

# Malawi

	2013	2014		
<b>Internet Freedom Status</b>	<b>Partly Free</b>	<b>Partly Free</b>	Population:	16.3 million
Obstacles to Access (0-25)	16	16	Internet Penetration 2013:	5.4 percent
Limits on Content (0-35)	11	11	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	15	15	Political/Social Content Blocked:	No
<b>TOTAL* (0-100)</b>	<b>42</b>	<b>42</b>	Bloggers/ICT Users Arrested:	Yes
			Press Freedom 2014 Status:	Partly Free

\* 0=most free, 100=least free

## Key Developments: May 2013 – May 2014

- In July 2013, the government reinstated a VAT of 16.5 percent on internet services after it was removed only a year earlier (see **Obstacles to Access**).
- Progovernment commentators on social media platforms seemed to increase, particularly in the lead-up to the tripartite elections in May 2014 (see **Limits on Content**).
- The draft Electronic Transactions and Management Bill—introduced in October 2013—explicitly provided for freedom for online public communications but included provisions similar to the controversial E-Bill that may threaten internet freedom (see **Violations of User Rights**).
- In November 2013, an online journalist was arrested for allegedly “intimidating the royal family.” He was held for four days on charges of extortion and eventually acquitted in February 2014 (see **Violations of User Rights**).
- SIM card registration requirements were announced in January 2014 to be implemented by the end of 2014 (see **Violations of User Rights**).

## Introduction

In 2014, Malawi celebrated the 50<sup>th</sup> anniversary of its independence from British colonial rule and 20 years of multiparty democracy, which saw the election of Arthur Peter Mutharika to the presidency in May. As the younger brother of and close advisor to the former president Bingu wa Mutharika who died in April 2012, the new president entered his term with a worrisome history of supporting his late brother's repressive campaign against the media and civil society while in office. Prior to the younger Mutharika's election, the media environment had improved slightly under Joyce Banda who had assumed the presidency in April 2012, though the Banda government frequently targeted journalists and ordinary citizens for allegedly insulting or undermining the president's authority.<sup>1</sup> One online journalist, Justice Mponda, was arrested in November 2013 on allegations of "intimidating the royal family" but was acquitted in February 2014 for lack of evidence.<sup>2</sup>

Despite President Banda's hostility towards media criticism, her term oversaw the adoption of a national ICT Policy in September 2013 that established the goal of turning Malawi into a knowledge-based economy and information-rich society.<sup>3</sup> The Banda government also introduced the draft Electronic Transactions and Management Bill in October 2013,<sup>4</sup> which explicitly spelled out freedom for online public communications.<sup>5</sup> The draft bill, however, was also criticized for its potential to limit internet freedom through a provision that would require editors of online public communications services to make their personal information publicly available; another vague provision would allow the government to appoint cyber inspectors to monitor and inspect websites for "unlawful activity."<sup>6</sup>

Internet freedom in Malawi also remained tenuous during the coverage period due to the government's seeming intent to increase its mobile phone surveillance capabilities. In June 2013, a parliamentary committee endorsed the installation of monitoring technology called the Consolidated ICT Regulatory Management System (CIRMS)—locally known as the "spy machine"—despite a 2012 court injunction against the system's implementation. According to some reports, if installed, the machine would allow the regulatory authority 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.

## Obstacles to Access

As a landlocked and densely populated country that suffers from widespread poverty, Malawi has one of the lowest rates of internet access in the world. According to the International

1 Media Institute of Southern Africa (MISA), "Malawi," *So This Is Democracy? 2013*, May 2013, [http://www.misa.org/files/STID\\_2013\\_Malawi.pdf](http://www.misa.org/files/STID_2013_Malawi.pdf).

2 Kondwani Chitsulo, "Justice Mponda Vs 'Royal Family' Case Adjourned to Dec 11, As State Wants to Beef Up Prosecuting Team with Private Lawyers," *Malawi Voice*, November 25, 2013 <http://www.malawivoice.com/2013/11/25/justice-mponda-vs-royal-family-case-adjourned-to-dec-11-as-state-wants-to-beef-up-prosecuting-team-with-private-lawyers/>.

3 Gregory Gondwe, "Malawi Cabinet Adopts ICT Policy," *Biztech Africa*, September, 13, 2013, <http://www.biztechafrika.com/article/malawi-cabinet-adopts-ict-policy/6863/#.UtTz-2yirmI>.

