

STATE OF THE MEDIA

*The Clash between Media Rights and
Political & State Interests*

SPECIAL REPORT



JULY – DECEMBER 2022

EXECUTIVE SUMMARY

The media plays a critical role in any democratic society, serving as a watchdog for those who wield power in society politically or economically. It also serves as a platform for diverse voices and opinions. This is in addition to being an agenda setting mechanism which calls attention to issues or matters that may not be on the minds of the masses or those in leadership. In Zambia, the media has been playing these roles but not without pitfalls. Suffice to say, the landscape has undergone significant changes in recent years, with a surge in number of digital and electronic media. Despite this, the media in Zambia continues to face challenges, including limited press freedom arising from an oppressive legal regime and intolerance towards divergent views or criticism. There have been pronouncements on media law reforms and some did take place in the period under review which is defamation of the president found in section 69 of the Penal Code. The purpose of this biannual State of the Media report is to provide an in-depth report of **key incidents** that had an impact on media freedom. Through examination of the key phenomena of the Zambian media landscape that impacted media freedom, this report will call attention to policy makers, civil society and the media to take action to remove the impediments that impacted media freedom in a particular period. This report is a departure from the previous State of the Media Reports which would detail too many sub topics and lacked depth. Based on feedback from the users of the report, MISA Zambia has thus reformatted the report to be more specific and focused.

This report focused on two topical issues. It has been titled “**The Clash between Media Rights and Political & State Interests**”. Major findings of this study indicate that very few of the cadres that harassed the media/ journalists in the period under review were brought to book. In fact, none of the cadres were taken to court in the period under review. Further, the findings reveal a lack of understanding of the journalists’ role among police officers on the ground when there are volatile situations or during police raids on suspects. The police saw media presence as an obstruction and also as being part of the suspects during protests. Suffice to say, media had its fair share of the blame in the police clash as some of the journalists who were respondents in this study did not have identification when police demanded it. However, that is not to say that journalists who had their IDs had it easy, they were equally banded in police vehicles during protests making the difference between those with IDs and those who did not have the same. Based on study findings, it is evident that journalists, political party supporters and police officers have a lot to learn from one another and also to learn tolerance and appreciate each other’s roles. However, there is also need to ensure cadres who violate the constitutionally guaranteed rights of the media are brought to book and police officers who do so are equally reported to the Police Complaints Commission.

ACKNOWLEDGMENTS

The researcher would like to express gratitude to all those who contributed to this research project on the state of the media. Special thanks go to the media experts and professionals who shared their valuable insights and experiences. The researcher would also like to acknowledge the support of the research team, family and friends for the unwavering support and encouragement throughout the research period. Notwithstanding, this report would not be possible without the support of the MISA Zambia members of staff and the financial and technical support of MISA Zambia cooperating partners Friedrich Ebert Stiftung.

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1.0 INTRODUCTION

The media plays an important role in shaping public opinion, educating citizens and promoting transparency and accountability in governance. As a gatekeeper, the media functions to relay, limit, expand and reinterpret information. It is for this reason that understanding the state of the media in Zambia is critical. This report therefore provides a comprehensive review of key phenomena that impacted media freedom for the past six months of 2022 which is July to December 2022. The report format was reviewed and will be produced biannually due to feedback from the users of the report. The previous report formats were said to have a catalogue of sub topics which impacted the depth of the report and of phenomena being brought out. This report therefore focuses on two topics that had recorded a number of incidents in the period under review and specifically is looking at “**Clashes between Media and State and Political Interest**”.

According to Paradigm Initiative Report, (2021), in Zambia, the protection digital rights has become increasingly important in the recent years, particularly in the context of media freedom. One of the major challenge is lack of legal protection for digital rights. This has led to incidence where government has attempted to restrict online freedoms such as shutting down media platforms during the 2016 and 2021 elections respectively. In addition, there are concern about the use of cyber-crime laws to target Journalists and activists who express critical views. APC, (2022) revealed that during the afternoon on election day the internet was partially shut down and social media platforms such as WhatsApp, Facebook, Instagram, Twitter, and some VPNs and other platforms were blocked by the then government.

Legal Provisions on Media Freedom

The Zambia Constitution under Article 20(2) guarantees media freedom as follows:

(2) Subject to the provisions of this Constitution, a law shall not make any provision that derogates from the freedom of the press.

However, the same Constitution outlines limitations as below under Article 20(3)

(3) Nothing contained in or done under the authority of any law shall be held inconsistent with or in contravention of this Article to the extent that the law in question makes provision-

(a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health; or

(b) that is reasonably required for the purpose of protecting the reputations, rights and freedom of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, regulating educational institutions in the interests of persons receiving instruction therein, or the registration of, or regulating the technical administration or the technical operation of newspapers and other publications, telephony, telegraphs, posts, wireless, broadcasting or television; or

(c) that imposes restrictions upon public officers; and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society”. (Konrad Adenauer Stiftung, 2004):

Centered on the above limitations, the Zambian government has enacted various laws that establish perimeters regards the extent of media freedom for the sake of public and personal interests, security and national defense among other. Some of these laws include the Penal Code, Cyber Security and Cyber Crimes Act, State Security Act to name but a few.

Digital Rights in Zambia

Digital rights are essential for promoting individual freedoms and ensuring a free and open society. The right to access information, the right to privacy, and the right to freedom of expression are all critical components of digital rights. However, there are also potential downsides to digital rights, particularly in the context of media freedom.

One of the main pros of digital rights is that they allow individuals to access information and express themselves freely online. This can lead to greater transparency and accountability in government, and can help promote a more informed and engaged citizenry. Additionally, digital rights can help protect individuals from online harassment and other forms of abuse.

However, there are also potential cons to digital rights. One of the main challenges is that digital rights can be difficult to enforce, particularly in countries with weak rule of law. This can make it easier for governments to restrict digital freedoms and crack down on online dissent. Additionally, there are concerns about the spread of misinformation and hate speech online, which can have negative consequences for individuals and society as a whole.

Impact Of Digital Rights on Media Freedom in Zambia:

In Zambia, the protection of digital rights has become increasingly important in recent years, particularly in the context of media freedom.

One of the main challenges is the lack of legal protections for digital rights. This has led to incidents where the government has attempted to restrict online freedoms, such as shutting down social media platforms during the 2016 general election. Additionally, there are concerns about the use of cybercrime laws to target journalists and activists who express critical views of the government.

However, there are also positive developments in terms of digital rights and media freedom in Zambia. Civil society organizations and digital rights activists are increasingly advocating for the protection of online freedoms, and there are signs that the government is beginning to take these concerns seriously.

Overall, the pros and cons of digital rights must be carefully balanced in order to promote media freedom and protect individual freedoms in Zambia and around the world. While there are challenges, there are also opportunities for positive change through collaboration between government, civil society, and the media industry.

Digital rights are essential for the protection of individual freedoms and the promotion of open and democratic societies. They encompass a range of rights, including the right to access information, the right to privacy, and the right to freedom of expression. In today's digital age, the protection of digital rights is critical, as more and more people access the internet and engage in online activities

2.0 METHODOLOGY

2.1 RESEARCH DESIGN AND APPROACH

This research used both exploratory and descriptive research design. It used descriptive research with the aim to systematically obtain information on phenomena which had an impact on media freedom. Qualitative and Quantitative approaches were used to collect data. Through this type of research, the report specifically answers what key incidents impacted media freedom, when such phenomena occurred, where it happened, and how such incidents took place in relation to media freedom. Further through deploying exploratory research, the report was able to establish clearly factors that could have led to the incidents that affected media freedom. Through this type of research key incidents that impacted media freedom were established including why such incidents happened and how they happened and affected media freedom.

2.2 SAMPLING TECHNIQUES

This study deployed purposive sampling because of the nature of the study which is sector specific and topic specific. Therefore, affected specific persons or involved specific institutions were targeted in this research. The study was looking at key phenomena that impacted media freedom in the last half of 2022 and hence focused on persons or institutions affected or involved in the incidents under study as they related to media freedom. Therefore respondents included affected journalists, media advocacy bodies and institution like the Zambia Police and Political parties which were party to the incidents under study. Further available policy makers were also part of the sample of this study that had relevance to the topics.

