



MISA-Zimbabwe Monthly Alerts Digest- April 2009

In this issue: Media Reform Conference Missed the Point

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IF one is to go by *The Herald* of May 11, the much publicised Ministry of Information and Publicity Media Conference on media reform held in Kariba 7-9 May 2009, a sham of a conference.

First *The Herald* says the main issue that came out of the conference is that sanctions should be lifted to level the media playing field. It boggles the mind how that issue ever arose in a conference around media in Zimbabwe, of all places.

And which level playing field is *The Herald* talking about? Does this level playing field relate to the dominance of the state media, *The Herald* included, in information dissemination in Zimbabwe? This matter is made so obvious by the fact that the only daily newspapers in Zimbabwe are those owned by Zimpapers after the violent shut down of the Associated Newspapers of Zimbabwe.

Does this level playing field relate to the dominance of the Zimbabwe Broadcasting Corporation (ZBC) which is the sole broadcasting station in Zimbabwe? Does this playing field relate to the detention of Shadreck Andrisson Manyere who is languishing under police guard in hospital, after being abducted, detained incommunicado?

We wonder whether this level playing field also relates to the bombings of the *Daily News*, the hounding out of the country of hundreds of journalists and the arrest of *Zimbabwe Independent* editors for publishing the story on police complicity in the abduction of Jestina Mukoko, Manyere and others in December.

The Herald did the sceptics of this conference a huge favour by confirming that nothing has changed in the thinking of the Zanu PF government.

The much talked about media conference obviously came to nothing because it was never meant to be about reform, but a confirmation of the desire by the new government to perpetuate the current media law regime by tinkering with the periphery while leaving the centre intact.

The conference completely missed the point by attempting to be a public bus open to all views, including the absurd, to be discussed, except genuine reform.

No wonder the conference got so much criticism over some of the topics included in the programme.

According to former Minister of Information and Publicity Jonathan Moyo the conference, was meant to address the continued queries on harassment of the media. Do we need a full conference to raise complaints

on the arrests of journalists?

After a whole conference, the main issues around media and freedom of expression in Zimbabwe remain the skewed, repressive media laws and abuse of the state media by ZANU PF and its functionaries.

The critical matter around levelling the Zimbabwe media playing field is removing restrictions on the operations of the media and the enactment of laws and policies that guarantee the independence of the state media.

Those in support on this conference cannot pretend that the state media is under any sort of pressure and that the private media in Zimbabwe is a domineering giant suppressing or misrepresenting the voice of those in government and Zimbabwe. The role of the international media is not a concern to Zimbabweans because we neither own, nor have the power to change, the CNN or BBC.

We can however change our own situation, after all the majority of Zimbabweans get their news locally and would appreciate having more local media. In this regard the conference had to acknowledge that Zimbabwe's private media is weak and vulnerable and any serious discussion on levelling the playing field would begin with start with the reasons for this and the closure of most of the independent papers in the past decade.

Such a discussion has to start with genuine policy issues around opening the airwaves and guaranteeing the independence of the ZBC so that it can represent all voices. It should also look into the Broadcasting Authority of Zimbabwe, the Zimbabwe Media Commission and the Post and Telecommunications Regulatory Authority to see how they constituted and whether they play any meaningful role in advancing media and communication issues.

Media reforms cannot start on or be built on lies that we have regulatory bodies when in fact we have bodies that play a secretarial role to the decisions of politicians.

What did the conference say as an example about the closure of the Daily News, and other newspapers? What did the conference say about the continued detention of journalists? What did the conference say about the biased reporting of Zimpapers publications and ZBC?

It is a shame that the unity government, especially those from the MDC, are being misled and abused in validating ZANU PF's cover-up conferences without fundamentally looking at what the problems in the media in Zimbabwe are.

The first point of call for a serious media conference is a review of ZANU PF's media policies;. Once we agree that these need reform, everything else will fall into place and citizens can agree on the media we all want. The failure by the unity government to condemn and do away with laws such as AIPPA and BSA, shows a lack of sincerity.

The media conference should have understood that in this day and age you cannot waste time discussing radio stations that broadcast on shortwave and the internet. Who has control over these and who has the power in Zimbabwe to stop them?

The unity government however has the power to remove AIPPA, license new broadcasters, reform the ZBC and Zimpapers to make them relevant to the needs of the people.

These are the reforms that people are looking for.

