

State of the Media Report 2004



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Introduction

Zimbabwe, which is experiencing severe economic and political problems since 1998 remains locked in an economic quagmire characterised by high inflation which has seen basic requirements for an average urban family rising to Z\$1, 5 million per month. Average salaries are way below this figure with a school teacher earning a basic salary of Z\$700 000.

Although there were slight improvements on the economic front in 2004, the drop in inflation from 600 percent to below 200, has, however, failed to trigger the corresponding tremors that would signify the healing of the ailing economy.

Zimbabwe's economic decline cannot be separated from declining observance of human rights by the present government. The year 2004 saw a continuation of the use of repressive legislation and sometimes extra judicial means to arrests media workers, clampdown on peaceful demonstrations and protests.

The government maintains a tight grip on the state media, which it has used for propaganda and in many instances propagation of hate messages.

The unrelenting propaganda faced by Zimbabwe's ordinary citizenry without access to alternative media, has resulted in a society that is not only misinformed but losing interest in participating in national issues as there is fear of being caught on the wrong side of the "law".

At least two ordinary citizens were arrested in 2004 for allegedly "Denigrating the name of the president". The arrests done under the Public Order and Security Act (POSA) had the chilling effect of ploys designed to silence the masses through the ubiquitous Central Intelligence Organisation (CIO).

On more than three occasions, the pro-constitutional reform body, the National Constitutional Assembly (NCA) demonstrated in Harare and other urban centers in Zimbabwe resulting in hundreds of its members being arrested, beaten, harassed and others detained.

Efforts by the SADC region to rein in Zimbabwe by introducing regional guidelines on the conduct of free and fair elections seem to be hitting a brick wall in the wake of cosmetic changes being implemented by the government on the conduct of elections. Real issues around access to the media, repeal of laws such as POSA that impinge on freedom of assembly and the creation of an independent electoral body, have largely been ignored.

Returning from the SADC summit in Mauritius in August where the regional leaders adopted and endorsed the Principles, President Robert Mugabe hailed the development as a step in the right direction. However, his statements have not struck the right chords at home given the proposed amendments to the electoral law.

The determination of the Zimbabwe government to remain in power at any cost is aptly demonstrated by the passing into law of the Non Governmental Organizations (NGO Act) that seeks to register, deregister outlaw and control the NGO sector in Zimbabwe. The NGO sector is one of the few remaining entities through which Zimbabweans were able to voice their anger and despair against the declining socio-economic and political environment.

All this is set to end in 2005 when the provisions of the Act begin to be implemented. The law was passed in the now common ruling party style of exploiting its majority in parliament.

Apart from the NGO Act, the government also passed amendments to the Access to Information and Protection of Privacy (Amendment) Bill despite challenges from the opposition MDC. The amendment seeks to jail and impose hefty fines on journalists caught practicing without accreditation.

All expectations of a new dawn for a democratic Zimbabwe which values freedom of expression, media freedom, freedom of association and assembly as basic human rights were dashed when the government stated that there was no going back on the proposed Bills.

The government was instead more than determined in its quest to further narrow the country's democratic space ahead of the March 2005 parliamentary elections and not subject itself to scrutiny.

This knack for intolerance to scrutiny and criticism came under the spotlight when the government threw out of the country a 13-member delegation of the Congress of South African Trade Unionists (COSATU) on 26 October 2004.

The COSATU delegation was in the country at the start of what would have been a five-day fact-finding mission.

Besides meeting with representatives of human rights organizations and churches, ruling Zanu PF and opposition MDC, the mission was also expected to ascertain the government's position on the NGO Bill, the Zimbabwe Electoral Commission and the Electoral Bill.

The COSATU delegation was also expected to learn more about the fate of farm workers on farms acquired by the government under the controversial land reform exercise.

But that was not to be. Immigration officials pounced on the team at their hotel in Harare's central business district and ordered them to pack their bags because their visit had not been sanctioned by the government.

Media environment

Not content with having promulgated draconian legislation such as the Access to Information and Protection of Privacy Act (AIPPA), which culminated in the banning of The Daily News and the Daily News on Sunday on 12 September 2003, followed by that of The Tribune in June 2004, the government still went ahead and introduced the Criminal Law (Codification and Reform) Bill. Tabled before Parliament in November, the Bill contains a clause, which tightens a section of the repressive Public Order and Security Act (POSA), which deals with the publication, or communication of a statement prejudicial to the State.

