

**REPUBLIC OF ZAMBIA**

**REPORT**

**OF THE**

**PARLIAMENTARY SELECT COMMITTEE APPOINTED TO SCRUTINISE THE  
PRESIDENTIAL APPOINTMENT OF DR SIMON KAMWENDO MITI  
TO SERVE AS SECRETARY TO THE CABINET**

**APPOINTED ON 3<sup>RD</sup> JULY, 2019, DURING THE THIRD SESSION OF THE TWELFTH  
NATIONAL ASSEMBLY**

**Printed by the National Assembly of Zambia**



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# REPORT OF THE PARLIAMENTARY SELECT COMMITTEE APPOINTED TO SCRUTINISE THE PRESIDENTIAL APPOINTMENT OF DR SIMON KAMWENDO MITI TO SERVE AS SECRETARY TO THE CABINET

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The Honourable Mr Speaker  
National Assembly  
Parliament Buildings  
P O Box 31299  
LUSAKA

Sir,

The Parliamentary Select Committee was appointed on Wednesday, 3<sup>rd</sup> July, 2019, to scrutinise the Presidential appointment of Dr Simon Kamwendo Miti to serve as Secretary to the Cabinet. The appointment is made pursuant to Article 176 (1) of the Constitution of Zambia, Cap. 1 of the Laws of Zambia, which states as follows:

*“There shall be a Secretary to the Cabinet who shall be appointed by the President, in consultation with the Civil Service Commission, subject to ratification by the National Assembly.”*

## TERM OF REFERENCE

2. The term of reference of the Committee was to scrutinise the Presidential appointment of Dr Simon Kamwendo Miti to serve as Secretary to the Cabinet.

## MEMBERSHIP

3. The Committee comprised the following Members:

Mr A Mumba, MP, Chairperson;  
Mrs S S Mulyata, MP, Vice-Chairperson;  
Dr J K Chanda, MP;  
Mr S Banda, MP;  
Mr G K Mwamba, MP;  
Mr M Mbulakulima, MP;  
Mr C Mweetwa, MP;  
Mr M Mukumbuta, MP;  
Mrs P G M Jere, MP; and  
Mr R Nakacinda, MP.

## MEETINGS OF THE COMMITTEE

4. The Committee held a total of six (6) meetings during the period 4<sup>th</sup> to 25<sup>th</sup> July, 2019. At its first meeting held on Thursday, 4<sup>th</sup> July, 2019, the Committee elected Mr A Mumba, MP, as Chairperson and Mrs S S Mulyata, MP, as Vice-Chairperson.

## PROCEDURE ADOPTED

5. The Public Service is responsible for the administrative functions of the government and ensuring the efficient and effective implementation of government policies and programmes. At the helm of the Public Service, is the Secretary to the Cabinet who is also the chief advisor to the President on the management of the Public Service. As head of the Public Service, the Secretary to the Cabinet plays a pivotal role in the formulation and implementation of Government policies and programmes and ensuring efficient and effective public service delivery by government functionaries. In view of this, the Committee resolved that only a competent person with the requisite qualifications and experience and of unquestionable integrity, diligence, eminence, and sound character should be appointed as Secretary to the Cabinet. Therefore, the Committee carefully selected the witnesses to assist it scrutinise the suitability of the nominee. The Committee requested memoranda from relevant State security agencies, professional bodies and other stakeholders and the Appointing Authority. The witnesses also appeared before the Committee to make their oral submissions. Further, the Committee interviewed the nominee and carefully scrutinised his *curriculum vitae*.

## SUBMISSIONS BY STATE SECURITY AGENCIES

### ZAMBIA POLICE SERVICE (ZP)

6. The Inspector-General of Police submitted on the personal, educational and professional background of the nominee as stated in his *curriculum vitae*.

He informed the Committee that ZP maintained a database where criminal records were kept through the use of fingerprints and that the database captured all the details of any criminal offence committed by a person. He added that a search on the database had not found any adverse record or report against the nominee. In that regard, the Inspector-General of Police stated that the nominee was suitable for appointment as Secretary to the Cabinet.

The Committee noted that it was in the public domain that the nominee was alleged to have committed some criminal offences while serving as Permanent Secretary in the Ministry of Health and was, consequently, summoned by the police. In view of this, the Committee asked the Inspector-General of Police how the matter was disposed of.

In response, the Inspector-General informed the Committee that the nominee was summoned by a Joint Investigations team comprising the Anti-Corruption Commission (ACC), Drug Enforcement Commission (DEC) and ZP following the theft of K27 billion (unrebated) donor funds in the Ministry of Health. He added that the ACC, which had been the lead investigator in the case, was in a better position to submit on the matter when it appeared before the Committee.

He, nonetheless, confirmed that the nominee was later cleared of all criminal allegations against him. He added that the Director of Public Prosecutions (DPP), who was responsible for giving consent for a person to be prosecuted, had also not found any case against the nominee.

The Inspector-General concluded his submission by reiterating that the nominee was suitable for appointment as Secretary to the Cabinet.

#### **ANTI-CORRUPTION COMMISSION (ACC)**

7. The Deputy Director-General of the ACC submitted on the personal, educational and professional background of the nominee as stated in his *curriculum vitae*.

The Deputy Director-General informed the Committee that, in line with its mandate under the Anti-Corruption Act No. 3 of 2012, the ACC maintained a reliable database comprising, among other things, the details of suspects or accused persons, the nature of allegations against them, and the outcome or conclusion of the matters. She informed the Committee that a search on the database had not yielded any adverse information about the nominee.

The Committee asked the Deputy Director-General about the nominee's alleged involvement in the financial irregularities that occurred in the Ministry of Health when he was the Permanent Secretary there.

The Deputy Director-General informed the Committee that a Joint Investigations team comprising the ACC, DEC and ZP investigated the theft of donor funds at the Ministry of Health during the period 2007 to 2009. She informed the Committee that, as the Controlling Officer, in the ministry at that time, the nominee was interviewed to assist with investigations in the matter. She further explained that during that period, money was transferred to various service providers without the signature of the Controlling Officer being endorsed on the backing sheets as required by law. She added that following the Joint Investigations team's interview with the nominee, it was realised that the nominee had information that was vital to the prosecution's case. In this regard, the team decided to use the nominee as a State witness. She emphasised that the nominee was never a suspect or accused person in the matter, but a key witness because of the highly relevant information in his possession as Controlling Officer in the ministry. She added that the Joint Investigations Team managed to secure convictions in all the five (5) cases in which the nominee testified.

#### **DRUG ENFORCEMENT COMMISSION (DEC)**

8. The Commissioner DEC submitted on the personal, educational and professional background of the nominee as stated in his *curriculum vitae*.

Further, the Commissioner submitted that a search was conducted on DEC's database in order to establish if the nominee had at any time contravened the Narcotic Drugs and Psychotropic Substances Act, Cap 96 of the Laws of Zambia or the Prohibition and Prevention of Money Laundering Act No. 14 of 2001. She stated that the search had not found any adverse reports or

information which could have suggested that the nominee had used illicit drugs or engaged in drug trafficking or money laundering activities.

The Commissioner referred the Committee to Article 176 (3) of the Constitution which stated that a person was qualified to be appointed as Secretary to the Cabinet if that person had at least ten years' experience as a Permanent Secretary or an equivalent rank. In view of this, the Commissioner stated that the nominee was suitable and qualified to serve as Secretary to the Cabinet owing to his academic credentials and vast experience in the Public Service.

The Commissioner informed the Committee that in vetting the nominee, DEC had received reports of the nominee's alleged involvement in financial irregularities that had occurred in the Ministry of Health when he was the Controlling Officer there. She added that upon inquiring with the ACC, which had been the lead investigator in the matter, it was found that the nominee had been cleared of all the allegations.

The Committee asked whether the fact that public funds were stolen in a Ministry in which the nominee was a controlling officer was an indictment on his capacity to oversee the entire Public Service. In response, the Commissioner stated that the nominee was investigated by a competent investigative wing that found him with no case to answer and that his failure to detect the theft had nothing to do with his administrative capacity. She added that the fact that no administrative punishment was meted out to the nominee by his supervisors, proved his innocence.

## **SUBMISSIONS BY PROFESSIONAL BODIES / STAKEHOLDER INSTITUTIONS**

### **HUMAN RIGHTS COMMISSION (HRC)**

9. The Director of the HRC submitted that an effective and efficient Public Service had the potential to promote the well-being of society and create an environment in which human rights could thrive. She informed the Committee that the State, being the primary duty-bearer of human rights, had the responsibility to respect, protect and fulfil human rights pledges through its functionaries. She added that the position of Secretary to the Cabinet was pivotal in the implementation of Government policy as the Secretary to the Cabinet was the head of the Public Service. She emphasised that it was important that only highly qualified persons with proven ability be considered for the position given the magnitude of responsibilities that came with it.

The Director noted that the position of Secretary to the Cabinet was established under Article 176 (1) of the Constitution and that Article 176 (2) provided for the functions of the Secretary to the Cabinet. The Director also referred the Committee to Article 176 (3) of the Constitution which provided that one qualified to be appointed as Secretary to the Cabinet if that person had at least ten (10) years' experience as Permanent Secretary or in an equivalent rank. In that regard, she submitted that the role of the Secretary to the Cabinet was critical to attaining the overall objectives set out by the Government.

On the suitability of the nominee to serve as Secretary to the Cabinet, the Director informed the Committee that the HRC had no adverse record regarding the nominee. The Director further submitted that the nominee had an impeccable academic record being a holder of a Bachelor of

Medicine and Bachelor of Surgery Degree (MB ChB), Master's Degree in Public Health and Master's Degree in Business Administration, among other qualifications. She added that the nominee had enormous experience in the Public Service having served in various portfolios, mainly as Permanent Secretary, for over sixteen (16) years. Additionally, she submitted that the nominee had risen through the ranks in the Public Service to his current position of Principal Private Secretary to the President, a position he had held since 2018. She noted that the nominee had a proven track record of serving the interests of the country by making himself readily available to lead others and, in that regard, had chaired or served on various boards, including the Medical Stores Board, Pharmacy and Poisons Board and the Zambia Institute of Public Health Board. She added that the experience had enabled the nominee acquire knowledge in initiating and implementing policies.

The Director submitted that, in terms of the constitutional requirements, the nominee was more than qualified and suitable to occupy the position of Secretary to the Cabinet. She, however, added that there were other attributes that underpinned the Public Service that were equally important, particularly that the position was that of head of the Public Service. In that regard, the Director referred the Committee to Article 173 of the Constitution which sets out guiding principles and values of the Public Service. She further submitted that integrity was one of the fundamental attributes of the Public Service. She noted that the nominee had served three (3) successive Heads of State in various portfolios at State House. The HRC believed that the trust reposed in the nominee by the Heads of State demonstrated the nominee's high level of discipline and dedication to duty. In that regard, the HRC was of the view that the nominee had the necessary attributes for appointment to the position of Secretary to the Cabinet.

The Director further submitted that the nominee had demonstrated a rare commitment to the Public Service and had, throughout his career, gained experience that had the potential to steer the Public Service to greater heights. She added that the nominee had served as Permanent Secretary at Cabinet Office where he had been responsible for administration. In that regard, he had gained experience relevant to the discharge of the functions of Secretary to the Cabinet and was, therefore, highly recommended by the HRC.

