



## MISA-Zimbabwe Media Freedom Monitor May – September 2016

### **Introduction**

The government's determination to curb the enjoyment of fundamental rights enshrined in the constitution, notwithstanding the official justifications, poses a serious indictment on Zimbabwe's pretence to constitutional democracy.

This pretence manifests in the form of the violent crackdown on peaceful demonstrations by the police following the onset in July 2016 of protests against President Robert Mugabe's government.

During the period under review, the police imposed arbitrary bans on proposed marches and rallies by opposition political parties and other groupings. Several journalists were caught in the crossfire as they were assaulted or unlawfully arrested by the police while covering the demonstrations.

It goes without saying that the police's actions have a negative impact on citizens' right to freedom of expression, association and peaceful demonstrations as well as media rights as provided for in the constitution.

These developments could prove costly for Zimbabwe which is desperate to retain international goodwill to unlock foreign capital investments which hinges on the country instituting fundamental political and economic reforms.

### **Police bans on demonstrations**

The police's reaction to the demonstrations, compounded by pronouncements on the demonstrations by President Robert Mugabe, point to a government that is determined to scuttle citizens' constitutionally guaranteed rights and more-so, with scant regard for the principle of separation of powers.

Following a High Court challenge mounted by the National Electoral Reform Agenda (NERA), against the police's arbitrary ban on demonstrations in Harare by opposition parties and civic groups, President Mugabe criticised the country's judges.

"Our courts and judges should understand it even better. They dare not be negligent in their decisions as requests are made by people who would want to demonstrate.

"Surely, they can take note of the fact that the mission (of the demonstrations) is clear and deliberate towards causing violence," said President Mugabe. His remarks coming ahead of a

ruling by High Court judge Justice Priscilla Chigumba, were widely condemned as timed to intimidate the judiciary.

Justice Priscilla Chigumba, subsequently ruled that Statutory Instrument 101 which the police had on 1 September 2016 used to ban the demonstrations was unconstitutional.

### **Computer and Cyber Crimes Bill**

These developments also came at a time when the Computer and Cybercrimes Bill is at an advanced consultative stage. Of concern in the Bill, are some of its widely couched provisions which pose a serious threat to access and dissemination of information through digital and online platforms .

It is feared that the government is determined to curb free expression online following the onset of the nationwide protests against President Mugabe' leadership, unemployment corruption and the proposed bond notes, among other issues. Social media platforms such as *WhatsApp*, are seen as having played a critical role in mobilising members of the public to participate in the protests and marches as well as keeping them abreast with developments thereof.

In the wake of a nationwide strike by government workers on 6 July 2016, the *WhatsApp* platform briefly went down, prompting the government to re-assure the nation that it had no intention of clamping the facility in Zimbabwe.

### **Freedom of expression/media freedom violations**

During the period under review 21 journalists (*refer to Media Violations Statics Table beneath*), were either assaulted or unlawfully detained by the police while conducting their lawful professional duties of covering events such as the afore-mentioned protests and demonstrations.

Freelance photojournalist Crispen Ndlovu was on 1 September 2016 admitted at a private hospital in Bulawayo after he was reportedly assaulted and arrested by members of the riot police on 31 August 2016.

According to media reports, Ndlovu was arrested after taking pictures of the police as they allegedly assaulted Alfred Dzirutwe, spokesperson of the Bulawayo Youths Arise during protests against President Mugabe's leadership and rising unemployment.

In the meantime, photojournalist James Jemwa, clocked almost a week in custody at Chikurubi Maximum Prison in Harare following his arrest on 26 August 2016 while covering demonstrations in Harare.

In June five journalists Garikai Chaunza, Edgar Gweshe, Chris Mahove, James Jemwa, and Khumbulani Zamchiya, were arrested and detained for six hours at Harare Central Police Station. They were later released without charges. They were arrested while covering a demonstration against Vice President Phelekezela Mphoko's stay at the Rainbow Towers.

On 6 July 2016, Alpha Media Holdings journalists Elias Mambo, Tafadzwa Ufumeli, Richard Chidza and freelance journalist Godwin Mangudya, were briefly detained at Marimba Police Station while covering protests in Harare's Mufakose suburb.

Journalists Lawrence Chimunhu, Haru Mutasa, Tsvangirai Mukwazhi, Christopher Mahove, Tendai Musiya, Bridget Mananavire and Imelda Mhetu, were also assaulted by members of the riot police on 3 August 2016.

In the wake of the police crackdowns, war veterans leaders Douglas Mahiya and Victor Matemadanda, were arrested in July 2016 on charges of insulting the Office of the President. They were arrested after allegedly issuing an unsigned communiqué accusing President Mugabe of running down the country, making genocidal remarks and dictatorial statements.

On June 10 2016, police questioned Evangelical Fellowship of Zimbabwe leader Shingi Munyeza following his comments on social media on the proposed introduction of bond notes by the Reserve Bank of Zimbabwe.

