

**PROSPECTS FOR IDEAL POLICE-PUBLIC RELATIONS:
THE ROLE OF THE POLICE PUBLIC COMPLAINTS
AUTHORITY**

**PROSPECTS FOR IDEAL POLICE-PUBLIC RELATIONS:
THE ROLE OF THE POLICE PUBLIC COMPLAINTS AUTHORITY**

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**PROSPECTS FOR IDEAL POLICE-PUBLIC RELATIONS: THE ROLE OF THE
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ABSTRACT

The police are a pillar in the administration of the criminal laws of any society. They occupy a central position in maintaining law and order, and in upholding individual rights of members of society. Like any institution in society, they cannot effectively carry out their mandate without support from other institutions and most importantly, from the public. It is for this reason that, an interactive relationship of co-operation between the police and the public is necessary to the efficiency of any police force. This interactive relationship is what is referred to as good police-public relations.

It is observed with much regret that the standing of the Zambia Police in the public eye has deteriorated, and that police-public relations have to that extent been strained. In view of that, it is suggested in this essay that the creation Police Public Complaints Authority could provide a way of achieving better police-public relations, through checks on police actions.

The paper will commence with a brief account of the evolution of the concept of policing in England, as well as a brief outline of the history of the Zambia Police. In addition, the role and place of police in society will be elucidated. Chapter Two proceeds to look at the relationship between the police and the public. It tackles the significance of ensuring that this relationship is one that fosters co-operation between the two, and also of accountability on the part of the police for their actions. It also looks at the factors that have led to public apathy towards the police, and hostility in the associations between the

police and the public. Chapter Three will address the issue of public complaints against the police, their importance in terms of providing a check on police actions and enforcing discipline, and the avenues that have hitherto been available to the public in this context. It will also make critical analysis of the same. It presents the Police Public Complaints Authority as an enhanced way of ensuring police accountability to the public. Finally in Chapter Four, recommendations will be made on ways of improving the performance of the Police Public Complaints Authority.

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every time you proof read my work. Mum and Dad this is to make you even more proud,
I can only hope that one day I will be able to repay you for everything. *Merci.*

NGAWO NAKAMBA

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DEDICATION

To two people who have done everything for me, just so I can get an education: mum and
dad.

CHAPTER ONE

1.0 HISTORICAL BACKGROUND

“Total freedom is anarchy, total order tyranny.

*The Police who represent the collective
interests of the community are the agency
which holds the balance somewhere between.”*

T A Critchley History of the Police in England and Wales (1969) p. xxiii

1.1 Police and Policing

The police are public and private agents concerned with enforcement of law, order and public protection. In modern cities their duties cover a wide range of activities, from criminal investigation and apprehension, to crime prevention, traffic regulation and maintenance of records. In Platonian philosophy the word police meant “Auxilliaris” and their functions entailed protecting the state from internal and external forces of destruction and also rendering of assistance to rulers in the execution of their decisions.¹ According to J. Skolnic, the police are the social organisation created and sustained by political process to enforce dominant will and interests of the propertied class.² In the above definitions of the term police the common duty is law enforcement, which the police assigned with, as it is of great importance in any society that the law is enforced. As such the police serve the purpose of enforcing laws for the good of the community as a whole. Thus the Roman Emperor in Great Roman Empire for instance, compelled obedience to his laws by the use of a body of persons commonly referred to as the

¹ Plato, The Republic (1971) p.159

police.³

1.2 The Police in England

In order to have a full appreciation of the nature and purpose of a modern day police in Zambia, it is important that reference is made to the evolution of the concept of policing and the factors that led to the establishing of the formal body tasked with policing in England. The first police authority in England was established in 1829. Yet prior to this the task of policing was a community effort. Adult able-bodied members of the society had the duty of controlling crime by taking their turn in watching and warding. Every citizen was expected to assist in the capture of a fleeing criminal. Where a citizen was pursuing a criminal, he would shout for others to help and this system was known as hue and cry⁴. It is then apparent that only at the end of the 18th Century did the first form of a professional police force appear in England.

Under the system of joint responsibility for the maintenance of order, some members of the community began to hire some persons willing to do that job on their behalf. Eventually the number of hired persons increased and the volunteers became fewer. This situation continued for a while until the task of policing was withdrawn from the general public and instead assigned to the municipal authorities. This was a result of the influence of Sir Robert Peel the Home Secretary at the time. Peel was of the view that the military form, structure and organisation would promote more discipline and loyalty in the police

² The Changing Conceptions of the Police (1972) p.41

³ K.L. Milte, Police in Australia (1967) p.10

⁴ R.A. Olmos, An Introduction to Police Communication Relations (1974) p.5

force.⁵ The main factor that led to the creation of the formal police was an increase in the levels of crime in England.⁶ Historian Gilbert Armitage illustrates the level of criminal activity in London at that time, in the following words “...sneak thieves, pickpockets, shoplifters and armed men swarm in filthy and unlighted streets, and for twenty or so miles into the country the main roads approaching the metropolis were infested with highway men, some of whom ...had grown so bold as to hold up coaches openly in broad day light.”⁷

Moreover the joint and commonly shared set of values and the lineage clan system upon which the system of community policing was founded had disintegrated, thereby necessitating the need for a defined police system. A further factor that influenced the creation of the formal police was elite interest and involvement. At the time when the English were resisting the idea of a paid up professional police as being incompatible with liberty, the elite used their influence to bring about the creation of a police force, to protect their interests.

It can be claimed that the English police force was a creation of society and not something that was imposed on them. It was created for the purpose of enforcing law and ultimately, for maintaining peace and order in order to sustain civilisation of society.

⁵ *Supra*, note 1

⁶ R. Lundman, Police and Policing (1980) p.30

1.3. The Zambia Police

The history of the Zambia Police dates back to 1891 when the British South Africa Company (BSA) established the first constabulary in North Eastern Rhodesia for the purpose of combating the slave trade by Arabs. According to Chitenje:

In that year, the first expedition comprising of officials of the Company visited the then Barotse Land and it is believed that a detachment of police men raised in Southern Rhodesia in 1899 was included. The Charter was extended to Northern Rhodesia and Sir Harry Johnson was appointed Imperial Commissioner with headquarters in Nyasaland. His major duty was to raise a police force whose duties were closely bound with political development and administration of the Northern territory under the Company Charter.⁸

The main duties of the police were to combat raids by the Arab slave traders and there can be no doubt that the battles between the early traders and these early forces were numerous as slave trade was a lucrative business, which the Arabs were not going to give up easily.⁹ Initially the territory was divided into two parts, North Eastern Rhodesia and North Western Rhodesia each with a separate administration charged with maintaining law and order in their particular areas. The primary role of this Police Force, in the company's entire administration from 1891 to 1924 was safeguarding of its properties and protection of its officials. The police were there to ensure that the natives paid taxes and that the number of unemployed natives in the urban areas did not rise to levels that would

⁷ The History of the Bow Street Runners (1935) p.10

⁸ "The History of Zambia Police Force" in The Weekly Post, January 8-14, 1993 p.10

⁹ "Brief History of Zambia Police" Zambia Police Annual Report (1970) p.1

risk high rates of crime.¹⁰

In 1911, when North Eastern Rhodesia and North Western Rhodesia were combined into one territory, under Proclamation Number 17 of 1912 a single police force was established which was known as the Northern Rhodesia Police. It was generally a military security unit in outlook and training.¹¹ The members of the Police Force were required to perform civil as well as military duties. The imperial government constantly engaged itself in military confrontation with its neighbours. In anticipation of this it had found this dual role of the police necessary in order to provide ready trained additional manpower whenever such eventuality arose.¹² Yet as time went on, these duties became more and more divided with certain sections performing military duties and the other sections performing civil duties.

The year 1932 marked the separation of the civil police from the military police. In that year separate military and civilian section were established, and thus begun the Zambia Police as it is known today.¹³ The Military Police became known as the Northern Rhodesia Regiment and the civil police as the Northern Rhodesia Civil Police. The Civil Section's functions and jurisdiction were redefined in the Police Force Ordinance, which read: "the force shall be employed in and throughout the territory to preserve the peace for the prevention and detection of crime and for the apprehension of offenders against

¹⁰ Z. Siakalima, Police Public Relations as a Factor in Crime Prevention (University of Zambia LLB Obligatory Essay) 1984 p.12

¹¹ AFRONET. Police Brutality in Southern Africa- A Human Rights Perspective (2001) p.185

¹² P.C. McDonald, Impact of Police Powers on Personal Liberties (University of Zambia, LLB Obligatory Essay) 1983 p.8

¹³ *Supra* note 10

peace”.¹⁴

In 1936 H.G. Hart was appointed the Commissioner of Police and he played a very instrumental role in the formulation and publication of Force Instructions for the guidance of the African Police. It contained a paragraph on the relationship between the African Police and the public, and also contained provisions on the procedure for the levelling of complaints against the police by the public. Even at this early stage, recognition had been made of the importance of accountability of police actions.

Later in the 1940s in the wake of African Nationalism and trade unionism, which were a threat to the very existence of the colonial government, the government in realisation of these threats responded by creating a wing of the police known as the police Mobile Unit. After independence another wing of the police known as the Para military Police emerged. It was created to cater for semi military disturbances short of full-scale war.

It is the view of the author that the police in England was created in response to economic and social conditions. Further, it is submitted that the police was established as a result of society's realisation that there was a need for law enforcement for the maintenance of law and order. It was suited to meeting the needs of society at that point in history.

Conversely, the first policing institution in Northern Rhodesia was there to serve mainly, if not solely, the interests of the colonialists. The idea of a police force was a foreign one imposed on Africans by the BSA Company.

