



# MALAWI

National Overview 2008  
by MISA Malawi

*National overview*

*By Mavuto Kapyepye, organisation and social development consultant and director of Mlambe Consulting Firm (MCF) in Blantyre*



## Malawi

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The media industry in Malawi continued to consolidate its place as an important force in Malawi's democracy during 2008. The year was an assortment of triumph, hope and zeal, on the one hand, and enduring the not-so-favourable atmosphere on the other. On a number of occasions the media made stunning revelations that were initially denied as rumours only to be confirmed later as the truth. On January 15, 2008 *The Nation* ran a front-page headline "Malawi dumps Taiwan", reporting on Malawi's switch in diplomatic ties from Taiwan to China. Minister of Foreign Affairs Joyce Banda had been quoted in the same newspaper on January 4, 2008 describing anything that was being said in this regard as rumour. Ten days later she addressed a press conference to confirm the "rumour".

The media further confirmed its watchdog role when a shocking story of under-age street boys, recruited by a restaurant owner in the capital city, Lilongwe, to clear a sewer pipe without protective gear, led the authorities to arrest the culprit for flouting labour laws.

On a sad note, media practitioners did not escape victimisation ranging from beatings and harassment as Deborrah Chipofya Nyangulu from Blantyre Newspapers Limited (BNL) would attest when she was harassed in the line of duty by ruling party supporters at a presidential press conference in early October for asking a question they considered "inappropriate". Some public officials resorted to beating journalists, as was the case of a District Commissioner from the Eastern district of Machinga who beat journalist Wyford Banda of Zodiak Broadcasting Station (ZBS) for seeking his comments on the 2008 national population census.

## State of the media

On a positive note, the Media Council of Malawi (MCM), which was resuscitated in early 2007, got a further boost when it became incorporated as a legal entity by the Malawi government. MCM's presence on the scene provides an opportunity for self-regulation of the media and enhancement of professionalism through various avenues, such as alternative dispute resolution rather than resorting to the courts of law.

The battle to pass the Access to Information Bill rages on. Progress on the bill has been made, despite the process having dragged on for some years. MISA Malawi is playing a pivotal role in the process and the Ministry of Information has since submitted the bill to the Ministry of Justice and Constitutional Affairs to prepare a cabinet paper. However, caution needs to be taken despite the success recorded so far. Firstly, the bill may not receive priority attention in Parliament within the current term, which expires around March 2009. The current government suffers a Parliamentary minority and the opposition has its own grievances that it wants prioritised to the extent that days can pass with little progress on deliberations. Secondly, all key players in the final stages of the legislative process are likely to be focusing on electioneering ahead of the Parliamentary and presidential polls on May 19, 2009.

The executive arm of government banned live coverage of Parliamentary proceedings by the state broadcaster, the Malawi Broadcasting Corporation (MBC), and Malawi Television (TVM), stating that the language used in the house was sensitive. This move has denied people the opportunity to access information by following proceedings of the house and monitoring the performance of their representatives. The decision appeared excessive and to some extent ironic, since MBC continues to use excerpts of the same verbal debates in Parliament in some of its satirical programmes, such as *Makiyolobasi*.

## State of broadcasting

The Malawi Communications Regulatory Authority (MACRA) regulates the broadcasting

and telecommunications industry in Malawi. As of December 2008 there were 23 licensed broadcasters in Malawi. The radio category accounts for 20, including one state-owned radio. The country has three licensed television stations: one state-owned and two privately owned by the Catholic and All for Jesus churches. The latter was licensed in March 2008 and is expected to be on air by May 2009. The large number of privately owned radio stations, in particular, provides a wide choice for people to access information of interest.

However, the state broadcaster was once again denied public funding by the opposition-dominated Parliament, citing biased coverage as the reason. "It doesn't matter how much you weep: the funding for these two unusually primitive organisations cannot pass. Not in this house," a senior opposition legislator, George Ntafu was quoted as saying. Mtafu was a cabinet minister until 2004, under whose regime these two institutions did not perform any better but got the funding anyway. It is, therefore, easy to conclude that the decision is not in the interests of the greater good but rather a show of political muscle. The finance minister could only allocate the nominal one Malawi Kwacha (a tenth of one United States cent) to the state broadcaster.

