

Finally! The case of the BIs 5 takes off in style

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The matter of the People (State) versus Sinonge and others (The BIs 5) finally took off in style on 10th March, 2016 in Kaoma, Barotseland. This was before a Mungu-Lialui based magistrate Hon. D. M. Chingumbe. The prosecution called six (6) witnesses and closed their case, while the learned defence lawyer Mr. Nathaniel Inambao had a field day cross examining the witnesses. Most of the witnesses did not even know or understand the offence the BIs 5 committed.

The BIs 5, a group of five Barotse Imilemas (BIs), were arrested on 29th October 2015 and eventually charged with 'Seditious Practice' contrary to section 57 (1)(b) Cap. 87 of the Laws of Zambia for displaying the UNPO flag as they went round Mungu-Lialui fundraising for a court trip to Kaoma involving another group of six BIs (the BIs 6). The BI 6 were earlier arrested and were appearing in court for announcing a public rally. The BI 5 were only granted bail on 11th December 2015, after a spirited fight by the defence lawyer against the punitive conditions earlier attached to the bail. Nonetheless, the case could not take off until now—more than four months from the date of arrest. They have since made more than six (6) court trips to Kaoma, 200 KM away from the area where the alleged offence took place in Mungu-Lialui. On each occasion, the case could not take-off for various reasons, mainly due to non availability of the court officials and or the prosecution team.

On this particular occasion, the case was scheduled to come up on Wednesday 9th March 2016, the same day as the Afumba Mombotwa and others treason case judgement in Kabwe High Court. As usual, the court officials in Kaoma were not even aware that the case was supposed to come up. It was only after consultations with the office in Mungu-Lialui that the court official adjourned it to the following day, Thursday 10th March 2016. The courtroom was still packed, even though the group of supporters from Mungu-Lialui numbering over 20 travelled back as they could not afford the one day extra cost for the hired minibus, feeding and lodging.

The state proceeded with the case with all the six (6) witnesses presenting evidence on how the BI 5 were apprehended in the Mabumbu area chanting slogans while displaying the UNPO flag. The cross examination for these witness was the pick of the day as the learned defence counsel, Mr. Nathanael Inambao, seemed to be in a great mood as he exposed the glaring ignorance of the witnesses both in terms of the details of the case and general knowledge, despite the fact that they were mainly police officers. They did not know anything about UNPO and one officer did not even know where the Head quarters of the UN was, answering that it was in Washington DC. When the questioning got tough the witnesses escaped the onslaught by pointing out that they were merely acting on instructions. None could point out what was wrong with displaying the UNPO flag or whether it was wrong to say '*Bulozi ki bwa luna*'.

One of the pieces of evidence rendered to prove the case of seditious practice was a protest letter found in the bag of one of the accused. The letter had been presented to the President of the Republic of Zambia, Mr. Edgar Chagwa Lungu, via the Permanent Secretary of Barotseland, Mt. Mwangala Liomba in the presence of some security chiefs in charge of Barotseland. The document was signed by both the BNFA Chairman General, Mt. Clement Wainyae Sinyinda and the Secretary General, Mt. Mungandi wa Muwina Mungandi. The defence lawyer inquired that if at all this document was seditious in anyway, why its authors were not in court to answer for their sedition? The witnesses failed to answer the question.

As the prosecution closed their case, the defence successfully applied for a waiver on a requirement for the accused to appear for mention fortnightly due to high travel costs as well as for the release of

the confiscated vehicle which the accused were using on the day they were arrested. The Magistrate further ruled that the defence should make written submission by 1st April 2016 and the prosecution by 13th April 2016. Ruling on whether the BI 5 have a 'case to answer' will be made in a court session scheduled on Friday 29th April 2016.