



Republic of Zambia

REPORT OF THE COMMISSION OF INQUIRY INTO VOTING PATTERNS AND ELECTORAL VIOLENCE

January 2019

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ACRONYMS

ACC	-	Anti-Corruption Commission
ANC	-	African National Congress
AVAP	-	Anti-Voter Apathy
ADD	-	Alliance for Democracy and Development
APC	-	All People's Congress
AZ	-	Agenda for Zambia
CEO	-	Chief Executive Officer
CDF	-	Constituency Development Fund
CMCs	-	Conflict Management Committees
CSOs	-	Civil Society Organisations
DJOC	-	District Joint Operations Committee
DMMU	-	Disaster Management and Mitigation Unit
ECA	-	Electoral Commission Act
ECZ	-	Electoral Commission of Zambia
EU	-	European Union
EPA	-	Electoral Process Act
FBOs	-	Faith Based Organisations
FDD	-	Forum for Democracy and Development
FSP	-	Food Security Pack
GEWEL	-	Girls Education Women Empowerment and Livelihood
HP	-	Heritage Party
IBA	-	Independent Broadcasting Authority
IT	-	Information Technology
ICCPR	-	International Convention on Civil and Political Rights
LAZ	-	Law Association of Zambia
MMD	-	Movement for Multiparty Democracy
MDP	-	Movement for Democratic Process
MP	-	Member of Parliament

NPP	-	National Progressive Party
NP	-	National Party
NGOs	-	Non Governmental Organisations
NRCs	-	National Registration Cards
NCC	-	National Constitutional Conference
NAREP	-	National Restoration Party
PF	-	Patriotic Front
PAC	-	People's Alliance for Change
POA	-	Public Order Act
PR	-	Proportional Representation
PSMD	-	Public Service Management Division
SADC	-	Southern African Development Community
S.I	-	Statutory Instrument
SDP	-	Social Democratic Party
ToRs	-	Terms of Reference
UDF	-	United Democratic Front
UPND	-	United Party for National Development
UNDP	-	United Nations Development Programme
UNIP	-	United National Independence Party
UFP	-	United Federal Party
UP	-	United Party
UPP	-	United Progressive Party
SADC	-	Southern African Development Community
ZAF	-	Zambia Air Force
ZESCO	-	Zambia Electricity Supply Corporation
ZAMTEL	-	Zambia Telecommunications Corporation
ZANIS	-	Zambia News and Information Services
ZANC	-	Zambia African National Congress
ZADECO	-	Zambia Democratic Congress
ZRP	-	Zambia Republican Party

- ZNBC - Zambia National Broadcasting Corporation
- ZRA - Zambia Revenue Authority
- ZSIS - Zambia Security Intelligence Services

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The Commission of Inquiry into Voting Patterns and Electoral Violence wishes to thank His Excellency the President of the Republic of Zambia Mr. Edgar Chagwa Lungu for appointing the Commission and entrusting it with the duty to enquire into this matter of great national concern.

The Commission also acknowledges the Office of the President, Cabinet Office, Ministry of Justice, Ministry of Finance, Ministry of Information and Broadcasting Services and Ministry of Home Affairs (Zambia Police Service) for the administrative, technical and financial support they rendered to the Commission.

The Commission wishes to tender deep-felt appreciation to all the Provincial and District Administrations, Heads of Government Departments, local authorities, civil society organisations and other stakeholders, from both the public and private sectors, for their support to the Commission during its countrywide public sittings to receive submissions from the people.

The Commission also extends its gratitude to the media, both public and private, as well as community radio stations, for the coverage and publicity of the public sittings around the country.

Further appreciation goes to the traditional leadership and senior citizens, including some of the founding fathers and mothers of the nation, for their valuable input and guidance in this matter.

Lastly, the Commission wishes to thank the people of Zambia, from all walks of life, for their patriotism and participation in this important national exercise.

EXECUTIVE SUMMARY

This report presents findings on the voting patterns in the general elections conducted from 2006 to 2016 and the violence that took place in parts of the Republic before and after the 11th August, 2016 General Elections in which some people lost their lives, were injured and others displaced. In executing its mandate, the Commission held public sittings in all the ten provinces. The Commission also held special sittings for eminent persons and persons who had been alleged to have instigated or perpetrated violence. The Commission also undertook site visitations to verify some of the petitioners' submissions, specifically on damaged property and claims of Zambia police inertia to prosecute cases of political violence. In addition, the Commission viewed video footages and reviewed relevant documents to augment petitioners' submissions. The Commission largely used a qualitative approach to data analysis. Quantitative data analysis was only used to analyse information that was supplied by State institutions including the Zambia Police Service, Electoral Commission of Zambia and the Anti-Corruption Commission, among others.

On the voting patterns, the Commission finds that currently the country has been divided into two regional voting blocs, that is, the north-eastern and the south-western regional voting blocs. The Commission has noted that this voting pattern became more pronounced in the 2015 Presidential By-election and the 2016 General Elections. This voting pattern is of grave concern because, if it is not addressed, it could result in the country being divided into two distinct countries. The inquiry revealed that, during the period under review, voters have been influenced by four main interlinked factors in their voting choices.

The first influencing factor is tribal inclination, that is, voters give their support to the party led by candidates from their own tribe or region. This explains the teaming up of people from provinces on the south-western part of the country, on the one hand, and people from the provinces on the north-eastern side of the country, on the other hand. The Commission observed that politicians deployed tribal campaigns, as a selfish strategy, whereby they used tribal tags to influence tribesmen and tribal cousins to garner votes to benefit their political parties. One consequence of this strategy is that minorities of Asian or European origin are no longer represented in Parliament and local Government.

The second factor is the growing desire of the people in the south-western part of the country to have someone from that region also lead the country as President. This factor is directly linked to the earlier factor of tribalism and regionalism. This influencing factor is premised on the strong perception that the Republican Presidency has, since independence, been dominated by one region, the north-eastern region comprising Eastern, Luapula, Muchinga and Northern provinces.

The third factor is the growing discontentment among the people from the south-western half of the country that the sharing of the national ‘cake’ in terms of resources and development, including appointments to ministerial and other senior government positions, favours their counterparts in the north-eastern half of the country. This factor also carries with it undertones of tribalism and regionalism but acknowledges the fact that the issue of tribe and region is a permanent feature whose effects can, however, be mitigated by equitable distribution of national resources, which could be facilitated by equitable representation in Government.

The fourth influencing factor, which is also dominant among the people from the south-western part of the country, is that successive Governments have over the years made important developmental promises for the region, which they have, however, never fulfilled. The case in point is the promise of a university, stadium and restoration of the Barotse Agreement that the Late President Michael Sata made to the people of Western Province during the run-up to the 2011 General Elections, which petitioners kept recounting at various public sittings in the Province.

However, the north-eastern half expressed satisfaction with the status quo and feels that there is massive development in their areas. Petitioners pointed to the new roads, which were present in all districts that were visited by the Commission. They also expressed happiness at the appointments to Government positions.

The Commission concludes that these factors, combined, are the root causes of the voting patterns in the general elections from 2006 to 2016, the consequence of which is a disunited and divided country. The Commission found that these factors, particularly in the 2016 General Elections, were buttressed by: violent conduct of party cadres; vote buying; use of

Government resources for campaigns; influence of traditional leadership; influence of religious organisations; unfair conduct of the Zambia Police Service, lack of transparency in the management of the election process, polarised media coverage and induced voter apathy in some areas.

On electoral violence, the Commission finds that importation of political party cadres to areas where they were not known, excessive alcohol consumption by political party youths, hate speech, declaration of ‘no-go areas’, selective application of the Public Order Act by the Zambia Police Service, and delays in the announcement of results by the Electoral Commission of Zambia (ECZ), were among several other causes of violence before, during and after the 2016 General Elections.

The Commission found that the Zambia Police Service, in most instances, did not act independently and professionally in their endeavours to maintain law and order, during the 2016 General Elections. This made political parties and individuals that felt that the police service was against them to hire their own security personnel, who then became a danger to the public as they tended to be indisciplined. On the other hand, political parties and individuals that knew that the Zambia Police Service overlooked their misdeeds were forced to engage in punitive lawlessness, which has aggrieved the people of Zambia especially in the victimised communities.

In order to positively influence the voting patterns and combat electoral violence, the Commission recommends that:

- (a) Government should take steps to remove barriers to the participation of all citizens in the election process. The Commission notes that elections must be inclusive to provide equal opportunities for all eligible citizens to participate as voters in selecting their representatives and as candidates for election to leadership positions;
- (b) Government should take steps to ensure that elections are made much more transparent in order for citizens to freely participate, understand, evaluate and, ultimately, accept an election process and its outcome as representing their will;
- (c) Government should transform ZNBC into a public service broadcaster enjoying full editorial independence from government and allow a variety of political opinions represented by different parties to be broadcasted; amend the ZNBC Act No.16 of

2010 to guarantee protection of tenure of the Board of Directors and senior management who should be appointed in a transparent manner, with the involvement of media professionals;

- (d) Government should ensure that elections genuinely afford rights to citizens with respect to the conduct of all electoral stakeholders, including state agencies, the ECZ itself, political parties, candidates and the police;
- (e) Government should give all citizens reasonable and equitable opportunities to compete for positions of leadership at all levels. Government must ensure that political parties and candidates are able to campaign and voters are able to cast their ballots free from undue influence, intimidation or violence. Government must ensure that the Public Order Act and the manner in which it is administered does not impose undue restrictions on candidates and political parties but provide opportunities for them to present their message to citizens so that they make informed decisions. The ruling party must desist from exclusive use of the public media so that elections are genuinely competitive, offering equitable opportunities for contestants to convey their positions to citizens and compete for votes.
- (f) ECZ should build capacity of the Conflict Management Committees (CMCs) with the responsibility to implement an expedited procedure for hearing complaints related to media coverage of political campaigns. This committee should be empowered to order balanced coverage, a right of reply, correction or retraction. The ECZ should monitor more closely the use of State resources in election campaigns and should rigorously investigate complaints and promptly take remedial measures;
- (g) Government should take steps to ensure the safety of voters, candidates, election officers, observers and other actors involved in an election. In order for an election to be inclusive, participatory, definitive, competitive and ultimately reflect the will of the people, it is essential that electoral players campaign and vote freely. In agreement with stakeholders, ECZ should ensure that measures are put in place to guarantee the security of voting materials, equipment and facilities related to the conduct of elections. ECZ should create awareness among the electorate about the domicile, mandate and role of the CMCs which should be proactive and report all incidents of electoral violence within their jurisdictions on behalf of complainants in order to assist victims of violence to seek justice;

- (h) Government should ensure that the Electoral Process Act is simplified and made user friendly by clearly defining the rules applicable at different phases of the election process. This should be followed by extensive publicity. *Section 97* of The Electoral Process Act No. 35 of 2016 should be amended to restore the provisions of *Section 93* of the Electoral Act No. 12 of 2006 in order to effectively address electoral malpractices;
- (i) Government should ensure that the ECZ is politically impartial, competent, operates independently and is insulated from political pressure. The independence of ECZ should be enhanced through adequate funding and transparency in the appointment of its Commissioners and other electoral officers. Government should alter the composition of the ECZ so that it comprises both non-partisan and partisan members. In this regard, the ECZ should be comprised of independent, nonpartisan individuals chosen based on their expertise, through a transparent appointment procedure; and representatives of registered political parties who should be nominated by political parties with representation in Parliament;
- (j) Government should review and strengthen the existing systems for the resolution of complaints in the election process. The Electoral Process Act of 2016 should be amended to establish an Electoral Fast Track Court to resolve electoral violence matters and other electoral disputes expeditiously. The ECZ should consider expanding the mandate of CMCs and strengthening their capacity to handle and resolve electoral complaints raised by voters, candidates and political parties at constituency and district levels. The Electoral Process Act should be amended to provide for open selection of members of the CMCs and the appointment of the multi-stakeholder CMCs at all levels. ECZ should embark on public awareness and sensitization activities on the role and functions of the CMCs in the resolution of electoral disputes;
- (k) Government should put in place effective plans to prevent interparty and other electoral violence. Revamp the early warning system in order to generate real time information which can be used by key stakeholders including ECZ, security forces and others to prevent electoral violence. The Electoral Process Act and the Electoral Code of Conduct be reviewed to include additional measures to prevent occurrence of electoral violence. There is a need to enact the Political Parties Bill (2019) and other

electoral based legislation at the latest by 2020 to enhance the regulation and orderly conduct of political parties during elections;

- (l) Political parties should take responsibility for the conduct and behaviour of their members and take appropriate action against erring members. Political parties should use their local structures to campaign and desist from importing cadres into districts where they do not reside. Leaders of political parties should not reward party members and officials who are associated with violence and should openly denounce and disown such members;
- (m) Churches, NGOs and the public should promote a non- violent electoral environment and speak against all acts of violence irrespective of their association with the perpetrator. Community, Religious and Traditional leaders should build networks in their communities to monitor acts of electoral violence and agree on the appropriate measures to prevent, resolve and manage conflicts. Civil society organisations and the media must create platforms where incidents of violence should be reported, and perpetrators named and shamed;
- (n) Zambia Police Service and other Law Enforcement Agencies should conclusively investigate and prosecute all the individuals alleged to have perpetrated specific acts of electoral violence. Further the Commission recommends that investigations be instituted to ascertain the role that the PF, UPND, FDD, MMD and Zambia Police Service played in the districts where violence was recorded;
- (o) Government should review the mechanisms and regulatory framework around ownership and use of firearms, in light of the growing gun culture in politics which is compromising public safety;
- (p) Government should conduct a comprehensive mapping exercise for the whole country to establish the identities of all the people who suffered damage to property, injuries, loss of life and those who were displaced during the 2016 elections including those who may not have submitted to the Commission. Thereafter a framework should be devised to deal with damages to private property and public facilities or infrastructure, injuries, death or displacement suffered during the electoral period. The Commission further recommends that the victims of electoral violence should be compensated and the quantum of loss and families of those who lost lives should be referred to the Deputy Registrar of the High Court for assessment;

- (q) An independent and impartial Peace Commission or an equivalent body to be established to institutionalize national dialogue and provide a platform for regular discussions of matters of national interest and resolution of grievances;
- (r) The Church mother bodies should expedite the holding of dialogue amongst all leaders of political parties especially between the leaders of PF and UPND. The leaders of the two parties should be committed to the resolutions of the national dialogue before 2021 General Elections;
- (s) The Ministry responsible for religious affairs and national guidance in collaboration with stakeholders should invest in programmes to promote social cohesion and national unity;
- (t) Government should depoliticise the public service. District Commissioners and other public officers should remain non-partisan in the discharge of their responsibilities;
- (u) The Public Protector should investigate perceived selective retirement in National Interest and transfers of public officers in the aftermath of the 2016 elections which has caused general discontent;
- (v) Government should expedite and conclude the Constitutional Reform Process in order to enhance democratic governance premised on the doctrine of separation of powers, observance of the rule of law and full enjoyment of rights by citizens;
- (w) Government should implement comprehensive reforms to develop a strong, responsible professional, ethical and independent media. Further, Government working with stakeholders should establish an office of independent press ombudsperson to investigate complaints about the conduct of public and private media;
- (x) Government should expedite the enactment of the Access to Information Bill to build a transparent and accountable governance system;
- (y) Government should ensure broad regional, ethnic and gender participation in national affairs and this can be achieved by amending necessary legislation such as Article 110(1) of the Constitution Amendment Act No. 2 of 2016 on the requirements for the Running Mate to come from another ethnic region different from that of the Presidential candidate, and also Article 259(2) of the said Constitution on nominations and appointments, by removing the words “where possible” so that it is mandatory that when making nominations or appointments to public office, the appointing

authority must ensure that such nominations or appointments reflect the regional and gender diversity of the people of Zambia;

- (z) The Government should scale up decentralisation of fiscal, administrative and political functions to the provincial and district levels;
- (aa) Constitutional provisions on Presidential election petitions must be subjected to a detailed review in order to clarify all matters incidental to filing and disposing of Presidential election petitions;
- (bb) Government should institute a process to comprehensively review the purpose, functions, composition, operational and organisational structure of the Constitutional Court, taking into account concerns expressed by the public after the 2016 General Elections. Further, that the Chief Justice in particular, must be part of the Constitutional Court decisions, being the head of the Judiciary;
- (cc) Zambia Police Service should professionally and fairly apply the law regardless of political affiliation, ethnicity, gender, or other considerations;
- (dd) Government should depoliticise the operations of the Zambia Police Service including the appointment of the Inspector General of Police, the Deputy Inspector General of Police and the Commissioners of Police;
- (ee) The Command Structure should be restored to allow for the appointment of Provincial Police Commissioners by Zambia Police Service Commission on recommendation by the Inspector General of Police, in order to eliminate political interference and enhance their operational independence and professionalism;
- (ff) Department of National Registration, Passports and Citizenship, should enhance security in the issuance of national registration documents to promote public safety and uphold the integrity of the electoral process; and
- (gg) The Department of Immigration should enhance national security in porous border areas to promote public safety and prevent infiltration of foreigners in the electoral process.

PART ONE

INTRODUCTION AND BACKGROUND

The elections held from 2006 to 2016 have culminated into a vivid voting pattern, which seems to confirm that the nation is divided into two distinct voting blocs, one in the north-eastern and the other in the south-western part of the country. This phenomenon has diminished the spirit of the 'One Zambia One Nation' motto and is a threat to national stability. In addition, the 2016 General Elections were characterised by intra and inter-party violence, which spilled over to the general populace in some parts of the country. The violence resulted in casualties among political cadres and ordinary members of the public. The Government and the Zambian population, as a whole, got seriously concerned about this development and called for decisive intervention.

1.1 Setting up the Commission of Inquiry

In view of the violence and the emerging divisive voting patterns that characterised the 2016 General Elections, His Excellency the President of the Republic of Zambia Mr. Edgar Chagwa Lungu, on the 21st of October, 2016, appointed the Commission of Inquiry into Voting Patterns and Electoral Violence (The Commission) pursuant to *Section 2* of the Inquiries Act, Chapter 41 of the Laws of Zambia (The Inquiries Act).

1.2 Composition of the Commission.

The Commission comprised fifteen (15) members as follows:

- (i) Mr. Justice Munalula Lisimba - Chairperson.
- (ii) Mrs. Kasongo Mevis Chisanga - Vice Chairperson
- (iii) Fr. Lastone Lupupa (Commissioner)
- (iv) Mr. Charles Kafunda (Commissioner)
- (v) Mr. Lee Habasonda (Commissioner)
- (vi) Mr. Rueben Lifuka (Commissioner)
- (vii) Dr. Mulenga C. Bwalya (Commissioner)
- (viii) Mrs. Maureen Samulela Tresha (Commissioner)
- (ix) Prof. Owen Sichone (Commissioner)
- (x) Mr. Redson Nyanga (Commissioner)

- (xi) Ms. Flora K. Mooya (Commissioner)
- (xii) His Royal Highness Chief Ntambo (Commissioner)
- (xiii) Mr. Wilfred Chilufya (Commissioner)
- (xiv) Mr. Nzovwa Mwela Chomba - Secretary
- (xv) Mr. Mike Mulabe - Deputy Secretary

The Members of the Commission were sworn-in on the 28th of October, 2016 by the Chief Justice of the Republic of Zambia, the Honourable Lady Justice Ireen Mambilima.

1.3 Mandate of the Commission

The mandate of the Commission was to enquire into the voting patterns in the general elections conducted from 2006 to 2016 and the electoral violence that characterised the 2016 general elections. This was in order to come up with recommendations that will prevent the recurrence of violence in future elections and ensure that voting outcomes are reflective of the people's free will.

1.4 Terms of Reference

The Terms of Reference of the Commission are contained in Statutory Instrument No. 72 of 2016 (S.I No. 72) as outlined in Appendix 1.

1.5 Secretariat

Following the appointment of the Commissioners, a Secretariat was put in place to provide administrative, technical and other logistical support to the Commission as provided for under The Inquiries Act. Members of the Secretariat were civil servants appointed by the Secretary to Cabinet from the Ministry of Justice, Cabinet Office, Ministry of Information and Broadcasting Services, Ministry of Home Affairs and the Judiciary. Secretariat comprised, among others, two Rapporteurs, two Researchers, one Public Relations Officer, an Administrative Officer an Information Technology (IT) Specialist, four Court Reporters, one Court Martial, two Sound Technicians, an Accountant, four Secretaries, one Procurement Officer, one Registry Officer, four Police Officers, two Office Assistants and three Drivers.

1.6 Period of inquiry

The Commission, as stated in S.I No. 72 of 2016, was required to submit its report within a period of 120 days from the date of appointment. This however, was not possible due to circumstances beyond the control of the Commission. The Commission had to seek extensions on four occasions, as explained below.

1.6.1 First extension

Weeks before the end of the mandated 120 days, the Commission had just set up the Secretariat and conducted public sittings in two districts in Lusaka province and five districts in North-Western province. Most of the time was taken up by procurement processes for office furniture, vehicles and other logistics necessary to operationalise the work of the Commission. With nine (9) provinces still to be covered, and additional funds yet to be released by the Treasury, it was apparent that the Commission would not finalise its work within the 120 days. A request was, therefore, made to His Excellency the Republican President to consider extending the said mandate for a further period. This request was granted for the period April to November, 2017.

1.6.2 Second extension

At the end of November 2017, the Commission had covered six (6) out of the country's ten (10) provinces. The Commission had spent more than half of the extended period waiting for funds. Upon assessment of the outstanding workload, the Commission concluded that it still needed additional time to conduct public sittings in the remaining four (4) provinces, including the preparation of the Report. In this regard the Commission requested for a second extension from His Excellency the Republican President. The request was granted and the period was extended from November 2017 to June 2018.

1.6.3 Third extension

At the expiry of the second extension, the Commission was still remaining with public sittings in Central province and some parts of Lusaka Province. The funds that were released after the second extension was granted were not sufficient to cover the outstanding programme of work and the same funds were released late, towards the end of the extended period. A further extension, therefore, was necessary and hence the

request for the third extension, which was granted from July to the 31st of December, 2018.

1.6.4 Administrative extension

The Commission was to submit its Report to His Excellency the President on the 31st of December, 2018 at the expiry of its mandate. However, as this date approached, the Commission still had a significant volume of work. This situation arose because, following the grant of the third extension, funds were released very late, almost two months before the expiry of the extended period. The late release of funds was coupled with new rules of expending funds, which lengthened the procedures and consumed almost a month. Four days before the expiry of the extended period, the Commission had to once again request for an extension to enable the Commissioners to validate the Report and enable the technical staff to edit and print the same. The request was granted and the Commission was advised to submit the Report within the shortest possible time.

1.7 Methodology

1.7.1 Data collection

The Commission's main sources of data were public sittings, written submissions, special sittings with eminent persons and persons implicated by petitioners, secondary sources as well as site visitations during which the Commission inspected damaged property and sought records and reports from the police and other relevant authorities and institutions to verify some of the petitioners' submissions.

1.7.1.1 Public sittings

In executing its mandate, the Commission held public sittings in all the ten (10) Provinces of the country - visiting at least five districts in each Province to receive submissions from the people. In total, the Commission visited 54 districts out of 106 districts countrywide and received 1, 019 submissions, both oral and written (see list of petitioners in Appendix 3 and verbatim transcripts in Annex 2).

In deciding which district to visit, the Commission considered the following factors, among others:

- (a) Results of General Elections from 2006 to 2016 as compiled by the Electoral Commission of Zambia (ECZ);
- (b) Perceived strongholds of the top two political parties, namely Patriotic Front (PF) and United Party for National Development (UPND);
- (c) Reported incidences of violence during elections in a particular district; and
- (d) Disaster Management and Mitigation Unit (DMMU) reports of people who were displaced or had their property damaged in electoral violence in a particular district.

1.7.1.2 Stakeholder engagement

Before embarking on countrywide public sittings, the Commission met representatives of political parties, civil society organisations (CSOs) and the media. At these meetings the Commission explained pertinent issues regarding its mandate, Terms of Reference (ToRs) and programme of work. These organisations were invited because they are key stakeholders in elections and electoral processes and would therefore play a crucial role in encouraging their members and the general public to participate in the inquiry.

The Commission also used the opportunity to assure stakeholders and the public at large that contrary to sentiments expressed by some people, that it was appointed to victimise certain opposition political parties, the Commission was an independent and non-partisan entity which would conduct its inquiry in an open and impartial manner in line with its mandate.

In turn, the Commission benefited immensely from well-placed observations and advice rendered by the stakeholders in ensuring the success of this important national exercise.

Further, as part of its preparatory work, the Commission sent correspondence to institutions and Government departments whose functions fell within its scope of work. These included the Zambia Police Service, the Electoral Commission of Zambia (ECZ), Public Service Management Division (PSMD), Human Rights Commission (HRC), Department of National Registration, Passport and Citizenship, Judiciary, United Nations Development Programme (UNDP), as well as the Disaster Management and Mitigation Unit (DMMU). These and other institutions facilitated the work of the

Commission, by giving it access to records of incidents related to electoral violence and voting patterns during the period under review.

1.7.1.3 Publicity

Ahead of each of the public sittings in the provinces and districts, the Commission, in accordance with its communication strategy, carried out extensive publicity, in local languages and English, to ensure that members of the public did not only understand the Commission's ToRs and other guidelines, but were also well informed of the dates, venues and time of the sittings. The publicity and other public sensitisation programmes were carried out at least a week before the Commission's public sittings in a particular district or province. Principal among the communication channels and interventions used were the following:

- (a) Radio (public, private and community radio stations);
- (b) Television (both public and private);
- (c) Print media (public and private);
- (d) Mobile announcements by Zambia News and Information Service (ZANIS); and
- (e) Distribution of the Commission's ToRs and other informational materials to the public through ZANIS, District Commissioners' office, local authorities, traditional rulers, the church, Civil Society Organizations (CSOs) and other stakeholders.

The radio and television programmes took the form of live phone-in interviews on which the Commission Chairperson, Vice Chairperson and other Commissioners interacted with the public to explain the Commission's mandate and other relevant issues.

1.7.2 Mode of submissions

During the public sittings, the Commission allocated an average of fifteen (15) minutes for each petitioner to make an oral submission. The Commissioners then proceeded to ask questions for clarification. The question-and-answer session also provided an opportunity for the Commission to solicit the petitioners' opinion on other ToRs that they may have omitted. The Commission also conducted verification visits to check on some of the issues raised by petitioners pertaining to damage to property and

infrastructure by certain groups. However, those, who, for any reason, were unable, or uncomfortable to appear in person before the Commission, were free to use any of the following options to make their submissions:

- (a) Online submissions through the Commission's website (www.civpev.gov.zm);
- (b) Written submissions through the Commission's postal address or through the office of the Provincial Permanent Secretary or District Commissioner; and
- (c) Written submissions brought in person to the Secretariat offices at New Government Complex or during the Commission's public sitting in a district.

In making their submissions, orally or in writing, members of the public were free to use a language of their own choice - either local or English. Interpreters were in place for this purpose.

1.7.3 Petitioner's Guidelines

In addition to other informational materials availed to the public prior to and during the sittings, the Commission developed guidelines, in both local languages and English, which petitioners were required to follow in making their submissions (see Appendix 4).

In this regard, petitioners were required to provide the following information:

- (a) People who were campaigning on the basis of tribe or region in the elections;
- (b) Campaign meetings, rallies and other campaign activities for political parties that were cancelled by police;
- (c) Political parties that were disrupting campaign activities for rival political parties or independent candidates;
- (d) The media (radio, television, social media and newspapers) that were disseminating biased information or hate speech during campaigns;
- (e) Traditional, religious and civil society leaders who coerced their followers to vote for their preferred candidates/political parties;
- (f) The voting patterns in general elections from 2006 to 2016;
- (g) Reasons why they thought people in their district/constituency voted for the candidate/s or political parties that they voted for; and
- (h) Specific information or evidence of the nature of the electoral violence they witnessed or suffered, when and where it happened, what caused the violence, who caused the violence, injuries suffered, including the property that was

damaged, how the police and other relevant state agencies responded to the violence and what has happened to the perpetrators and victims of the violence.

1.7.4 Special sittings

In addition to public sittings, the Commission held special sittings for eminent persons, and those who were implicated by petitioners to have caused electoral violence during the period under review. A total of four (4) eminent persons and three (3) implicated persons appeared before the Commission in December, 2018 (see Appendix 3).

1.7.5 Primary data

The Commission used three methods to capture submissions from petitioners. These were the audio, visual recording and written. The rapporteurs collected summarised information based on the Commission's ToRs. They were guided by an issues list that was developed to address the ToRs. The rapporteurs then consolidated their reports by clarifying some issues with the verbatim report or the audio and visual version. With regard to written and electronic submissions, the Commission sieved all the necessary information that was addressing the terms of reference and then filed and safely stored.

1.7.6 Secondary data

Secondary sources were reviewed in order to confirm, compare and contrast information derived from submissions. In this regard the Commission referred to various publications including the following:

- (a) Waki Report on Post-Election Violence in Kenya of 2008;
- (b) Past Commissions of inquiry reports;
- (c) Elections Observation and Monitoring reports;
- (d) Disaster Management and Mitigation Unit reports;
- (e) Academic works;
- (f) Newspapers and other periodical publications;
- (g) Official Government documents; and
- (h) The Zambian Constitution and other pieces of legislation.

1.7.7 Data analysis

The analysis was mainly qualitative though quantitative data from desk research was also used in some cases in order to triangulate the evidence before coming up with conclusions and recommendations.

1.8 Limitations

1.8.1 Late setting up of Secretariat

In order for the Commission to begin work, a few logistical and administrative requirements had to be addressed. The Secretariat was the first to be set up, then office accommodation was secured and the budget prepared and submitted to the Treasury for funding. These and other administrative processes and procedures took longer than anticipated. The Commission's first public sitting, therefore, was not held until mid-December, 2016, about two months after the appointment of the Commission.

1.8.2 Erratic funding

The main cause of the delays in implementing the work-plan was financial constraints arising from delays in the disbursement of funds by the Treasury, which stalled the Commission's work for prolonged periods. For its part, as soon as the Secretariat was set up and the programme of work drawn up, the Commission wanted to finish its work in the shortest possible time. Unfortunately, this could not work because from February, 2017, when the Commission returned from its inaugural public sittings in North-Western Province, its plan was to proceed to the Copperbelt in March but this could not be done until June, a delay of nearly four months. From June, the next public sitting only took place in September/October during which the Commission covered four provinces, namely Luapula, Northern, Muchinga and Eastern, in one stretch, in a bid to save on time and resources.

After October, the next sitting was in February, 2018, in Western and Southern provinces which the Commission, again, covered in one stretch. From February, the next sitting was in November, a period of nine months. The Commission spent almost 80 per cent of the time waiting for funding hence the wide gaps of inactivity as illustrated in the foregoing. All the efforts by the Commission to secure funding from the Treasury on time proved futile. Further, it is worth noting that the three extensions of the

Commission's mandate effected between April, 2017 to 31st December, 2018, amounted to 600 days (about 20 months) out of which the Commission used only 102 days (about three months) on public sittings, inclusive of travel, countrywide. This is a clear indication that had funding been consistent, the Commission would have completed its work within the initial 120 days it was given, with a thin probability of an extension, if any.

1.9 Arrangement of the Report

The Report is arranged in five (5) parts, namely:

1. Introduction and historical background;
2. Findings on voting patterns;
3. Findings on political violence;
4. Findings on social, economic and political consequences of the 2016 Elections;
and
5. Main recommendations.

The first part of the Report provides background information, including the rationale for the appointment of the Commission of Inquiry and its mandate. It also outlines the methodology used to produce this report. It further provides a historical background of political development, political violence and voting patterns in Zambia, from the pre-independence period to date. It concludes with a description of the legal framework that currently guides the holding of elections.

