MALAWI

	2012	2013
INTERNET FREEDOM STATUS	**N/A**	**PARTLY FREE**
Obstacles to Access (0-25)	n/a	16
Limits on Content (0-35)	n/a	11
Violations of User Rights (0-40)	n/a	15
Total (0-100)	**n/a**	**42**

* 0=most free, 100=least free

POPULATION: 16 million
INTERNET PENETRATION 2012: 4 percent
SOCIAL MEDIA/ICT APPS BLOCKED: No
POLITICAL/SOCIAL CONTENT BLOCKED: No
BLOGGERS/ICT USERS ARRESTED: Yes
PRESS FREEDOM 2013 STATUS: Partly Free

KEY DEVELOPMENTS: MAY 2012 – APRIL 2013

- Traditional and online media restrictions relaxed under Joyce Banda, who assumed the presidency in April 2012 following the death of President Bingu wa Mutharika (see **INTRODUCTION**).

- In May 2012 the National Assembly repealed Section 46 of the penal code that had empowered the information minister to ban any publications deemed "contrary to the public interest" (see **VIOLATIONS OF USER RIGHTS**).

- A draft E-Bill was introduced in October 2012 that aims to implement a legal framework for regulating ICTs (see **VIOLATIONS OF USER RIGHTS**).

- A government plan to implement a so-called "spy machine" for monitoring mobile phone companies was struck down by a court in late 2012 but sanctioned by parliament in mid-2013 (see **VIOLATIONS OF USER RIGHTS**).

- In October 2012, criminal libel charges were brought against an online news correspondent, though he was acquitted in February 2013 (see **VIOLATIONS OF USER RIGHTS**).

INTRODUCTION

Internet and mobile phone services were first introduced in Malawi in the late 1990's, though after decades of flagging economic development, the impact of information and communication technologies (ICTs) has been limited for most Malawians compared to other countries in Sub-Saharan Africa. Penetration rates for digital media tools remain well below average for the region due primarily to poor infrastructure and the high cost of access. Nevertheless, the development of Malawi's ICT sector has become a government priority under President Joyce Banda, who in her inaugural state of the nation address in May 2012 set out a vision for deploying ICTs as a catalyst for economic development.[1]

Banda came to power in April 2012 following the death of former President Bingu wa Mutharika, who was known for his heavy-handed approach towards the opposition and restrictions against fundamental freedoms, including digital media freedoms. In 2011, the Malawi Communication Regulatory Authority (MACRA) under the Mutharika government introduced a Consolidated ICT Regulatory Management System that became locally known as the "spy machine," which ostensibly aimed to monitor the performance of mobile phone companies to improve quality of service. The courts placed an injunction on the system in late 2012, but in June 2013, parliament gave MACRA its endorsement to install the machine, despite the court's ruling.

The government does not systematically block or filter internet content in Malawi; however, during violent anti-government protests in July 2011, MACRA reportedly ordered internet service providers (ISPs) to block certain opposition news and social media websites, among other media tools. No such blocks have occurred under President Banda, though a controversial E-Bill was introduced in October 2012 that aims to implement a legal framework for regulating ICTs. Criticized for its potential to limit internet freedom, the draft E-Bill would require editors of online public communications services to reveal their personal information and allow the government to appoint "cyber inspectors" to monitor online activity in the public domain.[2]

While harassment and violence against traditional media journalists was prolific under the late president Mutharika, online journalists were not targeted. One online journalist was arrested in October 2012 for allegedly insulting the new president and charged with criminal libel, though he was acquitted in February 2013 for lack of evidence.