Zimbabwe People First spokesperson, Jealousy Mawarire, was on 11 August 2016 charged under Section 88 (b) of the Posts and Telecommunications Act following his twitter row with Higher Education Minister Professor Jonathan Moyo.

### **petition against police harassment of journalists**

Shocked by the escalation in the number of cases involving the unlawful assaults and arrests of journalists by the police, MISA-Zimbabwe led a delegation of journalists and representatives of the Zimbabwe Union of Journalists and Media Alliance of Zimbabwe to a meeting with police chiefs in Harare on 16 September 2016.

The MISA-Zimbabwe delegation headed by the organisation's Trustees Chairperson, Cris Chinaka, handed over a petition expressing media practitioners' displeasure over their treatment by the police to Commissioner-General Chihuri's delegated representative, Senior Assistant Commissioner Charity Charamba. The petition was signed by over 150 journalists drawn from both the state and private media as well as freelancers.

While acknowledging the journalists' concerns and expressing the police's commitment to ensuring the safety of journalists, Charamba also expressed the police's misgivings on some journalists' unprofessional conduct in covering events, especially those that involved the police.

The meeting came up with and committed to implementing resolutions on how to bridge the gap and eliminate suspicion between the police and journalists.

### **Conclusion**

As the government forges ahead with its plans to enact the computer and cyber crimes laws and other measures to regulate the internet, it should be mindful of the constitutionally guaranteed Bill of Rights and all the treaties and conventions Zimbabwe is party to that guarantee fundamental human rights.

Failure of which, the government risks costly challenges by citizens and civil society in the Constitutional Court if it proceeds with haste and without taking into consideration citizens' rights to dignity, privacy, personal security, freedom of expression and access to information.

**End**

**Media Freedom/Freedom of Expression Violations Statistics May – September 2016**

<b>Victim/Concern Party</b>	<b>Issue</b>	<b>Date</b>
Evangelical Fellowship of Zimbabwe leader, Shingi Munyeza	Questioned by the police following his comments on social media on the proposed introduction of bond notes by the Reserve Bank of Zimbabwe	10 June 2016
Journalist Wellington Mukanhire	Summoned by the State to appear in court on charges of contravening Section 78 (20 of AIPPA which criminalises holding oneself as an accredited journalists without being so accredited.	13 June 2016
Albert Masaka, Standard newspaper journalist	Assaulted by ruling Zanu PF youths who were reportedly on the rampage in Harare's dormitory town of Chitungwiza.	19 June 2016
Alpha Media Holdings journalists Elias Mambo, Tafadzwa Ufumeli, Richard Chidza and freelance journalist Godwin Mangudya.	Briefly detained at Marimba Police Station while covering protests in the high density suburb of Mufakose. They were released after being ordered to delete images of the protests.	6 July 2016
WhatsApp	Briefly went down in the wake of a strike by government workers	6 July 2016
War Veterans leader Douglas Mahiya	Arrested on charges of insulting the Office of the President. They were arrested after allegedly issuing an unsigned communiqué accusing President Mugabe of running down the country, making genocidal remarks and dictatorial statements.	27 July 2016
Mugove Tafirenyika, Daily	Assaulted by Zanu PF	27 July 2016

News journalist	supporters while covering a meeting at the party headquarters in Harare.	
Journalists Lawrence Chimunhu, Haru Mutasa, Tsvangirai Mukwazhi, Christopher Mahove, Tendai Musiya, Bridget Mananavire and Imelda Mhetu	Assaulted by riot police while covering demonstrations against the government's plans to introduce bond notes.	3 August 2016
Richard Chidza, senior reporter with NewsDay	Questioned by the police in connection with the source of a communiqué issued by Zimbabwe's war veterans denouncing President Mugabe as a dictator.	11 August 2016
Freelance journalists Lucy Yasin	Yasin was assaulted by riot police while covering a march by opposition MDC-T youths in Harare.	24 August 2016
Freelance journalist Tendai Mandimika	Mandimika was arrested and detained while covering a march by opposition MDC-T youths in Harare. He was charged with public violence.	24 August 2016
Zimbabwe Broadcasting Corporation vehicle	Torched in Harare central business district during a march by MDC-T youths marking the launch of a campaign dubbed <i>#MyZimbabwe</i> .	24 August 2016
NewsDay reporter Obey Manayiti and freelance journalist Robert Tapfumaneyi	Briefly detained by the police while covering a demonstration by church leaders in Harare.	25 August 2016
Freelance journalists James Jemwa	Arrested, detained and charged with public violence while covering protests in Harare.	26 August 2016
Photojournalist Crispen Ndlovu	Assaulted, arrested, detained and charged with public nuisance for taking pictures of the police as they reportedly assaulted Bulawayo Youths Arise spokesperson Alfred Dzirutwe during protests in Bulawayo.	31 August 2016