4 Gregory Gondwe, "Malawi Drafts New ICT Bill," *Biztech Africa*, October, 9, 2013, <http://www.biztechafrika.com/article/malawi-drafts-new-ict-bill/7024/#.UtT1zGyIrmI>.

5 Chapter 1: Illegal or restricted content, Article 17, Electronic Transactions and Management Bill 2013.

6 "Malawi Alert: E-Bill Puts Freedom of Expression Online in Cross-hairs," *Nyasa Times*, October 4, 2012, <http://bit.ly/1fWVQAR>.

Telecommunication Union (ITU), internet penetration stood at just over 5 percent in 2013, growing slowly from less than 1 percent in 2008.<sup>7</sup> Fixed broadband subscriptions are extremely rare in the country, reaching only 0.02 percent of the population in 2013,<sup>8</sup> while mobile phone penetration in Malawi is also relatively low at 32 percent,<sup>9</sup> compared to an average of 63 percent across the continent.<sup>10</sup>

Very few households have access to the internet at home, thus most users log on at internet cafes, which charge a minimum of MWK 5 per minute, or about US\$1.00 per hour, and close at 6pm. However, increasing mobile internet access due to the recent introduction of 3G and 3.75G mobile broadband services has led to declining patronage at local internet cafes. DSL and WiMAX wireless broadband services are available, while competition between private ISPs has further enabled wireless internet access through Wi-Fi hotspots, particularly in urban areas of the country. Nonetheless, broadband speeds are very slow at an average of 1.1 Mbps (compared to a global average of 3.9 Mbps) according to May 2014 data from Akamai's "State of the Internet" report.<sup>11</sup> In addition, Malawi's broadband adoption (characterized by connection speeds greater than 4 Mbps) was 1.5 percent, while the country's narrowband adoption (connection speed below 256 kbps) was about 5 percent among those with access.<sup>12</sup>

Signal coverage on the GSM network for mobile phones reaches 93 percent of the population, making Malawi's GSM coverage one of the highest in Africa.<sup>13</sup> Despite widespread availability, mobile uptake for the vast majority of the population remains low, hindered in large part by high value-added taxes (VAT) on mobile services. According to the mobile research firm GSMA, Malawi levies a 17.5 percent VAT on the purchases of handsets and airtime, the costs of which are borne by consumers.<sup>14</sup>

Taxes also keep the cost of internet access high. In July 2013, the government reinstated a VAT of 16.5 percent on internet services after it was removed only a year earlier. Consequently, many internet cafes increased their rates from MWK 5 per minute to between MWK 15-20 per minute, while mobile providers raised tariffs by 16-25 percent.<sup>15</sup> As of mid-2014, the monthly price of fixed-line internet access cost US\$16.50, while a monthly mobile 3G data plan cost about US\$24 for 1.5 GB

7 International Telecommunication Union, "Percentage of Individuals Using the Internet, 2000-2013," <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

8 International Telecommunication Union, "Fixed (Wired) -broadband Subscriptions, 2000-2013."

9 International Telecommunication Union, "Mobile-cellular Telephone Subscriptions, 2000-2013."

10 <http://www.itu.int/en/ITU-D/Statistics/Documents/facts/ICTFactsFigures2013-e.pdf>

11 Akamai, "Average Connection Speed: Malawi," map visualization, *The State of the Internet*, Q1 2014, <http://www.akamai.com/stateoftheinternet/soti-visualizations.html#stoj-map>.

12 Akamai, "Broadband Adoption (connections to Akamai >4 Mbps): Malawi," and "Narrowband Adoption (connections to Akamai <256 kbps): Malawi," map visualization, *The State of the Internet*, Q1 2014; <http://www.akamai.com/stateoftheinternet/soti-visualizations.html#stoj-map>.

