



MURDER CONVICT, HANGWENDE FREED

...we released Beatrice for good behaviour - Prison Commissioner

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Hakainde Hichilema arrives at Lusaka Magistrates Court to show solidarity for NDC leader Chishimba Kambwili's bail application case yesterday - Picture by Tenson Mkhala

The State wanted me dead in jail - Mucheleka

By Abraham Kalito
UPND deputy secretary general Patrick Mucheleka says he cannot stop laughing at the aggregated robbery charge that was slapped on him by the State a month ago as it implied that those responsible for his arrest did not know what they were doing.

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It's scary to imagine what UPND will do to the opposition when they form govt - Siliya

By Sipilisiwe Ncube

MAZABUKA Central UPND member of parliament Gary Nkombo says the PF has reduced chiefs to vuvuzelas because the ruling party is good at patronising citizens of which traditional leaders have not been spared.

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Police arrest Kambwili's wife, daughter at court

By Zondiwe Mbewe

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Fuel shortage hits C/belt as transporters strike

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MAZABUKA Central UPND member of parliament Gary Nkombo says the PF has reduced chiefs to vuvuzelas because the ruling party is good at patronising citizens of which traditional leaders have not been spared.

But Chief Government Spokesperson Dora Siliya says it is scary to imagine what the UPND will do to those who have opposing views with them once they form government.

Debating on the 2021 budget allocation to the Ministry of Chiefs and Traditional Affairs in Parliament, Tuesday, Nkombo bemoaned a continuous degeneration of the dignity of institutions of traditional leadership under the PF government.

"We have seen a continuous degeneration of the dignity of the institution of traditional leadership under the Patriotic Front because of their tendency of patronage and transactional leadership. Under the PF, transactional leadership

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means that the leader promotes somebody based on a transaction of submission on one hand, and punishment on another. This government of PF has denigrated the institution of chiefs. They began with civil servants because it's in their constitution that only PF members are going to get employment in key positions. And now they have cascaded it to the royal highnesses. Your government needs to stand up and leave leverage for the chiefs to govern us in a manner that they were meant to even in the era of colonialism. The colonialists never influenced the chiefs to take sides on a person based on their political affiliation. Under PF, Mr Chairman, we have seen the proliferation of society, the differing of people based on patronage. PF is very good at patronising citizens, and they have not spared the chiefs.

They have reduced the chiefs to vuvuzelas! I have a chief in Southern Province who has been seen on social media. A young chief, probably the age of my son," Nkombo said.

But debating on the same subject, Siliya said traditional leaders wanted recognition from government because the two served the same people.

"Recently, their royal highnesses from different parts of Zambia had one very strong message that they wish to work with the government of the day and in this case, that is the PF government. Mr Speaker, they have been very clear that the people the government serves are the same people that their royal highnesses are also serving. And as such, it is very difficult to imagine that their royal highnesses would be divorced from the government of the

day because at the end of the day, what their royal highnesses are looking for are services for their people. And when they are looking for these services, Mr Chairperson, whom do we expect them to turn to when looking for roads or services for their people. Of course, they are going to turn to government," Siliya said.

"And in this case, government has been responding to their royal highnesses that that is the whole essence of Bill 10 because if you recall in 2016, there was a sort of detachment of government from their royal highnesses. And they have made a very clear case that they would love to work as closely as possible

with government. I am going around the country and been explaining Bill 10 to their royal highnesses. And in fact, we are on the same side. The government and the people of Zambia, and their royal highnesses are on the same side because we want the same thing, and that is to work as closely as possible."

Siliya stressed that there was no reason for traditional leaders to be unhappy when they see development being rolled out by government.

"And for us, as a government, we have a duty to respond to the calls of their royal highnesses regarding their need to want to be recognised by government. All the challenges that we're

hearing about, challenges of disagreement in their royal highnesses' families and palaces, all these issues, and that will be done once we close the Bill 10 bridge. Mr Chairperson, I found it very strange that somebody would be referring to their royal highnesses as trumpets or as vuvuzelas. It is strange to me because, for example, the chiefs in Southern Province were for the first time after so many years and so many administrations, they see the Kazungula Bridge being done, why should they be happy with joy? Why should somebody refer to that as being vuvuzela? The people in Mongu are seeing the new hospital, why shouldn't their royal highnesses be happy and shout with joy? Why should anybody refer to them as vuvuzela?" Siliya wondered.

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Kambwili's wife allegedly slapped a police officer at the Court Complex in the fracas that ensued after one of her children was denied entry into the court premises.

The two women (Carol and Chanda) were manhandled before being bundled into a police vehicle and taken to Kabwata Police Station where they were detained.

Kambwili's family, some NDC supporters, UPND leader Hakainde Hichilema, among others, were at court for hearing of Kambwili's bail application, pending appeal, which was, however, adjourned to this Thursday.

By press time, Carol and Chanda were said to have been charged with conduct likely to cause breach of peace and assault, respectively.

And when queried over the arrest of the two, Police spokesperson Esther Katongo said a detailed report would be given once availed.

"I don't have full details, but some people have been picked at the Magistrate Court Complex for misconducting themselves as officers were performing their duties. A

detailed report will be given once availed," Katongo said.

Earlier on, Hichilema was equally denied entry into the court premises and was only allowed entry moments later.

Speaking shortly after being denied entry, Hichilema complained that this was how a dictatorship worked.

"We cannot continue like this. You arrest somebody, who basically did not commit a crime, you don't want him to be in court, you don't want him to get bail, you don't want friends and relatives to see him? This is dictatorship! Those who were doubting, this is how a dictatorship works. This is a brutal PF regime, which has failed to run the economy. Next, you see, they will be discharging teargas here (court grounds). Because they are spending money to buy teargas and guns. This is what dictators do. We must all come together and effect change come 2021. But change starts now," said Hichilema.

Last Wednesday, Lusaka Principal Resident Magistrate David Simusamba convicted and sentenced Kambwili to 12 months' imprisonment with hard labour on charges of forgery and uttering a false document.

He, however, acquitted him on the other charge of giving false information to a public officer.

Fuel shortage hits C/belt as transporters strike

By Ulande Nkomeshu

A SHORTAGE of fuel has hit some parts of the Copperbelt and North-Western provinces following truck drivers' strike in protest over poor conditions of service.

And the Energy Regulation Board (ERB) has revealed that the fuel shortage has been triggered by widespread industrial action by truck drivers, who downed tools in protest over poor conditions of service.

But Ministry of Energy Permanent Secretary Trevor Kaunda has denied any shortage of fuel in the country, saying that fuel tankers are transporting the commodity into the country on a daily basis, contrary to the statement issued by ERB.

A number of service stations in Kitwe yesterday were either closed or had motorists queuing for the commodity due to erratic supply.

According to eyewitness accounts, a number of filling stations had run out of fuel, but that the few that had the commodity were found overwhelmed with motorists.

Some residents in North-Western Province disclosed that Kabombo and Manyinga districts had no fuel for the past one week.

A Solwezi-based motorist, speaking anonymously, narrated that she drove

from Kabombo enroute to Manyinga and found no fuel in both districts.

And ERB public relations manager Kwali Mfuni disclosed that the fuel shortage was caused by truck drivers, who had earlier downed tools over poor conditions of service.

"The ERB regrets the disruption in the supply of fuel that has been reported in some parts of the country. The disruption in the supply of fuel has been caused by industrial action taken by an organisation purportedly representing truck drivers," Mfuni said in a statement, Tuesday.

"Further, from preliminary findings, the ERB has observed that some tankers carrying imported fuel were not able to cross the borders into Zambia, while other tankers were parked for safety reasons."

She, however, stressed that Zambia had adequate fuel stocks amid the current market turbulence.

"The ERB would like to reassure the public that there are adequate stocks of petroleum products in the country. However, due to the strike action, which affected some tanker drivers, some parts of the country experienced disruption in fuel supply as some deliveries could not be made as scheduled," stated Mfuni.

"In view of the challenges experienced, measures have

since been put in place to provide security escorts for petroleum tankers to ensure the safe delivery of fuel to different parts of the country. The ERB is, therefore, appealing to all stakeholders to allow for the restoration of normal supply of fuel in the shortest possible time. Members of the public are also advised to buy fuel as they normally do to avoid further speculative stress on the petroleum supply chain."

Separately, Kaunda dismissed any assertions of fuel shortages, as he said that tankers had continued to roll into the country carrying the commodity as normal.

"No, that is not the case, fuel is coming into the country. There is fuel in the country and there is more coming every day, there are trucks that are coming into the country. I have not heard of any shortage," said Kaunda in a separate interview in Lusaka, Tuesday.

Meanwhile, Green Party president Peter Sinkamba demanded that government should update the nation on the fuel crisis prevailing on the Copperbelt.

"There has been a shortage of fuel for the last two weeks! Some filling stations have not been operating or they have been operating once in a while because of the fuel shortage. A number of filling stations have been on and off. Today (Tuesday), they have, the following day, the don't have just like that. There is no certainty that they will be gas. You will need to make arrangements so that you can travel otherwise you will be stuck," said Sinkamba.

"The trouble is that no one is giving a proper update and they can't give an excuse of the truck drivers' (strike) because the truck drivers it was only yesterday and the other day that is when they started docking, but for us, the fuel problem we have been experiencing for the last two weeks to three weeks now. The truth is that quite a number of filling stations don't have fuel or they have it erratically! Today, they have, the following day, they don't have. In Kitwe, there are various ques where there is fuel, which is not always the case when the supply is normal."

Bill 10 is PF's ventilator for winning 2021 – Nkombo

By Natasha Sakala

MABABUKA UPND member of parliament Gary Nkombo says the party is ready for the 2021 general election despite being subjected to the PF's barbaric leadership.

And Nkombo says that the Constitution Amendment Bill Number 10 of 2019 is the PF's much-needed ventilator to help them cling onto power, hence the ruling party's insistence to enact it.