It imposes a harsh prison term of 20 years in the event of a conviction.

These Bills including the Electoral Reform Bill fall far short of meeting the democratic benchmarks imposed by the SADC Guidelines. The Guidelines, among other principles call upon member states to allow for the full participation of citizens in the political process, freedom of association, equal opportunities for all political parties to access the state media and above all, political tolerance.

As the 2005 parliamentary elections in March beckon, Zimbabweans fear a recurrence of the state-sanctioned violence, terror campaigns, intimidation and threats against perceived enemies of the State.

President Robert Mugabe in his State of the Nation Address on 10 December, assured the nation the government would not tolerate any form of violence from any quarter ahead of the 2005 parliamentary elections. His pronouncements, however, failed to assuage fears of a resurgence of political violence in the run-up to the elections, more so in the absence of the popular mass circulating Daily News and Daily News on Sunday.

The closure of The Tribune in June 2004, following that of the Daily News and Daily News on Sunday in 2003, extinguished the flickering light of hope that the ruling Zanu PF government would heed international calls to repeal repressive media laws.

While the post-2002 Presidential elections era witnessed a decline in cases involving the arrests and harassment of journalists and media workers, this can easily be attributed to the absence of the vocally critical Daily News, and not necessarily to repentance on the part of the authorities in Harare.

The passing of the afore-mentioned Bills coming at a time when the legal media environment has deteriorated has impacted negatively on the investigative skills of journalists working for the robust private press.

With the aid of POSA, AIPPA, the Broadcasting Services Act (BSA) and some laws inherited from the colonial era, the government continues to retain its unfettered monopoly on the flow and exchange of information.

That should not come as a surprise given that Information Minister Professor Jonathan Moyo declared in March that the Zimbabwean government does not believe in press freedom.

It is through such blatant disrespect for basic freedoms that saw the government quashing civic demonstrations and protests organized by the National Constitutional Assembly and the Women of Zimbabwe Arise as they took to the streets to demonstrate against the NGO Bill.

The remaining independent media houses have remained under constant attack from the state with The Standard and the Zimbabwe Independent receiving letters of caution and reprimand over stories covered.

Inhibitive cover prices have hindered a sizeable proportion of the populace from accessing alternative information and opinions carried by the private press. There still exists in Zimbabwe, rural and peri-urban areas where private newspapers are not allowed to sell with those caught reading such publications risking being subjected to beatings.

On the other hand, the state media has remained under the tight grip of the department of Information and Publicity. This is exacerbated by the repressive legislations which have poisoned the media environment which tends to curtail media freedom. Without alternative sources of information citizens are lost as to the true nature of events and happenings in their own country.

Print Media

With the closure of the Daily News, Daily News on Sunday and the Tribune, a substantial amount of alternative space for opposing views was lost under the repressive weight of AIPPA despite the sterling performance by the existing independent weeklies to fill that void.

On 10 June, Dr Tafataona Mahoso, the chairman of Media and Information Commission (MIC), cancelled the licence of The Tribune in terms of Section 71 (1) a of AIPPA. The MIC said Africa Tribune Newspapers (ATN) should have notified the Commission of the changes in ownership when its management and senior editors bought the publishing company from Africa Media Group in terms of section 67 of the Act.

Following the change in ownership, the company's registered newspapers, The Business Tribune and the Weekend Tribune folded into one publication, The Tribune. This resulted in the change of the publication frequency, which saw the new paper publishing on Thursdays.

Previously the Weekend Tribune published on Saturdays while its former sister publication published on Thursdays.

Section 67 stipulates: A mass media service shall be required to notify the Commission of any changes if

- (a) The owner is replaced
- (b) Co-owners change
- (c) The name, language, form and frequency of the periodical dissemination of mass media is altered ..."

That the paper was closed on the grounds that it failed to notify the MIC of the changes in its operations demonstrates the repressive nature of AIPPA.

Coming as it did against a speech delivered in parliament by its new publisher and journalist Kindness Paradza, a Zanu PF parliamentarian; the MIC action was widely viewed as victimization.

