

8 February 2012

### Media monitors take case to Supreme Court

Two Media Monitoring Project Zimbabwe (MMPZ) personnel, Molly Chimhanda and Fadzai December together with Gilbert Mabusa, Chairperson of MMPZ's Public Information Rights Committee appeared in the Gwanda Magistrate Court again on Tuesday, 7 February to answer charges of "undermining the authority of or insulting the President".

Initially, the trio faced three charges; "knowingly failing to give notice of a gathering", "participating in a gathering with intent to promote public violence, breaches of the peace, or bigotry" and "undermining the authority of or insulting the President" but Gwanda magistrate Sheila Nazombe on 24 January 2012 threw out the first two charges.

Lawyer representing the three, Kossam Ncube, described the Criminal Codification and Reform Act (Section 33), the law within which the remaining charge falls, as one that did not protect the public because "it is made in such a way that the public cannot know which statement is insulting or offensive to the President, leaving it being subjective to the valuation of the law enforcement agents and leading into arbitrary arrests."

Ncube has also applied successfully for the case to be referred to the Supreme Court of Zimbabwe and is putting forward the argument that the Criminal Codification and Reform Act (Section 33) infringes of the three's freedom of expression.

However, the three are still on remand as another application for their removal from remand was turned down on the grounds that it was still premature for such a request to be made and granted. Therefore, they will have to appear again at the Gwanda Magistrate court on 30 April 2012.

### Background

The three were arrested and detained by police in Gwanda on 5 December 2011 in connection with a community meeting on public information rights held on 24 November 2011 in Gwanda. They were only released on 16 December 2011 after High Court judge, Justice Nicholas Mathonsi ordered their release on bail following a dismissal of an appeal by the state against their application for bail.

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