



ZAMBIA

National Overview 2017
by MISA Zambia

NATIONAL OVERVIEW

The year under review was briddled with numerous tumultuous events. The Zambian political and social landscape was peppered with incidents ranging from the death of a student from Copperbelt University who was injured by police during a protest, to the bombing of a privately-owned media house in Lusaka and the declaration of a state of emergency following a spate of arson attacks on public installations.

Hostility and suspicion towards the State in 2017 continued, based on antagonism built up during the 2016 general elections, the closure of *The Post* and the disputed election results by the leader of the main opposition party.

Media freedom came under the glare of the spotlight in June 2016, with the closure of *The Post* - one of the oldest privately-owned dailies in Zambia - due to a dispute with the Zambian Revenue Authority. This was seen by critics as a move to eradicate an alternative critical voice ahead of the crucial election process of voting.

Soon after the elections, Hakainde Hichilema, leader of the opposition United Party for National Development (UPND) disputed the results, refused to recognise Edgar Chagwa Lungu as President and subsequently petitioned the Constitutional Court to nullify the results on procedural grounds. The lack of recognition of the elected President was seen, by some, as the cause of the opposition leader's motorcade refusing to give way to the presidential motorcade in 2017

when both leaders headed to a traditional ceremony called Kuomoka in the western province. This resulted in Mr Hichilema being charged with treason for threatening the life of the President¹.

During the period under review, a spate of arsons - one of which burned down the main market in Lusaka throwing hundreds of micro and small entrepreneurs into poverty- led President Lungu to declare a "Threatened State of Public Emergency" based on Article 31 of the Constitution, which lasted for 3 months. It was said to be an effort to tighten security within the country which had experienced electricity power lines burnt in suspected acts of sabotage, plunging sections of the Copperbelt province, including a football stadium, into darkness. While it was assumed that the state of emergency would hinder freedom of expression, freedom of movement and association, it was not so, because life continued as usual. Instead the provisions gave security wings legal capacity to effect arrests and carry out searches without much paper work to avoid loss of time in curbing acts of suspected sabotage of public installations. Based on the declaration, the acts of arson fizzled out. However traders grappled with their reduced assets and had to continue trading in the market despite the absence of a roof, amidst downpours and with minimal capital, as they were not able to recover from the loss caused by the fire.

The glimmer of hope on the horizon was the birth of *News Diggers!* newspaper; which hit the streets on 18 December 2017 and was established by former staff members of the defunct *The Post*. *News Diggers!* started out as an online

¹ <http://www.bbc.com/news/av/world-africa-39583817/how-road-rage-led-to-treason-charge-in-zambia>

publication in December 2016 and eventually went to print in December 2017.

On yet another positive side, Zambia's anticipation for digital migration was finally sated. This has undoubtedly contributed to diversity in the form of an alternative nationwide voice to the government-controlled *Zambia National Broadcasting Corporation (ZNBC)*. Due to digital migration several television stations have taken on national coverage even though most are aired under various subscription bouquets offered by TopStar and some private signal carriers such as *Kwese, Muvi TV* and *GOtv*.



The year under review was a difficult year for Zambian media with an increasingly high volume of violations as the year progressed and a dramatically changed landscape following the closure in late 2016, of *The Post* - the country's oldest and most aggressive privately owned daily newspaper.

FREEDOM OF EXPRESSION

The year under review was a difficult year for Zambian media with an increasingly high volume of violations as the year progressed and a dramatically changed landscape following the closure in late 2016, of *The Post* - the country's oldest and most aggressive privately owned daily newspaper.

While the contention with *The Post* over unpaid taxes was explained as an administrative issue, there were those who regarded it as a move by the State of shutting down a critical voice. During its 26-year history on the Zambian media landscape it earned the reputation of being independent and fiercely critical of the government and ruling party. During its time *The Post* stirred the resentment of successive governments for exposing corruption and abuses of power. This often led to the arrest and charging of *The Post* journalists, with the newspaper's founder and editor, Fred M'membe often in the firing line. He was briefly arrested for contempt in 2010, when he published an article critical of a case against one of the paper's employees². Immediately upon the closure of *The Post*, a new paper - *The Mast* hit the streets in 2016.

On 28 April, Hakainde Hichilema's wife, Mutinta, was threatened with arrest after she reported the police's use of excessive force as they sought to arrest her husband. No charges had been brought against the police in connection with the incident by the end of the year. On 15 August, the Director of Public Prosecutions withdrew all charges against Hakainde Hichilema and the other UPND members in what was said to be an act in the public interest. Suf-

² Democracy Under Threat in Zambia, Rafael Friedman - *The Zambian Observer*

face to say that in 2017 something close to what transpired in Zambia seemed to have occurred in the United States of America as reported by the Washington Examiner. The publication reported that “an Oregon man who threatened on social media to kill former President Barack Obama and shoot FBI agents was sentenced Friday to 63 months in federal prison”³.



