



ZAMBIA

National Overview 2003
by MISA Zambia

Zambia



by **Herbert Macha**

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The political openness and legal reforms heralding a more independent media, expected with the coming into power of Levy Mwanawasa, State Counsel, have not materialised. Mwanawasa's New Deal Administration of 'laws and not men' has largely maintained the status quo on the media front and laws against the media are still intact. The promise to have them repealed has continued with no action taken so far. Threats, harassments and interference continued to be the order of the day in Zambia for this period.

President Levy Mwanawasa, on closing the sixth National Convention (Indaba) on October 20, 2003 called on the public media to discontinue flattering his New Deal Administration and appealed for constructive criticism and objective reporting. He also assured the public media heads of job security even if they criticised the New Deal Administration. A few weeks after these pronouncements, in unexplained circumstances, the government owned and controlled Zambia National Broadcasting Corporation (ZNBC) TV banned a live programme that was reviewing the front pages of all national daily newspapers on the Kwacha Good Morning Zambia programme presented by two independent journalists, Edem Djokotoe and Anthony Mukwita. The programme was perceived as being critical to government. The banning clearly contradicted Mwanawasa's pronouncements that constructive criticism and objective reporting from the public media was healthy and welcome.

Another setback to Mwanawasa's declaration occurred on 18 October 2003, when journalists from both private and state-owned media outlets were barred from reporting on the deliberations of various committees at a government-organised Indaba that took place in Lusaka. The journalists, who were duly accredited to cover the four-day meeting, were told that, in order to avoid 'intimidating' the delegates, they would not be allowed to cover the deliberations of the 12 committees formed at the convention to deliberate and make recommendations on multi-sectoral issues. This decision to bar media coverage of the Indaba was only rescinded after widespread protests from various media organisations. The Media Institute of Southern Africa (MISA)-Zambia Chairperson Kellys Kaunda said the convention was discussing matters of public interest which were not secret and the press needed to be allowed to cover all the deliberations. His counterpart Andrew Sakala, the Press Association of Zambia (PAZA) president, said his organisation was disappointed with the decision of the organisers.

What was more astonishing at this national Indaba was the omission of the final resolutions on media reforms, which again attracted sharp criticism from media associations. MISA-Zambia and PAZA both accused government of trivialising the importance of press freedom. Despite having had a committee sitting at this national Indaba to look at media legal reforms and other concerns by the media, nothing concerning the media was mentioned in the final resolutions.

In 2003, President Mwanawasa appointed a Constitution Review Commission (CRC) representing broad-based sections of society, including media institutions. Despite the inclusion of media institutions, the Commission's 24 terms of reference made no mention of press freedom.

The year ended without the Freedom of Information (FOI) Bill being passed into law except for the assurance by government on December 30, 2003 that it would be tabled in the next

session of Parliament. The Bill was earlier on presented to Parliament and had passed through the crucial second reading without much difficulty on 28 November 2002. However, at the last minute, former Information and Broadcasting Services Minister Newstead Zimba withdrew the bill without giving reasons. Then Vice-President Enock Kavindele said the Bill had serious national security implications in view of 'global security concerns after the 11 September 2001 terrorist attacks in the United States.'

Both MISA-Zambia and PAZA expressed disappointment over the apparent lack of political will to pass FOI Bill into law. This piece of legislation is critical to media freedom as it could facilitate access to important information and events, thereby allowing citizen participation in the democratic governance of Zambia.

Government policy remained unchanged on the privatisation of the public media, which remained under state ownership and control. The then Minister of Information and Broadcasting, Newstead Zimba told the nation in March 2003 that government had no intention of privatising the *Zambia Daily Mail* and the *Times of Zambia* but that those willing to offer competition to the two dailies were free to establish their own newspapers.

The independent media in Zambia continued to operate against the backdrop of a poor economy. The public media is heavily indebted. This is evident in inadequate and obsolete equipment in these institutions. Media organisations are calling for the recapitalisation of the public media with a view to eventually privatising them. Government seems to deliberately exacerbate these economic problems in an effort to squeeze the independent press out of business. It is still an undeclared policy for instance, for all government institutions to not advertise in certain sections of the media.

The Media is still polarized, with state publications or those serving the interest of the ruling MMD on one side and the severely repressed independent press on the other. The relationship between the news media and the government has continued to be hostile, and this hostility has been directed mainly at the privately owned media and specifically the *Monitor* newspaper. For once, *The Post* newspaper, which set the national agenda for zero tolerance on corruption was enjoying lukewarm relations with Mwanawasa's government, which is pursuing those suspected of corruption under the Chiluba administration.

