



## MIAC DATABASE OF ARBITRATORS


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E-mail: [database@miac.mu](mailto:database@miac.mu) or Fax: +230 214 3709


PROFESSIONAL DETAILS	
Title	Mr.
Surname	Brian
First name	Hungwe
Firm or Organization	Association of Arbitrators (Southern Africa) NPC
Position	Fellow
Address 1	145 Hornbill Rd
Address 2	29 Fontana Della Vita, Douglasdale 2191
City	Sandton, Johannesburg
Country	South Africa
Telephone	+27785170812
Fax	
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Website	<a href="https://www.linkedin.com/in/brian-hungwe-8aaba2191/">https://www.linkedin.com/in/brian-hungwe-8aaba2191/</a>
NATIONALITY	
Nationality (1 <sup>st</sup> )	Zimbabwean
Nationality (2 <sup>nd</sup> )	
Nationality (3 <sup>rd</sup> )	
LANGUAGES	
Mother Tongue	Shona & English
Fluent	Both highly proficient
Working knowledge	
Knowledge	
EXPERIENCE AS ARBITRATOR	
Estimated number of cases heard as sole arbitrator	N/A
Estimated number of cases heard as co-arbitrator	N/A


<b>Estimated number of cases heard as presiding arbitrator</b>	N/A
<b>Estimated number of domestic cases</b>	N/A
<b>Estimated number of international cases</b>	N/A
<b>Applicable arbitration rules</b>	Knowledgeable in AASA rules, LCEIA Rules, New York Convention & UNICTRAL
<b>EXPERIENCE AS COUNSEL IN ARBITRATION PROCEEDINGS</b>	
<b>Estimated number of cases handled as counsel in arbitrations</b>	5
<b>Estimated number of domestic cases</b>	5
<b>Estimated number of international cases</b>	n/a
<b>Applicable arbitration rules</b>	Zimbabwe Arbitration Rules & UNICTRAL
<b>ACADEMIC EXPERIENCE (for each experience please indicate your title, the subject taught and institution)</b>	
<b>Academic experience (1<sup>st</sup>)</b>	n/a
<b>Academic experience (2<sup>nd</sup>)</b>	n/a
<b>Academic experience (3<sup>rd</sup>)</b>	n/a
<b>Academic experience (4<sup>th</sup>)</b>	n/a
<b>Academic experience (5<sup>th</sup>)</b>	n/a
<b>FIELDS OF ARBITRATION SPECIALIZATION</b>	
Intellectual Property Law; Construction Law; Contract Law; Environmental Law; Public International Law; Private International Law; Defamation Law; Constitutional Law & International Commercial Arbitration	




BAR ADMISSION (for each bar admission, please specify the place and date)	
Bar admission (1 <sup>st</sup> )	Attorney, Zimbabwe
Bar admission (2 <sup>nd</sup> )	
Bar admission (3 <sup>rd</sup> )	
EDUCATION (for each degree, please specify the school, and date of completion)	
Degree (1 <sup>st</sup> )	National Diploma Mass Communications (Harare Polytechnic, completed 1997)
Degree (2 <sup>nd</sup> )	Bachelor of Law Hons (LLBS), (University of Zimbabwe, completed 1994)
Degree (3 <sup>rd</sup> )	Master of Laws Constitutional & Human Rights Law (LLM) (Midlands State University, completed 2018)
Degree (4 <sup>th</sup> )	Master of Laws Internet Defamation (by research, University of KwaZulu-Natal, completed 2021)
Degree (5 <sup>th</sup> )	
RELEVANT PUBLICATIONS	
<p>Book Chapters:</p> <p>B Hungwe ' Fake news v Freedom of expression. Legislating media trademarks infringements on Social Media Platforms in Kenya and South Africa' (2023) In Akpojivi &amp; Chari (eds) Communication Rights in Africa: Emerging Discourses and Perspectives, Routledge, Taylor &amp; Francis</p> <p>B Hungwe ' The Mozambique Situation: The political and legal implications of investigating and prosecuting perpetrators of war crimes, and or crimes against humanity in Cabo Delgado province' (2022) In Saurombe, Ruhanya &amp; Vambe (eds) Mozambique is Burning: Islamic Insurgency in Cabo Delgado, Midlands State University Press</p> <p>Journals:</p> <p>B Hungwe ' The legal complexities of terrorism as an international crime following the recruitment and enlisting of child soldiers in the Cabo Delgado, Mozambique insurgency war' (2023) Commonwealth Youth Development 20 (1):21 <a href="https://doi.org/10.25159/2663-6549/11360">https://doi.org/10.25159/2663-6549/11360</a>.</p> <p>B Hungwe ' The shifting digital media ecologies and how copyright law should adjust and adapt to journalism' (2023) IPLJ 2023 (forthcoming)</p> <p>B Hungwe ' The Right of Way for Single Publication Rule to promote press freedom in Zimbabwe' (2023) MSU Law journal (forthcoming)</p>	
<p>In order to ensure a consistent presentation of information, the MIAC Secretariat may modify the presentation of the information that you submit.</p> <p>I, the undersigned, certify that to the best of my knowledge, the information and statements provided in this form are true and correct. I further authorize MIAC Ltd. to publish the information and contact details contained in this form on the Database of Arbitrators and to provide such data to users and potential users of MIAC's services.</p>	
Signature	
Date	7/08/23