What started as a pipe dream for many in Zambia was finally achieved in 2017. On 1 October 2017, Zambia switched over from analogue to digital broadcasting in most parts of the country without any hitch.

During another incident in April, police stopped a UPND political rally in Kanyama Township in the capital, Lusaka, on “security” grounds. Although the UPND had notified the police in advance of the rally, they unlawfully dispersed the rally, shooting 20-year-old Stephen Kalipa, one of the protesters. He died later from gunshot wounds at the hospital. An

³ <https://www.washingtonexaminer.com/man-who-threatened-obamas-life-on-social-media-sentenced-to-63-months-in-federal-prison>

investigation was opened, but no one had been arrested in connection with the incident by the end of the year. The police claimed that he died of knife stab wounds at the hands of an unidentified assailant.

On 23 June, police arrested senior UPND officials on charges of unlawful assembly alleging that they held a press briefing at the UPND’s secretariat offices without obtaining prior authorisation.

On 24 August, police dispersed a prayer meeting convened to welcome Hakainde Hichilema’s release from Mukobeko Maximum Security Prison in Kabwe – the city where he had been held for four months on charges of treason.

On 29 September, police arrested six human rights defenders who gathered outside Parliament and protested peacefully against the government’s purchase of 42 fire engines, at a cost of US\$42 million. The cost was being protested because it was strongly suspected of being inflated. The protesters who were beaten during the protest by members of the ruling Patriotic Front were charged with refusing to obey police orders.

BROADCASTING

Policy and Statutory Framework

The media in Zambia operates under the auspices of the Ministry of Information and Broadcasting Services and is also guided by occasional policy pronouncements and/or changes under existing legislation or statutory instruments. During the year, there was a proposal to amend a provision in both, the Independent Broadcasting Authority Act and Zambia National Broadcasting Corporation Acts. The amendment was passed by Parliament during its sitting in the fourth quarter of 2018 and subsequently

assented to by the Republican President on 19 December 2018.

Amendment to ZNBC and IBA Acts

Towards the end of the year, the then Minister of Information and Broadcasting Services, Kampamba Mulenga presented the second amendment to the *Zambia National Broadcasting Corporation (ZNBC)* which sought to:

- Repeal provisions relating to the imposition and collection of the television levy;
- Review the appointment of television levy inspectors under the Act, and
- Delete definitions, provisions relating to the imposition and collection of the television levy.⁴

During the same period the Minister presented the Independent Broadcasting Authority (IBA) (Amendment) Bill outlining the procedures for the payment and collection of television levy.⁵ The proposed amendments sought to shift the responsibility of collecting the television levy from the corporation – ZNBC to the IBA.

Minister of Finance, Felix Mutati proposed this change in the collection of the television levy from the existing system of ZNBC collecting the levy through monthly electricity bills or through the purchase of power units from the Zambia Electricity Supply Corporation (ZESCO). The Minister also proposed an increase in the monthly television levy from K3 (US\$0.3) to K5 (US\$0.51). Ac-

4 The Zambia National Broadcasting Corporation (Amendment) Bill 2017, No. 18 dated 27 November 2017

5 The Independent Broadcasting Authority (Amendment) Bill 2017, No. 19 dated 27 November 2017

ording to the Minister this would enable the public broadcaster to improve coverage across a wider subscriber base.

In a submission to the parliamentary committee on information and broadcasting, the general secretary of the Zambia National Union of Broadcasters and other Information Disseminators (ZUBID), Andrew Mpandamwike presented the organisations strong opposition to the amendments. According to a news report, he pointed out that the Independent Broadcasting Authority was a regulator and could not combine its role with that of being a fund manager, let alone a funder of ZNBC’s public mandate. He added that his union perceived the proposed amendment as a mechanism to fund operations of the IBA, which was not a player in the public broadcasting service, a mandate placed on ZNBC through an Act of Parliament.

According to the Minister of Information and Broadcasting Services, Ms Mulenga, quarterly reports on funds raised would be communicated to members of the public, introducing an element of accountability to the tax payers. The Minister’s view essentially was that the amendments were meant to institute some measures of control on the use of the collected television levy.

Despite objections by civil society organisations which included MISA Zambia, the two Bills were subsequently passed by Parliament.

Further objections were raised through a petition by 100 unionised employees together with members of management at ZNBC. They signed a petition against the decision to shift the responsibility of collecting TV levy from the corporation to IBA. The campaigners also submitted a petition to the office of the Clerk of the National Assembly proposing a fur-

ther adjustment of the TV levy from the recently revised K5 (US\$0.51) to K10 (US\$1).

