



**Dora defends
govt's decision
to amend
Procurement
Act**

By Sipilisiwe Ncube
INFORMATION and Broadcasting Services Minister Dora Siliya has defended government's intention to improve the Public Procurement Act of 2018 to make the Procurement Office constitutional, saying this will close loopholes which cause wastage of public resources. *Story page 7*

**Well
behaved
inmates
will get
conjugal
visits –
Chileshe**

By Daniel Chansa
THE Zambia Correctional Services Commissioner General Dr Chisela Chileshe says campaigns in correctional facilities will be conducted with guidance from the Electoral Commission of Zambia. And Dr Chileshe says conjugal rights will be granted to well behaved inmates. *Story page 4*

**Govt unveils
K15 billion
supplementary
budget,
K5.7bn for
debt servicing**

Story page 10

LUNGU ACTS

ON PORN

...as Sumaili challenges those without sin to cast stone

By Sipilisiwe Ncube
PRESIDENT Edgar Lungu has with immediate effect terminated the appointment of David Mabumba as General Education Minister and replaced him with Dennis Wanchinga. *Story page 10*

By Sipilisiwe Ncube
NATIONAL Guidance and Religious Affairs Minister Rev Godfridah Sumaili has pleaded with parents to delete naked videos from their phones, saying they can be very damaging to ones reputation once they leak to the public.

And Rev Sumaili has reminded people of the Bible story involving an adulterous woman, where Jesus challenges those without sin to cast the stone.

Mabumba has appeared in an obscene video that went viral, Tuesday, in which he is seen fondling with his private parts during what appeared to be a WhatsApp video call with an unknown person.

Yesterday, netizens took turns mocking the minister, some wondering if that was the "new examination syllabus for e-learning", but Sumaili condemned the circulation of the video, saying people should not get excited over a wrong development.

Story page 3



President Edgar Lungu chairs the 17th Cabinet meeting at State House in Lusaka yesterday - Picture by Salim Henry

Matero PF bans Kaziya from speaking to media, as Kamba warns Kapeso

By Sipilisiwe Ncube
MATERO PF Constituency chairman Crispin Kabole has banned area member of parliament Llyod Kaziya and his councillor Annie Chinyanta from speaking to

the media until their differences are finally resolved.

Meanwhile, PF provincial secretary for Lusaka Kennedy Kamba says Deputy Inspector General of Police Bonny Kapeso is maliciously

dragging the ruling party into an aggravated robbery case involving its Eastern Province chairman Emmanuel Banda, popularly known as Jay Jay.

Speaking at a press briefing in

Lusaka, Wednesday, Kabole announced that both Kaziya and Chinyanta should not speak to the media until their ongoing quarrel over illegal land allocations in the constituency was resolved. *Story page 3*

By Natasha Sakala

THE Auditor General has revealed that over K1.9 million of the sanitation surcharge collected by Lukanga Water and Sewerage Company (LgWSC) meant for sanitation extension projects was used for other unrelated purposes.

And the Auditor General has revealed that fuel worth K156,986 was drawn by motor vehicles that are not on the company fleet during the period under review.

According to the Auditor General's report on the accounts of Water and Sanitation companies for the financial year ending December 31, 2018, the utility collected a total of K2,490,458 as sanitation

Lukanga Water misapplied K1.9m meant for sanitation extension projects – AG

surcharge, but only spent a sum of K533,650 on network rehabilitation.

"In 2007, NWASCO introduced a sanitation surcharge in order to contribute to the efforts government was making through infrastructure funding to the water sector. The sanitation surcharge forms part of the tariff structure and accounts for up to a maximum of five per cent of the monthly water bill. The revenue collections from the

sanitation surcharge are ring-fenced so as to ensure that the funds are used on sanitation extension projects approved by NWASCO. The company was awarded the right to levy the customers the sanitation charge in 2015 at the rate of 2.5 per cent. A review of the billing and revenue collection information revealed that amounts totalling K2,490,458 had been collected as of November, 2019. The following were observed: Failure to open bank account. Contrary to the guidelines, the Company did not maintain a sanitation surcharge bank account into which the collected funds were to be deposited. Misapplication of Funds. Out of the total amount of K2,490,458 collected, the Company only spent a sum of K533,650 on network rehabilitation, while the balance of K1,956,808 was applied on unrelated activities," the report revealed.

It also disclosed that Lukanga Water recorded a cumulative loss of over

K44.8 million to leakages and commercial losses.

"Non-Revenue Water (NRW) is the difference between the quantity of treated water distributed in the network and quantity of water actually billed. NRW consists of technical (leakages) and commercial losses (illegal connections, unbilled customers, wastage on un-metred customers' premises). According to NWASCO, the accepted level of NRW is from 20 per cent to 25 per cent of the quantity of treated water distributed in the network. However, during the period under review, the Company's NRW was 52 per cent in 2017 and 51 per cent in 2018 against the recommended benchmark of 20 per cent to 25 per cent. This resulted in a cumulative revenue loss of K44,811,764," it read.

"Profitability. Although the Company's turnover increased from K41,743,481 in 2017 to K49,922,912 in 2018, the Company incurred losses

of K2,349,034 in 2017 and K1,823,233 in 2018. This was attributed to the failure to keep total expenses below the total income."

And the Auditor General revealed that fuel worth K156,986 was drawn by motor vehicles that were not on the company fleet during the period under review.

"Fuel Drawn by Motor Vehicles Not on Company Fleet. During the period under review, fuel costing K156,986 involving 443 transactions was drawn by motor vehicles, which were not among the fleet owned by the Company without authority. Although management in their responses stated that the use of private vehicles was in line with their transport policy and that approvals were granted by the Managing Director or heads of departments, management did not avail documentary evidence to show that the drawing of fuel by private vehicles had prior approvals," it revealed.

The report further disclosed

that 47 payment vouchers in amounts totalling over K1.8 million processed during the period under review were not availed for audit

"Missing Payment Vouchers. Contrary to Chapter 8.6.1 of the LgWSC accounting and procedures manual, which states that all payments must have a payment voucher, 47 payment vouchers in amounts totalling K1,815,029 processed during the period under review were not availed for audit. As a result, it could not be ascertained whether payment processes were followed and transactions properly authorised," the report read.

Meanwhile, the water utility was also found to be owing the Zambia Revenue Authority (ZRA) amounts totalling over K15.5 million in unremitted statutory obligations as at December 31, 2019.

"Unremitted Statutory Obligations. As at 31st December, 2018, LgWSC owed the ZRA amounts totalling K15,537,858 in unremitted statutory obligations, thus risking being charged penalties, contrary to the Income Tax Act Chapter 323 of the laws of Zambia. As at 31st December, 2019, the amounts had not been remitted," read the report.

Grab available funding to strengthen cash flows, ZACCI urges private sector

By Natasha Sakala

ZACCI has called on the private sector to refrain from complaining about Zambia's ongoing economic challenges and take advantage of the available financing facilities through various institutions.

In an interview, ZACCI president Dr Chabuka Kawesha urged SMEs to accelerate high-level interactions with various financial institutions and increase their level of consultation with the Zambia Development Agency (ZDA) to access all the available funding to strengthen their cash flows and revitalise operations amid the COVID-19 pandemic.

"Firstly, I would like to note that commercial banks and the central bank have created a lot of leads and the similar facility is now flowing into the market. We are, therefore, encouraging the SMEs and industry to go to their respective financial institutions and negotiate. Negotiate on the terms that the bank is able to give you so that you are able to sustain and improve on your business operations. So, it is important that the SMEs, themselves, begin to have that high-level interaction with their respective financial institutions. It's also imperative that the SMEs increase their level of consultation with the ZDA to see the initiatives that are there with the Citizens Economic Empowerment Commission (CEEC) because there are all these vehicles that are private sector and government, particularly through the Ministry of Commerce Trade and Industry, Ministry of Finance, Ministry of National Planning, have been discussed. So, it is important that, as industry, we take ourselves out there, we make ourselves known, our businesses known so that we can access the stimulus facility," Dr Kawesha said.

"Government has got multiple options of raising capital and once those options are being explored, each option has pros and cons and the private sector is encouraged not to complain on a constant basis, it doesn't help. Complaining in any scenario on a regular basis or all the time, it doesn't help. The best is to participate. There are those from the private sector who also want to participate. There are those who've got other initiatives. So, as entrepreneurs, as innovators, I am happy that Zambia and Zambians have got that entrepreneurial spirit. Look at those who are in the informal sector. So, as the public sector is utilising multiple angles to raise capital, some of it is to an advantage, we see they want to pay out outstanding contractors, they want to pay out outstanding pensioners and many other outstanding elements so that money is coming to industry. So, it is important and imperative that we begin to look at both sides of the coin when government is borrowing or giving out the funding."

He called for innovation to accelerate industrialisation of Zambia's economy.

"We've always had the capacity, building industry is personal, it's me and you and it all starts with an idea. So, it is important that we are innovative as a citizenry, we build business proposals that are captivating and very interesting and let's encourage ourselves to develop these initiatives as groups, see how the concept of cooperatives works effectively. Similarly, in the corporate structures, it is important that we begin to team up as individuals to undertake mega projects and see how best we can capacitate and build ourselves as Zambians. So, the wind of industrialisation is open, we have the necessary policies in place. Now, government is promoting local content, we are talking of import substitutions where, basically, government is now promoting the presence of local products on the shelves in the retail value chain and elsewhere. So, let's take advantage of that as Zambians, it won't take us anywhere to complain, but to make our presence and initiatives felt and be seen in the market," urged Dr Kawesha.

Government has rolled out an unprecedented K8 billion COVID-19 stimulus package to help inject much-needed liquidity into the local economy, while the Bank of Zambia (BoZ) has equally commenced disbursement of its K10 billion Medium-Term Refinancing Facility through various commercial banks to deserving businesses that need bridging finance to stay afloat amid the pandemic.