Government continued to maintain that ZNBC is a national broadcaster as opposed to public broadcaster. Government has amended the ZNBC Act of 1987 to allow the Corporation to collect TV license fees in order to strengthen its financial base. The ZNBC has started collecting license fees with a campaign slogan that 'when you pay it will show' amid controversy and confusion. In October, former MMD Party National Secretary, Michael Sata, sued the ZNBC and Zambia Electricity Supply Corporation (ZESCO) for 'illegally' collecting license fees from his electricity bill without permission. The case was thrown out. Regulatory powers have been removed from the Minister of Information and Broadcasting to the Independent Broadcasting Authority (IBA) which is yet to be set up. The new board, despite having been appointed, has not been ratified by the last sitting of parliament that ended on 28 November 2003.

Although there are major changes in the new ZNBC Act, where ZNBC is expected to operate as a 'truly' public service broadcaster representing a diversity of opinions and a wider range of programmes, there is still too much political interference and abuse by those holding political power. Biased TV news coverage is a clear indication that ZNBC is far from fulfilling the obligations of a public service broadcaster.

Unlike the independent press, which burst onto the scene during political transition in the early 1990, independent broadcasting was born out of struggle and controversy. Today scores of community radio stations are widespread in both urban and rural areas. Unfortunately, many of these are shoestring operations that broadcast predominantly music, while transmission radius is highly restricted. Generally, there has been a steady decline in the development of the private media sector. Financial problems have caused many newspapers to operate below capacity. In June 2003, the *Monitor* newspaper reduced its frequency from a bi-weekly to a weekly while the weekly *Today* newspaper's circulation has not been consistent, coming out once every fortnight or not coming out at all. Independent media free from government and monopolistic control is critical if the country is to achieve the greatest possible diversity and a key to the sustainability of democratic systems. The independent media in its present form does not contribute much to the democratic process, as it is not able to act as a courier of alternative viewpoints nor to question government policies and expose abuse of power and corruption.

The current high concentration of ownership of the mainstream media by government has grossly undermined media diversity, thereby significantly contributing to the media's failure to reflect the full spectrum of multi-party and pluralistic views which are critical to press freedom and democracy. The excessive damages and costs awarded by courts in cases involving the media are beginning to be a source of concern and most of these are coming from government officials and politicians. These fines and damages create the impression that the courts are out to gag the private media. The High Court in Zambia early this year awarded K80 million (US \$18 000) to two Commissioners of the Permanent Human Rights Commission for libel. The Court passed a ruling in absentia in favour of the commissioners following an article in the *Monitor* newspaper that alleged that the commissioners had accepted a 'bribe' from relatives of a young man who had inherited estates from the deceased's father. The commissioners subsequently engaged court bailiffs and expropriated the *Monitor*'s editorial vehicle, a Land Rover station wagon, thereby paralysing the operations of the newsroom.

MISA-Zambia and PAZA continue to work together in the fight for greater press freedom in Zambia. The two organisations fought many 'battles' together during the year especially on the call for legal reforms. Both MISA-Zambia and PAZA on various fora urged government to scrap 13 bad pieces of law including the Official Secrets Act that inhibits press freedom.

On a positive note, government scored successes towards the end of the year when on December 23, 2003 it unveiled the long awaited Information and Communications Technology (ICT) draft policy. Until then, Zambia was among a few countries in the SADC region that had no ICT policy.

It is clear that a greater struggle lies ahead in Zambia's fight for media freedom. There is an urgent need to convince the New Deal Administration to undertake legal media reforms that will guarantee press freedom and foster democracy for the Zambian people.

Zâmbia



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Com a abertura política e das reformas legais, durante a qual era esperado um média mais independente com a subida ao poder do Conselheiro de Estado, Levy Mwanawasa, já teve o seu dia. Com a Administração do Novo Acordo, de “leis e não de homens” conseguiu manter de forma importante, o modo de vida dos média. As leis prejudiciais aos média ainda estão intactas. A canção que fala de as repelir ainda continua sem efeito até hoje. Ameaças, hostilizações e interferências continuaram a ser a ordem do dia.