2.3 DATA COLLECTION TOOLS/ RESEARCH INSTRUMENTS

Open Ended Questionnaires were used to collect quantitative data from both private and public media institutions. Interview Guide was used to collect qualitative data from the Zambia Police, Journalists, Policy makers, Lawyers and United Party for National Development- Youth Wing- (UPND).

2.4 PRIMARY AND SECONDARY SOURCES.

Primary sources of information was collected from MISA –Zambia Alert, Television and Radio Stations as well as the Ministry of Information and Media. Secondary sources was collected from journal articles, books, peer revised article from the newspapers.

2.5 DATA ANALYSIS

Data was analysed qualitatively using thematic analysis were major themes drawn and coded

▶ 3.0 RESULTS / FINDINGS

3.1 FINDINGS ON THE IMPACT DIGITAL RIGHTS IN ZAMBIA

A respondent who is an expert in digital media journalism was engaged by the researcher and she said: The media in Zambia covers digital rights issues but the accuracy and comprehensiveness of their coverage can vary. While there have been instances where the media accurately reports on digital rights issues, concerns have also been raised about media freedom in Zambia and government censorship, surveillance, hate speech, OBGV, and harassment of journalists.

The participant experienced restricted internet access during a period of power outages in Zambia in January 2021. While the respondent did not experience specific website blocking or content filtering, there have been reports of the Zambian government proposing legislation that could restrict freedom of expression online.

In a face to face Interview one Female Digital Expert complained ‘I have encountered censorship or restrictions on my access to digital content. In January 2021 Zambia experienced heavy load shedding of over 12 hours a day. During that period digital equipment would go off and there would be nowhere to charge because I do not have a power back up. It is at that moment that access to the internet was restricted because of lack of power sources. ‘(Digital Expert 1)

Another Digital Expert said ‘In the period under review I have experienced the slowing down internet speeds but not the blocking specific websites or social media platforms and filtering content.

In the past however, there have been reports of government attempts to restrict access to digital content. For example, in 2020, the government proposed the Cyber Security and Cyber Crimes Bill, which contained provisions that were used to restrict freedom of expression online. The proposed bill was met with criticism and protests from civil society organizations and the media and is currently under review by the new dawn UNDP government.’ (Digital Expert 2)

Furthermore, the respondent mentioned that the Zambian government had shut down social media platforms during the 2021 General elections, which has had a significant impact on access to digital content and freedom of expression online. This indicates that the government may take measures to restrict or control access to digital content during politically sensitive periods.

Therefore, when conducting research on the state of media reports in Zambia, it would be important to consider the sources of information and the potential biases that may exist. It would also be important to gather information from a variety of media outlets to ensure a comprehensive understanding of the state of digital rights reporting in Zambia. Additionally, the lack of awareness on digital rights issues in Zambia suggests a need for continued education and training for media personnel to improve the accuracy and comprehensiveness of their reporting on digital rights issues.

3.2 HISTORICAL PERSPECTIVE OF INCIDENTS OF CLASHES BETWEEN MEDIA AND STATE AND POLITICAL INTEREST

Since MISA Zambia was established, its reports on media freedom have featured more often than not clashes between police and journalists or the media during the course of duty. Instances of Police fishing out guests from live radio programmes have been recorded by MISA Zambia. Detention of journalists by police including harassment are also on MISA Zambia reports. Sadly, guns have also been pointed at journalists as they were carrying out their duties by police officers. The questions that begs to be answered is why do such incidents happened and how do they impact journalists and media freedom in Zambia. For instance the State of Media Report of 2017 produced by MISA Zambia reported that Zambia Police Officers initiated and harassed a Journalist by the name of Osward Yambani then a Muvi TV reporter as he performed his duties. According to a report dated

21st September 2017, MISA Zambia appealed to Zambia Police through its then Chairperson Hellen Mwale to ensure the police officers responsible for harassing the journalists were brought to book. Similarly, a report produced by MISA Zambia in 2020 indicates that in 2019 Livingstone City Council Police officers attacked a Prime TV reporter who was filming them as they confiscated goods from street vendors. Facts of the matter are that Elias Limwaya, a journalists from Prime TV based in Livingstone was attacked and his camera damaged by some officials from the Livingstone Council Police. Perhaps the most concerning incident involved a report published on 16 November 2019 in the News Diggers newspaper under the heading ***“Cop Threatens to Shoot Journalist During Kambwili Interrogation”***. The newspaper reported that in the process of questioning the National Democratic Congress Leader Dr Chishimba Kambwili in connection with a breach of the Public Order Act after he toured Chisokone Market, a police officer cocked his AK47 rifle and pointed it at the News Diggers Journalist and threatened to shoot the journalists for documenting Kambwili’s extraction from Lunte Lodge. Acts of censorship by police have also been recorded over the years. One such incident was recorded by the *Zambian Eye* found on 13 April 2013. It reported that Police besieged KFM in Mansa and ordered a discontinuation of the programme featuring Dr Chishimba Kambwili who was said to be then shadow leader of the opposition NDC¹. In Lusaka, Musonda said the thuggery exhibited by the ruthless cadres was unacceptable in a democratic set-up. He said the intimidation against the independent press was equally uncalled for. “We condemn these mercenaries, hired thugs and LAZ is calling upon the Inspector General of Police to take a decisive step to ensure that these enemies of democracy are brought to book and justice made to visit them,” Musonda said ². Similar calls have been made by MISA Zambia and to that end culminated into an MMD Cadre Chris Chalwe being arrested by police, appearing in court and subsequently being sentenced for physically attacking journalists. Similarly in the Grace Lungu case, the PF cadre was also arrested, appeared before the courts and was sentenced to 4 years. However these are very few cases of cadres being held accountable because many have gone scot free and it has not been heard that their parties have expelled them or suspended them for that matter.

3.3 FINDINGS FOR JULY TO DECEMBER 2022

Many aspects of the above narrative of past cases of journalists being physically or verbally attacked by cadres are not fading but rather appeared to only hibernate and resurface when hot governance or developmental matters are taking place in the country. Several cases were recorded in the period under review (i.e. July to December 2022) that involved incidents of clashes between State Interests and Journalists and Political and Journalists Interests. Such cases were recorded at, 3 FM, Pasmu, Kokoloko and Mafken. As part of this study, the researcher engaged the affected media houses or journalists to gain insight into what happened, what inspired these attacks, how they have affected them and if at all culprits were brought to book. Further the researcher also engaged the Zambia Police to seek their intervention in relation to this phenomena. In the same breath, the research also recorded some notable clashes between the media and Zambia police. One incident was instigated by a protest by Dr Brian Sampa while the second case was a result of a police raid in the night of an opposition leader Chilufya Tayali. In total Seven (07) journalists found themselves in competition with state interest and journalists’ interest to report on the subject matter at hand.

¹ [Police fish out Kambwili from Radio station | *Zambian Eye*](#)

² [Zambia: LAZ Urges IG to Arrest MMD Cadres for Attacking Post Vendors - *allAfrica.com*](#)

3.4 THE CLASH BETWEEN MEDIA RIGHTS AND POLITICAL INTERESTS

Summary of Findings

Case	Location	Reason for Attack	Matter Reported to Police	Arrests Effected	Court Appearance	Conviction
MAFKEN	COPPERBELT	Political	Yes	No	No	No
Kokoliko	Copperbelt	Political	Yes	No	No	No
3FM	EASTERN	Political	Yes	No	No	No
PASME	EASTERN	Political	Yes	No	No	No

The period under review recorded (4) incidents of cadres attacking the media. The incidents occurred at Mafken in Mufulira, and at Kokoliko in Chingola district. The third and fourth incident took place in Eastern province particularly Chipata and Petauke districts. Below are summaries of the said incidents.

Barnabas Chisha is a 30 year old journalist working for MAFKEN FM in Mufulira

When asked how political interests affect media freedom in Zambia, the respondent said it affects media especially, the cadres who take advantage of media houses .He added that media freedom is compromised because cadres tend to carry the law in their own hands.

Regarding harassment or attack by political party cadres while performing his duties as a journalist, he said he was harassed by United Party for National Development cadres heard an announcement of the EEP President Chilufya Tayali on MAFKEN Radio and they went to the studio before the programme started to say they would not allow the programme to air.

Regarding how he was affected by the behavior of the cadres the respondent said:

”I was afraid the cadres would do more than that because I felt my security was compromised and because Mufulira is a small town I was very worried for my safety”.

