisions that undermine media freedom and citizens’ right to free expression as demonstrated by the number of journalists that have been arrested and charged under the Act.

Meanwhile, in July 2010 President Mugabe announced that the Media Practitioners’ Bill, which has been on the cards for more than a year following recommendations of the All Media Stakeholders Conference held in Kariba in May 2009, would be among 23 Bills constituting the
legislative agenda of the next parliamentary session. He made the remarks during the opening of the 3rd Session of the 7th Parliament of Zimbabwe in Harare on 13 July 2010.

He said the Media Practitioners Bill seeks to “repeal the part of the Access to Information and the Protection of Privacy Act (AIPPA), which deals with the registration of journalists and privacy issues”.

Former Deputy Information Minister Jameson Timba had earlier mentioned plans to replace AIPPA with this Bill together with the Freedom of Information Bill to try and ease the current stringent media regulation. President Mugabe did not, however, make reference to the Freedom of Information Bill.

This perhaps demonstrates government’s reluctance to repeal AIPPA in its entirety as well as a raft of other repressive laws that continue to inhibit media freedom and Zimbabweans’ right to freedom of expression and access to information. The address also betrays the authorities’ desire to maintain controls and restrictions on media activity which have been widely condemned as inimical to media freedom.

While the ZMC constituted in terms of Constitutional Amendment No 19 in May 2010 commendably proceeded to license new media players such as the Daily Gazette, Newsday, the banned The Daily News, The Worker (published by the Zimbabwe Congress of Trade Unions) and The Mail, the broadcasting sector remained unchanged.

In July 2010 the ZMC announced the licensing of additional print media organisations notably Cable News Agency, Berimark Enterprises, Fevjay Investments and Africa Media Investments. Save for Newsday which hit the streets on 4 June 2010, none of the other licensees had started publishing as of December 2010.

The licensing of new players such as Newsday which is published by Alpha Media Holdings publishers of Zimbabwe Independent and Standard weeklies, is a welcome development given that the country had gone for close to six years without a privately owned daily in circulation following the ban of The Daily News in September 2003 by the then statutory Media and Information Commission.

Newsday is already on the streets while The Daily News and The Daily Gazette are still to come on stream.

The licensing of new players will help in creating employment opportunities for scores of journalists and graduates of media training institutions and also allow and afford citizens access to alternative sources of information that will assist them in making informed choices on matters affecting their daily lives.

Competition among new media players will also help in instilling professionalism in the media industry as well as competitive salaries and packages for Zimbabwean journalists and media workers.
That as it may be, MISA-Zimbabwe reiterates its strong view that the ZMC is a transitional half-way house towards fully fledged media self-regulation as stipulated in terms of the Banjul Declaration on the Principles of Freedom of Expression in Africa. AIPPA and BSA should therefore be repealed as they are replete with restrictive provisions that make it impossible for media diversity and pluralism as envisaged under the 1991 Windhoek Declaration and African Charter on Broadcasting.

For instance foreign funding and ownership in the print media is still restricted and can only be considered at the “absolute discretion” of the responsible minister.

Notwithstanding the licensing of new players in the print media sector, the media environment remained restricted as no new players were licensed to run private radio and television stations. The Broadcasting Authority of Zimbabwe (BAZ) also failed during the year under review and since the enactment of the BSA in 2001 to invite applications for licences for community radio stations.

**Arrests, harassment of journalists**

Except for cases that were still pending before the courts, the first half of the year was marked by a notable decrease in the number of cases involving media freedom and freedom of expression violations in the form of new arrests or harassment of journalists. This could be attributed to the advent of the inclusive government’s pledges towards the creation of a conducive media environment.

In March 2010, President Mugabe also weighed in to the new political dispensation when for the first time in about 10 years he met with editors from both the private and state-controlled media at State House in Harare. During the meeting, the President said journalists should be allowed to conduct their lawful professional duties without any hindrance or harassment.

But that was not to be in the latter half of the year following an increase in the number of cases involving arrests, assault and harassment of journalists in the wake of calls by the two leading political players notably President Mugabe and Prime Minister Tsvangirai that the nation should prepare for elections in 2011.

A total of 10 journalists including one artist were arrested from August – November 2010 alone in a year during which MISA-Zimbabwe issued 53 media alerts.

The upsurge in such cases which appeared targeted at journalists working for the privately owned media involved the arrest and detention of *Standard* journalists Nqobani Ndlovu on 17 November 2010 at Khami Remand Prison. Ndlovu spent nine days in custody.

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2 The Banjul Declaration explicitly and unequivocally states: *Self regulation is the best system of instilling professionalism in the media.*
His editor Nevanji Madanhire met with a similar fate on 30 November 2010 when he was detained overnight at Rhodesville Police Station.

Ndlovu and Madanhire are being charged with “publishing or communicating falsehoods prejudicial to the state” which is a criminal offence in terms of Section 31 of the Criminal Law (Codification and Reform) Act (CODE), one of a raft of laws that continue to be used to hinder free media activity and freedom of expression. The offence carries a 20-year prison term or the option of a fine.

Ndlovu is the author of the story which was carried by the Standard on 14 November 2010 alleging that police promotional examinations had been scrapped to facilitate the absorption of war veterans and retired police officers in the police force ahead of the 2011 elections.

On 16 November 2010 the police briefly detained and questioned Dumisani Sibanda the Newsday bureau chief at Bulawayo Central Police station in connection with the same story.

Sibanda told MISA-Zimbabwe that police from the Criminal Investigations Department’s Law and Order section picked him from the Newsday offices in Bulawayo on 16 November 2010. He said the police wanted him to disclose the whereabouts of Ndlovu, the author of the story in question, as a precondition for his release.

He was later released on the same day after telling them that Nqobani was out of town.

As these developments were unfolding, reports of the police hunting for Walter Marwizi, an assistant editor with the Standard, filtered through. However, details of his alleged crime were still not known at the time of the compilation of this report in December 2010.

Alpha Media Holdings are the publishers of Newsday, The Standard and The Zimbabwe Independent.

During the same month, the police issued a warrant of arrest against Wilf Mbanga, the London-based and exiled editor of The Zimbabwean following publication of a story linked to the death of a senior official with the Zimbabwe Electoral Commission in 2008.

