



President Lungu addresses his supporters at State House who went to demand for a commission of inquiry into the privatization of national assets during the MMD government - Picture by Salim Henry

Political parties didn't agree to replace voters register - HH

By Natasha Sakala

UPND leader Hakainde Hichilema has refuted remarks by the Electoral Commission of Zambia (ECZ) that political parties agreed to replace the current voters register.

And Green Party president Peter Sinkamba says that it is risky for the country to have ECZ commissioners who don't know their limits because they can cause acrimony.

But Patriots for Economic Progress (PeP) leader Sean Tembo says he doesn't understand his colleagues' issue with ECZ, arguing that 30 days is more than adequate for a new voters roll to be put in place.

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PROBE KCM SAGA

It's a matter of time before I constitute privatisation inquiry - Lungu

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DEMANDS TIZ

By Zondiwe Mbewe

TRANSPARENCY International Zambia (TIZ) has called on Minister of Mines Richard Musukwa to call for a forensic audit and investigation into allegations of financial impropriety

involving Konkola Copper Mines Provisional Liquidator Milingo Lungu.

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amounts to public infrastructure and other supply contracts only for these amounts to be lost through corruption.

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Bondholders reaction raises questions on 2021 budget - Magande

By Julia Malunga

FORMER finance minister Ng'andu Magande says bondholders' refusal to accept suspension of Eurobond interest debt repayment has put question marks in the 2021 budget.

Roads in Lsk, Los Angeles the same - Bowman

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Hakainde Hichilema
@HHichilema

The cowardly Mwankoles have ordered the Police in Kasama arrest 3 UPND campaign officials, Deputy SG Patrick Mucheleka, Campaign Manager for the Lukashya parliamentary by-election, Elias Mubanga and National IPS Samuel Ngwira.
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By Sipilisiwe Ncube
RAINBOW party general secretary Wynter Kabimba says if rigging existed in Zambia, PF wouldn't have won elections in 2011.

And Kabimba says there's nothing abnormal about government's request for debt suspension because the trend is common, even at individual level.

Meanwhile, Kabimba says President Edgar Lungu should tell the nation what action will be taken on the Commission of Inquiry into Voting Patterns' recommendations so that the issues raised do not repeat themselves in the next general election.

In an interview, Kabimba said he did not understand why some politicians were attacking the Electoral Commission of Zambia for wanting to entirely change the voters register when they had always claimed there were ghost voters on the voters roll.

"If you remember, one of the main complaints by stakeholders about the current voter's roll has been that it is full of ghost voters and that many people who registered as far back as 1996 are now dead, some of them have left the country but are still reflected in the current voters roll. And the demand has been that clean up the voters roll. There have been complaints that the current voter roll contains voters from other countries especially the neighboring countries like Malawi when they are not eligible to vote. Those concerns and apprehensions are valid. So, ECZ comes round and says 'okay, yes we agree with you that we must clean up the voters roll and

If rigging existed, PF wouldn't have won in 2011 – Kabimba

the way we are going to do it now is to do a parallel system. On one hand, we shall run an online voter registration so those of you that have access to this technology especially in urban areas, you can save your time from going to the polling station to physically go to register. You only go there when the time comes for you to go and physically register and check your particulars.' On the other hand, ECZ is saying that if you can't access these technologies, you can still use the old methods and go to the polling station of your choice and register," Kabimba said.

"So, I really do not understand and I need somebody to explain to me how the increase in number of voters from 6 million registered voters in 2016 to 9 million in 2021 can lead to rigging an election. From my experience of participating in elections from 1996 to 2016, I can tell you that it is very difficult to rig an election in this country. When ECZ introduced the system of posting results at the polling station immediately after the results have been counted, and political parties don't have to receive the results at the totaling centre, it made it very easy for every political party which has structures on the ground to make sure that no other political party would tamper those results or rig the election. If that were true, PF would not have won the election



in 2011."

Kabimba as long as a political party was well organised, there was no way anyone could tamper with their results.

"What we did as PF in 2011 was that we set up a team to run a parallel vote tabulation system across the country. In areas where the network was bad, we actually hired from South Africa satellite phones and distributed them to those areas so that we can get the results as quickly as possible. I can tell you from that experience that on Thursday, 23rd September 2011 when ECZ was to announce the results, we already knew that we had won. And I sent a message to Justice

[Irene] Mambilima that these are the results. And we totaled the remaining constituencies, we said to ourselves that even if MMD got 100 per cent in all these constituencies, they will still not catch-up with PF. So, what helped us attain that achievement was that we had the party structures on the ground. And if you have mobilized the party on the ground and you have the structure on the ground, there is no way anybody can tamper or rig those results. So, I don't agree with those who say that ECZ is trying to rig the elections in 2021," Kabimba said.

Kabimba, however, agreed with calls for the ECZ to extend

the voter registration period.

"The point which they probably have which all of us should disagree with ECZ is that the timeline for voter registration is short. That one I support. And surely, extending this period of 30 days to 45 days or thereabout, or 60 days, I don't think that will adversely affect their calendar. I think ECZ must bend backward and yield to that demand to extend the period. But to argue that ECZ is bent on rigging the election is unfair to the men and women at ECZ," he said.

And Kabimba said it was normal to ask for debt repayment.

"It is normal to ask for debt

repayment deferment. Even at individual level, if I owe you money and I promise you that I will pay on 30th September and I find that I do not have the capacity to pay, civility requires that I get back to you and say that 'I have difficulties in honoring up my promise. Can you give me another two weeks so that I can pay.' So, I don't know what is difficult about that when it comes to a country. Why is that a big issue that it can generate so much debate? If you are incapacitated in terms of repayment, go back to the people that lent you money and say 'I can't make it, and you discuss. If they agree, you agree on the period of payment,'" Kabimba said.

Meanwhile, Kabimba asked President Lungu to tell the nation what action he had taken on the recommendations made by the commission of inquiry into violence and voting patterns.

"One would have thought that after the submission of that report, the President would expeditiously deal with that report so that some of the recommendations of the commission of inquiry can be implemented to ensure that the 2021 elections are not tainted by the same things that caused the subsequent commission of inquiry. The demand would be that let the President tell the nation what the findings of the commission of inquiry are and what steps he has taken in ensuring that the recommendations of the commission of inquiry are acted upon in order to prevent a recurrence of what we saw in 2016 which was the basis of the establishment of that commission of inquiry," said Kabimba.

By Julia Malunga

PRESIDENT Edgar Lungu says it is only a matter of time before he constitutes a commission of inquiry into the controversial privatisation process.

And Young African Leaders Initiative (YALI) president Andrew Ntewewe says setting up a commission of inquiry into privatisation will help to find out what transpired during the process, which concluded two decades ago.

Speaking when he received a petition from students at State House, Thursday, President Lungu announced that he would soon constitute a commission of inquiry delving into the privatisation process, adding that the matter needed to be put to rest and that those found wanting would be answerable to the law.

"This matter has been on people's minds and discussions have been held in various places. I have also had people pushing me on the subject matter. But like I said, the will of the people reigns supreme. Section 2 of the Inquiries Act allows me to set up a commission of inquiry and I am not obliged to consult anybody. But having heard the voices, which have been across the country, north, east, south and west, throughout the country, I will take time to reflect on this matter. And I will make a few consultations. What you have given me is a petition of signatures without giving terms of reference so I will have to sit with those who are versed with the matter of privatisation, historically, and those who are versed with the law to tell me what would be the terms of reference for the commission. Then we move

It's a matter of time before I constitute privatisation inquiry – Lungu

in accordance with what the law provides," said President Lungu.

"I think it's a matter of time. We have to put this matter to rest and all those who were in it and are found wanting will have to answer to the people through the law. Whether people were sleeping or not, it doesn't matter; what is important is justice. The commission will be constituted and all I am looking for are these gentlemen, ministers and others, who are conversant with matters to give you what we could consider to be appropriate terms of reference. And then we begin identifying which citizens can be on this commission. This is the patriotism that we want to see in the young people of this country."

And speaking on behalf of the students, Ntewewe charged that privatisation of State-Owned Enterprises (SOEs) was illegal.

"We have 10 organisations who have taken the lead to move this petition before you. On behalf of more 40,000 citizens of the Republic of Zambia, I stand here to thank you. Our prayer, as citizens, is that you can help the entire country to put to rest a matter that has dodged us for a very long time. The matter that has dodged us for a long time, your Excellency, is the matter of privatisation. What happened in the 1990s and the early 2000s was disgraceful! Companies were sold for a song, others were undervalued. What happened is that some individuals formed companies and

sold national assets. Your Excellency, I find that kind of behaviour unacceptable, unconstitutional, illegal and criminal! Your Excellency, the group gathered here today is a group of mere citizens and these citizens are coming from all walks of life," said Ntewewe.

"Had it not been for

COVID-19, we could have filled the whole State House grounds because this message is coming from across the whole country. We have come with the petition, which requires you, your Excellency, to set up a commission of inquiry into how the privatisation process happened, how it was

managed and we also want to pay particular attention to those that evaluated, those that negotiated and those that made decisions on behalf of the country. We want this matter to be dealt with. We come before you because our

parents lost jobs, died because of privatisation. Because of privatisation, others suffered depression, our parents continue to live in poverty and destitution. This is a cry of the citizens of the Republic of Zambia."

Investigate Milingo, KCM saga, demands Transparency International

By Zondiwe Mbewe

TRANSPARENCY International Zambia (TIZ) has called on Minister of Mines Richard Musukwa to call for a forensic audit and investigation into allegations of financial impropriety involving Konkola Copper Mines Provisional Liquidator Milingo Lungu.

