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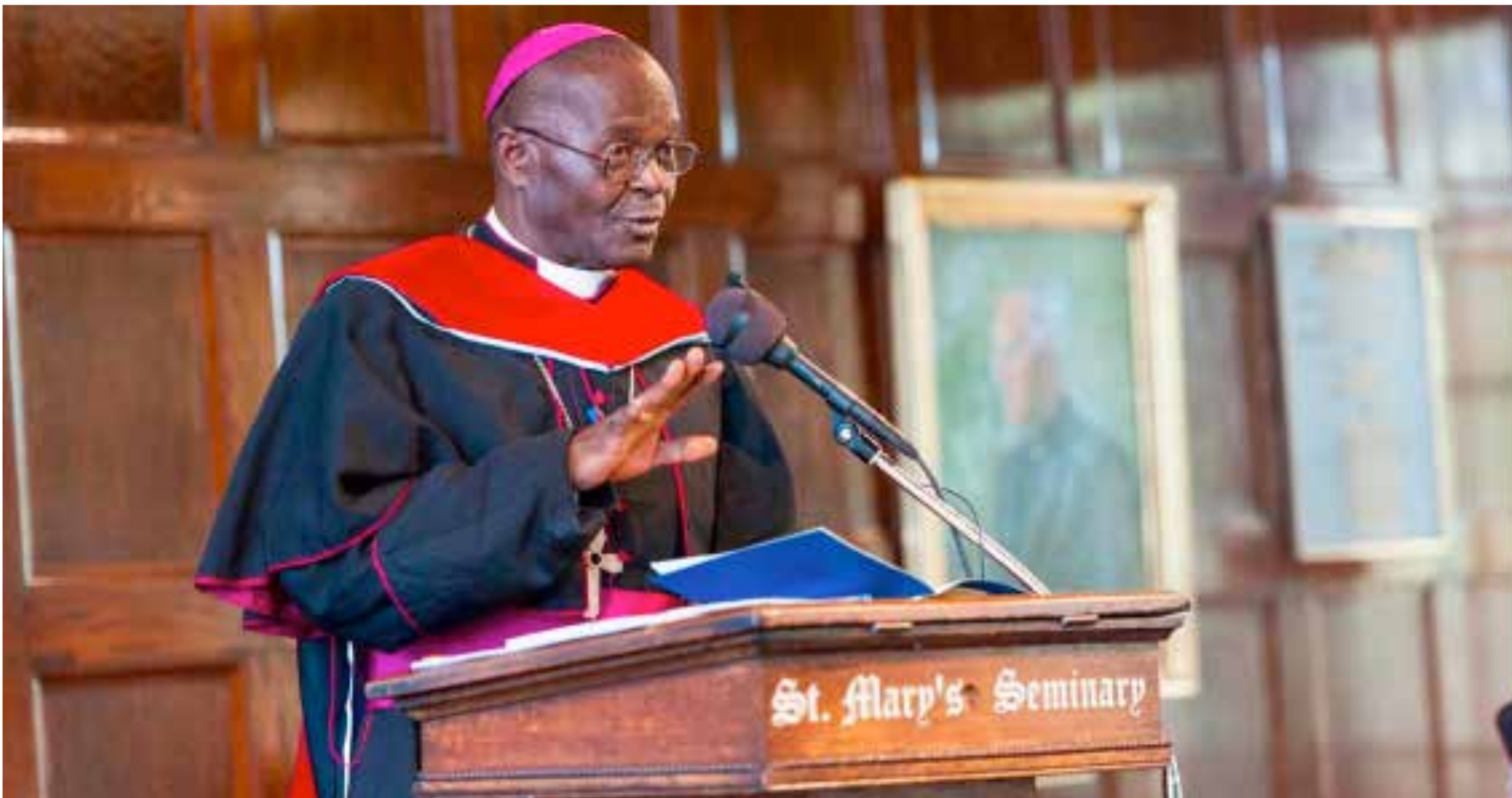
Ear to the ground

No 05

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Monday April 15, 2017

Catholics weigh in on PF regime...



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Dictatorship!

The Catholic Church in Zambia says the PF government has turned the country into a dictatorship, adding that if it is not, then it's not far from it.

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Home of investigative journalism in Zambia



By Mukosha Funga

President Edgar Lungu says people who think they can jump the gun and takeover the ruling party leadership without being loyal to him, are wasting their time.

Speaking at the Meet the President Dinner last night, President Lungu asked those who had presidential ambitions to first show their loyalty to him. "To my fellow cadres, comrades, I call upon you to remain loyalists to the party. Honorable [Stephen] Kampyongo has remained faithfully loyal and he is now Minister of Home Affairs. I can give myself as an example, it pays to be loyal otherwise I wouldn't be president today. So those of you who think you can jump the gun and think you can be president before your time comes, you are wasting your time," President Lungu said.

"The Bible teaches us in Ecclesiastes 3 that there is a season for everything, a time to laugh and a time to cry, a time to serve and a time to lead. If you can't make a good follower, then you can't make a good leader. I was a good follower to Mr Sata and here I am, I am a good leader. So if you want to be a leader, follow me. This is about discipline. If you cannot accept to be led, then don't look forward to leading others."

He also insisted that the party must welcome new members in order to grow.

"Let me take this opportunity to warn those who don't want to welcome new comers to the PF and say 'this is our party, we are founder members' what founder members? If there were things like that, we wouldn't be here today. As a Christian I can give testimony that Jesus had 12 disciples, they had no phones, no newspapers, no radio and no TV but because they went and convinced people to join them, the universal church of Christ is global. If we want to grow as a party, let us welcome new members. Even those who are against us, as long as you convince them and they

Those eyeing PF presidency are wasting time – Lungu



President Edgar Lungu speaks to his vice Inonge Wina at KKIA in Lusaka-Picture by Tenson Mkhala

subscribe to our beliefs. 'It's my party, it's my party', it's not your party, it is our party," President Lungu said.

He asked PF youths to remain

calm when provoked by members of the opposition, so as to allow Home Affairs minister and the police to arrest them.

"The PF is in power today because of your sacrifices. I ask you to continue planting those seeds of hope, discipline and hard work. We are all

aware of the provocation that we currently face as a party. Please, do not interject. Let honorable Kampyongo and his men and women in uniform do the arrests. It should not be up to anyone of us to take it upon ourselves, invoking citizens arrests because we may get in trouble. The policemen are sufficient in this country so let them arrest those who are hooligans," President Lungu said.

"Let me especially address you the youth, please do not fall prey to provocation, you have a very critical role to play in this country's development of promoting unity including preaching love and peace. I urge you to avoid violent acts but think progressively by putting forward innovative ideas which

will proclaim our national agenda." He also said he would speak less and focus on implementing the PF's policies until the 2021 elections.

"I vowed not to speak too much until 2021 when we begin pointing at what we are doing...so I am going to speak increasingly less and less these days so that I can save my energy to implement our plans. So let me conclude by thanking all the sponsors for making this event a success, let me also thank all of you for coming here to be with us and I wish to assure you that PF is an accountable and responsible party and your support will go a long way in advancing our agenda for a better Zambia," said President Lungu.

ZANU-PF salutes PF: You will die in power

By Mukosha Funga

Zimbabwe's ZANU PF Central Committee member and youth League secretary for land reform and resettlement Anastancia Ndhlovu, yesterday told Zambia's PF officials that "you are going to die in power" because the ruling party has a think tank that explains government policies.

And Home Affairs Minister Stephen Kampyongo has warned PF youths to manage their political ambitions.

Speaking during a meeting with the PF and ANC youth officials on the sidelines of the Meet the President Dinner yesterday, Ndhlovu who is also Zimbabwe's Deputy Minister of Tourism and Hospitality said the PF would die in power because it had a think-tank, which made sure that Zambians understood its programs.

Ndhlovu said this after PMRC executive director Bernadette Deka explained the role of her organisation, which she said was to provide an independent opinion, analysis and review of the government and party policies.

"For the party to have a think tank, I can assure you, you are going to die in power. This is very good. It makes sure that the ordinary person understands the work that government is doing in as far as moving the country forward is concerned," Ndhlovu said.

She added that the ZANU PF had learned something from

the Zambian ruling party.

"Sometimes our people revolt against us because they don't understand what government is doing so we have also learnt something from you," said Ndhlovu.

And speaking as PF national youth chairman, Kampyongo said there was no catapult to the top.

"Leadership can be at any given age depending on how you manage yourselves. But we must also make sure that we don't get carried away because ambition management must be a virtue and those that have failed to manage their ambitions have ended up down the drain. So it is always important that as much as we have to realise our potentials, we must appreciate that things must be done in a gradual process," he said.

"There is no catapult where you just spring from somewhere and you want to be at the apex. It doesn't work that way. You don't limit your potential, you compete with elders."

He said loyalty helped him ascend to higher ranks in the party.

"This ministry I am heading is quite a massive one. But I must say that sometimes mentorship and loyalty pays. The current President made sure that I represented him in serious engagements, which required him to be [there]. But sometimes I thought he was punishing me, I remember

assignments which I thought were to crack me down but they have helped me and so deliberately, I thought I can host you here so that as we go back, we shouldn't be saying the sky is the limit for the youth, it shouldn't be," Kampyongo said. He also advised young people to utilize social media for the advancement of progressive ideas.

"If we don't do that, believe you me, we shall continue to be

arm chair critics and the next person will be the one to sort out our problems, it shouldn't be that way," said Kampyongo. Meanwhile, ANC youth Sifiso Mtsweni described President Lungu as an inspirational leader in the region.

He also commended the Patriotic Front for having a vibrant policy think tank saying its research work was extremely beneficial to the party and country as well.

Police shot me twice, bus driver narrates

By Joseph Mwenda and Mukosha Funga

In this audio, Harrison Miti who survived a police shooting incident yesterday says he cannot fail to identify a police officer in broad daylight, insisting he was shot twice in the stomach.

From his hospital bed at UTH, Miti recounts how a police officer in uniform cocked his rifle, pointed to his stomach and pulled the trigger, leaving him gasping on the ground.

I was driving from Chilenje. After I reached Kamwala clinic, I found [traffic] congestion. In front of me, there was a truck which looked like it had broken down and it was causing congestion. So I moved from my left lane and started driving in the right lane to overtake the vehicles. In front there was a Toyota Corolla coming and it stopped me," Miti explains in local Nyanja.

"I apologised to the officer and tried to plead with him, even the passengers helped me pleaded but he opened the door started beating me with a gun in his hands. Then he cocked the bullets and shot me in the stomach. When he shot me the second

time, the bullet went and shot the passenger in the leg."

According to UTH records, the female passenger Janetimba was referred home after receiving treatment.

And Miti described how the police officer was dressed, dismissing any possibility that the police officer in question was a criminal disguised in police uniform.

Miti added that he recently moved to Lusaka from Chipata after he found a job at Flash Bus company where he has a peaceful record.

He begged the police command to help identify the police officer so that he could face the consequences of his actions.

Miti's bus conductor Andrew said he could not believe what he saw.

Miti's bus conductor Andrew "Police aoneka enze okolewa mwamene enzokambila, but sinili sure maningi. After ashuta, bantu mu bus banayamba kulila, benangu banayamba kuthaba kuchoka mu bus (The police officer looked drunk from the way he was talking, but I cannot be so sure. After he shot, passengers in the bus

started crying while others started running away," Andrew said.

He said Miti drives GOGO Flush Bus number 14 and that he had informed a representative of the Flash Bus company whom he identified as Brave.

A check at the incident scene today morning found blood spots still on the tarmac with some residents and Miti's relatives looking for empty cartridges from the gun they identified as an AK47.

Not everyone in uniform is a genuine police – Katongo

Earlier today, Police spokesperson issued a statement stating that there was a possibility that the man in police uniform who shot Miti could not be a genuine police officer.

In this exclusive interview, Katongo gave an example of a man who was convicted for masquerading as a police officer.

But when asked if she was advising members of the public not to consider everyone they see in police uniform as a genuine police officer, Katongo said she did not want to be implicated by answering the question.

Listen to audio on www.diggers.news

Regulate yourselves, if you fail, we will – Lungu tells journalists



President Edgar Lungu addresses journalists at Kenneth Kaunda International Airport - picture by State House

By Mukosha Funga

President Edgar Lungu says journalists must regulate themselves or the State will be forced to regulate them.

Speaking before departure for Durban, South Africa today, President Lungu said while he did not subscribe to the idea that the state should regulate media practitioners, it will only be logical to do so if journalists failed to regulate themselves.

“Congratulations [for commemorating World Press Freedom Day], be part of the process of growth. The media is part of us. For us, we hope that you will move with us. Please don’t take sides. Be neutral, tell us when we are wrong and above all, be friendly to us. For those who are with us and those who oppose us, just articulate their views and at the end of the day we will benefit but if the media becomes a channel even for issues which are going to divide us, then it won’t help,” President Lungu said.

“So unite us, criticize us and upload us when need be but I really think without you we can’t go anywhere. So Zambia needs a free press. But also, let’s talk about regulation, regulate yourselves, if you want us to regulate you, we will but I don’t subscribe to the idea that the state should regulate the media but if you refuse to regulate yourselves we will. But I don’t think under my watch I will regulate anybody.” President Lungu also emphasized the need for him to constantly engage other Heads of State in finding solutions to some of the challenges the country was facing.

“There are a lot of things pertaining to the economy. The more we talk to each other as Africans, the more we create space for ourselves. It is a regional issue, in fact, SADC is one, if you come to Zambia and you come to South Africa we’re one...for us, Zambia has been positioning itself and if the President is staying at home all the time and not speaking to our neighbors, then Zambia will sink. But I am glad that we are on course,” said President Lungu.

Zambia is now a dictatorship – Catholic Church

From front page

And Archbishop Mpundu says the church is worried by the unprofessional conduct of police who are executing political orders to brutalise citizens.

In a statement today, the Archbishop of Lusaka bemoaned the breakdown of the rule of law.

“Our country is now all, except in designation, a dictatorship and if it is not yet, then we are not far from it. Our political leaders in the ruling party often issue intimidating statements that frighten people and make us fear for the immediate and future. This must be stopped and reversed henceforth... The democratic principles we have come to know have been violated left, right and centre so that instead of going forward and consolidating our still fragile democracy, we are retrogressing and not so slowly!” Archbishop Mpundu stated.

He observed that people now feared to speak out against injustice.

“There is fear and trembling among the people shown in the way they are afraid to speak out against injustices. This is due to several actions by government which were meant to instill fear into and intimidate the masses. One does not need to belong to a political party in order for him or her to speak out on the misdeeds happening in the nation. Furthermore, we are witnesses to what transpired during the run-up to the August 2016 general elections when several media houses were harassed and finally closed. The recent happenings were not reported by several media houses because of the heavy presence of the Police,” he stated.

Archbishop Mpundu said divisions in the country would not magically disappear.

“The politicians especially those in the ruling party must realise that the nation they are governing is deeply divided between those who voted for UPND and those who voted for PF in the last elections. Let the politicians of both parties

take it from us since we always have our ears close to the ground that our country now stands on the edge. It is no use playing an ostrich game by burying our heads in the sand thinking that the storm will pass away. It will not, at least not before it has done great harm to this nation,” he stated. “The use of force and intimidation are not the solution whatsoever. Only genuine and sincere dialogue aimed at national reconciliation is the long-term solution. This reconciliation must be firmly rooted in the Christian values of truth, forgiveness, peace, unity, social justice and freedom. Let us learn to bury our immediate past and rise again to new life...Our nation is much larger and transcends our present and future individual or collective political fortunes.”

And Archbishop Mpundu condemned police for being unprofessional and brutal on critics of the ruling party. “It is the same story from one administration to the other and the present government is no exception, if not one of the best examples of the misdeed just mentioned! As a result of brutalising the people through the Police Service, the general public is reduced to fear so that the order of the day is corruption and misuse of public funds. Anyone who criticises the government for wrong doing is sure to have the police unleashed on him or her,” he observed.

