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RRT RESEARCH RESPONSE

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Questions

1. Please provide an update of the situation for suspected Movement for Democratic Change (MDC) supporters.
2. Please provide an update of the situation for suspected foreign spies.
3. Please provide an update of the situation for suspected foreign journalists.
4. Is it likely that someone arrested by the Zimbabwean police on suspicion of being one or all of the above would be released the following day?
5. What is the 'Public Order and Security Act'? Which arm of government is responsible for administering this Act?
6. Please provide an update on the level of state protection available to suspected opposition supporters.

RESPONSE

1. Please provide an update of the situation for suspected Movement for Democratic Change (MDC) supporters.

An *Associated Press Newswires* article dated 30 June 2008 refers to "Zimbabwe's longtime ruler Robert Mugabe" being "sworn in as president for a sixth term Sunday after a widely discredited runoff in which he was the only candidate. His main rival dismissed the inauguration as "an exercise in self-delusion." The article indicates that "in a speech following his swearing-in", Mugabe said that "Sooner or later, as diverse political parties, we shall start serious talks". The article also indicates that:

> African and other world leaders have condemned Friday's vote. Human rights groups said opposition supporters were the targets of brutal state-sponsored violence during the campaign, leaving more than 80 dead and forcing some 200,000 to flee their homes.
>
> Residents said they were forced to vote by threats of violence or arson from Mugabe supporters who searched for anyone without an ink-stained finger -- the telltale sign that they had cast a ballot.
>
> On Sunday, Human Rights Watch said in a statement that Mugabe supporters beat people who couldn't prove they voted.
>
> Tsvangirai withdrew from the race because of the violence, though his name remained on the ballot and his supporters may have spoiled their ballots rather than vote for Mugabe.
>
> The electoral commission said total results showed more than 2 million votes for Mugabe, and 233,000 for opposition candidate Morgan Tsvangirai. Turnout was put at about 42 percent, and 131,000 ballots had been defaced or otherwise spoiled, apparently as an act of protest. Neither candidate got credit for the spoiled ballots (Shaw, Angus 2008, 'Zimbabwe's Mugabe sworn in after discredited vote', *Associated Press Newswires*, 30 June – Attachment 2).

An article dated 29 June 2008 on the Human Rights Watch website indicates that "government violence against opposition supporters continued even after the vote on June 27, 2008" in Zimbabwe. Human Rights Watch had "documented numerous incidents of intimidation, violence and manipulation of the vote by Mugabe's ruling ZANU-PF party before, during and after the June 27 runoff vote. In the capital, Harare, Human Rights Watch documented incidents of reprisal attacks by ZANU-PF supporters against people who did not go out and vote for Mugabe" (Human Rights Watch 2008, *African Union: Reject Result in Zimbabwe's Sham Election*, 29 June http://hrw.org/english/docs/2008/06/28/zimbab19221.htm - Accessed 30 June 2008 – Attachment 3).

An article dated 27 June 2008 on the Amnesty International website refers to "[v]oting in Zimbabwe on Friday" having "been marked by a campaign of state violence and intimidation in the run up to the presidential election." It is stated in the article that:

> The decision to hold the vote came despite calls by the international community to postpone the election until the security situation in Zimbabwe had improved. Across Zimbabwe, thousands of suspected supporters of the opposition Movement for Democratic Change (MDC) have been harassed and intimidated.
>
> "Today's election is being held against a backdrop of widespread killings, torture and assault of perceived opposition supporters. Zimbabwe has been allowed to operate outside the African Union (AU) and UN human rights framework for far too long," said Amnesty International.
>
> …Supporters – or perceived supporters – of the MDC have been arbitrarily arrested and detained. The MDC claims that about 2,000 of its members are in custody. Among the political detainees was the party's Secretary General Mr Tendai Biti, who was released from detention on 26 June after being arrested on 12 June on charges of treason.
>
> Over 80 people have been killed in the post-election violence so far – most of them MDC supporters.

> "War veterans" have set up informal "bases" in rural and urban areas where they plan attacks against perceived MDC supporters. They conduct "re-education" sessions that include severely assaulting people suspected to be MDC supporters as a "lesson" to others. Victims include women, children and the elderly.
>
> State security agencies such as the police and army are being used to pursue a partisan agenda – seriously compromising their constitutional responsibility to protect the human rights of all Zimbabweans (Amnesty International 2008, *Violence and coercion mark Zimbabwe's election*, 27 June http://www.amnesty.org/en/news-and-updates/news/violence-and-coercion-mark-zimbabwes-election-20080627 - Accessed 1 July 2008 – Attachment 4).

An article in *The Economist* dated 26 June 2008 indicates that:

> After weeks of orchestrated state-sponsored violence, Zimbabwe's battered opposition decided not to take part in the presidential run-off scheduled for June 27th. Though the Movement for Democratic Change (MDC) and its leader, Morgan Tsvangirai, insisted until a few days before the poll that they would not pull out, they conceded on June 22nd that elections could not be remotely fair in the circumstances. Mr Tsvangirai said he could no longer ask Zimbabweans to cast their vote "when that vote could cost them their lives". Fearing for his own safety, he took refuge in the Dutch embassy in Harare, the capital; some 300 of his supporters later did the same at South Africa's embassy.
>
> So President Robert Mugabe looks sure to win another term. Yet the crisis is far from over. Despite Mr Tsvangirai's withdrawal, government-organised violence against people suspected of supporting him has only intensified. The authorities said they still planned to hold the election. But criticism from Africa and beyond began to mount faster than before. Mr Mugabe is far from home and dry.
>
> The MDC won the first round of an election at the end of March for both the presidency and for Parliament, snatching a majority from the ruling ZANU-PF in the lower house for the first time since independence in 1980. It also claimed to have won the presidential ballot outright, but official results called for a run-off.
>
> Since then, the MDC has been the victim of unbridled retaliation. More than 80 of its supporters are reckoned to have been killed, 10,000 of them injured, twice as many homes destroyed, and more than 200,000 people displaced. Human Rights Watch, a New York-based monitoring group, has documented a campaign of systematic state-sponsored retribution and terror against lawyers, journalists and civic organisations as well as people suspected of supporting the MDC. Though isolated incidents of retaliation by the opposition have been reported, independent observers say that ZANU-PF's militia's have abducted, tortured, murdered and raped on a grand scale.
>
> Last week the wife of Harare's new MDC mayor, Emmanuel Chiroto, was abducted with her four-year-old son. He was freed unharmed but she was beaten to death. Terror first meted out in rural areas that were once ruling-party strongholds has spread to the cities, where the MDC has long been popular. Fearful residents are being forced to display ZANU-PF regalia and attend "re-education" meetings, often deep into the night.
>
> Many opposition rallies were banned. A court overturned a police ban and allowed the MDC to hold a rally in Harare on June 22nd. But thousands of government-backed youth militias armed with iron bars and guns blocked the road to the grounds where the rally was to take place, chasing and beating people who tried to gather. Mr Tsvangirai was detained several times on the campaign trail. Tendai Biti, his party's secretary-general, has been thrown

