



MEDIA COMPLAINTS UPDATE 2022





VOLUNTARY MEDIA COUNCIL OF ZIMBABWE

Promoting Media Accountability Today... Tomorrow

SUMMARY: 2022 ADJUDICATED MEDIA COMPLAINTS REPORT

The following are complaints received from members of the public and have gone through the Media Complaints Committee's Adjudication process. The complaints are at various stages of completion.

The majority of the cases have been fully resolved, others are partially resolved while some remained unresolved for various reasons outlined in the complaints summary. For detailed information on the cases please visit the VMCZ website:

www.vmcz.co.zw

Case Number One

Parties: Mr Mpofu v/s The Newshawks

Date of Complaint: February 2022

Nature of Complaint

A complaint of copyright infringement was lodged against The NewsHawks. The complainant in the matter, Mr Khumbulani Mpofu, alleges that NewsHawks used a photograph of Ms Sihle Hadebe of Badminton Farm in Nyamandlovu, which Mr Mpofu claims he captured during the evictions carried out by the Deputy Sheriff and the Police in November 2021. Mr Mpofu claims NewsHawk's used the photograph without crediting him or seeking his permission to use the picture. Mr Mpofu also mentions that the photograph was posted live on his website.

Mr Mpofu demands that NewsHawks should pay him for using his photograph without his permission.

Procedure: The VMCZ Media Complaints Committee after reviewing the complaint wrote to NewsHawks raising Mr Mpofu's concerns and demands on the matter.

STATUS: Resolved

NewsHawks in return offered to directly engage with Mr Mpofu where both parties agreed to a private settlement on the matter. Confirmations were received that payments for the pictures used by NewsHawks were made and both parties indicated that the issue was cordially resolved.

Case Number Two

Parties: Mr Mupeti v/s Twasumpuka News Platform

Date of Complaint: February 2022

Nature of Complaint

Mr Mupeti, a teacher based in Binga, in Matabeleland North, lodged a complaint with the VMCZ Media Complaints Committee over an article carried by Twasumpuka News Platform headlined: "Two teachers alleged to have committed cases of improper association at Samende Secondary School."

Mr Mupeti complains the whole story is false and that paragraph four of the story is inaccurate as he did not propose and fell in love with one girl aged below 16 at the school. Mr Mupeti says the whole article is malicious and is meant to tarnish and soil his reputation and wants Twasumpuka to retract the story and apologise to him.

Procedure: Full Adjudication of the Matter

The matter went to full adjudication before the committee. Mr Mupeti at the adjudication meeting outlined inaccurate issues identified in the story. Mr Mupeti indicated that he did not propose and fell in love with a girl aged below 16 at the school. He also denied visiting the girl at her homestead, spending weekends at local ball games tournaments sessions, and also giving her money. He indicated that there was need for a balanced story as the news platform failed to get comment from the headmaster at the school after Mr Mupeti denied them a right of reply as he was not legally allowed to talk to the media according to the Ministry of Education protocols. Twasumpuka News Platform, represented at the meeting by its editor Mr. Babbiton Ndlovu, said as a media house they had a watchdog role to play in society and in publishing the story they were fulfilling their societal obligation. The publication however conceded there was need to get a comment from the headmaster before publication. The Media Complaints Committee argued that with the seriousness of allegations raised and lack of strong and compelling evidence against Mr Mupeti it was incumbent on Twasumpuka News Platform to have held onto their story until they had got a comment and a response from Mr Mupeti and all parties in the Ministry of Education hierarchy.

STATUS: Partly Resolved

After a full sitting and receiving representations from both parties the committee noted grey areas in the news report and noted that with serious allegations raised against Mr Mupeti it was important for Twasumpuka to withhold the story until there were comments from the authorities. After the committees' concerns Twasumpuka News Platform agreed to publish a retraction and an apology to Mr Mupeti in their next edition. Twasumpuka News Platform also agreed to demands by Mr Mupeti that he be furnished with a draft of the retraction before publication. However almost three months after the resolution, Twasumpuka has not met its commitments and communications to the editor is not being responded to while the Editor does not answer calls and messages sent to his communication platforms. The MCC will continue to engage Twasumpuka to do the right thing and ensure accountability. VMCZ will escalate the matter to the Zimbabwe Association for Community Radio Stations (Zacras) and to Zimbabwe National Editors Forum (Zinef) to help in ensuring that Twasumpuka meets its professional commitments.