¹⁴ Northern Rhodesia Ordinance, Cap 44

1.3.1 The Hierarchy of the Zambia Police Service

As a result of a survey of the Northern Rhodesia Police Force establishment in 1963, there arose a need for a revised establishment and a more suitable rank structure.¹⁵ The following table indicates the changes that were made to the Police Force hierarchy after independence:

	1964		1965	
	Establishment	Strength	Establishment	Strength
Inspector	-	-	1	1
General				
Deputy	-	-	1	1
Inspector				
General				
Commissioner	1	2	1	1
Deputy	1	2	1	1
Commissioner				
Senior	2	3	2	3
Assistant				
Commissioner				
Assistant	7	10	8	8
Commissioner				
Senior	17	19	19	18
Superintendent				
Superintendent	35	45	34	28
Quarter Master	1	1	1	1
Assistant	80	96	84	84
Superintendent				
Assistant	1	1	1	1

¹⁵ Zambia Police Annual Report, 1964 p.1

Quarter Master

148

179

156

147

Source: Zambia Police Annual Report, 1964¹⁶

1.4 Conclusion

In a society where human rights issues take centre stage, and where the need to maintain law and public order is important, the police are indispensable. In the words of Lundman, “Good policing sustains our civilisation and at the same time, it promotes the freedom under the rule of law without which civilisation is worthless.”¹⁷

It is asserted by Sir Robert Mark that, the police system of each and every country must reflect the society it serves. Thus the police force in an authoritarian regime will operate on a different level from that in free democratic society. In a democratic society like the Zambian one, the police will in addition to the traditional role of maintaining law and order, also ensure that in the exercise of their powers due respect is given to fundamental rights and freedoms that are essential in free democratic state.

¹⁶ The hierarchy and chain of command in The Zambia Police Service as at 16th November 2004 is outlined in the Appendix.

¹⁷ *Supra* note 7

CHAPTER TWO

2.0 POLICE AND THE PUBLIC

“Without the confidence, approval and support of the public, the police machine, as we know it today would become powerless, and incapable of fulfilling its function.”

Stuart Bowes Police and Civil Liberties (1959) p.228

2.1 Role and Place of the Police

The Police are engaged in preventing and detecting crime and in the apprehension of offenders against peace.¹⁸ It has been said that, “The primary object of an efficient police therefore is the prevention of crime; the next is that of detection and punishment of offenders once crime is committed. To these ends all the efforts of the police must be directed.”¹⁹ In order to perform this duty in a manner that is effective the police have been given powers of arrest by the law, even without a warrant.²⁰ The achievement of this duty requires visible police patrols, effective crime detection and investigation and

¹⁸ Section 14(3) of the Police Act, Cap 107 of the Laws of Zambia provides that, “it shall be the duty of every police officer to collect and communicate intelligence affecting the public peace, to prevent the commission of offences and public nuisances, to detect and bring offenders to justice, and to apprehend all persons whom he is legally authorized to apprehend and for whose apprehension sufficient grounds exist.”

¹⁹ Church Assembly Board for Social Responsibility Police: A Social Study (1967) p11

²⁰ Under Section 26 of the Criminal Procedure Code Cap 88 of the laws of Zambia, any police officer may affect an arrest, without an order from a magistrate and without a warrant.

availability of rapid response mechanisms.²¹ In the same manner the police also have powers of search, to inspect licences and to take fingerprints of arrested persons. Moreover under this general head of crime prevention and detection also falls the protection of life and property.

The Zambia Police are also charged with the responsibility of preserving peace. It is their duty to maintain law and order as well as to protect life and property.²² The Police control traffic, demonstrations and crowds at cultural and sporting events. They exercise wide discretion in determining whether or not to allow peaceful demonstrations, holding of a political rally or the staging of fundraising walk.²³

Due to changes in the population and the increases in criminal elements as well as the complexity of crime in society, police activities in the modern state have been expanded to include acting as first hand social workers in looking after 'lost but found' children and those that have been abandoned.²⁴ Additionally the Police provide an emergency service that responds to public distress calls in situations of danger.²⁵

Further, in light of global developments in international human rights law, the police are

²¹ S.E Kulusika, 'Understanding Police Role' in *The Post*, Thursday June 24th, 2004, p11

²² A.W Chanda Human Rights For Law Enforcement Officers (2003) *www. Zamlii. ac. zm*

²³ *Supra* note 21. Section 5(4) of the Public Order Act, Cap 133, stipulates that, "Any person intending to assemble or to convene a public meeting, procession or demonstration shall notify the police in writing of such intent fourteen days before the meeting."

²⁴ Z. Siakalima, Police Public relations as Factor in Crime Prevention, University of Zambia LLB Obligatory Essay (1984) p19

²⁵ *ibid*

supposed to be the principle protectors of human rights. It is recognised that human beings in their everyday relations with one another tend to infringe on rights held *inter se*. The police then come in to offer protection to these rights. In actuality, exercise of police powers often has an impact on individual human rights. For that reason, it is of utmost importance that the exercise of police powers is limited and kept in check to forestall excesses and abuse. The Police should at all times strive to respect and protect human dignity, and maintain and uphold human rights. This is simply because the police, like the ordinary citizenry are also defenders of fundamental human rights.²⁶

2.2 Police- Public Relations

The best type of police officer is one who, when on duty, is always alert and observant, firm but good humoured, distant but friendly and above all scrupulously fair and impartial in all his dealings with the public.²⁷ He is also consistently ready to protect anyone who is in danger and to be helpful to anyone who is in difficulty. In return, he may receive the willing help and co-operation of all good citizens, which may prove invaluable to him in his work. Such an officer is respected by all including offenders against the law.²⁸

The police provide a service to the public and their goal should therefore be 'customer satisfaction'. Bullocks defines a service as a branch of public employment or a body of public servants concerned with some particular work or supplying some particular

²⁶ AFRONET Human Rights Report (2002) p10

²⁷ 'Police Force Instructions' in The Northern Rhodesia Police Handbook, (1959) p21

²⁸ *ibid*

needs.²⁹ In the case of the police the services they provide are wide ranging as has been shown above, but they can be summed up as enforcement of the law and the maintenance of order in society, and all this is done for the benefit of the public. Yet, all police forces are faced with the dilemma of how to deliver quality service acceptable to the public, while simultaneously exerting a coercive force over the community to maintain order.³⁰ Very often, as will be shown below, the police have failed to strike this balance and have instead concentrated on the coercive aspect of their functions at the expense of such acceptance from the public. To the extent that the police understand the needs of the community in police terms, there is a basis for sound police-public relations. To the extent that the public perceives the police merely as authoritarian thief-catchers and to the extent that the police present themselves as authoritarian law enforcers, there is a basis for recrimination, resentment and complaint.³¹

The importance of good police-public relations cannot be overemphasized. They are crucial for good policing in all its aspects including crime prevention, law enforcement and the detection and prosecution of offenders. It has been asserted that a police department's capacity to deal with crime depends largely upon its relationship with the citizenry.³² Good police-public relations bring about acceptability and that in turn leads to co-operation from the public without which the police cannot achieve maximum effectiveness and efficiency. The police ought to make it clear that they seek partnership with the public, and the public too must understand the value of their co-operation to

²⁹ 'Police and Public Disorder in the United Kingdom' in Comparative International Criminal Justice Systems: Policing, Judiciary and Corrections (1996) p43

³⁰ *Ibid* p42

³¹ J.R Lambert, Crime, Police and Race Relations (1970) p136

police work. In addition, the public should not overlook the conditions under which the police work before they level criticism against them.

In the absence of good police-public relations, the public's respect for and confidence in the police wane. Resultantly the willingness of the public to assist the police is greatly diminished or even rendered non-existent. For instance, it is unlikely under such circumstances that crime would be reported, or that the public would be willing to provide the police with any essential information for that matter. In response, the police hold the public in contempt, and their behaviour towards them will show little respect for individual rights and the dignity of citizens. The public too responds with more disrespect and less trust and confidence, and so the vicious circle goes. Consequently, as one writer humorously puts it, the function of the police is not merely to prevent crime by advising people to lock up their possessions and their daughters to prevent theft and assault, but also establishing relations with communities whereby a sense of well being and security is enhanced.³³

Hence, more will be achieved and society will benefit society more as a whole, if relations between the police and the public are cordial. The police should be open and inviting to the public and should always strive for excellence, whilst the public should constantly aim to support the police in their work whilst according them the necessary respect. On the part of the public, there must flow appreciation of the work of the police and an understanding of the police role in society. This requires also knowledge of the

³²A Cofey, Administration of Criminal Justice: A Management Systems Approach (1974) p220

³³ *Supra* note 29 p146

police working conditions, which the public does not often take into account when evaluating the police. Moreover, the public must understand that collaboration with police ultimately benefits them.

Certain factors undoubtedly make a deep impression on the public *vis-a-vis* the police. The first is the limitation of police powers. The reputation of a police force depends on its acceptability and this can only be achieved by carefully balanced limitation of its powers, which allows it to be effective but subject to high degree of accountability to the courts, to its police authority and more importantly to the public.³⁴ The police like any other government agency must show legal authority for what they do.³⁵ There must be some legal machinery in place to ensure that the police are accountable for their every action.

An additional factor that influences public opinion of police is independence from political interference in operational matters at any level. Further, the police should be seen to be the vanguards of human rights and therefore desist from any form of human rights abuses. The police should uphold and respect human rights in the carrying out of their duties. Finally the police should be seen to distance themselves from any kind of criminal activity, as this inevitably influences negatively on their standing in the public eye.