13 As of the latest data from 2009. See: Vivien Foster and Maria Shkaratan, "Malawi's Infrastructure: A Continental Perspective," Africa Infrastructure Country Diagnostic, World Bank, March 2010, pp. 17, [http://siteresources.worldbank.org/INTAFRICA/Resources/Malawi\\_country\\_report\\_2011.01.pdf](http://siteresources.worldbank.org/INTAFRICA/Resources/Malawi_country_report_2011.01.pdf)

14 Frontier Economics, "Taxation and the Growth of Mobile Services in Sub-Saharan Africa," GSMA, 2008, <http://www.gsma.com/publicpolicy/wp-content/uploads/2012/03/taxgrowthsubsaharanafrica.pdf>

15 Gregory Gondwe, "Internet VAT bites consumers," *Biztech Africa*, July 24, 2013, [http://www.biztechafrica.com/article/internet-vat-bites-consumers/6530/#.U-k8M\\_lXwh](http://www.biztechafrica.com/article/internet-vat-bites-consumers/6530/#.U-k8M_lXwh).

of data.<sup>16</sup> These prices are beyond the reach of the majority of Malawians, whose monthly average per capita income is US\$65 (from an average annual income of \$780).<sup>17</sup>

A low literacy rate of 64 percent and a significant digital gender divide also hinders 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.<sup>18</sup> The electricity grid is concentrated in urban centers, but only 25 percent of urban households have access, compared to a mere 1 percent of rural households. Half of formal sector enterprises in Malawi rely on backup generators. Meanwhile, the high costs of infrastructural development in rural areas has led to an unwillingness to invest in the country's remote regions, though the regulatory authority is looking to subsidize fees to encourage operators to deploy ICT services in the country's less profitable yet neediest areas.

The high cost of internet access in Malawi is also 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 of 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. Furthermore, currency devaluation amid a weak economy since 2012 has prevented telecoms from upgrading their networks.<sup>19</sup>

Another major challenge facing the telecommunications sector in Malawi is the country's ICT backbone, which is entirely national in nature, with no regional integration yet in place. Due to Malawi's landlocked location, the country's connection to the international fiber network runs through Mozambique, Zambia, South Africa, and Tanzania through the SEACOM and EASSy networks.<sup>20</sup> 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.<sup>21</sup> If a suitable regulatory regime is also put in place, the new cables should bring down the cost of international bandwidth and boost the broadband market.

There are 15 licensed ISPs in Malawi, and reasonable competition exists between the providers.<sup>22</sup> One ISP, Malawi Telecommunications Limited (MTL), also serves as the country's telecommunication

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16 "Comparing African Pre-paid Mobile Broadband Plans," *OAfrica*, September 24, 2012, <http://www.oafrica.com/mobile/african-pre-paid-mobile-broadband-plans/>.

17 Calculated from the World Bank's 2013 World Development Indicators, using the "GDP per capita, PPP (current international \$)" indicator, accessed August 12, 2014, <http://data.worldbank.org/indicator/NY.GDPPCAPPP.CD>.

18 "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](http://www.gsma.com/mobilefordevelopment/wp-content/uploads/2012/06/TNM_Malawi_Feasibility-Study.pdf).

19 Paul Budde, "Malawi - Telecoms, Mobile and Broadband - Market Insights and Statistics, Executive Summary," BuddeComm, last updated June 30, 2014, <http://www.budde.com.au/Research/Malawi-Telecoms-Mobile-and-Broadband-Market-Insights-and-Statistics.html>.

20 "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/>.

21 Beatrice Philemon, "Malawi Keen on Submarine Cable Connection with Tanzania," *Ippmedia*, March 18, 2012, <http://www.ippmedia.com/frontend/index.php?!=39583>.

22 Paul Budde, "Malawi - Telecoms, Mobile and Broadband - Market Insights and Statistics, Executive Summary," BuddeComm, last updated June 30, 2014, <http://www.budde.com.au/Research/Malawi-Telecoms-Mobile-and-Broadband-Market-Insights-and-Statistics.html>.

backbone, leasing its infrastructure to most ISPs and mobile phone service providers in the country.<sup>23</sup> Previously a government-owned entity, MTL was privatized in 2005; at present, Telecomm Holdings Limited owns 80 percent of MTL's shares 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 services based on UMTS/HSPA technology.<sup>24</sup> A third mobile operator, G-Mobile, was licensed in 2008 but the rollout of the new network experienced delays. As of 2014, G-Mobile is in court appealing the revocation of its license due to a failure to start services on time.<sup>25</sup> A fourth license was awarded to Celcom in 2011, and although the launch of its services was expected in 2013, it asked the regulator MACRA in September 2013 to extend its rollout period for another three years.<sup>26</sup> Market competition expanded with the introduction of a converged licensing regime in 2010, which has enabled the country's two fixed-line operators, MTL and Access Communications, to enter the mobile market.<sup>27</sup>