Earlier, two freelance journalists Nkosana Dlamini and Andrisson Manyere were arrested, reportedly at the instigation of ZANU PF supporters, while lawfully covering a constitutional meeting in Harare on 30 October 2010. Both were released after spending a night in police custody and being made to pay fines for “public nuisance” in terms of the Criminal Law (Codification and Reform) Act.

On 14 November 2010 in Harare’s township of Mbare, Munyaradzi Doma and a colleague, both journalists with the Harare-based daily tabloid H-Metro which is published by Zimpapers were assaulted by youth members of the Church of Central Africa Presbyterian (CCAP).
The two were assaulted while taking photographs of an incident during which a church pastor was being attacked by one of the church members who accused him of ‘destroying his home’.

As journalists, media representative organisations and political parties (belatedly though) roundly condemned the arrests and harassments, there was deafening silence on the part of the Zimbabwe Media Commission (ZMC) putting into serious doubts its commitment to protect media freedom. On 26 November 2010 more than 100 journalists from across the media divide and media representative organisations under the auspices of the Media Alliance of Zimbabwe (MAZ) petitioned Prime Minister Tsvangirai in the wake of the harassments, assaults and arrests of journalists.

MISA-Zimbabwe Chairperson Loughty Dube wrote to the Chairperson of the ZMC Godfrey Majonga appealing to the Commission to put a stop to the harassments. Dube said the harassments seemed to be aimed at intimidating journalists to self-censor themselves and turn a blind eye to pertinent issues that reflect badly on the authorities. In his letter Dube reminded the Commission of its constitutional obligations to “uphold and promote freedom of the Press” as one of its functions stipulated under Constitutional Amendment No. 19.

“We believe it is fundamentally important that you, as a constitutional media regulatory board, take a firm stand against any threats to media freedom in Zimbabwe in order to build public confidence in the Commission as a transitional vehicle to promote press freedom, professionalism and diversity.

“We also call on you to seek the repeal of the country’s repressive media laws that continue to impose severe restrictions on media activity and their substitution with those that are in line with several regional instruments on freedom of expression and the media.

“These laws include … CODE (Criminal Law (Codification and Reform) Act), AIPPA, the Interception of Communications Act and the Broadcasting Services Act, among others.

“This is imperative given that with these laws in place your efforts to diversify the media and promote its freedom and the security of journalists will come to naught” said Dube.

Such laws include the Censorship and Entertainment Control Act (Cinematography and Publications, Production of Pictures and Statutes). For instance in a government gazette published on 27 August 2010 Home Affairs Secretary Melusi Matshiya announced that it was an offence in terms of the Censorship and Entertainment Control Act (Cinematography and Publications, Production of Pictures and Statutes) for anyone to show the Gukurahundi material.

The material exhibited by artist Owen Maseko was a depiction of the atrocities committed during the deployment of the army in the early 1980s to quell dissident insurgencies in Matabeleland and Midlands provinces.
According to Matshiya, the Board of Censors had in terms of Sections 12 and 13, of the Act prohibited “the exhibition at the Bulawayo Art Gallery of effigies, words and paintings on the walls portraying the Gukurahundi era as a tribal biased event”.

Maseko was arrested on 26 March 2010 initially on charges of violating Section 30 of the Criminal Law (Codification and Reform) Act which alludes to insulting or undermining the authority of the president. The charges were subsequently changed to contravening Section 31 the same Act which deals with the publication of false statements prejudicial to the state.

In a related development, independent film producer, Zenzele Ndebele who in 2007 launched the documentary *Gukurahundi - A Moment of Madness*, was on 10 April 2010 allegedly confronted by state security agents over his documentary.

In banning media or artistic free expression of the Gukurahundi atrocities the government is simply trying to suppress unpleasant elements of Zimbabwe’s history that should be openly debated, among other issues, if the much touted national healing programme is to bear meaningful results.

The ban does not only impinge on citizens’ right to freedom of expression but disregards the African Commission on Human and People Rights’ Banjul Declaration of Principles on Freedom of Expression in Africa. The Declaration guarantees freedom of expression and information, “including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication” as a “fundamental and inalienable human right and an indispensable component of democracy”.

**Access to Information**

Generally, access to information refers to one’s ability and opportunity to obtain knowledge/information of any nature. On the other hand, media freedom (press freedom) is the freedom of the media to gather, publish and distribute information and ideas without undue restrictions. It also encompasses freedom from prior restraint and censorship.

The right to freedom of expression, media freedom and of access to information is enshrined in a number of international and regional instruments, which Zimbabwe as a state has acceded to. Thus, by acceding to the instruments, Zimbabwe is obliged to uphold their provisions through its legislative framework. In other words, Zimbabwe’s laws on free expression, access to information and media freedom should conform to the benchmarks set by these regional and international instruments.

In the Zimbabwean context, AIPPA remains a misnomer to citizens’ right to access to information as it retains restrictive provisions that are cumbersome to the exercise of that fundamental right more so in the context of the media’s watchdog role over the three arms of the state i.e. Executive, Legislature and Judiciary.
Despite the cosmetic 2008 Amendments to AIPPA, the law still retains the provision among others, which gives public bodies 30 days within which to respond to requests for information.

The Banjul Declaration on the Principles of Freedom of Expression in Africa sets the benchmarks for the enactment of laws governing the right to information through adherence to 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 that is necessary for the exercise and protection of any right
- Any refusal to disclose information shall be subject to appeal to an independent body and/or courts
- Public bodies shall be required even in the absence of a request to actively 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, except where the imposition of sanctions serves a legitimate interest and is necessary in a democratic society.
- Secrecy laws shall be amended as necessary to comply with Freedom of Information principles.

While the objective of AIPPA is to provide for the right to access information held by public bodies and other state organs, this is not strongly cushioned in its provisions and in line with the Banjul Declaration’s principles.

The laborious procedure that one has to go through in order to obtain information from the public body makes it impossible for citizens to access such information. The right is also not absolute as it does not extend to persons who are not citizens of Zimbabwe and it does not make provision for access to information held by private bodies.

In terms of Section 8 of AIPPA for one to get information from a public body, one has to make a formal communication in writing to the head of the intended public body in the custody of the required information.

However, the head of the public body has 30-day latitude period within which to respond to the application and he/she has leeway to extend the period with the commission’s consent. There is no justification for the 30-day response period which is unnecessarily long and insensitive to the needs of those requiring that information.

