



# Investigations officer shocks court with unexpected testimony CHITALU COMMITTED

## NO OFFENCE - ACC

**By Zondiwe Mbewe**  
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total value of assets that the minister stands charged with as being proceeds of crime was

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million.

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saying the assets are less than his known legitimate income or more?"

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## Zambia records 21 BIDs in a single day

**By Natasha Sakala**

THE Ministry of Health has announced that the country has recorded 142 new COVID-19 cases with 23 related deaths in the last 24 hours.

And the Ministry of Health says it is discouraging that the few people who are wearing masks are not using them correctly.

Speaking during the daily COVID-19 briefing, Thursday, Ministry spokesperson Dr Abel Kabalo said of the 23 deaths, 21 were Brought In

Dead (BID) and two were institutional deaths at the Levy Mwanawasa isolation centre, bringing the cumulative number of deaths to 199.

"We also recorded 21 BIDs in Lusaka; UTH recorded 20 and Kanyama recorded one. Among the cases, we have 80 patients..."

**Story page 2**

## Speaker urges LAZ to be apolitical

**By Diggers Reporter**

SPEAKER of the National Assembly Dr Patrick Matibini has commended the Law Association of Zambia (LAZ) for its renewed commitment in collaborating with the National Assembly on matters of governance.

According to statement issued by Clerk of the National Assembly Cecilia Mbewe, Speaker Matibini was speaking when the newly elected LAZ president Abyudi Shonga State Counsel paid a courtesy call on him, Wednesday.

Dr Matibini stressed the need for the Association to get more involved in the work of Parliament.

Dr Matibini said enhanced engagement and contribution



to the work of Parliament was cardinal in fostering the relationship between the two institutions.

He, however, noted that, critical governance related matters ought to be resolved through engagement, as opposed to initiating legal actions as a first resort.

**Story page 3**

## Chapter One drags ECZ to ConCourt over 30 days voter registration exercise

**By Zondiwe Mbewe**  
CHAPTER One Foundation Limited has petitioned

the Constitutional Court, seeking an order mandating the Electoral Commission of

Zambia (ECZ) to carry out continuous voter registration between elections.

It has argued that ECZ has violated the Constitution by deciding to conduct voter registration for the 2021 elections over a period of 30 days only.

Chapter One Foundation

which has cited ECZ and the Attorney General as respondents in the matter, further wants the court to make an order mandating the Attorney General to implement the mobile issuance of National Registration cards throughout the country.

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**Chamber of Mines  
not truthful - ZRA**

**Story page 4**





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Chapter One Foundation which has cited ECZ and the Attorney General as respondents in the matter, further wants the court to make an order mandating the Attorney General to implement the mobile issuance of National

Registration cards throughout the country.

In its petition filed in the Constitutional Court, the non-governmental organisation argued that government had breached the Constitution by implementing the issuance of National Registry Cards (NRC) in a manner that contravenes the Constitution.

It relied on Article 128 (1)(b) of the Constitution of Zambia and alleged that the actions taken by government and ECZ were a violation of

the Constitution and thus the court had jurisdiction to determine the petition.

Chapter One further relied on Article 128 (3)(b) of the Constitution and alleged that the decision made in the exercise of the legislative mandate to register citizens and register voters was unconstitutional and violates the Constitution.

It stated that the actions, decisions and measures taken by the respondents do not show an application of the

national values and principles.

“In conducting the national registration exercise, ECZ ought to implement such policy uniformly to ensure national unity. ECZ ought to further implement policy in a manner that fosters democracy and constitutionalism which is not the case,” Chapter One Foundation stated.

It stated that government had been implementing the issuance of NRCs to citizens pursuant to the National Registration Act Chapter 126 of the Laws of Zambia.

Chapter One Foundation further stated that the

registration of citizens in accordance with the National Registration Act Chapter 126 of the Laws of Zambia had been accelerated by the policy of mobile registration in various parts of the country.

It however, stated that government whether willingly or unwillingly had not rolled the mobile registration in all parts of the country and further that the registration services were not uniformly available to all citizens.

Chapter One Foundation stated that following the 2016 Constitutional amendment, the Electoral Process Act was amended to provide for

continuous voter registration to be carried out by ECZ.

It argued that by taking actions not provided for in the Constitution, ECZ had wilfully or in ignorance of the law acted outside perimeters of Constitutional limits.

“The respondents in undertaking national registration and deciding to undertake voter registration have neglected to apply the principles that apply to the system of elections in Zambia which principles are mandatory,” read the petition.

Chapter One Foundation now wants the court to make an order mandating the state to implement the mobile issuance of NRC throughout the country and an order for ECZ to carry out continuous voter registration between elections.

It also wants each party to bear its own costs occasioned by the petition.



Chapter Chairperson Linda Kasonde

## PF promoting illegality by taking NRC issuance as party programme – Andyford

*By Natasha Sakala*  
PEOPLE'S Alliance for Change (PAC) president Andyford Banda has warned the PF against tampering with the operations of the Ministry of Home Affairs in the issuance of National Registration Cards (NRCs) as it borders on the country's national security.

In an interview, Banda alleged that the PF wanted to enlist foreigners to register as voters ahead of the 2021 general election.

Banda was commenting on PF secretary general Davies Mwila's announcement that the ruling party would adopt the NRC issuance exercise as a party programme.

“The PF has promoted illegality at a number of points. I think what Davies Mwila is saying is not different to the warning that Mr Bonny Kapeso gave to PF cadres to stop taking over security for the President because that is the job of the State. So, what Mr Davies Mwila is saying is that he wants to take over some of the works of the Ministry of Home Affairs, which is a security wing. The reason why this issue is done by the Ministry of Home Affairs is because it's sensitive. They want to bring

people from Congo, from Tanzania to come and register as voters and that's why they want to take it like a party programme. What we want to warn them is they should not disrupt the operations of the Ministry of Home Affairs to register as many voters as possible. We want to tell them to let that work be done professionally and ensure that all the screening of those that will be getting NRCs is done,” Banda said.

He said the issuance of NRCs was not a PF programme and must be spread across the country without favour.

“This is not a PF programme, this is a national programme. Every person who is eligible, as a Zambian citizen, must take an NRC. Whether they support PF or they don't support PF. And we are not happy that the PF are trying to get as many registered voters as possible in their strongholds leaving out other provinces. We want to make sure that the exercise is spread across the country without favour,” he said.

Banda also warned Mwila that attempts to take over government functions was just promoting illegality.

“So, Mr Mwila must know that the idea of taking over

the work of the government is promoting illegality. The government and a party are two different things,” said Banda.

Earlier this week, Mwila, during his tour of Kasama District, Northern Province, announced that he wanted to see PF functionaries involved in the NRC issuance exercise so that the ruling party could register as many voters as possible in the forthcoming registration exercise.

## Zambia records 21 BIDs in a single day

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THE Ministry of Health has announced that the country has recorded 142 new COVID-19 cases with 23 related deaths in the last 24 hours.

And the Ministry of Health says it is discouraging that the few people who are wearing masks are not using them correctly.

Speaking during the daily COVID-19 briefing, Thursday, Ministry spokesperson Dr Abel Kabalo said of the 23 deaths, 21 were Brought In Dead (BID) and two were institutional deaths at the Levy Mwanawasa isolation centre,

bringing the cumulative number of deaths to 199.

“We also recorded 21 BIDs in Lusaka; UTH recorded 20 and Kanyama recorded one. Among the cases, we have 80 patients currently admitted to our isolation facilities, 37 of these are on oxygen support, six patients are admitted to the intensive care unit, we also have some relief where 119 persons have been discharged in the last 24 hours across the country. This brings our total cumulative recoveries 5,786 since the beginning of the outbreak. In addition to the BIDs, we have recorded two new COVID-19 related

facility deaths, one 85-year-old male with severe COVID-19 pneumonia and underlying hypertension and diabetes, one 52-year-old male patient with severe pneumonia. Both deaths occurred at the Levy isolation centre. This brings the cumulative number of COVID-19 related deaths to 199. The 21 deaths are yet to be classified,” Dr Kabalo said.

“Zambia has recorded a total of 142 new cases of COVID-19 out of the 724 tests done in the last 24 hours. And this brings the cumulative total of COVID-19 cases to 7,164. Of these 142, the distribution is as follows; 50

individuals screened through routine screening, in Lusaka we recorded 48 and then one came from Chipata and then one came from Solwezi. 42 individuals were identified through hospital screening; 16 were identified in Solwezi, 14 in Lusaka, seven in Ndola and five in Kabwe. 29 were contacts to known cases; 28 were identified here in Lusaka and then Kalumbila gave us one.”

And Dr Kabalo expressed concern over the reduced number of people using masks correctly.

“What we have noted unfortunately is that compliance levels among the public is very low and this will not help us to reduce the transmission of COVID-19. It is also disheartening to see that majority of people are not wearing masks and those doing so, majority are wearing them incorrectly. Social distancing again is not being observed, hand washing and use of hand sanitisers is increasingly becoming limited to our offices and shopping malls. This should not be the case. I therefore call for all individuals to take personal responsibility to protect themselves and others. With increasing evidence of community spread, you the public are now joined to the frontline of the Covid fight. Business owners must take responsibility not only for themselves but also for their workers and customers. Shop and restaurant owners must ensure that all their customers are appropriately masked before they enter their premises,” said Dr Kabalo.