“We have always been concerned about the selective application of the Public Order Act by the Police. It is quite disgraceful that a

quarter of a century after the return to plural politics and more than half a century of political independence from Great Britain, our governments which we put into power through our votes use the Public Order Act to oppress political opponents and prevent them from organizing and assembling together political rallies and to openly express themselves instead of protecting the rights and liberties of the very people who put them into power. Paradoxically, each political party in opposition goes through the biased use of this notorious Act but once in power, they find it so useful that they do nothing to modify or repeal it. Disgraceful indeed!”

Archbishop Mpundu implored police to at least apply the Public Order Act professionally.

He also observed that the Judiciary was a letdown.

“It is an open secret that the Judiciary have let the country down by failing to stand up to political manipulation and corruption. How can one explain the failure of the Constitutional Court to hear and exhaustively conclude a presidential petition...Where is the Judiciary to call the Executive to attention?” he asked.

The Archbishop of Lusaka also condemned the manner in which UPND leader Hakainde Hichilema was arrested, saying it had only heightened tension in the country.

Archbishop Mpundu further denounced attacks on the Law Association of Zambia, praying that moves to kill the institution would fail.

Kasonde stays: KFB withdraws impeachment motion

By Joseph Mwenda

Kelvin Bwalya Fube has withdrawn the motion to impeach Linda Kasonde and the current LAZ executive.

This was after a majority of LAZ members debated against the impeachment motion, saying they would rather be disbanded by parliament than be cowed down by threats from politicians.

KFB then said to foster unity, he was withdrawing the motion.

Earlier LAZ members assembled at Radison Blu Hotel to vote for or against the current LAZ executive.

A motion was raised by lawyer Terrence Chabu, demanding that the LAZ executive must not chair the Extraordinary General Meeting because they may be conflicted, as they were facing a vote of no confidence.

But the floor took the view that the LAZ rules were clear that only the executive can chair such a meeting.

Lawyer Augustine Hamwela then raise a preliminary issue against the proposed vote of no confidence, arguing that the Law Association of Zambia Rules do not provide for the Law Association

of Zambia executive to leave office through a vote of no confidence.

He argued that Rule 10 of the LAZ rules states that the executive stays for 2 years and that they can only vacate office on prescribed grounds including insanity and bankruptcy.

LAZ president Linda Kasonde who is chairing the meeting still allowed the motion to go ahead.

KBE, the mover of the motion then proposed that the matter is taken to arbitration.

After debates, he withdrew the motion.

Cop narrates how HH insulted him, faces tough cross-examination



UPND leader Hakainde Hichilema at Lusaka's Magistrates Court as he was being taken to Lusaka Central Prisons-pictures by Tenson Mkhala

By Mukosha Funga

A police officer Martin Musamba Chime, 43, today narrated before magistrate Malumani how UPND leader Hakainde Hichilema used words “mother fuckers”, “idiots” and “ass holes” against police officers who went to arrest him. But defence lawyers, led by Keith Mweemba asked the witness why no police officer recorded a statement from him, explaining how HH insulted him. Below is the verbatim of court proceedings in the case of using insulting language against HH

Witness: I was at the office when we received intelligence information that there were people who were planning to go and cause confusion to the officers who had gone to arrest Mr Hakainde Hichilema, the UPND leader at his house. I was accompanied by Mr Mbita, deputy chief inspector Mulungisha and detective inspector Hamweene. We arrived at Mr Hichilema's house around 09:20 hours and entered into his premises. Whilst there, his lawyers comprising of Mr Jack Mwiimbu, Chali Muleza, Nelly Mutti, and Ms Martha Mushipe arrived after about 30 mins. Whilst there, in the company of assistant commissioner of police Paston Mukomongo, we had a chat with Mr Hichilema's lawyers Mr Mwiimbu and Mr Muleza, and informed them why we were there. They promised that they were going to avail their client to us. Around 11 to 11:30 hours, Mr HH and his family members came out of his house and came close to where we were standing... Where we were standing your honor. He asked who the in charge was. And before we could even answer him, he started showering insults on us the police and I quote, he said: “can you remove all these dogs from my yard! Mother fuckers, idiots, and ass holes” Your honour, at that point, I restrained myself personally and protested to Mr Jack Mwiimbu so that they can calm down their client to stop insulting us as we were there commissioned. Mr Jack Mwiimbu went to his client and calmed him down. To our surprise, Mr Hichilema continued repeating the said insults, which I have mentioned. It was at that point your honour, through his lawyers, we asked him to accompany us to woodlands police station. Witness continues: From there, Mr Hichilema and his body

guards and other people who said they were family members jumped into a Toyota cruiser and went to Woodlands police station. There were three people who accompanied him, they were male and we told them that they were at liberty to accompany their relative and we proceeded to Woodlands Police Station. Personally, I felt very hurt by those insults because they were very provocative, injurious but I exercised restraint. From Woodlands, we proceeded to Lilayi police where Mr Hichilema was detained at Lilayi Police Post for treason. Witness then identified Hichilema, but the defense team told him not to get too close to touch him. During examination-in-chief, the witness said: At Lilayi HH repeated the insults and that he reported the matter to Kabwata Police, before the accused was arrested for use of insulting language.

CROSS-EXAMINATION

In cross-examination, Mweemba asked the witness if he had ever been arrested for a criminal offence, to which the state witness answered in the affirmative. Mweemba: Have you ever been charged and prosecuted by the courts of law for a criminal offense? Witness: Yes Mweemba: What did you do? Witness: Your Honor, it was on a fraudulent dealing of a motor vehicle. Mweemba: Who was in charge of the operation? [at HH's house] Witness: Mr Mokomongo, and I was the deputy. Mweemba: you have not produced any court warrant [that allowed you] to conduct an operation? Witness: We don't need a warrant. Mweemba: My question is, have you produced any warrant? Witness: No ,I didn't produce a search warrant. Mweemba: On who's instruction was the [person] incharge of the operating, according to your knowledge? At this point, magistrate tells the witness to answer the questions as they are asked and not what he wants. Witness: there was no superior order on our operation. Mweemba: So you moved on your own? It was a harp-hazard operation? Witness: No. Mweemba: We want to know who planned it Witness: By the time we arrived

there, officers were already there. Mweemba: That was not my question. On whose orders were you operating? Witness: there was a commander Mr Patson Mukomongo . He was the one in charge. Mweemba: On who's orders was he acting for that operation to be legally authorized? Witness: I don't know. Mweemba: According to you, when were you insulted? Witness: On the 11th of April around 11 or 12 hours. Mweemba: Who recorded a statement from you about his event? Witness: I gave a report. Mweemba: Answer the question Witness: I am a police officer; I submitted a written report. Mweemba: So you are saying no officer recorded a statement from you? Witness: Yes, I did not Mweemba: No officer recorded a statement from me but I submitted a report. Mweemba: Which officer did you submit the report to? Witness: Mpazi Mbita, the arresting officer. Mweemba: How can you submit a report to a person who is part and parcel of the proceedings? Witness: it does not go like that in police Mweemba: What is your authority? Witness: I don't know Mweemba: Have you produced it? Witness: It is with the state Mweemba: You have not identified this document in this court this morning have you? Witness: No Mweemba: You have not even produced it not so? Witness: Your Honour... it is not in my hands to produce it. Mweemba: So there is no documentary evidence of the accused having insulted you not so? Witness: The accused insulted me. Mweemba: Answer the question At this point, the state guided the witness to give answers as the questions are put to him and the magistrate insisted that the moment a witness becomes evasive, he was not helping the case. Mweemba: You are the only witness who can lay a foundation for this document to be produced as evidence and this is supposed to be addressed to the Officer-in-Charge not so?

Witness: Yes Mweemba: The person who you submitted the report to is he officer in charge? Witness: No. But... Mweemba: Just that. Don't add anything more Witness: He is not officer in charge. Mweemba: In what capacity did you address this report to Mr Mbita? Witness: Your Honor, may I be guided... Magistrate: The ranking system does not apply when reporting cases? Witness: In that case, I submitted to Mr Mbita through the officer in charge At this point, people in the courtroom burst out laughing. Mweemba: So clearly, you have told lies on oath, you have changed answers. Witness: I have not lied. The report was addressed to the officer in charge through Mr Mbita. Mweemba: In who's custody is this document? Witness: As at now they are with the state. With NPA. Mweemba: Who in particular? Witness: The NPA is very wide. Mweemba: You have lamentably failed to produce the occurrence book as evidence to prove that you indeed went to Kabwata police to complain, not so? Witness: It's not produced. Mweemba: Other than your oral testimony, you have not produced any video or recorded evidence? Witness: It was not recorded but we were insulted. Mweemba: Is it your position that other than your oral evidence, there is no other evidence? Witness: That's true Mweemba: So it will be your word against the accused's word? Witness: Yes, I am here in this court because of the insults Mweemba: So all there is is your word against the accused? I'm asking because we don't want anyone to go and manufacture evidence. Witness: Yes Mweemba: So apart from yourself, are you saying that the insults were directed at all the police who were at that house? Mention them. Witness: It is not possible to mention them. Mweemba: Were you authorized to damage property? Witness: No property was damaged. (People murmuring) Mweemba: That's not my question, my question is were you authorized to damage property? Witness: You are diverting from the insulting At this point people continue murmuring, prompting magistrate Malumani to order attendees not to obstruct the proceedings of the court. The state then interjected, saying, “We object, the witness has already answered that question. Mweemba: It means the witness has lied on oath that no property was damaged. Magistrate Malumani: If the witness is not telling the truth and later in the evidence it shows that property was damaged, it will completely destroy the states case because it doesn't help to lie on oath. Mweemba: Are you aware that police stole other items? Witness: I'm not aware. State advocate: We want to object, what's the relevance of all these questions outside the offense? Magistrate Malumani: The defense is in order to ask any question they wish which can destroy the evidence of the witness... according to the authority of Muna Ndulo, the defense can ask any question under cross-examination.

Mweemba: When did you go to the house? Witness: Around 09:00 hours Mweemba: Who else was there? Witness: Detective Mulungisha and detective Hamweene were the people who asked me to accompany them to the accused [person's] house. Mweemba: And there was a battalion at the house not so? Witness: Not a battalion but combatants. Mweemba: Were there officers in masks? Witness: No, everyone was visible. Mweemba: Was Mr Chipange there? Witness: Yes, the one in charge of paramilitary Mweemba: was Mr Japhet Mulenga there? Witness: Yes Mweemba: Was he there? Witness: He was not there, I never saw him Mweemba: Mr Arthur Shonga? Witness: He was not there Mweemba: Mr Nshonkolo? Witness: He was not there; he was a commandant. Mweemba: What about others you saw? Witness: I can't remember Mweemba: You have chosen not to remember Witness: Yes Mweemba: The police were fully armed? Witness: It should be noted that being armed is part of uniform Mweemba: Were they armed? Witness: Yes, others were armed. Mweemba: So in your 20 years of experience, you know this is not the first time the accused is being accused? Witness: Yes Mweemba: You also know that every time you have summoned him he has made himself available not so? Witness: That's difficult to answer. I am only speaking about this incident. Mweemba: You have never been involved in other arrests Witness: No Mweemba: You did not have a warrant? Witness: With my team we didn't have Mweemba: And you have not produced any warrant have you? Witness: No Mweemba: So there is no legal document in this court that you can use for accountability purposes in this court? Witness: No Mweemba: You have not talked about any seizure notice have you? Witness: I came for the use of insulting language Mweemba: I'm coming to that, did you have any seizure notice? Witness: Maybe the arresting officer knows, I just went to beef up Mweemba: But it is a known fact that property was seized, not so Witness: I haven't consulted so I am not aware. The arresting officer knows that Mweemba: You were second in charge and you want he world to believe that you don't know the intricate details of the operation? Witness: I have told this court we received intelligence information Mweemba: As a result of these so called insults, there was no breach of peace was there? Witness: No but the insults were there. It's because we acted professionally. Mweemba: There was no breach of peace? Witness: No, we retrained ourselves. Mweemba: After being insulted, did you commit an offense as a result of those insults? Witness: No but they were injurious. Mweemba: Are you literate? Witness: Yes I am.

Mweemba: You don't have any independent witness who does not have an interest to serve who can come and collaborate your evidence?

Witness: We were all police officers Mweemba: I'm taking about an independent witness

Witness: No independent witness apart from officers.

Cross-examination Continues

Defence lawyer Gilbert Phiri: During the course of your duties, have you been insulted before?

Witness: Yes I have been insulted before but not that much

Defence: Have those matters ended up in court?

Witness: No

Another defense lawyer: Confirm you had no operational order

Witness: It should have been there (People laugh)

Witness: There was no operational order; we don't need an operational order

Another defense lawyer: You can confirm that you were not happy with the utterances?

Witness: Yes

Defence: And you never used an independent person to take note of your allegations in this matter?

Witness: My colleagues were there. Defence: (repeats question)

Witness: Yes, my colleagues were there.

Defence: You can also concede that you don't have evidence of any call-out [disobeyed by] the accused to warrant the combatants to ransack his premises?

Witness: I am not aware

Defence: Would you know the time when the first officers went to the accused house?

Witness: No

Defence: So you can confirm that you know very little of what was happening?

Witness: I was briefed that officers were there.

Magistrate: Were you briefed on what happens during the operations?

Witness: No.

Defence: You can also confirm that the accused residence is a private place?

Witness: Yes, it is

Defence: Now your allegation that fingers were pointed at you to 'remove these dogs', how many were you?

Witness: We were many

Defence: So how can the finger point at so many police officers?

Witness: It was pointing where we were standing.

Defence: Who was asked to remove the dogs?

Witness: Mr Mokomongo, We were dogs on that day. (People laugh)

Defence: You can confirm that the accused persons didn't mention your names?

Witness: He didn't mention

Defence: That'll be all Reexamination by the State:

State: Did you see any dogs in the vicinity?

Defence: Objection, counsel should not lead the witness to produce new evidence. It must be restricted to the issues as they arose in cross-examination

State: I will rephrase, can you clarify what you meant when you said that there were no dogs in the yard?

Witness: I meant it was very surprising that he was saying remove the dogs because we didn't see any dogs at the house.

SECOND WITNESS

At this point, the State indicates that it is ready to bring the next witness, but HH's lawyer Mwiimbu brings it to the attention of the court that there are people in the court communicating with the other witnesses outside. Magistrate warns that people must not do that as it is contemptuous and can destroy the prosecutions case.

Next witness police officer, Henry Mulungisha 47, is called to the witness box.

Witness: On 11th April around 9:30 hours, I was assigned with Mr Musamba Chime and Detective inspector Hamweene to go to Mr Hakainde Hichilemas residence which is situated at plot number 10 747 off leopards hill road in Lusaka. - **To page 6**



Judge Nkonde stops LAZ from joining *Post* case

By Elias Banda

High Court judge Sunday Nkonde has thrown out an application by the Law Association of Zambia to join Post Newspaper liquidation case, describing the application as lacking merit.

Judge Nkonde in his ruling said the application by LAZ to join proceedings as amicus curiae might just delay the disposal of the proceedings to the prejudice of the parties. He said the nature of the proceedings required the disposal of the matter expeditiously.

Judge Nkonde also explained that the lawyers representing Post Newspapers were learned counsels with many years of experience at the bar and therefore they were very competent to represent without assistance from LAZ.

Judge Nkonde said LAZ must at all times endeavor to let its members engage in adversarial advocacy independently. "LAZ needs no reminder that it should be in the forefront of educating the public that courts have mechanisms established over a long period of time for correcting errors, imperfections and misapplication of the law in proceedings through applications, appeals etc by aggrieved parties," said judge Nkonde.

"These mechanisms if undermined quickly eat up the very fabric of the rule of law as an important component of a democratic society. The inevitable consequence is that anarchy wins."

Judge Nkonde however said he found the context of the response in the affidavit in opposition as at times very personal and unnecessary.

HH wanted to declare himself President at Kuomboka – State

By Mukosha Funga

The state has amended the indictment on the treason charge against Hakainde Hichilema, stating that the opposition leader wanted to declare himself President of the Republic of Zambia at the Kuomboka Ceremony in Mongu.

And HH has pleaded not guilty to the charges of obstructing the presidential motorcade and using insulting language.

Earlier, Lusaka magistrate Greenwell Malumani ruled that the state failed to state any overt act made by HH in order to overthrow the government.

