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STATE OF THE MEDIA IN ZAMBIA



Quarter 1

January- March 2019



**Media Institute of Southern Africa
Zambia Chapter**

STATE OF THE MEDIA IN ZAMBIA

For the First Quarter (January – March) 2019

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Abbreviations and Acronyms

ATI	Access to Information
DN	Daily Nation newspaper
IBA	Independent Broadcasting Authority
MISA	Media Institute of Southern Africa
NGOCC	Non-Governmental Organisations Coordinating Council
PF	Patriotic Front
ToZ	Times of Zambia newspaper
UPND	United Party for National Development
ZDM	Zambia Daily Mail newspaper
ZICTA	Zambia Information, Communication and Technology Authority
ZNBC	Zambia National Broadcasting Corporation
ZRA	Zambia Revenue Authority

1.0 Introduction

The State of the Media in Zambia is a quarterly report based on the assessment of events touching on the environment under which the media operated during the period under review. The report summarises the conditions under which the media houses and media practitioners operated, but more specifically in respect of the economic, technological, legal and political environments as well as any other pertinent major issues that affect the media industry in Zambia.

In addition, the report reflects the main topical national issues that arose during the period and how the media reported these in its role of ensuring that the public was fully informed.

This quarterly report is prepared by MISA Zambia. It helps to cumulatively document major developments in the media industry in Zambia and to flag off any negative trends requiring remedial measures by MISA Zambia and other major stakeholders.

2.0 Methodology

The quarterly report of the State of the Media in Zambia is essentially based on careful review and analysis of materials that were available during the said quarter containing information that had an impact and influenced the operations of the media in Zambia. The materials reviewed included news reports in the media related to the media fraternity, reports, press statements, and MISA Zambia media alerts published during the period under review. Further an analysis of the media houses with presence online was conducted, with particular attention to their online presence and level of activity.

Broadcast media, including radio and television news reports and other programs were monitored.

Many other media houses were engaged for more information on their operations in relation to their political and economic environments.

3.0 Executive Summary of Media Events During the First Quarter

The media in Zambia in the first quarter of 2019 was dominated by a number of issues; the harassment and eventual suspension of Prime TVs broadcasting licence dominated most of the

media debates. The month of March recorded the most media debates on the impasse between Prime TV, PF Secretary General and IBA.

In the period under review, press freedom and freedom of expression were under threat with cadres attacking radio stations by storming into studios. There were also threats by government officials ordering the media to come up with a self-regulatory framework within three months or else be forced to be regulated by statutes.

The continued incarceration of Derrick Sinjela, the News Editor for a publication called “The new Vision Newspaper” also made headlines in the period under review.

It should be noted that the first quarter of the year 2019 also scored some victories.

Arguably one of the biggest news received during the period under review was the tabling and approval of the Access to Information bill in Cabinet. Another success recorded during the period under review was the launch of two media advocacy groups: The Zambia Institute of Independent Media Alliance (ZIIMA) and the Independent Press Initiative (IPI). These two groups have been active voices advocating for media reforms in the period under review.

Generally, however, the period under review recorded more violations of media freedoms than victories.

4.0 Findings – Overview

The media in the period under review was dominated by debates around the feud between Prime TV and the Patriotic Front (PF) party’s secretary general Mr. Davies Mwila. This impasse escalated to the Independent Broadcasting Authority (IBA) siding with Mr. Mwila and ordering Prime TV to apologise or face a lawsuit. IBA escalated its order to an eventual switching off of the TV station for 30 days.

Also making news in the period under review were calls for self-regulation on the part of the media and issues surrounding Access to Information (ATI) Bill.

4.1 Policy and Statutory Framework

4.1.1. Self-Regulation of the media

The most pronounced form of regulation reported in the media in the first quarter (January to March) 2019 were calls to regulate the media. Government called on the media to consider a law to allow for the fraternity to regulate itself for professional recognition. The calls came at a time when the media in Zambia was said to have a lot of media practitioners without a media background. These views were shared with Information Permanent Secretary Chanda Kasolo on 18th March who was quoted in the Daily Mail newspaper saying “quacks undermining journalism.” The Permanent Secretary (PS) further stated that, “we have professions like accountants and lawyers whom we respect, so why should the case be different for the journalists? We need to bring sanity to the profession.”

The sentiments by the Information PS were on 25th January 2019, also echoed by Dr. Mutambashiku Bwalya a Lecturer and Researcher from the University of Zambia’s Department of Media and Communication Studies. Dr Bwalya told the Parliamentary Committee on media, information and communication technology that the media can take a leaf from the Law Association of Zambia (LAZ) and adopt regulations that will work better for them. Dr. Bwalya told the committee headed by Hon. George Imbuwa, that freedom of expression is important and it should be done responsibly. The Daily Mail newspaper quoted Dr. Bwalya saying that:

“We need self-regulation of a hybrid sort where it is enacted by parliament and then journalists pick it up to run the show. There is need for an overhaul of Zambian Laws to facilitate for true media freedoms. Laws that impede media freedom should be repealed or amended.”

Dr. Bwalya argued that; “politicians are allegedly the major culprits behind the media’s weaknesses because they (politicians) have compromised the way journalists conduct themselves.” He further stated that politicians have divided most media houses, a situation that has affected the quality of information disseminated to the public.

In the same vein, on 29th January, Information PS Chanda Kasolo gave the media an ultimatum of three months to come up with a self-regulatory framework or face statutory regulation. Justifying his directive, Mr. Kasolo stated that:

“government will step in with statutory regulation if the media fails to come up with a self-regulatory framework after three months because government cannot leave a vacuum where the media is free to do whatever they like without any regulation and adherence to journalism ethics.”

Similar sentiments were echoed by Minister of Information and Broadcasting Minister Dora Siliya on 20th February 2019, in the Mast Newspaper calling for an introduction of an institution to regulate journalism. The justification for this move was that government was determined to combat bad journalism. She argued that press freedom and bad journalism are not the same thing.