By denying the two broadcasters access to public finances, Parliament displayed a lack of moral high-ground, considering that the two institutions have a legal obligation towards the public to provide information, education and entertainment on a range of social issues such as health, HIV and AIDS, agriculture and many more. MBC and TVM enjoy the widest coverage in their respective categories.

On the flipside, the two state broadcasters have not helped themselves by taking initiatives that put them directly in the firing line. Some of the programming, such as the satirical *Makiyobasi* and the panel discussion show *Mizwanyana*, has clearly displayed the broadcasters' agenda to demonise opposition leaders. For instance, *Makiyobasi* uses the voices of opposition leaders and portrays them as villains. This should, to some extent, explain the anger in Parliament. Both the Malawi Electoral Commission (MEC) and MACRA cautioned the two broadcasters during the course of the year (March and June respectively) on broadcasts that were perceived to promote hate speech or offensive language.

Private radio stations provide an alternative to the state broadcasters despite their limitations in terms of infrastructure and coverage. Zodiak Broadcasting Station (ZBS) stands out among those whose main target is the rural audience. The station scooped an international award on human rights reporting during the year. Joy FM, on the other hand, had a fair share of tribulations as its relationship with MACRA degenerated into a cat-and-mouse chase. On October 17 MACRA ordered Joy FM to stop broadcasting. It was only served by the courts and was back on air two days later. When MACRA challenged the ruling, silence once again engulfed the airwaves of Joy FM on November 20, after the High Court threw out the station's injunction barring MACRA from shutting it down. Once again Joy was saved by the court following the Supreme Court's ruling in early December pending a judicial review. Joy FM is in a very precarious position due to its ties with former President Bakili Muluzi, a prominent opponent of the government.

The community radio sector is still under-developed and yet it provides great potential for strengthening grassroots democracy. Malawi has four community radio stations.

The Communications Act of 1998 is overdue for revision following the experiences in its application. It needs to be realigned with the Communications Sector Policy on a number of areas such as the definition of a community radio and the status of private satellite television.

## State of print media

The print media continues to be dominated by two media houses with each one producing three publications: a daily, a Saturday newspaper and a Sunday newspaper. Some new entrants also joined the fray in 2008, notably the *Weekend Express* from the Malawi Institute of Journalism (MIJ) and *The News*, a weekly publication.

Journalists from the Malawi print media shone on the both the international and regional map with Brian Ligomeka scooping the WHO/Stop TB Award for Excellence in Reporting TB, while Charles Mpaka and Mike Chipalasa laid their hands on the John Manyarara Investigative Journalism Award, a MISA regional media award.

## Projections for next year

The year 2009 is a watershed period for media practice in Malawi. The political stakes have never been higher and the media will not be spared the heat. Political influence on editorial decisions may come in an overt or covert manner. There is likely to be an influx of newspapers with various political agendas in the run-up to elections and the MCM should brace itself for many complaints on media reporting.

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Malawi

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## Introdução

Em 2008, a indústria de comunicação social no Malawi continuou a consolidar o seu lugar como uma importante força na democracia do Malawi. O ano foi um sortido de esperança e entusiasmo por um lado, e por outro uma contínua atmosfera não favorável em alguns casos. Às vezes, os *Media* fizeram revelações chocantes que foram inicialmente negadas e vistas como rumores por confirmar. O jornal *The Nation*, na sua edição de 15 de Janeiro de 2008 teve a manchete em destaque de primeira página *Malawi dá os pontapés a Taiwan* relatando sobre a mudança das relações diplomáticas de Taiwan para China. A Ministra dos Negócios Estrangeiros Joyce Banda, que foi citada dizendo qualquer coisa que não passava de boato, no Jornal *The Nation*, na sua edição de 4 de Janeiro de 2008, agora confirmou o “boato” numa conferência de imprensa, que deu no dia 14 de Janeiro de 2008.

Os *Media* mais tarde confirmaram o seu papel de supervisor numa história chocante de menores de rua que foram recrutados para limpar um tubo de esgoto sem equipamento de protecção por um proprietário de restaurante na cidade capital Lilongwe, o que levou o governo a tomar medidas e prender o culpado por violar a lei do trabalho.