Referring to the Shamwana case, Magistrate Malumani said the charge was clear and there was evidence of meetings held in planning the capture of then President Kaunda.

"In the light of the foregoing, the purported treason charge exists in a vacuum," ruled magistrate Malumani, but clarified that the charge of treason could only be tried in the High Court.

He added that the subordinate court could not quash such an indictment but open an inquiry instead.

"It is of the opinion of this court that the charge has no substance to be submitted for trial," he said.

Magistrate Malumani allowed the state submit a fresh indictment of treason against HH which would be heard in the High Court.

The State However produced the indictment accompanying other charges with an addition of overt acts committed by HH.

In Overt Act one, the state claimed that on April 5, 2017 HH together with others conspired to mobilise an advance party to ensure that he was to be accorded the status of President of the republic of Zambia at the Kuomboka Ceremony in Mongu.

In Overt Act two, the state submitted that on April 8, 2017, HH and over 60 other unknown people and being on a convoy of motor vehicles on the Mongu Limulunga Road did obstruct the presidential motorcade, an act that was likely to cause death or grievous harm to the President of the Republic of Zambia, in order to usurp the executive power of the state.

Magistrate Malumani said he could not allow the treason charge to be submitted jointly, but accepted the indictment and called for a break to study the details in chambers.

HH took advantage of the break to chat with his wife and other family members.

When the hearing resumed, the separated indictment was read out and HH pleaded not guilty to the charges of obstructing the presidential motorcade and using insulting language.

His co-accused also said they understood the charge but pleaded not guilty.



UPND leader Hakainde Hichilema with his co accused being taken back into detention-picture by Tenson Mkhala

Court acquits Komboni Radio director

By Diggers Reporter

The Lusaka Magistrates' Court has acquitted Komboni Radio Director Lesa Kasoma of assaulting a police officer, noting that police were over enthusiastic in discharging their duties.

Lesla was accused of assaulting constable Simon Chisanga when she allegedly bit him on the arm last year when she went to have her radio station re-opened after the Independent Broadcasting Authority lifted the suspension on its

license.

When the matter came up for judgment today, magistrate Felix Kaoma ruled that Lesa acted in self defense against the police officers.

He said it was hard for him to accept Chisanga's claim that she bit him when he was apprehending her.

Magistrate Kaoma further ruled that Lesa had every right to access her premises and did not need permission from police.

On October 5, 2016, about five police officers brutally beat up Lesa when they blocked her from accessing Komboni Radio premises despite the IBA lifting its broadcasting license.

Lesla suffered a black eye and body pains and she as admitted at the University Teaching Hospital for a day but police arrested and charged her with assault. However, Vice-President Inonge Wina was forced to render an apology to Lesa in Parliament following public outcry.

Hichilema trial verbatim

From page 4

We received information from our police intelligence that some people were planning to go and cause problems to the officers who were assigned earlier to the same place to go and apprehend Mr Hakainde Hichilema the leader of the UPND. So we went there to assess. When we arrived around 9:30, we went straight to his residence. And we found some people there and some police officers within. Shortly, I saw Mr Jack Mwiimbu who happens to be a lawyer, Nelly mutti, Ms Mushipe who arrived at the premises. We greeted each other. Then, Mr jack Mwiimbu went inside the house of Mr Hakainde. Shortly, around 11:00 hours Mr Hakainde Hichilema came out of his house together with some relatives and he came to where we were standing. Then he uttered some words. The words he uttered where you idiots, mother fuckers, 'hass hole', (People in court laugh, as witness tries to correct his pronunciation) Witness: It was directed at us and he was fuming. Them Mr Musamba Chime cautioned him to stop using such words. He continued then I heard Mr jack Mwiimbu and Ms Nelly Mutti telling him to calm down. myself I did nothing, I just restrained myself but I was injured because I am not a dog. We ordered him to get on a car then Mr Hichilema refused that 'no, I don't want to get on your car, you want to poison me... then he chose a car which he wanted to get on. He chose an open white land cruiser together with some of his relatives. So that's how we got him and went to woodlands police. At woodlands police, he was transferred to Lilayi where he was detained for treason. The insults were reported at Kabwata Police Station. After the report, we waited for court proceedings. State: Your Honour. That's all from this witness
Magistrate: I suspected that. (People laugh)
Cross-examination:
Defence lawyer Keith Mweemba: Mr musamba Chime was in this court and he never said that the accused was cautioned by him do you still stand by that?
Witness: Yes I do
Defence: What did he tell him?
Witness: He told him, stop insults
Defence: So Mr Musamba Chime despite the lawyers being present he opted to speak directly to the accused?
Witness: He told the lawyers that.
Defence: So you are changing now?
Witness: He talked to both
Defence: You spoke in passive voice. Why did you speak in passive voice?
Witness: Your Honour I don't know the meaning of passive
Defence: Who reported the insults?
Witness: One of us but not me. (Court attendees laugh)
Defence: Hearsay is not permitted in this court. You must state the person who reported.
Witness: The arresting officer Your Honour
Defence: Who?
Witness: Mr Mbita
Defence: So the complainant in this matter is the arresting officer?
Witness: Yes Your Honour. (People laugh)
Witness: The complainant in this matter is the state.
Defence: That is very interesting. So it's a fact that the complainant is the one who arrested the accused.
Witness: (No answer)
Defence: Anyway, it's on record we can move on. I will wait for the arresting officer. Now you are saying that you received intelligence information that some people wanted to attack officers. I put it to you that no officer was attacked
Witness: Yes, we assessed and no officer was attacked. When we reached there it was quiet.
Defence: So as far as you are concerned, the credibility of that intelligence info is questionable because nothing like that has taken

place since then?

Witness: Yes, except insults (Laughter in courtroom)
Defence: Did the arresting officer get any report from you?
Witness: No, I wrote my own report.
Defence: That report you are talking about is not evidence in this court because you haven't produced it right?
Witness: It is not with me, it is before this court
Defence: Have you produced it?
Witness: No, I haven't, I haven't seen it.
Magistrate: Have you produced it? Where is it?
Witness: It is in the docket
Defence: To who is this report addressed?
Witness: It is addressed to an officer in charge
Defence: Mr?
Witness: Officer in charge
Defence: Of?
Witness: Any police station.
Defence: So as far as you are concerned any officer in charge is the custodian of this document?
Witness: It is in the docket.
Defence: So who's the custodian?
Witness: It is the prosecutor.
Defence: The accused has denied ever insulting you. So apart from your oral claim, what other evidence do you have?
Witness: My God and my fellow officers
Defence: So are you saying you will call God as a witness?
Witness: No
Defence: Now you had a duty to produce that report as your evidence but you didn't.
Witness: We haven't reached that point of it being produced.
Defence: How long have you been in the police service?
Witness: 22 years
Defence: I don't mean to demean you, but how many times have you testified in court?
Witness: So many times.
Defence: Again not to demean you but what are your education qualifications?
Magistrate: I will protect the witness.
Defence: Do you have recorded audio or video?
Witness: No
Defence: Mr Chime said something else. Who is telling the truth
Witness: I am
Defence: So these are the only insults you heard and anyone else who says other things will be telling a lie?
Witness: According to me, yes
Defence: Did you hear anyone say I will beat these dogs?
Witness: I didn't hear that
Defence: How about remove these dogs
Witness: I didn't hear that.
Defence: But you were together with he first witness?
Witness: Not together, he was moving towards the accused, I remained behind a bit.
Defence: But it was within your earshot?
Witness: Those four words I heard yes.
Defence: How many officers were insulted?
Witness: The four of us including those police officers who were in uniform whom I don't know the names.
Defence: So who was in charge? You?
Witness: No, Mr Chime was in charge.
Defence: On whose superior orders was Mr Chime acting?
Witness: I don't know Your Honor
Defence: You didn't book in at any police station prior to this did you?
Witness: No, we went straight to HH's house
Defence: But you know the requirement of booking?
Witness: I am from Lusaka division, I just joined them when I was summoned so I don't know, maybe one of them booked.
Defence: You are from homicide right? Was there any intention to kill the accused?
Witness: There was no intention to kill him
Defence: Mr Chime said he wasn't

in charge and you are saying he was in charge so who is telling the truth?
Witness: On the entire operation, I don't know who was in charge but Mr Chime was in charge of the four of us.
Defence: How lawful was this operation to your knowledge?
Witness: It was very lawful?
Defence: Where is the search warrant?
Witness: I didn't have a search warrant. It was during the day.
Defence: Your Honour, I never intended to demean the witness, but this is why I had asked about his educational background. I wanted it to be a foundational background. Now the witness has gone ballistic, he is saying it was during the day.
Magistrate: So according to him, a search warrant is only needed during the day. (Laughter in court)
Defence: We will proceed, it's not meant to embarrass him, he is a good man, a very good witness.
Defence: Any seizure notice?
Witness: No
Defence: Any breach of peace?
Witness: There was a breach of the peace. I was injured
Defence: What did you do?
Witness: I restrained myself
Defence: Since you are saying there was breach of peace, who did you arrest for breach of peace?
Witness: I didn't arrest anyone for that but I arrested someone for using insulting language.
Defence: So you are now an arresting officer?
(Laughter in court)
Witness: I reported
Defence: If an offense has occurred in your presence, it is mandatory to arrest not so?
Witness: Yes
Defence: So none of you committed another offense as a result of these insults not so?
Witness: No
Defence: You agree with me that HH's house is a private dwelling house not so?
Witness: Yes, It is a private place
Defence: So there was no breach of public peace?
Magistrate: Does anyone have a copy of the criminal procedure code?
Defence: Yes
Magistrate: Please give him to read section (82) I think
He read it... so his residence, did you go anywhere to a public place where he repeated those insults?
Witness: No
Defence: So you did not commit an offense as a result of the insults?
Witness: No
Defence: The witness has answered very well, I am satisfied, I have no further questions.
Another defence lawyer Jack Mwiimbu: we have decided not to cross-examine him further because we are very satisfied with the answers.
State: (No reexamination)
The state is then asked to bring a third witness.
State: We don't have inspector Hamwene who we had scheduled to be our third witness.... Oh, wait, we have been told that he is outside.
Magistrate: Please make sure you have witnesses ready so that we can expedite such cases. Some people are failing to come to court and there is congestion at Kamwala correctional facilities. So bring your witnesses or failure to that, I will have no choice but to declare your case closed. (Magistrate orders a health break)
State struggles to produce further witnesses
State: We are unable to proceed with the next witness who is Mr Hamweene. We have noted the courts sentiments with regards to adjournments, but we would like to note that this case was given two dates, today and tomorrow. So we would like to seek an adjournment so that we can call our remaining witnesses.
Defence through Jack Mwiimbu: we reject the application by the state. All the witnesses have been outside all afternoon sitting. We



State witness Martin Musamba Chime

don't appreciate the difficulties the state is facing to call their witnesses this afternoon. We believe that we can conclude this afternoon and if we don't, the issues of collusion will arise because we are aware that the witnesses are confiding in each other.
Another defence lawyer: May I just add that we have a situation tomorrow because [another matter] is coming up before magistrate Simusamba for a ruling
Magistrate: Counsel, your witnesses were outside. Why can't they come?
State: We are unable to proceed with Mr Hamweene because we would like Mr Mbita to come first.
Magistrate: Is Mr Mbita there?
State: Yes he is.
Magistrate: Tell him to come in.
State: May the record indicate that we asked for an adjournment that we are not able to proceed and the court made a ruling.
Magistrate: Yes, the record will show. I wish to expedite this matter. I therefore order that the available witness come in and testify.
State: I would like to state that justice is a two way thing, on the one part, you have the complainant represented by the prosecution, on the other part, there is the accused person represented by the defense counsel and in order to meet the ends of justice, I submit that it is the courts responsibility to balance both sides in order to reach the ends of justice. Given the ruling, we apply that the matter be stood down for 30 minutes for us to liaise with the witness, as we did not intend to call Mr Mbita before Mr Hamweene.
Defence: Much as we agree that there should be balance, the state must appreciate that this is their case and they have had all the time in the world to prosecute this matter. There is no plausible ground as to why the state cannot comply with the Constitution. It is mandatory. It is always a principle of law that while balance must be stricken, but the benefit lies against the accused persons who may be in custody against the mighty state. We all know that there is no written law as regards the order of witnesses. It is just a matter of practice and preference that arresting officers choose to testify last.
The state can put their house in order in the time they have requested. We have no objection but this matter must be concluded today.
Magistrate: I grant them 15 minutes. I will return after 15 minutes.

THIRD WITNESS

Third state officer Mbita Mpazi, 42, is called to the witness box
Witness 3: On 9th April, I was assigned to investigate three cases. Namely: treason, disobedience to lawful orders and disobeying an officer on duty in which the accused was Mr Hakainde Hichilema.
Then on 11th April around 9 hours,

I accompanied other officers to the residence of Mr Hakainde Hichilema at plot number 10747 off leopards hill in Lusaka. This was after we had received an intelligence information that a group of people were organizing themselves to go and disrupt the operation which was at the said premises which started on the 10th April in the evenings.
Upon reaching the said premises outside the gate, there were relatives for Mr Hakainde Hichilema. One of them said he was the uncle. He further said 'Mr Hichilema wants to avail himself but in the presence of his lawyers'. Then we waited for a while, I was with Mr Musamba Chime, deputy chief inspector Mulungisha and deputy inspector Hamweene.
Then the lawyers came and I was able to identify three of them which included Mr Jack Mwiimbu, madam Nelly Mutti and madam Martha Mushipe and another one who I just remember his face.
We proceeded inside the premises. We were led by the lawyers. When we reached near the house, we were told by the lawyers to wait a bit. A few minutes later, I saw Mr Hakainde Hichilema and other family members. When he came out and saw the presence of the officers, by this time we were two groups, plain clothed and uniformed police officers.
Then he charged at us police officers and he looked very upset. Then he asked who was the in charge of the police officers who were at his premises. Before we could answer him, he started insulting us whilst he was looking at those officers who were in uniform, he said "you dogs, get out from here, mother fucker, idiots, asshole"
Then my fellow officers, Mr Musamba Chime was angered and he had to approach one of the lawyers I came to know as Mr Muleza to tell his client to calm down but he continued insulting us. Myself I was provoked because it hurt my feelings and I had to approach the other counsel Madam Mushipe but unfortunately, he tried to beat me up. He was in a boxing position like this (Illustrates clenched fists)
(Laughter in court)
Defence then asks the witness if he was referring to female lawyer Mushipe as "he" and the witness changed to "she".
Witness 3: We were all in a provocative situation it's only that we restrained ourselves from taking any action because we could have also reacted against HH and madam Martha Mushipe because we should have faced reactions from those people who were outside who we had received information that they had come to rescue Mr Hakainde Hichilema and of course we could have experienced breach of peace.
Witness 3: Thereafter, the situation was calm and I managed to apprehend Mr Hakainde Hichilema and put him in a police

vehicle. He was accompanied by his bodyguards, and his lawyers followed. We went straight to Woodlands Police and thereafter we went to Lilayi police college and detained him at Lilayi police post. I made a formal complaint at Kabwata police station in form of a report and I asked other officers to submit reports concerning the same.
Then we waited for a while for other lawyers to arrive so that we could charge Mr Hakainde for three counts.

EXAMINATION-IN-CHIEF

State: Who was the dealing officer pertaining to the matter before court?
Witness: I was the arresting officer. I wanted to charge him on the very day but one of the lawyers said he wasn't ready and wanted to wait for his friends. So the Following day on the 12th of April, I made up my mind to charge Mr Hakainde Hichilema.
State: What did you do? Did you interview him before you made up your mind?
Defence: That's a leading question
State: What did you do?
Witness 3: I made up my mind to arrest him and charge him for the use of insulting language, which he uttered on the 11th of April.
Under warn and caution he said he understood it and denied the charge and he did not issue any statement. He continued being in custody.
Witness identified the accused.