The Director informed the Committee that the HRC was aware that under the nominee's 'watch', the Ministry of Health had lost colossal sums of money and that was stolen by Mr Henry Kapoko who was convicted for the offence. She submitted that the incident had brought into question the nominee's accountability, as a Controlling Officer, and whether he had taken all the possible precautions to prevent the theft from occurring and had provided good oversight as Permanent Secretary in the ministry at the time. She, however, added that the ACC had investigated the matter and found that the nominee had taken all the necessary precautionary steps when the financial irregularities were detected.

The Director concluding her submission by informing the Committee that based on the Constitutional provisions, the HRC supported the appointment of the nominee to serve as Secretary to the Cabinet.

## **FINANCIAL INTELLIGENCE CENTRE (FIC)**

10. The Acting Director-General of FIC submitted that FIC had considered the legal provisions relating to the appointment of the Secretary to the Cabinet and had conducted a background check on the nominee on its database. She added that FIC's position on the appointment was based on Article 176 (1) and (3) of the Constitution, which provided for the establishment of the office of Secretary to the Cabinet and its qualifications. She submitted that the nominee met the criterion for appointment as outlined in the law and was qualified to be appointed as Secretary to the Cabinet.

The Acting Director-General further submitted that a search conducted on the FIC database, on the personal, business and professional associations of the nominee had not yielded any adverse information that could preclude the nominee's appointment as Secretary to the Cabinet.

The Committee asked the Acting Director-General the period which the FIC database covered and whether it covered the time the nominee was Permanent Secretary in the Ministry of Health when colossal sums of money were stolen from the ministry. The Director-General stated that FIC's database was created in 2013 when the centre was established. She, however, added that in vetting a nominee, FIC consulted other agencies such as the Road Traffic and Safety Agency (RTSA), Ministry of Lands and any other institution that would give it any information on a nominee's assets or international transactions. She assured the Committee that FIC's investigations were generally comprehensive.

## **TRANSPARENCY INTERNATIONAL ZAMBIA (TIZ)**

11. The Executive Director submitted that the Secretary to the Cabinet had a huge role to play in ensuring the proper discharge of public functions as he was the head of the Public Service. He added that it was TIZ's position that persons appointed to such constitutional offices ought to have the support of the public. He further submitted that in conducting the assessment of the nominee, TIZ had used the following methodology in hierarchical order:

### **1. Background Check**

The Executive Director submitted that persons appointed to serve in such high offices had to have a clean background and had to be authentic in terms of the claims that they made about their background, which included their academic qualifications and work experience.

He informed the Committee that TIZ, therefore, undertook, where it could, a verification of the academic qualifications of the nominee. He further submitted that TIZ had engaged people that knew the nominee or had worked with him in order to learn more about his character. He informed the Committee that TIZ's inquiry into the nominee's background had revealed that the nominee's academic qualifications and work experience were authentic. He added that the former workmates and referees contacted did not indicate anything peculiar about the nominee's character.

## 2. Legal Requirements

The Executive Director submitted that the position of Secretary to the Cabinet was provided for under the Constitution of Zambia. He added that Article 176(1) of the Constitution provided as follows:

*“There shall be a Secretary to the Cabinet who shall be appointed by the President in consultation with the Civil Service Commission subject to ratification by the National Assembly.”*

He further submitted that Article 176 (3) of the Constitution provided that:

*“A person qualifies to be appointed as Secretary to the Cabinet if that person has or had at least ten years’ experience as a permanent secretary or equivalent rank.”*

He stated that TIZ considered and analysed the above provisions of the Constitution with regard to the appointment of the nominee. He informed the Committee that the nominee had the requisite qualifications because he had served as Permanent Secretary in various ministries for a combined period of sixteen (16) years, which surpassed the ten (10) year threshold required by law.

The Executive Director stated that it was also necessary to consider other constitutional provisions that related to the office of the Secretary to the Cabinet. In that regard, he submitted that the tenure of office was one requirement that ought to be reviewed in light of the nominee’s abilities. He submitted that Article 176 (4) and (5) of the Constitution provided that:

*“176. (4) The term of office of the Secretary to the Cabinet shall be five years, subject to renewal for further terms.*

*(5) The Secretary to the Cabinet may resign from office by giving three months’ notice, in writing, to the President.”*

In respect of the above provision, the Executive Director submitted that it was prudent to note that the nominee was fifty-eight (58) years old and, therefore, had seven (7) years before he attained retirement age. He added that this gave the nominee an opportunity to serve a full term of five (5) years.

## 3. Security Vetting

The Executive Director submitted that using various records and sources, the institution assessed the security standing of the nominee and the primary interest of TIZ was to identify public positions that the nominee had previously held, if any, on matters to do with public security. The Executive Director stated that the question TIZ addressed was whether the nominee would pose a security risk to the country if appointed Secretary to the Cabinet. In view of the above, he submitted that the inquiries that were made in this respect on the nominee did not unearth anything that would indicate that he would pose a risk to national security.

#### 4. Independence /Objectivity Test

The Executive Director submitted that the above methodology was, in most cases, an in-house analysis of data obtained and the focus was to establish how independent and/or objective the nominee would be if appointed Secretary to the Cabinet.

He further submitted that in terms of independence and objectivity the nominee seemed to be a career bureaucrat considering his record of service. He, however, added that TIZ could not vouch for the nominee's impartiality in decision making because of the nominee's close relationship with the Appointing Authority.

#### 5. Public Integrity and Standing test

The Executive Director informed the Committee that using public and private records, TIZ had assessed whether the nominee was a person of integrity and good standing in society.

The Executive Director submitted that TIZ was of the view that the office of Secretary to the Cabinet had critical roles to play which needed an individual who was very alert and well versed in all the activities that were undertaken in various ministries so as to give credible advice to the President. He added that an individual with high integrity was needed for the position of Secretary to the Cabinet.

The Executive Director submitted that during the period 2002 to 2009, the nominee served as Permanent Secretary in the Ministry of Health. He further informed the Committee that that period was marred with massive corrupt activities in the ministry, which culminated in the infamous case of The People v Henry Kapoko and Others. He explained that, in that case, the accused was charged with sixty-five (65) counts of theft by public officer, money laundering and abuse of authority. The Executive Director submitted that all the offences were committed when the nominee was Permanent Secretary in the Ministry of Health.

The Executive Director informed the Committee that while TIZ was aware that there was no evidence, on record, of wrong doing by the nominee, the public may not share the same view. He added that public perception was that, as Permanent Secretary in the Ministry of Health at the time, the nominee ought to have known what was transpiring in his ministry. He submitted that the Kapoko case had put a dent on the public standing of the nominee and that the onus would be on him, if ratified, to prove that he was a man of integrity.

#### 6. Skills Matching

It was TIZ's submission that a person that held the position of Secretary to the Cabinet should add value to the Public Service. The Executive Director explained that the value addition was work experience, specialised skills or leadership qualities that could be harnessed for the good of the Public Service. In that regard, he submitted that TIZ had considered carefully the *curriculum vitae* of the nominee to assess the type of contribution that he would make if ratified by the National Assembly. The Executive Director submitted that TIZ was of the opinion that the nominee had extensive experience in his career.

In conclusion, the Executive Director submitted that, based on his academic and professional qualifications as well as his skills and experience, TIZ supported the appointment of the nominee to serve as Secretary to the Cabinet. He, however, added that TIZ had reservations when it came to the public standing and integrity of the nominee as the financial irregularities that had taken place at the Ministry of Health had dented his image because he was the Controlling Officer in the ministry at time of the irregularities.

## **CIVIL SERVANTS AND ALLIED WORKERS UNION OF ZAMBIA (CSAWUZ)**

12. The President CSAWUZ submitted on the personal, educational and professional background of the nominee as stated in his *curriculum vitae*.

He referred the Committee to Article 176(1) of the Constitution of Zambia, which empowered the Republican President to appoint the Secretary to the Cabinet. He stated that the position of Secretary to the Cabinet was at the centre of the governance of the country and was largely responsible for the efficiency of the Public Service. He added that, in the recent past, Cabinet Office had been entrenched in rigid patterns of behaviour and lost its supervisory role and thereby created various centres of power. Therefore, the appointment of the nominee would bring about the required transformation.

With regard to his personality, the President CSAWUZ stated that the nominee was highly professional, able to identify and nurture talent, sober, approachable and highly impartial. He added that it was those attributes that had led to his appointment by the late President, Michael C Sata, as Permanent Secretary in charge of Parliamentary Business in the Office of the Vice-President in 2012.

Further, the CSAWUZ President stated that Zambia was currently facing many challenges and needed a Secretary to the Cabinet with the ability to exploit and transform the capacities of old institutions to deal with today's realities and that the nominee had the capacity to do that. He added that Cabinet Office required innovative thinking, and collaboration across traditional boundaries, ministries, quasi-government institutions, local government, civil society and citizens to find new ways of providing an engine for economic growth and development added that CSAWUZ was confident that the nominee possessed all the requisite skills for the top Public Service job as he had demonstrated, in a practical way, working as a public servant in the last thirty (30) years.

In conclusion, the CSAWUZ President stated that the nominee fulfilled the constitutional requirement for one to have had served for more than ten (10) years as a Permanent Secretary or its equivalent before they could be appointed Secretary to the Cabinet. He added that the nominee possessed the necessary attributes to coordinate, supervise and evaluate Government programmes, policies and projects.

The Committee asked whether the nominee would be able to oversee the entire Public Service when, while he was superintending the Ministry of Health, donor funds were stolen in the Kapoko case.

The CSAWUZ President informed the Committee that Mr Kapoko, who was a senior human resource officer at the time, was a very junior officer who was not directly supervised by the nominee. He explained that the Kapoko case was a serious fraud and clandestine operation involving an internal auditor and the Chief Accountant, who were supposed to be the eyes of the nominee and, therefore, not easy for the nominee to detect. He, however, stated that even before the State security wings could move in on the Kapoko case, the nominee had already transferred him to another ministry, which suggested that he had detected some fraudulent activities. He added that the nominee had been a key witness in the Kapoko cases, and that had he also been involved in the thefts, the accused persons would have implicated him. He further submitted that the nominee was suspended in order to facilitate investigations in the matter and that his suspension was lifted after he was found with no case to answer. He added that the nominee was a man of integrity who was a victim of negative public perception due to the Kapoko case.

### **HEALTH PROFESSIONS COUNCIL OF ZAMBIA (HPCZ)**

13. The Chief Operations Officer HPCZ submitted on the personal, educational and professional background of the nominee as stated in his *curriculum vitae*.

The Chief Operations Officer stated that the nominee was registered as a Specialist in Public Health by HPCZ in accordance with the provisions of the Health Professions Act No. 24 of 2009. He added that the nominee had contributed to the health sector reforms in Zambia which had resulted in the decentralisation of health services to district level.

He further submitted that the nominee had been rated as exemplary by his supervisors during his career which spanned over twenty-nine (29) years, and had demonstrated that he was competent and hardworking with very good general and professional conduct. He added that the nominee had maintained a clean record as a medical doctor, was in good standing with the Council and had neither a pending complaint nor case or adverse report against him.

In conclusion, he informed the Committee that HPCZ was pleased with the nominee's appointment because he had carried out his duties with integrity, spearheaded reforms at the Central Board of Health and had maintained his membership with the Council despite being promoted to various senior positions in Government. He added that HPCZ recommended the nominee's appointment to serve as Secretary to the Cabinet, without reservation, as the Council deemed him professional and he possessed vast experience at national level.