Numa triste nota, os profissionais de comunicação não escaparam à vitimização que se estendeu desde o espancamento até à perseguição já que Deborah Chopofya Nyangulu, da Blantyre Newspaper Limited (BNL) pôde testemunhar quando foi assaltada durante o cumprimento do seu dever pelos apoiantes do partido no poder, na conferência de imprensa presidencial em Outubro passado, por fazer uma pergunta considerada “inapropriada”.

Alguns dirigentes públicos recorrem à violência contra jornalistas, como foi o caso do administrador do distrito oriental de Machinga que espancou o jornalista Wyford Banda da Zodiak Broadcasting Station (ZBS) por analisar os seus comentários sobre uma questão de importância pública, o censo populacional de 2008.

## Situação dos Meios de Comunicação Social

Numa nota positiva, o Conselho de Comunicação Social do Malawi (MCM), ressuscitado nos princípios de 2007, teve um impulso adicional quando finalmente foi incorporado como uma entidade legal pelo governo do Malawi. A presença do MCM no cenário providencia uma oportunidade de auto-regulação da *Media* e melhoramento do profissionalismo através de várias formas, tais como a opção de disputas e deliberações tal e qual nos tribunais da justiça.

A batalha para obter a Proposta de Lei do Acesso à Informação ainda continua vigorosa. Registou-se progresso na Proposta de Lei, apesar do processo se arrastar há vários anos, o MISA-Malawi desempenha um papel fundamental no processo e o Ministro da Informação, um parceiro chave neste processo, submeteu desde então esta Proposta de Lei ao Ministro da Justiça e dos Assuntos Constitucionais, para trabalhar sobre o material e preparar um documento do Conselho de Ministros.

Contudo, prudência deve ser tomada apesar do sucesso alcançado até agora. Primeiro, a Proposta de Lei não pode receber atenção prioritária no Parlamento dentro do presente mandato que expira por volta de Março de 2009. O governo actual sofre uma minoria parlamentar e a oposição tem as suas próprias razões de queixa que as quer priorizadas até ao ponto de que os dias podem passar com pouco avanço sobre as deliberações. Em Segundo lugar, todos os actores chave nas fases finais dos processos legislativos parecem estar a focalizar sobre a campanha eleitoral à frente da votação parlamentar e presidencial de 19 de Março de 2009.

O poder executivo do governo banuiu a cobertura das sessões parlamentares ao vivo através da Rádio e Televisão Estatal, a Malawi Broadcasting Corporation (MBC) e Malawi Television (TVM), dizendo que a linguagem usada no parlamento era delicada. Este acto negou às pessoas a oportunidade de aceder à informação através do acompanhamento das sessões parlamentares e também do monitoramento do desempenho dos seus representantes. A decisão pareceu excessiva e até certo ponto irónica, uma vez que a MBC continua a usar excertos dos mesmos debates verbais no parlamento num dos seus programas satíricos tais como *Makiyolobasi*.

## Situação da Transmissão

A Autoridade Reguladora das Comunicações do Malawi (MACRA) regula a indústria da Rádio e Televisão, e das Telecomunicações no Malawi. Em Dezembro de 2008 havia vinte e três (23) Rádios e Televisões, licenciadas no Malawi.

A categoria de rádio conta com vinte estações, sendo uma Rádio Estatal, e três estações televisivas sendo uma estatal, e duas privadas pertencentes à Catholic and All for Jesus Churches. O último foi licenciado em Março de 2008 e espera-se que esteja no ar até Maio de 2009.

O maior número de estações privadas especialmente na categoria de Rádio providenciam uma múltipla escolha para as pessoas acederem à informação do seu interesse.

Todavia, a Rádio e Televisão Estatal, foi uma vez mais lhe negado o financiamento público pela oposição que domina o parlamento, invocando razões tendenciosas. “*Não importa quão vós choram, o financiamento para estas duas organizações invulgarmente primitivas não podem passar. Não neste parlamento*”, disse um legislador sénior da oposição, George Ntalufo foi citado dizendo. Mtafu, ele mesmo foi um ministro do Conselho de Ministros até 2004, ironicamente sob esse regime em que estas duas instituições não tiveram melhor desempenho mas tiveram o financiamento mesmo. Daí ser fácil para qualquer um concluir que a decisão não é para o bem maior mas sobretudo uma demonstração de poder.