## By-election outcomes a pointer to PF's chances in 2021 - Mwila

*By Chanda Nsofu*  
PF secretary general Davies Mwila says the ruling party's performance in the by-elections is an indicator of how it will perform in the 2021 general polls.

And Mwila says the PF will only adopt candidates that are popular on the ground, saying it will be difficult for anyone to corrupt all party committees to secure an adoption.

Speaking when he met councilors in Kasama, members of the PF Northern Province Mobilization team, the Northern Media Team and party security wings, Wednesday, Mwila advised PF members to work hard and campaign aggressively in the coming by-election in Lukashya to ensure a landslide victory.

The Lukashya seat fell vacant following the death of independent member of parliament Mwenya Munkonge last month.

“We are going to adopt the most popular candidates on the ground. We already have a system in place to find

out who is the most popular on the ground. We are not going to impose candidates,” Mwila said.

“No one will buy his or her adoption. No one can afford to corrupt the Constituency Committee, District Committee, Provincial Committee and Central Committee. No one can afford to corrupt all those committees. You must win the forthcoming Lukashya parliamentary by election with a landslide victory. You must win with a huge margin. These by-elections will indicate the outcome of the 2021 general elections.”

He said reelection of party officials in the coming intra-party polls would only be determined by their performance in the by-elections and advised that the Northern Province elections would be held after the Lukashya by-election.

“Intraparty elections will soon be coming with strict adherence to COVID-19 preventative measures. Very soon, the PF National Elections’

Committee will be getting into Muchinga Province to conduct them. But for you Northern Province, intraparty elections will come after the Lukashya parliamentary by election, hence the need for you to make sure you win this by-election with a huge margin. Winning Lukashya by election will be one of the things you will be pointing at to be reelected in intraparty elections. Those who are hardworking will surely be re-elected into their positions. Only the underperforming ones must be voted out of their positions. It will be very crazy to vote out a winning team. Even in football, they only substitute underperforming players,” Mwila said.

And the secretary general has urged party members to get involved in the mobile National Registration Card (NRC) issuance exercise by sensitizing and encouraging youths to obtain their NRCs.

“Mobile national registration will start on 8th August, 2020. They

were supposed to start on 1st August, 2020 but they needed to put in place some logistics. Therefore, I'm urging you to get fully involved in mobile national registration. Sensitize and encourage as many youths as possible to obtain national registration cards. Encourage even those who have lost their national registration cards to go and obtain new ones. Without national registration cards, youths won't be able to get registered as voters. They won't get voters cards,” said Mwila.

“As the PF Secretariat, we will do anything possible to help sensitize as many youths as possible on mobile national registration.”

Mwila was accompanied by PF National Elections Committee chairperson Yamfwa Mukanga, Member of the Central Committee Musonda Mpankata, PF National Youth chairperson Kelvin Sampa and PF Malole member of parliament Christopher Yaluma.



*By Zondiwe Mbewe*  
ANTI-CORRUPTION Commission (ACC) investigations officer Chipambe Manda yesterday shocked the Lusaka Magistrate’s Court when he admitted that the total value of assets that Health Minister Dr Chitalu Chilufya is accused of acquiring through proceeds of crime, is less than his known legitimate income.

Manda testified that the total value of assets that the minister stands charged with as being proceeds of crime was K5,542,500, whereas his known legitimate earnings in the period under investigation exceeded K19 million.

A shocked Lusaka Chief Resident Magistrate, Lameck Mwale wondered if the witness had made a mistake in his testimony and asked: “Are you saying the assets are less than his known legitimate income or more?”

Manda then insisted that it was less, prompting the Magistrate to ask, “Then what is wrong with that?”

And asked by the defence lawyers in cross examination if he still believed Dr Chilufya committed an offence based on his findings, the State witness said no, adding that the Health Minister had the capacity to acquire all the said properties from legitimate income.

On Wednesday the ACC investigations officer had testified that Dr Chilufya’s total earnings for the period 2013 to February 2020 from the National Assembly, PMEC and Henry Courtyard Limited was over K22 million.

Manda, 34, explained that from the National Assembly, Dr Chilufya earned over K7 million for the period November 2013 to February 2020; over K3 million from PMEC (Payroll Management and Establishment Control) for the period November 2013 to December 2019 and over K12 million for the period 2016 to 2019 from Henry Courtyard Limited in which he is a director and shareholder.

When the matter came up for continued trial yesterday, Manda told the court that after conducting investigations, he had to sum up the value of the properties as per indictment and analysed Dr Chilufya’s earnings for the period between December 2016 to April 2019.

He said he also endeavoured to establish the financial activities relating to Henry Courtyard Limited by looking at the bank statements.

Manda said the total value of Dr Chilufya’s assets which are suspected to be proceeds of

crime is K5,542,500. He however, said during the indictment period, around K19,631,757 was withdrawn from Henry Courtyard Limited’s accounts held with Zanaco, Indo Bank Zambia and Cavmont banks.

Manda said his conclusion after investigations was that the total value of assets the accused was alleged to have acquired through proceeds of crime was less than that of his known legitimate income during the indictment period.

In cross examination, defence lawyer Tutwa Ngulube asked Manda if after his findings, he still believed that Dr Chilufya committed an offence, Manda said no.

Asked if during his investigations he had established that apart from the amount of over K19 million which he had mentioned, Dr Chilufya had a K15 million loan which he got from Development Bank of Zambia, the witness said yes.

Asked whether the K15 million loan was part of the K19 million earnings he had mentioned, Manda said that was not clearly established.

Further asked if he had established that Dr Chilufya had obtained another loan of K2 million before the indictment period, Manda said yes.

Asked if he had a receipt to show that the accused paid K3 million to buy Sparks Guest House, the witness said no.

Further asked if he had evidence to show that the accused possessed the amounts in the indictments, Manda said no.

Manda further said Dr Chilufya cooperated during investigations and there was no belief that he hid anything.

Asked by another defence lawyer Jonas Zimba if he ever met the complainant or informant who complained against Dr Chilufya, the witness said no adding that a statement was not recorded from the informant.

Asked if his conclusion was that Dr Chilufya had the capacity to acquire the properties that he is accused of possessing illegally, Manda responded in the affirmative.

At this point Jonas asked, “if that was your conclusion, why are we in court today?”

However, the State objected to the question, saying that was for the arresting officer to answer and not Manda.

After cross examination, the State said they would not re-examine the witness based on his testimony.

They then applied for an adjournment to today.

# ACC witness shocks magistrate, says Chitalu didn’t commit an offence

Trial continues today. On Wednesday, Manda had testified that on December 17, 2019, ACC received a report bordering on allegations of possession of property reasonably suspected to be proceeds of crime against Dr Chilufya.

He said the allegations were that Dr Chilufya owned several properties in Mansa, Luapula Province, among them Samfya Marines and Tourism Services.

Manda added that ACC received the said report from an anonymous source.

He said he proceeded to go to PACRA to establish the directors and shareholders in Samfya Marines and Tourism Services and companies in which the minister had interest in.

Manda said it was

established that Den Daas Investment Zambia Limited transferred 6,000 shares held in Samfya Marines and Tourism Services to Dr Chitalu at a consideration amount of US\$200,000.

He said Leo Jonas Ngosa Investment Limited also sold 2,000 shares in Samfya Marines and Tourism Services to Dr Chilufya at the sum of K270,000.

Manda further testified a Mr Benjamin Kabamba sold Spark Guest House to Dr Chilufya at K3,000,000.

He said he also established that Dr Chilufya had acquired a 32 seater boat imported from Dubai by a company called Bellchiz General Dealers and Suppliers Limited.

This is a matter in which Dr Chilufya has been charged with four counts of possession

of property suspected to be proceeds of crime.

It is alleged in the first count that Dr Chilufya on a date unknown but between December 1, 2016 and December 31, 2017 in Lusaka possessed US\$200,000 which was used to purchase 6,000 shares in Samfya Marines and Tourism Services Limited from Den Daas Investment Zambia Limited, property suspected to be proceeds of crime.

In the second count, it is alleged that Dr Chilufya on a date unknown but between January 1, 2017 and December 31, 2017 in Lusaka possessed K270,000 cash which was used to purchase 2,000 shares in Samfya Marines and Tourism Services Limited from Leo Jonas Ngosa Investment Limited, property suspected of being

proceeds of crime.

In the third count, it is alleged that Dr Chilufya on an unknown date but between January 1, 2018 and December 30, 2019 possessed K3,000,000 which was used to purchase Lot No. 365/366 also known as Spark Guest House situated in Mansa district of Luapula Property, property reasonably suspected to be proceeds of crime.

In the last count, it is alleged that Dr Chilufya on a date unknown but between January 1, 2017 and December 31, 2017 in Lusaka possessed US\$52,000 which was used to purchase a passenger boat also known as Transport 32 from Smart Own FZE of Dubai in the United Arab Emirates, property reasonably suspected to be proceeds of crime.

## COVID-19 has exerted unprecedented pressure on govt – Lungu

*By Diggers Reporter*  
PRESIDENT Edgar Chagwa Lungu yesterday received regional cluster reports from provincial ministers and directed them not to relent as they strive to improve the welfare of the people.

And President Lungu says the global emergency as a result of the COVID-19 pandemic has exerted pressure on government to unprecedented levels.

According to a statement issued by Special Assistant to the President for Press and Public Relations Isaac Chipampe, Thursday, President Lungu did not mince words about his desire to see development in all regions of the county when he addressed the ministers.