For instance journalists work on deadlines and need to get information as quickly as possible but might end up losing interest in the matter being pursued because of the bureaucratic
hurdles that have to be fulfilled under AIPPA. Such a scenario seriously compromises the public's right to be so informed.

The modalities of acquiring the information from the state bureaucracies restrict access to information by the public yet the Act is purportedly in force to promote the citizenry's free access to information from public bodies.

During the course of the year MISA-Zimbabwe conducted a survey on public institutions such as the Constitutional Select Committee (COPAC), Ministry of Home Affairs/Zimbabwe Republic Police, Zimbabwe Electricity Supply Authority, Posts Telecommunications Regulatory Authority of Zimbabwe (POTRAZ), Ministry of Public Service and the Harare City Council to gauge their accessibility in terms of enhancing access to information.

Five of the six surveyed institutions did not respond to MISA-Zimbabwe's written requests for specific information. Only POTRAZ responded through e-mail inviting MISA-Zimbabwe for an interview at their offices. However, it later cancelled the appointment indicating that it would respond in writing – an assurance which never materialised.

Thus, POTRAZ – like other organisations – did not provide information as requested and required by international best practice and principles on the right to Access to Information. This appeared to be a manifestation of the organisations' failure to designate officials to handle public information requests. If they had, then these were clearly inaccessible. Only ZESA had an official designated to handle public information requests.

While the statutory Zimbabwe Media Commission (ZMC) was not part of the survey, MISA-Zimbabwe had difficulties securing formal/informal meetings or engagements with the Commission. While the Chairperson did respond to requests for a meeting, the planned meetings never materialised as they were continuously postponed due to the Chairperson's tight schedules.

This obviously vitiates against the principles of public accountability and accessibility. Public bodies are there to unconditionally serve the tax-paying public as well as engage with key stakeholders in areas of mutual interests and should therefore be easily accessible as opposed to maintaining closed-door policies.

The research generally revealed that some of Zimbabwe's government and public institutions are non-transparent and overly secretive with information they hold making it almost impossible for citizens to easily exercise their constitutional right to access information held by these bodies.

v Print Media
As mentioned earlier in this report, Article XIX of the Global Political Agreement (GPA) recognises the importance of the right to freedom of expression and the role of the media in a multi-party democracy. In that vein parties to the Agreement undertook to expedite the “immediate processing” of all applications for re-registration and registration in terms of both the Broadcasting Services Act and AiPPA.

The agreement further states that steps should be taken to ensure that the public media provides balanced and fair coverage to all political parties for their legitimate political activities. Both the private and public media are implored to refrain from abusive language that might instil hostility, political intolerance and ethnic hatred.

Commendably the ZMC in May 2010 took the necessary steps to fulfil its constitutional obligations as the licensing authority for print media organisations. More than five new media publications including The Daily News were issued with licences to start operations. Of those that were licensed only Newsday has started publishing while the rest were still to come on stream as of December 2010.

The licensing of more than five new print media players by the ZMC is indeed a commendable development that will enhance citizens’ right to access to alternative sources of information. Of concern though is the fact that ZMC is borne out of the restrictive AIPPA whose provisions have since declared undemocratic and in contravention of the African Charter and the Declaration of Principles on Freedom of Expression in Africa.

MISA-Zimbabwe remains convinced that self-regulation is the best alternative to statutory regulation of the media.

Without similar developments on the broadcasting sector front, scepticism abounds that the licensing of new print media publications is designed to give a false sense of media diversity and pluralism. This is so given that newspapers have a very limited reach compared to radio which also transcends the limitations of literacy.

The advent of Newsday has seen commendable efforts by the print media including publications under the state-controlled Zimpapers, to strike some balance in their stories by giving both sides of the story in their news pages. The ethical consideration of right of reply should, however, be applied as a matter of course and not intermittently more so as it pertains to opinion pieces that tend to disparage or malign individual citizens.

While columnists are entitled to their opinions in the context of freedom of expression, there is still need for some of them especially those writing for the state-controlled media to shun commentary or opinions that might engender hostility, hatred and polarisation among citizens.

Developments on the print media front should also be viewed against the fact that the government is still to comply with the African Commission on Human and Peoples’ Rights
ruling of 2009 that sections 78 and 79 of AIPPA are incompatible with Article 9 of the African Charter on Human and People's Rights and should be repealed.

v Broadcasting and Telecommunications

Regulatory Framework

As mentioned in the 2009 State of the Media Report, zero progress has been recorded by way of reforming the broadcasting sector in Zimbabwe.

Since the enactment of the BSA in 2001, Zimbabwe has maintained its dubious distinction among the few countries that are still to liberalise their airwaves to allow for the establishment of privately owned television/radio stations let alone community radio stations as espoused under the African Charter on Broadcasting (ACB) and SADC Protocol on Information and Communication Technologies.

The state controlled ZBC continues to maintain its monopoly of the airwaves despite spirited calls for its transformation into a truly independent public service broadcaster as stipulated under the ACB. This untenable situation is directly linked to the restrictive provisions of the BSA.

It is widely acknowledged that the BSA as a broadcasting regulatory framework has serious defects and flaws which fall far short of meeting regional and international benchmarks pertaining to the regulation and management of the broadcasting sector and thus impacts negatively on the right and enjoyment of freedom of expression, press freedom and access to information.

The reluctance of the government to free the airwaves and allow the proliferation of the three-tier broadcasting system in Zimbabwe was perhaps amply demonstrated by the Permanent Secretary for Information George Charamba when he appeared before the Parliamentary Portfolio Committee on Media, Information and Technologies.

Charamba dashed any hopes for immediate broadcasting reforms when he told the Committee on 11 November 2010 that no new private players would be licensed anytime soon. He said the government has no capacity to monitor and regulate the activities of new private players.

He also noted that the Minister of Finance had also failed to provide funding for BAZ to buy frequency planning spectrum software used in monitoring and regulating existing and new broadcasting players.

The then deputy minister Jameson Timba was quoted saying according to the International Telecommunications Union (ITU), Zimbabwe has the capacity to register 56 district (community) radio stations; 31 commercial radio stations; three national television stations and

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3 The ACB states that the legal framework for broadcasting should include a clear statement of the principles underpinning broadcast regulation, including promoting respect for freedom of expression, diversity, and the free flow of information and ideas as well as a three tier system for broadcasting.
two national commercial FM radio stations.