Digital Migration

What started as a pipe dream for many in Zambia was finally achieved in 2017. On 1 October 2017, Zambia switched over from analogue to digital broadcasting in most parts of the country without any hitch.

The country was then informed that the follow through of the second and third phases of the digital migration project would continue with the construction of six provincial broadcasting stations in Chipata, Chinsali, Kabwe, Kasama, Mansa and Mongu. The Minister of Information and Broadcasting Services, Ms Kampamba Mulenga informed Parliament that these provincial broadcasting stations would help boost local content production and employment creation. Just two days after appraising Parliament, Mulenga expressed her concern about the stalled construction of two television broadcasting stations in Choma and Solwezi specifically because government had allocated an additional K30 million (about US\$ 3 million) towards payment of arrears owed to contractors and to ensure the construction was fast-tracked.

PRINT MEDIA

In July 2017, two petrol bombs were thrown into the offices of the *Daily Nation* newspaper owned by Richard Sakala. Management at the newspaper said there were attempts to set the building that houses the newspaper on fire. The attack took place a few days after the biggest market in Lusaka was set ablaze.

The Post Newspapers Limited is liquidated

Following the placement of *The Post* Newspapers under compulsory liquidation in November 2016 by the Lusaka High Court and the appointment of Lewis Moshosho of Lewis Nathan Advocates as provisional liquidator in respect of all the assets of the company – the newspaper was taken off the streets and the company was closed down. The issues with *The Post* started unravelling in June 2016 and as 2017 came to a close, the matter was still before the courts.

News Diggers! is Born

News Diggers! started out as an online publication by former *The Post* employees and transitioned into a 12 paged-paper sent out on Mondays, Wednesdays and Fridays. On 18 December 2017 the paper put out its first print version which goes out on the streets from Monday to Friday only.

The year under review saw one of Zambia's public newspapers; *Zambia Daily Mail* announcing a plan to reduce its staff complement under what the company termed the "voluntary separation scheme". The justification for this, according to management, was to enable the company meet staff costs.

Daily Mail Set To Go on Air

In an interesting twist, the *Zambia Daily Mail* Limited (one of the public newspapers in Zambia) called for qualified consultants to undertake a feasibility study to set up a radio station. According to the press advertisement, the objective of the feasibility study was to provide a roadmap on how to proceed with the establishment of a radio station that would enhance the company's commercial and financial viability.

While the *Zambia Daily Mail Limited* showed interest in expanding to radio, Lusaka-based *Muvi TV* resolved their economic challenges by decreasing staff salaries by 75 percent and reducing the number of working days for staff. This decision to reduce salaries and working days was made following a visit by Zambia Revenue Authority officials over alleged unpaid taxes.

ACCESS TO INFORMATION

The stickiest point on the political and media landscape is undoubtedly the absence of an access to information act in Zambia to date.

Freedom of the press and freedom of expression should be granted in a democracy like Zambia. To gain full potential as regards to the exercise of these freedoms, enactment of the Access to Information (ATI) Bill into law should be a must.

Enactment of the ATI Bill into law has been promised since 2002 and successive governments have campaigned on the premise of enacting the legislation but they have all not lived to their promises; and yet again, the Patriotic Front government have followed suit. This hope was renewed when the Justice Minister Given Lubinda reported at the 2017 Universal Periodic Review that the draft ATI legislation was finally ready for public scrutiny and would be tabled in Parliament for enactment.

By the end of the year however, this renewed energy and hope for finally having ATI come to fruition was dashed as no step had been taken by government to fulfill its earlier promise.

JOURNALIST SAFETY

A number of major occurrences during the year 2017 point to the need to guarantee safety of journalists in Zambia. While the incidents may not include death, there were incidents that are cause for concern.



Enactment of the ATI Bill into law has been promised since 2002 and successive governments have campaigned on the premise of enacting the legislation but they have all not lived to their promises; and yet again, the Patriotic Front government have followed suit.

In March of 2017, reports of a violent attack on journalists by United Party for National Development (UPND) supporters, at the party's press briefing at its secretariat incensed MISA Zambia. In a statement MISA Zambia condemned the attacks on Silumesi Malumo of *Radio*

Phoenix and Priscilla Banda of Millennium Radio.

The most severe incident was the petrol bombing of *The Daily Nation* on 10 July 2017.

A month later *Muchinga FM Radio* in Chinsali District in the Northern province of Zambia, received threats from a few Patriotic Front supporters after it featured Dr Chishimba Kamwili on a programme which attracted a lot of attention and resulted in robust interaction with listeners. Subsequently, towards the end of the year, suspected PF sympathisers attacked Lusaka 5FM radio for also inviting Dr Kambwili to feature on its '*Burning Issue*' radio programme. The programme could not take place because of the violence and damage to cars of guests to the station and some of the window panes of the 5FM Radio station.