President Lungu said COVID-19 must not derail his government’s development agenda and urged his ministers not to take their feet off the pedal.

“You all know that as government, we ore more than ever before called upon to improve the welfare of our people and to ensure equitable development across the 10 regions of our country,” President Lungu told the ministers.

And President Lungu said the global emergency as a result of the COVID-19 pandemic had exerted pressure on government to unprecedented levels.

President Lunfu said social

and economic needs “of our people have been adversely impacted by the pandemic.”

The President urged all Ministries, government departments and agencies to ensure they enforced measures put in place to safeguard people’s health and lives.

He told the ministers that he expected them to use innovative approaches to continue to attract investment into their provinces.

“As this is one way of safe guarding livelihoods, providing employment opportunities

and ensuring continuity in economic activities which are a bedrock of nations/survival,” the President said.

Also in the meeting were Finance Minister Dr Bwalya Ng’andu, Secretary to the Cabinet Dr Simon Miti, Deputy Secretary to the Cabinet Christopher Mvunga and Permanent Secretaries.

The provincial ministers were Mr Nathaniel Mubukwanu (North-Western, Chair of the Clusters, Mr Japhen Mwakalombe (Copperbelt, Dr Edify Hamukale (Southern

Provinces, Mr Lazarous Chungu (Northern/, Mr Makebi Zulu, Eastern, Mr Richard Kapita, Western, and Mr Sydney Mushanga (Central).

Luapula, Muchinga, and Lusaka Provinces were represented by Permanent Secretaries Charles Mushota, Royce Nsambo, and Elias Kamanga, respectively.

They all presented progress reports on projects and programmes in their provinces.

## Speaker urges LAZ to be apolitical

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According to statement issued by Clerk of the National Assembly Cecilia Mbewe, Speaker Matibini was speaking when the newly elected LAZ president Abyudi Shonga State Counsel paid a courtesy call on him, Wednesday.

Dr Matibini stressed the need for the Association to get more involved in the work of Parliament.

Dr Matibini said enhanced engagement and contribution to the work of Parliament was cardinal in fostering the relationship between the two institutions.

He, however, noted that, critical governance related matters ought to be resolved through engagement, as opposed to initiating legal actions as a first resort.

Dr Matibini noted that it was wise of the LAZ leadership to trace its birthplace.

“The Association is in fact established through an Act of Parliament. Thus the institution should be professional and focused on its statutory mandate and mission. And ensure that it

transacts its business in an apolitical manner or fashion,” said Dr Matibini.

Dr Matibini, indicated to the Association that he was open and amenable to dialogue whenever necessary.

Meanwhile, Shonga pledged to collaborate and interface with the National Assembly of Zambia as mandated, especially in the area of promoting the reform of the law, both by the amendment of and the removal of imperfections in existing law, and by the re-formulation, codification or restatement of particular branches of the law.

To this end, he expressed gratitude for the invitations to participate in making submissions on bills that were under consideration by the National Assembly.

Shonga, however, implored the National Assembly to consider increasing the notice period that the Association is given to make submissions before the relevant committees in order to make significant contributions.

Shonga further expressed concern that, in some cases, well researched contributions by LAZ were glossed over and therefore, urged the National Assembly to apply much more consideration to the submissions.

Shonga was accompanied by two other Council Members; Sokwani Chilembo and Kampamba Kombe.

## NRC registration exercise a party programme, insists Mwila

*By Julia Malunga*  
PATRIOTIC Front secretary general Davies Mwila says his party is working on a budget so that funds can be released for members to mobilize people to get National Registration Cards.

Speaking when he met party officials in Nchelenge, Thursday, Mwila insisted that getting NRCs was a party programme.

“The NRCs exercise let us take it as the party program. Let us all get involved. Nali chita discuss naba (I discussed with the) party chairman, we are working on a budget to see if we can release some few resources so that abantu besu bali munshila bale enda bale ongola abana mukuya lembesha ama reg (our people should

mobilize people to get NRCs) because we need the numbers. Mobilization ya party that is the reason we are there,” Mwila said.

Mwila advised the party officials in the district to grow the party branches.

“Natwisa nama registers aya kweba ati mule lemba ama branch. Ama branch ya fwile ya fula, te kwi kala fye ati ama elections yali no kwise (we have come with registers so that you can take note of people. The party branches need to grow, don’t just be idle and wait for elections). You have to continue mobilizing the party. I will not talk about the area member of parliament because he is not here. After we have finished the elections, we are going to the general conference, that was

the decision from the last meeting. We are going to sit and decide once we finish the provinces. We are going to sit and decide which way forward. Of course because of the COVID-19, what measures are we going to put in place, all those issues must be discussed. So I have brought the registers for the constituency and district,” Mwila said.

“I have also brought one bail of Chitenge material for the district. But I wanted all the ward officials to be here because this is an opportunity for some of you, you have not met the secretary general. You are meeting him for the first time so that efyo tule landa not ukuya ba shimikila. Sometimes ukuyumfwila

kwaliwama (whatever we are saying here, they should not be told but they should hear it for themselves).”

Meanwhile, Mwila said he would engage Minister of Infrastructure Development Vincent Mwale on plans to rehabilitate roads in that area.

“The issue the chairman raised about the township roads, we will raise it to the concerned Minister. The hospitals where you did the ground breaking I will engage the Minister of Health,” said Mwila.

Earlier, Mwila donated various items towards the fight against COVID-19 to St Paul’s Mission Hospital in Nchelenge and later at Mbereshi Mission Hospital in Mwansabombwe.



*By Julia Malunga*  
ZAMBIA Revenue Authority (ZRA) Commissioner General Kingsley Chanda says the Chamber of Mines should not alarm the nation by issuing false statements on Mineral Royalty Tax (MRT) because there has only been a marginal reduction of six per cent this year.

And Chanda says the Authority will soon be launching tax payments on WhatsApp to make it easier for Zambians to pay taxes.

Speaking when he officially opened the ZRA Service Centre at the ECL Shopping Mall in Kitwe, Thursday, Chanda announced that there was a reduction of six per cent in Mineral Royalty Tax and not a 20 per cent reduction as reportedly stated by the Chamber.

He insisted that there had been a 27 per cent increase in payments of overall taxes from the mining industry.

“From January to July,

# Mineral Royalty Taxes down 6%, says ZRA



ZRA Kingsley Chanda

2019, and 2020 Mineral Royalty Tax for the same period, the mining companies have paid K2.53 billion in 2020. In 2019, K2.5 billion, so there is a marginal decrease, a reduction of six per cent,

not the 20 per cent that the Chamber of Mines talked about! There is a reduction of six per cent in Mineral Royalty Tax comparing January, 2019, to January, 2020. If you go to income company tax for the

mining industry, in 2020, they have paid K3.2 billion; in 2019, they paid K1.6 billion. So, there is an increase of 98 per cent in company income tax. When you go to Pay As You Earn (PAYE), there is a

marginal reduction of three per cent, but this is a given because PAYE is paid by employees,” Chanda said.

“We have had some members of staff in the mining sector laid off. We have had some reduction in staff at Mopani (Copper Mines) and reduction in staff at Chambeshi Metals, which is on care and maintenance and other mining companies. So, if you have a reduction in the number of staff, it is inevitable that the PAYE goes down. But there are marginal differences not to the extent that the Chamber of Mines... overall, the mining sector in Zambia in 2020 have contributed K6.94 billion in January, 2020, to July. For the same period in 2019, they contributed K5.47 billion. So, overall, there has been a 27 per cent increase in payments of taxes from the mining industry.”

He argued that the “alarming statements” issued by the Chamber of Mines were malicious and designed to destabilise the Zambian economy. “What I want to say to the Chamber is that, they must tell the truth! They may hate the leaders of this country, they may hate ZRA, but they must not hate the country. We have a country to protect. If you issue such alarming statements and discourage investments in this country, it is not just those people in leadership you hate who will suffer, it is all Zambians. I also want to state that there is no country that does not have confidentiality, but when you want to speak about confidential issues, because tax matters are confidential and they are between the tax authority and the taxpayer. But when you choose to talk about confidential things, tell the truth, say facts not myths, not lies! I consider that statement by the Chamber to be malicious and was designed to destabilise the Zambian economy,” Chanda complained.

He added that ZRA service centres at shopping malls had improved service delivery.

“Evidence further suggests that the service centres have significantly improved service delivery to

our taxpayers and enhanced revenue collection. You may wish to note that service centres, which were opened in the last quarter of 2018, have already attended to more than 200,000 taxpayers as at the end of July, 2020. This shows the value that is being realised by our taxpayers through a 360-degree service experience from tax payer education, tax advice, tax registration, tax compliance checks and actual tax payments. Please note that all ZRA services are offered free of charge,” Chanda said

“Despite our presence here in Kitwe at Nchanga House, the Authority has decided to open this service centre so that taxpayers can have a chance of interacting with us as they do their normal shopping. This is all aimed at giving taxpayers a friendlier, convenient, simpler, faster and thrilling tax experience. In terms of costs, the Authority has invested K1 million in this infrastructure including the furniture and it equipment.”

And Chanda disclosed that the Authority would launch tax payments on the popular WhatsApp social media platform, which would make it easier for Zambians to pay taxes.