> behind bars, charged with treason and denied bail. The party says that over 2,000 of its supporters, including hundreds of its polling agents, are being detained.
>
> Despite Mr Tsvangirai's decision to pull out, the regime still seems determined to expunge every whiff of opposition – or at least make sure that, if negotiations ever begin, the MDC will be weaker ('An election with only one candidate' 2008, *The Economist*, 26 June http://www.economist.com/world/africa/PrinterFriendly.cfm?story_id=11636482 – Accessed 27 June 2008 – Attachment 5).

An article in the *Zimbabwe Standard* dated 22 June 2008 refers to "ZANU PF militias, youths and war veterans" having "invaded the MDC stronghold of the urban areas, laying siege to towns and cities, previously largely untouched by the violence raging in the rural areas." It is stated in the article that:

> On Wednesday morning, four MDC supporters were found dead, a day after they had been abducted in Unit F in Chitungwiza. This raised the death toll blamed on Zanu PF by the MDC to 70.
>
> On Thursday night, MDC supporters were attacked in Mbare, Rugare, Warren Park, and Dzivarasekwa by the Zanu PF militia code-named Chipangano ("our agreement").
>
> …Most Harare high-density residents were forced to attend night meetings (pungwes) where they are ordered to sing Zanu PF songs praising Mugabe and Zanu PF.
>
> …In Magada in Epworth, there were many reports of attacks by "war veterans" and Zanu PF youths on suspected MDC supporters. Several houses were burnt down and many people ended up in hospital. Militias told residents the settlement would be destroyed if Mugabe lost the election.
>
> …The deputy minister of Information and Publicity, Bright Matonga yesterday accused The Standard of negative reporting.
>
> "You always report negative stories about our party and I have never seen a report about MDC assaulting Zanu PF supporters in your paper. You need to report about that if you want my comment," Matonga said.
>
> War veterans' leader Jabulani Sibanda denied they had set up bases in Harare ('Urban areas under siege' 2008, *Zimbabwe Standard*, 22 June – Attachment 6).

A Human Rights Watch report dated June 2008 indicates that since the elections in Zimbabwe on 29 March 2008, ZANU-PF had "quickly responded to the loss of its parliamentary majority for the first time since independence and its leader finishing second in the presidential vote by unleashing a systematic and brutal campaign of violence against the opposition. Those leading the campaign have dubbed it "Operation Makavhoterapapi?"[18] (Operation Where Did You Put Your Vote?)." According to the article:

> There is overwhelming evidence that the organized pattern of abuses have been replicated throughout the provinces. In nearly all the areas affected by violence, victims and eyewitnesses told Human Rights Watch that it was usually conducted at night and was characterized by abductions, beatings and the looting and burning of huts and other property.
>
> ZANU-PF officials and "war veterans" are beating and torturing suspected MDC activists and supporters in hundreds of base camps established across the provinces as local centers of

> operations. ZANU-PF supporters, government officials, "war veterans" and state security forces are conducting brutal daily "re-education" meetings in which they beat and at times torture local residents to force them to denounce the MDC and swear allegiance to ZANU-PF. Further, ZANU-PF and its allies have gone on a campaign of widespread destruction of property and looting, including the burning of homesteads, that has led to thousands of people being internally displaced. There has been a spate of abductions and killings of known MDC activists by suspected agents of the state, ZANU-PF supporters and "war veterans" in the province of Mashonaland East and in Harare.
>
> Interviews by Human Rights Watch with more than 60 victims and eyewitnesses indicate that the violence has been concentrated in areas traditionally viewed by ZANU-PF as "strongholds," in the provinces of Mashonaland West, Mashonaland Central and Mashonaland East, as well as the provinces of Manicaland, Masvingo and the capital Harare. Human Rights Watch has also documented other incidents of violence in Midlands, Matabeleland North and Matabeleland South provinces.
>
> …The violence appears to be intended to punish Zimbabweans who voted for the MDC on March 29, in particular those who voted in the "strongholds." It is being used to deter people from voting for the MDC and to persuade them to vote for ZANU-PF during the presidential runoff. Finally, it is being used to change the political landscape of rural areas by effectively displacing and thereby disenfranchising the voting rights of known MDC members and supporters.
>
> The scope and scale of the post-election violence far exceeds that seen during past election years of 2000, 2002 and 2005. Local human rights organizations have reported thousands of incidents of violence throughout the country since April. For example, on May 8, the Zimbabwe Association of Doctors for Human Rights (ZADHR) reported that it had documented 900 victims of organized violence and torture, including 22 deaths, in the post-election period.[21] As of May 27, Human Rights Watch had confirmed at least 36 deaths and found that the number of confirmed victims of violence and torture across the country had risen to almost 2,000.[22] Nearly all were MDC activists or people perceived to have voted for the MDC. Some have been observers from the independent Zimbabwe Election Support Network.
>
> ZANU-PF supporters and their allies have not found it necessary to prove that a person voted for the MDC before meting out "punishment." Instead they have examined results posted outside polling stations to identify areas where people voted for MDC in large numbers, even if the MDC lost to ZANU-PF in those areas (Human Rights Watch 2008, *"Bullets for Each of You": State-Sponsored Violence since Zimbabwe's March 29 Elections*, June, pp.14-16 – Attachment 7).