The Mast newspaper further reported that the Minister disclosed that the government had reached a conclusion that self-regulation was the answer to professional standards. The justification for this was that government, through the Ministry of Information and Broadcasting Services, was interested with the help of stakeholders to formulate a bill to “establish a media association through which media practitioners and media owners shall regulate themselves.”

The Minister stated that:

“The government wants the media practitioners to regulate themselves in the same manner that the legal practitioners, medical practitioners, engineers and many other professionals are regulating themselves. So, we already have a standard. The ministry is not proposing anything new in this country!”

She added that:

“The ministry is now resolved that the media practitioners must also regulate themselves by establishing this professional body that will regulate the conduct of the media practitioners and the media institutions in the country.”

The calls for regulation of the media by government were strongly opposed by veteran politician Vernon Mwaanga, who on 31st March, 2019 was quoted by the Daily Mail Newspaper under a heading “Be Careful With What You Are Doing, VJ Warns Kasolo Over Media Regulation”.

Making a submission at a public discussion organized by News Diggers and Open Society Initiative for Southern African (OSISA) at Lusaka's Hotel InterContinental, Mr. Mwaanga warned that such a move would result in state control of the media.

Mr. Mwaanga's reaction came after Information and Broadcasting Permanent Secretary, Chanda Kasolo disclosed that government had already prepared a framework to regulate the media in the country.

Mr. Mwaanga emphasised that the country already had enough laws to regulate the media. The Daily Mail reported that:

“there are so many laws on our statutes that regulate the media. So, PS be careful with what you are doing. Otherwise, we can run into a very dangerous territory which can be difficult to come out of. We may have leaders in future generations who may want to interpret laws to suit them. And that could further damage our democratic credentials and put the country on fire.”

Speaking at the same event, former Zamcom Director Oliver Kanene wondered what government's interest was in regulating the media. Mr. Kanene stated that “journalists are already working on a framework to regulate themselves. Even today there was a high-level meeting where we were putting up a document to regulate ourselves. But you still want to go ahead and regulate us. What is your interest in doing that? Why are you insisting on that route?” asked Kanene.

The sentiments by Mr. Kanene were also echoed by the Media Liaison Committee Chairperson Mr. Enock Ngoma who asked Mr. Kasolo to immediately stop what he was doing and give journalists chance to finish what they were doing.

“I humbly plead with you, sir, to stop whatever you are doing on this matter. We are already advanced in preparing a regulatory framework for ourselves. It is our duty to do this, not the government. In fact, we are even coming to see you on Tuesday next week over the same,” said Ngoma.

In response however, the PS who had earlier said the ministry had prepared a regulatory document, later shifted position. “I didn’t say we are going to regulate you. We cannot regulate the media because there are no enough people to do that; we can’t manage,” he said

He added that:

“I’m quite happy to hear that you are meeting. The framework we have written is based on your own ZAMEC (Zambian Media Council). I’m not trying to set up a framework to control journalists. We will write that document and hand it over to you guys so that you can look at it... the proposed media regulation would help protect both media owners and journalists. We need a legal framework for self-regulation of the media fraternity. That legal framework will provide statutory support to journalists for instance and it will also support the media owners. How? For the journalists, that regulatory framework would provide means of negotiations for a minimum wage within the institution. It would protect them against bad employers... there are bad employers in the media industry who misuse and abuse you and pay you peanuts in the name of journalism.”

He continued that:

“On the other hand, the erring journalists, those that put their stations in trouble, at the moment the provision is that IBA will step in and discipline the entire media organisation (but) what we are proposing is that when we have this regulatory framework, the professional bodies will punish the erring journalist. The IBA will step back because action has already been taken. It will remove the hand of government from taking action under the Act because there is this regulatory framework that is providing an alternative regulator, so it protects other people’s jobs.”

The calls for self-regulation have culminated into the media overwhelmingly resolving to adopt a statutory self-regulatory framework after a two-day conference in Lusaka that drew participation from over 250 media personnel drawn from across the country.

4.1.2 Access to Information Bill (ATI)

The ATI has been a subject of debate since the year 2002. The first quarter of 2019 however presented hope on the enactment of the bill into law.

On 19th March 2019, the Daily Mail publication carried a headline, “Access to Information Bill Approved.” It was reported that cabinet had approved the Access to Information Bill through a tweet from Minister of Information and Broadcasting Services, Hon. Dora Siliya. In the tweet, Ms. Siliya said that the bill was meant to promote proactive and organised dissemination of information to the public. She tweeted:

“I am happy to announce that finally cabinet has approved the Access to Information Bill aimed at proactive and organised dissemination of information. This is a new beginning.”

As stated already, the debate on enactment of the ATI has been ongoing since the year 2002. Before the Patriotic Front government came into power, it promised to enact the Access to Information Bill. For seven years, the debate for the bill has raged on. In November 2011 shortly after assuming power, the then Minister of Information and Broadcasting, Mr. Given Lubinda said government was committed to enacting the bill into law. In February 2012, the then Permanent Secretary in the same ministry Mr. Amos Malupenga said the bill would be presented to parliament. In July 2013, the then Minister of Information, Kennedy Sakeni, also assured the nation that the bill would be presented to parliament. To date, the bill has gone only up to the cabinet approval stage.

Despite scoring on the approval of the bill by cabinet, government has been taken to task on the publication of the contents of the bill. Stakeholders have argued that the contents of the bill should be publicised so that the public is kept in the know.

In response to calls for publication of the contents of the bill, the Permanent Secretary in the Ministry of Information and Broadcasting, Chanda Kasolo on 27th March, 2019, was quoted in the Daily Mail Newspaper Publication advising stakeholders and individuals calling for the publication of the contents of the Access to Information (ATI) Bill to be patient.

Mr. Kasolo stated that the bill will be presented to parliament where various stakeholders will be given an opportunity to scrutinize the content and make submissions.