Case Number Three

Parties: Mr Nkala v/s B Metro

Date of Complaint: February 2022

Nature of Complaint

The Media Complaints Committee received a complaint from Mr Nkululeko Nkala over an article published by B-Metro headlined: "Intwasa festival boss in nasty street brawl." Mr Nkala says the story is malicious and is meant to tarnish his image and has affected his work and sponsorship deals as the facts of the matter in the whole story were not captured accurately. Mr Nkala in the complaint says the reporter Mr Langa Mabhena, is using the media and the newspaper story to settle personal scores, which he says is both unprofessional and unethical for a journalist to do. Mr Nkala says the story is not written factually and all the evidence provided and given before publication of the story was not used but rather he was misinterpreted in the whole story. Mr Nkala complains that the manner in which the story was written portrays him as an aggressor when in actual fact it is him who was assaulted. Mr Nkala wants a retraction and an apology to be published to address the misrepresentation he suffered. Mr Nkala says there was no brawl between him and the person he is alleged to have fought, but instead he was assaulted, and a case of assault was opened with the police and the perpetrator paid an admission of guilty fine.

Procedures: Full Adjudication of the Matter

The matter went to a full adjudication before the Bulawayo Provincial Adjudication Committee. B-Metro was represented at the hearing by its Editor Mr Tumeliso Makurane. Mr Nkala presented his case and said contrary to the story he was not involved in a brawl but was assaulted. As part of the evidence Mr Nkala said he presented the reporter with evidence that the perpetrator paid an admission of guilt fine while he (Nkala) did not pay any admission of guilty fine. Mr Nkala says the reporter deliberately left out the information that would have shown that he was a victim and not the aggressor. He further said the story had inaccuracies as he was not the boss at Intwasa Arts Festival but the person in charge is Mr Raisedon Baya. Mr Nkala says the reporter who authored the story has sour grapes with him and wants the newspaper to put the correct facts across.

STATUS: Resolved

After presentations by Mr Nkala and interrogation of facts arising from the complaint, B-Metro editor, Mr Makurane indicated that their story was written from witnesses' accounts and the reporter

captured eye witness accounts. Mr Makurane indicated that as part of accountability procedures he will request for written statements from witnesses quoted by the reporter in the story to verify on whether they stand by quotations made by the reporter in the story. Mr Makurane said he will analyse the statements and make a decision on how they proceed with the matter. Mr Makurane indicated that as part of the newspaper policy they value accountability to readers and will investigate whether there were lapses on the part of the reporter in interpreting eye witness accounts. However, after deliberations on the matter, the complainant in the matter, Mr Nkala indicated that he would not seek any further remedy on the matter and indicated that the interaction with Mr Makurane and the committee was adequate and important in his role as an artist. He indicated that the interaction with B-Metro was adequate to create common understanding and said seeking an apology at this stage will not serve any purpose but indicated that the face to face engagement and clarification of issues was vital as there was an understanding of his position on the matter complained of. The committee noted the consensus arrangement and commended the professionalism exhibited by Mr Makurane towards amicably resolving the matter, and thanked Mr Nkala for utilising the media self-regulation mechanism instead of reporting to courts of law.

Case Number Four

Parties: ZIMCODD v/s The Herald

Date of Complaint: March 2022

Nature of Complaint

Zimbabwe Coalition on Debt and Development (ZIMCODD) lodged a complaint with the VMCZ Media Complaints Committee over an article published by The Herald on 10 March, 2022 headlined “Participants welcome PVO amendment Bill” <https://www.herald.co.zw/participants-welcome-pvo-amendment-bill/> on 10 March 2022. ZIMCODD says it notes with great concern that the article from The Herald makes allegations that ZIMCODD was involved in the bussing and ferrying of people from Harare and Masvingo to attend the Gutu parliamentary consultations on the PVO Bill. ZIMCODD says the article alleged that ZIMCODD did that through someone by the name, Mr Proposer Tingindi, purported to be an employee of ZIMCODD.