O Ministro das Finanças poderia apenas alocar o nominal Um Kwacha malawiano (o décimo de um cêntimo do dólar americano) à Rádio e Televisão Estatal.

Ao negar o acesso ao financiamento público às duas Rádio e Televisão, o parlamento revelou falta de extrema moral tendo em conta que as duas instituições têm uma obrigação social para com o povo, sob a Lei de providenciar informação, educação e entretenimento em todos os assuntos sociais tais como a saúde, HIV & SIDA, agricultura e muito mais. MBC e TVM detêm a mais vasta cobertura nas suas respectivas categorias.

Doutro lado, os dois órgãos estatais de comunicação social não se ajudam ao tomar iniciativas que directamente as coloquem numa linha de fogo. Alguns dos programas tais como *Makiyolobasi* e *Mizwanyana* (um painel de debate) tem demonstrado claramente que a sua agenda é de demonizar os líderes da oposição. O *Makiyolobasi*, por exemplo, um programa satírico usa vozes dos líderes da oposição retratando-as como as de vilões e as dos políticos do governo como as dos heróis. Isto pode, até certo ponto explicar a ira no parlamento. Tanto a Comissão Eleitoral do Malawi (MEC) como MACRA advertiram os dois órgãos de comunicação social durante o ano (Março e Junho respectivamente) acerca das transmissões que eram concebidas para promover discurso de ódio e linguagem ofensiva.

As estações radiofónicas privadas providenciam uma alternativa a Rádio e Televisão Estatal apesar das suas limitações em termos de infra-estruturas e cobertura. Zodiak Broadcasting Station (ZBS) sobressai dentre aquelas cujo alvo principal é a audiência rural e conseguiu um prémio internacional sobre a cobertura dos direitos humanos durante o ano.



Joy Rádio por outro lado, teve uma porção de tribulações à medida que o seu relacionamento com o MACRA degenerou numa Guerra entre gato e rato.

No dia 17 de Outubro o MACRA ordenou a Joy Rádio para que parasse de transmitir e serviu-se dos tribunais para que pudesse voltar a. Quando o MACRA desafiou o governo, o silêncio, uma vez mais, engoliu as ondas da Joy Rádio, no dia 20 de Novembro, depois de o Tribunal Supremo arremessar o embargo do MACRA que barrava a estação e obrigava-a a fechar.

Uma vez mais a Joy foi salva pelo tribunal seguindo a pendente revisão do processo judicial do Tribunal Supremo no passado Dezembro. A Joy Rádio está numa posição precária devido às suas ligações com o antigo Presidente Bakili Muluzi, um proeminente opositor do governo.

O sector da rádio comunitária ainda está subdesenvolvida e ainda providencia uma maior perspectiva que fortifica as democracias populares. Malawi tem quatro estações de rádio comunitária.

A Lei das Comunicações de 1998 está atrasada em relação à revisão tendo em conta as experiências na sua aplicação. Precisa de ser reajustada com a Política do Sector das Comunicações em várias áreas tais como a definição de uma rádio comunitária e a situação jurídica de uma televisão transmitida via satélite.

## Situação da Imprensa Escrita

A imprensa escrita continua a ser dominada por duas instituições de comunicação social, cada uma delas produzindo três publicações, o diário, o jornal de sábado e o jornal de domingo. Alguns novos estreantes também se juntaram à luta em 2008, particularmente o *Weekend Express* do Instituto do Jornalismo do Malawi (MIJ) e o *The News*, uma publicação semanal.

## Perspectivas para o Próximo Ano

O ano de 2009 é um momento crítico para o exercício da actividade dos *Media* no Malawi. Os interesses políticos nunca estiveram tanto no topo da agenda e os *Media* não irão poupar esforços. A influência política sobre as decisões editoriais poderá vir de maneira clara ou dissimulada. Parece que haverá um fluxo de jornais com várias agendas políticas na corrida eleitoral e o MCM poderá se confrontar com mais queixas sobre a reportagem dos *Media*.