ANNOUNCEMENT



On the reconstitution of the Board of Directors for Bridges Limited.



Mrs. Chitembo Kawimbe-Chunga
CHAIRPERSON AND INDEPENDENT DIRECTOR



Mr. Sikambala Musune
INDEPENDENT DIRECTOR



Mrs. Mukalya Nampito-Mwangala
NON-EXECUTIVE DIRECTOR



Mr. Chibamba Kanyama
EXECUTIVE DIRECTOR/CEO



Mr. Wilfred Sakala
EXECUTIVE DIRECTOR



Ms. Janett Mwafullwa
COMPANY SECRETARY

BRIDGES LIMITED SERVICES

- Business and Strategic Plan Development Services
- John Maxwell Leadership Training
- Communications Skills Training
- Risk Management Advisory Services
- Financial Advisory Services
- Management Training Services
- Corporate Re-engineering Services
- Stakeholder Engagement Services
- Corporate Governance Advisory Services
- Insurance Advisory Services



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By Sipilisiwe Ncube

MATERO PF Constituency chairman Crispin Kabole has banned area member of parliament Llyod Kaziya and his councillor Annie Chinyanta from speaking to the media until their differences are finally resolved.

Meanwhile, PF provincial secretary for Lusaka Kennedy Kamba says Deputy Inspector General of Police Bonny Kapeso is maliciously dragging the ruling party into an aggravated robbery case involving its Eastern Province chairman Emmanuel Banda, popularly known as Jay Jay.

Speaking at a press briefing in Lusaka, Wednesday, Kabole announced that both Kaziya and Chinyanta should not speak to the media until their ongoing quarrel over illegal land allocations in the constituency was resolved.

“Over the issues, which have transpired in Matero, as a constituency, we took up steps. We wrote to the Honourable MP and the councillor to exculpate themselves against what was going on in the press. And about that, we are waiting for the seven days from which we are going to act. We even advised the MP and the councillor that they are not supposed to speak to the media until this issue is resolved. And that is why, as a judge, because it's us, the constituency, that are going to make a decision, we are just waiting for the seven days to elapse, that is when we are going to make a decision. Both the MP and the councillor are not supposed to talk to the media. In fact, we don't allow the people to speak to the media. We have got systems of speaking to the media,” Kabole said.

He said the concerns

Matero PF bans Kaziya from speaking to the media, as Kamba warns Kapeso

raised by Kaziya were internal and that the ruling party had channels of airing out grievances rather than resort to using the media.

“The issues which the MP is raising are internal matters and the party has got structures in which all the issues can be conveyed. We don't go to the press. We have got channels. This is a very well established party where we have got a system of doing things. All we are appealing to the MP is that if he has got any other information, he should use the constituency and we will be able to take this information to the higher authority or take action. So, I am appealing to Honourable Kaziya that we are still waiting for his exculpatory letter. We have already received the exculpatory letter from the councillor and as a party. It's from this that we will be able to make a decision,” Kabole said.

Meanwhile, speaking at the same briefing, Kamba urged Kapeso to stop dragging the PF into the aggravated robbery case involving Jay Jay when the suspect should be investigated as an individual.

“We take strong exception to the remarks made by the Deputy Inspector General of Police Bonny Kapeso, who is seemingly dragging the ruling party, the PF, in the case involving Eastern Province Youth chairperson Emmanuel

Jay Banda, popularly known as Jay Jay. The Deputy Inspector General of Police Bonny Kapeso featured on a Radio Programme at UNZA Radio where he said PF members know where Jay Jay, who is facing aggravated robbery-related cases, was hiding. We strongly feel Mr Kapeso is maliciously dragging the PF, as a ruling party in the alleged misconduct of individuals, who must personally face the law if found wanting rather than dragging the entire party into the misdeeds of a few individuals,” Kamba said.

He insisted that Jay Jay's criminal conduct did not have

the ruling party's blessings.

“It is not so long ago that we had a meeting with the police command where we assured them that the PF was not above the law or reproach. We assured the police of utmost respect in the discharge of their duties and that no PF supporter, member or leader was expected to undermine the police or police officers. The cases facing 'Jay Jay' or any of the PF members, who were accused of raiding the Lusaka Central Police Station, had no blessings of the party and Mr Kapeso knows this very well. If one or two members of the PF have crossed paths with

the law, the police must deal with those individuals without dragging the party into such matters,” Kamba said.

And he warned Kapeso not to force party members to demonstrate against some officers, who he said had been “working against the ruling party.”

“To demonstrate how we respect the law and police officers as a party, President Lungu on Saturday during the Central Committee meeting directed Home Affairs Minister Stephen Kampyongo to make sure 'Jay Jay' was brought to book to face the law. Why, then, should Mr Kapeso

turn to the PF and its general membership and say, 'we know where Jay Jay is hiding?' Such comments are sheer slander and malicious against the PF! Mr Kapeso should not force us to demonstrate against some police officers whom we know are working against the PF! Jay Jay or any other person, who has issues with the police have no backing of the party and will not be shielded. The police should deal with the matter without involving the PF. The PF is a distinguished party headed by a distinguished man, President Edgar Lungu, who respects the law and the custodians of it,” said Kamba.

Sumaili pleads with parents to delete their nude videos from cell phones

By Sipilisiwe Ncube

NATIONAL Guidance and Religious Affairs Minister Rev Godfridah Sumaili has pleaded with parents to delete naked videos from their phones, saying they can be very damaging to ones reputation once they leak to the public.

And Rev Sumaili says General Education Minister David Mabumba is a family man, and whoever played a role in leaking his obscene video is wicked.

Mabumba has appeared in an obscene video that went viral, Tuesday, in which he is seen fondling with his private parts during what appeared to be a WhatsApp video call with an unknown person.

Yesterday, netizens took turns mocking the minister, some wondering if that was the “new examination syllabus for e-learning”, but Sumaili condemned the circulation of the video, saying people should not get excited over a wrong development.

“It's very sad that we can get excited when a wrong thing happens. It is very sad that this video has become viral, meaning it is being sent all over. And I just want to beg the Zambians that it is un-cultural even to dance at the nakedness of a father and more to start circulating it all over because a wrong and a wrong does not make it right. And you know, when you are circulating, you are defiling so many innocent people. You are also getting them to do these things, you are corrupting their mental standing,” she guided.

“So, my take is that please stop circulating these things. And also let us delete them. If they are on your phones or wherever they are, delete because it is not right. Leave this into the hands of law enforcement agencies because pornography is a crime. And even you if you are found with this video, you will be answerable.”

Continues on P4

LAWYERS WHO STEAL CLIENTS' MONEY HAVE
NO PLACE TO BE IN ANY OFFICE, LET ALONE IN
HIGHEST PUBLIC OFFICE.

In April 2018, Chief Justice Irene Mambilima said,
*“a dishonest lawyer is a disgraced lawyer
and the profession has no place for such a lawyer”*

IS THIS WHAT WE WANT
TO CONTINUE?



PUBLISHED BY FRIENDS OF THE UPND

From P3

Rev Sumaili then appealed to parents to delete seditious materials from their cell phones.

"And I also want to speak to the parents. If you are a parent and you have these things on your phone, it is very dangerous because your children will come and look at them. so, let us delete these things and let us stop circulating and let us allow investigations to take place."

Rev Sumaili said whoever

Sumaili pleads with parents to delete their nude videos from cell phones

did that to damage the minister's reputation was a wicked person.

"It's very unfortunate because we don't know how that was taken? Who was doing that? Maybe he was just by himself and

then somebody takes the video, it is so immoral, it is so wicked, wickedness in the highest order because you have injured the person. He is a family man and a leader. Why do such a thing?

We are a Christian nation, we are peace lovers, we are a loving, caring, and hospitable people. Let us promote those values. It is inhuman to do such a thing against another person," Rev

Sumaili said.

Asked to give a word of counselling to Mabumba, Rev Sumaili said she could only do so away from the public, but went further to challenge those who have not sinned to be first in casting a stone.

"That is private. I can't tell you just here. Maybe to everybody that let us fear God and let us be human and treat each other with

love and humanity. Remember a story in the Bible of a prostitute who was found in adultery. Jesus said if anyone of you has not done any sin, throw a stone to this lady and nobody did that. Let us treat each other with love, let us cover and cover, meaning that let us protect each other and help each other. [For the minister] I cannot give counsel publicly. Counsel is done one on one. It's not for public consumption for me to say to him. What for? I can talk to him. But speaking to all of us as Zambians, let us stay away from pornography and let us fear God and help each other," said Rev Sumaili.



By Zondiwe Mbewe

THE Constitutional Court has dismissed a case in which Choma Principal Resident Magistrate Exnorbit Zulu wanted it to interpret certain sections of the Penal Code in relation to sexual crimes, which he said were discriminatory against the male child.

ConCourt president Hildah Chibomba, judges Annie Sitali, Mungeni Mulenga, Enock Mulembe and Prof Margarate Munalula have held that the ConCourt had no jurisdiction to determine the matter.

The court adds that this is because the issues raised by Magistrate Zulu relating to the Bill of Rights fall within the jurisdiction of the High Court.

In this matter, Magistrate Zulu wanted the ConCourt to determine sections 14 (3) and 138 (4) of the Penal Code chapter 88 of the Zambian laws in relation to Article 23 of the Constitution.

He stated that the pieces of law appear to be protecting a female child in relation to their age in defilement cases.

However, in a ruling dated July 16, 2020, Prof Munalula said on behalf of other judges that even if the ConCourt had jurisdiction to interpret any provision in the Constitution, that power had been limited by the subjection of Article 128 to Article 28 so that the jurisdiction to determine any issue within the Bill of Rights

ConCourt dismisses Magistrate's application to interpret Penal Code on child sex crimes

is reserved for the High Court.