Em 20 de Outubro de 2003, o Presidente Levy Mwanawasa, ao encerrar a Sexta convenção Nacional (O Indaba), pediu ao média público para parar de elogiar a sua Administração de Novos Negócios e apelou a uma crítica construtiva e reportagens objectivas. Ele assegurou aos média públicos importantes segurança de emprego mesmo se eles criticassem a Administração de Novos Negócios. Umas semanas depois destas declarações, em circunstâncias inexplicáveis, o governo adquiriu e controlou a Corporação de Radiodifusão Nacional da Zâmbia (ZNBC), a televisão banuiu um programa em directo que estava a rever as páginas principais do jornal nacional independente Kwacha Good Morning Zambia, programa apresentado por dois jornalistas independentes, Edem Djokotoe e Anthony Mukwita. Este programa, era visto como sendo crítico ao governo. O banir deste programa, contradisse as declarações de Mwanawasa, de que a crítica construtiva e a reportagem objectiva dos média públicas eram saudáveis e bem vindas.

Outro revés da declaração de Mwanawasa, foi em 18 de Outubro de 2003, quando jornalistas tanto dos média privados como pertencentes ao estado foram impedidos de fazer a reportagem às deliberações de vários comités do Indaba organizados pelo governo, que teve lugar em Lusaka. Os jornalistas, que eram devidamente creditados para fazer a reportagem do encontro de quatro dias, foram ditos no dia 18 de Outubro que, de forma a evitarem “intimidarem” os delegados, não devia ser permitido a cobertura dos 12 comités formados na convenção que ia fazer recomendações e deliberações em assuntos multi-sectoriais.

Esta decisão de barrar a cobertura dos média do Indaba, só foi rescindida após protestos gerais de várias organizações dos média. O Director Instituto dos Média de África do Sul (MISA)-Zâmbia, Kellys Kaunda, disse que a convenção estava a discutir assuntos de interesse público, que não eram segredos e a que devia ser permitida à imprensa fazer a cobertura destas deliberações. O seu parceiro Andrew Sakala, Presidente da Associação da Imprensa da Zâmbia (PAZA), disse que a sua organização estava desapontada com a decisão dos organizadores.

O que foi mais surpreendente neste Indaba nacional, foi a omissão das resoluções finais nas reformas dos média, que de novo levantaram fortes críticas das associações dos média. Ambas a MISA-Zâmbia e a PAZA acusaram o governo de banalizar a importância da liberdade de imprensa. Apesar de ter tido um comité presente neste comité do Indaba para avaliar as reformas legais dos média e outros assuntos que dissessem respeito ao média, nada foi mencionado nas resoluções finais que dissesse respeito aos média.

Em 2003, o Presidente Mwanawasa nomeou uma Comissão de Revisão Constitucional (CRC) de diferentes secções da sociedade, incluindo instituições dos média. Apesar da inclusão de instituições dos média, os 24 termos de referência feitos pela Comissão não fizeram menção

nenhuma da liberdade de imprensa. Isto exibiu que não havia seriedade no desenvolvimento dos média. Embora isto pudesse ser implicado num dos termos de referência, o facto de que não ter sido feito de forma clara seria banalizar e enganar por parte dos peticionários.

O ano chegou ao fim, sem o plano de lei da Liberdade de Informação (FOI) ser aprovado como lei, mas com a promessa do governo em 30 de Dezembro de 2003, de que seria posto em mesa na próxima sessão do parlamento. O plano tinha antes sido apresentado ao parlamento em 28 de Novembro de 2002, e foi aprovada à segunda leitura sem grandes dificuldades. No entanto, no último minuto, o antigo Ministro de Serviços de Radiodifusão e Informação, Enock Kavindele, disse que o plano tinha sérias implicações de segurança do ponto de vista de segurança “global depois do ataque terrorista de 11 de Setembro aos Estados Unidos”.

Tanto a MISA como a PAZA, demonstraram descontentamento sobre a aparente falta de vontade política em passar o plano a lei. Este pedaço da legislação, é crítico à liberdade dos média e poderia facilitar o acesso a eventos e informações importantes, permitindo desta forma a participação dos cidadãos no governar da democracia da Zâmbia.

Ameaças, ataques físicos, interferências e hostilizações estavam na ordem do dia.