The Permanent Secretary said government means well, and therefore there is no need for citizens to cast doubt on the state because the law will benefit them.

It has been argued that stakeholders are casting doubts on the authenticity of the content of the draft bill owing to the fact that there has been a lot of back and forth pronouncements on the bill. For example, on 7th February, the Lusaka Times online Publication carried a headline, “Access To Information Bill Will Not Be Presented In The Next Sitting Of Parliament” and attributed the statement to Information and Broadcasting Permanent Secretary Chanda Kasolo saying that the Access to Information Bill will not be presented in the next sitting of Parliament which opens on Tuesday 14th February, 2019.

His justification for the move was that government wanted to ensure that caution is taken especially on security matters before the bill is enacted into law. Mr. Kasolo added that the bill will adequately be prepared so that there are no lacunas. The PS’s statement came before the bill was presented to cabinet and stakeholders cast doubt on the process owing to the flip-flopping stance taken by government.

4.1.3 Regulation of ZNBC

There has been calls for the regulation of the Zambia National Broadcasting Corporation (ZNBC) by merging the ZNBC Amendment Act 2010 and IBA Act of 2010 to bring into existence an independent Broadcasting Regulator. It has been argued that the two pieces of legislation when merged will ensure that the broadcasting industry has an independent regulatory body.

The calls to merge the two Acts were pioneered by MISA Zambia in 2017 after launching a policy document on the possibilities of having the Zambia National Broadcasting Corporation (ZNBC) regulated by the Independent Broadcasting Authority (IBA).

In line with this move, government through the Permanent Secretary in the Ministry of Information and Broadcasting services announced that it had come up with a law that will enable the Independent Broadcasting Authority (IBA) to scrutinise the Zambia National Broadcasting

Corporation (ZNBC). This was published in the Times of Zambia's 15th March 2019 edition, under the heading "Government law to empower IBA to regulate ZNBC."

In his speech, Mr. Kasolo said IBA did not monitor ZNBC because the law did not allow the authority to do so. He said the 2002 IBA Act gave the authority powers to monitor ZNBC but the MMD government changed it in 2010 and pulled out ZNBC from being covered by the IBA.

"we are changing the law and will include ZNBC to the Act so that it can be subjected to the same scrutiny that other media institutions go through... the idea was to make ZNBC trusted again by Zambians as it was a public media" Mr Kasolo said.

Meanwhile, on 28th January 2019, a then newly launched media body in its maiden speech by interim President Mr. Jajah Coulibaly stated that there was need to amend the Independent Broadcasting Authority's Act to give more independence on media regulation. ZIIMA's argument was that in its current state, IBA could not manage to regulate ZNBC and that for this to change political will from authorities was needed.

"We have noted the interest by Ministry of Information and Broadcasting Services Permanent Secretary Chanda Kasolo to have ZNBC regulated by the Independent Broadcasting Authority – IBA... While PS Kasolo's statement reflects a radiant hope, the regulation of ZNBC by IBA requires serious political will... For this to bear fruit, our lawmakers will have to amend both the ZNBC and IBA Acts so as to give IBA the legal powers to regulate ZNBC, just like any other broadcasting player in Zambia," Mr. Coulibaly stated.

To date, the debate on the need for IBA to regulate ZNBC still rages on.

4.1.4. Cyberspace Regulation

There has been a lot of talk of cyberspace regulation especially in relation to fake news. Government has been in the fore front advocating for the regulation of the cyberspace. On 19th March, the Minister of Transport and Communication Dr. Brian Mushimba reiterated that the government was determined to curtail cybercrimes in the country. The Daily Mail reported that:

... government had seen an emergence of “thieves and criminals and fraudsters” who are trying to take advantage of the ICT platforms to perpetuate criminal activities.

“This is sad! As government, we have crafted policies and laws that are going to Parliament, specifically Three of them that are going to speak to our intention to regulate and create boundaries around the (cyber) space, said Dr Mushimba.

“Let me be clear, these regulations and boundaries are not meant to stifle dissenting views or freedom of speech. Freedom of expression is only freedom of expression when you don’t create victims. When you create victims, your freedom ends! As the government and as a country of laws, somebody has to step in to protect victims when you create them.”

Some people however, feel that the regulation of the cyberspace is a way for government to curtail free expression especially that the mainstream media in Zambia is heavily controlled by the ownership structure. For example, public media is controlled by government and private media is controlled by ownership models that have a huge influence on the editorial independence of the media organisation.

In line with the editorial independence of the media in Zambia, The Mast newspaper on 29th January, 2019 quoted the President for the United Party for National Development (UPND) Mr. Hakainde Hichilema saying that “it’s not possible to gag the media in today’s electronic age.” The paper reported that:

UPND leader Hakainde Hichilema says it’s not possible to gag the media in today’s electronic era. On Saturday, PF secretary general Davies Mwila fidgeted in his seat and told Prime TV journalists Njenje Chizu and Toliwe Banda Chanda to leave the ruling party secretariat because: “they don’t cover us”...Reacting to the chasing of the journalists, Hichilema said there was no need to mistreat the media... “How can you gag the media? If the PF are not interviewed openly, whoever interviews them will make the information available and the media will pick it. So, let’s be humane towards each other.”

In similar circumstances, on 13th March 2019, the Daily Mail Publication carried a headline, “Stop Social Media Abuse, Youths Ordered.” The story was attributed to Mr. Amos Chanda who at that

time was the Special Assistant to the President for Press and Public Relations, that youths should channel their energies to positive issues. Unlike, Hakainde Hichilema in the story attributed to him defending journalists from attacks from the secretary general of PF and stating that in the wake of new media, it was not possible to gag the media, Mr. Chanda instead was advising journalists and youths saying: “youths must make rightful contributions, remain relevant and be ambassadors of peace. They should avoid antagonism and stop social media abuse.”

