

MINISTERIAL STATEMENT
ON THE
THE ALLEGED POLICE BRUTALITY
BY THE
THE MINISTER OF HOME AFFAIRS AND INTERNAL SECURITY (MR
MWIIMBU), MP

Madam Speaker, I thank you for according me this opportunity to issue a ministerial statement on the matter of urgent public importance raised by the hon. Member of Parliament for Katombola Constituency, Mr Clement Andeleki.

Madam Speaker, this rose out of the statement issue by the Law Association of Zambia (LAZ) alleging an increase in incidents of police brutality against members of the opposition.

Madam Speaker, brief facts are that on 28th June, 2023, LAZ President published an article in which he alleged that there was an increase in incidents of brutality attributed to the Zambia Police Service. In his article, he highlighted three incidents involving Patriotic Front (PF) members who came in conflict with the law and were arrested by the Zambia Police Service. These PF members included: Mr Emmanuel Mwamba, Mr Rizwan Patel and Dr Christopher Zumani Zimba.

Madam Speaker, we wish to inform the general public through this august House as follows: In the case in which Christopher Zumani Zimba has been arrested and charged, brief facts are that on 30th May, 2023, Zambia Police Service charged and arrested Christopher Zumani Zimba, jointly with three others for being in possession of articles for terrorism or proliferation purposes contrary to Section 25 of the Anti-Terrorism and Non- Proliferation Act No.6 of 2018 as read with Section 2 of the amended Anti-Terrorism Act No. 6 of 2023 of the Laws of Zambia.

Madam Speaker, these offenses were committed in February, 2022. The offences are non-bailable. The matter has since been committed to the High Court for trial.

Madam Speaker, in the cases involving Mr Emmanuel Mwamba, on 17th June, 2023 Zambia Police Service arrested Mr Emmanuel Mwamba aged 52 and Mr Andy Luchende aged 29 both of whom are residents of Lusaka for two counts of forgery contrary to Section 342 of the penal code of the Laws of Zambia. In addition, the duo was arrested for three counts of publication of information contrary to Section 54 of the Cyber Security and Cyber Crimes Act No. 2 of 2021.

Madam Speaker, the offences are alleged to have been committed on the 8th June, 2023 in Lusaka. Further, on 17th June, 2023, the Zambia Police Service charged and arrested Mr Emmanuel Mwamba for assault occasioning actual bodily harm contrary to Section 248 of the penal code. Mr. Mwamba is alleged to have assaulted one of the police officers that went to apprehend him on 17th June, 2023. The accused persons are on police bond and will soon appear in court.

Mr Madam Speaker, on 23rd June, 2023, the Zambia Police Service charged and arrested Rizwai Patel aged forty-one of Bebos Construction and Supplies Limited for two counts of forgery contrary to Section 342 the Penal Code Act Chapter 87 of the Laws of Zambia. In another count, he was charged for publication of information, contrary to Section 54 of Cyber Security and Cyber Crimes Act, No 2 of 2021. The suspect is on police bond and will appear in the courts of law soon.

Madam Speaker, in all the above-mentioned cases, I am proud to indicate that the Zambia Police Service acted professionally. The House may wish to note that under Section 26 of the Criminal Procedure Code Chapter 88 of the Laws of Zambia, police officers are empowered, I repeat, police officers are empowered to make arrest without a warrant in specific situations such as when a person commits an offence in the presence of a police officer or when the officer has reasonable ground to believe that an offence has been committed.

Madam Speaker, Section 18 Sub-Section 2 of the Criminal Procedure Code Chapter 88 of the Laws of Zambia, states and I quote;

“If such person forcibly resists the endeavor to arrest him, or attempts to evade the arrest, such police officer may use all means reasonably necessary to effect the arrest”.

Further, Section 26 (J), Criminal Procedure Code Chapter 88 of the Laws of Zambia states that a police officer can arrest any person for whom he has reasonable cause to believe a warrant of arrest has been issued.

Madam Speaker, let me take this opportunity to make clear pertaining to a perception by some sections of society on the Zambia Police call out. The call out is not in any way by law a requirement for any police officer to effect an arrest. I want to repeat; let me take this opportunity to make clear pertaining to a perception by some sections of society on the Zambia Police call out. The call out is not in any way a requirement for any police officer to effect an arrest. A police call out is merely an administrative process or accepted practice by which members of the public are invited by the police to answer concerns raised against them. Therefore, police officers do not always need to issue a call out in order to arrest a suspect.

Madam speaker, unlike in the past, people are now free to interact with law enforcement agencies particularly the Zambia Police Service. We have an open-door policy and members of the public are free to report any alleged crime without fear as it was in the past.

Madam Speaker, in conclusion, it is therefore, so disheartening to see institutions and individuals who are supposed to defend the rule of law oppose well-intended actions from law enforcement agencies.

The New Dawn Administration under the leadership of his Excellency, Mr. Hakainde Hichilema, President of the Republic of Zambia is working tirelessly to restore law and order in the country.

Madam the Government remains committed to upholding the principles of democracy, human rights, and the rule of law. The Government will continue to foster an environment that encourages open discourse, respects freedom of expression, and ensure that law enforcement agencies operate within the confines of the law.

Madam speaker, I thank you.