In an interview, Nkombo dismissed PF secretary general Davies Mwila's assertions that the UPND were not ready for next year's polls, saying that was wishful thinking in an attempt to play on Zambians' minds.

"Well, look, how can a group of people like ourselves who were cheated of an election, the 2016 general election, by less than half

a percentage (point) not be ready for elections? We are very ready for elections and for them to think that we are not ready is wishful thinking and they're trying to work on the psychology of Zambians. Zambians are fully aware that the PF, together with their Siamese twin, ECZ, and the police, their distant cousins, have been working collaboratively to first, on the part of the police, try and prohibit people from their rights of assembly and movement, everybody knows that. You know that the ECZ are in court, they're bulldozing their way to get rid of the old register against the wishes of the people. You know very well that PF supervises these two institutions and they are always bowing down to PF. So, the three are in league, the three are against Zambians and so let the day come on 12th of August and

then we will demonstrate to the party our preparedness and how ready and eager Zambians are to show PF the door," Nkombo said.

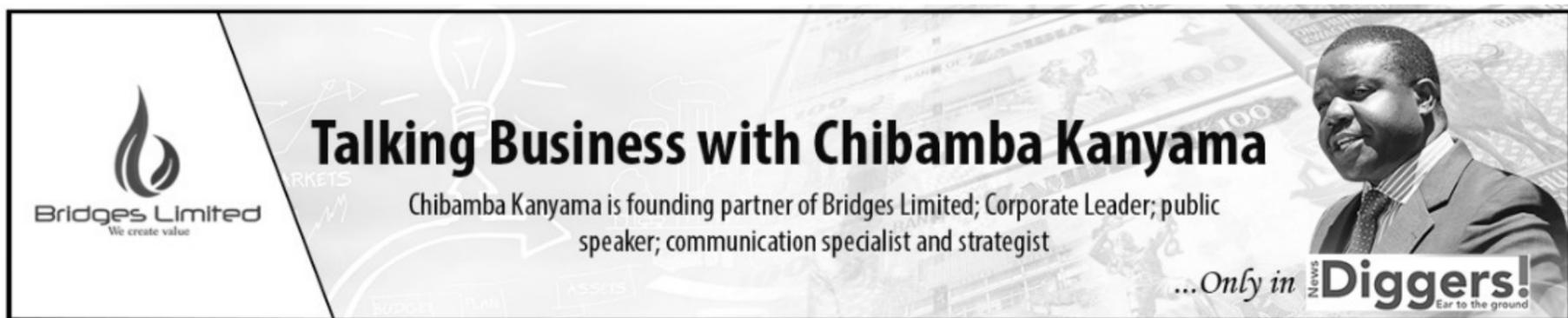
"So, we are ready, let him (President Edgar Lungu) call the elections, even tomorrow, we are going to show them how people in this country are ready for change."

Nkombo said Bill 10 was the PF's much-needed ventilator to help them cling onto power, hence the ruling party's insistence on its passing into law.

"So, Mr Mwila is working under an illusion that we are not ready, we are very much ready! If I had to say this to you, why would people in Mpika, a handful of hoodlums and rascals, PF thugs, start blocking the road for people who have the right of movement to use the public road, why

would they do that in Lavushimanda, that is barbarism! We are working in an environment where the leadership are barbaric, that's what we are going through. So, that does not indicate that we are not prepared, we are ready. And we also note that Bill 10, as Davies Mwila said, is the ventilator for PF. That is the ventilator that is helping them with oxygen because it has provisions in there that makes one disqualified candidate, such as President Lungu, to run. They want to leave a way for him to run against the current provisions," said Nkombo.

During ZNBC's Sunday Interview, Mwila charged that the UPND were crying about the Electoral Commission of Zambia (ECZ) and the Public Order Act because they were not ready for next year's polls.



Company Secretaries are more than minute-takers!

In one of the most recent training sessions on corporate governance practices and procedures, I decided to conclude my facilitation with the question, 'Who is responsible for the major tasks in preparing the board meeting, conducting the meetings, and then following up on meeting resolutions, discussions, and due diligence?' It was not a tricky question at all. It exists in one of the training manuals we use. However, given the context of the training, where I highlighted the importance of effectively preparing for and leading a board meeting, participants generally concluded the answer to the question was that the company secretary was responsible for the task. Upon realizing I hesitated to acknowledge the response, another director stated, and correctly so, that the board chairperson was responsible for those major tasks. It is always the responsibility of the Board Chairperson to prepare for the board meeting. Its success or failure is on this one individual who should have done everything possible beforehand to ensure the agenda and board papers were prepared upfront. It is the same board chairperson who provides leadership during the meeting, effectively managing decision making, discussions, dissent, and voting. It is the board chairperson who should follow up on meeting resolutions, discussions, and due diligence. There is no question the role of board chairmanship is heavy and carries with it a measure of authority to ensure that all these tasks are reasonably executed. However, the Board Chairperson is not an executive person. They will rarely make phone calls to follow up on resolutions. If anything, they may not quite remember what the key resolutions were because shortly after the board meeting, they are possibly attending another one. There is one board chairperson who would overlap resolutions between one company and another. Aware of this potential

danger, the chairperson was reliant on the board secretary to assume these functions. It is, therefore, the Company Secretary who practically executes the responsibilities of the Board chairperson. The Chairperson and Board Secretary draft the agenda and the latter makes sure all directors receive the agenda and any other board minutes. In some cases and arising from this close association between the Chairperson and the Board secretary, the latter becomes a very powerful individual, albeit by default. This becomes a serious matter requiring management where the Board secretary is separate from the CEO (a practice we seriously recommend and many statutory bodies that have not separated this function should take interest on the concerns we raise). The delegated authority of the company secretary can become a serious matter because in instances where it is not properly managed, CEOs feel highly insecure in their positions when the Board Chairperson is regularly in contact with the Company Secretary. I shared in one previous article how a CEO and Company Secretary nearly came to blows because of mere suspicion the tribulations the CEO was experiencing were a result of bad-mouthing generated by his subordinate. Some CEOs attribute their failure to secure a contract renewal to the strong bond between the Chairperson and the Company Secretary. This problem should, however, never undervalue, neither should it seek to underrate the important role company secretaries play in ensuring the board succeeds in its mandate. If I were to use the soccer analogy, I would liken company secretaries, who remain passive players in board meetings, to a midfielder who knows exactly when to release the ball, to

whom and in what measure. Their responsibility is not limited to minute taking; it is just one of the many roles they carry. This is the reason most company secretaries are highly trained men and women with the capability to think and strategise about how to get most of the board. An effective board is an effective and efficient company, and all this starts with understanding the role this one individual plays in making sure things happen as anticipated. For effective board management, the company secretary works closely with the Board Chairperson and the CEO in coming up with the agenda. By the time the Company Secretary meets the chairperson, the two executives would have gone through the agenda items and agreed on them. This is a proper administrative way of managing not only the relationships but ensuring both the board and management are on the same page. The Company Secretary is also the key link between the company and non-executive directors. Board members cannot just go into the company and seek to meet anyone about anything about the business. There are cases where the chairperson of the staff committee will directly walk into the office of the director of human resources to demand for documentation. Unless authorized under board procedures, this should not happen. The contact is through the company secretary. This is the individual authorized to keep all necessary documentation of board relevance. It is this person who will make internal contacts, including with the director of human resources, about the required documentation. In other instances, even the contact to the Company Secretary by board members should be via the board Chairperson. This may be an extreme case but is good practice because it avoids haphazard and uncoordinated arrangements where every board member is seen within the company premises, queueing up to meet the board secretary, asking for documentation. A board is a prototype; it survives on effective systems, procedures, and processes. Well groomed and trained board secretaries understand these procedures and that is why one of their other responsibility is the onboarding and training of board members. Board secretaries are the right people to explain the procedural requirements of laws, the charter, and by-laws of the company and it is for this reason most company secretaries

in Zambia are lawyers. This is not an easy task because their advice to the board has potential serious liabilities and even though there could be a legal mind on the board as director, this person would not be there when certain decisions are being executed. This execution is based on the manner the minute was taken, the context of the laws and articles of association. It is for this reason I find it a serious error on the part of the board if the Company Secretary is relegated to a minor function of taking minutes. It is also for the same reason of ensuring compliance with board procedures that statutory bodies that have the CEO as company secretary should change this administrative arrangement. In writing about the duties of company secretaries in Stevens&Bolton, Joe Bedford states, 'Company secretaries who are also directors of the same company, should note that, due to the differing nature and scope of duties of the respective posts, it is important that they are aware, in relation to each task, whether they are carrying this out as director or secretary and in particular, in which capacity they are signing notices and other documents.' The Company Secretary position is not an administrative arrangement; it is both an operational and strategic placement in the organizational structure. It is their proximity to this strategic information, some of it highly confidential, that company secretaries should not be left out on the potential successors of an establishment. I am saying this because, by observation, Company Secretaries are usually completely excluded from the succession plans for the top position. This is much more of a mindset problem than a governance matter. To crown it all, and for listed companies, these are the same people who arrange the annual shareholders meetings and other special meetings for stakeholders. This responsibility gives significance to the position, that it is not a passive element to every board meeting, the silent listener to every conversation whose job is just to minute what was discussed and keep company records. Even if the role were reduced to this, imagine what the impact to the business would be if the individual taking minutes was not that competent? Minute taking, just by itself, is not like writing a love letter! Bear in mind that some resolutions captured during a board meeting will have implications 15 years later and hence the need to look at this position with heightened respect.