However, Koenie Schuttle of the LS South Africa Radio Communications argues that Zimbabwe has a total FM frequency allocation of 189 and analogue TV allocation of 200.

This is the capacity which the afore-stated community, commercial radio and television stations will fit in.

This is virtually the same capacity that other countries within the region have though Zimbabwe has the lowest frequencies because it has not been applying for the doubling of its frequencies with the ITU.

Charamba's comments were telling in so far as it puts into serious doubt the government's commitment to comprehensive media reforms as his remarks came hard on the heels of his minister's somewhat contrary views pertaining to the freeing of the airwaves.

Minister Webster Shamu had the previous month urged the Broadcasting Authority of Zimbabwe (BAZ) to licence more broadcasters to ensure access to information in marginalised parts of the country. He made the call while addressing a BAZ strategic planning workshop.

Therein lies the conundrum of government's sincerity in that it was not clear as to which BAZ he was addressing given that the one his ministry unilaterally appointed on 30 September 2009 was deemed as having been unprocedurally constituted.

Principals in the coalition government are on record affirming this procedural anomaly. In fact, the reconstitution of the board is one of the 24 items out of the 27 points of dispute the inclusive government agreed to resolve within 30 days at the SADC Summit held in August 2010.

No progress had been made in that regard by December 2010.

In terms of the BSA, the President has the discretion to appoint nine nominees submitted by representative groups such as churches, legal practitioners and accountants following a call for nominations by the Minister. The President makes the other three appointments from a list of six nominees submitted by the Parliamentary Standing Rules and Orders Committee.

Those legal procedures were not fulfilled, rendering the appointments made last year unlawful and the current BAZ board a legal nullity. The African Charter on Broadcasting emphasises the need for transparency in the composition and appointment process of regulatory bodies such as BAZ. That obligation was not fulfilled as the September 2009 appointments were shrouded in secrecy.

An independent regulatory body is therefore critical in that regard as opposed to the current status of the Broadcasting Authority of Zimbabwe. The Banjul Declaration states:

- 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.
• The appointments process for members of a regulatory body should be open and transparent, involve the participation of civil society and shall not be controlled by any political party.

• Any public authority that exercises powers in the areas of broadcast or telecommunications should be formally accountable to the public through a multi-party body.

This is far from the case in Zimbabwe where it concerns appointments to the BAZ which is appointed by the President thereby seriously compromising its administrative, financial and institutional independence. Little wonder the outcry that followed the Minister of Media, Information and Publicity Webster Shamu’s announcement on 30 September 2009 of a new BAZ board without even an inkling of reference to the guiding principles outlined under the ACB.

ICTs and telecommunications

In June 2009, the government announced that an Information Communications Technology Bill was in the offing. The bill would merge the BAZ and Postal and Telecommunications Authority of Zimbabwe (POTRAZ) and create the National Information and Communications Technology Authority of Zimbabwe.

However, the fate of the proposed bill remained unknown for the greater part of the year after it was referred back to the responsible minister in April 2010 owing to what was reported as its “structural defects”.

The Posts and Telecommunications Act, Access to Information and Protection of Privacy Act (AIPPA) and the Broadcasting Services Act (BSA) are identified as some of the laws that will be taken into consideration towards the development of a national ICT Bill. The initial bill also envisaged the amendment of AIPPA and the repeal of the Postal and Telecommunications act and BSA.

In revising the Bill, MISA-Zimbabwe urges the government to take into consideration several regional and continental covenants such as the African Charter on Broadcasting (ACB), African Union (AU) Declaration on Principles of Freedom of Expression in Africa, SADC Protocol on Culture, Information and Sport, Millennium Development Goals, and the World Summit on Information Societies held in Tunis, Tunisia in 2005.

These regional and international instruments stress among other fundamental principles governing regulatory bodies, the need to ensure access to usage of tools of communication such as the Internet, fixed telephones and mobile telephone networks by ordinary people. Further, all formal powers in the areas of broadcasting and telecommunications should be exercised by public authorities that are protected against interference, particularly of a political or economic nature.

It is MISA-Zimbabwe’s strong submission that in their present state the laws in question and BSA and AIPPA in particular, do not even meet the benchmarks for the enactment of a
progressive and democratic national ICT legislation more so as it relates to the establishment of an independent converged broadcasting, ICT, cellular and telecommunications regulatory authority.

MISA-Zimbabwe captures these recommendations and benchmarks in its alternative draft Broadcasting and Telecommunications Bill 2007.

As highlighted in the 2008 State of the Media Report and reiterated in 2009 report, the long term viability of the broadcasting, telecommunications and ICT sectors lies in securing the independence of their regulatory frameworks.

The government should therefore be guided, among others, by the following principles that govern the operations of independent regulatory bodies:

- Regulation should be done in the public interest, with the aim of: creating and maintaining order in the sector, establishing fair competition and quality service, promoting free speech, access to information as well as consumer protection.
- Providing distinct legal mandate of the regulator's duties and responsibilities, free of ministerial, commercial or private control.
- Involving every one, that is, the executive, legislature, civic society, business and the general public in the appointment process of the regulator's board.

A positive development though was the announcement by Zimbabwe's largest mobile phone services provider Econet Wireless of its advanced plans to link the country with the rest of the world through a fibre optic cable through the Zambian capital of Lusaka.

This upgrade in Econet's infrastructure will greatly improve the mobile providers' data, video and voice connections. The services will be transferred at a faster speed amounting to several gigabytes per second and will benefit the whole telecommunications sector as they will be able to use the infrastructure at much cheaper rates. Currently, the mobile phone service providers transmit data using satellite through base stations, which is considerably expensive.

Another mobile services provider Telecel was granted a Third Generation (3G) operating licence by the Postal and Telecommunications Regulations Authority (POTRAZ).

The launching of 3G services by Telecel will go a long way in improving internet access to the general populace on mobile phones and computers alike. Competition between Econet and Telecel in offering 3G services will potentially mean lower costs for the public and increased accessibility of the service country wide. Currently, the few subscribers on 3G are in the country's capital, Harare, and pay a monthly subscription fee of US$25. This is steep when compared to neighbouring South Africa where one can use their mobile phones to surf the Internet at approximately R10 an hour.