“Within the next few days, we shall be launching tax payments on WhatsApp, which is a communication phone application, but using it to make tax payments. This is the first for Zambia because you will now pay your taxes using WhatsApp on your phones and this will bring convenience, efficiency, comfort and simplicity. This is what we mean when we say, ‘taxpayer focus.’ We respond to the business needs of the taxpayers. We shall, again, later roll out another product, which is the Tax on App to supplement the already-existing tax on phones and offer taxpayers a choice in terms of TPIN registration, return filing and payment. All these initiatives the Authority is making will be meaningless if our taxpayers don’t support them,” said Chanda.

Efforts to get to the Chamber of Mines to respond to Chanda’s assertion on the variance of MRT recorded in 2020 compared to the corresponding period last year 2019 did not yield a response by press time.

# Chambeshi Water accumulated K31.1m in NAPSA penalties – AG

*By Natasha Sakala*  
THE Auditor General has revealed that Chambeshi Water and Sewerage Company (ChWSC) Limited had accumulated NAPSA penalties in amounts totalling around K31.1 million as at December 31, 2019, due to non-payment of statutory obligations.

And the Auditor General further revealed that the company was distributing water that was below the quality standards set by NWASCO, the national regulator.

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 accumulated over K31 million in NAPSA penalties, among other unremitted statutory obligations.

“As at 31st December, 2019, ChWSC owed the Zambia Revenue Authority (ZRA) and the National Pension Scheme Authority (NAPSA) amounts totalling K2,128,813 in unremitted statutory obligations, contrary to the Income Tax Act Chapter 323 of the laws of Zambia and the National Pensions Scheme Authority Act No. 7 of 2015. As a result of non-payment of statutory obligations, the Company had accumulated NAPSA penalties in amounts totalling K31,093,673 as at 31st December, 2019,” the report read.

The Auditor General further revealed that the utility owed over K4.9 million to 243 members of staff in salary arrears, long-service bonuses, among others.

“ChWSC owed amounts totalling K4,925,878 to 243 staff in respect of gratuity, leave pay, long-service bonus, salaries and wages and other terminal benefits for periods ranging from one to seven years. As a result of non-payment of benefits, 11 separated officers continued drawing salaries

and had been paid amounts totalling K497,906 as at 31st December, 2019,” the report read.

It was also revealed that during the period under review, the company was owing amounts totalling K65.9 million and around US \$3.7 million to 11 contractors in delayed payments.

“During the period under review the Company entered in 11 contracts with various contractors for consultancy, construction, and rehabilitation of water systems in Northern and Muchinga provinces at a total contract sum of K459,500,319 and US \$12,486,526.80. The following were observed: Delayed Payments to Contractors – A review of contract documents revealed that certificates of payments were to be settled within 28 days after being issued. However, as at 31st December, 2019, the Company had unpaid interim payment certificates in amounts totalling K65,902,136 and US \$3,741,850.25 owed to 11 contractors, which were outstanding for periods

exceeding 28 days. Expired Performance Bonds: Section 52.1 of the contract provided that the performance security shall be valid until a date 28 days from the date of issuance of a completion certificate in case of a bank guarantee and until one year from the date of issuance in case of a performance bond. Contrary to the section, performance bonds for three projects that were still in progress were not renewed after their expiry,” it read.

And the Auditor General stated that the struggling utility was distributing water that was below the required quality standard.

“Water quality is important due to the health impact it has on the consumers. The overall compliance for water quality is assessed through a sequential three step process namely confidence level, number of samples tested in relation to the minimum required and number of tests meeting the national drinking water standard. The benchmark for acceptable water quality set by NWASCO is a score greater or

equal to 95 per cent. During the period under review, ChWSC failed to meet the minimum required water quality as the overall assessment was below 80 per cent,” the report read.

The company is further said to have incurred a loss of revenue amounting to over K54.6 million in Non-Revenue Water (NRW).

“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 unmetered 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, the Company’s NRW ranged from 44 per cent to 51 per cent resulting in a cumulative revenue loss of K54,663,405. The NRW deprived the company of the revenue to help improve its operations,” narrated the report.

# By-election victories may not reflect 2021 outcome – Bizeck

*By Julia Malunga*  
UNIVERSITY of Zambia (UNZA) political science lecturer Professor Bizeck Phiri says the recent by-election results may not be a true reflection of what is likely to happen in next year’s general election.

In an interview, Prof Phiri argued that the July 30 poll results, which saw the PF emerge victorious in 10 out of 15 ward by-elections, may not be a true reflection of what was likely to happen in next year’s general election due to the ever-changing political dynamics and numbers of voters, which are usually more in a general election.

He, however, said that the numerous developmental projects around the country may have had an influence on voters’ decisions in voting for the ruling party in by-elections.

“The period in which we are where we have this Coronavirus and movements are somewhat restricted and we are seeing some challenges that could be part of the explanation. Another explanation is that there could be certain things that are happening that have led people to begin to change their perception of the political parties and hence the result as we are seeing. If you look at what is happening in the country, now, you see a lot of development that is taking place; the road construction, hospitals and schools and because of that, that can also influence the way in which people cast their vote. Also what is significant is that when you look at the number of people that actually go to vote, it is relatively much less than the number of registered voters where

we are seeing these by-elections,” Prof Phiri said.

“The analysis, which I looked at, when you look at the margins in terms of the total number of votes, the margin is very narrow between the ruling party and the opposition. So, come 2021, what has happened in the by-elections may not be a true reflection of what is likely to happen unless things remain constant, but things may change. But my analysis is that as we go into 2021, we need a fair playing ground. Let the different political parties that are participating have access to the people on the ground and tell the people what their message is.”

And Prof Phiri, a political historian, observed that most voters were still undecided on who to vote for, which was what usually determined

the outcome of election results.

“What normally determines the outcome of an election is what people are looking at during the period of the campaign and that is what makes people decide to say, ‘I am not going to vote for this party, I will vote for this party.’ Remember, when you are talking about elections, there are people who are in between and when elections are approaching that is when they make up their mind on who to vote for. What is significant in Zambian politics is that people are not attached to a particular party that is why we hear so many people have defected from one party to another party. So, there is no strong attachment to a party and that also reflects the results when elections take place. People are not committed, they move up and down,” said Prof Phiri.



# THE ADMISSIBILITY OF DERIVATIVE EVIDENCE IN ZAMBIA IN LIGHT OF HUMAN RIGHTS OBLIGATIONS AND THE NEED TO DISCARD LISWANISO VERSUS THE PEOPLE (1976) ZR 272 (SC) PART TWO

JOSEPH CHIRWA

## D. THE Role of the Judiciary in the Protection of Human Rights

The right to privacy is one of the most important fundamental rights and as such Courts must ensure that it is protected. The Constitution has guaranteed the right to privacy that outlaws illegal entry, search and seizure and it is up to the courts to protect this right. This right includes the right not to be subject to searches on one’s person, home or property; seizure of private possessions; or interference with private communications, including mail and all forms of telecommunications.

The learned author adds that: Police officers [and other law enforcement agencies] are required to obtain a search warrant from a magistrate before they proceed to invade a person’s privacy. Magistrates must carefully consider the evidence given by the police [and other law enforcement agencies] and ascertain whether or not there are reasonable grounds for the application. It should not just be a matter of signing search warrants as the right to privacy is highly valued in any civilized society. It is the solemn duty of courts to protect fundamental freedoms, liberties and rights as provided under the Zambian Bill of Rights. Are there any grounds in which these constitutionally protected rights, such as the right to privacy, may be infringed? Dr. Julius Bikoloni Sakala, a seasoned lawyer opines that:

.... the protection is not limitless. The protection can also be denied if the action is reasonably justified in a democratic society are somewhat nebulous and therefore difficult to define. Consequently, the powers of courts in protecting human rights in this sphere are seriously restricted.

However, the Courts in the case of *Kachasu v Attorney-General* attempted to define the concept of what is justified in a democratic state, which may be stated with confidence that it did not arise in the *Liswaniso* case. Blagden, CJ upon descending and sitting as a puisne judge opined that:

Reasonably justifiable in a democratic state and was authorized by laws which were both reasonably required in the interests of defence and for the purpose of protecting rights and freedoms of other persons.

If we mirror the *Liswaniso* case to the foregoing, we find that it does not fall within the permissible derogations outlined above. The holding is a blatant enemy to constitutionalism and protection of human rights as it outrightly allows violation of a protected right without any reservations or direction to deal with matters on a case by case basis.

**THE LISWANISO CASE AS A CATALYST TO ENTRAPMENT IN THE ANTI-CORRUPTION CRUSADE**

### A. Entrapment Defined and Contextualized

Entrapment is the use of deceptive techniques to test whether a person is willing to commit an offence. Lord Hoffman in the

celebrated case of *R v Looseley* defined entrapment in the following way:

Entrapment occurs when an agent of the State – usually a law enforcement officer or a controlled informer- causes someone to commit an offence in order that he should be prosecuted.

However, it must be noted that the *Looseley* case set out what are known as the ‘Loosely Tests of Entrapment’ which are used by courts to determine as to whether to allow evidence obtained through entrapment. These are:

- Reasonable suspicion – there must be a reasonable suspicion leading to an investigation of an accused person. Arbitrary investigations into citizens selected at random is considered an unworthy form of state abuse.
- Supervision – the act of entrapment must be one that is such that it is permitted under the law. The purpose of supervision is to remove the risk extortion, corruption or abuse of power by law enforcement officers without proper supervision.
- The nature and extent of State participation in the crime – the state must not create a crime and help the accused to commit it and must not induce and persuade the commission of the crime.

