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0309970

Form No. 29C/Provisional Order/Rule 247

IN THE HIGH COURT OF ZIMBABWE  
HELD AT HARARE

CASE NO. HC 45/21

In the matter between:-

THE TRUSTEES FOR THE TIME BEING FOR  
MEDIA INSTITUTE OF SOUTHERN AFRICA

APPLICANT

AND

MINISTER OF HEALTH AND CHILD CARE N.O  
MINISTER OF INFORMATION AND PUBLICITY  
AND BROADCASTING SERVICES N.O

1<sup>ST</sup> RESPONDENT

2<sup>ND</sup> RESPONDENT

PROVISIONAL ORDER 01 FEB 2021

TO THE RESPONDENTS

TAKE NOTE that, on the 21<sup>st</sup> day of January, 2021 the High Court sitting at Harare before the Honourable Mrs Justice Dube issued a provisional order as shown overleaf.

The annexed Chamber application, affidavit/s and documents were issued in support of the application for this provisional order.

If you intend to oppose the confirmation of this provisional order, you will have to file a notice of Opposition in Form No. 29B, together with one or more opposing affidavits/s, with the Registrar, of the High Court at Harare with ten (10) days after the date of which this provisional order and annexures were served upon you. You will also have to serve a copy of the Notice of Opposition and affidavit/s on the applicant at the address for service specified in the application.

If you do not file an opposing affidavit within the period specified above, this matter will be set down for hearing in the High Court at Harare, without further notice to you and will be dealt with as an unopposed application for confirmation of the provisional order.

If you wish to have the provisional order changed or set aside sooner than the Rules of Court normally allow and can show good cause for this, you should approach the applicant/applicant's legal practitioner to agree, in consultation with the Registrar, on a suitable hearing date. If this cannot be agreed or there is a great urgency, you make a

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Chamber application, on notice to the applicant, for directions from a Judge as to when the matter can be argued.



**PROVISIONAL ORDER**

**TERMS OF FINAL ORDER SOUGHT**

That you show cause to this Honourable Court why a final order should not be made in the following terms:-

1. The failure by the respondents to organise and widely disseminate to the public comprehensive and adequate information regarding both private and public testing, isolation and treatment Covid-19 during the operation of Public Health 9 Covid-19 Containment and Treatment (National Lockdown) No. 2 (Amendment) Order 2021 (No.9) [Statutory Instrument 10 of 2021] is a violation of ss 4 and 5 of The Freedom of Information Act Chapter 10:33 as read with Section 62 of the Constitution of Zimbabwe.
2. The failure by the respondents to supply to the public comprehensive and adequate information regarding the availability and sufficiency of the resources including equipment and medical personnel in the fight against Covid-19 during the operation of Public Health 9 Covid-19 Containment and Treatment (National Lockdown) No.2 (Amendment) Order 2021 (No. 9) [SI 10 of 2021] is in violation of SS 4 AND 5 OF The Freedom of Information Act Chapter 10:33 as read with Section 62 of the Constitution of Zimbabwe.
3. The respondents to pay costs of suit.

**INTERIM RELIEF GRANTED**

That pending their return date it is ordered that

1. Respondents shall forthwith widely disseminate to the Public comprehensive and adequate information regarding both private and public testing, isolation and treatment Covid-19 during the operation of Public Health 9 Covid-19 Containment

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and Treatment (National Lockdown) No.2 (Amendment) Order 2021 (No.9)  
[Statutory Instrument 10 of 2021] In particular:

- i) The respondents are hereby ordered to publish and disseminate on all available platforms in all official languages, information on the occurrence and prevalence of the Covid-19 virus strain 501Y.V2 in Zimbabwe on a regular basis.
- ii) If found to be existent in Zimbabwe the respondents must communicate the pathology of the Covid-19 virus strain 501Y.V2 as well measures to be taken by the public in respect of this strain of Covid-19.
- iii) The respondents must communicate Covid-19 statistics per each District in Zimbabwe and which statistics should include gender desegregated data.
- iv) The respondents must communicate Covid-19 statistics in relation to immigration and cross-border travel. Such reports should include the number of returning residents received and their Covid-19 status.
- v) The respondents must communicate additional information listing public and private testing and treatment centres their capacity and current status of occupation or usage.
- vi) The respondents must communicate the type and quality of medical equipment, other personnel needed, and any further procurements that have been made since the commencement of Public Health 9 Covid-19 Containment and Treatment (National Lockdown) No.2 (Amendment) Order 2021 (No.9) [Statutory Instrument 10 of 2021]

REGISTRAR OF THE COURT  
OF ZIMBABWE  
**BY THE JUDGE**  
10 FEB 2021  
DEPUTY REGISTRAR  
/stc



FIDELITY PRINTERS

JUDICIAL SERVICE COMMISSION

RECEIPT

Name

*Scmidt*

Serial No

1452213 JSC

Address

State method of payment (cheque, etc.) and write in serial number where applicable

*PO*

Credit

Computer code

*FEB*

Additional particulars:

*Two Hundred dollars*

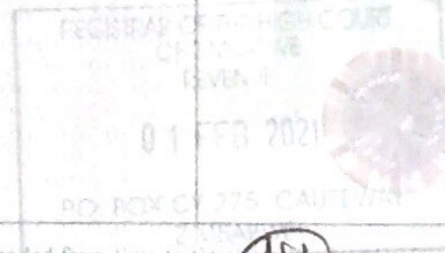
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TOTAL

*200-00*

*Order  
H2 45/21*

Date-stamp



Issued subject to the conditions imposed by the Act and Regulations as amended from time to time

*[Signature]*

Issuing Officer