# Contact

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# Education

2022

**PhD Candidate (The Internet & Intellectual Property Law)**

University of the Witwatersrand

**2022 Association of Arbitrators (Southern Africa) NPC**

- International Commercial Arbitration & Evidence
- Accelerated Arbitration for Advocates and Attorneys

2021

**Master of Laws: LLM Internet Defamation (Theses by Research)**

University of Kwa-Zulu Natal

2018

**Master of Laws: LLM Constitutional & Human Rights Law**

Midlands States University

- International Criminal Law (Passed with distinction)
- Constitutional and Human Rights Litigation (Instituting domestic and International courts litigation)
- Advanced Constitutional Law
- Advanced Human Rights Law
- Research Methodology
- Dissertation

2014

**Bachelor of Laws Honours Degree, LLBS**

University of Zimbabwe

1997

**National Diploma Mass Communication**  
Harare Polytechnic

# Brian Hungwe FAarb

Fellow, Association of Arbitrators (Southern Africa) NPC

A former member of the Harare Law Chambers of Advocates, and Attorney at V. Nyemba & Associates. I have handled and won many high-profile cases in the Superior Courts. I was involved with litigation, particularly Intellectual Property Law, Constitutional Law, Contracts; Civil (Tax and Corporate), Defamation, Media and Human Rights Law, Telecommunications, Administrative Law and Environment Law and Public International Law. I have represented the Vice President of Zimbabwe; Minister of ICTs, and deputy Finance minister in high profile defamation, and criminal cases. I have a passion for Human Rights, and I have handled several constitutional and human rights related cases, including challenging the illegal incarceration of mentally challenged South African citizens under unconstitutional immigration laws: *Mbane & Anor v Chief Immigration Officer & Four Others* HC 9533/18 (ZLHR). This includes writing an opinion for Parliament of Zimbabwe select committee on whether former President Robert Mugabe could appear before the select committee on Privileges and Immunities.

I have 20 years' experience in media reporting/journalism and was voted among the top journalists in Africa by CNN, winning the CNN Africa Journalist of the Year 2000 Free Press Africa Award and the Zimbabwe Union of Journalists Business Reporter of the Year, 2004. In my journalism career, I have interviewed seven heads of state and governments. I had an exclusive TV interview with The Right Reverend and Right Honourable Dr Rowan Douglas Williams, the 104th Archbishop of Canterbury. I also had an exclusive TV interview with his successor, The Most Reverend and Right Honourable Archbishop of Canterbury, Justin Welby a few weeks after he learnt a difficult fact about his biological father.

I have proven leadership, team development skills, and vast experience with high level engagement of national, regional and international policy makers and other key stakeholders. I did consultancy work for United Nations – Zimbabwe UNICEF projects, editing and writing publications. Major consultancy work was producing, writing and compilation of narrative of first Descriptive Youth & Child Equity Atlas for Zimbabwe, based on data derived from a 2012 Census, Child Sensitive Policy Documents, and Postgraduate Child Rights projects. I voted among four young Zimbabweans for the prestigious international honour under 2012 Junior Chamber International (JCI) Ten Outstanding Persons of the World Programme (TOYP) for my inspiring Journalism work. I was also voted among the top 50 Year 2004 Media Institute of Southern Africa influential young Zimbabweans.. I won the 1993 Commonwealth Parliamentary Association Zimbabwe National High Schools Essays Competition, Best Midlands Province student, and third prize national winner.

## Experience

**2022 Fellow, Association of Arbitrators Southern Africa (AASA)**

**2016 - 2022**

MetBank Limited (Banking Financial Institution) | Harare, Zimbabwe

### Non-Executive Board Member

- Chaired the Board Finance Committee; Board Risk & Compliance Committee; Board Loans Review Committee.
- Provided legal advice to MetBank, chairing its legal, compliance, finance, and board audit and review committees.
- Worked out a formula to redeem the bank's image, and provided counsel in litigation following 2019 Audit Reports.