ZIMCODD claims Mr Tingindi is not their employee nor a member of ZIMCODD and has never been employed by ZIMCODD in any capacity and has never conducted any business on behalf of

ZIMCODD. ZIMCODD wants the Herald to issue an apology for the erroneous mention of ZIMCODD and allegations that Tingindi works for the organisation.

STATUS: Resolved

After engagements with the Media Complaints Committee, The Herald published a retraction on the matter on 12 March 2022 acknowledging that ZIMCODD was not part of the alleged activities reported on and that ZIMCODD did not sponsor the disruption of meetings of the Parliament outreach hearings on the Private Voluntary Organisations Amendment Bill. The newspaper also acknowledged that Prosper Tingindi is not an employee of ZIMCODD contrary to what was stated in the published story.

Case Number Five

Parties: Mr Tingindi v/s The Herald

Date of Complaint: March 2022

Nature of Complaint

Mr Prosper Tingindi brought to the attention of the VMCZ Media Complaints Committee a complaint over a story published by the Herald entitled “ Participants welcome PVO amendment Bill” <https://www.herald.co.zw/participants-welcome-pvo-amendment-bill/> . Mr Tingindi in his complaint argues that The Herald published false allegations that he organised transport on the day when Parliament outreach hearing on the Private Voluntary Organisations amendment bill were held at Masvingo Primary School in Gutu. Mr Tingindi says he used his own transport to attend the parliament outreach hearing and did not organise anybody to attend the parliamentary outreach meeting.

Mr Tingindi further argues that the newspaper alleged that he works at Zimbabwe Coalition on Debt and Development (ZIMCODD). Mr Tingindi says he does not work for and has never worked for ZIMCODD in any capacity. Mr Tingindi further states that he has never attended any activity organised by ZIMCODD. He further states that The Herald was not fair in its reportage as the newspaper failed to consult him or verify before publication on whether he worked for ZIMCODD or not. Mr Tingindi wants the Herald to retract the malicious information about him.

STATUS: Resolved

The Media Complaints Committee wrote to Herald on the matter. After engagements with the committee, The Herald subsequently published a retraction on 12 March 2022 clarifying that Mr Tingindi did not work for ZIMCODD and that ZIMCODD was not part of the alleged activities and was not part of disruptions of meetings of the ongoing Parliament outreach hearings on the Private Voluntary Organisations Amendment Bill.

Case Number Six

Parties: Mr Kangai v/s Mining Zimbabwe Magazine

Date of Complaint: March 2022

Nature of Complaint

The Mining Zimbabwe Magazine approached the VMCZ Media Complaints Committee to help them solve in an amicable manner the articles they published on 10 and 11 March 2022 about Mr Ralph Kangai. In a letter brought to the MCC by Mining Zimbabwe Magazine, through their lawyers, Kachere Legal Practitioners, states that their client Mr Kangai has instituted legal action against them over a story citing him as a controversial businessman and the story also indicates that he had been caught in another controversy yet throughout the story there is no mention of any previous controversies. Mr Kangai complains that the Mining Magazine Zimbabwe did not give a balanced report and it also gave a political connotation to the whole story by falsely misrepresenting their client Mr Kangai as the son of a deceased Zanu PF official in order to create the impression that he is part of the corrupt and rich elite.

Mr Kangai says the publications are false and highly defamatory of him as an ethical family man and an honest businessman. Mr Kangai says the publication of false stories has already negatively impacted his relations with his clients and other businessmen who are now skeptical to transact with him. Mr Kangai is demanding an urgent retraction of the false stories and placing in equally prominent spaces and places, such retraction. He says Mining Zimbabwe Magazine should remove the defamatory stories on various online platforms including, but not limited to Facebook, and should pay US\$100 000 for defamation damages within a period of seven days of receipt of the letter.