And TIZ says it is a great injustice to the Zambian people for the government to allocate huge amounts to public infrastructure and other supply contracts only for these amounts to be lost through corruption.

In a statement to News Diggers, Wednesday, Chapter president Rueben Lifuka, said if KCM was still a private entity, it would be allowed to conduct its business in the manner it wished, but since the Zambian government had taken over, it opens it up to public scrutiny.

"We have noted with concern recent news articles which suggest impropriety on the part of the Provisional Liquidator for Konkola Copper Mines – Mr. Milingo Lungu. The reported incident

involving a transaction of sale of a company called Cashfin to Mr. Lungu on a promise of future KCM supply contracts, if true, is worrying and needs to be urgently investigated. Trading in influence and abuse of office are serious forms of corruption and it is important that necessary action against all perpetrators," he said.

"We are mindful of the fact that when News Diggers reported on this matter, KCM called the story malicious without providing any alternative information. This unfortunately does not help clear the perceptions and concerns of the public that something untoward is happening at KCM. Ordinarily, KCM as a private entity would probably be entitled to conduct business in the manner it wishes, but the fact that the Zambian government has taken over and appointed a Provisional Liquidator, opens it up to public scrutiny."

He challenged Milingo to

provide answers to lingering questions around the KCM saga.

"There are a number of obvious questions which continue to linger even after the media statement by KCM. For instance, is it true that KCM awarded a K1.6 million contract for Heavy Fuel Oils to Cashfin after ownership had purportedly changed hands? What procurement procedures were employed to select the said company? What experience does this company have to execute this supply contract? And what is the realistic amount for supply of HFO if indeed this contract included amounts to settle the balance for the acquisition of Cashfin? Are such reported procurement activities commonplace at KCM or is this the first of its kind?" he wondered.

"There are definitely many more concerns which can only be answered with the help of a forensic audit and investigations into any alleged

wrong doings. We urge the Minister of Mines – Hon Musukwa and Government to urgently address this issue. Additionally, it is important that the Minister of Mines appraises the nation on the status of KCM. There is worrying speculation that KCM is now a gravy train for politically exposed persons. It therefore raises the question what progress if any has been made to finalise the KCM story so that the Zambian people can start to benefit from this venture through increased job opportunities, additional tax payments, corporate social responsibility etc."

And Lifuka noted a growing trend of misuse of public resources in the country.

"Generally, we want to take advantage of this opportunity to underline our concern at the apparent misuse of public procurement in this country. PF cadres and those associated with the party are being given special preference for award of public contracts even when they do not qualify. This political patronage will get worse particularly now with the economic malaise the nation is going through and we want to warn that this corruption should not be allowed to fester. Government should ensure good financial stewardship of the scarce resources and we cannot afford to lose public resources to ill qualified cadres who fail to deliver on contracts," said Lifuka.

"It is a matter of great injustice to the Zambian people for the government to allocate huge amounts to public infrastructure and other supply contracts only for these amounts to be lost through corruption. If the Government is serious about fighting corruption, it has to stop this leakage of public resources through contracts given to dubious characters. It has to stop the deliberate over-invoicing and over pricing of goods and services- we want to see a clean up of all sectors including food supplies to public institutions which for a long time has been abused. Fighting corruption is not just about talk, it is about concrete actions. Fighting corruption is not about sounding sanctimonious when challenged, but consistently demonstrating how all concerns are being followed up and resolved."

Bondholders reaction raises questions on 2021 budget – Magande

By Julia Malunga

FORMER finance minister Ng'andu Magande says bondholders' refusal to accept suspension of Eurobond interest debt repayment has put question marks in the 2021 budget.

And Magande says without clinching an IMF bailout package, no lenders will want to deal with Zambia.

Meanwhile, Magande has insisted that government should call for a national meeting to discuss how the debt will be paid back.

On Wednesday, the Zambia External Bondholder Committee said its members were unable to provide a positive response to the Zambian government's Consent Solicitation request to suspend Eurobond interest debt repayments given the absence of clarity.

And in an interview, Magande said Finance Minister Dr Bwalya Ng'andu should have sought President Edgar Lungu's permission to postpone the budget presentation so that he speaks to the creditors first.

He observed that the 2021 budget was now in limbo.

"What was I expecting to happen is that immediately they set the date of 29th September as the day date for this creditors virtual conference, I talked to somebody informally and said I wish someone could advise the Minister of Finance to say 'why don't you agree and go to the boss and tell him 'sir, I want to hear what the creditors are saying because whatever they say will have an impact on the numbers I put in the budget. Can we postpone the budget to

after we have met the creditors because when we meet the creditors depending on what they say if it is negative then it means that the budget has to be prepared with an understanding that we have to raise this money to pay debt," Magande said.

"If some of the people will be positive, we can pick those who are positive and say at least 50 percent of the creditors are willing to forgive us. Then we say therefore the budget will also have numbers which are indicating that we might get more money. But if these people come with a hostile attitude then he has to go back to parliament to present an amended budget. So the amount which was said to be paid to foreign debt, is it going to be the exact amount if the creditors are not prepared to give us a moratorium? The budget now has commas and questions marks because some of the numbers were based on what the creditors are going to say."

Magande said Dr Ng'andu would have taken questions from creditors during the investors call.

"How do you have a meeting where you are addressing the creditors and then you issue a statement and you go away? Obviously, they must have had a lot of questions to ask like 'how much do you think you are going to save in the next six months?' That is what I would have loved to hear. Just like at the Paris Club when you address the creditors, after that they also have an opportunity to make comments and ask questions before they even make a reply to the presentation by the

Minister," he said.

"So I expected that the format they were going to use for this whether it is Lazard advising them, they could have said what is the format, it would have provided an opportunity for the other people to ask certain questions arising from the Minister's statement. Now when you leave people like that it means they are not cross-pollinating their ideas. So for some, being the first time we are going through this experience, I think that the government missed an opportunity to know reviews of the creditors and obviously that is a very big omission."

And Magande insisted that a national meeting to discuss debt repayment was essential.

"This simply means we have to find the money to pay. And I remember an analysis from someone after the budget presentation that we are supposed to be paying something like US\$800-900 million per year on interest rate. Where will we get that kind of money to pay? Which is about US\$ 1 billion every month? These things should not be partisan these things are national. So if you call a national meeting and you know some people who have been involved in that sector and they come together, you will even hear views of somebody who is from Lumwana, or Livingstone then you set a better understanding of what your citizens are fearing. Because it is us now who have to start saying 'but if government does not have the money to pay debt how will I go to the bank and get money?'" Magande asked.

By Zondiwe Mbewe

THE matter in which UPND has sued the Electoral Commission of Zambia (ECZ) over its decision to commence online voter registration without authority of law and to further give a 30-day cut-off time for the voter registration exercise, has been adjourned sine die following an agreement by the parties.

Lusaka High Court judge Mwila Chitabo ruled that the matter would stand adjourned sine die with liberty to restore, awaiting pronouncements from the Constitutional Court in a matter in Chapter One Foundation Limited has petitioned the Court, seeking an order mandating ECZ to carry out continuous voter registration between elections.

In this matter, UPND deputy secretary general Gertrude Imenda, who cited ECZ and the Attorney General as first and second respondents, respectively, is seeking a declaration that the commission's decision to launch and host an online voter registration platform, albeit dubbed as a 'test run' on its website eczovr.org and commence the online voter registration on the said platform, is capricious and without authority of law.

Imenda further wanted a declaration that the decision by ECZ to discard the existing voter register was ultra vires Section 7 and Section 14 of the Electoral Process Act number 35 of 2016 and an order of certiorari to remove into the

Court adjourns sine die UPND's voter registration case

High Court for purposes of quashing the online voter registration platform on the ECZ portal and the said impugned decision to commence the online voter registration exercise.

She also wants an order to quash the decision by ECZ to give a 30 days cut off time for the voter registration exercise scheduled for October, this year and an order compelling ECZ to embark on a continuous voter registration exercise to a reasonable period before the said general elections in 2021, among others.

Earlier, this month judge Chitabo granted UPND leave to apply for Judicial Review proceedings and hearing began.

However, when the matter came up for continued hearing, Thursday, judge Chitabo told the parties that he had taken judicial notice of the proceedings before the Constitutional Court involving Chapter One Foundation and also another before High Court judge Gertrude Chawatama, seeking similar reliefs with the matter before him.

Addressing the court on the same, Solicitor General Abraham Mwansa said the parties in the matter had

sight of the ruling by Justice Chawatama and that they were equally aware of a matter before the Constitutional Court between Chapter One Foundation Limited Vs ECZ and the Attorney General as the respondents.

He added that the parties were also aware and had appreciated the reliefs being sought before that court.

Mwansa said the parties had therefore by consent agreed to have this matter adjourn sine die with liberty to restore.

"The parties before you my Lord are of the view that unless and until there is certainty in terms of the reliefs the petitioners seek before the Constitutional Court, there may be a duplication of the same reliefs before this honourable court. The parties have therefore, by consent, agreed to have this matter before you adjourned sine die with liberty to restore," said Mwansa.

And UPND, through its lawyer Milner Katolo, confirmed that the submissions by Mwansa were indeed the agreed position of the parties.

He added that the same were arrived upon to avoid a situation where the administration of Justice was

brought into disrepute.

Another lawyer representing UPND, Marshal Muchende, added that the idea was to obviate a possibility of two courts rendering conflicting judgements with regard to the same issues as that would bring about a grave embarrassed to the judicial department to which they all belong.

"As the legal practitioners' rules prescribe, our first and fundamental duty as officers of the court is to preserve the integrity of the court and that duty supersedes our duty to our clients and to our colleagues," said Muchende.