"It is our holding that this court cannot determine the issues that have been raised by the presiding Principal Resident Magistrate as the same hinge on Article 23, which forms part of provisions reserved for the High Court. Our brief guidance to the Subordinate Court is that constitutional questions relating to human rights must be referred to the High Court under Article 28 (2) of the Constitution. Only those referrals relating to the rest of the Constitution, should be directed to this court under Article 128 (2)," she said.

"For the reasons given above, the matter is dismissed in its entirety. In the circumstance, we make no order as to costs."

In this matter, Magistrate Zulu had referred to a case in which a 13-year-old boy of Choma is accused of defiling a fellow minor aged below 16.

It is alleged that on November 20, 2019, in Choma, the juvenile offender had unlawful carnal knowledge of a child below the age of 16.

When the juvenile offender appeared before Magistrate Zulu in February, the Magistrate said the case needed interpretation.

He then referred it to the ConCourt for interpretation contending that section 131 of the Penal Code defines a child as a person under the age of 16.

Magistrate Zulu stated that unlike offences of rape and indecent assault, which only protects the female gender, section 131 (a) transcends gender and works to protect a child regardless of gender.

He stated that Section 138 (1) of the Penal Code suggests that the use of the words 'child' and 'person' could be deliberate as they could have been intended to convey a particular distinction between sexual capacity and sexual incapacity.

Magistrate Zulu stated that it appeared section 138 (1) described a child as one without sexual capacity and a person as someone with it.

"The word person was loosely used to identify the species and age the law intended to protect. The word person in section 131 (a) and that in section 138 (1) and section 14 (3) do not carry the same meaning," he said.

Magistrate Zulu stated that the effect of sections 14 (3), 138 (1) and 138 (4) evidently showed that the law clearly works to protect the female gender from the male one.

He added that it was clear that section 14 (3) imposes criminal liability only on males over the age of 12.

"This meticulously tailors the veil of protection conferred on children under section 138 (1) to fit the girl child and not boys. How can one be said to be capable of having carnal knowledge at 12 years and expect him to benefit from a veil that places incapability to commit a crime at 16 years?" Magistrate Zulu wondered.

He stated that the provisions raised a cause for concern on the

constitutionality of section 14 (3) and the implication of section 138 (4) of the Penal Code.

But the State argued that the questions raised by Magistrate Zulu should be referred to the High Court for determination because the matter was anchored on the Bill of Rights.

Well behaved inmates will get conjugal visits – Chileshe

By Daniel Chansa

THE Zambia Correctional Services Commissioner General Dr Chisela Chileshe says campaigns in correctional facilities will be conducted with guidance from the Electoral Commission of Zambia.

And Dr Chileshe says conjugal rights will be granted to well behaved inmates.

Dr Chileshe said this during a courtesy call on Copperbelt Permanent Secretary Bright Nundwe in Ndola on Wednesday morning.

Dr Chileshe said campaigns in prisons would be guided by the ECZ.

"Yes, there is a court ruling that was passed. Ours is to follow what the ECZ guides. So the ECZ will give guidance and as we will follow that. But remember, there are rules that our facilities follow. If there are people who are enlightened, [they] are prisoners, because they have the whole time to follow what is happening outside. So campaigns will be guided," he said

He insisted that the Correctional service would support President Edgar Lungu and his government without reserve.

"We will support His Excellency Edgar Lungu and government without reserve. And this should be made very clear," Dr Chileshe said.

And Dr Chileshe said well behaved inmates would get conjugal visits.

He said conjugal rights were not only about sex, but family meetings and integration.

"Conjugal rights will be provided for inmates that behave well. It is not only about sex but meeting their families. This will help them

defend for their families while they are serving a sentence. Even families will be able to appreciate that our member committed a crime and that they are serving a sentence," Dr Chileshe said.

He also said the problem of congestion in facilities was serious.

"We have a problem of congestion in all our facilities. We have come up with open air facilities. Chitwe will be an open air facility. Leave the custodial active cases and security risk cases. Small cases and non security cases we take them to the farms. We hope the farms will not be for hard labour. So inmates will learn how to operate mechanized equipment," he said.

"We want to support the welfare of the inmates. Congestion will be done away. Copperbelt is the second biggest with the number of inmates in the country. It has all the facilities in all towns and it has the second bigger number of officers. So we have a lot of interest on the Copperbelt. Kamfinsa is the biggest facility carrying the bigger number of inmates in the whole country. What is happening at Kamfinsa shows the work that is being done."

Dr Chileshe said he was on the Copperbelt to see the production centers in Luanshya for the irrigation project.

And Nundwe said people needed to be well disciplined to avoid prison.

"Let people be well disciplined. Earn money after labour. You can't have money after stealing all the time. People on the Copperbelt should go in farming as a source of livelihood," said Nundwe.

2 Ndola men get 24 months for stealing a goat

By Daniel Chansa

NDOLA High Court Judge Yvonne Chembe has sentenced two men to 24 months imprisonment with hard labor for stealing a goat.

This is in a case where Stanley Kangwa, a businessman, and Moses Chengo, a general worker, both of Kaloko Township in Ndola were charged with stock theft.

Facts in the matter were that, on February 7, 2020 the duo while acting together in Ndola stole a goat valued at K500, the property of Hussien Ali.

When the case was before the Ndola Magistrates' Court, Kangwa and Chengo pleaded guilty and were convicted accordingly.

The two were committed to the High Court for sentencing because, according to the presiding magistrate, the minimum sentence for the offence exceeded the maximum sentencing power of the subordinate court which was pursuant of section 9 and 217 of the Criminal Procedure Court (CPC) 88 of the laws of Zambia.

But when the matter was called before Ndola High Court for sentencing, Judge Yvonne Chembe said the lower court should have sentenced the two as it was within the mandate of the subordinate court.

She, however, said taking back the matter to the lower court for sentencing was delaying justice.

Judge Chembe then sentenced Kangwa and Chengo to 24 months each with hard labour.

She said that she had noted the mitigation and that Kangwa and Chengo were remorseful and did not waste the courts time by readily pleading guilty.

"I will, proceed to sentence the duo as sending back the case to the Magistrate court will be delaying justice. However, this offence is serious and so I will sentence the two to 24 months' imprisonment each with hard labour," said Judge Chembe.

NEMCHEM sues NRB Pharma Zambia over K135,276 debt

By Zondiwe Mbewe

NEMCHEM International Limited has dragged NRB Pharma Zambia Limited to the Lusaka High Court claiming payment of over K135,000 due to it in respect of cleaning, sanitary and gardening services rendered to the defendant.

Nemchem International is seeking payment of K135,276.53 for the period of December, 2018, February, March and April, 2019 at the defendant's own request and instance.

In its statement of claim filed in the Lusaka High Court, Nemchem International explained that

it was a registered company engaged in the business of selling hygienic cleaning equipment and consumables as well as providing cleaning, sanitation, gardening and pest control services to the public.

It added that the defendant on the other hand was engaged in the manufacturing of pharmaceutical and related products for sale to the public and was also its customer.

Nemchem International stated that between December, 2018, and May, 2019, NRB Pharma Zambia engaged it to provide cleaning, gardening and sanitation services at its premises located at the Multi-

Facility Economic Zone at a monthly charge of K34,974.

It stated that NRB Pharma Zambia was to pay for the work done upon the presentation of a tax invoice.

Nemchem International added that it rendered its services and issued tax invoices to the defendant.

It, however, stated that the defendant only paid K4,619.47 to it on October 19, 2019, out of the total amount of K139,896.00, leaving a balance of K135,276.53.

Nemchem International stated that on April 20, 2020, it wrote a demand letter through its advocates to the defendant for payment of the

balance of K139,896.00.

It added that the defendant in its response through an e-mail of June 5, 2020, admitted owing the balance of K139,896.00 and proposed to pay in monthly installments of K22,546.09 and collection charges with effect June 20, this year.

Nemchem International stated that it accepted the proposal via an e-mail of June 23, 2020, but the defendant had failed to honour its own debt repayment proposal.

It lamented that as a result, it had suffered loss and damage and that the defendant had no defence to the claims whatsoever.

CONSTITUTIONAL MAKING IN ZAMBIA: A MYTH OR REALITY? PART TWO

THE coming on board of the Constitution Court in Zambia in 2016 presented a light at the end of the tunnel in as far as constitutional litigation and interpretation is concerned. Enter, the case of Law Association of Zambia and Chapter One Foundation Limited v The Attorney-General which presented the Constitutional Court with an opportunity to breathe life into the Constitution. The brief facts of the matter are that, first, the petitioners, being aggrieved with the process of amending Act No. 2 of 2016 sought the court's intervention to declare the proposed process illegal, unconstitutional, null and void. Second, the petitioners were aggrieved with the contents of Bill 10 which among others violated the principles underpinning Zambia's constitutional regime among them promotion of human rights, rule of law and democratic governance.