OBSTACLES TO ACCESS

Malawi is a landlocked and densely populated country that suffers from widespread poverty. With 80 percent of the population residing in rural areas, the agricultural sector comprises the bulk of

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[1] Cleopa Timon Otieno, "President Banda Unveils Malawi's ICT Vision as Government Sets Up 7 Telecentres," *Telecentre,* (blog), May 25, 2012, http://bit.ly/1dSjL2v.
[2] "Malawi Alert: E-Bill Puts Freedom of Expression Online in Cross-hairs," *Nyasa Times*, October 4, 2012, http://bit.ly/1fWVQAR.

the country's economic output. Accordingly, Malawi's presence on the internet is one of the lowest in the world, with a penetration rate of just over 4 percent as of the end of 2012, according to the International Telecommunications Union.[3] Meanwhile, there were about 1,200 fixed broadband subscriptions in 2012 for a penetration rate of 0.1 percent,[4] and broadband speeds average 0.1 Mbps or less.[5] Mobile phone penetration in Malawi is also low at 28 percent,[6] compared to an average of 76 percent across the continent as of February 2013.[7]

Most users log on at internet cafes, as computers are a luxury for ordinary households in Malawi, and very few households have access to the internet at home. Nevertheless, the recent introduction of affordable 3G and 3.75G mobile broadband services has led to increasing mobile internet access and declining patronage at local internet cafe operations, which charge a minimum of 5 Malawian kwacha per minute, about $1.00 per hour, and close at 6pm.[8] In addition, service on the GSM network has expanded throughout the country to cover 93 percent of the population following the removal of a number of regulatory barriers such as long registration processes, making Malawi's GSM signal coverage one of the highest in Africa.[9] DSL services are also available, and Malawi Telecommunications Limited (MTL) launched WiMAX wireless broadband services in May 2012.[10] Competition between private ISPs has further enabled wireless internet access through Wi-Fi hotspots, particularly in urban areas of the country.

While Malawi's ICT sector has experienced tremendous growth in recent years, the cost of access remains a major challenge for ordinary people. The government does not regulate the price of internet access, enabling operators to charge as they wish and making the cost of access prohibitively high for many Malawians. As of early 2013, the monthly price of fixed-line internet access is US$16.50, while a monthly mobile 3G data plan costs about US$24 for 1.5GB of data.[11] The high cost of internet access in Malawi is symptomatic of the many challenges that ISPs face, one being the lack of a local internet exchange point, which forces telecoms to rely on upstream service providers that are usually based outside Africa. As a result, data that should be exchanged locally within Malawi or regionally must pass through Europe or North America where upstream providers are based, leading to an unnecessary and expensive waste of upstream bandwidth.

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[3] International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2012," http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx.
[4] International Telecommunication Union, "Fixed (Wired)-broadband Subscriptions, 2000-2012."
[5] Broadband Commission for Digital Development, "The State of Broadband 2012: Achieving Digital Inclusion for All," September 2012, http://www.ericsson.com/res/docs/2012/the-state-of-broadband-2012.pdf.
[6] International Telecommunication Union, "Mobile-cellular Telephone Subscriptions, 2000-2012."
[7] "World's Mobile Penetration," *Parseco*(blog), December 18, 2012, http://www.parseco.com/worlds-mobile-penetration/.
[8] Richard Chirombo, "Mobile Phones Push Internet Cafes Under," *Sunday Times*, January 22, 2012, http://www.bnltimes.com/index.php/sunday-times/headlines/business/3907-mobile-phones-push-internet-cafes-under.
[9] Vivien Foster and Maria Shkaratan, "Malawi's Infrastructure: A Continental Perspective," Africa Infrastructure Country Diagnostic, World Bank, March 2010, http://siteresources.worldbank.org/INTAFRICA/Resources/Malawi_country_report_2011.01.pdf.
[10] "MTL Launches New Wireless Broadband Internet Service," *Daily Times*, May 4, 2013, http://www.bnltimes.com/index.php/daily-times/headlines/business/6218-mtl-launches-new-wireless-broadband-internet-service.
[11] "Comparing African Pre-paid Mobile Broadband Plans," *OAfrica,* September 24, 2012, http://www.oafrica.com/mobile/african-pre-paid-mobile-broadband-plans/.

