

RESPONSE TO THE PARLIAMENTARY QUERY RAISED IN THE HOUSE ON 22ND FEBRUARY, 2011 BY HON. CHARLES MILUPI, MEMBER OF PARLIAMENT FOR LUENA CONSTITUENCY REGARDING THE RIOTS OF 14TH JANUARY, 2011 IN MONGU

HONOURABLE MILUPI, MEMBER OF PARLIAMENT FOR LUENA RAISED THE FOLLOWING QUESTIONS IN THE HOUSE PERTAINING TO RIOTS THAT OCCURRED ON 14TH JANUARY, 2011 IN MONGU:

1. WHAT CAUSED THE POLICE NOT TO ISSUE THE PERMIT FOR THOSE WANTING TO EXERCISE THE FREEDOM OF ASSEMBLY ON 14TH JANUARY IN MONGU;
2. WHAT LED THE POLICE TO SHOOT AND KILL UNARMED CIVILIANS AND CITIZENS;
3. WHY THE POLICE DID NOT SEE IT FIT TO USE OTHER MEANS OF CROWD CONTROL SUCH AS BUTTONS, TEARGAS, HIGH PRESSURE WATER HORSES, RUBBER BULLETS, SHOT GUNS AND INDEED FIRING IN THE AIR;
4. WHY THE POLICE FOUND IT NECESSARY TO FOLLOW PEOPLE IN THEIR HOMES, IN MONGU AND LIMULUNGA AND ARREST THEM AWAY FROM WHERE THE SO CALLED DISTURBANCES WERE TAKING PLACE;
5. WHY FOR THE FIRST TIME IN THE HISTORY OF THIS COUNTRY, THIS MMD GOVERNMENT DEEMED IT NECESSARY TO MOVE DETAINEES CHARGED WITH RELATIVELY MINOR OFFENCES OF (1) CONDUCT LIKELY TO CAUSE BREACH OF PEACE; (2) RIOTOUS BEHAVIOUR FOR WHICH BAIL IS NORMALLY GRANTED AWAY FROM MONGU TO 100 KM AWAY FROM THEIR RELATIVES; AND

6. WHETHER GOVERNMENT IS LIABLE TO PAY COMPENSATION TO THOSE WHO GOT INJURED AND TO FAMILIES OF THOSE WHO DIED;
7. WHETHER THE MINISTER OF HOME AFFAIRS, THE INSPECTOR GENERAL OF POLICE, THE COMMANDING OFFICER, WESTERN PROVINCE AND ANY OTHER SENIOR POLICE OFFICERS ARE LIABLE TO DISMISSAL.

MR. SEPAKER, IT IS TRUE THAT FOUR GROUPS NAMELY, LINYUNGANDAMBO BLACK BULLS, BAROTSE FREEDOM MOVEMENT (BFM) AND THE BAROTSE PATRIOTIC FRONT (BPF), MOVEMENT FOR THE RESTORATION OF BAROTSELAND GAVE NOTICE TO THE POLICE TO HOLD AN ASSEMBLY AT LIMULUNGA GROUNDS NEAR THE LIMULUNGA PALACE. PURPOSE OF THAT MEETING WAS NOT CLEARLY STATED BUT UPON INQUIRY THE POLICE REALIZED THE MEETING WAS GOING TO GENERATE INTO VIOLENCE OR LOSS OF LIVES AS INDICATED ON THE THREE (3) FLYERS DATED 31ST DECEMBER, 2010 POSTED ON CONSPICUOUS PLACES IN MONGU.

ONE OF THE FLYERS READS AS FOLLOWS AND I QUOTE, **"COME ONE COME ALL TO LIMULUNGA ROYAL VILLAGE ON THE 14TH JANUARY, 2011 WHERE EVERYTHING SHALL TAKE PLACE IN STYLE. COME AND WITNESS GREAT MIRACLES HAPPENING. THE HOUR HAS COME WHEN THERE WILL BE BLOODSHED AND STREAMS OF BLOOD FLOWING IN THE PLAIN ON THIS DAY. THE PALACE SHALL BE ON FIRE IF HIS MAJESTY THE KING WILL NOT ALLOW US TO SECEDE ON THIS DAY NON LOZIS PACK AND GO".**
"LINYUNGANDAMBO BLACK BULLS"