The UK Home Office country of origin information report on Zimbabwe dated 3 June 2008 includes information on the 2008 parliamentary and presidential elections in Zimbabwe and post-election violence (UK Home Office 2008, *Country of Origin Information Report: Zimbabwe*, 3 June, Paragraphs 6.24-7.06 – Attachment 8).

2. Please provide an update of the situation for suspected foreign spies.

An article on the Reporters Without Borders website indicates that Zimbabwe's President "Mugabe orders the arrest of local and foreign journalists, who he accuses of spying because they do not obey the regime's strict rules, and uses threats and legal harassment in a bid to silence them." The article also indicates that "[t]he 2002 information law introduced strict monitoring of the media and is used to combat supposed foreign subversion" ('Predators –

Zimbabwe: Robert Mugabe' (Undated), Reporters Without Borders website http://www.rsf.org/article.php3?id_article=13667 – Accessed 25 June 2008 – Attachment 9).

An *Associated Press Newswires* article dated 17 March 2008 refers to the official media in Zimbabwe reporting that the government was "screening foreign journalists before letting them into the country" prior to the elections in March "amid suspicion that some may be spying for hostile Western nations". It is stated in the article that:

> "We have a team drawn from (the ministries) of information, foreign affairs and the security arms that are examining each and every application," government spokesman George Charamba told the [Sunday Mail] paper, a government mouthpiece.
>
> "We are mindful of attempts to turn journalists into observers and security personnel from hostile countries," he said. "Those will be flushed out" (Shaw, Angus 2008, 'Zimbabwe screens foreign journalists for Western spies 2 weeks before elections', *Associated Press Newswires*, 17 March – Attachment 10).

The US Department of State report on human rights practices in Zimbabwe for 2007 refers to the International Federation of Journalists reporting 'that the government had compiled a list of 15 Zimbabwean journalists targeted for surveillance and other unspecified action for working with 'hostile governments." According to the report:

> Journalists and publishers continued to practice self-censorship as a result of government action and threats. On September 22, for example, the International Federation of Journalists reported that the government had compiled a list of 15 Zimbabwean journalists targeted for surveillance and other unspecified action for working with "hostile governments." All journalists on the list, which included at least three journalists who had already been attacked or threatened during the year, worked for the independent media. The government denied the authenticity of the list (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Zimbabwe*, March, Section 2(a) – Attachment 11).

An article dated 7 December 2007 indicates that a High Court judge in Zimbabwe had "postponed to an indefinite date the appeal hearing of three spies jailed for contravening the Official Secrets Act after they sold State secrets to foreign agents." Godfrey Dzvairo, who was "Zimbabwe's former ambassador-designate to Mozambique, former Metropolitan Bank company secretary Tendai Matambanadzo and Itai Marchi, the ex-Zanu-PF director for external affairs," had been "convicted in January 2005 of breaching section 4 of the Official Secrets Act in a high profile case that attracted local and international publicity." Dzvairo had received "an effective six years behind bars, while Matambanadzo and Marchi were each jailed for five years." They "were convicted on their own plea of guilty to selling State secrets to foreign agents, but later sought to alter the plea to not guilty, claiming that they were forced to admit to the charges" ('Hearing Deferred' 2007, *All Africa*, source: The Herald, 7 December – Attachment 12).

An earlier *Reuters News* article dated 19 February 2005 refers to state media reporting that "[a] Zimbabwean member of parliament and nephew of President Robert Mugabe" had "been freed after two months of police detention over charges of spying for a foreign government". Philip Chiyangwa, a ZANU-PF party legislator, "was arrested in December with four other prominent Zimbabweans on charges of contravening the Official Secrets Acts by selling state secrets to foreign agents." Following a trial, three of his co-accused had been "jailed for up to six years". The article indicates that:

> Chiyangwa and another official were still awaiting trial, but Zimbabwe's official Herald newspaper reported on Saturday that the parliamentarian was freed on Friday on orders from High Court judge Charles Hungwe who said the state case against him was "vague and imprecise".
>
> It was not immediately clear if the charges against Chiyangwa would be dropped ('Zimbabwe MP freed after detention on spying charges' 2005, *Reuters News*, 19 February – Attachment 13).

A *BBC News* article dated 1 July 2006 indicates that Zimbabwean authorities had "released three long-term prisoners convicted of murder and spying for South Africa during the apartheid era." The men were freed by the government "on humanitarian grounds" ('Zimbabwe releases apartheid spies' 2006, *BBC News*, 1 July http://news.bbc.co.uk/2/hi/africa/5137566.stm - Accessed 24 June 2008 – Attachment 14).

Another *BBC News* article dated 11 April 2006 refers to a United Kingdom Asylum and Immigration Tribunal (AIT) ruling in October 2005, in which the Tribunal said "that Zimbabwean security services believed returning asylum seekers were British spies" ('Q and A: Zimbabwe asylum ruling' 2006, *BBC News*, 11 April http://news.bbc.co.uk/2/hi/uk_news/4901202.stm - Accessed 24 June 2008 – Attachment 15). Please see the UK Home Office country of origin information report on Zimbabwe dated 3 June 2008 for more recent information on the treatment of returned failed asylum seekers (UK Home Office 2008, *Country of Origin Information Report: Zimbabwe*, 3 June, Paragraphs 35.01-35.08 – Attachment 8).

A *Reuters News* article dated 7 March 2006 indicates that a state daily in Zimbabwe had reported that Zimbabwe's state security minister had branded "Arthur Mutambara, recently elected leader of a faction of the Movement for Democratic Change" as "a CIA agent and stooge of the Bush administration". The accusations were dismissed by a spokesman for the Mutambara MDC faction, who said that "It's absurd but in their view we are all foreign agents and the only patriots are found in ZANU-PF" ('Zimbabwe brands new opposition leader U.S. agent' 2006, *Reuters News*, 7 March – Attachment 16).

An article dated 30 July 2005 refers to "key Government officials" in Zimbabwe accusing the second pastoral mission by the SACC [Southern African Council of Churches] visiting Zimbabwe "of being British spies." According to the article:

> The second pastoral mission by the SACC (The Tablet, 23 July) failed to meet key Government officials, who accused the mission of being British spies. According to South African media reports, some delegates were detained in the eastern border town of Mutare by state security agents while trying to assist affected families ('Mugabe's demolitions target churches' 2005, *Africa Infodoc Service*, 30 July – Attachment 17).