When asked how his work was affected, the respondent said his work was affected because the programme was cancelled and the company lost revenue. The respondent was further asked if he reported the matter to the police and he said that he did but the perpetrators were not arrested. The respondent further said he heard that the UPND at provincial level disciplined the cadres who stormed the station on the material day. When asked whether he knew what law protects him as a journalist and he said that it is freedom of the press.

EUNICE PHIRI is a journalist working Kokoliko FM on the Copperbelt Province of Zambia. She has 12 years’ experience working in the media. When asked how political interests affect media freedom in Zambia, the respondent said

“It affects media freedom negatively because journalists are not able to freely or be critical in reporting political stories that may be perceived to be negative image of the state for fear of intimidation by cadres”.

The respondent was further asked to give an account of what transpired when the said UPND cadres stormed Kokoliko FM and she said it happened when the station had a political programme featuring Chilufya Tayali, the EPP President. “When the cadres came and they came to stop a programmes. It was a bad experience. They made me feel like my job is not important,I was stressed, anxious ,and doubted my ability to do my work effectively “she added.

Regarding the effect of the cadres behaviour on her work, the respondent said the station lost clients because they feared getting caught up in political issues, she went on to say because of that a prospective client who wanted to sponsor the news pulled back and questioned the existence of the station.

“Some clients thought the station was broadcasting illegally and had no licence so that act brought the stations name into disrepute” She said.

The respondent asked if the station reported the matter to the police to which she said it did and some perpetrators were arrested, she added that she does not know whether they were charged because she still sees them walking free. The respondent was asked whether she knew what law protected her as a journalist and she said she did not.

The UPND through its youth Party Youth Chairman Gilbert Liswaniso was engaged by the researcher and asked whether he was aware of what the party youths did at the affected radio stations and he was quick to admit, *“Yes I have witnessed that and we suspended the youths who did that, with the recent ones being PASME FM in Eastern Province and Kokoliko FM on the Copperbelt. They thought doing that was pleasing the leadership. No one should harass any media house for whatever reason. That has happened before will not allow the youths to do that. We always admit when we know it’s our youth who are in the wrong and we always discipline them internally”*, he said.

DAKISO ZULU is a 32 year old journalist working for 3FM in Eastern Province.

The respondent was asked how they thought political interests affect media freedom in Zambia and he said the media is not free to express its self because of the fear of being closed down, he cited Prime TV as an example. Regarding how he was attacked by political cadres, below was his response:

“I wrote a news story on FRA that said the government had delayed to pay the farmers after selling the maize to them, therefore the Ministry of agriculture was asked in parliament about the payments then he told the nation that everyone had been paid. The next day I opened the phone lines during the breakfast show and people were able to call in and expressed grievances which was contrary to the Minister’s statement in parliament. Later that day on my way home, I was attacked by different people and was badly beaten, luckily I was able to recognize one person”.

Asked how the attack affected him personally, the respondent said he was not affected and the experience “opened his eyes to journalism” and his work was not affected the respondent was asked whether he reported the matter to the police and he said that he did but the perpetrators were not brought to book

The respondent was further asked he knew what law protected him as a journalist and he said that it was the Whistle blowers Act and the bill of rights.

The researcher engaged a policy maker in the legal fraternity and whether there any particular challenges that journalists in Zambia face when it comes to reporting on politically sensitive issues or events he said and major challenge is the aspect of the Legal Framework. He added that there are no express provisions that provide for freedom of the media and as a result because of that journalists rely on the general freedom of expression.

LOVEMORE PHIRI is a journalist working for PASME FM in Petauke, Eastern province. The respondent was asked to share his story about how he was attacked and he said

“I hosted farmers on the breakfast show where they spoke about how the late distribution of farming inputs would negatively affect their crops. Midway through the show, about 4 men, 2 were clad in UPND regalia stormed the studio and demanded that we stop the show immediately because we were attacking government on the show, I refused to switch off the equipment, but they forced me

out physically and switched off the equipment and the show was cut short. I was told not to switch on the airwaves until 18 hours and they left”

The respondent said “” *From their group, someone suggested that they take me in their vehicle and go and kill me somewhere but before they could agree on that I was rescued by residents from Anusa compound which is the area where Pasmé radio station is, the resident challenged the cadres by asking why they were beating me and they responded by saying our radio station was attacking the government on the breakfast show. The resident disagreed with the cadres and that’s how they left”.*

Asked how he was affected by the attack, the respondent said he sustained some injuries due to the beatings and lost his phone and some money. Regarding the effect on his work, the respondent said

The stations going off air was not a good thing because it left its listeners wondering what happened and a lot of people were following the programmes.

“I am also living in fear because I feel like these people are watching me and can come for me anytime. It’s very unsettling. It has been hard for me to work” the respondent was asked whether he reported the matter to the police and he said that he reported to the police the same day. I was called back after two days and when I went to the police station I was asked to go to the place where my assailants were found so I could identify them and they notify the police. I went to the bus station around 7 and found 5 of the cadres who were part of the group which assaulted me, I called the police to tell them I found the cadres but they only went to arrest them around 13 hours and only found 2 of them, the rest had run away. Police in Petauke told me they transferred the case to Chipata Police. I feel Zambia Police did not help me at all.” He said

The researcher engaged UPND Youth Chairman Gilbert Liswaniso who acknowledged that the UPND party cadres are in the habit of attacking journalists

,” *Yes we have received the reports, for instance sometimes the media are victimised by our young people but we provide leadership by letting them do their job as long as they report the truth.*

Asked what the UPND party policy is regarding press freedom, the respondent said

“Our policy is that we should not when we went for elections in 2021, we spoke about freedom of the press. We have a policy, we have no choice as a party but ensure we do we are a democracy. Even now the media can criticize the governance issues and they won’t be stopped from doing their job” He added.

When asked if he knew what law protects him as a journalist, the respondent said:

“Journalists are there to inform people and it’s our duty to inform the community by reporting on issues like sanitation, development, etc.

The researcher further engaged the Legal Counsel in the private sector on legal framework of the law concerning journalists and he said”

Another challenge pertaining to the legal framework are a number of laws in that there are more laws that hinder Freedom of Expression than those that promote it. These are the Public Order Act, The Penal Code, The Prisons Act, the State Security Act, Civil and Criminal Procedure Act, the printed publications Act, all those provisions work to stifle freedom of expression than they do to promote it.

Other challenges cited were lack of training in the media, the practice and what is pertaining in the industry in terms of the practice of journalism in Zambia.

When it comes to the enjoyment of Freedom of Expression by journalists on the internet, we have the Cyber Security and Cyber Crimes Act, the Data Protection Act and the Electronic Communication Transactions Act.

These pieces of legislation have proved to be problematic in terms of the enjoyment of freedom of expression on the cyber space.

The major issue is the wide definition of hate speech, it has been broadly defined such that anything that one says on the internet can be deemed as hate speech, and it's so broad" He added

The cases of Eunice Phiri, Barnabas Chisha, Dakiso Zulu, and Lovemore Phiri highlight the challenges faced by journalists in Zambia, particularly when reporting on political issues. In all cases, the journalists faced harassment and intimidation from political party cadres, leading to fear for their safety and negative impacts on their work.

Despite reporting the incidents to the police, no arrests were made in any of the cases, which suggests a lack of protection for journalists in Zambia and raises concerns about the state of media freedom in the country. Furthermore, the fact that none of the journalists had a concrete knowledge of the law that protects them as journalists highlights the need for better education and training on journalists' rights in Zambia.

There are some differences between the cases, such as the specific impacts on the journalists' work and the specific laws mentioned by the journalists. For example, Barnabas Chisha mentioned freedom of the press as the law that protects him, while Eunice Phiri did not specify the law but noted that Zambia has several laws protecting journalists' rights. However, the overall pattern of attacks on journalists and lack of legal action against perpetrators is consistent across all four cases.

These cases demonstrate the urgent need for the Zambian government to take action to protect journalists and ensure their safety while performing their duties. This can include measures such as strengthening legal protections for journalists, providing training on safety and security for journalists, and holding perpetrators accountable for their actions. It is essential that journalists in Zambia are able to work without fear of harassment or violence, and that media freedom is protected and upheld.