### B. Entrapment in the Anti-Corruption Crusade in Zambia

Reading the news and case records will show that most prosecutions by the corruption watchdog, the Anti-Corruption Commission (ACC), are based on entrapment. The case of *Liswaniso* show that the accused was trapped into receiving a bribe an issue that the Supreme Court found as a matter of fact and that the law enforcement officer lied under oath whilst asking the court to issue a warrant.

The case of the *People v Peanos Luzendi* is another case in point. In this case, the accused, an officer under the Drug Enforcement Commission (DEC), was arrested, arraigned and convicted for committing an offence contrary to the provisions of the Anti-Corruption Act No. 3 of 2012. The day he was arrested, he was laid into a trap set up by the ACC working together with the person who was given ‘bait’ money to give to the accused.

In another case, the *Daily Nation* reported as follows:

A teacher alleged to have obtained K1, 000 from a pupil for purposes of helping her pass exams has sued the Anti-Corruption Commission (ACC) and is seeking a declaration that he was enticed to commit the corrupt offence. Jacob Shawa who was a Physics teacher at Olympia Park Secondary school in Lusaka petitioned the Lusaka High Court to declare the ACC’s use of entrapment method to procure offences is a violation of his right to a fair hearing. In his petition, Mr. Shawa indicated that sometime in February 2017, he agreed to help a pupil by the name of Esther Tembo to register with Olympia Park School to enable her sit for her GCE examinations at the school and

that she would pay some money for helping her. Mr. Shawa claimed that upon meeting with the said Ms. Tembo, he was arrested by the ACC and charged with the offence of corruptly soliciting K1, 000 from Ms. Tembo as an inducement or reward not to fail her in the said examination. He claimed that the phone call to meet with Ms. Tembo was initiated by the ACC who availed the K1, 000 to her for purposes of procuring an offence to be committed, leading to his arrest on the strength of the K1, 000 made available. Mr. Shawa complained that the plan to arrest him was conducted by the ACC and that it was an entrapment to lure unsuspecting citizens into procuring the commission of an offence. [Emphasis supplied]

These and many unreported stories and cases show the extent to which entrapment has been institutionalized by law enforcement agencies in Zambia. Unsuspecting citizens are lured, motivated and persuaded to commit crimes and later on arrested by the same motivators and persuaders. The practice can be alluded to the 1976 judgement in the *Liswaniso* case which has legalized illegalities by law enforcement officers in the collection of evidence.

### C. The Supremacy of the Constitution, Human Rights and The Liswaniso Holding

By giving law enforcement agencies the authority to obtain evidence through illegal and unconstitutional means, Justice Peter Chitengi noted 20 years ago that the Court had “given the lee-way to [law enforcement agencies] to tap phones, search homes illegally and torture [suspects] with impunity.” The Judge called on the Supreme Court, to which he later sat on its bench, to “revisit the judgment as it perpetuated violations of human rights.”

In most mature ad progressive jurisdictions that uphold the supremacy of the constitution and prioritize the human rights agenda, the holding of *Liswaniso* cannot stand. It is imperative that the *Liswaniso* law, which is bad law, is either thrown into the bins of legal history or it is modified to take matters on a case by case basis as has been done in other countries. The *Liswaniso* judgement, as it stands, violates both domestic and international obligations that the Zambian state has in upholding the right to privacy and Article 18 rights such as that of fair trial and self-incrimination.

### CONCLUSION

It must be stated that the *Liswaniso* case reverses everything that the framers of the Constitution intended. It appears that the intention of the framers of the Constitution, and most importantly the will of the Zambian people from whom the framers derived their authority, was to protect the right to privacy and to prevent abuse of process by law enforcement agencies by using bait to induce citizens to commit crimes and also violating the law and disregarding the privacy of persons and homes in gathering evidence. It is in this regard that, in totality of what has been submitted especially in the face of a pro-human rights world, *Liswaniso* was and is bad law.



PEOPLE’S ALLIANCE  
FOR CHANGE  
(PAC)  
Viva New Zambia!!!

Why we deserve your vote



# #Zimbabwean Lives Matter

By Andyford Mayele Banda

ZIMBABWEAN lives matter has been trending lately on social media platforms from politicians, celebrities and many people around the world. This is due to the continuous brutality by security forces on innocent citizens who want to have their voices heard. Part of this article is derived from the article we wrote on the 25th of January 2019 entitled ‘Zimbabwe’ in news diggers where we pointed out a few things that were happening in our neighbouring country which are still true today. Not surprising, we see the continuous and obvious quiet diplomacy from SADC, AU and the entire African leadership. In our article we brought out issues such as a free-falling Zimbabwean economy and widespread security forces brutality among other things. We see that over one year six months nothing seems to be changing. We also indicated that the events in Zimbabwe must serve as big warning to countries like Zambia who clearly maybe sliding towards events that led to where Zimbabwe is to-day.

Zimbabwe has gone through years of profound economic hardship, hyperinflation, a coup, disputed elections, mysterious abductions, growing hunger, the recent arrival of Covid-19, and repeated violent security crackdowns.

Like we indicated, the challenges of Zimbabwe did not start yesterday, last week or last month or just the other year. This degeneration did not start at full blast but slowly and surely the damage was being created. It all started with political parties not having the space to operate freely, unfriendly business policies by the government resulting in the economy performing poorly and people losing jobs. The Zim-dollar then was slowly depreciating against major convertible currencies. There was also a rise in police brutality against people with divergent views. We have heard time and again of stories about how later the police was to abduct people who opposed the political establish-ment and a good number of people disappeared. Many were never heard of or seen again ever since. All this started slowly.

As PAC we are further concerned that SADC has over the years been luke-warm in its approach to this issue. It seems SADC leaders are scared to raise this issue, or they simply do not care. We are appalled by this

behavior! Is this quiet diplomacy? It looks like African leaders just focus on their selfish interest to hold on to power as opposed to serving the people.

We stand to be corrected but we believe in the days of KK, Julius Nyerere and other statesmen of that era, they chose to confront issues affecting other Afri-can countries when they occurred. Security forces brutality in Zimbabwe against people who hold divergent views must come to an end for once.

Why is it that African leaders have failed the African people by ignoring to point out publicly the atrocities that happen in other African countries? We will not name any countries, but news media is awash with situations where dicta-tors have been allowed to flourish. And yet we want to preach about uniting Africa without first correcting each other. It is this same quiet diplomacy that allows degeneration of law and order, as we see even in Zambia, because African leaders do not want to talk about the ills of their fellow leaders. Will we continue to sugar coat these ills as ‘scattered acts? And we say do not hold any summits – they are a waste of time.

The problems of Zimbabwe have not been due to lack of skilled labour, re-sources or any disadvantage you can think of in a country, but it’s been due to leadership. The problem comes in when you have a leadership whose sole purpose is to keep power as opposed to serving the people. It seems they are hell-bent on doing anything possible even if it means stifling institutions such the Judiciary and Police just to make sure that they are in control of everything. The problem comes in when we think these are just politics and yet we cannot notice the danger of such acts in our society.

Not surprisingly and probably conveniently, many African Presidents, includ-ing our own President Lungu have decided to turn a blind eye to such atroci-ties. Our appeal is that President Lungu must speak out against what’s hap-pening in Zimbabwe if he treasures peace and the brotherhood, we share with Zimbabwe so much. Many politicians when elected to office forget that these countries, they are given to govern are not their countries but belong to the citizens. That’s why citizens have the right to protest. But because they feel they own the country, and that their enjoyment must

not be disturbed, they end up firing bullets at the owners of the country - the people. The PAC government will not play quiet diplomacy when such things are happening anywhere around the world especially in Africa and more especially to our neighbours.

We want to appeal to the people of Zambia to be wary and stop being tol-erant of things that we can clearly see that are wrong and heading in the wrong direction. Since the PF took over government, we have seen things getting worse in as much as they want to sing the song of roads everyday. There are thin opportunities for employment in this country; the exchange rate moved from K5.6 to a dollar to around K18, fuel prices have soared from K8.5 to around K18. Worryingly, debt is rising, and we have seen reports of how our forex reserve are depleting. Opposition political parties and people of divergent views operating space has been reduced and confidence in key institutions is at its worst since the introduction of multiparty democracy. It’s also clear how the PF have demonstrated their desire to keep power by all means; they show lack of tolerance for divergent views and violence in elections. Zimbabwe started from a place much like where we are as a nation today. With the debt repayment plans this year, we cannot expect the cost of commodities such as fuel to reduce or the exchange rate to appreciate but all we can expect is an increase.

While we are not yet at Zimbabwe’s level, we should never forget about how it all started. Please let us open our eyes. Let’s not tolerate things that we must not tolerate otherwise we will let a few greedy men run down our country for the luxury of power just like what has happened to our brothers in Zimbabwe. Let’s speak and pray for our brothers in Zimbabwe so that they can get their lives back to normal, Zimbabwe Lives Matter. And for our own sake and future generations’ sake, let’s be vigilant.

Zimbabwean lives matter. We call upon the authorities in Zimbabwe to give space for democracy to flourish. We call upon the authorities in Zimbabwe to respect the rights of the citizens to protest and to stop brutalising their fellow citizens. We call for peace and prosperity in Zimbabwe.