• **ALERT**

Date: June 6, 2008

Institutions: Capital Radio and Nation Publications

Violation/issue: Other

On June 5, 2008 Capital Radio, a private radio station, wrote to the state broadcaster, Malawi Broadcasting Corporation (MBC), demanding a retraction and an apology of a story run by the station alleging that Capital Radio and other media houses were being financed by the opposition, United Democratic Front (UDF), to dent government's image. Capital Radio Managing Director Alaudin Osman threatened to sue MBC should it fail to meet their demands. MBC, on two occasions, alleged in its news bulletins that journalists working for Capital Radio, Zodiak Broadcasting Station (ZBS) and Nation Publications Limited (NPL) are being financed by the UDF to discredit government through negative reporting. In an editorial on June 6, 2008 *The Nation* disassociated itself from the allegations by MBC.

• **ALERT**

Date: June 8, 2008

Person: Wyford Banda

Violation/issue: Beaten/ Threatened

On June 7, 2008, Machinga District Commissioner (DC) Lawrence Makonokaya assaulted Zodiak Broadcasting Station (ZBS) correspondent Wyford Banda for trying to get the DC's comments on the arrest of people involved in a fight with the police over participation in the Malawi Housing and Population Census. According to Banda, Makonokaya pushed him three times in the presence of police officers and Deputy Minister of Trade and Industry Ellock Maotcha Banda, a Member of Parliament for the area. Banda said the DC also intimidated him the following day, asking why Banda reported the matter to ZBS management instead of sorting out the issue between the two of them. But Makonokaya said he only held Banda by the shoulder and asked the ZBS correspondent to contact him later as he did not have information readily available.

MISA Malawi National Director Innocent Chitosi condemned Makonokaya's conduct, saying that his behaviour did not benefit a public officer. He also said Makonokaya was a custodian of information and, therefore, has no right to classify who gets information.

• **ALERT**

Date: June, 10 2008

Person/institutions: Media

Violation/issue: Banned

On June 10, 2008 former Justice and Constitutional Affairs Minister Bazuka Mhango, who is also a Member of Parliament, barred the media from reporting on allegations levelled against him by fellow Parliamentarian, Ibrahim Matola. Matola, an opposition United Democratic Front (UDF) legislator alleged during deliberations on the 2008/09 national budget that Mhango dubiously got more than MK42 million (approximately US\$ 310,000) from government in legal fees when he was in cabinet. This was against government's code that prohibits ministers from engaging in legal work while in government. In stopping the media from covering this issue, Mhango said parliamentary privilege does not extend to the media, warning the press not to report on the matter, which he said was in court. But Member of Parliament for Blantyre South West, Gerald Mponda, argued that the former minister has no right to stop the media from reporting on parliamentary proceedings.

• **ALERT**

Date: June 10, 2008

Person/institutions: Joy FM, Malawi Broadcasting Corporation and Malawi Television  
Violation/issue: Threatened

The Malawi Communications Regulatory Authority (MACRA) summoned Joy Radio Limited, owned by former President Bakili Muluzi, and state broadcasters Malawi Broadcasting Corporation (MBC) and Television Malawi (TVM) for breaching the Broadcasting Services Code of Conduct. In a letter dated May 30, 2008 to Joy FM and signed by MACRA Director General Alexon Chiwaya, five charges against the station were listed. The letter further states that Joy FM's reports relating to government and the president are not truthful, accurate and objective, contrary to Section 3(1) of the Broadcasting Services Code of Conduct. MACRA stated that MBC and TVM had breached the Broadcasting Services Code of Conduct in some of their programmes.

• **ALERT**

Date: June 19, 2008

Person/institutions: Wisdom Chimgwede/ Zodiak Broadcasting Station

Violation/issue: Banned

The Chinese Embassy in Malawi removed Zodiak Broadcasting Station (ZBS) Editor Wisdom Chimgwede from the list of journalists travelling to China on a media visit sponsored by the embassy. This followed instructions from the Ministry of Information and Civic Education. The visit was planned for June 21, 2008. The Ministry on Information had earlier accused the editor of writing negatively about the government. An official from the embassy, David Zhang, confirmed receiving instructions from the Ministry of Information and Civic Education to remove Chimgwede's name from the list. At a press briefing on June 17, 2008, Kaliati accused Chimgwede of circulating a document allegedly issued by the opposition United Democratic Front (UDF) aimed at denting government's image.