Another major challenge facing the telecommunication sector in Malawi is that the country's power and ICT backbones are entirely national in nature, with no regional integration at present, although a number of cross-border connections have been proposed.[12] Due to Malawi's landlocked location, the country's connection to the international fiber network runs through Mozambique, Zambia, South Africa and Tanzania.[13] Three new submarine cables are currently competing to be the first to start service in Malawi as the country plans to extend a fiber-optic backbone through Tanzania to the coast.[14] If a suitable regulatory regime is also put in place, the new cables will bring down the cost of international bandwidth and deliver a boost to the broadband market. Meanwhile, the high costs of infrastructural development in rural areas has led to an unwillingness by providers to invest in the country's remote regions, though the regulatory authority MACRA is looking to subsidize fees to encourage operators to deploy ICT services in the country's less profitable yet neediest areas.

A low literacy rate of 64 percent and a significant digital gender divide are also hindering progress and access to ICTs in Malawi, while unreliable electricity and the high cost of generator power in the country strain ICT use. Only 7 percent of the country has access to electricity, giving Malawi one of the lowest electrification rates in the world.[15] The electricity grid is concentrated in urban centers, though only 25 percent of urban households have access, compared to a mere 1 percent of rural households. Half the formal sector enterprises in Malawi have backup generators, which is twice the amount found in other low-income African countries.

According to statistics released in May 2013, there are 22 operational ISPs in Malawi, and despite high operating costs and the limited availability of international bandwidth, there is reasonable competition between the providers. Malawi Net, formed in 1997, was the country's first private ISP, followed in 1999 by Malawi Sustainable Development Network Programme, a semi-government owned and United Nations Development Project-funded ISP. In the new millennium, several private ISPs followed suit, including Africa-Online, Globe Internet Company, Skyband, and most recently, Malawi Telecommunications Limited (MTL). MTL also serves as the country's telecommunication backbone since most ISPs and mobile phone service providers use MTL's infrastructure.[16] Previously a government-owned entity, MTL was privatized in 2005 and is now 80 percent owned by Telecomm Holdings Limited, while the government retains the other 20 percent.

Malawi's two major players in mobile phone services, Airtel Malawi and Telecom Networks Malawi, together command a mobile teledensity of 18 percent and recently launched 3G mobile

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[12] "PPIAF Assistance in Malawi," Public Private Infrastructure Advisory Facility, March 2012, http://www.ppiaf.org/sites/ppiaf.org/files/documents/PPIAF_Assistance_in_Malawi.pdf.
[13] "Video: Internet Service Prices Still High in Malawi," *OAfrica*, December 8, 2011, http://www.oafrica.com/video/video-internet-service-prices-still-high-in-malawi/.
[14] Beatrice Philemon, "Malawi Keen on Submarine Cable Connection with Tanzania," *Ippmedia*, March 18, 2012, http://www.ippmedia.com/frontend/index.php?l=39583.
[15] "Telekom Networks Malawi (TNM) Ltd. – Malawi – Feasibility Study," GSMA Green Power for Mobile, 2012, http://www.gsma.com/mobilefordevelopment/wp-content/uploads/2012/06/TNM_Malawi_Feasibility-Study.pdf.
[16] "Telecommunications in Malawi," *MBendi*, accessed June 1, 2013, http://www.mbendi.com/indy/cotl/tlcm/af/ma/p0005.htm.

services based on UMTS/HSPA technology.[17] A third mobile operator, G-Mobile, was licensed in 2008 but the rollout of the new network experienced delays. It is currently in court fighting against the revocation of its license as a result of a failure to start services on time.[18] A fourth license was awarded to Celcom in 2011, and the launch of its services is expected in 2013. Meanwhile, the government has encouraged more competition in the market by introducing a converged licensing regime, which enabled the country's two fixed-line operators, MTL and Access Communications, to enter the mobile market. Both telecoms are already operating CDMA-based fixed-wireless networks that support full mobility and broadband access using high-speed EVDO technology.

MACRA is Malawi's sole regulator, established under the 2008 Communication Act to ensure reliable and affordable ICT service provision throughout Malawi. Its mandate is to regulate the whole communications sector with respect to telecommunications, broadcasting, postal services, and the management of the radio frequency spectrum. As a regulator, it also issues operating licenses for mobile and fixed-line phone service providers, ISPs, and cybercafes, though political connections are often necessary to receive such licenses.