### Professional Assignments/Articles

**2014 - 2021**

- Book Chapter: B. Hungwe 'The Mozambique Situation: The political and legal implications of investigating and prosecuting perpetrators of war crimes, and or crimes against humanity in Cabo Delgado province' (2022) In Saurombe, Ruhanya & Vambe (eds) Mozambique is Burning: Islamic Insurgency in Cabo Delgado, Midlands State University Press
- Book Chapter: (Forthcoming) B. Hungwe 'Fake news v Freedom of expression. Legislating media trademarks infringements on Social Media Platforms in Kenya and South Africa' (2023) In Akpojivi & Chari (eds) Communication Rights in Africa: Emerging Discourses and Perspectives, Routledge, Taylor & Francis
- Journal: (Forthcoming) B. Hungwe 'The legal complexities of terrorism as an international crime following the recruitment and enlisting of child soldiers in the Cabo Delgado, Mozambique insurgency war' (2023) Commonwealth Youth Development
- Journal: (Forthcoming) B. Hungwe 'The Right of Way for Single Publication Rule to promote press freedom in Zimbabwe' (2023) MSU Law journal

### Research Projects

- Promoting domestication and implementation of the ACHPR Guidelines on Freedom of Association and Assembly. (research work for SADC Lawyers Association).
- Drafted The Media Law Module, LLBS Programme for the Zimbabwe Open University.
- Drafted the Human Rights Training Curriculum for Legal Professionals, commissioned by the SADC Lawyers Association.
- Produced the UNICEF Descriptive Youth & Child Equity Atlas for Zimbabwe, based on data derived from 2012 Census.



## 2019 - 2021

V.NYEMBA & ASSOCIATES | Harare, Zimbabwe

### In-House Counsel

- I drafted pleadings, appeared in the Superior Courts arguing matters and wrote opinions for a variety of local and international clients. I am currently drafting and challenging unconstitutional provisions of different legislation in the country.
- Currently doing media and legal training for journalists and lawyers on defamation, focusing on the complications and liability for companies and individuals arising in the digital era.

### Article/s

## 2017 - 2021

- Critique of the Cyber Crime and Security Bill, for the Media Institute of Southern Africa Publication.
- Botswana, COVID 19 and State Compliance with Human Rights Standards in SADC for the Africa Judges and Jurists Forum.
- I have seven journal articles being presently peer-reviewed for publication.

## 2016 - 2019

HARARE LAW CHAMBERS OF ADVOCATES | Harare, Zimbabwe

### ADVOCATE/PUPIL

- I practised as an Advocate/Pupil at the Harare Law Chambers of Advocates. I practised in several different branches of the law that include Tax Law, Media Law & Defamation, Constitutional Law, Civil and Criminal Law litigation.
- I initiated creative constitutional litigation that secured the freedom and rights of affected people. See *Mbane & Anor v Chief Immigration Officer & Four Ors HC 9533/18 (ZLHR)*. In my second year at the Bar, I secured retraction and settlement in a Defamation matter involving Zimbabwe Vice President Constantine Chiwenga and former Minister of High Education Prof Jonathan Moyo. Drafted opinions, prepared litigation, pleadings and appeared in court arguing matters in the superior courts. I have appeared in High Court and Supreme Court. I represented Vice President of Zimbabwe, former minister of Information Communication Technology and deputy minister of Finance in high profile civil and criminal matters.
- Managing Counsel at Harare Law Chambers. Prepared Salaries/Rentals for the Bar staff and facilitated entry of new members.

## 2007 - 2015

BRITISH BROADCASTING CORPORATION (BBC) | Harare, Zimbabwe

### BBC Correspondent

- Covered radio, television and online stories of interest to the world from Zimbabwe. I was the sole broadcasting voice on the frontline providing stories for the BBC in Zimbabwe after it was banned from reporting in Zimbabwe in 2001. Provided breaking news stories and on several occasions the BBC was the first to verify political stories in Zimbabwe. Covered the 2000s farm seizures by President Robert Mugabe's government, and violence that ensued that targeted the opposition. I provided cutting edge stories that set the agenda through interviews with President Robert Mugabe, South Africa's Jacob Zuma and Jakaya Kikwete of Tanzania.
- Legally challenged the government banning me from reporting for BBC and won a Supreme Court order in 2007.
- Extensively covered the 2008/9 formation of government of national unity.
- Reported on the 2013 constitution making process, and recalled to cover the 2017 resignation of President Robert Mugabe.
- I continue to write Letters from Africa for the BBC radio and online.

