

Zimbabwe

RIGHTS UNDER SIEGE: Harassment of former *Daily News* editor Geoff Nyarota



The independent media has come under increasing attack from the Government of Zimbabwe which has used repressive legislation to silence critical voices. The police have used the legislation as a pretext to intimidate, harass and arbitrarily arrest journalists. The intensity of attacks on the independent media has increased as the government has come under increasing scrutiny from the international community. Geoff Nyarota, former editor of the independent *Daily News*, has been singled out and arrested six times for his reporting over the last two years. A warrant was issued for his arrest in February 2003.

On 23 October 2002, while working as editor of the *Daily News*, Geoff Nyarota was briefly detained and charged under the Public Order and Security Act (POSA) for publishing a “false” report on the alleged arrest and subsequent torture of Tom Spicer, an MDC youth activist.

In May 2002, he was questioned by police over a story printed in April, alleging a woman had been decapitated by pro-government supporters. The story subsequently proved to be false and the paper later retracted the story and printed an apology to the government. Geoff Nyarota and a journalist from the *Daily News*, Lloyd Mudiwa, were charged under the Access to Information and Protection of Privacy Act (AIPPA) for publishing falsehoods and abusing journalistic privilege. Their case, which was due to be heard by the Supreme Court in October 2002 was later moved for hearing to February 2003. On 28 February 2003, the police issued a warrant for Geoff Nyarota’s arrest after he failed to appear in court. At the time he was in the United States of America pursuing a fellowship at Harvard University.

On 15 April 2002, Geoff Nyarota was arrested and charged under Section 80 of AIPPA in relation to reports which alleged that the Registrar General announced conflicting results in the March 2002 presidential elections in different media outlets.

On 15 August 2001, he was arrested following the publication on 14 August of an article alleging that police vehicles had been used by suspected government supporters and ‘war veterans’ in the course of burning and looting property on commercial farms around the towns of Chinhoyi, Doma and Mhangura in Mashonaland West province. On 16 August, he and three other *Daily News* staff were charged with contravening a provision of the Law and Order (Maintenance) Act which made it an offence to distribute or circulate a subversive statement. They were released after being required to sign a “warned and cautioned” statement.

The Access to Information and Protection of Privacy Act (AIPPA) was enacted following the presidential election in March 2002. This restrictive piece of legislation: restricts access to information held by public bodies; establishes a government controlled Media and Information Commission which regulates the independent

media; requires the accreditation of journalists and media houses; and criminalizes defamation.

The Public Order and Security Act (POSA) was enacted in January 2002 as part of an overall strategy by the government authorities to hinder the campaigning activities of the MDC in the run-up to the presidential elections in March 2002, tighten restrictions on the independent media; and give police sweeping powers. Since its enactment, POSA has been used by the authorities to target opposition supporters, independent media and human rights activists and specifically restrict their rights to: freely assemble; criticize the government and President; and engage in, advocate or organize acts of peaceful civil disobedience. Hundreds of Zimbabweans, mainly opposition supporters, have since been arbitrarily arrested. The legislation has enabled the police to intimidate, harass and brutally torture real or perceived supporters and members of the opposition.

Other journalists under attack

Approximately 44 journalists have been arrested since January 2001 and three foreign correspondents forced to leave the country, due to accreditation restrictions. Newspaper vendors have been attacked for selling copies of independent newspapers. The harassment of journalists has markedly increased since the enactment of AIPPA. For example, three staff members of the independent weekly *The Standard* - editor-in-chief Bornwell Chakaodza and two journalists, Farai Mutsaka and Fungayi Kanyuchi - were arrested by police on 16 May 2002 and accused of "abusing journalistic privileges, by publishing falsehoods," which carries a prison sentence of up to two years and a 100,000 Zimbabwe dollars fine under AIPPA.

Take action!

1. Write to government officials in Zimbabwe

Key targets are the **President**, the **Minister of Justice, Legal and Parliamentary Affairs** and the **Minister of State for Information and Publicity**. In your letters, you should make the following points:

- State that you are very concerned about the harassment of media organisations and journalists such as former editor of the *Daily News* Geoff Nyarota;
- point out that Article 9 of the Windhoek Declaration on Promoting an Independent and Pluralistic Press to which Zimbabwe is party, states: "*African States should be encouraged to provide constitutional guarantees of freedom of press and freedom of association*";
- point out that Article 9 of the African Charter on Human and Peoples' Rights to which Zimbabwe is party, asserts that: "*every individual shall have the right to express and disseminate his opinions within the law*". In addition, Article 10 asserts that: "*every individual shall have the right to free association provided that he abides by the law*". Article 11 of the charter asserts that: "*every individual shall have the right to assemble freely with others*";
- express your concern that the *Access to Information and Protection of Privacy Act* breaches regional and international guarantees of freedom of conscience and expression;

- urge the Zimbabwe government to:
 - repeal or drastically amend all restrictive legislation including the Access to Information and Protection of Privacy Act and the Public Order and Security Act;
 - publicly condemn repression of the independent media and actively promote human rights including the right to freedom of expression.