CROSS EXAMINATION

Defence lawyer Keith Mweemba: Confirm to the court that you are also a complainant to being insulted.
Witness 3: I'm the arresting officer
Defence: Answer the question
Witness 3: I also complained so I'm also a complainant.
Defence: And obviously this complaint from you is not a private complaint but you used your powers to become the complainant and the arresting officer at the same time. Is that the position?
Witness 3: I made an official complaint
Defence: To which magistrate? Please relax, you are assuming answers. Do you need a bottle of water?
Witness 3: We never made a complaint to the magistrate
Defence: So we are in this court by way of arrest without warrant. Is that the position?
Witness 3: I seek protection from this court [not to] let questions come which are not relevant to this matter.
Magistrate: Let me guide, it is not up to you to decide what is necessary. If you are asked an unfair question, you will see the prosecutor rising to protect you and even I can come in at any point. But there are laws to everything that happens in here.
Defence: So we are in this court by way of arrest without a warrant?
Witness 3: No. - **To page 7**

HH trial verbatim

From page 6

Magistrate: Do you have a copy of this warrant?

Witness 3: Your Honor I did not say I have a warrant.

Magistrate: So was there a warrant

Witness 3: No, there was no warrant of arrest.

Defence Lawyer Gilbert Phiri: The witness on the stand has clearly committed perjury in this court. It will be difficult for us to distinguish which are lies and which facts are true. May the court guide?

Magistrate: It is my view that the witness is showing inconsistency in his testimony but the offense of perjury cannot be sustained. I order that cross-examination continues but I'd like to state that the witness is not being helpful to the prosecution.

Defence Lawyer Mweemba: So it is a fact that you took it upon yourself to be an arresting officer and at the same time a complainant in this matter is that correct?

Witness: Correct

Defence: You investigated and effected an arrest on all the matters? Correct?

Witness 3: Correct

Defence: When did you prepare your investigations diary? It is always in the docket as a matter of practice.

Witness 3: On the same date that it happened.

Defence: I'm not talking about occurrences. Is that the same?

Witness 3: An investigation diary and an occurrence book are different.

Defence: You started making entries in the diary on the 11th of April?

Witness: Your Honour, I am a police officer...

Defence: Answer the question Magistrate: You are a senior officer? Here we have bigger cases, there are serious cases. This is the lowest we deal with because it is a misdemeanor. And we have seen witnesses who help the prosecution very well. So take it easy, relax and you will be helpful to the prosecution.

Witness 3: But there are some questions which need an explanation

Magistrate: But that is not what the law says, I don't know where you got that

Defence: So you made entries in the investigation diary on the 11th of April?

Witness 3: No

Defence: Oh, so you are changing now?

Witness: I made entries on the 9th when I was assigned but for insulting language it was on the 11th.

Defence: Do you remember the first entry?

Witness 3: No

Defence: You don't remember the contents?

Witness 3: No

Defence: When did you compile the docket?

Witness: I finished compiling the document before we took it to the prosecution.

K: I want you to look at your entry between 1100 hours and 12:42 hours.

What entry did you make?

Witness: I'm unable to tell

Defence: What entry did you make?

Witness: I'm unable to answer that question

Defence: Okay since you are unable to, may the witness refresh his memory by looking

at the investigations diary?

State: The investigation diary is in the main docket for the treason. When the matter came here it was on one charge sheet so it's in that diary. It's not before this court. We ask for an adjournment in order to prepare it.

Defence: No, we will help you. Magistrate: I will give them a benefit of doubt that the investigation diary is in the other docket.

Defence: Okay. We will leave it, but I know that this witness is not being sincere.

Defence: As far as you are concerned, there is only one investigation diary concerning all the matters?

Witness 3: No your honor, there are more than five... maybe there counsel can clarify because it has pages, it has more than five pages.

Defence: What columns are there? You are an officer of many years

Witness 3: I'm unable to remember.

Defence: Okay. What entries do you make in the investigation diary,

Witness: Provision for date and time, serial number, a column for entries and at the end there's a provision for a signature.

Defence: You made five entries?

Witness 3: There are many entries.

Defence: Do you know the actual number or you don't know?

Witness 3: I know the actual number, it's more than five.

Defence: Did you include in the diary the teargasing and the brutality at the accused house?

Witness 3: No I didn't. Because there was no teargasing

Defence: Is it also your testimony that there was no damage at the house?

Witness 3: There was no damage.

Defence: Has there been any dispute as to the damage of the house?

Witness 3: Your Honor I don't read these social media...

Defence: Isn't Esther Mwaata Katongo your spokesperson? And bear in mind we have video evidence.

Magistrate: He has answered that according to his knowledge there was no damage to property.

Defence: But there was a battalion of officers?

Witness 3: No

Defence: Were other officers wearing masks?

Witness 3: What kind of mask?

Defence: Any masks

Witness 3: What you saw could have been uniform. I was not there to know that they were wearing masks

Defence: Did you include in the diary that there were dogs?

Witness 3: No

Defence: You chose to ignore it? Even outside there are dogs

Witness 3: there were dogs but here I have seen two dogs outside

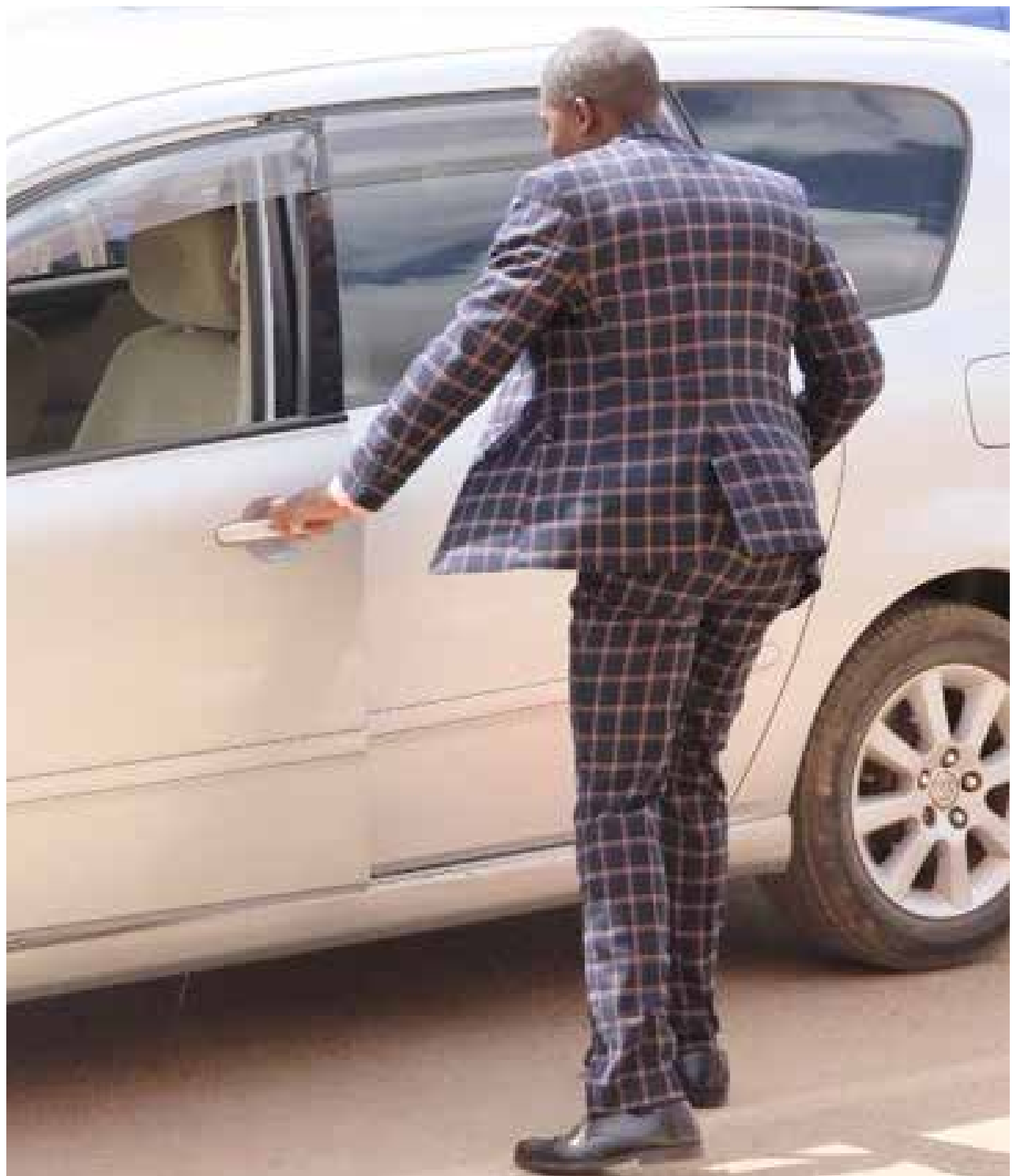
Defence: When did you submit the report?

Witness 3: Immediately after the arrest.

Defence: To whom is it addressed?

Witness: My officer in charge. Mr Arthur Shonga, actually your Honour he is your friend. (Laughter in court)

Defence: Do you remember



State witness Martin Musamba Chime

what you recorded in the last paragraphs?

Witness 3: I warned and cautioned Mr Hakainde

Defence: Are you sure? Let us help the witness with this document

Magistrate asks state: Do you have it?

(State produces a photocopy and Mweemba confers with both the state and the defense.)

Defence: We ask that we make copies.

Magistrate says that can be done after court proceedings

Defence: Takes the document to the witness and ask him to kindly show us where you made an entry on the offense before this court.

Witness 3: Examines the document he authored intently and stays mute).

Defence: I put it to you that there is nothing in that document regarding this case?

Witness: It's there Your Honour, item number 7.

Defence: Okay, I saw your hesitation

Defence: You did not report this matter to police did you?

Witness 3: Yes the report is there.

Defence: Did you report?

Witness 3: Yes

Defence: To who?

Witness 3: I can't remember, the officers who were there.

Defence: Did you at any point have a witness statement reported from you?

Witness 3: No, I submitted a report.

Defence: But that report you are talking about has not been produced to this court as evidence do you agree with me?

Witness 3: It has been produced.

Magistrate: Before who?

Witness 3: Not yet produced Your Honour.

Defence: But you are the arresting officer not so?

Witness 3: Yes

Defence: But as arresting officer, you are the only one who can produce this as evidence not so?

Witness 3: Yes

Defence: So there is nothing you have produced in this court to support your allegation not so?

Witness 3: No. There was no video taken how can I produce it?

Defence: That's why I'm saying you're the only one who can produce this document?

Witness 3: If the court can get that document

Magistrate: Okay you are now shocking me. You are a senior officer. You should know that the court cannot look at any documents which have not been produced.

Witness 3: Since the case hasn't closed, we will produce

Defence: Is there any other document to prove your allegations?

Witness 3: No, there is no other document.

Defence: No seizure notice?

Witness 3: No

Defence: You did not hear any words from the accused like "I will beat you dogs" did you hear anything like that?

Witness 3: No.

Defence: And you can confirm you did not have a search warrant right?

Witness 3: For which date?

Defence: For any date

Witness 3: No, I didn't have any search warrant

Defence: You are aware that he has been summoned to police several times and he has complied?

Witness 3: I am not aware

Defence: Were these words uttered? "Remove these dogs out of here"

Witness 3: Those words were uttered when Mr Hichilema asked who was in charge.

Defence: Did he mention your name? Because there were dogs there

Witness 3: He didn't mention my name. He doesn't know me. There were no dogs, just lawyers and police

Defence: Did you breach the public peace?

Witness 3: No.

Defence: Did you commit any offense as a result of those insults?

Witness 3: I restrained myself

Defence: Who asked you a question about restraining?

Witness 3: No I didn't commit any crime.

Defence: You can agree with me that his property is private not so?

Witness 3: Yes

Defence: You didn't go anywhere away from those premises to breach the public peace did you?

Witness 3: No

Defence: You are saying you apprehended Mr HH, put him in a vehicle and took him to Woodlands right?

Witness 3: Putting him how? Lifting him or what? We requested him

Defence: Who requested?

Witness 3: Me, myself.

Defence: You chose that vehicle?

Witness 3: We chose it yes, It was the one available

Defence: To prove malice, how many counts are standing from the ones you arrested him for? You have abandoned others not so?

Witness 3: I am not aware

State: The amendments to the charges have got nothing to do with the police.

Magistrate: I hold a different view, the police emanate from the police therefore, the charges have everything to do with the police

State: If I may correct the courts view, the NPA even alters a charge.

(Magistrate overrules, saying the arresting officer is in court to defend the charges)

(Witness given the report again and asked "do you see any offense of breach of statutory duty in there?")

Witness 3: It's not there

Witness 3 is shown entry number five in the investigations report and told to read.

Witness 3: Your Honour I charged...

Defence: Read, do you understand English?

Witness 3: Hesitates

Defence: Read paragraph five why are you scared?

Magistrate: Read. Read it loudly so that even the counsel can hear

Witness: Your Honour I need to consult

Magistrate: I don't want to start asking for your educational qualifications

Witness 3: (Reading) "It was revealed that Mr HH and others refused to clear the path of the presidential motorcade..."

Defence: Who is this officer who was clearing the way?

Witness 3: Mr Ndalama

Magistrate: We will break at this stage. We have been sitting since 09:00 hours. Let's have a date for the next hearing.

Owing to time, this matter stands adjourned to 09:00 hours tomorrow.

By Sipilisiwe Ncube

Central Province Permanent Secretary Chanda Kabwe says fertile land and good rainfall in the province has attracted more people to invest in the agriculture sector.

Speaking in an interview, Kabwe outlined major investment activities taking place in his Province.

"We have seen people coming on board to invest in the agricultural sector. You are aware that central province has fertile land and good rainfall pattern which has attracted people to come and invest in the agriculture sector. Plus the government's opening up

Kabwe boasts of swelling investment in C/Province

of the area by provision of the road network in areas where people are coming to farm. It is boosting the investment and investor confidence in central province, so the future of central province looks very

bright," Kabwe said.

He said the putting up of center pivots in Mkushi, Luano, and Ngabwe by some investors would create employment and business opportunities for the locals. "And all these are coming in

to benefit the locals because people who are putting up center pivots in Mkushi, Luano, and Ngabwe are creating employment opportunity for the local people. They are also creating a skill of transfer

because people now know how to operate tractors, they know how to operate these center pivots and that's a skill that people will die with. And also its creating business opportunities for our people," Kabwe said.

Meanwhile Kabwe disclosed that a number of investors had shown interest to invest in the mining, tourism, and energy sectors within the province.

"Investors are investing in manganese, gold and copper. We have seen people investing in the tourism sector. Others have invested in the energy sector. We have seen itezhitezhi coming on board in partnership with Zesco and Tata, Lusemfwahydra station in central province," he said.

"Other investors in Serenje who are putting up a wind energy in Serenje. We have another project called Pensulo in Serenje, that is powering northern and Eastern province. We have a solar farm in Kabwe which is coming and investors are on site. We have another solar farm in Mumbwa which has advanced, about 70 percent works done."

Kabwe further disclosed that some indigenous Zambians were investing in Kabwe fabrics known as Kifiko.

"We have over five mines in central province, one in chief Chamuka's area, three mines in Mkushi copper and manganese, one manganese mine in Serenje, and there are others who want to open another mine in Luano to do with gold. Remember where we are coming from, we had crises in the energy sector when the water levels were low, but now we have people who are investing with huge investment in Serenje," said Kabwe.

"We have indigenous Zambians who are investing in Kabwe fabrics known as Kifiko. We are encouraging the local people to come and invest, all these cotton farmers, commercial farmers should come on board and invest."



A market in Kabwe

ZNFU happy with Agritech expo exhibits

By Charles Mafa

Zambia National Farmers Union (ZNFU) president Jarvis Zimba says diversifying the economy into an agricultural-based one cannot be achieved without putting in place proper incentives.

In an interview, Zimba said this year's AGRITECH Expo (27th to 29th April), which attracted eight countries with over 40 foreign companies exhibiting was a great success.

"So [Agriculture] is the only sector that can massively create employment. The only thing we need to do correctly, especially for Zambia is let us zero rate agriculture for a couple of years, then you are going to see the development," Zimba said.

"The last time we did that, if I can remember was when (Ng'andu) Magande was Minister of Finance. It was the first time in Zambia that we started seeing the centre pivot...

