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FREEDOM OF THE PRESS

Zimbabwe

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Press freedom in Zimbabwe remained restricted in 2011, as promised reforms to liberalize the legal and regulatory environment after years of authoritarian abuse were stalled by President Robert Mugabe's Zimbabwe African National Union–Patriotic Front (ZANU-PF) party, which was still entrenched in the executive branch and exercised control over the nominally inclusive government of national unity formed in 2009. Legal harassment of journalists, particularly those who work for the few independent print media outlets, remained a primary concern.

Despite constitutional provisions for freedom of expression, a draconian legal framework continues to inhibit the activities of journalists and media outlets. The 2002 Access to Information and Protection of Privacy Act (AIPPA) required all journalists and media companies to register, and gave the information minister sweeping powers to decide which publications could operate legally and who is able to work as a journalist. Unlicensed journalists can face criminal charges and a sentence of up to two years in prison. In addition, the Official Secrets Act, the Public Order and Security Act (POSA), and the Criminal Law (Codification and Reform) Act severely limit what journalists may publish and mandate harsh penalties—including long prison sentences—for violators. Authorities continued to exploit these laws to harass and punish journalists, with an increase in defamation charges brought by police or prominent political figures noted in 2011. In July, Nevanji Madanhire, editor of the weekly *Standard*, and two other staff at the paper were charged with criminal defamation following the publication of a story regarding the police's detention of a government minister; previous cases filed against the paper's employees in 2010 remained pending. Madanhire faced repeated instances of detention and questioning later in the year on a number of other stories. Meanwhile, politician and former information minister Jonathan Moyo continued to file defamation cases against the independent *Daily News*, in one case for publishing information contained in the publicly available WikiLeaks cables. Several of the civil defamation cases filed by Moyo and others demanded steep monetary damages of US\$100,000 or more. Although many cases are dismissed by the courts, charges can remain pending for months and lead to inconvenience and restrictions for the journalists involved.

The new Zimbabwe Media Commission (ZMC), mandated in 2008 as part of the power-sharing Global Political Agreement (GPA) between ZANU-PF and the two factions of the opposition Movement for Democratic Change (MDC) to regulate the licensing of publications and journalists, was finally formed in February 2010. The inclusion of several well-respected industry representatives as commissioners raised hopes that the new body would be somewhat more independent than its predecessor, and in a positive step, the ZMC proceeded to license five new publications in May, including the *Daily News*, which had been Zimbabwe's only independent daily until it was shuttered in 2003, and the new private daily *NewsDay*. However, in August 2011, the ZMC instructed all foreign newspapers to register with the commission under AIPPA or risk being banned or confiscated, a move that local monitors described as potentially limiting people's ability to access diverse sources of news.

Broadcasting licenses continue to be consistently denied to independent and community radio stations, despite the fact that liberalization of the airwaves was also mandated by the GPA. Critics allege that the board of the Broadcasting Authority of Zimbabwe (BAZ), which is responsible for granting radio and television licenses, was illegally appointed in 2009 by the information minister and stacked with pro-ZANU-PF loyalists, thus compromising its independence and decision making, and have called for it to be reconstituted. After issuing a call for radio license applications and receiving 15 submissions, BAZ awarded two national commercial licenses to companies aligned with the ruling party in November in a process that was deemed untransparent and politically biased.

Journalists faced verbal intimidation, physical attacks, arbitrary arrest and detention, interception of communications, and financial pressure at the hands of the police, government officials, and supporters of ZANU-PF during the year. Many were harassed while attempting to cover news events or sensitive political issues such as the constitutional reform process, parliamentary hearings, or the ongoing investigation into abuses at diamond mines. Freelance journalist Sidney Saize was arrested in February 2011 as he attempted to cover a court case in Mutare and was detained, questioned for seven hours, and fined under the Criminal Nuisance Act. Media offices were also targeted during the year. The offices of the private weekly *Mirror* were raided in Masvingo in June, while computer hard drives of key editorial staff were stolen from *NewsDay* in April; both break-ins remained unsolved, but it was suspected that they were committed by official actors. During the past decade, dozens of Zimbabwean journalists have fled the country, mostly to South Africa and Britain; according to the Committee to Protect Journalists (CPJ), Zimbabwe still has one of the largest numbers of exiled journalists in the world.