In his maiden speech, Paradza had criticized AIPPA as an Act that was undesirable in a democratic society. He could, therefore, have stepped on the toes of its chief architect, Jonathan Moyo, the Minister of Information.

Meanwhile, The Daily Mirror has in the absence of the Daily News been making meaningful strides towards filling the void arising from the closure of the banned publications.

The newspaper is slowly emerging as a viable source of alternative views through its stories and political commentaries. More investigative stories, would, however help push it to the pedestal of the fearless Daily News.

Of major concern though, is the fact that the Supreme Court is still to decide on the labyrinth of the (consolidated) challenges and counter appeals lodged by ANZ, the publishers of the banned publications since its closure in 2003.

Although cases of media violations somewhat declined in 2004 compared to the periods preceding the 2000 parliamentary elections and 2002 presidential elections, the laws stifling freedom of expression and assembly, made for a very unfavorable media environment.

The country continued to witness the harassment and intimidation of journalists and restriction of the free movement of media workers. The State in fact, demonstrated its determination to tighten restrictive media laws such as AIPPA.

Instead of heeding calls for a repeal of AIPPA and POSA, the ruling Zanu PF came up with the AIPPA (Amendment) Bill. Clause 3 of the Bill, which was passed by Parliament, among other clauses, amends Section 83, which prohibits or suspended journalists from practicing without accreditation from the government-controlled Media and Information Commission (MIC).

It provides for a penalty, which was not previously provided for in the form of a fine not exceeding \$600 000 or two years imprisonment or to both such fine and imprisonment.

The Bill's provisions are, contrary to Information Minister Jonathan Moyo's assertions, a serious departure from the principles of the SADC guidelines on good governance.

The SADC principles do not at all call for nor condone the criminalization of the practice of journalism, which is intricately linked to media freedom, and freedom of expression – principles that are at the core of the democratic standards the region seeks to uphold.

On the contrary, the Principles stress the need for consolidation of democratic practices in the region. This, for instance, cannot be achieved by coming up with the Criminal Law (Codification and Reform) Bill. Although clauses 31 and 33 of this Bill do not introduce new crimes, they have replaced and tightened Sections 15 and 16 of POSA.

Clause 31 increases the five-year prison term previously imposed under Section 15 to 20 years for publication and communication of a statement prejudicial to the State.

Clause 33, which deals with the publication of a false statement, which undermines the authority of, or insulting the President or Acting President imposes a one year prison term or a fine of \$2,5 million or both such fine or imprisonment.

It is against this background, that the polarization of the media saw the erosion of what should otherwise be sacrosanct media ethics.

The state-controlled newspapers especially The Herald, The Chronicle and The Sunday Mail which are under the tight grip of Minister Moyo and with the protection of the all-powerful and anti-private media MIC, continued to vilify with impunity journalists working for the independent press as stooges of imperialists.

The hate speech of the previous years was prevalent as the state-controlled media discarded the cardinal rules of truth, accuracy, balance and fairness thereby widening the rift between opposing parties. Instead of heeding calls for the repeal or amendment of the offending legislations, the government went on to sign a Memorandum of Understanding with Namibia as part of media initiatives to counter critical regional papers such as The Sunday Times and Mail and Guardian of South Africa.

The MOU signed between Zimbabwe Newspapers' flagship, The Herald, and the New Era of Namibia, culminated in the birth of the struggling Southern Times. The Southern Times, which was launched on 3 September in Victoria Falls, has failed to make any impact as it mostly contains pro-government stories churned out by the state-controlled New Ziana news agency.

While the cases of harassments declined somewhat, the trend and nature of the harassments remained the same with foreign journalists being barred from coming to Zimbabwe.

It took the intervention of Zanu PF spokesperson Dr Nathan Shamuyarira after the MIC had initially barred some British journalists from covering England's cricket tour to Zimbabwe.

While a number of journalists were arrested for breaching provisions of AIPPA, the most bizarre case of the year under the controversial media law was perhaps that of the Standard and the MIC.

The MIC raised a furore over a photograph of President Mugabe taken at the Harare Agricultural Show in August. MIC chairman Dr Tafataona Mahoso, claimed the front-page photograph of President Mugabe hitching up his trousers, sought to "caricature, belittle and undermine the dignity of the Head of State".

