



*Defending free expression and your right to know*

## **Information Rights Violations Report**

### **1. INTRODUCTION**

This report was compiled by **MMPZ** and outlines developments that occurred between April 2013 and July 2013 that impinge or are likely to impinge on the public's free expression rights, which include access to information. The report is based on violations reported in the media and other sources such as partner organisation like MISA. A violation of freedom of information entails anything that unjustifiably stifles the public's access to information by, for example, closing down channels for accessing such information, threats and harassment of media workers, or curtailing the public's right to freedom of expression, assembly and association

There have been several cases of harassment and intimidation against journalists and civic society activists in the execution of their duties despite the inclusive government's pledge to promote freedom of expression.

Eighteen counts of violations were recorded in the 4-month period between April and July 2013. This represents a 56% increase from the previous period's eight incidents. These include police detentions and arrests (7); acts of intimidation and harassment mainly from political parties but including one incident involving United Family International Church (7); physical assaults by identified and unidentified persons/parties (3); and other acts meant to curtail free flow of information such as the banning of bulk text messaging by Potraz (one). These are listed as follows:

**Fig. 1: Information Rights Violations/issues**

<b>Publication &amp; Date</b>	<b>Victim or concerned party</b>	<b>Violation/Event status of the matter</b>	<b>Comment</b>
<p>NewsDay May 7</p>	<p>Zimbabwe Independent Editor Dumisani Muleya and Chief Reporter Owen Gagare</p>	<p>Zimbabwe Independent Editor Dumisani Muleya and Chief Reporter Owen Gagare arrested and charged with contravening section 31A.3 of the Criminal Law (Codification and Reform) Act for allegedly <b>“publishing statements prejudicial to the state”</b>. This follows a story published two weeks ago claiming the MDC was in negotiations with the military and police service chiefs</p>	<p>Gagare and Muleya were charged and released on the same day, with police set to proceed by way of summons. The continued criminalization of the work of professional journalists is incompatible with the right to freedom of expression. As noted by the Voluntary Media Council of Zimbabwe, <b>“It is important ... to advise the state, individuals and citizens that there are other avenues through which redress over stories published in the media can be sought and achieved. In the case of the Zimbabwe Independent, the state has a number of options to achieve this redress. These options include</b></p>

			<b><i>seeking the right of reply, approaching the Alpha Media Holdings Ombudsman and also approaching the VMCZ Media Complaints Committee for amicable adjudication in terms of the Media Code of Conduct”.</i></b>
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<i>The Herald</i> May 20	The (state-controlled) media	MDC-T leader Morgan Tsvangirai threatened media houses that write negatively about his party that they risked closure should his party prevail at the elections.	Political parties are encouraged to desist from statements that may encourage intolerance against journalists given the already insecure environment in which they already work.
<i>NewsDay</i> 1 June	Henry Maradzika NewsDay	United Family International Church security personnel on briefly confiscated a NewsDay camera while Makandiwa’s visiting spiritual father Ghanaian Victor Kusi Boateng attacked local media for portraying his spiritual son negatively	MMPZ restates the need for tolerance; and the need to distinguish between personal attacks and robust criticisms. Furthermore, there are avenues for redress such as taking complaints to the Voluntary Media Council.

<p><i>NewsDay</i> June 8</p>	<p>Zimbabwe Independent journalist Herbert Moyo</p>	<p>MDC-T youths allegedly assaulted Zimbabwe Independent journalist Herbert Moyo and barred him from covering a demonstration at Harvest House.</p>	<p>Attacks and intimidation of journalists undermine media freedom and the safety of journalists. Political parties and their members must allow the media to freely access information so that citizens are better informed of national processes such as elections</p>
<p><i>NewsDay</i> (8/6) &amp; <i>The Standard</i> 9 June</p>	<p>Herbert Moyo – <i>Zimbabwe Independent</i></p>	<p>MDC-T youths assaulted <i>Zimbabwe Independent</i> journalist Herbert Moyo and barred him from covering a demonstration at Harvest House,</p>	<p>Journalists should be allowed to seek information and report without hindrance. MMPZ urges political parties leaders to appreciate the media’s watchdog role and robust criticism in public interest. Political party leaders must insist on discipline and restraint from their members in order to safeguard media freedom.</p>
<p><i>The Zimbabwe Independent</i> June 14th</p>	<p>Chronicle reporter Mashudu Netsianga</p>	<p>Chronicle reporter Mashudu Netsianga was detained and questioned by MDC-T security personnel for allegedly gate crashing a meeting between Prime Minister Morgan</p>	<p>Journalists should be allowed to operate and access news freely in line with the constitutional guarantee of media freedom and freedom of</p>