Procedures: Full Adjudication of the Matter

A meeting of the Media Complaints Committee was convened with the parties. The Committee highlighted the request from Mining Zimbabwe for Mr Kangai to drop the defamation charges and

proceed through the VMCZ Complaints Mechanism. Mr Kangai conceded to proceeding through the VMCZ self-regulation complaints mechanism but only on condition that Mining Zimbabwe cover the legal costs he has incurred in the matter so far.

STATUS: Finalised

After consultations Mining Zimbabwe indicated that they were not in a position to cover Mr Kangai's legal costs he has incurred so far in the matter. VMCZ Media Complaints Committee while leaving the door open for Mining Zimbabwe Magazine to reconsider their position, was left with no choice but to drop the matter off the register and allow Mr Kangai to pursue the legal route in resolving the matter.

Case Number Seven

Parties: Ms Zhou v/s H-Metro

Date of Complaint: March 2022

Nature of Complaint

The Media Complaints Committee received a complaint from Ms Evangelista Zhou over an article published by H-Metro on 16 March, 2022 headlined: "Madam Boss hubby secret affair exposed." Ms Zhou says the story contains falsehoods that need to be corrected and therefore demands that the story be retracted and pulled down from H-Metro online platforms and an apology issued to her. Ms Zhou says she is not pregnant at all and does not know Ngonidzashe Munetsiwa, madam boss's husband and has never been involved in any relationship with him. Ms Zhou says she is not pregnant with Munetsiwa's child as alleged by the paper.

She says comments attributed to her by the reporter are false as she never made the said comments. Ms Zhou contends that the video being circulated of her taking poisonous stuff and is said to be recent, is a 2017 video that has been edited and has been tempered with, together with fake created social media accounts under her name. She further says when the H-Metro reporter spoke to her the reporter was covert and never mentioned anyone by name and says the reporter kept asking her where her boyfriend was and kept demanding her boyfriend's number, which she refused to give. She says the H-Metro reporter kept saying she was doing a story pertaining to her sour relationship with her boyfriend, a statement she denied as her relationship with her boyfriend in Mutare was cordial. Ms Zhou says she was surprised when she read on H-Metro that she was pregnant and was in an affair with Munetsiwa.

Procedure: The Media Complaints Committee contacted H-Metro over the matter and the newspaper indicated that it stands by its story as it had evidence that supported the publication of the story. Delays were encountered as the deputy editor Charles Mushinga handling the matter was away for some time. H-Metro indicated that it will give an account of issues when an adjudication on the matter is convened. An adjudication was convened on Tuesday 24 May, 2022 and H-Metro indicated they will attend the meeting to present their side of the story.

STATUS: Finalised

Ms Zhou was contacted on Thursday 19 May ,2022 to attend the adjudication meeting at the VMCZ offices. She indicated that she was now pursuing the matter through civil court remedies but indicated that she was out of town and will communicate her availability for the adjudication meeting on the weekend. She was later unavailable over the weekend and did not respond to phone calls, SMS, and WhatsApp communication when contacted by the Media Complaints Committee. With the unavailability of the complainant and her indication that she wants to proceed and pursue the matter through the civil courts, the Media complaints Committee was left with no choice but to strike the case off the register. However, the Committee and H-Metro are still open to having the case go for an adjudication in order to resolve the matter.

