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UPDATE ON MMPZ STAFFERS' APPLICATION FOR REFUSAL OF FURTHER REMAND BEFORE THE GWANDA MAGISTRATES COURT

MMPZ advocacy officers Fadzai December and Molly Chimhanda, and Public Information Rights Forum committee chairman for Gwanda, Gilbert Mabusa on the 24th of January 2012, appeared before Gwanda magistrate Sheila Nazombe and, through their lawyer Kossam Ncube, applied for refusal of further remand. They argued that there existed no reasonable suspicion that any crimes had been committed in respect of all three charges they are facing, that is, knowingly failing to give notice of a gathering in terms of section 25 of the Public Order and Security Act (POSA); participating in a gathering with intent to promote public violence, breaches of the peace, or bigotry; and, alternatively, undermining the authority of or insulting the President in terms sections 37 and 33 of Criminal Law (Codification and Reform) Act (the "Criminal Law Code") respectively. Charges against the trio arose after they facilitated a civic education workshop aimed at promoting public information rights in Gwanda on the 24th of November 2011. The state opposed the application for refusal of further remand and was represented by Admire Zvongouya.

After hearing legal arguments by both legal counsel and reasoning that there existed no reasonable suspicion that a any crime had been committed, Magistrate Sheila Nazombe granted the application for refusal of further remand in respect of two counts relating to knowingly failing to give notice of a gathering in terms of section 25 of the Public Order and Security Act (POSA), and participating in a gathering with intent to promote public violence, breaches of the peace, or bigotry. She however sustained Fadzai, Molly and Gilbert's placement on further remand in respect of the charges relating to undermining the authority of or insulting the President in terms sections 37 and 33 of Criminal Law (Codification and Reform) Act. In doing so the court reasoned that there was material in the DVD, which, on the face of it, provided a reasonable suspicion that the authority of the president could have been undermined. In the meantime, Fadzai, Molly and Gilbert are due to appear at Gwanda Magistrates Court for routine remand on the 7th of February 2012 in respect of the remaining charge.

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This STATEMENT was produced and circulated by the Media Monitoring Project Zimbabwe, 9 Knight Bruce Road, Milton Park, Harare, Tel: 263 4 741816 / 778115, E-mail: monitors@mmpz.org.zw

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