"I shared in one previous article how a CEO and Company Secretary nearly came to blows because of mere suspicion the tribulations the CEO was experiencing were a result of bad-mouthing generated by his subordinate"

Lifestyle

EVERYBODY IS A LIFESTYLE GYM BODY

DAILY CLASSES
ADVANCED EQUIPMENT
PERSONAL TRAINING

MONTHLY MEMBERSHIP
K850

OFF PEAK MONTHLY MEMBERSHIP
K750

LEOPARDS HILL ROAD
LUSAKA, ZAMBIA

EAST PARK MALL, CORNER OF GREAT EAST & THABO MBEKI ROAD
LUSAKA, ZAMBIA

By Ulande Nkomesha

POLICE spokesperson Esther Katongo has stressed that police cannot fail to pick up UPND president Hakainde Hichilema if he refuses to comply with a summons, but that the opposition leader has not been summoned yet.

In an interview, Katongo expressed disappointment that Hichilema had continued to portray a wrong image to the public that he would not be going to the police station when he actually had not yet been summoned.

She was reacting to Hichilema's refusal to respond to Inspector General of Police Kakoma Kanganja's call-out that was supposedly delivered at the UPND secretariat last Friday.

"Maybe we need to give an explanation. What happens is that when you are summoned and you don't avail yourself to the police, the duty of the police is to follow and pick you up. In the case of HH, I think he even knows himself to say that he has not been summoned that is why he is saying, 'I will not go, I have been summoned, I will not go.' If us, as police, we mean

HH can't refuse call out, when we need him, we'll pick him – Police

business, we mean business. Whether a person is a political leader or whatever status, that person is and as long as that person has got no immunity, our job is to follow that person and pick that person to come and answer to charges, there is no one who is above the law," Katongo said.

"So, for people to show

a picture that they are not coming to police, then we can leave them just like that, that is a non-starter. The way we are supposed to conduct our job, we have to follow you where you are and arrest you and take you to the police, but the issue of writing a callout is just a way of respecting you that you avail yourself than us coming to pick

you up, so that everyone sees you that someone has been picked. It is a way of showing respect to people, but in the case of HH, I think we put it clear in our statement that he has not been summoned. So, for me to say that he has been summoned and 'I will not go there', it is a wrong perception to what is happening on the

ground because he has not been summoned that is why he is even talking like that; he knows that we are not going to follow him because he hasn't been summoned."

Katongo added that Hichilema might still be summoned as investigations in the matter continued.

"As we will be going ahead, as we will continue with investigations, if there will be any need of him being summoned, he will be summoned. As the officers are conducting investigations... because what they are doing now is getting statements and continuing with investigations. So, even these cadres who are saying, 'you can't get this one,' that can never happen, they are just talking from the blues. What we are saying, he hasn't been summoned yet," she said.

And Katongo explained that a police summon does not mean a person is under arrest.

"The other thing, which people should understand is that, when a person is summoned, it is not automatically an arrest. Police

officers may want to get information from that person. Now, what we have in Zambia, whenever you summon someone...We summoned (MMD president) Nevers Mumba just recently, people were saying iye wayenda ku mu manga (they are going to arrest him), it is not like that. At times you would want to get information from that person not until we reach an action point where we act that, now, we are charging you, that is when people can say someone has been arrested. But summoning you, that, 'come to the police' does not mean that you have been arrested, no! We have not summoned him, but that does not mean that we cannot summon him, we can summon him at any time when we feel like there is something that we want from him," explained Katongo.

"So, even if someone has followers, we cannot be deterred by any follower to say that, 'we are not going to summon that person,' no! There is nothing like that in the law. Our laws are very clear: no one is above the law. For those who are daring that, 'when they summon, we are going to do this...' Let them do that and we will be there. People shouldn't cry to say, 'police are using police brutality, we are going to do this and that.' Let them do that and we will be there. You have seen the way they are daring police? So, we cannot stop picking someone just because some followers are daring someone that is the point I want people to get."

On Monday, during his address to students from the University of Zambia National Institute of Public Administration, Evelyn Hone College and Zambia Institute of Mass Communication (ZAMCOM), Hichilema said he would not bother responding to Inspector General of Police Kakoma Kanganja's "stupid" call.



Hakainde Hichilema arrives at Lusaka Magistrates Court to show solidarity for NDC leader Chishimba Kambwili's bail application case yesterday - Picture by Tenson Mkhala

PF members will get same prison treatment they're giving CK when their time comes – NDC

By Sipilisiwe Ncube

THE PF is setting a bad precedent by refusing political leaders to visit Chishimba Kambwili in prison because they may one day face the same situation, says NDC deputy national chairperson for mobilisation Fabian Mutale.

Meanwhile, Prison Service Commissioner General Chisela Chileshe says the Commission will issue a comprehensive statement on the State's continued refusal to allow Kambwili's well-wishers a chance to see him in prison.

In an interview, Mutale, who is

also Kamwili's private secretary, bitterly complained that party members were denied access to their leader in prison unless they got clearance from the Ministry of Home Affairs.

"This issue of asking political leaders to 'get permission or clearance to visit the convict or any person that is in prison,' it's a bad precedent they are setting because by law, a convict or a remandee or any other person that is in incarceration has a right to be visited. This is why we say that this regime is full of corrupt and prison-bound people! What will happen is that by the time they go to prison, they will

find that we will have passed a law that says, 'for anyone to visit a known political criminal should have parliamentary approval.' What are they going to do? Their time will come. Like General Kanene said that, jele banapangila bantu (jail was meant for people)," Mutale said.

He complained that only a selected number of Kambwili's family members had so far been allowed to visit him.

"They have only allowed him (Chishimba Kambwili) to provide a list of family members that can be taking food at particular times. And if your name is not on that list, which is just

less than 10 and only family members, they are not allowed to visit him without clearance from the Ministry of Home Affairs, if they are not on that list. And this is in connection to what happened on Monday when the Alliance partners visited him, including Saviour Chishimba," said Mutale.

And when asked why people had been denied access to Kambwili, Chileshe said: "On that one, we will make a statement. I will give the details to the PRO so that we give a statement to all the news houses and the media," said Chileshe in a brief separate interview.

By Abraham Kalito

UPND deputy secretary general Patrick Mucheleka says he cannot stop laughing at the aggregated robbery charge that was slapped on him by the State a month ago as it implied that those responsible for his arrest did not know what they were doing.

Narrating his ordeal to News Diggers! in an interview, Mucheleka said he could not understand why the PF government wanted him dead for simply exercising his rights and enjoying his liberties.

Mucheleka recalled the ordeal that led to his arrest and detention.

"I was arrested around 02:30, that's precisely the time that police officers came to my house and ransacked it. It

The State wanted me dead in jail - Mucheleka

wasn't like I was summoned to appear before then or anything, no. They just came and ransacked the entire house with heavy artillery! When they came, I looked at the time and it was 02:30. From that time until about an hour later, we were being interrogated when we were to answer questions that we had no idea what those had

to do with us. We couldn't understand any questions. And there were over 20 vans with armed police officers to come and arrest a single person. And they threw us in police cells where we were seriously mistreated by the officer in charge at Kasama Police station. I say mistreated because we were denied basic amenities whilst in those cells

for three days," Mucheleka narrated.

"We were in a cell that was full of human excretion, we could barely breathe! And when we asked for basic things such as blankets, they couldn't give us. And so we spent those three nights freezing in the cold and we couldn't even answer the call of nature. The only time we did that is when we were taken for interrogation and we had to beg. We did make a request to the officer-in-charge to let our family and friends bring us at least a mattress and blankets and that request was simply denied. The toilet in there was not functional, neither was it cleaned. When our friend brought water bottles, we used those as means to answer the call of nature. And so after three days, on a Wednesday, we were taken to court after which we were taken to a Correctional Facility. I have to say that when they slapped us with the charges, I couldn't help, but laugh! Up until now, I'm laughing at the charges."

He insisted that the charges slapped on him were designed to eliminate him.

"And you know, when they took me to those cells, I thought that they wanted to break me, but after the charges came, I realised that these guys wanted to kill me! And I just couldn't comprehend that they wanted me dead for exercising my rights as enshrined in the Constitution, the Bill of Rights. I would love to know, do people understand what aggravated robbery is? I will talk about aggravated robbery and not malicious damage because that is a matter that is still in court. My conscience has always been at peace and even when I didn't understand what was going on, I was at peace. I knew this was about politics, but I didn't know that that was the level at which we would degenerate

where you wake up and look at political opponents and because you think you control the instruments of power, you abuse them. But even as you abuse, you need to have a limitation, unfortunately, this one, today, has no limitations on his abuse of the instruments of power. You know, you cannot wake up and slap your political opponents with the charge of aggravated robbery. Do people know what aggravated robbery is? It carries a maximum sentence of death by hanging! So, they wanted my head on the chopping board. What they were saying is that, 'we were to be killed, physically killed.' It was to have me killed, to have Elias Mubanga killed, to have Samuel Ngwira killed, it's to have Edward Chilemba killed. These are the four people I was charged with all for merely expressing opinions, different from theirs, and for enjoying civil liberties as enshrined in the Constitution under Part three, the Bill of Rights. And their main mission is to scare people away, but scared of what?" he wondered.

"This is our country and we must enjoy our freedoms. Even when they took me there, they thought that they were doing something to break me, but you cannot break me there. I cannot be scared of a person who is in power today and tomorrow is out, it's not possible."

Mucheleka revealed that the police officers told him that they were being abused by their superiors and pleaded with the UPND to help improve their conditions of service once elected into office.

"...And by the way, the same police officers who were sent to persecute me were begging me and the UPND to deliver them. They were pointing guns at me, but they were telling me, 'please don't

put us in trouble when you are voted into power because we are just being abused.' At one point, I was very upset with one of them because he kept whispering to me telling me to be strong, but his gun kept pushing me. This got me upset. But he whispered to me in a begging way that I shouldn't be upset, he needed people to think that he was working. They said, in fact, 'deliver us from this system, please! We don't want to be abused anymore.' Meanwhile, they were pointing guns, ma AK47 at me! And I asked them, 'so if they had instructed you to kill me, you would have killed me?' And they couldn't answer. But the message was clear, they told us we have really suffered at the hands of these (PF) people, that they could hardly do the right thing. So, they didn't lay a finger on me because they knew it was unnecessary," narrated Mucheleka.