Case Number Eight

Parties: Ms Jepherson v/s The Herald

Date of Complaint: March 2022

Nature of the Complaint

Ms Jepherson through her lawyer Obey Shava of the Shava Law Chambers raised a complaint with the Media Complaints Committee over an article published by The Herald through its senior sports reporter Eddie Chikami titled “Antonio’s Belgium trials hang in the balance” in which the player’s father Mr Antonio allegedly gave a statement to the effect that Ms Jepherson was blocking Antonio’s transfer from Dynamos to Belgium football club -Yellow Red KV Mechelen. Ms Jepherson, through her lawyers advises that the article makes a false statement that the player, although invited for assessment in Belgium, was yet to get the visas and all the necessary documentation. They further state that the article contains allegations that Ms Jepherson is at loggerheads with Mr Antonio and that she

manipulated the player's mother before signing the contract. The lawyers state that the false and defamatory article exposes Ms Jepherson to scorn, hatred, ridicule and contempt from the football fraternity both locally and internationally. The lawyers say their client, Ms Jepherson, demands a retraction of the story and an apology from the Herald newspaper.

Procedures: Full Adjudication of the Matter

An adjudication meeting by the Media Complaints Committee was convened with the parties. Ms Jepherson was represented by Obey Shava and Samantha Makoni of Shava Law chambers while The Herald was represented by Daphine Tomana (Legal Manager), Gladys Gonzo (Legal Officer), Innocent Madonko (Deputy Editor), Collin Matiza (Sports Editor) and Edison Chikani (Sports Journalists). The Committee highlighted the complaint and request from Ms Jepherson for The Herald to offer him a right of reply. After deliberations on the matter under the guidance of the Media Complaints Committee, The Herald agreed to offer Ms Jepherson, a right of reply and an opportunity for her to clarify issues in their next edition.

STATUS: Resolved

After a full sitting and receiving representations from both parties the committee noted that the story contained serious allegations that needed Ms Jepherson's response and it was important for The Herald to have withhold the story until there was comment from Ms Jepherson. After deliberations on the matter under the guidance of the Media Complaints Committee, The Herald agreed to offer Ms Jepherson, a right of reply and an opportunity for her to clarify issues in their next edition.

The clarification story was ultimately published on 14 June 2022 headlined:

<https://www.herald.co.zw/agent-dismisses-antonio-fathers-utterances/#:~:text=THE%20lawyers%20of%20Bill%20Antonio's,flight%20football%20side%20KV%20Mechelen.>

Case Number Nine

Parties: Ms Ncube vs Skyz Metro FM

Date of Complaint: April 2022

Nature of the Complaint

Ms Ncube lodged a complaint against Skyz Metro FM accusing the radio station for intellectual theft of property of content that was aired on radio station. Ms Ncube claims that Skyz Metro used material that she shared with Skyz Metro in response to an advertisement flighted by Skyz Metro to independent radio producers. Ms Ncube says she is disgruntled and says the programme aired is almost similar, and everything in the programme, is what she claims she shared with the radio station and believes that this is intellectual theft of property. She says she was never acknowledged as the owner of the production by Skyz Metro. She says exactly what she shared is what was published and she was not identified as the owner of the content and believes her ideas were used without her consent. Ms Ncube wants Skyz Metro to either engage her directly on the matter and has asked the VMCZ to intervene in necessitating engagement so that the matter can be resolved by both parties.

Procedures: Full Adjudication of the Matter

An adjudication meeting was convened by the Bulawayo Provincial Adjudication Committee of the VMCZ where both parties were invited to make presentations. Ms Ncube highlighted that she responded to an advertisement flighted by Skyz Metro inviting local producers for programmes material. She claims that she was alerted by friends that Skyz Metro had flighted a programme that was similar to what she had submitted. She says she contacted Skyz Metro and was not happy with the response she got from the radio station. In response, Skyz Metro highlighted that the station indeed flighted adverts seeking content from content producers and several applications were received. They conceded that Ms Ncube's application was one of the many received. Skyz Metro indicated the received applications were rated according to their strength and the applicant with the best pitch was awarded and their work was picked for broadcast. The Media Complaints Committee then requested Skyz Metro to provide the winning pitch and Ms Ncube's pitch. Both the winning pitch and Ms Ncube's pitch were read at the adjudication meeting and responses and analysis were recorded.

