

# The LEGAL MONITOR

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## Mugabe, biscuit remarks land guard in court



Zebedia Mpofu

HARARE-A 52-year-old man is in trouble after allegedly telling a ZANU PF workmate that President Robert Mugabe's death was imminent.

Zebedia Mpofu, a general hand labourer at a private security firm, allegedly mocked his workmate, informing him that a soft drink and packet of

biscuits he was having for lunch came courtesy of Prime Minister Morgan Tsvangirai. He is being charged under the harsh Section 33 (1)(a) of the Criminal Law (Codification and Reform) Act Chapter 9:23 as read with Section 33 (2) (a) of the same Act for allegedly undermining the authority or insulting the President.

According to the State outline, Mpofu was at work in October last year when he went to Gilbert Matarutse's office. Matarutse, a security officer known

to be a ZANU PF supporter, was having his lunch at the time.

"The accused shouted to Gilbert through the window, saying that the biscuits and the cascade he was having were brought by MDC-T through

its leader Prime Minister Morgan Tsvangirai," reads the State outline. "He went further to say that President Mugabe had ruined the country and that he was going to be dead by December 2010 then Morgan Tsvangirai would take over as President of Zimbabwe."

Statements recorded from other workmates acting as witnesses all deny hearing Mpofu utter the alleged words. Mpofu joins dozens of other Zimbabweans, from politicians to ordinary villagers, who are in court charged under the Criminal Law (Codification and Reform) Act on politically-related issues.

Forexample, Chiredzi Central Member of Parliament Hon. Moses Mare, is on trial for allegedly assaulting a minor at a funeral in Chiredzi over a pro-Mugabe song. Hon. Mare was arrested in January last year on allegations of contravening Section 89 (1) (a) of the Criminal Law (Codification and Reform) Act Chapter 9:23.

Prosecutors claim that Hon. Mare was so incensed by a 13-year-old boy's decision to join in the singing of a Mugabe praise hymn "Nyatsoteerera unzw kutonga" at a funeral that he hit the juvenile on the neck using open hands in January last year.

The MDC MP denies the charge, which he says

is fabricated.

Three Chiweshe villagers, Tinashe Chinyemba, Luckson Khumalo and Tafadzwa Chironga have been summoned to Bindura Magistrates' Court for allegedly distorting one of the pro-Mugabe songs by inserting Prime Minister Morgan Tsvangirai's name into its lyrics.

The villagers are being charged under Section 41 of the Criminal Law (Codification and Reform) Act Chapter 9:23 for conduct likely to provoke the breach of peace.

In Penhalonga, Manicaland, another three residents from Patrick Chikoti, Faith Mudiwa and Phillip Dowera were in February charged under the same law for allegedly singing a modified version of Mbare Chimurenga Choir's "Nyatsoteerera unzw kutonga" song at a funeral.

The residents were accused of having sung: "Nyatsoterera unzw kupenga muhofisi mune mboko nyatsoterera unzw kupenga" and "Ngatishandei nesimba takabatana tibvise kamudhara aka muoffice mupinde president wenyika Morgan Tsvangirai (Listen carefully to the madman and idiot in the office. Let's work hard to remove this old man from office and install Tsvangirai)."

## Justice beckons for abductees

HARARE-After waiting for two years, 16 political and human rights activists abducted and tortured during the 2008 election mayhem will finally have their application for banditry charges to be thrown out heard.

The Supreme Court, sitting as a Constitutional Court, has confirmed it will hear the case in September.

It might seem a while for now. But it is nothing compared to the 24-month agony these abductees have suffered with charges they describe as fabricated hanging over their heads.

"Take notice that the above application will be heard and determined by the Supreme Court of Zimbabwe at Harare on Thursday the 15<sup>th</sup> day of September 2011 at 9.30am or as soon as thereafter as counsel may be heard," reads a Supreme Court notice of hearing to the abductees lawyers Mbidzo, Muchadehama and Makoni Legal Practitioners and Attorney General's Office.

The abductees argue that the case should be dropped because their constitutional rights were infringed when they were abducted, held in secret locations and physically tortured by State

security agents between October and December 2008.

The abductees say their constitutional rights were infringed through their abduction, lengthy unlawful detention, treatment during detention as well as the State's failure to take appropriate action against perpetrators.

Instead, the State has spiritedly pursued criminal charges against the abductees. They were charged with sabotage, banditry, terrorism, and plotting to unseat President Robert Mugabe's previous government after their torture.