The institutional structure of MACRA is not without political interference as its board is comprised of a chairman and six other members appointed by the president and two ex-officio members—the secretary to the Office of the President and Cabinet and the Information Ministry secretary. The director general, whose appointment also passes through the president's scrutiny, heads the authority's management and supports the board of directors in the execution of its mandate.

LIMITS ON CONTENT

Increasing government manipulation of online content through pro-government trolls is the most notable trend of 2012 and 2013, as the Malawian government seems to be grappling with the desire to restrict critical online speech in spite of their technical inability to do so.

The government of Malawi does not systematically block or filter any websites primarily out of a lack of capacity, though it has demonstrated a desire to censor internet content in the past. During violent anti-government protests in July 2011, MACRA reportedly ordered ISPs to block certain news websites and social media networks, including Facebook and Twitter, in a supposed effort to quell the spread of violence.[19] The UK-based Malawian online publication, *Nyasa Times*, also experienced repeated distributed denial-of-service (DDoS) attacks that shut down its servers and effectively disrupted its reporting of the protests. Known for its critical coverage and sometimes exaggerated articles about the government, *Nyasa Times* was reportedly blocked again in November

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[17] Universal Mobile Telecommunications Service (**UMTS**) and high-speed packet access (**HSPA**).
[18] Frank Jomo, "Malawi Court Halts Regulator Canceling G-Mobile's License, Times Reports," Bloomberg, May 25, 2011, http://www.bloomberg.com/news/2011-05-25/malawi-court-halts-regulator-canceling-g-mobile-s-license-times-reports.html.
[19] Michael Malakata, "Malawi Blocks Social Media Networks to Quell Protests," *Computer World*, July 22, 2011, http://news.idg.no/cw/art.cfm?id=3DFADEBE-1A64-67EA-E44251D79A4C6F57.

2011, after it had published stories about government corruption and Mutharika's health problems.[20]

Under the country's new leadership, however, no such efforts to block or filter online content have occurred. There have been no reports of content removal—even of illegal content such as child pornography or copyright infringement—under either the former or the current government. However, a draft Electronic Transactions and Management Bill in the works as of mid-2013 aims to provide the government with a legal instrument to deal with illicit online material, according to a spokesperson from the Office of the President and Cabinet.[21]

Social media platforms are freely available in Malawi, though in advance of the January 2013 protests against the country's current economic hardships, the authorities called on citizens to abstain from using Facebook and Twitter in an attempt to prevent the demonstrations from getting out of hand.[22] Rebelling against the call to self-censor online, activists went on Facebook to criticize the government's efforts to limit freedom of speech and to express concern over the possible blocking of online content. Nevertheless, social networks and other digital communication tools remained unrestricted during the protests.

Despite the country's technical inability to block or filter online content, there are concerns that Malawi is currently attempting to move towards an administrative form of internet censorship through a draft E-Bill that was proposed in October 2012 (see "Violations of User Rights").[23] While the first draft of the bill prescribes restrictions against internationally-recognized illegal content, press freedom watchdogs such as the Media Institute of Southern Africa and the Media Council of Malawi expect the bill's second draft to include more problematic provisions that will restrict government criticism, stemming from concerns over various unofficial suggestions the authorities have made about the need to deal with online publications that allegedly "insult" or "spread falsehoods" about the government.

Online users and commentators practice a degree of self-censorship, though users have become less fearful since Banda took power as a result of the reduced levels of harassment and violence against traditional journalists that was common under the late Mutharika's regime. Otherwise, online journalists usually exhibit caution in handling stories associated with ethnic, racial or religious minorities, while comments have been less cautious and much more open to discussing topics of controversial nature.