Andyford Mayele Banda  
President  
People’s Alliance for Change (PAC)



*By Natasha Sakala*  
GOVERNMENT should take advantage of the chainstores that are leaving Zambia and help local entities to fill the gap left by the exiting international retail outlets, says KRI Zambia chief executive officer Dr Frank Kayula.

And Dr Kayula says the agriculture sector has the potential to be the country's economic mainstay, together with mining, if properly managed.

In an interview, Dr Kayula bemoaned the exiting chain stores, which included Spar, saying their departure was a loss of market for Zambian

# Exiting chainstores a loss to farmers, local businesses must take advantage – KRI

farmers.

He, therefore, urged government to quickly step in and partner with local outlets to fill the void and ensure that farmers maintained a viable market for their produce.

“...And in terms of the effect of the closing of these chain stores, it's great. Chain stores actually have had an impact in the sense that we

are part of the market. A few farmers have been accessing it, although we know that chain stores in Zambia gobble just about 15 to 20 per cent of the produce from the farmers. Nonetheless, that loss is really a loss of a market for the Zambian farmer. And we need them to be here for farmers to perform much better in terms of market access. The advantage of these chain stores going is that we can have local firms to fill up the gaps. Local firms will not take away the money, they will not externalise the profits once they make them. These guys are going back to their homes because they have a home. The local one will just think of 'how can I improve so that I continue in business because Zambia is my motherland?'" Dr Kayula said.

“Let's think of Melissa, for example, government, somehow, can come in and take over all these chain stores that are leaving, and government will have a stake and Melissa will have a stake. Meanwhile, we would have solved some of the problems that are existing. Not only Melissa, there are others that we can look at.”

He added that local farmers had the capacity to supply chain stores, but

needed capacity-building on the quality of produce and service delivery required by chain stores.

“And in terms of the farmers, the small-scale farmers being equipped to supply chain stores, they are more than equipped at the moment, they are able. But they are lacking things that we can easily supply them like quality, which the chain stores require. Quantity, they can easily master that and be able to supply and when it comes to consistency, if you group them strategically, they are able to do it. All we need is to organise these farmers to meet the requirement of the chain stores and boom, they will be able to meet all the demand that the chain stores require,” Dr Kayula observed.

And Dr Kayula said the agriculture sector could be the country's economic mainstay if opportunities that exist in the sector were fully exploited.

“Diversifying from the mining [sector] to agriculture, yes, it has been a song because probably we don't understand the opportunities that exist in the agricultural sector like employment, broad-based incomes and covering of as many poor people as possible in the country. And

because of that, leadership still concentrates on the mines and, unfortunately, the mines will make a lot of money, but most of it will go out of this country. Agriculture means we will be working with our own people, who in the later stages when they make money, will still remain in this country. Agriculture can actually improve the incomes of this country better than what the mines are doing. Few people are employed in the mines, many people are employed in the agricultural sector. More than 60 per cent are relying on the agricultural sector directly and if you go into the rural areas, it's 90 per cent of the farmers there, who are deriving their livelihood from agriculture. If we understand the opportunities that are there and then we start developing these opportunities, then we will diversify quickly to include the agricultural sector as a mainstay. We are not saying when you diversify, you move away from the mines, we need the mines as well,” he said.

“Where we need to begin, as we diversify our small-scale farmers, is to understand their status, their characteristics. Where are they at the moment, most of them have, indeed, diversified. What we need is to understand what do we need to do with the kind of diversification that they are practicing at the moment so that we grow them and the best thing for me is to consider these farmers like one big farmer; put them together in a cooperative, in a farmer group, in a women club, in a youth club and then take the plots that they have, the farms that they have, like you are

dealing with one commercial farmer because by then, if you multiply two hectares by about 30 farmers, you have 60 hectares and then they can diversify that 60 hectares because you are teaching them as one big commercial farmer. Diversifying a small plot of two hectares by an individual farmer to bigger production levels is next to impossible. In their own way, they have already diversified as farmers, let's just know the opportunities that exist.”

And Dr Kayula warned that allowing call boys to run markets remained a breeding ground for lazy youths, who just wanted to earn a living, and called for the creation of better jobs for youths in the country.

“In fact, if we are not careful, by allowing the kaponyas (call boys) to man those markets, that is a breeding ground for lazy youths, who want to make quick money at the expense of depressing the producer. We need to find something good that these youths are supposed to be doing [rather] than putting them in the market and when farmers arrive, they grab the products from them. They make more money, reducing drastically on disposable incomes among farmers and travellers. There are ways of ensuring youths are facilitated to get better jobs than kaponya jobs. Youths should also wake up to the fact that these kaponya jobs will not help them in old age. Have you ever seen an old kaponya? Where do they retire to? They just disappear into extreme poverty, which they prepared for when they worked as kaponyas. These guys need better jobs,” said Dr Kayula.



Dr Frank Kayula

## NAPSA sues IMS for remitting late monthly contributions

*By Zondiwe Mbewe*

NATIONAL Pension Scheme Authority (NAPSA) has sued Intelligent Mobility Solutions Limited (IMS) in the Lusaka High Court, claiming payment of K141,000 in respect of penalty arrears, for allegedly remitting monthly contributions late.

NAPSA is claiming payment of K141,760.07 in respect of penalty arrears as a result of none or late contribution of penalty arrears.

It also wants interest, damages, costs and any other relief the Court may deem fit.

In a statement of claim filed in the Lusaka High Court, Thursday, NAPSA stated that it was a statutory body whose principal function was to implement policy relating to the National Pension Scheme and control and administer the Scheme.

It added that it was by law mandated to collect monthly statutory contributions from contributing employers.

NAPSA stated that IMS was a statutory body established under the provisions of the Road Traffic Act No. 11 of 2002.

It stated that it shall state at trial that IMS was a contributing employer registered as a Tax Payer with contracts of service with employees under the National Pension Scheme Act No. 40 of 1996.

NAPSA further stated that IMS was mandated to pay to the National Pension Scheme a contribution in respect of its employees in its employment at the end of each month.

“That if the aforementioned payment is not made within the stated time limit, such a payment would attract a 20 per cent cumulative penalty for each month. IMS has been remitting monthly contributions, albeit late, as a result IMS has accumulated debt in penalty arrears in the sum of K141,760.07,” read the claim.

It stated that despite several reminders and written correspondence that IMS effect its mandatory requirement to comply with the law, IMS had neglected or failed to pay the sum of K141,760.07.

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# We have no govt, but we have no opposition neither

“MWE ba News Diggers!, tell ‘Yo Bally’ to start taking advantage of the PF scandals if he is serious about winning the next election. With what is going on in government, the PF cannot continue winning all these by-elections, including in the opposition strongholds; it means there is something he is not doing right with his team. He is just entertaining people on Facebook, but on the ground, there is nothing! Ifwe fwebali pa social media, we don’t even have voter’s cards, the voters are out there,” a UPND supporter wrote to us.

Another one added: “Nakaso anasheko Bally, abantu bali nensala. No matter how you look at it, in politics, you have to feed the people around you. That’s why he is losing even in his strongholds. PF knows this, and they are using it against him... njala ibaba and people will definitely follow food and money until you completely wipe out politics of the belly and inculcate politics of ideology – but that’s not happening in your lifetime.”

Well, like the ever-changing Zesco

News

Diggers!

Ear to the ground

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excuses for load shedding, the UPND excuses for losing elections keep evolving. For the past 10 years, they have been saying, “by-elections are not a good measure of popularity.” By the way, that point is only applicable to the ruling party, if the UPND wins a given by-election, it means they are gaining popularity. Apart from that excuse, we have also heard about the rigging schemes of the PF. “They have been stealing our votes!” Then we have also heard about the abuse of the Public Order Act, and most recently, we heard that they are not allowed to campaign due to COVID-19.

Bembas say, “uwawa, tabula akabepesho” loosely translated as “a failure never runs out of excuses.” Mr Hakainde Hichilema has stood as a presidential candidate

in the years 2006, 2008, 2011, 2015 and 2016 and is expected to stand for the sixth time in 2021. Only in the years 2015 and 2016 did he manage to come close to winning; losing by only 27,757 votes in 2015. During the 2006, 2008 and 2011 presidential elections, Mr Hichilema was lacklustre, stiff and appeared as if he was lecturing and complaining to his audiences, rather than asserting his political will power. Today, we are witnessing the same “I will fix it/everything” campaign.

So, ahead of 2021, the question is whether much has changed in the years past about the strongest challenger of the incumbent, or he still portrays himself as some ‘boardroom calculator genius’ who views his ascendance to the Republican Presidency as an entitlement owed

to him by the Zambian people. Will he win the next elections or the PF will simply lose power and the Presidency will fall in his hands? That, we don’t know.

What we can say with confidence about the political state of affairs in Zambia is that we have no government and we, quite honestly, have no opposition. The past looks horrifying for the UPND and the future looks doomed for the PF. There has never been a scandal-riddled government like the Patriotic Front in history, yet there are still hundreds of thousands of undecided voters. There is certainly something wrong in the opposition, beyond just the UPND. They seem to lack a winning strategy.

Mr Hichilema has generated a lot of social media traffic and that’s good, but in an analogue society, you need to

analyse that traffic and see how much of it has actual electoral value. If someone thinks that traffic directly translates into votes, then forget it. To borrow Seer1’s words, “you can say Bally this, Bally that, but there is nothing you are ‘ballying’ because on that day, Bally will be nowhere on the ballot.” If there is no realistic youth mobilization strategy run by the substantive party structures under the Secretariat, Bally will be buried, leaving his party more divided than it has already been.