FREEDOM OF EXPRESSION ONLINE

While Zambia does not have specific legislation to address defamation online, there are several existing pieces of legislation that protect the character of an institution or individual.

Not satisfied with the current provisions, the State felt it needed to enact legislation to specifically deal with defamation. On several occasions, government authorities and the Minister of Communication and Transport, Brian Mushimba alluded to intentions by the state to enact such laws. Reports published by the *Lusaka Times* on 3 February 2017 under the headline "ZICTA to revise ICT Act of 2009 to deal with Cyber Bullying and Online Defamation" indicated government plans for such laws.

Through its monitoring of the situation MISA Zambia learnt that the Zambia

Information and Communications Technology Authority (ZICTA) was in the process of revising pieces of legislation in the ICTs sector to incorporate provisions that address lacunas within the ICT Act of 2009 and the Electronic and Communication Transaction Act of 2009. ZICTA public relations officer Hanford Chaaba said that once revised, the legislations would be able to capture issues such as cyber-bullying and online defamation which would effectively enhance the protection of consumers using ICTs⁶.

A report published on World Press Freedom Day in 2017 headlined "Government to take the Cyber Crime bill to Parliament" indicated the Minister of Transport and Communications, Brian Mushimba's intention to present legislation to Parliament which included the Cyber Security Bill, Data Protection Bill, and e-Commerce Bill. These bills, which were initially segregated into 5 bills, have to be discussed by Cabinet before they are taken to Parliament.

Throughout the year, several citizens were charged under insult laws.

A doctor from the western province of Zambia faced charges defaming the President through Facebook. Dr. Kwalela Kafunya was eventually convicted and sentenced to 3 years imprisonment by the Mongu Magistrate court on 10 January, 2018 for defaming the President, by written threats and giving false information.

In a separate incident Edward Makayi, an engineering student from DMI Eugene University in Lusaka was arrested in July, for allegedly defaming the President, Cabinet ministers, other senior

⁶ <https://www.lusakatimes.com/2017/02/03/zicta-revise-ict-act-2009-deal-cyber-bullying-online-defamation/> checked on 14 December 2017

government and Patriotic Front officials through postings on his Facebook page.

LOOKING FORWARD TO 2018

The year 2018 seems gloomy as wrangles within the ruling party appear to deepen with continued fallout of key party officials who held ministerial positions. Levels of intolerance to dissenting views also seem high among political party supporters. However, political parties and security wings are paying heed to calls to address violence among their party supporters and for police to curb the harassment. This presents an opportunity in 2018 for MISA Zambia and other media advocates to intensify calls to uphold freedom of expression and media freedom.

Further the open rebuke by Vice President, Inonge Wina of her political party supporters for harassing an opposition Member of Parliament at a State function is a strong point, MISA Zambia wishes to leverage this commitment by engaging political players like the Vice President in resolving conflict and disciplining their supporters.

However, the deepening economic woes of state owned media - *Times of Zambia*, *Zambia Daily Mail* and *Zambia National Broadcasting Corporation (ZNBC)* casts a dark shadow for 2018. It is critical for the media to build their capacity to stay afloat and for the State to allow them to operate as commercial entities. With the continued empty promises on ATI, 2018 may not be so different. However, continued engagement and advocacy will continue.

ZAMBIA MEDIA FREEDOM VIOLATIONS AND VICTORIES



7 February 2017 LEGISLATED

GOtv Zambia sues *ZNBC* and digital service provider TopStar over alleged blocking of some free to air channels carried by it. *GOtv* had requested the High Court that *ZNBC* be restricted from disconnecting their services and from continuing to encrypt the signal transmitted by free-to-air content providers. *GOtv* further asked the Court to declare the operation of public signal distribution network by TopStar illegal and unlawful. Later that year *GOtv* agreed to settle the matter outside court.



20 February 2017 LEGISLATED

Mutinta Mazoka M'membe, Oracle media proprietor and publisher of *The Mast* newspaper, was granted bail of K3,000 (US\$310) after she pleaded not guilty to a charge of obstructing police officers carrying out their duty. Mazoka M'membe was summoned to answer to a complaint of contempt of court for allegedly tearing a search warrant on 15 February 2017, when armed police raided her and her husband's house.



15 February 2017 THREATENED

The Lusaka Magistrates Court signed an arrest warrant for *The Post* newspaper proprietor Fred M'membe. Subsequently, armed police officers raided M'membe's house to arrest him. Some media outlets alleged that the police initially refused to produce the search warrant they carried, others claimed that the police did so upon their arrival at the house. M'membe's wife, Mutinta Mazoka M'membe, was later taken to the police station for allegedly tearing up the search warrant upon being denied entry into her residence. Some sources claimed that police assaulted Mutinta and tore her dress in the presence of passersby.