In a horror case that drew condemnation from top United Nations officials such as Navanethem Pillay, the UN High Commissioner for Human Rights, the abductees said State security agents used torture methods that included being burnt on the buttocks. One of them, Fidelis Chiramba, then a 72-year-old was locked in a refrigerator at ice-cold temperatures.

The Supreme Court in September 2009 ordered a permanent stay of the criminal proceedings against one of the abductees, Jestina Mukoko. Mukoko is a fearless peace campaigner targeted for her work in documenting human

rights violations.

The Supreme Court ruled that the State, through its agents, violated Mukoko's constitutional rights through her abduction, lengthy unlawful detention and inhumane treatment during detention. The court ordered a permanent stay of the criminal proceedings against Mukoko.

It is on the strength of the precedent set by Mukoko's case that the abductees hope to win their matter. The torture, including forced disappearances, they went through was so harsh that Pillay at that time said State security agents involved in the abduction and torture of political and rights activists last year should be held accountable.

Pillay told a Session of the United Nations Human Rights Council in Geneva that Zimbabwe should provide information about people abducted by State agents and held incommunicado in secret locations in 2008.

Political parties such as Prime Minister Morgan Tsvangirai's Movement for Democratic Change have repeatedly claimed that many of their activists that went missing during the 2008 election violence are yet to be accounted for.

Pillay said the State should also account for such missing people.

"We should all be dismayed when opposition officials or human rights defenders such as Jestina Mukoko are abducted in Zimbabwe, beaten and held for months. I call on the government to shed light on this case and on those other detainees, and to hold perpetrators to account," said Pillay, who has served as a Judge in the South African High Court as well as the International Criminal Court.

The Office of the United Nations High Commissioner for Human Rights is mandated by the international community to promote and protect all human rights, according to the UN body's website. The abductees have a separate civil case against their tormentors at the High Court.

They are demanding a combined \$19.2 million in damages from co-Ministers of Home Affairs, Kembo Mohadi and his former MDC counterpart Giles Mutsekwa, Justice Minister Patrick Chinamasa and then Security Minister Didymus Mutasa. Mutasa is now Minister of State in President Robert Mugabe's office. Mutsekwa has since moved to the public housing portfolio.

Others named as defendants in the lawsuit are Police Commissioner-General Augustine Chihuri, Prisons Commissioner Paradzai Zimondi, and Central Intelligence Organisation (CIO) Director-General Happyton Bonyongwe, Senior Assistant Commissioner Nyathi, Chief Superintendent Crispin Makendenge, Detective Chief Inspector Mpofu, Chief Superintendent Peter Magwenzi, Senior Assistant Commissioner Chiobvu of the Prison Services, Detective Chief Inspector Elliot Muchada, Superintendent Josh Shasha Tenderere, Assistant Inspector Mudandira, Superintendent Regis Takaitei Chitekwe, Detective Assistant Inspector Maria Phiri, Detective Inspector Chibaya, Detective Muuya and Assistant Director of the External Branch of the CIO, Asher Walter Tapfumaneyi.

Each of the abductees is demanding \$500 000 for unlawful abduction, enforced disappearance, unlawful detention *incommunicado*, unlawful arrest and unlawful deprivation of liberty, \$100 000 for assault; \$300 000 for torture, pain, shock, suffering and psychological trauma, contumelia and loss of amenities of life; and a further \$300 000 for malicious prosecution.

# Protecting Economic and Social Rights in Zimbabwe: Towards Social Justice

By Irene Petras

## Sources of Economic and Social Rights

- **International Covenant on Economic, Social and Cultural Rights**  
Recognising that, in accordance with the UDHR, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his/her economic, social and cultural rights, as well as his/her civil and political rights
- **African Charter on Human and Peoples' Rights**
- **SADC Treaty (and various Protocols)**  
The objectives of SADC shall be to promote sustainable and equitable economic growth and socio-economic development that will ensure poverty alleviation with the ultimate objective of its eradication, enhance the standard and quality of life of the people of Southern Africa and support the socially disadvantaged through regional integration;
- Protocols on Corruption; Education and Training; Gender and Development; Health