THE SECOND FLYER STATES AS FOLLOWS, "BEMBAS AND NYANJAS IN ALL GOVERNMENT DEPARTMENTS, YOU ARE ALL INFORMED THAT WE DO NOT WANT TO SEE YOU ON 31ST JANUARY, 2011. GO TO YOUR NATIVE HOMETLAND. THIS IS BAROTSELAND. FAILURE TO FOLLOW THESE INSTRUCTIONS YOU WILL BE KILLED LIKE CHICKENS." LINYUNGANDAMBO BLACK BULLS."

THE THIRD FLYER READS AS FOLLOWS, "ATTENTION!!!"

LINEKI LIYWA

RE: STOP PLAYING MUSIC DONE IN NYANJA AND BEMBA THROUGHOUT BAROTSELAND SOIL

LINYUNGANDAMBO AND BFM (BAROTSELAND FREEDOM MOVEMENT) INDEPENDENT ORGANIZATIONS FORMED TO SPEARHEAD TOTAL INDEPENDENCE OF BAROTSELAND FROM NORTHERN RHODESIA ARE HEREBY ON BEHALF OF THE PEOPLE OF BAROTSELAND ASKING YOU TO WITH IMMEDIATE EFFECT FROM 1ST JANUARY, 2011 STOP PLAYING MUSIC, JINGLES, ETC DONE IN BEMBA, NYANJA OR ANY OTHER LANGUAGE SPOKEN IN NORTHERN RHODESIA.

YOU ARE ALSO ADVISED TO AS LONG AS YOU OPERATE IN THE BAROTSELAND SOIL NEVER TO BRING MUSICIANS OR MCS FROM NORTHERN RHODESIA TO COME AND DO ANY BUSINESS WITH YOU, AS DOING SO WILL BE REGARDED AS DECLARING WAR AGAINST LINYUNGANDAMBO BFM AND THE PEOPLE OF BAROTSELAND. ITS HIGH TIME OUR BAROTSE MUSIC, CULTURE, ARTISTS, LANGUAGES GOT PROMOTED.

THIS APPLIES TO ALL RADIO STATIONS, HOSPITALS, SCHOOLS, COLLEGES, HOTELS, MOTELS, GUEST HOUSE, HOUSEHOLDS, BUSES, TAXIS, NIGHT CLUBS, BARS, TARVENS ETC.

PLEASE DO NOT SAY YOU WERE NOT TOLD! KOMU KUTUSWA YE ITUSA. LIZOHO LELILOBEHA KI LELITUNDANA."

BAROTSELAND KI NAKO, TUKONGOTE WA MWANA'NONGOLO.

LOOKING FORWARD TO YOUR COOPERATION.

COMPLIMENT OF LINYUNGANDAMBO AND BFM

OTHER FLYERS CIRCULATED THREATENED MBUNDA AND LUVALE TRIBES TO LEAVE BAROTSELAND AND GO BACK TO ANGOLA WHERE THEY ALLEGEDLY CAME FROM.

THERE WAS A CLEAR INDICATION THAT THERE WAS GOING TO BE BLOODSHED AND LOSS OF LIVES NOT NECESSARILY IN LIMULUNGA AND MONGU BUT IN OTHER PARTS OF MONGU WHERE OTHER TRIBES MENTIONED ARE WORKING OR STAYING.

SECONDLY, THE LIMULUNGA PALACE WAS TO BE OVERRUN AND THE LITUNGA DEPOSED, THE BAROTSE FLAG HOISTED AND BAROTSELAND DECLARED INDEPENDENT FROM ZAMBIA CONTRARY TO THE CONSTITUTION OF ZAMBIA.

AS REGARDS TO QUESTION 2, THE ZAMBIA POLICE SERVICE IS MANDATED BY ARTICLE 103 AND 104 OF THE CONSTITUTION OF ZAMBIA CHAPTER 1, AMONG OTHER THINGS:-

- a. TO PROTECT LIFE AND PROPERTY;
- b. TO PRESERVE LAW AND ORDER; AND
- c. TO DETECT AND PREVENT CRIME.