• **ALERT**

Date: July 9, 2008

Institutions: Joy FM

Violation/issue: Threatened

Malawi's State House Press Officer Chikumbutso Mtumodzi on July 9 warned Joy FM against what he termed embarking on a disinformation crusade, airing libellous and slanderous programmes and playing derogatory lyrics against President Bingu wa Mutharika. In a press statement, Mtumodzi also accused the opposition United Democratic Front (UDF); its chairperson, former president Bakili Muluzi; and station Manager Peter Chisale of being architects of the alleged disinformation campaign against the president and the ruling Democratic Progressive Party (DPP).

• **ALERT**

Date: July 10, 2008

Institutions: Joy FM

Violation/issue: Charged, Threatened/banned

Immigration authorities on July 10 stormed Joy FM premises searching for foreigners allegedly employed by the station. The incident happened barely a day after State House Press Officer Chikumbutso Mtumodzi warned the station against what he termed embarking on a disinformation crusade. Mtumodzi also alleged that the station's manager, Peter Chisale, was a Zambian and threatened to deport him. But Chisale has refuted the State House's claims, arguing his station is professional and that he is a bonafide Malawian. Joy FM, which is owned by former President Bakili Muluzi, has operated on constant threats of closure by government.

• ALERT

Date: October 18, 2008

Institutions: Joy FM

Violation/issue: Banned

The Malawi Communications Regulatory Authority (MACRA) ordered Joy FM to stop broadcasting, allegedly for failing to comply with licence conditions and provisions of the Communications Act. The station stopped broadcasting on October 17, 2008 at 6pm local time. The ban was communicated in a letter dated October 16 and signed by MACRA director general, Alexxon Chiwaya

October 19, 2008:

Joy FM, which had its license suspended on October 17, resumed broadcasting after a High Court injunction restrained Malawi Communications Regulatory Authority (MACRA) from revoking its licence. MACRA had ordered the station to cease broadcasting on allegations of not complying with licence agreement and provisions of the Communications Act. Ralph Kasambara, the station's lawyer, told MISA Malawi that that the High Court judge felt that closing down the station could deprive Malawians of their right to information, which the radio station, as a component of the media, champions. Following the injunction, the station resumed broadcasting at 2.30pm on October 19, 2008. The injunction will be valid for seven days while waiting for Joy FM's case to be reviewed. The Director of Broadcasting for MACRA, James Chimera, told a local newspaper that the station had been closed because it transferred ownership and was effectively in the hands of politicians, contrary to section 48(7) of the Communications Act. According to MACRA, the station was now owned by former Malawian President and national chairman of the opposition United Democratic Front (UDF) Bakili Muluzi; his wife, Patricia Shanil Muluzi; his son, Atupele Muluzi; and a Tanzanian investor.

• ALERT

Date: October 23, 2008

Person: Emmanuel Chibwana

Violation/issue: Beaten

On October 23, 2008 Malawi police arrested and assaulted a Zodiak Broadcasting Station reporter, Emmanuel Chibwana, over a remark he made on why the law enforcers arrested a man dressed in camouflage, while ignoring shops and vendors selling the camouflage. The remark followed an incident in which police arrested and assaulted a man who was dressed in army camouflage on October 22, 2008 and Chibwana was overheard discussing with a colleague on why police ignored those selling the clothes and targeted buyers only. Chibwana was released by the police unconditionally on the night of the same day only to be re-arrested the following morning when he went to the police station to obtain a report that would have enabled him to access treatment at the hospital. In an interview, Chibwana complained that he bled profusely on that night as one of the officers hit him and he was denied access to communication.

• ALERT

Date: November 7, 2008

Person/institutions: Journalists/Media

Violation/issue: Threatened

The Anti-corruption Bureau (ACB) has warned that it would soon start arresting, on charges of obstructing justice and hiding evidence, journalists who allege corruption but refuse to co-operate during investigations. ACB Director Alex Nampota said the bureau was failing to investigate a lot of alleged corruption cases published or broadcast in the media because reporters were not assisting with investigations. Nampota made these statements on November 6 in a story carried by *The Daily Times*. Commenting on this MISA Malawi chairperson Brian Ligomeka said that as much as journalists were playing a crucial role in fighting corruption, the bureau

should not expect them to disclose their sources as that would violate their ethical conduct.