Nevertheless, there has been an increasing presence of pro-government trolls infiltrating conversations on social media and online news websites to attack commentary that is critical of the government. In addition, pro-government activists zealously promote content that President Banda

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[20] "Malawi Authorities Blocking Nyasa Times Website," *The Zimbabwean*, November 8, 2011, http://www.thezimbabwean.co.uk/news/16305/malawi-authorities-blocking-nyasa-times-website.html.
[21] Interview conducted by a Freedom House consultant.
[22] "Malawi Police Urges Against Facebook Updates, Tweets on Demos," *Nyasa Times*, January 16, 2013, http://www.nyasatimes.com/2013/01/16/malawi-police-urges-against-facebook-updates-tweets-on-demos/.
[23] Simon Mponela, "Malawi Government to Censor Online Publications," *Amalawi*, October 2, 2012, http://www.amalawi.info/index.php/2012/10/02/malawi-government-to-censor-online-publications/.

posts on her official Facebook page.[24] Conversations in Facebook groups where the trolls regularly appear suggest that they may be on an unofficial government payroll. Meanwhile, the government launched its own news website, *MANA Online*, in August 2012 to compete with dissenting online news outlets in the country,[25] and the UK-based news portal, Nyasa Times, has close connections with the President Banda through two journalists who are also members of the Presidential Press Secretariat.

The Malawian blogosphere is still in its infancy but is growing, with media publishers such as Blantyre Newspapers Limited trying to host bloggers on their websites to enhance their image as an independent news source. In May 2012, blogging was recognized as an important part of journalism for the first time when the Media Institute of Southern Africa's blogging award of the year was presented to the prominent blogger and journalist, Kondwani Munthali, marking a notable development in Malawi's media history.[26] In May 2013, the award went to another Malawian journalist, Rebecca Chimjeka.[27]

Nevertheless, many Malawian civil society groups have not been able to develop websites or an online presence primarily because the bulk of the people they serve reside in rural areas where literacy levels are low and access to ICTs limited or non-existent. In addition, economic conditions in the country have made it difficult for journalists and media groups to launch online outlets, and the high cost of using the .mw domain—currently being administered by the Malawi SDNP on behalf of the Malawian government—makes it expensive to provide locally-produced content. According to an official at the SDNP, the cost of using the .mw domain is $100 a month for the first two months after registering for the domain and $50 a month thereafter. Furthermore, online advertising is low due to businesses having a limited understanding of the internet and their hesitancy to advertise with independent media outlets.

The most influential ICT tool at the moment is the mobile phone through which SMS messages are disseminated to garner political support or conduct opinion polls. For example, in the 2009 elections, the Democratic Progressive Party took advantage of increasing mobile phone penetration to campaign for their presidential candidate via SMS. In December 2012, the country's leading print media group Nation Publications Limited, conducted an opinion poll on presidential candidate preferences via SMS and Facebook,[28] which the government accused of being biased after the results showed President Banda losing.[29]

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[24] Her Excellency Dr Joyce Banda's Facebook page, accessed September 2013, https://www.facebook.com/pages/Her-Excellency-Dr-Joyce-Banda/325799237543309?ref=stream.

[25] Gregory Gondwe, "MANA Launches Online Service," *Biz Community,* August 15, 2012, http://www.bizcommunity.com/Article/129/23/80053.html.

[26] Victor Kaonga, "Kondwani Munthali: Malawi's Blogger of the Year," *Global Voices*, May 15, 2012, http://globalvoicesonline.org/2012/05/15/malawi-kondwani-munthali-malawis-blogger-of-the-year/.

[27] Rebecca Chimjeka's personal blog available at, http://rebeccachimjeka.wordpress.com.

[28] "Malawi Paper Carrying Opinion Poll on Presidential Candidates," *Nyasa Times*, December 7, 2012, http://www.nyasatimes.com/2012/12/07/malawi-paper-carrying-opinon-poll-on-presidential-candidates/.

[29] Pius Nyondo, "Malawi State House Accuses Newspaper of Endorsing Presidential Candidate Ahead of 2014," *Maravi Post*, December 12, 2012, http://www.maravipost.com/national/society/2478-malawi-state-house-accuses-newspaper-of-endorsing-presidential-candidate-ahead-of-2014-polls.html.

A growing number of public demonstrations have been organized through SMS and social media, including nationwide protests on January 17, 2013 fueled by anger against rising inflation.[30] Demonstration organizers launched online campaigns on Facebook and Twitter to urge public participation in the street protests, and as a result, the president eventually conceded to pressure by reducing her personal travel expenses. Nevertheless, there were no major policy changes in response to the protests.