2.3 Police- Public Relations in Zambia

It is hardly an exaggeration to say that police-public relations in Zambia currently, leave

³⁴ See Chapter Three below

³⁵ H.R.W Wade and C F Forsyth Administrative Law (2000) p157

much to be desired. Members of the public have repeatedly shown reluctance in rendering assistance to the police. Senior Police Chief Grapphael Musamba recently stated that it was disheartening to see members of the public cheering when police officers struggled against suspected criminals. He called on members of the public to assist the police in fighting crime rather than wishing them ill.³⁶

What is more, in the public eye the Zambia Police is a coercive body and not the service-oriented body it is supposed to be. Hence, the sight of the police triggers apprehension as opposed to a sense of security. In fact, the Inspector General of Police recently stated that his desire was to remove such fear from the public so that they begin to trust and respect police officers.³⁷

The Zambia Police Service is continuously asserting the need to forge a better relationship with the public. As a result, they seem to be experimenting (with great vigour and imagination) on new ways of bringing this to fruition. These efforts have taken the form of the Police Reform Programme, which was embarked on in 1996. Under this programme the name was changed from 'Zambia Police Force' to 'Zambia Police Service' in a bid to improve the public image of the police.³⁸ The word 'service' mitigates the coercive aspect of the police by emphasizing the more important element of service provision. Thus, it should be a community-oriented organisation. Additionally the Zambia Police Service has introduced several other programmes and these include

³⁶ 'Musamba Cries For Help' in Police News, September 2003 p2

³⁷ 'Public Order Act Stays Until...Mwanawasa' in Police News, September 2003, p5

³⁸ The necessary changes in nomenclature have not been made to the Zambia Police Act nor to the Constitution

Chaplaincy, Community Policing and the Schools Liaison. Furthermore, the Zambia Police (Amendment) Act No. 14 of 1997 established the Victim Support Unit (VSU)³⁹ and the Police Public Complaints Authority (PPCA).⁴⁰

In light of the above, The Zambia Police Service are doing a lot to improve their image in appreciation of the importance of developing good relations with the public, to the execution of their functions. Nonetheless, these good relations will not be brought about overnight and will therefore only be realized over time but also through not one way but various ways.

2.4 Factors that have led to Public Antipathy towards the Zambia Police

It is suggested that the following factors have led to public hostility towards the Zambia Police and consequently bad relations between the Police and the public.

2.4.1 Historical Background

It is common knowledge that history influences the future considerably, and police-public relations are no exception. Zambia today labours under many legacies of the colonial era, one of them being the very unfortunate attitude of many people towards the police.⁴¹ It was shown previously how the BSA Company used the Police as a repressive force to keep the indigenous black population in check. The Police Force was the best and most oppressively used instrument of the colonial government. As a result the tradition of a

³⁹ The main function of the V.S.U is to provide professional counselling to victims of crime and offenders, and to protect citizens from various forms of abuse. Section 53 of the Zambia Police (Amendment) Act

⁴⁰ Infra Chapter Three

⁴¹ K. Kaunda 'The Functions of the Lawyer in Zambia' in Zambia Law Journal Vol. 3&4, (1971&1972) p3

police force that exists to serve its community did not develop. In one incident when the African miners went on strike in 1935, six strikers were killed by the security forces, twenty were wounded and more than forty detained.⁴²

The attitude of an African police officer towards the African public was hostile as the latter regarded the former as a tool used by the colonial government to oppress them. This was made plain by one of the witnesses in the Cox Commission⁴³, who in describing the relationship of the police with the Africans said, "... the relationship between the African residents and the African Police was not a very happy one because the location residents had come to regard the Police Constable as, a man who punishes him when he has done something wrong. There's police absence from the location unless some offence has been committed."⁴⁴

This state of affairs worsened during the struggle for independence, which posed a real threat to the political power of the colonialists. The colonial government had to suppress this new political consciousness with the most effective weapon at their disposal- the Police. Consequently, the rise of African Nationalism in the territory (Northern Rhodesia) led to brutal police actions against Africans. In order to stamp out the movement, the Government used the Police to deal ruthlessly with any rabble-rousers. Public meetings were severely curtailed by the government through the Police.⁴⁵ The **QUEEN V**

⁴² A.W Chanda, A Case Study in Human Rights in Commonwealth Africa, Doctorate Thesis (1992) p82

⁴³ This was a Commission of Inquiry appointed in 1957 to inquire into *inter alia*, the constitution and administration of the Force and legislation relating to it, and the duties of members of the Force and methods adopted for maintaining efficiency and enforcing discipline.

⁴⁴ Northern Rhodesia Police Commission of Inquiry (1947) p9

⁴⁵ E Mutalama, Police Brutality in Zambia and its Impact on Human Rights, University of Zambia, LLB Obligatory Essay (2002) p12

MAINZA⁴⁶ affords a good illustration of the extent of such violence and brutality against the Africans by the Police, in order to further the interests of the colonialists. In that case, Mr. M Chona who was Secretary General of the United National Independence Party (UNIP), the main opposition political party at the time, and his colleagues lawfully addressed an assembly, which later generated into a riot. In the course of apprehending some unarmed rioters a group of riot police officers descended on helpless men and repeatedly hit them with heavy clubs, causing various injuries.

Sadly, this state of affairs continued to exist even after independence. The Government under President Kenneth Kaunda was to continue using the Police Force to suppress any political opponents, in the name of 'one-party participatory democracy'. This was facilitated by the fact that, there existed extensive and overwhelming dominance over other government organs and an absence of effective checks on those powers. In 1966, Nalumino Mundia resigned from the ruling party UNIP and formed his own party, the United Party (UP). Within a year of the formation of this party, President Kaunda set policemen on Mundia and his supporters. They were denied permits to hold public meetings, and their indoor as well as their illegal open-air meetings were forcibly dispersed as and when attempts were made to hold them. Later, in 1968, President Kaunda banned the UP on grounds that it was a violent party and he proceeded to order the imprisonment of Nalumino Mundia.⁴⁷ Additionally, in 1971, Kaunda's Vice President Simon Mwansa Kapwepwe also resigned his ministerial post and left UNIP to form his own political party, which he named the United Progressive Front (UPP). Less than a

⁴⁶ (1962) ZR

⁴⁷ *Supra* note 45, p14

year later, Kaunda detained Kapwepwe and his supporters and banned the Party. It was alleged that the detainees were brutally tortured by the Police.⁴⁸

The foregoing incidents are only two of many such incidents. These desperate manoeuvres by the Colonial Government as well as the UNIP Government gave rise to the police terror, which is still in existence today.

2.4.2 Political Interference

In order to achieve maximum acceptance the Police should have a high degree of independence from any kind of outside control that would make it difficult for them to execute their mandate with impartiality and effectiveness. Wade identifies this independence as a prime safeguard against the evils of the police state⁴⁹. This independence is particularly important in relation to executive powers, in order to avoid a situation where governments use the police as a tool for political oppression. Hence, police powers should be separated from the exercise of any political authority.

In the tenets of the democratic creed, the possibility of direct control of the police by the government in power is repugnant. Unlike in Britain where the Police are not under direct control of the central government, the Zambia Police Service has never enjoyed such freedom from the executive arm of government. The same trend that prevailed in the colonial times has continued to date with each successive government placing the Police

⁴⁸ *Ibid* p 14

⁴⁹ *Supra* note 35, p155

in its firm grip, as a tool for oppressing and repressing political dissent.⁵⁰ It has previously been illustrated how the colonial government did this. It will be shown below that political control and influence over the exercise of police powers can lead to discriminatory, arbitrary and abusive exercise of powers by the police, and as a result a lack of respect for fundamental human rights.

Under the reign of President Kaunda, the Government oppressed any kind of political opposition, with widespread remorseless torture of suspects and detained political opponents. In 1980, an attempt to overthrow the government was made, led by the late Edward Jack Shamwana. During the interrogation of the coup suspects it was alleged that brutal acts were committed by the Police, thereby leading to the deaths of two of the treason suspects in prison.⁵¹ Furthermore, under the Preservation of Public Security Act and the Public Order Act⁵² respectively, the government through the Police would detain anyone and deny permits to hold public gatherings. Arguably, the criterion was political affiliation. Under the Preservation of Public Security Act⁵³ the Police or the President through the Police were empowered to exercise the power of preventative detention.⁵⁴ This piece of legislation admittedly conferred enormous power on the detaining authority

⁵⁰ The present government seems to have steered away from this trend, except in the administration of the Public Order Act, *infra* p 21. In addition every new government appoints a new Inspector General of Police, presumably to strengthen its grip on the Police by appointing a police Head that would be easily influenced. (The Inspector General has command over the Police-section 6(1) of the Zambia Police Act) Ndulo observes that, "The African president controls the appointment, promotion, dismissal and discipline of the civil service...power over a man's means of livelihood operates to render him amenable to the will of the person wielding power..." As such, "The civil service in Africa has been largely politicised."-The Executive in Commonwealth Africa, p6

⁵¹ AFRONET, Police Brutality in Southern Africa- A Human Rights Perspective (2000) p190

⁵² Cap 113 of the Laws of Zambia

⁵³ Cap 106 of the Laws of Zambia then.

⁵⁴ S.K.C Mumba defines it as "the incarceration by the state of an individual otherwise than in accordance with ordinary Criminal Law and Procedure of the land, in order to prevent such individual from committing

and it was shown that its abuse posed a threat to the rights and freedoms of individuals. A declaration of threatened emergency would bring into force the Preservation of Public Security Act. In 1964, a state of threatened emergency was declared by the then Governor, and this declaration remained in force long after independence. Preventative detention under the UNIP government was not only used to counter perceived threats to public security but the device was also employed to deter and discourage political dissent generally.