The Malawi Communications Regulatory Authority (MACRA) is the country's sole communications regulator, established under the 2008 Communication Act to ensure reliable and affordable ICT service provision throughout Malawi. Its mandate is to regulate the entire communications sector and issue operating licenses for mobile and fixed-line phone service providers, ISPs, and cybercafes. Political connections are often necessary to receive such licenses. Moreover, 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.<sup>28</sup> 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

During the coverage period, progovernment commentators on social media platforms seemed to increase, particularly in the lead-up to the tripartite elections in May 2014, while the government launched propaganda online news outlets to counter dissenting viewpoints on the internet.

The government of Malawi does not systematically block or filter internet content, and social media platforms are freely available in Malawi, though the government has demonstrated a desire to

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23 "Fibre optic backbone yielding fruits—MTL," *The Nation*, June 11, 2013, <http://mw-nation.com/fibre-optic-backbone-yielding-fruits-mtl/>.

24 Universal Mobile Telecommunications Service (UMTS) and high-speed packet access (HSPA).

25 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>.

26 Chikondi Chiyembekeza, "Celcom proposes 3-year extension," *Nation Online*, September 3, 2013, <http://mw-nation.com/celcom-proposes-3-year-extension/>.

27 Paul Budde, "Malawi - Telecoms, Mobile and Broadband - Market Insights and Statistics, Executive Summary," BuddeComm, last updated June 30, 2014, <http://www.budde.com.au/Research/Malawi-Telecoms-Mobile-and-Broadband-Market-Insights-and-Statistics.html>.

28 IREX, "Malawi," *Media Sustainability Index 2012*, <http://www.irex.org/sites/default/files/u115/Malawi%202012%20Proof.pdf>.

cancel internet content in the past.<sup>29</sup> There have been no reports of content removal—even of illegal content such as child pornography or copyright infringement—and service providers are not held liable for content transmitted through their networks.

Online users and commentators practice a degree of self-censorship, though Malawians became less fearful after President Bingu wa Mutharika passed away in April 2012, leaving the presidency in the hands of Vice President Joyce Banda whose tenure oversaw reduced levels of harassment and violence against traditional journalists that were common under Mutharika's regime. Otherwise, online journalists usually exhibit caution in handling news associated with ethnic, racial, or religious minorities, while online comments have been less cautious and more open to discussing topics of controversial nature.

Progovernment trolls commonly infiltrate conversations on social media and online news websites to attack commentary that is critical of the government. The trolls regularly appear in various Facebook group conversations, suggesting a strategic pattern of infiltration that analysts suspect is government-sponsored. During the coverage period, progovernment commentators on social media platforms seemed to increase, particularly in the lead-up to the tripartite elections in May 2014.

Meanwhile, the government's news website, *MANA Online*—launched in August 2012 to compete with dissenting online news outlets in the country<sup>30</sup>—is known as a government mouthpiece. In 2013, the Presidential Press Secretariat established another propaganda online news outlet, *Banthu Times*,<sup>31</sup> to further help counter dissenting news online. In addition, the UK-based news portal, *Nyasa Times*, was putatively connected with former President Banda through two journalists who were known to be 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 hosting bloggers on their websites to enhance their image as independent news sources. Blogging is regarded as an important aspect of journalism in Malawi, with Malawian journalists frequently winning the Media Institute of Southern Africa's annual blogging award. In 2014, the award was presented to Malawian blogger, Gregory Gondwe.

Nevertheless, many Malawian civil society groups have not been able to develop an online presence, primarily because most of the people they serve reside in rural areas where literacy levels are low and access to ICTs is limited or nonexistent. In addition, economic conditions in the country have made it difficult for journalists and media groups to launch online outlets, while the high cost of using the .mw domain—currently being administered by the Malawi Sustainable Development Network Programme (SDNP) on behalf of the Malawian government—make it expensive to provide locally-produced content. According to an official at the SDNP, the cost of using the .mw domain is US\$100 per month for the first two months after registering for the domain, and US\$50 per 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.

29 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. See, 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>.

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

31 *Banthu Times* website: <http://www.banthatimes.com>.