## 2001 - 2007

SOUTH AFRICAN BROADCASTING CORPORATION (SABC) | Harare, Zimbabwe

### SABC Correspondent

- Fearless and hardworking correspondent who reported on pertinent economic, political and social stories with an impact in Zimbabwe. Seizures of the 2000s white commercial farmlands, 2002/8/13 elections and associated gross human rights violations, covered radio and television stories. Interviewed sitting and former Presidents Robert Mugabe, Sam Nujoma, Thabo Mbeki, Kgalema Montlante, Joachim Chissano, Jacob Zuma and Nigerian President Olusegun Obasanjo. I was one of the few local correspondents on the frontline covering election related violence and controversial farm seizures during the period.



- Covered the treason trial of opposition Movement for Democratic Change leader Morgan Tsvangirai.
- Covered preliminary negotiations towards the formation of the Government of National Unity in Zimbabwe. The analysis helped shape decision-making processes by potential investors and the local corporate sector.

**Accomplishments:**

- Won 2004 Zimbabwe Union of Journalists Business Reporter of the Year for stories on gold panning activities in the Midlands province and their impact on the environment.

**1998 - 2001**

ZIMBABWE INDEPENDENT, ALPHA MEDIA HOLDINGS WEEKLY FINANCIAL PUBLICATION | Harare, Zimbabwe

**Political Reporter**

- Reported on investigative political stories for the publication. Covered ground-breaking stories of Zimbabwe's involvement in the 1998 in Democratic Republic of Congo (DRC) War, 2000 Draft constitution referendum, violent 2000 elections and farm seizures.

**Accomplishments:**

- Winning Cable News Network (CNN) Africa Journalist of the Year, Year 2000 Free Press Award for stories about the political, social and economic impact of Zimbabwe's involvement in the 1998 DRC War. I was joint CNN award winner with Sorius Samura, whose documentary Cry Freedom helped shape the movie Blood Diamond.
- Between 2000 and 2001, provided insights to CNN teams that covered the Zimbabwe draft constitution making process, referendum and elections. Worked with, inter alia, Correspondents/Producers: Nick Robertson, Charlene Hunter-Gault, and Stephane Haalarz.

**July 1997 - September 1998**

MUNHUMUTAPE AFRICAN BROADCASTING CORPORATION, MABC TELEVISION L HARARE, ZIMBABWE

**Reporter/Producer/Presenter of Current Affairs Programmes**

- Was part of the Zimbabwean journalists that launched the first private television station in Zimbabwe.
- Created the current affairs programme, Rendezvous, that hosted diplomats, politicians, members of civic society on the current affairs programmes, debating/discussing pertinent issues of public interest.
- Exclusive interviews with ANC Executive Committee member Cyril Ramaphosa, who, at the time denied having any future presidential ambitions, then justice minister and now current Zimbabwean President Emmerson Mnangagwa, and the late justice and mines Minister Eddison Zvobgo. The 1997 interview with Zvobgo, was his first television interview initiating calls for a new Zimbabwean constitution.
- Covered the treason trial of founder of Zimbabwe's ruling ZANU PF party, Ndabaningi Sithole.

**April 1995 - June 1997**

ZIMRIGHTS NEWS | Harare, Zimbabwe

**Reporter**

- Between January 1995 and April 1997 I worked as a ZimRights News Reporter. In 1995 I became Senior Editor and from 1996 to 1997 I reported and produced the Zimbabwe Human rights Organisation Newspaper – ZimRights News for sale and distribution to membership. I also sat on the ZimRights News Editorial Team.



**Skills**

- Leadership - Gave directions, input, ideas into strategy as director of a bank, and in journalism editorial input at diary meetings.
- Team Development - organised and participated in company strategy meetings and outreach programmes
- Effective Communication - I have been a journalist for over two decades, and I won several accords.
- Innovative - Crafted creative issues into stories that influenced policy makers.
- Attention to Detail - I was never successfully sued as a journalist.
- Microsoft Office
- Legal Research - Effective communicator, drafted much appreciated pleadings
- Problem Solving - I am extensively involved in dispute resolution, with relevant qualifications.
- Legal Research and Writing - I have been drafting pleadings, research work for NGOs over the past six years.
- Analytical Thinking - I have produced many incisive online articles for influential media organisations, and produced scholarly articles.

# References

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## **Prof. M. A Forere**

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