



IN THE CONSTITUTIONAL COURT OF ZIMBABWE

Constitutional Application No. CCZ 7 of 15

In the matter between:

**MEDIA INSTITUTE OF SOUTHERN AFRICA (Zimbabwe Chapter)
NQABA MATSHAZI
SYDNEY SAIZE
GODWIN MAGUDYA**

**1st Applicant
2nd Applicant
3rd Applicant
4th Applicant**

and

**MINISTER OF JUSTICE, LEGAL & PARLIAMENTARY AFFAIRS
MINISTER OF INFORMATION, MEDIA & BROADCASTING SERVICES
THE ATTORNEY-GENERAL OF ZIMBABWE**

**1st Respondent
2nd Respondent
3rd Respondent**

Constitutional application.

HARARE: Wednesday the 3rd day of February 2016

Before the Honourable **Mr Justice Chidyausiku**, Chief Justice
the Honourable **Mr Justice Malaba**, Deputy Chief Justice
the Honourable **Mr Justice Ziyambi**, Judge of Constitutional Court
the Honourable **Mr Justice Garwe**, Judge of Constitutional Court
the Honourable **Mrs Justice Gowora** Judge of Constitutional Court
the Honourable **Mrs Justice Guvava**, Judge of Constitutional Court
the Honourable **Mrs Justice Mavangira**, Judge of Constitutional Court
the Honourable **Mr Justice Bhunu**, Judge of Constitutional Court
and the Honourable **Mr Justice Uchena**, Judge of Constitutional Court

T Magwaliba, for the Applicant
Mrs V Munyoro, 1st & 3rd for the Respondents

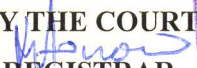
WHEREUPON, after reading documents filed of record and hearing counsel,

IT IS ORDERED THAT:

The application is granted in terms of the amended draft order as follows:-



- “1. Having been declared as inconsistent with section 20 (1) of the former Constitution in the judgment of this Honourable Court in *Madanhire & Anor v The Attorney General* CC2/15, section 96 of the Criminal Law (Codification and Reform) Act [Chapter 9:23] was not an existing law as defined in section 1 of the 6th Schedule to the Constitution of Zimbabwe
2. Accordingly for the avoidance of doubt, section 96 of the Criminal Law (Codification and Reform) Act is void and part of the said enactment.
3. There shall be no order as to costs.”

BY THE COURT

REGISTRAR



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