ECZ counsel Bob Musenga also confirmed that the position submitted was as agreed by both parties.

In his ruling, judge Chitabo adjourned the matter sine die with liberty to restore as they await pronouncements from the Constitutional Court in the matter involving Chapter One Foundation Limited.

"This is indeed a demonstration of professional etiquette, ethics and ethical conduct at the bar. The matter will stand adjourned sine die with liberty to restore as we await pronouncements from superior court of the Constitutional Court," ruled

judge Chitabo.

On Tuesday, judge Chawatama declined to grant musicians Chama Fumba, popularly known as Pilato, Maiko Zulu, Brian Bwembya and others leave to commence Judicial Review proceedings against the ECZ's decision to compel duly registered voters to present themselves

before registration officers for verification under a new register for the 2021 general elections.

She said in her ruling that the reliefs which Pilato and the others were seeking were similar to those in this matter.

Judge Chawatama said allowing the matter to proceed might lead to conflicting decisions by herself and judge Chitabo, who was presiding over this matter, a situation that would bring the integrity of the court into disrepute.

There's low food availability in Zambia – CUTS

By Natasha Sakala

THE increased number in modern supermarkets and shopping malls in Zambia has deprived local residents of the much-needed access to local markets that sell relatively affordable and more nutritious foods, says CUTS International.

According to the CUTS' newly-launched Lusaka Food Security Initiative, put together by the Lusaka Food Policy Council, local markets have been replaced by expensive supermarkets, which may not stock all the varieties of local foods with the same nutritional value.

The Initiative equally revealed that food consumption patterns in Zambia were poor and influenced by low food availability and accessibility.

"Although most markets in Zambia are informal, Lusaka has, in recent years, been experiencing centrifugation at very fast rates leading to a proliferation of supermarkets that in some cases tend to replace local markets. Unfortunately, the desire to build modern supermarkets and malls has in some cases happened at the expense of local township markets, which have tended to be replaced. The implication of this is that residents are deprived of the much-needed access to local markets that sell relatively affordable and more nutritious foods. These local markets are replaced by supermarkets that are relatively expensive and may not stock all the varieties of local foods with the same nutritional value. With this background, it would be good to have larger markets like Soweto at different in-lead roads of Lusaka that can help farmers, retailers, and consumers access nutritious and local foods much easier. The supermarkets that are replacing local markets also tends to stock imported foods, especially fresh fruits and vegetables, as the aggregation and supply chain system for these crops are not well developed," the policy brief read.

However, a lack of adequate and regular income remained a major source of food and nutritional insecurity, according to the brief.

"About 79 per cent of residents in Lusaka live in low-income, high density areas. These households are the most adversely affected by food and nutritional insecurity. Further, seasonal variations in food supply and unstable pricing negatively impacts the food and nutritional security of low-income households. The major reason for food and nutritional insecurity for all socio-economic classes is a lack of adequate and regular income. Social safety nets (which include Social Cash Transfer and agriculture input support programmes) all seek to enhance food security, but seem poorly administered and are inadequate to curb high nutritional economic insecurity. Additionally, most interventions for the poor that can help curb food insecurities, including school feeding programmes, tend to target rural areas leaving the urban poor to face food insecurities. This means that most Lusaka residents are struggling to access food even when it is available in the markets as a result of high poverty levels," the brief added.

"The policy notes that incomes for most Zambians have declined over the last two decades due to inflation, while prices of essential goods and services, including food, have risen and continue to do so. Rising unemployment in the country also means that people do not have access to regular earnings. This has affected people's ability to procure food. For urban dwellers who must buy most of their food, urban food security depends mostly on whether the household can afford to buy food, given the high prices and low incomes. This concern implies that there is need to investigate food pricing in order to ensure citizens in rural and urban areas can have access to affordable food."

And it stated that the food consumption patterns in Zambia were poor and influenced by low food availability and accessibility.

"The policy observes that food consumption patterns in Zambia are poor. Generally, there is a low frequency of food consumption of usually one to two meals per day, lack of variety in the diet, (about 70 per cent of the energy is from the staple maize) and consumption of low nutrient dense foods. The low consumption of food is influenced most by low food availability and accessibility. This situation means that there is more that needs to be done in order to improve food consumption patterns at national level," stated the brief.

The Food Security Initiative is a policy document that highlights the challenges in the food system and provides solutions through its operational plan to be housed under the Lusaka City Council (LCC).

Most parts of Zambia will experience normal to above normal rainfall – Kafwaya

By Ulande Nkomesha

TRANSPORT and Communications Minister Mutotwe Kafwaya says most parts of Zambia will receive normal to above rainfall in the 2020-2021 rainfall season.

Speaking in Parliament, Wednesday, Kafwaya however, said prolonged dry spells were likely to occur in some parts of North-Western, Muchinga, Luapula and Northern Provinces.

"Generally, a large part of Zambia is likely to receive normal to above normal rainfall. However, prolonged dry spells are likely to occur in some parts of North-Western, Muchinga, Luapula and Northern provinces. For the period October, November and December, 2020, much of Zambia will have a high chance of receiving normal to above normal rainfall, except for some parts of Chavuma, Zambezi, Kabompo, Manyinga, Mwinilunga, Ikelenge, Limulunga, Mongu and Kasama districts, which are likely to receive normal to below normal rainfall," Kafwaya said.

"During the months of November, December and January, most parts of the country have a likelihood of receiving normal to above normal rainfall. However, Ikelenge, Mwinilunga, Kabompo, Senanga, Kabwe, Kapiri-Mposhi, Serenje, Chitambo, Lavushimanda, Mambwe, Petauke, Sinda, Katete, Kasenengwa and surrounding areas have a high chance of receiving normal to below normal rainfall. For December, January and February, much of Zambia has a high likelihood of receiving normal to above normal rainfall apart from Kasama, Mungwi, Chama, Lundazi, Chasafu, Petauke and Kalabo districts and, indeed, surrounding areas have a high chance of receiving normal to below normal rainfall."

Kafwaya also announced that the 2020-2021 rainy season was likely to be fully established by the end of next month.

"In the last part of the season, January, February and March, 2021, most parts of Zambia will have a high chance of receiving normal to above normal rainfall. However, parts of Muchinga and Northern provinces as well as Mansa, Ndola, Kabompo, Senanga, Livingstone and surrounding areas are likely to receive normal to below normal rainfall. I wish to emphasise that every season has diverse implications across all sectors," Kafwaya said.

"During the 2020/2021 rainy season, the country is likely to experience the following: dry spells across the country, especially over Luapula, Muchinga, and Northern provinces, including the northern districts of Eastern Province and increased chance for floods and flash floods in flood-prone areas. The 2020/2021 rainy season is likely to be fully established by the end of November, 2020, although in some areas, the rains may start earlier. Areas like Northern, Luapula, Copperbelt, North-Western and parts of Western provinces may experience thunderstorms and showers by October. In this regard, I would like to advise farmers and the public at large to safeguard their harvested crops properly to avoid damage."

He added that the 2020-2021 rainfall forecast would equally be favourable to the southern part of the country.

"This year's forecast is better in the southern half of our country than it was last year and the opposite is true for the northern half of the country. It is also important to note that in every season,

dry spells occur in the middle of the rainy season and in certain circumstances, lead to crop loss. I would, therefore, urge our farmers and other stakeholders to regularly follow my Ministry's regular meteorological forecasts and updates, which will be on most radio stations and television networks. They are also welcome to get in touch with the Ministry for them to access this information," he said.

"Let me similarly state that there are other important aspects that come with the rainy season, which affect our daily lives and activities. In this regard, I wish to encourage sectors and communities to undertake sensitisation programmes in good sanitation and hygiene practices and clearing of drainage systems well in advance to avoid water pools that may serve as breeding grounds for germs. Likewise, there is need for institutions to stock relief materials, medicines and pesticides that may be required during the course of the season."

And he called for more tree-planting as a measure to improve rainfall patterns.

"To protect our environment and contribute to mitigating the adverse effects of climate change and climate variability, I wish to encourage the public to plant trees. Trees are a natural measure to improve rainfall performance and reduce impacts of extreme weather conditions, such as floods and drought," said Kafwaya.

"My Ministry will continue giving updates to the nation on the actual and expected weather conditions during the 2020/2021 rainy season through community radio stations, the Zambia National Broadcasting Corporation (ZNBC), including other communication platforms."

By Natasha Sakala

UPND leader Hakainde Hichilema has refuted remarks by the Electoral Commission of Zambia (ECZ) that political parties agreed to replace the current voters register.

And Green Party president Peter Sinkamba says that it is risky for the country to have ECZ commissioners who don't know their limits because they can cause acrimony.

But Patriots for Economic Progress (PeP) leader Sean Tembo says he doesn't understand his colleagues' issue with ECZ, arguing that 30 days is more than adequate for a new voters roll to be put in place.

Speaking when they featured on Diamond TV's Costa program, Hichilema said it was a lie for ECZ to claim that political parties agreed to replace the voters register.

"Electoral Commission, you are indicting yourselves, you are acting in a biased manner, you are eroding the credibility of the electoral process and everything hangs on the credibility of the electoral process for results to be taken as credible. And we don't have to remind you that you need to act in accordance with the instructions of the people of Zambia and the laws that exist at the time. Ignore people who are emotionally charged, ignore people who tell you to do wrong things because when the time of reckoning comes, you will be on your own. So come to the table, talk to us, it is a lie to say we political parties agreed to the doing away of the voters register. Continue with the current voter register, it is legal, it is you to improve on by

adding new voters," Hichilema said.

He charged that stopping people from airing their views on the flaws of the electoral process was rigging.

