

Zambian journo cleared of porn charges

LUSAKA: A Zambian journalist was acquitted on Monday, 16 November 2009 of pornography charges after emailing unpublished pictures of a woman giving birth on the sidewalk outside a hospital during a doctors' strike

Chansa Kabwela, news editor of the private *Post* newspaper, could have been jailed for five years over the case which has raised concerns about media freedom in Zambia.

Magistrate Charles Kafunda said prosecutors had failed to prove the case against the journalist at the most influential paper in the southern African country.

"The prosecution failed to establish an element of a prima facie case and I therefore dismiss the case and subsequently acquit the accused. The state has however the right to appeal," Kafunda told a packed courtroom.

Kabwela, dressed in a black suit and accompanied by her husband Henry, smiled as Kafunda read out the verdict.

She later told reporters outside the court that her acquittal was a victory for everyone affected by the doctors' strike, which lasted two weeks in June.

"This victory to me is a victory for those that suffered during the strike. I was confident that I would be acquitted," Kabwela said.

Kabwela was charged over graphic images of a child born in the breech position, after the family was turned away from the hospital due to the strike.

The baby died. The woman's family emailed Kabwela the pictures, asking her to publish them to highlight the suffering caused by the striking public hospital doctors, who earn as little as US\$400 a month.

Kabwela decided the pictures were too graphic to publish. But she emailed them to Vice President George Kunda and women's organisations, with a brief message urging them to take action.

The images outraged President Rupiah Banda, who ordered that she be arrested for distributing obscene images.

She was charged with circulating pornography with intent to corrupt public morals.

Lead prosecutor Frank Mumbuna said no decision had been taken on whether to appeal.

"I cannot say what is next from here, it's just too early to say anything," Mumbuna said.

The Press Association of Zambia said that the state never had grounds to arrest and charge Kabwela, adding the whole exercise was a waste of time.

"We only regret that the government spent so much time on an issue that the media association and the central government would have sorted out without going to court," said the group's vice president Amos Chanda.

But he added that he was happy that the judiciary had operated without any interference from the government.

"The judiciary has shown us that they can be independent at times," Chanda said.

Henry Kabwe, Zambia chairman of the Media Institute of Southern Africa, welcomed the acquittal but accused the government of politicising the case with Banda's order to arrest Kabwela.

"This is a progressive judgment and it has shown the independence of the judiciary," Kabwe said.

The New York-based Committee to Protect Journalists said it was pleased the journalist had been cleared of the "spurious charge".

The case sparked intense debate about what constitutes pornography in this deeply conservative country.

Tensions erupted into clashes in August when supporters of Banda fought on the court grounds with opposition activists who sympathised with Kabwela. After the incident protesters were banned from the court.

Source: AFP

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