

SOUTHERN AFRICA LITIGATION CENTRE

12 July 2013

His Excellency, President Sata
Office of the President
State House
Los Angeles Boulevard
P.O. Box 30135
Lusaka

Dear President Sata,

Re: Concern over the Detention of Two Journalists Responsible for *Zambian Watchdog* Online Publication

We are aware of the arrest and detention of former *Zambia Daily Mail* reporter Thomas Zgambo and former journalism lecturer Clayson Hamasaka who are alleged to operate the *Zambian Watchdog* online news publication. We write to you to urge your office to demonstrate strong leadership and respect for Zambia's constitutional values and to intervene and end attempts to shut down the publication.

SALC is a non-governmental organisation based in Johannesburg, South Africa. SALC works to promote human rights and the rule of law in southern Africa and has been monitoring the worrying trend in Zambia of attempts to silence criticism of the present administration.

The arrest and detention of Messrs Zgambo and Hamasaka appears to be latest in a series of actions taken against the leaders of the *Zambian Watchdog*. Two weeks ago, the *Zambian* government sought to prevent access to the *Watchdog* site from within Zambia, and last year, Mr Hamasaka was fired by the public Evelyn Hone College for perceived allegiance to the opposition political party, the United Party for National Development. His wife, Pamela Hamasaka, was fired in unexplained circumstances from the Lusaka Water and Sewage Company later that month. Recently, in response to a question posed by MP Joel Bweupe Maxas Ng'onga, Vice-President Guy Scott stated that the present government would greatly celebrate the day the *Watchdog* is brought down.

The independence of the voice of the *Zambian Watchdog* is to be protected, not crushed – in line with *Zambian* and regional principles relating to freedom of expression. The *Zambian* Constitution and African Human Rights Instruments confirm that a democracy must respect and protect the right to independent thought and freedom of expression.

Zambia's Constitution clearly provides that “[e]xcept with his own consent, no person shall be hindered in the enjoyment of his . . . freedom to impart and communicate ideas and information without interference”. The African Union Declaration of Principles on Freedom of Expression also speaks clearly to this issue, stating that “[a]ttacks such as the murder, kidnapping, intimidation of and threats to media practitioners and others exercising their right to freedom of

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an initiative of the International Bar Association and the Open Society Initiative of Southern Africa

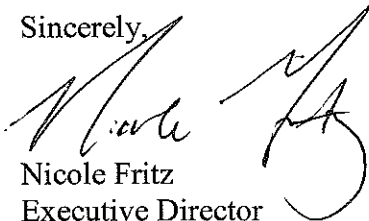
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expression, as well as the material destruction of communications facilities, undermines independent journalism, freedom of expression and the free flow of information to the public” and that “[s]tates are under an obligation to take effective measures to prevent such attacks and, when they do occur, to investigate them, to punish perpetrators and to ensure that victims have access to effective remedies.”

As the leader of a democratic country it is vital that you take a stand in defence of the Constitution and the values it propounds. A diverse, free, and independent press is a cornerstone of democracy and the *Zambian Watchdog* has an important role to play in *Zambian* society. By arresting persons suspected of being connected to the *Watchdog*, the *Zambian* Government is stifling the *Watchdog*’s constitutional right to provide independent journalism, and is thus preventing the *Zambian* people from accessing an alternative news source.

SALC calls on you, in your capacity of President of *Zambia*, to ensure that government officials immediately desist in their attempts to shut down the *Zambian Watchdog* and uphold their obligations to respect freedom of expression in *Zambia*.

Sincerely,



Nicole Fritz
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Southern Africa Litigation Centre

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