"If you want to operate outside the law as what the ECZ and their friends are doing is what will cause a constitutional crisis. Let me remind citizens and indeed the electoral commission, if chaos arises in this country because you are mismanaging the electoral process, you will be held accountable. It is you and your friends. Today, you called an emergency meeting, all of us geared up to go to an election, because a sidekick was made so that citizens don't air their views about the flaws in the electoral process, in the registration, including NRC issuance which is a function that leads you to being a voter, you cancel the meeting because an instruction has come. This is rigging the elections and I want to appeal to the people of Zambia, do don't sit watching people rigging your elections and therefore that's where the constitutional crisis will come from, it will be on the heads of ECZ and those who are in government who are the PF," said Hichilema.

And Sinkamba said that there was a wrong group of people running the ECZ as they didn't know what they were doing.

"Today I was surprised to hear that they had even called for a meeting which we were not even aware of and its things like this which indicate that we have a wrong group of commissioners and officers at that institution. I have been involved in election processes for a long time, from

Political parties didn't agree to replace voters register – HH

1990, and I think if we are talking about the worst case scenario of having a group of commissioners who appear to know nothing about what to do. This particular group is extremely ignorant of what it must do and they don't seem to understand the limitation of their powers, that's where we are. And like I indicated earlier, if we continue with this kind of group which does not seem to understand what it's doing and they don't know their limitations, this group is likely to cause acrimony in this country, we can have bloodshed in this country when we are not supposed to do that," said Sinkamba.

Speaking on the same program, National Democratic Congress leader Chishimba Kambwili alleged that the current group of electoral commissioners were very arrogant and not fit to run the commission.

Kambwili argued that if the registration period was not extended, less than one million voters would be captured in the new register.

"We want to meet the Electoral Commission of Zambia and tell them straight in their faces that what they are proposing is unworkable, there is no way they can register nine million people in one month and I can tell you that by the end of this registration, if we go by the 30 days, there will be less than one million people captured on the register. And for us we don't want confrontation, what we want is dialogue. We were ready today to meet so that

we can dialogue and come up with an acceptable electoral process that all of us as stakeholders would support," said Kambwili.

"So, when people have got an agenda and they want to achieve their agenda, they always find reasons to explain that agenda. What we are asking is within our rights as Zambians, what is so difficult in the Electoral Commission of Zambia giving three months? What they are saying that we don't have time, they knew from the last elections in 2016 they knew that the elections will be on the 12th of August, what were they doing to come and start registration at the 11th hour so that they cry foul that we don't have enough time. Let them give the normal period they have always given, three months for registration and let people go to the registration centres and leave the existing register without tempering with it."

But Tembo wondered how those opposing the creation of a new voters roll on the basis of inadequate time thought nine million voters could cast their votes in a single day.

"So if ECZ does not have capacity to register nine million people in 30 days then where is it going to get capacity to allow nine million voters to be able to vote in one day? Those are the issues that you need to answer if you are objecting to the voters roll on the basis if the period allocated," Tembo said.

"It is very possible and even a week, they can register in a week, it depends on the

number of registration points that they are going to put on the ground. If they allocate let's say three registration points per ward, that is more than adequate. So it all depends on a number of variables, it depends on the efficiency with which they are issuing the registration cards, it depends on the number of registration points that are there in a given ward. I can assure you that that 30 can be more than adequate. However if the process is not as efficient, then obviously the 30 days will not be adequate, even two months will not be adequate but we cannot know whether the process with which ECZ will be registering voters will be efficient or not until and unless we get to that point."

He said Hichilema and Kambwili were using a cheap tactic of discrediting the electoral process so that they could have an excuse when they lose next year's polls.

"The picture I get is that my fellow two opposition leaders are basically trying to create a platform or a narrative to the Zambian people that the electoral process is rigged so that it can explain their potential loss next year. And if you ask me, that tactic is a very cheap tactic because it has the potential to actually destabilize the country. You cannot be planting seeds that the electoral process is rotten, is rigged when you don't have evidence to that

effect. The only evidence you have to that effect is actually speculation that people might not be allowed to register in 30 days, that is speculation and not adequate evidence on the basis of which you can say the electoral process has been rigged. Unless to know that your political fortunes have actually dwindled and come next year, you are not likely to perform better and you want to have some kind of explanation to give to supporters why you have lost the election," said Tembo.

"Those two gentlemen Kambwili and HH when it comes to understanding the law, I think they can learn a lot from our position as a party and even myself because I have taken three cases to court ever since we started our party, I have taken two cases to the High Court and one case to the Constitutional Court. And all the cases we have ever taken to court, we have won them. And those two gentlemen maybe they can tell the Zambian people if they believe that their reasoning and their thinking is accurate, they can tell the Zambian people when they last won a case in court. Because when you are interpreting the law, you need to be sober minded and both president HH and president Kambwili are very far from being sober minded so they are incapable of properly interpreting the law and that is their biggest handicap."

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By Zondiwe Mbewe

THE Lusaka High Court has granted former senior assistant Intelligence Officer in the Office of the President at Kenneth Kaunda International Airport, Bangladesh Mombelela, leave to apply for Judicial Review against the decision of the Office of the President Director General Special Division to terminate her employment without following procedure.

Lusaka High Court judge Wilfred Muma noted that Mombelela was dismissed from service without following proper procedure and without

High Court grants ex-OP officer leave to challenge her dismissal

compliance to the rules of natural justice.

He added that in view of the same, this was a proper case that implores further investigation.

"Judicial Review is concerned with the decision making process of a public authority. Its purpose is to

ensure that an individual is given fair treatment by the authority to which he/she has been subjected. A determination must be made to establish whether the public authority acted legally in arriving at their decision to dismiss the applicant. This was expounded upon in the

case of Nyampala Safaris (Z) Limited and others," he said in his ruling dated September 21, 2020.

"In the present case, the applicant (Mombelela) was dismissed from service without following proper procedure and without compliance to the rules of natural justice. In view

of the same, this is a proper case that implores further investigation. I am therefore granting the applicant leave to file for judicial review. Costs are in the cause."

Earlier this year, Mombelela sought leave to apply for Judicial Review against the decision of the

Office of the President Director General Special Division to terminate her employment without following procedure.

The said leave has now been granted.

She cited the Attorney General as respondent in the matter.

In her affidavit in support of ex-parte summons for an order for leave to move for judicial review filed in the Lusaka High Court earlier this year, Mombelela stated that on July 4, 2019, she received a note from the officer in charge, Office of the President (SD) at the Kenneth Kaunda International Airport (KKIA), indicating commencement of disciplinary measures against her for alleged misconduct during duty on June 17, 2019.

She stated that she wrote an exculpatory letter on July 5, 2019 to the officer in charge and a report of what transpired when she was on duty on the material day.

Mombelela, however, stated that she was, on July 8, 2019, suspended from duty without any response to her letter of July 5, 2019.

"On August 2, 2019, the officer in charge of the Office of the President (SD) at KKIA by a letter, rejected my exculpatory letter. On September 3, 2019, I received a letter from the Director General Office of the President, Special Division dismissing me from the service without being heard by any disciplinary body in the service," she stated.

Mombelela stated that on September 11, 2019, she appealed to the Appeals Tribunal of the Office of the President special division against her dismissal from the service but her appeal was rejected on October 14, without being heard by the Tribunal.

"I verily believe that this is a case fit for further investigation and merits the Court's further consideration, and therefore, this my application for an order for leave to move for judicial review, which I believe that if the leave sought is so granted, this will not prejudice any other parties or process in any way but conversely, it will serve the interests of justice," she stated.

Mombelela also stated in a notice containing a statement in support of an ex-parte application for an order for leave to move for judicial review, that she had her employment terminated for alleged misconduct without hearing or being subjected to due process.

She stated that the said decision to terminate her employment was illegal, irrational and procedurally improper.

Mombelela now wants, among others, a stay of execution of the decision of the Director General Office of the President, costs and any other reliefs the court may deem fit.



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By Ulande Nkomesha

HOME Affairs Minister Stephen Kampyongo says the Electoral Commission of Zambia should start "biting" politicians who have a tendency of making reckless comments about the Commission.

And Information Minister Dora Siliya has lamented that some people are hell bent on eroding the people's confidence in ECZ.

But Leader of the Opposition in Parliament Jack Mwimbu says ECZ is a failed institution which has failed to run elections in Zambia.

Debating a motion brought by Luapula PF member of parliament Emerine Kabashi that the house adopt the Report of the Parliamentary Select Committee appointed to scrutinise the Presidential appointment of Emily Sikazwe to serve as vice-chairperson, Major-General Vincent Mukanda, and Ndiyo Mutiti to serve as Members of the Electoral Commission of Zambia, Kampyongo said it was disappointing that some politicians who had never won a ward election had continued to discredit the Commission.

"This is the institution which needs people with strong character because the nature of us politicians is that when it doesn't suit you, you point figures like

ECZ should start biting politicians who make reckless statements – Kampyongo

a losing team at a referee, when you are supposed to be polishing your skills. The referee will just be there to ensure the level playing field. So madam Emily Sikazwe, we are encouraging you that continue with your strong character to help the chairperson in providing leadership at that very important institution. So we are very grateful for these choices which will be very interesting. Surprising at the hypocrisy of us politicians, we are here because of the COVID, we have changed ways of doing business. We are embracing ICT platforms and so I don't know why it should be a problem for ECZ to devise systems that should be able to help citizens at critical times such as this one," Kampyongo said.