The Court had this to say in passing judgement:

We have pronounced ourselves in several of our decisions on the canons on interpretation of the Constitution as amended including in the case of Steven Katuka and Law Association of Zambia v The Attorney General and Ngosa Simbyakula and 63 Others where we stated that Article 267 (1) enjoins us to interpret the Constitution in accordance with the Bill of Rights and in a manner that promotes its purposes, values and principles. This entails that this Court must have in mind the broad objects and values that underlie any particular subject matter. We explained in that case that this was premised on the principle that words or provisions in the Constitution or statute must not be read in isolation. And that the purposive approach entails adopting a construction or interpretation that promotes the general legislative purpose which requires the court to ascertain the meaning and purpose of the provision having regard to the context and historical origins, where necessary. Also in Milford Maambo and Others v The People, we stated that all the relevant provisions bearing on the subject for interpretation should be considered together as a whole in order to give effect to the objective of the Constitution. After holistically considering Article 128, our finding is that none of the provisions in Article 128 mention a bill. [Emphasis supplied]

It is this author's submission that the above finding flies in the teeth of Articles 2 (defence of constitution); 8 (c) (national values and principles); 9

(1) (a) and (b) (application of national values); 88 (1) (right to petition and make comments); 118 (1) ad (2) (f) (principles of judicial authority). This is so because the Court failed to discharge its duty to uphold the constitution and to promote constitutionalism. This may be deemed to be a callous attack on the court but a question may be posed: if the Zambian Parliament today initiated a Bill that called for the slaughter of all short people and for the withdrawal of citizenship to all persons above 75 years of age, can the Courts fail to intervene on the grounds that Article 128 does not give it jurisdiction and does not mention a Bill? This may be seen to be an excessive example but the principle is the same. The Courts should have investigated into the merits of the claim by the petitioners unlike hiding under the guise of want of jurisdiction. The history behind the creation of the Constitution tells us as traced from the Mvunga Constitutional Review Commission of 1991 with Constitutional Scholar Obrien Kaaba noting that:

In 2016 the Zambian Constitution was extensively amended with a goal towards making a Constitution that fosters democracy, accountability and inclusiveness. One of the new institutions introduced by the amended Constitution is the Constitutional Court. The establishment of the Constitutional Court in Zambia was largely inspired by perceptions in Zambia about the success and reputation of the South African court to hold government accountable. [Emphasis supplied]

How then is government held accountable? To wait until Bills that mutilate the constitution and threaten our democratic existence become law or lives are lost through the creation of constitutional dictatorships?

1.6 STARE DECISIS: AN ENSLAVING OF ZAMBIAN COURTS?

The stability of any judicial system depends on the predictability and uniformity of court decisions. Thus, stability, predictability and uniformity are core attributes of a legal system. This is also true of other attributes such as effectiveness, efficiency and flexibility. The doctrine of stare decisis or judicial precedent is a key component in ensuring these attributes as it entails that lower courts are to follow decisions of superior courts religiously and to the letter at the pain of being reversed if they disregard this principle.

In the case of Abel Banda v The People the Supreme Court of Zambia stressed the sanctity of the doctrine stare

decisis or precedent when it stated that:

In order to have certainty in the law, the Supreme Court should stand by its past decisions even if they are erroneous unless there is a sufficiently strong reason requiring that such decisions should be overruled.

Professor Munalula, JC, in delivering a Judgment of the Constitutional Court emphasized the cautious approach that courts have in upturning precedent when she opined that:

We are also mindful that the stability of our legal system is paramount. The Constitution enjoins us under Article 267 to develop the law as we interpret it. We are alive to the fact that the decisions of this Court should never turn the justice delivery system on its head, our decisions should generate incremental improvements in both substantive and procedural justice, but they must not jeopardize what has worked well in the past. The need for confidence in our legal system means that there must be good reason to depart from well settled procedure be it civil or criminal.

What this means that the Courts in Zambia are bound by decisions of superior courts even when those decisions are preposterous, unconscionable or offensive to the rule of law, human rights protection and good governance as well as constitutionalism. Thus, it is not strange to find that "wild" decisions such as Nkumbula v The Attorney-General and Liswaniso v The People being followed as precedents despite the change in times and being overtly wrong at law and in common sense. It must be noted that the Nkumbula case was decided when Chief Justice James Skinner had been hounded out of Zambia for being what the Party and its Government considered "colonialist appeaser". During this time, Judges who ruled against Kenneth Kaunda and his United National Independence Party were being harassed physically and verbally. Loyalty to the one-party state was a must. No one would say this is good precedent under the circumstances and so is the Liswaniso case in the modern era of human rights where police impunity and prosecutorial misconduct is not tolerated.

With that said, it may be stated that Courts in Zambia have enslaved themselves to the doctrine of stare decisis at the expense of Article 118 of the Constitution and other constitutional principles that guide interpretation of laws and the legislative agenda at large.

Continues tomorrow



NDC
NATIONAL DEMOCRATIC CONGRESS
The fear of God is the beginning of wisdom
 Why we deserve your vote



NDC CASE STUDY - LEARNING FROM HOW PRESIDENT KAUNDA STRUCTURED THE ZAMBIAN ECONOMY IS THE KEY TO FUTURE SUCCESS

THERE was once a time in history when Zambia was a prosperous country, with many job opportunities, a high standard of living, good hospitals, good schools, good roads, a strong currency and a strong economy.

This was during the time that Dr Kenneth Kaunda was president.

Indeed there were shortcomings to his strategy that led to inefficiencies in the economy, but the overall idea was great.

SO HOW DID DR KENNETH KAUNDA DO IT?

Dr Kenneth Kaunda from the onset of his presidency identified that the key to Zambia's success was through the country's mineral wealth.

He nationalized the mines, and took control of the mineral wealth revenues for and on behalf of the people of Zambia. He created ZCCM to manage the country's mineral wealth.

WHAT DID HE DO WITH THE MINERAL WEALTH?

1: He used the mineral wealth to build hospitals, schools, roads, railways, libraries, parks, local banks key infrastructure and other social services.

2: He used the mineral wealth to create industry all over the country. First and foremost he established Ndola city as the manufacturing hub of Zambia, while Lusaka was developed to be the administrative and political centre of the nation.

For those who are young, you may wonder why Ndola city has so many old ghost buildings especially as you enter Ndola from Kapiri Mposhi. All those used to be busy factories and plants, employing hundreds of thousands of Zambians in well paying jobs.

Dr Kaunda also established many trade schools that trained Zambians in blue collar jobs such as carpentry, bioler making, artisanship and operating various types of machinery. NDOLA had dozens of big manufacturing companies such as Dunlop, Colgate Palmolive, Rover Zambia Ltd, Mazembe, TATA Zambia, ROP, Johnson & Johnson and other manufacturing industries including steel and pharmaceutical companies.

In addition to this Dr. Kaunda established at least one big industry or company in many districts, which would produce goods that would be sold in other parts of the country. For example, we had Luangwa bicycles, Mununshi banana scheme, Mwinilunga Pineapple canneries, Mansa batteries, Kalulushi clay bricks, Kapiri Glass, Zamefa in Luanshya, Mpulungu Harbour, Mumbwa cotton ginneries, Zambezi saw mills, Mulungushi Textiles, Kafue Textiles, Nitrogen Chemicals of Zambia, Zambia Sugar, UBZ, Mulungushi Travellers etc.

This was a very smart strategy that achieved two very important objectives, these being ;

1: It enables the development of rural distant towns by allowing them access to the national wealth. In short, he was able to distribute the wealth of the country to areas that could not generate their own wealth.

2: It reduced on mass migration from rural towns to cities like Lusaka and the Copperbelt. People were able to find employment within their own home districts.

WHERE WOULD THE PRODUCE FROM THESE FACTORIES BE SOLD?

The KK economic structure was very robust and well organized, he established state owned supermarket chains like ZCBC, NIEC and Mwaiseni Stores. They were dotted all over the country.

For those who are too young, you may wish to know that alot of the old Shoprite and PEP shops once belonged to ZCBC or Mwaiseni Stores. These supermarket chains were equally as strong as Shoprite is today, and they stocked almost 100% locally produced goods.

HOW DID THESE INDUSTRIES COLLAPSE?

Quite simply it was for a few reasons;

1: Most of them operated as monopolies, they had no competition, as a result they were not innovate enough to move with the times, they started to become obsolete.

2: They were heavily subsidized, the heavy subsidies meant that management of these companies were not held accountable when the companies were making losses because the subsidies would keep the companies afloat.

3: When President Frederick Chiluba came to office, his goal was to destroy and dismantle every single thing that Kaunda had built. Instead of restructuring these companies to overcome their inefficiencies, he opted to privatize these companies to foreigners and strip them of their assets.

This along with government corruption in successive governments has been the cause of suffering, unemployment, poverty and lack of investment in Zambia.

Hundreds of thousands of Zambians lost their jobs during the privatization process, many were never paid their benefits as these companies were liquidated.

This opened the door to foreign companies like Shoprite, foreign banks and foreign institutions to move into Zambia and suck the wealth out of this country. While our local companies and local banks which provided employment and cheap loans to our citizens collapsed, foreign entities moved in to fill the void with exploitative and slave wages for our people.

This was also the beginning of the collapse of the kwacha, whose impact we still feel today.

WHAT DOES THE NDC LEARN FROM THIS, WHAT'S THE WAY FORWARD?

History is the best teacher, we know what went right and what went wrong, we now know the dos and donts.

As NDC our key message focuses on industrialization.

The NDC President Dr Chishimba Kambwili has declared that once the party is elected to government, we will embark on an ambitious program to industrialize the country.

We will adopt many of the ideas of the Kaunda government such as establishing state owned enterprises and factories, and spreading them out all over the country in order to provide employment, distribute wealth and make all corners of the country economically active. This is the only way that Zambians will have employment, hunger ended, good Healthcare and good educational facilities.

We don't propose to nationalize the mines, we will simply restructure the national budget to free up resources to establish these industries. For example, instead of building a \$320 Million airport in Ndola, we would use that money to establish 30 massive agricultural ranches around the country similar to the Mpongwe development scheme.

The simple rule is that we will only invest national funds into investments that offer good returns, if it's not profitable for the country, we won't invest in it. For example, we would not build a railway line from Chipata to Serenje for \$2 Billion because it's not viable, that money will be better spent establishing factories in towns like Serenje to provide employment to local people, and these companies will be able to sustain themselves and generate revenue to repay the loans, the loans would not be repaid from tax revenues.