This is where we need to go back again because if you put in too many taxes, the person who gets hit at the end of the day is a farmer who is very vulnerable, in terms of price. If you zero rate, then you have got the political will."

Zimba said his vision through ZNFU was to transform the country into an agricultural-based economy, "so that we can get rid of this myth within our brains that copper is the only thing."

"Let us look at other countries. Do they have mines in Malawi? It is very little but it is all about agriculture. New Zealand, what are they famous for? If you look at Netherlands itself, where is the economy based? It is purely agriculture in the Netherlands," he noted.

The ZNFU president said the main objective of AGRITECH Expo was to promote technology in the agricultural sector.

"This is an international

event. Last year, we had only two countries but this year, we have got eight countries which have come to showcase their countries; and in there we had forty foreign companies which came to exhibit. You can see that it is becoming more attractive and mind

you, it is not just about the show, it is about technology transfer," said Zimba.

"Something which was a bit unusual was the sprayer which was made by Saro Industries. They have made a pump where instead of you carrying it at your back, it is a kind of

small wheelbarrow thing but it is a sprayer. Instead of you using a tractor but you use it manually then you're just going to spray - lovely small machine which you can use. These are the innovations which we are bringing on the market."

French Embassy unveils Pavilion at 2017 AgriTech expo

By Charles Mafa

The French Embassy in Lusaka says the 2017 AGRITECH Expo to be held in Chisamba this weekend will for the first time feature the French Pavilion.

The AGRITECH Expo provides a unique opportunity for Zambian entrepreneurs, both large- and small-scale farmers and companies to meet some of the world's leading agricultural companies.

"For the first time, this 2017 edition will feature a French pavilion. This novelty showcases the interest of the French agricultural sector, which is the leading European producer in terms of value and coverage, towards the booming Zambian market," said the French Embassy in a statement.

The pavilion will be inaugurated on Thursday 21st April, at 11:00 with welcoming speeches by French Ambassador to Zambia Emmanuel Cohet, Humphrey Chibanda, the Ambassador of Zambia to France, and Chairman of ADEPTA, François Burgaud.

ADEPTA is a network of 240 French companies which manufacture and supply equipment, technologies and inputs for agriculture, livestock and agrifood production. ADEPTA's members are French companies specialized in agriculture and food processing who combine their expertise to meet agro-industrial project needs around the world and offer customized solutions.

"Through its members, ADEPTA

is a unique showcase of French technology and know-how in these industries. ADEPTA connects the expertise of its members with the needs of Zambian entrepreneurs and helps entrepreneurs to get in touch with all the French companies that are able to contribute to their project."

The French pavilion will feature among other presentations, irrigation with Rivulis - displaying the drop irrigation solution on booth C25, poultry genetic with SASSO and the coloured breads, meat processing units with S3A that can offer turnkey units from very small capacities to much bigger, IMV - world leader for animal biotechnologies and the SPACE - world's second largest animal production show.

By Mukosha Funda

State prosecutors today expressed concern that Hakainde Hichilema's lawyers were asking a witness questions pertaining to the treason case which is before a different court.

This is in a case where the UPND leader is charged with the offence of using insulting language, and the concern was raised after the defence continued to cross-examine the state witness who is also an arresting officer in the treason case.

In his ruling, magistrate Greenwell Malumni said the witness had no option but to answer all questions put to him regardless of whether they affected the treason matter because he was an arresting officer in both cases.

Below is the verbatim of the continued prosecution of HH.

CROSS-EXAMINATION CONTINUES:

Defence lawyer Keith Mweemba: We ended when you were talking about your report and investigations. According to your investigations, how was the root lining done? Who was in charge?

Witness 3: I am not able to answer that for security reasons

Defence: It is there in your report. We want to determine bad faith, you have to answer and you will answer

Witness 3: On that position, I am unable to answer

Defence: The law binds you to answer and we are allowed to make applications if you don't. This is the last warning

Witness 3: I don't know who was in charge

Defence: Okay, how was the root lining done?

Witness 3: I don't know, I can't answer that

Magistrate: (Reads him provisions in the criminal procedure codes which allows the court to detain him for failing to answer questions)

Defence: Your job is to answer the question. How was the root lining done?

Witness 3: I don't know, I wasn't the one who did it

Defence: So you did not investigate? If you had investigated you would have known? And yet you arrested him and charged him for treason without investigating? Is that how you do things?

Magistrate: Are you also the one who investigated treason?

Witness 3: Yes Your Honour.

State: Your Honour may I be guided, of what relevance is that question when the offense before this court is not treason?

Defence: I will answer Your Honour. We can make available the Supreme Court decision... and my brothers can read and understand the relevance of this question. And we didn't want to preempt that this record and the record before Honourable Simusamba will be used in the treason case and we also want to show bad faith that a citizen can be arrested without investigation and charged for an offense punished by death.

Magistrate: I will now make a response...

Magistrate: (asks state advocate) What discussions are you having with the witness who is on the stand?

State: It's not a discussion per say, I'm just advising him to answer the questions

Magistrate: Okay, I will advise that you rise and make your discussion known

State: Obligated Your Honour.

Magistrate: (after a moment of writing his ruling) I have examined the states concern on questions arising for the other charge which has been separated...I perceive no malice from the defense because the arresting officer is the same from the other case. He is in a position to respond and if he doesn't it will adversely affect the proceedings of the other matter. A witness cannot choose what questions to be asked. (Cites relevant cases) there is no limitation on cross-examination. Issues ought to be properly understood. Muna Ndulo is the prime authority;

cross-examination is the greatest invention ever made in discovering the truth.

(Magistrate allows cross-examination to continue)

Defence: According to your investigations, how was root lining done for you to charge someone with a capital offence?

Witness 3: As I said, I don't know

Defence: so you arrested without knowing?

(Shows him an exhibit in a Habeas Corpus case involving HH in which he was the arresting officer again) This was signed by you right?

Witness 3: Yes

Defence: And you made up your mind you were satisfied to charge and arrest right?

Witness 3: Which case?

Defence: All the cases

Witness 3: Yes, I was satisfied

Defence: Since you have said you didn't investigate? On who's superior orders were you acting?

Witness 3: No superior orders

Defence: Tell the court the space between the officers on that Limulunga road in terms of meterage signifying that the president was going to use that route?

Witness 3: I don't know

Defence: But you arrested?

Magistrate: What is your answer?

You don't know if there were officers?

Witness 3: Your Honor the spacing is what I don't know

Defence: Elaborate to the court what procedure was employed when the President was going there according to the investigation

Witness 3: I don't know; I wasn't there.

Defence: But you investigated. Since you recorded a statement from Mr Ndalama what did he tell you? What happened in terms of route lining?

Witness 3: Your honor, as I answered in the first place...

Defence: What did Mr Ndalama tell you?

Witness 3: He didn't tell me anything, he submitted a report

Defence: So you effected an arrest without recording a witness statement from Mr Ndalama not so?

Witness 3: I didn't record any witness statement Your Honour

Defence: Then according to the report, how was root lining done?

Witness 3: Your Honour even, I am not Mr Ndalama maybe he...

Defence: According to the report he submitted

Witness 3: I don't know the contents

Defence: You didn't read the report but you effected an arrest?

Witness 3: I didn't read Your Honour

Defence: But you effected an arrest on a capital offence?

Witness 3: It's me who effected an arrest Your Honour

(Witness 3 crosses his arms, looking disturbed)

Defence: Did you tell this court your duties yesterday?

Witness 3: I didn't

Defence: So on what basis did you make up your mind to charge and arrest for all these cases since you didn't investigate?

Witness 3: I don't remember saying I didn't investigate

Defence: You don't need to say you didn't investigate, you have already proved

Witness 3: I was convinced and that's why I made up my mind to charge him for the offenses

Defence: What convinced you?

Witness 3: I did my investigations

State fears Hichilema's 'insulting' trial may destroy treason case



HH's arresting officer Mbita Mpazi (c) who lied to the court and later apologised

Witness 3: No.

Defence: But I put it to you, you only started your investigations on the 9th not so?

Witness 3: Yes Your Honour

Magistrate: You are going too fast, allow me to record

Defence: I am sorry, there is fire in my belly Your Honour. I will refrain

(Magistrate takes a moment to record)

Defence: If you are alleging that an offense in this court happened on the 11th, surely it doesn't make sense that you started investigations on the 8th not so?

Witness 3: Which case?

Defence: Before this court

Witness 3: I started on the 9th

Defence: So your being in Western Province had nothing to do with treason not so?

Witness 3: It had nothing to do with treason

Defence: So you have never been to western province to go and investigate treason?

Witness 3: Investigations are wide

Defence: Answer the question. Anyway, we can't keep arguing with you, we have already seen through you. You have no evidence that the accused has ever made a pronouncement to overthrow government not so

Witness 3: I seek audience with my lawyer

(Magistrate allows the witness to confer with state advocate for a few minutes)

Defence Lawyer Jack Mwiambu: We are very concerned with the consultation. The witness can be coached on how to answer questions

Defence lawyer Gilbert Phiri: Just to add, this witness is a witness of fact. This witness was asked something which demands a factual answer. So we have serious concerns. And the state did not object.

Magistrate: You should have objected to the leave of the court for them to confer.

State: Can we continue just for a minute then he can be subjected to continued cross-examination.

Magistrate: in the interest of justice, I will allow cross-examination to continue and if you deem the question unfair, you can rise to object.

Defence: Do you agree with me that a person can overthrow a government through legal means?

Witness 3: The defense is going too much into the other case and I am not prepared. That's why I am saying I don't know at this particular time

Magistrate: do you have any legal training?

Witness 3: It sounds like my name

is being demeaned. I have some basics.

Magistrate: When issues are before court, it is not demeaning. I don't want you to be subjected to certain questions which your training cannot cover. It is not meant to demean you. Your counsel is an advocate like him (defence) and he can rise to protect you if the question is unfair

Defence: (Repeats question)

State: I object to that. This question is unfair

Magistrate: I want to guide that that is an unfair question to the witness. He has said he only has basics. On that basis, I will disallow the question

Defence: I will rephrase and get what I want. You are aware that this witness (pointing at HH) has challenged the presidency in court?

Witness 3: I am aware and it was thrown out

Defence: When was the matter before Mwila Chitabo thrown out?

Witness 3: I can't remember

Defence: I put it to you that it has never been thrown out

Witness 3: I am not aware

Defence: Challenging an election in court is not illegal and can never be treason not so?

Witness 3: Going to court can never be treason

Defence: You have no evidence that the accused has ever talked of overthrowing government using unlawful means?

Witness 3: I have evidence

Defence: Let's hear it

Witness 3: I can't give it here. Under [the case of] insulting language?

Defence: You are going to answer or I will apply that you go to prison

State: I object. That is evidence before another court

Defence through Mwiambu: You may recall that yesterday a report was circulated and was used by counsel and that does not separate the issues. He can't start selecting what he can comment on and what he can't comment on. These cases are connected and that is why there is only one report. Further, there is no evidence before any court on these issues we are raising and these issues will determine the credibility of the investigations which this man carried out.

Defence through Mweemba: There's no law which stops us from cross examining him on this point. His credibility must be challenged and any other court can use the record of this court. And the ruling this afternoon will be about this case.

Magistrate: That ruling will be given tomorrow morning...

Witness 3: It is gazzeted

Defence: By what notice?

Witness 3: I can't tell unless I

check my records but it is gazzeted

Defence: You have not produced this evidence in this court to exclude the danger of false implication or fabrication have you?

Witness 3: No Your Honour

Defence: I have no further question

Defence lawyer Gilbert Phiri takes over cross-examination, finds witness lying:

Defence: You remember yesterday testifying that on the 9th, you were assigned to investigate, who assigned you?

Witness 3: My officer in charge

Defence: Who is that?

Witness 3: Mr Shonga Arthur

Defence: Where is he based?

Witness 3: At service headquarters

Defence: You didn't mention that you were at the accused residence on the 10th of April at 22:00 hours not so?

Witness 3: No

Defence: So you were not at his residence around 22:00 hours?

Witness 3: No your honour

Defence: Could I have the report we looked at yesterday?

State: That report was never tendered into evidence

Defence: That report was used and we would like to use it in cross-examination

Magistrate: There is no harm in looking at it

Defence: Could I have the report please?

(State avails the report and defence shows it to the witness)

Defence: You authored that not so?

Witness 3: Yes

Defence: Read paragraph 6 to the court loudly

Witness 3: (Hesitates)

Defence: Please read loudly to the court

Witness 3: (After hesitating) "On 10th April 2017, around 22 hours, I pursued Mr Hakainde Hichilema to his residence"

Defence: Speak up, it's very important

Witness 3: "...to his residence at plot 10747 off leopards hill road during an operation which lasted for more than four hours. The following suspects were apprehended for various offenses..."

Defence: I'm satisfied but he can continue

Witness 3: "...the following suspects were apprehended for various offenses: Mr Hamusonde Hamaleka aged 41 years of plot number 1836 Chelstone extension"

Defence: Now you told the court you were not at the house but your own report suggests the opposite, which is the truth? - To page 11

The job of a watchmaker is not to tell time, but to create an instrument with which you can tell what time it is. However, a watchmaker who doesn't know what time it is cannot succeed in his job without misleading others.

Our job as journalists is to provide information through which you, the public can tell the kind of times we live in. However, if as reporters we are oblivious to the state of our nation, we are bound to misinform.

Every year on May 3, we journalists celebrate the fundamental principles of press freedom; we show cause why our existence in accordance with Article 19 of the 1948 Universal Declaration of Human Rights must be defended. We pay tribute to journalists who have lost lives in the line of duty, and we remind governments of their duty to respect and uphold the people's rights to freedom of expression.

But if there are any journalists in Zambia this year who are celebrating World Press Freedom Day with a view to advancing any of the above causes, then they are not any different from those who are suppressing freedom of expression.

Today, we will march like we always do; we will listen to rhetoric from our media leaders demanding the same old Access to Information Bill, and we will hear more threats from government officials – sugarc coated in their commitment to protecting ETHICAL media houses. Like mourners at the funeral of a relative who succumbed to AIDS, we will regret the death of press freedom in Zambia without mentioning or condemning

the killer.

But we know the truth and the truth has to be said. If there is any immunity left for journalists to report facts, then there is no better day to do so than May 3, 2017 when we join the Patriotic Front government under President Edgar Lungu as they celebrate their achievement in raping independent journalism. Like a time conscious watchmaker, we are alive to the fact that this PF government has captured private media in one way or another and is molesting it without a Vaseline – as Julius Malema put it.

From May 3, 2016 to date, journalists have made the biggest news headlines. This has been a year in which politicians reported the news they wanted the public to hear while journalists were on the run. A year when the civil society assumed a front row sit in witnessing injustice and chose to join the Church in doing nothing about it.

At News Diggers!, we watch in awe how this government has succeeded to pit journalist against journalist, media house against another, leaving no one to report the political injustices being inflicted on political parties and individuals who dare criticise those in power.

ZNBC is trying to stifle Prime TV using digital subscription fees while Muvi TV has been torn apart with the birth of Diamond TV. The Daily Nation is still celebrating the demise of The Post Newspaper while its own editorial independence is diminishing. Online media, which is now the most impactful mode of mass communication, has not been spared. News reported by UPND-sponsored journalists at Zambian Eagle has to be rebutted by PF-sponsored journalists at Smart

News Diggers!

Ear to the ground

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Bye-bye press freedom

Eagles. Zambian Watch has been pitted against Zambian Watchdog Mwebantu Vs Tumfweko, Zambia Reports Vs Zambian Intelligence or the other way round.

The damage caused to the media landscape has left an indelible mark on our democracy and the economy thereof. What is worse is that no one in government is listening. And while we are still on speaking the truth, we might as well say that our Minister of Information is empty.

We don't mind the fact that President Edgar Lungu appointed a journalist to run the Ministry of Agriculture and a musician in charge of the Ministry of Justice – it is his party in power and he can choose who to appoint. But it is also within our right, at least for today, to inform him that if it was his intention to appoint the most ignorant person about journalism, to be in charge of the ministry of Information and Broadcasting,

then he made a good choice in Honourable Kampamba Mulenga.