## Major Rights and State Obligations

- ICESCR: State Parties undertake to ensure the full (progressive) realisation of the rights recognized by all appropriate means, including particularly the adoption of legislative measures (Article 2).
- ACHPR: Member States, parties to the present Charter shall recognise the rights, duties and freedoms enshrined in the Charter and shall undertake to adopt legislative or other measures to give effect to them.
- Should be enjoyed with no discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- Right to work; social security; adequate standard of living for self and family; adequate food, clothing and housing and the continuous improvement of living conditions; highest attainable standard of physical and mental health; education; work and equal pay for equal work; protection of family unit; special measures for aged and disabled

## Social Justice and Link to ESR

- Social justice generally refers to the idea of creating a society or institution that is based on the principles of equality and solidarity, that understands and values human rights, and that recognises the dignity of every human being
- In order to ensure social justice for its people, a state must guarantee the social and economic rights highlighted previously

## Methods of Protection

1. **Legislation**
  - Constitution
  - Other laws
  - Regional and international instruments
2. **Litigation**
  - Domestic
  - International
3. **National institutions**
  - Parliament of Zimbabwe
  - Judiciary
  - The media (public, private and community)
4. **Administrative measures**
  - National human rights institutions
5. **Advocacy and local empowerment initiatives**

## Protecting Social and Economic Rights through Legislation

- Currently economic and social rights are not

justiciable as they are not protected in the Constitution of Zimbabwe

- There is limited protection in terms of subsidiary legislation apart from some very dated laws
- The legislative agenda does not prioritise reforms and/or new legislation directed towards realisation of economic and social rights and justice
- In addition, there is slow progress in achievement and implementation of the legislative agenda
- There is a deeply rooted culture of disrespect for the laws of the land and rampant impunity
- Although Zimbabwe has ratified several key international and regional treaties protecting economic and social rights, these have not been domesticated

## Domestic Litigation

- Limited impact and success due to remnants of retrogressive (colonial era) legislation,



Lloyd Mhishi (left), the deputy president of the Law Society of Zimbabwe, lawyers Vimbai Nyemba, Irene Petras and Dzimbabwe Chimbga

and also lack of constitutional protection and justiciability of social and economic rights  
- **Example** – Operation Murambatsvina – legislation used; local cases filed and how handled

- Courts are often reluctant to impact policy, resources
- However some success has been achieved using the current legal framework and ordinary rights litigation  
- **Examples** – right to education (challenge to denial of entry to school for children whose fees have not been paid; challenge to removal from school of Rastafarian child); right to housing (evictions of farm workers; evictions of resettled communities); right to water (challenge to cutting water supplies as part of non-payment of rates)
- Challenge of compliance and implementation of positive/progressive court orders

## International Litigation; State Party and Shadow Reporting

- This route can be used where local/domestic remedies have been exhausted/ state is unable or unwilling to take action/ where local remedies are unavailable  
- **Example** – African Commission on Human and Peoples' Rights communication in relation to vulnerable groups affected by Operation Murambatsvina (housing, education and access to medical treatment)
- There are various challenges to such litigation:  
- Resource intensive

- Inaccessibility of the international *fora* for affected persons and communities
- Inordinate delays in finalising communications
- Failure to achieve implementation of either provisional measures or final decisions, as the recommendations are not binding and are often not respected by States

- State party and shadow reporting (ACHPR; UPR)

## The Role of National Institutions in Protecting Economic and Social Rights

- **Parliament of Zimbabwe**  
- Legislators play a critical role in interrogating state policy and its implementation, legislation, and action in relation to social and economic justice issues.  
- This is done through its legislative agenda; by raising motions and debating key issues affecting social and economic justice; and use of parliamentary committees to investigate, sensitise and recommend appropriate action  
- There are challenges in using this route...

- Should provide its own reports on government progress in relation to realisation of social and economic rights
- Should work with civil society and community-based organisations in striving for social justice
- Challenges are appearing in the mandate of the ZHRC under the gazetted Bill as it currently stands

- **Other commissions (Gender; Anti-Corruption)**
- **Post-conflict mechanisms**

NB: These administrative measures should not be used to prevent litigation and use of other mechanisms to access justice

## Advocacy and Local Empowerment

- Advocacy plays a critical role in pursuit of social and economic justice whether on its own, or as a part of other activities  
- **Examples** – TAC and big pharma (SA); ZLHR's report on corruption in the health sector
- Education and rights literacy of communities to be able to take up their issues at the local level
- The building of social movements as a critical mass to keep pressure on governments and achieve positive social change  
- **Examples** – health, housing and electricity in SA
- A major challenge in the current environment is the assault on fundamental rights allowing for free assembly, association, expression, etc which would allow people to learn and act to protect/demand their rights