"And we were thrown into the Minima Correctional Facility shortly after we were taken to court. And you know, in prison, we were received to a thunderous welcome! You know, you would think that those people in prison are not informed with regards to the current affairs of the country. Don't be deceived, they are well informed and they knew that we were coming. They knew the day and the hour. When we arrived, they were simply cheering! And I want to thank the correctional officers at that facility that they received us well and they treated us with respect and dignity. And you know, when you spend 30 days in a facility like that, you interact with a lot of officers. To our surprise, the message was the same like the one we got from the police officers, it was: 'we are with you and help us liberate this country again because it's in bondage right now.'"

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K20 SCT increment irrelevant – CSO-SUN

By Natasha Sakala

CIVIL Society Scaling UP Nutrition (CSO-SUN) Zambia national coordinator Mathews Mhuru says K20 increment on the Social Cash Transfer (SCT) in the 2021 budget is irrelevant in removing beneficiaries from their vulnerabilities.

In an interview, Mhuru said that K20 increment proposed to the SCT in next year's budget was negligible, as the K90 currently being disbursed to recipients cannot buy a 25kg bag of mealie meal given the current economic challenges afflicting vulnerable citizens.

"You know, the biggest problem that we have had, especially stakeholders that are working in the nutrition or the social protection sector, with our Social Cash Transfer programme, is the fact that social cash from the government side, they

are giving K90, which can hardly buy anything. But now, with the current economic conditions that the country is going through, we are seeing an increase of K20 from K90 to K110 so a number of stakeholders, including CSO-SUN, we feel like this amount, which cannot even afford to buy a bag of mealie meal, cannot deliver what social assistance programmes like the SCT programme should deliver, which is removing people from their vulnerabilities and just removing them from poverty," Mhuru said.

He added that the new K110 amount proposed in next year's budget was way below what donors would allocate, as evidenced with the emergency COVID-19 fund.

"In its current state and amount that government is allocating, which are way below what donors would allocate in times that we have

emergencies, including COVID-19. We saw the COVID-19 fund going as high as K400, which was more realistic. In times of drought, we see donors putting allocations of K400, but on the government side, they still emphasise on giving monies that are very little, that cannot even afford a single meal, even just a five litre container of oil cannot be bought from the K110. So, this programme would not really yield the intended goal, which is rescinding vulnerabilities and removing people out of poverty do in its current state, we are not going anywhere as a country and we won't achieve that," Mhuru added.

He, however, proposed that given the earlier fallout with donors, government should establish a mechanism that would see donors provide support directly to beneficiaries and supplement its

efforts. "So, government, if they know that they can't afford to implement the Social Cash Transfer programme that really addresses the needs of the people and you know, is focused to address the challenges that the people are facing, they need to engage the donors and if at all they don't even know how to manage the monies themselves because of the previous relationship and the previous thing that happened, government has to ask donors to put up systems that will enable them to provide social cash to the vulnerable households. Even as government is providing the K110, that the donors can supplement what government would not supplement so that at least we can reach something close to K400, which is a reasonable amount to give to vulnerable households just to reduce the shocks of vulnerability,"

he added. He further noted that a lot of donors remained willing to support the SCT programme, but we're still concerned with government's persistent lack of transparency and mismanagement of funds. "So, going forward, you know there are a lot of stakeholders and a lot of donors that are still interested in supporting the Social Cash Transfer programme. We saw the withdrawal from the British government because they were among the main donors when it came to Social Cash Transfer programme in Zambia, but just the lack of honesty on the government side and the lack of transparency and the mismanagement of these funds are the ones that caused the donors to lose their trust in government and to just withdraw their funding to the social cash programme," observed Mhuru.

By Zondiwe Mbewe

LUSAKA Magistrate Nsunge Chanda has ruled that former Zambia Airforce commander Eric Chimese's emoluments are not classified material.

This is in a matter in which Chimese is accused of abuse of authority of office and money laundering relating to properties in Ibex Hill and Lilayi.

Chimese is jointly charged with Chita Lodge director James Chungu.

Chimese's lawyers had previously objected to a witness disclosing information relating to the accused's earnings and conditions of service on grounds that the data was classified information.

This was after Colonel Bernard Chileshe, a director in charge of salaries and pensions at the Zambia Air Force, under the finance department testified before Magistrate Chanda that in May 2019, he was given an assignment to compute personal emoluments and benefits accrued to Chimese for the period he served as commander from 2011 to 2018.

He said this was after officers from the Drug Enforcement Commission (DEC) visited them.

Col Chileshe testified that to undertake the said task, he got the information from the pension fund relating to payments made to NAPSA, gratuity, leave days, three months salary notice and repatriation for Chimese.

Chimese's emoluments not classified material, rules magistrate

He said on Chimese's salaries, he got the information from the payroll for the period 2011 to 2018 when he retired.

Col Chileshe added that he also collected information relating to Chimese's foreign travel allowances.

"I prepared the information and submitted to DEC," the witness said.

However, as Col Chileshe tried to reveal to the court the money accrued to Chimese, defence lawyer Kelvin Bwalya Fube told the court that information relating to Chimese's salaries, pension benefits, allowances, among others, that he may receive as ZAF commander could not be presented before court without a waiver from President Edgar Lungu, who was the Commander in Chief of the armed forces.

"My instructions are to inform this court that a commander's earnings and conditions of service are classified as confidential," Bwalya said.

"We further submit that in the absence of such a letter from the commander in chief who is the President waiving such classified information to be released, the witness on the stand may find themselves in trouble. The witness is incompetent to go beyond what he has told this court without committing an offence."

But in response, deputy

Chief State Advocate Gamaliel Zimba submitted that disclosure of Chimese's emoluments would not affect state security as the said emoluments do not fall under classified information which can threaten State security.

Zimba added that in line with the Presidential emoluments Act, the Head of State's emoluments were in public domain, and further wondered how the defence can argue that the personal emoluments of another public officer who was subordinate to the commander-in-chief of the armed forces becomes classified information.

He submitted that Chimese's personal emoluments do not go anywhere near what the State Security Act seeks to protect, adding that transparency would also require that the evidence relating to the emoluments should not be deemed as classified.

But when the matter came up yesterday for a ruling on the objection by the defence, magistrate Chanda said relying on the provisions of the law and authorities, there was no suggestion that emoluments for the general can be classified.

She added that in the interest of justice, it may be wrong to classify emoluments for Chimese as secret because transparency requires that it be not.

Magistrate Chanda said from the provisions (of the law), it was clear that the much talked about remuneration for the air commander was not classified material as this was not the first time an air commander was being tried in his mandate.

She also said it was clear that there was no prejudice to Chimese, but there would be

prejudice to the State if such information was not received in evidence and the court be allowed to make a conclusive finding of facts.

"I have carefully considered the law which can be applicable to help me consider the general's emoluments as

classified information. But all the cited cases by the defence falls off. I find that the general's emoluments are not classified matters. The State Security Act's intention was to deal with serious matters like espionage and sabotage," magistrate Chanda said.

She however, said as much as the emoluments were not among the classified material, the court would proceed to hear the evidence for Col Chileshe in camera (in Chambers) to avoid the witness fail to adduce all evidence he deems necessary to present before court.

The matter comes up on November 6, for continued trial.

Kambwili's conviction a miscarriage of justice, Simusamba was angry with accused – Nevers

By Sipilisiwe Ncube

MMD president Nevers Mumba says the sentencing of NDC leader Chishimba Kambwili to two years imprisonment by Magistrate David Simusamba is a miscarriage of justice because the judgment was delivered by somebody who should have not presided over that case.

In an interview, Mumba said based on his complaints against Simusamba to the Judicial Complaints Commission (JCC), and also the JCC's recommendation to have Magistrate Simusamba removed from presiding as a Judicial officer, Kambwili's judgement should have been delivered by another judge.

"I think that this is a failure of system. There was already a recommendation that Mr Simusamba be removed from the bench so that he does not preside over any case. Unfortunately for some reason, he was not removed and we have no understanding as to why that happened. Therefore, we have a situation today where Mr Kambwili had raised concerns while his case was running and then everybody believed that they were going to move the case from Honourable Simusamba in the list and give it to another judge who was not compromised. But unfortunately for some reason, he was allowed to even write the judgment," Mumba said.

Mumba said it is a miscarriage of justice to allow a person who should have not presided over a matter to be the one to deliver judgment.

"In other words, Mr Kambwili's fate was already pre-determined. It was predetermined because from the preamble of the judgment and I was in the court, it was clear that Honourable Simusamba made the decision based on how he felt that Mr Kambwili behaved during the course of the case. He continued to talk about how Mr Kambwili misconducted himself, how Mr Kambwili tried to remove the judge from the case, and how Mr Kmbwili sued the

magistrate. So, there was obviously anger in him. And therefore Mr Kambwili stood absolutely no chance. We are not saying that the judgment was wrong or right. We are saying that the judgment was handed by somebody who should not have presided over that case based on the information that I had given and based on the decision of the JCC. And I think that this could be considered if looked at critically in future, as a miscarriage of justice," he said.

And Mumba said it was unfortunate that it took two years for the JCC to act on his complaint about Magistrate Simusamba.

"During the pre-judgment, a lot of unprofessional conduct was observed in Honourable Simusamba. I decided to write to the Judicial Complaints Commission and raised a list of unprofessional conduct by Mr Simusamba. I also raised some very serious allegations which in my view are based on truth and submitted those to the commission. The commission did their job over a period of two years. It's very unfortunate that it took that long. But the Judicial Commission itself had problems with staffing and the change of commissioners and all that, which delayed the decision of JCC," said Mumba.