We pity those vastly experienced journalists who work as directors under Honourable Mulenga because even though they can't say it, they know that their ministry is on standstill until a knowledgeable person, who doesn't necessarily need to be a journalist, takes over.

We say Honourable Mulenga is empty because we have interacted with her and we believe that she doesn't clearly understand the role of the media and the institutions which regulate media operations.

When the International Press Institute admitted News Diggers! as a fully paid up member, and implored the PF government to respect the role of private media, our Information Minister had this to say:

"We as government, welcome News Diggers! if it is going to comply with the ethics. If

it is in compliance with the regulations stipulated under the IBA it shall be protected. News can be bad or good but, as long as it is factual."

We wondered which clause of the Independent Broadcasting Authority Act is responsible for regulating online media.

A simple check on the IBA website would have helped the minister realise that the Authority is responsible for regulating the broadcasting industry in Zambia, by granting renewing, suspending and cancelling RADIO and TELEVISION broadcast licences; not online media.

When Honourable Mulenga went to ZNBC to familiarise herself with the operations of the national broadcaster, she told staff that she was impressed with the professional work done by Radio One, Radio Two, RADIO THREE and Radio Four. How many people in Zambia don't know that there is no RADIO THREE at Mass Media?

Even if we are to negotiate

for tolerance from the PF government on our special Day, where do we start from? Honourable Mulenga boasts that it is only her government that has managed to issue 110 radio stations licenses across the country and 67 television broadcasting licences; but is it a secret that this is the only government in Zambia's history which managed to shut down four critical private media organisations in less than six months?

Today as we commemorate World Press Freedom Day in Zambia, we must realise that we are saying goodbye to press freedom. Those of us in the private media will be conceding defeat to a ruthless regime unless we resist the paymaster and stick to ethical, credible journalism. Yes there is still hope, but we will never regain our journalistic liberty until we end the hatred between journalist and journalist, the scheming by one media house against another.

"I have no particular love for the idealized "worker" as he appears in the bourgeois Communist's mind, but when I see an actual flesh-and-blood worker in conflict with his natural enemy, the policeman, I do not have to ask myself which side I am on."

George Orwell
As a Member of Parliament, Garry Nkombo is not exactly an "idealized worker" in the mind of anyone let alone a Communist, but seeing him in conflict with Constable Spider Ngoma left me in no doubt which side I am on.

Even if Nkombo "assaulted" the policeman a ludicrous claim for a "victim" who was armed with an AK-47 I would not be alone in sympathising with the honorable member and his wife, as well as the countless other victims of police harassment and brutality. Surely the Zambia Police Service must be among the public institutions least trusted by the general public, and little wonder.



David Julian Wightman is a Zambian-Canadian journalist and human rights activist. He is also available as a guide to the "Salaula Experience".

A Brief History of the Police State in Zambia

The fact remains, however, that "To Serve and Protect" the general public has never been the role of police forces. Worldwide, ruling classes have instead used police to protect themselves and their property and oppress poor and working people who get uppity ever since police forces were invented.

"Before the nineteenth century, there were no police forces that we would recognize as such anywhere in the world," according to American history professor Sam Mitrani. "In the Northern United States, there was a system of elected constables and sheriffs, much more responsible to the population in a very direct way than the police are today. In the South, the closest thing to a police force was the slave patrols. Then, as Northern cities grew and filled with mostly immigrant wage workers who were physically and socially separated from the ruling class, the wealthy elite who ran the various municipal governments hired hundreds and then thousands of armed men to impose order on the new working class neighborhoods." As Industrialisation gathered pace in the US and Europe, the new working classes clashed with their bosses in riots and strike actions, according to Prof Mitrani:

"In the aftermath of these movements, the police increasingly presented

themselves as a thin blue line protecting civilization, by which they meant bourgeois civilization, from the disorder of the working class. This ideology of order that developed in the late nineteenth century echoes down to today except that today, poor black and Latino people are the main threat, rather than immigrant workers... There was a never a time when the big city police neutrally enforced "the law," or came anywhere close to that ideal (for that matter, the law itself has never been neutral)."

In Africa, police forces were introduced by European colonial authorities. The British South Africa Police was the first constabulary in the region, founded by Cecil Rhodes' British South Africa Company in 1889 as a paramilitary force. The line between police and military duties was blurred from the beginning, as these early forces were crucial to the suppression of local discontent, for example during the Matebele Wars.

Here in Zambia, the North-Eastern Rhodesia Constabulary was formed in 1903, and tasked with guarding government property, escorting caravans, liaising with local chiefs, as well as arresting and guarding native prisoners. This force was about 200-strong and included unarmed natives constables who could make arrests on warrant or if an offence was committed in their presence.

Within a few decades, however, opposition to colonialism had grown and so too had the suppression of dissent by the colonial government and police. In 1960, a series of discussions with future president Kenneth Kaunda were published under the title "Black Government?" These musing of Kaunda contained the following insights:

"The demands and aspirations of the majority frighten the minority groups in power, and they react by employing various methods in order to safeguard their privileged positions. They will employ all sorts of methods to keep that power in their hands. As a result police states are created, men lose sight of the most important values and are guided by fear, suspicion and hatred... [A] police state is where the following conditions apply: 1) Overruling or short-circuiting of the Legislature or Judiciary, 2) Imposition of arbitrary laws by force, 3) Denial of the right of opposition to oppose, and 4) Drastic curtailment of freedom of expression both written and spoken."

Post-independence, most African countries continued to employ colonial police tactics including laws such as the Public Order Act and Emergency powers here in Zambia rather than rewrite laws based on the inalienable rights of citizens. After all, what better way for the newly-christened African

ruling classes to control their populations than by using the old masters' techniques? So it was that Kaunda went from bemoaning colonial police states in 1960 to creating his own in the decade after Independence.

In his brilliant and penetrating memoirs, Valentine Musakanya demonstrated this fact persuasively:

"In many African states it is fascism [acting] against the majority blacks by the minority ruling elite... As Kaunda himself points out, "The violence of the top-dog (rulers) is often subtle and invisible. It spans a range which takes in international economic pressures, control of the media, manipulation of the education system and psychological conditioning, as well as the more visible strong-arm methods. These are weapons well developed and practiced by Kaunda himself." While it is up for debate whether or not we are approaching a police state in Zambia today, there is no doubt that under Kaunda there existed severe authoritarian rule enforced by the police.

Throughout his 27 years in power, Kaunda repeatedly took advantage of the "Preservation of Public Security Regulations" and the State of Emergency declared in 1964 against the "insurrection" of Alice Lenshina and the Lumpa church to mercilessly terrorise and detain his political enemies and

distract the Zambian people from his economic failures.

"Detention laws are only found in primitive political systems, that is where the minority or an unpopular government is suppressing the majority in order to remain in power," wrote Musakanya while himself incarcerated under such detention powers.

Thankfully we no longer have Emergency powers in effect, nor arbitrary detention laws in this country. We also now have the civil society organizations such as the Human Rights Commission, not to mention that Internet and social media, which have proven to be highly effective in promoting freedom of expression and the free exchange of ideas and opinions as provided for by our innate human rights.

Clearly there is always room for improvement. Some 26 years after the return of democracy in Zambia and well into the globalized world of the 21st century colonial-era laws such as the Public Order Act still prevent Zambians from exercising their rights to freedom of assembly.

It's time we take steps to strengthen our democracy by overturning outdated colonial laws such as the POA, and crafting our own based on universal human rights and the social welfare of all Zambians. To do anything less runs the risk of sliding backward into authoritarianism.



HH supporters outside the magistrate's – Picture by Tension Mkhala

Hakainde Hichilema trial verbatim

From page 9

Witness 3: It is not opposite to what I said, I didn't say... I used the word "pursued". I didn't say I went into the house
 Defence: You are a liar
 Magistrate: Now I will take action. You have deliberately told lies in court. Let me be fair to you, what do you mean?
 Here we follow the law and nothing else. The legal counsels on both sides know their duties in court. They know that when a witness misleads the court, it is an offense. (Cites the law). A background has been set and I have been guiding. So I will allow you to say exactly what your response is and then I will make a response
 State: Before you continue we take great exception to the defense calling our witness a liar
 Defence: I can justify my claim but the court has guided
 Magistrate: It's not worth lying in court. And what I do in this court has to be legal. I am going to follow the due process of what happens when a witness wantonly misleads the court. If it is not your own report, I would have given it a benefit of doubt...then you want to argue with me? No! Repeat what you said.
 Witness 3: It was in an operation. But it is me who pursued him and in an operation there are a lot of police officers involved so at the premises or at his house I was not there.
 Magistrate: So this is the whole submission?
 Witness 3: Yes your honor
 Magistrate: Any more questions from the defense?
 Defence: In your report you said you pursued him to his residence not so?
 Witness 3: I didn't say that. I didn't go to his house
 Defence: Where did the pursuit start from?
 Witness 3: Immediately I was given the assignment
 Defence: Was it a hot pursuit? Was he driving?
 Witness 3: I didn't even see him
 Defence: So this report is not the correct version of your involvement at Mr Hichilemas house?
 Witness 3: Which date? There are two dates there
 Defence: On the 10th, the day the house was stormed
 Witness 3: I was not at his house.
 Defence: What do you want the court to believe? Your report or what you are saying?
 Witness 3: I used the word I pursued; I didn't say I went to his residence.
 Defence: In paragraph 6, you stated that you apprehended four

other individuals, where did you apprehend them?
 Witness 3: During the operation
 Defence: Where?
 Witness 3: I am sure they were apprehended during the operation
 Defence: But you are the arresting officer?
 Witness 3: Yes
 Defence: Are you the one who apprehended them?
 Witness 3: No, I wasn't there.
 Magistrate: I need a copy of that report because of the decision I am about to make (Witnesses 3 looking scared)
 Defence: In your pursuit of Mr HH, were you with Mr Chime ?
 Witness 3: What time?
 Defence: You are not here to ask questions
 Witness 3: I was not with him
 Defence: What about Mr Hamweene ?
 Witness 3: I was not with him
 Defence: Okay who were you with?
 Witness 3: I can only tell you the name of the in charge Mr Chirwa
 Defence: What's his rank?
 Witness 3: Assistant Commissioner of Police
 State: The state is uncomfortable that the court wants that report. It is not before this court as evidence. So we don't know how the court wants it.
 Magistrate: The court has the authority to get any document that is relevant to a decision which is to be made. A serious allegation has been made and to make an informed decision, I need it. There are very relevant authorities.
 State: Obligated but during reexamination, we will wish to let him clarify.
 Magistrate: Yes, that opportunity will come. I am a fair court and I will allow you to be heard
 Defence: We have cause to suspect that the witness is carrying a firearm. Can we inspect him?
 Magistrate: He has not shown cause that he will attack anybody. He cannot be searched.
 Witness 3: I'm not comfortable because the defense counsel has continued accusing me. Let me be searched.
 Magistrate: Let me guide you, when issues are given in court and a ruling is passed, then it moves on. I have already addressed this matter. If you are not comfortable why are you a witness?
 Mwiimbu: I seek your indulgence that we stand down and then we proceed to your chambers
 Magistrate: Let me put that on record
 State: We concur with the defense that we proceed to chambers. That is our position as well.

Magistrate: We will go to chambers with the defense and prosecution counsel and the matter is stood down for 15 minutes. We were so eager to make progress in this case but these are issues which need to be addressed and these are issues which delay matters (Court proceeds to chambers)

WITNESS APOLOGISES FOR LYING

After 30 mins, magistrate returns to court
 State: Before we continue, our witness would like to address the court.
 Witness 3: In the first statement which I gave, I said I pursued Mr Hichilema to his residence at house number 10747, I was at the premises on the 10th of April past 22:00 hours though I didn't enter. Then I pulled out and went back. And. Came back the following day on the 11th around 09:00 hours. As such your honor I seek for apology. It was not my intention Your Honor to mislead the court. You know Your Honor I have been standing for a long period of time, therefore I seek for apology Your Honour, I rest my apology.
 State: That is the position as stated by our witness.
 Defence lawyer Mwiimbu: Your Honor we have taken note that the witness has apologized for having misled the court pertaining to the happenings of 10th April and the apology is now part of the record and we accept it Your Honour.
 Defence (Phiri): You were at HH's house with a mission to apprehend him not so?
 Witness 3: Yes
 Defence: Who were you with?
 Witness 3: Several others
 Defence: Would you care to name them?
 Witness 3: That's why I had given the name of Mr Chirwa
 Defence: You are aware that the house was stormed not so?
 Witness 3: I am not aware
 Defence: You have said you were at the residence not so?
 Witness 3: Yes
 Defence: But you want this court to believe you are not aware that police stormed the house?
 Witness: Maybe you can rephrase the word stormed
 Defence: Okay are you aware [that] hundreds of officers went into the house?
 Witness: I'm not aware
 Defence: You have said you were at the residence not so?
 Witness 3: Yes
 Defence: But you want this court to believe you are not aware that police stormed the house?
 Witness: Maybe you can rephrase

the word stormed
 Defence: Okay are you aware [that] hundreds of officers went into the house?
 Witness: I'm not aware
 Defence: Your report says you were at the house for four hours
 Witness 3: Myself Your Honour? No
 Defence: I don't want us to go where we are coming from. I will navigate it this way. Where were you?
 Witness 3: Outside the gate
 Defence: How long were you there?
 Witness 3: Myself, I was there for a few minutes.
 Defence: Specify
 Witness 3: Myself I was there for about 30 or 45 mins
 Defence: Why did you leave
 Witness 3: I had other assignments
 Defence: Where were those other assignments which were so important?
 Witness 3: They were not supposed to be executed at the residence of Mr Hakainde Hichilema that's why I left
 Defence: Was it on the same night that you apprehended the other four accused?
 Witness 3: Yes your honor
 Defence: Outside the gate of Mr Hakainde Hichilema?
 Witness 3: It is not me who apprehended them. Me I charged them.
 Defence: And I'm sure Mr Chirwa also left?
 Witness 3: I'm not sure because he was the head of the operation
 Defence: Which operation?
 Witness 3: The operation of arresting Mr Hichilema
 Defence: You were with him?
 Witness 3: For those few minutes only
 Defence: Were there other people apart from police officers?
 Witness 3: Yes
 Defence: You know Garry Nkombo?
 Witness 3: I know him
 Defence: Hon Sylvia Masebo?
 Witness 3: I know her
 Defence: Did you see these two persons there?
 Witness 3: No
 Defence: Did you see tear smoke?
 Witness 3: No, I never saw tear smoke
 Defence: You never saw damage being done to the house of the accused person?
 Witness 3: I never saw, it's not to my knowledge
 Defence: You said you came back in the morning right?
 Witness 3: Yes
 Defence: You said it was because you received intelligence information that a group of people wanted to cause confusion

during the operation. Which operation?
 Witness 3: The operation of arresting Mr HH
 Defence: When you reached, you found that there was no disturbance not so?
 Witness 3: There was no disturbance
 Defence: And you didn't find the group which was there to disturb?
 Witness 3: No, there was no group
 Defence: So it was calm
 Witness 3: Correct your honor
 Defence: Having found that calm situation, you decided not to leave the premises not so?
 Witness 3: Your Honour, we left the premises
 Defence: You arrived at 9hours right? You left at 9?
 Witness 3: No, until around 11 when we arrested him
 Defence: Why did you stay? You said you were not the one leading the night operation not so?
 Witness 3: Yes
 Defence: There was someone else leading the night operation not so?
 Witness 3: The operation was by Mr Chirwa
 Defence: So having found it calm, there was no reason for you to stay not so?
 Witness 3: There was a reason
 Defence: When you arrived in the morning, was the gate still standing?
 Witness: It was still firm, it was standing.
 Defence: You said you were there to apprehend him not so?
 Witness 3: Yes, in the evening
 Defence: Despite someone else leading the operation?
 Witness 3: Yes, it is normal in our system
 Defence: Have you had any interaction with him (pointing at HH)?
 Witness 3: No
 Defence: So there's no reason why he should insult you not so?
 Witness: (Silence)
 Defence: No further questions