Gaining ground on social media is great, but there is no electronic voting in Zambia, at least not for 2021. There is a difference between showing off popularity among those who have access to the Internet and securing actual votes. A thousand comments in one minute on a Facebook post

mean nothing to the Electoral Commission of Zambia (ECZ). The winner of the 2021 presidential election is that politician who knows what really counts; that politician who is out there in the bush, strengthening the grassroots structures.

But what do we know? As we are told, when PF wins elections, it’s not the UPND that loses, but the people of Zambia; and they’ll keep losing until they liberate themselves like Malawians did. More like a man who says to a woman: “it’s your loss if you continue rejecting my marriage proposal!” Why do you keep proposing if you have nothing to lose? Such remarks lack the required humility from a potential next president.

Unfortunately, both front-runners in next year’s election have ego problems. They are difficult to advise. On one hand, the incumbent wants power at all costs and doesn’t want any suggestions against his candidature, while on the other hand, the opposition front-runner feels he has already won and needs to start working on his Cabinet structure. LOL!

Anyway, ba Zambia, fili uko tuleya.

## Crossword puzzle No 663

1		2		3		4		5
				6				
7						8		
9		10			11			12
					13			
14					15		16	
		17						
18					19			

“Make it a rule of life never to regret and never to look back. Regret is an appalling waste of energy; you can’t build on it; it’s only good for wallowing in.”  
- Katherine Mansfield

Across

1. Chew with them  
4. Nectar collector  
6. New Year’s \_\_\_\_  
7. Challenger  
8. Football official  
9. Knitting need  
11. Don’t go  
14. Promos  
15. Ledger entry  
17. F1 neighbor  
18. Abdominal muscles  
19. All possible

Down

1. Lingerie item  
2. It’s used to hear  
3. Wrangle, like a collie  
4. French cap  
5. Pixie  
10. Valentine’s Day gift  
12. Child’s toilet  
13. Test of speed  
14. Chicken \_\_\_\_ King  
16. Litigate against

## Crossword puzzle No 662

1	T	E	2	A		3	L		4	S	A	5	D
	E		6	D	R	I	V	E					I
7	E	8	G	O		O		9	E	10	W	E	
					11	A	N	12	T			E	
13	H	E	A	D			14	R	I	D	E		
				15	S	16	P	Y		G			
17	U	N	O			U		19	S	E	20	T	
	R		21	P	I	T	C	H			A		
22	N	U	T			T		23	Y	E	N		



# Readers' Feedback

## 'HH right that Zambians are the big losers if PF wins'

Dear editor,

"He's absolutely right...it's us Zambians loosing by not putting people who are ready to work for the people into office. Let's wake up once more and kick out this lawless government in 2021". - Michael Sinyimbwe

"I support this statement entirely..... Who complains about the high cost of living? Who complains about being overtaxed? Who complains about lack of drugs in public health institutions? Who complains on the high levels of unemployment in the country? I mean he is set for life instead of being given fish, he is trying to teach you how to fish. So, the question is, which one do you prefer?" - Maimbolwa Kamanga

"The statement is straight forward, if you want change in your lives it's up to you. You know who is right for the presidency ,but if you don't go for him/her then you suffer alone . Don't be too dull to understand some simple statements. He has the money, he stands only for the well-being of many citizens". - Aaron Banji Mwiinga

"Game up Mr President, you are dealing with sophisticated people here, it's important to understand what caused that, and address the issue, this is a wake up call, the problem with Zambian politics is that people don't vote based on ideology but their needs, we pray that God gives you wisdom on how to lead your people". - Japher Cora

## PF cadre who slapped Lubinda case outcome exposes justice system flaws'

Editor,

"A simple slap; they deserve it. Yet the case of a UPND cadre shot in cold blood has gone cold with the murderer still roaming the streets". - Kelvin Pumulo

"That Famous SLAP must have been so painful for the Bill 10 High Priest to order his Magistrate to "SLAP" a 2 years custodial sentence with Hard Labour in retaliation". - Christopher Kalima

"Laws are made by the rich to protect their interest while the poor suffers". - Masheka Kennedy Jr.

"Others could have learnt something from this but they can't because that is what they were created for. In Chewa we say wakake saleka". - Coswell Banda

"But the killers of a UPND cader are still free!" - Yousuf Aston

"Prisons for the poor". - Christopher Chipili

"And those with cases of corruption, how many years will they get?" - Ngandwe Babz Mulenga

"So it's true these cadres are actually violent?" - Mable Kayula

## 'Bowman should first be radical with himself, PF colleagues, for flouting COVID-19 regulations'

Editor,

"I think the Lusaka Province Minister has no work to do at his office. In any case by him going for those flouting COVID-19 guidelines he should start with himself and his colleagues in the PF". - Emmalito Lias

"Let him start with the culprit who drew a large crowd, no masks, no social distancing, no sanitizer, and claims he can't stop people following him. Bowman Insambu will fix it by dealing ruthlessly with culprits. A Comedy of Errors". - Johanna Fredman

"Double standards, what about the cadres who were at the comissioning of the so-called flyover bridge, we are not dull!" - Seda Seda

"Sure bazungu... Start with the one who went to commission mushelemuko!" - Bashi T

"We have alot of work ba minister, go in hospitals to check if patients are attended to and check ma test kits if they have as well, and if they have electricity, because loadshedding is too much. Not what you are about to do, it's nothing". - Anthony Chidata Kaleng'a

"When a rabied dog is about to die, it loses it's sense of smell'. This is the same man who was hospitalized due to corona virus and now he is daring God for healing him. Not again ba shi ECL Jnr! Sit down and reflect on how you were literally crying on that sick bed in fear of death". - Martin Nyanjagha



## 'Lubezhi right, Lungu is making COVID-19 fight difficult'

Editor,

"Sure, it's difficult and it leaves so much to be desired by the behavior of the government, it makes us understand that Covid19 is fake because if it was real we would be serious just like it was for cholera, sodiers were allover, or during early entry of Covid19 it was lockdown, now do we hear such? We just hear escalated figure of positive cases no photos, isolation centres

are hidden that we can confirm as citizens, why is the disease not reducing? why not testing us all and close borders and airport to save innocent people? Next you will want us to vote for you, but now you are showing us that you don't care about us". - Joshua Mweetwa Mweeka

"It's a mockery for any leader to convince people to be observing ministry

of health guidelines. If Adada can disregard them like that then this is a big problem". - Crispin Simwinga

"Why is it that the PF members are not complaining about what Lungu is doing with respect to following COVID 19 guidelines?" - Josh Godwin Musuku

"It's a hoax". - Leonard Tembo

#  
**EDITOR'S NOTE:**  
Go to our News Diggers! Facebook page, select a story you like and jot down your comment. We will pick that as your feedback and get you published on this page. The shorter the comment the higher the chance of getting published.  
Note that we block Facebook users who use abusive language.



PEOPLE in Beirut have expressed anger at the government over what they say was negligence that led to Tuesday's huge explosion.

President Michel Aoun said the blast was caused by 2,750 tonnes of ammonium nitrate stored unsafely in a warehouse.

Many have accused the authorities of corruption, neglect and mismanagement.

The blast killed at least 137 people and injured about 5,000 others, while dozens are still missing. A two-week state of emergency has begun.

How ship's deadly cargo ended up at Beirut port

French architect Jean-Marc Bonfils, involved in rebuilding the city after the civil war, and firefighter Sahar Fares, one of the first responders at the scene, were among the first fatalities to be named. A German diplomat was also among the dead.

French President Emmanuel Macron - the first world leader to visit since the tragedy - was mobbed as he walked through the city on Thursday, with residents imploring him to help and denouncing their leaders.

"Help us, you are our only hope," one resident called out. "Please don't give money to our corrupt government," said another, before adding: "We can't take this any more."

At a press conference, Mr Macron said a new political order was needed in Lebanon. "The anger I saw in Beirut today also showed signs of hope for the future," he said.

He said France would help organise international aid to Lebanon. Funding was available, he said, but political reforms had to take place before it could be sent.

He vowed that there would be no blank

# Angry residents rage at leaders after Beirut explosion



cheques for Lebanon's leaders, but cautioned that he could not tell the Lebanese government what to do. France is the former colonial power in Lebanon.

Filmmaker Jude Chehab told the BBC: "Beirut is crying, Beirut is screaming, people are hysterical and people are tired."

Chadia Elmeouchi Noun, a resident currently in hospital, said: "I've known all the time that we are led by incompetent people, incompetent government... But I tell you something - what they have done now is absolutely criminal."

On Wednesday, the government announced that a number of port officials were placed under

house arrest pending an investigation into the explosion.

The country's Supreme Defence Council

insisted that those found responsible would face the "maximum punishment".

Meanwhile, Amnesty International and Human

Rights Watch (HRW) have called for an independent investigation into the blast. In a statement, HRW said it had "serious concerns

about the ability of the Lebanese judiciary to conduct a credible and transparent investigation on its own". **BBC**

## Fire in India Covid hospital kills eight in critical care

SENIOR fire department official Rajesh Bhatt told BBC Gujarati that the blaze had spread after a staff member's PPE kit caught fire due to a short circuit.

"The staffer started running around the critical care unit in panic and the fire spread as a result," he said.

Police have detained one director of the hospital and begun investigation.