"If people want to seek for information, certainly the institution is there but we can't condemn the institution for our own failures as political players. They are there to make sure that everyone participates. I want you to ensure that you take some of the sentiments coming from

reckless politicians seriously! Let them bite, let them learn to bite as an institution. We can't allow individuals who can't even win a ward as councilors to claim rigging which they can't substantiate. We want this institution to be able to flex its muscle working with the law enforcement agencies and the police is there to supplement the efforts of ECZ. We have no doubt that these eminent citizens will be equal to the task and they will bring a lot of value to this very important institution."

And Siliya said it was disheartening that some people were bent on eroding people's confidence in ECZ.

"The appointments at this time are to an institution to which some people are bent on eroding confidence. The ECZ is a creation of this house. We have a responsibility as members of the Parliament, as us politicians, to ensure that the confidence of this institution is not eroded, that is what the people of Zambia are looking to us for. It is not the first time the ECZ will be holding elections in this country next year. This country has been having elections for a very long time and yet at every election we have seen groups of politicians,

political parties and even some misguided NGO leaders continue on an agenda to erode confidence in the ECZ. I believe that we should all reflect and look deep because this institution was created by us to manage elections in this country," said Siliya.

"The ECZ is an institution of Zambia and has to respond especially to the needs of young people, six million Zambians. We have to find innovative ways to interest those young people into coming to these voters register and this is why the ECZ, just like government and smart Zambia just like the private sector, this is why government has invested in ICT the whole country. If they want to participate using online, that is why ECZ has responded and we expect the people being appointed today will continue to add leadership in this institution to do things differently."

Contributing to the same debate, Fisheries and Livestock Minister Professor Nkandu Luo said words could destroy the country.

"Look, Zambia is not an island and Zambia is not going to remain behind simply because some of us don't know how to use technology, the benefits of technology and we were born

before computers especially those that are sitting on my right. We are going to use technology so that we can capture more people. I am surprised for someone to say you can't register nine million within a month in fact, that is what technology does. It is going to improve the numbers, those of you who don't celebrate technology watch the space," said Prof Luo.

"Mr Speaker, the things that come out of our mouths, these tongues can destroy a country. These perceptions where you just build it in your head that there is a hate speech and yet you are the orchestrators of hate speech, there is violence yet you are the orchestrators of violence. The Mapatizya formula was created by some people here, they know themselves on my right but they want to transport it to people who are not violent."

But Mwimbu, who is also Monze Central UPND member of parliament said the Commission was a failed institution.

"Mr Speaker, the Electoral Commission of Zambia is a failed institution that has failed to run elections in this country. Mr Speaker, it is public domain that despite the powers that have been endowed on ECZ, they have failed to manage elections in this country. We are aware that there is a code of conduct of all the players in the electoral process in this country

and which code of conduct is supposed to be managed by the ECZ in collaboration with Zambia Police. Whenever we have elections in this country and in particular by elections we have noted with concern as members of the public and players in the political arena the failures of the commission. The Commission has failed to ensure that the players in the political arena are given the latitude to campaign freely in the elections despite the numerous complaints that have been rendered to the commission, the ECZ has proved to be toothless," said Mwimbu.

"These individuals would not work in a vacuum, they will be guided by the procedures and the laws that are obtained as the electoral commission. If they find an institution that is impotent, they will be impotent themselves. The nominee for the deputy chairperson of the commission was the one who was responsible for running the affairs of ECZ in Lukashya and I did mention that in Lukashya hate speech was very prominent, violence was prominent and there was no comment whatsoever from the ECZ to ensure that the elections were free and fair. We are aware that even members in this House were making hate speeches in various constituencies and the Commission cannot take action. Today there is a crisis pertaining to the registration of voters, members of the public are crying as to why ECZ is discarding the old register of voters when there is no law that allows them to do that. Under the circumstances, we are in because of COVID-19 it is not possible to register nine million voters in 30 days."

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BOOKING FOR NOVEMBER, 2020

Prosecuting in public interest, without evidence: Case of Patrick Mucheleka

PROFESSOR of law, Muna Ndulo, says it seems that in Zambia today, the police have taken over the constitutional responsibilities of the Director of Public Prosecutions, a situation which has led to many people being unfairly charged with serious non-bailable offences.

“Currently, one of the most alarming practices is the police charging people with serious non-bailable crimes and keeping them behind bars on the pretext that they are waiting for instructions from the DPP’s office on how to proceed with the case. The DPP then inordinately delays giving the instructions, which results in the accused remaining behind bars for a protracted period of time. This scenario suggests that in Zambia, the police have captured the prosecution service, and have taken over the constitutional responsibilities of the DPP and determine who is prosecuted, when, and for what,” he observed.

News Diggers!

Ear to the ground

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Professor Ndulo is absolutely right. One of the important duties of the Office of the Director of Public Prosecutions is to ensure that all citizens are treated fairly before the law. We expect the Director of Public Prosecutions to make sure that the prosecution service is not used as a tool for extracting political advantage by those in government. What we are seeing now suggests that this is what is happening at the National Prosecutions Authority.

The Director of Public Prosecutions cannot hide behind some useless procedures to justify keeping a person, such as UPND deputy secretary general Patrick Mucheleka, in prison. These fights that the people at the National Prosecutions

Authority are allowing themselves to engage in on behalf of politicians will come to haunt them.

This is not the first time that this office is being abused in this way. Hakainde Hichilema, the UPND president, was locked up, as everybody knows, for a non-existent treason case. Everyone knew that the case was heading nowhere, and yet Madam Lillian Siyunyi slept comfortably in her house whilst Mr Hichilema was in prison. But when the time came for her to prove her case and to show how Mr Hichilema committed treason, she invoked a nolle prosequi. This is a signature ending of a politically-motivated case involving trumped up charges on an innocent citizen.

We were surprised to hear the Director of Public Prosecutions admit publicly that sometimes, her office prosecutes cases where there is no evidence, as long as it is in public interest. We still do not know what she meant. We are still confused with this definition of justice from the office of the learned Director of Public Prosecutions. What does that mean? To us, and we believe that we speak on behalf of any other lay person, this sounds like a perfect definition of persecution.

How do you prosecute someone without evidence? What kind of justice is that? Which law school is that which teaches that public interest takes precedence over facts? So, now, if we may ask; how many people have been

dragged to court on trumped up charges because the Director of Public Prosecutions felt it was necessary to satisfy the so-called “public interest?” How many citizens have been sent to prison in the absence of evidence, simply because they could not afford a lawyer?

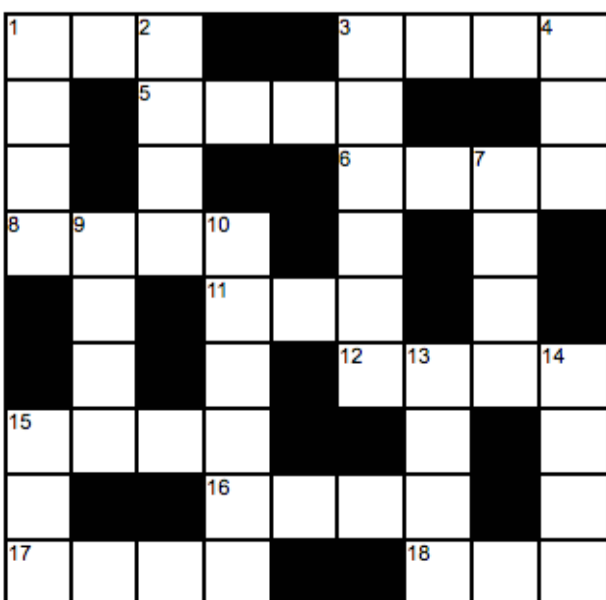
This kind of abuse of the law to punish political opponents must come to an end, and the Director of Public Prosecutions has a huge role to play in ensuring that this rot is brought to a stop. All that Madam Siyunyi needs to do is to divorce the politicians and marry the law. It’s time she distanced herself from the political battles. The law is the law, it must not be the law only when it suits those in power. In the case of Patrick Mucheleka,

Madam Siyunyi must ask those who arrested Mucheleka to give her the evidence they have, and she will see what we mean when we talk about using the law to settle political scores.

What is happening to Mucheleka is not fair. It’s different when somebody has committed a crime and you are constrained by the law. But this is not the case. These are just politicians showing off their power, and it should worry our Director of Public Prosecutions that this is happening under her watch.

In Eastern Province, they say, “Chaona munzako chapita m’maba chili paiwe”. Let the President and his Minister of Home Affairs know that what they are allowing to happen to Mucheleka will happen to them one day soon. Let us not allow what is happening to the UPND official pass without our voices being heard. You don’t have to like the man, you don’t have to agree with him. But as a human being, he deserves our solidarity.

Crossword puzzle No 703



“Do you know great minds enjoy excellence, average minds love mediocrity and small minds adore comfort zones?”
- Onyi Anyado

- | | |
|--|---|
| <p>Across</p> <ol style="list-style-type: none"> 1. Egypt boy king 3. Thug 5. Starchy food grain 6. Head infestation 8. Egg on 11. A grain 12. Sticky strip 15. Boast 16. Choc. cookie, vanilla center 17. Make progress 18. Authorize | <p>Down</p> <ol style="list-style-type: none"> 1. Lose one's footing 2. Singing threesome 3. Batter's head cover 4. Payable 7. What fans do 9. Behind 10. Fire breathing monster 13. Army no-show 14. Radiate 15. More than just ask |
|--|---|

Crossword puzzle No 702



Readers' Feedback

ND! OPINION: Will inmates who leave prison by August 2021 be sent back in to vote?