4.2 Economic and Technological Environment

The monetisation of digital technologies has been a subject of debate world over and government has realised this. On 31st January 2019, the Information and Broadcasting Minister Dora Siliya was quoted by Lusaka Times under the heading “government to help citizens create wealth by fully embracing digital technology.” The paper reported that:

Information and Broadcasting Minister, Dora Siliya says Zambia is determined to create employment through the use of digital migration technology.

Ms. Siliya who is also Chief Government Spokesperson says Government will help its citizens to create wealth by fully embracing Digital Technology.

Speaking when she toured the Multichoice Africa facility in Randburg, South Africa Ms. Siliya says the use of local content in Television was cardinal in ensuring that citizens remain engaged with the government.

Meanwhile, on 19th March 2019, The Zambia Daily Mail Publication carried a headline, “Internet Speed Now A Key Factor.” The paper reported that:

Communications Minister Dr Brian Mushimba says internet speed is now a key factor and that internet connectivity has now become more of a necessity than a luxury... We used to exist a lot on voice communication, but nowadays, we do minimal voice calls but multitudes of data-driven communication on the back of the speed of the internet, “Dr Mushimba said.

“So when we are launching 4G network in Lusaka, as we are doing today, we are doing something marvelous.

“The future of Zambia is a smart Zambia; the future of Zambia is the ability to deliver services on the back of the ICT. The future of Zambia is increasing productivity on the back of ICT,” He indicated.

Like the Information Minister Dora Siliya, Dr. Brian Mushimba was speaking in line with realising value from the internet for economic development.

4.3. Legal and Political Environment

4.3.1 Attacks

The state of the media in the first quarter of 2019 was dominated by the impasse between Prime TV and the Secretary General of the Patriotic Front (PF) party.

On 29th January 2019, The Mast Newspaper reported that:

On Saturday, PF secretary general Davies Mwila fidgeted in his seat and told Prime TV journalists Njenje Chizu and Toliwe Banda Chanda to leave the ruling party secretariat because: “they don’t cover us.”

And PF media director Sunday Chanda says Mwila did not insult but merely said “the brutal truth.”

An agitated Mwila told Chizu and Banda-Chanda to leave and the duo obliged.

“They (Chizu and Banda-Chanda) can leave; I don’t mind! I run this institution (the PF) and when I make a decision, it’s final. They are not supposed to be here! Belaisako (they shouldn’t be coming) when I do a press briefing, they are not supposed to come,” said Mwila, at some point slamming the table.

The same day, the government spokesperson issued a statement saying that the “misunderstanding between Patriotic Front (PF) Secretary General Davies Mwila and a Prime TV media crew should not be interpreted to mean that the ruling party did not uphold media liberties”. The Times of Zambia reported that:

Chief Government Spokesperson, Dora Siliya said the incident last Saturday in which Mr. Mwila allegedly asked Prime TV journalist to leave a press briefing because he was not invited should not be interpreted to mean that the Government does not champion freedom of the Press.

She said she had observed that the incidence had been trending on various platforms and that some opposition parties were accusing the PF Government of disregarding the media freedoms.

“the matter at hand which is an isolated incident is merely a misunderstanding of which I believe will be resolved amicably”, Ms. Siliya said.

She said Mr. Mwila would be meeting Prime TV management on Tuesday to discuss the matter which was another symbol of the party’s leadership.

Ms. Siliya said the Ministry of Information and Broadcasting was committed to the welfare of all journalists regardless of the media house they belonged to.

The same day, 29th January 2019, the Lusaka Times reported that the Patriotic Front (PF) met with MISA Zambia about the Prime TV feud. The paper reported that:

Patriotic Front Secretary General Davies Mwila has met MISA Zambia at the Party Secretariat this morning to discuss concerns around the Ruling Party’s relationship with Prime TV.

This follows Hon. Mwila’s protest against Prime TV’s biased reporting against the ruling Party which led to him asking media personnel from the television station to be excused from his Press Briefing on Saturday, 26th January 2019.

According to a statement released to the media by Sunday Chanda, PF’s Media Director, the meeting was honest and fruitful. The Statement further said that MISA Zambia will continue engaging both the ruling Party and Prime TV in order to find common ground.

Mr. Chanda further said that, in accordance with the PF Manifesto, the party will continue to build upon its record as a champion of a vibrant media, as evidenced by the

operationalization of the Independent Broadcasting Authority (IBA) in 2013 (which had remained inoperable since 2002) and the unprecedented issuance of broadcasting licenses to establish radio and television stations across Zambia to more than 52 radio and 33 television licenses including Prime TV.

The statement concluded by saying that PF continues to respect the media and the role it plays in our democracy as the fourth estate.

The following day, it was reported in the Times of Zambia that “PF pledges to respect media.” The paper reported that the Patriotic Front (PF) had pledged to respect the media and the role it plays in Zambia’s democratic dispensation as the fourth estate. In a twist, it was reported that:

...PF Secretary General, Davies Mwila said he would not apologise for chasing a Prime TV crew from a media briefing he addressed on Saturday and maintained that he would not allow the station to be present at his functions.

The statement from Mr. Mwila came after he met officials from the MISA Zambia the previous day to discuss concerns around the PF’s relationship with Prime TV following his protest against the station’s alleged biased reporting.

The feud between the PF Secretary General and Prime TV was condemned in the media by a number of stakeholders including civil society groups, the church, some opposition political parties and foreign dignitaries.

Among the voices against Mr. Mwila’s actions was ZIIMA a then newly formed media advocacy group that was quoted in The Mast newspaper of 28th January. The paper reported that:

The Zambia Institute of Independent Media Alliance (ZIIMA) has condemned the psychological harassment and humiliation of Prime Television journalists by the Patriotic Front secretary general Davies Mwila.

In a statement, ZIIMA interim president Jajah Coulibaly advised the PF secretary general to apologise to the two journalists.

He stated the anger Mwila directed at the two journalists was not necessary as they did not have a final say on which story to be published.