		Tsvangirai and the business community in Bulawayo. They confiscated his notebook and mobile phone.	expression and ensuring citizens are able to make informed decisions in the elections.
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<i>NewsDay</i> June 17	Freelance Journalist Paul Pindani	Pindani was reportedly abducted from his home in Chinhoyi on 14 June 2013 and severely assaulted by three unknown assailants who left him for dead.	Motive of the attack remains unknown and police confirmed investigations were under way. Bringing the culprits to book will contribute to creating a safe working environment for journalists in line with this year's May 3 <sup>rd</sup> theme and media freedom.
<i>SW Radio Africa</i> June 17	Masvingo Mirror reporter Bernard Mapwanyire	Masvingo Mirror reporter Bernard Mapwanyire was allegedly manhandled by MDC-T security staff while covering the party's primary elections on June 8th.	MMPZ urges the MDC-T, and other political parties to respect the media's right to report without hindrance so that citizens are able to access diverse political views as the country heads for elections.  Actions such as these

			undermine the MDC-T party's calls for media freedom and journalists' safety.
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<i>SW Radio Africa</i> June 17	Journalist left for dead is 4 <sup>th</sup> reporter to be attacked in one week	Overview of attacks that have occurred against journalists in the month of June.	Report highlights increased insecurity for journalists ahead of elections. There is need for political parties to raise awareness on the critical role of journalists and the importance of media freedom as enshrined in the new constitution.
<i>NewsDay</i> June 19/6	Newsday vendors	A group of suspected ZANU PF youths stormed Media Holdings newsstand in Mbare and allegedly confiscated 40 copies of the paper.	Media products illegally seized. Police expressed lack of awareness about the incident. Political parties are urged to rein in their supporters especially as the country heads for elections. MMPZ draws attention to various mechanisms to address complaints such as VMCZ.
<i>Nehanda Radio</i> June 24	Wendy Muperi and Wonai Masvingise, journalists with	Wendy Muperi and Wonai Masvingise, journalists with privately-owned newspapers,	The reporters were only rescued following the intervention of the Minister

	privately-owned newspapers, Daily News and NewsDay respectively.	Daily News and NewsDay respectively, were briefly detained by ZANU-PF security personnel while covering a demonstration at the party's headquarters.	of Media, Information and Publicity Webster Shamu. MMPZ commends Shamu's intervention and urges that journalists should be allowed to operate and access news freely so that they provide citizens with a multiplicity of views.
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<i>Chronicle</i> <i>June 25</i>	The (state-controlled) media	Follow-up to the Prime Minister Tsvangirai's criticism of the state media	Follow-up to PM Tsvangirai's comments criticizing the state-controlled media for writing negatively about him
MISA-Zimbabwe Media Alert 3 July 2013	Bulawayo-based freelance journalist Busani Ncube	Bulawayo-based freelance journalist Busani Ncube was on 2 July 2013 detained and questioned at Nkulumane police station in connection with a case involving his father's house that was allegedly petrol bombed last month.	Ncube was released after six hours questioning by the police.
<i>SW Radio Africa</i> 9 July 2013	The Mirror journalist Leopold Munhende	Leopold Munhende a journalist with <i>The Mirror</i> was arrested by police while taking photographs of the voter registration process at the Registrar General's Offices.	Munhende was allegedly charged with being a public nuisance in terms of the <i>Miscellaneous Offences Act</i> .

MISA Zimbabwe Alert 23 July 2013	Albert Ncube, a correspondent journalist with the Southern Eye	Ncube was on 20 July 2013 harassed by two men who claimed to be Central Intelligence Office (CIO) agents at a ZANU-PF rally addressed by President Robert Mugabe at Phelandaba stadium in Gwanda.	Government should uphold the safety and security of journalists so that they are able to fulfill their professional duties of keeping citizens informed of key national events such as election-related processes. MMPZ concurs with MISA that should government officials, or citizens feel aggrieved by the editorial slant, policies or news coverage they must register their concerns with the Voluntary Media Council of Zimbabwe (VMCZ).
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News24 Kenya July 26	Kenyan journalist Charles Omondi	Kenyan journalist Charles Omondi was arrested at the Harare International airport allegedly on account of the fact that his clearance and accreditation papers were not in order.	Jacqueline Chikakano, a legal officer with the Media Institute of Southern Africa Zimbabwe Chapter said a legal representative from the media lawyers' network was barred from seeing Omondi.
NewsDay July 26	Media and information project Kubatana.net	THE Postal and Telecommunications Regulatory Authority of Zimbabwe (Potraz) reportedly bans bulk text messages from international gateways until	No comment from Potraz.  Bulk text messaging by several civic organizations has served as an important source of contemporary

		after the July 31 poll.	information for thousands of ordinary people in recent months and undermines Zimbabweans' constitutional rights to receive and impart information without hindrance.
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MISA Zimbabwe Alert 30 July 2013	Kwelaz community radio board member Eric Musesengwe and volunteer staffer Annie Maseko	Musesengwe and Maseko appeared in court on 30 July 2013 charged with breaching section 7 of the Broadcasting Services Act (BSA), which outlaws broadcasting without a license; and s.78 (2) of the Access to Information and Protection of Privacy Act (AIPPA) which criminalises the practice of journalism without accreditation, respectively.	The duo was granted bail in the sum of \$100 each and remanded to 15 August 2013. Valentine Mutatu, a member of the Media Lawyers Network is representing the two.
MISA Zimbabwe Media Alert 31 July 2013	Elias Mambo and Phylis Mbanje reporters with the Zimbabwe Independent and The Standard newspapers respectively	The police questioned Mambo and Mbanje over their intended coverage of the election voting process in Gutu.	The two were allowed to continue with their duties after about 15 minutes of verification by the police.

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