"Fortunately, I received a letter from the JCC in which it was clearly stated that the commission agreed with me that those issues that I raised were serious issues and they have no reason to doubt that it was based on real experience. Following my letter, the JCC made a recommendation to the judiciary that Mr Simusamba be removed from practicing as a magistrate as a result of those inconsistencies and it also happened that I was not the only one that was complaining. Even Honourable Kambwili had also raised those concerns. And fortunately, some of his concerns were exactly the same as mine of unprofessional conduct. Therefore, that actually added weight to our complaints."

FIC amendment Bill passes First Reading

By Sipilisiwe Ncube

FINANCE Minister Dr Bwalya Ng'andu has presented the Financial Intelligence Centre (FIC) amendment Bill No.11 of 2020 for first reading to National Assembly.

And Speaker of the National Assembly Dr Patrick Matibini has referred the bill to the parliamentary committee on National Security and Foreign Affairs.

Meanwhile, two other bills namely; the Non-Governmental organization amendment Bill 13 of 2020; and the Companies amendment Bill N0.12 of 2020 were presented for first reading by Community Development Minister Kampamba Chewa and her Trade and Commerce counterpart Christopher Yaluma respectively.

Dr Matibini referred the Non-Government Organization Bill to the committee on Health, Community Development and Social Services while the Companies Bill was referred to the committee on delegated legislation.

And Dr Matibini said all the three committees were expected to submit their reports on the bills to the House by Thursday, 12th November 2020 and urged MPs who wished to make submissions on the bills to do so within the programme of work of the committees.

Covid-19 cases near 16,000 as ministry introduces 15 minutes rapid testing

By Natasha Sakala

MINISTRY of Health permanent secretary technical services Dr Kennedy Malama has announced that the country has recorded 85 new COVID-19 cases out of 2,050 tests done in the last 24 hours, bringing the total number of cases recorded so far to 15,982.

And Ministry of Health

director for infectious diseases Professor Lloyd Mulenga says the country has now introduced a 15 minutes rapid testing for COVID-19 but will be restricted to health facilities.

Speaking during the COVID-19 update, Dr Malama noted that despite the reduction in the number of cases, the severity of disease being presented, without underlying conditions was worrying.

"Let me mention that although we have seen significant reduction in the number of patients who are admitted for COVID-19 and receiving treatment, we are still seeing very, very sick patients indeed admitted. The few whom we are still keeping in our hospitals require very aggressive management for us to save them. Again an indication that you shouldn't drop the guard at all levels because we are not sure who the next person may be developing the severe form of COVID-19. And if as a country we can record 85 new cases, it's also an indication that this pandemic is still with us as a country," he said.

"A total of 85 new cases of COVID-19 have been recorded

out of a total of 2,050 tests which we conducted. These cases, the 85 were detected; in Lusaka 48, Copperbelt 18, Northern Province 11, Muchinga 12, North western 4 and these were through the various forms of screening and testing we do. We also have people we are managing in our health care facilities, the COVID-19 treatment centre a total of eight in our isolation centres. In Lusaka, Levy Mwanawasa isolation and treatment centre, we have five patients with four on oxygen therapy."

The cumulative total now stands at 15,982 cases with 15,038 recoveries with 346 deaths.

He added that even young people are now presenting with severe forms of the disease.

"We have a 19 year old, 21 year old, again amplifying the importance of always not to trivialise COVID-19 that it doesn't affect young people because young people can also get the severe form of COVID-19 looking at the situation we have as a country at the moment," said Dr Malama.

And Prof Mulenga revealed that the country has introduced a rapid antigen test that will see

patients get results within 15 minutes.

"The country has introduced a rapid antigen test. It is done from the same swab which we insert in the nose, we get that sample, we put in some medium. And we are able to get fluid from that medium and place it on this. Just like the usual malaria, HIV test which we do and within 15 minutes we are able to tell if someone has COVID-19. The two lines will show that someone has got COVID-19, if its one line then someone has no COVID-19. However, the use of this should be limited in our setting and we are encouraging to be used in hospitals and also those who are contacts to the positive because the sensitivity is on the lower side compared to the PCR which we encourage everyone to do. This is in line with the WHO guidelines as of the 7th of this month," said Prof Mulenga.

Meanwhile, Ministry of Higher Education director vocational education and training Alex Simumba revealed that no COVID-19 case has so far been recorded in the countries colleges and universities across the country.

It's scary to imagine what UPND will do to the opposition when they form govt – Siliya

From P2

"Even in my constituency for the first time, Chief Kalindawala is happy seeing a new big, modern hospital, why shouldn't he jump with joy? Why should he be referred to as vuvuzela? FRA (Food Reserve Agency), they are calling it as 'cash and carry,' that you deliver your maize and you are paid on time, why shouldn't their royal highnesses jump up with joy when they are seeing that government is delivering to the people?"

And Siliya, who is also Petauke Central PF member of parliament, said it was scary to imagine what the UPND would do to those who disagreed with them once it formed government.

"Mr Speaker, even when there is disaster, we saw the Vice-President (Inonge Wina) in Chipata immediately went there when

there was a disaster, why should their royal highnesses jump up with joy that this is a government that is responsive and can respond to their needs immediately? Mr Speaker, the kind of vuvuzelas or trumpet we want is a positive one, not the ones we hear from our colleagues [who are] always denigrating eroding confidence in the institutions of governance, such as the Judiciary, the royal highnesses, the ACC, the ECZ. These are the ones that are always denigrating the important role of these institutions and yet they are not even in government! It is a bit scary to imagine what they will do when they are in government to people they do not agree with because if a chief is happy that he has seen a road, hospital, water being delivered, fertiliser, relief food, why shouldn't a chief be happy? asked Siliya.

By Julia Malunga
THE Zambia Correctional Service (ZCS) says murder convict Beatrice Hangwende, who is also a Lusaka business woman has been released from prison because she exhibited good behaviour.

A News Diggers investigation has revealed that Hangwende was released from Prison on September 5, 2020 but her co-accused who were convicted along with her have remained in prison.

In January 20, News Diggers reported that the Zambia Correctional Service had transferred Hangwende from Mukobeko Maximum Prison in Kabwe to Lusaka's Chimbokaila Remand Prison with the aimed of providing her comfort.

Members of the public who wrote to the newspaper complained that Hangwende had been made a gender based violence advocate in unclear circumstances in an effort to facilitate her release from prison.

The Correctional Service authority through Head of Public Relations Unit Margaret Nawa confirmed that Hangwende had been moved to Lusaka, but claimed the transfer was not permanent, adding that she was no longer a death row inmate.

"The Zambia

Murder convict freed: We released Beatrice Hangwende for good behaviour – Prison Commission

Correctional Service did not transfer Beatrice Hangwende from Mukobeko Female Maximum Correctional Facility to Lusaka Central Correctional Centre, as a way of providing her some sort of 'comfort'. Contrary to the assertions, Beatrice Hangwende is not on permanent transfer to Lusaka Central Female Correctional Facility. Her coming to Lusaka from Kabwe is purely for the purposes of seeking medical attention and attending to other court issues as required by the law. And you may also wish to know that contrary to the assertions, Beatrice is no longer on the death row as her sentence was commuted to life imprisonment some years back. I hope this information will help in putting your records straight," stated Nawa in response to a press query.

Asked to explain if it was true that Hangwende had finally been released from Prison, ZCS commissioner general, Dr Chisela Chileshe said in an interview that Hagwende was released because of good behaviour.

He said the murder

convict's sentence was further reduced from life to 20 years, and she was released after serving a fraction of her time, under a section of the Prison Act which allows the Commission to discharge inmates who exhibit good behaviour.

"Yes, she was discharged. She actually finished her term. It is just a normal release. She was convicted to death, then her sentence was commuted to life, that is presidential commutation. Then when the prerogative of mercy [committee] sat, she was given a sentence of 20 years. So when you do the mathematics that we do, there is what we call remission of sentences. So once you do a computation of remission plus the years that she served, she was actually released on 5th September 2020. She had served close to ten, 11 or so years before. When you do a computation of 20 years, then you do a remission of one third of 20 years once you do that, a remission is earned for their good behaviour and other aspects that the service considers. So she earned that remission; it is constitutional and it's through our act that

remission is given. So there is nothing like she was released on parole or amnesty, no she served her sentence," Dr Chileshe explained.

He said Hangwende was not going to be released if she was still on death row or serving a life sentence.

"When you are on death row, you have no remission. When you are on life sentence, you have no remission because your sentence is life, you only have a remission when you have what we may call convicted for a terminable sentence. After her computation from death, to life, then to 20 years, it means that the 20 years was a terminable sentence. So we start from there where the prerogative of mercy has commuted the years or sentence through his Excellency to a terminable of 20 years. So from 20 years, if you have served ten years, it means you are remaining with ten. A number of years that you have served, you subtract from there, that is one formula you can use. Or you can get one third from the 20 years, you remove it and subtract the number of years that you have served, and you find that if you have served quite a number

of years, you may find yourself maybe remaining with one year, two years [or] six months. So on 5th September she actually finished her sentence."

When asked how many prisoners had been considered under the condition that led to Hagwende's discharge, Dr Chileshe said the records were there at government printers, but Hangwende's discharge would not be found on the list because she was considered someone who finished her sentence.

"Go to government printers and get the gazette

because those are in public. How many inmates have been commuted, how many inmates have been pardoned, how many inmates have been given amnesty, you will find them there. But for her, you will only find the previous prerogative of mercy and the amnesty records, I think it should be those same years that she was on that list. But for the normal discharge you will not find her on anything because it is a normal finished sentence," said Dr Chileshe.