The second part of the Report provides results of the inquiry into the voting patterns from 2006 to 2016 and examines causal factors that may have influenced the voting patterns. It also highlights the conduct of political parties, traditional leaders, the media and other organisations that may have influenced the voting patterns. This part also examines how the violent conduct of political parties may have affected the voting patterns. Further, this part examines the extent to which voter apathy could have affected the voting patterns and the probable causes of voter apathy in some parts of the country.

The third part of the Report analyses the political and electoral violence that characterised the 11th August, 2016 General Elections. In this part, the Report discusses

the causes of violence, property that was damaged and the people who were injured, displaced or killed as a result of political violence. The Report further looks at the conduct of State agencies that are mandated to intervene in political electoral violence.

The fourth part of the Report highlights the social, economic and political consequences of the 2016 voting patterns. This part also highlights the current relationships between the perpetrators of the violence and the members of the public in areas where violence occurred. The part ends with the Commission's assessment of whether the relationship is conducive to the promotion of democratic governance and public safety.

The fifth part of the Report contains main recommendations of measures to be taken to ensure that voting outcomes are reflective of the people's free will in any election. This part also contains recommendations on measures to prevent the occurrence of violence in future before, during and after elections. Further, this part contains recommendations of appropriate action to be taken on the persons who actually committed acts of violence and organisations that were involved in the violence. In addition, this part proposes specific forms of relief for persons who were injured and suffered loss of life or damage to property. Finally, the part closes with measures to promote reconciliation, democratic governance and public safety.

1.10 Historical background

1.10.1 Pre-independence

Zambia's experience during British colonial rule was characterised by authoritarian and undemocratic administration, typical of foreign rule. The influence of the colonial administration, which the British South Africa Company (BSAC) and later the Colonial Office, set-up is unfortunately still evident in modern day Zambia's governance, legal, political and social cleavages despite repeated efforts to reform them. Zambians have in fact been building democracy from scratch because the British era did not leave behind a strong democratic tradition. Instead they bequeathed the new State a plethora of laws designed to subjugate a colonial society and privilege the few.

In the post-second world war period, the struggle for freedom and democracy was accelerated and partly influenced by the independence of India in 1947 and Ghana in

1957. In 1958 the Zambia African National Congress (ZANC), led by Kenneth Kaunda, was formed as a splinter group from the conservative African National Congress (ANC) formed by Mbikusita Lewanika and later led by Harry Mwaanga Nkumbula. Thereafter, the colonial state clamped down on the nationalist movement using the Public Order Act, detention without trial, emergency powers and the Penal Code. The ZANC was banned a year after its formation and Kaunda was detained. While he was in detention Mainza Chona formed the United National Independence Party (UNIP) and was elected as its first president. When Kaunda was released in 1961, Chona handed over the presidency to Kaunda.

On the 24th of July 1964, a State of Emergency was declared by Sir Evelyn Hone, then Northern Rhodesia Governor, and this remained in force intermittently in post-independent Zambia until 1990 when there was a wind of change to restore multiparty democracy in Zambia.

In response to the heightened repression which was compounded by the state of emergency, the nationalist movement engaged in acts of violence against the colonial State and European settlers. During this period all the key contenders for power were very intolerant of each other. Consequently, confrontations between the police and the nationalists, and between UNIP and ANC, were quite common.

However, from time of formation of political parties, opportunities have been sought for rival parties to work together whenever they had a common interest. A good example of this was the 1962 coalition Government where the ANC decided to work with UNIP instead of a settler party the United Federal Party (UFP), thereby paving way for Zambia's independence in 1964. There are thus both bitter and sweet lessons from the past that are relevant to today's efforts at building a democratic nation.

1.10.2 First Republic (October 1964- December, 1972)

Upon independence in 1964, Zambia was a multiparty State with three (3) political parties namely UNIP, ANC and the National Progressive Party (NPP). UNIP managed to garner the majority of representatives in Parliament and consequently the Party

formed Government and its leader Kenneth Kaunda, became the first President of Zambia.

Kaunda's leadership was soon challenged by some of his lieutenants. The first to break away was Nalumino Mundia, the then Minister of Education, who formed the United Party (UP) in collaboration with Lozi politicians from the ANC. The UP drew most of its support from the Lozi-speaking people who felt dissatisfied with the distribution of resources by the new government. When the UP was banned and its leaders detained in August 1968, the UNIP Government used the same colonial era statutes that the British had used to restrict Kaunda and other ZANC leaders, including the Public Order Act. Thereafter, UP Members shifted their support to ANC and Nalumino Mundia became ANC Deputy-President.

In 1968, ethnic alliances rocked the ruling party UNIP. During the party's national congress, the main party positions were contested by different ethnic groups for Vice-Presidency. Simon Mwansa Kapwepwe, a Bemba and serving Foreign Affairs Minister, challenged Reuben Kamanga, a Tumbuka from Eastern province, who was both the party and Republican Vice-President.

The struggle for power became so acrimonious that Kaunda, in disgust, temporarily resigned as Republican President on February 5, 1968 at the UNIP National Council meeting held at Chilenje community hall in Lusaka, stating that he was not ready to lead a nation of tribalists. He was, however, persuaded to rescind his decision several hours later. The party then appeared to be united behind Kaunda as it prepared itself for the first post-independence general elections in 1968. However, more cracks resurfaced soon after the elections with Kapwepwe resigning his two positions as party and Republican Vice-President on grounds of what he perceived was a systematic marginalisation of Bemba speaking from government appointments and that his colleagues in both the party and the government had never accorded him the respect and courtesy befitting his position.

Kapwepwe subsequently, in 1971, resigned from UNIP and formed his own party - the United Progressive Party (UPP) with several senior party and government officials

following him. UPP which drew support mostly from Bemba people became an instant threat to UNIP's popularity with Kapwepwe winning the Mufulira Parliamentary by-election on the Copperbelt held on 21 December, 1971.

In 1969, there was a Referendum held to allow Parliament to amend the independence constitution and introduce less strict conditions to alter the constitution. This subsequently paved the way for the legislation of the one party state with UNIP as the only registered party.

In 1972, President Kaunda appointed the Chona Constitutional Review Commission, to inquire from the public on the question of Zambia introducing a one party state. The outcomes of the Commission opened a way for institutionalising the one party state. Most of the public submissions received such as the limitation of the presidential term of office were rejected by the Government. The new Constitution consolidated the centralisation of executive and legislative powers in the presidency. All appointments to the public service and parastatal companies were made by the Republican President and this feature continues to characterise the current political dispensation.

President Kaunda and the main opposition ANC leader Harry Mwaanga Nkumbula, on 4 February, 1972, thus, signed the famous *Choma Declaration*, to make Zambia a one party State with UNIP as the only registered legal party. The pact brought peace amongst party cadres of rival political parties who had engaged in violent confrontations. It further entrenched Zambia's peace and unity under the 'One Zambia One Nation' motto in which President Kaunda, among other things, adopted a system of 'tribal balancing' whereby appointments to leadership positions in the Party and Government were equitably distributed amongst the political elite from different parts of the country. These appointments soon created a bloated bureaucracy where party officials and government technocrats were appointed to do the same job. Although it reduced the tribal rivalry, it proved to be expensive and contributed to the economic decline that followed.

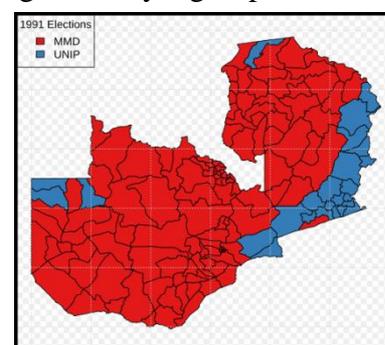
1.10.3 The Second Republic (September, 1973 – 1990)

In the 1970s, the one party state was quite common in Africa and was said to be more in harmony with African consensus based democracy, which, President Julius Nyerere of Tanzania defined “*as talking until you agree.*” Malawi, Zaire, now Democratic Republic of Congo (DRC), Kenya and others were one party states while others tended to be military regimes with the exception of a few such as Senegal and Botswana which remained multi-party albeit one party dominant democracies. Apologists for one party rule referred to national unity, popular mobilisation and support for the liberation struggle in Africa as some of the achievements for one party. In Zambia there were many economic and social challenges that were not addressed by the one party State such as the difficulty of doing business, the sense of fear among citizens and the abuse of power by those in authority, while the media was dominated by government propaganda. Since the party was supreme, UNIP officials were dominant in all aspects of life such as managing State Owned Enterprises and controlling the distribution of food and other essential commodities, maintaining law and order in the villages through ‘vigilantes,’ and controlling markets and bus stations where they invariably installed their own reign of terror on innocent passengers and other fellow citizens. Some of these malpractices have persisted to date.

Although elections were held regularly, the Party did not allow the president to be challenged. However, elections to National Assembly were more competitive except that some candidates were vetted by the Central Committee. While the one party State generally appeared stable, due to the power sharing arrangement between the political elite, there were simmering conflicts which periodically erupted into riots and other acts of militant and civil disobedience. Over time, the opposition to one party domination, coupled with international pressure forced Kaunda to concede to the demand for multi - party democracy.

1.10.4 Beginning of the Third Republic

The Garden House Meeting, as it came to be known, which was organised by a group of young professionals, trade unionists, academics and others, on July 20, 1990, had a profoundly catalytic impact on Zambia’s



return to multiparty democracy. Unable to bear the extensive protests and public pressure, coupled by a bankrupt and highly inflationary economy characterised by chronic shortages of essential commodities, President Kaunda realised the need for political reform and constituted the Mvunga Constitutional Review Commission in 1990, which recommended the repeal of Article 4 of the Republican Constitution to allow for multiparty democracy. Accordingly, the Article was repealed and this paved the way for Zambia's first post-independence multi-party elections held in October 1991 which the opposition Movement for Multiparty Democracy (MMD) won with over 76 per cent of the vote, as shown on the map above, under the leadership of trade union leader Frederick J.T. Chiluba, defeating President Kaunda and ending his 27 years in power.

The results of the 1991 elections confirm that they were driven by a desire for change more than anything else. The party that represented change, the MMD won overwhelmingly throughout the country except in Eastern Province which voted UNIP. Due to its national appeal and the demand for change, the MMD had supporters from all walks of life and for the first time since independence, white Zambians and Zambians of Asian origin became full participants in politics as members of the party and even MPs and Ministers. Tribalism was also not initially evident in the MMD but like in UNIP, once competition for Government positions and other privileges emerged, the ruling elites started moving away from their multi-racial, multi-ethnic and non-tribal politics.

1.10.5 Overview of democracy

Zambia has enjoyed the status of a model for democracy and peace on the African continent since its independence in 1964. Despite being surrounded by neighbouring countries that fought prolonged wars of liberation and civil wars, Zambia remained the stable place of refuge for many fleeing these wars.

In 1991 as the wave of democratisation swept across the world, many African countries changed from one party rule to war-lordism and civil war. Zambia on the other hand managed a peaceful transition from a one-party system of governance to multi-party system of governance in the early 1990s. Since then, Zambia has achieved two transfers of power – from UNIP to the MMD (1991) and the MMD to the PF (2011). The country

has generally conducted competitive multi-party political elections which is a rare feat in sub-Saharan Africa. This suggests that it is possible to conduct elections that are free and fair and thus achieve some consolidation of democracy in the country. All major political parties rhetorically agree that the country should be run as a democracy with multi-party elections.

However, deeper democratisation has been undermined by a lack of comprehensive constitutional reforms. The Constitution remains top heavy with a substantial amount of power vested in the Republican President. The Constitution hence continues to allow the incumbent to enjoy substantial advantages, which in turn confers a significant advantage on the ruling party. Consequently, there remains a need to promote better governance and reinforce democratic practices.

The media in the country has grown with a number of community radio stations, private TV stations and print media houses having been established. The media however generally suffers from a culture of self-censorship which is a legacy of the one party State and have limited capacity for influencing positive change. The social media has opened an avenue in which there is now citizen journalism which has created a challenge for authentic information sharing.

Although Zambia has never suffered from civil conflict, the salience of ethnic identities is typically raised during election periods and violent clashes between rival party activists are not uncommon. Overall, the use and spread of politically motivated violence is limited. Political elites, in general, tend to avoid using violence to secure political power. However, the issue of the status of the Barotseland Agreement in Western Province remains a constant source of tension. There are no rebel groups seeking to challenge the State, so the state enjoys a de facto monopoly on the use of force throughout the territory. It is, nonetheless, noteworthy that in the Western Province, there are activist groups who have been advocating for greater federal powers for “Barotseland.”

Similarly, despite the developing democracy, there is some evidence that recently there is an increasingly antagonistic form of politics that is emerging, intensifying the

significance of ethnicity and political affiliation while on the one hand, elections have become increasingly violent. Parliament and the Judiciary remain in place, however, their functions are occasionally, but not systematically hampered.

There are a number of significant social cleavages in Zambia. The first is ethno-linguistic. The second cleavage is urban-rural. So far, a number of factors have worked to reduce the negative impact of these cleavages. As a result, relations between the different ethnic groups have been generally good despite the inequality gap between the rural and urban areas. Gender inequality is also a significant problem. Religious cleavages have not been a significant factor in political participation or law, while the decline in the power of the trade unions has reduced class cleavages. In the past, civil society proved to be an effective vehicle for the protection of democracy. However, the limited organisational capacity of civil society organizations implies that they have to struggle to maintain checks and balances on the government and many rely too heavily on foreign funding

The economic situation in Zambia is characterised by high unemployment levels, poverty and inequality while efforts to diversify economic activities are limited despite considerable strides towards a liberal market economy. The country's economy remains heavily dependent on copper mining for foreign exchange. Poor economic growth, fiscal indiscipline and unsustainable levels of public spending have resulted in a significant deficit and mounting public debt.

Overall there are still colonial and one party state vestiges that have persisted and still characterise Zambia's democratic dispensation. The regulation of political parties in respect of the right to assemble by the state remains a problematic issue which has dented Zambia's democratic credentials. The weak institutionalisation of political parties and lack of clear ideologies make it difficult to practise democratic politics. Hence the political system is encumbered with patrimonial networks of personal benefits. This has resulted into the hybridisation of Zambia's democracy. Further, conceptualisation of opposition politics including criticism from civil society and citizens as a legitimate component of democratic governance is a constant challenge that is contributing to politically related tension.

1.10.6 Emergence of political violence

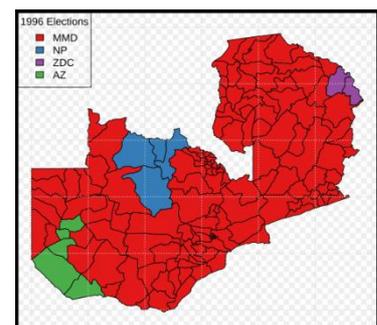
Zambia's return to multipartism in 1991 saw the emergence of party cadres - a reincarnation of the UNIP-era *vigilantes*. The cadres were arguably for a noble cause: to serve as foot soldiers in campaigns and other party activities. But this was not to be, as the cadres, 'motivated' by money, alcohol and other incentives they received from their political benefactors, soon became militant, lawless and violent in their operations. As such, the country, in 2005, during the Mapatizya parliamentary by-election in Kalomo district of Southern Province, witnessed the first major incidence of political violence since its return to multipartism in 1991.

In that election held on the 9th of June, 2005, along with another parliamentary by-election in Kalulushi district on the Copperbelt, the opposition United Party for National Development (UPND), adopted the infamous "*Mapatizya Formula*," a violent militia-style political activism in which its cadres attacked government vehicles, impounded food and other logistical supply convoys and harassed government ministers and electoral officials every time they suspected electoral malpractice and unfair campaign methods by the ruling party.

Another opposition party, the Patriotic Front (PF), also appeared to have adopted the same strategy in the Kalulushi by election on the Copperbelt, where its cadres went to disrupt a campaign rally for the MMD, the then ruling Party in Chambishi Township, resulting in violent clashes. The violence in the two by-elections (Mapatizya and Kalulushi), later replayed itself in the Milanzi and Mufumbwe parliamentary by-elections in Eastern and North-western provinces, respectively, with equally devastating consequences.

1.10.7 Voting pattern in 1996

The general elections were held on the 18th of November, 1996 in which President Frederick Chiluba of the MMD was re-elected for a second five-year term, with 73 per cent, with Dean Mung'omba of the Zambia Democratic Congress (ZADECO) coming a distant second at 13 per cent of the vote. Other



presidential contestants in the election were Humphrey Mulemba of the National Party (NP), Akashambatwa Mbikusita Lewanika of the Agenda for Zambia (AZ) and Chama Chakomboka of the Movement for Democratic Process (MDP). Voter turn-out was 58 per cent with the MMD maintaining its countrywide political dominance as shown on the map. The election was held under the constitutional amendment of May, 1996, which set a two-term limit on presidential tenure and required that presidential candidates should have been born to two Zambian citizens by birth or descent. This amendment eliminated former President Dr Kenneth Kaunda from contesting the presidential election and in protest UNIP boycotted the election as the party believed that the constitutional changes were specifically aimed at barring its long-time leader, Kenneth Kaunda, whose parents were Malawian.

1.10.8 Voting pattern in 2001

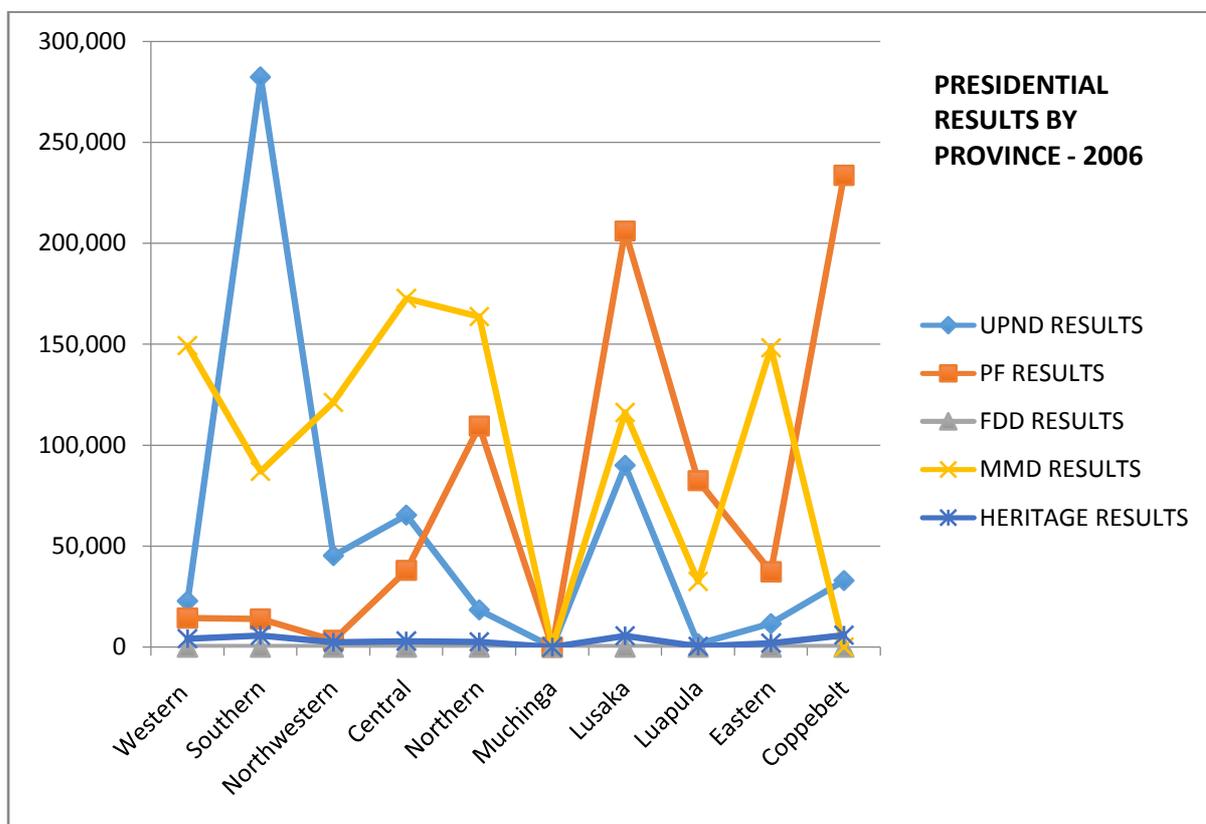
In 2001, President Chiluba's bid to change the Republican Constitution to allow him to run for a third term met with strong opposition from within and outside his party. He, therefore, could not stand as a presidential candidate and chose his former Vice President Levy Patrick Mwanawasa to contest the presidential election on the MMD ticket. Mwanawasa was subsequently elected Republican President with 29 per cent of the vote in the general elections held on 27 December, 2001. He was followed by Anderson Mazoka of the United Party for National Development (UPND) at 27 per cent, Christon Tembo of the Forum for Democracy and Development (FDD) at 13 per cent, Godfrey Miyanda (Heritage Party) at 8 per cent and Benjamin Mwila of the Zambia Republican Party (ZRP) at 5 per cent. Mr Michael Sata of the Patriotic Front got 3 per cent of the vote while Nevers Mumba (National Christian Coalition) got 2 per cent with zero per cent for Gwendoline Konie of the Social Democratic Party (SDP), Inonge Mbikusita Lewanika (Agenda for Zambia) and Yobert Shamapande of the National Leadership for Development party.

1.10.9 Voting pattern in 2006

The general elections were held on the 28th of September, 2006, in which President Levy Mwanawasa was re-elected for a second five-year term of office, with 43 per cent of the vote which term he, however, could not finish following his demise on the 19th of

August, 2008. Michael Sata of the PF obtained 29.4 per cent, Hakainde Hichilema of the UPND got 25.3 per cent while Godfrey Miyanda (HP) got 1.6 per cent.

The chart below shows how each of the top political parties performed in each province. From the illustration, it is clear that although the Southern province was dominated by the UPND whilst the Copperbelt and Lusaka provinces were dominated by PF, the MMD still emerged victorious since they were able to get some considerable votes in all the provinces.



Source of data: ECZ, Zambia- 2006 Presidential election results

Total countrywide results - 2006

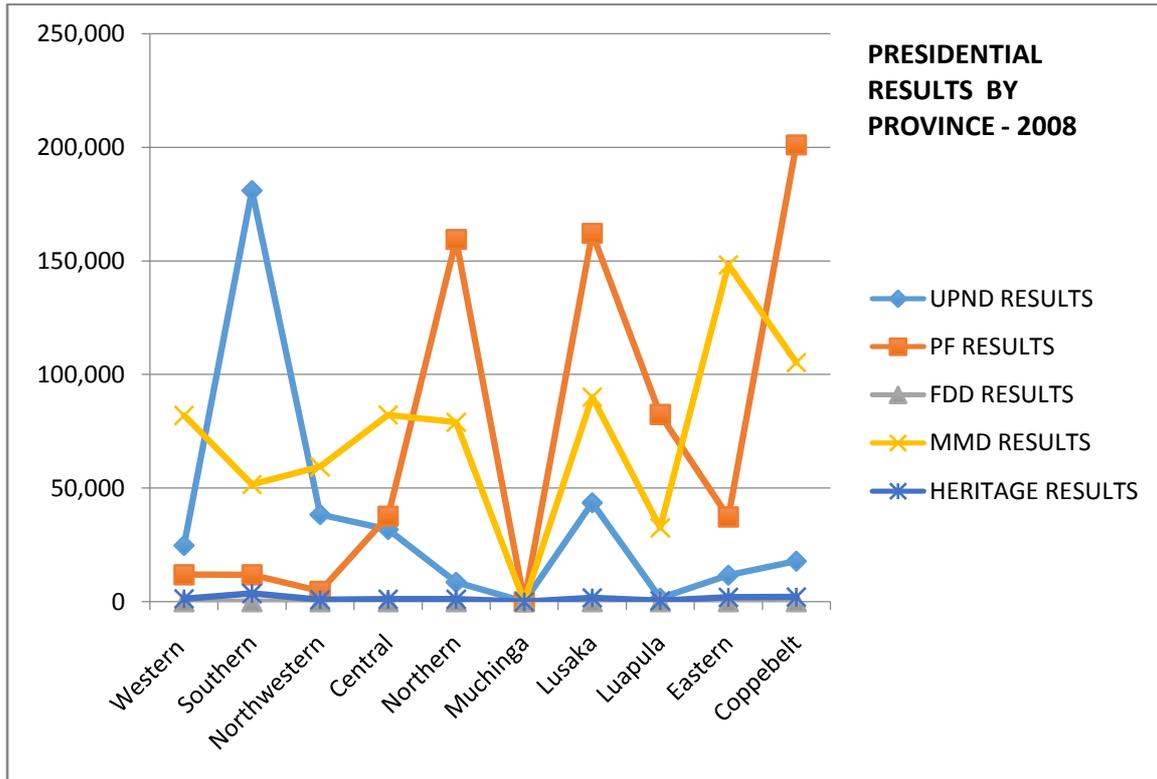
Political Party	Results	Percentage
MMD	1,177,846	43.0
PF	804,748	29.4
United Democratic Alliance (UDA)	693,772	25.3

Heritage Party	42,891	1.6
All People's Congress Party (APC)	20,921	0.8

1.10.10 Voting pattern in 2008

Zambia held a presidential by-election on the 30th of October, 2008 following the death of the Republican President Levy Patrick Mwanawasa. Four political parties contested the election, namely: the MMD, the Heritage Party (HP), UPND and the PF. The then Acting Republican President Rupiah Bwezani Banda's MMD won the election with 40.09 per cent of the vote defeating PF's Michael Sata who got 38.13 per cent, Hakainde Hichilema, UPND, 19.70 per cent and Godfrey Miyanda of the Heritage Party, 0.76 per cent. Voter turnout was 45.43 per cent.

The voting pattern in 2008 elections did not shift much from the 2006 although these elections saw the PF, this time getting a larger share of votes in Northern Province while maintaining its dominance in Lusaka and Copperbelt provinces. The UPND still maintained their dominance of Southern province but dropped votes in Central and Lusaka provinces as shown in the chart below.



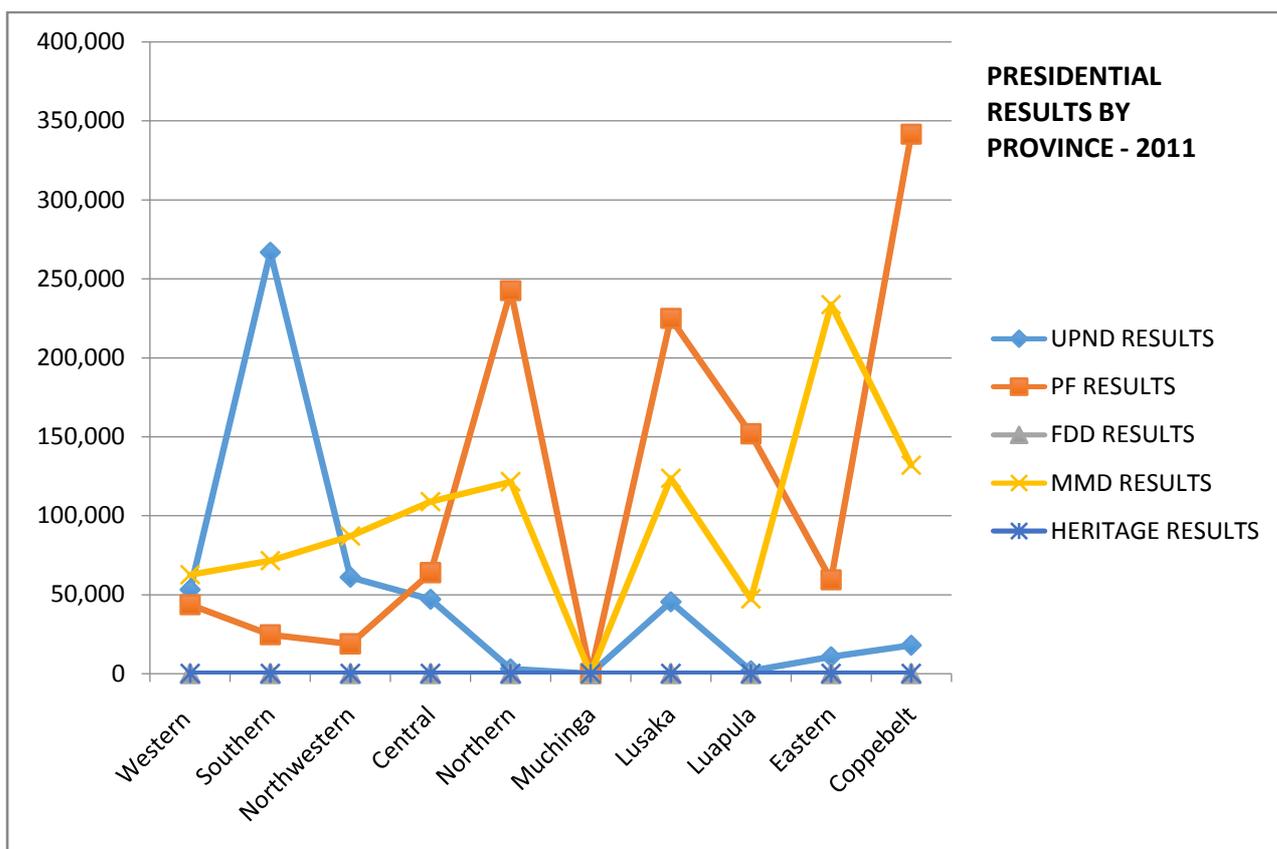
Source of data: ECZ, Zambia- 2008 Presidential election results

Total countrywide results - 2008

Party	Votes	Percentage
MMD	718,359	40.09%
PF	683,150	38.13%
UPND	353,018	19.70%
Heritage Party	13,683	0.76%
Valid votes	1,768,210	98.68%
Invalid or blank votes	23,596	1.32%
Voter turnout		45.43%

1.10.11 Voting pattern in 2011

The General Election was held on the 20th of September, 2011. Three political parties dominated the elections, namely the PF which emerged victorious with 41.98 percent followed by the MMD at 35.42 per cent and the UPND at 18.17 per cent.



Source of data: ECZ, Zambia- 2011 Presidential election results

As shown in the chart above, the results in 2011 Presidential elections showed a tremendous gain by the PF on the Copperbelt province while maintaining its hold on Lusaka, Northern and Luapula provinces. These elections showed a significant drop of votes for UPND on the Copperbelt and a slight drop of votes in Lusaka province in comparison to the PF although the party still dominated Southern province.

