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Harare – CIVIL Society has urged the Zimbabwean Government not to oppose the repeal of sections of infamous criminal laws, which have been infringing on citizens' free expression, after the Constitutional Court (Concourt) ruled them unconstitutional on Wednesday, October 30.

A full bench of the Concourt ruled that the Criminal Law (Codification and Reform) Act's Sections 31(a) (iii) and 33 (a) (ii), which criminalize publishing and communicating falsehoods detrimental to the State, and undermining the authority of the President respectively, were unconstitutional.

The court gave Emmerson Mnangagwa, the Minister of Justice, Legal and Parliamentary Affairs, until November 20 to show any cause why they must not be scrapped.

Civil society said there was no reason for government to oppose the ruling that seeks to repeal these laws.



Nhlanhla Ngwenya, the Director of Media Institute of Southern Africa Zimbabwe Chapter (MISA-Zimbabwe), said the ruling "creates a higher chance" that the laws will be scrapped as Zimbabweans wait for the government to respond to the court in 20 days.

Ngwenya said Zimbabweans have always been against the stringent laws.

"These laws are the ones that media groups and Zimbabweans in general have been calling to be scrapped," Ngwenya said. "We hope that the government will see logic in the ruling by the constitutional court."

"The most sensible thing will be to respect the Constitutional Court's provisional ruling."

Ngwenya said some provisions in Section 31 of the Code had been earlier on ruled to be in violation of the African Charter on Human and People's Rights, after MISA-Zimbabwe and other media organisations approached the African Commission in 2005.

They were part of the Public and Order and Security Act (POSA) and Access to Information and Protection of Privacy Act (AIPPA) before the two equally infamous laws were revised in 2008.

“Instead of repealing the laws completely, they brought them to a different Act, under Section 31 of the Criminal Law Codification and Reform Act,” Ngwenya said. “Our hope is that the government will not employ the same deceitful tactics.”

“They must come up with new laws that conform to the constitution.”

Ngwenya said the existence of the laws impinged on freedom of expression as a lot of journalists had been arrested without being convicted on the pretext of following the law.

He said the arrests showed that the laws were being used to intimidate journalists, who end up not doing their work freely because they are afraid of jail.

Ngwenya said the Concourt ruling together with comments by Information, Media and Broadcasting Services Minister Jonathan Moyo to the effect that defamation laws must be scrapped should signal “the first and firm step” towards media freedoms, and aligning laws with the new Constitution.

Jeremiah Bhamu, a human rights lawyer, instructed the defense counsel that represented visual artist Owen Maseko in one of the two cases, which challenged the provisions, particularly Section 31 (a) iii at the Concourt.

Bhamu said he would “hold his breath” to see whether, or how the government will respond, but urged the government not to oppose the ruling.

“We urge the minister to congratulate the court and not to present any contrary submissions,” Bhamu said. “It is the duty of the Justice, Legal and Parliamentary Affairs ministry to align laws with the new constitution.”

“They should actually thank the constitutional court for showing them the laws which must be aligned with the new constitution.”



Jeremiah Bhamu

Many Zimbabweans have been arrested supposedly for insulting President Robert Mugabe under the insult law.

The case challenging the constitutionality of Section 33 (a) ii of the law that has seen many journalists arrested was brought to the Concourt by journalists Constantine Chimakure and Vincent Kahiya, after they had been charged under the law.

Depoliticise agriculture and food policy, CiZC urges govt

Harare – THE Crisis in Zimbabwe Coalition (CiZC) this week urged the Zimbabwean government to depoliticize agricultural policies if the goal of food security is to be achieved.

The call for government to see agricultural policy and farmland as a serious economic and human sustainability arena than a tool for partisan politics came as Zimbabwe struggles to overcome food insecurity which has persisted for more than a decade.

While some donors have pledged to feed about 1.8 million people, feeding the remaining 400 000 of the 2.2 million who need food aid until March 2014 as estimated by the Zimbabwe Vulnerability Assessment Committee (ZimVac) could prove difficult, amid recent media reports that Zambia was delaying on a pre-election deal to supply 150 000 tonnes of maize to Zimbabwe on credit.



File Photo: Zimbabwean children waiting in line for food

CiZC Spokesperson, Thabani Nyoni, said the situation where millions depend on foreign sourced food aid was unsustainable, adding that it was time the government revised its agricultural policies in order to depoliticize them and unlock greater productivity.

"A sober and less emotional agricultural policy that takes care of various aspects to unlock the economic value of agriculture is long overdue," Nyoni said. "Zimbabwe needs to establish investment options and create food security and food sovereignty which citizens have been disenfranchised since 2000.

"We certainly have the potential to feed Africa, what we need are good, inclusive and depoliticized agricultural policies that are implemented.

“The land audit must be done, security of tenure established, land use patterns regulated, food crop production incentivised and distribution mechanism professionalized.”

Nyoni expressed disapproval over the alleged politicizing of food aid distribution and agricultural inputs by government.

“Those that are in government must understand that their duty for the next five years is to govern and deliver such basics like food security to citizens without excuses, exclusion, and parochialism,” Nyoni said. “Access to food is a basic right to all citizens be they black, white, pro- or anti-ZANU PF.”

Following allegations of partisan food distribution and sensing danger that non-supporters of the ruling Zanu-PF party could be sidelined in government food supplements, two opposition parties Movement for Democratic Change (MDC-T) and National Constitutional Assembly (NCA) on Wednesday also called upon President Robert Mugabe to give relief to all those who are in need.

Meanwhile, the Constitution of Zimbabwe which became fully operational after President Robert Mugabe's 7th inauguration in August 2013 emphasizes the need to establish food security.

Section 15 of the Constitution obligates the Zimbabwean state to “secure the establishment of adequate food reserves.”

Section 77 says that “every person has the right to sufficient food and the State must take reasonable and legislative and other measures, within the limits of the resources available to it, to achieve the progressive realization of this right.”

Zimbabwe once taunted as the breadbasket of Southern Africa on account of its vast arable land and previous agricultural prowess, has been facing a decade marked by food insecurity blamed on a chaotic and partisan land reform program plus continued politicization of agricultural policies.