## Achieving Social and Economic Justice: Recommendations for Action

- Opportunities to influence constitution-making process
- Legislative audit and swift reforms
- Strengthen mandate and powers of parliamentary committees, especially in relation to follow-up and implementation of their recommendations
- Improve case-flow management (in matters which impact social and economic rights of litigants)
- Strengthen scrutiny of implementation of orders; improve contempt of court procedures to ensure swift compliance and fight impunity
- Strengthen local mechanisms and legal aid facilities
- Strengthen regional/ international mechanisms to deliver justice where domestic remedies fail or are unavailable
- Improve mandate, functions and powers of the ZHRC before the Bill becomes law
- Free and professionalise the media; respect fundamental rights and freedoms; remove repressive laws.

Petras, the ZLHR executive director presented this paper at the Law Society of Zimbabwe Winter School held in Victoria Falls recently



Chinamasa engages lawyers at the Law Society of Zimbabwe Winter School in Victoria Falls

## Residents launch freedom bid

HARARE-Lawyers representing 24 Glen View residents arrested on charges of murdering a policeman in May have launched a fresh bid for freedom for eight who are still in custody.

Citing changed circumstances, the lawyers said the State case with “the passage of time has been weakened”. Jeremiah Bamu of Zimbabwe Lawyers for Human Rights (ZLHR) filed the bail application for the eight residents who were denied bail when their co-accused were released by the High Court early this month.

“There has been a change of circumstances since the time the applicants were denied bail,” said Bamu last Friday.

“This passage of time is coupled with the fact that the State has failed to strengthen the case against all the Applicants. In fact the passage of time has actually brought to light further weaknesses in the State case,” said Bamu.

“As appears from the form 242 investigations in this matter ought to have been completed by 30 June 2011. As a matter of consequence this meant after the completion of investigations a trial date would have been set and the Applicants accorded their day in court. As it turns out there is no indication as to whether or not the investigations have now been completed,” said Bamu in the bail application.

The residents have been in custody for more than eight weeks. The arrest of the 24 residents caused international furore after some of them appeared in court with deep cuts, bruised bodies and swollen faces. They alleged that police had tortured them while in custody. Magistrate Shane Kubonera ordered the State to make an “impartial

investigation” as to what caused the residents’ injuries. On Friday, Magistrate Kubonera is expected to rule on a report written by the police and was presented in court by prosecutor Edmore Nyazamba in response to the torture allegations.

Defence lawyers argue that the State case is weak and the suspects have no case to answer.

“There has been a subsequent bail application filed by four of the applicants’ co-accused persons wherein this Honourable Court noted that the State’s evidence is generally weak, incoherent and insufficient. The State had placed before the court the same evidence it had placed against the Applicants in this matter. In essence the State is shopping for accused persons using the same facts. This is an indication that the real culprits in the matter are as yet unknown and the police are going on an arresting spree in the hope of eventually stumbling upon the real culprit in their fishing expedition of accused persons,” the lawyers said.

They added that those granted bail had not violated conditions thus dismissing earlier assertions by the State that the suspects would flee. “In particular none have fled the jurisdiction, none have interfered with the witnesses, none have committed similar offences,” said the lawyers. “The Applicants have a right to be treated in the same manner as their co-accused and the conduct of those who were granted bail is indicative of their own conduct should they be granted bail. This reasoning follows from the fact that there is no peculiar circumstance setting apart these Applicants from those granted bail subsequently so as to justify the difference in their treatment. All the State’s fears have now been eliminated,” said the lawyers.



Dzimbabwe Chimbga, the Zimbabwe Lawyers for Human Rights (ZLHR) programmes manager for International Litigation, Lobby and Advocacy Project headlined last week’s US embassy’s Public Affairs Section weekly Food for Thought democracy lecture. He told participants that ZLHR has been recording an increase in people arrested for insulting President Robert Mugabe.

“One of the most fascinating things at ZLHR is that everyday we are getting a case of a person being charged with the law of insulting the president. If you say anything critical, especially mentioning governance and in particular the current president you are likely to spend a night in jail. And to me it is symptomatic of a country which is not ready to accept democracy. Democracy on its own allows citizens to freely express themselves without fearing for what will happen after. This places Zimbabwe at a place which I would say it should not be in terms of respecting human rights. Sadly our country scores the least points than any other country if we are to rate it on observing human rights,” said Chimbga.