The Zimbabwe Independent and The Standard newspapers have faced unprecedented criticism from the Department of Information and the MIC. The papers stand accused of being sponsored by imperialist's forces and of writing stories "meant to reverse" Zimbabwe's so called economic success. The two papers received a number of letters of reprimand and journalists from the two newspapers were arrested in 2004 on various charges.

Broadcasting

The government through the Minister of Information continued to pay lip service to its commitment to open the airwaves through the announcement of restrictive new licensing regulations and fees.

As a result, the broadcasting arena continued to be dominated by Zanu PF, its supporters and government officials who were given carte blanche to wily nilly denigrate any opposing views.

The government first announced the new broadcasting fees in September and followed that up with yet another announcement in December, but there were no takers.

Statutory instrument 185 of 2004 Broadcasting Services (Licensing and Content) Regulations, provides for licence fees for various broadcasting categories, technical standards for radio frequencies and procedures for broadcasting licenses among other issues.

For instance, it will cost \$840 million for a 10-year free-to-air national commercial television coupled with a \$5 million non-refundable application fee. The basic licence fee for a 10-year free-to-air national commercial radio is pegged at \$672 million with a non-refundable fee of \$5 million.

There are also monthly frequency fees and a broadcasting fund of 0,5 percent of the audited annual gross turnover payable, annually, which should also be taken into account. Besides the restrictive fees, also of concern is the requirement that every licensee's programme presentation projects Zimbabwean national values and points of view.

The regulations impose restrictive conditions for licenses and licence fees that are out of reach of ordinary Zimbabweans compounded by the prohibition of foreign funding in the broadcasting sector. This tells of a government reluctant to let go its stranglehold on the monopoly of the Zimbabwe Broadcasting Holdings (ZBH).

Zimbabweans continue to benefit from the services of Voice of America , news programme, Studio 7, BASED IN Washington, SW Radio Africa, (London), and Voice of the People Communications Trust.

The three stations, though unlicensed under Zimbabwe's strict broadcasting laws, have tried to counter-balance government propaganda. The government has responded to these stations by accusing them of being part of the plan to effect "regime change" in Zimbabwe.

The stations have a limitation in that they broadcast daily one-hour programmes at the same time, 7-8 pm. These short broadcasts are only but a drop in the ocean compared to the state owned ZBH's 24-hour broadcasts on the easily accessible frequency modulation (FM).

Telecommunications

The government was not relenting in its determination to maintain its octopus-like grip on all facets of the country's multi-media sector as it issued threats to monitor electronic communication as part of its onslaught to undermine citizens' rights to free expression.

The government indicated that it would come up with regulations to compel all Internet Service Providers (ISP's) operating in Zimbabwe to monitor and block all e-mail messages passing through their systems, which the government considers to be "prejudicial to the State".

In an environment where traditional media outlets such as newspapers and broadcasting stations are under the firm control of the government, the importance of electronic communications has become of paramount importance.

It is against that background that a number of on-line publications came on stream namely, Zim-Online, Daily News Online, Zimbabwe Situation, Zimnews etc, to fill the void created by the closure of The Daily News, Daily News on Sunday and The Tribune.

On a positive note though, the High Court halted the government's intention to re-introduce new regulations governing access to the international telecommunications gateway.

The new regulations gave Tel-One, a government-owned fixed telephone operator, the sole right to operate a gateway to all incoming and outgoing international telecommunications services in the country.

Econet Wireless Zimbabwe, however, successfully argued in the High Court that the regulations created a monopoly in the industry, which the Supreme Court declared unconstitutional in 1998.

High Court judge Justice Yunus Omerjee ruled that the regulations would effectively infringe on Econet's licence.

Under the licence, Econet has the right to control and operate a limited facility for the transmission and receipt of international cellular originating and terminating from its Network.

Meanwhile, TeleAccess, which was licensed to operate in the fixed telephone services sector in 2002, failed to launch its project amid reports that it had gone bankrupt. The roll out of the TeleAccess service had been expected to ease the demand for telephone lines by thousands of Zimbabweans who have been on the waiting list for years.

TeleAccess Pvt (LTD) which has a license to mount Zimbabwe's second fixed telephone operations has failed to roll out its programme. The company blames rising costs for this situation. Parliament instructed enquiries into this matter in 2004, but its findings are still to be made public. Rising costs of mobile phone charges are again inhibiting the use of wireless communication by the majority of people. Mobile phone companies blame foreign currency shortages for the poor services as they argue spare parts are costly and have to be imported.