Thus, the allocation of frequencies for 3G services to mobile phone service providers by the Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) is a positive development.
Digital Migration

Regrettably, there has not been much movement by way of policy pronouncements regarding the need for digital migration by 2015 to digitalise all radio and television putting the country at the risk of heavy penalties by the International Telecommunications Union (ITU).

Zimbabwe could thus be far–far-off from meeting the ITU deadline as the Minister of Finance did not allocate any funds for the digitalisation of broadcasting equipment in his 2011 Budget proposals. According to the Secretary for Information and Publicity George Charamba, US$ 16 million is required for the full switchover from analogue to digital. Only US$ 465 000 was provided for that purpose in 2010.

Way Forward in 2011

MISA-Zimbabwe resolutely remains guided by the resolutions of the All Stakeholders Media Conference of December 2008 which were buttressed by the sequel second all stakeholders’ conference held in 2010.

Fundamentally, the resolutions hinge the need for comprehensive media reforms and the right to freedom of expression on constitutional provisions that explicitly guarantee media freedom and citizens’ right to access to information held by both public and private bodies.

The right to freedom of expression, media freedom and access to information is enshrined in a number of international and regional instruments, which Zimbabwe as a state has acceded to. Thus, by acceding to the instruments, Zimbabwe is obliged to uphold their provisions through its legislative framework.

In other words, Zimbabwe’s laws on free expression should conform to the benchmarks set by these regional and international instruments which include the African Charter on Human and Peoples Rights, Windhoek Declaration, Banjul Declaration, African Charter on Broadcasting and SADC Protocol on Culture, Information and Sport, among others.

A free press protected by the requisite constitutional guarantee as opposed to one controlled by the state as exemplified by the state-controlled Zimbabwe Broadcasting Corporation (ZBC), will assist in keeping the Executive at arm’s length and foster media diversity, pluralism, independence and responsible journalism through a self-regulatory mechanism accountable to the reading and viewing public.

The inclusive government should thus revisit the outstanding issue pertaining to the reconstitution of the BAZ board which will then be tasked with licensing new private television and radio stations. Also in contention is that applications for broadcasting licences can only be made upon invitations by the BAZ. It is these discretionary powers that have seen the BAZ
abdicating from calling for applications for community radio stations since its enactment in 2001.

BAZ should license new broadcasters as an interim measure as genuine transformation of the broadcasting sector cannot be undertaken under the existing legislative framework.

The existing law is replete with restrictive provisions that make it impossible for the easy entry of new players into the broadcasting sector as envisaged under the Africa Charter on Broadcasting.
Thus any genuine efforts to transform and diversify the broadcasting sector should be preceeded by the repeal of the Broadcasting Services Act.

v Conclusion

One of the shortcomings of the Zimbabwean constitution is that while it protects the right to freedom of expression, it does not however explicitly guarantee the right to access to information as well as media freedom as stated in key human rights instruments such as the African Charter on Human and People’s Rights and the Banjul Declaration of Principles of Freedom of Expression in Africa. Instead, Section 20 (1) vaguely infers to these rights by stating:

No person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions and to receive and impart ideas and information without interference, and freedom from interference with his correspondence.

Legal precedent has clearly demonstrated the inadequacy of Section 20 as it can and has been construed in a manner that abridges the right to freedom of the media because of its open-ended construction, which permits varied interpretations as to whether or not freedom of expression necessarily covers media freedom.

It is therefore clear that the need for explicit constitutional guarantees of media freedom, freedom of expression and the right to access to information as well as the promulgation of democratic laws that facilitate the enjoyment of these basic liberties in line with regional instruments on free expression is long overdue.

The benchmarks are clearly stated in terms of the African Charter on Human and Peoples Rights (ACHPR), Windhoek Declaration, Banjul Declaration on Principles of Freedom of Expression in Africa and the African Charter on Broadcasting (ACB).

The constitution making process therefore offers immense opportunity for redress of the deficiencies and shortcomings of the Zimbabwean constitution as it pertains to explicit guarantees on media freedom, freedom of expression and the right to access to information held by both public and private bodies.
v Media violations statistics 2010

Except for cases that were still pending before the courts, the first half of the year was marked by a notable decrease in the number of cases involving media freedom and freedom of expression violations in the form of new arrests or harassment of journalists. This could be attributed to the advent of the inclusive government’s pledges towards the creation of a conducive media environment.

However, that was not to be in the latter half of the year following an increase in the number of cases involving arrests, assault and harassment of journalists in the wake of calls by the two leading political players notably President Mugabe and Prime Minister Tsvangirai that the nation should prepare for elections in 2011.

The upsurge in such cases appeared targeted at journalists working for the privately owned media involved the arrest and detention of Standard journalists Nqobani Ndlou on 17 November 2010 at Khami Remand Prison. Ndlou spent nine days in custody.