Total countrywide results – 2011

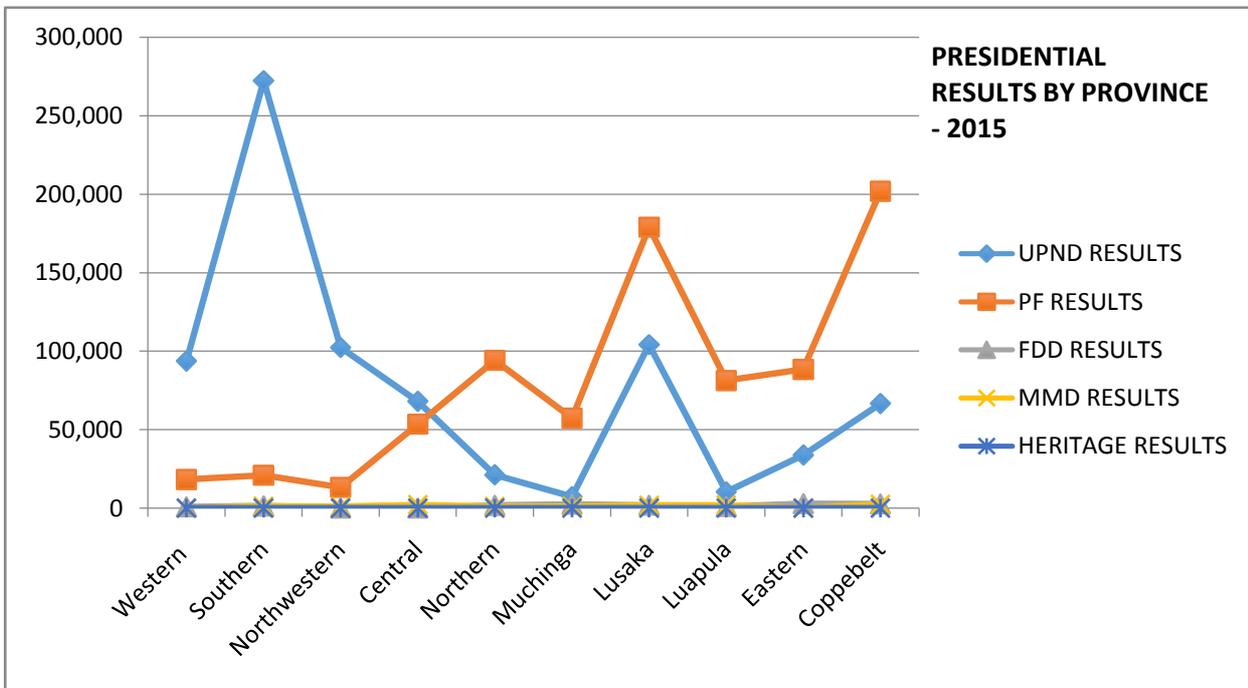
Party	Votes	Percentage
<u>Patriotic Front</u>	1,170,966	41.98
<u>MMD</u>	987,866	35.42
UPND	506,763	18.17
<u>ADD</u>	26,270	0.94
<u>National Restoration Party</u>	10,672	0.38

<u>UNIP</u>	9,950	0.36
<u>FDD</u>	6,833	0.24
<u>National Movement for Progress</u>	6,344	0.23
<u>Heritage Party</u>	4,730	0.17
<u>Zambians for Empowerment and Development</u>	2,268	0.08
Total	2,772,264	100
Registered/Voter turnout	5,167,154	53.65

1.10.12 Voting pattern in 2015

The 2015 presidential by-election was held on the 20th of January, 2015 following the death of President Michael Sata on the 28th of October, 2014. The election was dominated by PF and UPND in which the voting patterns continued on a similar trend of dividing the country into two regions as shown in the chart below.

The voting patterns in this election showed a distinctive division of the two regions namely: north-eastern and south-western regions with PF and UPND dominating the regions respectively, as shown in the chart below.



Source of data: ECZ, Zambia- 2015 Presidential election results

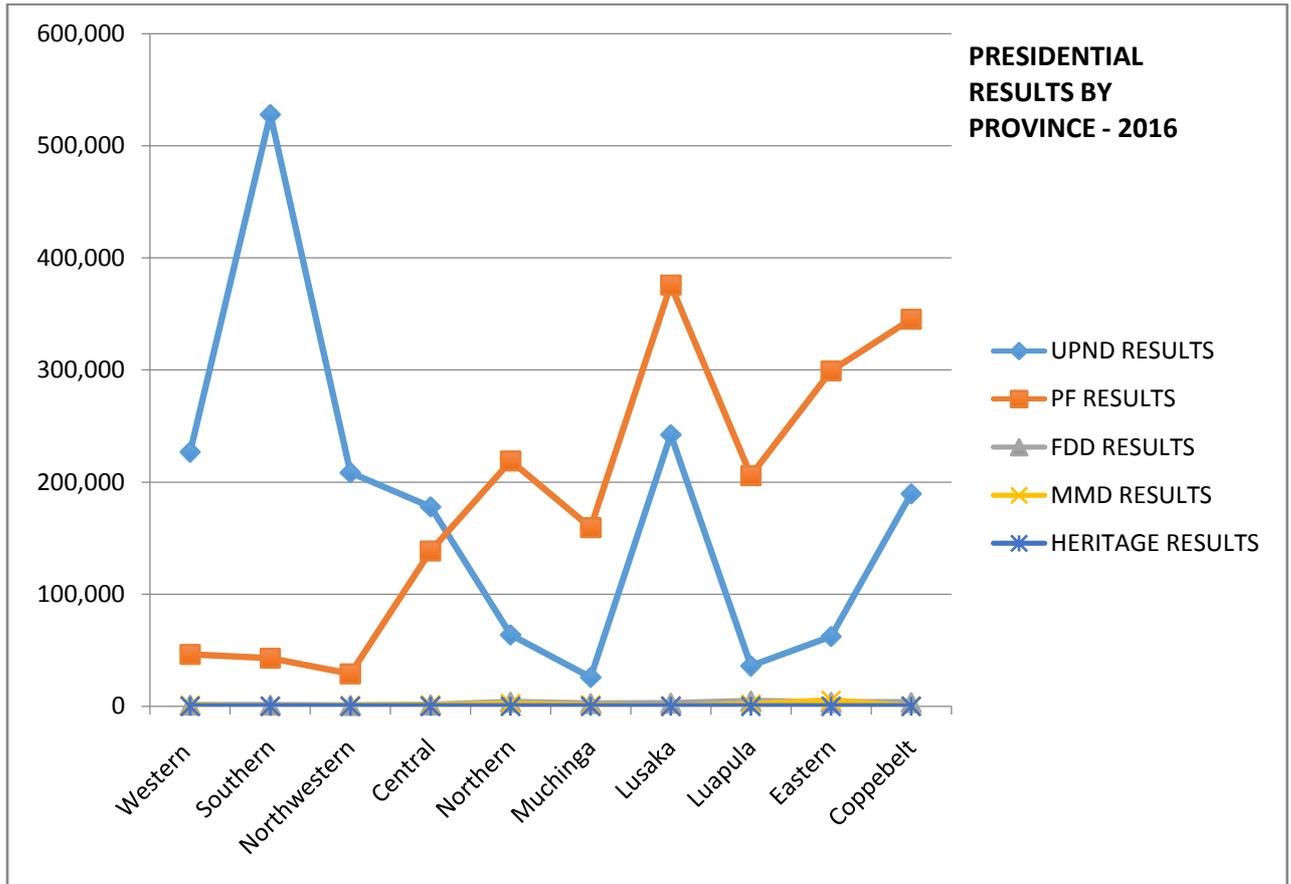
Total countrywide results - 2015

Party	Votes	Percentage
Patriotic Front	807,925	48.33
UPND	780,168	46.67
FDD	15,321	0.92
MMD	14,609	0.87
UNIP	9,737	0.58
Fourth Revolution Party	8,054	0.48
National Restoration Party	6,002	0.36
Heritage Party	5,757	0.34
Christian Democratic Party	3,293	0.20
FDA	2,073	0.12
Green Party of Zambia	1,410	0.08
Invalid/blank votes	17,313	
Total	1,671,662	
Voter turnout		32.36%

1.10.13 Voting pattern in 2016

The voting pattern of the 2016 general elections now virtually divided the country into two distinct regions dominated by PF in north-eastern Zambia and UPND in south-western Zambia, as shown in the chart below.

The PF and UPND shared votes in Central province while the gap between them in Lusaka and Copperbelt provinces narrowed.



Source of data: ECZ, Zambia- 2016 Presidential election results

Total countrywide results - 2016

Party	Votes	Percentage
PF	1,860,877	50.35
UPND	1,760,347	47.63
FDD	24,149	0.65
PAC	15,791	0.43
Rainbow Party	9,504	0.26

UPP	9,221	0.25
UNIP	8,928	0.24
Green Party of Zambia	4,515	0.12
Democratic Assembly	2,378	0.06
Invalid/blank votes	85,795	–
Total	3,781,505	100
Registered Voter/turnout	6,698,372	56.45

1.11 Legal framework for elections

The Legal framework for elections in Zambia includes the international instruments and the national laws. Whereas the international instruments have persuasive value, the national laws are binding.

1.11.1 International and regional instruments

International instruments that Zambia has signed which are relevant to the conduct of elections include:

- (a) Universal Declaration of Human Rights (1948), which provides as follows under Article 21(3):

“the will of the people shall be the basis of the authority of government. This will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

- (b) The International Convention on the Elimination of all forms of Racial Discrimination (1979), which provides as follows under Article 7(a) that:

“state parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country, in particular, shall ensure women, on equal terms with men, have the right to vote in all elections and public referenda and to be eligible for elections to all publicly elected bodies.”

- (c) International Convention on Civil and Political Rights (ICCPR) (1976) provides for participation by all citizens in public affairs. Article 25(a) (b) provides as follows:
- “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:*
- (a) *To take part in the conduct of public affairs, directly or through freely chosen representatives;*
- (b) *To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;*
- (d) African Union (AU) Charter on Democracy provides under Article 17 that:
- “State Parties re-affirm their commitment to regularly holding transparent, free and fair elections in accordance with the Union’s Declaration on the Principles Governing Democratic Elections in Africa.”*
- (e) United Nations Convention on the Rights of Persons with Disabilities (2006), which provides in Article 29 that:
- “state parties shall guarantee to persons with disabilities political rights and an opportunity to enjoy them on equal basis with others.”*
- (f) Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections (2015).

1.11.2 National legislation

The following national laws provide the legal and regulatory framework for the conduct of elections in Zambia:

- (a) The Constitution of Zambia Act No. 18 of 1996 and the Constitution of Zambia (amendment) Act No. 2 of 2016;
- (b) The Electoral Commission Act No. 25 of 2016;
- (c) The Electoral Process Act No. 35 of 2016;
- (d) The Transitional Period and Inauguration of President Act No 32 of 2016
- (e) The Public Order Act, Chapter 113 of the Laws of Zambia;
- (f) The Penal Code, Chapter 87 of the Laws of Zambia; and
- (g) The Anti-Corruption Commission Act No.3 of 2012.

1.11.3.1 The Constitution of Zambia

The Constitution of Zambia, as amended by Act No 2 of 2016, establishes the Electoral Commission of Zambia (ECZ). In Article 229, the Constitution outlines the roles of ECZ which include implementing the electoral process; conducting elections; registration of voters; settlement of minor electoral disputes, regulating the conduct of voters and candidates; accrediting observers and election agents and delimiting electoral boundaries.

1.11.3.2 The Electoral Commission of Zambia Act

The Electoral Commission of Zambia Act 25 of 2016 provides for composition, operations and financial management of the ECZ. The ECZ consists of the Chairperson, Vice Chairperson and three other members appointed by the President subject to ratification by the National Assembly. These are removable by the President.

1.11.3.3 The Electoral Process Act and Code of Conduct

The Electoral Process Act No. 35 of 2016 (EPA) provides for ECZ to be an autonomous body not subject to the direction or control of any person. The EPA and the Code of Conduct provides for more elaborate roles of the ECZ and mandates the ECZ to act in a fair and impartial manner, ensuring that citizens are free to exercise their political rights and universal adult suffrage based on the equality of a vote; fair representation of the various interest groups in society; and gender equity in all elective positions. Further principles outlined which have to be applied in the electoral system, as provided by the Electoral Process Act are: secrecy of vote, transparent, accurate and reliable vote counting procedure and proper management of invalid ballot papers. The Act also provides penalties for corrupt and other illegal practices related to elections.

The Electoral Code of Conduct is a schedule of the Act which regulates the conduct of political parties and other stakeholders such as the media, the police, the traditional leaders, observers and monitors during elections. The Code has a legal enforcement mechanism which includes reprimands, fines and sentences.

1.11.3.4 Others

The Public Order Act (POA) regulates public gatherings while the Penal Code (CAP 87) prohibits general criminal conduct, including violence and hate speech or insulting language. In addition, the Anti-Corruption Act prohibits corrupt practices in general and during elections, in particular.

1.12 Election stakeholders

1.12.1 Central Government

The role of the Central Government in the election time is to ensure that the ECZ is well funded for the task and all other stakeholders are acting independently.

1.12.2 Electoral Commission of Zambia (ECZ)

The Electoral Commission of Zambia in accordance with Article 229 (2) of the Constitution of Zambia is responsible for organising and conducting elections in Zambia. The Commission has the mandate to carry out the following functions:

- (a) Implement the electoral process;
- (b) Conduct elections and referenda;
- (c) Register voters;
- (d) Settle minor electoral disputes, as prescribed;
- (e) Regulate the conduct of voters and candidates;
- (f) Accredite observers and election agents, as prescribed;
- (g) Delimit electoral boundaries; and
- (h) Perform such other functions as prescribed.

1.12.3 Electoral Conflict Management Committees (CMCs)

Pursuant to *Regulation* 13 (1) of the Electoral Code of Conduct, Conflict Management Committees are mandated to resolve electoral disputes. The Committees are mandated to mediate and encourage amicable settlement of electoral disputes, within twenty-four hours of receipt of a formal complaint.

1.12.4 Local Authorities

The ECZ currently does not have its own structure in provinces, districts and wards. It, therefore, delegates some of its electoral functions to the local government whose presence is widespread across the country. *Section 4* of the Electoral Process Act empowers the ECZ to appoint officers in order to ensure compliance with the provisions of the Act.

1.12.5 Zambia Police Service

Article 193 of the Constitution (Amendment) Act. No. 2 of 2016 mandates the Zambia Police Service to, inter alia, protect life and property; maintain law and order; and ensure the security of the people. Paragraph 6 of the Electoral Code of Conduct provides that the Zambia Police Service shall:

- (a) enforce law and order at campaign meetings and processions;
- (b) ensure that police officers do not abuse their authority or Government resources to campaign for any political party or candidate;
- (c) refrain from disrupting any campaign rally or meeting which is legally convened by any political party; and
- (d) ensure that police officers do not use their office to oppress any political party, candidate or supporter.

The Zambia Police Service are also empowered to administer the Public Order Act (POA) which regulates assemblies, public meetings and processions.

1.12.6 Judiciary

The Judiciary is the arm of government which interprets and applies the laws of Zambia to ensure impartial justice under law and to provide a mechanism for conflict resolution. Articles 73, 101 and 159 of the Constitution and *Section 96* of the Electoral Process Act give the Judiciary the mandate to hear election petitions.

The Judiciary has the jurisdiction to hear questions which may arise as to whether a person has been validly elected or nominated to the office of President, Member of Parliament, Mayor, Council Chairperson or Councillor or when questions arise when the office becomes vacant. Pursuant to Article 159(1) of the Constitution, the Chief Justice

has power to establish *ad hoc* local government elections tribunals as are necessary to hear whether a person has been validly elected as a councillor; or the office of a councillor has become vacant.

A local government elections tribunal is presided over by a magistrate of competent jurisdiction sitting with two legal practitioners appointed by the Chief Justice.

The Constitutional Court has jurisdiction to hear presidential petitions.

1.12.7 Media

The media is mandated under Article 50 of the Constitution to provide coverage for political parties and candidates during elections. This provision is buttressed by Paragraph 7 of the Electoral Process Code of Conduct where the media is obliged to give fair and balanced coverage to all political parties and candidates.

1.12.8 Election Observers and Monitors

Any organisation or person may apply to the ECZ for accreditation as an election monitor or observer. ECZ has the discretion to grant the applicant accreditation. Upon being accredited the expectation is that the Monitor will observe the election impartially and independently. It is further expected that the Monitor would subscribe to a code governing observers and monitors issued by the ECZ. Where monitors fail to comply with the conditions of the accreditation, the ECZ is empowered to cancel that accreditation.

An observer or monitor accredited may observe the proceedings concerning voting, the counting of votes and the announcement and declaration of the election results.

Observers are all registered and the register of observers and monitors is open for public inspection. An observer or monitor who is found guilty of violating any election law is subject to disqualification from observing or monitoring an election.

1.13 Election Management

1.13.1 Voting age and voter registration

Pursuant to *Section 8 (1)* of the Electoral Process Act a person qualifies for registration as a voter if that person is a citizen of Zambia; has attained the age of eighteen years; and is in possession of a national registration card.

A person shall not register as a voter in more than one constituency. A person who suffers from a mental disability which makes the person unable to exercise their right to vote; or is detained under the Criminal Procedure Code or serving a sentence, is not qualified to register as a voter.

1.13.2 Constituencies and polling stations

There are currently 7, 700 polling stations. ECZ is mandated to delimit the boundaries of constituencies and wards taking into account the following:

- (a) The history, diversity and cohesiveness of the constituency or ward;
- (b) Population density, trends and projections;
- (c) The number of inhabitants in each constituency or ward is reasonable, taking into account the means of communication and geographical features;
- (d) Constituencies and wards are wholly within districts; and
- (e) Seek to achieve an approximate equality of constituency and ward population, subject to the need to ensure adequate representation for urban and sparsely populated areas.

1.14 Voter education

The ECZ has the primary responsibility for ensuring that there is voter education. Any organisation or person may, however, provide voter education for an election. Voter education shall be conducted in an impartial and independent manner, independent from any registered party or candidate contesting an election. Observers and monitors may also be voter educators.

Paragraph 15(e) of the Electoral Code of Conduct criminalises the prevention of reasonable access to voters of any candidate or political party in any manner for the

purposes of conducting voter education, fundraising, canvassing membership or soliciting support.

1.15 Ballot paper printing

The ECZ has authority, under *Section* 114 of the Electoral Processes Act, to print, manufacture or supply any voting or election material which includes the ballot papers. The ballot paper is supposed to be designed in a way that prevents fraudulent voting. It is also mandatory that a ballot paper has the portrait of the candidates for the office of President, Member of Parliament, Mayor, Council Chairperson and Councillor as well as their political party symbol.

1.16 Ballot paper counting and announcement of results

The Presiding Officer ensures that the counting of votes commences immediately after the polling station is closed for voting and the counting continues until completion. An election or polling agent may object to any inaccuracy at any stage before the results are announced which leaves the Presiding Officer to determine whether to recount or not. The Presiding Officer then announces the results at the polling station and fills in the prescribed form.

The Returning Officer is then mandated to tally, announce and declare the results of elections of presidential, Member of Parliament, mayor, council chairperson and councillor.

The media are mandated to disclose accurate election results and provide updates on the progress of the vote counting process and shall not speculate on the election results but shall broadcast confirmed election results as announced and published.

PART TWO

THE FINDINGS ON VOTING PATTERNS

2.1 Root Causes of the Voting Patterns

The Commission understood that its task, under this term of reference, was to enquire into the reasons why the Zambian people were voting in a manner that was dividing the country into two distinctive regions, namely north-eastern and south-western. In executing this term of reference, the Commission asked petitioners why they thought people were voting for the political parties that they were voting for in the two regions. The Commission also asked questions to establish whether any political party, traditional leadership or any other organisation played a role in influencing the voting pattern in any area. Further, the Commission asked questions about the role of the media, including social media, in shaping voters' views and subsequent voting patterns. Since the 2016 general elections were characterised by unprecedented political violence, the Commission also asked the petitioners for their assessment of the extent to which pre-election political violence influenced the voting patterns in 2016. In addition, the Commission asked questions about incidences and causes of voter apathy during elections in some parts of the country.

2.1.1 Tribalism, ethnicity and regionalism

2.1.1.1 Submissions

Across all provinces petitioners alluded to tribal and regional inclinations as being the main reason behind the voting pattern. However, nearly all petitioners submitted that in their regions they did not practise tribalism and regionalism but people in other regions did. Petitioners in all the provinces spoke at great length about how they have voted for presidential candidates from other tribes and regions over the years. In each of the two distinct voting blocs, petitioners submitted that it was the other region that practised tribalism and hence engaged in tribal and regional voting. In fact, petitioners in each of the two voting blocs preferred to call their regions party strongholds while labelling the other regions tribal.

In all the provinces petitioners were very emphatic on the point that they have never practised tribal or regional voting. Petitioners in some provinces submitted that they have always voted for political parties headed by people who did not come from those provinces. Other petitioners submitted that even in instances where presidential candidates come from the same province as petitioners they have not voted for them in large numbers. Some petitioners justified bloc voting as support for traditional cousins. Traditional cousinship is a joking relationship between certain tribes. Examples of traditional cousinship include Bembas and Ngonis, Tongas and Lozis.

The Commission received numerous submissions that politicians involved themselves in tribal campaigns, which significantly influenced voting patterns. Petitioners submitted that candidates and their supporters engaged in tribal and regional based campaigns, which in turn caused voters to vote on tribal and regional lines.

A petitioner in Sinda district of Eastern province submitted that in 2016 he voted for a Presidential candidate originating from Eastern province because there was a consistent campaign message in the area which was aimed at persuading the electorate to vote for the *'son of the soil'*. According to the petitioner, the campaign slogan dubbed "*Wako ni Wako*" expressly discouraged people from voting for political parties whose presidential candidates belonged to other tribes or regions. The petitioner submitted that he personally changed his mind to vote for the party he voted for because of the tribal campaign message.

In Luanshya district, a petitioner submitted that during the 2016 election campaigns he heard UPND supporters telling people not to vote for Bemba speaking people because they were thieves who cannot take the country forward.

In Mwansabombwe district, a petitioner submitted that tribal campaigns disadvantaged the UPND in the area. The petitioner submitted that the PF campaign team campaigned on tribal grounds as they were openly urging the electorate not to vote for UPND presidential candidate because he was Tonga. The petitioner told the Commission that the PF members in their campaigns were saying that Tonga speaking people were selfish people who should not be entrusted with leadership. The petitioner further submitted

that PF propagated that people should vote for President Lungu because he was their tribal cousin.

In Chinsali district, a petitioner submitted that when the then PF Deputy Spokesperson Fr. Frank Bwalya and PF Deputy Secretary General, Mrs Mumbi Phiri, visited the district on their campaign trail, they were only talking about tribe. The petitioner said that all that the two were talking about was that people should not vote for a Tonga because, if they do, he will demarcate the country and bring cows in town.

2.1.1.2 Observations

Information obtained from the ECZ shows that, the race in presidential elections was mainly among three political parties from 2006 to 2011 while from 2015 to 2016 the race was between two parties. From 2006 to 2011 the main contenders were the Movement for Multiparty Democracy (MMD), the Patriotic Front (PF) and the United Party for National Development (UPND). The smaller parties' performance did not reflect bloc voting.

During the period under review (2006 to 2016) the presidential candidates that have contested elections on the named political parties have been from four provinces namely Central, Eastern, Northern and Southern province. In 2006, when the late President Levy Patrick Mwanawasa, who came from Central province, stood on the MMD ticket, the province gave majority vote to him.

In 2006, Northern province gave majority vote to Mr. Mwanawasa who was from Central Province. The PF's Michael Chilufya Sata, who hailed from Northern Province, came second. This suggests that support was for the party rather than the individual candidate. By 2008 and 2011 Northern Province had shifted its support to Mr. Sata.

In 2008 and 2011, Eastern province supported Mr. Rupiah Bwezani Banda of the MMD who hails from that province. In 2015, the province voted for Mr. Edgar Chagwa Lungu of the PF who hails from Eastern province and had the backing of former President Mr. Rupiah Banda. In 2016 the Province again gave majority vote to President Lungu.

Since 2006, Southern province has supported Mr. Hakainde Hichilema of UPND who comes from that province. His party has also consistently been dominant in that province. The tables below show how presidential candidates have performed in the provinces where they come from in the presidential elections from 2006 to 2016.

Presidential vote 2006

Candidate	Central Province	Northern Province	Southern Province
Levy P. Mwanawasa (Central province)	157, 598	163, 663	75, 654
Hakainde Hichilema (Southern province)	63, 343	18, 393	279, 329
Michael C. Sata (Northern province)	37, 961	139, 953	13, 359

Presidential vote 2008

Candidate	Eastern Province	Northern Province	Southern Province
Rupiah B. Banda (Eastern province)	148, 197	67, 237	51, 550
Hakainde Hichilema (Southern province)	11, 624	2, 660	180, 976
Michael C. Sata (Northern province)	37, 295	134, 244	11, 866

Presidential vote 2011

Candidate	Eastern Province	Northern Province	Southern Province
Rupiah B. Banda (Eastern province)	233, 528	121, 482	71, 519
Hakaide Hichilema (Southern province)	10, 704	2, 935	266, 754
Michael C. Sata (Northern province)	59, 391	242, 455	24, 609

Presidential vote 2015

Candidate	Eastern Province	Southern Province
Edgar C. Lungu (Eastern province)	88, 408	20, 937
Hakaide Hichilema (Southern province)	33, 882	272, 182

Presidential vote 2016

Candidate	Eastern Province	Southern Province
Edgar C. Lungu (Eastern province)	299, 249	42, 909
Hakaide Hichilema (Southern province)	62, 321	527, 893

The Commission observes that political parties influenced the voting patterns by campaigning, adopting candidates and organising party structures on tribal and regional lines. The Commission notes that the trend of organising party structures on ethnic lines was perpetuating ethnic voting and was magnifying the belief that certain political parties belonged to particular tribes and it was only members of those tribes that should vote for those parties. This is against the spirit of multi-party democracy and contravenes the provisions of the Constitution. Article 60(3) (a) of the Constitution of Zambia (Amendment) Act. No. 2 of 2016, provides that:

“A political party shall not be founded on a religious, linguistic, racial, ethnic, tribal, gender, sectoral or provincial basis or engage in propaganda based on any of these factors.”

The Commission observes that the above cited constitutional provision is critical to national unity and should be adhered to strictly. The Commission observes that campaigning along tribal lines encourages divisions and is likely to generate political conflict on tribal lines. When politicians use offensive language in reference to other tribes they provoke tribal hatred. Further, when a candidate loses an election on tribal lines, the atmosphere created is like the whole tribe to which the candidate belongs has lost. This collective loss and winning syndrome leads to prolonged post-election tension, characterised by animosity between the losing and the winning tribes. For instance, petitioners in Solwezi and Mwinilunga submitted that the people in North-Western province did not recognise the current Government. Petitioners repeatedly told the Commission that the current leadership was just forcing itself on the people of that province because the people there believed that the candidate they voted for is the one who won the election. The Commission notes that loss of legitimacy of the Government in some areas is a likely source of future conflicts and should be addressed decisively.

2.1.1.3 Findings

The Commission finds that, during the period under review:

- (a) the tendency by politicians to use tribal and regional affiliation to campaign had been increasing steadily from 2006 to 2016;
- (b) the electorate has been gradually indoctrinated to engage in tribal voting, which they expressed through voting for political parties that were headed by people

belonging to their tribes. Where a tribe did not have a strong candidate of their own, voting for traditional cousins was being promoted and applied;

- (c) similarities in languages and culture have been utilised to provide an easy method of gaining support from co-ethnic electoral blocs across district, constituency and provincial boundaries;
- (d) the ECZ failed to sanction politicians who were involved in tribal, regional and ethnic campaigns; and
- (e) the Electoral Process Act does not specifically address the issue of campaigning on tribal or regional lines.

2.1.1.4 Recommendations

The Commission recommends that:

- (a) legislation should be strengthened to specifically address the issue of campaigning on tribal or regional lines. The Electoral Process Act should be amended in:
 - (i) *Section 29*, which provides for electoral campaign, by adding a proviso to the effect that a campaign message should never be based on tribal or regional inclination of a candidate contesting an election;
 - (ii) *Regulation 3* of the Code of Conduct, which provides for the duty of the ECZ, by adding that the ECZ shall ensure that political parties do not campaign on tribal or regional lines; and
 - (iii) *Regulation 4* of the Code of Conduct, which provides for obligation of political party and candidate during election, by adding that a member or supporter of a political party or a candidate shall not engage in tribal or regional campaigns;
- (b) political parties should declare in writing before the filing of nomination papers that they will not campaign on the basis of tribal, ethnic and regional basis;
- (c) the ECZ should warn, and then disqualify candidates and parties who campaign on tribal, ethnic and regional basis;
- (d) the law should make it mandatory for the ECZ to enforce the Electoral Process Act strictly and impartially; and

- (e) the ministries responsible for civic education should draw up special programmes to sensitise citizens about the dangers of tribalism/regionalism in the country and to promote national unity.

2.1.2 Dominance of presidency by one region

2.1.2.1 Submissions

The Commission received submissions that all the six Presidents, with the exception of only one, have come from the north-eastern region of the country. A strong desire to have another President elected from the south-western region of the country was strongly expressed. It was submitted that this is the reason people in the affected region were not being appointed to influential government positions and their region is consequently being neglected in terms of development.

The petitioners submitted that in the recent past the appointment of Ministers and Permanent Secretaries has become increasingly skewed towards the north-eastern region of Zambia and hence when national resources are being apportioned one region is benefiting more than the other.

A number of petitioners submitted that a federal system of government should be considered while others proposed a rotation of the Presidency from one region to the other.

2.1.2.2 Observations

The Commission observes that while petitioners were justified in their submissions on the dominance of the Presidency by one region, they overlooked the demographics of Zambia which have led to dominance from north-eastern region. There are more people in the north-eastern region than in the south-western region and some form of affirmative action is necessary to create the balance.

The Commission observes that there is need to adhere to Article 259(2) of the Constitution of Zambia (amendment) Act No.2 of 2016, which provides that a person empowered to make a nomination or appointment to a public office shall, where

possible, ensure that the nomination or appointment reflects the regional diversity of the people of Zambia.

The Commission observes that there is a growing imbalance in regional representation at Cabinet and senior government positions partly because there is a hybrid of constitutional and parliamentary systems. This has led to dominance of the Executive arm of Government in the governance system.

The Commission observes that federalism may not address the dominance of the Presidency to one region but empower the region to elect their provincial leaders. The Commission further observes that presidential rotation system could work well in a one party State but may be difficult to implement in a multi-party democracy as it undermines the very foundation of democratic governance.

The Commission observes the dominance of the Presidency to one region tends to affect the distribution of national resources and development.

2.1.2.3 Findings

The Commission finds that:

- (a) there is discontentment about the presidency being dominated by one region. As a consequence of this, there is a perception that most appointments to Government positions have favoured one region. People from north-western, Western and Southern provinces are not equitably represented in Government at the levels of Cabinet Minister and Permanent Secretary. The names of Cabinet Ministers and Permanent Secretaries made available to the Commission seem to confirm the perception of regional bias. Hence during voting, one of the motivating factors was to reverse this situation; and
- (b) the *status quo* motivates the people from the said provinces to vote as a bloc for a party that they think will give them adequate representation in government. At the same time, the other provinces will also vote as a bloc in order to continue enjoying majority representation in government.

2.1.2.4 Recommendations

The Commission recommends that:

- (a) in order to reduce discontentment about the dominance of the presidency by one region there is need to decentralise fiscal, administrative and political functions to the provincial and district levels;
- (b) amend Article 259(2) of the Constitution of Zambia (amendment) Act No.2 of 2016, by removing the words “where possible” and make it mandatory that when making nominations or appointments to public office, the appointing authority shall ensure that such nominations or appointments reflect the regional diversity and gender of the people of Zambia; and
- (c) the provision in the Constitution for the President to nominate eight MPs should be used to balance Cabinet ministers from areas where there is under representation.

2.1.3 Access to State resources

2.1.3.1 Submissions

Petitioners submitted that the cause of the voting patterns witnessed during elections in recent years was the apparent failure by government to spread national development projects equally across the country. Petitioners submitted to the effect that the leaders have concentrated on developing the north-eastern region of the country leaving out the south-western region.

Petitioners submitted that people from the south-western region, which is lagging behind in terms of infrastructure development, have teamed up and formed a voting bloc to support a political party that they think would develop their region. On the other hand, the people of the region that is receiving infrastructure development have also teamed up to form a voting bloc that will ensure that they retain a leadership that will sustain the development momentum in their region.

Petitioners in North-Western and Western provinces submitted that their provinces had been neglected especially in the area of road infrastructure. They submitted that they would never vote for the Patriotic Front (PF) party because its Government had taken all resources for road infrastructure to the north-eastern region of the country. The

petitioners told the Commission that their voting pattern had nothing to do with regionalism or tribalism but was a mere protest against the ruling party for not paying attention to the plight of the people of the region. The petitioners submitted that they voted for the UPND because its leader Mr. Hakainde Hichilema sympathised with them and had promised to attend to their plight once elected as President of the Republic of Zambia.