We won't operate monopolies, we will operate in a free competitive market, so that our companies can be innovative and managed efficiently.

We will establish large retail chains that will rival Shoprite and that will sell predominantly Zambian goods, that way we can preserve jobs for Zambians and reduce on the bleeding of foreign currency to other countries, and thus strengthen the kwacha in the long term.

To conclude, we are asking Zambians of all walks of life to put faith in the NDC, we are the only party that has the drive, vision, will and ambition to transform this country into an industrialized country, we have a party president in Dr Chishimba Kambwili who has a heart for the people and who is determined to industrialize this country.

We are in the final stages of developing our party manifesto, and once it is unveiled you will see for yourselves how superior our party manifesto is compared to other political parties. It is a thorough document that explains in logical detail our plans of how we will develop Zambia.

NDC

By Sipiliwe Ncube
 INFORMATION and Broadcasting Services Minister Dora Siliya has defended government's intention to improve the Public Procurement Act of 2008, saying this move will close loopholes which cause wastage of public resources.

Reacting a News Diggers! editorial opinion titled "It's pointless to enact procurement laws that you don't follow", Siliya argued that amending the law was the first step to sorting out the problem.

"We need a constitutional office for public procurement so that when we set the standard for procurement, even when you procure anything, even paper, somebody has to say, 'you are being wasteful here,' even when you are buying water or paper. Right now, the Public Procurement Office is not constitutional. But the Minister of Finance (Dr Bwalya Ng'andu) has received presentations that, maybe this office should be constitutional like the Auditor General, so that people can follow up on why procurement was not done properly here. Without that, all we are having is just disorderly whistleblowing because people don't understand it. So, what government has done in the new law that we are proposing is that we have strengthened the Public Procurement Authority, but people are saying that that's not enough, you even need to strengthen the DG's office so that it becomes a constitutional office. And government is listening," Siliya said in an interview in Lusaka.

She observed that the procurement law in Zambia was not well written.

"I think government disagrees with the opinion that, 'why are we doing it when nothing changes' because the very reason it's being done is as a result of a response from various stakeholders, including those within government that something needs to change with procurement for us to provide confidence. As the Zambia Procurement Association was one of the people who have been in the lead to pushing that the reason we keep hearing of challenges with procurement in Zambia

Dora defends govt's decision to amend Procurement Act

is because the law is not well written. And of course, even within government, people said there are some lacunas in the procurement system in Zambia. So, unless we improve it, we are not going to give Zambians value for money," she said.

"So, this is the reason that the Ministry of Finance has pushed that let us change the law. Some of the lacunas are that (i) there is no benchmarking in the current law. For example, if a pen in the Ministry of Information goes at K2 and then in the Ministry of Energy, for example, goes at K5, then at Zesco it goes at K10, you can continue to say, 'why did you buy a pen at Zesco at K10 and then at Ministry of Energy at K50? It must be corruption.' As long as they followed the law of three quotations and in those three quotations, the law does not say that you have to buy the cheapest. They have to give you a reason at that time as they see it fit that this is the price we want. So, they have not broken the law. But people will say in the newspapers: 'there is corruption.' But people will tell you that look at the law, it was followed."

She said government had drafted a law, which was meant to strengthen the office of public procurement so that it provided benchmarks.

"And this is why, even when many cases have gone to court, there has been almost no evidence because what people have been projecting are perceptions and yet the law has not been broken. The government realised that there is a challenge here [and] we need to have benchmarking, meaning that if we are saying that government always procures paper, wherever they are procuring paper in government, there must be at least a price within range. And somebody needs to provide that benchmarking. So, in the new law, government is saying that, 'let us strengthen public procurement and the Public Procurement Office so

that they should be providing benchmarks. If a 100Km road in Lusaka costs this much, why should another 100Km road in a different province cost differently? Of course, the reason could be because this one is in an urban area and the other in a rural area, but they must be within the range. But right now, the law doesn't provide for that," she said.

Siliya insisted that it was irregular that there was currently no procurement oversight office.

"So, even if you complain and write a big headline and say, 'no, this one here costs this and why is this other one vying at this price?' It's just an academic argument because the law doesn't provide for that. Government is saying, 'no, there must be guidelines in procurement in terms of the price benchmarking.'

Secondly, oversight. Right now, we are only concerned about after money has been spent through the Auditor General's Office, but it is also important that we look at the Office of the Public Procurement so that somebody is responsible for public procurement in government," she said.

"Right now, procurement is done at various levels, but there is no particular office that has oversight so that when something goes wrong, the public knows that the person to blame is this one. And this is why it is always this minister, the PS, this DC, this director, because the Office of the Public Procurement has

not been strengthened. This law needs to be strengthened so that even when citizens have a complaint about procurement, they know where to go."

And Siliya explained that the objective of changing the law was to ensure that government equally got enhanced value for money.

"The focus of the law is to ensure that there is value for money for government. Value for money also does not mean that we buy this so that next year we are doing the same job. If you say that, 'there is a 100Km road, just because somebody was so low and they do a bad job and we are going to do that road again in two years,' then again, that is corruption on its own because it's not value for money. Value for money means that there must be public procurement, but we must ensure that both in terms of price and quality in terms of what we are buying are consummate. Right now, RDA (Road Development Agency) can just set their standard and procure. What about in the Ministry of Education when they are constructing schools, what is the standard?" asked Siliya.



Minister of Information and Broadcasting services Dora Siliya (r) with News Diggers Editor-In-Chief Joseph Mwenda (l)

Penalising those who abruptly withdrawal cases can deter victims from seeking justice – Kasonde

By Mirriam Chabala
 CHAPTER One Foundation executive director Linda Kasonde says allowing the Director of Public Prosecutions (DPP) to start penalising people who withdraw court cases will make claimants fearful of seeking justice.

Responding to a press query, Kasonde observed that as much the DPP's work was being frustrated by sudden case withdrawals from claimants, there were still provisions in the law that allowed witnesses to withdraw cases as long as they satisfied the courts of law.

She cautioned that any further attempts to criminalise the withdrawal of cases would act as a deterrent to witnesses.

"The first point to note is that anyone making a complaint or giving a statement in a criminal matter must do so freely and independently without the

influence of any other person. Regarding the withdrawal of a complaint, section 201 of the Criminal Procedure Code provides that a complainant may withdraw their complaint only if they satisfy the Court that there is a good reason for doing so, which means that there is already an in-built safeguard against complaints being withdrawn without good reason. You also have to bear in mind that the safety of some complainants is at risk by making complaints and may wish to withdraw a complaint on that basis. We often see that in Gender-Based-Violence (GBV) cases. The same applies to witnesses. This is why complainants and witnesses should not be coerced into coming forward to make a complaint or to give a statement. But if absolutely necessary, a witness can be compelled to come to court through a subpoena, but they are not compelled to give any

evidence that may incriminate them," Kasonde stated.

And Kasonde said she believed that there were adequate laws already in place to deal with people who withdrew their complaints or falsified statements after being bribed by suspects.

"If, indeed, there are people who bribe witnesses to withdraw their complaints or their statements, then there are already adequate laws to address that situation. Where a witness changes their testimony to give a false or misleading statement in judicial proceedings, that person may be prosecuted for the charge of perjury under sections 104 and 104A of the Penal Code. And where any person tries to tamper with a witness by bribing or threatening them, that person has committed a felony and faces up to seven years in prison. Any attempt to further criminalise withdrawing complaints or statements may deter complainants and witnesses from coming forward," she cautioned.

But Kasonde, who sympathised with the plight of the DPP's office for its wasted time and resources on cases that ended up being withdrawn, called for wider criminal justice reforms that strengthened the investigative agencies in Zambia.

"Chapter One Foundation sympathises with the plight of the DPP and other officers under the National Prosecution Authority (NPA) given the wasted time and resources when complaints or statements are withdrawn. We would, therefore, like to use this opportunity to call for wider criminal justice reforms that strengthen the investigative capacity of the police, as well as allow for speedy, but comprehensive trials and enhance the cooperation and collaboration between the different investigative wings for the smoother administration of justice," stated Kasonde.

Last week, DPP Lillian Siyuni proposed an amendment to the law to introduce penalties for people with a tendency of recanting or withdrawing court cases after being bribed by suspects.

She lamented that the tendency by victims withdrawing cases from court after being bribed by suspects was terribly affecting her work due to the huge waste of time spent on cases that ended up abruptly closed.

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Kaziya is right, but PF will fight him for confronting the truth

HONOURABLE Lloyd Kaziya, the PF member of parliament for Matero Constituency, says it will be hard for the ruling party to campaign ahead of the 2021 general elections because cadres have been allowed to conduct so many illegalities in the name of the party without facing consequences.

The former minister adds that because of his intolerance for illegalities and corruption, he has remained unpopular among PF cadres in his constituency.

“There is this group that has been awarding land to Indians, and foreigners. How much have they eaten? You see, what happened in Emmasdale has now escalated to Kitwe and this is why they have revoked licenses in Lusaka and Kitwe... The problem which is there is that because it is involving cadres, we are concealing these issues. The Njanji railway line is gone! They have cashed in on it. And I am bringing this before the ACC to probe them. The Chunga Roundabout

News Diggers!

Ear to the ground

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has been sold to Zambeef. Our own PF Constituency team sold that and shared the money... You see, I have been fighting these kinds of illegalities in Matero for a long time and this is why I am not popular among the cadres in Matero. Even the secretariat has joined siding with criminals! We have allowed lawlessness in the country and more especially in Lusaka... Had it not been for that video going viral, you wouldn't have known about this. And as a party, they have fought me, meaning that they embrace corruption, meaning that they embrace illegalities,” says Kaziya.