Arrests/media law/litigations

<table>
<thead>
<tr>
<th>Victim/concerned party</th>
<th>Issue</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrison Manyere - Freelance photojournalist</td>
<td>Freelance photojournalist Andrison Manyere was on 18 January 2010 arrested in Harare while covering a march by members of the Women and Men of Zimbabwe Arise pressure groups.</td>
<td>18 January 2010</td>
</tr>
<tr>
<td>Barnabas Madzimure and Fortune Mutandiro - Directors of a company that distributes the privately owned The Zimbabwean newspaper.</td>
<td>They were on 11 February 2010 charged under the Criminal Law (Codification and Reform) Act which deals with publishing falsehoods prejudicial to the State.</td>
<td>11 February 2010</td>
</tr>
<tr>
<td>Andrison Manyere Freelance photojournalist</td>
<td>He was detained and questioned at ZANU PF’s provincial offices in Harare at the start of a march by the party’s supporters against targeted sanctions imposed by the West against senior</td>
<td>24 February 2010</td>
</tr>
<tr>
<td>Name</td>
<td>Details</td>
<td>Date</td>
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<tr>
<td>Andrison Manyere - Freelance photojournalist</td>
<td>Freelance photojournalist Andrison Manyere was on 1 March 2010 arrested at the Harare Magistrates Courts while filming the arrival of accused persons charged with attempting to overthrow the government of Zimbabwe. He was later questioned and detained overnight at Harare Central Police Station.</td>
<td>2 March 2010</td>
</tr>
<tr>
<td>Nunurai Jena - Freelance journalist</td>
<td>Freelance journalist Nunurai Jena was on 21 March 2010 detained by security officials at Beitbridge Border Post on his way home from South Africa.</td>
<td>22 March 2010</td>
</tr>
<tr>
<td>Stanley Gama - Freelance journalist</td>
<td>Freelance journalist Stanley Gama was on 30 March 2010 summoned to Harare Central Police Station where he was questioned in connection with an article that appeared in the Zimbabwean edition of <em>The Sunday Times</em> published in South Africa.</td>
<td>30 March 2010</td>
</tr>
<tr>
<td>Mashundu Netsianda - Correspondent for <em>The Chronicle</em></td>
<td>Mashundu Netsianda who is based in Beitbridge was on 8 April 2010 arrested over a story which involved a shooting incident involving a Zimbabwean man who resides in South Africa.</td>
<td>8 April 2010</td>
</tr>
<tr>
<td>Zimbabwe Independent editor in-chief Vincent Kahiya, <em>Standard</em> editor Nevanji Madanhire and reporters Feluna Nleya and Jennifer Dube.</td>
<td>The four journalists with the weekly newspaper, <em>The Standard</em> were summoned to appear in court on 6 May 2010 as state witnesses in the criminal defamation case against Mayor Muchadeyi Masunda and eight councillors on allegations of defaming businessman Philip Chiyangwa.</td>
<td>27 April 2010</td>
</tr>
</tbody>
</table>
charges arose from the publication of a story exposing an alleged massive land scandal involving the Minister of Local Government Ignatius Chombo and Chiyangwa.

<p>| <strong>Stanley Gama- Freelance journalist</strong> | Freelance journalist Stanley Gama was subpoenaed to appear in court on 6 May 2010 together with four journalists from the weekly <em>Standard</em> newspaper. The journalists were called to be state witnesses in the criminal defamation case against Harare Mayor Muchadeyi Masunda and eight councillors on allegations of defaming businessman Philip Chiyangwa | 28 April 2010 |
| <strong>Feluna Nleya and Jennifer Dube</strong> | Feluna Nleya and Jennifer Dube reporters with the privately owned <em>The Standard</em> weekly were on 31 April 2010 questioned by police from the Law and Order Section for exposing an alleged massive land scandal involving the Minister of Local Government Ignatius Chombo and businessperson Philip Chiyangwa. They were asked to reveal their sources during the questioning. | 31 April 2010 |
| <strong>Harare City Councillors and freelance journalist Stanley Gama together with Vincent Kahiya the Zimbabwe Independent editor-in-chief, The Standard editor Nevanji Madanhire and reporters Feluna Nleya and Jennifer Dube.</strong> | The journalists were summoned as state witnesses in a criminal defamation case filed by businessperson Philip Chiyangwa following publication of a story alleging massive urban land acquisition involving the Minister of Local Government Ignatius Chombo and Chiyangwa. | 6 May 2010 |</p>
<table>
<thead>
<tr>
<th>Name and Title</th>
<th>Details</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Golden Maunganidze- editor of The Masvingo Mirror</td>
<td>Maunganidze was summoned to Harare Central Police Station where he was interrogated for six hours following publication of a story that allegedly, criminally defamed Walter Mzembi, the Minister of Tourism.</td>
<td>10 May 2010</td>
</tr>
<tr>
<td>Harare mayor Muchadeyi Masunda, eight councillors and five journalists namely Vincent Kahiya the Zimbabwe Independent editor-in-chief, Nevanji Madanhire The Standard editor and reporters Feluna Nleya, Jennifer Dube and Stanley Gama a freelance journalist</td>
<td>The trial is on allegations of criminally defaming businessman Philip Chiyangwa in which five journalists were expected to appear as witnesses, was on 22 June 2010 moved to 23 September 2010 by Harare magistrate Olivia Mariga</td>
<td>22 June 2010</td>
</tr>
<tr>
<td>Zimbabwe Securities Commission (SEC)</td>
<td>The SEC said financial reporters should register as security investor advisers in terms of the Securities Act of 2004 and in terms of Statutory Instrument 100/200 where financial journalists are required to pay a license fee of $2 000</td>
<td>22 July 2010</td>
</tr>
<tr>
<td>Brezhnev Malaba- editor of the state controlled Sunday Mail</td>
<td>Brezhnev Malaba and reporter Nduduzo Tshuma were arrested and charged for criminal defamation after they wrote and published a story implicating senior police officers in maize grain scandal in March 2009.</td>
<td>16 August 2010</td>
</tr>
<tr>
<td>Kudakwashe Zvarayi- Freelance Journalist based in Kwekwe, Midlands Province</td>
<td>Zvarayi was on 27 August 2010 arrested in Bulawayo while taking pictures of the statue of Zimbabwe’s deceased Vice President Joshua Nkomo.</td>
<td>27 August 2010</td>
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<tr>
<td>Owen Maseko, Bulawayo</td>
<td>Maseko was arrested on 26</td>
<td>27 August</td>
</tr>
<tr>
<td>Name</td>
<td>Event Description</td>
<td>Date</td>
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<tr>
<td>Owen Maseko, a Bulawayo based visual artist.</td>
<td>Initially charged with violating Section 33 of the Criminal Law (Codification and Reform) Act for insulting or undermining the authority of the president; charge was altered to Section 31 dealing with false statements prejudicial to the state.</td>
<td>26 March 2010</td>
</tr>
<tr>
<td>Owen Maseko, a Bulawayo based visual artist.</td>
<td>The state attempted to bring new charges against him under Section 33 of The Criminal Law (Codification and Reform) Act. Maseko was arrested on 26 March 2010.</td>
<td>13 September 2010</td>
</tr>
<tr>
<td>Owen Maseko, a Bulawayo based visual artist.</td>
<td>The state attempted to block Maseko's application before Bulawayo Magistrate, Ntombizodwa Mazhandu to have his case referred to the Supreme Court for determination on whether the criminalisation of his artistic work was not a violation of his right to freedom of thought and expression. Mazhandu deferred the matter to 16 September 2010.</td>
<td>15 September 2010</td>
</tr>
<tr>
<td>Flata Kavinga, journalist with Midlands Observer</td>
<td>He was arrested and detained while covering a demonstration by St Bernard.</td>
<td>10 October 2010</td>
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<tr>
<td>Roman Catholic members against the Parish Priest. The police were contemplating charging him under section 78 of AIPPA, which deals with practicing journalism without accreditation card.</td>
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<tr>
<td>Andrison Manyere and Nkosana Dhlamini – Freelance Journalists They were arrested and detained at Waterfalls Police Station, while covering a constitutional information gathering meeting. They were charged with criminal nuisance under the Criminal Law (Codification and Reform) Act.</td>
<td>30 October 2010</td>
<td></td>
</tr>
<tr>
<td>Wilf Mbanga - London based editor of <em>The Zimbabwean</em> The police reportedly issued a warrant of arrest against Mbanga following publication of a story linked to the death of a senior official with the Zimbabwe Electoral Commission (ZEC) in 2008. He was accused of publishing a story which undermined President Robert Mugabe.</td>
<td>5 November 2010</td>
<td></td>
</tr>
<tr>
<td>Dumisani Sibanda - Bureau Chief of <em>Newsday</em> He was briefly detained and questioned by the police at Bulawayo Central police station in connection with a story that was written by Nqobani Ndlovu that appeared in <em>The Standard</em>, alleging the cancellation of police promotional examinations to accommodate war veterans and retired police officers.</td>
<td>16 November 2010</td>
<td></td>
</tr>
<tr>
<td>Nqobani Ndlovu - a reporter with the weekly <em>Standard</em> newspaper who is based in Bulawayo Nqobani was arrested in connection with a story that he wrote alleging the cancellation of police promotional examinations.</td>
<td>17 November 2010</td>
<td></td>
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<tr>
<td>Nqobani Ndlovu - a reporter with the Standard newspaper He applied for bail and the ruling was set for 22 November 2010.</td>
<td>19 November 2010</td>
<td></td>
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<tr>
<td>Nqobani Ndlovu - a reporter with the Standard newspaper Bulawayo Magistrate Sibongile Msipa granted him a $100 bail but</td>
<td>22 November 2010</td>
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</tbody>
</table>
The State invoked section 121 of the Criminal Procedure and Evidence Act (CPEA) effectively quashing the bail granted. The Act effectively suspended Ndlovu’s admission to bail pending an appeal in the High Court.