The petitioners, across all districts visited by the Commission in North-Western province, submitted that the proceeds from the mines were taken to develop other provinces especially Muchinga province. They submitted that this is despite the fact that North-Western province produces 65 per cent of the national wealth and yet less than ten per cent is ploughed back in the province.

Petitioners on the Copperbelt, Eastern, Luapula, Muchinga and Northern provinces, on the other hand, submitted that they voted for the PF party because of the massive development that the PF Government had taken to their regions. The petitioners submitted that their voting pattern had nothing to do with tribalism or regionalism but was practical appreciation for the kind of development that the PF Government had taken to their regions. Petitioners testified that they wanted to give President Edgar Lungu a full term of office because he had continued the development agenda that the late President Michael Sata had started in the region.

In Luapula province it was submitted that the people voted for the Patriotic Front (PF) Party presidential candidate Mr. Edgar Chagwa Lungu because they wanted him to have his own full presidential term of office so that he could complete the development projects that were in progress at the time. The petitioners submitted that people in the area were cognisant of the fact that President Lungu had served less than two years after succeeding the late President Mr. Michael Chilufya Sata and that Mr. Lungu had continued with the developmental projects that Mr. Sata had initiated. Across all districts submissions were made to the effect that the people of Luapula province voted for the PF presidential candidate because of the massive development taking place in the area, which they wanted to see being continued. Petitioners pointed to the new roads, which were present in all districts that were visited by the Commission.

A petitioner in Mpulungu district submitted that people voted for the PF in Mpulungu because President Lungu had done a lot of work in the previous one year that he had been President and people were willing to give him a full term. Another petitioner submitted that people in Mpulungu voted in the manner they did because they had seen what the PF had done and they were told what the PF was set to do in future.

2.1.3.2 Observations

The Commission observes that certain areas of the south-western region of the country are not receiving adequate resources in comparison with some areas in the north-eastern region. The Commission further observes that media reports on major development programmes that are not evenly distributed are reinforcing the belief that some areas are favoured.

2.1.3.3 Findings

The Commission finds that:

- (a) the voting patterns are influenced by disparities in terms of development, especially in form of road and other infrastructure;
- (b) party affiliation continues to be a factor in accessing state resources; and
- (c) poor implementation of development programmes in some areas influences the voting patterns.

2.1.3.4 Recommendations

The Commission recommends that:

- (a) in order to reduce unequal access to State resources the Government should scale up decentralisation of fiscal administrative and political functions to the provincial and district levels; and
- (b) allocation and disbursement of State resources should be equitable across provinces to change the existing voting patterns.

2.1.4 Unfulfilled campaign promises

2.1.4.1 Submissions

The Commission received submissions from all provinces indicating that politicians make a lot of promises which they do not fulfil and this affects voting patterns.

Petitioners in Western province highlighted unfulfilled promises relating to the Barotseland Agreement, construction of Mongu Stadium, King Lewanika University, canals on the flood plains and the Sesheke –Livingstone road.

In North-Western province, petitioners referred to the construction of Chingola-Solwezi road, a university, revamping of the Mwinilunga Pineapple industry, sinking of boreholes and completion of health centres and schools.

Petitioners in Southern and Eastern provinces complained about the failure by the Government to address livestock and health facilities and late delivery of farm inputs. The late delivery of farming inputs and late payment of farmers by the Food Reserve Agency (FRA) were a general complaint about unfulfilled promises across the country.

2.1.4.2 Observations

The Commission observes that campaign promises are an essential part of electioneering, however, some politicians make grand and populist promises which provoke a backlash from voters. The Commission observes that the relationship between promises and voting patterns at presidential level is also replicated at constituency and ward levels.

The Commission further observes that the people of Western province in particular, have been anxious about the non-implementation of the promises made about the Barotseland Agreement.

2.1.4.3 Findings

The Commission finds that:

- (a) campaign promises are a major form of electioneering. However, while some promises are manageable, others are meant to deceive voters and create a crisis of expectations;
- (b) in general, unfulfilled development promises across the country had an impact on the voting patterns; and
- (c) the promises made on the restoration of the Barotseland Agreement, by successive governments, is a major factor that affects voting patterns in Western Province.

2.1.4.5 Recommendations

The Commission recommends that:

- (a) further guidelines for responsible campaigning and monitoring mechanisms pertaining to campaign promises need to be developed through the Electoral Process Act or the Political Parties Bill; and
- (b) Government should, in consultation with the Barotse Royal Establishment (BRE) and other stakeholders, address the issue of the Barotse Agreement.

2.1.5 Violent conduct of party cadres

2.1.5.1 Submissions

The Commission received submissions that the violent conduct of party cadres influenced the voting patterns in the 2016 General Elections. Some petitioners submitted that voters in certain parts of the country may have stayed away from voting for fear of violence. Various other petitioners submitted that political parties engaged in violent disruption of campaign activities of competing political players. The Commission received numerous submissions of how campaign activities were being disrupted by rival political parties. The Commission also received submissions that political parties violently interfered with the processing of election results.

Petitioners submitted that voters in certain parts of the country may have voted for dominant political parties in those regions out of fear of post-election victimisation.

Other petitioners submitted that because of fear of attack by party campaigners, they did not attend rallies and other political meetings to access information about rival parties and candidates.

Petitioners submitted that the disruption of campaign activities took the form of violence against supporters of rival parties who in some instances were physically attacked and severely injured merely on account of wearing party regalia.

A petitioner in Mpika district gave evidence of how the UPND held a meeting in the bush at someone's private farm because the police and PF cadres would not allow them to meet at a public place.

In Mufumbwe district, a petitioner submitted that he personally witnessed meetings of his party being disrupted by PF supporters. He submitted that at one occasion he and his fellow UPND supporters had a police permit to hold a meeting at the area called Kamayembe. He submitted that PF cadres came in their vehicles and disrupted the meeting.

Another petitioner in Mufumbwe district submitted that people of Mufumbwe know each other, so parties that want to disrupt campaign meetings of other political parties import thugs from other regions. He submitted that even the UPND disrupted other parties' campaign meetings using these imported cadres. The petitioner submitted that he witnessed an incident where a candidate for UPND disrupted a campaign meeting for another candidate at Kashima West. The petitioner submitted that while the rally was in progress at Kashima Primary School, the UPND candidate arrived at the venue and started blowing the horn of his vehicle which distracted the attention of the people who had gone to the meeting. After successfully attracting the attention of the people to himself, some people turned away from the meeting and ran to him hoping to receive something from him and the rally was disrupted just like that and he sped off.

With regard to political parties interfering with the processing of election results, petitioners submitted that some political parties in their claimed strongholds literally took over the counting of votes with the aim of putting their parties ahead of their rivals.

Petitioners submitted that political parties manipulated election results, in their respective strongholds, by taking over supervision of totalling of election results which led to political parties that were not favoured in selected areas to have almost nil votes.

In some districts petitioners told the Commission that polling agents of rival political parties were violently ejected out of totalling centres by cadres from the opposing camp, during which time manipulation of election results was alleged to have taken place. In some other districts petitioners submitted that polling agents of rival political parties were paid off to voluntarily leave the polling stations.

In Mpulungu district a petitioner submitted that some polling stations had no UPND polling agents. He submitted that the UPND agents were given money like K10 each and asked to leave the polling stations thereby leaving no one to oversee the ballot boxes on behalf of the party.

2.1.5.2 Observations

The Commission observes that people in some parts of the country were denied the opportunity to compare candidates from different political parties and consequently ended up voting for the parties that were visible in their regions.

The Commission further observes that the concept of ‘stronghold’ was abused and turned to mean “no go area” for competing political parties. The Commission notes that this is divisive and is one of the major contributing factors to political violence which in turn affect voter turnout and voters’ choices. The Commission further observes that parties deliberately disrupt the campaign activities of their rivals as a strategy for undermining their campaigns without due regard to the electorate’s right to listen to all contestants for them to make an informed choice when casting their vote.

The Commission observes that PF and UPND exerted undue pressure on the ECZ staff and the Police at some polling stations, leading to confusion and questioning of the election results by the losing parties.

The Commission observes that the Electoral Code of Conduct contains sufficient provisions to address electoral violence during elections. However, the Commission notes that there is lack of enforcement by the ECZ and the police.

2.1.5.3 Findings

The Commission finds that:

- (a) the level of intolerance between the PF and the UPND has exceeded normal political competitiveness;
- (b) pre-electoral violence influenced the 2016 voting pattern because the top two political parties, PF and the UPND, employed violence in different measures to make it difficult for each other and other parties to campaign in what they termed as their strongholds;
- (c) creation of ‘no go’ areas during election campaigns deprived other parties of the opportunity to present their manifestos and deprived voters of the necessary information upon which they could base their choice;
- (d) the use of violence by party cadres to intimidate rivals led to voter apathy in some areas while in other areas it led to voting for a party just out of fear;
- (e) political parties and candidates on many occasions wilfully provoked their rivals without due regard to the Electoral Code of Conduct and suffered no consequences from the ECZ;
- (f) there was political party interference with the electoral process through intimidation and harassment of electoral officials during counting of votes;
- (g) there was a culture of impunity at play because all the violations committed, through the violent conduct of political party cadres, are prohibited in the Electoral Process Act of 2016; and
- (h) the ECZ and the Zambia Police Service did not vigorously enforce the Electoral Process Act against erring political parties during the 2016 general elections. This has eroded public confidence in the two state institutions making it difficult for the electorate to anticipate credible elections in the near future.

2.1.5.4 Recommendations

The Commission recommends:

- (a) Strict enforcement of *Section* 123 of the Electoral Process Act, which provides for the arrest of persons suspected of committing electoral offences;
- (b) That Government should establish fast-track courts to address electoral violence and other election specific illegalities during general elections;
- (c) That political parties and their cadres should not be permitted to declare certain parts of the country as “no go areas” as that amounts to violation of *Regulation* 4(2) of the Code of Conduct, which prohibits a member or supporter of a political party or a candidate to use language which incites hatred or violence in any form against any person;
- (d) Regulations barring public servants from involving themselves in active politics should be fairly and effectively applied regardless of party affiliation of the implicated public servant;
- (e) The Ministry responsible for national guidance and religious affairs should convene regular meetings of party officials of all registered political parties at ward, district, province and national levels to promote tolerance and coexistence;
- (f) The Church mother bodies should provide a platform for continuous dialogue among leading political leaders during the campaign period;
- (g) The security of the voting process should be enhanced by ECZ and the Police;
- (h) Polling agents, candidates and supporters should be adequately trained and oriented to understand their roles during elections; and
- (i) The ECZ should disseminate information on measures put in place to restore confidence in the electoral process.

2.1.6 Vote buying

2.1.6.1 Submissions

The Commission received submissions that political parties influenced the voting pattern by engaging in vote buying.

In Luapula province petitioners submitted that at constituency level there was massive vote buying among all candidates, including independent candidates. Petitioners submitted that although all political parties and independent candidates were involved in

vote buying the candidates for the ruling PF had an upper hand because the party's officials and candidates had a lot of money to spend on their campaigns. Petitioners submitted that there were instances when PF party officials would come to a rally organised by their opponents and just start throwing money out of vehicle windows and people attending the rallies would run after the money and abandon the rally being addressed by opposition political parties and independent candidates.

In Mpulungu district a petitioner submitted that politicians, including those from the opposition, stood along the road leading to polling stations and gave out money to those who were going to vote. A petitioner added that he saw people who were giving K5 each to the voters and directing them on who to vote for. The petitioner submitted that he took an interest in observing what was going on because he was a candidate on the PF ticket, for local government elections, a seat which he won. The petitioner denied that his party was also distributing money although other petitioners submitted to the contrary.

Another PF councillor in Mpulungu district submitted that even independent candidates were distributing money to voters. He submitted that he personally saw the independent candidate who was contesting the seat of MP distributing K5 notes to voters on polling day.

A petitioner submitted that while he had seen or heard that candidates were giving out money, he personally did not see the PF parliamentary candidate give out any money. The petitioner told the Commission that the PF candidate had even been nicknamed "ba Ketulo (kettle)" meaning a hand that does not give, because he was not giving out money to his supporters. The petitioner, however, said that the PF parliamentary candidate had supporters who gave out money to bribe people to vote for him and the PF.

In Chinsali district some petitioners cited corrupt tendencies of giving bicycles, money, food stuffs and chitenge material, especially to the poor as a way of vote buying, which some political leaders were using during elections. But another petitioner informed the Commission that giving bicycles was good as it enhanced people's mobility to

campaign. He gave the example of a place called Kalelu which was about 100 kilometres from Chinsali for which a bicycle was handy for one to reach

In Livingstone district, a petitioner submitted that all political parties were buying votes from people by giving them bicycles, money and buying them beer and food.

In Kaoma district, one petitioner submitted that the PF candidate for Kaoma Constituency gave out money and bicycles in Kalumwange.

In Lunga district, a petitioner submitted that he saw the Patriotic Front (PF) candidate moving door-to-door giving out money and chitenge materials. Another petitioner of the same district, also submitted that on voting day, he was offered K5 by a member of the PF campaign team to influence him to vote for the PF candidate but he declined the offer.

In Mpika district, a petitioner submitted that during campaigns politicians were distributing building materials such as iron sheets, bricks and television sets, to some Pentecostal churches to woo support for their candidate.

In Chiengi district the District Coordinator for the opposition Forum for Democracy and Development (FDD) submitted that he saw the PF parliamentary candidate for Chiengi constituency in the 2016 General Elections, giving out K2 each to people on polling day so that they vote for him. The petitioner said he met several people who had received money from FDD and UPND supporters after being told to vote in a particular manner. Another petitioner of Chiengi submitted that his own nephew was apprehended and locked up by the police for giving money to voters and asking them to vote for PF.

In Mwanabombwe district a petitioner submitted that vote buying was practised and may have affected the outcome during the 2016 general elections. He further submitted that the voters openly asked how much they would be given and demanded for a lot of money as an inducement for them to vote for the candidate. Another petitioner in the same district submitted that the PF parliamentary candidate in the 2016 general elections who is current Member of Parliament for Mwanabombwe, was giving out money in the night to voters a day before elections at a village headman's house.

In Kasama district, a petitioner submitted that candidates went to villages to ferry people to obtain their NRCs and to register as voters so that they could vote for them and these people would also be given money. The petitioner submitted that the PF parliamentary candidate for Kasama was one of the candidates involved in this malpractice.

In Gwembe district, a petitioner submitted that in 2006, voters were being given salt by the MMD to vote for its candidates. Another petitioner said that the PF parliamentary candidate on polling day during the 2016 general elections was giving out K10 to each voter on the queue but he ran away when he saw the police coming.

In Mwinilunga district, a petitioner submitted that he saw some political parties ferrying people from far places to the Civic Centre to obtain voter's cards. They did the same on polling day in order to solicit for their vote.

In Mpulungu district, a petitioner submitted that some people were enticed to vote for candidates who offered them transport to the polling stations.

2.1.6.2 Observations

The Commission observes that vote buying was rampant as it was widely used by candidates to influence voters. The Commission also observes that institutionalised vote buying took the form of, among other things, cash handouts, development projects, donation of blankets, linen, mattresses, bicycles, cell phones, farm inputs, clothes, provision of free transport, and food stuffs including alcohol. The Commission notes that this conduct is prohibited by *Section* 81 of the Electoral Process Act which expressly prohibits acts of vote buying as such acts fall within the meaning of bribery which is a criminal offence.

The Commission observes that there is a tendency by political parties to make donations and support humanitarian causes during campaign period which is largely intended to solicit for votes.

The Commission observes that the absence of regulation of electoral campaign financing contributes to electoral corruption.

The Commission further observes that the Electoral Act of 2006 was repealed and replaced by the Electoral Process Act No. 35 of 2016. *Section 97* of the new Act has undermined efforts to curb corruption in the electoral process.

2.1.6.3 Findings

The Commission finds that:

- (a) ECZ and the Anti-Corruption Commission (ACC) did not strictly enforce *Section 81* of the Electoral Process Act;
- (b) the ACC has not fully executed its mandate to effectively curb electoral corruption. In the 2016 General Elections, ACC only dealt with six cases despite widespread allegations of electoral corruption;
- (c) political parties and independent candidates are commercialising elections thereby influencing the voting patterns. The exchange of votes for cash and gifts has far reaching consequences for the relationship between voters and leaders;
- (d) voters are increasingly looking at elections as a means of obtaining cash and gifts from politicians rather than the performance of their civic duties; and
- (e) *Section 97* of The Electoral Process Act No. 35 of 2016 has made it difficult to prove allegations of electoral corruption.

2.1.6.4 Recommendations

The Commission recommends that:

- (a) ECZ should intensify civic education to the voters, political parties and candidates on election malpractices and ethical conduct;
- (b) there should be suspension of donations by candidates and political parties during the period between filing of nomination papers and declaration of election results;
- (c) the ACC should form corruption watch groups at constituency level to report acts of bribery and other corrupt practices via an electronic platform during elections;

- (d) the law should make it mandatory for ACC to proactively curb all forms of electoral bribery;
- (e) *Section 97* of The Electoral Process Act No. 35 of 2016 should be amended to restore the stringent provisions of *Section 93* of the Electoral Act No. 12 of 2006 against corruption; and
- (f) ECZ and the ACC should strictly enforce *Section 81* of the Electoral Process Act.

2.1.7 Use of Government resources for campaigns

2.1.7.1 Submissions

The Commission received submissions that since 2006, the ruling parties have influenced the voting pattern through the use of Government resources for campaigns, which resources were not available to the opposition political parties. The petitioners submitted that the delivery of court ruling on the Ministers' illegal stay in office after dissolution of Parliament in 2016 was deliberately delayed to enable Ministers use Government resources to campaign.

Petitioners also submitted that they witnessed unrestricted utilisation of Government resources by District Commissioners during the campaigns. Petitioners submitted that District Commissioners openly deployed their Government vehicles for campaigns and spent all their official time actively campaigning for the ruling party.

2.1.7.2 Observations

The Commission observes that the use of Government resources has remained a contentious issue among political contenders and the electorate. Separation of party and Government functions is blurred during election campaigns thereby causing conflicts over public officials using Government infrastructure, vehicles, time and other materials.

The Commission further observes that there is a common practice to use private car registration number plates for Government vehicles during election campaigns thus making it difficult to detect violation of the Electoral Code of Conduct.

The Commission was particularly concerned that the office of the District Commissioner is active in political campaigns. Furthermore, use of resources by Cabinet Ministers particularly during by-election campaigns is a reality that needs to be addressed. The effect of using Government resources is that it creates an uneven electoral playing field.

The Commission observes that the ECZ has a duty, where reasonable and practicable to do so, to ensure that political parties do not use State resources to campaign for the benefit of any political party or candidate. This is an express provision in *Regulation 3* of the Code of Conduct.

2.1.7.3 Findings

The Commission finds that:

- (a) the use of Government resources and the involvement of Government officers is prevalent during elections; and
- (b) successive ruling parties through Cabinet Ministers, District Commissioners and other public servants have used Government resources to campaign for their candidates. This has had the effect of creating an uneven electoral playing field which has influenced the voting patterns and provoked violent clashes.

2.1.7.4 Recommendations

The Commission recommends that:

- (a) clear enforcement guidelines on the use of Government resources by Ministers, District Commissioners and other public officers during election period should be developed; and
- (b) there is need to define what is meant by “where reasonable and practicable to do so,” when the ECZ can perform its duty of ensuring that political parties do not use State resources to campaign for the benefit of any political party or candidate, as provided in *Regulation 3(1)(b)* of the Code of Conduct.

2.1.8 Influence of traditional leadership

2.1.8.1 Submissions

The Commission received submissions that some traditional leaders influenced the voting pattern by instructing their subjects to campaign and vote for identified political parties. Petitioners also submitted that some traditional leaders even threatened to apply sanctions against their subjects who campaigned for or against particular political parties.

In Lufwanyama district, a petitioner submitted that Chief Shimukunami was campaigning for the UPND and that the said chief received a vehicle from the party. The Commission heard from four more petitioners that the said chief threatened to banish people from the chiefdom if they voted for the PF.

In the same district another petitioner submitted that Chief Fungulwe lobbied the other chiefs in the constituency to support his son who was the UPND parliamentary candidate because his chiefdom had not produced an MP since 1997. It was on this basis that the son to the chief was adopted to stand as an MP and won the election in 2016.

In Mwanabombwe district, petitioners submitted that there was interference from His Royal Highness Senior Chief Mwata Kazembe during the 2016 General Elections. Several petitioners submitted that the chief was de-campaigning the PF parliamentary candidate for Mwanabombwe. The petitioners submitted that the Chief did not want the PF to campaign freely in the villages in his chiefdom. Another petitioner submitted that both the Mwanabombwe District Commissioner and Senior Chief Mwata Kazembe were supporting the MMD parliamentary candidate. Another petitioner, however, submitted that the interference by the Chief did not affect the election results in Mwanabombwe constituency as all PF candidates at different levels still won the elections.

In Zambezi district, petitioners submitted that Senior Chief Ndungu was supporting the ruling PF. A petitioner submitted that the said chief's house was even used to host a meeting at which the PF wanted to force the UPND to withdraw from the race of Council Chairperson in order to give an opportunity to PF to win the position.

In Limulunga district, a petitioner submitted that the Barotse Royal Establishment supported the opposition UPND in 2016 General Elections.

In Chipili district, Headman Mwenda submitted that it was the role of traditional leaders to campaign for the ruling party. He submitted that he personally campaigned for the ruling party, PF, in 2016.

In Livingstone district the Treasurer for MMD submitted that Chief Mukuni told her that she should behave properly like a Lozi Princess by supporting the UPND and its presidential candidate in 2016. The petitioner submitted that she was called to meet the same Chief by the former Katombola MP when the Chief parked his vehicle near the MMD offices. She added that in 2016 she met the Chief at Mosi-o-Tunya Park with his wife and he pulled her aside and asked her about who she was campaigning for. The petitioner submitted that the chief told her to mobilise MMD ward chairmen and take them to the palace and said that she would be rewarded. She told the Commission that she declined the offer.

A petitioner in Mpulungu district submitted that one chief openly appealed to people to vote for the UPND in Mpulungu. He added that the UPND won a ward in Chief Chitimbwa's chiefdom because of the involvement of one of the chiefs in campaigning for the UPND. Another petitioner, however, contradicted the above petitioner by testifying that chiefs in the area did not engage in partisan politics. He submitted that it was not true that UPND won a ward because of the support of the Chief. He stated that people just voted out of their own free will as they wanted change.

A petitioner in Mporokoso district submitted that village Headman Mukanga stopped UPND from campaigning in his area.

The UPND District Information and Publicity Secretary submitted that during the 2016 elections, all the three Chiefs in Chiengi district participated in active politics. He submitted that the Chiefs were asking their village headmen to campaign for the ruling party. The petitioner submitted that he personally saw one of them campaigning.

2.1.8.2 Observations

The Commission observes that traditional leaders wield significant authority over the people they govern. The Commission notes that some traditional leaders openly support their preferred political parties and candidates while others do it subtly. This is clearly manifested through public endorsements of preferred political parties and candidates and in some instances the said traditional leaders are pictured with politicians from different parties in the media. However, their influence over voting patterns is limited, as some candidates endorsed by chiefs do not win.

The neutrality of chiefs in multi-party politics remains a contentious issue as chiefs are expected to work with both the ruling party and the opposition while supporting the government of the day.

Some traditional leaders play a role in influencing voting patterns in the country. The involvement of traditional leaders in partisan politics affects voting patterns by contributing to the formation of regional and tribal enclaves, political strongholds and ethnic barriers, thus deepening the divisions in the country.

There is loss of confidence and respect in traditional leadership, especially where a traditional leader expresses preference for a particular candidate or party and becomes embroiled in interparty conflicts. This affects the voting pattern by interfering with the basic democratic rights of citizens to freely associate, assemble, choose and express their views. Consequently, the role that traditional leaders play as custodians of traditions and culture is weakened. The Commission observes that involvement of traditional leaders in partisan politics encourages their dependence on politicians and limits the will of the people to freely exercise their democratic right to choose the best candidate to represent them.

Regulation 3(1) (j) of the Code of Conduct imposes a duty on the Electoral Commission to ensure that traditional leaders do not exert undue influence on their subjects to support a particular political party or candidate.

2.1.8.3 Findings

The Commission finds that:

- (a) there were some traditional leaders who prevented certain political parties and candidates from campaigning in their chiefdoms and in some instances even refused to welcome such political parties to their palaces; and
- (b) there were some traditional leaders who also threatened to banish people they governed from their chiefdoms, if they campaigned or supported a political party or candidate whom the traditional leader did not favour.

2.1.8.4 Recommendations

The Commission recommends that:

- (a) *Regulation 3(1)(i)* of the Electoral Code of Conduct in the Electoral Process Act must be strengthened to provide for clear and enforceable sanctions for erring traditional leaders;
- (b) the House of Chiefs should facilitate the development of a code of ethics to guide traditional leaders on the role that they should play during elections; and
- (c) Government should develop guidelines for clear separation of Government and party activities and clearly define the parameters of what is meant by ‘supporting the Government of the day.’

2.1.9 Influence of religious organisations

2.1.9.1 Submissions

The Commission received submissions that in 2016 some religious organisations influenced the voting patterns. Some petitioners submitted that one presidential candidate was portrayed as a Christian while the other as a Satanist. The petitioners submitted that, contrary to the Christian doctrine, some churches in Zambia did not spread the message of love but demonstrated favouritism. Some petitioners made reference to a group that was calling itself ‘Christians for Lungu,’ which they said contributed to dividing the church on political grounds.

Petitioners also submitted that the tendency by church leaders to accept donations from politicians, on behalf of the congregants, during campaigns, compromised the integrity

of the church. In Ndola district, a petitioner submitted that the clergymen had been compromised in the sense that they decided to agree with what the politicians were saying and were not reconciling the people on the issue of tribal remarks. Another petitioner of the same district submitted that some clergy were partisan and gave an example of the “Christians for Lungu” who were aligned to the ruling party, PF.

In Zambezi district, a petitioner submitted that some churches had become mouthpieces for the ruling party. He told the Commission that political parties were using churches as campaign tools. He recommended that this practice needed to be out-lawed since Zambia was a Christian nation.

In Mwinilunga district, a petitioner told the Commission that one of the church mother bodies has brought confusion into this country by openly showing preference for one political party over another. He stressed the need for the church to be independent of politics.

Another petitioner in Mwinilunga submitted that the church had become compromised because men of the collar were shamelessly campaigning for political parties from the pulpit. A petitioner in Mpika district submitted that he witnessed a United Democratic Front (UDF) candidate soliciting for votes by distributing iron sheets and television sets to named churches.

2.1.9.2 Observations

The Commission observes that historically missionaries settled in different parts of the country and this has given particular churches a regional base. This is still evident in the domination of certain churches by people from particular regions. The Commission notes that the Church is as polarised, along ethnic lines, as political parties. This polarisation of the church reflects regional, ethnic and tribal alignments, which are the same parameters reflecting political polarisation. As such, religious organisations are no longer seen as a uniting force. In the past, religious organisations have played a critical role as arbiters in political conflict resolution. Recent events, where religious outfits have been created as addendums to political parties have, however, diminished the trust that religious organisations once enjoyed. The Commission notes that the eagerness to

receive donations, expectation of political appointments and other benefits from politicians perpetuate political patronage, which in turn divides the people that belong to the same faith.

The Commission notes that the purpose of Christianity is the promotion of unity among the people and not to divide them across party lines. The Commission further notes that discrimination based on religious grounds is not in line with the provisions of the Constitution and international law. The Commission is also aware of the negative effects that religion has played in some of Africa's worst conflicts, such as the genocide in Rwanda, the conflict in Central African Republic and the Sudan.

The Commission observes that there are no laws that regulate the conduct of religious organisations regarding campaigning for, and affiliation to, political parties except for *Regulation 15 (1)(m)* of the Code of Conduct which makes it an electoral offence for any person to discriminate against any other person on grounds of race, ethnicity, class, disability, gender, sex, religion or in any other manner in connection with an election or political activity.

2.1.9.3 Findings

The Commission finds that:

- (a) there were some religious leaders who influenced their congregants by openly campaigning for particular political parties. For example, some religious leaders preached to their congregants that the 2016 elections were a choice between evil and good;
- (b) during the election period political party leaders patronised various places of worship where they were often given platforms to address congregants and make donations; and
- (c) some religious leaders also used the media to disseminate their own political agendas and claim to be prophets who prophesied election outcomes. As a result, some believers tended to follow prophesies by these prophets, thereby affecting voting patterns.

2.1.9.4 Recommendations

The Commission recommends that:

- (a) *Regulation 3* of the Code of Conduct of the Electoral Process Act should be amended to prohibit religious leaders from exerting undue influence on their followers to support a particular political party or candidate;
- (b) Government should regulate publishing of prophesies concerning election outcomes in a similar manner that publishing speculative election results is regulated;
- (c) labelling of political candidates as satanic, evil, thieves, etc., without tangible evidence should not be allowed;
- (d) the Ministry in charge of religious affairs should develop guidelines to regulate the conduct of religious leaders during elections; and
- (e) the church mother bodies should develop and enforce a code of conduct to give guidance to affiliate churches on how they ought to conduct their affairs during the election period.

2.1.10 Conduct of the Zambia Police Service

2.1.10.1 Submissions

The Commission received numerous submissions that the Zambia Police Service influenced the voting patterns through the administration of the Public Order Act (POA). Petitioners submitted that the Zambia Police Service constrained the campaign space for the opposition political parties through misapplication of the POA, such that in some areas the electorate were made to think that it was only one political party, the ruling PF, which was contesting the elections.

Some petitioners submitted that police officers were very partisan and disadvantaged the opposition. The Petitioners submitted that PF members had the freedom to address rallies at will and without notifying the police, whereas the opposition parties were required to obtain permits from the police before holding any meeting. The petitioners further submitted that the opposition had difficulties to obtain police permits and ended up abandoning their campaign programmes, resulting in failure of the electorate being given a choice and thereby influencing the voting patterns.

In Limulunga district a petitioner submitted that in 2016 the police disrupted a rally which was supposed to be held by the FDD in Kalabo district. Another petitioner in Limulunga district submitted that NAREP was asked to reschedule their meeting at Blue Gums because of the imminent arrival of a prominent person from Lusaka.

In Livingstone district, a petitioner submitted that the recruitment system in the public service is politicised because political cadres are appointed in the police service. He submitted that this was why the police were even allowing political cadres to attack their opponents with impunity.

A petitioner of Solwezi district submitted that when the ruling party was holding rallies there was police presence to maintain law and order but when the opposition parties were holding rallies, the police only appeared to disrupt and disperse them.

In Lusaka district, a petitioner, who was also a UPND ward candidate in Chilanga, submitted that, during the period before elections, he was not allowed to campaign

freely as PF cadres constantly attacked his supporters. He cited an incident where PF cadres damaged campaign vehicles in September 2016 and the incidents were reported to the police but no action was taken; no dockets were opened and the matter has never commenced in court. He submitted that there was too much political interference with the police.

2.1.10.2 Observations

The Commission observes that the POA is an essential piece of legislation for purposes of maintaining law and public order. The Commission, however, observes that the enforcement of the POA has been contentious and a matter of public concern. The Commission observes that the POA is the core around which the freedom of association, assembly, expression and choice are built. It follows, therefore, that a balance must be struck between the enjoyment of rights and the maintenance of law and order.

The Commission notes that the major concern about the POA is the manner in which the police deal with notices from political parties and Civil Society Groups who wish to enjoy their constitutional right of assembly. The Commission observes that the challenge has been to strike a balance between the enjoyment of these rights and maintaining law and order.