“As a media body run by seasoned and practicing journalists, we wish to make it clear to the PF secretary general that reporters are not the ones that choose what airs on TV or what is published in the papers, that is the responsibility of editors with reasons known best by them. The two journalists were lucky that the briefing was not attended by party cadres.

He said ZIIMA believed in the power of dialogue to resolve matters in a free fair and democratic society.

He said ZIIMA would not condone the continuous harassment of journalists by politicians and media owners engaging in unethical crossfire.

“We demand that Mr. Mwila apologizes to the two journalists and engages prime TV editors who are gatekeepers of what is aired and resolve the matter officially. We also wish to urge Mr. Mwila that in future he should address his grievances against journalists to their employers and not subject them to public humiliation,” stated Coulibaly.

ZIIMA’s message on 28th January was repeated by opposition United Party for National Development (UPND) President Mr. Hakainde Hichilema who was quoted saying “PF should Respect Journalists, HH weighs in on Prime TV and PF coverage feud.” The *Zambian Observer* reported that:

UPND President Hakainde Hichilema has urged the Patriotic Front Party leadership to be respecting Journalists, human rights freedoms and liberties.

The UPND President says it is an abrogation of media freedom for the PF leadership to be attacking Journalists verbally and physically as was the case on Saturday when the PF Secretary General Davis Mwila verbally attacked and chased two Prime Television Journalists namely Njenje Chizu and Toliwe Chanda from covering the PF press briefing.

Mr. Hichilema has emphasized that Journalists must be respected by all citizens as their duty is to inform, educate and entertain the masses.

He says those aggrieved by tough questioning from Journalists must know how to respond as the media was only doing so on behalf of the citizens.

Mr. Hichilema said there is no need for any leader to abuse or indeed physically attack Journalists who have continued to offer a service to the Nation under difficult times.

The church was another consistent voice with the Mast Newspaper on 30th January quoting a catholic priest named Fr. Chola who was reported to have stated that any dictatorial attempts to silence the private media should be stopped by the ruling party.

The paper reported that:

Fr Chola, a media activist, said the PF should learn from past mistakes of fighting the media.

In his reflection over the media harassment of Prime TV journalists by PF Secretary General Davis Mwila and the constant attacks on the Church over the dialogue process by some 'PF' inclined political parties, Fr Chola said the ruling party should learn from history.

Following the feud between Prime TV and Mr. Davies Mwila, the Independent Broadcasting Authority (IBA) issued a directive to Prime TV demanding for recordings of some itemised news bulletins and 'Oxygen of Democracy' programme. This directive was condemned by ZIIMA who through their President Mr. Jajah Coulibaly was quoted by News Diggers! On 22nd February arguing that the IBA's actions on Prime Television were outside the powers of the IBA Act.

The paper reported that:

In a statement, Mr. Jajah Coulibaly stated that Prime TV was being prosecuted before even responding to the letter written by the Patriotic Front Secretary General Davies Mwila. He stated that IBA's quick reaction had contravened the IBA Act No. 17 of 2002 which clearly illustrates how a complaint against a broadcaster can be tendered and handled within 14 days.

Coulibaly stated that PF secretary general only needed to write to Prime TV and expected response within 14 days as per law unlike what was obtaining where IBA made demands before Prime Television made any response to Davies Mwila.

“We take strong concern at the Independent Broadcasting Authority’s letter demanding for recordings of some itemised news bulletins and ‘Oxygen of Democracy’ programme. The IBA’s letter comes three days after PF Secretary General Davies Mwila’s letter which was procedurally copied to other media bodies and IBA.

Coulibaly asked IBA to withdraw the demand as it was abuse of the law. He further urged Prime Television to consider ethics in addressing the concerns raised by Mwila. “We therefore, call upon IBA through the Authority’s Director General Ms. Josephine Mapoma to withdraw the demand until the two parties, PF and Prime TV, fail to reach consensus because anything contrary now amounts to abuse of the Act in a bid to gag the media, which is inimical to our democratic dispensation which calls for a free media space,” stated Coulibaly.

The impasse between the two parties led to IBA suspending the broadcasting license for Prime Television for 30 days. Though the grounds for suspension were noted as unprofessionalism by Prime TV in its reporting.

On 4th March 2019, QFM reported that:

“Ms Mapoma says the Board found that Prime TV has exhibited unprofessional elements in its broadcasting through unbalanced coverage, opinionated news, material likely to incite violence and use of derogatory language.

She says the station was not only in breach of the IBA Act, but also of their own guidelines that among others include duty to remain balanced, Fair and impartial in their coverage, strive to give equal coverage access by not discriminating against any political party before, during and after elections.

Ms Mapoma says during the suspension period, Prime TV is expected to conduct in-house training on basic journalism ethics and news script writing”

During the same media briefing, the IBA Director General also announced that the authority had also suspended Valley FM’s broadcasting licence for 60 days. Ms. Mapoma stated that both Prime TV and Valley FM were given an opportunity to be heard and that their suspensions were pursuant

to section 29(1)(k) of the IBA Amendment Act(2010) which states that the Board may suspend a broadcasting licence if it considers it appropriate in the circumstances of the case to do so.

Further, QFM reported that Ms Mapoma had also announced the revocation of licenses for Luanshya based Ngoma radio and Kafue radio. In justifying the move, Ms. Mapoma argued that Ngoma radio had failed, refused or neglected to pay any sum to the authority for any broadcast service provided.

Meanwhile, on Kafue radio, she stated that the license had been revoked for non-payment of initial license fees and subsequent annual operating fees.

From the government side, Information and broadcasting PS stated that there was no political interference in the decision to suspend Prime TV and that the decision was made through consultation and engagement with stakeholders.

The suspension of the licence was also condemned by Amnesty International, the Non-Governmental Organizations Coordinating Council (NGOCC) and Panos Institute Southern Africa who on 6th March,2019 were quoted by The Mast Newspaper Publication under the headline, “Amnesty International Condemns Prime Tv Ban.”

