**Court grants evicted Kabulonga school tenants leave to apply for Lusambo’s committal to prison for contempt**

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A police officer waits for the Kabulonga Secondary School retired teacher (l) and her family to leave the premises after being evicted by armed State and Council police officers around 01:00hours on Thursday - Picture by Tenson Mkhala

The Lusaka High Court has granted 17 sitting and retired teachers of Kabulonga Teachers Compound leave to apply for an order to commit Lusaka Province Minister Bowman Lusambo, his Deputy Permanent Secretary and 16 others to prison for contempt of court for allegedly disobeying a court order which restrained anyone from evicting them.

Last month, High Court judge Mwila Chitabo granted the 17 sitting and retired teachers leave to commence judicial review proceedings in the matter where they are challenging government’s decision to evict them.

The court ruled that the said leave would operate as a stay of their threatened eviction, until the determination of the matter.

In this matter, Emmanuel Daka, Langton Kafuni and others sought judicial review to challenge the decision of the government to evict them from the Kabulonga Teachers Compound on Twin Palm Road in Lusaka.

The applicants have cited the Attorney General as the respondent.

But in an affidavit in support of summons for an order for committal for contempt of court filed September 20, the applicants stated that the retired civil servants were illegally evicted from the teachers’ houses on September 19.

They stated that the said stay which was granted to them restrained the contemnors from evicting them from Kabulonga Teachers Compound until determination of the matter but added that the contemnors had disregarded the said order with impunity.

The applicants stated that their advocates, Messrs Philsong and Partners Legal Practitioners, had informed the advocate for the respondent against disobeying the order of the court but they vowed to advise their client to disobey the order and evict the applicants.

“The alleged contemnor Dubhio Mulondiwa was warned on September 17, 2019 by the applicant’s advocate from Messrs Philsong and Partners Legal Practitioners that the proceeding to evict the teachers contrary to a court order that has not yet been discharged will be an act of contempt of court by herself and her clients. Despite this rigorous warning, Mulondiwa informed the applicant’s advocate that she will go ahead and advise her clients to disrespect and disregard the court’s order and she dared the applicants to proceed with committal proceedings,” read the affidavit.

The 17 applicants disclosed that on September 19 this year around 01:00am, some of the teachers were allegedly illegally dehumanised and evicted from the houses in the teachers compound contrary to the court order that was issued in their favour.

They added that this was after receiving eviction letters allegedly prepared by Frazer Musonda in his capacity as Deputy Permanent Secretary for Lusaka Province, thereby making him a contemnor.

The applicants stated that Lusambo was captured on Prime Television News on September 19, claiming that the order of the court was invalid and the eviction of the applicants was correct and had to be done.

They further stated that other members of staff harassed them prior to their eviction, telling them that the court order that was issued was wrongly done and that the eviction was going to happen at night, further advising them to leave for their own safety.

“The members of staff participated in disobeying the court order by proceeding to occupy the houses in which the evicted teachers were occupying and that by so doing, they have also participated in disobeying the order of this court,” read the affidavit in support.

The applicants asked the court to grant them leave to commit Lusambo and others, who include teachers and members of staff, to prison for contempt, stating that the behaviour of the contemnors amounted to total disobedience and disrespect for the court.

And justice Chitabo on September 23 signed an order granting the applicants leave to apply for an order of committal to prison of Lusambo, his Deputy Permanent Secretary and the 16 others for contempt of court for disobeying the orders of the court.

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