

# Govt calls for unbiased 'spy machine' debate

 By Gregory Gondwe: @Kalipochi

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Newly appointed information minister of Malawi, Moses Kunkuyu has said that if there has to be an unbiased debate over the controversial Consolidated ICT Regulatory Management System (CIRMS), the media and all those involved have to stop calling it a '[spy machine](#)'.

Kunkuyu, who is also the government spokesperson, said the first thing to do is to remove the brand that has been placed on the machine.

"Otherwise we are going to give Malawians a very biased judgment podium. We have to name it as it is, then explain it to Malawians as it is," said Kunkuyu.

Malawi Communications Regulatory Authority (MACRA) bought the machine from a US-based company Agilis International at US\$6.8 million between April 2009 and September 2010.

The minister's comments, however, are coming at the back of a high court ruling in Lilongwe a few weeks ago which stopped telecommunication operators in the country from complying with MACRA's order to furnish the regulatory authority with Call Details Records (CDRs), arguing that it would be in contravention of the law on privacy.

## Malawians asked to call the machine CIRMS

Kunkuyu appealed to Malawians to call the machine CIRMS and not a 'spy machine'.

It is apparent that the minister is convinced that the equipment has some importance after he was briefed by MACRA officials when he toured the regulator's offices including the room that houses the CIRMS machine.

Telecommunication operators and the public protested the purchase of the machine as they suspected that government wanted to use it to listen to conversations of subscribers as well as read their text messages.

## For the good of Malawi

The information minister did not hide that he has great interest in the machine and he needed to be told much about it.

"I should say we will only do anything that is good for Malawians. I still need to get more information about the machine to know it better but what I can promise you is that, as government, we will only do what Malawians want," said Kunkuyu.

He added that if this is indeed a spy machine which is capable of spying on the people's conversations then he personally would not support it.

"I don't think our government would support that," he said.

## No talk of spying on consumers

Kunkuyu argued that in other countries where the machine is being used for noble purposes, such as quality assurance, revenue monitoring and others, there is no talk of spying on telecommunication consumers.

He therefore said if the machine is for quality assurance and revenue monitoring then he is in full support of the machine because Malawi needs to generate revenue for its own development.

The fate of the machine still hangs in limbo after the High Court judge responsible for commercial cases, Justice Lovemore Chikopa condemned its use after a concerned citizen, Alick Kimu, took Malawi's four telecommunication operators; Access Malawi Limited (ACL), Airtel Malawi Limited, Malawi Telecommunications Limited (MTL) and TNM to court.

## A question of privacy

Justice Chikopa granted Kimu a judgment that suited his grounds as he wanted the court to rule whether the telephone operators will be in breach of or in violation of subscribers' right to privacy if they complied with the directive from MACRA that the operators surrender personal telephone details to the regulatory body through the subscribers' CDRs

MACRA's public relations manager, Zadziko Mankhambo said his organisation was not a party to the case as it was denied entry and therefore, it will not appeal. Mankhambo, however, said MACRA will not take the matter sitting down.

MACRA says it banks its hope on another court case at Blantyre High Court where it is arguing that it bought the machine to counter certain telecommunications operators' acts of fraud besides tracking revenue generated by operators and compare with what it remits to government in terms of tax accrued.

"We are cognizant of the fact the Lilongwe Commercial Court has given such a permanent injunction to operators not to give CDRs to MACRA," said Mankhambo in an interview with *The Daily Times*.

A Blantyre based businessperson turned politician, Hophmally Makande sued MACRA over the same issue. MACRA hopes to argue their position in this case.

"We are of the view that we will have some solace in that case and suppose we carry the day in that case, that will have a direct bearing on what has happened in Lilongwe and, as MACRA, we will take it from there. If we lose it we will go all the way to appeal," said Mankhambo.

According to a bid document, issued by MACRA the machine has the capacity to lawful interception, internet interception, GSM and CDMA, GPRS interception and equipment identity registry.

## ABOUT GREGORY GONDWE: @KALIPOCHI

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