

## **Harsh Laws and Thuggery Stifle Media** <sup>[1]</sup>

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The Mugabe government will stop at nothing to silence press criticism.

Barely one month into the New Year and with a general election looming, it comes as no surprise that Zimbabwean president Robert Mugabe's first new law of 2005 tightens the noose around the neck of the country's media.

Silencing opposition by passing undemocratic laws and unleashing strongmen and thugs, particularly against journalists, is part of the charter of the Mugabe government for remaining in power.

Amendments to the Orwellian Access to Information and Protection of Privacy Act, AIPPA, signed into law by Mugabe at the beginning of the year, dictate that journalists who work without the approval of a state-appointed media regulator can be imprisoned for two years. Another law awaiting only the president's signature will introduce jail sentences of up to 20 years for anyone convicted of communicating ill-defined "falsehoods" deemed prejudicial to the state.

These adjustments to the original AIPPA 2002 legislation affirm the one immutable constant of Zimbabwean journalism - the Mugabe government will stop at nothing to silence criticism. And those who dare to speak out against the government will be punished.

In the three years I worked as legal adviser to the now-banned Daily News, Zimbabwe's only independent daily newspaper, journalists were charged with all manner of catch-all criminal offences that were difficult to disprove but which were punishable by jail terms under several oppressive laws - insulting the president; undermining public confidence in state institutions; engaging in threatening and abusive conduct; and inciting illegal demonstration.

The state persecuted Daily News journalists and others by dragging out pre-trial processes for months or even years. Those that were charged were charged purely in order to frighten them - none were ever convicted under the aforementioned vague legislation.

However, these mechanisms of intimidation proved inadequate for Mugabe's grander designs - the elimination of particular independent newspapers and radio stations, or the redirection of their editorial policies.

It was to get over this problem that Mugabe had the national assembly legislate AIPPA in March 2002 as his most powerful and effective weapon. AIPPA effectively made the continued publication of newspapers and the practice of journalism contingent on government whim.

To obtain the legal right to practice as a journalist under AIPPA, an application must be submitted to a Media and Information Commission - a regulatory body whose head is known in Zimbabwean media circles as the "hatchet man" because of his allegiance to the ruling party and his diligence in instituting the repressive policies of the state.

Under AIPPA, three newspapers have been forced to close. These include the Daily News, the country's most popular daily, which was read by just under a tenth of Zimbabwe's 11.5 million population. Scores of journalists have been forbidden the right to work lawfully under this legislation and hundreds more have lost their jobs because of the newspaper closures.

AIPPA, together with the draconian Public Order and Security Act, which limits the right of assembly and association, is a grotesque mimicry of legislation, crafted by a government skilled in its use of the law to pervert the law. These Acts negate the fundamental right to freedom of expression and are devoid of the essential qualities deemed necessary to make them law at all in most functioning democracies. They have attracted worldwide condemnation from human rights organisations and media freedom watchdogs.

Ironically, these are similar laws to those used by Ian Smith during the Rhodesian era to oppress the liberation movements and prevent people gaining independence from the colonial regime.

However, all the harshest laws of the modern Zimbabwean state fall short of silencing all journalists. The state therefore reverts unashamedly to unlawful means when the law fails to silence its targets. In May 2003, after the state failed to secure a conviction against foreign correspondent Andrew Meldrum under AIPPA, he was forcibly abducted and deported with only the clothes he was wearing. Meldrum, an American, had reported from Zimbabwe for 22 years for the London papers *The Guardian* and *The Observer*. With Meldrum's removal, there were no foreign correspondents left in Zimbabwe: all others had already been thrown out.

On four occasions in early 2004, police invaded the premises of the *Daily News* and prevented its journalists from going to work.

From its launch in March 1999, a watershed year for Zimbabwean politics when the opposition Movement for Democratic Change was founded and quickly gained popular support, the title was a thorn in the side of the Mugabe regime. While the state-controlled media increasingly propped up the government, *Daily News* reporters sought out dissenting voices and by March 2000 sales had overtaken those of the Mugabe-approved newspapers. It was a real rejection of propaganda by Zimbabweans.

Then the intimidation and harassment started. The *Daily News* offices and printing press were bombed in 2001 after the government's zealous Information Minister Jonathan Moyo - known among journalists as "Mugabe's Goebbels" - said the newspaper was "a threat to national security [and] had to be silenced". Assassins were hired to kill - without success - editor Geoff Nyarota.

Thousands of newspapers were destroyed on the streets by government supporters and vendors and readers were terrorised and assaulted. One reader was murdered simply because he possessed a copy of the *Daily News*. Police stood aside as all this happened.

If the government did not like a story, journalists would be picked up and "persuaded" - often violently - to modify their views. Police would make the arrests without knowing what the "suspects" were to be charged with. It really did not matter, since there was a big raft of repressive legislation to choose from.

During my first week at work in 2002, the *Daily News* editor and two journalists were arrested and charged with publishing a falsehood. They were jailed for two days and faced two years' imprisonment, though were never convicted. Several weeks later, three *Daily News* staffers went to cover an opposition rally to mark International Youth Day. They were beaten up, dragged off to the police station and held for 48 hours while the authorities decided on the charges. Eventually, a charge of engaging in threatening and abusive conduct was settled on. The case was eventually dismissed, but not before one of the journalists suffered a broken arm and the other a broken finger at the hands of their captors.

I was also assaulted by the police. My crime? I was the lawyer for the *Daily News*.

The *Daily News* staff were incredibly courageous people. They had a job to do and persevered, despite the

constant terror under which they operated. Many continue to operate in defiance of all the restrictive laws.

Denied a licence by the Media and Information Commission for daring to dispute the legitimacy of AIPPA and other laws, the newspaper has never been able to reopen, although a skeleton staff of about 15 remain and publish a website report from outside the country. Court challenges to AIPPA are continuing, but if the Daily News is ever allowed to publish again I cannot imagine many journalists will want to return to a place that was the site of so much trauma.

Despite what is happening, information still gets out of Zimbabwe. There are weekly newspapers that continue to publish and, as best they can, criticise the injustice they see around them. However, they reach a far smaller audience than the Daily News did. Many former Daily News journalists have left the country to set up, or write for, foreign-based publications, working to expose human rights violations taking place in Zimbabwe, a service more crucial than ever as elections approach.

The fact that people continue to do this despite the danger, and despite the fact the government still feels the need for further deterrent measures against the press, is to me a sign of hope. As long as Mugabe and his followers feel threatened by the written word there is hope.

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**Location:** [Africa](#) <sup>[3]</sup>

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