3. Please provide an update of the situation for suspected foreign journalists.

An *Agence France-Presse* article dated 29 June 2008 refers to "[t]wo journalists working for a private South African television station and arrested in Zimbabwe for allegedly working without accreditation" having "been freed without charge, state media said Sunday." The journalists were from e-tv, which had been banned by Zimbabwean authorities "from covering the country's presidential polls on grounds it had previously breached media and security laws in a report on diamond smuggling last year." They had been "suspected to have

been trying to cover the elections when they were allegedly seen carrying out interviews around 50 metres (yards) away from the Zimbabwean side of the border", but had been released after it was established "that they had been working on a different story." It is stated in the article that:

> Several foreign journalists were arrested in the aftermath of the first round of the presidential election on March 29 but were later released, as were television technicians working for foreign television stations.
>
> Zimbabwean authorities barred most foreign news organisations from covering the presidential elections and had warned they would deal severely with journalists who sneaked into the country.
>
> Mugabe's government passed a law on the eve of the last presidential election in 2002 which has been invoked to expel foreign correspondents and shut down at least four independent newspapers ('Arrested South African TV journalists freed in Zimbabwe' 2008, *Agence France-Presse*, 29 June – Attachment 18).

A report dated 23 June 2008 on the Committee to Protect Journalists website indicates that:

> A politically vulnerable President Robert Mugabe and his administration have unleashed the harshest news media crackdown in their notoriously repressive tenure. Startled by March 29 election results that favored the opposition, Mugabe's government has arbitrarily detained at least 15 journalists and media workers, intimidated sources, obstructed the delivery of independent news, and tightened its grasp on state media.
>
> "This is the worst time for journalists in Zimbabwe's history," Geoff Hill, an exiled Zimbabwean reporter and author, told the Committee to Protect Journalists. Several other veteran journalists, both local and foreign, offered the same characterization during interviews conducted here and in areas bordering Zimbabwe.
>
> …A spike in journalist arrests immediately after the March 29 election—among them the detention of Pulitzer Prize-winning reporter Barry Bearak—drew worldwide attention. But CPJ's investigation has found that throughout the run-off election period, Mugabe's government has engaged in an ongoing pattern of press harassment. Police have arrested journalists without basis and charged them under nonexistent laws. State radio has been filled with pro-Mugabe propaganda. Foreign newspapers have been subjected to onerous import charges, their staffers to outright attack.

The report includes the following further information in relation to foreign journalists:

> About a half dozen international news organizations have correspondents permanently stationed in Harare, although the number grows several-fold during election periods. Many news organizations are forced to skirt restrictive entry requirements so they can report inside the country. For the March 29 vote, major outlets such as CNN, BBC, Sky News and South Africa's e.tv were officially barred from covering the election inside the country.
>
> Unlike some African countries where foreign journalists can work relatively freely, Zimbabwe has targeted journalists working for international media. Just one week after the election results were announced, five foreign media workers were detained across the country. Bearak, a *New York Times* correspondent, was arrested during this period and charged with "committing journalism."

> "One of my captors, Detective Inspector Dani Rangwani, described the offense to me as something despicable," Bearak recounted in an interview with CPJ.
>
> It was not, however, a crime. Zimbabwe's parliament this year revised the country's notorious Access to Information and Privacy Policy Act, or AIPPA, allowing journalists to work without state accreditation. That did not stop authorities from using the now-obsolete section of the law to arbitrarily arrest at least 10 journalists. "Now when the police arrest journalists they are either using trumped-up charges or laws that no longer exist," Bearak said.
>
> All types of media workers have been targeted, CPJ research shows. In May, three truck drivers were arrested for allegedly hauling Sky News equipment, and they are now facing six-month jail terms. In March, two technicians working for the South African media company GlobeCast were arrested while setting up cameras and other equipment for an interview with Information Minister Sikhanyiso Ndlovu. One of them, cameraman Sipho Moses Maseko, spent most of two weeks in Zimbabwean prisons, including one meant for hardened criminals, before being acquitted on obsolete accreditation charges. "The main prison was particularly dire—it's full of sick people," Maseko said. A veteran newsman, he was still shocked at landing in jail "for setting up a microphone."
>
> The GlobeCast case was replete with irregularities, CPJ's investigation found. One magistrate, finding no basis for the arrests of Maseko and colleague Abdulla Ismail Gaibbe, ordered their release only to see a high-ranking police inspector simply re-arrest the pair within minutes of their leaving the Harare courtroom. "The law is only adhered to and applied when it serves the perpetuation of the state," said Beatrice Mtetwa, a human rights lawyer who has defended a number of journalists.

The report refers to "[j]ournalists based in South Africa... making quick forays of their own across the border" to conduct interviews. The article indicates that:

> "Even with this big suppression, networks still manage to smuggle cameras in and conduct hit-and-run interviews," said GlobeCast's Maseko, who has worked with several major television networks. "The news is still getting leaked out" (Rhodes, Tom 2008, 'Bad to Worse in Zimbabwe', Committee to Protect Journalists website, 23 June http://www.cpj.org/Briefings/2008/zim08/zim08.html - Accessed 25 June2008 - Attachment 19).

An earlier article dated 16 April 2008 on the Reporters Without Borders website refers to a Harare court acquitting "New York Times correspondent Barry Bearak and British freelance journalist Stephen Bevan of working without press accreditation, their lawyer said. Two South African TV technicians who had been arrested on similar charges, Sipho Maseko and Abdulla Gaibee, were acquitted on 14 April" ('Two foreign reporters and two South African TV technicians acquitted' 2008, Reporters Without Borders website, 16 April http://www.rsf.org/article.php3?id_article=26503 – Accessed 25 June 2008 – Attachment 20).

According to an *Agence France-Presse* article dated 20 June 2008, a Zimbabwe electoral commission spokesman had been reported by *The Herald* newspaper as saying that "eight foreign journalists and 146 local journalists" had been accredited at that time for the presidential run-off ('370 observers accredited for Zimbabwe run-off: state media' 2008, *Agence France-Presse*, 20 June – Attachment 21).