We feel sad for the Honourable MP because we know that the path he has taken is a lonely one. Calling out and condemning

those who engage in illegalities is not an easy undertaking. Usually, those around you take offence and in this case, we will not be surprised if Honourable Kaziya is punished by his party for pointing out the wrongs involving PF members. We are also not surprised to hear that the MP is not popular among the cadres. Cadres don't like leaders who hate lawlessness, they like those who embrace corruption because that's their source of livelihoods.

Our opinion today is that, although Honourable Kaziya himself may not be clean when it comes to accountability and good governance, no one can disagree with the concerns that he is raising about his party. It is not in contention that the Patriotic Front

has been tolerating lawlessness from its cadres. In some cases, the leaders send cadres to engage in lawlessness for their superior benefit. This is why when it comes to the fight against corruption, they fight it with their lips while their hands are perpetuating it.

When those in government address the nation on corruption and the ongoing lawlessness, what they say is the work of speech writers. Condemning corruption is not done because they detest it, but because it is a good political statement to make. It is not something that comes from a place of conviction. We say this because leaders in this government preach the opposite of what they do. At no time has this PF government been

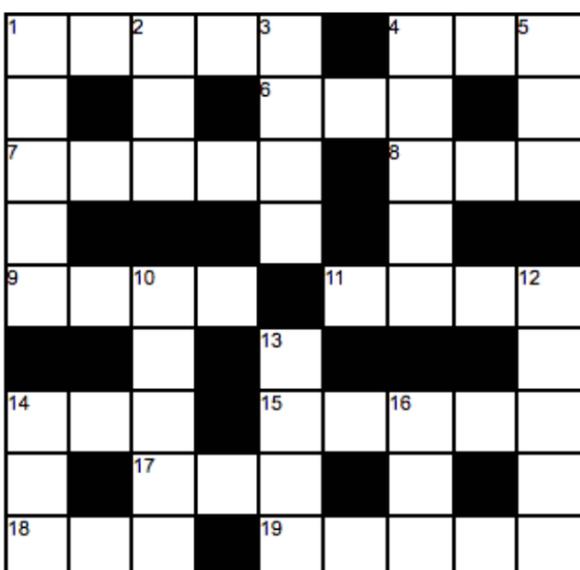
steadfast in fighting corruption. From the very beginning, their formation of government was premised on corruption. They bought every vote that was available for sale in 2016 and the same trend has continued during by-elections. When corruption has been unearthed, they fight to cover it up instead of eradicating it. This is one reason why they have institutions such as the Financial Intelligence Centre, which has access to places where they hide corruption money.

There is no way that we can expect such a political party to detest corruption. Like Honourable Kaziya says, they are fighting those who speak against illegalities because they embrace corruption. The Patriotic Front

is a product of corruption, and people who speak the way Honourable Kaziya came out are perceived as enemies. The Matero MP is right, but they will punish him for speaking the truth because they don't want anyone questioning the lawlessness in the party. What the PF does best is shielding one another as wrong doers.

Here we are with a self inflicted local government scandal under the civic authorities. They have come out very vibrantly to condemn the corruption and illegal land allocation at the Lusaka City Council and the Kitwe City Council. These are councils which are run by the Patriotic Front, meaning if there is any criminality at play, the culprits must be members of the ruling party at mayor and councillor level. But watch what is going to happen at the end of the so-called investigation. See how many people will be found wanting and who among them will be made to account. It's nothing but a charade!

Crossword puzzle No 657



“The root of all superstition is that men observe when a thing hits, but not when it misses.”

- Francis Bacon

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|---|--|
| <p>Across</p> <ul style="list-style-type: none"> 1. Initiate 4. Unopened flower 6. Earth's atmosphere 7. Written report 8. Drink cooler 9. Smooch 11. Conquer 14. Round green vegetable 15. Mountain chain 17. ___ de Janeiro 18. Skin blemish 19. Wonderful | <p>Down</p> <ul style="list-style-type: none"> 1. Urban dance 2. Vapor 3. Votes against 4. Groom's mate 5. Payable 10. Bright 12. Halloween option 13. Pond hopper 14. Dispenser candy 16. First called |
|---|--|

Crossword puzzle No 656



Readers' Feedback

ND! OPINION: It's pointless to enact procurement laws that you don't follow

Dear editor,

"Keeps the donors happy so they can provide employment to their people to oversee our government ignoring the laws enacted and then the donors can rub their hands and ponder how to deal with corruption in donor funded countries and start a new project to monitor donor funding and suggest new legislation, to provide employment for their people ad nauseum". - Sue Clayton

"The Chief Procurement Officer is President Lungu himself. Thus why the \$ 17million Honey Bee deal is not negotiable. It is one of the reasons Dr Chitalu Chilufya cannot be Convicted of Corruption Crimes. That is why Luapula Minister Nickson Chilangwa will not see those responsible for the shoddy works on the Pedical Road brought to account for the already crumbling road". - Christopher Kalima

"John Sangwa said you can have the best constitution but if you have bad leaders then it wont work". - Maimbolwa Kamanga

"Plunderers plotting more plunder. God help us". - Muleba Malama

Magande's call on govt to be creative and not use old tactics to revive economy

Editor,

"Mr Magande should realise by now that PF mismanagement of the economy starts and ends at borrowing. PF is incapable of innovative ways of creating jobs for youths. We've all seen that since 2015, all they do is two things: 1. Borrow, 2. Campaign to stay in power. They don't have time to sit and be innovative". - Mike Phiri

"In Africa, Zambia inclusive, those with power have no ideas and those with ideas have no power". - Martin Nyanjagha

"One of the best finance ministers Zambia has ever seen!" - Cosmas Mwanza

"The best finance minister because he had the most serious boss (levy

Mwanawasa) I really miss these guys". - Musheke Sishekanu

"Our PF led government is 'Living in a New Normal but depending on Old Ideas'. Who in the PF establishment can understand what Honourable Ng'andu Magande is talking about? They are all locked on how to revive the dead Bill 10". - Christopher Kalima

"They don't have the skill... to be creative...baishibafye ukulomba!!" - Noah Chizinga

"They have no capacity, that's

why they hired someone and paid him \$5m to do the thinking on their behalf. All they know is contract debt and share!" - Thomas Sankara

"If Magande becomes a finance minister under this current regime, he can just destroy the legacy he has built for many years. This is because he cannot fit in, its impossible, the man is too educated and experienced to work under such a corrupt regime like this one. Even soccer players, if you play with amateurs, no matter how good at playing soccer you are you cannot play a good game". - Stafreds Maluta

'KBF not right person to criticise Lungu over 3rd term bid'

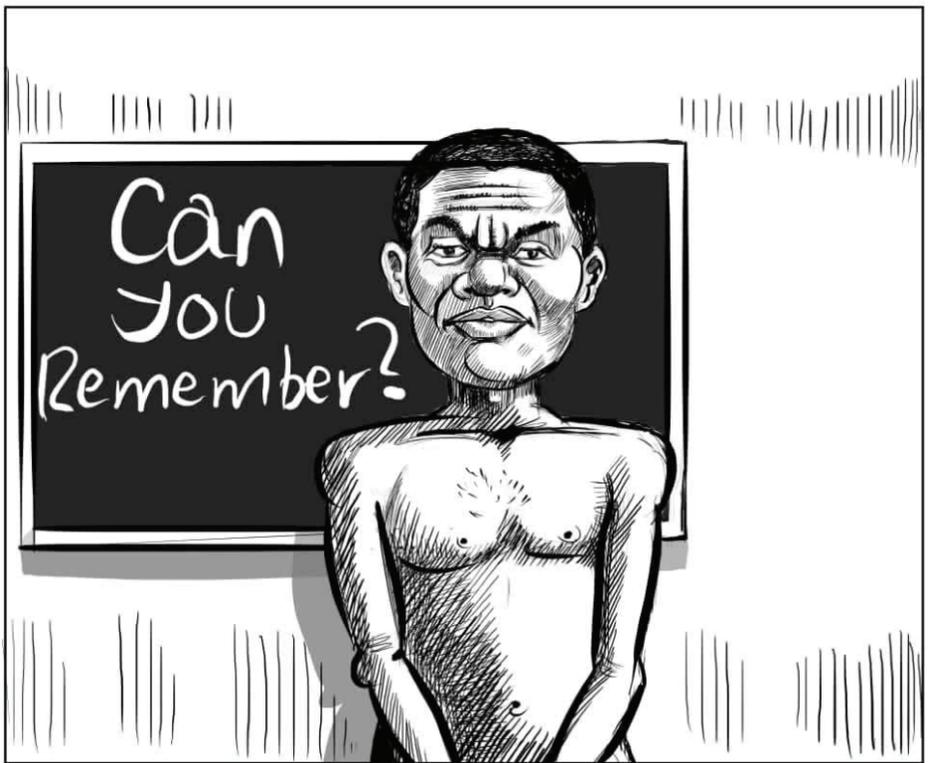
Editor,

"The message from KBF would have carried more weight if it was coming from a genuine person, but he is talking from the bitterness he's been carry from 2015, after ushering ECL to the presidency by force in a crooked manner, he was waiting for his bonus which was a job in government, when ECL did not give him a job he got upset and begun the journey to fight PF". - Mutinta Mulonda

"The problem is not Lungu, it's those thugs, parasites, beneficiaries around him. Life has become so good they will kill to keep him there. They are enjoying things beyond their individual capacity and imagination. They are working on his, not so strong character, convincing him of the impending armageddon should he lose power. God will solve this one, hang in there all you political players, he may use you!" - Lukonde Chama

"KBF was part of the clique that put us in these problems we are now facing. If he wants to fight PF out of frustration or bitterness, let him do it alone. He must forget about sympathy votes from the Zambian people!" - Coswell Banda

"This guy too is part and parcel of the PF's failure to govern the nation and he should just shut up. We don't care whether it is Lungu or whoever is adopted under PF, all of them are just the same, they are liars. So the best way is to get rid of PF, KBF should just tell us how he single handedly made Edgar Lungu win the 2016 general election because he has put this country in a quagmire as a result of what he did. PF is a party of illegalities which has costed all of us big time". - Kayimbo Kayimbo



'PF is known for shielding criminals'

Editor,

"PF is known for shielding criminals, arrest all those who have attacked radio stations, mourners, church goers, the list is endless, is it because Jay Jay attacked the other wing of pF cadres and has to be sacrificed???" - Michael Sandala

"So jay jay committed a crime in Lusaka, managed to move from lusaka to Eastern, and "supposedly" into Malawi, and no law enforcement officer saw

him? That trip has about 8 check points". - Kopala Physio

"How I wish he also allowed the Police to arrest the known PF cadre who killed Lawrence Banda in Sesheke. Just because he knows Jay Jay ran away he has the guts to lie and give false hopes. His 6 points are not working mwe!!!" - Noritah Mwanza

"It is the beginning of the end of your political career

Mwila, start clearing the land at the farm, because that is where you are going. You are of no use to the Zambian people any longer". - Jackson Thompson

"You don't know when to trust such kind of faces. Always breaking the law when it suits them. God is great. Nothing is permanent!" - Tukafililamunsenga Kambwili

EDITOR'S NOTE:
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Note that we block Facebook users who use abusive language.