### **ZAMBIA CONGRESS OF TRADE UNIONS (ZCTU)**

14. The Secretary-General of ZCTU submitted that the nominee started work in Ndola rural and later moved to Ndola City Council. He added that through his experience in the local authorities, the nominee had acquired enough understanding of the decentralisation process. The Secretary-General added that, at local level, the nominee had exceptional ability to interact with ward councillors and that he had also served at provincial level, which gave him wide experience and immense understanding of how to decentralise some functions from the provincial level to the district and local authorities.

He further informed the Committee that the nominee had served at national level as Permanent Secretary in different ministries and that he was currently working at State House as Principal Private Secretary to the President. The Secretary-General added that during the time the nominee was Permanent Secretary in the Ministry of Health, he had provided guidance to the negotiating team which led to the amicable conclusion of the Public Service collective bargaining process with Public Service unions. The Secretary-General submitted that as a result of the nominee's experience in both local government and central government, he was well placed to drive the decentralisation process.

The Secretary-General submitted that the nominee was also a pioneer of infrastructure projects having been involved in the development of some provincial offices and the Cancer Diseases Centre. He added that the nominee was a professional and experienced civil servant who had served under different political administrations diligently. The Secretary-General also said that the nominee had once facilitated the evacuation of one of the country's opposition political leaders to a South African hospital, which demonstrated his non-partisan approach to issues.

The Secretary-General informed the Committee that the nominee had strong morals and ethics and had been a pioneer in the fight against corruption in the Public Service. He added that the nominee had inculcated discipline in the Public Service and particularly demonstrated exemplary conduct by reporting the abuse of public funds to higher authorities, which had led to prosecutions in some cases such as the Kapoko case.

The Secretary-General submitted that the nominee went on leave during the leadership of His Excellency, Mr Rupiah B Banda, but was later appointed as ambassador to Germany by then Republican President, Michael C Sata, who subsequently revoked his appointment, upon realising that the Henry Kapoko case, to which the nominee was allegedly linked, had not been disposed of. He added that President Sata subsequently appointed the nominee as Permanent Secretary responsible for Parliamentary Business in the Vice-President's Office, which was evidence that the nominee had been cleared of any wrongdoing in the Kapoko case.

The Secretary-General informed the Committee that the nominee had excellent credentials and professional experience and commanded support and respect because of his hard work, reliability and professionalism. He added that the nominee had a good working rapport with the labour movement and that during his time at State House, he had facilitated a number of meetings between the unions and the Head of State.

The Secretary-General submitted that the nominee had worked in the Public Service for over thirty (30) years and, therefore, was a versatile Public Service administrator and skills development manager. He added that the nominee was a resourceful political advisor who had worked under three (3) different political administrations in Zambia, having been a Presidential Medical Doctor at State House and currently serving as Principal Private Secretary to the President.

The Secretary-General submitted that the nominee had the ability to effectively co-ordinate Ministers and Permanent Secretaries while facilitating their interface with the Presidency. He added that the nominee was fully conversant with the procedures and systems of the three arms

of Government, was well versed in national values, ethics and principles, as stipulated in the Constitution, and was an ardent advocate of corporate governance ideologies.

The Secretary-General also informed the Committee that the nominee was an accomplished team builder for multiple personnel orientations, a good motivator and team player, dependable and articulate with acumen for reading trends accurately and making timely judgements. He further submitted that the nominee commanded knowledge and insights into the broader perspective of Public Service operations, having worked at district, provincial, and national levels. The Secretary-General added that the nominee was acquainted with national planning systems, practices, processes and mutual development cooperation tenets between the Government and co-operating partners as he was a focused, diligent and result-oriented public servant.

In conclusion, the Secretary-General submitted that the nominee possessed the requisite qualifications and experience to serve as Secretary to the Cabinet and that ZCTU supported his appointment.

The Committee asked ZCTU how the nominee would address the recent trend of officers in the Public Service engaging in partisan politics. In response, the Secretary-General submitted that the involvement of Public Service workers in politics was historic. He illustrated that ZCTU had been actively involved in the restoration of multi-party politics in Zambia and that, consequently, a number of its members were appointed in Government when the Movement for Multi-party democracy (MMD) was ushered into power in 1991. He emphasised that as long as people continued to take a risk in order to be in government, it was not possible to curtail the practice completely. He, however, acknowledged that the trend of people being retired in national interest due to their involvement in partisan politics had risen immensely during the reign of the Patriotic Front Government. He, however, stated that the nominee had served in various leadership portfolios in government and had massive experience which would enable him to perform his functions successfully. He added that the nominee's success would only manifest if he decided to perform his duties professionally.

The Committee asked the Secretary-General how the nominee would be able to supervise the entire Public Service when he had failed to detect financial irregularities as Permanent Secretary in the Ministry of Health. In response, he submitted that according to the records available at ZCTU, when the nominee discovered the financial irregularities at the Ministry of Health, he reported the matter to the Secretary to the Cabinet. He added that it was for that reason that the nominee was turned into a State witness.

The Committee asked the Secretary-General to state if ZCTU was comfortable with the nominee's appointment and also how it expected the general public to react to the appointment. In response, he submitted that ZCTU was confident that the nominee had massive experience and would succeed as Secretary to the Cabinet provided that he did not fall prey to political interference. As regards the public's reaction to the nominee's appointment, he said that ZCTU did not expect a public outcry because the public had not reacted to the nominee's other appointments, such as Principal Private Secretary to the President, which were equally important.

## THE NATIONAL PROSECUTIONS AUTHORITY (NPA)

15. The Director of Public Prosecutions (DPP) informed the Committee that the nominee had extensive experience as a senior public sector administrator having served the Republic for over thirty (30) years. She added that the nominee was fully conversant with the procedures and systems of the three (3) arms of Government and had knowledge and insights on the operations of the public service having worked at district, provincial and national level. She further stated that the nominee was also acquainted with the national planning systems, practices and processes having served as Permanent Secretary in four (4) ministries. She stated that the nominee had also served as Permanent Secretary (Cabinet Office) where he had been responsible for overseeing the formulation of the institution's policy and legislative provisions in order to provide an operational framework and attain set objectives. She further stated that the nominee was also responsible for the utilisation of financial, equipment and other resources in order to ensure accountability and cost effective operations of Cabinet Office.

The DPP further submitted that in the nominee's current position as Principal Private Secretary to the President, he was responsible for managing and planning Presidential programmes to facilitate their effective implementation. He further had the responsibility of managing staff as well as the utilisation of financial and other resources to facilitate the attainment of State House's objectives, among others. In view of this, the DPP submitted that the nominee had the necessary experience to effectively perform the functions expected of Secretary to the Cabinet.

As regards whether the nominee had been prosecuted in the past or was currently being prosecuted by the NPA, the DPP submitted that the NPA did not have records that the nominee had ever been prosecuted in the past or was currently being prosecuted for any offence under any written law. Additionally, the NPA had no record of any investigative docket that could result into the prosecution of the nominee in the foreseeable future. In view of the foregoing, the DPP informed the Committee that the nominee was suitable for appointment as Secretary to the Cabinet.

The Committee asked how the public would react to the nominee's appointment in the light of the public perception that he was involved in financial irregularities that had occurred in the Ministry of Health when he was Permanent Secretary there. In response, the DPP stated that the nominee was never prosecuted in that matter and was, thus, entitled to the presumption of innocence.

Asked how the NPA would help clear the public perception regarding the nominee, the DPP stated that public perception was difficult to fight even where a person had been cleared of any wrongdoing by the courts. She reiterated that a person was innocent until proven guilty by the courts.

## SUBMISSION BY THE NOMINEE

### DR SIMON KAMWENDO MITI

16. The nominee informed the Committee of his personal details, educational background and experience as contained in his *curriculum vitae*.

The nominee informed the Committee that he was one of the first medical officers at Ndola urban district from 1991 to 1993 at a time when it was fashionable for many to leave for greener pastures abroad. He added that he served both in the peri-urban and rural areas of Ndola District, and gained experience that made him well-grounded in local government administration and management. The nominee submitted that he was later promoted to the position of Director Public Health from 1993 to 1997, an appointment that enhanced his managerial skills. As Director Public Health, the nominee submitted that he worked with community groups and the underprivileged where he was in charge of about thirty-five (35) mobile clinics under Ndola City Council. He added that he was responsible for all matters pertaining to public health in Ndola District and was also responsible to the Ministries of Health, Local Government and other relevant ministries.

The nominee further informed the Committee that, as a result of his hard work, he was appointed Acting Town Clerk for Ndola City Council in 1997. He further submitted that as Town Clerk, one of his achievements was public health enhancement when his team combated the first cholera outbreak in Mufulira on the Copperbelt Province.

The nominee submitted that when the Central Board of Health was established, he was appointed Deputy Executive Director Ndola Central Hospital Management Board in 1997 and was later promoted to Executive Director, which helped sharpen his corporate governance skills. He added that he was subsequently promoted to the position of Provincial Health Director in charge of the entire Copperbelt Province.

The nominee submitted that he was appointed Director Technical Support Services from 2000 to 2001, where he was responsible for the delivery of health services in all the nine (9) provinces. He further submitted that in 2001, he was appointed to act as Director-General for the Central Board of Health and that one of his key achievements was the introduction of the rural retention schemes for doctors in rural areas. The nominee informed the Committee that in 2002 he was appointed Permanent Secretary in the Ministry of Health, a position he held up to 2009. He noted that he was the longest serving Permanent Secretary at the Ministry of Health. He submitted that one of his major achievements was ensuring that public health was extended to other disciplines of medicine. He added that he had spearheaded the construction and establishment of the first cancer hospital at the University Teaching Hospital (UTH). The nominee further submitted that during his reign, there was a basket funding that received donor confidence which resulted in massive donor support to the health sector, which made service delivery much easier. The nominee added that more doctors were trained during his reign to provide medical services.

The nominee informed the Committee that from the Ministry of Health, he was moved to the Ministry of Science and Technology in the same capacity from 2009 to 2012. He submitted that

one of his greatest achievements there was that he helped improve the Technical Education and Vocational Training (Tevet) Institutions. He added that if ratified he would enhance trade skills among the youth as these skills were lacking in the country. He added that the enhancement of trade skills could also help tackle the problem of youth unemployment.

He informed the Committee that he was transferred to the Office of the Vice-President to handle the Parliamentary Business Division in the same capacity from 2012 to 2015. He added that one of his key achievements was ensuring improved coordination in the oversight function of Parliament. He also ensured that the liaison between Government ministries and Parliament in coordinating the Executive's responses to Parliamentary Committees such as Public Accounts Committee (PAC) was enhanced.

The nominee further informed the Committee that in 2015 a new Ministry of National Development Planning was established and that he started the ministry, which was now robust in terms of its functions, from scratch. He explained that he was transferred to the ministry to develop national development plans. He added that this included their implementation, and strengthening national development planning coordination and synergies between sectors. He informed the Committee that while at the ministry, he oversaw the functions of national planning coordinating bodies such as the National Development Coordinating Committees and Sector Advisory Groups, among others. He added that he also helped develop the Seventh National Development Plan (7NDP) and Monitoring and Evaluation document.

The nominee submitted that in 2017, he was transferred to Cabinet Office as Permanent Secretary (Administration). He added that his key achievement in that position was improved State functions and Presidential assignments. He noted that it was not long before he was promoted to Principal Private Secretary to the President in 2018, a position he currently held. He informed the Committee that his key achievement was the establishment of clear systems of reporting and diary at State House to ensure that the President performed Presidential functions in a timely, effective and efficient manner.