The Human Rights Watch report dated June 2008 indicates that "ZANU-PF supporters and "war veterans" have created "no-go areas" across broad swathes of the countryside in the provinces of Mashonaland East, Mashonaland West and Mashonaland Central to prevent

victims from leaving the provinces, and to prevent foreign journalists and local human rights organizations from reporting on the violence" (Human Rights Watch 2008, *"Bullets for Each of You": State-Sponsored Violence since Zimbabwe's March 29 Elections*, June, p.39 – Attachment 7).

An article dated 17 April 2008 on the Reporters Without Borders website refers to "British journalist Jonathan Clayton, a correspondent for The Times of London," being "deported to South Africa after being sentenced yesterday by a court in Bulawayo to a fine of 20 billion Zimbabwean dollars (150 euros) or six months in prison for making false statements to immigration officials when he arrived in Bulawayo on flight from South Africa on 9 April." The presiding judge "said that, when questioned by immigration officials at the airport, Clayton vehemently denied being linked to any news media" ('British journalist fined and deported after being held for a week' 2008, Reporters Without Borders website, 17 April http://www.rsf.org/article.php3?id_article=26597 – Accessed 25 June 2008 – Attachment 22).

According to an article dated 4 April 2008 on the Committee to Protect Journalists website, CPJ Executive Director Joel Simon had said that "Zimbabwe has a history of using journalist accreditation laws as a means to prevent foreign journalists covering the country's turbulent politics—it is a backdoor form of censorship". It is stated in the article that:

> The Zimbabwean government used its restrictive journalist accreditation law, the Access to Information and Protection of Privacy Act, to prevent most major international media outlets and some local journalists from covering the country's elections, CPJ reported on March 27. While a government spokesman told the pro-government daily *The Sunday Mail* that it had received about 300 accreditation requests, very few foreign journalists were given accreditation.
>
> Since 2005, Zimbabwean authorities have used the accreditation law six times to jail foreign journalists and censor coverage.
>
> Last year, South African journalist Peter Moyo of e-TV and *Time* magazine journalist Alexander Perry were detained for 48 hours for working without accreditation. CPJ research reveals a total of 26 cases of Zimbabwean authorities repressing foreign journalists in the country since 2000, including through beatings and detentions ('Zimbabwe attorney general urges releases; *New York Times* reporter still held' 2008, Committee to Protect Journalists website, 4 April http://www.cpj.org/news/2008/africa/zim04apr08na2.html - Accessed 25 June 2008 – Attachment 23).

An article dated 26 March 2008 on the Reporters Without Borders website indicates that five days before the elections in Zimbabwe on 29 March 2008, a Zimbabwe "government committee set up to examine requests from international media for accreditation to cover the elections had refused most of the requests. "We are mindful of attempts to turn journalists into observers and security personnel from hostile countries," [Presidential spokesman George] Charamba had previously said." It is stated in the article that:

> The main news media to be rebuffed are the British state broadcaster, the BBC, the American TV networks CNN and MSNBC, the South African broadcaster E-tv, the London-based dailies The Guardian and The Daily Telegraph, and South Africa's Independent Newspapers Group.

> The government has granted accreditation to the state-owned South Africa Broadcasting Corporation but has forbidden it to use its own satellite transmission equipment. It must instead use equipment provided by Zimbabwe's state-owned broadcaster, ZBC.
>
> As regards international news organisations that are already accredited in Zimbabwe, which including Reuters, Agence France-Presse, the Associated Press and the Qatar-based satellite TV station Al-Jazeera, Charamba said the committee took a "sympathetic view" to their requests to send additional support staff for the elections but he warned that their bureau chiefs would be held "fully accountable" for their behaviour ('Government bars many international news media from covering 29 March elections' 2008, Reporters Without Borders website, 26 March http://www.rsf.org/article.php3?id_article=26334 – Accessed 25 June 2008 – Attachment 24).

The *Associated Press Newswires* article dated 17 March 2008 refers to critics accusing "Zimbabwe of trying to keep out Western reporters by delaying them from making travel bookings and other planning arrangements" in relation to the March 2008 elections in Zimbabwe. Leading hotels had "said provisional bookings by some media organizations have been canceled on Foreign Ministry orders, saying rooms were needed for invited observers from Africa and mainly developing countries regarded as friendly toward Zimbabwe." The official media in Zimbabwe had also reported that the government was "screening foreign journalists before letting them into the country" prior to the elections in March "amid suspicion that some may be spying for hostile Western nations" (Shaw, Angus 2008, 'Zimbabwe screens foreign journalists for Western spies 2 weeks before elections', *Associated Press Newswires*, 17 March – Attachment 10).

A Human Rights Watch report dated March 2008 provides information on amendments to the Access to Information and Protection of Privacy Act (AIPPA) passed by Zimbabwe's parliament. The amendments came into force on 11 January 2008. "Human Rights Watch has analyzed the amendments and has also spoken to several media experts and lawyers, and argues that the amendments do little to improve the state of media freedom in Zimbabwe." The amendments to the act include abolishing "the offense of "journalism without accreditation,"[81] but it remains a criminal offense for a journalist without accreditation to cover official events such as the elections or to talk to election officials. Under the amendments unaccredited journalists will be barred from full-time employment by mass media services and news agencies operating in Zimbabwe" (Human Rights Watch 2008, *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, March, Volume 20, No. 2(A), pp. 30-31 – Attachment 25).

The US Department of State report on human rights practices in Zimbabwe for 2007 notes that:

> Senior government officials repeatedly criticized both local and foreign independent media for what they deemed biased reporting meant to discredit the Mugabe regime and to misrepresent the country's political and economic conditions. In a March interview, when asked why CNN and the BBC were not allowed to report from inside the country, the Zimbabwean ambassador to the United States, Machivenyika Mapuranga, replied that the news organizations were "enemy agencies" trying to mislead the world about the country.
>
> Security forces arbitrarily harassed and arrested local and foreign journalists who contributed to published stories critical of government policies or security force operations.

The report also refers to a local magistrate convicting and fining "Alexander John Perry, a reporter with *Time* magazine" on 2 April 2007 "for practicing journalism without accreditation. Perry became the fourth journalist working for a foreign media organization to be successfully prosecuted under AIPPA the [sic] since its enactment in 2002" (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Zimbabwe*, March, Section 2(a) – Attachment 11).