Left to right, Gladys Chisha-Eastern Province Media Monitor; Samuel Kwahwe-Legal defence committee member MISA, Meck Phiri- Acting Programmes Manager Internews; Dockiso Zulu-3FM Journalist, Michael Njobvu-Assistant Programmes Officer MISA.

The 3 FM Incident

According to a monitoring report compiled by MISA Zambia of November 2022, the organisation had received a report on 2nd October 2022, through its Eastern Province Monitor which indicated that a journalist from Radio 3FM in Chipata district of Eastern Province was assaulted by alleged United Party for National Development (UPND) Cadres on accusations that the journalists had been misinforming the public through a named breakfast show which the radio station broadcasts every morning. The attack happened on 1st October 2022 around 21:00hrs when the journalist, Mr Dockiso Zulu was on his way home from watching a football match. The journalist was attacked by three men among which he was able to identify one. According to the reporter, his alleged assailants accused him of broadcasting false information about the Minister of Agriculture Mr. Reuben Mtollo Phiri accusing him of wanting to get the Minister fired. The suspected cadres used an iron bar and a plank to hit Mr. Zulu and further, threatened to deal with him more if he continued commenting on the honorable Minister in his programs.

Following this attack, MISA Zambia and Internews conducted a monitoring visit to 3 FM to offer solidarity to Mr. Zulu and follow up on the case. During the visit, the team had a chance to meet with Mr. Zulu and other members of staff at 3 FM radio. During the engagement meeting, Mr. Zulu narrated to the visiting team what happened and gave an update on the status of the case. He indicated that the case was reported to the Police on 2nd October and was referred to the hospital for medical examination after a Police report was issued.

After medical examinations, a docket was opened at the Police and investigations were commenced to arrest the suspects. One of the suspects was identified and a Police officer from the criminal investigation unite was assigned to work on the case and ensure that the suspects are apprehended.

The visiting team also visited Chipata Central Police Station to speak with the Head of the criminal investigation unite to get an update on the case. The officer confirmed the case and stated that investigations were still ongoing to apprehend the suspects. He said the Police were trying to work with the members of the public to help apprehend the suspect as it was believed that the suspects were hiding which made it difficult to find them.



Radio Pasme Case

Sadly on 4th November, 2022, MISA yet again through its Eastern Province Monitor, received an alert that PASME Radio station in Petauke District of Eastern Province was attacked by suspected United Party for National Development (UPND) Cadres.

The attacks came in the early hours of Friday, 4th November, 2022. It is alleged that suspected UPND cadres stormed PASME radio and interrupted a live programme that was discussing Farmers preparedness for the 2022/23 farming season.

The cadres who forced their way into the on-air studio beat up Mr. Lovemore Phiri, who happens to be a reporter and presenter at the radio station and further, caused damage to the studio equipment leading to the radio station going off-air.

As if that was not enough, around 08:15hrs another group of suspected UPND cadres drove into the radio station in a GRZ Land Cruiser and chased after Mr. Phiri who had to run away upon seeing the vehicle driving into the radio station premises. The cadres managed to catch Mr. Phiri in Anusa a nearby compound and beat him in addition to threatening to kill him. Mr. Phiri, was rescued by members of the community who rushed to the scene.

Following this attack MISA and Internews team comprised of Michael Njobvu and Meck Phiri conducted a solidarity visit to PASME Radio. During the visit, the team engaged with the victim Mr. Lovemore Phiri and the Station Manager Thokozile Phiri who shared what happened. In the discussion Mr. Lovemore said the case was reported to the Police and a docket was opened. It is alleged that the people that beat Mr. Phiri were more than 15 with only one person **reported arrested so far**. He said there has not been any further update from the Police CIO following the arrest of one suspect. It **was also rumored that the arrested suspect was released**.



Left to right, Mr. Austin Kayanda MISA Zambia National Director; Nchimunya Chilwalo- Station Manager Administration Mafken Radio; Jane Chirwa -Programmes Manager MISA; Precious Mwanza -Station Manager Operations Mafken Radio.

3.5 MAFKEN RADIO ATTACK CASE

The report indicates that on 1st January, 2023 MISA Zambia, received an alert that suspected UPND Cadres had blocked Economic and Equity Party President Mr. Chilufya Tayali from having a programme at Mafken Radio in Mufulira.

It is allegedly that the said cadres surrounded the Mafken building for about 4 hours from 13hrs to 17hrs until they made sure he didn't feature on 31st December 2022.

Following this threat on the radio station, MISA Zambia conducted a media monitoring visit to Mufulira at Mafken Radio to offer solidarity and follow up on the case. *During the visit, the team learnt that the radio station didn't report the matter to the police* because the owner of the station was not around when the incident happened.

To triangulate the findings, the MISA team met with the United Party for National Development 3.(UPND) leadership in the district to discuss the matter that happened at the radio station. It should be noted that the UPND leadership said that the incident that happened at the radio station was unfortunate and should be condemned in its strongest terms and it had no blessings of the leadership in the area.

They said they have always supported media freedom and freedom of expression and freedom of assembly. The leaders also pledged to talk to the youths never to carry out such actions again against the media and appealed to the MISA team if they could to sensitize the cadres on the importance of the media.

An engagement meeting with the District Commissioner of Mufulira was also held and the office expressed sadness at the incident.





Attack on Kokoliko FM

On 31st December 2022, suspected UPND cadres disrupted a live paid for radio programme at Kokoliko radio featuring Economic and Equity Party (EEP) President Mr. Chilufya Tayali who was discussing issues affecting the nation. Reports that reached MISA Zambia indicated that several cadres stormed the radio station and ordered the journalists (Beverly Simbeti and Kaluba Mangala) who were on duty to stop the programme citing that Mr. Tayali does not have the right to be on the radio station. It is also reported that, the said cadres did manage to chase Mr. Tayali out of the studio and used abusive words against the journalists on duty.

Therefore, MISA Zambia traveled to Chingola to visit Kokoliko FM to show solidarity and possibly meet the cadres and UPND leadership in the area in order for MISA Zambia to make an informed decision on the case. When the MISA Zambia team engaged the kokoliko radio management, they accepted that the matter should be taken to court and informed the team that **they had reported the matter to Zambia Police**. Consequently, police summoned the cadres who had stormed the radio station as per below report:

“Police in Chingola have summoned two UPND cadres who allegedly stormed Kokoliko Radio Station and disrupted a paid up Political program which was hosting Chilufya Tayali as a Guest speaker. <https://tiozambia.com/upnd-cadres-who-stormed-kokoliko-radio-warned-cautioned-by-police/> This occurred on December 31, 2022 at 15:00 hours. It is alleged that the cadres entered the Radio Station premises without any permission from management and stopped a paid for program by force.”

Following a meeting with the affected radio station, MISA Zambia held an Engagement meeting with UPND Leadership in Chingola District. The UPND leadership in the area indicated that the UPND youths acted in the manner they did because Mr. Tayali was allegedly using insulting language against the president which angered the youths in Chingola to go and hound him out of the studio.

However, the UPND leadership appealed to MISA to advise the radio station to be objective when they carry out their duties and also to employ professional/qualified people that know journalism ethics.

Engagement meeting with the Chingola and Mufulira District Commissioners was also conducted. The team also visited the district commissioners in both districts. It must be mentioned that they were all welcoming to the team and both expressed disappointment and described the two incidents as unfortunate occurrences and promised MISA Zambia that they will continue to work with media in the area.

The MISA Zambia investigations revealed that most political cadres did not fully understand the importance of the media in a democratic country like Zambia. They assumed criticism of the leaders or party is an insult.

3.6 THE ROLE OF THE POLICE IN PROTECTING JOURNALISTS'/ MEDIA FREEDOM

The Zambia Police is the national law enforcement agency responsible for maintaining law and order, preventing crime, and protecting the lives and property of citizens in Zambia. Its role is to enforce the law, investigate crime, and apprehend suspects, as well as to provide public safety and maintain peace and order.

The Zambia Police is guided by the Constitution of Zambia and the Police Act, which define powers and duties of the police force. The Police Act outlines the organizational structure of the police force, the powers of police officers, the responsibilities of the police commissioner, and the rights of citizens in relation to the police.

Additionally, the Criminal Procedure Code guides the police in carrying out their duties related to the investigation of crimes and the prosecution of offenders. The Penal Code also provides guidance to the police in dealing with criminal offenses and defining the penalties for criminal acts.