The Commission notes that prior to the 1996 amendments to the POA which were occasioned by the judgment in the case of *Christine Mulundika and others vs The People* (1995 – 1997) Z.R. 20, *Section 5(4)* of the POA required a convener of a public meeting, procession or demonstration to apply for a police permit. *Section 5(5)* of the Act gave the police officer, dealing with the notification, power to impose conditions of a mandatory nature such as the date and time as well as duration of the meeting, persons permitted to speak at the public meeting, procession or demonstration and matters to be discussed. *Section 5(6)* of the Act gave the regulating officer open-ended discretion to deter the intended public meeting, procession or demonstration, which discretion was open to abuse and arbitrariness. *Section 5(7)* of the Act provided that where the police notified the conveners of the public meeting, procession or demonstration that it was not possible for the police to adequately police any proposed public meeting, procession or demonstration, such public meeting, procession or demonstration would not be held.

The Commission observes that when the POA was amended in 1996, through the Public Order (Amendment) Act No.1 and No.36 of 1996, provisions that restricted freedom of assembly, as provided in the Constitution, were comprehensively amended. The Commission notes that, in the amended form, *Section 5(4)* of the Act now requires any person intending to assemble or to convene a public meeting, procession or demonstration to notify the police in writing of such intent seven days before the meeting. *Section 5 (5)* currently provides for the notice of notification to be in a prescribed form and to contain an undertaking by the persons intending to assemble or convene a public meeting, procession or demonstration that order and peace shall be maintained through the observance of the following conditions:

- (a) that they have been informed by the police that the site for the meeting has not already been granted to another convener for the holding of a public meeting, procession or demonstration;
- (b) that the route and the width of the route is suitable for the holding of processions in accordance with the width and route specifications for such purposes as specified by the Minister by statutory order;
- (c) that marshals of a number sufficient to monitor the public meeting, procession or demonstration are available and shall co-operate with the police to ensure peace and order;
- (d) that the commencement, duration and destination of the public meeting, procession or demonstration shall be notified to the Police;
- (e) that the public meeting, procession or demonstration shall not create a risk to security or public safety, a breach of the peace or disaffection amongst the inhabitants of that neighbourhood; and
- (f) that the conveners of the meeting, procession or demonstration have been assured by the police that at the time the proposed activity shall be held it will be possible for it to be adequately policed.

Section 5(6) currently provides that where it is not possible for the police to adequately police any particular public meeting, procession or demonstration, the regulating officer of the area shall, at least five days before the date of the public meeting, procession or demonstration, inform the conveners of the public meeting, procession or demonstration

in writing the reasons for the inability of the police to police the public meeting, procession or demonstration and shall propose an alternative date and time for the holding of such public meeting, procession or demonstration.

Section 5(7) provides that where the Police notify the conveners of a public meeting, procession or demonstration that it is not possible for the Police to adequately police any proposed public meeting, procession or demonstration, such public meeting, procession or demonstration shall not be held. *Section 5(8)* provides that if the conveners of the public meeting, procession or demonstration are unsatisfied with the reasons given by the regulating officer under *Subsection (6)* they may immediately appeal to the Minister who shall decide and inform the conveners in writing of his decision on the matter within a period of five days. *Section 5(9)* provides that where any person is aggrieved by the decision of the Minister, that person may appeal that decision to the High Court within thirty days of the making of the decision.

Section 6 provides for penalty for disobeying conditions of notice to the effect that any person who opposes or disobeys any direction issued under subsection (3) of *Section 5*; or fails to comply with the provisions of subsection (4), (5) and (7) of section 5; shall be guilty of the offence of taking part in an unlawful assembly under Chapter IX of the Penal Code and be liable on conviction to the penalty provided under that Chapter.

Despite the amendment to the POA, since 1996 the police have not changed the manner in which they apply its provisions. Police officers have been acting outside the law by insisting on issuing, or denying, permits to persons intending to assemble or convene a public meeting, procession or demonstration.

Submission from the Police on Campaign Public Rallies Granted, Denied and Cancelled for Political parties – 2016

Name of Political Party	Number of Permits applied for to hold Public Campaign Rallies	Number of Permits Granted to hold Public Campaign Rallies		Number of Permits denied to hold Public Campaign Rallies		No. Of Public Campaign rallies cancelled	
		Number	% over total	Number	% over total	Number	% over total
PF	425	423	99.5	2	0.47	0	0
UPND	701	668	95.2	23	3.3	10	0.01
MMD	212	194	91.5	15	7.07	3	0.01
FDD	98	97	99	0	0	1	0.01
RAINBOW	21	21	100	0	0	0	0
UDF	1	1	100	0	0	0	0
GREEN	1	1	100	0	0	0	0
NAREP	2	2	100	0	0	0	0

Source: Zambia Police Service, 26th December, 2018

The Commission observes that the information received from the Zambia Police Service shows that the PF applied for 425 ‘permits’ to hold public rallies during the 2016 General Elections. However, this does not portray a complete picture because it excludes public rallies held by the President, Vice President and Ministers, among others, as these are exempt from obtaining “Permits” under the POA. The Commission further observes that data received from the Zambia Police Service is not disaggregated according to the type of election and by province.

The Commission observes that the UPND was granted the highest number of ‘permits’ to hold public rallies at 668 among the opposition parties. However, UPND had the highest number of public rallies denied (23) or cancelled (10). The Commission also observes that the rest of the opposition parties had 15 ‘permits’ denied and four cancelled.

The Commission further observes that while there were allegations of recruitment of political party cadres as police officers, the Commission did not ascertain the validity of these allegations due to time limitation.

2.1.10.3 Findings

The Commission finds that:

- (a) successive Governments have not comprehensively addressed challenges presented by the POA in upholding the constitutional guarantees of freedom of assembly, association and expression;
- (b) there is political interference in the management and application of the POA;
- (c) politicisation of the police service erodes public confidence in the capacity of the police to protect citizens and fairly maintain law and order, particularly during elections;
- (d) while *section 5(5)* requires persons intending to assemble to notify the police of such intentions on the prescribed form, the said prescribed form has not been annexed to the Act;
- (e) the Grievance procedure under *Section 5(8)* of the POA is unattainable because during general elections it requires an aggrieved party to appeal to the responsible Minister who at the time may either be out of office by consequence of dissolution of Parliament or be a participant in the elections;
- (f) the period given for a matter to be taken to court under *Section 5(9)* of the POA is too long because during an election period the campaign period is only three months. Therefore, the prescribed grievance procedure is neither efficient nor fair as it does not take into account the fact that the court process is lengthy and costly; and
- (g) *Section 6* of the POA only provides for penalty for disobeying conditions of notice but has no penalty for a police officer who wilfully, and without reasonable justification, acts contrary to provisions of the Act.

2.1.10.4 Recommendations

The Commission recommends that:

- (a) there should be continuous and adequate sensitisation of the police officers on the provisions and application of the POA;

- (b) in the execution of their duties police officers should be insulated from political interference;
- (c) the POA should be amended to provide for a reduced notification period of three days instead of 14 days as currently provided;
- (d) the prescribed form for notification must be drafted and made available to all stakeholders;
- (e) there should be a stipulated period within which a public meeting or assembly may be postponed by police;
- (f) the police should obtain a court order before disallowing a public meeting or assembly for which notice has been given;
- (g) the grievance procedure should not involve a Minister but a judicial officer; and
- (h) during elections there should be a fast-track court to determine electoral disputes expeditiously. The time-frames for dispute resolution should be spelt out in the *court rules*. Further, the magistrates having jurisdiction in their respective areas should be empowered to grant and lift injunctions placed against public meetings, processions and demonstrations.

2.1.11 Management of the election process

2.1.11.1 Submissions

The Commission received submissions that the way the ECZ managed the election process in 2016 significantly influenced the voting patterns. Petitioners submitted that the conduct of ECZ during elections from the start of voter registration to the announcement of election results showed lack of transparency. Petitioners submitted that the way the mobile voter registration was conducted had a bearing on the voting patterns. In addition, petitioners submitted that the ECZ did not conduct adequate voter education thereby giving way to misinformation, which influenced the voting patterns.

Further, petitioners submitted that the process of selecting a company that was contracted to print the 2016 ballot papers was suspicious and led to loss of confidence in the electoral process at an early stage. Petitioners also submitted that ECZ mismanaged the counting and tallying of election results thereby negatively influencing the outcome of the elections. Furthermore, petitioners submitted that the undue delays in announcing

the final results was a ploy to manipulate the election results which could have distorted the outcome of the 2016 General Elections.

Across all districts in North-Western province, petitioners submitted that ECZ conducted the mobile registration of voters in a manner that disadvantaged strongholds for the opposition UPND. Petitioners submitted that the mobile voter registration exercise was conducted before the mobile issuance of national registration cards, which disadvantaged the prospective first time voters and others who wanted to replace their NRCs in order to register as voters. Petitioners submitted that this disenfranchised people in the region. A petitioner in Zambezi district submitted that many prospective first time voters in his area were denied the right to vote because voter registration was conducted before NRCs were acquired. In Kasempa district similar submissions were made. Petitioners in Kasempa district added that in some instances materials for processing of NRCs and voters' cards used to run out, which petitioners thought was just a trick employed to register fewer people in opposition strongholds.

In regard to voter education, petitioners in Lusaka district submitted that there was need to embark on massive sensitisation of the electorate on their right to vote and on other civic responsibilities. In Kasama district, a petitioner submitted that lack of adequate voter education affected voter turnout. In Kaoma district a petitioner submitted that the ECZ was not conducting continuous voter education and this had an adverse impact on voter turnout.

In Lufwanyama district the UPND District Chairman submitted that the ECZ did not educate the people on the importance of voting. A petitioner in Kasempa district, however, submitted to the contrary that in 2016 there was a lot of sensitisation on voting and a lot of people turned out to vote on the polling day.

Regarding the choice of printing ballot papers in Dubai, many UPND supporters and officials submitted that the ruling party, PF, colluded with the ECZ to build in a rigging mechanism in the electoral system by insisting that the ballot papers be printed in Dubai, against the wishes of other stakeholders. These petitioners submitted that they did not

understand why ballot papers had to be printed in Dubai without seeking consensus of major stakeholders who had raised objections to the decision of the ECZ.

On tallying of votes, petitioners in North-Western province submitted that they heard the ECZ Chairperson announce results from a non-existent Chitulika constituency. Petitioners also submitted that the presidential results that were announced for Lundazi constituency exceeded the number of registered voters. One petitioner alleged that from the results announced for Lundazi Central Constituency PF got 29,000 and UPND got 8,000 when registered voters were only 27,000. Petitioners in the same province and in many other parts of the country submitted that they heard of a foreign national, by the name of Samuel Chavula, who had been facilitated by PF officials to operate from the server room where election results were being processed. The petitioners submitted that this could have been part of the election results rigging scheme by the ECZ in favour of the PF.

Further, petitioners submitted that the results declared by the ECZ were not authentic because of the absence of duly signed Form GEN12 in support of the results. In Mpulungu district, a UPND petitioner, submitted that his party agents did not sign the Form GEN12 which was used to transmit results from the polling stations to the totalling centres. He submitted that the polling agents never even saw the Form GEN12 and he wondered how the results got to the totalling centre and whether the results taken to the totalling centre were the actual results.

The petitioner further submitted that in Chinakila ward a duly stamped ECZ ballot paper in favour of UPND candidate for Council Chairperson was thrown away when it should have been in the ballot box. The same petitioner submitted that from what he saw the results declared for Mpulungu district were not the actual results. He submitted that when the UPND agents were sent away from the totalling centre, the PF cadres were allowed to remain. He also submitted that, at one point, ordinary people of Chisanza area protested the results that were announced by the returning officer. It was after the protest that the results were reverted to what the people of the area had recorded on their own.

In Livingstone district a petitioner submitted that he was a polling agent for UPND in Freedom Ward during the 2016 general elections. He submitted that the ECZ refused to give UPND polling agents the Form GEN 12. He submitted that from his recollection there were only two stations that were given Form GEN12, namely Victoria and Livingstone Central, and this was only done after a protest by members of the general public.

The UPND North-Western Provincial Chairperson submitted that during the 2016 by-election for the position of Council Chairman for Mushindamo district, the Returning Officer changed results for Mr. Peter Kabanga, a PF candidate who had scored 74 votes by adding 300 votes to make it 374 votes after conniving with PF cadres. He submitted that the matter was taken to court where it was resolved in favour of the, UPND candidate.

In Livingstone district the MMD District Treasurer submitted that the Returning Officer, the then Town Clerk for Livingstone was harassed and left half-naked during the totalling of the 2016 results at the Livingstone civic centre. She was accused of planning to rig elections for Livingstone Central constituency. The UPND cadres even vowed to burn down the place if the results announced were not in favour of their party.

In Mpulungu district, a petitioner submitted that the UPND agents were allegedly given K10 each and asked to leave the polling stations, leaving no one to oversee the ballot boxes on behalf of the party.

In Mporokoso district a petitioner submitted that he witnessed a particular incident where one of the ECZ Polling Assistants, who was in charge of issuing presidential ballot papers, was directing voters where to put a mark on the ballot paper. However, the said Polling Assistant was later moved to the referendum ballot paper issuance desk after polling agents protested to the Presiding Officer.

Many petitioners in PF strongholds submitted that the ECZ was colluding with UPND while many other petitioners in UPND strongholds submitted that ECZ was colluding with PF to manipulate the election process.

2.1.11.2 Observations

The Commission observes that the manner in which the ECZ managed the election process in 2016 raised serious concerns among stakeholders. The Commission observes that in certain parts of the country, the mobile issuance of national registration cards and registration of voters was not synchronised thereby disadvantaging some electorate, especially in North-Western province. The Commission also observes that the legal requirement for a voter to possess both the NRC and voter's card to be eligible to vote is a cumbersome and costly exercise.

The Commission observes that voter education is a necessary component of holding democratic elections and enables voters to make informed decisions. The Commission observes that although ECZ trained and deployed voter education facilitators in all the wards, most of those facilitators were not locally recruited and, therefore, had challenges in effectively executing their mandate mainly due to language barriers.

On the counting and tallying of votes, including the alleged non-availability of Form GEN 12, the Commission observes that while there were submissions that some polling stations were not availed with Form GEN 12, the ECZ submitted that all 7,700 polling stations were supplied with the said form during the 2016 General Elections. The Commission observes that there may be merit in the submission by petitioners that some Polling Agents were not availed with Form GEN 12. This assertion was confirmed by the 2016 EU Election Observer Mission Report.

The Commission observes that, although countersigning of the Form GEN 12 is a legal requirement, *Regulation 5(2)* of the Code of Conduct stipulates that failure to countersign the election results by an Election Agent or Polling Agent does not render the results invalid. The Commission observes that this provision of the law may lead to mistrust by electoral players and may be misunderstood as a loophole for manipulation of results by the Returning Officers.

The Commission observes that on the alleged presence of a foreign national in the ECZ server room, the Chief Electoral Officer Chomba Chella, submitting on behalf of ECZ,

denied having allowed Samuel Chavula access to what he termed verification room, arguing that “ECZ had mechanisms in place to detect authority levels of access in the verification room.” He submitted that in view of this mechanism Samuel Chavula was immediately ejected from that area on the basis that it was immediately detected that he did not have authority to access the area aforementioned.

On the printing of ballot papers in Dubai, the Commission observes that the ECZ had instituted measures to promote transparency including the witnessing of printing of ballot papers by stakeholders who included representatives from all political parties that were participating in the elections. Further, the ECZ had given electoral players an opportunity to witness the arrival of the ballot papers and to participate in their verification prior to the elections.

On the undue delay of election results announcement, the Commission observes that despite *Regulation 3* of the Code of Conduct, which requires expeditious declaration of results after the close of the Election Day, there are delays in the announcement of results which usually creates anxiety among candidates and members of the general public. The Commission notes that unwarranted delays do not build confidence in the electoral process as stakeholders usually associate delayed announcement of election results with altering of the will of the voters by the ECZ to give advantage to a preferred political party or candidate.

2.1.11.3 Findings

The Commission finds that:

- (a) registration of voters was conducted towards the election campaign period and not adequate time was allocated;
- (b) while the law provides for continuous voter registration ECZ did not comply with this requirement;
- (c) there were complaints among polling agents in some areas to the effect that they did not see or know that the Form GEN 12 was available at their respective polling stations;
- (d) there was poor performance of ECZ Elections Officers in some polling stations especially in handling the Form GEN 12;

- (e) the decision by ECZ to have the ballot papers for the 2016 General Elections printed in Dubai did not disadvantage any political party, or candidate nor did it affect the voting patterns; and
- (f) there is still a controversy over the purported Chitulika constituency and the excess results for Lundazi Central constituency.

2.1.11.4 Recommendations

The Commission recommends that:

- (a) the Electoral Commission should enhance stakeholder engagement to build consensus at all vital stages of the electoral cycle;
- (b) there should be better coordination between the ECZ and Ministry of Home Affairs in the issuance of voters' cards and NRCs;
- (c) Government should work towards developing an integrated system which will enable voters to use only the national registration card to vote;
- (d) sufficient resources should be made available to ensure that voter education programmes are intensified to reach all citizens. Further, political parties, CSOs and faith based organisations (FBOs) should actively participate in continuous voter education; and
- (e) the Electoral Commission should disseminate widely the post-mortem report of the 2016 General Elections. The Electoral Commission should highlight the measures it has put in place in order to avoid the short-comings experienced in 2016 so that confidence may be restored in the electoral process.

2.1.12 Media influence

2.1.12.1 Submissions

The Commission received submissions from many petitioners that the biasness exhibited by the Zambia National Broadcasting Corporation (ZNBC), the only public broadcaster, significantly influenced the voting patterns. Petitioners submitted that ZNBC, which had the widest coverage in the country during the campaign and election period, was biased in favour of the PF. This created an impression that there was only one political party during that period, which may have caused people in some parts of the country to only vote for the ruling party.

In Gwembe district, a petitioner submitted that ZNBC was very biased in favour of the ruling party and that the national broadcaster has been behaving like that since 2006. The petitioner submitted that ZNBC contributed to the voting patterns because the party that it covered had an opportunity to sell its manifesto widely, especially to the electorate in the rural areas who solely depended on ZNBC for information related to the elections.

Other petitioners submitted that biased reporting was not only limited to the public media organisations but it was also evident in the private media. Petitioners submitted that private media institutions were biased towards the opposition political parties while other private media institutions favoured the ruling party. Some other petitioners, however, submitted that the private media in most parts of the country performed exceptionally well as they provided equal coverage to both the ruling party and the opposition. A representative of the Anti-Voter Apathy Project (AVAP) in Kasama district commended Radio Mano and Radio Lutanda for their professionalism. He submitted that the named private media institutions welcomed all the political parties and allowed them to conduct their campaign programmes without any problem.

Petitioners submitted that social media platforms had been extensively used to discuss and influence political opinions thereby influencing voting patterns. Petitioners submitted that voters continued to receive campaign messages, especially on their mobile devices, throughout the election period including on polling day.

2.1.12.2 Observations

The Commission observes that the public media, like the rest of the media, has a critical role to play in informing the public so that they make informed choices in an election. The Commission notes that the media can only play this role effectively if it is not biased towards one political party in a given election. *Regulation 8 (1)* of the Code of Conduct stipulates that a public television, radio and electronic media shall allocate public air time equally to all political parties and candidates for their political broadcasts. *Regulation 8(2)* stipulates that ECZ shall prescribe the amount of air time in any given language on public television or radio to be allocated to a political party or candidate.

The Commission observes that ZNBC and the State-owned print media may be susceptible to unwarranted political pressure and interference by Government officials. State-owned media are perceived by the public as biased and mouthpieces for the Government and the ruling party under successive regimes. In accordance with *Section 4* of ZNBC Act, Chapter 154, of the Laws of Zambia, the Minister of Information and Broadcasting Services directly appoints the Corporation's Board of Directors, without the recommendation of an appointments committee, as previously established by earlier legislation.

The Commission also observes that the Board members and Chief Executive Officers (CEOs) for the State owned print media are both ministerial appointees. Appointment procedures render the CEO and Board Members susceptible to political pressure which is against the tenets of good corporate governance.

The Commission further observes that the exclusive use of the public media by the party in power for campaigns creates resentment towards employees of the public media especially at public rallies and meetings of the opposition political parties. The Commission observes that incumbency gives Government officials an advantage in terms of access to public media.

The biasness of the public and private media institutions as well as social media towards certain political parties denies the electorate the opportunity to hear divergent and balanced views thereby limiting their access to information needed to make informed decisions. This does not only polarise the electorate but ultimately affects voting patterns.

On social media, the Commission observes that the use of various social media platforms in Zambia has increased considerably. While this has opened up space for political debate and freedom of expression, it has also provided an opportunity for negative forces that promote divisions, hatred and fake news. The rapid transmission of numerous reports on topical issues, such as elections, makes it difficult for users to verify the reports.

2.1.12.3 Findings

The Commission finds that:

- (a) there was polarisation of the media where the public and some private institutions were biased towards the ruling party while other private media institutions were biased towards the opposition parties contrary to *Regulation 7(1)(a) and 7(4) of the Code of Conduct*;
- (b) the public media did not provide fair and balanced reporting of the campaigns, policies, meetings, rallies and press conferences of all registered political parties and candidates during the campaign period contrary to *Regulation 7(1)(a) of the Code of Conduct*;
- (c) the use of the public media institutions to the exclusion of opposition political parties significantly influenced the voting pattern in 2016;
- (d) polarisation of the media perpetuates regionalism, ethnicity and tribal enclaves.
- (e) The use of social media has become prominent and may become even more influential in future elections; and
- (f) the Electoral Commission did not enforce the provisions of the Code of Conduct that regulate conduct of the media during elections.

2.1.12.4 Recommendations

The Commission recommends that:

- (a) *Regulation 11 of the Electoral Code of Conduct of the Electoral Process Act No. 35 of 2016* should be amended so that it is mandatory for ECZ to take action when there is violation of the provision;
- (b) ZNBC, Times of Zambia and Zambia Daily Mail should be transformed into public media with enjoyment of full editorial independence from Government. There should be protection of tenure of the Board of Directors and senior management and these should be appointed in a transparent manner, with the involvement of media professionals and civil society organisations. Further news and content management staff should also be appointed in a manner protected from political interference and be subject to public interest rules. Meanwhile,

Zambia News and Information Service (ZANIS) should provide government policy-related information to the public;

- (c) Government should develop guidelines for enhancing ethical standards of reporting and interactions amongst different users in the electoral process;
- (d) there is need for guidelines to enhance ethical standards of reporting and interactions amongst different users;
- (e) the journalists in both the private and public media should subscribe to a self-regulatory body to enhance professionalism;
- (f) both private and public media should set aside specific time for political party broadcasts, which time can be included in their corporate social responsibility and thus make freely available and on an equal basis for all registered parties to use to present their views; and
- (g) the public media should provide equal coverage to the ruling and opposition political parties as all Zambians contribute to the funding of the public media.

2.1.13 Voter apathy

2.1.13.1 Submissions

The Commission received submissions that indicated that there was voter apathy in some parts of the country. The petitioners, gave various reasons why some people did not turn up to vote. The reasons given were as follows:

- (a) Threats of violence;
- (b) Deprivation of voting documents;
- (c) Misinformation;
- (d) Distances to polling stations;
- (e) Inadequate voters' education;
- (f) Non-adoption of candidates preferred at grassroots level;
- (g) Loss of confidence in the electoral process;
- (h) Failure to access bribes;
- (i) Police presence at polling stations;
- (j) Unfulfilled promises and desertion;
- (k) Voter migration;
- (l) Constrained campaign space;

- (m) Voter fatigue; and
- (n) Use of insulting language.

(a) Threats of Violence

Petitioners submitted that there were people who did not turn up to vote because of threats of violence after being identified, on the basis of party affiliation, region of origin, ethnicity or tribe, especially in the strongholds of PF and UPND.

In Mporokoso district, a petitioner submitted that a group of men waylaid UPND supporters to prevent them from getting to the polling stations. The petitioner submitted that he saw men warning UPND supporters that if they crossed over to the polling stations they would be in trouble on their way back.

In Choma district, a petitioner submitted that prior to the voting day he heard some UPND cadres threatening PF supporters that if UPND lost the election there would be “*gnashing of teeth*.” Another petitioner submitted that on unknown date but during the campaign period, he heard a threat from a national leader to the effect that if UPND lost the election there would be ‘Armageddon’ in the country. In Chongwe district, a petitioner submitted that during the time for campaigns people with disabilities were being intimidated.

(b) Deprivation of voting documents

Petitioners particularly in North-Western province submitted that the voter turnout would have been higher if issuance of NRCs had been done before the mobile voter registration. Petitioners submitted that when the voters’ cards were being issued some eligible voters had no NRCs. When they were issued with NRCs the mobile voter registration had ended and, therefore, the affected people could not vote. Petitioners also submitted that there were people who were buying off voter’s cards from registered voters in order to disenfranchise them. In Chipata district, a petitioner submitted that Magistrate court convicted some people who were found in possession of a number of voters’ cards which they had collected from voters solely to disenfranchise them.

(c) Misinformation

The Commission received submissions to the effect that there were some people who did not vote because of misinformation. A Kalulushi resident submitted that some people in Kalulushi were told that, because of violence, there would be two voting days: on the 11th of August, 2016 for PF supporters and on the 12th of August, 2016 for UPND supporters. Another petitioner in Chilanga submitted that during the Chilanga bye election voters were informed that UPND would vote in the morning while PF would vote in the afternoon. It was alleged that while going to vote in the afternoon, the PF supporters were blocked by UPND cadres, where commotion ensued and consequently some people were prevented from voting.

(d) Long distances to polling stations

The Commission received submissions from a number of petitioners in Serenje, Sinda, Vubwi, Mporokoso and Rufunsa districts to the effect that some people did not vote because of long distances to the polling stations. The petitioners submitted that in rural areas polling stations are far from where some people live, which makes it difficult for them to vote.

(e) Inadequate voters' education

Petitioners submitted that voter education was inadequate during the 2016 General Elections, which could have led to some people not turning up to vote. In Serenje district a petitioner submitted that the voter education facilitators lacked the necessary knowledge and capacity to undertake the exercise and in most instances exhibited ignorance. Petitioners in Luangwa, Sesheke, Luwingu and other districts made similar submissions.

(f) Non-adoption of candidates preferred at grassroots level

Petitioners in some parts of the country submitted that some people may not have voted on account of their preferred candidates not having been adopted by the parties that they supported. Petitioners, especially supporters of the PF and UPND, submitted that they felt frustrated, as grassroots supporters, when their preferred candidates were not adopted by the respective political parties. The petitioners submitted that, while some supporters dealt with the frustration by voting for other political parties, others chose not to vote at all or voted for independent candidates.

(g) Loss of confidence in the electoral process

Some petitioners submitted that the cause of apathy was that people had lost faith in the elections because they waste time queuing when at the end of it all it is the ECZ that selects a leader that it wants.

(h) Failure to access bribes

In Mwanabombwe district petitioners submitted that there might have been some people who did not vote on account that they could not access any of the bribes that were being given to other people. The petitioners submitted that there was a lot of money and gifts, such as bicycles that exchanged hands during the campaign period but some people did not get any of that and as such they decided not to go and vote.

(i) Presence of police officers at polling stations

Some petitioners submitted that in some areas people could not vote because they felt intimidated by the presence of armed police officers at polling stations. The petitioners submitted that the heavy presence of police officers could have intimidated voters against the background that in the run-up to the elections there were instances when police clashed with supporters of political parties which clashes sometimes resulted into fatal injuries. A petitioner in Lufwanyama district submitted that previous encounters between the police and the cadres during the 2016 campaign period created an impression that the election was all about teargas and violence such that some people were scared of going to places where there were police officers.

(j) Unfulfilled promises and desertion

Petitioners across the country submitted that many people have stopped voting because those they have been voting for do not fulfil what they promise during campaigns and they desert the constituencies once they are voted into office.

(k) Voter migration

Petitioners submitted that most people duly registered as voters, fail to turn up to vote because they have migrated to other parts of the country other than where they were registered. Petitioners submitted that the system of only voting where one registered disenfranchises voters because people do not live in one place forever. The petitioners submitted that people move for various reasons to different parts of the country and most of the affected people are unwilling to travel back where they registered as voters just to go and cast a vote.

(l) *Constrained campaign space*

Petitioners submitted that the reason why some people did not vote is that the campaign space was not open to all competitors in some regions. The petitioners observed that in party strongholds supporters did not allow their rivals to campaign freely. In such a situation voters did not see competitors to vote for or against and, therefore, they did not turn up to vote.

(m) *Voter fatigue*

Petitioners submitted that the reasons why some people do not vote is that there are too many bye-elections in Zambia which are sometimes triggered for no good reasons at all. The petitioners added that this has caused indifference and voter fatigue.

(n) *Use of insulting language*

Petitioners, especially the senior citizens, submitted that the use of insulting language during campaigns discouraged people from participating in the electoral process.

2.1.13.2 Observations

The Commission observes that, although the voter turnout in the 2016 general elections was described as higher than in previous election, there was still a significant level of apathy in all the districts where the Commission held public sittings. The Commission observes that the voter turnout would have been higher and that the reasons highlighted by the petitioners are worth considering in order to enhance voter turnout.

On threats of violence, it is the Commission's observation that this was a likely factor given the amount of violence that characterised the 2016 General Elections. The

Commission observes that there is a possibility that some people, identified by tribal tags, party affiliation or regional origins, could have been scared to go and vote for fear that they could be known to have voted for particular political parties. The Commission finds no other probable explanation that a party can score zero votes in a polling station covering several wards, which wards have party structures. The Commission finds it difficult to explain how a polling station could fail to record a single vote for the ward chairperson, if indeed that person had an opportunity to vote without intimidation.

On deprivation of voting documents, the Commission observes that voter turnout can be affected if people are allowed to buy off voters' cards from those they think would vote for a rival political party. The Commission notes that although there was no tangible evidence to show how widespread the deprivation of voting documents was, there were sufficient indicators that it was a likely feature which should be addressed.

On misinformation, the Commission observes that this was not widespread and could not have possibly contributed to the voter turnout. The Commission notes that the election date is usually well publicised and it is even much better that it is enshrined in the Constitution.

With regard to distances to polling stations, the Commission observes that this is a real problem in rural areas that may affect voter turnout.

On the presence of the police at polling stations, the Commission observes that heavy presence of armed police is a possible hindrance to people going to the polling station, especially against the background of the reported general public and police confrontations, which characterised the campaign period whereby some people even lost lives. The Commission notes that at the time the voting was taking place the general public and police relationship had evidently degenerated, making it likely that people could shun places where there was heavy armed police presence.

On the issue of inadequate voter education, the Commission observes that the electorate were not adequately sensitised on the electoral process and the importance of voting because voter education is confined to the election period, during which time political campaigns detract the attention of the electorate. The Commission further observes that

voter education facilitators in some cases used a language which the local community could not understand hence there was limited communication.

On non-adoption of preferred candidates at grassroots level, the Commission observes that this may be a contributing factor to voter apathy. The Commission notes that if a preferred candidate does not participate in the election there is a likelihood that voters may not participate in the voting.

As for loss of confidence in the electoral process the Commission observes that this may be a contributing factor to voter apathy. The Commission observes that where people have no faith in the election management body and the processes, they do not see any need to vote. They tend to think that their votes do not count.

On failure to access bribes, the Commission observes that the practice of vote buying in communities during the election process has contributed to a culture of entitlement to bribes among the electorate and contributes to voter apathy when bribes are not provided by politicians.

On unfulfilled campaign promises and desertion, the Commission observes that this may be a contributing factor to voter apathy. The Commission observes that when candidates make promises, neglect to fulfil them and desert the electorate, the electorate is likely to shun subsequent elections.

