

MINISTERIAL STATEMENT
ON THE
STATUS OF THE DECLARATION OF A THREATENED STATE OF PUBLIC
EMERGENCY
BY THE HON. MINISTER OF JUSTICE, MR LUBINDA

Madam Speaker, thank you for allowing me to update the House on a matter of national importance. You will recall that on 5th July, 2017, His Excellency the President of the Republic of Zambia, Mr Edgar Chagwa Lungu, invoked the provisions of Article 31 of the Constitution of the Republic of Zambia, Chapter 1 of the Laws of Zambia, thereby declaring a threatened state of public emergency.

The events which led to the invocation of Article 31 of the Constitution were outlined by His Excellency the President when he stated that the country had experienced unexplained fire outbreaks and vandalism of strategic installations bordering on economic sabotage. These systematic events were as follows:

- (a) in August, 2016, Tambala Market in Bauleni in Lusaka was set ablaze;
- (b) in April, 2017, the Mongu Local Court was set ablaze;
- (c) in April, 2017, Luburma Market in Kamwala in Lusaka was set ablaze;
- (d) in the same month, a person was apprehended for attempting to set ablaze the Intercity Bus Terminus in Lusaka;
- (e) in a related event, four youths were arrested outside the Lusaka Central Correctional facility with substances capable of causing fire;

Madam Speaker, I want to repeat (e) because somebody questioned it. He might not have understood. In a related event, four youths were arrested outside the Lusaka Central Correctional facility with substances capable of causing fire.

- (f) on May 1, 2017, Kafue District Education Board offices were set ablaze and two containers of petrol were found on the scene;
- (g) on June 1, 2017, 10,000 households were affected in Ndola following the destruction of the Zambia Electricity Supply Corporation (ZESCO) pylons;
- (h) this was followed by a similar act where citizens and industries serviced by the Kafue West/Lusaka West line were affected by the destruction of yet another ZESCO pylon;
- (i) this event was followed by the setting ablaze of Lusaka City Market, the country's largest market and property worth millions of Kwacha was unfortunately destroyed; and
- (j) simultaneously, a fire, whose target seemed to be ZESCO pylons, erupted at Lusaka's Misisi Township Market.

Madam Speaker, Article 31 of the Constitution provides that:

- “31(1) The President may at any time by the proclamation published in *Gazette* declare that a situation exists which, if allowed to continue may lead to a state of public emergency.
- (2) A declaration made under clause (1) of this Article shall cease to have effect on the expiration of a period of seven days commencing with the day on which the declaration is made, unless before the expiration of such period, it has been approved by a resolution of the National Assembly supported by a majority of all the Members thereof not accounting the Speaker.

- (3) In reckoning any period of seven days for the purposes of clause (2) account shall not be taken of any time during which Parliament is dissolved.
- (4) A declaration made under clause (1) may, at any time before it has been approved by a resolution of the National Assembly, be revoked by the President by proclamation published in the *Gazette*.
- (5) Subject to clause (6) a resolution of the National Assembly under clause (2) will continue in force until the expiration of a period of three months commencing with the date of its being approved or until revoked at such date of its being so approved or until such earlier date as may be specified in the resolution.
- (6) The National Assembly may, by resolution, at any time revoke resolution made by it under this Article.
- (8) The expiration or revocation of any declaration or resolution made under this Article shall not affect the validity of anything previously done in reliance of such declaration.”

Madam Speaker, pursuant to Article 31(2) of the Constitution, on 11th July, 2017, hon. Members of this august House approved the proclamation made by His Excellency the President that a situation existed, which if allowed to continue, would have degenerated into a state of public emergency.

Madam Speaker, in line with the requirements of the Constitution, the proclamation relating to a threatened state of public emergency was signed by His Excellency the President on 5th July, 2017, and has been in force for a period of ninety days from 11th July, 2017, the date of its approval by this House. The last of which expires at midnight tonight.

Madam, the effect of the expiration of the period relating to threatened emergency is that the application of the Preservation of Public Security Act, Chapter 112 of the Laws of Zambia, and the Preservation of Public Security Regulations, Statutory Instrument (SI) No. 55 of 2017, shall be suspended.

Madam Speaker, the declaration made on 11th July, 2017, will in accordance with Article 31, duly expire at midnight tonight.

I wish to state, however, that the expiration of the state of threatened state of public emergency is not and should not be misconstrued to be an invitation to any person to break the law, as other laws still remain in force.

Madam Speaker, allow me to enjoin all of us to continue to be patriotic, diligent, observant, peaceful, law abiding citizens and residents of this great country, as we go about our daily lives.

Madam Speaker, I thank you.