Editor,

"For the first time in history Zambia is having problems with voter registration and NRCs and it's not difficult to know why things have turned out to be like this. The PF regime is governed by fear, greed and a desire for power and only the people's power can put a stop to all of their wicked schemes!" - Jamali Jay Ngoma

"If desperation was a person.... Incarcerated individuals have freedoms and rights curtailed. Automatically they are disenfranchised. This is short of asking even the unborn to vote!" - Edward Tembo

"When you are a felony, you don't have freedom even to vote. That's why you are in prison. Freedom is taken away to participate as a citizen". - Tatum Kelsey

"If political parties will not be allowed to campaign in the prisons, then it defeats the whole purpose of letting them vote! They need to know why they will be voting for a particular candidate!" - Prudence M Chikonka

"If PF really cared about voting rights, they wouldn't have limited the voter registration period. They would have prioritised the people in the diaspora who contribute to our GNP, instead of these murders, rapists and robbers! Why should our future be determined by decisions of killers!" - Richard Waga

Chama's response to 2021 Defence budget critics

Editor,

"Our Defense and Security wings are not at War with anyone to be given such an allocation for Operational and Logistical preparedness. Chama you are a typical Mwankole you are scared even of your own shadow. Days are numbered!" - Brighton M. Nawa

"It is the easiest Ministry to Syphon money from without accountability. With the elections next year that is an easy way to have excess money". - Wegnah Nzemba

"Are we at war or anticipating ONE? Unemployment and poverty eradication should be priority!" - Preston Kasempa

"Maybe we can move the money around buy some old military equipment retire the balance and campaign with it.... Maybe I am not sober.... Who knows...." - Luundu David Namaanza

"Ignorance is making such a statement in defense when the truth is all out for all to see!" - Beverly Musonda

"Maybe it's because the ones who

prepared it look ignorant so we are of that view that it's useless!" - Mweetwa Mweetwa

'Mucheleka and other two must be released'

Dear editor,

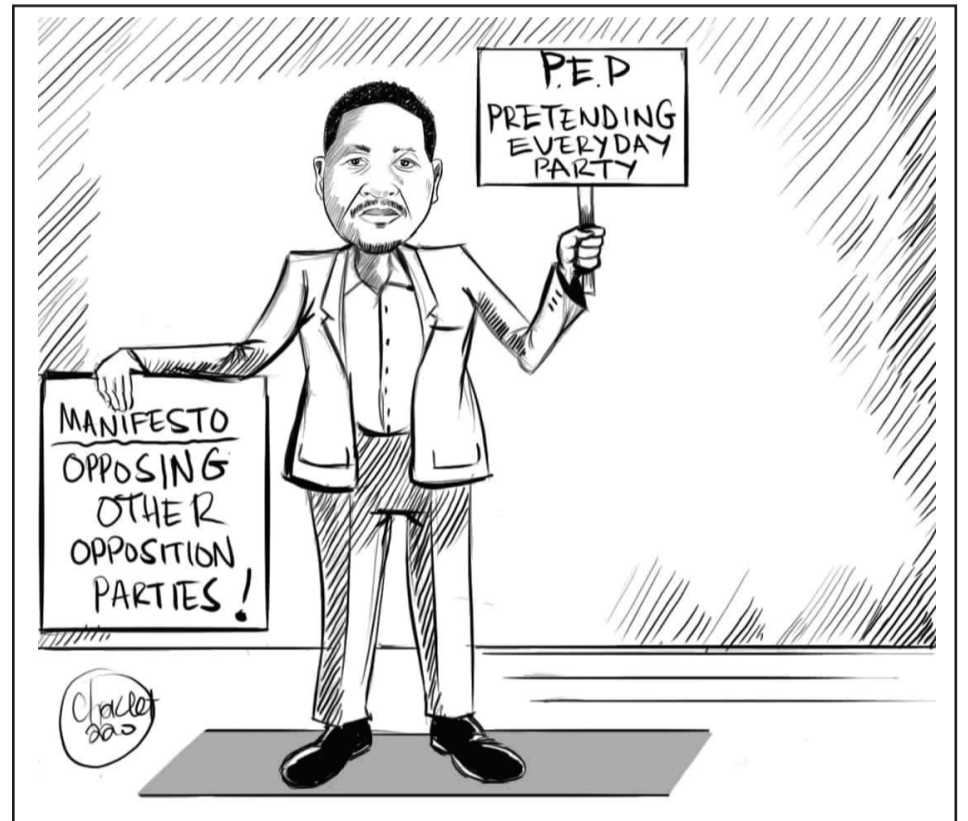
"Yes CK Mucheleka and the other two must be released, unconditionally. And ECZ should maintain the old Register which has the names of the majority voters particularly that ECZ does not know the correct figures of our population seeing as it is there is no Census this year until in 2021. They are just relying on hearsay when putting the

figure of 9million voters as the number of voters they want to capture. We could be numbering 12million+". - Grace Shankaya

"They are arresting opposition leaders but on 18 October they will go for so called "National prayers"! may GOD deal with you". - Chanda Ch

"Lungu is vindictive, he has no humane heart

especially to perceived enemies.....just see what he has done to indigenous companies like Post NEWSPAPERS, and PRIME TV. Families have been thrown out of employment and he doesn't care that's just Lungu for you remember what happened to HH and Mwaliteta just persecution nothing else!" - Pious Emmanuel Sungah



'IMF shouldn't dare give PF govt funds!'

Editor,

"NO!!!! Do not give PF any more money please!!!!

Look at what they have already done with Covid donations and Covid funds!" - Mwansa BK

"Twalya again, if you know, you know". - Justine Mwanza

"Zambia under the leadership of President Lungu has proved to be in the habit of spending money on either Infrastructure of No Economic Returns (this includes roads) or buying political favours.

This is the reason Dr Bwalya Ng'andu who was personally involved in the Euro-Bond saga cannot explain to Zambians HOW it was disbursed for it to FAIL to Pay itself back 9-10 Years down the line. What will stop them from spending the IMF money on political activities as we approach the election year? This is a government where a Minister very close to the President boasts that they are STEALING public funds for their "future". While the Chinese want either their money back or our prime assets like mines and ZESCO as Collateral". - Christopher Kalima

"IMF if you are hearing me, give NGO's to help the people and not this government! If you dare give them they will share and nothing will go to the people!!!" - Che Guavara

EDITOR'S NOTE:

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State asks Appeal court to halt hearing of Kambwili's renewed application for judicial review against Simusamba

By Zondiwe Mbewe

THE State has asked the Court of Appeal to stay hearing of NDC leader Chishimba Kambwili's renewed application for leave to commence judicial review proceedings against principal resident magistrate David Simusamba's refusal to recuse himself from presiding over his forgery case.

The State wants an order to stay the proceedings pending hearing of its application for leave to appeal to the Supreme Court, against the decision of the Court of Appeal to dismiss its preliminary issue on whether it (Court of Appeal) had jurisdiction to hear Kambwili's renewed application.

Attorney General Likando Kalaluka has argued that this is because Kambwili's notice for renewal of the application for leave to commence judicial review proceedings was filed out of time.

He added that he is of the considered view that as a direct consequence of that, the Court of Appeal did not have the jurisdiction to hear the application until the leave of court to file the same out of time was done.

This is according to the Attorney General's skeleton arguments in support of notice of motion for leave to appeal to the Supreme Court and for an order to stay proceedings pending hearing of the application for leave to appeal.

However, earlier this week, Kambwili argued through his lawyer that the renewed application before the Court of Appeal was an urgent one in view of the fact that magistrate Simusamba was due to render a judgment in the forgery case in a few days' time.

Kambwili's notice of renewal of ex-parte application for leave to apply for judicial review was filed in the Court of Appeal on September 11, this year.

He cited Attorney General Likando Kalaluka as the respondent.

But the State raised a preliminary issue on whether the court had jurisdiction to hear the renewed application, but the court dismissed the said preliminary issue on September 25.

And when the matter came up on Tuesday before Court of Appeal deputy judge president Chalwe Mchenga and two other judges for hearing of the renewed application, Kambwili's lawyer, Musa Mwenye, said he was ready to proceed.

He, however, said that the State had an application.

At this point, Solicitor General Abraham Mwansa said the State wanted to file an application for leave to appeal against the court's decision to dismiss its preliminary issue to the Supreme Court.

He said the State needed more time to read the court ruling which dismissed its preliminary issue before filing a notice of appeal.

"We are of the view that while the State is pretty much ready to argue the substantive application before this court, the issue of jurisdiction ought to

be tabled by way of an appeal," Mwansa said.

But in response, Mwenye objected to the application and requested that the court proceeded to hear the matter that day.

He said the matter was an urgent one in view of the fact that magistrate Simusamba was scheduled to pass judgment in the forgery case in a few days' time.

But Mwansa reiterated his prayer for an adjournment in order for the State to appreciate the ruling of the court.

"The issue of jurisdiction of the court is very cardinal and therefore ought to be determined. The State will only be in a position to present before this court a proper and befitting application for a notice of motion to appeal to the Supreme Court once there's an appreciation of the ruling of this court. Both parties' arguments are before this court and indeed we could have been ready to proceed. However, we are of the view that it will be prudent to proceed once the issue of jurisdiction is determined," he said.

The court adjourned the matter to today, Friday, and directed the State to file their notice of motion for leave to appeal to the Supreme Court and to serve the same on Kambwili's lawyers.

In its skeleton arguments in support of notice of motion for leave to appeal to the Supreme Court and for an order to stay proceedings pending hearing of the application for leave to appeal, the State urged the court to stay the proceedings

until final determination of the appeal in the matter.

Kambwili had applied for leave to commence judicial review proceedings in the Lusaka High Court against magistrate Simusamba's refusal to recuse himself from presiding over a case where he (Kambwili) is charged with forgery, uttering a false document and giving false information to a public officer before the Lusaka Magistrates' Court.