On voter migration, the Commission observes that this may be a contributing factor to voter turnout. The Commission notes that voters who have migrated to distant places from where they registered were unlikely to travel back to go and vote. The Commission observes that travelling is expensive and very few people may be willing to travel to other areas for the sake of going to vote, unless there are compelling reasons.

On constrained campaign space, the Commission observes that this may be a contributing factor to voter turnout. The Commission observes that when people only see one political party campaigning in the area, there are chances that they may not turn up to vote. Sympathisers of political parties whose candidates are not given chance to freely campaign in the area may not be motivated to vote on account that they have lost hope and do not know the candidate contesting on their party ticket. On the other hand,

sympathisers of a political party that is campaigning freely in an area may not be motivated to vote on account that the candidate has no competition and would, therefore, win even if some sympathisers do not vote. The Commission notes that this could make a popular candidate lose an election on account of low voter turnout. The Commission observes that free campaigns will encourage higher voter turnout because sympathisers of respective political parties will be striving to outnumber those of rival political parties.

On voter fatigue, the Commission observes that this is likely to set in if there are too many by-elections and especially if such by-elections are being caused without reasonable justification.

On the use of insulting language, the Commission observes that insulting language has become a common practice by politicians. This is repulsive and offensive to the extent that it discourages people, especially the elderly, from participating in the electoral process.

2.1.13.3 Findings

The Commission finds that:

- (a) voter turnout had improved across the country during the 2016 General Elections;
- (b) there were a number of petitioners who confirmed that they did not vote because of some reasons that were identified as causes of voter apathy; and
- (c) voter apathy is a major contributor to voting patterns, especially during bye elections.

2.1.13.4 Recommendations

The Commission recommends that:

- (a) the Zambia Police Service should arrest and expeditiously prosecute people who engage in depriving voters of their voting documents contrary to Electoral Process Act;
- (b) the ECZ should make voter education a continuous exercise rather than a one-off task undertaken during the election period;

- (c) the ECZ should consider establishing additional polling stations to address the challenge of long distances, especially in rural areas;
- (d) political parties should try as much as possible to adopt candidates that have the support of the grassroots in order to encourage more people to participate in the elections;
- (e) the ECZ should build confidence in the electoral process by engaging more with the stakeholders and holding regular consensus building meetings in order to reduce mistrust;
- (f) the ECZ should put in place a system where people can update their voter details on their mobile devices in the same manner that bank details or tax details are changed;
- (g) ECZ must enforce the provisions the Electoral Process Act to ensure that voter apathy is reduced; and
- (h) ECZ should sensitise people not to fail to go to vote on account of failure to access bribes because bribery is a crime.

PART THREE

FINDINGS ON PRE- AND POST- ELECTION VIOLENCE

3.1 Causes of pre- and post-election violence

The Commission understands that its mandate, under this term of reference, was to bring to light what caused the violence that took place in some parts of the Republic before and after the 11th of August, 2016 General Elections, in which some people lost their lives, were injured and displaced.

In responding to this Term of Reference (ToRs), the Commission asked petitioners whether they witnessed any acts of violence and what caused the violence that they witnessed. Almost all petitioners said something about violence but not all of them had personally witnessed acts of violence. It is for that reason that most petitioners gave opinions on what they thought caused violence in the country in general.

In their submissions petitioners submitted the following as the causes of violence:

- (a) Importation of cadres into areas where they were not known;
- (b) Attitude towards Violence;
- (c) Rewarding alleged perpetrators of violence;
- (d) Provision of security to party officials and candidates;
- (e) Wilful provocation of political opponents;
- (f) Hate speech;
- (g) Destruction of campaign materials;
- (h) Labelling, stereotyping and prejudice;
- (i) Delayed announcement of presidential results;
- (j) Refusal to accept election results; and

(k) Conduct of political parties.

3.1.1 Importation of cadres

3.1.1.1 Submissions

The Commission received submissions throughout the country indicating that one of the key drivers of political violence was the importation of cadres. Many petitioners submitted that the presence of unknown people in their areas during the election period was the main source of violence. The petitioners submitted that candidates brought strangers into the communities and the said strangers were the people that engaged in violence.

Petitioners submitted that the PF and UPND transported cadres from one district to another to boost their crowds and to offer defence in case of any attacks from rival political parties. Petitioners, from all the provinces, submitted that importation of cadres by both the ruling PF and UPND to other areas during campaigns caused a lot of violence because the imported cadres had different understanding of how the local people lived.

The petitioners submitted that it was usually the imported cadres who engaged in the use of bad language and beating of local people for wearing party regalia. Petitioners submitted that imported cadres attacked people for merely wearing party regalia belonging to a rival political party. In Choma district Harrison Banda of Harmony area submitted that he was severely beaten-up, and had his leg broken in the process, by two unknown muscular men for wearing a PF T-shirt. The petitioner submitted that the two muscular men who beat him were both clad in UPND T-shirts and were not known by the local people.

Traditional leaders were among the petitioners who submitted that imported cadres were responsible for the violence in most parts of the country. In Zambezi district Senior Chief Ishindi submitted that the movement of cadres from one place to another was the main cause of violence. The senior chief submitted that the imported cadres were disrespectful to the local people, including to the traditional leaders. Another traditional leader, a village headman, also of Zambezi, submitted that party cadres that were ferried

from distant places were coming to confuse the situation in local communities. The headman submitted that he personally saw imported cadres at Zambezi market, when Vice-President Inonge Wina visited Zambezi district. He submitted that he saw unknown cadres in Land Cruiser vehicles who found a local person by the name of Tom wearing UPND regalia and commanded him to take it off. They told the victim that it was now their time as PF to take charge of the district and they did not want to see regalia for any other political party.

Another petitioner, a retired Council Secretary, submitted that when he served in the Election Conflict Management Committee, he observed that the Committee used to find it extremely difficult to control imported party cadres.

Throughout the country the Commission received submissions in which petitioners unreservedly condemned the importation of cadres, stating that people in communities lived as relatives and could not inflict violence on each other on account of elections.

3.1.1.2 Observations

The Commission observes that the political party campaigns are based on a mass mobilization campaign strategy whereby political parties strive to portray their popularity in the area by the numbers of their followers. Moreover, the Commission observes that when a political party is not popular in a certain area, it supplements this deficit by importing cadres from other areas. Furthermore, the Commission notes that when a political party fields unknown candidates or lacks strong party structures in the constituency to mobilize people, it resorts to importation of cadres.

The Commission further observes that the importation of cadres is also done to intimidate the opponents in an area with the hope of winning over the voters. The Commission notes that some political parties which fail to sell their manifestos effectively, turned to violence by importing cadres to cause confusion when rival political parties were conducting campaign activities. The Commission observes that during the campaign period, political party cadres freely arm themselves with dangerous weapons such as guns, machetes, axes, catapults, stones, metal bars and chains, contrary to the Electoral Process Act which prohibits such illegalities.

The Commission further observes that the effects of the above was that in some parts of the country voters were unable to openly wear their party regalia or to freely participate in campaign activities of their parties during elections. The Commission notes that imported cadres intimidate and scare away voters, which leads to apathy and hinders the growth of democracy. The Commission also notes that importation of cadres makes it difficult for the police to arrest perpetrators of political violence because cadres immediately leave the area after committing acts of violence.

3.1.1.3 Findings

The Commission finds that:

- (a) there is no law that regulates the movement of cadres across districts;
- (b) there is rampant importation of cadres to other areas, especially during by-elections and when a party president visits other places, which significantly contributes to political violence;
- (c) except for few isolated cases, the imported cadres were the perpetrators of violence as people living within a community rarely attack each other on account of political affiliation, because they share similar social values and experiences and can easily be identified; and
- (d) the police in most districts have limited capacity to handle imported cadres during elections because of the poor ratio of police officers to the population in a particular area and have inadequate requisite resources to effectively carry out their duties.

3.1.1.4 Recommendations

The Commission recommends that:

- (a) importation of cadres should be restricted and political officials should be responsible for electoral offences committed by their imported cadres;
- (b) Government should enhance the capacity of ECZ and Zambia Police Service, including providing them with modern equipment in order for them to effectively enforce the Electoral Code of Conduct;

- (c) the intended Political Parties Act must contain a code of conduct, with enforceable sanctions, to regulate the conduct of political parties and their members;
- (d) the Electoral Process Act (EPA) should be strictly enforced. It should be mandatory for all State institutions mandated to perform functions under the Act to implement the provisions of the Act; and
- (e) political cadres and officials who use guns, machetes and other offensive weapons should be arrested and prosecuted.

3.1.2 Attitudes towards violence

3.1.2.1 Submissions

The Commission received submissions that Government leadership tolerated violence and that was the reason why it became rampant. Petitioners in Choma, Livingstone, Mongu and Lusaka districts submitted that Government authorities, the Head of State in particular, tolerated political violence by not dealing firmly and decisively with perpetrators of violence. These petitioners submitted that the PF top leadership tolerated violence caused by hate speech because Hon. Davies Chama and Hon. Chishimba Kambwili were not reprimanded for saying, respectively, that, *“Tongas will never rule this Country until maybe after 100 years”* and that *“Tongas can still vote for HH even if he was to stand for an election against Jesus Christ.”*

In Lusaka district, a petitioner Patrick Mucheleka, an opposition politician, submitted that President Lungu is responsible for the current spate of political violence since he has not condemned violence within the PF party. The petitioner recommended that the President should show leadership by allowing all persons to enjoy their rights.

Many other petitioners in Lusaka, Copperbelt and Luapula Provinces also submitted that if the President had wanted to stop violence he would have done so because he had the power to do so. Petitioners submitted that the late President Levy Mwanawasa adopted a firm stance against cadre lawlessness and violence and throughout his term of office there was no political violence, both from the ruling party and the opposition.

Petitioners also submitted that the Government, in general, was tolerant of cadre lawlessness during political events. Petitioners submitted that they saw a lot of cadres, especially from PF and UPND, driving dangerously on the roads but the owners of the vehicles were not censured by the Road Traffic and Safety Agency (RTSA) or the police.

3.1.2.2 Observations

The Commission observes that political parties and the public have an ambivalent attitude towards dealing with violence in society. Political parties tolerate violence when it is against their opponents and only condemn it when it is against them. The Commission notes that violence has become a means by which most political parties conduct their political activities without due regard to the consequences.

The Commission observes that regrettably the public at large has also been indifferent to the violence unless it affects them. This has culminated in a culture of political violence especially among the major political parties. The Commission is concerned that the tolerance of violence could degenerate into political, ethnic, tribal, and regional conflicts whose consequences will be difficult to redress.

The Commission observes that the Zambia Police Service have not effectively prevented violence during elections mainly due to inadequate capacity and taking directives from senior Government officials but also due to intimidation from political cadres. This has undermined their professionalism and created loss of public confidence in the institution. The Commission notes that this has resulted in the escalation of violence and a sense of hopelessness among ordinary citizens in the country.

The Commission observes that *Section 97(2)* of the EPA protects politicians who benefit from corrupt and other illegal practices, as long as they are not seen to be directly involved in the illegalities. This provision of the law has the effect that an election can only be nullified if it is proved to the satisfaction of the High Court or a tribunal that a corrupt practice, illegal practice or other misconduct has been committed in connection with the election by the candidate or with the knowledge and consent or approval of the candidate or that candidate's election agent or polling agent.

3.1.2.3 Findings

The Commission finds that:

- (a) there is ambivalence in preventing and controlling political violence because politicians benefit from using it as a campaign tool;
- (b) there is breakdown in party discipline where cadres ignore directives from their leaders to desist from violence with impunity. This raises questions of who is in charge of giving direction to cadres;
- (c) the public is not only indifferent and timid, but also fear to take a strong stance against violence;
- (d) the Zambia Police Service does not consider cases related to electoral violence as serious criminal offences;
- (e) interference and intimidation from political actors undermines professionalism and effectiveness of the Zambia Police Service to prevent electoral violence; and
- (f) there is inadequate capacity for crowd control including indiscriminate use of teargas by Zambia Police Service which often escalates electoral violence.

3.1.2.4 Recommendations

The Commission recommends that:

- (a) leaders of political parties should openly denounce and disown political cadres engaging in acts of electoral violence;
- (b) political party members found to be perpetrating electoral violence should be barred from holding leadership positions in their parties, participating in elections and holding public office for a period of five years;
- (c) churches, NGOs and the media should stand out and speak against acts of electoral violence without taking sides;
- (d) there should be intensified public sensitisation programmes on the dangers of electoral violence;
- (e) capacity building measures such as training and other necessary requirements in the handling of electoral offences for the Zambia Police Service must enhanced; and
- (f) the Zambia Police Service must use modern methods of crowd control such as water cannons.

3.1.3 Rewarding alleged perpetrators of violence

3.1.3.1 Submissions

The Commission received submissions that violence was caused by party leaders that rewarded individuals who were reported to have engaged in political violence. Petitioners submitted that the President encouraged violence among party supporters by the appointment of Hon. Chishimba Kambwili, Hon. Stephen Kampyongo, Hon. Davies Chama and Hon. Bowman Lusambo as his Cabinet Ministers, after the three were alleged to have uttered hate speech and/or engaged in physical violence. Regarding Hon. Stephen Kampyongo, a petitioner submitted that his appointment to Cabinet, and to be in charge of a Ministry that maintains law and order, portrayed the endorsement of violence.

A petitioner in Chipili district submitted that, because of rewarding people who were associated with violence, it became a custom that violence increased in each district that the President visited. The petitioner submitted that in Chipili district violent clashes occurred between PF cadres and supporters of an Independent Parliamentary candidate during a rally that the President held in the district in 2016. Another petitioner submitted that it was an open secret that there were very ruthless cadres who had been appointed as Cabinet Ministers while others had been sent in the Foreign Service or were appointed to head parastatal organisations.

In Solwezi district a petitioner submitted that Bishop Eddie Chomba and Dr. Leah Mutale were rewarded with positions of Permanent Secretary. Bishop Eddie Chomba was rewarded after he insulted the leader of the opposition UPND at a public rally in Kabwe district during the run-up to the 2015 Presidential by-election.

On allegations against Hon. Stephen Kampyongo relating to the January 2015 helicopter incident in Shiwang'andu district, the Commission at its special sitting on 6 December 2018, received submissions from Hon. Kampyongo rebutting his involvement in the said incident. In his denial, Hon. Kampyongo submitted that on the material day he was 65 kilometres away from the place where the incident happened. He was disputing the submission made by Hon. Patrick Mucheleka who contended that he saw Hon.

Kampyongo at the scene of the incident and that Hon. Kampyongo was commanding PF cadres to attack the helicopter. Hon. Mucheleka had told the Commission that he even had video footage showing Hon. Kampyongo executing the role that he was being accused of.

With regards to allegations against Hon. Davis Chama, the Commission, at its special sitting on the 12th of December, 2018, received submissions from Hon. Chama wherein he denied having shot Mr. Mushaukwa Mushaukwa. Mr. Chama, however, admitted that the shooting incident took place in Mulobezi on the material day but that it was his driver Brian Nyoni who fired three shots in self-defence. The said Mr. Nyoni also appeared before the Commission and submitted that he was the one who shot Mr. Mushaukwa, in self-defence.

On allegations levelled against Hon. Chishimba Kambwili, the Commission did not receive the former Minister's side of the story, as he did not take up the offer to speak in his defence.

3.1.3.2 Observations

The Commission observes that there was a general perception that some individuals who engaged in acts of violence were being rewarded through appointments to Government positions, parastatals and access to Government contracts which amounted to endorsing acts of violence. The Commission also observes that there is a public perception that due to political patronage, alleged perpetrators of violence were apparently protected by the Government system.

The Commission observes that the appointing authority does not provide information on how allegations made against appointees have been addressed as result the public continues to hold perceptions that perpetrators of violence are rewarded.

The Commission further notes that the perception that the perpetrators of violence who show no remorse for their actions continue to be rewarded and not punished, hinders the reconciliation process. The Commission further observes that if this situation continues,

it has the potential of perpetuating a culture of violence in the country in that cadres will continue to believe that unleashing violence is beneficial.

The Commission observes that the allegations of rewarding some of the perpetrators of violence has not been sufficiently established.

3.1.3.3 Findings

The Commission finds that:

- (a) the failure by appointing authorities to act on allegations made against proposed appointees and ensure that those allegations are concluded before appointments, continue to perpetuate public perception of reward for wrongdoers; and
- (b) this perception of reward for wrongdoers contributes to political tension in the country.

3.1.3.4 Recommendation

The Commission recommends that appointing authorities should be taking all the necessary steps to ensure that the people being appointed to public office are cleared of all allegations levelled against them and that the public knows that such individuals have been cleared, so that an impression is not created to the effect that there are people who are being rewarded for engaging in violence and hate speech against rivals of the ruling party.

3.1.4 Provision of security to party officials and candidates

3.1.4.1 Submissions

The Commission received submissions that violence was caused by hiring cadres as ‘security detail’ by election candidates and high ranking party officials. Petitioners submitted that for bodyguards to justify their relevance to their superiors, they engaged in violence against supporters of rival political parties, even without provocation. Petitioners submitted that the mere wearing of political regalia of a rival political party was enough provocation that led to people being beaten and stripped naked.

In all the districts visited by the Commission, petitioners submitted that youths engaged as ‘security detail’ by political parties caused violence. The petitioners submitted that

these political parties' security personnel were carrying guns and wearing military-like attire.

In Shiwang'andu district the UPND District Chairlady and two other petitioners submitted that there was a group of PF supporters calling itself "100% PF" whose membership comprised people from outside the district. Petitioners submitted that the "100% PF" group was accommodated at a guesthouse belonging to the District Commissioner of Shiwang'andu, Ms. Evelyn Kangwa. The petitioners recounted to the Commission a number of incidents when UPND supporters were attacked by the said group but the police never took any action despite the incidents being reported.

Across the country, the Commission received numerous submissions that politicians engaged unemployed youths to commit acts of violence in return for money, food, alcohol and other inducements.

3.1.4.2 Observations

The Commission observes that intimidation of opponents and the general populace by party cadres has been a common feature of the political landscape in Zambia. The Commission notes that today's political party youth security wings are increasingly engaging in assault and harassment of people who hold divergent views. The Commission further observes that these youth wings have become so powerful to the extent that they no longer respect the law let alone their own leaders, thereby entrenching political impunity and lawlessness.

The Commission further observes that in many instances high unemployment and poverty amongst the youth makes them vulnerable to be hired for all manner of mischief and they have no real commitment to their parties. The Commission observes that what exists between political parties and youth is a transactional relationship. The Commission notes that this is the reason why the youth can shift allegiance to any political party that comes in power and attack the same people who initiated them into the culture of violence.

The Commission notes that while the youth are an important asset to the growth of political parties, their role has been reduced to merely being used for a token. The Commission observes that the youth are used to deal with dissenting voices within the party. This role of ‘disciplining’ erring members includes the use of force and sometimes locking up offices or barring participation in party activities. The consequences of using youths to discipline party members circumvents internal party democracy and limits participation of the women and minority groups, such as the elderly and physically challenged.

3.1.4.3 Findings

The Commission finds that:

- (a) major political parties use the youth to carry out acts of violence during elections;
- (b) most of the political parties in the country have lost control of their cadres and this has given rise to indiscipline, disorder and impunity in the political arena;
- (c) political patronage which is extended to youth security wings shapes decision making processes of the major political parties and thus eroding institutional authority;
- (d) the youth take advantage of the opportunities provided by political parties during election period for personal benefits and are, therefore, willing to engage themselves in acts of violence and other vices;
- (e) there is excessive consumption of alcohol by political party cadres especially the youths, supplied by politicians, during elections and this leads to conduct causing breach of peace;
- (f) Zambia Police Service has in most instances not acted professionally and impartially thereby reinforcing the decisions of political parties to hire their own security personnel;
- (g) party security cadres lack basic training in public security management and are therefore a liability to their political parties and a danger to the general public;
- (h) the use of youth to discipline erring party members is a cause of intra party violence; and
- (i) all political parties are always ready to receive violent youth when they are expelled from other political parties thereby endorsing the culture of violence.

3.1.4.4 Recommendations

The Commission recommends that:

- (a) there should be strict enforcement of the Electoral Code of Conduct by the ECZ and the Zambia Police Service;
- (b) there should be strict enforcement of the Law which prohibits the wearing and use of military-like attire;
- (c) Zambia Police Service should institute a programmes to get rid of unlicensed firearms and other dangerous weapons in the community;
- (d) voter and civic education by ECZ and other stakeholders should be tailored to rein in violence by the youth during elections so that they stop believing that it is their role to deal with political opponents;
- (e) There should be regulations on alcohol consumption during the election period; and
- (f) Government should come up with a programme to educate the youth within political parties on political education, political ideology and non-violent politics.

3.1.5 Wilful provocation of political opponents

3.1.5.1 Submissions

The Commission received submissions that electoral violence was caused by provocative campaign strategies and manner of celebration, such as use of mock coffins, vulgar language and demeaning sentiments, among others.

In Chingola and Mufumbwe districts, petitioners submitted that there was wilful provocation between supporters of PF and UPND, whereby when one political party was holding a meeting, supporters of the other party would drive their campaign vehicles within the vicinity of the venues and play loud campaign music, thus distracting the attention of the people attending such meetings.

In Chipili and Mwanabombwe districts, petitioners submitted that PF supporters used to drive their vehicles to where opposition parties were holding meetings and they would

start throwing money and campaign materials out of moving vehicles, resulting in the audience running after the PF vehicles and in most instances meetings would be aborted.

In Namwala district petitioners submitted that PF members were attacked, following their celebration of President Lungu's election victory in August 2016. The petitioners submitted that the PF supporters mocked UPND members during their celebrations, and this annoyed the UPND supporters who were in majority in the area.

In Kitwe district petitioners submitted that the violence that took place, immediately after the 2016 presidential election results were announced, was as a result of the way the supporters of the winning PF celebrated. The petitioners submitted that PF supporters dressed a dog in UPND regalia and also displayed a mock coffin wrapped in opposition UPND chitenge material. The images were circulated through social media. The petitioners submitted that this manner of celebrating victory did not only provoke the supporters of the UPND in the area where it took place but also affected UPND members countrywide and sparked violence in some areas.

3.1.5.2 Observations

The Commission observes that there was wilful provocation among political parties including independent candidates which contributed to electoral violence and political tension in the country. The Commission observes that wilful provocation takes the form of hate speech, destruction of campaign materials and disruption of political meetings and rallies. Other forms of provocation include incitement by politicians through the media, and particularly the social media where there is a lot of fake news and unverified information.

The Commission observes that political parties are engaged in the disruption of meetings and other political events through flashing symbols of their parties at their rivals' meeting or rallies, honking, throwing stones, blocking of roads, playing loud music or occupying part of the rally sites, throwing money and campaign materials.

3.1.5.3 Findings

The Commission finds that:

- (a) wilful provocation by supporters of political parties and Independent candidates contributed to the electoral violence witnessed in some parts of the country during the 2016 General Elections;
- (b) the wilful provocation was more pronounced between the PF and the UPND supporters without much restraint from their political leaders and Zambia Police Service; and
- (c) there was ineffective enforcement of the Electoral Code of Conduct with regard to wilful provocation by rival parties.

3.1.5.4 Recommendations

The Commission recommends that:

- (a) political parties and candidates should develop campaign strategies that promote a culture of tolerance for diversity during elections; and
- (b) there should be strict enforcement of Electoral Code of Conduct prohibiting wilful provocation of rival political parties and candidates.

3.1.6 Hate speech

3.1.6.1 Submissions

The Commission received submissions that the use of hate speech and vulgar language contributed to the 2016 electoral violence. Petitioners submitted that politicians, across all political parties, were using hate speech and vulgar language against each other, which caused bitterness among supporters and the public. The petitioners submitted that the kind of language the politicians were using was so strong that it caused violent reaction from their supporters in some parts of the country.

In Gwembe district a petitioner submitted that during the 2016 General Elections he went to Luwingu district where he wanted to contest elections for ward councillor on the UPND ticket. He submitted that Chief Mutondo from whom he sought authority to contest elections was allegedly insulted by the PF District Chairperson for Luwingu on account of welcoming a Tonga led party in the Constituency. The petitioner submitted that he heard the District Commissioner for Luwingu district also utter hate speech to the effect that “anyone who brought UPND in the area should be killed and nothing would happen to the killer.”

In Livingstone district, a petitioner submitted that political leaders like Hon. Chishimba Kambwili and Hon. Mumbi Phiri were fond of using vulgar language against other tribes. The petitioner submitted that he heard Hon. Mumbi Phiri refer to the UPND leader as ‘Kachema.’

In Mansa district, a UPND provincial official submitted that use of hate speech was so pronounced during the 2016 General Elections, which agitated the people and caused electoral violence. The petitioner submitted that hate speech was practiced starting from the President to a sweeper. Another petitioner further submitted that hate speech had tribal connotations and some tribes were stereotyped as bad ones.

In Namwala district, many petitioners submitted that the local people were using hate speech against PF supporters and those bearing names from *north-eastern* region. They referred to them as “Umulumbu” meaning an outcast, a person who does not hail from that particular place and asked them to go back where they came from.

In Mazabuka district, a petitioner submitted that some political parties, traditional leaders and also the Church groupings tolerated hate speech and divisions of people across tribes, which was likely to contribute to disunity in the country.

3.1.6.2 Observations

The Commission observes that most politicians use hate speech based on regional, ethnic and tribal origins to alienate the voters from supporting their opponents. However, the Commission notes that the general public abhors this kind of conduct.

The Commission further observes that hate speech and vulgar language causes resentment among cadres, which leads to political violence. The Commission notes that political parties across the board have done little to stem the use of hate speech and vulgar language during election campaigns in contravention of *Regulation 15 (a)* of the Code of Conduct. The Commission further observes that under *Section 70(1)* of the Penal Code, it is an offence to express or show hatred, ridicule or contempt for any person or group of persons because of race, tribe, place of origin or colour.

The Commission observes that media incitement contributes to electoral violence through exaggerated and sensational reporting, rumour mongering, political biasness, political cadrerism, self-censorship and expectations for future gratification.

The Commission also observes that social media has become part of the electoral campaign process and it must be handled carefully to prevent abuse. However, the Commission notes that social media plays a more negative role in the political discourse as opposed to positive aspects of national building.

3.1.6.3 Findings

The commission finds that:

- (a) political parties across the board have done little to stem the use of hate speech and vulgar language during election campaigns;
- (b) both the Penal Code and the Electoral Code of Conduct (ECC) does not contain strong and express provisions to prohibit hate speech;
- (c) both public and private media contributed to the peddling of hate speech;
- (d) Unscrupulous citizens are using social media to defame, malign, insult and incite hatred, violence, ethnic and regional divisions in the country; and
- (e) social media is filling in the information gap, in a destructive manner, due to public media biasness.

3.1.6.4 Recommendations

The Commission recommends that:

- (a) the Provisions of *Section 70 (1)* of the Penal Code be amended and expanded to include all forms of hate speech;
- (b) political parties should develop and enforce codes of conduct which will prohibit hate speech among members and supporters; and
- (c) Government working with stakeholders should consider establishing an independent press ombudsperson to regulate the conduct of public and private media.

3.1.7 Destruction of campaign materials

3.1.7.1 Submissions

The Commission received submissions that violence was incited by destruction of campaign materials such as posters belonging to rival political parties or candidates. Petitioners submitted that cadres of rival political parties engaged in the destruction of campaign materials belonging to their rivals which led to physical fights.

In Chiengi district FDD District Coordinator submitted that he witnessed one incident where PF supporters were removing posters for the FDD parliamentary candidate. The petitioner submitted that this happened in Lambwe Chomba area. He submitted that although this annoyed FDD supporters there was no fight because the matter was reported to the police and the PF cadres, who were in the camp of the PF parliamentary candidate were arrested and detained at Puta Police Station.

In Luanshya district, a petitioner submitted that campaign posters for the PF were removed in the night and replaced with those for the UPND. The actual individuals who removed the posters were not seen and as a result no fight or arrest took place. Another petitioner in Luanshya district submitted that the campaign materials, such as posters and bill boards, for the UPND were defaced by unknown people.

In Lufwanyama district petitioners submitted that during the campaigns in 2016 posters for the UPND were torn in the night by unknown people while those for the other parties such as PF, Rainbow and NAREP remained intact.

In Chinsali district petitioners submitted that they would only find UPND, UNIP and FDD's posters torn but for the PF and MMD, these remained intact. Another petitioner, however, submitted that PF posters were also pulled down in Chinsali.

In Mwinilunga district a petitioner submitted that in some places UPND supporters were tearing down PF posters. Another petitioner in Mwinilunga district submitted that they found an elderly man who was seated under a tree where children were tearing posters and he was just looking at them without intervening.

3.1.7.2 Observations

The Commission observes that destruction of campaign materials is a manifestation of growing intolerance and disregard of the Electoral Code of Conduct among political opponents. This destruction is wantonly done by political cadres usually in the night. Destruction of campaign materials leads to violence among political supporters who accuse each other of this electoral offence.

The Commission observes with serious concern the ineffectiveness of ECZ and associated institutions, even in the wake of the progressive Electoral Code of Conduct, to stop the destruction of campaign materials by rival political supporters and to enforce the removal of campaign posters and bill boards after elections. This leads to a slow healing process for those who lost the elections.

The Commission further observes with great concern the impunity by political stakeholders to disregard the Electoral Code of Conduct whilst those charged with the responsibility to enforce the law are not discharging it effectively. In turn this has led to erosion of confidence and trust in the institutions charged with managing the electoral process. This loss of trust has resulted in people taking the law in their own hands, taking up roles such as guarding the vote, inspecting trucks laden with election materials and thereby causing political violence.

3.1.7.3 Findings

The Commission finds that:

- (a) while the Electoral Code of Conduct prohibits destruction of campaign materials, there is disregard of this regulation by political parties and candidates; and
- (b) there is weak enforcement of the Electoral Code of Conduct by the ECZ and Zambia Police service.

3.1.7.4 Recommendations

The Commission recommends that:

- (a) political party members and supporters involved in the destruction of campaign posters and materials should be arrested and tried in the electoral fast track court; and

- (b) ECZ should delegate authority for the enforcement of the Electoral Code of Conduct.

3.1.8 Labelling, stereotyping and prejudice

3.1.8.1 Submissions

The Commission received submissions that hatred for people from other provinces was one of the causes of violence. Petitioners submitted that people from other provinces were being accused of importing political parties in provinces where they were not known or wanted. Petitioners submitted that Bembas living in regions that were UPND strongholds were being accused of ‘importing’ the PF to those regions while Tongas and Lozis in PF strongholds were also accused of ‘importing’ the UPND to those regions.

In Choma district, a petitioner submitted that he was beaten by UPND cadres and had his leg broken on 15 August, 2016 at a place called Harmony. The petitioner submitted that the reason he was beaten was that his mother was from Eastern province and as such he was accused of being a sympathiser of the PF.

In Kasempa district, a petitioner submitted that UPND supporters were attacking Bembas and telling them to go back to where they came from. In Mufumbwe district, a petitioner submitted that he and his colleagues had resolved that they did not want people from Muchinga province in their area because development was skewed in their favour.

3.1.8.2 Observations

The Commission observes that during election campaigns, and even after, there is a tendency by political parties to prejudice, stereotype and label people originating from other regions, ethnic, tribal or political backgrounds. The Commission observes most political parties are associated with the ethnic, tribal and regional backgrounds of the leaders. The Commission further observes that it has become a standard to associate people with common ethnic backgrounds to a particular political party. The Commission also observes that some people are victimized based on ethnic background and region when the outcome of the elections are known.

The Commission observes that, as a consequence, people from ethnic backgrounds that are associated with a particular party are resented, abused, harassed and live in fear in areas where a different party was prominent. The Commission observes that some traditional and religious leaders whom the society looks up to have also been torn apart along partisan, political, ethnic, tribal and regional lines.