The most influential ICT tool in Malawi is the mobile phone, through which SMS messages are used to organize demonstrations, garner political support, and conduct opinion polls. The positive impact of mobile phones and new communication applications was particularly pronounced in the lead-up to the May 2014 tripartite elections, as candidates vying for the presidency, parliament, and local councils made extensive use of SMS and social media platforms to engage with voters. In addition, voters were able to verify their voter registration on their mobile devices for free, encouraging high voter turnout.<sup>32</sup>

## Violations of User Rights

The draft Electronic Transactions and Management Bill—introduced in October 2013—explicitly provides for freedom for online public communications but includes provisions similar to the controversial E-Bill that may threaten internet freedom. In November 2013, an online journalist was arrested for allegedly “intimidating the royal family.” He was held for four days on charges of extortion and eventually acquitted in February 2014. SIM card registration requirements were announced in January 2014 to be implemented by the end of 2014.

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 both restrict the media from reporting on the president, among other limitations.<sup>33</sup> 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. Otherwise, Malawi’s judiciary is generally regarded as independent and has rendered several significant decisions against the government in recent years, such as its injunction on the implementation of the CIRMS mobile phone surveillance system in 2012 (see below).

While existing legislation pertains primarily to traditional media, the Banda administration introduced the draft Electronic Transactions and Management Bill in October 2013 with the goal of providing a regulatory framework for the development of ICTs in Malawi. The draft bill explicitly provides freedom for online public communications<sup>34</sup> but has been criticized for its potential to limit internet freedom. For one, the 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.<sup>35</sup> The bill would also allow the government to appoint so-called cyber inspectors to “monitor and inspect” websites and report “unlawful activity” to the regulator,<sup>36</sup> as well as prohibit all types of pornography and penalize offenses with a fine and imprisonment of up to ten

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32 The 2014 presidential elections had a voter turn-out rate of 70.16 percent. See, “Voter turnout data for Malawi,” International Institute for Democracy and Electoral Assistance, accessed September 16, 2014. <http://www.idea.int/vt/countryview.cfm?CountryCode=MW>.

33 “Malawi 2012,” in *African Media Barometer* (Friedrick-Bert-Stiftung: 2012), pgs 15, 17, [http://www.fesmediaafrica.org/uploads/media/AMB\\_Malawi\\_2012.pdf](http://www.fesmediaafrica.org/uploads/media/AMB_Malawi_2012.pdf).

34 Chapter 1: Illegal or restricted content, Article 17, Electronic Transactions and Management Bill 2013.

35 Chapter 3: Obligations of editors of online contents, Article 24, Electronic Transactions and Management Bill 2013.

36 Chapter 2: Cyber-criminality, Article 43, Section 7(a), Electronic Transactions and Management Bill 2013.

years.<sup>37</sup> The bill concludes with a provision that enables the minister of information, in consultation with the regulatory authority, to create any further regulations to support the bill, which some analysts believe is a blank check that can be used to restrict internet freedom in the future. It was unclear whether the government intended the draft bill to replace or supplement the controversial E-Bill that was introduced in October 2012.<sup>38</sup> As of mid-2014, the bill was still under review.

Online journalists are periodically detained and prosecuted for articles posted on news websites. Most recently, Justice Mponda, a correspondent for the online publication *Malawi Voice*,<sup>39</sup> was arrested in November 2013 for allegedly “intimidating the royal family” in an investigative story about former President Banda’s connection to the theft of millions of Malawian kwacha from government coffers in a scandal known as “Cashgate.”<sup>40</sup> Before his arrest, the ruling party administrative secretary Joseph Chikwemba contacted Mponda to take down the story in exchange for MWK 500,000 (US\$1,300) but instead had Mponda arrested for extortion when they met for the payment. He was held in detention for four days before being released and charged with “intimidating the royal family,” which was subsequently changed to extortion.<sup>41</sup> Mponda was later acquitted of all charges in February 2014 due to a lack of reliable evidence.<sup>42</sup> He had previously been arrested and charged with criminal libel in October 2012 for allegedly insulting former President Banda and publishing false information.<sup>43</sup> He was subsequently acquitted of all charges in February 2013, also due to a lack of evidence.<sup>44</sup>

Potential restrictions on anonymous communication include SIM card registration requirements announced in January 2014, which are to be implemented by the end of 2014.<sup>45</sup> By law, service providers are required to hand over user information when presented with a court-issued warrant; however, such legal safeguards have failed to prevent police abuse in the past, particularly under the late-Mutharika regime. For example, in early 2012, when the Mutharika government suspected

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37 Ten years imprisonment proposed in draft bill, using Zambia’s penalty for such offenses as an example. The draft bill also cites Uganda’s 15-year sentence as an example. See, Chapter 2: Cyber-criminality, Article 45, Electronic Transactions and Management Bill 2013.