The nominee informed the Committee that there had been a public outcry pertaining to his integrity. He added that he thought it wise to take advantage of the opportunity to bring out salient issues on a matter in which he had never had an opportunity to state his side of the story in the past ten (10) years.

The nominee submitted that when he was appointed Permanent Secretary in the Ministry of Health in 2002, he also served as the Presidential Medical Doctor to the late President Levy P Mwanawasa, SC, on a full-time basis. He submitted that prior to that, he was responsible for the evacuation of the late second Republican President, Dr F T J Chiluba for medical attention abroad as well as one of the opposition Leaders. The nominee submitted that, as an experienced civil servant, he operated beyond partisan politics and that, if ratified, he hoped to inculcate that virtue in the Public Service workers.

The nominee informed the Committee that while in office, the late President Levy P Mwanawasa, SC, suffered two brain strokes. The first happened in 2006 and the second in 2008. As a result, as the President's medical doctor, he spent much time abroad managing the

President's health, which was a priority. He added that he was away for a period of nine (9) months attending to the President's welfare when the financial irregularities at the Ministry of Health took place under the leadership of the Acting Permanent Secretary.

The nominee submitted that when he returned to Zambia from Paris, following the death of President Levy P Mwanawasa, SC, and reported for duty, he discovered a number of financial irregularities at the Ministry of Health. He explained that, one weekend, as he was catching up with work in his office at Ndeke House, he saw a huge latest Mercedes Benz car pull into the car park, and immediately concluded it belonged to a Very Very Important Person (VVIP), diplomat or businessman. However, upon inquiry, he learnt that it belonged to a very junior officer in the Human Resource Department in the ministry called Mr Henry Kapoko. He submitted that this kindled his interest and he immediately called for documents from the Human Resource, Accounts and the Internal Audit departments. He further submitted that a few days later, he saw Mr Kapoko driving a Hummer car. At that point, he also realised that he was not receiving any co-operation from the Accounts and Internal Audit Departments and, therefore, worked with the head of the Human Resource Department and immediately reported the matter to Mr Joshua Kanganja, then Secretary to the Cabinet, who, in turn, summoned the Secretary to the Treasury. He further recommended the immediate transfer of Mr Henry Kapoko from the Ministry of Health to the Ministry of Local Government and Housing. He then initiated investigations against Mr Kapoko, but before he could complete them, he was transferred to the Ministry of Science and Technology. The nominee informed the Committee that by reporting the irregularities immediately he detected them, he had complied with both the Public Finance Management Act and the Financial Regulations and, therefore, had not been negligent in the performance of his duties as Controlling Officer.

The nominee further submitted that after thorough investigations were conducted, it was discovered that, during the nominee's absence from the ministry, Mr Henry Kapoko had issued written instructions, purported to have been issued by the nominee, and forged his signature. He had further colluded with officers in the Accounts and the Internal Audit departments to pass irregular and illegal payments without authority and without following proper tender procedures. He informed the Committee that he later submitted all the documents that were forged in his absence to the Secretary to the Cabinet and Secretary to the Treasury. He noted that as a result of his action, a fully fledged investigation was conducted by a Joint Investigations Team comprising the ACC, ZP, the DEC and the Office of the President (Special Division). The nominee added that his action led to the conviction of the accused persons in the courts of law. The nominee referred the Committee to the full judgement in The People v Henry Kapoko and stated that nowhere in the judgement was he alleged to have participated in the crimes as was stated in the press and social media. He submitted that he had never appeared as an accused person in the court that had tried the accused persons who were responsible for the financial irregularities. He added that he had been a victim of social media and press propaganda as a result of the financial irregularities, but had, until now, elected to remain silent.

The nominee further referred the Committee to various correspondence from the investigative agencies and Cabinet Office as follows:

- (i) **A letter dated 20<sup>th</sup> June, 2002**, appointing the nominee to serve as Permanent Secretary, Ministry of Health signed by Mr S L Mbula, then Secretary to the Cabinet;
- (ii) **A letter dated 29<sup>th</sup> March, 2005**, addressed to Mr Joshua Kanganja, then Secretary to the Cabinet which was a recommendation for renewal of the nominee's Contract signed by Brig Gen Dr B Chituwo, then Minister of Health;
- (iii) **A letter dated 21<sup>st</sup> March, 2007**, renewing the nominee's contract as Permanent Secretary, Ministry of Health signed by the late President Mr Levy P Mwanawasa, SC. The letter also commended the nominee for his hard work and diligence at the Ministry of Health and Central Board of Health;
- (iv) **A letter dated 23<sup>rd</sup> January, 2009**, transferring the nominee to the Ministry of Science and Technology, signed by the then President, Mr Rupiah B Banda;
- (v) **A letter dated 26<sup>th</sup> May, 2009**, informing the nominee to proceed on forced leave in order to assist with the investigations, signed by Mr Joshua Kanganja then Secretary to the Cabinet. The nominee added that while serving as a civil servant he had never been suspended, charged or convicted.
- (vi) **A letter dated 7<sup>th</sup> November, 2011**, appointing the nominee to serve as Ambassador to Switzerland, signed by the Late President Mr Michael C Sata;
- (vii) **A letter dated 15<sup>th</sup> November, 2011**, revoking the nominee's appointment as Ambassador to Switzerland and requesting for a fresh report from the law enforcement agencies, to clear social media, press and public propaganda that the nominee had not been cleared by the administration of the then President, Mr Rupiah B Banda;
- (viii) **A letter dated 30<sup>th</sup> November, 2011**, which was a report on the nominee by Mr Kanganja, then Secretary to the Cabinet to the late President Michael Sata informing him that the nominee was a State witness and never an accused person. The letter included correspondence from the Inspector-General of Police and the Director of Public Prosecutions (DPP), dated 28<sup>th</sup> November, 2011 and 29<sup>th</sup> November, 2011, respectively, clearing the nominee of any allegations;
- (ix) **A letter dated 28<sup>th</sup> August, 2012**, which was a report on the nominee by Mr Evans Chibiliti, then Secretary to the Cabinet to the late President Michael Sata, reporting that the nominee was cleared and stating that clearing the nominee publicly would cause and raise a public outcry;

- (x) **A letter dated 29<sup>th</sup> November, 2012**, a follow up by Dr R Msiska, then Secretary to the Cabinet to the late President Sata requesting guidance with regard to the nominee's appeal to be redeployed after being cleared by the Joint Investigations Team;
- (xi) **A letter dated 3<sup>rd</sup> December, 2012**, which was a response by the ACC to a press query from Mr B Kazoka of Radio Phoenix. The ACC publicly responded through Mr T Moono, Spokesperson clearly stating that the nominee had never appeared in court as an accused but had appeared as a State witness.
- (xii) **A letter dated 6<sup>th</sup> December, 2012**, by the late President Michael Sata appointing the nominee to serve as Permanent Secretary, Parliamentary Business (Office of the Vice-President) contrary to social media and press reports that the nominee was never cleared by the late President Sata following the revocation of his appointment as Ambassador to Switzerland;
- (xiii) **A letter dated 15<sup>th</sup> October, 2015** by His Excellency the President, Mr Edgar C Lungu, transferring the nominee to serve as Permanent Secretary in the Ministry of National Development and Planning;
- (xiv) **A letter dated 13<sup>th</sup> January, 2017**, by His Excellency the President, Mr Edgar C Lungu, transferring the nominee to serve as Permanent Secretary-Administration, Cabinet Office; and
- (xv) **A letter dated 29<sup>th</sup> August, 2017**, by His Excellency the President, Mr Edgar C Lungu, appointing the nominee to serve as Principal Private Secretary to the President (Deputy Secretary to the Cabinet) and transferring him to State House.

The nominee then proceeded to inform the Committee about his strategic objectives if ratified as Secretary to the Cabinet. He submitted that the country had developed all the relevant documents, such as the 7<sup>th</sup> National Development Plan, Monitoring and Evaluation Plan Framework, the Cluster plans and the National Development Coordinating Plans, but what was lacking was the results, performance management and implementation.

The nominee submitted that the Public Service needed to return to the fundamentals that had been lost such as the rules, procedures, guidelines and Code of Ethics. He added that, currently, there was less compliance to the Code of Ethics than in the past and that one of his tasks would be to ensure compliance. The nominee added that the induction of civil servants and reintroduction of in-service exams for promotions in the Public Service was paramount. In this regard, if ratified, he would ensure that the Public Service adhered to the fundamental rules and procedures of Government.

The nominee further informed the Committee that Parliamentary oversight needed to be enhanced with regard to the implementation of the Action Taken Reports from Parliament. He

added that there was need to ensure that the appropriation of resources by Parliament was adhered to, and that matters to do with values and principles were implemented in the Public Service.

The nominee added that if ratified, he would ensure that the three (3) arms of Government worked in synergy. In conclusion, the nominee submitted that he was a professional who rose through the ranks and had the necessary experience, competence, integrity and academic qualifications to serve as Secretary to the Cabinet.

The Committee asked the nominee whether the Government had been negligent by not publicly declaring that he had been cleared of all the allegations against him. In response, he submitted that it would have been helpful for the public to have been informed that he was the one who had initiated the investigations in the Kapoko case.

In view of the allegations made against him in the past, the Committee asked the nominee whether he was psychologically prepared to serve as Secretary to the Cabinet. In response, the nominee submitted that he was psychologically ready to work and added that from the time that he was cleared of all the allegations, he had applied himself effectively.

The Committee noted that the nominee intended to reintroduce in-service exams for civil servants and asked whether he had any plans to reintroduce entrance exams as well. In response, he submitted that entrance exams were necessary given that some university graduates lacked the necessary competence.

The Committee asked the nominee how he intended to depoliticise the Public Service. In response, he submitted that it was important for officers in the Public Service to be provided with the fundamental values and principles of the Public Service in order to enhance their professionalism. He added that, in order to succeed in the Public Service, one needed to be impartial and non-partisan. He explained that, personally, he abided by these principles and had, as a result, served under different political regimes.

## **SUBMISSION BY THE APPOINTING AUTHORITY**

17. The Hon Minister of Justice, representing the Appointing Authority, submitted that the nominee was born on 4<sup>th</sup> February, 1961. He added that the nominee graduated from the University of Zambia with a Bachelor of Human Biology Degree BSc (HB) in 1986. In 1989, the nominee obtained a Bachelors Degree in Medicine, Surgery, Paediatrics, Obstetrics and Gynaecology, Community Medicine and Forensic Medicine (MB.ChB) from the University of Zambia. In addition, in 1994, he obtained a Masters of Public Health (MPH) from Leeds University and Nuffield Institute of Health in the United Kingdom. He added that the nominee held a Masters of Business Administration (MBA), from the University of Glamorgan, Wales, in the United Kingdom, which he obtained in 2006. The MBA included Management of Research Project, Information for Decision-Making, Strategic Leadership, Advertising and Communication, Delivering Customer Value and Engaging Intellectual Capital. He further held a Certificate in Public Policy Management, from Boston and Harvard University.

The Hon Minister further submitted that during the nominee's twenty-nine year long career in the Public Service, he had worked as a junior and senior Resident Medical Officer in 1990 at Ndola Central Hospital. He had also worked as Deputy Medical Officer and Medical Officer in Ndola City Council in 1991 and became Director of Public Health for Ndola City Council in 1993. He added that the nominee worked as Executive Director for Ndola Central Hospital Management Board and later as Provincial Health Director for the Copperbelt Province. Further, the nominee had served as Director Technical Support Services and was elevated to the position of acting Director-General for the Central Board of Health from November 2001 to June 2002. He stated further that the nominee had demonstrated exceptional leadership and was responsible for the implementation of preventive, promotion, rehabilitation and curative health services to all health boards in the country.