The UK Home Office country of origin information report on Zimbabwe dated 3 June 2008 provides information on the treatment of journalists, including foreign journalists, in Zimbabwe (UK Home Office 2008, *Country of Origin Information Report: Zimbabwe*, 3 June, Paragraphs 18.19-18.32 – Attachment 8).

4. Is it likely that someone arrested by the Zimbabwean police on suspicion of being one or all of the above would be released the following day?

The US Department of State report on human rights practices in Zimbabwe for 2007 refers to there being "numerous reports of security forces arbitrarily arresting opposition and civil society activists, interrogating and beating them for information about their organizations' activities, and then releasing them the next day without charges." The report also refers to the government increasingly using "arbitrary arrest and detention as a tool of intimidation and harassment, especially against opposition members and supporters, civil society activists, student activists, and journalists." It is stated in the report that:

> Arrests require court-issued warrants, and the law requires that police inform an arrested person of the charges before taking the individual into custody; however, these rights were not respected in practice. Although the law requires a preliminary hearing before a magistrate within 48 hours of an arrest (or 96 hours over a weekend), authorities routinely disregarded the law if a person did not have legal representation. Police typically made arrests which may have been politically motivated on Friday, which permitted legal detention until Monday. There were numerous reports of security forces arbitrarily arresting opposition and civil society activists, interrogating and beating them for information about their organizations' activities, and then releasing them the next day without charges. Security forces rarely were held accountable for abuses.
>
> …The government increasingly used arbitrary arrest and detention as a tool of intimidation and harassment, especially against opposition members and supporters, civil society activists, student activists, and journalists. The Zimbabwe Human Rights NGO Forum reported over 1,600 cases of unlawful arrest and detention during the year. According to the Solidarity Peace Trust and Institute for Justice and Reconciliation report *Policing the State*, an evaluation of 1,981 politically-motivated arrests in the country from 2000 to 2005 showed that 1,721 cases resulted in no trial, 256 cases came to trial but resulted in no conviction, and only four cases resulted in a conviction. This trend continued during the year.

The report also indicates that:

> There were numerous reports of political detainees throughout the year, including opposition officials, their supporters, NGO workers, and civil society activists. Most were held for one or two days and released. During the year police severely beat and tortured numerous opposition, civil society, and student leaders while in detention.

> At year's end there were no political detainees in police custody (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Zimbabwe*, March, Sections 1(d) & (e) – Attachment 11).

The UK Home Office country of origin information report on Zimbabwe dated 3 June 2008 includes information on arbitrary arrest and detention by the police in Zimbabwe (UK Home Office 2008, *Country of Origin Information Report: Zimbabwe*, 3 June, Paragraphs 11.19-11.22 & 14.01-14.06 – Attachment 8).

5. What is the 'Public Order and Security Act'? Which arm of government is responsible for administering this Act?

According to an Amnesty International report dated 2 May 2003:

> Since its enactment in 2002, POSA [Public Order and Security Act] 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. The police have used POSA to arbitrarily arrest hundreds of Zimbabweans, mainly opposition supporters, since its enactment. Many have had the charges against them dropped or dismissed in court due to lack of evidence. However, the legislation has provided the police with a pretext to intimidate, harass and brutally torture real or perceived supporters and members of the opposition.
>
> The government contends that the restrictive elements of POSA are necessary for enabling the police to deal with alleged threats to public safety, including "terrorist" threats following the attacks of 11 September 2001 in the USA. According to Patrick Chinamasa, Minister of Justice, Legal and Parliamentary Affairs, the legislation ensures that Zimbabweans "…move about peacefully, they enjoy their freedoms, without any fear that those freedoms may be threatened."[36]

The report includes information on several sections of the POSA and their use by the authorities:

> Section 5 of POSA criminalizes the establishment of an organization to overthrow the government by unconstitutional means; usurp the functions of government; or coerce the government (including through physical force, boycotts and civil disobedience). Under Section 5, this is punishable by up to 20 years in prison. Amnesty International is concerned that this provision is being abused by the government authorities to target its opponents.
>
> …Several provisions of POSA apply specifically to the rights to freedom of expression and freedom to impart information. For example, Section 12 makes it a criminal offence to do or say anything which may cause "disaffection among the Police Force and Defence Forces", punishable by imprisonment for up to two years…
>
> According to Section 15, it is an offence punishable by up to five years in prison to publish statements which incite or promote public disorder or public violence; adversely affect the defence or economic interests of the country; undermine public confidence in the police, prison or defence forces; or interfere with any essential service. Section 16 makes it an offence to insult the Office of the President, punishable by up to one year in prison.
>
> Taken together, Amnesty International believes that Sections 12, 15 and 16 are being used by the government to target individuals and organizations whose views differ from those of the government. The authorities may use these provisions to target the independent media and human rights activists who document and expose human rights violations perpetrated by the

> government and its agents, as these activities could now fall into the category of undermining public confidence in the security forces or undermining the authority of the President.[37]
>
> …According to Section 17 and 19 of POSA, individuals who disturb the peace, or say or do anything which is considered obscene or insulting can be imprisoned for up to 10 years. These provisions may be used as an excuse by the authorities to target individuals and organizations which engage in, advocate or organize peaceful acts of civil disobedience.
>
> Section 21 of POSA makes acts or statements which engender feelings of hostility towards police officers an offence punishable by up to two years in prison…
>
> Sections 23-31 regulate the organization and conduct of public gatherings and provide the police with extensive powers to control them. For example, Section 24 requires that police are given four days' advance notice for the holding of public gatherings or meetings. In practice, police are using this provision to refuse permission to hold public gatherings and meetings. Sections 25 and 26 grant the police wide powers to break up and even prevent public gatherings altogether if they are deemed to endanger public order. Since POSA's enactment, the police have actively used these provisions to strictly police peaceful meetings and have, to some degree, made Zimbabwe a police state where democratic activity is tightly controlled and supervised, and where repression of internationally recognized human rights is the commonplace.
>
> …Under Section 32 of POSA, the police have been granted the power to demand identity documents from anyone above the age of 16 when in a public place. If unable to produce them immediately, the documents must be produced at a police station within seven days. Amnesty International is concerned that in the context of escalating involvement of police officials in perpetrating human rights violations, this provision may be misused by the police to intimidate and discourage people from attending political gatherings and rallies, thereby restricting their freedom of movement, assembly and association…
>
> The provisions of POSA cited above place severe restrictions on the rights of Zimbabweans to freedom of association, assembly and expression, all of which are guaranteed under Zimbabwe's Constitution, as well as the ICCPR and the African Charter. Of particular concern is the way in which the police have interpreted POSA as a justification for excessive use of force and to deter those with dissenting voices from holding public rallies and demonstrations (Amnesty International 2003, *Zimbabwe: Rights under siege*, 2 May, AFR 46/012/2003, pp. 17-21 – Attachment 26).