Media violations statistics 2004

As alluded to earlier, cases of media violations declined during the year under review not because the government had mellowed, but owing to the absence of the highly critical ANZ publications.

While the cases may have declined, the trend of the violations was similar to that of the previous year as witnessed by the MIC's closure of The Tribune, published by the Tribune Newspapers (ATN) almost a year after the ANZ publications had met with a similar fate.

As was the case last year, harassment and violations against journalists continued with some being arrested and detained under AIPPA and POSA, only for charges to be withdrawn before going to court, in some cases.

MEDIA VIOLATIONS STATISTICS 2004

Arrests/ media law/ litigation

Victim	Charge	Date
Simon Bright	Bright, a filmmaker, was arrested by the police at Harare International Airport enroute to London for allegedly having been involved in the BBC documentary the "Panorama". He was released on 22 March after being charged under POSA.	19 March 2004
Radio Dialogue	Police detain two Radio Dialogue staffers before searching its premises in Bulawayo confiscating documents. The two were released without being charged.	26 March 2004
Shandukani Mathagu, journalist with the South African Broadcasting Corporation.	Arrested at BeitBridge Border post for allegedly entering Zimbabwe illegally. Released after South African Authorities provided his traveling details	11 April 2004
Desmond Kwande, photojournalist with The Daily Mirror.	Detained by the police for an hour for taking pictures of a school that had been closed by the Minister of Education for increasing fees without government approval.	6 May 2004
Vincent Kahiya, Raphael Khumalo, Augustine Mukaro	Arrested on allegations of abusing journalistic privilege under AIPPA. The Zimbabwe Independent published a story, which said judgment in the treason trial of MDC leader Morgan Tsvangirai had been postponed because the assessors had not been given a chance to input into Judge Justice Paddington Garwe's findings. Still to be formally charged.	23 September 2004
Freelance photojournalists, Tsvangirai Mukwazhi, Desmond Kwande and Howard Burditt	Arrested and detained while covering a demonstration by women members of the WOZA pressure group protesting	5 October 2004

	against the Ngo Bill. Released without charges after spending a night in police cells.	
Owen Matava, editor of Kwekwe-based Midlands News	Arrested and questioned by the police over publication of a story detailing the retirement plans of Cephass Msipa, the Governor of the Midlands. The police recorded a warned and cautioned statement from him and said they would proceed by way of summons.	13 October 2004
Iden wetherell, Vincent Kahiya, Itai Dzamara and Dumisani Muleya	The four journalist are on remand and stand accused of publishing a story in the Zimbabwe Independent of on 9 January 2004, that claimed President Robert Mugabe had commandeered an Air Zimbabwe plane to the far east	
Broadcasting Authority of Zimbabwe (BAZ)	Announced that it is ready to receive and process license for private community and commercial broadcasters.	6 September 2004
Parliament of Zimbabwe/ Criminal Law (Codification Reform) Bill	Criminal law codification bill seeks to impose a maximum of 20 years prison term or a fine of \$2,5 million Zimbabwe dollars or both on journalists caught publishing or communication information prejudicial to the state. (Second reading 30 November 2004)	Bill still before parliament.

Beaten

Victim	Incident/issue	Date
Richard Musazulwa, a journalist with the weekly Standard newspaper	Musazulwa was illegally detained and assaulted by soldiers for writing a story in which he alleged that 65 army recruits had fled training	20 April 2004

Harassed / Threats/Kidnapped

Victim	Incident	Date
Mathew Takaona/Zimpapers	Zimpapers dismissed Takaona after he held a meeting with dismissed Daily News journalists. The dismissal is still being contested in court	4 March 2004
Tribune journalists, Tichaona Chifamba, Marvelous Mapininga, James Chikwanha and Constantine Chimakure.	Tribune management fired eight journalists for embarking on a strike to force management to own up on promised back pays.	10 May 2004
Mail and Guardian, Sovereign Publishers	Police questioned Sovereign publishers on how the printing company receives and distributes the Mail and Guardian in Zimbabwe. The	9 July 2004