25 February 2017 THREATENED

Police and other state operatives in plain clothes raided the premises where *The Mast* newsroom was believed to be operating from. It turned out that the staff did not operate from these premises.



7 March 2017 LEGISLATED

A case was brought against the director of *Komboni Radio*, Lesa Kasoma who was alleged to have assaulted a police officer, Simon Chisanga, on 5 October 2016. However the media reports refuted the allegations made by police and instead reported: "...the police officers who had been guarding the radio station after its closure brutalised Kasoma who had gone to the radio station to inform the police officers of government's resolve to lift the suspension of the broadcasting license," after a

month long closure. In 2016 the Independent Broadcasting Authority suspended the broadcasting license for *Komboni Radio* for alleged professional misconduct.



28 March 2017 ASSAULTED

Suspected political party supporters allegedly assault two journalists, Silumesi Malumo from *Radio Phoenix* and Prisca Banda of Millennium Radio, at the United Party for National Development (UPND) secretariat after police prohibited a press conference scheduled that day.



29 March 2017 THREATENED

Armed police were deployed at ZNBC to stop the continuance of a sit-in by employees which had started four days earlier over delayed salaries.



2 May 2017 VICTORY

Ahead of World Press Freedom Day, the Minister of Information and Broadcasting Services, Kampamba Mulenga, said government remained committed to a free, independent and professional media in deepening the country's democracy and development. She added that the Patriotic Front administration will continue creating a conducive environment for the media to flourish.



29 May 2017 CENSORED

The Judiciary banned the media from taking photographs in courts and using explicit language in their reportage. In a statement released on 29 May, the Judiciary

said it was concerned that some journalists from different sections of the media and public had been taking photographs and videos of proceedings inside the court rooms.



24 June 2017 VICTORY

In the continued pursuit and fight to sustain press freedom, MISA Zambia intervened to save 29 radio stations from facing the Independent Broadcasting Authority's wrath. MISA Zambia engaged IBA in finding a solution to the issue surrounding the 29 radio stations that were at risk of losing their operating licenses due to non-payment of operational fees to the authority. Research on this issue suggests that some of these radio stations has already paid their operational fees and some media expert suggest that these could be the radio stations offering different views to those in support of the party and its government.



9 July 2017 BOMBED

The Lusaka premises of privately owned newspaper *The Daily Nation* were petrol bombed. Only one of the three petrol bombs that were thrown into the premises by an attacker exploded, resulting in a blaze a few metres from the offices' main entrance. There were no injuries to staff or damage to property recorded. Minister of Information and Broadcasting Services, Mulenga Kampamba condemned the attack as an evil act carried out to silence the newspaper. He cited the *Daily Nation* as a credible newspaper that speaks for the voiceless and which the public rely on for information.



LEGISLATED July - November 2017

Former *The Post* journalist Abel Mboози, brought a case against Fred M'membe who is the managing director of *The Post Newspapers* (In liquidation) for allegedly impersonating an officer of The Post, disobeying lawful orders, failure to deliver properties and concealing of properties and prevention of the production of books or papers affecting or relating to the property or affairs of *the Post Newspaper Limited* contrary to the laws of Zambia.

M'membe allegedly committed these offences between November 2016 and February 2017.

July

Fred M'membe appeared in the Lusaka Magistrates' Court on the above charges and pleaded not guilty.

4 September

The case was called for commencement of trial before principal resident magistrate David Simusamba. Private prosecutor Robson Malipenga however informed the court that his client Mboози was unwell and unable to make it to court. The trial was adjourned to 18 September.

18 September

Private prosecutor Malipenga asked to adjourn the trial to 3 October on the grounds that he had "just received instructions, which he first needed to look at".

3 October

The case failed to continue once more, due to the absence of the prosecution team and their witness – complainant - Abel Mboози. Later in October Malipenga's law firm applied before the principal resident magistrate for the matter to be adjourned because Malipenga

was not available as he was attending to his sick mother in Ndola.

November

Magistrate Simusamba acquitted M'membe after Mboози withdrew the case citing lack of legal fees and a desire for peace.



25 July 2017 VIOLATION OF PUBLIC FREEDOM OF EXPRESSION

Police reportedly detained Edward Makayi, a student of the DMI St Eugene University in Lusaka, in connection with the publication of defamatory statements on his Facebook page which he created under the name Royson Edwards. Police Spokesperson Esther Katongo said the defamatory remarks posted between April and July 2017 were targeted at President Lungu, Home Affairs Minister - Stephen Kampyongo, Minister of Agriculture - Dora Siliya, Inspector General of Police, Kakoma Kanganja and others. He appeared in court on later that month charged with defamation of the President under Section 59 of Cap 87 of the Laws of Zambia. Makayi was granted bail after appearing in court.