Overall, the role of the Zambia Police is to maintain law and order, protect citizens from harm, and ensure that the laws of the country are upheld.

The police and media often find themselves in the same spaces and venues, especially when there is a significant event or incident that requires police intervention or coverage by the media. However, the presence of the media can sometimes be a source of conflict between the police and journalists.

In some cases, the police may view the media as interfering with their operations or hindering their ability to maintain order. For example, police may want to cordon off a crime scene or control access to a particular area, as was the case in the Chilufya Tayali case where Innocent Phiri and Obvious Kapunda went to cover news, while journalists may want to get as close as possible to get the story. This can lead to clashes between the police and journalists, with the police using force to prevent journalists from entering restricted areas, or journalists being arrested for disobeying police orders.

On the other hand, the media may view the police as obstructing their right to freedom of expression and access to information. Journalists may feel that the police are not providing enough information about an incident or are deliberately withholding information that is in the public interest. This can lead to tension and mistrust between the police and media, with journalists accusing the police of being uncooperative or even corrupt.

To mitigate these conflicts, it is important for the police and media to work together and establish a relationship of mutual respect and understanding. This can be achieved by setting clear guidelines for the interaction between police and media at events and incidents, as well as by providing regular

briefings and updates to journalists. By working together, the police and media can ensure that the public is well-informed and that law and order are maintained in a fair and transparent manner.

The police are obligated to protect journalists during assignments, just as they are obligated to protect all citizens in their jurisdiction. Journalists have a right to report on events of public interest and to gather information without fear of harm or interference.

In Zambia, the Constitution guarantees freedom of the press and expression, which includes the right to gather and disseminate information. The police have a duty to respect and protect this right, and to ensure that journalists can carry out their work safely and without hindrance.

Furthermore, the Police Act provides for the protection of all persons, including journalists, from harm and danger. The Act requires police officers to prevent and detect crime, protect life and property, and maintain public order and safety. This includes protecting journalists from physical harm or harassment while they are carrying out their duties.

However, it is important to note that journalists also have a responsibility to cooperate with the police and to follow any reasonable instructions or guidelines provided by law enforcement officers. Journalists should also exercise caution and follow safety protocols while covering events, especially those that may be potentially dangerous. By working together, the police and media can ensure that the public is well-informed and that the rights of all citizens are respected and protected.

Based on the responses provided by the respondents, it was evident that the Zambia Police detained several journalists during the period of November to December. However, there was no clear indication of the exact number of journalists detained from the police records. The police did not provide information on the laws that allow them to detain journalists or request information from them. However, it was clear that journalists are treated like any other citizens, and there are no laws specifically meant for them when they get in the way of police work.

It was also apparent that journalists do not always identify themselves when covering volatile assignments like protests and political gatherings, which often leads to their being treated as suspects by the police. This lack of identification on the part of journalists contributes to the clashes between the media and the police.

The media in Zambia faces numerous challenges, including clashes between political and state interests. The police's treatment of journalists during the July to December period underscores the need for more dialogue between the media and the state. This report recommends that both parties work towards understanding each other's roles better and improving their working relationship to ensure that the media can function effectively in a democratic society.

To improve the working relationship between the police and the media, there is a need for more information-sharing forums. Such forums would enable both parties to understand each other's work better and avoid clashes. The media can also improve its relationship with the police by being more visible in terms of identifying themselves and wearing press jackets in crowded areas.

3.7 THE CLASH BETWEEN MEDIA RIGHTS AND STATE INTERESTS

Summary of Findings

Affected Journalists	Knowledge of Law Used to Arrest/ Detain them	Knowledge of laws that protect journalists work	Did they complain to anybody to seek redress about police behaviour	Police Knowledge of Media Work	Laws used to detain journalists	Were journalists Arrested or Detained?
Innocent Phiri	Yes	Yes	No	No	Obstruction of Police	Detained
Obvious Kapunda	Yes	No	No	No	Obstruction of Police	Detained
Alphas Kaputula	Yes	No	No	No	Unlawful Assembly	Detained
Josphat Mafuta	Yes	Not sure	No	No	Unlawful Assembly	Detained
Agness Kapansa	No	Not sure	No	No	Unlawful Assembly	Detained
Baxter Mutambo	No	Not sure	No	No	Unlawful Assembly	Detained
Moses Makwaya	No	Not sure	No	No	Unlawful Assembly	Detained

The period under review recorded seven (7) cases of media personnel being detained in police custody for coverings news were police were also conducting operations. The first reported case was recorded 16th September 2022 involving five (5) journalists from Kalemba, Muvi TV, M28 and KBN and the second case was on 14th November involving two Muvi TV personnel in Lusaka Innocent Phiri, a journalist and Obvious Kapunda a camera person. Below are the accounts of each media personnel who was detained for reporting stories were police interfered with their work:.

Innocent Phiri, a 32 year old journalist with 9 years' experience in the journalism industry and works for private media Muvi Television Lusaka and he is one of the journalists who clashed with police in his line of work in November 2022.

"I felt the detention was illegal because despite identifying ourselves to the police by producing our work Identity Cards, we were locked up in detention for doing our jobs", he said. And when further asked whether the detention affected him personally he said it not have any personal effect on him, however when asked how the detention affected his work, the responded said "I was not able to report news which was of public interest that evening because my rights as a journalist were infringed upon by the police" he said.

In answering the question regarding how the police should facilitate media freedom in times of protests in future the respondent said:

"The police must be able to understand and appreciate the work that journalists do and be able to create a safe environment"

When asked if he identified himself with the police, the respondent said he did that immediately he

arrived at the scene and when asked whether he was aware what law the police used to detain him and whether it was justified, the respondent said he was charged with obstruction of police officers and added that it was not justification enough therefore was illegal because as a journalist, he had a duty to report news and disseminate it accordingly without being intimidated or oppressed.

When asked whether he has covered such incidents before the respondent said he has but it was the first time he was detained and charged by police for doing his job. The respondent was further asked whether he understood the law that protects him as a journalist and he responded by saying it was article 20 of the Zambian Constitution which guarantees press freedom of the media.

In responding to a question regarding whether he understands the law which protects him as a journalist, the respondent said he is protected by article 20 of the Zambian constitution which guarantees freedom of the press.

Obvious Kapunda a 48 year old male of Lusaka has worked as a Camera person for 15 years. *“It really affected me because he could not communicate with my family for more than 20 hours, I was stressed because they must have been worried whether I was okay”*

When the respondent was further asked how the detention affected his work and he said that he was affected because he couldn't work as he was only released after 15:00 hours the next day.

Asked on whether he was able to obtain legal support, the respondent said he was able to through his colleague Innocent. When asked what police should do next time journalists go where they are working from, the respondent said police and journalists needed to communicate better with each other so they can both do their work freely. On facilitation of press freedom by the police, the respondent said *“Police should give space to journalists to do their work because they are also members of the community”*.

Below was the response from Zambia Police :

“The journalists insisted on not leaving and therefore interfered with the police operation, leading to their arrest and subsequent charging with obstruction. Our actions were justified, as the journalists' presence was obstructing our work, and we had to ensure the safety and security of all parties involved in the operation.”

The 5 respondents below were all picked up by police as they covered the Protest against LGBTQ by Dr. Brian Sampa.

Alphas Kaputula is, a 29 year old journalist who works for Muvi TV and worked for 3 years as a journalist.

“I missed a deadline because I was at the police station and my phone which is use for my work developed a fault because it was dropped we were being instructed to quickly get into the police vehicle when we were covering the protest”. He said

When asked whether he produced any identification when approached by police, the respondent said he produced an ID but the police disregarded it. The respondent was also asked if he have covered similar incidents before and whether he faced similar conduct with the police and he said *“Yes I have covered similar protest and the last time police found me at the scene I produced an ID and they didn't take me for questioning, only the protestor was picked up”*.

Asked whether he understood the laws that protects him as a journalist, the respondent said he does not know the specific law but he knows he has the right to cover news and write stories for broadcasting.

Josphat Mafuta, a 27 year old journalist of Lusaka Province has been practicing journalism for 3 years and he works for KBN.

“Media bodies should work hand in hand with the police so that they educate the police on how journalists work. I also think workshops for police who usually work in the field and interact with journalists in their line of work. When asked how police should facilitate media freedom in times of protests or crime investigation, the respondent said the police are supposed to protect journalists”, he said.