38 The E-Bill would have required 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 have also allowed the government to appoint “cyber inspectors” with 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. See, “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/>; Gregory Gondwe, “Malawi drafts new ICT bill,” *BiztechAfrica*, October 9, 2013, <http://www.biztechAfrica.com/article/malawi-drafts-new-ict-bill/7024/#.VBhwhfdXL8>.

39 *Malawi Voice* was a frequent target of former President Banda, who reportedly criticized the publication for its “misleading and unbalanced” stories.

40 Jacey Fortin, “Cashgate: Malawi faces ticking time bomb; international aid dries over pervasive corruption,” *International Business Times*, November 19, 2013, <http://www.ibtimes.com/cashgate-malawi-faces-ticking-time-bomb-international-aid-dries-over-pervasive-corruption-1476658>.

41 Kondwani Chitsulo, “Justice Mponda Vs ‘Royal Family’ Case Adjourned to Dec 11, As State Wants to Beef Up Prosecuting Team with Private Lawyers,” *Malawi Voice*, November 25, 2013, <http://www.malawivoice.com/2013/11/25/justice-mponda-vs-royal-family-case-adjourned-to-dec-11-as-state-wants-to-beef-up-prosecuting-team-with-private-lawyers/>.

42 Tony Mwapasa, “Court acquits Malawi Voice editor on extortion charges,” *Malawi24*, February 18, 2014, <http://malawi24.com/court-acquits-malawi-voice-editor-justice-mponda-on-extortion-charges/>.

43 “Malawi Online Journalist Arrested,” MISA/IFEX, October 16, 2012, [http://www.ifex.org/malawi/2012/10/16/malawi\\_online\\_journalist/](http://www.ifex.org/malawi/2012/10/16/malawi_online_journalist/).

44 Knowledge Chiwambo, “Malawi Court Free Online Journalist Mponda,” *Newstime Africa*, February 9, 2013, <http://www.newstimeAfrica.com/archives/30755>.

45 Innocent Helema, “Sim card registration by end 2014,” *The Nation*, January 11, 2014, <http://mwntation.com/sim-card-registration-end-2014/>.

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 apparently planned to use against Banda before his death. No such abuses were reported during the subsequent Banda presidency and newly elected President Arthur Peter Mutharika.

Government surveillance of ICT activities is suspected in Malawi, in large part due to the regulatory authority's efforts in 2011 to implement technology known as the Consolidated ICT Regulatory Management System (CIRMS), which was locally labeled the "spy machine." Purchased from the U.S.-based company Agilis International for US\$6.8 million, the system was ostensibly meant for monitoring the performance of mobile phone companies and improving quality of service. Reports, however, indicated that the machine would also 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.<sup>46</sup> In October 2011, a court granted an injunction against MACRA's plan to roll out the spy machine,<sup>47</sup> and in September 2012, Malawi's High Court issued a ruling that banned the implementation of the system altogether.<sup>48</sup> MACRA subsequently appealed the ban at the Supreme Court,<sup>49</sup> which ruled in favor of MACRA in September 2014, granting the regulator the right to install the system in accordance with the country's Communications Act.<sup>50</sup>

Under Malawi's new leadership in the post-Mutharika era, 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.

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

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

48 Peter Chipanga, "Court Quashes Malawi Communication Regulatory Authority 'Spy Machine,'" *Newtimes Africa*, September 23, 2013, <http://www.newstimesafrica.com/archives/28417>.

49 "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>.

50 Tikondane Vega, "MACRA gets Supreme Court nod to use CIRMS 'spy' machine," *Mana Online*, September 15, 2014, <http://www.manaonline.gov.mw/index.php/business/item/1332-supreme-court-order-macra-to-use-cirms-machine>.