The incident took place at 03:00 local time (21:30 GMT).

Mr Bhatt said that the fire had been brought under control after about an hour and that 40 other patients in the hospital

had been transferred to a different facility.

He added that he and his team would have to undergo quarantine as they had come in close contact with many Covid patients.

Prime Minister Narendra Modi who served thrice as chief minister of Gujarat state

- of which Ahmedabad is the capital - tweeted that he was "saddened" by the incident, adding that "administrative support" would be provided to the families of victims.

Current Chief Minister Vijay Rupani also tweeted, offering condolences and promising an investigation.

Meanwhile, family members of some victims alleged that the hospital had delayed calling the fire department and had also not informed some family members about the fire.

"Hospital staff members did not give us any information. No-one is talking about how the fire started and what happened," one man, who preferred to remain anonymous, told BBC Gujarati.

Police have been given three days to determine who was responsible for the incident. They have registered a case of accidental death and detained one director. **BBC**

## Scientists in Rwanda identify drug resistant Malaria parasite

A DRUG-resistant strain of the parasite that causes malaria has been identified by scientists in Rwanda.

The study, published in Nature, found the parasites were able to resist treatment by artemisinin - a frontline drug in the fight against the disease.

This is the first time scientists have observed the resistance to the drug artemisinin in Africa.

The researchers warns that this "would pose a major public health threat" in the continent.

Scientists from the Institut Pasteur, in collaboration with the National Malaria Control Program in Rwanda (Rwanda Biomedical Center), the World Health Organization (WHO), Cochin Hospital and Columbia University (New York, USA) analysed blood

samples from patients in Rwanda.

They found one particular mutation of the parasite, resistant to artemisinin, in 19 of 257 - or 7.4% - of patients at one of the health centres they monitored.

Evolution of parasites

In the journal article the scientists warned that malaria parasites that developed a resistance to previous drugs are "suspected to have contributed to millions of additional malaria deaths in young African children in the 1980s".

When the first malaria drug, chloroquine, was developed, researchers thought that the disease would be eradicated within years.

But since the 1950s the parasites have evolved to develop resistance to successive drugs.

This is a deeply worrying and

highly significant moment. Today marks a setback in the fight against the malaria.

Resistance to artemisinin is not new as it has been in parts of South East Asia for more than a decade.

In some regions there, 80% of patients are now infected with malaria parasites that resist treatment.

But Africa has always been the biggest concern - it is where more than nine in 10 cases of the disease are.

It appears as though the resistance evolved in malaria parasites in Africa rather than spreading from South East Asia to the continent.

The result, however, is the same - malaria is getting harder to treat.

Malaria infection is now commonly treated with a

combination of two drugs - artemisinin and piperaquine.

But then malaria parasites started developing a resistance to artemisinin as well - this was first recorded in 2008 in South East Asia.

At the time scientists they feared that resistance to artemisinin could also occur in Africa and have devastating consequences

The research indicates that these fears may have been realised.

In 2018, African countries accounted for over 90% of the more than 400,000 deaths from malaria recorded.

You may also be interested in...

Professor Lang Linfu, who was one of the scientists involved in its discovery of artemisinin, explains how he made the breakthrough. **BBC**



# Is Financial Fair Play dead?

When the Court of Arbitration for Sport (CAS) panel lifted Manchester City's two-year ban from the Champions League, it represented a seismic and humiliating defeat for UEFA.

The European governing body had taken a year to investigate the Premier League club and concluded they had committed "serious breaches" of Financial Fair Play (FFP) regulations between 2012 and 2016.

A three-day hearing by the independent CAS, however, dismissed the punishment.

The credibility of UEFA's investigation was only held together by the fact that City were "strongly condemned" for failing to assist the investigation and fined €10 million (£9m/\$11m) for their obstruction - reduced from €30m (£27m/\$33m).

CAS published a weighty 93-page document to show how it reached its verdict and there are at least some reasons to suggest that FFP is not quite dead, although it is in need of some emergency surgery.

The findings do appear to weaken suggestions, made by some after the initial two-page statement, that City only won their appeal on a technicality.

It found "no conclusive

## Why Man City victory could mean major overhaul for UEFA rules

evidence that [City] disguised funding from their owner as sponsorship" despite the Financial Control Body (CFCB) Investigatory Chamber verdict.

Charges relating to Abu Dhabi-based communications company Etisalat were disregarded as they were "time-barred" as UEFA's own rules stipulate that they cannot investigate or penalise a club outside a five-year window.

John Shea, a senior associate at law firm Lewis Silkin, told Goal that UEFA may now want to look at its own processes.

"Whilst the CAS panel found that the alleged inflated sponsorships with Etisalat were time-barred under UEFA's FFP regulations, the allegations by UEFA of inflated sponsorship income from Etihad Airlines was actually deemed by CAS to not be time-barred," he said.

"Those alleged breaches were, therefore, considered by the CAS panel, who

concluded based on the evidence that the charge was not proven.

"The time-barred element of City's defence still played an important role in the outcome of the decision and so I expect UEFA to close this potential loophole in the future through regulatory change."

UEFA remains committed to FFP and defended the system in the wake of the result. "Over the last few years, FFP has played a significant role in protecting clubs and helping them become financially sustainable, and

UEFA and the European Clubs' Association remain committed to its principles," it said in a statement.

President Aleksander Ceferin has already admitted the governing body will look at adapting its rules aimed at making European football more competitive.

Since FFP was introduced in 2011-12, Juventus have won every Serie A championship, Bayern Munich have claimed eight of nine Bundesliga titles and Paris Saint-Germain seven French titles, while the Champions League quarter-finalists are

often made up of the same elite European sides.

Due to the Covid-19 pandemic, owners will be temporarily permitted to put more money into their clubs to cover increased losses caused by football's shutdown, and while there is no appetite to remove FFP in the long-term, regulations could be relaxed to stop the domination of some domestic leagues.

"We are trying to find ways to allow clubs to invest more, but at the same time ensuring that underprivileged clubs aren't abandoned and left alone,"

Ceferin told ESPN.

"We are discussing concrete measures, but it's too early to share. We need to approach this differently going forward, but it doesn't mean that the way [we] were doing this before was not right."

UEFA may also need to look at its investigation procedures, although appeals to CAS are built into its system. City's success, after all, came after PSG's appeal to the Swiss Court against reopening an investigation into alleged FFP breaches was upheld. **GOAL.COM**

## Forest Rangers back in title race

By Zondiwe Mbewe

FOREST Rangers were yesterday thrown back into the title race after their 1 – 0 win against Napsa Stars and an appeal against the awarding of points to Zanaco went in their favour.

Drama characterised what was supposed to be the smooth ending of the

league yesterday when the Football Association of Zambia Appeals Committee overturned the decision to award three points to Zanaco over their unplayed game against Forest Rangers.

On July 18, the match between Forest and Zanaco failed to take off after the former reported that they had 28 members of their team testing positive for COVID-19.

Zanaco were later rewarded three points after Forest allegedly failed to prove their case but with the decision overturned, it now means the match has to be replayed.

"The Appeals Committee, having considered all the written evidence adduced by yourselves

and the ruling of the Disciplinary committee, was of the view that your appeal against the ruling has merit and therefore upheld," FAZ general secretary Adrian Kashala stated in a letter to Forest and Zanaco.

"The committee therefore made the following ruling: Your appeal is upheld and the decision of the disciplinary committee is set aside. Therefore, the game between yourselves and Zanaco FC must be replayed and the result of the match be taken into account when the final league standings are compiled."

As of yesterday, the permutations were such that Nkana were set to win the league after the Forest win but with the ruling,

the Kitwe giants will have to wait for the game on Sunday.

Meanwhile, following their 1 – 0 win over Napsa, Forest have been thrown back in the title race, sitting second on the log with 49 points, one better than leaders Napsa Stars.

Nkana on the other hand may move to the top of the log should they be awarded three points from their unplayed game against Nakambala Leopards, who did not Show up yesterday.

Should Forest beat Zanaco on Sunday, they will move to 52 points.

Forest will have Lameck Silwamba to thank for his 70th minute strike which handed them the win over Napsa after receiving a defense splitting pass from Laurent Muma.

## Mufulira Wanderers fight relegation

By Daniel Chansa

MUFULIRA Wanderers have refused to be relegated because of the premature closure of the 2019/2020 season at week 27.

Wanderers have since written to the Football Association of Zambia (FAZ) on the decision to prematurely close the league at Week 27, which would render the team relegated.

This is according to a letter written to FAZ.

"Wanderers have acknowledged that due to the COVID-19 pandemic, the league can't continue running this season. However, clubs are the

main stakeholders in the league yet they were not consulted to take in their views on the restart of the league and they were also not consulted on how the league should end," Wanderers stated.

The club has called on FAZ to reverse the decision to end the league at Week 27 and further proposed ways in which the league could end.

"1. Wanderers want the league to end but no Champion to be crowned. 2. The points difference between the top 6 teams is too small for the league to be decided with 7 games to go. 3. No Relegation. Teams

have a fighting chance and have invested heavily financially in their survival plans. 7 games are too many to decide the fate of a club. 4. The top 4 teams at the end of Week 27 should be chosen to represent the country in continental competition. 5. Declare the league null and void," the club stated.

Wanderers are among a number of clubs, including Power Dynamos, that have written to FAZ over the premature closure of the league.

If FAZ upholds the decision to end the league, Mufulira Wanderers will be relegated.

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