The Commission further observes that there is serious polarization of the media along regional, ethnic, tribal and political inclinations which reinforces labelling, stereotyping and prejudice.

The Commission further notes that this largely contributes to situations where people coming from other regions are targeted for violence and suffer displacement and have their property damaged or destroyed, and even risk being harmed. The Commission notes that the prejudice and stereotyping is not conducive for promoting social cohesion in the country. The Commission observes that if this is allowed to continue, it has the potential to bring about political, social and economic instability.

3.1.8.3 Findings

The Commission finds that:

- (a) there is a breakdown of social cohesion and national unity due to the current political developments and set-up where people are being identified by their affiliation to tribe, region, ethnicity and political background;
- (b) traditional leaders and the church have not played a significant role to redress the emerging trend of prejudice, stereotyping and labelling. In fact, they have become part of the problem and are quickly losing their positions as trusted arbiters in society;
- (c) while the Electoral Code of Conduct prohibits actions that prejudice, stereotype and label opponents, there is disregard of this code by political parties and candidates;
- (d) there is no effective enforcement of the Electoral Code of Conduct by the ECZ and Police;
- (e) there is serious polarisation of the media along regional, ethnic, tribal and political inclinations; and

- (f) there is serious polarisation of the religious groups and traditional authorities along regional, ethnic, tribal and political inclinations.

3.1.8.4 Recommendations

The Commission recommends that:

- (a) the Ministry responsible for religious affairs and national guidance in collaboration with the faith based organisations and other stakeholders should invest in programmes to promote social cohesion and national unity;
- (b) the House of Chiefs must develop an elections charter with clear punitive measures, to guide their conduct during elections; and
- (c) media bodies should develop a self-regulatory ethics charter for covering elections.
- (d) the ECZ should strictly enforce the Electoral Code of Conduct.

3.1.9 Delayed announcement of results

3.1.9.1 Submissions

The Commission received submissions that the delay in announcing final results by the ECZ causes violence. In Choma district, a petitioner submitted that he was displeased by the conduct of ECZ for taking too long to announce the results. He submitted that delayed announcement of results raised a lot of suspicion. In Katete district a petitioner submitted that when results take too long to be announced people think that the votes are being stolen, especially where delays are unexplained. In Luanshya district a petitioner submitted that the delayed announcement of election results led to too much speculation and this caused a lot of anxiety.

3.1.9.2 Observations

The Commission observes that the delay by the ECZ to announce election results heightens anxiety and builds tension amongst the electorate. The Commission notes that in 2011 riots erupted in some parts of the Copperbelt largely due to the delayed announcement of results. The riots on the Copperbelt were, however, quelled by the quick intervention of the PF leader, the late Michael Chilufya Sata, then in opposition.

The Commission observes that in 2016 the delayed announcement of results gave rise to the circulation of unofficial results by various media houses and stakeholders. Social media was particularly the major platform for circulation of unofficial results and a lot of people started believing those results. Consequently, when the official results were announced which were contrary to what was in circulation, violence erupted in some parts of Southern Province.

The Commission observes that delays in announcing results leads to loss of confidence in the ECZ thereby eroding the credibility of the electoral process. The Commission further notes that the irregular updates on election results by the ECZ tends to fuel suspicion of vote rigging or election results manipulation.

3.1.9.3 Findings

The Commission finds that:

- (a) while there was electoral violence in the aftermath of the 2016 general elections, there was no evidence directly linking violence to the delayed announcement of presidential election results. However, delayed announcement of election results can potentially lead to political violence as experienced in previous elections;
- (b) shortcomings in the election results management by ECZ continue to be an area of grave concern;
- (c) political parties do not always have polling agents at some Polling Stations leading to unnecessary and unsubstantiated electoral disputes which could contribute to further delays in announcing the election results;
- (d) there is lack of consensus among stakeholders, particularly political parties, on how to handle results from remote and hard-to-reach constituencies; and
- (e) ECZ does not have a schedule for announcing results, or if it does, it has not adequately communicated to stakeholders.

3.1.9.4 Recommendations

The Commission recommends that:

- (a) The Electoral Process Act should be amended to provide a timeframe within which election results should be announced;

- (b) ECZ should give regular updates to the nation when election results are being processed so that people know exactly what is happening at any particular moment; and
- (c) ECZ should develop guidelines for the conduct, and dissemination of results, of Parallel Voter Tabulation (PVT).

3.1.10 Refusal to accept election results

3.1.10.1 Submissions

The Commission received submissions that refusal to accept election results caused violence. Petitioners, in the regions that voted for the UPND, submitted that the ECZ announced wrong results, which caused people to engage in violence such as rioting and harassing supporters of the PF. Petitioners submitted that the failure by political parties to accept defeat was the cause of post-election violence.

In Ndola district a petitioner submitted that some political parties were failing to accept defeat and were not recognising the elected Republican President and that is what was causing violence. The petitioner submitted that post-election violence was caused by contenders who refused to accept defeat and told their supporters that their votes had been stolen. In Kitwe district a petitioner submitted that violence was due to the fact that candidates were refusing to concede defeat without giving any reasons.

In Solwezi district a petitioner submitted that the ruling party resorted to violence to try and force the people of North Western province to accept the election results. The petitioner told the Commission that the people of North western province were still looking to God to turn things around. Another petitioner submitted that the cause of violence was that the people of North-Western province did not recognise the current Republican President because they did not vote for him.

3.1.10.2 Observations

The Commission observes that the non-acceptance of election results by the UPND led to political tension and an atmosphere that created fear among the citizens after the 2016 general elections. Following this rejection by UPND, riots in Monze, Choma, Mazabuka and Namwala districts erupted.

The Commission observes that UPND disputed the election results due to various concerns raised during the electoral cycle which were never addressed. These include, transparency of the voter registration, printing of ballot Papers in Dubai, public media biases, the continued stay of Government ministers in office, denial of air space by ZAF, cancellation of political rallies at short notice, biased application of the Public Order Act (POA) by the Zambia Police Service and the contention over the president's stay in office during the petition period.

The Commission further notes that the elections were disputed due to a number of flaws in the conduct of elections such as the non-availability of the Form GEN 12, delay in the announcement of results, announcement of wrong results for Lundazi, and announcement of results for a non-existent constituency of Chitulika.

The Commission observes that the insinuations and suspicions by political leaders that election results would be rigged and they would not accept the results if they lost may have contributed to non-acceptance of results. The Commission notes that Section 67 of the Penal Code was not being strictly enforced to deter the issuance of such alarming statements.

The Commission observes that the media have a role in highlighting, the negative and positive aspects of the electoral process. However, the media did not effectively play their role in the results management stage of the electoral process.

3.1.10.3 Findings

The Commission finds that:

- (a) failure to address concerns raised by political parties and other stakeholders during the elections cycle leads to the rejection of results;
- (b) the non-acceptance of election results by the UPND contributed to post-election violence in the 2016 general elections;
- (c) there was dissatisfaction by the UPND with the manner in which the 2016 presidential election petition was handled by the Constitutional Court which may have contributed to their rejection of the election results; and

- (d) ECZ did not adequately handle the elections results management stage of the electoral process.

3.1.10.4 Recommendations

The Commission recommends that:

- (a) ECZ should address concerns raised by stakeholders during the electoral cycle in a transparent and timely manner;
- (b) ECZ should build consensus among key stakeholders on procedures leading to the announcement of election results; and
- (c) ECZ should be adequately funded by the State to improve its capacity to discharge its functions in relation to voter registration, ballot printing and invest in modern election management technology to allow for efficient announcement of election results.

3.1.11 Conduct of political parties

3.1.11.1 Submissions

The Commission received submissions from petitioners that the PF and the UPND accused each other of inciting violence for political gain. According to the Final Report of the European Union (EU) Election Observation Mission to Zambia on the General Elections and Referendum held on 11 August 2016, both the PF and the UPND made inflammatory statements that escalated tension during the campaign period. The PF accused the UPND of instigating violence, and claimed that the opposition party would commit electoral fraud by encouraging ECZ staff to deliberately invalidate ballots. The UPND alleged that the PF had threatened the lives of some of its candidates and that the constitutional referendum would be used to allow non-registered voters to also cast votes in the election.

3.1.11.2 Observations

The Commission observes that the political environment preceding the 2016 general elections was extremely polarised and confrontational, particularly between supporters of the PF and the UPND. The Commission also observes that each of the two political parties went into that election expecting no other result other than a win. The Commission notes that the stakes were extremely high for the two political parties for

the following major reasons firstly the results of the 2015 Presidential Election were very close, and secondly, under the Constitution (Amendment Act No. 2 of 2016), the threshold for the winning presidential candidate was raised to 50% plus 1 vote to the extent that the election was viewed as a ‘do or die’ affair.

The Commission observes that the other political parties who participated in the 2016 general elections aligned themselves to either of the two major political parties or participated on their own. These parties to a large extent aligned themselves to the major parties in a bid to increase the likelihood of their chosen parties to meet the more than 50% votes winning threshold.

The Commission observes that the conduct of the political parties contributed to cross party defections and many party members contesting as independent candidates. This led to electoral violence in some parts of the country.

The Commission observes that some of the statements that were made by political party leaders prior to the elections incited violence. The Commission notes that some media reports preceding the 2016 General Elections, indicated that the leaders of the major political parties, the PF and the UPND, made statements which implied they had already won the elections. The Commission observes that such statements, in a way, precipitated the rejection of election results by some party members and supporters culminating in a number of election petitions.

3.1.11.3 Findings

The Commission finds that:

- (a) the ‘winner-takes-all’ electoral system tends to drive the conduct of political parties;
- (b) the concentration of power in the presidency and winning party influences the conduct of political parties during elections; and
- (c) a number of unsubstantiated statements were made by political parties and candidates during election campaigns mainly due to mistrust, suspicion and doubts about the ECZ’s ability to manage open, free, fair and transparent elections.

3.1.11.4 Recommendations

The Commission recommends that:

- (a) Government should engage stakeholders to reform the electoral system in order to address the challenges of the ‘winner takes all’ election model;
- (b) ECZ should proactively work towards eradicating mistrust, suspicion and doubts about its ability to manage free, fair and transparent elections; and
- (c) electoral stakeholders should develop strategies that will promote responsible electoral campaigns.

3.2 Persons, organisations or institutions that instigated violence

3.2.1 Submissions

The Commission received submissions on persons, organisations or institutions that allegedly instigated violence. In considering this term of reference, the Commission considered the various actors and institutions in the electoral process and their potential impact on electoral violence.

3.2.1.1 Political party officials instigated violence

Petitioners submitted that electoral violence was between the two major political parties PF and UPND. Petitioners further submitted that both political parties had security wings, which were used to terrorise their opponents, and that this violence was purportedly sponsored by senior party officials.

Petitioners also submitted that the violence, which took place in Shiwang’andu district, was perpetrated by the District Commissioner (DC) Ms Evelyn Kangwa and Mr. Andrew Kampyongo. Ms. Kangwa despite being DC has been included as a party official because she openly campaigned for the ruling party PF. Mr. Andrew Kampyongo was part of the campaign team for the PF Shiwang’andu parliamentary candidate and, therefore, acted in the name of the party.

In Mpika district a petitioner who was the campaign manager for the UPND in Muchinga Province, submitted that the PF Provincial Chairperson was instrumental in mobilising party cadres to disrupt UPND meetings and tearing down UPND campaign

posters. He submitted that these cadres equally peddled hate speech and tribal talk. The petitioner further submitted that the UPND supporters who were going to attend campaign meetings in Shiwang'andu were attacked by suspected PF cadres, who included the Shiwang'andu DC Ms. Kangwa and Andrew Kampyongo.

In Gwembe district, Chief Chipepo submitted that the youth were the ones responsible for the violence in 2016. They were supported by political leaders who gave them money to cause violence. These youths mainly from PF and UPND were using insulting language and provocative slogans against each other, which contributed to electoral violence.

In Katete district a petitioner submitted that during the 2016 election campaigns UPND cadres known as “Jimbo” at night attacked PF supporters at a Mr. Mawere’s shop and damaged property, and no UPND cadre was subsequently arrested.

In Mufumbwe district a petitioner submitted that people in Kachilufya area deserted their homes due to attacks perpetrated by Mr. Machini who was campaigning for the PF Parliamentary candidate Mr. Masumba, and coordinated the attacks.

3.2.1.2 Election candidates instigated violence

Petitioners submitted that most election candidates in the 2016 General Elections were using the youth to cause political violence targeting their opponents. Petitioners further submitted that candidates enticed the youth with beer, food and money.

In Kasama district a petitioner submitted that in January 2015, Hon. Christopher Yaluma, MP for Malole, stormed Radio Mano and disrupted a UPND paid for radio programme on grounds that the opposition Party could not have the final campaign message on the Radio Station before the January 2015 Presidential Elections. Subsequently Radio Mano stopped the programme to avoid problems with the ruling PF. The petitioner also submitted that the police were called in to arrest the UPND supporters who then abandoned the radio programme.

In Kasempa district a petitioner submitted that during the 2016 General Elections the PF Parliamentary candidate Mr. Dominic Kasosa fired gun shots in the air at the district totalling centre in frustration at the low number of vote counts that he was receiving. Mr. Kasosa was not arrested by the Zambia Police Service for his actions.

In Chipili district, petitioners submitted that during the 2016 General Elections supporters for the Independent Parliamentary Candidate Hon. Jewis Chabi instigated violence by lighting up a fire on the road at Mwenda Station. Further a petitioner submitted that Hon. Chabi and his supporters were involved in the breaking-up and damaging of property for Mable Mwenena in Chief Makumbi's area. Another petitioner submitted that the PF Parliamentary candidate Mr. Mwila instructed his supporters who included the District Commissioner (Chipili district) to beat-up the Independent Parliamentary candidate and his supporters. Mr. Mwila instructed his team to go and get hold of the supporters of the Independent Parliamentary candidate where they had camped. Mr. Tempule a supporter of Hon. Chabi is alleged to have been taken to Mr. Mwila who allegedly beat him up and handed him over to Chipili Police station. Mr. Mwila accused Mr Tempule of supporting the Independent Parliamentary candidate as well as destabilising and insulting the PF campaign team.

3.2.1.3 Zambia Police Service instigated violence

Petitioners submitted that during the 2015 and 2016 elections the Zambia Police Service was responsible for most of the violence that took place because of the biased and unfair application of the POA. Further, Police was blamed for the violence that took place as a result of stopping the opposition from holding rallies even after issuing them with 'permits.' Petitioners also submitted that during the 2016 General Elections the Zambia Police Service, in instances of electoral violence, would only arrest opposition party members even when the real perpetrators of violence were PF members.

In Lusaka district, a petitioner Douglas Chibulo, submitted that during the period leading to the 2016 General Elections he lost his daughter Mapenzi Chibulo. He submitted that his daughter was shot dead by Zambia Police Service on 8 July 2016 when a police officer opened fire on UPND supporters following cancellation of a UPND rally in Chawama at short notice.

In Luanshya district a petitioner submitted that the Zambia Police Service in May 2016 cancelled at short notice a UPND meeting which was scheduled to be addressed by the Party President and his Vice-President at the Party offices. The Police used teargas to disperse the members and supporters who had gathered for the meeting.

3.2.1.4 Groups and individuals instigated violence

On the Copperbelt Province petitioners submitted that a group of persons aligned with the PF campaign team known as “Jerabos” harassed, intimidated and attacked political opponents of the ruling party especially in Kitwe, Chingola and Mufulira districts. A petitioner in Kitwe said they were not free to conduct their campaigns for fear of these “Jerabos”, who carried offensive weapons such as pangas, stones, metal bars, catapults and guns in their vehicles.

In Lusaka district, a former MMD Government official, Major Richard Kachingwe, submitted that one of the sources of violence in Zambia is armed political party cadres. Major Kachingwe submitted that, at Kulima Tower bus station, there used to be cadres who were given guns and ammunition. He said that, *“when President Mwanawasa came into power, we had to disarm them, because they had caused a lot of riotous behaviour in Chawama. Now you go you will find cadres are armed, where they get those guns and ammunition we don't know, with pistols and yet pistols were very difficult to get, I don't think even these guns which they are moving with are even licensed, we are at crossroads.”*

In Kasempa district a petitioner from PF submitted that John Bweupe and Japhet Njamba were blocked from proceeding to Mukunazhi ward by UPND supporters who placed logs on the road. He submitted that they were attacked by a big mob of people dressed in UPND regalia and carrying their party banners. He further submitted that Bweupe was struck with a stick which broke his arm while Njamba received a blow to the face and jaw. The petitioner also submitted that Jane Mulwisha and Rose Kapambwe were attacked in Kankolonkolo area, while Angela Mushala from Ntete primary school was asked to leave the area with her family as they were PF supporters.

The petitioner further submitted that the UPND equally reported to the Police that they were attacked by PF cadres who they named as Japhet Njamba, Rose Kapambwe, Juliet Lukanga Friday Muyumbana and Jevany Lonena. These people were arrested and taken to court and subsequently acquitted.

In Mwinilunga district, a petitioner submitted that James Mangangu and Frank Ilenda were attacked by PF cadres during the 2016 election campaigns. These men were injured and almost killed and their case was reported to the Zambia Police Service but nothing happened.

In Livingstone district a petitioner submitted that political leaders, like Hon. Chishimba Kambwili and Mrs Mumbi Phiri, used to make bad remarks against other tribes which was not good. The petitioner submitted that Mrs. Mumbi Phiri was heard saying '*ba Kachema are bad*' (Herdsmen are bad).

3.2.2 Observations

The Commission observes that most political players ignored or violated the Electoral Code of Conduct which prohibits electoral violence. This contributed to lawlessness and electoral violence in some parts of the country.

The Commission also observes that electoral violence in some instances was instigated with the full knowledge and sponsorship of senior political party officials through the provision of *incentives* such as beer, food money and transport. This conduct by senior party officials is replicated at various levels of the political party hierarchy.

The Commission further observes that there is a growing trend of a gun culture amongst political party cadres. These guns are discharged whenever violent incidences occur among cadres. The Commission is concerned that if this gun culture is not contained public safety will be compromised.

The Commission also observes that in 2015 and 2016 elections, most of the DCs were involved in partisan political campaigns especially with the ruling party, which is against

the rules, regulations and conduct of public servants. The Commission further observes that there was no disciplinary action taken against such DCs.

The Commission observes that during elections candidates do not take responsibility for violence perpetuated by their supporters or campaign teams, on account that they are not directly linked to the violent act. This conduct has been fortified by the recent Judgement by the Constitutional Court in the case of *Nkandu Luo and others vs Doreen Sefuke Mwamba* (SJ 51-2018) and the case of *Margaret Mwanakatwe and others v Charlotte Scott* (2016/CC/A018).

The Commission notes that Davis Mwila who was cited as an instigator of violence in Chipili district was invited to appear before the Commission to give his side of story but he did not respond. Similarly, the Commission notes that other persons cited as instigators of violence who include Hon. Mumbi Phiri and Hon. Chishimba Kambwili, were invited to submit to the Commission. Hon. Phiri in her response requested for further information on the allegations against her, while Hon. Kambwili did not formally respond.

The Commission observes that selective application of the law, in particular the POA, by the Zambia Police Service contributed to some instances of the electoral violence during and after the 2016 General Elections. The Commission further observes that some political parties and candidates did not feel sufficiently protected by the Zambia Police Service and resorted to alternative measures to protect themselves and deal with perpetrators of violence against them.

The Commission also observes that during the 2015 and 2016 elections persons and groups of persons such as the *Jerabos*, *UPND Jimbos*, *100% PF* and others instigated violence or engaged in violent conduct during their campaigns. These persons or groups of persons harassed, intimidated and attacked voters without any sanctions from authorities. The Commission also observes that some individuals are alleged to have perpetuated violence during the period under review. A list of those individuals is attached as Appendix 6.

3.2.3 Findings

The Commission finds that:

- (a) there was blatant violation of the Electoral Code of Conduct by most election candidates in the 2015 and 2016 elections who ignored the violence that was perpetuated by their cadres. These candidates considered violence as a form of self-defence or as a campaign strategy;
- (b) the amended EPA of 2016 is onerous in proving allegations of candidates' involvement in electoral violence and violation of the Electoral Code of Conduct;
- (c) the Zambia Police Service and ECZ neglected to discharge their functions in enforcing the EPA and as a result many incidents of electoral violence were not attended to;
- (d) there was an emergence of groups of persons aligned with political parties who campaigned with impunity and in breach of the Electoral Code of Conduct;
- (e) the media did not sufficiently expose acts of electoral violence, the perpetrators and the consequences of violence on communities. In many instances the media was polarised and took partisan positions when it came to reporting on electoral violence; and
- (f) there is prevalence of guns among political party cadres especially during election campaigns.

3.2.4 Recommendations

The Commission recommends that:

- (a) District Commissioners (DCs) should remain non-partisan in the discharge of their responsibilities as public servants. The DCs that were cited to have been actively involved in political campaigns in 2015 and 2016 elections should be investigated and disciplined forthwith;
- (b) all cases which were reported to the police during the 2015 and 2016 elections be expeditiously and fairly concluded regardless of any political party affiliation and status;
- (c) there is need to enhance internal discipline within political parties to avoid capture by violent groups of persons such as the *Jerabos*, *UPND Jimbos* and *100% PF*; and

- (d) the State needs to review the mechanisms and regulatory framework around ownership and use of firearms, in light of the growing gun culture in politics.

3.3 Persons who were injured and suffered loss of life or damage to property

3.3.1 Submissions

The Commission received submissions across the country that there were indeed people who suffered damage to their property, injuries, loss of life or displacement. The Commission also received submissions on damage caused to public facilities and property in some parts of the country.

3.3.2 Observations

The Commission observes that the submissions received during its sittings were not a full representation of all the people who were affected by violence and damage caused to private property and public facilities. The Commission notes that some victims may not have made submissions. In a bid to have completeness, the Commission requested for information on damage to private property or public facilities from the Office of the Vice President (DMMU), who rendered a full report as annexed.

The Commission notes that the destruction of property, injury or loss of life and displacement creates long lasting enmity among rival political parties and is a barrier to reconciliation. The Commission observes that the victims of property loss and damage or injuries continue to harbour anger and hatred because there is no closure to their grievances.

3.3.3 Findings

The Commission finds that:

- (a) there are no mechanisms to deal with victims of property loss and damages or injuries during the electoral process;
- (b) political parties whose supporters cause loss and damage to property or injure others do not suffer any consequences for this conduct resulting into impunity;
- (c) the quantification of the damages or injuries is not objective in the absence of a standard formula and therefore it is not possible for the Commission to provide an accurate estimation of the compensation that victims deserved;

- (d) ECZ does not report to the public the number of injuries and loss of property at the end of the electoral cycle; and
- (e) where the police are the perpetrators of the damage, loss or injuries, during elections, there is no reporting structure for redress by the victim.

3.3.4 Recommendations

The Commission recommends that:

- (a) Government should devise a mechanism to deal with damages to private property and public facilities or infrastructure, injuries, death or displacement suffered during the electoral period;
- (b) there should be a mapping exercise for the whole country to know of all the people that suffered injuries and damages during the 2016 elections;
- (c) Government should compensate the victims of electoral violence, and families of those who lost lives based on the established legal principles; and
- (d) the victims who were displaced during the 2016 electoral violence must be resettled and given financial assistance.

3.4 Persons arrested or detained

3.4.1 Submissions

The Commission received submissions that there were people who were arrested or detained for causing violence or damage to property in the pre and post-election period. The Zambia Police Service also submitted a report on cases of electoral violence and the actions taken in respect of the same.

3.4.2 Observations

The Commission observes that several cases of electoral violence were reported to the Zambia Police Service country wide. However, the Commission notes that a number of these cases were not acted upon, while in some instances the cases were abandoned and in other cases suspects were released without justifiable reasons. These have not been captured in our report.

3.4.3 Findings

The Commission finds that:

- (a) according to Zambia Police Service only 91 dockets were opened in respect of people killed or injured as a result of political violence and the political parties the victims belonged to;
- (b) according to Zambia Police Service a total number of 18 people were arrested and prosecuted in relation to electoral violence;
- (c) according to Zambia Police Service a total number of 29 cases of malicious damage to property were recorded;
- (d) the ratio between the number of reported cases to the Police and the number of cases of people arrested and prosecuted was very low; and
- (e) some cases were not acted upon because victims withdrew cases or reconciled with the perpetrators while others did not have confidence in the Zambia Police Service to handle their cases fairly.

3.4.4 Recommendations

The Commission recommends that:

- (a) Zambia Police Service should treat electoral violence as a serious crime which requires appropriate sanctions; and
- (b) the investigations and prosecutions of electoral violence cases should not be undermined by reconciliation efforts by the victims and perpetrators.

3.5 Conduct of State Agencies during the Violence

Under this term of reference, the Commission sought to obtain the petitioners views on conduct of state agencies during the violence associated with the 2016 General Elections. The submissions received centred on the ECZ, Zambia Police Service and ZNBC. The Commission has, however, made reference to the Zambia Security Intelligence Services (ZSIS), due to its privileged position.

3.5.1 Submissions

The Commission received submissions that state agencies were biased in the way they conducted themselves during the violence that characterised the 2016 General Elections.

Petitioners submitted that state agencies, particularly the Zambia Police Service and the ECZ, exhibited biasness due to fear of victimisation depending on the political party strongholds.

Petitioners submitted that state agencies sided with alleged perpetrators of violence and punished the victims depending on the region of the country where the violence took place. The petitioner submitted that whenever violence erupted in a PF stronghold the Zambia Police Service and the ECZ sided with the PF, even if PF were the aggressors. In the same way, when violence erupted in a UPND stronghold the said state agencies exhibited a similar conduct. Petitioners submitted that in some instances, people who had gone to report the aggressors were arrested and locked up in police cells instead of the aggressors.

Petitioners submitted that the Zambia Police Service was biased in the way it handled reports of physical attacks, therefore, cadres, especially from the opposition UPND, resorted to defending themselves and their party leaders from the aggression of PF cadres.

Petitioners submitted that the unprofessional conduct of Zambia Police Service led to violence because supporters of the opposition political parties, and independent candidates, lost confidence in the Zambia Police Service. Petitioners submitted that every time opposition cadres and supporters of independent candidates reported a matter concerning aggression by the PF cadres, they ended up being detained and the actual culprits released.

In Livingstone district a petitioner submitted that political party cadres were being recruited into the Zambia Police Service which was contributing to police bias. The petitioner submitted that the Zambia Police Service was allowing political party cadres to attack their opponents with impunity while they watched because there were cadres among the police. Another petitioner in Livingstone submitted that an officer called Senior Superintendent Kashinakazhi harassed UPND supporters when they went for a funeral in Maramba and requested them to remove their political regalia on account that the Republican President was visiting the district. The petitioner submitted that in the

same month, the same Officer Kashinakazhi shot a UPND cadre in the leg at Livingstone Zambia Revenue Authority (ZRA) port office. A petitioner submitted that this officer was not arrested but was even promoted to a higher rank.

In Solwezi a petitioner submitted that the Zambia Police Service did not police rallies convened by the opposition but instead focused on policing rallies for the ruling party. The petitioner submitted that whenever there was a meeting for the opposition the Zambia Police Service would only come and throw tear gas canisters on people that had gathered for opposition rallies.

Another petitioner in Solwezi submitted that violence was happening in the region because the Zambia Police Service were not giving chance to opposition political parties to campaign. The petitioner submitted that when the Vice President, Mrs. Inonge Wina, visited North Western Province during the 2016 election campaign period, the Zambia Police Service ordered the opposition not to wear their party regalia and also not to go to the place where the Vice President was holding her rallies, but when the Vice President for UPND Mr Geoffrey Bwalya Mwamba visited the province, PF cadres wore their party regalia and even blocked roads, but the Zambia Police Service did not intervene.

In Kitwe district a 24-year old woman, a supporter of the UPND, had her skull broken during electoral violence believed to have been perpetrated by PF cadres who raided the UPND Secretariat in Mindolo. The petitioner submitted that she reported the assault to Mindolo Police Station but the police officers did not show any interest in arresting the alleged perpetrators.

In Chipili district a petitioner submitted that a victim of electoral violence, Mr. Tempule, reported the matter to the local police station that the PF Candidate Mr. Davies Mwila had beaten him but nothing was done. Further, the same petitioner submitted that he also reported the burning of his house by PF cadres but the matter was not investigated as the Zambia Police Service showed no interest.

On the conduct of ZNBC during the violence of 2016, petitioners submitted that whenever there were media stories of violence, the public broadcaster portrayed UPND

cadres as the aggressors and PF cadres as the victims, which made PF cadres elsewhere angry and made them attack UPND cadres in other parts of the country.

In the case of ECZ, petitioners submitted that the involvement of ECZ in resolving cases of violence was limited. Petitioners submitted that the only time they heard of ECZ's intervention in violence was when the incidents of violence escalated in Lusaka and Namwala. The petitioners submitted that the ECZ suspended all the political parties from campaigning in Lusaka and Namwala for ten days instead of only suspending the parties that were involved in violence, which were well known to ECZ.

3.5.2 Observations

On the Zambia Police Service, the Commission observes that the Zambia Police Service did not respond to electoral violence with impartiality. The Commission notes that partial response to electoral violence escalates political conflicts because those who feel that they are not adequately protected by the Zambia Police Service may employ unconventional means of protecting themselves. The Commission further observes that Section 123 of the EPA of 2016 expressly directs the Zambia Police Service to arrest any person who violates the Act.

The Commission also observes that the tendency by the Zambia Police Service to cancel permits for holding of political rallies at short notice caused frustration and anger among political parties which ignited electoral violence and fomented ill feelings against the Police officers. The Commission further observes that inappropriate crowd control mechanisms such as indiscriminate use of tear gas to disperse rallies exacerbated political tension.

The Commission observes that the appointment of Provincial Commissioners of Police Service directly by the Republican President has created supervisory challenges within the police command. This compromises the ability of Zambia police service to effectively address electoral violence particularly instigated by the ruling party.

On ZAF, the Commission observes that it had an important role in regulating the airspace during the election campaign period. In the discharge of this function, the

Commission observes that there were instances when the applications for permission to use the airspace from the opposition political parties were denied or cancelled at last minute. Such disruptions to campaign programmes may have affected the voting patterns and contributed to electoral violence.

On the conduct of ECZ, the Commission observes the ECZ did institute measures to address the escalating electoral violence in Lusaka and Namwala districts by suspending election campaigns for 10 days in the run up to 2016 General Elections. However, this action was belated, indiscriminate and did not cover all electoral violence hotspots in other parts of the country.

With regard to public media institutions namely ZNBC, Times of Zambia and Zambia Daily Mail, the Commission observes that the public media did not adhere to professional and ethical conduct in handling news and stories related to electoral violence during the 2016 General Elections. This may have contributed to escalation of electoral violence in certain parts of the country.

On the ZSIS, the Commission observes that in its countrywide public sittings, there were no submissions received relating to the conduct of the ZSIS during the 2016 General Elections. Nevertheless, the Commission observes that the ZSIS plays an important role as an early warning mechanism not only for national security but also for the prevention of electoral violence. The ZSIS is endowed with the capacity to gather information relating to potential flash-points during the electoral cycle and are, therefore, involved in electoral matters. The Commission observes with concern that the efficiency and effectiveness of intelligence information gathering has seemingly not served as an early warning mechanism to prevent the occurrence of electoral violence particularly in 2016.