DEFENCE LAWYER NATHANIEL MUNAMBAO TAKES OVER CROSS-EXAMINATION

Defence: Confirm you were in Mongu until the end of the Kuomboka ceremony
 Witness 3: Yes I was there
 Defence: When did you leave?
 Witness 3: In the night, I can't tell the exact time.
 Defence: What time did you arrive in Lusaka?
 Witness 3: By 05 I was in Lusaka
 Defence: What time did you report for work?
 Witness 3: 07 hours
 Defence: You said you were assigned a docket of the current cases. Who opened it?
 Witness 3: It was opened at service headquarters
 Defence: Who opened? Assign a name
 Witness 3: I don't know, I only know the one who assigned me. In fact it was an inquiry file
 Defence: You want the record to change?
 Witness 3: Those words are used interchangeably.
 Defence: Who was the complainant?
 Witness 3: The state
 Defence: So you recorded a statement from the state?
 Witness 3: From police officers
 Magistrate: Are you giving me an impression that the complainant was you the police officers?
 Witness: The state Your Honour
 Defence: So have you recorded any witness statements?
 Witness 3: From the time I took up the case, I have never recorded any statements from members of the public
 Defence: Do you have reports recorded from independent people?
 Witness 3: Yes, from some private media. I can't remember.
 Defence: Which media institution?
 Witness 3: Prime TV Your Honour
 Defence: Any other?
 Witness 3: I take it that you are still going back to the other case...from ZNBC also

Defence: Who at ZNBC?
 Witness 3: [I] can't remember
 Defence: On the 11th, how close were you with Mr Musamba Chime?
 Witness 3: I was in the car and he was also in the car, we were five meters apart
 Defence: When HH came out of the car you came out of the house you went into the yard?
 Witness 3: Yes
 Defence: And he was very close?
 Witness 3: Yes, about 2 meters apart
 Defence: So what he heard you heard? What insults did you hear?
 Witness 3: You idiots, mother fuckers and assholes
 Defence: If Mr Chime came and said he heard "take out these dogs" would he be saying the truth?
 Witness 3: It's almost the same
 Magistrate: What's the answer?
 Witness 3: I heard your honor.
 Defence: Why didn't you tell the court at first?
 Witness 3: I can't say exactly what Mr Chime said but the insults are the same
 (No further questions)

Defence lawyer Laston Mwanabo takes over cross-examination

Defence: What were you carrying ?
 Witness 3: A note book only
 Defence: So you didn't carry a pen?
 Witness 3: From the answer, I mentioned only a note book.
 Defence: And in this court you have not produced any accurate record of the words which the accused is accused of saying?
 Witness 3: The records which I recorded during the same operation? I haven't produced your honor.
 Defence: It is also correct from your evidence that in fact there was no request made to you for reinforcement by the officers who were there?
 Witness 3: Your Honor it was upon receiving that intelligence information
 Defence: I mean a request
 Witness 3: No, they didn't make a request
 Defence: And from your evidence, there was no handover so that you could be the one to arrest?
 Witness 3: No
 Defence: You just imposed yourself?
 Witness 3: I didn't impose, I was the one investigating
 Defence: So you usurped the powers of those who were there?
 Witness 3: An operation is very big. Everyone who was there had a role to play
 Defence: When you started off after the so called intelligence information, you went there to assess not so? To confirm the information
 Witness 3: Yes
 Defence: Therefore, when you left, your mission personally was not to arrest not so?
 Witness 3: Even intelligence info was part of the operation. It was a continued operation
 Defence: Answer. For your information, you are not the first witness, we want to compare what you say and what others have said
 Witness: Yes Your Honour (Defense rests)

STATE CONDUCTS RE-EXAMINATION

State: What was the purpose of you remaining at the premises after finding the situation was calm?
 Witness 3: The purpose was to arrest Mr Hakainde Hichilema
 State: They also asked whether you investigated or not, what is your explanation?
 Witness 3: I said I investigated by interviewing the accused person
 State: You were asked if you recorded statements from other members of the public, you only recorded from TV, explain.
 Defence: Objects as the issues were not raised during cross-examination
 End of re-examination. **to P12**

Hakainde Hichilema trial verbatim



Hakainde Hichilema at court - Picture by Tenson Mkhala

Court summons fourth witness
Witness 4: (Police officer Aubrey Hamweene, 40, Inspector) On 11th April 2017, I reported on duty. Whilst on duty at about 09:30 hours, Mr Mbita my supervisor received intelligence information that at plot number 10747 off leopards Hill (Court advises him to speak for himself)

Witness 4: I accompanied Mr Mbita to plot number 10747 off leopards hill in the company of detective chief inspector the name is gone, I will try to remember, but I accompanied Mr Musamba Chime. We

were four. We proceeded to the said plot number where it was alleged that there were people who wanted to cause some trouble. At the said place, there were other officers who had gone for duties. When we got there, we entered into the yard and we found some other officers from other combatants who were already there. We also found some family members and some lawyers who were already there.

When we arrived, we waited for some time so that we could talk to the family members.

In the process I saw Mr

Hakainde And his family members coming out of his house towards us.

When he reached where we were, he asked who was the commander. Before anyone could respond, the following words were uttered as he charged at us "you dogs, get out of my yard, mother fucker, asshole, idiot"

When I heard these words, I was injured such that I wanted to charge at Mr Hichilema with the purpose of beating him (Laughter in court)

State: So what did you do?

Witness 4: I restrained myself

and later on, Mr Hichilema was persuaded by his lawyers to accompany us to Woodlands police station.

State: what other role did you play?

Witness 4: The only role I played was escorting Mr Hichilema and others to the police station

State: Who else did you recognize?

Witness 4: Keith Mweemba, Muleza, Mushipe (Witness identifies HH)

Court then calls for a 20 min break and reminded the state to find the police officer in charge of security at court.

After break, the State identifies Assistant Police Commissioner Bothwell Namuswa as being in charge of court security and bring him before court.

Magistrate: There have been concerns that members of the bench, in particular counsel from both defense and prosecution have not been able to access the court room owing to the strict instructions given to the officers. It has also been reported that some witnesses have not been able to access the premises. Owing to this, I direct that you tell your officers to relax their screening process. Their conduct has not only affected proceedings in this matter but other matters as well. The spiral effect is congestion at Kamwala Remand Prison. Is it clear?

Namuswa: It is clear. We will implement as directed

(Cross-examination against Witness 4 begins)

Defence lawyer: Marshall Muchende leads

Defence: Witness can you stand up. You didn't seek the courts permission to sit. This is not a police camp. Confirm telling the court that what you heard was "you dogs, get out of my yard".

Witness 4: Asks him to repeat.

Defence (Repeated the question)

Witness 4: Yes Your Honour

Defence: And where was this event taking place?

Witness 4: At Mr Hakainde Hichilemas residence

Defence: Is this property secured in a fence?

Witness 4: Yes

Defence: You told the court that you and your colleagues entered isn't it?

Witness 4: Yes

Defence: Can you describe the distance from the gate to the house?

Witness 4: I'm not an expert, I can't describe. I don't know

Defence: Can you confirm that you went to almost the door of his house?

Witness 4: Yes, we were at his house Your Honour

Defence: I want to confirm that you were almost at the door

Witness 4: No your honor

Defence: But you were close to the main house? You were working right?

Witness 4: Yes

Defence: This property that you entered, did you have a warrant?

Witness 4: I didn't have a warrant your honor

Defence: Did it appear to you that the premises you entered were a public or private place?

Witness 4: Private, it's a residential place.

Defence: Look at the last part of the indictment . Read the last words

Witness 4: (Reads indictment) "likely to cause the breach of public peace"

Defence: I have no further use of this witness

Defence lawyer Keith Mweemba takes over cross-examination

Defence: Witness good afternoon

Witness 4: Good afternoon

Defence: If a witness came to this court came and said on that material day you didn't enter but you were outside the gate that person would be lying right?

Witness 4: I don't know

Defence: I have given you a scenario

Witness 4: I don't know

Defence: You are literate aren't you?

Witness 4: I am

(Defence shows witness 4 the indictment)

Defence: Confirm to the court that the charge sheet does not contain any words in quotation marks

Witness 4: They are not there

Defence: Confirm the words are written in direct speech

Witness 4: I don't know

Defence: Confirm those words

you said "get out of my yard" do not appear

Witness 4: I don't know

Defence: Read

Witness 4: They are not here

Your Honour

Defence: The words get out of my yard and remove these dogs are not the same are they?

Witness 4: Not the same Your Honour

Defence: And out of all the witnesses, you are the only one who said one of the lawyers was Mr Keith Mweemba. That's not a fact is it?

Witness 4: I am on oath it's a fact

Defence: Have you produced evidence

Witness 4: No

Defence: Who was in charge?

Witness 4: Mr Musamba Chime

Defence: Mr Musamba Chime stood there and said he wasn't in charge, who is lying?

Witness 4: I can't speak for him.

I maintain he was in charge

Defence: How many vehicles were you using?

Witness: One vehicle

Defence: Another inconsistency but we will leave it for submissions. So when circumstances allow you to beat up people? Are you allowed by the law?

Witness 4: No Your Honour

Defence: You have no evidence apart from your oral submission that the accused uttered the words alleged in the indictment?

Witness 4: I don't have Your Honour

Defence: And in this court, you have no documentary evidence to exclude the danger of false implication?

Witness 4: Yes with an explanation your honor

Defence: Have you produced evidence

Witness: No Your Honour

Defence: It's because it doesn't exist does it?

Witness 4: I don't know if it exists or it doesn't.

Defence: But you agree with me you haven't told this court your duties have you

Witness 4: No I haven't

Defence: And you haven't said anything about lodging a complaint am I right?

Witness 4: Yes

Defence: And you haven't said anything about writing a report have you?

Witness 4: No, with an explanation

Defence: I'm not interested in the explanation. You also agree that you did not mention among the lawyers, Martha Mushipe

Witness 4: I did Your Honour

Defence: You didn't mention Jack Mwiimbu did you?

Witness 4: No I didn't

Defence: We are very grateful. I have no further questions for this witness

State: (through state advocate Sakala) we have nothing in re-examination and this marks the close of the prosecution case.

Defence through Jack Mwiimbu: As defense we are ready to make submissions now.

Magistrate: Prosecution do you wish to make submissions?

State: We intend to make written submissions

Magistrate: I note that both counsel have said they need to make submissions. Though at different times. The defense are ready to make Viva Voce submissions but the defence says they want to make written submissions so that will be at a later date. I know you have a right to submit however, taking into account that the court is not bound by these submissions, I will proceed to decide at this stage. This principle was established in the case of Ng'uni ... (quotes citation) I will adjourn for 10 minutes for a ruling [on case to answer] (HH's sympathisers start clapping in court but defense lawyers begs them to stop)



Chilanga MP Keith Mukata (c) with some of the plain clothed police officers who escorted him at Lusaka Magistrates' Court -Picture by Tenson Mkhala

Mukata arrested for murder

By Diggers Reporter

Police Spokesperson Esther Mwaata-Katongo has confirmed the arrest of opposition UPND Chilanga member of parliament Keith Mukata for allegedly shooting a security officer.

In a statement Katongo said Mukata has been detained together with his wife Charmine Musonda.

"We received a report of murder which occurred today the 6th May 2017 at around 00:40 hours at house number 4 Alex Masala close in Rhodes Park in which male Namakau Kalila Kwenda aged 63 years old of Ngombe, a security guard employed by Men in Black security company and deployed at house number 4 Alex Masala close in Rhodes Park which

is the office of AKM Legal Practitioners, the law firm of Keith Akekelwa Mukata has been shot dead," Katongo explained. "Facts are that around 00:40 hours, patrons at Spice Restaurant which is next to AKM Legal Practitioners heard some gun shots from the premises of AKM Legal Practitioners and when they went out they shortly heard Honourable Keith Mukata shouting for help that someone has been shot and that the assailants had run away."

She said people who went to scene became suspicious and called the police. "Officers rushed to the scene where they found the deceased lying in the corner of the yard just next to the gate. The premises was searched and one empty

cartridge was picked from the scene and one pistol with 6 rounds of ammunitions. One was in the chamber while five were in the magazine which was found in a basket in the boot of a motor vehicle BMW registration number BCA 7262 Charcoal Grey in colour," said Katongo. "The pistol and empty cartridge have been picked for forensic examination and the body of the deceased has been taken to UTH Mortuary awaiting postmortem. Hon. Keith Akekelwa Mukata aged 45 years old of Kasupe in Lusaka West who is area member of parliament for Chilanga Constituency and his wife female Charmine Musonda Mukata aged 37 years old have been detained in custody for Murder."

By Joseph Mwenda

Whoever is circulating this audio mocking HH in prison is a genius because it's difficult to disagree with his speculation. Just in case you missed what some creative human being had to say about HH's stay in prison, listen to the audio on www.diggers.news.

True though. If I were a prisoner, I would also prefer to have GBM as my cellmate, not HH with his penguin hands. But I only have one question: what happened to showing compassion for the aggrieved? I know HH acted foolishly trying to overthrow my President using his driving licence, and you can't exactly blame him for that because, let's face it, Aisha is only as smart as he dresses. I mean, if HH was wise, he would have listened to what Rev Pukuta Mwanza said that President Edgar Lungu was appointed by God.

Indeed, like every wise man from the East, Rev Pukuta Mwanza is right because sometimes God gives us stupid leaders so that death doesn't come at such a disappointment. But my question remains: do we have the right to mock the incarcerated?

For example, how cruel does someone have to be to mock Mr Kiss Mukata and his girlfriend aka his wife, over the murder of a security guard?

No doubt. This case is the

Diggers Lite: Carnal Knowledge

most confusing threesome, which not even the greatest telenovela writers have ever pictured. Because we hear that the man had knowledge that his woman was having carnal knowledge elsewhere without his knowledge, then the security guard was stopping him from demanding carnal knowledge using a gun, and now no one has knowledge about how the poor man died. Really confusing isn't it? But we surely don't have the right to mock the incarcerated. That's why if we had a sober police force, I would have asked the Inspector General to find this sadist, cold-blooded and heartless citizen who is mocking HH so that he can be brought to book. But the police are either too drunk to work or they are busy shooting bus drivers, and the IG doesn't even rely on them anymore.

Kakoma KANGANJA: "The Zambia Police Service is offering a K100,000 reward to any person or persons with information that would lead to the arrest of a fugitive Fanwell Siandenge, who is on a wanted list for the offence of aggravated robbery."

Really Mr IG? You want civilians to help you capture a former Commissioner of



Police? What are you paid for? Recording State House phone calls?

And while we are still talking about the men and women in uniform, I think Police need to

drop this "woman" disclaimer in their ranks. It worked when police officers were so ugly because you wouldn't distinguish a man from a woman.

That time, it was proper for an officer on parade to shout, "I am constable Zunga Siakalima Sir!" And if the next officer didn't say, "I am WOMAN sergeant Libongani", you wouldn't know if they belonged to the "he" or "she" pronoun.

But today, times have changed in the police force. When you look at a female cop, you wish she doesn't stop at impounding your car only... you know what I mean?

But maybe there are still some officers who need to introduce themselves as "WOMAN Superintendent Mwaata-Katongo", I am really not sure. Cheerio!

Listen to audio on www.diggers.news

All MISA award winners

By Diggers Reporter

The Media Institute in Southern Africa has awarded News Diggers! as the best online publication in Zambia.

News Diggers editor Mukosha Funga received the award of behalf of the two-months-old news publication.

"We owe this award to all of you the 33,000 readers so far who have liked our page. We value each comment you post on our stories and of course we are grateful for the constructive criticism your throw at us. News Diggers is not only about investigative reporting but professionalism and objective reporting. This award is proof that we are on course to claiming our space on the media landscape in Zambia," said Funga.

Others winners under the special recognition Awards are as follows: Most interactive community radio: Yatsani Radio

Best interviewer: Grevazio Zulu
Best political analyst: Alex N'goma
Best economics analyst: Glian Lwando

Best cartoonist: Choklet (The Mast)

Best columnist: Stanislas Ngosa (Times of Zambia)

Media freedom award: Joan Chirwa (The Post).