The respondent was then asked if he understood the law which protects him he said he was not sure

AGNESS Nampasa a 21 year old journalist with 1 year of experience and she works for Muvi Television in Lusaka.

“I was discouraged to do my work my family and close friends because they thought I was doing something wrong by covering protests and I almost gave up my career because of that. It really stressed me”.

The respondent was asked if they had covered such incidents before and she said that it was her first time. Asked if she knew what law the police used to arrest her, the respondent said “A little bit”.

Baxter Mutambo is a 32 year old journalist based in Lusaka and he works M28. He has been a journalist for 4 years.

“My morale was killed, I was stressed because of how the police handled the whole issue”. “Police should be the ones to protect the media and let journalists work without intimidation because even when police have press briefings, they too need media coverage”.

Further the respondent was asked how police should facilitate media freedom in times of protests or crime investigation and he said “By allowing us to express ourselves on how we should report or carry out our work without telling us how we should report”.

Moses Makwaya is a 28 year old journalist with 2 years’ work experience as a journalist and works for Kalembe online media based in Lusaka.

“The detention wasn’t legal because journalists are mandated to report news no matter the nature”.

In response this Zambia Police thought the Deputy Public Relations Officer Danny Mwale said “most of the journalists covering Dr Brian Sampa’s protests did not have ID’s and that’s why they were picked up for Unlawful Assembly”, he said

TRENDS ANALYSIS OF THE INCIDENTS

The fact that only one out of the seven respondents whose work was interfered by police thought that political and state interests affect media freedom in Zambia highlights an important issue. The majority of the respondents believed that media freedom is more compromised by ethical considerations, such as issues related to the division within the media, the limitation of the agenda setting by the media, and the risk that journalists face when doing their job. These concerns are critical to consider, as they have a significant impact on the ability of journalists to do their work freely.

1. Journalists play an essential role in promoting transparency, accountability, and democracy. To achieve this, they must be able to work without fear of retribution or interference from the

government or other powerful institutions. Therefore, it is important to address the ethical challenges that journalists face, including the need for stronger codes of ethics and improved mechanisms for accountability.

The challenges faced by journalists in Zambia are complex and multifaceted. While political and state interests may not be the primary concern for many journalists, the ethical considerations highlighted by the respondents remain significant obstacles to press freedom. Addressing these issues requires a comprehensive approach that addresses both the systemic and ethical challenges facing the media in Zambia. By doing so, we can ensure that journalists are able to do their work freely, and that press freedom is protected and upheld as a fundamental pillar of democracy.

2. **Communication and Procedure:** It was observed that the journalists who did not provide IDs to the police were not formally communicated to regarding their detention. This raises concerns about the communication and procedures followed by the police during detentions. It highlights the need for clear and consistent procedures for police to follow when detaining journalists, including proper communication with the detained journalist and timely notification to their employers and legal representatives.
3. **Previous Experience:** Three out of seven journalists had covered similar incidents but were not detained. This suggests that police behavior towards journalists may be inconsistent and arbitrary, and underscores the need for better training and guidelines for law enforcement officials. It also highlights the importance of documenting and reporting incidents of police interference with journalists, to identify patterns and hold police accountable for their actions.
3. **Collaboration between Police and Journalists:** This was a common voice among the respondents. They alluded that police should work better with journalists, give them space, acquaint themselves with how the media operates, and work side by side with journalists. This suggests that there is a need for better collaboration and understanding between police and journalists, which can help to prevent incidents of interference and promote greater respect for press freedom. It underscores the importance of training for both police and journalists, to improve communication, mutual understanding, and respect for each other's roles and responsibilities.
4. **Knowledge of Law:** Only one out of the seven journalists was aware of the law that protects journalists, indicating a lack of knowledge and awareness among the journalists about their rights and the laws that protect them. This suggests a need for more education and training among journalists about their legal rights and protections.
5. **Detention Reasons:** Five of the journalists were detained for "unlawful assembly" while covering a protest. This raises questions about the police's understanding and respect for press freedom, as journalists have the right to cover protests and events of public interest without being subject to detention. The fact that two of the journalists were detained for "obstruction of the police" also raises concerns about the arbitrary nature of police actions and the need for clear guidelines and training for law enforcement officials.
6. **Complaints and Redress:** None of the journalists reported the police behavior to seek redress. This indicates a lack of trust in the justice system or a fear of retaliation, which can discourage journalists from reporting on sensitive issues and ultimately undermine press freedom. It also highlights the need for better mechanisms to report police misconduct and protect journalists from retaliation for reporting on sensitive issues.
7. **Experience of Journalists:** The highest number of years of experience in the media industry among those who faced police detention was 15 years and the lowest was 1 year. This

indicates that police interference with journalists is not limited to inexperienced journalists, but can affect journalists at all levels of experience. It underscores the need for better training and guidelines for law enforcement officials to respect press freedom and the rights of journalists.

8. **Use of Press IDs:** Although all journalists know that IDs are important, they still cover sensitive assignments without their press IDs. This highlights the need for better awareness and education among journalists about the importance of press IDs and their role in protecting journalists from arbitrary detention and harassment by law enforcement officials. It also underscores the need for better mechanisms for obtaining and verifying press IDs, to ensure that journalists have access to them when they need them.
9. **Workshops for Police Officers:** The respondents suggested workshops for police officers to help them appreciate how the media works. This is a positive step towards building better collaboration and understanding between police and journalists. It can help to improve communication, mutual respect, and trust between the two groups, and ultimately promote greater respect for press freedom.

The information collected from the respondents provided highlights on the need for clear and consistent procedures for police to follow when detaining journalists, better training and guidelines for law enforcement officials, and improved collaboration and understanding between police and journalists. These measures can help to prevent incidents of interference with journalists and promote greater respect for press freedom.

Further, additional information provided highlights the need for better training and guidelines for law enforcement officials to respect press freedom, better awareness and education among journalists and media houses about the importance of press IDs, and better collaboration and understanding between police and journalists. These measures can help to prevent incidents of interference with journalists and promote greater respect for press freedom.

The information provided by the respondents through the questionnaire highlights the challenges faced by journalists who are interfered with and detained by the police, as well as the need for better protections for press freedom. The data indicates that police interference with journalists is not limited to inexperienced journalists but affects journalists at all levels. To address these challenges, the recommendations include developing clear procedures, improving training for law enforcement officials, increasing awareness among journalists, building collaboration and understanding between police and journalists, and documenting and reporting incidents. These measures can help to promote greater respect for press freedom and prevent incidents of interference with journalists.

Overall, protecting press freedom is essential for a functioning democracy and a free society. The media plays a crucial role in informing the public and holding those in power accountable. Therefore, it is crucial that journalists are able to work without fear of harassment, detention, or other forms of interference by law enforcement officials. Implementing the recommendations outlined above can help to ensure that press freedom is protected and journalists can carry out their important work without hindrance.

To appreciate police operations and to get a clear understanding of how the police operates, the researcher engaged the Zambia Police.

The researcher engaged Police Deputy Public Relations Officer Danny Mwale.

The researcher asked the respondent to give statistics of how many journalists Zambia Police detained or arrested between July and December 2022 and he said he was not able to say because cases at the police are not separated depending on one's profession. The respondent was then asked

What laws provide for detention/ arrest or request for information from journalists in relation to the incidents of covering protests/police investigations or raids of suspects and also information police need to use for investigations, and he said The Police are guided by the Police Act and they follow it when dealing with journalists who come in the way of their work and treat them as any other citizens, the respondent further said ,”if a journalist is in the way of the police work, we treat them as a suspect not as a journalist”.

The respondent was further asked if the affected journalists identified themselves with the police, the respondent said

“That’s the problem we have, journalists do not have their ID’s on them most times when covering protests, they don’t wear press regalia to make it easy for the police to distinguish protesters from journalists .Nowadays even those camera people who are freelance want to term themselves as journalists and they find themselves at assignments that are volatile and they have no ID’s, so that’s a problem for us, we take them to the Police station so they can answer a few questions and tell us why they came where police were conducting an operation without any invitation to cover the said assignment”

Regarding what can be done to improve the working relationship between police and media, the respondent said there was need for the police and the media to have more fora’s where they can exchange information and to get to understand each other’s profession.