The Appointing Authority informed the Committee that in July 2002, the nominee was appointed Permanent Secretary in the Ministry of Health, where he served for seven (7) years. He was then appointed Permanent Secretary in the Ministry of Science and Technology, where he served from 2009 to 2012. He added that the nominee was also appointed Permanent Secretary in the Office of the Vice-President – Parliamentary Business from November 2012 to 2015 and in November 2015, the nominee was appointed Permanent Secretary in the Ministry of National Development Planning, where he served for two years until he was appointed Permanent Secretary –Administration Cabinet Office where he served from 2017 to 2018.

The Hon Minister stated that in addition to his immense contribution in various high profile portfolios in the Public Service, the nominee was a member of the Zambia Institute of Directors and had served in various positions, including Public Health Specialist registered with the Medical Council of Zambia, Part-time Lecturer at Cavendish University, Part-time consultant with DFID (UK Department for International Development), Chairman for the Zambia Chapter of the Global Fund Country Coordinating Mechanisms, Member of World Health Organisation Global Health Workforce Alliance, Member of Nuffield Institute for Health, Leeds, UK, and President of the Rotary Club of Ndola. Further, he had attended various short courses and seminars both at local and international level.

The Hon Minister informed the Committee that during his tenure as Permanent Secretary in the Ministry of Health, the nominee co-operated with the investigative wings in the corruption case involving a public officer, which ultimately led to the conviction of Mr Henry Kapoko, a former human resource officer in the Ministry of Health. However, he stated that this particular matter led to the revocation of the nominee's appointment as Zambia's Ambassador to Switzerland in 2011 by the Late Republican President, Mr Michael Chilufya Sata, due to his alleged involvement in the corruption case.

In conclusion, the Hon Minister submitted that the nominee was currently serving as the Principal Private Secretary to the President, His Excellency Mr Edgar C Lungu, and that the Government fully supported his appointment.

The Committee asked the Appointing Authority why the Government had not taken steps to restore the nominee's reputation that had been marred by the public over the Kapoko case. In response, the Hon Minister referred the Committee to a report on the nominee by Mr Evans

Chibiliti, then Secretary to the Cabinet, for the attention of the late President Michael Sata. The report showed that the nominee was placed on forced leave for a period of three (3) years and had been interrogated and investigated countless times. The Appointing Authority submitted that the Inspector-General of Police and the Director of Public Prosecutions had reported that there was no evidence of any involvement by the nominee in the misappropriation of public funds in the Ministry of Health. He informed the Committee that the Executive acted on the advice of the Director of Public Prosecutions, that while there was no evidence of the nominee's involvement in the case, clearing him publicly would have caused a public uproar as had been the case in the past. Additionally, the report indicated that following the conclusion of the investigations on the misappropriation of public funds in the Ministry of Health, the nominee had requested to be redeployed in the Public Service. In that regard, the former Secretary to the Cabinet was of the considered view that in as much as the Government was resolved in punishing wrong doers, it was important for Government to strongly defend those who had not been found to have committed any offence. In view of this, the recommendation was that the forced leave should be uplifted and the nominee be redeployed in the Public Service as Permanent Secretary. (The reports of the Inspector-General of Police, Director of Public Prosecutions and Secretary to the Cabinet are annexed hereto as Appendix V, VI and VII).

The Appointing Authority also referred the Committee to a press query from Mr Billy Kazoka of Radio Phoenix on 3<sup>rd</sup> December, 2012, to the Anti-Corruption Commission (ACC) on whether the nominee had appeared in court as an accused person and how many cases the nominee had testified in as State witness in the Kapoko case. In response, the ACC stated that the nominee had not appeared in court as an accused person in the Ministry of Health cases and that he had testified as State witness in three (3) of the cases. (The Press query to the Anti-Corruption Commission is annexed hereto as Appendix VIII).

In that regard, the Hon Minister stated that the nominee had been vindicated. He, however, added that although the law provided for the protection of whistle blowers, there was need for Parliament to enact laws to protect people who were accused, but subsequently cleared, especially from public opinion. He added that the nominee was not charged in the alleged matter, but was a State witness.

The Committee asked the Hon Minister whether the nominee would be able to handle the perceived misunderstandings between Cabinet officials and Members of Parliament regarding protocol and conditions of service. In response, the Hon Minister stated that the nominee had the requisite experience and expertise to handle such matters as he had insight of both wings of Government having served as Permanent Secretary Parliamentary Business in the Office of the Vice-President, Permanent Secretary Administration at Cabinet Office and Principal Private Secretary to the President.

## OBSERVATIONS AND RECOMMENDATIONS

18. The Committee observes that Article 176 of the Constitution establishes the Office of Secretary to the Cabinet and provides the qualifications for one to serve as Secretary to the Cabinet. Article 176(3), in particular, requires a person to be appointed Secretary to the Cabinet to have served as Permanent Secretary or in an equivalent rank for, at least, 10 years.

The Committee notes that all the witnesses, without exemption, submitted that the nominee met the Constitutional requirements and possessed the requisite academic qualifications and experience for appointment as Secretary to the Cabinet. In this regard, they unanimously supported his appointment.

The Committee observes that the nominee is a career Public Service worker who commenced his career as a junior resident medical officer at Ndola Central Hospital in 1990. In 1991, he joined Ndola City Council as a medical officer. Within a year, he was promoted to the position of Deputy Medical Officer and subsequently Director of Public Health. In 1997, the nominee was appointed Acting Town Clerk for Ndola City Council. In the same year, he joined Ndola Central Hospital Management Board as Executive Director, a position he held until 2000. From 2000 to 2001 the nominee was with the Central Board of Health as Provincial Health Director for Copperbelt Province. During that period, he was responsible for offering technical support and performance assessment and performance audits for all the health institutions on the Copperbelt. In 2001, he was elevated to Director Technical Support Services Central Board of Health where he continued to be responsible for technical support and performance audits, but this time at a national level. In the same year, the nominee was appointed Acting Director-General for the Central Board of Health, a position he held until his appointment as Permanent Secretary in the Ministry of Health in 2002. From 2002, the nominee served as Permanent Secretary in various ministries until his appointment as Principal Private Secretary to the President, in 2018, a position equivalent to that of Deputy Secretary to the Cabinet.

The Committee further observes that the Secretary to the Cabinet, as head of the Public Service, is responsible for ensuring the general efficiency and effectiveness of the Public Service. The Committee notes that the nominee has dedicated his working life to public service, having worked at all levels of Public Service from the district to headquarters, the Vice-President's Office, Cabinet Office and the President's Office. He has, in this regard, been equipped with immense skills in Public Service delivery, administration, management, policy development and implementation. All these are skills relevant to the office of Secretary to the Cabinet.

Additionally, the Committee notes that the nominee fully recognises the challenges facing the Public Service currently such as the lack of implementation of Government policies as contained in policy documents such as the Seventh National Development Plan and the Cluster Plans. He is further cognisant of the fact that most civil servants today are unaware of the fundamental rules, guidelines and procedures as well as Code of Ethics of the Public Service. He, thus, proposes to reintroduce entrance and in-service exams for the Public Service in order to inculcate the values of the Public Service in public officers.

Having served as Permanent Secretary Parliamentary Business in the Office of the Vice-President, the nominee is conversant with the operations of the Legislature and intends to ensure that the oversight role of the National Assembly is enhanced by ensuring the Executive implements the resolutions contained in Committee reports.

The Committee further observes that, in the course of his career, the nominee worked with four (4) administrations and Presidents. He was the personal doctor for the late President Levy P Mwanawasa, SC, at the time he served as Permanent Secretary in the Ministry of Health. He also worked briefly with President Rupiah B Banda as Permanent Secretary in the Ministry of Science and Technology. Under the late President Michael C Sata, the nominee was Permanent Secretary Parliamentary Business in the Vice-President's Office and under the current President, His Excellency, Mr Edgar C Lungu, he served as Permanent Secretary in the Ministry of National Development Planning and Cabinet Office until his appointment as Principal Private Secretary to the President. The Committee observes that the fact that various Presidents entrusted the nominee with senior positions in the Public Service attests to the nominee's competence, strategic leadership, hard work and dedication to duty and ability to serve the Government of the day.

The Committee further notes that, under President Levy P Mwanawasa, SC, when the nominee was Presidential doctor and Permanent Secretary in the Ministry of Health, he facilitated the evacuation of then Opposition leader, Mr Michael Sata, to South Africa for medical treatment. This was at a time when the late President Mwanawasa and the late President Sata had serious political differences. This act not only saved Mr Sata's life, but also resulted in the reconciliation of the two political leaders. Additionally, by facilitating the evacuation of the President's political adversary, the nominee clearly exhibited his professionalism and dedication to duty and non-partisanship.

The Committee, however, observes that some witnesses expressed concern regarding the nominee's alleged involvement in the theft of K27 billion (unrebated) donor funds that occurred in the Ministry of Health between 2007 and 2009 when the nominee was Permanent Secretary there. Additionally, some witnesses questioned the nominee's ability to superintend over the entire Public Service when, as Controlling Officer in the Ministry of Health, he had failed to detect the financial irregularities there.

The Committee notes that the financial irregularities in the Ministry of health that culminated in the infamous case of The People v Kapoko and Others occurred at a time when the nominee was doubling as Permanent Secretary in the Ministry of Health and personal doctor to the then Republican President, Mr Levy P Mwanawasa, SC. The Committee further notes that in 2006 and 2008, the late President Mwanawasa suffered two massive strokes. In view of this, during that period, the nominee was preoccupied with attending to the late President's health and was out of office for prolonged periods leaving the ministry under the charge of an Acting Permanent Secretary. It was during that period that the financial irregularities in the Ministry of Health occurred.

The Committee further observes that after the nominee resumed his duties in the Ministry of Health following the death of President Levy P Mwanawasa, SC, he immediately detected the

financial irregularities and initially attempted to investigate the matter within the ministry, but met with resistance from the Accounts and Internal Audit departments whose officers were involved in the fraud. Undeterred by this, the nominee alerted both the then Secretary to the Cabinet and Secretary to the Treasury as required under the Public Finance Management Act and the Financial Regulations. He then transferred Mr Henry Kapoko, who was a junior human resource officer, to another ministry to facilitate investigations.

The Committee notes that the Joint Investigations Team, comprising the ACC, DEC and ZP, tasked to investigate the matter, found that the case was one of serious fraud perpetrated by Mr Kapoko and some officers in the Accounts and Internal Audit departments. The culprits had been fraudulently writing instructions purported to be from the nominee and had forged his signature and passed payments without authority and without following proper tender procedures. The Joint Investigations Team further found that the nominee had not been involved in the fraud and cleared him of any wrongdoing in the matter. Communication from both the ACC and ZP disclosed that the nominee was never a suspect or an accused person in the matter. However, being the Controlling Officer in the Ministry of Health at the time, the nominee possessed information that was critical to the prosecution's case and was, consequently, made a State witness. When the matter went to court, the nominee was a valuable prosecution witness in five (5) cases and his testimony contributed to the conviction of the accused persons.