2 August 2017 VICTORY

Special Assistant to the President for Press and Public Relations, Amos Chanda said *The Mast* newspaper reporters were free to cover presidential assignments as long as they complied with State House security requirements.



9 August 2017 LEGISLATED

The Lusaka High Court has set aside an injunction that ordered ZNBC and TopStar Communica-

tion to immediately restore the free to air services on *GOtv* Broadcasting Zambia Limited Platforms.

In this matter *GOtv* Broadcasting, Central African Media Network Limited and *GOtv* Zambia Limited sued the Attorney General, Top-Star Communication Limited and *ZNBC*.

The Plaintiffs wanted the court to restrain the defendants from interfering with the Plaintiffs' digital terrestrial television services thereby disrupting *GOtv* Services.

When she delivered her ruling, High Court Judge Getrude Chawatama said the digital migration programme was started by government and not *ZNBC* and Top-Star Communication Limited. As a result, the court can therefore not issue an injunction affecting *ZNBC* and TopStar, only on the Attorney General who represents the government. Considering this development, she had no powers to issue an injunction against the Attorney General as the law does not provide for such powers.

She pointed out that the complaint by the plaintiffs regarding the loss of business, can be atoned for by damages, if the plaintiffs succeed at trial in the main matter.

13 August 2017

CENSORED

The Young African Leaders Initiative (YALI) alleged that the judiciary had restricted the number of journalists and lawyers attending Hichilema's High Court appearance at the beginning of his trial. One of Hichilema's lawyer's, Gilbert Phiri is alleged to have been barred from being part of the proceedings after criticising the process on his Facebook page.



16 August 2017

THREATENED

Muchinga FM of Chinsali District in the Northern province of Zambia, a rural community radio station, received threats from some PF cadres after it featured Dr Chishimba Kambwili on its Red Carpet programme. After the airing of the episode Muchinga FM station manager Martin Phiri, was summoned for questioning by Muchinga Province Police Commissioner, Patriotic Front (PF) Regional Office and the District Commissioner for Shiwangandu District.



1 September 2017

THREATENED

Prime TV managing director Gerald Shawa went into hiding after being served with a court order to release video footage of an alleged plot to *blow up government installations*. Mr Shawa was served with a court order by police at his offices as part of their investigation into acts of sabotage. According to *Daily Nation* sources, Mr Shawa sneaked out of the office on the pretext of calling his lawyers and disappeared, leaving police officers waiting at his offices and switched off his phone.



19 September 2017

VICTORY

Information and Broadcasting Permanent Secretary, Godfrey Malama expressed his approval of the progress made to renovate *ZNBC Studio's* by TopStar ahead of the switch to digital migration on October 1, 2017. Mr Malama says the state of the art equipment being installed will ensure that there is a smooth transition from analogue to digital transmission. He called on members of staff at *ZNBC* to also improve and ensure quality content for the viewers.



20 September 2017

VICTORY

Minister of Information and Broadcasting Services, Kampamba Mulenga, urged government departments and private firms that owe public media houses for advertising and other services to start liquidating the debt to enhance financial sustainability of the institutions. In an interview, Mulenga said government departments and private companies owe public media houses a lot of money in advertisement, which is affecting their operations. She said government departments and private companies should start liquidating the debt to improve the cash flow of public media houses.



22 September 2017

VICTORY

Minister of Information and Broadcasting, Kampamba Mulenga confirmed that the Access to Information Bill will be presented to Parliament for enactment as soon as the cabinet approval process is complete. The Minister noted: "there were 13 pieces of legislation that would impede on the implementation of the access to information bill. These pieces of legislation will have to be amended by the ministry of justice" and the government remained committed to ensuring that the pieces of legislation were worked on as soon as possible.



25 September 2017

HARASSED

Muvi TV journalist Oswald Yambani was harassed by traffic officers who allegedly pepper sprayed and beat the journalist in their offices.



6 October 2017

LEGISLATED

The IBA summoned *Prime TV* CEO Gerald Shawa for alleged non-compliance in broadcasting services according to Section 29(2) of the IBA Act. The IBA letter to *Prime TV* cited Section 29 (2) of the IBA Act which provides that "where a broadcasting license does not comply with this Act or with the conditions of the broadcasting license, the Authority shall notify the broadcasting licensee of the measures that the broadcasting licensee should undertake, within a specified period, to comply with the conditions of this Act or broadcasting license." It was not clarified in the letter in how far *Prime TV* failed to comply with the Act. Shawa was furthermore asked to submit recordings of three programmes before the licensing committee.



7 October 2017

THREATENED

In a statement released to the media on 7 October, Information Minister Kampamba Mulenga said that government is currently looking at enforcing laws against cyber-crime, including online falsehoods. She warned individuals who were writing false stories on social media that it was considered a criminal offence to write and publish fake news both offline and online. Ms Kampamba's statement came after a fake online article headlined; 'Minister supports arresting of men who dump women after a year of dating'.