VIOLATIONS OF USER RIGHTS

The repeal of Section 46 of the penal code in May 2012 marked an opening for overall media freedom in Malawi, but an E-Bill proposed in October 2012 threatens to limit freedom of expression online. A criminal libel case was lodged against an online journalist in October, demonstrating the Banda government's sensitivity towards critical speech, though a court acquitted him for lack of evidence. Courts also placed an injunction on the regulatory authority's effort to implement a "spy machine" on mobile phone companies.

Malawi has strong constitutional guarantees for freedom of the press and expression, though there are several laws that restrict these freedoms in practice, such as the 1967 Protected Flag, Emblems and Names Act and the 1947 Printed Publications Act, which restricts the media from reporting on the president, among other limitations.[31] Nevertheless, Malawi's judiciary is generally regarded as independent and has rendered several significant decisions against the government in recent years. Most notably, the National Assembly in May 2012 repealed Section 46 of the penal code that was enacted under former President Mutharika in January 2011 with the aim of empowering the information minister to ban any publications deemed "contrary to the public interest."[32] The provision's repeal was widely applauded by civil society and human rights groups.

While existing legislation primarily pertains to traditional media, the government introduced an E-Bill in October 2012 that aims to implement a legal framework for regulating ICTs. Widely criticized for its potential to limit internet freedom, the E-Bill would require editors of online public communications services to make their personal information—including names, addresses, telephone and registration numbers—available to the public. The bill would also allow the government to appoint "cyber inspectors" who would have the power "monitor and inspect any website or activity on an information system in the public domain and report any unlawful activity" to the regulatory authority.[33] The E-Bill is undergoing review as of mid-2013, and the Malawian

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[30] Frank Jomo, "Malawians Protest Against Soaring Costs, Slump in Kwacha," Bloomberg, January 17, 2013, http://www.bloomberg.com/news/2013-01-17/malawians-protest-against-soaring-costs-slump-in-kwacha.html.

[31] "Malawi 2012," in *African Media Barometer* (Friedrick-Bert-Stiftung: 2012), http://www.fesmedia-africa.org/uploads/media/AMB_Malawi_2012.pdf, 15, 17.

[32] "Malawi MPs Vote to Repeal Media Ban Law, Sec 46," *Nyasa Times*, May 30, 2012, http://www.nyasatimes.com/2012/05/30/malawi-mps-vote-to-repeal-media-ban-law-sec-46/; Committee to Protect Journalists, "CPJ Welcomes Repeal of News Censorship Law," news release, June 1, 2013, http://ifex.org/malawi/2012/06/01/news_censorship_law/; "MISA meets with President Joyce Banda, pushes for Access to Information Law," MISA/IFEX, June 27, 2012, http://www.ifex.org/malawi/2012/06/27/meeting_president/.

[33] "Malawi Alert: E-Bill Puts Freedom of Expression Online in Cross-hairs," *Nyasa Times*, October 4, 2012, http://www.nyasatimes.com/2012/10/04/malawi-alert-e-bill-puts-freedom-of-expression-online-in-cross-hairs/.

government has reportedly sought input from individuals and institutions on the draft's provisions.[34]

Libel is both a criminal and civil offense in Malawi, punishable with up to two years' imprisonment if prosecuted as a criminal charge, though most libel cases are processed as civil offences or settled out of court. In October 2012, criminal libel charges were brought against Justice Mponda, a correspondent for the online publication, *Malawi Voice*, which President Banda has reportedly criticized for its publication of "misleading and unbalanced" stories. Mponda was arrested and had his computers and other equipment seized for allegedly insulting the president and publishing false information.[35] He was released on bail the day after his arrest and formally charged with "publishing false news likely to cause public fear,"[36] though a court acquitted Mponda of all charges due to lack of evidence in February 2013.[37]