A política do governo ainda permanecia inalterada em relação à privatização dos média, que permanecia sobre o controle e propriedade do estado. O então Ministro de Radiodifusão e Informação, Newstead Zimba disse à nação em Março de 2003, que o governo não tinha qualquer intenção em privatizar o *Daily Mail*, da Zâmbia e o *Times of Zambia*, mas aqueles que quisessem competir com estes dois matutinos estavam livres em iniciar os seus próprios jornais. Os média independentes da Zâmbia continuaram a operar contra a tendência de uma economia pobre. Os média públicos estavam bastante endividados. Isto é evidente na obtenção de equipamento inadequado e obsoleto nestas instituições. As organizações dos média estão a fazer o pedido para uma recapitalização dos média públicos tendo em vista uma eventual privatização. O governo parece exacerbar de forma deliberada estes problemas económicos como forma de tirar a imprensa privada do mercado. Por exemplo, ainda é uma política não declarada, para todas as instituições do governo não fazer publicidade em certas secções dos média. Os média estão dividido com duas opções; por um lado publicações estatais ou os que servem os interesses do MMD governante, ou por outro, a imprensa independente bastante reprimida. A relação entre os média e o governo tem continuado a ser hostil, e esta hostilidade de forma mais directa aos jornais de donos privados, especialmente o jornal *The Monitor*. Por uma vez, o jornal *The Post*, que deixou uma postura de tolerância zero à corrupção na sua agenda nacional gozava de relações menos tensas como o governo de Mwanawasa, que está a perseguir todos aqueles que são suspeitos de corrupção sob a administração de Chiluba.

O governo continuou a manter que a ZNBC, era uma Radiodifusora nacional, contrapondo as Radiodifusoras públicas. O governo emendou o Acto da ZNBC de 1987, para permitir que a Corporação colectasse as taxas de licença de televisão, de modo a reforçar a sua base financeira. A ZNBC, começou a colectar as suas taxas de licença de televisão sob o slogan que “quando pagar vai-se notar” no meio de confusão e controvérsia. Em Outubro, o antigo Secretário do Partido Nacional MMD, Michael Sata, processou a ZNBC e a Corporação de Fornecimento de Electricidade da Zâmbia (ZESCO), por “colectarem” ilegalmente taxas de licença das suas contas de electricidade sem autorização. O caso foi posto de lado. Os poderes reguladores foram retirados do Ministro para a Autoridade de Radiodifusão independente (IBA), estando até agora para serem repostos. A nova Comissão, apesar de ter sido nomeada ainda não rectificada pelo último conselho de parlamento que cessou em 28 de Novembro de 2003. O estabelecimento da IBA, pode ser atrasado até que a ratificação das duas comissões do parlamento sejam feitas.

Isto significa que o Ministro continua a gozar de poderes reguladores.

Embora haja acentuadas mudanças do novo Acto da ZNBC, onde é esperado que opere como uma “verdadeira” radiodifusora ao serviço do público representando a diversidade de opiniões e um amplo espectro de programas, ainda existem muitos preconceitos, interferências políticas e abuso daqueles que detêm o poder político. Cobertura de notícias da televisão com preconceito é um claro sinal que a ZNBC, esta longe de preencher todas as obrigações como radiodifusora de serviço público.

Ao contrário da imprensa independente, que irrompeu em cena durante a transição política nos inícios de 1990, a radiodifusão independente nasceu com muita luta e controvérsia. A marcha actual das estações de rádio comunitárias está bem espalhada tanto nas áreas rurais como urbanas. Infelizmente, muitos destes programas apenas operam providenciando musica, enquanto que as transmissões de rádio são altamente restringidas. De uma forma geral, tem havido um declínio acentuado no desenvolvimento do sector dos media privados. Muitos problemas financeiros causaram a redução de capacidade de operações de muitos jornais. Em Junho de 2003, o jornal *The Monitor* reduziu a sua distribuição de bissemanal para semanal, enquanto que a circulação do jornal semanário *Today* não foi consistente, aparecendo quinzenalmente ou então nem era lançado. Um média independente livre do controlo do monopólio do governo é crítico se um país quer atingir a maior diversidade possível e a chave para sustentar um sistema democrático. Os média independentes na sua presente forma não contribuem muito no processo democrático, já que eles não funcionam como mensageiros para pontos de vista diferentes, nem questionam as políticas do governo ou os abusos do poder e corrupção.

A actual concentração de propriedade do governo no meio dos média, enfraqueceu de grande forma a diversidade dos média, contribuindo desta forma na falha dos média para reflectir-se no espectro multi partidário total e pontos de vista pluralistas que são críticos para a liberdade de imprensa e para a democracia. Os danos excessivos e os custos arbitrados pelos tribunais já começam a ser uma fonte de preocupação e a maioria destas vem da parte de oficiais e políticos do governo. Estas multas e danos criam a impressão de que os tribunais desejam amordçar os média privados. O Tribunal Supremo já no princípio deste ano multou por calúnia a dois Comissários da Comissão de Direitos Humanos Permanentes. O Tribunal, passou uma abstenção no parecer à favor de que os Comissários tinham recebido um ‘suborno’ de parentes de um jovem que herdou bens do seu falecido pai. Os Comissários empreenderam cauções que levaram o carro do jornal *The Monitor*, uma carrinha canadiana paralisando desta forma as operações dos jornais.