The paper reported that:

Amnesty International says the suspension of Prime TV is a ploy to muzzle independent media voices in Zambia and to undermine the right to freedom of expression and media freedom. And the Non-Governmental Organisations Coordinating Council (NGOCC) has urged the Independent Broadcasting Authority to immediately lift the ban and allow Prime Television to operate freely.

Meanwhile, Panos Institute Southern Africa has called on IBA to rescind the suspension of Prime TV’s broadcasting licence.

...Amnesty International’s regional director for Southern Africa Deprose Muchena said the IBA’s unlawful suspension must be immediately lifted to allow Prime TV to continue telling the Zambian story as it unfolds.

“Zambia can only benefit from the plurality of media voices. The suspension of Prime TV is a ploy to muzzle independent media voices in Zambia and to undermine the right to freedom of expression and media freedom. It is clearly intended to send a chilling message that journalists need to self-censor or face dire consequences,” he said.

The suspension of Prime TV's broadcasting licence dominated most of the news in the period under review until its lifting of the suspension on 3rd April, 2019. During the suspension period, the TV station was ordered to conduct in-house training on basic journalism ethics and news script writing.

4.3.2 Lawsuits

Prior to the suspension of the broadcast licence for Prime Television on 4th March 2019, the News Diggers Publication on 1st March 2019, carried a headline, “IBA threatens to take Prime TV to court if doesn't apologise to Mwila.” The paper reported that:

IBA Director General Josephine Mapoma has threatened to take the conflict between Prime Television and PF Secretary General Davies Mwila to the High Court should the TV station fail to apologise to the complainant within 14 days.

This decision reported in the newspaper came after Mr. Mwila had written to the Authority complaining about Prime TV's "biased coverage and unethical reporting of political opinions and beliefs disguised as news during a broadcast of the TV's main news on Saturday February 9, 2019". According to the correspondence between Prime TV and IBA, the TV station had requested that the hearing be moved to the following week, which the Authority had quashed. The paper quoted Ms. Mapoma cautioning Prime TV saying:

“We are in receipt of your letter dated 28th February, 2019, where you propose to defer the meeting to next week. We are not deferring the Hearing. Therefore, we expect you to appear today (Friday) at 14:30 hours as per our earlier correspondence. We urge you to begin preparing your responses for the hearing. Take note that if you do not appear this afternoon, the Board will proceed to resolve this issue based on the report furnished to yourselves.”

It was further reported that the Authority would take the matter to the High Court if Prime TV failed to comply with its directive to apologise to Mwila.

The decision by IBA of not bending attracted intentions to protest from stakeholders. On 11th March 2019, the News Diggers Publication carried a headline, “NAREP, ZIIMA Seek Police Permit to Protest Prime TV Closure.” It was reported that the Zambian Institute of Independent Media Alliance (ZIIMA) and NAREP had written to Lusaka police Commissioner Nelson Phiri informing him about their intentions to carry out peaceful protests against the suspension of Prime TV. According to separate letters written by ZIIMA President Coulibaly and NAREP Secretary general Ezra Ngulube, the protest was to be attended by the opposition alliance, journalists, the civil society, church mother bodies, student unions and the general public who will all carry placards.

The planned protests however never took place as they were blocked by the Police. The Daily Nation publication on 18th March carried a headline, “Narep Protest Bid Flops.” The paper reported that:

Police in Lusaka have rejected a request by National restoration party (NAREP) to hold a peaceful protest on Wednesday against the temporal closure of Prime Television, saying that they were overstretched on operations of the upcoming by-elections in Kafue.

Mr Phiri, however, said the suspension of Prime TV was only for 30 days and the station was ordered to put its house in order. He also said that the police were overstretched on operations because of the upcoming local government by-elections in Kafue.

“You may wish to know that the suspension will come to an end on 3rd of April, 2019. Police is again overstretched on the operations of the by-elections taking place in Kafue and your security on the protest day may not be guaranteed,” the letter reads in part.

Following plans to hold protest and subsequent denials by Police to issue protesters permits based on security reasons, President Lungu was quoted on 21th March, 2019 under the heading “Prime TV Suspension Not Harsh-Lungu.” The paper reported that:

President Lungu has defended the 30-day suspension slapped on Prime TV’s broadcasting licence, saying “it was not harsh”. And President Lungu said he could endure being insulted, but would not allow irresponsible media to cause chaos in the nation. President Lungu said

he was a tolerant leader who had on many occasions been on the receiving end of insults, but would not tolerate the media to cause disorder in the country. “Being insulted is the price we pay for being leaders but we cannot allow anyone to break the peace of this nation that has been united since independence. So irresponsible media cannot be tolerated. I will not stand back if you want to bring chaos in the nation.

The President made the remarks after Zambia Congress of Trade Unions (ZCTU) President, Nkole Chishimba alleged that government was “heavy handed on the media by suspending Prime TV.” This was after a delegation of 16 officials from ZCTU visited President Lungu to share with him their concerns and advise on various national issues. President Lungu said the IBA acted within the law. He noted that peace was easily destroyed but it took generations to restore it.

Meanwhile, the following day the 22th March 2019, The Daily Mail Newspaper Publication carried a headline, “Kasolo Won’t Take Any More Jokes.” The paper reported that:

Independent Broadcasting Authority (IBA) Board Chairperson Chanda Kasolo says Prime Television’s broadcasting licence suspension will be extended if the institution fails to meet the requirements.

IBA suspended the broadcasting licence for Prime TV for 30 days on March 4th because the station was unethical in its news and other programming. Mr Kasolo said the IBA law (is not a joke and all media houses should learn a lesson from Prime TV.”

“We will now be very stringent. We will not allow insulting of the Head of state. Here is an instruction. If anything, we have been lenient on Prime TV. This is the last time ever,” Mr Kasolo said. He said the suspension will be extended if the demands of IBA are not fully met. Mr Kasolo said IBA is committed to applying the law fairly.