• **ALERT**

**Date:** November 20, 2008

**Institutions:** Joy FM

**Violation/issue:** Banned

The Malawi Communications Regulatory Authority (MACRA) once again shut down Joy FM after the High Court in Blantyre lifted an injunction that the radio station obtained on October 17, 2008. The injunction restrained MACRA from closing the station on accusations of breaching licence conditions, failing to comply with the provisions of the Communications Act and for effectively transferring its ownership into the hands of politicians. However, MACRA challenged the injunction obtained by Joy FM and High Court Judge Joseph Manyungwa ruled in favour of the regulatory body on November 19. The head of news at Joy FM, Lloyd Zawanda, said they stopped all broadcasting at 10am on November 20, 2008 and referred the issue to their lawyers.

• **ALERT**

**Date:** November 20, 2008

**Person:** Maxwell Ng'ambi

**Violation/issue:** Detained/ harassed

The Magistrate's Court in Lilongwe acquitted Nation Publications journalist Maxwell Ng'ambi of the charge of providing false information to a public officer. Ng'ambi was arrested on May 17, 2008 at Maula Prison where he was suspected of planning to interview a former speaker and minister of education, Sam Mpasu, who is serving a jail term. The prison authorities handed him over to the police and he was charged with providing false information to a public servant whereby he had allegedly lied that he was related to Mpasu. Senior Magistrate Kettie Nthara said she could not convict Ng'ambi because the Police did not have enough evidence to support the charge.

• **ALERT**

**Date:** November 26, 2008

**Institutions:** Joy FM

**Violation/issue:** Banned

Joy FM is appealing to the Supreme Court to reverse the High Court ruling that resulted in the station going off air on November 20, 2008. The High Court ruling lifted an injunction that Joy FM had obtained, which prevented the Malawi Communications Regulatory Authority (MACRA) from revoking their broadcasting licence. MACRA maintains that the station, which is privately owned by the country's former president and current United Democratic Front presidential candidate Bakili Muluzi, contravened the Communications Act, which bars politicians from owning radio stations.

• **ALERT**

**Date:** November 26, 2008

**Person/institutions:** Joy FM/ public

**Violation/issue:** Banned

Police, on November 26, 2008 stopped a march by concerned listeners of Joy FM who wanted to deliver a petition to the district commissioner to have the radio back on air. According to chairperson of the organising committee for the march, Harris Chisale, the march was to express their concern over the station's closure, which he said has deprived them of their primary source of information and business communication.

"Joy FM offers competitive [advertising] rates that we small-scale business persons could afford. With the closure, we have no where [to go] as other radio stations are expensive. We could even bargain with Joy for lower rates," he said.

- **ALERT**

Date: December 16, 2008

Person/institutions: Joy FM/ public

Violation/issue: **Victory**

Joy FM station resumed broadcasting on December 16, 2008, 30 days after Malawi Communications Regulatory Authority (MACRA) revoked its broadcasting license for non-compliance with the Communications Act and licence agreements.

The resumption of broadcasting followed the Supreme Court of Appeal's reinstatement of an injunction obtained on October 17, 2008 by Joy FM, which restrained MACRA from revoking the radio station's broadcasting licence. However, MACRA challenged this injunction and it was struck down by a High Court judge on November 19, 2008.

Delivering the verdict in his chamber, Justice Singini said he reinstated the injunction pending a judicial review hearing on the matter.

"I must, therefore, consider the judicial review matter as being part of the totality of the circumstances of the case before me," the judge said.

He, however, cautioned Joy FM, saying reinstatement of the injunction was not a licence for wrong-doing in the period pending determination of judicial review proceedings.

"The licensee under the act, is under the legal, indeed statutory, obligation at all times to comply with the requirements of act," Justice Singini said.

He also added that as a matter of public interest, the Communications Act represents an important public policy framework, in which he observed that it was important for the licensed service providers to comply with requirements of the law under the act.