Asked why Muvi TV journalist Innocent Phiri and Camera person Obvious Kapunda were detained overnight at the police station despite producing Press Identity Cards, the respondent said

“The journalist and camera person from Muvi TV were told to leave the premises upon arrival but they insisted on staying and so police officers work was being obstructed hence the charge was slapped on the two”.

When asked to describe the relationship between the police and the media, the respondent said

“It’s very cordial, however when police are conducting an operation and they ask journalists to leave police to do their work they insist on being there and that creates a problem which sees them being detained or arrested”.

In conclusion, it is important for the police to uphold the rights of the media and respect their role in society, especially when covering events of public interest. The police should work together with the media to ensure that they can perform their duties without any obstruction or intimidation.

The journalists who were detained are Kalembe reporter Moses Makwaya, Muvi TV journalists Aphius Kaputula and Agnes Nampasa as well as Josephat Mafuta KBN and Baxter Mutambo MEDIA 28 were forced to give statements for possible use against Dr Sampa in court.

4.0 MISA ZAMBIA FREEDOM OF EXPRESSION 2022 ANALYSIS

Infographics



Highlights of Incidents for 2

Figure 2

Environment for Media Freedom and Freedom of Expression

Year in year out, MISA Zambia compiles reports which impact media freedom and freedom of expression positively or negatively. These reports are captured from newspapers, radio, Television stations and social media platforms it has created. Each report is verified before it is published and stored in a database. Therefore, in the year 2022, MISA Zambia recorded a total of 92 media freedom and freedom of expression reports from the stated sources. From the 92 cases, majority were positive developments standing at 68 cases. This means 24 cases in the year under review had an impact on media freedom and subsequently freedom of expression.

Topping the categories of violations that impacted the stated freedoms are “threats” with 7 cases and cases on censorship equally standing at 7. Some of the cases that threatened media freedom and freedom of expression include a threat issued on CITY TV reporter, Mr Wellington Chanda by the Kasama District Commissioner (DC) and some Provincial Youth leaders from the United Party for National Development.

Another case that threatened media freedom involved Former Health Minister whose lawyers wrote to News Diggers demanding for an immediate retraction and an apology for an article published in the newspaper.

On a sad note, during the period under review, the Zambia Revenue Authority (ZRA) in 2022 introduced a 16 percent Value Added Tax on Booklets and Newspapers effective January 1, 2022. In a notice, the authority indicated that booklets and newspapers had been removed from the list of exempt items pursuant to the Value-Added Tax (Exemption) (Amendment. Order, No. 105 of 2021). The introduction of tax on the booklets possesses a huge challenge on the press, which is already fighting for financial stability.

A journalist from SUN FM/TV in Mongu district of Western province was harassed and barred from covering the president at the presidential dinner during the Western province Expo.

In the same vein, another journalist working for KNC Media Communication and based in Luano district of Central Province was attacked by some alleged United Party for National Development-UPND carders.

When it came to cases of censorship, MISA Zambia recorded 7 cases, followed by defamation cases (5) and assaulted cases standing at 3. Among journalists that were assaulted include Diamond TV Journalist, Charlotte Sichunda who was assaulted by irate bus operators at Mulungushi Bus Station in Ndola. Another assault case was for a Chipata based Journalist Dockiso Shadreck Zulu from 3FM Radio Station who was harassed, assaulted and threatened by some suspected United Party for National Development UPND Cadres in Chipata district of Eastern Province while on his way home from work. The third one involved Petauke journalist, Lovemore Phiri of Pasm Radio who was beaten by suspected UPND cadres during a breakfast show where callers were calling in on a topic of fertilizer distribution.

The year 2022 recorded two (2) victory cases; the abolishment of Death Penalty and Defamation of the President provisions in the Penal Code by Republican President His Excellency Hakainde Hichilema. The President assented to the Penal Code Amendment Bill Number 25 of 2022 that has abolished the imposition of the death penalty. Another victory involved Zambia Police Services recovering equipment lost by Muvi TV in a theft that occurred on 16 December 2022. According to a report by ZNBC of 18 December 2022, five people including two security guards had been arrested in connection with a break in and theft at MUVI Television in Lusaka. Zambia Police Deputy Spokesperson DANNY MWALE confirmed the development to ZNBC news in an interview and said some stolen items had also been recovered. Unknown people stormed MUVI TV station

in the dead hours of 16th December 2022 and stole five Television sets, and four editing computers among other items. MISA Zambia Chairperson. Rev. Fr. Dr. Barnabas Simatende said the institute was very saddened by the incident but was elated to hear that the equipment was recovered.

While the Muvi TV case had mostly a happy ending, it was not the case for KBN TV which was reported by News Diggers on 12th May 2022 to have lost equipment to a theft. According to the newspaper, KBN TV chief executive officer Kennedy Mambwe described theft of the television station's equipment as an assault on press freedom. As in the Muvi TV case, police said they were holding a security guard in connection to the theft of KBN equipment worth K260, 000. The paper reported that unknown people stormed KBN TV and stole studio equipment, laptops among other items in the early hours of 11 May 2022. The above cases are but examples of some of the 24 incidents indicated in the info graphics that negatively impacted media freedom and freedom of expression

Positive Developments

Meanwhile, the period under review also recorded some positive developments. The appointment of Ms. Loyce Saili as Zambia National Information Service (ZANIS) Director was a great milestone for gender equality in the media leadership realm. This is a major milestone as she became the first female ever to be appointed to such a position in the major media houses.

Government through Ministry of Information and Media Permanent Secretary Kennedy Kalunga announced that the Ministry of Finance has released K7.2 Million towards the installation of FM transmitters in fifteen districts around the country to expand access to radio signal.

On the legal front the Republican President His Excellence Hakainde Hichilema, abolished the Death Penalty and Defamation of the President provisions in the Penal Code. The President assented to the Penal Code Amendment Bill Number 25 of 2022 which abolished the imposition of the death penalty. This is a welcome move as this piece of legislation was inimical to freedom of expression by media and politicians, including citizens.

The period under review also witnessed a number of consultations and validation meetings around Access to Information Bill organised by the Ministry of Information and other cooperating partners. According to the Ministry of Information and Media, government was past the stage of deciding whether Zambia should have an access to inform law or not. The country was at a stage of deciding what type of ATI Act would be ideal. It is hoped that the Bill will see the light of day after many decades of MISA Zambia advocating for it to be enacted. However, prospects for its enactment seemed high as the year came to a close because government had developed a roadmap for the Bill's enactment.

5.0 CONCLUSION

Compared to 2021, reports recorded show that the year 2022 saw an increase in media freedom and freedom of expression violations. While there were several notable positive developments that helped media and citizens to enjoy relative free operating environment and freedom of expression among citizens, research by MISA Zambia (2022), indicates that experts ranked media freedom and freedom of expression, MODERATE in 2022. This is due to the existence of archaic laws and activities that continue to undermine media freedom and freedom of expression.

5.1 RECOMMENDATIONS

Access to information

There is need to enact the ATI bill and also to make a constitutional provision that expressly provides for the right to information from public bodies.

Continue advocating for the amendment of ZNBC and IBA Acts.

Independent Broadcasting Authority - IBA ACT

The primary purpose of the Act is to establish a regulatory framework for the broadcasting sector in Zambia. The Act applies to radio and television broadcasting over terrestrial and satellite platforms. However, the lack of autonomy of the IBA lies in the appointment process for the board which is heavily vested in the minister for information. This must be changed in the law to include broader participation in the appointment of the board.

Further, its accountability must be vested with the national assembly and not the Ministry of Information and Media. This should include allocation of funding which should be done by Parliament to remove the connotation that he who pays the piper calls the tune. Parliament consists broader list of people and hence better placed to allocate funds to and hold the IBA accountable.