In response, Prime TV Director Gerald Shawa was quoted saying that the station had adhered to the demands of IBA. “We held the retraining of our staff through Zambia Institute of Mass Communication and even invited IBA to come and teach our staff on ethics and balancing of stories,” Mr Shawa said.

4.3.3. Censored

The quarter saw less cases of direct censorship of what was published in the media. However, on 11th March 2019, it was reported by the Daily Nation Publication that the Ndola High Court had gagged the paper from reporting on the emerald mining scandals involving Germcanton Emerald Mine through an ex-parte order of interim injunction.

The order granted to Wolle mining Limited in the absence of the Daily Nation, restrains the paper from publishing articles which it claims are injurious to its reputation and character. The details of the case were reported in the Daily Nation newspaper of 11th March 2019 as follows:

Wolle Mining Limited, the shareholders in the Germcanton Investments Holding Limited, asked the court to restrain the Daily Nation from publishing stories relating to its ownership wrangle with Frango Finance Services. According to the affidavit in support of ex-parte and the inter- parte summons for an order of injunction, Wolle claimed that by publication of such articles, the company and co-plaintiffs' reputation had been put into public odium, ridicule and disrespect, and painted as criminals and of bad character.

The company claimed their credit, character, and reputation had been tarnished, brought into public odium and low esteem both within Zambia and in the international community at large, and would have continued to be lowered unless the tabloid and its reporters were restrained as they had continued to wantonly make public the article complained of.

Wolle further claimed that the tabloid's wide publication about Gemcanton and itself to the Zambian and international community was detrimental and caused injury and discredited the plaintiff's reputation and business. The company also prayed that if the tabloid was not restrained from publishing the said articles, the company and its co-plaintiffs would continue to suffer irreparable injury to their character and reputations

The summon read in part:

“On the 6th December, 2018, the defendants falsely and maliciously published as a headline and at page 3 of the Daily Nation, on issues headed “\$50m emeralds smuggled.” By the statements of paragraph 9, the defendants meant and were understood to mean that the 2nd

plaintiff (Abdoulaye Ndiaye) carries his emeralds and on this occasion smuggled emeralds worth of US\$50,000,000 out of the country.

“the use of the word “Smuggled” imputed to the 2nd plaintiff’s character the false impression that he is a criminal and carries out the illicit smuggling of emeralds when in fact not true,”

Meanwhile, the same paper on 11th March 2019, carried a headline, “Probe UPND Prime TV Link, Government Urged.” Though this was not a direct act of censorship, it was reported that: “Government must investigate allegations that Prime TV is closely associated with the UPND and that one of the anchors is a member of the opposition party’s media team.” These allegations that have potential to affect media freedom were attributed to EYA Executive Director Moses Lungu who argued that “it is wrong for any media house to allow a secondment to personnel from political parties because that compromises professionalism and government must probe these allegations and be made to explain how it allowed such a situation”

Mr. Moses Lungu also argued that “If people have political ambitions and inclinations, they must not hide behind the veil of the media but come out in the open and join politicians.”

4.3.4. Harassment

The quarter under review recorded acts of harassment of media that included Movement for Multiparty Democracy (MMD) Felix Mutati’s faction group storming into United Voice Radio studios in an attempt to interrupt a programme on which Nevers Mumba was being featured. The youths who were led by their coordinator Gerald Chiluba and Prince Ndoyi ordered that Dr. Nevers Mumba stops featuring on the radio programme because he was “a masquerader.”

The News Diggers! Newspaper reported on 7th February 2019 under the heading “Mutati’s youths Storm Christian Radio to fish out rival, Nevers” that:

The cadres stormed the radio station around 10:30 hours but United Radio Officials told them that he had already left the station. United voice Radio management locked Mumba in the studio upon noticing the presence of the youths, oblivious to him as he was busy responding to the callers. Police arrived and dispersed the youths and a few minutes later

they parked at a nearby filling station shouting “walamona ngawafuma” (you will see when you come out).

And in an interview, Chiluba said Mumba was masquerading as MMD President. “Pastor is not MMD president. The MMD president is honourable Felix Mutati. This country is governed and political parties are very clear in terms of how they are supposed to conduct themselves. It is mandatory that each and every political party is supposed to hold intra-party elections and MMD as a mother of democracy we have been adhering to that democracy tenet and that is why every five years, we usually hold conventions. And this time around the convention was held in 2016 where honourable Mutati was elected by the membership of MMD as the MMD president.

In response to their harassment, United Voice radio on 8th February was quoted by The News Diggers! Publication under the headline, “United Voice Radio Voice Condemns Mutati’s Cadres For Attacking Nevers” The radio station’s Board Chairperson, Bishop Chomba observed that the act was an attempt to intimidate radio staff.

Bishop Chomba urged political party leaders to act with maximum restraint when dealing with their cadres. He stated that:

“The board further implores individuals or groups of people who may feel aggrieved over any matter to use the laid-down procedure of airing their grievances instead of resorting to actions of lawlessness. The board, however acknowledges the action taken by the police who arrived in time to deal with the situation at hand. The Board further appeals to political party leaders to act with maximum restraint when dealing with their cadres to avoid promoting anarchy and to safeguard lives and property,”

The Paper also reported that:

“The board acknowledges that Zambia is a democratic dispensation where individuals have the right to freedom of speech. Further, the board acknowledges that the growth of Zambia’s democracy depends much on this freedom where individuals are free to air out views within the confines of the law. The Board of the United Voice Radio wishes to inform its listeners

that the station would continue to fulfil its mandate of informing, educating and entertaining its audience without the fear of intimidation while upholding professionalism.”

To date, the Felix Mutati’s MMD faction has not tendered in an apology to United Voice Radio.

5.0. Freedom of expression online – Mainstream media/cyber space

In line with the debate on freedom of expression, on 14th March 2019, the News Diggers! Publication carried a headline, “Media Freedom In Zambia Under Threat, Observes UK.” This was in relation to the UK Minister of state for Africa foreign office and DFID, Harriet Baldwin’s sentiments in a Tweet that freedom of expression and media in Zambia is under threat as evidenced by the closure of Prime TV.

