

Newspaper wins bid to report on Zim election

By [Franny Rabkin](#)

10 Jun 2010

President Jacob Zuma has seven days to provide the *Mail & Guardian* newspaper with a report on the 2002 Zimbabwe election that has been kept under wraps for eight years, a judge ordered on Friday (4 June 2010).

The report was written by Deputy Chief Justice Dikgang Moseneke and Constitutional Court Justice Sisi Khampepe for former president Thabo Mbeki. It dealt with "legal and constitutional challenges" in the run up to the disputed election.

Mail & Guardian editor Nic Dawes previously told *Business Day* he suspected the report would contain information that would contest the view that the disputed election was free and fair.

The Presidency said it had no comment yesterday (6 June).

Unless Mr Zuma appeals, the *Mail & Guardian* should see the report before June 23.

Judge Stanley Sapire of the North Gauteng High Court is expected to give full reasons for his decision today. The newspaper's attorney, Dario Milo of Webber Wentzel attorneys, said the order was a "victory for openness, transparency and accountability".

He said that it proved the Promotion of Access to Information Act had "sharp teeth". M&G Media, which owns the newspaper, had requested access to the report in 2008 in terms of the act.

It was refused and an internal appeal was similarly dismissed - leading to the court case.

Mr Milo said the order "also makes it plain that even the office of the Presidency is subject to the access to information laws and cannot without proper justification keep official documents secret".

Mr Dawes said yesterday the order was a "very important one".

He said: "I think there's been a risk that the Promotion of Access to Information Act becomes a dead letter and that no one can enforce it.

"From that point of view, and from the point of view of finding out something substantive about the information the Presidency has had at its disposal about Zimbabwe - and in particular that crucial election - it's a very important judgment."

The 2002 Zimbabwe election was declared "substantially free and fair" by the Southern African Development Community's council of ministers and the Organisation of African Unity.

But the Commonwealth Observer Group said that the conditions "did not adequately allow for a free expression of will by the electors".

Zimbabwe's main opposition party, the Movement for Democratic Change, disputed the result.

Source: Business Day

ABOUT THE AUTHOR

Franny Rabkin is a law and constitution writer.

For more, visit: <https://www.bizcommunity.com>