Close ties between those who govern and those who police are viewed as a sign of political corruption.⁵⁵ The administration of the Public Order Act⁵⁶ affords a good illustration. This piece of legislation has from time immemorial been highly contentious as it has been a means of suppressing political dissent, and its application by the Police has shown clear discrimination and abuse of powers. Matibini observes that, the ruling elites have continued to interfere with the operations of the police in the administration of the Public Order Act.⁵⁷ Not surprisingly, the Public Order Act has been the subject of many court cases. In **CHRISTINE MULUNDIKA AND ORS V THE PEOPLE**⁵⁸ the court stated that, “Unfortunately experience teaches and it is sadly not hypothetical that in this country, the requirement for a permit to gather and speak has been since 1953 used to muzzle critics and opponents as well as alleged trouble makers.”

an act which threatens public security or state security, without trial.” Preventative Detention in Zambia (1985) p1

⁵⁵ J. Chambles, Crime and the Legal Process (1969) p136

⁵⁶ Cap113 of the Laws of Zambia. See in particular section 5(4)

⁵⁷ 'The Public Order Bill 2003' A paper presented to the Southern Africa Centre for the Constructive Resolution of Disputes (SACCORD) Consultative Workshop on the draft Public Order Bill, held at Mulungushi International Conference Centre, Thursday 25th September, 2003 p 10

This requirement has been used to deny permission on grounds that have nothing to do with securing public order and security. There was much litigation in our courts during the transition to plural politics engendered by denials for permits on spurious grounds. Permits have been denied on the basis of political affiliation, and as a result, the Police have been abridging the freedoms of association and assembly, which are enshrined in Part III of the Constitution- the Bill of Rights. The Act is administered in a discriminatory manner due to influence from the Executive, thereby reinforcing the public perception of the police as a militia force of the ruling party.

In **ARTHUR WINA AND SIX OTHERS V THE ATTORNEY GENERAL**⁵⁹ is a prime example of how the UNIP Government treated its political opponents using the Public Order Act. On two separate occasions, the MMD (Movement for Multi-Party Democracy) had requested permits to hold meetings and the police in Lusaka and Ndola had refused them. Testimony indicated that the Lusaka permit was denied because the Commanding Officer said that he had been acting on the instructions of higher authorities.

The Act was amended in response to the Supreme Court decision in the **MULUNDIKA** case.⁶⁰ The net effect of the amendment being that it is no longer necessary to obtain a **permit** to hold a public meeting, procession or demonstration. Instead, the public is

⁵⁸ (1995-1997) Z R 20 at p31

⁵⁹ 1990/HP/1511(unreported)

⁶⁰ The Supreme Court struck down section 5(4) of the Public Order Act, which required anyone intending to convene a public meeting, demonstration or protest to apply to the regulating officer for a permit. The Court at p15 of the majority opinion acknowledged that this provision had repeatedly been used by all previous governments: the British colonialists, the Kaunda UNIP regime, and the Chiluba MMD regime, to muzzle government critics.

required only to **notify** the Police. Nevertheless, the Police have continued to unlawfully deny permits.⁶¹ The police have equated what in its essence is a provision to enable them plan for possible disturbances, with a licensing system under which they have the power to grant or refuse permits.⁶²

A survey was conducted by the Southern African Centre for the Constructive Resolution of Disputes (SACCORD) to collect and collate views of the public on the administration of the Public Order Act, between September 2002 and January 2003. The findings were *inter alia* that, 62% of Zambians were of the view that the Act is used to deny permits on grounds not related to securing public order and 67% of Zambians were of the view that the Act is used to muzzle critics and opponents.⁶³

What is more the Police have been used by the Government to harass political opponents and any other individual organisations with dissenting views. In 1998 after a failed coup attempt President Chiluba declared a state of emergency and this presented yet another

⁶¹ In 2003 Patriotic Front (PF) leader Michael Sata notified the Police of his party's intention to hold a rally on 29th March 2003. The Police advised that the meeting could not be approved due to the unfavourable security situation obtaining in the country at the time. The Chairperson of the Permanent Human Rights Commission Justice Chibesakunda condemned this cancellation of the PF meeting and asserted that there was undue influence in the operations of the law enforcement agents. -"Chibesakunda criticises blocking of protests" The Post, 22nd March 2003, p16. Additionally, the Police recently stopped Anderson Mazoka from addressing public meetings in Nangoma and Mumbwa. In his letter to UPND officials, the Commanding Officer Ray Sinyambo stated that he had cancelled the permits that he had earlier granted because President Mwanawasa would be in the district. Yet, the President did not appear that day. In **Law Association of Zambia and Others v the Attorney General** (2001)/HP/0382 (unreported), the applicants sought an order restraining the respondent from preventing a planned procession and public meeting at Kafue Roundabout to protest against former President Chiluba's bid for a third term. The applicants gave the Police notification of their intended meeting on 12th April 2001. The Police responded on 18th April 2001 and advised that they were not able to police the event. In passing the ruling, Justice Muyovwe observed that the relevant section of the Act clearly states that the regulating officer should inform convenors of the meeting in writing of the reasons for the inability of the Police to police the event and propose an alternative date. He observed further that the Police acted in bad faith and contrary to the spirit of the Act.

⁶² *Supra* note 57

opportunity for the Government to use the politically manipulated Police to quash any perceived critics.⁶⁴ Former president Kenneth Kaunda and another opposition leader Dean Mung'omba were detained along with eighty military officers. This detention of two opposition leaders was apparently aimed at diffusing political dissent and not necessarily at suppressing any imminent threat to public security and order.

2.4.3 Police Brutality and Abuse of Powers

The Zambia Police Service is notorious for overzealous use of force on citizens. Use of violence and force is an occupational prerogative; yet, it must only be used as of necessity.⁶⁵ For instance the Police may use violence in the presence of counter violence to control it. Conversely, the Zambia Police have used force to intimidate and terrorise rather to maintain public order, for example. Police brutality is commonplace, with the police using torture in cells and, acts of violence in the name of preservation of public security and order.

Torture in Police cells is used almost on a routine basis against detainees and suspects. During the period soon after independence and before the introduction of the One Party State, detention was used to suppress political opponents, and once in the cells these detainees were subjected to torture. One such instance was in the case of **CHIMBA V THE ATTORNEY GENERAL**⁶⁶, in which President Kaunda detained the plaintiff and

⁶³ *ibid* p16

⁶⁴ AFRONET, Zambia Human Rights Report (1998) p41. News of the coup attempt drew the attention of international media organisations. On January 5th 1998, the Police assaulted two journalists from the Cable News Network (CNN) and their camera damaged. One of them was attempting to film Kenneth Kaunda.

⁶⁵ *Supra* note 55, p157

⁶⁶ (1972) Z R

four of his colleagues under the preservation of Public Security Regulations⁶⁷. During interrogations, the detainees were slapped, punched and kicked, and subject to cruel electronic shocks. Mr. Chimba is said to have finally reached a stage of mental breakdown as result. Amnesty International observes that the Zambia Police, in particular the Criminal Investigation Department, inflicted torture on the detainees.

In the aftermath to the 1997 failed coup attempt, several of the coup suspects detained were subject to torture. On January 17th 1998 condemned former Zambia Army Major, Berrington Mukoma broke down as he narrated to the Torture Commission⁶⁸ how the Police smeared human excreta on his mouth after repeatedly hitting his manhood with a ruler. The suspects detained narrated how they were frog marched from room to room and floor to floor, blindfolded and subjected to long hours of interrogation. They were beaten with various instruments, made to stand on sharp objects and made to hang on the '*kampelwa*'⁶⁹.

This cruel and inhuman behaviour of police officers has been observed even outside the police cells. The following incidents illustrate. On August 30 2000, Police officers invaded and looted the University of Zambia students' rooms. They beat up and arrested students found in their rooms. One naked female student was paraded and roughed up by

⁶⁷ Cap 106 at the time now Cap

⁶⁸ Commission headed by Justice Japhet Banda and, appointed to determine allegations of torture against the coup suspects of 1997

⁶⁹ *Supra* note 64. *Kampelwa* is a common Zambia Police torture technique where a person is suspended in the air on metal rod with the hands and legs tied together and the rod placed in between. The body is then swung round the rod, and as the body swings, the Police beat the person using different whips, in most cases they use rolled up electrical cables and iron bars. In March 2002, a drunken Matero Police officer named Ngela subjected Leonard Zimba to torture by handcuffing him and putting him on the '*kampelwa*' and beaten using a shambok. See AFRONET Human Rights Report (2002) p60-66.

the Police, as she was coming from the showers.⁷⁰

Another unfortunate incident of police brutality involved 16year old David Lungu who along with his schoolmates had a protest on may 5th 2001, against a strike by their teachers. Some overzealous police officers were assigned to contain the seemingly potentially violent eruption. In the midst of that confusion, police officers closed in on David and battered him with bars and iron pipes until they broke his backbone. As a result of that incident he is now confined to a wheelchair.⁷¹

2.4.4 Criminal Involvement and Corruption

A breach of law, by law enforcement officers constitutes a serious social and sociological problem. The outcome is that the police encourage crime and therefore encounter a higher level of criminal activity and lose the much-needed co-operation of the public. The Police should distance themselves from any kind of criminal activity in order to maintain their integrity in the public eye. Regrettably, it is no longer strange to read about police officers that have been involved in crime.⁷²

In addition, the Zambia Police Service has been identified as seriously affected by corruption. This has been attributed to the existence of poor conditions of service. It has been rightly observed that, situations where poorly paid civil servants find themselves

⁷⁰ *ibid*

⁷¹ 'David Lungu seeking justice after being crippled by police brutality' in the Sunday Post July 18th 2004 p9

⁷² 'Nyangulu Sentences 2 Cops to Death by hanging' in The Post May 27th 2004, p6; 'Policeman Gets 5months For Raping a Female Suspect' in The Post June 23rd p2; 'Police Sentry steals from Ministers House' in Zambia Daily Mail April 10th 2004, p1; 'Police Arrest 4 Cops for Stealing Food' in the Sunday

administering highly valued programmes, it is very tempting for such officials to engage in one form of corruption or another.⁷³ Accordingly, due to the poor conditions of service in the Zambia Police some police officers seek means of earning income to supplement their low salaries. The most common form of corruption amongst police officers therefore is bribery.⁷⁴

According to Anti-Corruption Commission Statistics covering the period 1996- 2000, the Commission investigated 2409 allegations of corruption, 642 of which involved the Police.⁷⁵

2.5 Conclusion

Granted the above it can be argued that the standing of the police in eyes of the Zambian public has been negatively impacted. It is submitted that although it cannot be stated that the whole or majority of the Police Service have been engaged in the above cited incidents, it is sufficient for a few police officers to be involved since the image of the Service is affected nevertheless. The public will label all police officers as 'corrupt', 'brutal' etc. However, the author has endeavoured to show a general trend of police

Post 30th May 2004, p2; 'Cop Jailed 4yrs For Manslaughter' in the Zambia Daily Mail July 1 2004, p2; 'Cop Held Over Missing Gun' in the Zambia Daily Mail June 17th 2004, p1

⁷³ Transparency International Zambia, State of Corruption Report (2001) p18

⁷⁴ Traffic officers usually receive bribes from defaulting motorists. This is especially common with bus drivers, whose vehicles are usually not road worthy, yet they can always get away with it as long as they pay the police officers. According to Transparency International 2001 State of Corruption Report at p 26, in 1998 the Commissioner-General of the Anti-Corruption Commission specifically mentioned the police officers manning roadblocks as among the most corrupt in the country.