Best features writer: Tiyese Njovu (Daily Nation)

Best coverage: Muvi TV

Best TV presenter: Jona Dingindaba Muyoya (Diamond TV)

Best online publication: News Diggers

Best social media opinion leader: Laura Miti

Best Radio presenter: Phadi Mkando (Radio Phoenix)

Best labour relations award

Print: Charity Moonga Times of Zambia

Tv: Mwape Kumwenda Muvi TV

Best child labour reporting award

Print Annie Zulu

Tv Mwape Kumwenda

BEST Social protection award

Joseph Phiri ZNBC

Best anti corruption reporting

Print Sylvester Mwale

Radio Patrick Soko 5 FM

TV Katwishi Bwalya ZNBC

BEST insurance reporting award

Radio: Mwaka Nyimbili (Hot FM)

No entries in print and TV

Economy reporting

Print: Charles Mafa (Bulletin & Record - News Diggers)

Radio: Logic Lukwanda (Hot fm)

TV: Macpherson Mukuka (ZNBC)

Print: Charity Moonga (Times)

Radio: Christopher kachisi Kabangabanga

Business reporting

TV: Mabvuto Phiri (muvi tv)

ZABS standardisation award

Print Stanslous Ngosa (Times)

TV: Penipher Nyirenda ZNBC

No entries form radio

Airtel Telecommunications Awards:

Nancy Siame (Daily Mail)

Radio: Mwaka Nyimbiri (Hot FM)

TV: Masauso Mukwayaya (ZNBC)

Best Energy reporting:

Print: Clever Mutinta (Daily Nation)

TV: Alexander Musokotwane (Muvi TV)

Agriculture reporting

Nkombo Kachemba print Daily Mail

Radio: Aurthr Sikopo Zambezi FM

TV: Brian Mwale

Health Misa award

Gethsemane Mwizali Provident journal

Radio Pamela Singala Chikuni Radio

Dainess Nyirenda Muvi Tv

Environment award

Print: Violet Mengo (Daily Mail)

Radio: Albert Mwinga (Byte FM)

TV: Penipher Nyirenda (ZNBC)

Habitat for Humanity:

Print: Dorothy Chisi (Times)

Radio: Richard Phiri (Hot FM)

TV: Tim Zulu (Muvi TV)

Radio documentary:

Mable Phiri (Radio Explorer)

Second prize: Vivian Mwale

Radio indepth reporting

Mable Phiri (Radio Explorer)

Sexual reproductive health

Charity Moonga (Times)

Thazi Chilinda (ZNBC)

Macpherson Mukuka

Water and Sanitation:

Print: Nkombo Kachemba (Daily Mail)

Radio: Memory Musamba (Christian Voice)

TV: Geoffrey Zyambo (QTV)

Land management:

Print: Bennie Mundando (Daily Nation)

Radio Patrick Soko (5fm)

TV: Tim Zulu (Muvi TV)

Hospitality & Tourism

Margaret Simulela (Daily Mail)

Bibian Mwale (Christian voice)

Tom Njovu (ZNBC)

Gender

TV: Justine Kabwisha (ZNBC)

Mwila Nsofu (ZNBC)

HVI/AIDS reporting

Print: Annie Zulu (Daily Nation)

Sikuka Situmbeko (Liseli)

Cheswa Kapasa (Muvi TV)

Photojournalism

Stanislas Ngosa (Times)

Sports:

Christine Mwaba (Times)

Etambuyo Katota (ZNBC)

Victoria Kalima (Hone Fm)

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K1	7	limitless	5	K2	7	limitless	5	K2	7	100	20
K1.5	12	limitless	20	K3	12	limitless	20	K3	11	100	30
K3	22	limitless	30	K6	22	limitless	30	K5	18	100	40
K5	36	limitless	40	K10	36	limitless	40	K7	25	100	100
K7	100	limitless	100	K14	100	limitless	100				

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CENTRE FOR TRADE POLICY & DEVELOPMENT

Do you want to be the Head of CTPD?

Apply for the Executive Director Position now! Deadline is 22th May 2017.

Job Vacancy: Executive Director:

The Executive Director manages a busy small team, ensuring high quality research outputs and good communication of key messages to target audiences in government institutions, NGOs, Private Sector, Multilateral Institutions and Multinational Companies. The work involves planning, fund-raising as well as report writing and editing. The Executive Director represents CTPD at high level meetings with decision-makers, and facilitates meetings of key stakeholders to agree on joint positions and actions. This is a challenging position, which requires the ability to provide direction across a broad set of actors seeking to achieve change in International and domestic tax policies that affect poor people across the world.

About CTPD:

The Centre for Trade Policy and Development (CTPD) is a Lusaka based not-for-profit, membership-based policy and development think tank. The organization was established in 1999 and existed as the Civil Society Trade Network of Zambia (CSTNZ), until 2009 when it was re-branded as the Centre for Trade Policy and Development (CTPD). The mandate of CTPD is to influence Tax and Trade policy reforms at national, regional and International levels as well as facilitate participation of the various stakeholders, including member organizations, in ensuring that these policies work to reduce poverty.

CTPD provides analytical research, capacity building and facilitation services in tax and investment sectors to civil society, the local private sector, small-scale producer groups and government. CTPD equally serves as an advocate for the use of trade and investment policy as an instrument of poverty eradication and economic development. CTPD is comprised of member NGOs involved in Economic governance, agricultural development, consumer protection, media and trade development.

Job Summary:

The successful candidate should have experience in managing a team, undertaking planning, budget management, fund-raising and reporting. He/She should have demonstrated the capability to work collaboratively on research and advocacy with diverse organizations while exerting leadership to achieve political change. He/She should be an excellent written and spoken communicator in English, and have a good working knowledge of at least one other major Zambian language. He/She should have a strong strategic vision of the role of civil society in development finance, and commitment to the Human Rights Based Approach and CTPD values. The position requires frequent travel, sometimes over the weekends.

Key Duties & Responsibilities:

- Provide strong strategic leadership to CTPD, promoting a management culture that is supportive, empowering and collaborative.
- Lead, manage and motivate the CTPD secretariat, ensuring that they have clear objectives and receive meaningful feedback on their performance.
- Recruit and Orient new staff as necessary.
- Lead planning to ensure that CTPD is acknowledged as a leader in the Tax Justice and Trade Justice Movement and policy circles.
- Build in-country, regional and International networks, identify and influencing key stakeholders with the view to strengthening the Tax Justice, Trade Policy and Development programmes of CTPD.
- Represent CTPD and maintain strong external relationships within the local and international economic and development sector including government, key INGOs / NGOs, donor partners, media and research institutions and think tanks.
- Develop CTPD's strategic thinking on its Tax Justice Programmes, policy, advocacy and learning.
- Contribute to the development of the Zambia Tax Platform (ZTP)

agenda by identifying key sector issues on which ZTP and its member organisations should focus their tax advocacy efforts.

- Ensure that CTPD & ZTP build capacity and develops the range and depth of skills of partner organizations through an effective sustainability plan.
- Monitor the implementation of CTPD's strategy, and ensure that strategic and operational objectives are achieved effectively.
- Ensure adequate financial controls are implemented and monitored in compliance with CTPD's policies.
- Produce and manage Multi-year Plans and Budgets and ensure these are effectively implemented.
- Monitor the implementation of CTPD's Internal policies and procedures (including Human Resources, Finance and Administration, workplace policies)
- Comment on and contribute to the production of information and materials on CTPD's activities for use both within and outside the organisation.
- Ensure that high quality reports are produced as per set deadlines.
- Contribute effectively as an active member of the various multi-stakeholder processes and platforms that CTPD is involved in (e.g. Sector Advisory Groups, Steering Committees, and Working Groups etc.)\
- Demonstrate high levels of commitment to CTPD in order to ensure the objectives of the role and the Organization country Programme are met

Qualifications, Skills & Experience:

- An undergraduate degree or professional qualification in a relevant subject. Post graduate qualification in a related subject, will be an added advantage.
- Proven experience of heading a Research and Advocacy organization
- Strategic leadership and management of a multi-disciplinary team of professionals, preferably in Development Finance, Economic Governance or Trade Policy.
- Experience of developing key strategic and operational partnerships with national, regional and international level NGOs for Programme, policy and advocacy interventions.
- Experience of raising funds from international agencies, (bilateral/multilateral), managing budgets with diverse international donor base.
- Leading on engagement with governments, bilateral and multi-lateral agencies on policy influencing.
- Proven leadership skills and strategic management skills.
- Senior management experience in a development organization.
- Proven experience in managing organizational growth and change.
- A clear and sound understanding of international development (policy and Programme), especially in the Taxation and international Trade sectors.
- Ability to think clearly and analytically.
- Ability to develop long term strategic plans at an organisational level and further developing operational short and medium term plans.
- Ability to plan own work, setting priorities and completing it under pressure or when faced with competing demands.
- Ability to lead financial and budget management processes and ensure high level of accountability to internal and external stakeholders.
- Ability to communicate and make presentations clearly in English.
- A good understanding of current trends and processes in the international Finance regulations and international tax systems.
- Ability to use computers both for word-processing and spread sheet packages.
- Ability to develop innovative approaches to development problems.

Personal Competencies:

- A strong commitment to gender sensitive, inclusive and pro-poor development work.
- A commitment to CTPD's values and approach.
- Consultative and empowering management style and willingness to learn from others.
- Willingness to work within an organizational framework in the spirit of mutual trust and respect

How to Apply

Send your detailed and updated curriculum vitae to the Centre for Trade Policy and Development using the following address

The Human Resource Officer

Centre for Trade Policy and Development

P.O Box 50882

Or drop your application form at CTPD secretariat on Number 123, Kudu Road, Kabulonga. Lusaka, Zambia

Email: info@ctpd.org.zm

Letters must be clearly labelled as APPLICATION FOR THE POSITION OF EXECUTIVE DIRECTOR



Napsa breaks Zesco United record

By Digger Reporter
Zlatko Krmpotic's unbeaten run in all competition as Zesco United coach came to an end on Saturday when they were beaten away by

Napsa Stars at National Heroes Stadium in Lusaka. The Serb came into the match unbeaten in ten games since his appointment in February with seven wins and three

draws in all competition. However all that came to a screeching halt when Napsa nicked one for their own history books with a 1-0 victory over the league leaders.

That result saw Napsa end their winless run against Zesco dating back to 2012 when they returned to the FAZ Super Division for the first time since 2000. Leaders Zesco's loss also

saw them suffer their first league loss in 2017. Collins Sikombe's 14th minute goal handed Napsa the win that saw them rise to 9 points and within one point of Zesco.

Lumwana Radiants could reclaim top spot on Sunday should they beat or draw at home with Konkola Blades. Lumwana are tied on 10 points with zesco.

Meanwhile, newcomers Nakonde won their debut FAZ Super Division match on Saturday after downing 9-time champions 2-0 in Nakonde.

Danny Silavwe and ex-Nchanga Rangers striker Kabeya Mulume were on target in the 39th and 52nd minutes respectively.

Nakonde rise to 6 points and out of the bottom four while Wanderers stay last in 20th minute on zero points from 5 games played.

But Nakonde's colleagues Buildcon suffered their first league defeat when Nkwazi beat them 1-0 thanks t a 16th minute Jeff Lungu goal.

The result ended Buildcon four match unbeaten start in a team that only has two Zambian players in their ranks.

Elsewhere, Nkana's two-match revival was halted by Green Buffaloes who beat them 3-2. Brian Mwila, Adrian Chama and Happy Kaunda were on target in the 45th, 85th and 93rd minutes respectively.

Nkana struck through Walter Bwalya 76th minute free kick and Ronald Kampamba in the 88th minute.

Ngwenya gets CHAN invite

By Digger Reporter
Power Dynamos midfielder Godfrey Ngwenya has received a Zambia recall.

Ngwenya is one of 28 players who will go into camp this Sunday for a three-day training camp in Lusaka to prepare for Zambia's 2018 CHAN first round qualifiers coming up in July against Swaziland.

The ex-Kabwe Warriors and Airtel Rising Stars prodigy returns to the Zambia fold for the first time since 2012 when he was spotted by ex-Chipolopolo coach Herve Renard. Ngwenya has one cap he collected in Zambia's 2-1 home win over Zimbabwe in a friendly match played on August 8, 2012 at Levy Mwanawasa Stadium in Ndola. Ngwenya moved to Power this season and has already cemented his place in the Kitwe sides starting XI scoring one goal so far in four competitive games.

Taonga Bwembya (all Zanaco), Billy Mutale (Power Dynamos), Fackson Kapumbu, Simon Silwimba (both Zesco United), Isaac Shamujiumpa (Nchanga Rangers),Mumbi Mweene (Green Buffaloes)
MIDFIELDERS:Stanley Nshimbi (Red Arrows), Kondwani Mtonga , Mischeck Chaila, John Ching'andu (all Zesco United), Mwila Phiri (Green Eagles), Clatous Chama (Lusaka Dynamos), Richard Kasonde, Augustine Mulenga (both Zanaco), Fwayo Tembo, Godfrey Ngwenya (both Power Dynamos)
STRIKERS:Jonas Sakuwaha (Buildcon), Ignatius Lwipa (Nakambala Leopards), Ronald Kampamba (Nkana), Chitiya Mususu (Napsa Stars), Justin Shonga (Nkwazi), Dave Daka (Zesco United)

GOALKEEPERS:Jacob Banda (Zesco United), Racha Kola (Zanaco), Kelvin Malunga (Nkana), Allan Chibwe (Power Dynamos)

DEFENDERS: Ziyu Tembo, George Chilufya,

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DEFENDERS: Ziyu Tembo, George Chilufya,

Zambia rugby team wrecks havoc in Rwanda

By Digger Reporter
Zambia's hopes of promotion to the African Rugby Group 1

B are looking promising following an emphatic victory over Rwanda. Zambia beat Rwanda 92-3 in their final Group 1C South decider at Lusaka Rugby club on Saturday to finish with a 100 percent run in the week-long, three-team, round-robin event the winners hosted from April 23-28.

Rwanda's consolation points came from the spot through an Iradukunda Ombeni penalty in the final 40 minutes after Zambia had taken a 53-0 halftime lead.

Laston Mukosha successfully kicked one penalty and converted seven of Zambia's 15 tries on the day.

Philip Kamanga and Davy Chimbukulu scored a hat-trick of tries each while Brian Mbalwa placed one try.

Kabwe Musonda, Michelo Shelleni, Simon Nyangu and Oscar Bwalya all crossed the line to place two tries each.

Zambia finished on maximum 10 points after also collecting a bonus point in their opening game on April 23 when they demolished Mauritius 69-3.

Rwanda finished second on 4 points after they beat Mauritius 24-12 last Tuesday. Zambia now await the final outcome from the Group 1 C North conference where Nigeria,Cameroon and Algeria are battling for a Group1 B place.

The promoted side will be decided by the team with the best goal difference from the two conferences.

Chipolopolo 98th on latest FIFA rankings

From back page

Interestingly, Namibia are the highest ranked team at number 94 in the World tied with Guinea Bissau.

Zambia are at number 98 after falling one place on the May rankings. Mozambique, whom Zambia host in their opening Group qualifier on June 10, are at number 105.

And Zambia's 2018 FIFA World Cup Group B opponents Cameroon, Nigeria and Algeria are 33rd, 40th and 54th in the World respectively.

The next rankings will be released nine days before the home leg qualifier on June 1.

Meanwhile, Swaziland who face Zambia in the 2018 CAF African Nations Championship (CHAN) qualifiers in July are at number 88 in the World.

Swaziland have never qualified to the Africa Cup or the CHAN tournament. CHAN is the second tier AFCON tournament for home-based players.



CHIPOLOPOLO 98TH ON FIFA RANKING

By Diggers Reporter

Zambia are the third best team in their 2019 AFCON Group K qualifiers on the latest FIFA rankings released on Thursday.

Guinea Bissau, Mozambique and Namibia will battle Zambia for that lone qualifying top spot for the 2019 finals in Cameroon in Group K. *To page 15*



Zambia rugby wrecks havoc in Rwanda P15

MUVI TV's Beads and Lipsticks finale draws mixed feelings P13

Napsa breaks Zesco United record P15

