

ZAMBIA 2017/2018

The authorities cracked down on critics, including human rights defenders, journalists and opposition political party members. The Public Order Act was used to repress rights to freedom of expression, association and assembly. The police used unnecessary and excessive force against peaceful protesters and failed to address violence by groups close to the government. The judiciary came under verbal attack from the President. Levels of food insecurity in rural areas remained high.

Background

There was heightened tension between supporters of the President and of Hakainde Hichilema, leader of the opposition United Party for National Development (UPND), following the disputed election results in 2016. Hakainde Hichilema refused to recognize Edgar Chagwa Lungu as President. The Constitutional Court rejected Hakainde Hichilema's petition against the results on procedural grounds. The Court was also expected to deliver a judgment during 2018 on whether President Lungu could run for president in the 2021 elections.

Freedoms of assembly and association

The space for civil society, human rights defenders, journalists and opposition political parties was increasingly restricted. The authorities continued to use the Public Order Act to prevent political parties and civil society organizations from gathering. Section 5(4) of the Act provided that anyone intending to assemble or convene a public meeting or demonstration was required to give the police seven days' notice. However, the police interpreted the law as imposing a requirement to obtain prior authorization for any public assembly to proceed. On 24 August, police dispersed a prayer meeting convened to welcome Hakainde Hichilema's release from Mukobeko Maximum Security Prison in Kabwe city where he had been held for four months on charges of treason, which were dropped.

On 10 January, UK lawyer Oliver Holland was arrested and charged under the Public Order Act with unlawful assembly for meeting with a community in Chingola city who was challenging in court environmental pollution allegedly caused by a mining company. He was released the same day and charges against him were dropped; however, he was later charged with conduct likely to breach the peace and ordered to pay a USD5 fine.

Police frequently used unnecessary and excessive force to disperse protesters.

In April, police stopped a UPND rally in Kanyama Township in the capital, Lusaka, on "security" grounds. Although the UPND had notified the police in advance of the rally, they unlawfully dispersed the rally, shooting 20-year-old Stephen Kalipa, one of the protesters. He died later from gunshot wounds at the hospital. An investigation was opened, but no one had been arrested in connection with the incident by the end of the year. The police claimed that he died of knife stab wounds at the hands of an unidentified assailant.

On 23 June, police arrested senior UPND officials on charges of unlawful assembly alleging that they held a press briefing at the UPND's secretariat offices without obtaining prior authorization. On 29 September, police arrested six human rights defenders who gathered outside Parliament and protested peacefully against the government's purchase, at the inflated cost of USD42 million, of 42 fire engines; they were charged with refusing to obey police orders. The protesters were beaten during the protest by members of the ruling Patriotic Front.

Excessive use of force

On 8 April, Hakainde Hichilema and other UPND members – Lastone Mulilandumba, Muleya Haachenda, Wallace Chakwa, Pretorius Haloba and Hamusonde Hamaleka – were arrested and charged with treason and disobeying a lawful order following an earlier incident in which Hakainde Hichilema's motorcade refused to give way to President Lungu's convoy. Police raided Hakainde Hichilema's house without a warrant, using tear gas against him and his family. On 28 April, his wife, Mutinta, was threatened with arrest after she reported the police's use of excessive force. No charges had been brought against the police in connection with the incident by the end of the year. On 15 August, the Director of Public Prosecutions withdrew all charges against Hakainde Hichilema and the other UPND members.

Freedom of expression

Security forces and political activists affiliated with the Patriotic Front subjected media workers, political activists and others who criticized the government to harassment and intimidation.

Staff of the Law Association of Zambia were harassed and intimidated because of their work in defence of human rights. On 3 March, for example, Patriotic Front loyalists stormed the Association's offices demanding the resignation of its president, Linda Kasonde.

Later the same month, the Association joined a High Court petition to prevent the liquidation of Post Newspapers – known to be highly critical of the government – in proceedings in which the Zambia Revenue Authority, among others, sought the company's liquidation, alleging that it had failed to pay taxes.

On 3 August, police arrested Saviour Chishimba, president of the United Progressive People party on defamation charges after he criticized President Lungu for declaring a threatened state of emergency. Saviour Chishimba was detained for seven days, without being brought before a judge; he was released without charge.

In October, the Independent Broadcasting Authority summoned Prime Television Zambia's management to answer allegations that they had violated the provisions of their broadcasting licence when they covered a story about the UPND's parliamentary candidate for Kalulushi town, Everisto Mwalilino, who had accused government officials of electoral corruption. The station had also highlighted corruption allegations against former Information Minister, Chishimba Kambwili.

Justice system

The government verbally attacked the judiciary, which undermined the independence of the institution. At the same time, there was a growing public perception of the judiciary as a polarized institution in which some judges were not politically independent. In September, while on a visit to South Africa, Hakainde Hichilema accused the judiciary of corruption and of being under the control of the President. On 2 November, President Lungu warned judges against blocking him from running for President in 2021. In November, on a trip to Solwezi, he warned judges against following Kenyan judges who, in September, had ruled to annul the results of Kenya's presidential elections.

Right to food

The 2017 Global Hunger Index reported that food insecurity and undernourishment remained alarmingly high. Many subsistence farmers were affected because they were denied access to their land due to ongoing land disputes. In Mpande, Northern Province, over 300 people were locked into a legal dispute with the government after they were forcibly evicted from their land to an arid region where they could not produce food. In Kaingu, Mumbwa District, the owners and employees of a German-owned safari company shot at, and verbally abused, members of a 700-strong community, preventing them from fishing in the Kafue River and gathering food from the forest. The community was not fully consulted over the use of its land for safaris.