⁷⁵ The report further states on the same page that in 2000, two police officers were arrested and subsequently charged by the ACC for soliciting and receiving K30, 000 from Mr. Misheck Muvecha so that they could drop an assault case against him. In January of 2001 a police officer from Matero Police camp appeared before Senior Resident Magistrate Frank Tembo, charged with bribery. He was alleged to have asked for K100, 000 bribe from a suspect so that he could release him from custody.

injustice, improper conduct and repressive measures, which have clearly impacted on public confidence in the police.

It must be noted that hostility to the police can be a primary cause of disorder. On the other hand, the public on its side seems to lack even an elementary knowledge of the unfavourable conditions under which, police functions are performed, or the practical differences they are confronted with. The Police lack decent accommodation with low salaries and an absence of appropriate incentives for motivation. Moreover, the declining economic situation in Zambia means that there is reduced funding to public institutions. The Zambia Police Service lacks basic equipment required for effective policing today and they do not have adequate transport.

CHAPTER THREE

3.0 THE POLICE PUBLIC COMPLAINTS AUTHORITY

“If the conduct of the police is to be improved, opposition to misconduct must be continuous and intensified.”

Stuart Bowes Police and Civil liberties (1959) p230

3.1 Discipline and Accountability in the Zambia Police Service

Having recognized that the Police Service at present faces a problem of indiscipline amongst its officers, the question that begs an answer is how discipline as well as accountability to the public, can be guaranteed amongst police officers? The encouragement of greater transparency and accountability in young democratic states such as Zambia, has not only stopped at the political level on top, but has also involved most public agencies, the police inclusive.⁷⁶ The public should criticize freely and constructively every police action that seems harmful, failure to which they themselves harm society.⁷⁷ Public criticism is important to the extent that it improves not only the work of the Police by making them accountable for their actions, but also Police-Public relations.

⁷⁶ S. Kulusika, ‘Understanding Police Role’ in The Post, Thursday June 24th, 2004, p11

⁷⁷ S. Bowes, The Police and Civil Liberties (1966) p234

The Police are a disciplined force and have been in charge of their discipline, including investigation of complaints. The Zambia Police Force Standing Orders at paragraph 72(ii) provides as follows, 'All complaints however trivial will be recorded in the manner prescribed...and the officer receiving the complaint will ascertain from the complainant whether he intends to leave the matter in the hands of the Inspector General or whether he intends to institute civil or criminal proceedings.'⁷⁸

Unfortunately this system makes the Police judges in their own cause, with the result that many complainants will be left dissatisfied. Ideally the system of complaints must be structured in such a way as to conduce to public confidence in its integrity. It is precisely for that reason that such procedure cannot be left in the hands of the Police alone.⁷⁹ What is of vital necessity is the impartial investigation of complaints, as an independent tribunal might be expected to protect the Police from excesses of misplaced loyalty while also acting as a better deterrent to misconduct.⁸⁰ Mundia points out that, in combating misconduct within the Police, there is an unwritten code that dictates that police officers must stick together, maintain secrecy and not drop their colleagues.⁸¹ A humane system of government must provide some way dealing with these grievances, both for the sake of justice and because accumulating discontent is a serious clog on administrative efficiency in a democratic country.⁸² In view of that, other means have made available to the public,

⁷⁸ According to paragraph 5 another officer of superior rank wherever possible, will be appointed to conduct inquiries. Further in paragraph 7, at the conclusion of the hearing of evidence the officer inquiring into the complaint will draw up and sign a summary of the evidence, findings and recommendations.

⁷⁹ L. H. Leigh, Police Powers in England and Wales (1975) p227

⁸⁰ J. R. Lambert, Crime Police and Race Relations, A study in Birmingham (1970) p157

⁸¹ C. L Mundia, Police Public Complaints Authority. A paper presented at the third Zambia Police Service Senior Commanders' Human Rights Seminar on 10th May 2004, p10

⁸² H. W. R Wade and C. F. Forsyth, Administrative Law (2000) p87

for the purposes of levelling complaints, and obtaining legal remedies against the Police. They are discussed in the following paragraphs.

3.1.1 The Judiciary

Under the Police Force Standing Orders, complainants are given the liberty to institute proceedings in court instead of leaving the matter in the hands of the Police. Yet this avenue suffers setbacks, which make it less appropriate for this purpose. To begin with, there are the legal costs, which the average Zambian cannot afford. The likelihood of a person taking a case before a court seems to be directly related to his income, as most complaints taken to court involve in much greater expenses of time as well as money.⁸³ The majority of Zambians do not make use of the courts for the purpose of controlling administrative action because instituting legal proceedings more often than not involves the hiring of a legal practitioner and most people cannot afford to.⁸⁴ Further the Zambian Courts have a huge backlog of cases, and as such cases are not disposed of in time. The formality of the process and bureaucratic procedures create delays in the dispensing of justice. The procedures are so formal that a case may take years to be settled.⁸⁵ Clearly this means people are then denied speedy access to justice. As the adage goes 'justice delayed is justice denied'. In addition delays in the judicial process necessarily mean expense, and so a lengthy case can lead to very high expenses.⁸⁶ If complaints by the public against the Police are to be of value and if the public is to be satisfied, the process

⁸³ W. B. Gwyn, 'Transferring the Ombudsman' in Legality Journal (1983) p12

⁸⁴ M. C. Kaunda, 'How effective are the Zambian Judiciary, Parliament and Ombudsman in Redressing Administrative ills?' in Legality Journal (1983) p 6

⁸⁵ A. P. Young, 'Alternative Dispute Resolution and its Place in the Zambian Judicial System' in Zambia Law Journal 2002) p76

⁸⁶ *ibid*

of having a complaint investigated should be done promptly. For that reason the procedure of the courts is too formal and expensive to suit many complaints. Besides that, the number of judges available cannot meet the number of cases brought before the courts. The same judges are also on hand to service sessions in places where there are no resident judges.

3.1.2 The Commission for Investigations

This is an institution consisting of one or more government officials whose duty is to receive complaints from citizens or any body for the time being resident in the country in which the institution operates, who alleges that he has suffered an injustice as a result of maladministration perpetrated by public officials in the exercise of their duties.⁸⁷ The office of the Commission for Investigations or the Ombudsman as it is popularly known “is appointed to secure justice for the ordinary man if he suffered hardship as a result of misadministration. Misadministration includes corruption, bias discrimination, using powers for the wrong reasons...”⁸⁸

The Commission has jurisdiction to inquire into the conduct of: -

- a) any person in the service of the republic;
- b) the members and persons in the service of the local authority;
- c) the members and persons in the service of any institution or organisation, whether established by or under an Act of Parliament or otherwise, in which the

⁸⁷ F Chomba, Address on Society and Law at the Mindolo Ecumenical Centre 10th January 1996. Justice F Chomba was Zambia’s first Investigator General. The Investigator General is the Chairman of the Commission for Investigations. The commission comprises the chairman and three commissioners

government holds a majority of shares or exercise financial or administrative control;

- d) The members and persons in the service of any commission established by or under the constitution or any Act of Parliament;⁸⁹

The Commission is either directed by the President to so investigate or may proceed upon a complaint from anybody.⁹⁰ Any person aggrieved by police maladministration can therefore lodge a complaint to the commission either orally or in writing. The Commission will proceed to investigate an allegation of maladministration or abuse of office or authority by any such person if it considers that such allegation ought to be investigated.⁹¹

In conducting its investigations the commission is at liberty to obtain evidence from any source. The rules of evidence do not apply and this is an advantage over the courts as this flexibility allows for a speedy process. Additionally, legal representation before the commission is not a right.⁹² It is also worth noting that the Commission is required to observe the rules of natural justice. It must give opportunities to all those who are affected by its inquiries, that is to say the complainant(s) and the officer complained against.⁹³

⁸⁸ F Chomba 'The Commission for Investigation and Civil Administration' The Law Association Journal Vol. 2 (1973) p15

⁸⁹ Commission for Investigations Act, Cap 39 of the Laws of Zambia

⁹⁰ *ibid* section 9

⁹¹ *ibid* section 8

⁹² D. M. Kabanda, A Comparative Study of the Legal Framework of the Commission for Investigations (Ombudsman) and its Implications in Zambia University of Zambia LLB Obligatory Essay (2003) p22

⁹³ *ibid*

Following the conclusion of its inquiries, the Commission submits a report to the President containing its findings and recommendations. The President then takes a decision and communicates it to the Commission for implementation.⁹⁴

Yet certain matters pertaining to the Commission's powers and procedures warrant special mention. Firstly, the Commission holds its sessions in camera. This principle of anonymity extends to its annual reports. The identities of the parties to the cases are concealed. This was intended, justifiably, to encourage those that are meek to also come forward with complaints and protect the administrators concerned. However the Commission would probably be more effective than it currently is if it had the power, like the courts, to expose the identities of the parties to the proceedings; especially those administrators who are proved to have abused their powers. Such exposure would be a warning to other administrators.⁹⁵ Secondly, the Commission faces a serious shortage of manpower. The establishment is small and has never been fully constituted, particularly in the lower ranks of the administrative sector. The Legal Department for instance, is supposed to have three Lawyers and yet currently there's only one.⁹⁶ Another area of concern is the lack of adequate funds. This inadequacy of funds cripples the operations of the Commission to the extent that, they cannot effectively carry out investigations, tour

⁹⁴ *Supra* note 89, section 20. According to the Investigator General, the President accepts most of the Commission's recommendations. Chanda reports in Transparency International Zambia, National Integrity Systems Country Study Report Zambia (2002) at p35, that few cases are in fact reported to the President. Instead, the Commission uses quiet diplomacy to persuade erring officers to mend their ways. Most officers co-operate.