2. Write to government officials in Botswana, South Africa, and Zambia

Key targets include the **President** and **Minister of Foreign Affairs** of Botswana, South Africa and Zambia. In your letters make the following points:

- state that you are concerned about the repeated harassment and arrest of media organisations and journalists such as Geoff Nyarota and the increasing role of the police in perpetrating these human rights violations;
- express concern that the Access to Information and Protection of Privacy Act and the Public Order and Security Act contravene regional and international human rights standards which guarantee the right to freedom of expression;
- point out that Article 9 of the Windhoek Declaration on Promoting an Independent and Pluralistic Press to which Zimbabwe is party, states: *“African States should be encouraged to provide constitutional guarantees of freedom of press and freedom of association”*;
- point out that Article 9 of the African Charter on Human and Peoples’ Rights to which Zimbabwe is party, asserts that: *“every individual shall have the right to express and disseminate his opinions within the law”*. In addition, Article 10 asserts that: *“every individual shall have the right to free association provided that he abides by the law”*. Article 11 of the charter asserts that: *“every individual shall have the right to assemble freely with others”*;
- call upon the governments of Botswana, South Africa and Zambia to bring all possible pressure to bear on the Zimbabwean government to repeal or drastically amend all restrictive legislation including the Access to Information and Protection of Privacy Act and promote and respect the fundamental human rights to freedom of expression, association and assembly;
- urge the governments of Botswana, South Africa, and Zambia, to use their influential voices directly and as member states of the Southern African Development Community (SADC) and the African Union (AU) to publicly signal that the repression of fundamental rights in Zimbabwe is unacceptable.

Addresses

1.Zimbabwe

President His Excellency, The Honourable Robert Mugabe, Office of the President, Munhumutapa Building, Box 7700, Causeway, Harare, Zimbabwe. Fax: + 263 4 708 820/ 708 557. Salutation: Dear President	Minister of Justice, Legal and Parliamentary Affairs The Honourable Patrick Chinamasa Ministry of Justice, Legal and Parliamentary Affairs, 5 th Floor Corner House, Private Bag 7751, Causeway, Harare, Zimbabwe. Fax: + 263 4 790 901/ 772 999 Salutation: Dear Minister	Minister of State for information and Publicity The Honourable Jonathan Moyo Ministry of State for Information and Publicity 10 th Floor, Linquenda House PO Box CY 825, Causeway, Harare Zimbabwe Fax: +263 4 707 213 Salutation: Dear Minister
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2 i) South Africa

President His Excellency Mr Thabo Mbeki, Office of the President, Private Bag X1000, Pretoria 0001, South Africa Fax: +27 12 323 8246. Email: president@po.gov.za Salutation: Dear President	Minister of Foreign Affairs , Dr NC Dlamini-Zuma, Foreign Affairs Ministry, Private Bag X152, Pretoria 0001 South Africa Fax: + 27 12 351 0253 Email: minister@foreign.gov.za , Salutation: Dear Minister
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ii) Botswana

<p>President, His Excellency, Mr Festus Mogae, Office of the President, Private Bag 001, Gaborone, Botswana</p> <p>Fax: +267 350 888. Email: op.registry@gov.bw Salutation: Dear President</p>	<p>Minister of Foreign Affairs, Hon. Lt. Gen. Mompoti Merafhe, Ministry of Foreign Affairs, Private Bag 00368, Gaborone, Botswana.</p> <p>Fax: +267 313 366. Salutation: Dear Minister</p>
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iii) Zambia

<p>President</p> <p>His Excellency, Mr Levy Mwanawasa, Office of the President, State House, PO Box 30208, Lusaka, Zambia.</p> <p>Fax: +260 1 252 545. Salutation: Dear President</p>	<p>Minister of Foreign Affairs</p> <p>The Honourable Kalombo Mwansa, Ministry of Foreign Affairs, PO Box 50069, Lusaka, Zambia</p> <p>Fax: +260 1 250 240. Email: foreignlsk@zamtel.zm Salutation: Dear Minister</p>
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Feedback

Please send copies of any replies you get from the officials of Zimbabwe, South Africa, Botswana and Zambia to: Southern Africa Team, Amnesty International, Peter Benenson House, 1 Easton Street, London, WC1 0DW, United Kingdom.