



09 OCTOBER 2006

INFORMATION ALERT

“FINALITY MUST BE DRAWN TO THIS SORRY SAGA”

Today, 9 October 2006, Justice Anne-Marie Gowora, considered arguments in the case of **Associated Newspapers of Zimbabwe v. Media and Information Commission and Minister of Information and Publicity**, HC. 1786/06, in the High Court of Zimbabwe in Harare.

Representing the Associated Newspapers of Zimbabwe (ANZ), Advocate Eric Matinenga argued that the court should register the ANZ as a mass media service in terms of section 66 of the Access to Information and Protection of Privacy Act and that the court should order the Media and Information Commission (MIC) to issue the ANZ with a certificate of registration.

The ANZ argues that, in light of the fact that the MIC has been judged by both the High Court and Supreme Court to be biased, and further that the Minister of Information failed to put in place an administrative mechanism to ensure that the application for registration could be disposed of within the stipulated period of 30 days from the date on which the Supreme Court ruled that the application had to be considered anew by a non-biased authority, the court itself is entitled to declare that the ANZ be registered.

Advocate Matinenga further argued that, in the event that the court were to find that an administrative authority should make the decision on registration instead of the court, ANZ should be permitted to continue carrying on the activities of a mass media service pending the consideration of its application. He quoted and agreed with a previous judgement in the similar Econet saga, in which the Judge President, Wilson Sandura (as he then was), stated that, “Finality must be drawn to this sorry saga”.

Ms. Mercy Chizodza, on behalf of the MIC, argued that the court was not competent to register the ANZ, and that the mass media service should have used the provisions of the Administrative Justice Act to seek relief rather than approach the courts.

Mr. Nelson Mutsonziwa, who appeared on behalf of the Minister of Information and Publicity, argued that the Minister should have been given a chance to consider the application before the ANZ approached the court for relief. This was despite the fact that the Minister’s attention had been drawn to the pending application and the fact that the MIC could not handle the matter, from as early as mid-March 2005, and yet had failed to take any corrective action to resolve the long-outstanding matter.

Justice Gowora reserved judgement in the matter.

**-End-
09 October 2006**