The Committee notes that the nominee's prompt action upon noticing the financial irregularities in the ministry, and testimony in court led to the successful prosecution of the culprits. The Committee further notes that, contrary to public opinion, the nominee was never a suspect or accused person in the case and had taken all the necessary administrative measures to ensure Mr Kapoko and his accomplices were brought to book. The Committee is, therefore, satisfied, that the nominee was neither involved in the financial irregularities in the Ministry of Health nor negligent, as controlling officer, in dealing with the matter.

The Committee observes that some witnesses expressed concern at the disturbing trend in the country of innocent citizens being tried and convicted in the press and on social media. The Committee further observes that while the state investigative wings and courts cleared the nominee, this information was not made known to the public, which was a grave injustice to the nominee. Further, despite the subsequent appointments of the nominee to important positions such as Permanent Secretary Parliamentary Business in the Office of the Vice-President, Permanent Secretary Cabinet Office and Principal Private Secretary to the President, a position equivalent to Deputy Secretary to the Cabinet, which was an indication of the nominee's innocence, the public continued to perceive the nominee in a negative light. The Committee observes, with concern, that the investigative agencies did not take sufficient action to restore the nominee's reputation in the public eye once they had established his innocence. The Committee, thus, calls for the enactment of legislation that will ensure the public exoneration and restoration of the reputation of persons who are accused of an offence, but are subsequently cleared by either the investigative agencies or the courts.

The Committee further notes that had the nominee not been appointed to this position, his innocence regarding the financial irregularities in the Ministry of Health would never have been revealed to the public and his name would have remained tarnished. The Committee, in this

regard, commends the Appointing Authority for being steadfast in appointing the nominee despite the public outcry because it has had the positive outcome of clearing the name of an innocent man who has been unjustly and unfairly subjected to the court of public opinion and public contempt and ridicule for over 10 years.

The Committee notes that the nominee has had an uninterrupted illustrious and successful career in the Public Service spanning a period of almost thirty (30) years. In light of this, the Committee wishes to commend the Appointing Authority for appointing a person, who not only has the requisite qualifications, but also vast experience in the operations and administration of the Public Service as head of the Public Service.

The Committee, after due and thorough consideration, analysis and evaluation of the written and oral submissions presented to it by witnesses and the nominee, is of the considered view that the nominee is forward looking, suitably qualified and possesses the requisite competences to serve as Secretary to the Cabinet.

The Committee, therefore, recommends that the House ratifies the Presidential appointment of Dr Simon Kamwendo Miti to serve as Secretary to the Cabinet.

## **CONCLUSION**

19. The Members of the Committee wish to place on record their gratitude to you, Mr Speaker, for appointing them to serve on the Select Committee. The Committee is also thankful for the services and advice rendered to it by the Office of the Clerk of the National Assembly during its deliberations.

The Committee further wishes to thank the State security and investigative agencies, professional bodies and other stakeholder institutions for their oral and written submissions which assisted the Committee in making an informed recommendation to the House.

We have the honour to be, Sir, the Parliamentary Select Committee appointed to scrutinise the Presidential appointment of Dr Simon Kamwendo Miti to serve as Secretary to the Cabinet.

Mr A C Mumba, MP  
(**Chairperson**)

Ms S S Mulyata, MP  
(**Vice-Chairperson**)

Dr J K Chanda, MP  
(**Member**)

Mr S Banda, MP  
(**Member**)

Mr G K Mwamba, MP  
(Member)

Mr M Mbulakulima, MP  
(Member)

Mr C Mweetwa, MP  
(Member)

Mr M Mukumbuta, MP  
(Member)

Mrs P G M Jere, MP  
(Member)

Mr R Nakacinda, MP  
(Member)

## **APPENDIX I – OFFICERS OF THE NATIONAL ASSEMBLY**

Mrs D N Kapumba, Parliamentary Legal Counsel  
Mr J N Sianyabo, Deputy Parliamentary Legal Counsel  
Mr D Mwinamo, Senior Legal Officer  
Ms M Kaoma, Legal Officer  
Mr L Kabwata, Legal Assistant  
Ms C Mtonga, Personal Secretary II  
Mr A Himululi, Parliamentary Security Officer (on attachment)  
Mr J Mulyata, Intern – Legal Services Department

## **APPENDIX II – THE WITNESSES**

### **ZAMBIA POLICE SERVICE (ZP)**

Mr K Kanganja, Inspector-General of Police  
Mr K Chibwe, Senior Assistant Commissioner of Police

### **ANTI-CORRUPTION COMMISSION (ACC)**

Mrs R N Khuzwayo, Deputy Director-General  
Mr C Moonga, Director Legal

### **DRUG ENFORCEMENT COMMISSION (DEC)**

Ms A Mbahwe, Commissioner  
Mr K M Kunda, Investigation Officer

### **HUMAN RIGHTS COMMISSION (HRC)**

Ms F Chibwasha, Director  
Mr K Banda, Chief Investigator and Legal Services

### **FINANCIAL INTELLIGENCE CENTRE (FIC)**

Ms L B Tembo, Acting Deputy Director-General  
Mr C Kapalu, Director

### **TRANSPARENCY INTERNATIONAL ZAMBIA (TIZ)**

Mr W Chibamba, Executive Director  
Ms B Samulela, Legal Officer

### **CIVIL SERVANTS AND ALLIED WORKERS UNION OF ZAMBIA (CSAWUZ)**

Mr D E Chiyobe, President  
Mr M Makai, General Secretary  
Mr K Sichinsambwe, Director

### **HEALTH PROFESSIONS COUNCIL OF ZAMBIA (HPCZ)**

Mr I M Kolala, Chief Operations Officer  
Mr L K Bwalya, Legal Officer

### **ZAMBIA CONGRESS OF TRADE UNIONS (ZCTU)**

Mr C Mukuka, Secretary-General

Mr E Njovu, Deputy Secretary-General  
Mr J Beene, Deputy Secretary-General  
Mr B Phiri, Director-Research  
Mrs E Musonda , Director-Gender

**NATIONAL PROSECUTIONS AUTHORITY (NPA)**

Ms F S Siyunyi, Director of Public Prosecutions

**APPOINTING AUTHORITY**

Hon G Lubinda, Minister of Justice;  
Mr A Nkunika, Permanent Secretary-Legislative Drafting

## APPENDIX III – THE NOMINEE

Dr Simon Kamwendo Miti

## **APPENDIX IV – CURRICULUM VITAE OF THE NOMINEE**

### **CURRICULUM VITAE**

#### **DR SIMON KAMWENDO MITI**

##### ***SUMMARY***

A versatile senior Public Service administrator and skills development manager spanning of over 17 years. Resourceful Political Advisor having worked in three different political administrations of Zambia, having been a Presidential Medical Doctor at State House and ascended to Principal Private Secretary to the President. Ability to effectively coordinate Ministers and Permanent Secretaries while facilitating their interface with the Presidency. Fully conversant with procedures and systems of the three wings of Government which include the executive, the legislature and the judiciary. Well vest with national values, ethics and principles as stipulated in the national constitution and an ardent advocate of corporate governance ideologies. A member of the Zambia Institute of Directors which promotes ethical conduct and integrity in the corporate world. An accomplished team builder for multiple personnel orientations, a good motivator and team player, dependable and articulate with acumen for leading trends accurately and make timely judgment. Commands knowledge and insights into the broader perspective of Public Service operations having worked at district, provincial and national levels. Fully acquainted with national planning systems, practices and processes and mutual development cooperation tenets between Government and Cooperating Partners. Focused, diligent and a proven results oriented public servant especially in organisational and institutional development at all levels.

##### ***PERSONAL MOTIVATION***

Having served in the Public Service for over 30 years as the record herein will show, I am driven and inspired by the quest:

1. To see government projects and programmes timely and effectively implemented and spur changes in the well-being of the people;
2. To promote evidence based decision making on national development issues given that wrong decisions are immensely costly;
3. To promote prioritisation and efficient and effective use of public resources;
4. To ensure coherence between the disparate functions and elements that exists in the Public Sector;
5. To promote the demand for results in the public sector; and
6. To align planning, budgeting, programme implementation to aspirations of politicians and Zambians at large.

## PERSONAL INFORMATION

Surname : Miti (Dr)  
First Names : Simon Kamwendo  
Date of Birth : 4<sup>th</sup> February, 1961  
Nationality : Zambian  
Marital Status : Married  
Address : E'mutuzi Enterprises Ltd, PHI, Chainama  
P.O. Box 320423, Lusaka, Zambia.  
Official Address : State House, Independence Avenue, P. O. Box.  
30135, Lusaka, Zambia  
Telephone : +260 211 266 355 Office  
: +260 977 791150 Mobile  
: +260 211 285074 Home  
E-mail : [mitisk@yahoo.com](mailto:mitisk@yahoo.com), [simonmiti@gmail.com](mailto:simonmiti@gmail.com)

## ACADEMIC QUALIFICATIONS

1986 to 1989 : MB.ChB, (University of Zambia). Studied Medicine, Surgery, Pediatrics, Obstetrics and Gynecology, Community Medicine and Forensic Medicine  
1981 to 1986 : BSc (HB), (University of Zambia). Studied Human Biology

## PROFESSIONAL QUALIFICATIONS

2004 to 2006 : Master of Business Administration (MBA), (University of Glamorgan, Wales, in UK). Studied Management of Research Project, Information for Decision Making, strategic Leadership, Advertising and Communication, Delivering Customer Value, Engaging Intellectual Capital

Submitted a dissertation entitled; "An investigation of the effectiveness of the Health Management Information System (HMIS) as a tool for Management Decision making in Zambia's Public Health Sector"

1993 to 1994 : Master of Public Health (MPH), 1993 to 1994 (Leeds University at Nuffield Institute for Health in UK). Studied Describing Health Needs, Public Health Interventions, Health Engineering, Health Systems Research, Planning and Management, Population, Health Education, Disease Control, Family Health.

Submitted a dissertation entitled "Towards Community Involvement in Epidemic Control-Cholera in Ndola, Zambia".

- Certificate in Management Studies, Schulich School of Business Studies Toronto, Canada
- Certificate in Public and Policy Management, Boston and Harvard University

## **OTHER QUALIFICATIONS AND APPOINTMENTS**

- Recipient of a prestigious Public Administrator award by the Medical Association of Zambia
- Member of the Zambia Institute of Directors
- Public Health Specialist registered with the Medical Council of Zambia
- Part -Time Lecturer at Cavendish University – Zambia for MPH (Master of Public Health) Class, in the Faculty of Medicine
- Part -Time Consultant with DFID (UK Department for International Development), on Biomedical Engineering Training Project under THET (Tropical Health Education Trust, UK).
- Former Global Fund Country Coordinating Mechanism (CCM) Chairman for Zambia as well as Principal Recipient
- Former Member of WHO Global Health Workforce Alliance
- Former WHO – Human Resource Health Crisis Chairman for Southern African Region
- Former WHO/African Union Technical working group HRH Observatory
- Former WHO, Expert Committee on HIV/TB
- Former Board Chairman, Medical Stores Limited
- Former Board Chairman, Pharmacy and Poisons Board
- Former Board Member of the National HIV/AIDS/STI/TB Council
- Former Board Member International Action for Health of the University of Washington’s Institute for Health Metrics and Evaluation (IHME)
- Former Board Member and Co-Chair, Malaria Control and Evaluation Partnership in Africa (MACEPA)
- Member of Nuffield Institute of Health
- Member of Zambia Institute of Public Health (Past Chairman)
- Member of Zambia Red Cross (Past President)
- Member of Rotary Club of Ndola – Mukuba (Past President)
- Member of Nuffield Institute for Health, Leeds UK

## **WORK EXPERIENCE**

**2018 to date** : **Principal Private Secretary to the President (Deputy Secretary to the Cabinet Level), Office of the President Lusaka.**

Duties and responsibilities include:

- Managing and planning of Presidential programmes to facilitate their effective implementation.
- Attending to all private and personal matters of the President and the family in order to allow the President to concentrate on national matters.
- Processing all in-coming mail addressed to the President to facilitate timely auctioning by the President

- Maintaining an up-to-date Presidential Diary to facilitate timely fulfilment of engagements and assignments.
- Coordinating the preparations and hosting State Functions and Social Events at State House to ensure their success.
- Overseeing the undertaking of protocol duties to uphold the dignity of the Presidency.
- Managing staff and the utilisation of financial and other resources to facilitate the attainment of the State House's objectives.