	police also demanded copies of bank statements of the Mail and Guardian from Century Bank. The police did not disclose why they wanted the information in question.	
Tawanda Mudimu, Herald photographer	Mudimu was harassed by police while taking pictures of prominent gospel musician, Charles Charamba, as he arrived at Harare Magistrates Courts on allegations of fraud.	23 August 2004.
Associated Newspapers of Zimbabwe retrenched workers	ANZ publishers of the banned Daily News and Daily News on Sunday defy a Retrenchment Board order to pay the 153 retrenched workers severance packages totaling \$2,3 billion. ANZ management appealed against the decision which is still pending before the Supreme Court.	20 September 2004
Bornwell Chakaodza, editor of The Zimbabwe Standard	Accused by the Media and Information Commission of publishing an "offensive" photograph of President Robert Mugabe hitching his trousers at the Harare Agricultural Show. The MIC demanded a negative of the photograph. Chakaodza through his lawyers submitted that they could not produce the negative in question because their photographer had used a digital camera.	The picture was published on 29 August 2004
Iden Wetherell, Vincent Kahiya, and Itai Madzamara of the Independent.	The three are being charged with criminal defamation arising from the publication of a story alleging that President Robert Mugabe had commandeered an Air Zimbabwe aircraft to the Far East, applied for removal from remand. They are now awaiting the setting of their trial date after a magistrate ruled that they could have a case to answer.	4 October 2004
Access to Information and Protection of Privacy Act (AIPPA)	AIPPA (Amendment) Bill is tabled before Parliament. The Bill seeks to provide a penalty fine and imprisonment term for journalists practicing without government accreditation.	6 October 2004
Richard Musazulwa, Standard Midlands Correspondent	Charged under AIPPA for publishing falsehoods arising from a story published on 22 August 2004. The story alleged that hungry Zanu PF youths had stormed a Heroes luncheon hosted by military chiefs at	13 October 2004

	Thornhill Airbase in Gweru. Remanded out of custody on \$50 000 bail.	
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Banned/Deported/ Denied work permit

Victim	Case	Date
Mihir Bose, British journalist with The Daily Telegraph	Bose was deported from Zimbabwe for entering the country without proper accreditation.	21 April 2004
Ben Depear and Martin Smith, Sky News journalists	Ordered to leave the country by Jonathan Moyo, Minister of Information because they were not accredited to interview President Robert Mugabe. They were eventually allowed to conduct the interview following the intervention of Zanu PF spokesman, Dr Nathan Shamuyarira	30 April 2004
Davies Guzha, producer Rooftop Promotions.	The Censorship Board banned a satirical play, super patriots and Morons performed by Rooftop. The play portrays an unnamed African country ruled by an out-touch president	12 May 2004
The Tribune Newspaper	The Media and Information Commission (MIC) closed the Africa Tribune Newspapers (ATN) publishers of The Tribune on allegations of breaching section 67 of AIPPA. MIC closed the paper in terms of section 71 of AIPPA.	22 June 2004
The Tribune/State	The High Court upholds the closure of the newspaper after the MIC suspended it for a year for allegedly breaching AIPPA. The Tribune appealed to the Supreme Court.	21 July 2004
Frank Chikowore, freelance journalist	Barred from covering the initial remand hearing of women protestors who were arrested in Chegutu while on their way to Harare to protest against the controversial Non-Governmental Organisations Bill. The police confiscated his national identification card and passport. His identification documents were returned to him after he produced his accreditation card.	30 September 2004
British Journalist from the Times, BBC, Mirror and The Sun.	Banned from covering England's Cricket tour on 24 November.	The journalists were finally admitted in on 25 November after the intervention of the ruling party spokespersons, Dr Nathan Shamuyarira.

Victory

Parties	Matter	Date	
Minister Moyo, State owned media company, Zimpapers vs ANZ	High Court orders Minister Moyo to pay \$2,5 million (USD 400) to ANZ directors for a series of defamatory articles published in The Herald in 2003	28 July 2004	
Zanu PF spokesman Dr Nathan Shamuyarira.	Dr Shamuyarira said he does not support the restrictions imposed on the media by AIPPA and the Public Order and Security Act.	3 August 2004	
ANZ directors	ANZ directors Samuel Sipepa Nkomo, Rachel Kupara, Michael Mattinson and Brian Mutsau, acquitted on charges of contempt of court and publishing The Daily News without a licence.	20 September 2004	