2. Media Alerts Digest – April 2009

Name/Concerned	Violation/event/issue	Date	Status of the matter
Finance journalist Stanley Musengi	Gweru-based Musengi was reported missing on 31 March 2009 after he failed to return home prompting his wife to check with colleagues as to whether they knew of his whereabouts. He had been last seen by colleagues late on Tuesday afternoon after attending a meeting they held to plan for the World Press Freedom Day commemorations. Musengi had earlier on 26 March 2009 received threats at a local hotel over reports of fresh invasions of commercial farms.	1 April 2009	A report was made to the Police' Law and Order section in Gweru who said that they would conduct their own investigations, but advised Musengi's relatives to file a formal missing persons report if Musengi did not return within 48 hours (2 April 2009)
Finance journalist, Geoffrey Andrisson Manyere	Supreme Court Chief Justice Godfrey Chidyausiku postponed the hearing of a bail application by Manyere to 6 April 2009 following an application for the postponement by the Attorney General's Office. The application for postponement was made on the grounds that State Prosecutor, Chris Mutangadura not in the country.	2 April 2009	Manyere was challenging his continued detention as unconstitutional. He filed the application with the Supreme Court after Harare Magistrate Memory Chigwaza dismissed his application for refusal of further remand on 24 March 2009.
Finance journalist Stanley Musengi	On 1 April 2009, at 1900hrs, Musengi was released by his abductors. He said that 3 men blindfolded and bundled him into a car and drove to a bushy area where he was subjected to intense interrogations over his alleged involvement with reports on the Voice of America's Studio 7 on fresh farm invasions. He was threatened with death and surveillance and ordered not to report anything pertaining to the land issue or his ordeal.	2 April 2009	Musengi reported to the police in Gweru and investigations are still underway.
Finance journalist, Geoffrey Andrisson Manyere	Chief Justice Chidyausiku dismissed Manyere's bail application. In justifying his decision, Chidyausiku argued that he had found no evidence that the High Court had misdirected itself in denying bail to the accused in the initial application. He noted the distinction between Manyere's case and that of his co-accused, MDC activists Dhlamini and Ghandi, citing that whereas his co-accused had been implicated on the basis of confessions, Manyere had actually been found in the possession of the incriminating evidence.	6 April 2009	Defence lawyers, Andrew Makoni and Charles Kwaramba, who were representing Manyere informed MISA-Zimbabwe, after the judgement had been handed down, that they would have to go back to their client to get fresh instructions on how to proceed.
Editor of Zimbabwe's State- controlled provincial newspaper, <i>The Zimbabwean</i> , Brezhnev Muzvura and reporter Tshuma	Bulawayo magistrate John Masimba, charged Malaba and Tshuma were with defamation in contravention to Section 96 of the Criminal Law Codification and Reform Act. The charges arose from a story published in the paper in February which alleged police involvement in a maize scandal at the Grain Marketing Board (GMB). On 17 March 2009, the two were arrested and made to sign a warned and cautioned statement by the police following the publication of the story.	7 April 2009	The two journalists who were represented by Job Sibanda of <i>Sibanda and Associates</i> were not asked to plead when they appeared before Magistrate Masimba. Instead, their application for refusal of remand was turned down by the Magistrate who said the two had a case to answer. The Magistrate remanded the two out of custody to 19 May 2009 for trial.
Finance journalist, Geoffrey Andrisson Manyere	High Court Judge Charles Hungwe granted bail of USD1000 to Manyere and asked him to report once a week at the Malbereign police station.	9 April 2009	State Prosecutor Chris Mutangadura immediately gave notice of his intention to appeal against the bail grant effectively implying that the bail would be suspended until the appeal is heard.
Mukoko, Director of the Zimbabwe Peace Committee (ZPP) and ZBC news anchor	Harare Magistrate Archie Wochiunga dismissed Mukoko's application for refusal of further remand. He gave the prosecution up to 30 April 2009 to serve the accused with indictment papers; but, agreed with the defence counsel's argument that the reporting conditions were too harsh and needed to be relaxed.	9 April 2009	Magistrate Wochiunga altered Mukoko's reporting conditions from twice to once a week as well as conditions to stay within a radius of 40 km residence stating that the conditions impeded on the applicant's right to freedom of movement.
Geoffrey Andrisson Manyere	Manyere was released from Chikurubi Maximum Prison following a successful bail application submitted before Justice Charles Hungwe on 9 April 2009.	17 April 2009	
Geoffrey Andrisson Manyere	Police launched a search for Manyere who was released on bail together with co-accused MDC activists Gandhi Mudzingwa and Kisimusi Dhlamini. State Prosecutor Chris Mutangadura on 14 April, 2009 appealed against a bail grant before Justice Bhunu which was granted the same day that Manyere was released from Chikurubi Maximum Prison and automatically suspended the decision by Justice Hungwe to liberate the accused persons.	24 April 2009	With the granting of the State prosecutions application, police on 20 April, 2009 immediately re-arrested Gandhi Mudzingwa and Kisimusi Dhlamini who were admitted at the Avenues Clinic hospital continued to search for Manyere whose whereabouts were still unknown.
Geoffrey Andrisson Manyere	The State made an application before Magistrate Catherine Chimanda, for a warrant of arrest for Manyere, whom they alleged was on the run. Defence lawyer, Alec Muchadehama denied the allegation producing a medical affidavit citing that Manyere was hospitalised after he fell seriously ill soon after his release on 17 April 2009.	30 April 2009	Magistrate Chimanda, deferred judgement to 4 May 2009 on the basis that she needed time to peruse over the arguments raised by the respective parties.
Mukoko	Mukoko appeared before the Magistrates' court opposing State move to have her indicted along with two, MDC activists Gandhi Mudzingwa and Chris Dhlamini. Mukoko's defence counsel consisting of Alec Muchadehama, Beatrice Mtetwa and Charles Kwaramba argued that the accused could not be indicted because they had not been formally charged and remanded. They also argued that Mukoko could not be indicted or tried before the High Court since she had an application that had already been set down for hearing before the Constitutional Court on 14 May 2009	30 April 2009	The State contended that the application before the Constitutional Court did not bar the lower court from indicting the accused and proceeded to make its application to indict the accused persons.