⁹⁵ S. K. C Mumba, Ombudsmanship in Zambia: The First Decade (1984) p23. A seminar paper presented in the University of Zambia School of Law series of seminars on 2nd February

⁹⁶ *Supra* note 92, p23

other provinces due to shortage of transport, nor employ more staff.⁹⁷ Not surprisingly therefore, delays in the dispensation of cases are commonplace. As previously alluded to, delays in dealing with complaints against maladministration and rendering remedies may conjure feelings of dissatisfaction, and possibly contempt for the institution of the 'Ombudsman' in this case. Unfortunately, delays can also discourage the public from bringing forward grievances suffered at the hands of public officers.

3.1.3 The Permanent Human Rights Commission

The Permanent Human Rights Commission (PHRC) is a constitutional body whose functions are *inter alia*, to investigate human rights violations; investigate maladministration of justice; propose effective measures to prevent human rights abuse; visit prisons and places of detention or related facilities with a view to assessing and inspecting conditions of persons held in such places and make recommendations to redress existing problems.⁹⁸ National Human Rights institutions are, generally administrative in nature, i.e. they are neither judicial nor law making. As a rule these institutions have on going advisory authority with respect to human rights at national or international level.⁹⁹

Therefore the work of the PHRC can go a long way in addressing the issue of human rights violations by police officers so as long as the Police Service render the necessary

⁹⁷ In almost all its annual reports the commission has bemoaned the lack of adequate funding and invariably stresses that this continues to be its major constraint in its operations. According to Mr. L Tembo, the Commission's secretary in an interview, at times the Commission does not receive any funding at all as was the case in December 2001.

⁹⁸ Human Rights Commission Act Cap 48 of the Laws of Zambia, section 9

⁹⁹ Permanent Human Rights Commission, National Plan of Action for Human Rights 1999-2009

co-operation. Individuals who have suffered human rights abuses at the hands of police officers can bring a complaint before the PHRC. According to section 10(1) of the Human Rights Commission Act the PHRC has powers to investigate any human rights abuses on its own initiative; or on receipt of a complaint or allegation under the Act by-

- (i) an aggrieved person acting in such person's own interest;
- (ii) an association acting in the interest of its members;
- (iii) a person acting on behalf of an aggrieved person; or
- (iv) a person acting on behalf of and in the interest of a group or class of persons.

The PHRC is an autonomous body and it is not subject to the direction or control of any person or authority, in the performance of its duties.¹⁰⁰ Yet the PHRC lacks enforcement powers, as the Human Rights Commission Act only gives it power to make recommendations.¹⁰¹ The human rights violator could disregard the recommendations.¹⁰² As regards funding, Chibesakunda observes that the PHRC has not been able to implement its full programme of work due to financial constraints. Recruitment of staff, purchase of support services, furniture, other equipment and transport are all dependent

¹⁰⁰ *Supra* note 98, section 3

¹⁰¹ According to section 13(1) of the Cap 48 shall send written reports of its findings to the parties concerned; and dependant on the findings made, make such recommendation, as it considers necessary to the appropriate authority. Under section 10 (4), the Commission may where it considers it necessary recommend-the release of a person from detention; the payment of compensation to a victim of human rights abuse, or to such victim's family; that an aggrieved person seek redress in a court of law: or such other action as it considers necessary to remedy the infringement of a right.

¹⁰² The former chairperson of the Commission Justice Lombe Chibesakunda noted, "The only power we were given in the Act is that of recommendations. Our response is that this makes it very difficult for us to operate..."- AFRONET Zambia Human Rights Report (1999) p70

on funding.¹⁰³ Hence the PHRC cannot reach its full potential in fighting human rights abuse generally, or even in relation to the Police.

3.1.4 The Anti-Corruption Commission (ACC)

In the foregoing chapter it was shown that the Zambia Police Service has been seriously affected by corruption. As far back as 1980 the government recognised that corruption was a problem, which needed to be tackled urgently. In response, the government enacted the Corrupt Practices Act¹⁰⁴, which created the Anti Corruption Commission.¹⁰⁵

The Act spells out the functions of the ACC as *inter alia*, to receive and investigate complaints of alleged or suspected corrupt practices, and, subject to the directions of the Director of Public Prosecutions, prosecute offences under the Act; and such other offence under any other written law as may have come to the notice of the Commission during the investigation of an offence under this Act¹⁰⁶

Not surprisingly, the government has not been allocating adequate funds to the ACC, and this has negatively influenced its capacity to fight corruption effectively. Moreover the ACC has a high rate of staff turnover due to unattractive conditions of service. In fact, some ACC officers have themselves have been arrested for corruption as they attempt to make ends meet.¹⁰⁷

¹⁰³ *ibid* p69

¹⁰⁴ Act No. 14 of 1980

¹⁰⁵ Presently the Anti Corruption Commission derives its mandate from the Anti Corruption Commission Act Cap 91 of the Laws of Zambia

¹⁰⁶ Section 9(1) (b) Cap 91

¹⁰⁷ AFRONET Zambia Human Rights Report (1999) p52

3.2 The Police Public Complaints Authority

Clearly there is a need for an independent and more accessible body to deal with complaints against the Police, with efficiency and neutrality in order to appraise police performance. Most countries in the world have a superintendent authority such as the Police Public Complaints Authority to oversee, supervise and control operations of the Police Service.¹⁰⁸ In Zambia, the Police Public Complaints Authority is established by the Zambia Police (Amendment) Act, which provides, “there is hereby established the Police Public Complaints Authority”.¹⁰⁹

The most obvious advantage of the Authority is that it deals exclusively with complaints against the Police and is accordingly better suited than the above discussed institutions for that purpose. It additionally might be able to provide a faster way of handling complaints against the Police and to enhance public confidence in the police. Further it is an independent body and it can therefore deal with and investigate complaints with a neutral stance with the result that both parties can be satisfied with the outcome.

The functions of the Authority are specified as-

- a) to receive complaints against police actions
- b) to investigate all complaints against police actions, which result in serious injury or death of the person.¹¹⁰

¹⁰⁸Supra note 81. In the United Kingdom they have what is known as the Public Complaints Authority and in South Africa They have the Independent Complaints Directorate.

¹⁰⁹ Section 57B, Zambia Police (Amendment) Act No. 14 of 1999

¹¹⁰ This greatly narrows the jurisdiction of the Authority to investigate complaints. Thus, the Authority cannot investigate complaints of corruption, nor of police actions that do not result in serious injury. Serious injury is defined in section 57A as, “ fracture, damage to an internal organ, impairment of bodily function, a deep cut, a deep laceration or unlawful carnal knowledge.”

- c) to submit its findings, recommendations and directions to:
- i. the Director of Public Prosecutions for consideration of possible criminal prosecution
 - ii. the Inspector General for disciplinary action or other administrative action; or
 - iii. the Anti Corruption Commission or any other relevant Body or Authority¹¹¹

The Authority enjoys enormous powers in as much as making recommendations and directions are concerned. Regrettably, these powers have caused unwarranted controversy between the Inspector General and the Chairman of the Authority.¹¹² It is submitted that co-operation between these two offices is vital to the smooth operation of the Authority. Yet the present situation cannot be said to be conducive for such co-operation.¹¹³

The Authority has power to investigate complaints received by:

- i. an aggrieved person directly affected by police action
- ii. an association acting in the interest of its members and
- iii. a person acting on behalf of an aggrieved person, body or organisation.

¹¹¹ *Ibid* section 57G(1)

¹¹² Mid this year when the Chairman recommended to the IG that he dismiss two police officers, the IG refused to follow that recommendation stating that under the Zambia Police Act he is not empowered to dismiss police officers. This problem was only solved when the Republican President instructed the IG through the Minister of Home Affairs to comply with the directives from the Authority.

It is worth noting that the Authority has power to issue summons or orders requiring the attendance of any person before it and the production of any document, record or anything relevant to any investigation by the Authority.¹¹⁴ In the same way the Authority can require any person to disclose any information within that person's knowledge which is relevant to any investigation.¹¹⁵

Unfortunately the Authority has not been adequately funded. It commenced operations in 2003. Members were appointed in June of 2002 but operations could not commence immediately as the Authority had no physical address until January 2003.¹¹⁶ A donation was received from the Danish Embassy with which the PPCA was able to start monthly sittings until December when the funds ran out. Sittings only recommenced October 2004. Therefore, in the meanwhile the operations of the Commission had been slightly paralysed by lack funds, which are essential for investigations and sittings.¹¹⁷

The Authority only has one office, in Lusaka and it is sad to note that, its existence has not been widely publicized. A random survey conducted by ZNBC on TV revealed that most Lusaka residents are not aware of the existence of the Authority, whilst others do not

¹¹³ Mr. Christopher Mundia the Chairman of the PPCA has complained that the police chief has been slow in reacting to their recommendations. He said that, "... we have a problem with the current Inspector General of Police because he feels he cannot be directed by us."