Professional and media-monitoring organizations such as the Zimbabwe Union of Journalists, the Media Monitoring Project of Zimbabwe (MMPZ), and the local chapter of the Media Institute of Southern Africa (MISA) are also subject to official harassment. In December 2011, three MMPZ staff were arrested in the city of Gwanda and charged under POSA and the criminal code after they distributed a DVD, while the MMPZ offices in Harare were raided and additional staff were detained and questioned; the case was ongoing at year's end. Faced with legal restrictions as well as the threat of extralegal intimidation, many journalists practice extensive self-censorship, particularly regarding stories on corruption or factional fighting within ZANU-PF.

Foreign journalists can encounter restrictions on residing full-time in the country and are sometimes denied visas to file stories from Zimbabwe, though an outright ban on two major international news organizations, the British Broadcasting Corporation and the U.S.-based Cable News Network, was lifted in 2009. Locally based correspondents for foreign publications, particularly those whose reporting has portrayed the regime in an unfavorable light, have been refused accreditation or threatened with lawsuits and deportation. In 2010, the ZMC lowered the accreditation fees for foreign journalists, foreign outlets, and local reporters working for foreign outlets. However, a new amendment to AIPPA that came into effect on January 1, 2011, dramatically hiked accreditation fees for foreign media bureaus and their local correspondents, a move protested by local press freedom advocacy groups.

The government, through the Mass Media Trust holding company, controls the two main daily newspapers, the *Chronicle* and the *Herald*. After undergoing a modest shift toward more politically balanced coverage in 2009, state media returned to slavishly supporting Mugabe and ZANU-PF while attacking the MDC in 2010, and this trend continued in 2011 as the country waited for possible elections to be scheduled. The private Alpha Media Holdings group publishes a number of the country's independent papers, including *NewsDay*, the *Standard*, and the *Zimbabwe Independent*, while the independent *Daily News*, published by Associated Newspapers of Zimbabwe, restarted publishing in March 2011. The *Zimbabwean* is produced in South Africa for the Zimbabwean market, and some foreign newspapers, most of them also from South Africa, are available.

Newspapers typically have poor distribution networks outside urban areas, and they have been buffeted by soaring prices for newsprint. Vendors of the *Mirror* were threatened by soldiers in Masvingo in January 2011 after the independent paper ran a story concerning the army, while vendors of *NewsDay* were harassed by ruling party supporters in Harare in February; readers seen buying independent papers were also harassed. According to MISA's African Media Barometer, state-run companies do not advertise in private papers, and state-run media outlets do not accept advertising from companies thought to be aligned with the opposition. Owing to poor economic conditions and salaries that do not keep pace with inflation, journalistic corruption and cash incentives for coverage have become rampant.

The state-controlled Zimbabwe Broadcasting Corporation (ZBC) runs all broadcast media, which are subject to overt political interference and censorship. ZBC coverage, particularly before and during elections, overwhelmingly favors ZANU-PF. In 2009, retired military and intelligence officers loyal to Mugabe were appointed to the boards of state-owned newspapers, the ZBC, and the NewZiana news agency. The Broadcasting Services Act bans foreign funding and investment in this capital-intensive sector, making it very difficult for private players to enter the market. Radio broadcasts are currently the predominant source of information in rural areas. However, access to broadcast media in these areas is hampered by deteriorating equipment and a lack of transmission sites, although the government has reached an agreement with China to help upgrade transmission infrastructure. Meanwhile, officials have used Chinese technology to jam the signals of increasingly popular foreign-based radio stations that broadcast into Zimbabwe, including SW Radio Africa, a station run by exiled Zimbabwean journalists in London; the Voice of America's Studio 7

service; and the Voice of the People. Authorities have on occasion also raided homes in rural areas and confiscated the shortwave radios used to access these broadcasts. Although satellite television services that provide international news programming remain largely uncensored, their cost places them out of reach for most of the population.

Access to the internet is limited by the high costs at internet cafés and service disruptions caused by frequent power outages. Nonetheless, Zimbabwe has a relatively high rate of internet penetration for Africa, at 16 percent of the population in 2011. Online newspapers, news portals, and blogs run by Zimbabweans living abroad are popular among those with internet access, and diaspora media also distribute news and information via SMS. The 2007 Interception of Communications Act allows officials to intercept telephonic and electronic communications and to monitor content to prevent a “serious offense” or a “threat to national security.” According to CPJ, journalists and opposition activists are regularly subject to such surveillance.