Please see the attached paper dated 2 March 2005 for an analysis of the Public Order and Security Act (Matyszak, Derek 2005, 'Democratic space and state security: Zimbabwe's Public Order and Security Act', Kubatana.net website, 2 March http://www.kubatana.net/html/archive/opin/050302dm.asp?sector=LEGISL – Accessed 26 June 2008 – Attachment 27).

The US Department of State report on human rights practices in Zimbabwe for 2007 includes information on amendments made to sections of the Public Order and Security Act. The report notes that:

> In February 2006 the government passed the General Laws Amendment Act (GLAA), which amended sections of the Public Order and Security Act (POSA) to allow authorities to monitor and censor "the publication of false statements that will engender feelings of hostility towards--or cause hatred, contempt or ridicule of--the president or acting president." The GLAA recommends a prison term for any journalist who "insults the president or communicates falsehoods."

> …POSA and the criminal code grant the government a wide range of legal powers to prosecute persons for political and security crimes that are not clearly defined. The July 2006 enactment of the amended criminal code consolidated a variety of criminal offenses, including crimes against public order, reportedly to amend progressive portions of POSA. However, the Institute for Justice and Reconciliation and the Solidarity Peace Trust reported that almost all the offenses in POSA were transferred to the criminal code, in some cases with drastic increases in the penalties. For example, making a false statement prejudicial to the state now carries a maximum prison sentence of 20 years in prison. Failure to give police the requisite advance written notice of a meeting or demonstration remains an offense under POSA (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Zimbabwe*, March, Section 2(a) – Attachment 11).

The Human Rights Watch report dated March 2008 indicates that as part of mediation talks involving the Southern African Development Community (SADC), the Zimbabwe government had agreed to review POSA and other laws. Parliament passed amendments to POSA and the Access to Information and Protection of Privacy Act (AIPPA), "which came into force on January 11, 2008". According to the report, "the amendments to these laws… do not go far enough, and there is little evidence that they have been implemented on the ground." It is stated in the report that:

> The Public Order and Security Amendment Act (No. 18. 2007) amends provisions of Part IV of the Public Order and Security Act 2002 relating to public meetings, processions, and demonstrations: notifications for public rallies or demonstrations can now be given to the nearest police station (previously notification was given to the regulating authority in which the gathering was to be held). Appeals against prohibition orders will be dealt with on an urgent basis at a magistrates court, and police powers to disperse disorderly or potentially disorderly gatherings are defined, which was not the case previously.[69] Yet these amendments to POSA have in reality failed to improve the political environment as the police continue to selectively use the law to prevent opposition meetings and rallies.
>
> ...Lawyers informed Human Rights Watch that the amendments to POSA are unlikely to open up the space for the opposition to campaign, as has been widely claimed by the government. Incidents documented by Human Rights Watch and local organizations such as Zimbabwe Lawyers for Human Rights (ZLHR) indicate that either the police and the judiciary have yet to familiarize themselves with the amendments to POSA, or are deliberately misinterpreting the law to prevent demonstrations from taking place (Human Rights Watch 2008, *All Over Again: Human Rights Abuses and Flawed Electoral Conditions in Zimbabwe's Coming General Elections*, March, Volume 20, No. 2(A), pp. 27-28 – Attachment 25).

The UK Home Office country of origin information report on Zimbabwe dated 3 June 2008 includes information on the Public Order and Security Act and the Criminal Law (Codification and Reform) Bill (UK Home Office 2008, *Country of Origin Information Report: Zimbabwe*, 3 June, Paragraphs 18.33-18.35 & 37.05-37.17 – Attachment 8).

A copy of the Public Order and Security Act of 2002, which includes amendments made pursuant to the General Laws Amendment Act 2005 (No. 6 of 2005), is attached (Government of Zimbabwe 2002, 'Public Order and Security Act [Chapter 11:17]', Act 1/2002, Kubatana.net website, 22 January http://www.kubatana.net/html/archive/legisl/020122posa.asp?orgcode=par001&year=2002&range_start=1 – Accessed 26 June 2008 – Attachment 28).

A copy of the Criminal Law (Codification and Reform) Act (Act 23/2004), which came into force on 1 July 2006, is also attached. Part XI of the Sixth Schedule of the Act sets out the amendments to the Public Order and Security Act [Chapter 11:17] pursuant to the Criminal Law (Codification and Reform) Act (Government of Zimbabwe 2004, 'Criminal Law (Codification and Reform) Act [Chapter 9:23]', Act 23/2004, Kubatana.net website http://www.kubatana.net/html/archive/legisl/050603crimlaw.asp?orgcode=par001&range_start=1 – Accessed 26 June 2008 – Attachment 29).

A copy of the Public Order and Security Amendment Act, 2007 is also attached (Government of Zimbabwe 2008, 'Public Order and Security Amendment Act 2007', Act No. 18 of 2007, Kubatana.net website, 11 January http://www.kubatana.net/html/archive/legisl/080111posamdac.asp?orgcode=par001&year=0&range_start=1 – Accessed 26 June 2008 – Attachment 30).