STATUS: Resolved

After going through the provided pitches Ms Ncube conceded that both pitches were similar but also conceded that the winning pitch was much stronger than hers and conceded that with the evidence presented she was not proceeding with the case as initially presented. The Provincial Media Complaints Committee however indicated that part of its complaints procedure is to build relations and asked whether Skyz Metro could afford Ms Ncube an opportunity to have her production broadcast with the station. Skyz Metro also indicated that they supported local content producers and acceded to the VMCZ request. The station offered to give Ms Ncube mentorship and guidance on how she can improve her proposal and once the proposal was perfect the radio station offered to broadcast her works at either Skyz Metro or its sister station Breeze FM in Victoria Falls. The parties were to decide on the timelines for the mentorship and the ultimate broadcast of the content. Ms Ncube indicated that she was satisfied with the outcome of the matter.

Case Number Ten

Parties: Linda Masarira vs The Standard

Date of Complaint: April 2022

Nature of the Complaint

Ms Linda Masarira lodged a complaint with the Media Complaints Committee against The Standard over a story headlined: "ED pampers Mwonzora & co" published on 24 April 2022. Ms Masarira says that the reporter misquoted her as she did not say she received 150 litres for attending Independence celebrations held in Bulawayo on April 18 2022.

Procedures: Full Adjudication of the Matter

The matter went to full adjudication after The Standard defended its story as being factual. At the adjudication meeting, Ms Masarira produced and played a WhatsApp voice note that she sent to the reporter in relation to the article. From the audio that was played, it became clear that Ms Masarira did not utter those words as quoted by the reporter in the story. The Standard editor agreed that they had misquoted her and offered to publish an apology through a matter of fact article.

STATUS: Resolved

The Standard offered to publish a matter of fact in their next edition of 22 May 2022. The matter of fact was published with the full clarification made by Ms Masarira on 22 March 2022.

Case Number Eleven**Parties: Dumisani Nkomo v/s The Herald****Date of Complaint: May 2022****Nature of the Complaint**

Mr Nkomo brought to the attention of the VMCZ Media Complaints Committee an article published on 25 May 2022 headlined: “Zimbabwe won’t fall prey to Western fables, fabrications.” Mr Nkomo argues that Habakkuk Trust is not part of the Western Regime change agenda and demands that the Herald produce evidence in that regard and in the absence of such should issue an apology to him.

STATUS: Pending

VMCZ wrote to The Herald over the matter. The Herald is yet to respond to the communication and once the Herald responds the matter will be reviewed and all due processes followed. The Media Complaints Committee expressed concerns in delays by media organisations in responding to communication on complaints raised and most media organisations waited until the deadline for responding and in some instances some media organisations raise additional issues causing further delays in resolving matters.

Case Number Twelve**Parties: Mudzvanyirwi v/s Zimpapers****Date of Complaint: March 2022****Nature of the Complaint**

An anonymous complainant identifying themselves as Mudzvanyirwi brought to the attention of the VMCZ Media Complaints Committee a complaint over an alleged case where they say a culprit (named in complaint) who has been harassing women colleagues for over 30 years is still doing the same, where they are currently employed. Mudzvanyirwi says female workers at Zimpapers wrote a petition addressed to the organisation’s chief executive officer, Mr. Pikirayi Deketeke, over the

culprit's lewd comments and sexual conduct and would like to urge VMCZ to conduct investigations on the matter as they believe the matter is being swept under the carpet at Zimpapers.

Procedures: Investigations into the matter

VMCZ contacted Mr Deketeke over the complaint raised. Mr Deketeke confirmed a petition was written to Zimpapers management. Mr Deketeke said a disciplinary hearing was conducted for the staffer who was engaged on contract basis and after deliberating on the issues raised in the petition, the culprit conceded to issues raised in the petition and indicated that he assumed that his colleagues will take the issues as joking manner and did not believe that they would view it as sexual harassment.

STATUS: Resolved

Mr Deketeke says as part of the engagement and concessions made at the hearing both parties agreed to part ways amicably and Zimpapers and the culprit terminated the contract. Mr Deketeke said as part of Zimpapers sexual harassment policies, all employees at the workplace are protected from sexual harassment.

#Ends