**2017 to 2018 : Permanent Secretary, (Cabinet Office – Administration)**

Duties included the following:

- Overseeing the conduct of State functions and other Presidential assignments to enable the Presidency perform ceremonial, constitutional and other national duties.
- Managing Public Sector foreign travel in order to ensure value for money.
- Overseeing the provision of administrative and logistical support services to facilitate smooth operations of Cabinet Office and Offices of the Former Heads of State.
- Overseeing the management and operations of Statutory Bodies to ensure adherence to mandates and attainment of set objectives.
- Overseeing the development and implementation of client service delivery improvement initiatives to enhance the institution's ability to meet clients' expectations.
- Overseeing the formulation of the institution's policy and legislative provisions in order to provide an operational framework and attain set objectives.
- Overseeing the management and development of human resources in order to enhance Cabinet Office performance.
- Overseeing the utilisation of financial, equipment and other resources in order to ensure accountability and cost-effective operations of the institution.

**Nov, 2015 to Feb, 2017 : Permanent Secretary, Ministry of National Development Planning**

Duties included the following:

- Coordinating the development of national development plans including their implementation;
- Strengthen national development planning coordination and synergies between sectors,
- Coordinating the domestication of regional international and global development agendas into national plans;
- Coordinating appraisals of national projects to determine value for money and returns on investments;
- Coordinate mainstreaming of cross cutting issues such as gender, climate change, emerging health challenges into national plans and promote their effective implementation;
- Oversee the functions of national planning coordinating bodies such as, National Development Coordinating

Committees, Sector Advisory Groups, Provincial Development Coordinating Committees and District Coordinating Committees.

**Nov, 2012 to Nov, 2015** : **Permanent Secretary, Office of the Vice President Parliamentary Business Division -**

Duties included the following:

- Secretariat for His Honour The Vice President in Government Parliamentary Business;
- Secretariat for the Secretary to the Cabinet in Government Parliamentary Business;
- Secretariat for the Cabinet Parliamentary Planning Committee;
- Liaison between Government Ministries and Parliament;
- Coordination of the Executive's responses to Parliament's oversight Committees which includes the 11 Portfolio Committees and the General Purposes Committees such as the Public Accounts Committee, Committee on Delegated Legislation, Committee on Budgets, Committee on Parliamentary Reforms and Modernisation Committee and Committee on Government Assurances as well as;
- Coordinating the Drafting, Printing and Distribution of the President's Official Opening speech to Parliament; and
- The other duties are the standard as outlined below which are applicable for other Permanent Secretaries Portfolios as well.

**Jan, 2009 to 2012** : **Permanent Secretary, Ministry of Science and Technology**

Duties included the following:

- Strategically manage the Ministry based on work plans and meet targets in relation to Science and Technology in the Country and Institutions at Headquarters, Province and Districts responsible for Training, Science and Technological advancement;
- Perform duties honestly, diligently with high standards of personal, professional and institutional behaviour;

- Committed to excellence and focus on attaining the government of the day's goals and objectives;
- Forward thinking, seeking and accepting challenges and opportunities to efficiently and effectively deliver service to the people of Zambia;
- Establish and maintain positive working relationships with the subordinates and other stakeholders to maximize the quality and contributions of staff for effective service delivery;
- Cost conscious and avoid ad-hoc and unplanned activities; strategically to manage Human resources, Procurement of Goods, Services and works, accountability and transparency, Internal and External Audit, Monitoring and Evaluation as well as advise the responsible Minister.
- Avoid extravagant and unplanned for expenditure by ensuring that all expenditures are in accordance with the provisions of estimates of expenditure;
- To ensure that procurement of goods and services are done in accordance with standing procurement procedures and regulations; and
- To deal timely, firmly and fairly with officers involved in dishonest practices to enhance accountability; to regard the citizenry as the masters and therefore need to respond and provide service to them first rather than self-interest.

**July, 2002 to January, 2009 : Permanent Secretary, Ministry of Health**

- Duties similar as above: That is Permanent Secretary, Science, Technology and Vocational Training but in particular responsible for Public Health, Clinical, Preventive and rehabilitative health and HRH training and Capacity building as well as Procurement of Goods, Works and Services related to Public health.

### **CONSOLIDATED BENEFITS FROM ABOVE HIGH LEVEL TOUR OF DUTY AS PERMANENT SECRETARY**

Having served in the above privileged positions, I have had the blessing to possess high level Public Service administration and management skills coupled with high level political advisory services. This experience earned me leadership and strategic competencies to facilitate coordination and delivery of results even in complex situations. I am a motivational team player who has been evaluated to be dependable, articulate with good judgment skills. The attributes have been acquired after having worked at all levels of the Public Service from the District to

Headquarters, Vice President's Office and Presidents' Office on two occasions. My passion for organisational development was demonstrated in me championing the establishment of the Ministry of National Development Planning into a full-fledged – up and running Ministry.

### **OTHER DUTIES UNDERTAKEN IN THE PUBLIC SERVICE**

- Nov, 2001 to June, 2002 : Acting Director General, Central Board of Health (CBoH)  
- providing leadership and responsible for the provision and implementation of preventive, promote, rehabilitate and curative Health services to all Health Boards in the country.
- Jan to Nov, 2001 : Director Technical Support Services, Central Board of Health (CBoH)  
- I was generally responsible for technical Support and Performance Audit to all Provinces in the Country who in turn provide the support and audit to all Health Boards in their respective provinces. Specific duties include:
- Performance Assessment of all Healthy Boards
  - Monitoring and Evaluating the provision of Health Services
  - Provisions and Coordination of Technical Support Services
  - Provision of Supportive supervision to the Health Boards
  - Capacity building in the Health Boards
- 2000 to 2001 : Provincial Health Director, (CBoH) for the Copperbelt Province  
- Responsible for offering Technical Support and Performance Assessment and Audit for all Health Institutions on the Copperbelt Province.
- 1997 to 2000 : Executive Director, Ndola Central Hospital Management Board
- Responsibilities:
- Preparation and submission of annual hospital action plans, quarterly financial and progress reports
  - Managing personnel, finance and material resources at the hospital
  - Coordinating and monitoring the implementation of the hospital action plan
  - Performing secretarial duties of the hospital board

- In January 2000, I was appointed to act as Provincial Health Director for the Copperbelt Province the position I held in addition to Executive Director, Ndola Central Hospital. Amongst other things I'm responsible for offering Technical Support and Performance Assessment and Audit for all health institutions on the Copperbelt Province.

1997 : Acting Town Clerk for Ndola City Council

Responsibilities

- to provide social services to the Ndola City Council community such as Public Health, Housing, Water and Sanitation, Legal services and Advising and reporting to the Mayor of the city of Ndola.

1993 to 1997 : Director Public Health for Ndola City Council

Responsible for all matters pertaining to Public Health in Ndola District and also responsible to the Ministries of Health, Local Government and other relevant Ministries with the following duties:

- Planning and management of resources, organising and running district's preventive and curative services
- Preparation, coordination and monitoring and evaluation for decision making
- Managing personnel, finance and material resources within the district
- Preparation and submissions of District Health action plans, progress reports and quarterly financial reports
- Liaison and consultative functions between the Central Government and district administration
- Enforcement of the Public Health Act, Food and Drugs Act, the National Health Services Act and the Nuisance Act
- Acting as the Ndola City Council's Town Clerk whenever the incumbent was away
- Board member and Chairman of Ndola Central Hospital Advisory Sub-Committee of the Ndola Central Hospital Management Board since 1992 to March 1997

1991 to 1993 : District Director of Health, Ndola Urban District

## **OTHER PREVIOUS WORK EXPERIENCES**

- In January 1991, I was employed by Ndola City Council in the Ministry of Local Government and Housing. I joined as a Medical Officer. After one year I was promoted to the post of Deputy Medical Officer of Health.
- In May 1993, I was again appointed to the post of Medical Officer of Health which is now re-designated as Director of the Public Health/District Director of Health/District Officer for Ndola Urban City Council.
- November 1989 to October 1990:- Elective Study at Parirenyetwa and Harare General Hospitals in Zimbabwe.
- November 1990 to 1991:- Junior Resident Medical Officer, Ndola Central Hospital, Zambia.
- 1991 – Senior Resident Medical Officer, Ndola Central Hospital, Zambia; Field Study at Mwachisompola Demonstration Zone on Malaria and TB Parasitology in Kabwe, Zambia.
- September 1989 to November, 1989: Elective Study at New Castle Upon-Tyne General Infirmary and Freeman Hospital in the United Kingdom.

## **SHORT COURSES/SEMINARS ATTENDED/COUNTRIES VISITED**

- October, 2000: Attended workshop on implementing result oriented management (ROM II) in the Civil Service in Africa.
- February, 2000: Attended workshop on Best Practices in Public Service delivery in Windhoek, Namibia.
- March – April 1999: Attended a short course on Strengthening Public Hospitals and Health Sector Reform at Boston University, USA.
- December 1998: Attended “Commercial Arbitration Course” for Non Lawyers, a course offered by the Law Association of Zambia in conjunction with the Foundation for International Commercial Arbitration (FICA) with support from the United States for International Development and covered topics such as law of Tort, Law of Evidence and Law of Contracts, held in Ndola, Zambia.
- November, 1998: Attended the 29th World Conference of IUATLD – Global Congress on Lung Health in Bangkok, Thailand. (Presented Paper).
- August, 1998: Attended the 103rd National Medical Annual Scientific Conference held in New-Orleans, Louisiana, USA.
- July, 1998: Did a study of the Cuban Health System Organisation by visiting most of the Health Institutions and having discussions with relevant authorities.
- June, 1998: Attended the 23rd meeting of Ministries of Health of Non-Aligned Countries in Havana, Cuba. (Presented a Paper on behalf of D/Minister of Health for Zambia).
- May, 1997: Attended Industrial Relations Skills Training in Johannesburg, South Africa.
- March, 1997: WHO/CDU/USAID Protocol Finalisation workshop for community based Tuberculosis Care Project in Africa; Entebbe, Uganda, (Principal Investigator).
- June, 1996: Zambia Health Information Seminar, Lusaka, Zambia.
- January, to February, 1996: First Anglophone African AIDS/STD Managers Course; Nairobi, Kenya (Attended as participant and presented a paper).

- April, 1991: Essential Drugs programme Seminar, Luanshya, Zambia.
- Development of the SADC protocol on Health, South Africa, 2002.
- Development of the Strategic Plan for East, Central and Southern African Health Community (ECSA), Arusha, Tanzania, 2002.
- WHO Region Meetings for Africa held within Africa and World Health Assembly Meetings held in Geneva from 2002 every year to 2008.
- I have also attended various other short courses/workshops/seminars too numerous to mention within and outside the country.