19 October 2017

CENSORED

Zambia Information Communication Technologies (ZICTA) confiscated a transmitter from *Vision Community Radio Macha* after



they failed to pay a K3,000 (US\$ 310) penalty for operating the station without a frequency license.

2 November LEGISLATED

The Independent Broadcasting Authority (IBA) has been sued by Lusaka entrepreneur Golden Malama for failing to give him a frequency after successfully applying for, and being granted a license to broadcast *ACTS Television*, a Christian channel in Lusaka's Matero Township.

Malama sued IBA together with two other communication regulatory companies, the Zambia Information Technology Authority (ZICTA) and Top Star Communication Company Limited in the High Court of Zambia, for not effecting specific performance on agreement that *ACTS Television* starts broadcasting.

The Plaintiff said *ACTS Television* was supposed to start broadcasting on 1 January 2017 but that Top Star Communication Company Limited, the signal carrier, notified him via mobile phone short message (SMS) that it shall refund him the total sum of K22,500 (US\$2,325) signal charge he had paid.

7 November 2017 VIOLATION OF PUBLIC FREEDOM OF EXPRESSION

United Party for National Development (UPND) leader Hakainde Hichilema challenged *Zambia National Broadcasting Corporation (ZNBC)* to give him a platform to feature according to the *Lusaka Times*. Hichilema wondered why the PF complained about him being featured by international media, especially when *ZNBC* was failing to provide him a platform to air his views.

10 November 2017 CENSORED

Debating the budget line for the Ministry of Information, Monze Central UPND parliamentarian Jack Mwiimbu lamented that the opposition had been blacked out by the *Daily Mail*, *Times of Zambia* and *ZNBC*, adding that for that, reason the PF should fund their propaganda wings themselves.

11 November 2017 VIOLATION OF PUBLIC FREEDOM OF EXPRESSION

Lunte PF Member of Parliament Mutotwe Kafwaya told Parliament that *ZNBC* belonged only to those in government because opposition political parties would waste the national broadcaster's airtime talking about presidential petitions which do not exist. He further stated that *ZNBC* should not be allowed to air any views from the opposition.

15 November 2017 NOTEWORTHY DEVELOPMENT SUSPENDED

The *Zambia National Broadcasting Corporation (ZNBC)* suspended staff member Mr Misheck Moyo for attending church services in Mufulira at the same time as Roan Member of Parliament, Mr Chishimba Kambwili. Mr Moyo who confirmed his suspension referred all queries to *ZNBC* management but mentioned that he was a congregant at St Lawrence Catholic Church where Mr Kambwili and the National Democratic Congress leadership attended service on the material Sunday.

Mr Moyo's suspension letter indicated that he had brought the name of *ZNBC* into disrepute following the attendance of a church service where the NDC officials were.



16 November 2017

VICTORY

Former journalist of *The Post*, Abel Mboozu withdrew his case against Fred M'membe – owner of *The Post* (now closed). The withdrawal of the case prompted principal resident magistrate David Simusamba to acquit M'membe of the impersonation charges laid against him by Mboozu.



17 November 2017

THREATENED

The Editor-in-Chief of *The Mast*, Joan Chirwa, was summoned by the Zambia Police. According to sources, she was expected to appear before the Criminal Investigations Department “for the purpose of police inquiries”.



17 November 2017

VICTORY

The Zambian government is constructing 98 communication towers in Luapula Province at a cost of US\$29.4 million aimed at closing the digital gap that exists between urban and rural areas by providing improved access to internet and mobile phone services.



18 November 2017

VIOLATION OF PUBLIC FREEDOM OF EXPRESSION

United Party for National Development (UPND) cadres allegedly threatened to “sort out” ActionAid country Director Nalucha Ziba and the communications Officers Helen Mwale on suspicion that they are inciting Government to arrest opposition leader Hakainde Hichilema over alleged tax avoidance. The *Zambia Daily Mail* quoted Mwale as having said that cadres also accused Action Aid of having been bought by President Lungu



and his special assistant for Press and Public Relations Amos Chanda, to speak against Mr Hichilema.



21 November 2017

VIOLATION OF PUBLIC FREEDOM OF EXPRESSION

The Times of Zambia reported that police in Lusaka were actively investigating expelled Roan Patriotic Front (PF) Member of Parliament, Chishimba Kambwili, on allegations that he had defamed President Edgar Lungu. This followed a report by New Congress Party (NCP) president Peter Chanda to Lusaka Woodlands Police station that Dr Chishimba Kambwili defamed the President of Zambia according to a story published in *The Mast*.

Defamation of the President is a crime in Zambia and one can be imprisoned up to a jail term of 3 years and is found in section 69 of the Penal Code.