| Nqobani Ndlovu – a reporter with Standard newspaper | Ndlovu was released from Khami remand prison in compliance with the order for his immediate release by High Court judge Justice Nicholas Matonsi. The judge dismissed the states appeal for his continued detention. | 26 November 2010 |
| Nevanji Madanhire and Walter Marwizi | They faced arrest after the police visited their offices looking for them. Madanhire was wanted in connection with a story written by Nqobani Ndlovu on the postponement of police promotional examinations. | 29 November 2010 |
| Nevanji Madanhire - editor with The Standard weekly newspaper | He was arrested and charged with breaching Section 31 of the Criminal Law (Codification and Reform) Act which deals with publication of falsehoods prejudicial to the state. He was detained overnight at Rhodesville Police Station in Harare | 30 November 2010 |
| Nevanji Madanhire, editor of the Standard | He appeared in court facing charges of breaching section 31 of the Criminal Law (Codification and Reform) Act which deals with publication of false statements prejudicial to the state. The charges followed a story published by the paper alleging that police had cancelled promotional examinations to recruit war veterans ahead of elections | 01 December 2010 |
| Vincent Kahiya, Alpha Media Holdings group editor-in-chief and Constantine Chimakure, Zimbabwe Independent editor | They appeared in court facing charges of communicating false statements that are likely to undermine public confidence in law | 06 December 2010 |
enforcements agents under section 31 of Criminal Law (Codification and Reform act). The charges arose over a story published in May 2009 revealing the alleged role of Central Intelligence Operatives in the abduction of human rights activist.

q  **Beaten/Harassed / Threats/Kidnapped**

<table>
<thead>
<tr>
<th>Victim</th>
<th>Incident</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stanley Kwenda- Senior freelance journalist</td>
<td>Senior freelance journalist Stanley Kwenda reportedly fled the country after he was allegedly phoned and threatened with death by a senior police officer.</td>
<td>15 January 2010</td>
</tr>
<tr>
<td>Munyaradzi Doma and Tawanda-reporters with H-Metro, a state owned tabloid</td>
<td>They were reportedly assaulted by youth members of the Church of Central Africa Presbyterian (CCAP) in Mbare high density suburb of Harare. They were assaulted whilst taking photographs of an incident during which a church pastor was being attacked by one of the church members.</td>
<td>14 November 2010</td>
</tr>
<tr>
<td>Simon Khaya Moyo- ZANU PF chairperson</td>
<td>He is alleged to have threatened private media journalist for allegedly writing “negative and false stories” against the police and other security apparatus</td>
<td>04 December 2010</td>
</tr>
<tr>
<td>Tatenda Chitagu-Newsday Correspondent based in Masvingo</td>
<td>He was reportedly harassed by ZANU PF youths at the instigation of senior party members at an inter-district meeting held at Masvingo Polytechnic College. His note book was confiscated by unknown two men.</td>
<td>05 December 2010</td>
</tr>
<tr>
<td>Victim</td>
<td>Case</td>
<td>Date</td>
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<tr>
<td>Nkabazwe Community radio Initiative</td>
<td>Nkabazwe Community Radio initiative in Gweru was denied police clearance to hold a road show scheduled for Saturday 22 May 2010.</td>
<td>19 May 2010</td>
</tr>
<tr>
<td>Mavambo/Kusile/Dawn (MKD) party leader Simba Makoni</td>
<td>Simba Makoni attacked the Zimbabwe Broadcasting Corporation (ZBC) for not airing an interview that was recorded last year with Super Mandiwanzira under the state-controlled broadcaster’s Talking Business programme.</td>
<td>According to the weekly Standard’s edition of 20-26 June 2010</td>
</tr>
<tr>
<td>Nkabazwe Community Radio Initiative based in Gweru</td>
<td>Gweru based Nkabazwe Community Radio Initiative was on 24 June 2010 denied police clearance to hold a road show for the third time in a space of less than two months because it is not licensed to broadcast. This comes in the wake of a similar ban imposed on Wezhira Community Radio Initiative in Masvingo by the police citing security concerns.</td>
<td>24 June 2010</td>
</tr>
<tr>
<td>SW Radio Africa</td>
<td>The radio station which is manned by exiled Zimbabweans in London, was reportedly jammed by suspected members of the Central Intelligence Organisation (CIO) for the first half hour of its broadcast featuring Newsreel</td>
<td>1 September 2010</td>
</tr>
<tr>
<td>Accredited Journalists from several media houses</td>
<td>State security agents allegedly blocked them from covering the graduation ceremony at Great Zimbabwe University in Masvingo where President Mugabe was officiating. They</td>
<td>15 October 2010</td>
</tr>
</tbody>
</table>
demanded the journalist to produce invitation cards similar to those issued to graduates and their relatives in addition to their accreditation cards.