By Natasha Sakala
FINANCE Minister Dr Bwalya Ng'andu says the issuance of bonds will not worsen the Zambia's current debt position because they are long term.

And Dr Ng'andu says Zambia is poised to save about K3.7 billion from the G20 debt service suspension initiative.

Meanwhile, Dr Ng'andu says the Ministry of Defense has been included in the

Govt unveils K15bn supplementary budget, K5.7bn for debt servicing

supplementary budget because government wants to explore ways of producing bullets locally, rather than importing them.

Dr Ng'andu was speaking when he virtually

presented a K15.1 billion supplementary budget to the parliamentary budget committee chaired by Mbala PF member of parliament Mwalimu Simfukwe.

Of the proposed

amount, K5.7 billion is set to go towards domestic debt service obligations and K5.5 billion will be allocated towards expenditures drawn from the COVID-19 bond.

“The excess expenditure budget stands at K15.01 billion. I would now like to bring out the proposed expenditure allocations contained in this excess expenditure. Chairperson, you may wish to note that K5.7 billion or 38 percent of the excess expenditure will be dedicated to domestic debt service obligations primarily on increase in the interest rates on domestic borrowing as well as corresponding increase in the stock of domestic debt. Expenditures amounting to K5.54 billion or 37 percent of the total expenditure will be allocated to expenditures drawn from COVID 19 bond. Chair, as you may be aware, government through the Bank of Zambia issued a COVID bond of K8 billion, the maturity profile of the bond is expected to be at least five years and the amortised from year seven on the basis of first in first out to encourage basically quick subscription to the bond. The proceeds will go towards domestic players in business where government owes small and medium enterprises and also in loans and guarantees to small and medium enterprises. You may wish to note that only

K5.5 billion of the Covid bond will be supplemented,” Dr Ng'andu said.

And in response to a question from UPND Kapiri mposhi member of parliament Stanley Kakubo on whether the bonds being issued had a bearing on the country's debt position, Dr Ng'andu said the bonds being issued had a long maturity rate which gave the country some time to manage them when they matured.

“On the domestic debt, there is still room and provision that is available under the both bonds as well treasury bills which are available. And this particular instance, we have gone specifically for bonds and I did mention that these are long term bonds. Long term, maturity here we are looking at seven, up swinging as high as 15 years. So if you take that together with the kind of measures we are taking in terms of trying to reduce the current debt, I think by the time we will be getting to the fifth year or so, we should be in a better position to manage that debt stock with the existing debt situation at the time. If we had contracted short term debt, it would probably, we would have a problem because it would then exacerbate, if you like the liquidity situation but given that they are long term in nature, I think they will give us the space that we

will be able at the same time to manage the debt situation before we get to that point,” he said.

He said given the current debt distress, government was not engaging in external borrowing.

“In terms of domestic borrowing, I think the issue around borrowing first is that the debt stress situation that we are experiencing has been occasioned primarily by external debt as opposed to internal debt specifically. I think we are all aware that as far as external debt is concerned, we have stopped borrowing externally. At the same time we are currently negotiating with the view to get some relief in that space. So as far as external debt is concerned, we are not touching,” he said.

Meanwhile, Dr Ng'andu said the Treasury expected to save K3.7 billion from the G20 debt service suspension initiative if the country benefited from the initiative.

“The treasury has made an assumption that we will benefit from the G20 debt service suspension initiative. Savings amounting to K3.7 billion are anticipated to be accrued from this initiative. Loans and investments has a budget allocation of K18.2 billion of which K6.2 billion has been released to date leaving a balance of K11.8 billion. It is in this regard that K5 billion is proposed to be declared as saving under head 21. So if we summarise this, I can say head 99, which is external debt service will be realising the amount of K3,718,889, 146.34 and head 21, loans and investments, we will realise 5 billion and that gives us a total of K8,718,889,146.34,” he said.

And in breaking down expenditure, the Minister said the ministry planned to spend about K700 million on the defense and security wings following internal and external challenges the country faced this year.

“Chairperson, our country has faced challenges both internally and externally and therefore I am proposing to spend K719 million on defence and security wings. This amount is primarily used to modernise the services for our men and women in uniform,” said Dr Ng'andu.

“Chair, I think there are some things that probably are difficult to explain bearing in mind that this is on public radio but obviously we have had issues on Congo border that we have had to keep on end of alertness and then internally here, in the more recent past we have had issues if gassing and so on. So there are certain issues to do with security that require a response. It's difficult for me to get into the actual details unless we are in camera.”

When asked why the Ministry of Defence was getting a substantial part of the supplementary budget, Dr Ng'andu said government was consideration the local production of bullets and uniforms.

Lungu acts on porn, fires Mabumba



President Edgar Chagwa Lungu Chairs the 17th Cabinet meeting at State House in Lusaka on Wednesday, July 29, 2020. Picture by Salim Henry

By Sipilisiwe Ncube

PRESIDENT Edgar Lungu has with immediate effect terminated the appointment of David Mabumba as General Education Minister and replaced him with Dennis Wanchinga.

Meanwhile, President Lungu has appointed Bwana Mkubwa PF member of parliament Dr Jonas Chanda as Water Development, Sanitation and Environmental Protection Minister taking over from Wanchinga.

Special Assistant to the President for Press and Public Relations Isaac Chipampe announced this in a statement.

Chipampe said the President in his termination letter to Mabumba, thanked him for the service which he rendered.

“In exercise of the powers vested in me under the provisions of Article 92 (2) (e) read with Article 270 of the Constitution of Zambia and Section 26 of the interpretations of the General Provisions Act Cap 2 of the Laws of Zambia, I hereby terminate your appointment as Minister of General Education. I wish to thank you for the service you rendered to the Government of the Republic of Zambia and to wish you well in your future endeavours” stated President Lungu in the letter.

Most of those succumbing to COVID-19 are over 50 yrs – Malama

By Mirriam Chabala

ZAMBIA has in the 24 hours recorded four COVID-19 deaths, of which two were brought in dead at the University Teaching Hospital (UTH), while the other two were recorded at Midlands Hospital and Levy Mwanawasa isolation centre in Lusaka.

And Ministry of Health Permanent Secretary Dr Kennedy Malama says most of those who are succumbing to COVID-19 are over 50-years-old or have underlying conditions like HIV.

Speaking during the daily COVID-19 updates in Lusaka, Wednesday, Dr Malama announced that the country had recorded 247 new cases of COVID-19 in the last 24 hours out of the 970 tests conducted.

Dr Malama explained that the new cases and deaths recorded had raised the cumulative total of COVID-19 cases to 5,249, with 146 deaths.

He said 87 patients were currently admitted to isolation centers with 37 on oxygen and three more on ventilators.

“In the last 24 hours, Zambia has recorded a total of 247 cases of COVID-19 out of 970 tests conducted. The 247 cases include: 127 people who were identified through healthcare facility screening, in Lusaka 116, Kitwe nine and Ndola two. We also had 64 contacts to known positive cases, in Lusaka 62, Chilanga two. We had 46 individuals from routine community screening in Lusaka. Four health workers were screened in Lusaka and three individuals identified following community alerts within Lusaka. We had three Brought-In-Dead (BID)

s to our mortuary at the University Teaching Hospital (UTH). We had one facility death and this occurred at Medland Medical Centre. The four deaths recorded in the last 24 hours include as alluded to; the two BIDs brought to UTH and the death which occurred at our private hospital here in Lusaka and also a patient whom we've been managing at Levy Mwanawasa COVID-19 isolation centre,” Dr Malama said.

“The cumulative number of deaths, therefore associated with COVID-19 now stands at 146. Following the reclassification of deaths in which the virus has been detected, it has been determined that 40 of these deaths are COVID-deaths or deaths due to COVID-19 while 96 are COVID-19 associated deaths. Eight deaths are yet to be classified. As we've always said, when a death occurs we have to do investigations; we have to check the records, talk to the family members and ensure that the diagnosis we put finally is what is on the ground. So definitely people should not be surprised that we do embark on classification of these deaths when they occur. The cumulative number of COVID-19 cases in our country stands at 5,249 including 146 deaths and 3,285 recoveries.”

And Dr Malama revealed that most of the people succumbing to COVID-19 were those above the age of 50.