Hangwende, a famous Lusaka business woman was sentenced to death along with her elder brother John and two others for murdering her husband's lover Monica Chabwera Phiri in cold blood 13 years ago.

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Justice Malila's insight on political influence in the Judiciary

WE have seen a number of messages from people who have stood up to offer solidarity, praise and encouragement to learned Supreme Court Justice Mumba Malila over the article he published in the Judicial Institute of Africa at the University of Cape Town, among other platforms. In his elaborate piece, Justice Malila goes a mile to elucidate the challenges facing the judiciary in many African countries, without the exclusion of Zambia.

Justice Malila's paper is long but that is what makes it elaborate. His selection of words to define the state of the judiciary is enviable and certainly diplomatic, but he does point out critical issues that deserve the attention of all Zambians. We, therefore, urge our fellow citizens to take an interest in this piece of work before the other section of our society that has little reading interest tosses it into the abyss of history.

This son of the soil contends that the tendency of African judiciaries to succumb to resigned acquiescence and to retreat into tranquil comfort zones when judicial leadership matters the most, has invariably led, in many African countries, to subverted justice, something which has contributed to a breakdown in the rule of law. We must treasure this forthrightness coming from a sitting Supreme Court judge because it may be decades before we read something like this again.

"It is undeniable that, perhaps with the general exception of the Kenyan, Malawian and South African judiciaries, which have consistently acquitted themselves fairly

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Ear to the ground

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well and with remarkable decency too, especially in recent times, many judiciaries in the African region are still reeling from the devastating effects of political intimidation that has undermined their confidence to check on executive excesses and the blatant disregard of the rule of law. They are reproachable, not because they lack the intellectual equipment to wither political shenanigans but because, on balance, retreating into that unhealthy sense of judicial-restraint for fear of reprisals, is viewed as a safer option. Sometimes, that attitude is also inspired by individual judges' personal ambitions and, in some cases, political patronage or the hope for elevation... Generally speaking, the extent of intolerance to opposing political views tends to be higher in developing democracies than in more consolidated ones. Constitutionalism and the rule of law remain fragile as incumbency and political privilege are routinely abused. The temptation for the governors to rule in perpetuity and their yearning to hold on to power at all costs, even at the expense of respecting the rule of

law and constitutionality, manifests through the administration of public affairs," stated Dr Malila.

Justice Malila is not attacking the Judiciary, as some people may conclude. He is not undermining the integrity of the office he holds, rather he is trying to explain to a judicial stakeholder, the citizen, the challenges that affect the flawless dispensation of justice. This insight from Justice Malila comes at a time when we are almost in short supply of brave, minds to critically analyse the state of the judiciary on the Continent and Zambia in particular, without holding back but also without any malice.

Judges are never on TV talking about national issues, so it is difficult to know if they are seeing the same things that we see happening in the country and if they feel affected by some developments the way ordinary citizens do. From a distance, judges seem to be very comfortable public servants in those fearful robes with everything at their disposal, including the latitude to operate independently.

But this is not always the case, as we learn from this piece of writing that we are analysing today. A lot of things happen in the judiciary, some of which must not be happening. A lot of things happen in the judiciary, some of which are to the displeasure of the judges, as they are found between a rock and a hard place. Dispensing justice is supposed to be simply an issue of the law and nothing else, but that is not always the case.

Judges have a very difficult job. Condemning a fellow human being to prison or sentencing someone to death can never be something that a person will enjoy doing. But the nature of our society and the jurisprudence therein requires that someone has to do this job. That is hard enough for our judges, but our society and the political system has gone further to make even the interpretation of the Constitution such a complicated matter, something which makes the work of our judges even more difficult.

From the writing of Justice Malila, we can tell

that some judges aspire to be noble in all their actions. They wish to live with clean consciences, but this does not always come easy because of intimidation and threats from the Executive and other external influences. Sometimes, this intimidation is driven by the desire by those who wield political power to prolong their stay in their government positions. All this undermines the integrity of our judiciary and it is something that we must talk about freely in order to liberate the situation which disadvantages the other half of the political divide.

We need a judiciary that is free of any form of political influence. Judges who stand on the truth and are guided by the law in their duty, knowing they attended to a societal issue without any form of influence, are the pillars of our democracy. They will walk with their heads high, enjoying the dignity they deserve.

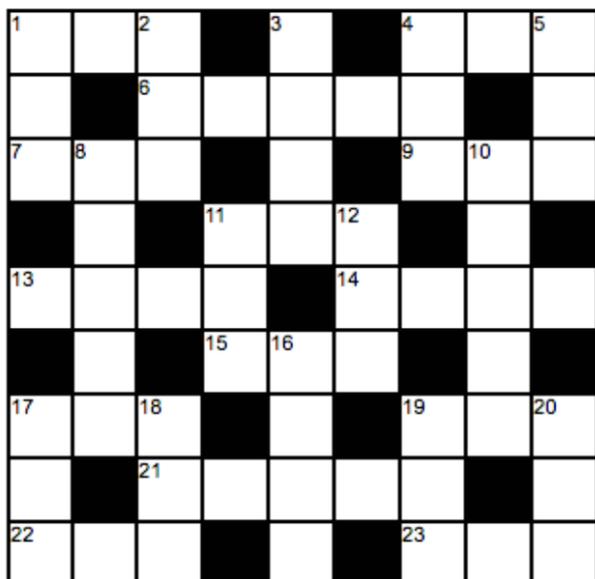
But this is what political influence takes away from our judges. Like Justice Malila aptly put it, political intimidation has undermined the confidence of the judiciary to check on

executive excesses and the blatant disregard of the rule of law. We must not pretend that there is no such interference or intimidation on members of the judiciary in Zambia. These things happen and we see them unfold before our eyes in form of questionable court outcomes.

We are glad that Justice Malila has brought this issue to the fore and we encourage other constitutional office bearers in Zambia to join in and help us correct the ills that have been brought about by the perpetrators of bad governance. This was the very essence of establishing a layer of protection for these offices.

The Judiciary is the disciplinary arm of any government. It is charged with the responsibility of weeding out bad behaviour from the Executive and the Legislature. Tolerating threats or intimidation from either of the two other arms of government defeats the essence of separation of powers. The judiciary has what it takes to make an ungovernable country become governable again; it has the power to wipe out lawlessness. All these institutions of government that have been weakened can draw inspiration from the Judiciary if there are men and women in those robes who are willing to face the other way when the Executive is attempting to influence their actions. Respect to Justice Malila and all the other members of our judiciary, some of whom may not write about their challenges, but are using the law to defend the rule of law.

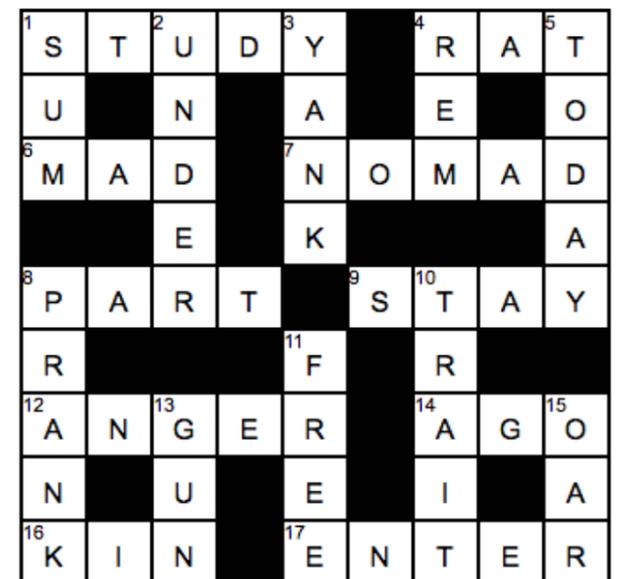
Crossword puzzle No 715



"Never be bullied into silence. Never allow yourself to be made a victim. Accept no one's definition of your life, but define yourself" - Harvey Fierstein

- | | |
|--|---|
| <p>Across</p> <ul style="list-style-type: none"> 1. Chem room 4. Non-neutral particle 6. Utopian 7. Yak 9. Down in the dumps 11. Laid by a bird 13. Loud noise 14. Old flames 15. Black gold, Texas tea 17. Genetic material 19. Dynamite 21. Foamy drink 22. Miniscule 23. Small taste | <p>Down</p> <ul style="list-style-type: none"> 1. Big galoot 2. Baby food catcher 3. Ice mass 4. Out of sorts 5. Not used before 8. Once more 10. Large body of water 11. Opinion of oneself 12. Congeal 16. Greek letter 17. Morning moisture on grass 18. Pub order 19. Commandments number 20. Spigot |
|--|---|

Crossword puzzle No 714



Reader's feedback

'There's no point having the JCC to discipline erring magistrates!'