In her tweet, Baldwin expressed concern over the closure of Prime TV especially that it was happening in a country with a promising democratic record to uphold democratic tenets.

Prior to this, Baldwin had visited Zambia in July 2018 and observed that Zambia had a promising democratic record which she thought needed to be upheld.

6.0. Other developments

6.1 Continued incarceration of Derrick Sinjela

In the last quarter of 2018, the Supreme Court of Zambia jailed journalist and blogger, Derrick Sinjela for 18 months for contempt. The Court sentenced Sinjela for his remarks over the Savenda Vs Stanbic case in which corruption and irregularity were alleged.

In the first quarter of 2019, calls for his pardon grew loud with stakeholders calling upon the Republican President Mr. Edgar Lungu to pardon Mr. Sinjela. Among the voices advocating for Mr. Sinjela’s release was Dawood Salim a freelance journalist based in Lusaka.

Writing in the Lusaka Times publication of 24th January, Mr. Salim Dawood penned a letter addressed to the President in which he appealed to him to invoke his discretion on the prerogative of mercy and pardon Derrick Sinjela (refer to appendix 1 for a copy of Mr. Dawood’s letter)

Mr. Sinjela is still incarcerated in a Zambian prison.

6.2. Positive developments

One of the biggest news reported in the quarter was the approval of the ATI by cabinet. On 19th March 2019, the Daily Mail reported that cabinet had approved the bill for tabling in Parliament. The debate over the enactment of the ATI bill has raged on since 2002 and governments have come and gone but the bill still remains shelved.

The news of the approval of the ATI bill was received with mixed feelings as some stakeholders were concerned about the secrecy surrounding the contents of the bill.

Another positive development in the quarter was the launch of two media advocacy groups. The Zambia Independent Media Alliance (ZIIMA) and the Independent Press Initiative (IPI) which were launched on 19th January and 15th March respectively.

6.3. Negative developments

The harassment and suspension of Prime TV's broadcasting licence for 30 days dominated most of the media reports in the first quarter of 2019. The decision by IBA to suspend the licence was seen as an infringement on Prime TV's freedom of the media and was condemned by a cross section of society that included the church, civil society organisations, foreign dignitaries and the public at large.

7.0. Conclusion

There is an urgent need to get the Access to Information Bill tabled in parliament and its enactment accelerated. The current status quo is not healthy as there is no law compelling public office bearers to release information to the media and the public at large. It is argued that the increase in the usage of self-publishing platforms like social media has culminated into an increase in publishing of information that is usually laden with rumours and hearsay and by the time public office bearers come to clear the air, information released via social media and other self-publishing platforms is inconsistent with the information already in public the domain. The solution to sorting the inconsistency in information access and dissemination is to enact the Access to Information Bill to grant the media and the public access to credible information.

Further, there is need for increased advocacy by stakeholders on the need to compel government to make public the contents of the ATI bill. This is important as it will allow for public scrutiny and debate.

Further, increased law suits and attacks on journalists by political party cadres is worrying. This hostile environment is a recipe for making the operating environment for journalists difficult.

8.0. Recommendations

Based on the information made available in this report, the following are the recommendations:

- There is need to increase news coverage relating to ATI to increase advocacy for its enactment.
- There is need for IBA and government to adopt a culture of dialogue before resorting to harsh decisions like suspension of operating licenses.
- There is need for the media to ensure they uphold high standards of professionalism.
- There is need for more campaigns to pursue President Lungu to release journalist and blogger Derrick Sinjela.

9.0 Appendix

His Excellency,
Mr. Edgar Chagwa Lungu
President of the Republic of Zambia
State House,
LUSAKA

RE: Appeal for the pardoning of Comrade Derrick Sinjela

Greetings Your Excellency,

My name is Dawood Salim, a freelance Zambian journalist based in Lusaka.

Your Excellency, I write to you in my personal and individual capacity to echo calls already made by fellow journalists, media bodies and other interested parties that have beseeched you to invoke your discretion on the prerogative of mercy as President of the Republic of Zambia and pardon our jailed colleague Derrick Sinjela, Editor of The Rainbow Newspaper.

As you may be aware, Your Excellency, Comrade Sinjela was on December 20, 2018 sentenced to 18 Months imprisonment after pleading guilty to contempt of court.

Sir, I have been particularly affected, saddened and depressed about Comrade Sinjela's jailing because he was instrumental in moulding my journalism career which began some 12 years ago.

Your Excellency, in the years I have known Comrade Sinjela, he has helped mould and mentor scores of young journalists and has always been passionate about providing a platform for ordinary Zambians to speak about the different issues that affect them.

Sir, his jailing has robbed the media industry of an experienced media practitioner, a media freedoms campaigner and mentor to many upcoming scribes of the industry.

Your Excellency, I visited Comrade Sinjela at Lusaka Central Prison last Sunday and I will not belabour to talk about the congestion and difficulties that he and other inmates have to endure in our prisons.

Suffice to say, Your Excellency, I humbly beg you to invoke your discretion on the prerogative of mercy and please pardon Derrick Sinjela.

Sir, I drew the confidence to write you from history that puts you in the position of a friend of the media and defender of media practitioners.

In fact Your Excellency, part of the evidence engraved in Zambian media history to prove your friendship to the media and your involvement in defending journalists has been documented by Comrade Sinjela himself.

Your Excellency, Comrade Sinjela is the journalist who took the now iconic image of you at Kabwata Police Station in 2005 when you were lead counsel in the case where then Post Editor-In-Chief Fred M'membe was charged with defamation of late President Levy Mwanawasa.

Kindly find attached, Sir, the said image which features you, your then client Fred M'membe and other defenders of journalists at the time.

Your Excellency, I thank you in advance and may God Almighty continue to grant you wisdom and strength as you lead this our great nation, Zambia.

God bless you, Sir.

Yours Sincerely,

Salim Dawood

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