Zambia National Broadcasting Corporation - ZNBC ACT

This Act establishes ZNBC. Some progressive provisions exist on role of ZNBC under article 7. However, the level of independence is compromised by funding model. Ministry of Information decides the funding to ZNBC while TV Levy is now being administered by IBA. Another aspect that compromises ZNBC autonomy is the board appointment process. The appointing of board members for ZNBC needs to be broadened to remove the strong hold of the Ministry of Information in putting in place a ZNBC Board. This has been abused in the past and cadres have been appointed to these boards leading to compromised ZNBC autonomy and its failure to be converted to a true public service broadcaster that serves all the spectra of the Zambian population and not just the party and its government. ZNBC must be accountable to the public through being regulated by IBA and there should be punitive measures against it if it fails to play its legal function. ZNBC can only be advised by IBA and there are no consequences for non-compliance towards its legal mandate

Public Sensitisation on the role of the media

There is need to sensitise the public on the role of the media. The public; including the politicians and Zambia Police Service need to know that media plays an important role of independent watch dog and brings forth the grievances of the people to the policy makers. It generates the awareness about the governance and it plays a proactive role in exposing scams. Therefore, the media should carry out its duty independently without interference from external forces if the country is to develop and its democracy is to continue to be strengthened.

Issued by Rev Fr Dr Barnabas Simatende, OMI, PhD.

Chairperson – MISA Zambia

1st January 2023



Questionnaire for Lawyer whose work has been interfered by police while performing their duty

Dear respondent, MISA Zambia is collecting and compiling data for the State of the Media Report production for July to December 2022 with a focus on The Clash between Political & State Interests. The State of the Media Report is a Bi-annual assessment of the media environment in Zambia. It is an assessment and record of the media trends in Zambia during a given period.

In this regard, your assistance and input by responding to the questions below will be of utmost help in compiling the report for the period July to December 2022.

Ensure you give as much information, as clearly as possible. The information collected is solely for the purpose of the State of the Media Report.

With your permission, I would like to ask you a series of questions that will take approximately 20 minutes.

Thank you very much for your time.

Obtain their reliable Contacts for clarification Cell Phone: -----



Questionnaire for Zambia Police on clash with journalists at protests and journalists have ended being either detained or arrested

TOTAL RADIO STATIONS

COMMUNITY RADIO

COMMERCIAL

	TOTAL RADIO STATIONS			
	Operational stations =137		Commercial =73	
	Not Yet - Operational =10		Community = 67	
			Landing Rights =03	
			PSB=04	
	Total =147			

TOTAL TV STATIONS		COMMERCIAL CATEGORY	COMMUNITY
TV STATIONS - 2023			
Operational =47		TV (DTT Commercial)= 30	
Non-Operational = 05		TV (DTT Community) =11	
TOTAL =52		TV (SMS)= 06	
		TV (PSB)= 05	
LUSAKA PROVINCE-44			
LICENSEE	Category	Location	Status
Revelation TV	Religious/Community	Lusaka	Operational
BM TV	Religious/Community	Lusaka	Operational
Litovia TV	Commercial	Lusaka	Operational
Diamond TV	Commercial	Lusaka	Operational
Life TV	Commercial	Lusaka	Operational
Power TV	Commercial	Lusaka	Operational
Catholic TV (Lumen)	Religious/Community	Lusaka	Operational
Q TV	Commercial	Lusaka	Operational
CBC TV	Commercial	Lusaka	Operational
Healing Center TV	Religious/Community	Lusaka	Operational
Muvi TV DTT	Commercial	Lusaka	Operational
Camnet TV	Religious/Community	Lusaka	Operational
City TV	Commercial	Lusaka	Operational
Zed TV	Commercial	Lusaka	Operational
Hope TV	Religious/Community	Lusaka	Operational
Fresh TV	Commercial	Lusaka	Operational
Fire TV	Commercial	Lusaka	Operational
Kenmark TV	Commercial	Lusaka	Operational
Nonkas TV	Commercial	Lusaka	Operational
Frannce 24	Commercial	Paris	Operational
ABN TV	Commercial	Lusaka	Operational
TBN TV	Religious/Community	Lusaka	Operational
Edge TV	Religious/Community	Lusaka	Operational
Loyola TV	Religious/Community	Lusaka	Operational
Hot TV	Commercial	Lusaka	Not yet Operational
Millenium TV	Commercial	Lusaka	Operational
Mozo TV	Commercial	Lusaka	Operational
ZNBC 1	PSB	Lusaka	Operational
ZNBC 2	PSB	Lusaka	Operational
ZNBC 3	PSB	Lusaka	Operational
ZNBC 4	PSB	Lusaka	Operational
Parliament TV	PSB	Lusaka	Operational
DSTV	SMS	Lusaka	Operational
GoTV	SMS	Lusaka	Operational
Muvi TV Satellite	SMS	Lusaka	Operational
Strong Technology	SMS	Lusaka	Operational
City cable	SMS	Lusaka	Operational
TopStar	SMS	Lusaka	Operational
Crown TV	Commercial	Lusaka	Operational
Spring TV	Commercial	Lusaka	Operational
Life TelevisionLimited	Religious/Community	Lusaka	Not yet Operational
Healing TV	Religious/Community	Lusaka	Not yet Operational
Prime TV	Commercial	Lusaka	Operational
Maluba TV	Commercial	Lusaka	Operational
COPPERBELT-04			
STATION	CATEGORY	LOCATION	STATUS
Sun TV	Commercial	Ndola	Operational
Groove Network	Commercial	Kitwe	Not yet Operational
Flava TV	Commercial	Kitwe	Not yet Operational
Kopala TV	Commercial	Kitwe	Non Operational
SOUTHERN-01			
STATION	CATEGORY	LOCATION	STATUS
Musanza TV	Commercial	Mazabuka	Operational
EASTERN-01			
STATION	CATEGORY	LOCATION	STATUS
Chipata TV	Commercial	Chipata	Operational
CENTRAL-01			
STATION	CATEGORY	LOCATION	STATUS
KNC TV	Commercial	Kabwe	Operational
N/WESTERN-01			
STATION	CATEGORY	LOCATION	STATUS
North West TV	Commercial	Solwezi	operational



QUESTIONNAIRE FOR JOURNALISTS WHOSE WORK HAS BEEN INTERFERED BY POLITICAL PARTY CADRES WHILE PERFORMING THEIR DUTIES

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With your permission, I would like to ask you a series of questions that will take approximately 20 minutes .

Interviewer -----

PART 1. IDENTIFICATION INFORMATION		Questionnaire ID
<p>1. Sex of respondent: 1. Male 2. Female</p> <p>2. Age: [Enter actual age based on respondent's last birthday] _____</p> <p>3. Number of Years as a journalist -</p> <p>4. Employer:</p> <p>5. Province</p> <p>6. District</p>		
PART 2 INTERVIEW QUESTIONS		
<i>Q No.</i>	<i>Question and Directive</i>	
Section A:		
1	How do you think political and state interests affect media freedom in Zambia?	
2	Have you been harassed or attacked by political party cadres while performing your duty as a journalist? What happened?	
3	How did that affect you personally?	
4	How did that affect your work?	

5	Did you report the matter to the Police?		
7	What happened to the perpetrators?		
8	Do you know what Law protects you as a journalist?		

Thank you very much for your time.

Obtain their reliable Contacts for clarification Cell Phone: -----



QUESTIONNAIRE FOR JOURNALISTS WHOSE WORK HAS BEEN INTERFERED BY POLICE WHILE PERFORMING THEIR DUTIES.

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Interviewer -----

PART 1. IDENTIFICATION INFORMATION		Questionnaire ID	
1. Sex of respondent: 1. Male 2. Female 2. Age: [Enter actual age based on respondent's last birthday] _____ 3. Number of Years as a journalist - 4. Employer: 5. Province 6. District			
PART 2 INTERVIEW QUESTIONS			
<i>Q No.</i>	<i>Question and Directive</i>		
Section A:			
1	How do you think political and state interests affect media freedom in Zambia? Provide examples		
2	Were you arrested or detained and why?		
3	Do you think the arrest or detention was legal?		
4	How did that affect you?		

5	Were you able to obtain legal support?	List as provided by respondent	
6	How did this affect your work?	List as provided by respondent	
7	How long were you in detention/arrest?	List as provided by respondent	

8	What should police do next time?		
9	How should police facilitate media freedom in times of protests or crime investigation?	List as provided by respondent	

10	Did you identify yourselves with police? If you did, why were you arrested?		
11	What law did the police use? Is it justified?		
12	Have you covered such incidents before and did you face similar conduct from police?		
13	Did you understand the laws that protect you as a journalist?		

Thank you very much for your time.

Obtain their reliable Contacts for clarification Cell Phone: -----



Published by MISA Zambia

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