

PUBLIC STATEMENT

17 June 2024 AI Index Number: AFR 63/8168/2024

ZAMBIA: AUTHORITIES MUST IMMEDIATELY END ESCALATING CRACKDOWN ON HUMAN RIGHTS

Zambian authorities must immediately end the escalating crackdown on civic space and repression of human rights including the rights to freedom of expression, association and peaceful assembly and attacks against the opposition political parties and journalists, Amnesty International and Chapter One Foundation said.

Amnesty International and Chapter One Foundation is also calling on the authorities to promptly, thoroughly, independently, impartially, transparently, and effectively investigate the alleged abduction of Petauke Central Member of Parliament, Emmanuel Jay Banda and bring to justice in fair trials anyone suspected to be responsible.

On 12th August 2021, Zambia had a new government led by President Hakainde Hichilema. The United Party for National Development (UPND) which had been the main opposition party, defeated the Patriotic Front (PF) breaking the PF's 10-year rule that was characterized by violations of human rights including the rights to freedom of expression, peaceful assembly and association. Public meetings by political opposition and civil society were largely restricted on the alleged grounds of public security or health. When Hichilema assumed office on 24th August 2021, he committed to upholding human rights; in particular, the rights to freedom of expression, association and peaceful assembly which were seriously eroded during the administration of former President Edgar Lungu. The pronouncements by Mr Hichilema raised the hopes of many that his election marked the beginning of a new chapter where human rights would be upheld.

SUPPRESSION OF OPPOSITION POLITICAL PARTIES

We are concerned that the UPND government is reverting to the tactics of utilizing state security to stifle human rights including the rights to freedom of expression, association, and peaceful assembly, and attacks against opposition political parties. On 8 June, heavily armed police stopped an opposition Socialist Party rally at Changanamai Grounds in Kitwe, Copperbelt Province after granting permission for the rally to continue. The police initially denied the permission, citing 'security concerns but granted the permission a day before the rally.

On 18th May 2024, the police disrupted a meeting that Bishop Clement Mulenga of Kabwe Diocese was having with former President Edgar Lungu in his office and accused the two of having an illegal meeting. The notification to hold a rally on 13th April 2024, by United Kwacha Alliance (UKA) was denied after the Minister of Home Affairs called the party an 'illegal entity.' On the same day police assaulted journalists Rodgers Mwiimba and Innocent Phiri while filming an altercation between police officers and two opposition party leaders on their phones at Matanda Grounds, a public space in the town of Kafue, Lusaka Province. The journalists were arrested and taken to Kafue Police station where they were questioned and ordered to erase the footage before being released without charges two hours later.

Independent MP Emmanuel Banda was abducted and allegedly tortured on 25th May 2024. Banda, who has been critical of the ruling party, was found on 26th May 2024 in a farm approximately 43 km from Lusaka. Banda has since been hospitalized due to the alleged torture that happened during his abduction.

While President Hichilema promised to repeal the Public Order Act and replace it with the more progressive Public Gatherings Bill, the police continue to enforce the 1955 Public Order Act in a selective manner, which restricts the right to freedom of peaceful assembly of opposition parties. Section 5(4) of the Public Order Act provides that anyone who intends to assemble or convene a public meeting, procession or demonstration must give the police seven days' notice. The law does not require formal approval by the authorities for such assemblies; however, the police interpret this provision to mean that permission is required before any public assembly can proceed.

President Hichilema also assented to the repeal of a 1965 law on defamation of the president. However, on 17th May 2024, Raphael Nakacinda who is the secretary general of the Patriotic Front, was sentenced to 18 months for "defaming the president". Whilst Mr. Nakacinda was tried prior to the repeal of the criminal defamation law; his conviction after the law was repealed goes against the spirit in which the law was abolished.

ACTS OF IMPUNITY BY RULING PARTY CADRES

On 5th June 2024, supporters of the ruling UPND disrupted the funeral of a prominent UPND leader, Brian Mizinga. The supporters disrupted traffic, and allegedly looted some shops in Lusaka's Bauleni compound. Such scenes are of concern as we recall they were common during the reign of the former Patriotic Front Government.

On the same day, President Hakainde Hichilema held a press conference where he appeared to endorse the police's heavy handedness and indicated that he would not allow any individual to "hide behind a political party, church or civil society, you break the law, the police take you." He further indicated that should he feel the police were not doing enough, he would deploy the military. We are concerned that President Hichilema's statement could be used by the authorities to limit the proactive engagement of civil society in keeping checks and balances.

The Zambia police have admitted to blocking the opposition political party rallies in fear that 'UPND cadres may attack the rallies. Civil society organizations have raised concern over police prevention of opposition rallies, specifically the rally by New Heritage in Mandevu, Lusaka on 1st June 2024 where the police were present, and watched while UPND cadres brandished weapons threatening violence and disturbing the lives of people.

It is against this backdrop that Amnesty International and Chapter One Foundation call on Zambian authorities to -

- Immediately end the escalating crackdown on civic space and harassment, intimidation and attacks against political parties members and journalists solely for peacefully exercising their human rights. The authorities must promptly, thoroughly, independently, impartially, transparently and effectively investigate all allegations of human rights violations and abuses, including by security forces, particularly the police, and by political party supporters, and bring suspected perpetrators to justice in fair trials.
- Undertake prompt, thorough, impartial, independent, transparent and effective investigations into the abduction of Emmanuel Banda and bring anyone suspected to be responsible to justice in fair trials.
- Expedite the process to repeal and replace the Public Order Act and ensure implementation of the Access to Information law enacted in December 2023 to increase opportunities to enjoy the right to information and hold decision makers accountable.
- Respect, protect, promote and fulfil the human rights of everyone in the country.