Editor

Is Seemani

Why should a Magistrate who has been found wanting for Misconduct proceed to preside on Court matters, Only in Zambia we hear and see such embarrassments. - Evaristo C Mwenya Snr

What is then the point of having the JCC if it is a toothless institution? -Quincy Jones Maonde

Amnesty international needs to be contacted NOW and immediately - Mwenya Kay

Literally everything is rotten under PF - Mwimanenwa Kamona

Meaning the verdict won't come into effect nor implemented.the judge is protected from the highest executive office. - Godfrey Mwale

we have seen powerful people before who thought they were above the law and are nothing today.... Economist Carlos Winfords

Dr Chishimba Kambwili's case will shade more light on who is actually pulling the strings. -Christopher Kalima

no matter what, there's usually a remnent of fare justice for all in other patriotic Zambian learned counsels. - Louis



Lungu's dictatorial thinking of being re-elected in 2021

Editor

That is a dictatorial thinking. A die will be cast and it will be up to well meaning Zambians to exercise the precious right to vote which has been abused by selfish individuals. We will wisely not the unwise we did. -Aubrey Simwanza

In which Zambia does our President live? If he lives in the same Zambia as I do, he should have been working towards retiring, he has ruined Zambia as it was known,

evil everywhere - Chola Mung'oma
Where is the vow that you will respect the constitution disappear to? But anyway, I will not be surprised if these rantings will as well be classified as humble. - B Alice Mweemba

Dictatorship must not be permitted ..We have enjoyed freedom since independency - Josphat Chisunka

No way,what confidence does he have for him to be re-elected,let the will of people prevail in the ballot box,they will be No No third term for him,let him follow the constitution of the land,he has been swon in twice,let him not abuse the constitution which he is suppose to protect - Charles Hills Malundu

Sir, forget! The Constitution is very clear, you are not eligible for a third term. - Musa Qusa

Yes he has worked very hard to turn the country into a laughing stock, we can see his works. Break down in the rule of law, corruption and fraud by him and those in his inner circle, he has worked so hard to put the country into an economic malaise beyond comprehension, he has worked so hard to kill our freedom of assembly and democracy and he's working so hard to ensure he rules forever! We have seen how he has worked so hard to put more money in his pockets. The man is working so hard to rubbish the values of our independence and tenets of democracy! The economy is only doing fine in his pockets and those of his friends. He deserves a medal, the holy and most humble president in the history! - Rea Gan

RB's road name honour

Editor

I can't believe the spirit of caderism has penetrated through the Catholic Church - Ruth Reuben

That Catholic priest must be disciplined by the church, an embarrassment to the Catholic faith - Andre Shamboko

Journalist who are courageous should find these clergy who went to to offer prayers with government , if they are pleased with the happenings - Chester C Siajunza

If it was in the Old Testament the ground would open up and swallow all pretenders on national day of prayer - Mwenya Kay

Patience pays, says RB as Muslim community names road after him

Editor

Is it in order for individuals to name roads or does that responsibility fall under local government authorities. - John Mulenga

maintain that name - Sean Temba

I foresee a situation where the day someone will power all those buildings named after him will be renamed. - Kenny Chewe

There is a provision i should think in the local government act that can allow you to ask the authorities to grant you those previlages to name a road. I stand to be corrected. - Michael Bethu

Muslim community have laws in Zambia to name roads - Daniel Tembo

It will take an election defeat of a ruling government for citizens to realize that actually Zambia was sold in 2017 simuziba - Kris Mubanga Malama

Whose duty is it to name roads? I thought the district council was supposed to do that? - Joseph Besa Kabwe

After investigations, we shall see if its still fit to

If he knows that he will be re... elected why is he denieng other to visit the country and mobiles there parties....why arrest politicians or opposition at will.....you are scared to lose the 2021 election.. - Christopher Nyambe

No problem we know how you've been working to improve the out looking of our country which has now attained international standards through infrastrucure developments, we don't have vibrant oppositions in Zambia and all those trying to imitate the fallen hero "SATA" are ending up in prison while some are not politicians but business men in political dressings. - Bushman Ka

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.

Nigeria Anti-riot police to be deployed nationwide

NIGERIA'S police chief has ordered the nationwide deployment of anti-riot officers to quell violence following protests against police brutality.

Mohammed Adamu's announcement came as an indefinite 24-hour curfew was imposed in the commercial hub of Lagos.

Lagos state Governor Babajide Sanwo-Olu said that criminals had hijacked protests "to unleash mayhem".

The protests began with calls for a hated police unit to be disbanded, but morphed into demands for wider reforms.

President Muhammadu Buhari dissolved the Special Anti-Robbery Squad (Sars), accused of illegal detentions, assaults and shootings, on 11 October.

But the demonstrators have called for more changes in the security forces as well as reforms to the way the country is run.

Mr Adamu said in a statement that he ordered the deployment of the Police Mobile Force (PMF) "to protect lives and property of all Nigerians and secure critical national infrastructure across the country".

He has also ordered the massive deployment of police operatives to strengthen security around prisons.

Mr Sanwo-Olu announced the curfew for Lagos, which has a population of about 20 million people, on Tuesday after saying the protests had "degenerated" into violence.

In a series of tweets, Mr Sanwo-Olu said that he had "watched with shock how what began as a peaceful #EndSARS protest has degenerated into a monster that is threatening the well-being of our society".

"Lives and limbs have been lost as criminals and miscreants are now hiding under the umbrella of these protests to unleash mayhem on our state... we will not watch and allow anarchy in our dear state."

... of these protests to unleash mayhem on our state. As a government that is alive to its responsibility and has shown a commitment to the movement #ENDSARS, we will not watch and allow anarchy in our dear state.

— Babajide Sanwo-Olu (@jidesanwoolu) October 20, 2020

The curfew came into force at 16:00 local time but protesters in the Lekki and Alausa parts of Lagos had not dispersed, 15 minutes after a curfew kicked in.

Instead, they were singing the national anthem at Lekki toll gate - one of the main roads into Lagos's business district. **BBC**

FAKED nude images of more than 100,000 women have been created from social media pictures and shared online, according to a new report.

Clothes are digitally removed from pictures of women by Artificial Intelligence (AI), and spread on the messaging app Telegram.

Some of those targeted "appeared to be underage", the report by intelligence company Sensity said.

But those running the service said it was simply "entertainment".

The BBC has tested the software and received poor results.

Sensity claim the technology used is a "deepfake bot".

Deepfakes are computer-generated, often realistic images and video, based on a real template. One of its uses has been to create faked pornographic video clips of celebrities.

But Sensity's chief executive Giorgio Patrini said the shift to using photos of private individuals is relatively new.

"Having a social media account with public photos is enough for anyone to become a target," he warned.

Telegram bot
The artificial intelligence-powered bot lives inside a Telegram private messaging channel. Users can send the bot a photo of a woman, and it will digitally remove her clothes in minutes, at no cost.

The BBC tested multiple images, all with the subjects' consent, and none were completely realistic - our results included a photo of a woman with a belly button on

Fake naked photos of thousands of women shared online



her diaphragm.

A similar app was shut down last year, but it is believed there are cracked versions of the software in circulation.

The administrator running the service, known only as "P" said: "I don't care that much. This is entertainment that does not carry violence."

"No one will blackmail anyone with this, since the quality is unrealistic."

He also said the team looks at what photos are shared, and "when we see minors we block the user for good."

But the decision on whether to share the photo with others is up to whoever used the bot to create it in the first place, he said.

Defending its relative level of harm, he added: "There are wars, diseases, many bad things that are harmful in the

world." He has also claimed he will soon remove all of the images.

Telegram has not responded to a request for comment.

'Paedophilic content'

Sensity reported that between July 2019 and 2020, approximately 104,852 women have been targeted and had fake naked images of them shared publicly.

Its investigation found that some of the images appeared underage, "suggesting that some users were primarily using the bot to generate and share paedophilic content."

Sensity said the bot has had significant advertising on the Russian social media site VK, and a survey on the platform showed that most users were from Russia and ex-USSR countries.

But VK said: "It doesn't tolerate such content or links

on the platform and blocks communities that distribute them."

Telegram was officially banned in Russia until earlier this year.

"Many of these websites or apps do not hide or operate underground, because they are not strictly outlawed," said Sensity's Giorgio Patrini.

"Until that happens, I am afraid it will only get worse."

The authors of the report say they have shared all their findings with Telegram, VK and relevant law enforcement agencies, but have not had a response.

Nina Schick, author of the book *Deep Fakes and the Infocalypse*, said deepfake creators were all over the world, and that legal protections were "playing catch-up" with the technology.

"It's only a matter of time until that content becomes more sophisticated. The number of deepfake porn videos seems to be doubling every six months," she said.

"Our legal systems are not fit for purpose on this issue. Society is changing quicker than we can imagine due to these exponential technological advances, and we as a society haven't decided how to regulate this."

"It's devastating, for victims of fake porn. It can completely upend their life because they feel violated and humiliated."

Last year the US state of Virginia became one of the first places to outlaw deepfakes

The current UK law around fake nude images has recently been criticised for being "inconsistent, out-of-date and confusing" in a university report.

Despite progress on issues like revenge porn and upskirting, "there remain many glaring gaps in the law," says Lucy Hadley of the Women's Aid charity.

While these statistics show how widespread deepfake images can be, it is not currently a specific offence.

The government has instructed the Law Commission to review the law around the issue in England and Wales. Its findings are due in 2021. **BBC**

Google hit by landmark competition lawsuit in US over search

THE US government has filed charges against Google, accusing the company of violating competition law to preserve its monopoly over internet searches and online advertising.

The lawsuit marks the biggest challenge brought by US regulators against a major tech company in years.

It follows more than a year of investigation and comes as the biggest tech firms face intense scrutiny of their practices at home and abroad.

Google called the case "deeply flawed".

The company has maintained that its sector remains intensely competitive and that its practices put customers first.

"People use Google because they choose to - not because they're forced to or because they can't find alternatives," it said.

Monopoly concerns
The charges, filed in federal court, were brought by the US Department of Justice and 11 other states. The lawsuit focuses on the billions of dollars Google pays each year to ensure its search engine is installed as the default option on browsers and devices such as mobile phones.

Officials said those deals have helped secure Google's place as the "gatekeeper" to the internet, allowing it to own

or control the distribution channels for about 80% of search queries in the US.

"Google has thus foreclosed competition for internet search," the lawsuit said. "General search engine competitors are denied vital distribution, scale, and product recognition - ensuring they have no real chance to challenge Google."

It added: "Google is so dominant that 'Google' is not only a noun to identify the company and the Google search engine but also a verb that means to search the internet."

The suit said the deals have hurt the public by damaging search quality in terms of privacy and data protection,

reducing choice and thwarting innovation.

Sally Hubbard, who works for the Open Markets Institute, a Washington think tank that has long pushed for more aggressive action against big tech firms, said focusing on Google's search distribution deals was one of the easiest legal cases to make against the company.