¹¹⁴ *Supra* note 34 section 57H2(a)

¹¹⁵ *ibid* section 57H2(c)

¹¹⁶ The PPCA through its secretary prepared a proposal, which submitted to cabinet office, but government only released funds sufficient to purchase office equipment only, in December.

¹¹⁷ The Chairman of the Authority recently stated that the PPCA had only managed to conclude 22 cases out of the total backlog of cases of about 477 from last year. He bemoaned the poor funding and support from the government. He said because of under funding, the Authority could not sit to hear cases on time and was unable to pay electricity, water and telephone bills, and sitting allowance and refunds to its members. 'We wont work well with PPCA' in The Post Friday May 14th, 2004.

know its location.¹¹⁸ If Lusaka residents are this ignorant about the Authority one wonders about those in other towns especially the rural areas. Undoubtedly as long as these two issues are not addressed, the public cannot fully benefit from the existence of the Authority.

3.3 Conclusion

In a democratic State like Zambia, the Police Public Complaints Authority is necessary for enhancing police-public relations. With some more political will on government's part the work of the Police Public Complaints Authority could a long way in increasing accountability in the Zambia Police Service and ensuring that the Police provide much needed quality service to the public. The Authority has sufficient powers to make an impact, although with limited jurisdiction in terms of investigating complaints. It is an independent body and it can therefore investigate complaints with impartiality. Its jurisdiction is exclusive to complaints against the police as such it provides a quicker way of dealing with complaints. In addition there is no need for legal representation thereby making it more accessible to the public. Clearly confidence in the police will increase if a non-police body, an independent tribunal deals with complaints against the police, more so if erring officers are seen to suffer the consequences of misconduct.

¹¹⁸ ZNBC Television Evening News, 26th June 2004

CHAPTER FOUR

4.0 CONCLUSIONS AND RECOMMENDATIONS

4.1 Conclusions

Briefly this research has shown that good Police-public relations are beneficial to both the Police and the public. As earlier stated, the importance of good police-public relations cannot be overemphasised. Good police-public relations entail two things. Firstly, it means that the public respect the police and the work they do, and that they have confidence in the ability of the police to execute their functions in an effective and efficient manner with due regard to the needs of the public they serve. Secondly, it entails good behaviour on the part of the police towards the public, and that the police should aim to serve the public, using force only when the necessity arises. Both parties should seek to maintain cordial relations with one another and to understand that doing so will be for the benefit of society as a whole.

It has been observed that there currently exists public apathy and contempt towards the police, and owing to that there is need for concerted efforts to enhance police-public relations in Zambia. Much of this apathy can be attributed to inappropriate police behaviour (it is submitted that such behaviour has been worsened by public condescension), which includes, police brutality and abuse of powers, corruption and criminal activity amongst police officers. In addition the police encounter interference in operations from the executive, and this has resulted in partial policing. Unfortunately, the public seem to lack any knowledge of police working conditions, although this might

change in view of the introduction of community policing. Resultantly, criticisms are made in ignorance of the bad conditions under which the Police operate.

This discordance between the Police and the public amounts to a very serious social problem in society, which must be changed. The law as an instrument of social change can be instrumental in this respect. In this regard the Zambia Police (Amendment) Act, which establishes the Police Public Complaints Authority, will play an important role.

Most importantly, the PPCA, which is established thereunder, will go a long way towards improving police-public relations. How will this be achieved? Firstly, it will increase public scrutiny of the Zambia Police Service. This is because through the system of complaints the Police will be made accountable to the public for their actions, and will be answerable under the law as well. Misconduct amongst police officers will only be reduced under condemnation from the public. Previously it was very difficult for the public to play this role, but the PPCA affords not only a forum for complaints against police misconduct, but also an independent way of dealing with such complaints against the Police. This independence guarantees some measure of satisfaction of complainants. In arguing the case for an independent tribunal, Whitaker points out that, where complaints are impartially investigated, the police are able to clear themselves of unfounded complaints made against them and a greater degree of confidence and mutual respect is established between the police and the public.¹¹⁹ The public will sometimes exaggerate, and the PPCA affords a chance to the Police to clear themselves in such a

¹¹⁹ The Police (1964) p23

situation, and to that extent benefit from it.¹²⁰ Not only is the PPCA independent, it is also 'public-friendly' as it is a non-police body and also more accessible to the public. In addition one need not incur any kind of legal expenses from the process of complaining to the PPCA.

The Zambia Police too has been making efforts to achieve these ends, through the Police Reform Programme. These efforts are an indication that the Zambia Police Service recognises the need for sound relations with the public.

4.2 Recommendations

The creation of the PPCA is only the beginning, in the quest for harmony between the police and the public, and also to improve the performance of the Police. As is the case with most novel initiatives, there is a lot of room for improvement. There is therefore need to continually look at ways of appraising the performance of the PPCA in order for it to fully carry out its intended purposes.

4.2.1 Legal Framework

It is important that all police misconduct that exists presently be discouraged. However, as has been argued previously, it is clear that the jurisdiction of the PPCA is narrow and restrictive.¹²¹ It is difficult to think of a justification for the narrow jurisdiction of the PPCA. Perhaps the rationale is that the PPCA would be overwhelmed with a multiplicity

¹²⁰ According to the Police Spokesperson, sometimes when the Police have been accused of misconduct, the public and the media have exaggerated and portrayed the wrong picture of what really happened. Interview with Ms. Brenda Muntimba- Director, Heritage and Corporate and Image- on 29th July 2004.

¹²¹ The issue is discussed more fully in Chapter Three

of complaints if the jurisdiction were to be widened. The PPCA can only investigate complaints that result in serious injury or death. Although the Act provides that the PPCA shall receive all complaints against police actions, it is silent on what will be done about complaints that do not result in serious injury or death of a person. What about indiscipline in the form of bad language, or harassment of bus drivers for example? It must be borne in mind that if what may now seem like trifling acts of misconduct go without consequences, chances are that they will only worsen. Accordingly, the system should not allow such acts of misconduct to go unpunished. To this end it is suggested that, complaints of misconduct that do not result in serious injury or death, could be dealt with through some kind of informal resolution procedure by the PPCA, an example of which would be summons accompanied by stern warning.

Further submission is made to the effect that where the complaint is made on behalf of a person, there should be requirement that the complaint be made with the express consent of such a person in order to ensure that the person is in agreement with pursuing that course of action. This is important because there must be willingness on the part of the complainant for an effective complaint.

As a way of increasing public confidence in the PPCA, it is recommended that the power of appointment of the members should be removed from the Minister and instead placed in the hands of an independent body such as the Judicial Service Commission. As already noted, executive influence over police operations is a reality, thus it is in the best interests

of democracy and more specifically, administrative justice, that the PPCA should be independent from executive powers in significant measure.

4.2.2 Government Support

The initiative by government to create the PPCA is a good sign of government's continuous efforts to enhance accountability of various public institutions in society. Therefore, much credit should be given to them. Notwithstanding what has just been said, a body such as the PPCA needs even more government support after its creation if it is to fully carry out its mandate, and therefore be of value to both the police and the public. It was pointed out earlier that the PPCA does not receive adequate funding from government and that this has incapacitated it. As a result there were no sittings of the PPCA between 2003 and October 2004. The government should give the PPCA full support. In this regard, the PPCA could with improved government funding increase awareness amongst the public of its functions. As earlier noted, it has not been widely publicised.¹²² Hence with more funding the PPCA would be able to widely publicise itself through both the print and electronic media, possibly even in the local languages to reach more people.