A MISA-Zâmbia e a PAZA, continuam a trabalhar juntas na luta para uma liberdade de imprensa na Zâmbia. As duas organizações lutaram muitas ‘batalhas’ durante este ano especialmente na convocação de reformas legais. Tanto a MISA como a PAZA, suplicaram ao governo em vários forums para retirar 13 excertos de lei desagradáveis incluindo o Acto de Segredos Oficiais que inibe a liberdade de imprensa.

Numa nota positiva, o governo marcou sucessos para o final do ano quando em 23 de Dezembro de 2003, revelou o tão esperado plano de acção do projecto de Informação e Tecnologia de Comunicação(ICT). Até essa altura, Zâmbia, estava entre os poucos países na região da SADC que tinham uma política de ICT .

Daqui para frente, é claro que batalhas maiores esperam na luta da Zâmbia, para a liberdade dos média. É necessário convencer a Administração de Novos Negócios para garantir urgentemente reformas legais para os média que possam garantir a liberdade dos média e nutrir a democracia para o povo da Zâmbia.

■ ALERTS

• **DATE: January 21, 2003**

PERSONS/INSTITUTIONS: Arthur Simuchoba, Calvin Kaley, Chali Nondo

VIOLATIONS: Threatened

On January 21 2003, police picked up three journalists from the privately-owned *The Monitor* newspaper for questioning, in connection with a story it published in its October 18 to 21 2002 edition. The report linked Harry Mwanawasa, President Levy Mwanawasa's brother, to a corruption case.

• **DATE: February 5, 2003**

PERSONS/INSTITUTIONS: Chali Nondo

VIOLATIONS: Detained (charged)

On February 5 2003, police arrested Chali Nondo, chief reporter of *The Monitor* newspaper, and charged him with "publishing false news with intent to cause fear and alarm to the public". The journalist is being held at Woodlands police station in Lusaka and has been denied bond.

The offence, which is contrary to Section 67 of the Penal Code, carries a maximum jail sentence of three years upon conviction.

Nondo's arrest follows a story published in the February 4 to 6 edition of *The Monitor*, which alleged that President Levy Mwanawasa had authorised police to hire a witchdoctor in order to help them capture a fugitive former finance minister who was wanted by police to face charges of "theft of public funds".

UPDATE

• **DATE: February 10, 2003**

PERSONS/INSTITUTIONS: Chali Nondo

VIOLATIONS: Detained (charged - update)

Chali Nondo, a journalist from *The Monitor* newspaper, was released on police bond on February 10 2003, at approximately 19h00, after spending about three hours in police custody. On February 5, Nondo was detained on a charge of "publishing false news with intent to cause fear and alarm to the public".

The reporter described his experience in police custody as "rough." "The cell was a dump, smelly and crowded," he said.

• **DATE: February 24, 2003**

PERSONS/INSTITUTIONS: Dickson Jere, Penny Dale, Shapi Shacinda, Amos Malupenga, Wendy Mpolokoso

VIOLATIONS: Censored

On February 24 2003, police prevented five journalists from covering court proceedings involving former president Frederick Chiluba.

Reuters correspondent Shapi Shacinda, Agence France-Presse (AFP) correspondent and Zambia Independent Media Association (ZIMA) Chairperson Dickson Jere, BBC correspondent Penny Dale, *Post* newspaper assistant news editor Amos Malupenga and Radio Phoenix reporter Wendy Mpolokoso were prevented from entering the Lusaka Chikwa Magistrate's court to cover Chiluba's court appearance on charges of "theft by a public servant".

• **DATE: February 24, 2003**
PERSONS/INSTITUTIONS: Radio Icengelo
VIOLATIONS: Threatened

On February 24 2003, Information and Broadcasting Services Deputy Minister Webster Chipili threatened Radio Icengelo, a Catholic-owned station in Kitwe, with closure, saying it risks losing its broadcast licence if it continues to be used as a mouthpiece for opposition political parties.

