



Inter-Parliamentary Union

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## Zambia

ZM02 - Jack Mwiimbu	ZM13 - Annie Munshya Chungu (Ms.)
ZM03 - Garry Nkombo	ZM14 - Howard Kunda
ZM04 - Request Muntanga	ZM15 - Michael Katambo
ZM06 - Moono Lubezhi (Ms.)	ZM17 - Hastings Sililo
ZM07 - Dora Siliya (Ms.)	ZM18 - Lucky Mulusa
ZM10 - Lt. Gen. Ronnie Shikapwasha	ZM19 - Patrick Mucheleka
ZM11 - Maxwell Mwale	ZM20 - Eustacio Kazonga

***Decision adopted by the Committee on the Human Rights of Parliamentarians at its 152<sup>nd</sup> session (Geneva, 23 January to 3 February 2017)***

The Committee,

*Referring* to the case of the above-mentioned individuals, all elected in the September 2011 parliamentary elections as members of opposition political parties, and the decision adopted by the IPU Governing Council at its 196<sup>th</sup> session (April 2015),

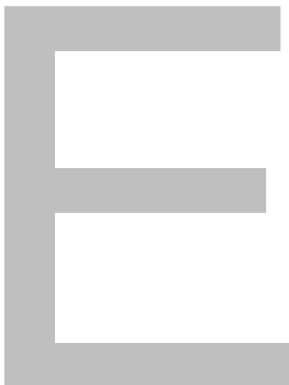
*Recalling* the report of the Committee's on-site mission to Zambia in September 2014 at the invitation of the Speaker of the National Assembly (CL/196/12(b)-R.1); *recalling also* the information provided by the Speaker of the National Assembly at the hearing with the Committee on 27 March 2015,

*Considering* the allegations contained in the mission report about specific incidents of violations under the Public Order Act, namely the arbitrary arrests in December 2012 of Ms. Chungu, Mr. Katambo and Mr. Kunda, the arbitrary arrest of Mr. Mucheleka in June 2013 and the unlawful obstructions by police of three rallies: Mr. Mwiimbu and Mr. Nkombo participated in the first rally, organized in Kanyama in September 2012 with the authorization of the High Court; Mr. Kaingu participated in the second rally in Mongu in October 2012; while Ms. Lubezhi participated in the third rally in Namwala in December 2012,

*Recalling* that it is undisputed that the contents, use and interpretation of the Public Order Act, including with regard to the role and discretion of the police, have given rise to controversy in Zambia; according to the opposition, the act was being used discriminately as a tool to intimidate and harass them; the authorities acknowledged that there were challenges, but stated that everything was being done to administer the act fairly,

*Recalling also* that in 2015 the Speaker stated that he was committed to promoting discussion and agreement on a new version of the Public Order Act, that at the time he had spoken to the President of Zambia for this purpose, and that discussions on an updated version of the act should begin soon and hopefully lead to a concrete outcome by 2016,

*Considering* that parliamentary elections took place in Zambia on 11 August 2016, that the outgoing Speaker was subsequently re-elected to his position and that there is no information on file as to any steps being taken to review the Public Order Act, which is still in place,



*Recalling* that Ms. Siliya and Lt. Gen. Shikapwasha, who were allegedly being subjected to politically motivated proceedings on charges of abuse of authority, were not available at the time of the mission and that no specific information has been forthcoming since from the complainants that would explain in further detail how their situations denote lack of respect for their human rights; *considering* also that no further information has been made available since the mission with regard to the criminal proceedings against Mr. Mwale,

1. *Remains convinced* that a full review of the Public Order Act is critical to ensure that the underlying concerns and challenges that have arisen in the cases at hand are properly addressed, including by giving due consideration to the recommendations made to this end in the mission report;
2. *Sincerely hopes* that, under the guidance of the Speaker, this review is effectively taking place, or envisaged to take place in the very near future; *assures* that the IPU stands ready to assist in those efforts, including by sharing relevant experiences from other countries; and *encourages* the parliamentary authorities to avail themselves of this expertise;
3. *Is eager*, therefore, to receive official information on ongoing or planned steps to review the Public Order Act, along with the official views on the offer of IPU assistance;
4. *Decides* to close the cases of Ms. Siliya, Mr. Sililo and Mr. Mwale, which are unrelated to its concerns about the Public Order Act, in the absence of any information on their part;
5. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainants, the persons directly concerned, and any third party likely to be in a position to supply relevant information;
6. *Decides* to continue examining the case.