25 November 2017

VICTORY

Chief Justice Ireen Mambilima asked High Court judge Sunday Nkonde to be recused from presiding over *The Post Newspaper Limited* liquidation case. Her request followed the Judicial Complaints Commission finding a prima facie case against Judge Nkonde in a complaint of bias and professional misconduct lodged by journalist Dr Fred M'membe owner of *The Post Newspapers Limited*.



26 November 2017

THREATENED

Luapula Province Minister, Nickson Chilangwa, threatened to close down *K-FM Radio* of Mansa if it continued to feature people that criticize government on its radio programmes. The threats



came after the radio station carried a news item that quoted Dr Chishimba Kambwili criticizing the Patriotic Front government and labelling them as corrupt.

2 December 2017

THREATENED

A reporter from *Radio Liseli* was summoned by the police in Mongu for discussing the province's teacher recruitment process, alleging that the majority of teachers come from other areas.



other Information Disseminators (ZUBID) Secretary General, Andrew Mpandamwike, the employees, the petition demanded information on how the Independent Broadcasting Authority (IBA) was going to combine the role of regulating the broadcast media as well as that of the being a fund manager for the corporation. The union also wanted to know how the IBA would allocate the money collected through the TV levy, to ZNBC.

11 December 2017

VICTORY

A report published in *New Vision* indicated that the District Development Committee (DDCC) in Chadiza District in the Eastern Province had recommended the construction of the first ever radio station in the area at a cost of about K260,000 (US\$26,826).



FREEDOM OF EXPRESSION

7 December 2017

A report published in *The Mast* on 7 December 2017, said that some opposition members of parliament expressed mixed reactions over proposals to amend the ZNBC Act and the IBA Act. Debating the policy statement which a few parliamentarians supported the proposal to remove the responsibility of the TV levy collection from ZNBC. This is despite the fact that the IBA is a broadcast media regulator. During the debate they also expressed their displeasure with the ZNBC and reallocating that role to the IBA content.



14 December 2017

VICTORY

Zambia National Broadcasting Corporation (ZNBC) granted UPND president Hakainde Hichilema, a chance to feature on its Sunday Interview programme on December 17 following the party's request.



8 December 2017

A report published on *News Diggers* Facebook page indicated that over 100 unionised employees at the *Zambia National Broadcasting Corporation (ZNBC)* along with some management members had signed a petition against the decision to shift the responsibility of collecting TV levy from the corporation to IBA. The employees submitted a petition to the office of the Clerk of the National Assembly proposing a further adjustment of the TV levy from the recently revised K5 to K10. Quoting Zambia Union of Broadcasters and



14 December 2017

VIOLATION OF PUBLIC FREEDOM OF EXPRESSION

The Zambia Association of Musicians (ZAM) disapproved Pilato's latest song 'Koswe Mumpoto', calling it an abuse of freedom of expression through music. In a statement ZAM president Njoya Tembo, stated that while his association encouraged its members and all artists to continue exercising their right to comment on social and political matters, Pilato's song was "meant to demean the

Head of State and President of Zambia.” He added that although Pilato was not a member of ZAM, his association found the song politically vindictive, judgmental and one that fostered character assassination, political hostility and division in the country. Reacting to the song which had already gone viral on social media platforms, Central Province PF youth’s chairperson Moses Chilando branded the song insulting, provocative, degrading and outside the province of one’s entitlement to freedom of expression.



18 December 2017 **VICTORY**

The online news publication *News Diggers!* went to print on 18 December, providing citizens with an additional national newspaper.



18 December 2017 **VIOLATION OF PUBLIC FREEDOM OF EXPRESSION**

During an interview satirical singer Chama Fumba aka Pilato said he received threatening phone calls, messages and videos on a daily basis, for the song he released on 11 December dubbed *koswe mumpoto*. According to the artist, even though the song was not targeted at the ruling Patriotic Front, it seemingly annoyed the ruling party’s leaders and its members.



14 December 2017 **LEGISLATED**

A report in *The Mast* alleged that National Democratic Congress consultant and expelled PF Roan Member of Parliament Chishimba Kambwili had sued the *Daily Nation* and its proprietor Richard Sakala in the Lusaka High Court for defamation. Quoting a statement of claim filed in the principal registry on 11 December, Kambwili stated that the *Daily Nation* newspaper number 1778 of 26 September 2017 and issue number 1784 of 3 October 2017 published false and malicious articles captioned “Kambwili Implicated in US\$4m Mongu Stadium Deal” and “Kambwili Arrest Ordeal”.



17 December 2017 **THREATENED**

PF cadres stormed the premises of 5FM radio station in Lusaka during the airing of a radio programme featuring NDC Consultant and PF Roan MP Chishimba Kambwili. The cadres are said to have smashed cars and deflated tyres of vehicles belonging to the NDC officials.