Cousin Zilala (right), the Amnesty International Zimbabwe executive director addressing journalists last Friday. At the press briefing, Zilala said his organisation was concerned about human rights abuses in Zimbabwe as it was about the situation in The Gambia. Last Friday, the rights group marked 17 years of a military coup in The Gambia by President Yahya A.J.J. Jammeh. Asked about the situation in Zimbabwe, Zilala said: “Amnesty International, as a human rights organisation, would be concerned about human rights situations anywhere in the world, including Zimbabwe. To any government which carries out similar human rights abuses, we call for an end and an improvement of the human rights situation in the world including Zimbabwe. We are very much concerned about the human rights situation in Zimbabwe.”

# Treason, oops, subversion, NO! It’s public violence

HARARE-State prosecutor Edmore Nyazamba last week watered down treason charges against academic and socialist Munyaradzi Gwisai and five activists who were accused of plotting to topple President Robert Mugabe using “Egyptian style” revolts.

The treason trial, which was supposed to commence last Monday at the Harare Regional Courts, was postponed to 22 August 2011 after Magistrate Morgan Nemadire recused himself from presiding over the trial, as he is known to one of the activists.

Harare Regional Magistrate William Bhila is now expected to preside over the trial of Gwisai, a University of Zimbabwe lecturer and five other social, economic justice and human rights activists.

In a dramatic twist, Nyazamba served a new charge sheet to the activists’ lawyer Alec Muchadehama with altered charges.

Under the new charge sheet Nyazamba altered the treason charge that the six activists, International Socialist Organisation (ISO) general-coordinator Gwisai, anti-debt campaigner Hopewell Gumbo, Antonater Choto, the director of the Zimbabwe Labour Centre, student leader Welcome Zimuto, Eddison Chakuma and Tatenda Mombeyarara were initially charged with to a main charge of contravening Section 36 of the Criminal Law (Codification and Reform) Act for allegedly conspiring to commit public violence and three other alternative charges.

They now face alternative charges of contravening section 187 as read with section 36 of the Criminal Law (Codification and Reform) Act for allegedly inciting public violence, contravening section 37(1)(a) of the Criminal Law (Codification and Reform) Act for allegedly participating in a gathering with intent to promote public violence, breaches of peace or bigotry and contravening section 37(1)(c) of the Criminal Law (Codification and Reform) Act for allegedly participating in a gathering with intent to promote violence, breaches of peace or bigotry.



Lawyers Alec Muchadehama and Irene Petras consult their clients Welcome Zimuto and Antonater Choto outside Harare Magistrates Court

Gwisai and the five social justice and human rights activists were arrested in February together with 39 other activists-who were acquitted by Magistrate Munamato Mutevedzi-during a constitutional and democracy lecture held in Harare.

Nyazamba alleged that the activists delivered speeches during the lecture encouraging participants to mobilise Zimbabweans to revolt against President Mugabe and his government.

This is the second time that the State has altered charges against the

six activists. In May Nyazamba told High Court Judge Justice Samuel Kudyia that the six activists would no longer face trial on a charge of treason but for allegedly subverting a constitutional government in contravention of Section 22 of the Criminal Law (Codification and Reform) Act and not treason which carries a death sentence.

The arrest of the activists in February drew international condemnation of President Mugabe’s administration. The denunciation worsened after the activists claimed that they had been tortured while in police cells.

# Mtetwa vindicated in Mangoma case

HARARE-In March, feisty human rights lawyer Beatrice Mtetwa criticised the police and prosecutors for prosecuting Energy and Power Development Minister Elton Mangoma in installments. This was in regard to the minister's second arrest inside one month on corruption charges.

Four months later, she stands vindicated.

Last Monday, the State withdrew the second set of charges on the basis of Hon. Mangoma's earlier acquittal on the first charges.

Chris Mutangadura, the chief law officer in the Attorney General (AG)'s Office said the second corruption charge was unsustainable

because it was "substantially" similar to the other case which had been thrown out by Justice Chinembiri Bhunu.

Justice Bhunu in June acquitted Hon. Mangoma of corruption charges linked to flouting tender procedures in the procurement of fuel.

The second charge related to interfering in the awarding of ZESA tenders for the supply of pre-paid electricity meters.

