

Zambia: *The Post* editor-in-chief appears in court

LUSAKA: David Simusamba on 17 November 2009 appeared in court to answer to the charges of contempt of court leveled against him and the *Post* newspaper. He is being charged with one count of contempt of court contrary to Section 116 of the Penal Code chapter 87 of the Laws of Zambia.

The contempt case is a result of an article authored by Muna Ndulo, a Professor based in the United States of America. The article was titled, "The Chansa Kabwela Case: A comedy of errors" and was published by the *Post* newspaper on 27 August 2009. Magistrate Simusamba noted that it was Magistrate Charles Kafunda's observation that the article published on the said date touched on the then ongoing Chansa Kabwela case, which was then presided by him. Kabwela's case has since been terminated from court.

"This, in my view, is the primary evidence that is before me, I find that a prima facie case was established against the editor of *The Post* and *The Post* and I accordingly put them on their defense," Magistrate Simusamba said.

He said that on 1 October 2009 chief inspector Desmond Mwanza made a complaint by way of an affidavit in line with the provisions of Section 90 of the Criminal Procedure Code (CPC) over the newspaper article in question. The complaint was made before Chief Resident Magistrate Charles Kafunda who considered Mwanza's complaint and affidavit on 7 October 2009 and was satisfied that the complaint had merit.

On 14 October 2009 M'membe and *The Post* pleaded not guilty to the charge. Magistrate Simusamba said that according to the evidence from the Chansa Kabwela case record that was submitted by the prosecuting team, Magistrate Kafunda had given a directive restraining media houses covering the Kabwela case from publishing any comments touching on the case.

M'membe is scheduled to appear in court again on 4 December 2009.