“The majority of the cases, particularly those we've admitted in our facilities, you'd see that the majority are

50 years of age and above. And when it comes to those who are passing on, again it's the older ones by and large because they are the most affected. But also as a country, not relying on the global evidence, we've seen that people living with underlying conditions are the majority of those we've lost. When we say we've lost 40 due to COVID-19 and the other number associated, those [lost] to COVID-19, you will find that they are quite a good number of them. Diabetes, which is Sugar Disease, as you may call it, high blood pressure, kidney disease... we have also seen association with HIV [among] those who are succumbing. So in summary, you will see that having an underlying cause or condition is a risk factor for someone who develops COVID-19 from succumbing to it. We've also seen that generally, males seem to have been more affected when broadly you look at those who were COVID-19 positive in our country,” Dr Malama said.

And Dr Malama described calls by some members of the public to have pictures of COVID-19 patients published as unethical.

“As a country at the moment, looking at all our COVID-19 treatment and isolation centres, we have a total of 99 of our brothers and sisters admitted there of which 37 are on oxygen. We also have three who are on ventilators. Let me re-emphasise, we continue getting calls that as government we should show the public pictures of our brothers and sisters who are admitted on COVID-19 treatment and centres, that is unethical. We would

like to ensure that we give the privacy and confidentiality to our brothers and sisters who are admitted in our COVID-19 treatment and isolation centres,” Dr Malama said.

Dr Malama also asked members of the public to stop self-prescribing COVID-19 treatment without expert advice.

“Let me also take this opportunity to appeal to the Zambian people; we've received information of some people who are promoting the use of some of the drugs which should only be prescribed by health practitioners to the members of the public, this is uncalled for. At a time like this when we are fighting COVID-19, we expect to move as a collective as a country and we wouldn't want to see a situation where certain quarters is undoing what we are trying to do. Some of the drugs we are using in treating people with COVID-19 are quite strong drugs which should only be prescribed by those who are authorized. We have had reports of drugs like azithromycin, dexamethasone being presented by some people in the communities that people can self-prescribe, we are not going to condone that and we have directed the Zambia Medicines Regulatory Authority (ZAMRA) and other relevant wings to move in and ensure that we stamp out those practices,” said Dr Malama.

Dr Malama also encouraged members of the public to be wearing cloth face masks and leave surgical masks to those visiting hospitals and the health workers.

By Abraham Kalito
 NATIONAL Olympic Committee and Commonwealth Games Association of Zambia president Alfred Foloko has called on athletes to commence preparations for the 2022 Commonwealth games scheduled for Birmingham.

Foloko stated Zambian athletes should tune their bodies to the expected demands of the games to avoid panicking on the 11th hour.

NOC urges preps for 2022 Commonwealth games

“In exactly two years’ time, the Birmingham 2022 Commonwealth Games will begin and in living up to the motto: Are you game? There lies the challenge to all our athletes to prove to the world what they are

made of and how they will prepare themselves in the 723 days remaining before the spectacular event. As a Country and as a region, our campaign for Birmingham 2022 begins now and expected to be intensified

in 2021. Therefore, I urge all athletes not to sit on their laurels and blossom at the 11th hour only to fail but instead use this remaining time to tune their bodies and mind to acceptable levels of the demanding

event,” Foloko stated.

“Despite the current telling and ravaging Coronavirus pandemic period we are going through as a people and the world at large, we can be rest assured that come 2022, the world will be ready to see, watch and experience the best from Zambia and the southern region at the games where everything counts only if we attach all the seriousness in our preparation in the two years remaining to the ceremony.”

He stated that Zambia as a country was thrilled to join in the preparations.

“While the local

organizing committee in Birmingham is nearing and steadily opening up new state of the art sports facilities and positioning itself to welcome home more than 5,000 athletes from 72 Nations and territories to the 2022 Summer Games, the National Olympic Committee and Commonwealth Games Association of Zambia (CGA Zambia) is thrilled in joining the host city in marking and celebrating the two years to go count down to the games that will see athletes compete in 20 different sports,” stated Foloko. “...we look forward as a country and indeed as a region to descend at the expanded 50,000 Alexander Arena with our skillful and talented athletes from our respective countries in Birmingham city in two-years’ time from this month.”

Arsenal remain hopeful over Partey

ARSENAL could firm up interest in Porto’s Danilo Pereira if Atletico Madrid refuse to soften their stance over Thomas Partey this summer.

Partey has been a long-term target of the Gunners, with their interest dating back well beyond Mikel Arteta’s arrival as head coach in December.

The Spaniard is also an admirer of the Ghana international, however, and would be happy to see him arrive this summer as he attempts to build a squad capable of competing for the top four next season.

Arsenal are aware that the 27-year-old has a €50 million (£44m/\$54m) release clause in his current contract with Atletico, but a combination of the coronavirus pandemic and failure to qualify for the Champions League means that money is exceptionally tight at

the Emirates.

The north London club have been attempting to explore other ways of striking a deal for the midfielder, who still has three years left on his current contract, but Atletico have made it known that they will not accept anything other than the release clause for a player they regard as key to Diego Simeone’s plans.

Simeone is desperate to keep hold of Partey and wants him to sign a new contract, one that would see his current release clause raised significantly.

But the Spanish giants are also struggling financially due to the ongoing pandemic and Goal has been told that they are not currently in a position to push ahead with the contract extension at this time.

They have made assurances to Partey, however, that he will be handed a major new



deal as soon as the financial implications that have been brought on by Covid-19 begin to ease.

Sources close to Atletico insist that Partey is happy at the club and that they are confident he will agree to stay on, but they are expecting Arsenal’s pursuit of their player to continue.

Arsenal are willing to include Matteo Guendouzi as part of any deal, but Atletico are adamant that the only way Partey will leave the club this summer is if his release clause is activated.

Goal has been told the Gunners have made it known that they will not be paying the release clause, however, and remain hopeful that the Spanish side will soften their stance once they have completed their Champions League campaign next month. GOAL.COM

Chama bags Simba SC’s Player of the Season title

By Abraham Kalito

MIDFIELDER Clatous Chama has been voted the 2019/20 Simba SC SportPesa player of the season award, beating 28 others to win the accolade.

The club’s sponsors SportPesa conducted an online poll where Chama emerged as the fan’s favourite this season.

Chama had been instrumental in Simba’s third consecutive league win late last month.

Meanwhile, in a post on social media, the Chipolopolopo midfielder appreciated fans for the support during the season.

“Thank you all. Today, I’m so humbled and happy to have been awarded this top award. I thank you Lord Almighty for his grace, mercy and will. Thank you so much to Simba SC, from the main boss down to the last part of the club. The management, technical staff, my fellow teammates and the entire Simba SC family, nguvumoja. I also thank my family, my wife and kids for their encouragement and support as well as my friends around. Thank you so much and may the good Lord bless us all,” stated Chama.

Eagles chair distances club from calls to end Super League

By Abraham Kalito

GREEN Eagles Chairman Colonel Jimmy Kafumukache says the Super League should be decided on the pitch despite a surge in COVID-19 cases among footballers.

Several stakeholders have urged the Football Association of Zambia to suspend the league again following an increase in COVID-19 cases in the soccer fraternity.

The delay in releasing test results has further necessitated such calls, with some saying the Ministry of Health has no capacity to conduct the necessary tests.

However, speaking

on ZNBC’s Radio 2, Col Kafumukache said there was enough consultation from soccer stakeholders prior to the league re-opening, adding that the decision arrived at to play the remaining games should thus be followed to the letter.

He argued that there were a few games remaining and that there was no need to suspend the league again.

“All stakeholders were consulted before the league resumed. There is no need for us to cancel the league with only 9 games remaining, we can surely finish this season on the

pitch,” Col Kafumukache said.

He said Green Eagles would adhere to the Ministry of Health guidelines aimed at reducing the spread of the virus as the club was ready to compete in the remaining fixtures.

“The team is 100% ready to play Zanaco. We are very well prepared for this afternoon’s game. As Green Eagles, we don’t respond to social media reports, people need to know that everything has been put in place with the recommendation from the Ministry of Health,” said Col Kafumukache.

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COVID STRIKES NAPSA ...as 15 players test positive

By Abraham Kalito
15 NAPSA Stars players and four officials have tested positive for COVID-19 following tests conducted on July 20, 2020.

Napsa Stars public relations officer Gwen Chipasula stated that all those affected had since gone into self-isolation while the rest of the team continued to prepare for Super League fixtures.

“Napsa Stars Football Club wishes to inform its supporters and the football fraternity that on Monday, 20th July 2020, NAPSA Stars Football Club undertook COVID-19 tests in line with the Football Association of Zambia

(FAZ) directive to all clubs to undertake the said tests before resuming the league. The results of the tests came out yesterday and a total of 19 players and officials (15 players and 4 officials) tested positive to COVID-19. All the positive players and

officials have since gone into self-isolation in line with Ministry of Health guidelines,” Chipasula stated.

“The club is in touch with the Ministry of Health to ensure that these are closely monitored to

avoid the further spread of the virus. The rest of team has continued with preparations for the upcoming fixtures.”

She stated that the club would fulfil all fixtures despite the development which had forced officials to

make serious adjustments.

“The health and safety of our players and officials is of utmost importance to us. Therefore, we will continue to conduct our football activities under very strict health guidelines that are recommended by health authorities and the Football Association of Zambia. Napsa Stars FC further commits to fulfilling its fixtures despite the current circumstances that have compelled the team to make some important adjustments,” stated Chipasula.

Green Eagles chair distances club from calls to end Super League

Story page 11

FM TRAVELLERS /MAGODI LODGE LTD

Just arrived is a 32 seater luxury business class coach that includes a coffee making machine and a toilet inside with an excellent aircon facility. The business bus has been scheduled to depart from both Lusaka and Livingstone at 08:00 from Monday to Friday and Saturday Sunday it will be scheduled at the same time from Lusaka to Kitwe.

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