On Twitter she said the lawsuit had "been so long coming but it's wonderful to see".

I have to hop off - more later - but I just gotta say that from what I've read so far this complaint speaks the truth. It's been so long coming but it's wonderful to see.

— Sally Hubbard (@Sally_

Hubbard) October 20, 2020

Broader effort

The case could be the first of many in the US that challenge the dominance of big tech firms and potentially lead to their break-up.

Other states have launched their own investigations, and said they may join the suit filed on Tuesday or file their own.

Politicians in Congress have also called for action against Google and fellow tech firms Amazon, Facebook and Apple in an effort that has united Democrats and Republicans.

The decision to file the lawsuit just a few weeks before the US presidential election has raised questions about

whether it was simply a move by the Trump administration to prove its willingness to challenge the influence of the sector if it gains a second term. But officials said they had not rushed the investigation to ensure it was filed before the election - noting that for years, many advocates have said the government was moving too slowly on such issues.

"We're acting when the facts and the law warranted," deputy attorney general Jeffrey Rosen said, adding that the department's review of competition practices in the technology sector is continuing.

Google has faced similar claims in the European Union. It is already appealing against €8.2bn (\$9.5bn; £7.3bn) in fines demanded by the European Commission which include:

in 2017, a €2.4bn fine over shopping results

in 2018, a €4.3bn fine over claims it used Android software to unfairly promote its own apps

in 2019, a €1.5bn fine for blocking adverts from rival search engines.

Google parent Alphabet, which has a market value of more than \$1tn, is expected to fight the allegations in the US as well. Its share price was little changed on Tuesday, despite the news. **BBC**



Google has been issued with huge fines in the EU over market dominance



Ozil axed from Arsenal's 25-man Premier League squad

MESUT Ozil will not be included in Arsenal's 25-man Premier League squad, which has to be submitted by Tuesday afternoon.

The decision means the club's highest-paid player, who earns £350,000 (\$453,000) a week, will not be able to play again for Arsenal until February at the earliest.

But the likelihood is that the German has now played his final ever game for the club where he has spent the past seven years following his move from Real Madrid in 2013.

Premier League rules state that Arsenal must submit their 25-man squad by 2pm BST (9am ET) on

Tuesday and it must include a maximum of 17 non-homegrown players over the age of 21.

Arteta has 19 to choose from, however, due to the club's failure to move on some fringe players during the summer transfer window, meaning that two senior stars can't be registered to play

during the first half of the season.

And Ozil and centre-back Sokratis have been informed they will not make the squad. The decision comes just a week after both were also left out of the squad for the Europa League group stages.

Speaking about his decision not to include the senior pair in his plans for the Europa League, which gets underway on Thursday night when Arsenal visit Rapid Vienna, Arteta said: "I wanted to tell them face to face.

"I explained the reason why and it was really difficult for me to tell them that, but this is the restriction and rules and they have to respect that decision and try to train the best possible way, help the team how they can in that moment and see what happens."

Ozil's last appearance for Arsenal came in last season's home win against West Ham, the final match before football was suspended due to the coronavirus pandemic in March.

He has not even made a matchday squad this season, even in the early stages of the Carabao Cup when Arteta has rung the changes. **GOAL**

Mourinho is misunderstood - Son

SON Heung-min believes Tottenham manager Jose Mourinho has been misunderstood over the course of his career, and admitted he was 'amazed' when he got the chance to work with one of the game's ultimate winners for the first time last year.

Speaking to Goal at an Amazon Prime event to promote the All Or Nothing: Tottenham Hotspur documentary, South Korea international Son insisted Mourinho's reputation for falling out with players has not been in evidence in his first year as Spurs boss.

The documentary showed the former Porto, Chelsea, Inter, Real Madrid and Manchester United manager being brutally honest with his players at times,

yet Son suggests that approach is welcome for a team and a club trying to win their first major trophy since 2008.

"Some people misunderstand the manager," states Son. "Maybe they have a different opinion compared to what he really is, but we see him every day and it is a great atmosphere at the training ground.

"We laugh and smile at training every day and you can see that in the Amazon video. He has a winning mentality and we all believe he can bring us success and take us to the next level.

"He has been amazing with us and I will always remember how I felt when he first came to the club and became my manager.



"It was on an international break when we got the news that [Mauricio] Pochettino was leaving. I was really sad because everyone had a really good relationship with him.

"Then we have the arrival of a manager who is one of the

most successful in football. It was just incredible. The first time I met him, I didn't believe it because I was watching him when I was a kid winning so many trophies. Now I'm working together with him.

"Now we are together

for one year and it has been fantastic. Last season was difficult at times with all the injuries, but we have started this season so well and I just want to keep this feeling and achieve success with him."

GOAL

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

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ICO APPOINTS REFORMED MATCH FIXER AMBASSADOR

By Ngosa CHalwe

THE International Olympics Committee (ICO) have appointed reformed match fixer and Chipolopolo striker Nchimunya Mweetwa as a Believe in Sport ambassador.

The Believe in Sport campaign was launched in 2018 with the aim to raise awareness among athletes, entourage and officials of the threat of competition manipulation in an effort to always protect and support clean athletics.

In a write up, project coordinator Laura Schoch stated that the campaign worked in partnership with International Sport Federations and National Olympic Committees as well as athletes and coaches.

"Nchimunya Mweetwa has joined the Believe in Sport Ambassadors' network, to promote awareness and educate athletes on the risks of match fixing and competition manipulation. In his role as a Believe in Sport ambassador, Mweetwa shares his own experience with other campaign ambassadors from different sports and countries and will be part of the social media prevention campaign for athletes going to the Tokyo Olympic Games next year," Schoch writes.

In 2012, Mweetwa's career came to an abrupt end after he was convicted and banned for match fixing by football's world governing body FIFA while playing in Finland.

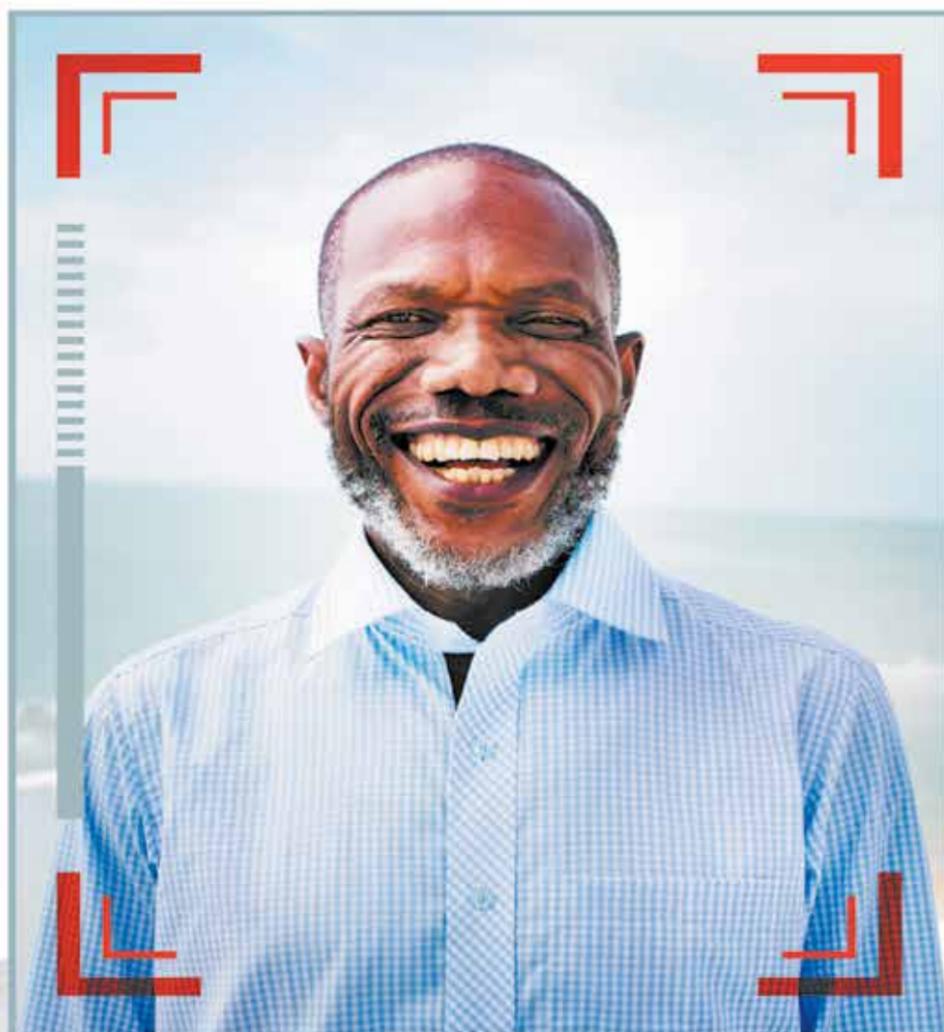
While playing for Finnish side RoPS, Mweetwa and five other Zambian players were jailed for accepting bribes of around US\$ 57,000 each to affect the outcome of matches.

The other players included Godfrey Chabinga, Chileshe Chibwe, Francis Kombe, Former Power Dynamos defender Stephen Kunda, Chanda Mwaba and Christopher Musonda.

After his 2012 experience, Mweetwa has devoted his time to speak to other athletes and sporting organisations about his story and the negative impact match fixing has had on his sporting career.

Mweetwa, who is currently coaching Copperbelt Division One side Ndola United, said in an interview yesterday that he was humbled to join forces with people who intended to bring sanity in sport.

Is online pre-registration final?



✓ Biometrics Capture

Online Pre-registration will start on 21st September to 6th November, 2020. Visit the website: www.ovr.elections.org.zm to lodge your application. Note that pre-registration is not final, applicants will have to visit a registration center to have their biometrics captured in order to complete registration.



#VotingSquad