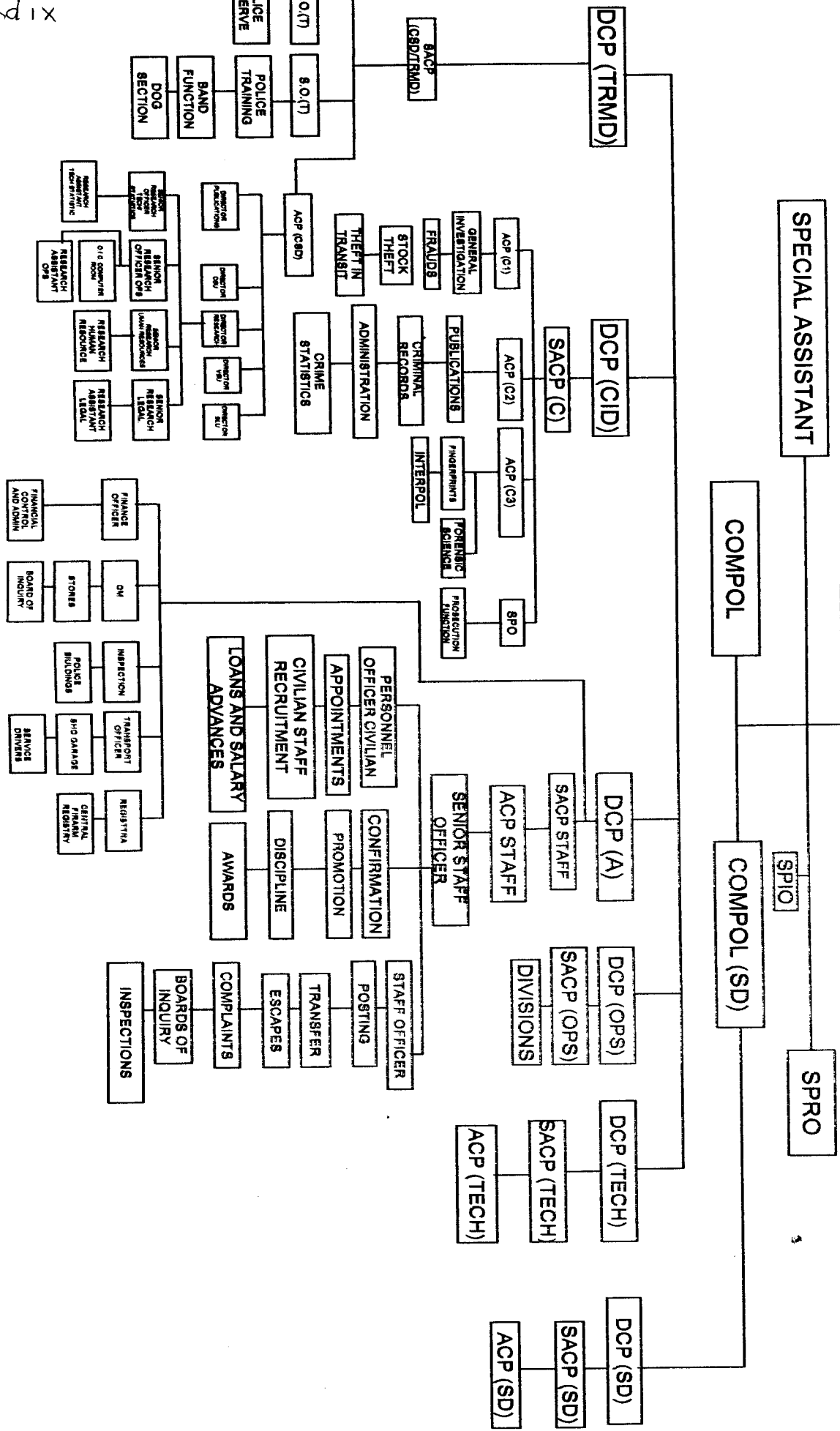
4.2.3 Location

The task of the PPCA in terms of reach and expansion cannot be achieved overnight, but it is suggested that the PPCA be stationed in towns other than Lusaka. Currently, police officers as well as complainants from other towns have to travel, sometimes long

distances, to appear before the PPCA at their own expense. This is very discouraging to the complainants.¹²³ An interview carried out at the Police Headquarters with one of the officers revealed that it was quite inconveniencing for both the police officers involved and the complainants to bear the cost of travelling to Lusaka from other towns. As a result it is of utmost urgency that branches of the PPCA be established in other towns in order to make the Authority more accessible and to take the much-needed action against all forms of police misconduct near the people it is supposed to benefit. Alternatively, the PPCA could have sittings in provincial headquarters. Currently, complaints can be made to the principle officer of the local authority in the area where the incident or circumstances giving rise to the complaint occurred, or to the Inspector General of the Zambia Police Service or the officer in charge of a police post. However, due to misplaced loyalties amongst police officers towards one another, it is not reasonable to expect members of the public to lodge complaints at a police post where files may go missing and the erring officer effectively shielded by his colleagues.

¹²² It is acknowledged that a few advertisements have been run on ZNBC TV, but only for a short while.

¹²³ The case of David Lungu referred to earlier afford a good example. David lives in Chipata and he could only communicate his complaint to the PPCA through a letter. Unfortunately, the PPCA were under the



ZAMBIA POLICE HIERARCHY

1. INSPECTOR GENERAL OF POLICE
2. COMMISSIONER OF POLICE
3. DEPUTY COMMISSIONER OF POLICE
4. SENIOR ASSISTANT COMMISSIONER OF POLICE
5. ASSISTANT COMMISSIONER OF POLICE
6. CHIEF SUPERINTENDENT
7. SENIOR SUPERINTENDENT
8. SUPERINTENDENT
9. ASSISTANT SUPERINTENDENT
10. CHIEF INSPECTOR
11. INSPECTOR
12. SUB/INSPECTOR
13. SERGEANT
14. CONSTABLE

BIBLIOGRAPHY

BOOKS

- Bowes, S. The Police and Civil Liberties. London: Lawrence and Westhart, 1966
- Chambles, J. Crime and the Legal Process. New York: McGraw Hill Book Co., 1969
- Cofey, R.A. Administration of Criminal Justice, A Management Systems Approach. New Jersey: Prentice Hall Inc., 1974
- Critchley, T.A. History of the Police in England and Wales. London: Constable and Co Ltd, 1967
- Lambert, J.R. Crime, Police and Race Relations, A Study in Birmingham. London: Oxford University Press, 1970
- Leigh, L.H. Police Powers in England and Wales. London: Butterworths, 1975
- Lundman, R. Police and Policing, An Introduction. New York: Holt, Rinehart and Winston, 1980

impression that he was writing from Chipata compound in Lusaka, and went to the Police post there and found nothing relating to his complaint.

Mark, R. Policing A Perplexed Society. London: George Allen and Unwin Ltd, 1977

Milte, K.L. Police in Australia. Sidney: Butterworths, 1967

Olmos, R.A. An Introduction to Police Communication Relations. Illinois: Charles C. Thomas, 1974

Skolnic, J.H. The Changing Conceptions of the Police. 1972

Plato, The Republic. London: Penguin, 1971

Wade, H.R.W. and C.F. Forsyth. Administrative Law. (8th ed.) New York: Oxford University Press Inc., 2000

Whitaker, B. The Police. London: Penguin Books, 1964

JOURNALS AND PERIODICALS

Police News September 2003

Gwyn, W.B. "Transferring the Ombudsman" in Legality Journal 1983

Chomba, F "The Commission for Investigations and Civil Administration" in The Law Association of Zambia Journal Vol. 2, 1973

Kaunda, K. "The Functions of the Lawyer in Zambia" in Zambia Law Journal. Vol. 3&4, 1971 and 1972

Kaunda, M.C. "How Effective are the Zambian Judiciary, Parliament and Ombudsman in Redressing Administrative Ills?" in Legality Journal 1983

Young, A.P. "Alternative Dispute resolution and its Place in the Zambian Judicial System" in Zambia Law Journal 2002

UNPUBLISHED MATERIALS

Chanda, A.W. A Case Study in Human Rights in Commonwealth Africa. (J.S.D. Thesis) Yale Law Faculty, 1992

Chanda, A.W. Human Rights Law for Law Enforcement Officers. 2003

Chomba, F. Society on Law Breakers. Paper presented at a Seminar at Mindolo Ecumenical Centre in Kitwe, 1975.

Kabanda, D.M. A Comparative Study of the Legal Framework of the Commission for Investigations (Ombudsman) and its Implications in Zambia. (LLB Obligatory Essay) UNZA, 2003

- Matibini, P. The Public Order Bill 2003. Paper presented to the Southern Africa Centre for the Constructive Resolution of Disputes (SACCORD) Consultative Workshop, 2003
- McDonald, P.C Impact of Police Powers on Personal Liberties. (LLB Obligatory Essay) UNZA, 1983
- Mumba, S.K.C. Ombudsmanship in Zambia: The First Decade. Seminar paper presented at University of Zambia, School of Law series of seminars, 1984
- Mumba, S.K.C. Preventative Detention in Zambia. 1985
- Mundia, C.L. The Police Public Complaints Authority. Paper presented to the third Zambia Police Service Senior Commander's Human Rights Seminar, 2004
- Mutalama, E. Police Brutality in Zambia and its Impact on Human Rights. (LLB Obligatory Essay) UNZA, 2002
- Ndulo, M. The Executive in Commonwealth Africa. 2000
- Siakalima, Z. Police-Public Relations as a Factor in Crime Prevention (LLB Obligatory Essay) UNZA, 1984

REPORTS AND GOVERNMENT DOCUMENTS

Human Rights Report- AFRONET, 1998

Human Rights Report- AFRONET, 1999

Human Rights Report- AFRONET, 2002

National Integrity Systems Country Study Report: Zambia- Transparency International
Zambia, 2002

National Plan of Action for Human Rights (1999-2009)- Permanent Human Rights
Commission

Northern Rhodesia Police Commission of Inquiry- Government Printers, 1947

Northern Rhodesia Police Handbook- Government Printers, 1959

Police Brutality in Southern Africa- A Human Rights Perspective. AFRONET, 2001

State of Corruption Report- Transparency International Zambia, 2001

Zambia Police Annual Report- Government Printers, 1964

Zambia Police Annual Report- Government Printers, 1970

WEBSITE

www.zamlii.ac.zm

STATUTES AND ORDERS

Anti-Corruption Commission Act, Cap91 of the Laws of Zambia

Commission for Investigations Act, Cap 39 of the Laws of Zambia

Corrupt Practices Act, No. 14 of 1980

Criminal Procedure Code, Cap 88 of the Laws of Zambia

Human Rights Commission Act, Cap 48 of the Laws of Zambia

Northern Rhodesia Ordinance

Preservation of Public Security Act, Cap 106 of the Laws of Zambia (Old Ed)

Preservation of Public Security Regulations

Public Order Act, Cap 113 of the Laws of Zambia

Zambia Police Act, Cap 107 of the Laws of Zambia

Zambia Police (Amendment) Act, No. 14 of 1999

Zambia Police Force Standing Orders

CASES

Arthur Wina and Six Others v. The Attorney General 1990/HP/1511

Chimba v. the Attorney General (1972) ZR

Christine Mulundika and Others v. The People (1995-1997) ZR 31

Law Association of Zambia and Others v. The Attorney General 2001/HP/0382

Queen v. Mainza (1962) ZR

NEWSPAPERS

The Weekly Post, January 8-14, 1993

The Post, Saturday March 22, 2003

Zambia Daily Mail, Saturday April 10, 2004

The Post, Friday May 14, 2004

The Post, Thursday May 27, 2004

The Sunday Post, May 30, 2004

Zambia Daily Mail, Thursday June 17, 2004

The Post, Wednesday June 23, 2004

The Post, Thursday June 24, 2004

Zambia Daily Mail, Thursday July 1, 2004

The Sunday Post, July 18, 2004