In 2011, the regulatory authority MACRA attempted to implement a Consolidated ICT Regulatory Management System (CIRMS), locally known as the "spy machine," ostensibly for the purpose of effectively monitoring the performance of mobile phone companies and improving quality of service. Purchased from the U.S.-based company, Agilis International, for US$6.8 million, the system would allow MACRA to obtain data from telephone operators, including the time, duration, and location of calls, SMS messages sent and received, the type of handset used, and other subscriber details.[38] In October 2011, a court granted an injunction against MACRA's request to roll-out the spy machine,[39] and in September 2012, Malawi's High Court issued a ruling that banned the implementation of the system altogether.[40] MACRA has since taken the issue to the Supreme Court to appeal the ban.[41] In February 2013, the parliamentary media and communications committee stepped up its support of the system,[42] and in June, parliament gave MACRA its endorsement to install the machine, despite the court rulings. The machine's roll-out now awaits the Supreme Court's decision regarding MACRA's appeal.[43]

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[34] "Malawian Govt Seeks Views Draft Electronic Legislation," *telecompaper*, October 2, 2012, http://www.telecompaper.com/news/malawian-govt-seeks-views-draft-electronic-legislation--899011.

[35] "Malawi Online Journalist Arrested," MISA/IFEX, October 16, 2012, http://www.ifex.org/malawi/2012/10/16/malawi_online_journalist/.

[36] "Malawi Alert-Update: Arrested Online Journalist, Justice Mponda, Granted Bail," MISA Malawi, October 17, 2012, http://www.mw.misa.org/index.php?option=com_content&view=article&id=139:malawi-alert-update-arrested-online-journalist-justice-mponda-granted-bail-.

[37] Knowledge Chiwambo, "Malawi Court Free Online Journalist Mponda," *Newstime Africa*, February 9, 2013, http://www.newstimeafrica.com/archives/30755.

[38] Gregory Gondwe, "'Spy Machine' Brings Telecoms Fears," *Biztech Africa*, November 14, 2011, http://www.biztechafrica.com/article/spy-machine-brings-telecoms-fears/1437/?section=government.

[39] "Malawi Court Stops Govt from Using 'Spy Machine,'" *Mabvutojobani*, Otocber 16, 2011, http://mabvutojobani.com/2011/10/16/malawi-court-stops-govt-from-using-%E2%80%98spy-machine%E2%80%99/.

[40] Peter Chipanga, "Court Quashes Malawi Communication Regulatory Authority 'Spy Machine,'" *Newtimes Africa*, Septe 23, 2013, http://www.newstimeafrica.com/archives/28417.

[41] "Macra Takes 'Spy Machine' Ban to Supreme Court," *telecompaper*, October 29, 2012, http://www.telecompaper.com/news/macra-takes-spy-machine-ban-to-supreme-court--904627.

[42] Hudson Mphande, "Malawi MPs Endorse 'Spy' Machine," *Nyasa Times*, June 25, 2013, http://www.bnltimes.com/index.php/daily-times/headlines/national/13850-mps-endorse-spy-machine.

[43] Gregory Gondwe, "Telecom Operators Lose Ground in 'Spy Machine' Fight," *Biztech Africa*, June 27, 2013, http://www.biztechafrica.com/article/telecom-operators-lose-ground-spy-machine-fight/6330/.

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Meanwhile, there are no SIM card registration requirements in Malawi, nor is there evidence that ISPs or cybercafés are required to proactively monitor users or retain user data. By law, service providers are required to hand over user information when presented with a court order; however, such legal safeguards have failed to prevent police abuse in the past, particularly under the Mutharika regime. For example, in early 2012, when the Mutharika government suspected a group led by then-Vice President Joyce Banda of scheming to overthrow it, the authorities demanded mobile phone companies hand over transcripts of the group's mobile phone and SMS communications, which Mutharika planned to use against Banda before his death.

Under Malawi's new leadership, there have been no physical assaults, extra-legal detentions, or technical attacks against opposition activists, bloggers, or ordinary users, though harassment and violence against traditional media journalists was prolific under the late president Mutharika, especially during the anti-government protests in July 2011 that killed 18 people.[44]

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[44] Reporters Without Borders, "Letter to President Mutharika about his Threats to Journalists," March 20, 2012, http://en.rsf.org/malawi-letter-to-president-mutharika-20-03-2012,42163.html.

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