He also wanted to challenge magistrate Simusamba's decision to decline to refer the said forgery case to the High Court for constitutional determination of whether Kambwili's right to a fair hearing before an independent and impartial tribunal has been or is likely to be infringed by the magistrate's refusal to recuse himself.

Kambwili cited the Attorney General as respondent and ex-parte magistrate Simusamba.

However, High Court judge Mwila Chitabo dismissed Kambwili's said application for leave to commence judicial review proceedings against magistrate Simusamba's refusal to recuse himself from presiding over his forgery case.

Judge Chitabo said the ruling of magistrate Simusamba pertaining to the refusal to recuse himself was made within the magistrate's judicial powers and discretion, adding that a challenge of such a decision was by way of appeal against the said ruling.

He added that this was, therefore, not a fit and proper case to grant Kambwili leave to commence judicial review proceedings.

By Sipilisiwe Ncube

Lusaka Province Minister Bowman Lusambo says the road at the Kaunda Square turnoff can be mistaken for one in the United States' Los Angeles because the quality is the same.

And Lusambo, who is also PF Copperbelt mobilization chairman, has insisted that people should not expect him to instantly fulfill monetary pledges because there's no timeline.

Speaking when he featured on Hot FM's Hot Seat programme, Thursday, Lusambo said "those same roads found in Los Angeles are the same roads we have here."

"Zack (host) if you stand at Kaunda Square turn off and I take a picture of you, you might even think that you are in Los Angeles and no one will argue. Those same roads found in Los Angeles are the same roads we have here. Now, that opposition leader wants to ignore what the President is doing. Governance first of all is about appreciating what your friends have done. Look at America, they praise themselves to say 'we have done this and that.' We should also be doing the same," he said.

And Lusambo said he would not allow visionless people to derail him from helping those in need.

"You pledge and then go and plan how you can give that pledge to the people you promised to have those resources. So, you pledge today, you are discussing with the people and you pledge that 'okay guys, I will give you the car wash machine' and immediately you are stepping out of the podium, someone behind you is saying that 'they are failing to fulfill their pledges.' It's very unfortunate and I can assure you that we are not going to be derailed by visionless human

Roads in Lusaka, Los Angeles the same – Bowman



beings," Lusambo said.

"Today when I was coming to this radio station, my young man Ackson Mabeta from Mufulira asked me to say 'Bulldozer, when are we seeing the K200,000 for marketeers in Mufulira?' I told Ackson that very soon because I want the money to go to the intended people. So, I am not going to release this money to anyone. I have told my people that 'don't release the money.' This money is going to be given by us. We will go Mufulira, we give the marketeers and I want my boy Ackson to be there. He is my brother and I know that these political parties we belong to, at the end of the day, they are just clubs. I know he is a UPND sympathizer."

Lusambo said the PF does not give fake promises to the people.

"But for us as a team from His Excellency Edgar Chagwa Lungu, we don't give fake promises to the people. All the pledges which we have pledged to our people, we have fulfilled them. And those that are not

yet fulfilled, we will fulfill them. I can assure you that pledges have no timeline and we will definitely go back to the people and give them what we promised them to get," he said.

And Lusambo said politicians that have failed to persist in politics should try to venture into business by selling vegetables.

"If you feel politics have failed you, you can become a businessman and start selling Cassava leaves, Impwa, groundnuts, sweet potatoes because you have failed. It's not like as long as you are an opposition leader, then you will end up in State House, no. State is already chosen. Who knows maybe after President Lungu, the one who will go to State House might even come from elsewhere. The opposition leaders in this country most of them think that just because they are in the opposition, they are the next presidents. There is nothing like that. There are opposition leaders that are just good at criticizing," said Lusambo.

Cashfin asks court to strike it out of ownership case

By Zondiwe Mbewe

CASHFIN Zambia Limited has asked the Kabwe High Court to remove it from the proceedings in which some individuals are claiming to be its rightful shareholders.

The company, which has filed a notice of motion to raise preliminary issues on a point of law, has also asked the court to admonish the advocates who had instituted the proceedings in its name without its authority.

This is a matter in which four individuals have dragged Cashfin Zambia Limited owners, Joseph Chilinda and Convex Equity Limited, to the Kabwe High Court, seeking a declaration that businessmen Jason Kombo and Dingiswayo Ndhlovu are the rightful shareholders of Cashfin Zambia Limited, following a purchase transaction.

Kombo, Ndhlovu, Remmy Musonda, Laston Mumba and Cashfin Zambia Limited as plaintiffs have sued Chilinda, Convex Equity Limited and Stanbic Zambia Limited as the defendants.

But according to a notice of motion to raise preliminary issues on a point of law filed by advocates for Cashfin Zambia Limited from Messrs. AKM Legal Practitioners, the company has submitted that when the matter comes up for the hearing, it shall move the Court to make a determination on four issues on a point of law.

The issues are: "whether a person, who is neither a shareholder, director nor an employee of the company, can instruct counsel or decide to sue in the company's name and whether the company could

sue or take out process in a suit against its own shareholders and directors at the instruction of a stranger to the Company; whether a lawyer can properly act or purport to act for a company without the company so instructing by passing a resolution appointing him to do so or otherwise; whether in the circumstance of this case, the suit or involvement of Cashfin Zambia Limited as a company in this matter not having instructed counsel by resolution or any such other person to sue in its name, the suit is competent at law, and whether the acting on behalf of Cashfin Zambia Limited by the current advocates Messrs Isaac and Partners without having properly been appointed, does not constitute professional misconduct."

Cashfin Zambia Limited also wants the court to determine why it should not be removed from the proceedings herein and that costs of this application be borne by the other plaintiffs.

According to skeleton arguments in support of the notice of motion to raise preliminary issues on a point of law, Cashfin Zambia submitted that its issue was that it had taken part in this suit as one of the plaintiffs against Chilinda and Convex Equity Limited, who were its directors and shareholders.

It stated that its involvement in the matter was legally difficult to explain because the persons charged with its management, who were Chilinda and Convex Equity Limited, were not aware of its decision to complain against them.

"...For a company to sue or take part

in a suit, the decision has to be made by the people managing it, namely shareholders, directors or at least an employee," read the submissions.

Cashfin Zambia submitted that its involvement in the matter purportedly against its shareholders and directors without a resolution was incompetent at law.

It added that it had never instructed or decided to sue its own directors and shareholders.

Cashfin Zambia further submitted that for an advocate to institute proceedings in the name of the company, there must be a resolution of the company authorizing such proceedings and appointing the advocates.

It argued that Kombo, Ndhlovu, Musonda and Mumba were incapable at law to decide anything on its behalf because they were neither directors nor shareholders in Cashfin Zambia as no resolution had ever been passed appointing them as such.

"It is clear that there has never been a general meeting of the company to appoint directors and no resolution has ever been passed to appoint any other person as director other than the directors as per records at PACRA. Further, by section 100 of the Companies Act No. 10 of 2017, in an event of any change or appointment of a director, the law requires lodgement with the Registrar (of PACRA) a prescribed form notifying the Registrar about the change within 21 days of the occurrence of the appointment or change. In this particular case, no lodgement of this kind

has ever taken place or been made because there has never been such a change or appointment," Cashfin Zambia stated.

It argued that Chilinda and Convex Equity Limited remained both legal shareholders and beneficial owners of it, as Chilinda, who was the majority shareholder, had never sold his shares to the said claimants (Kombo and Ndhlovu) or any other person on the writ.

"Notwithstanding the above submissions, even assuming that we are to buy the story that indeed shares were sold as between any of the first four plaintiffs (Kombo, Ndhlovu, Musonda and Mumba) and Chilinda or any one of them, Cashfin Zambia was not and cannot be a party to the contract. It is a total stranger. Shares by trite being personal property of the owner, such owner has at law their own separate rights on how they deal with the shares, including the sale or transfer. It is and would be of no concern to the company," read the submissions further.

"Thus, Cashfin Zambia cannot sustain a cause of action nor any liability as against Chilinda nor Convex Equity Limited."

It submitted that the action by Messrs Isaac and Partners to include it in the suit without its authority or their appointment by it (Cashfin Zambia) was incompetent at law in as far as it was concerned.

"On the above premises my lord, we humbly pray that Cashfin Zambia should be removed from these proceedings and the advocates be admonished or otherwise dealt with for instituting the proceedings in its name without its authority," read the submissions.

Barcelona paired with Juventus, Man United face PSG in Champions League



BARCELONA will face Juventus in the group stage of the Champions League after they were paired together in Group G in the draw, which took place in Geneva on Thursday.

The heavyweight fixture will see Cristiano Ronaldo come up against Barcelona superstar Lionel Messi for the first time since his move to Juventus from Real Madrid in the summer of 2018.

The two men, who have shared 11 of the last

12 Ballon d'Or awards between them, enjoyed a historic rivalry in La Liga, and will resume hostilities in Europe's elite competition next month.

Barca and Juve have been joined in Group G by Dynamo Kiev and Ferencvaros, the Hungarian outfit who beat Celtic en-route to qualifying for the main draw for the first time in their history.

Meanwhile, Manchester United's return to the Champions League has been marked with a draw against last year's Champions League finalists PSG, RB Leipzig and Istanbul Basaksehir in Group H.

Reigning champions Bayern Munich will play Atletico Madrid, Red Bull Salzburg and Lokomotiv Moscow in Group A for a place in the knockout stages, having got their hands on the trophy for the sixth time by beating PSG 1-0 in Lisbon on August 23.

Group D will see 2018 winners Liverpool, who suffered a surprise early

exit at the hands of Atletico last term, square off against Ajax, Atalanta and Midtjylland.