6. Please provide an update on the level of state protection available to suspected opposition supporters.

The US Department of State report on human rights practices in Zimbabwe for 2007 refers to the police in Zimbabwe as "poorly trained and equipped, underpaid, and corrupt." Although the Zimbabwe Republic Police "officially is under the authority of the Ministry of Home Affairs, in practice the President's Office controlled some roles and missions… There were reports that police and army officials suspected of being sympathetic to the political opposition were demoted or fired." It is stated in the report that:

> Police were poorly trained and equipped, underpaid, and corrupt. Severely depleted human and material resources, especially fuel, further reduced police effectiveness during the year. It was difficult for rank-and-file police to remain impartial due to continued politicization of the force's upper echelons. For example, police officers being considered for promotion were reportedly required to give a 10-minute speech defending the country's widely criticized land reform policy as an exemplary model of agrarian reform. There were reports of ZANU-PF supporters wearing police uniforms while violently disrupting public gatherings and demonstrations and torturing opposition and civil society activists in police custody. There also were reports that untrained or unqualified personnel were hired into the police solely because of their support for ZANU-PF. Corruption increased in part due to low salaries and a worsening economy.
>
> Security forces were rarely held accountable for abuses. Frequent allegations of excessive force and torture were often dismissed by senior government officials as necessary and justifiable actions to maintain public order. After security forces violently prevented a public gathering on March 11, President Mugabe was widely quoted as saying that "the police have a right to bash" protesters who resist them.
>
> …Police seldom responded during incidents of vigilante violence.

The report also refers to the government increasingly using "arbitrary arrest and detention as a tool of intimidation and harassment, especially against opposition members and supporters, civil society activists, student activists, and journalists. The Zimbabwe Human Rights NGO Forum reported over 1,600 cases of unlawful arrest and detention during the year" (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – Zimbabwe*, March, Section 1(d) – Attachment 11).

The article dated 27 June 2008 on the Amnesty International website, which indicates that "[v]oting in Zimbabwe on Friday has been marked by a campaign of state violence and intimidation in the run up to the presidential election" refers to "[s]tate security agencies such as the police and army… being used to pursue a partisan agenda – seriously compromising their constitutional responsibility to protect the human rights of all Zimbabweans" (Amnesty International 2008, *Violence and coercion mark Zimbabwe's election*, 27 June http://www.amnesty.org/en/news-and-updates/news/violence-and-coercion-mark-zimbabwes-election-20080627 - Accessed 1 July 2008 – Attachment 4).

The Human Rights Watch report dated June 2008 indicates that "in most cases, police have failed to take action when ZANU-PF and its allies have assaulted alleged MDC supporters." The report refers to the government of Zimbabwe "at national and local levels actively, systematically and methodically" targeting "Movement for Democratic Change (MDC) activists and perceived MDC supporters", and indicates that those responsible were "officials from ZANU-PF, often working through proxy forces of so-called war veterans and youth militia, backed by members of the armed forces and police." The violence was "being orchestrated by the Joint Operations Command, which is headed by senior ZANU-PF officials and includes the heads of the Zimbabwe Defence Forces, police, prison services, and the Central Intelligence Organization. In some areas local police are attempting to enforce the rule of law, but they are being undermined by their own superior officers." It is further stated in the report that:

> The government and the state security forces and other state agents are fully responsible for the violence. The authorities have failed to ensure that the police deal impartially with the perpetrators of violence regardless of their affiliation. By allowing the main perpetrators of these abuses to act with impunity the government of Zimbabwe bears full responsibility for the serious crimes committed in its name.
>
> …While this report has described a number of incidents when police officers stepped in to rescue victims or to break up beatings, in most cases, police have failed to take action when ZANU-PF and its allies have assaulted alleged MDC supporters. Victims have consistently complained of the reluctance of law enforcement officers to deal with the violence. In several cases documented by Human Rights Watch where victims made reports of assault and other human rights abuses to the police, the standard response from the police was to note the incident and take no further action. Almost invariably no arrests were made by the police in cases of political violence.
>
> …Police officers and others have told Human Rights Watch that the police are under strict instructions not to interfere with "political issues" and are not in a position to assist victims.[115] These police officers said that police are operating under the instructions of senior army and government officials and are thus unable to operate independently in dealing with the violence (Human Rights Watch 2008, *"Bullets for Each of You": State-Sponsored Violence since Zimbabwe's March 29 Elections*, June, pp.1-2 & 56-57 – Attachment 7).

The UK Home Office country of origin information report on Zimbabwe dated 3 June 2008 provides information on the police in Zimbabwe, including police involvement in arbitrary arrest and detention, torture and extra-judicial killings (UK Home Office 2008, *Country of Origin Information Report: Zimbabwe*, 3 June, Paragraphs 11.10-11.34 & 14.01-14.06 – Attachment 8).

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http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain

Non-Government Organisations

Human Rights Watch http://www.hrw.org/
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Committee to Protect Journalists website http://www.cpj.org/
Reporters Without Borders website http://www.rsf.org/rubrique.php3?id_rubrique=20

International News & Politics

BBC News http://news.bbc.co.uk

Region Specific Links

Kubatana.net website http://www.kubatana.net/index.htm

Search Engines

Copernic http://www.copernic.com/

Databases**:**

FACTIVA (news database)
BACIS (DIAC Country Information database)
REFINFO (IRBDC (Canada) Country Information database)
ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)
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List of Attachments

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2. Shaw, Angus 2008, 'Zimbabwe's Mugabe sworn in after discredited vote', *Associated Press Newswires*, 30 June. (FACTIVA)

3. Human Rights Watch 2008, *African Union: Reject Result in Zimbabwe's Sham Election*, 29 June http://hrw.org/english/docs/2008/06/28/zimbab19221.htm - Accessed 30 June 2008.

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6. 'Urban areas under siege' 2008, *Zimbabwe Standard*, 22 June. (CISNET Zimbabwe CX202940)

7. Human Rights Watch 2008, *"Bullets for Each of You": State-Sponsored Violence since Zimbabwe's March 29 Elections*, June.

8. UK Home Office 2008, *Country of Origin Information Report: Zimbabwe*, 3 June.

9. 'Predators – Zimbabwe: Robert Mugabe' (Undated), Reporters Without Borders website http://www.rsf.org/article.php3?id_article=13667 – Accessed 25 June 2008.

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19. Rhodes, Tom 2008, 'Bad to Worse in Zimbabwe', Committee to Protect Journalists website, 23 June http://www.cpj.org/Briefings/2008/zim08/zim08.html - Accessed 25 June 2008.

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22. 'British journalist fined and deported after being held for a week' 2008, Reporters Without Borders website, 17 April http://www.rsf.org/article.php3?id_article=26597 – Accessed 25 June 2008.

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