George Charamba - Permanent Secretary for Information and Publicity

He said the government will not be issuing licences to new private broadcast players anytime soon because the government has no capacity to monitor and regulate activities of new broadcasting media players.

11 November 2010

<table>
<thead>
<tr>
<th>Parties</th>
<th>Matter</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrison Manyere - Freelance</td>
<td>Freelance photojournalist Andrison Manyere was on 18 January 2010</td>
<td>18 January 2010</td>
</tr>
<tr>
<td>journalist</td>
<td>released without charges following his arrest and detention at Harare</td>
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<td></td>
<td>Central Police Station while covering a march by members of the Women</td>
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<td></td>
<td>and Men of Zimbabwe Arise pressure groups.</td>
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<tr>
<td>Prime Minister Morgan Tsvangirai</td>
<td>Prime Minister Morgan Tsvangirai on 19 March 2010, urged the newly</td>
<td>22 March 2010</td>
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<tr>
<td></td>
<td>constituted statutory Zimbabwe Media Commission (ZMC) to speedily</td>
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<td></td>
<td>register new media houses.</td>
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<tr>
<td>Webster Shamu - Minister of</td>
<td>Media, Information and Publicity Minister Webster Shamu condemned the</td>
<td>28 March 2010</td>
</tr>
<tr>
<td>Media, Information and Publicity</td>
<td>harassment of journalists at the Federation of Africa congress held</td>
<td></td>
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<tr>
<td></td>
<td>in the capital.</td>
<td></td>
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<tr>
<td>Zimbabwe Media Commission</td>
<td>Zimbabwe Media Commission (ZMC) said it was set receive applications</td>
<td>4 May 2010</td>
</tr>
<tr>
<td>(ZMC)</td>
<td>for registration by media houses.</td>
<td></td>
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<tr>
<td>Zimbabwe Media Commission (ZMC)</td>
<td>ZMC reported as having started</td>
<td>4 May 2010</td>
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<tr>
<td><strong>(ZMC)</strong></td>
<td>receiving applications from publishers.</td>
<td>20 May 2010</td>
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<tr>
<td><strong>The Zimbabwe Media commission (ZMC)</strong></td>
<td>The Zimbabwe Media Commission (ZMC) said they would commence licensing of new newspapers on 26 May 2010.</td>
<td>20 May 2010</td>
</tr>
<tr>
<td><strong>Zimbabwe Media Commission (ZMC)</strong></td>
<td>The Commission finally announced the licensing of five newspapers namely The Daily News, Daily Gazette, Newsday and The Worker (published by the Zimbabwe Congress of Trade Unions) and The Mail.</td>
<td>26 May 2010</td>
</tr>
<tr>
<td><strong>Zimbabwe Media Commission (ZMC)</strong></td>
<td>ZMC announced that it has registered four more media houses; Cable News Agency, Berimark Enterprises, Feyjay Investments and Africa Media Initiative.</td>
<td>30 July 2010</td>
</tr>
<tr>
<td><strong>Owen Maseko- a Bulawayo based visual artist.</strong></td>
<td>The state attempted to bring new charges against him under Section 33 of The Criminal Law (Codification and Reform) Act but failed. Maseko was arrested on 26 March 2010 initially on charges of violating Section 33 of the Criminal Law Codification and Reform Act which deals with insulting or undermining the authority of the president. The charge was then altered to Section 31 which deals with the publication of false statements prejudicial to the state.</td>
<td>13 September 2010</td>
</tr>
<tr>
<td><strong>Flata Kavinga- a journalist with Midlands Observer</strong></td>
<td>The police released Kavinga and gave him his diary and camera which they had confiscated when they arrested him after he presented his accreditation card to them. He was cleared of any possible charge.</td>
<td>14 October 2010</td>
</tr>
<tr>
<td><strong>Media organisations and journalists in Zimbabwe</strong></td>
<td>They roundly condemned the detention of The Standard</td>
<td>23 November 2010</td>
</tr>
<tr>
<td>Name</td>
<td>Description</td>
<td>Details</td>
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</tr>
<tr>
<td>Nqobani Ndlovu – a reporter with The Standard newspaper</td>
<td>reporter Nqobani Ndlovu saying they will mount a campaign for his release from Khami prison.</td>
<td>26 November 2010</td>
</tr>
<tr>
<td></td>
<td>Nqobani Ndlovu was released from Khami remand prison in compliance with the order for his immediate release by High court judge Justice Nicholas Matonsi. The judge dismissed the states appeal for his continued detention.</td>
<td></td>
</tr>
<tr>
<td>Zimbabwean journalists and representative media organisations</td>
<td>They petitioned Prime Minister Morgan Tsvangirai expressing grave concern with the increase in the number of cases involving the arrests and harassment of journalist.</td>
<td>26 November 2010</td>
</tr>
<tr>
<td>MDC-T, one of the parties in the inclusive Government</td>
<td>MDC-T issued a statement condemning the arrests, harassment and detaining of journalists mainly from the private media by the police.</td>
<td>02 December 2010</td>
</tr>
<tr>
<td>Chris Mhike-Harare based lawyer and also ZMC’s Commissioner</td>
<td>He also raised his grave concern over the continued harassment of journalists</td>
<td>06 December 2010</td>
</tr>
<tr>
<td>ZANU PF- political party in the Government of National Unity</td>
<td>Zanu PF also joined other parties in condemning the harassment of journalists</td>
<td>07 December 2010</td>
</tr>
<tr>
<td>Innocent Gonese-MDC-T chief whip and MP for Mutare Central</td>
<td>His proposed amendments to the draconian law Public Order and Security Act (POSA) were sailed through parliament in its entirety</td>
<td>08 December 2010</td>
</tr>
</tbody>
</table>