13-time winners Real Madrid have been dealt a tough hand in Group B alongside Shakhtar Donetsk, Inter and Borussia Monchengladbach.

Manchester City were handed a more favourable draw against Porto, Olympiacos and Marseille in Group C, as they bid to win the competition for the first time in their history once again.

The last English side to qualify from the Premier League were Chelsea, who will play Europa League winners Sevilla, Krasnodar and Rennes. in Group E, who will be making their first appearance on Europe's biggest stage.

In Group F, Zenit St Petersburg, Borussia Dortmund, Lazio and Club Brugge will do battle, with the 2020-21 edition of the Champions League set to kick off on October 20/21, with fixtures continuing through to early December to decide who will reach the last 16 stage. **GOAL**

Nkana seeks new CEO

By Ngosa Chalwe

WITH his contract set to expire at the month-end, Super Division side Nkana chief executive officer Charles Chakatazya's position at the club has been advertised.

In an advert circulated by club media officer Lillian Musenge, Thursday, the 13-time champions are scouting for a general manager who will take charge of the CEO duties.

"Nkana Football Club is looking for someone dynamic and hardworking to fill in the position of Club General Manager. The incumbent shall report

and be accountable to Nkana Football Club Executive Committee. The purpose of the job is to manage and oversee operations at Nkana Football Club, which include ensuring the sportive and commercial success of the Football Club through the development and execution of commercial, football and general operations of the organization," the advertisement read in part.

Confirming the advert, club president Joseph Silwamba said the decision was in line with the club's bid to be run in accordance with the

practice of good governance.

"Well, it is the same position; some call it CEO, others call it general manager. The contract for Charles is coming to an end this month and we thought in line with good governance, we advertise the position," said Silwamba, adding that Chakatazya was free to apply for the position.

The current CEO is among the long serving officials at the club, having risen from the ranks of team manager.

Chakatazya was elevated to the position of CEO after the club fired Ken Mwansa in 2018.

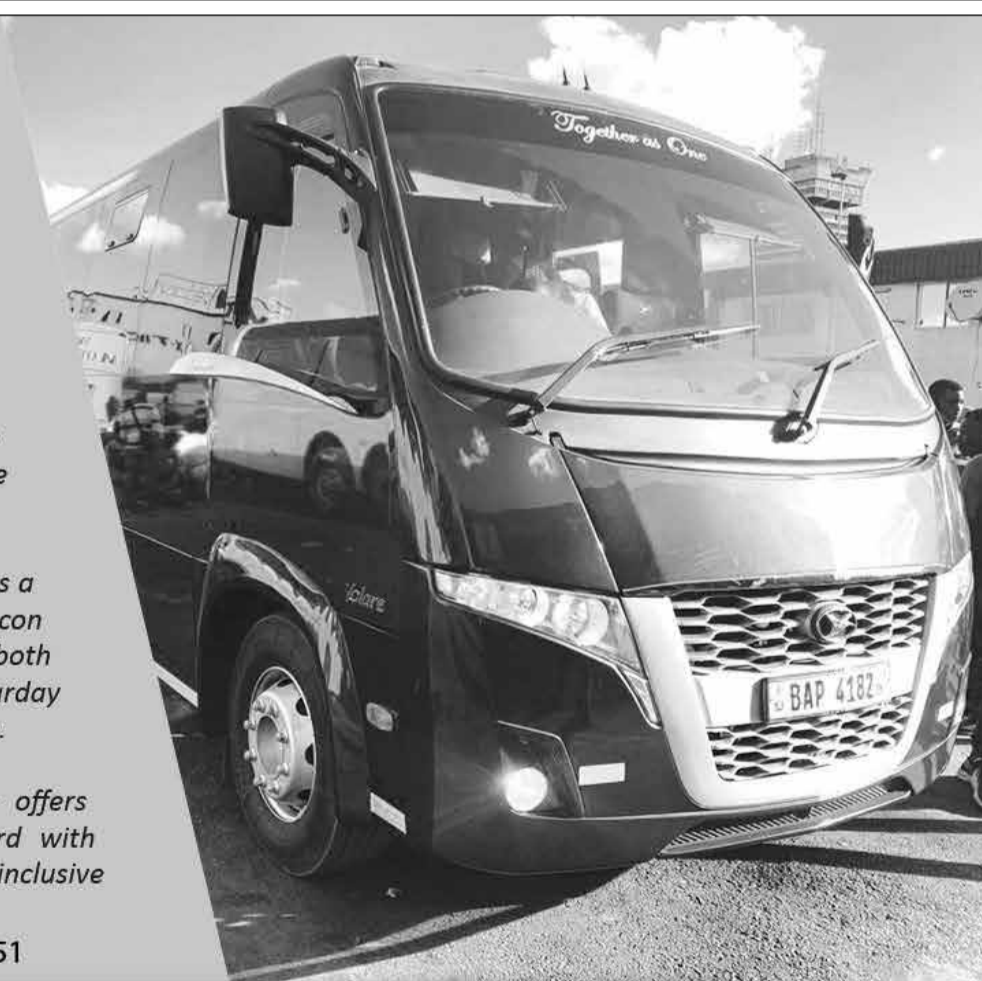
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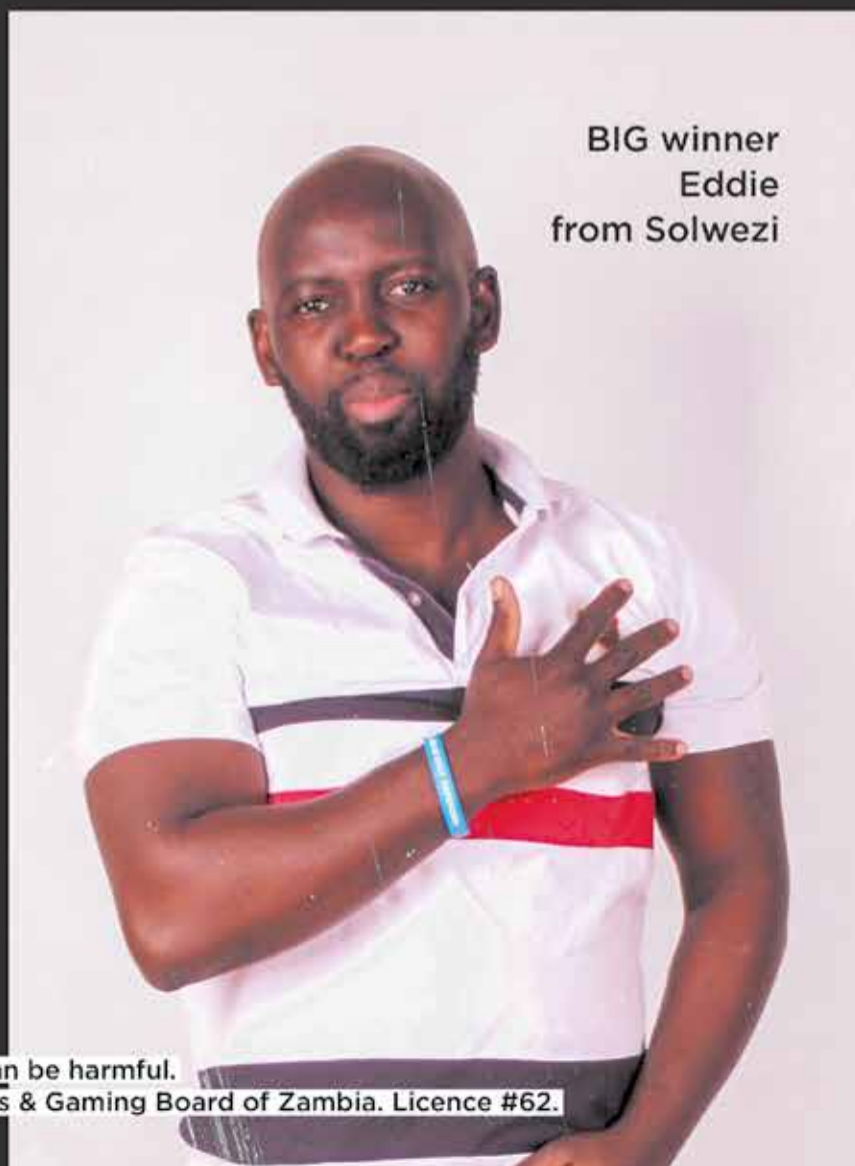
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BIG winner
Eddie
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Mulenga quits chess

By Ngosa Chalwe

A MEDICAL condition has forced Zambia Chess national team player Prince Mulenga to call time to his career following advice from medical experts.

Having worked his way up the chess ladder, Mulenga was tipped to be among Zambian players who had the potential to go all the way and earn the grandmaster title.

However, the Fide Master revealed in a statement yesterday that he has been forced to quit the sport following advice from his doctors.

“I would like to bring to your attention that due to a medical condition that has persisted on my head, the doctors have suggested that I stop playing chess as that can practically be leading to a worse situation than it is now,” Mulenga wrote. “Those close to me know of how I have battled with my illness to an extent that I have had several encounters with University Teaching Hospital (UTH)...but to no avail.”

An emotional Mulenga said he was broken that he had to quit the sport after 15 years of play, but remained hopeful that he would bounce back.

“I have played chess for over 15 years representing Zambia at regional, continental and world chess events; thus, being forced to stop due to a ‘medical condition’ breaks every bone in me,” he said.

Mulenga is a 2019 Zambia Open bronze medalist and was a member of the Zambia National Chess team between 2018 and 2019.

He represented Zambia at regional, continental and world events.

Mulenga's other accolades include winning the Copperbelt Monthly Closed Championship on six occasions.