Mutangadura conceded that the case would not stand a chance because of the precedence set by Justice Bhunu in the fuel case.

Police arrested Hon. Mangoma twice in March

on the two charges, prompting Mtetwa, his lawyer, to query the State's sincerity in arresting him in "installments" on charges that appeared similar.

Mtetwa said the police and prosecutors' actions were malicious as they could have laid the charges against Hon. Mangoma when he was first arrested early March for allegedly contravening procurement procedures in the acquisition of fuel supplies.

Mutangadura proved Mtetwa right when he withdrew the Zesa corruption charge without even bothering to present the State case.

In a surprising back down, Mutangadura, a chief law officer in the AG's Office, withdrew the charges before plea as Justice Tendai Uchena prepared to hear the case.

Justice Uchena accepted the State's withdrawal of the charges.

The prosecutors had claimed that Hon. Mangoma unlawfully and intentionally abused his public office for the purpose of showing disfavour to some local and South African companies that had participated in a tender for the supply and delivery of prepayment revenue management system meters.

The State alleged that the MDC deputy treasurer unlawfully instructed former ZESA Holdings chief executive officer Benjamin Rafemoyo,



Chris Mutangadura

the power utility's board chairperson Noah Madziva and the State Procurement Board to stop processing the tender for the supply of prepaid electricity meters after adjudication, thereby effectively cancelling a tender awaiting announcement of the winner.

Hon. Mangoma's lawyers Mtetwa and Selby Hwacha, who are board members of Zimbabwe Lawyers for Human Rights, welcomed the development.



Minister Mangoma after acquittal



Beatrice Mtetwa

# VMCZ demands repeal of AIPPA

By Alec Muchadehama

HARARE-The Voluntary Media Council of Zimbabwe (VMCZ) notes the unfortunate statements made to the Parliamentary Portfolio Committee on Media, Information and Communications Technologies by the Permanent Secretary in the Ministry of Media, Information and Publicity, Mr. G. Charamba. The statements attributed to Mr. Charamba in *The Herald* of 22 July 2011 are not reflective of the truth, particularly where he makes reference to the VMCZ.

The VMCZ is not an organization that is awaiting 'baptism' by the Zimbabwe Media Commission (ZMC) or any other body. The VMCZ, having been in existence since 2007, is a testimony to the enjoyment of the right of media stakeholders and citizens to freely associate and assemble

as provided for in Section 21 of Zimbabwe's Constitution. In exercising this right to associate and assemble, media stakeholders established the VMCZ in order to protect and enhance another fundamental human right as guaranteed in Article 19 of the Universal Declaration of Human Rights, Article 9 of the African Charter on Human and Peoples Rights and Section 20 of the Constitution of Zimbabwe. This right being the right of all citizens to freedom of expression and access to information.

The mandate of the VMCZ is therefore self regulation of the media in order to allow the greatest enjoyment of the right of all citizens to freedom of expression and access to information. It is a mandate that does not require 'baptism'. Where Mr. Charamba is cited as saying that the Access to Information and Protection of Privacy Act (AIPPA)

allows the Zimbabwe Media Commission (ZMC) to form a statutory Media Council by 'consensus' the VMCZ can only express regret at the misleading nature of such a statement. AIPPA is a law that has continually been used to curtail freedom of expression through the mandatory registration of journalists/media houses; the arrest of journalists and the closure of media houses. To state that the ZMC can arrive at a 'consensus' with media stakeholders is to be dishonest about the full negative import of AIPPA on media freedom and freedom of expression in Zimbabwe.

Given this narrative of the usage of AIPPA against media freedom in our country, the VMCZ reiterates that it is of paramount importance that the Government and the Parliament of Zimbabwe, move much more purposefully toward the repealing of this undemocratic Act of Parliament sooner

rather than later. This is regardless of the outcome of the constitutional reform process, which the inclusive government has misleadingly begun to refer to on a regular basis as an excuse as to why there is no progress on issues such as media reform.

The VMCZ is also aware of the Kariba Media Conference that Mr. Charamba is cited as referring to in the *Herald*. The full report of the Kariba Conference is however still not a public document and where it is suggested that among its resolutions is the promise of a Media Practitioners Bill, the VMCZ insists that such a proposition should be guided by a firm understanding of the principle of self regulation of the media as democratic practice and thorough media stakeholder and public consultation.

**Muchadehama is the chairperson of VMCZ**