



## **LAZ DISAPPOINTED WITH THE CONTINUED ABUSE OF THE PUBLIC ORDER ACT TO STIFLE CITIZENS' FREEDOMS**

The Law Association of Zambia (“LAZ”) is deeply saddened by the continued abuse of the provisions of the Public Order Act, resulting in the stifling of the constitutionally guaranteed fundamental human rights of association, assembly and expression under the New Dawn Government (“*the Government*”).

With the ushering in of a new Government in 2021, LAZ, like many citizens had hoped that the abuse of the provisions of the Public Order Act experienced under previous governments would come to an end. Unfortunately, little seems to have changed, with the latest episode witnessing the Police constructively denying the Patriotic Front Party’s request to hold a political rally on 26<sup>th</sup> August, 2023 on the basis of the often cited excuse of ‘*security reasons*’ which suggested that they may not have had enough numbers of officers to police the event, but strangely finding the same numbers, if not more, to prevent the holding of the political rally.

Having suffered the same tactics under the previous government, we had hoped the new Government would correct the past abuse of the Police Service to curtail constitutionally protected freedoms, but alas, this does not appear to be the case, at least thus far.

The Supreme Court has guided on numerous occasions, including in the case of the ***LAZ v Attorney General Appeal No. 8/2014***, that the abuse of the provisions of the Public Order Act violates citizens’ freedoms of association, assembly and association. We would like to remind the Government of what the Supreme Court said at page J21 of that Judgment:

*Clearly, the Police were content to keep the alternative date nebulous, which is contrary to what the law specifically states. We do not think that this is the sisyphian task to suggest an alternative date even when security concerns are raised. This state of affairs supports...the argument that the Public Order Act is not being applied fairly by the Police to all the parties concerned.*

As a growing democracy, we must collectively seek ways to advance the life blood of a democracy being the free exercise of the citizens’ rights of association, assembly and expression actually entrenched in the Bill of Rights in the Supreme law of the land, the Constitution. The fact that wrong things were done in the past should not comfort us to repeat the same mistakes.

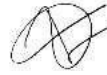
Also, of continued concern, is the unabated trend of detaining suspects pending investigations by law enforcement agencies, which LAZ has condemned in the past. In a democratic society anchored on rule of law, ours is, every person must be treated fairly and in accordance with the law. Suspects, regardless of their nationality, must not be detained for investigations, and in any event not beyond the prescribed 24 hours before being brought before court. These are principles based on the fundamental human right to secure protection of the law provided for in Article 18 of the Constitution.

We call on the Government to immediately take corrective action to remedy the continued abuse of the Public Order Act, including attending to its urgent reform as per the Government’s

commitment to do so, as well as bringing to an end the deplorable practice of detaining suspects for investigation purposes and beyond 24 hours before being brought before the courts of law.

This press release has been issued on a matter touching on rule of law and rights and liberties of citizens in furtherance of the LAZ's Statutory mandate.

Dated this 28<sup>th</sup> day of August, 2023



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Lungisani Zulu

**PRESIDENT**