UNDER THE ZAMBIA POLICE ACT CAP 107 SECTION 24, ZAMBIA POLICE OFFICERS ARE ALLOWED TO USE A FIREARM IN EXCEPTIONAL CIRCUMSTANCES. THIS IS TRUE ALSO OF SECTION 17 OF CHAPTER 87 OF THE LAWS OF ZAMBIA AS AMENDED BY ACT 3 OF 1990.

THE INCIDENT ON 14TH JANUARY, 2011 WARRANTED THE POLICE TO USE MINIMUM FORCE TO PREVENT LOSS OF LIVES AND PROPERTY ON A LARGE SCALE FOR THE FOLLOWING REASONS:-

- i. HUGE CROWDS OF PEOPLE SEEMINGLY MILITANT AND DETERMINED TO CARRY OUT THE PURPOSE OF EXECUTING THEIR DESIRES GATHERED AND MARCHED TOWARDS MONGU TOWN CENTRE AND LIMULUNGA CHANTING SLOGANS OF SECESSION FROM THE REPUBLIC OF ZAMBIA BY FORCE.
- ii. SOME OF THE PEOPLE IN THE MOB WERE ARMED WITH MACHETES, CATAPULTS, SPEARS AND SJAMBOKS TO USE AGAINST THE POLICE WHO WERE STOPPING THEM FROM GOING AHEAD WITH THEIR INTENTIONS.

THE POLICE USED TEAR GAS IN TRYING TO DISPERSE THEM BUT THEY KEPT ON CHARGING TOWARDS THEM. THE LONG BUTTONS IN POSSESSION OF THE POLICE COULD NOT BE MATCHED AGAINST THE MACHETES AND SPEARS.

THE MOB COULD NOT BE MOVED EVEN WHEN THE POLICE OPENED FIRE IN THE AIR, THEY CONTINUED CHARGING AT THEM. THE POLICE OFFICERS' LIVES WERE IN DANGER.

AS A RESULT, THE POLICE HAD NO CHOICE BUT TO USE REASONABLE FORCE TO PROTECT LIFE AND PROPERTY AND ARREST THE PEOPLE INVOLVED IN THE RIOTS.

THE POLICE CONFISCATED 17 MACHETES, 6 SPEARS AND 12 CATAPULTS FROM THE MOB AFTER CONFRONTATION.

- iii. AT MONGU TOWN CENTRE, THE MOB RAN TOWARDS THE FILLING STATION WHERE ONE OF THEM PICKED A PIECE OF BURNING TYRE FROM THE ROAD WHICH HAD BEEN LIT EARLIER BY THE RITERS. THE INTENTION OF THIS MAN WAS TO SET THE PETROL TANKS OF THE FILLING STATION ABLAZE. OFFICERS WHO WERE AT A DISTANCE SHOUTED AT HIM TO STOP AND WARNED HIM THAT THEY WERE ABOUT TO USE A FIRE ARM SINCE HE WAS SURROUNDED BY OTHER RIOTERS ARMED WITH ALL SORTS OF WEAPONS. THE MAN COULD NOT STOP.

THE POLICE DECIDED TO STOP HIM BY DISABLING HIM WITH A BULLET, UNFORTUNATELY THE BULLET CAUGHT HIM AT A WRONG PART OF THE BODY AND HE LATER DIED AT THE HOSPITAL.

IF THIS MAN WAS NOT STOPPED, THE EXPLOSION WHICH HE COULD HAVE CAUSED THROUGH THE SETTING ABLAZE OF THE FILLING STATION COULD HAVE RESULTED NOT ONLY IN LOSS OF PROPERTY BUT DEATHS OF MANY PEOPLE INCLUDING THE RIOTERS AND AS WELL AS THE POLICE WHO WERE WITHIN THE TOWN CENTRE.