Speaking on the state-owned Zambia National Broadcasting Corporation (ZNBC) television news, Chipili accused the station of being a mouthpiece for opposition Patriotic Front (PF) leader Michael Sata and called on the station to desist or risk losing its licence.

• **DATE: June 24, 2003**
PERSONS/INSTITUTIONS: Masautso Phiri
VIOLATIONS: Threatened

On June 24 2003, police in Lusaka asked Masautso Phiri, editor of the privately-owned weekly newspaper *Today*, to report to police headquarters at 14h00 for questioning. Phiri told the Zambia Independent Media Association (ZIMA), MISA's Zambian chapter, that although the subject of the questioning was not specified in the summons, he suspected that it might be linked to a series of stories his newspaper published between June 3 and 24. Two of the stories are related to an alleged sex scandal at the State House, the president's official residence, and detail the attempts to cover it up. The latest story is related to President Mwanawasa's alleged poor health.

• **DATE: July 2, 2003**
PERSONS/INSTITUTIONS: Masautso Phiri
VIOLATIONS: Detained

On July 2 2003, police recorded a "warn and caution" statement from Masautso Phiri, editor of *Today* newspaper, who voluntarily presented himself for questioning at police headquarters one week after he was initially summoned.

Phiri, who was accompanied to the police station by his lawyer, Sakwiba Sikota, told the Zambia Independent Media Association (ZIMA), MISA's Zambian chapter, that police questioned him about a story entitled "Mwanawasa paves way for coup?" in the newspaper's June 3 to 10 edition.

The article said that President Levy Mwanawasa's leadership style had brought about political instability in the country, leading some people to express fears of a possible military coup.

• **DATE: September 17, 2003**
PERSONS/INSTITUTIONS: Alfaron Sinalungu
VIOLATIONS: Threatened

On September 17 2003, four prison wardens confronted Alfaron Sinalungu, a freelance journalist who writes for the privately-owned *Post* newspaper, over an interview he conducted with convicted coup plotter Captain Jack Chiti. Chiti, who is on death row, is currently in Kabwe general hospital.

Sinalungu told MISA-Zambia that the wardens accosted him at the hospital and accused him of being the author of a profile of Chiti that appeared in the September 7 edition of *The Sunday Post*. In the article, Chiti explained in detail his involvement in the failed October 27 1997 coup d'état against former president Frederick Chiluba, his subsequent torture, the harassment

of his family and his views on Zambia's current political situation.

Sinalungu said the officers led him to their "command post" within the hospital and questioned him for about 30 minutes.

• **DATE: October 18, 2003**

PERSONS/INSTITUTIONS: Journalist(s)

VIOLATIONS: Censored

On October 18 2003, journalists from both private and state-owned media outlets were barred from reporting on the deliberations of various committees at a government-organised national convention (Indaba) taking place in Lusaka, Zambia.

The journalists, who had been accredited to cover the four-day meeting, were told on October 18 that, in order to avoid intimidating the delegates, they would not be allowed to cover the deliberations of the 12 committees formed at the convention.

• **DATE: November 1, 2003**

PERSONS/INSTITUTIONS: Omega TV

VIOLATIONS: Censored

On November 1 2003, a team of two plainclothes and two armed and uniformed police officers raided the privately-owned Omega TV station, based in Lusaka, and ordered staff to immediately cease test broadcasts. The officers referred to "orders from above" as the reason for their actions. The station closed until November 3, when the order was reversed by Lusaka Province Police Commanding Officer Chendela Musonda.

The station's closure followed an October 27 letter by Solicitor General Sunday Nkonde to Minister of Information and Broadcasting Services Mutale Nalumango, which said the station was operating illegally and should be shut down by police.

• **DATE: November 11, 2003**

PERSONS/INSTITUTIONS: Omega TV

VIOLATIONS: Closed

On November 11 2003, Omega TV, a privately-owned, free-to-air television station based in Lusaka, was ordered closed following the reversal of a High Court order allowing it to continue its test broadcasts.

The closure of the station followed a successful appeal by Solicitor General Sunday Nkonde against a "stay of execution" granted to Omega TV on September 19, which had allowed it to continue its test broadcasts.

Nkonde argued that there was no legal basis for the stay of execution because the "construction permit", or temporary licence, that Omega TV was trying to protect had expired.

Omega TV had applied to the High Court for a judicial review of the cancellation by former minister of information and broadcasting services Newstead Zimba of its 18-month "construction permit", which was valid until July. The minister had cited "public interest" when cancelling the licence.