## **PAPERS PUBLISHED/CONSULTANCY/RESEARCH**

- Master of Public Health Dissertation 1994: Topic "Towards Community Involvement in Epidemic Control in Ndola, Zambia" (Leeds, UK).
- Integration of Tuberculosis Management into the Chipulukusu Home Care programme in the Ndola Urban District of Zambia (1997).
- Tuberculosis Community Care for people Living with HIV/AIDS, the Ndola experience (1998).
- Scaling up malaria control in Zambia: progress and impact 2005-2008: The American journal of Tropical Medicine and Hygiene.
- Evaluating the effects of large scale health interventions in developing countries: The Zambian Malaria Initiative.
- Creating contexts for effective home-based care of people living with HIV/AIDS
- Health sector aid coordination in Zambia: From global policy to local practice.
- Community TB care in Africa: Zambia Ndola Urban Prospective controlled study Church NGO HIV/AIDS home care programme: WHO.
- Written and presented numerous papers and articles in different forums and local media.
- Written various Papers in collaboration with other organisation like MACEPA on Malaria in the British Journal.
- Consultant for the 20/20 initiative sponsored by UNDP in 1998. The main objective of the study was to analyse social sector expenditure and development of a proposal to Government on funding social sectors.
- Local Consultant on the Mid- Term Review of the Zambia integrated Health Programme (ZIHP) funded by USAID in 1999. The purpose of the assessment was to review the implementation of the programme for the first two and half years.
- Co Chairman of the Mid- Term Review of the National Health Strategic plan 2001-2005, and 2006-2010, which was conducted in Zambia in 2003 and 2008 respectively.
- Procurement of Works, Goods and Services funded by the World Bank (1 week), in 1998.
- Project Management and Disbursement of Funds under ADB projects (2 weeks), 1999 in Lusaka.

## **OTHER SKILLS**

- Computer Literate including Microsoft Works; Microsoft Office; Lotus Smart Suite; Word Perfect; EPI-INFO; Excel, Peoples packages and basic programming.

## LANGUAGES (SPOKEN AND WRITTEN)

- English (fluently)
- Some Zambian Local Languages (fluently)

## INTERESTS

- Keen interest implementing results oriented frameworks with tangible benefits on the people.
- Passion for Public Administration, Community Health Development/Primary Health care with emphasis on Epidemic Control and Care, Planning and Management, Epidemiology and Research in Priority Setting and Public Health interventions.
- Resource allocation for Health Principles
- Tuberculosis (TB) Control and Management and Research especially in poor settings and Developing countries.
- HIV/AIDS/STD Control and prevention
- Community work: I have been a Rotarian and worked as Director-Community Services and President.
- I also enjoy Teaching, working with community groups, meeting different types of people as well as script writing.

## HOBBIES

- Reading books, Gardening and playing Golf and Chess, meeting friends and interacting with Community groups and friends.

## REFEREES

Mr Leslie Mbula  
Former Secretary to the Cabinet  
Cabinet Office  
Lusaka  
**Zambia**  
E-mail Address: [slmbula@yahoo.com](mailto:slmbula@yahoo.com)  
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Prof Evaristo Njelesani  
Former Permanent Secretary Ministry of Health & WHO Resident representative  
Lusaka  
**Zambia**  
E-mail Address: [njelesanie@gmail.com](mailto:njelesanie@gmail.com)  
Mobile Phone: +260 977 8033122 or +260 977 890876

Mr Evans C. Chibiliti  
Former Secretary to Cabinet  
Lusaka, **Zambia**  
E-mail Address: [evanschibiliti@gmail.com](mailto:evanschibiliti@gmail.com)  
Mobile Phone: +260 977 875972

APPENDIX V

Secret

Telephone: 252872

Telegrams: INSGEPOL, RIDGEWAY

In reply, please quote

CS/1/11/6 SEC

No: .....



REPUBLIC OF ZAMBIA

**OFFICE OF THE INSPECTOR – GENERAL**

ZAMBIA POLICE HEADQUARTERS

P. O. BOX 50103

RIDGEWAY

LUSAKA.

28<sup>th</sup> November, 2011

MR MCHENGA C.F.R. SC

DIRECTOR OF PUBLIC PROSECUTIONS

LUSAKA

**RE: STATUS REPORT OF INVESTIGATIONS ON THE MINISTRY OF HEALTH INVESTIGATIONS BY JOINT INVESTIGATIONS TEAM- DR MITI, MRS BOLLY SIKAZWE, RUDO TUKUZA AND GIFT KAMWALE**

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Reference is made to your letter referenced File No DPP/101/10/15. dated 14<sup>th</sup> November, 2011.

I wish to report on the status of the following officials from the Ministry of Health who were alleged to be direct or indirectly involved in the scam.

**1. DR SIMON KAMWENDO MITI-FORMER PS MINISTRY OF HEALTH**

The joint investigations team carried out investigations on Dr.Simon Kamwendo Miti on the alleged scam at the Ministry of Health. Investigations revealed that about K27 Billion was stolen in Dr Miti's tenure as Permanent Secretary. However, he could not be **criminally liable**. He instead testified as a State Witness.

Dr MITI has since finished giving valuable evidence as a state witness in the cases before court namely KAHEKAHAM, ESU SCHOOL OF NURSING, ALGOGUIN and ROYAL COLLEGE.

## **2. MRS BOLLY SIKAZWE-HEALTH ENVIRONMENT SPECIALIST**

The official to date has not been arrested. The legal department at the Anti-Corruption Commission is yet to provide a legal opinion.

## **3. RUDO TUKUZA CHITENGU-PLANNER**

Investigations carried out in these matters have failed to prove any criminal case against the official. However, discussions are under way to resolve this matter amicably so that she does not resort to suing the state. This is in light of assets that were allegedly bought from the perceived stolen money being restricted. The matter is being pursued by the Anti corruption Commission.

## **4. GIFT KAMWALE- CASHIER.**

The official was turned into state witness after analysing the vital evidence that he was to give before the courts of law. However, at the courts of law he became so hostile such that the evidence he gave was so defensive and in favour of the accused persons.

The joint investigation team therefore intend to charge and arrest him so that he can appear before the court of law.



**DR MARTIN MALAMA**

**INSPECTOR GENERAL OF POLICE**

All communications should be  
Addressed To The Director of  
Public Prosecutions  
Telephone: 251359  
Telegrams: Legal  
Telefax: 251367

APPENDIX VI



REPUBLIC OF ZAMBIA

In reply please quote

No.....

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**OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS**

P. O. BOX 33970  
LUSAKA

DPP/101/10/15

29<sup>th</sup> November, 2011

CONFIDENTIAL

Dr. J. L. Kanganja  
Secretary to the Cabinet  
Office of the President  
Cabinet Office  
LUSAKA

**RE: STATUS REPORT ON INVESTIGATIONS AT THE MINISTRY OF HEALTH BY  
JOINT INVESTIGATIONS TEAM**

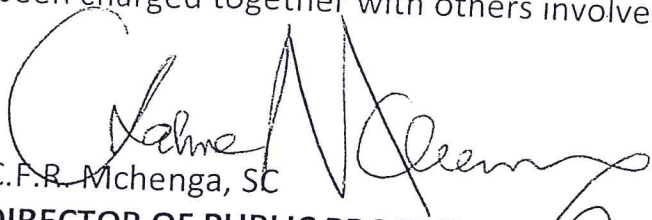
Reference is made to your letters CO: 101/31/2 on the above captioned subject dated the 10<sup>th</sup> day of November, 2011.

I wish to advise that I am now in receipt of a report from the office of the Inspector General of Police on the matter. A copy is attached.

The report indicates that there is no evidence to suggest that Dr. Miti was involved in the K27 Billion frauds at the Ministry of Health. This being the case, he was not charged and he will not be charged with any criminal offence arising out of the incident. He was identified as an important witness and has since testified in court.

Finally, I wish to advise that investigations have not established any negligence or maladministration on the part of Dr. Miti that could have facilitated or created the environment for the frauds to take place. The frauds that took place in the

Ministry were in part facilitated by auditors who were assigned to verify the transactions, but became complicit to the illegal transactions. They have since been charged together with others involved in the frauds.



C.F.R. Mchenga, SC  
**DIRECTOR OF PUBLIC PROSECUTIONS**

CONFIDENTIAL

CO.1007

August 28, 2012

His Excellency the President  
State House  
**LUSAKA**

Your Excellency,

**REPORT ON DR. SIMON K. MITI**

Your Excellency, I am in receipt of a letter from Dr. Simon K. Miti in which he is requesting to be redeployed following the conclusion of the investigations on misappropriation of public funds in the Ministry of Health in 2009 which happened when he was Permanent Secretary in the Ministry. Dr. Miti was not charged with any criminal offence. He was instead identified as a state witness and has since testified in court.

Dr. Miti is still on forced leave. Following the completion of his appearances in court as a state witness, Dr. Miti has now requested to be redeployed into the Public Service.

Your Excellency, since being placed on forced leave three years ago, Dr. Miti has been interrogated and investigated countless times. The Inspector General of Police and the former Director of Public Prosecutions are of the view that there has been no evidence against Dr Miti of involvement in the misappropriation of Public funds at the Ministry of Health as can be seen from the attached letters. In meetings held, the current Director of Public Prosecutions is of the view that while there is no evidence of his involvement, clearing Dr. Miti publicly may cause a public uproar as has been the case in the past.

/...

However, I am of the view that just as Government must be very firm in punishing wrong doers, Government must also strongly defend those who have not been found to have committed any offence. A just society should never find it acceptable to sacrifice an innocent man because of public opinion. Other Public officers placed on forced leave but who were not found with a case to answer have been re-instated while administrative action has been taken against some.

In this regard, I would therefore like to lift the forced leave in respect of Dr. Miti and recommend that he be redeployed by your Excellency in the Public Service as Permanent Secretary.

Submitted for your consideration and guidance.

Yours sincerely  
Original Signed by

*C. Evans Chibiliti*

C. Evans Chibiliti  
**SECRETARY TO CABINET**

APPENDIX VIII



ANTI-CORRUPTION  
COMMISSION

P.O. Box 50486  
LUSAKA

Telephone: 237914/16  
Fax: 237828  
Your Ref.:

Our Ref.:

3<sup>rd</sup> December, 2012

Mr. Billy Kazoka  
Radio Phoenix  
Lusaka

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YOUR PRESS QUERY

I wish to acknowledge receipt of your press query in which you wanted to find out Dr. Simon Miti's status with the investigative agencies, ACC in particular. In particular, you wanted to find out the following:

1. Has Dr. Miti ever appeared in Court as an Accused person?
2. In how many cases has Dr. Miti testified in Court as a State Witness in the Kapoko cases?
3. If he has in any, has he been a helpful State Witness?
4. Could you confirm that, as a state witness, Dr. Miti has been giving evidence against Kapoko and other Accused persons?
5. Is the public perception on Dr. Miti consistent with your findings so far regarding the Kapoko cases?

In response, I wish to state that:

1. With regard to question (1), Dr. Miti has not appeared in Court as an Accused person in the Ministry of Health cases.

2. With regard to question (2), Dr. Mitt has testified as State Witness in three of the cases. We however, cannot comment further on these matters as they are still in Court.

Thank you for making an inquiry into these matters.

Timothy T. Moono  
PUBLIC RELATIONS MANAGER  
FOR/ DIRECTOR GENERAL



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