YOU MAY WISH TO KNOW THAT EARLIER ON A GROUP OF RIOTERS HAD APPROACHED PETROL ATTENDANTS AT THE SAME FILLING STATION REQUESTING FOR PETROL TO MAKE PETROL BOMBS TO BE USED AGAINST THE POLICE. THE ATTENDANTS REPORTED TO THEIR MANAGER WHO REFUSED TO HONOUR THE RIOTERS REQUEST THIS ANGERED THE

RIOTERS WHO WERE HEARD SAYING THAT THEY WOULD SET THE FILLING STATION ABLAZE BECAUSE IT WAS NOT SUPPORTING THE CAUSE FOR THE LIBERATION OF THE BAROTSELAND. THIS PROMPTED THE MANAGER TO CLOSE THE FILLING STATION.

ALL IN ALL, TWO LIVES WERE LOST. ONE AT THE HANDS OF THE POLICE AND THE OTHER BY THE SUSPECTED RIOTERS AS HIS BODY WAS FOUND WITH SPEAR WOUNDS. IT IS BELIEVED THAT THE DECEASED WAS SUSPECTED TO BE A POLICE INFORMER.

- iv. HONOURABLE MEMBERS MAY ALSO WISH TO KNOW THAT BEFORE THE INCIDENT OF 14TH JANUARY, 2011, MONGU EXPERIENCED SPORADIC ACTS OF VIOLENCE AND DAMAGE TO PROPERTY. IN FACT THE HON. MEMBER OF PARLIAMENT HON. MILUPI WHO RAISED THE POINT OF ORDER WAS HIMSELF A VICTIM OF SUCH VIOLENCE. HE WAS SERIOUSLY BEATEN BY A MOB IN MONGU.
- v. ON THE FOURTH QUESTION, IT IS A NORMAL POLICE PROCEDURE TO FOLLOW UP ALL PERPETRATORS OF CRIME TO WHERE EVER INVESTIGATIONS LEAD THE POLICE IF NOT FOUND ON THE SCENE OF CRIME.

THE ACCUSED PERSONS WHO WERE DETAINED FOR ENGAGING IN THE RIOTS AND DESTRUCTION OF PROPERTY WERE DETAINED AWAY FROM MONGU BECAUSE ON PREVIOUS OCCASIONS WHENEVER ACCUSED PERSONS APPEARED IN COURT ON RELATED CHARGES IN MONGU, THEY ENGAGED IN RIOTOUS BEHAVIOUR. TO PREVENT RE-OCCURRENCE OF SUCH CONDUCT IT WAS FOUND NECESSARY TO DETAIN THEM AWAY FROM MONGU, AND SUCH DETENTION HAS

BEEN EFFECTED IN ACCORDANCE WITH THE LAWS OF THIS COUNTRY. THE POLICE AND OTHER LAW ENFORCEMENT AGENCIES ARE BOUND TO RESPECT THE RIGHTS OF ALL THE SUSPECTS.

AS REGARDS CLAIMS FOR COMPENSATION FOR INJURIES AND DEATH ARISING FROM THESE RIOTS, ALL THOSE AFFECTED ARE AT LIBERTY TO PURSUE SUCH CLAIMS THROUGH THE COURTS OF LAW, IF THEY CAN PROVE THEIR CLAIMS. THE STATE SHALL BE AT LIBERTY ALSO TO EXPLAIN ITS SIDE OF THE STORY IN SUCH COURT PROCEEDINGS.

FROM THE FOREGOING WE TAKE THE VIEW THAT THE SECURITY AGENCIES PERFORMED THEIR DUTIES PROFESSIONALLY AND FORESTALLED FURTHER LOSS OF LIFE AND PROPERTY. THERE IS NO JUSTIFIABLE BASIS THEREFORE TO CALL FOR THE DISMISSAL OF THE MINISTER OF HOME AFFAIRS, INSPECTOR GENERAL OF POLICE, THE COMMANDING OFFICER, WESTERN PROVINCE AND OTHER OFFICERS.

GOVERNMENT DEEPLY REGRETS WHAT HAPPENED IN MONGU ON 14TH JANUARY, 2011. ZAMBIA IS A PEACEFUL COUNTRY AND ACTS OF VIOLENCE AND LAWLESSNESS SHOULD BE CONDEMNED BY ALL PEACE LOVING ZAMBIANS.

GEORGE KUNDA, SC, MP

VICE PRESIDENT OF THE REPUBLIC OF ZAMBIA

AND MINISTER OF JUSTICE

25TH FEBRUARY, 2011