3.5.3 Findings

The Commission finds that:

- (a) the current political environment does not allow the Zambia police service to operate professionally and impartially for them to combat electoral violence;
- (b) ZSIS has an important role to play in the electoral process and specifically as an early warning system to prevent violence. However, the available security

- infrastructure (District Joint Operations Committees - DJOC) at district level did not adequately contain the rising incidences of electoral violence;
- (c) the manner in which ZAF managed the granting of permission to use air space by political contenders, was unsatisfactory as it was accused of bias in favour of the ruling party;
 - (d) in 2016 ECZ did not adequately enforce the electoral code of conduct to contain electoral violence; and
 - (e) the conduct of public media institutions in disseminating information and stories related to election violence was polarising and fell short of professional and ethical standards.

3.5.4 Recommendations

The Commission recommends that:

- (a) the operational independence of the Zambia Police Service should be enhanced through adequate funding, de-politicisation of the recruitments, appointments, deployment and retirements of officers;
- (b) the DJOCs and other relevant institutions should fully utilise the early warning information provided by entities such as ZSIS to prevent electoral violence;
- (c) ZAF should provide clear guidelines to political parties on the use of the airspace during election campaigns;
- (d) ECZ Should establish multi-stakeholder election preparatory committees in all districts to facilitate exchange of information with respect to electoral campaign process;
- (e) ECZ should establish position of District Election Officer to supervise electoral activities including the enforcement of the Electoral Code of Conduct; and
- (f) Government working with stakeholders should consider establishing an independent press ombudsperson to regulate the conduct of public and private media.

3.6 Special sittings for the exercise of the right to reply

Due to the serious nature of some of the allegations, some alleged instigators of violence were invited to exercise their right to reply at the Commission's special sittings held in Kafue town.

3.6.1 Shiwang'andu helicopter incidents

3.6.1.1 Submissions

In Lusaka district, Hon. Patrick Mucheleka, UPND Deputy General Secretary, submitted that on the 1 January, 2015 the UPND campaign team flew to Shiwang'andu district in a helicopter with the intention of holding a political rally at Kalalantekwe Primary School grounds. This was during the election campaigns preceding the 2015 Presidential by-election. The UPND campaign team comprised Hon. Mutale Nalumango, Mrs. Maureen Mwanawasa (former first lady), Hon. Felix Mutati and Hon. Mucheleka. He also submitted that the UPND had secured a police permit to hold the intended rally and that its supporters were gathered at Kalalantekwe Primary School grounds.

Hon. Mucheleka further submitted that upon arrival at the venue of the rally, the helicopter was attacked and almost brought down by PF cadres. He submitted that this happened in the presence of police officers who were assigned to police the rally. Hon. Mucheleka submitted that the said police officers did not act to restrain the PF cadres.

In addition, Hon. Mucheleka submitted that:

"I was personally able to see Hon. Kampyongo in a GRZ Pajero from a distance watching and giving instructions. I saw him with my two eyes that was in 2015 January. The matter was reported at Shiwang'andu district Police Station and no single culprit was arrested, the local people gave names of those who were responsible."

Hon. Mucheleka further submitted that he had a video footage of the whole incident in his possession and would avail the same to the Commission.

It is worth noting that in relation to the Shiwang'andu incident, Hon. Mucheleka made identical submissions both at the Lusaka (Nakatindi) and Kafue sittings on the 21 December, 2016 and the 6 December, 2018, respectively.

During a public sitting in Shiwang'andu district, a petitioner, Felix Chabatama, submitted that during the 2015 Presidential by-election campaign period, he was among the UPND supporters who were waiting to be addressed by their party leaders at Kalalantekwe Primary School grounds. He submitted that, while standing near a goalpost in the school grounds, he saw the current Shiwang'andu District Commissioner and PF cadres, coming from the direction of Mukwikile village, in a GRZ vehicle that was being driven by Hon. Stephen Kampyongo.

The petitioner also submitted that, just before the helicopter could land, he saw about 200 PF cadres with PF chitenge materials, supplied by the Shiwang'andu DC, running towards the school grounds. The petitioner further submitted that, when the helicopter landed, he was unable to move because over 100 PF cadres attacked him and other UPND supporters. He submitted that, *"next I saw the younger brother to Hon. Kampyongo, Andrew Kampyongo, driving a Land Cruiser with four doors, speeding to where we were."* The petitioner further submitted that he fell down and Andrew drove over his left hand and then sped off towards the helicopter but fortunately the helicopter flew away before Andrew got there. Subsequently, a lot of confusion erupted.

Another petitioner at the Shiwang'andu public sitting, Kangwa Chitongo, submitted that, in January, 2015, his light truck was hired to ferry UPND cadres to Kalalantekwe Primary School on the day of the UPND rally. The petitioner also submitted that whilst at that place, Andrew Kampyongo drove to where he was parked and directed him to move his vehicle, failure to which Andrew threatened to smash it. The petitioner submitted that he obliged to move his vehicle at which time Andrew uttered the words, *"Now I am going to hit that helicopter because I don't fear anything, I want you to believe that there is nothing that I fear."* The petitioner further submitted that he saw Andrew driving in the direction of the parked helicopter.

Another petitioner at the Shiwang'andu public sitting, Maureen Bwembya, submitted that there was another helicopter incident in Shiwang'andu district that happened on the 13th of June, 2016. She submitted that this incident involved a helicopter which was carrying the UPND leader, Mr. Hakainde Hichilema, and other party officials. The

petitioner submitted that this helicopter was prevented from landing at Kalalantekwe Primary School grounds by PF cadres. The petitioner submitted that, on the material day, she was coming from Mukwikile village and as she approached the venue of the UPND meeting, she saw a lot of people in PF regalia within the vicinity and wondered whether the meeting was for PF or UPND. Upon inquiry, she was assured by the UPND security detail that it was their meeting and that they would ensure that law and order was maintained.

The petitioner further submitted that when the helicopter carrying their party president and other officials arrived, PF cadres lit a huge fire on Kalalantekwe Primary School grounds and kept on lighting more fires in the surrounding areas, therefore, making the helicopter have nowhere to land. The petitioner further submitted that there was a lot of confusion at this stage and that the UPND meeting was disrupted. She submitted that the helicopter flew away and ended up landing at another place where the UPND proceeded to hold their meeting.

At the same sitting in Shiwang'andu district, the District Commissioner Ms. Evelyn Kangwa submitted and confirmed that there were two separate helicopter incidents in Shiwang'andu, that is, in 2015 and 2016. With respect to the 2015 incident, Ms. Kangwa denied having been involved in that incident and submitted that she was not even a DC for Shiwang'andu at that time.

On the 2016 incident, Ms. Kangwa submitted that she refused to allow the helicopter to land at Kalalantekwe Primary School grounds because it was during examination time and the pupils would have been disturbed. She submitted that, *“I denied permission to the police who came to ask for permission from me. I refused as DC, I serve the pupils as well as the community. What I know is that a chopper can land anywhere, on a pipeline or even on a roof or a toilet. I was following the guidelines of the PF, it should not be like the old UNIP days where pupils were disturbed and they would even miss class. It is our policy to prevent that.”*

The petitioner also submitted that media reports indicating that people threw stones at the helicopter were false. She submitted that in reaction to the UPND vice president Mr.

Mwamba's insistence that the helicopter should land at the school, the people occupied and sat in the School grounds and stated that the helicopter should land on their heads.

On the allegation that a Landcruiser prevented the helicopter from landing, Ms. Kangwa submitted that, *"I want to say that yes there was a Landcruiser but it did not disturb the helicopter. I don't know who was driving the Landcruiser, but I suspect it was a UPND person. People say it was Andrew Kampyongo, but I know Andrew Kampyongo, he also has a Landcruiser, but he was not the one driving that very Landcruiser, I was with him in Chinsali when all that was happening. I am also aware that based on these allegations Andrew Kampyongo was arrested by the police, but after the findings they discovered that it was not him and they let him go."*

At the Commission's special sitting, on the 6th of December, 2018, in Kafue district, Hon. Stephen Kampyongo was accorded the right to reply to the allegation levelled against him by Hon. Mucheleka that he was one of the instigators of the violence surrounding the 2015 helicopter incident. In his response, Hon. Kampyongo submitted that the allegations against him were false and that it was a misrepresentation of the truth. He submitted that on the material day he was in Chief Chibesakunda's area conducting campaign activities and that this area is located about 65 kilometres away from the place where that incident happened.

Hon. Kampyongo also submitted that Andrew Kampyongo was his cousin and that, being a youth, he has found himself on the wrong side of the law at times and has had appropriate action taken against him.

3.6.1.2 Observations

The Commission viewed the video footage relating to the 2015 helicopter incident and observed that there were a lot of people dressed in the PF and the UPND party regalia within the vicinity of Kalalantekwe Primary School. Hon. Mutale Nalumango, former first lady Maureen Mwanawasa and Hon. Felix Mutati were also seen and heard lamenting over the violent conduct of PF cadres. However, Hon. Kampyongo was not seen in that footage, contrary to Hon. Mucheleka's submission.

The Commission was shown and noted a visible scar on the petitioner, Felix Chabatama's left hand although he did not produce any medical report to support his submission, stating that those documents were collected by UPND during the presidential petition. The presidential petition was in 2016 and not 2015, therefore, it is plausible that the petitioner may have mixed up the two helicopter incidents.

The Commission observes that from the submissions by Ms. Bwembya and Ms. Kangwa, it is very clear that there were two separate helicopter incidents in Shiwang'andu and that recollections of what exactly transpired could have been impaired due to passage of time.

The Commission observes that the DC for Shiwang'andu, Ms. Kangwa, did not have the authority to grant permission for the helicopter to land at Kalalantekwe primary school and UPND indicated that they had obtained the necessary permission from Department of Civil Aviation, which was the appropriate authority.

The Commission further observes that in the 2015 helicopter incident it was difficult to conclude that Hon. Kampyongo was the instigator of the violence because it was Hon. Mucheleka's word against that of Hon. Kampyongo.

3.6.1.3 Findings

The Commission finds that:

- (a) there were two helicopter incidents that happened during the 2015 and 2016 election periods in Shiwang'andu and seemingly there was no action taken against the perpetrators;
- (b) Andrew Kampyongo was at the centre of both the 2015 and 2016 helicopter incidents; and
- (c) the District Commissioner for Shiwang'andu, Ms Kangwa, acted outside her mandate as a public servant by being actively engaged in partisan politics.

3.6.1.4 Recommendation

The Commission recommends that:

- (a) there is need for thorough investigations by the relevant authorities to ascertain the actual number of instigators and perpetrators of the 2015 and 2016 Shiwang'andu incidents;
- (b) the case of Andrew Kampyongo's involvement in the 2015 and 2016 helicopter incidents should be reopened by the appropriate authorities;
- (c) the District Commissioner for Shiwang'andu, Ms Evelyn Kangwa, should be censured and appropriate sanctions against her be taken by the appointing authority.

3.6.2 Mulobezi shooting incident

3.6.2.1 Submissions

At its sittings in Sesheke district on the 2 February, 2018 the Commission received submissions from Mushaukwa Mushaukwa relating to the shooting incident during the 2015 Mulobezi parliamentary by-election. Mr Mushaukwa submitted that during the campaign period, preceding the by-election, he had accompanied the former MP for Mulobezi to deliver some food to the UPND cadres who were campaigning in Mulobezi. On their way back, they met the PF cadres who were in the company of the then party Secretary General Mr Davies Chama. The petitioner submitted that they were interrogated by the PF and allowed to proceed. However, around 17:00hrs, the PF team led by Mr. Chama confronted Mushaukwa and his team in the plains. Consequently, a fight ensued between the former MP and Mr Chama. The said MP and the driver fled from the scene leaving Mushaukwa behind.

Mr Mushaukwa submitted that, *"I was beaten by the cadres and in the process, I saw Mr. Davies Chama pulling out a gun, pointing at me and shot me in the thigh. He again shot me and at this point I lost strength. I was then tied with a rope to the PF vehicle and it started moving while pulling me on the ground. I was taken to the police, hospital and then court. The court acquitted me. I still have a bullet in my body. I was permanently maimed and lost K10,000 on medication."*

At the Commission's special sitting on the 13th of December, 2018 in Kafue district, Hon. Davies Chama was accorded the right to reply to the allegations levelled against him by Mr Mushaukwa that he shot and wounded him in Mulobezi, during the 2015

Parliamentary by-election. In denying the allegations, Hon. Chama submitted that he did not shoot anybody and at the time the incident happened, he had never ever fired a gun in his life. He also submitted that on the material date, he travelled to Mulobezi to drum up support for the PF parliamentary candidate Patricia Mulasikwanda. He submitted that he was with his driver Brian Nyoni and Teddy Kuyela, a Zambia Daily Mail reporter, now deceased. He submitted that they arrived in Mulobezi around 17:00hrs and met with Patricia Mulasikwanda and other PF members.

Hon. Chama further submitted that on the way to Sichili, where lodging arrangements had been made for them, he and his team drove about 15 kilometres on a narrow bush road and saw four vehicles that had blocked the road, one of the vehicles was branded with the UPND campaign material. Hon. Chama submitted that when they approached the junction about twenty people in ZAWA and ZNS uniforms emerged from the bush. He submitted that those people advanced towards their motor vehicle. Hon. Chama submitted that they realised that a trap had been set up at a place whereby they could not escape or drive away. He submitted that when some of the attackers were struggling to open the doors to Hon. Chama's vehicle and others were beating up the PF cadres at the back of the vehicle, Brian Nyoni drew out his gun, fired initially in the air and then at Mushaukwa. He submitted that the matter was later reported to the police and Mushaukwa was taken to the hospital for treatment. Hon. Chama submitted that Nyoni shot Mushaukwa in self-defence, as their lives were in danger.

At the Commission's special sitting in Kafue district on the 20th of December, 2018, Brian Nyoni, submitted that he was with Hon. Davies Chama and three people when they were attacked by about twenty people in ZAWA and ZNS uniforms on their way to Sichili, Mulobezi in 2015. He further submitted that, *"I struggled to load the gun, but when I managed I opened the window and shot four times in the air, these guys started to run away but some remained attacking the two guys at the back of the van. One managed to escape the assault and ran away but the other was overpowered, and these guys started dragging him to one of the UPND vehicles that were parked while still beating him. That is when I shot and wounded a person in a ZNS uniform, who wanted to attack our cadre."*

3.6.2.2 Observations

The Commission observes that although Hon. Chama was present at the time of the incident, the evidence of Mushaukwa that he is the one who shot him is not corroborated. The Commission observes that Mushaukwa was running away, it was after 18 hours in June and it was likely to be dark and he could not possibly have seen Hon. Davies Chama pointing a gun at him and shooting.

The Commission observes that in respect of the evidence of Brian Nyoni he agreed that he shot Mushaukwa but raised the defence of self-defence. The Commission further observes that the force used by Nyoni was totally disproportionate to the threat as Mushaukwa is alleged to have been holding a bayonet. The Commission further observes that the evidence by Nyoni that Mushaukwa was about to stab a PF member is unbelievable as this incident happened after 18 hours in June and it was likely to be dark and he could not have seen Mushaukwa holding the bayonet.

The Commission further observes that the arrest of Mushaukwa, a victim, by the Zambia police, was unjustified.

3.6.2.3 Findings

The Commission finds that:

- (a) on his own admission, and on the available evidence, Brian Nyoni is the one who shot Mushaukwa; and
- (b) Brian Nyoni's evidence regarding the type of gun he used to shoot Mushaukwa and the ownership of the same gun is unsatisfactory.

3.6.2.4 Recommendations

The Commission recommends that Brian Nyoni should be prosecuted on account that there is sufficient evidence against him to warrant prosecution.

3.6.3 The Chawama shooting incident

3.6.3 1 Submissions

The Commission during its public sitting in Lusaka district, received submission from Douglas Chibulo and UPND Deputy Secretary General Hon. Patrick Mucheleka on the

incident that happened on the 8 of July 2016, where some police officer(s) allegedly shot dead Mapenzi Chibulo in Chawama after running battles with UPND supporters who had assembled for a party campaign meeting. UPND had earlier on obtained a permit for the same meeting and had made announcement and secured the venue for the campaign meeting when it was cancelled at short notice by the Zambia Police Service.

3.6.3.2 Observation

It was brought to the attention of the Commission that an Inquest was instituted to inquire into the circumstances leading to the death of Mapenzi Chibulo. The Commission notes that at the end of the inquest, the Coroner for Lusaka Mr. Felix Kaoma on the 10th of January, 2017 found and concluded that: *“indeed the deceased had died of a gunshot wound and in the absence of firing the gunshot by accident, it can therefore be construed that a person is guilty of an offense of culpable homicide in this matter under inquiry except such a person cannot be ascertained by this inquiry. In the circumstances I deliver an open verdict.”*

The Commission observes that an inquest cannot constitute a holistic investigation of homicide because of its scope. The Commission notes that this position is confirmed by the conclusion made by the Coroner to the effect that, *“such a person cannot be ascertained by this inquiry.”*

3.6.3.3 Findings

The Commission finds that:

- (a) the investigation into the Chawama shooting incident is inconclusive; and
- (b) the police command bears the burden to ascertain the actual person who fired the gunshot that killed the victim.

3.6.3.4 Recommendations

The Commission recommends that conclusive investigations should be conducted into the Chawama shooting incident to ascertain the actual person who fired the fatal gunshot.

PART FOUR

FINDINGS ON SOCIAL, ECONOMIC AND POLITICAL CONSEQUENCES

In this section the Commission highlights what the people witnessed and considered as consequences of the 2016 voting patterns. The following were highlighted:

- (a) Political tension in the country;
- (b) Non-adherence to the Constitution;
- (c) Loss of public confidence in the Judiciary;
- (d) Loss of public confidence in the Electoral Commission of Zambia (ECZ);
- (e) Loss of public confidence in the Zambia Police Service;
- (f) Divisions across party lines;
- (g) Loss of jobs in the public sector;
- (h) Biased awarding of contracts in the public sector;
- (i) Unequal distribution of empowerment programmes;
- (j) Unequal distribution of development programmes;
- (k) Selective application of the law;
- (l) Increased sensitivity to tribal and political affiliations;
- (m) Intolerance among political rivals;
- (n) Usurping powers of local authorities; and
- (o) Suspension of broadcasting stations by the Government.

4.1 Political tension in the country

4.1.1 Submissions

The Commission received submissions that there was tension in the country, especially between the PF and the UPND following the 2016 General Elections. Petitioners submitted that this tension spanned from the period of campaigns to more than a year after the elections. Petitioners submitted that the post-election tension was mainly due to the refusal by the opposition UPND to neither accept the outcome of the 2016 General Elections nor recognise the Republican President. Petitioners submitted that the tension

was heightened when the UPND filed a petition in the Constitutional Court and, contrary to the expectation of the party that the Republican President would hand over the instruments of power to the Speaker of the National Assembly as provided in the Republican Constitution, the incumbent President remained in office. Subsequently the petition was dismissed on technicalities without being heard.

In Choma district, a petitioner submitted that the situation was tense in the district as the UPND and PF members could not sit together more than one year after the 2016 General Elections. The petitioner submitted that the tension was being perpetuated by the government in power which was failing to take steps to end the tension.

In Luanshya district a petitioner submitted that some parties did not accept the outcome of the 2016 election results and this was causing political tension in the country. Another petitioner in Lufwanyama district echoed similar sentiments and submitted that some people refused to accept the results of the elections and incited their members to be violent. Two other petitioners from Kitwe and Mwanabombwe districts submitted that the non-acceptance of election results by losing candidates contributed to post-election tension.

In Serenje district petitioners submitted that there was no co-existence between members of the PF and MMD because of the hate speeches and insults which characterised the 2016 campaign period.

4.1.2 Observations

The Commission observes that political tension has characterised the country's multiparty dispensation especially during the election periods. The Commission further observes that in previous presidential elections the losing candidates accepted the decisions of the Courts on the presidential petitions but this has not been the case in the 2016 elections.

The Commission observes that there is an emerging political culture where the winners marginalise the losers from the political system and the losers remain bitter and

unwilling to cooperate with the Government. This mutual intolerance makes genuine dialogue unattainable.

The Commission notes that the negative influence of the social media has been one of the drivers of political tension in the country by peddling lies and providing a platform for irresponsible statements which do not contribute to nation building.

4.1.3 Findings

The Commission finds that:

- (a) refusal by the UPND to accept the re-election of President Lungu contributed to political tension in the country;
- (b) there were a number of unresolved issues at different stages in the electoral processes: mobile issuance of voters' cards before the issuance of national registrations cards around the country, discrepancies in election results and delays in announcing results; and
- (c) the controversy surrounding the Constitutional Court's dismissal of the presidential election petition contributed to the political tension.

4.1.4 Recommendations

The Commission recommends that:

- (a) an independent and impartial peace commission or an equivalent body be established to institutionalise national dialogue and provide a platform for resolution of grievances emanating from political tension;
- (b) the ECZ should enhance its stakeholder engagement, build consensus with electoral players and effectively communicate with the public during the electoral process;
- (c) the Constitutional Court must be provided with clear rules on how to dispose of presidential petitions under Articles 101 and 103 of the Constitution of Zambia (amendment) Act No. 2 of 2016; and
- (d) ZICTA must regularly sensitise the public on responsible use of social media.

4.2 Non-adherence to constitutional provisions

4.2.1 Submissions

The Commission received submissions that the Constitution was not followed when Cabinet Ministers remained in office after dissolution of Parliament. Petitioners submitted that during the presidential petition the President-elect held on to the instruments of power, instead of handing over to the Speaker of the National Assembly, contrary to the Constitution. Another petitioner submitted that failure by the President to step down after the presentation of the 2016 presidential petition caused tension and violence in the country. Petitioners also submitted that the Constitution was not followed when the President-elect was sworn-in by the Registrar of the High Court, instead of the Chief Justice or the Deputy Chief Justice, as provided in the Constitution.

4.2.2 Observations

The Commission observes that most of the submissions on non-adherence to the constitution were based on third party interpretation of constitutional provisions. The Commission notes that the Constitution of Zambia (Amendment Act No. 2 of 2016) was only assented to on the 5th of January, 2016 and the public was still getting acquainted to its provisions. This had the effect of creating political tension based on subjective interpretation of the law.

Having viewed the video footage of the 2016 Inauguration Ceremony of President Lungu, the Commission observes that the procedure of administering the Oath of Office of President was misunderstood by the public because the President read the Oath and handed over to the Chief Registrar who in turn gave it to the Chief Justice for attestation.

The Commission also observes that there is no clear provision under The Transitional Period of Inauguration of President Act (No. 32 of 2016) on how to handover executive functions to the Speaker by the President-elect in an event of a presidential petition.

The Commission observes that the Cabinet Ministers continued in office even after dissolution of Parliament and that the Constitutional Court found that this was in breach of the Constitution.

4.2.3 Findings

The Commission finds that:

- (a) while there is growing public interest in constitutional matters, there is still subjective interpretation of the Constitution by the public;
- (b) in the event of a presidential petition, the absence of express provisions on the procedure relating to the transitional period of inauguration of President-elect will remain a source of contention; and
- (c) the issue regarding the continued stay of Cabinet Ministers in office after dissolution of Parliament was settled by the Constitutional Court.

4.2.4 Recommendations

The Commission recommends that:

- (a) the Ministry responsible for justice should enhance public awareness and sensitisation on the Constitution; and
- (b) the Transitional Period of Inauguration of President Act (No. 32 of 2016) should be amended to give detailed provision as to how the executive functions of the President-elect should be handed over to the Speaker pending the hearing of a petition.

4.3 Loss of public confidence in the Judiciary

4.3.1 Submissions

The Commission received submissions that one of the consequences of the 2016 General Elections was loss of public confidence in the Judiciary. Petitioners submitted that the manner in which the Constitutional Court handled the presidential election petition showed that the Zambian courts lacked the requisite independence to dispense justice impartially.

A petitioner in Choma district submitted that following the deliberate mishandling of the presidential petition by the Constitutional Court people have lost trust in the courts.

Another petitioner in Limulunga district submitted that the decision by the Constitutional Court on the presidential petition caused a lot of controversy.

A petitioner in Lusaka representing the African Progressive Party submitted that people have lost confidence and respect in law enforcement institutions and the Judiciary. He submitted that in the past people had fear and respect for the Judiciary but nowadays people in high offices such as State House are disrespecting and intimidating the courts. He submitted that people had hope in the courts as the appropriate way of seeking justice but all this is lost. The petitioner submitted that currently the ruling party cadres can even go and camp, drink beer and have barbeques on the grounds of the Judiciary with impunity, and the police just watch them, while cadres of the opposition are brutalised by the same police for similar offences.

4.3.2 Observations

The Commission observes that the Constitutional Court is the court of first and final instance in constitutional matters regarding the election of the Republican President. The Commission also observes that there is general discontentment among the public in the manner in which the Constitutional Court discharged its mandate in relation to the 2016 presidential election petition and this heightened political tension in the country.

The Commission notes that in terms of hierarchy, the Constitutional Court and the Supreme Court are at the same level. It is, therefore, the Commission's considered view that the current state of affairs needs to be corrected as it breaks down the court system supervisory structure. The Commission further observes that the current Constitution has not defined the role of the Chief Justice, in relation to the Constitutional Court, being the head of the Judiciary.

The Commission further observes that there is need to consider years of experience on the Bench and seniority of the Judges appointed to the entire Court system especially the Constitutional Court.

4.3.3 Findings

The Commission finds that:

- (a) some members of the public are yet to be acquainted with the provisions of the 2016 Constitution Amendment Act and, therefore, there is a lot of misunderstanding of the judicial process which has contributed to the loss of public confidence in the Judiciary; and
- (b) the controversy surrounding the Constitutional Court's dismissal of the presidential election petition contributed to the loss of confidence in the Judiciary.

4.3.4 Recommendations

The Commission recommends that:

- (a) there is need for public sensitisation on the provisions of the amended Constitution specifically on dispute resolution mechanisms in the electoral process; and
- (b) Government, in the ongoing Constitution review process should consider restructuring and reorganising the superior courts taking into account public concerns about the court operations and structure after the 2016 General Elections.

4.4 Loss of public confidence in ECZ

4.4.1 Submissions

The Commission received submissions that, as a consequence of the 2016 General Elections, there has been loss of public confidence in the ECZ. Petitioners submitted that the manner in which the ECZ handled the registration of voters, the campaigns, the preparation of voting materials, the tallying of votes and the announcement of results was marred by lack of transparency and accountability.

Petitioners, especially in opposition strongholds, submitted that ECZ was biased in the 2016 General Elections. Petitioners, in North-Western province, submitted that the ECZ failed to conduct voter registration in a satisfactory manner because of the lack of coordination between the mobile issuance of NRCs and voters' cards. Other petitioners

submitted that the ECZ failed to regulate campaigns, in accordance with the powers vested in it by the Electoral Process Act. Petitioners submitted that the ECZ, among other things, allowed Government resources to be used during campaigns.

Petitioners further submitted that ECZ took unilateral decisions on the preparation of voting materials, particularly the printing of ballot papers in Dubai, without listening to the concerns of stakeholders. Some petitioners also submitted that ECZ failed to effectively regulate the counting and tallying of votes, leading to unauthorised persons interfering with the counting and tallying of votes.

Petitioners further submitted that the delay by ECZ in announcing election results, in some constituencies in Lusaka and Livingstone, raised suspicion among the public about possible manipulation of results

4.4.2 Observations

The Commission observes that while ECZ has over the years made positive strides in election management, a lot still needs to be done to win public confidence in its capacity to deliver credible and acceptable elections.

The Commission notes that, when people have no confidence in the election management body, apathy may set in and give rise to the numerous election petitions. The Commission observes that the allegations of misconduct by ECZ officers, and poor stakeholder engagement on the part of ECZ, potentially eroded public confidence in the electoral process.

The Commission observes that political leaders have a critical role to play in building public confidence in, and shaping public opinion of the ECZ, but they have often done the contrary.

4.4.3 Findings

The Commission finds that:

- (a) some stakeholders did not accept the General Elections delivered by ECZ in 2016 and this remains a source of political tension;
- (b) poor communication and stakeholder engagement on the part of the ECZ may have contributed to the loss of confidence;
- (c) there is negative perception and mistrust of ECZ by some stakeholders; and
- (d) the loss of confidence in the ECZ may have contributed to the low voter turnout in the subsequent Lusaka Mayoral and other by-elections held after the 2016 General Elections.

4.4.4 Recommendations

The Commission recommends that:

- (a) the independence of ECZ should be enhanced through adequate funding and transparency in the appointment of its Commissioners and electoral officers;
- (b) ECZ should proactively implement its Strategic Plan 2018 – 2021 and other measures in order to address various stakeholder concerns; and
- (c) other stakeholders (media, civil society, faith based organisations, and political parties) should also play an active role in building public confidence in ECZ.

4.5 Loss of public confidence in the Zambia Police Service

4.5.1 Submissions

The Commission received submissions that after the 2016 General Elections people lost confidence in the Zambia Police Service. The majority of the petitioners countrywide submitted that the extreme bias in favour of the ruling party portrayed by the police demonstrated that the police could no longer be relied upon to protect people with opposition political affiliation.

Similarly, some petitioners submitted that the police in opposition strongholds were biased towards the opposition parties. Petitioners also cited incidents where the police could not act to protect opposition political party sympathisers who were beaten or harassed in full view of the police. Petitioners submitted that the police used full force on opposition supporters, even where there was no justification for police intervention.

Many petitioners submitted that the police service continued applying the Public Order Act selectively even after the General Elections.

4.5.2 Observations

The Commission observes that the Zambia Police Service works under very challenging circumstances, such as inadequate resources and undue pressure from both the ruling and opposition political parties. The PF accused the police of being biased in favour of UPND in the latter's stronghold while the UPND accused the police of favouring the PF in its strongholds.

The Commission observes that the Zambia Police Service is prone to political interference during elections from both the ruling and opposition party cadres. This tends to compromise the professionalism of the Zambia Police Service and reduces its sense of appreciation by the public.

The Commission also observes that public complaints about recruitments of political cadres into the Zambia Police Service persists and justifies claims that selective police brutality on the public is due to their partisan inclination, which compromises public safety and their corporate image.

4.5.3 Findings

The Commission finds that:

- (a) the Zambia Police Service could have managed the situation better during elections by upholding professionalism at all times;
- (b) there were cases of political interference with police duties by mainly the PF and UPND cadres which undermined the effectiveness of the Zambia Police Service;
- (c) there is mistrust of the police by the public and this has created doubts about their capacity to maintain law and order, without prejudice, in future elections;
and
- (d) the inertia by the Zambia Police Service in addressing reported cases of electoral violence escalated lawlessness and impunity by political cadres.

4.5.4 Recommendations

The Commission recommends that:

- (a) there is urgent need to depoliticise the operations of the Zambia Police Service including the appointment of the Inspector General of Police, the Deputy Inspector General of Police and the Commissioners of Police;
- (b) the Commissioners of Police should be appointed by Zambia Police Service Commission on recommendation by the Inspector General of Police;
- (c) there should be continuous and adequate sensitisation of police officers and the general public on the provisions and application of the Public Order Act; and
- (d) there should be continuous professional development of the Zambia police officers.

4.6 Failure to co-exist among political parties

4.6.1 Submissions

The Commission received submissions that there were hostilities among political parties especially between supporters of the PF and those of the UPND in some parts of the country. There were numerous submissions that supporters of the PF and those of the UPND, identified through party regalia, attacked each other when they met in public places. The Commission also received submissions that wearing of party regalia continues to be a source of harassment in some parts of the country long after the General Elections.

The Commission received submissions relating to bloody clashes between supporters of the PF party and those of the UPND during a funeral of a UPND cadre at Lusaka's Memorial Park on the 24th of June, 2017.

In Shiwang'andu district, a UPND supporter Mr. Kangwa Chitongo submitted that his vehicle was stoned by PF supporters whenever he drove into the business centre, such that he had since withdrawn it from business and has just parked it at home. He told the Commission that the area Member of Parliament, Hon. Stephen Kampyongo who is the current Minister of Home Affairs, had made public statements, long after the elections, to the effect that the situation would only improve for Mr Chitongo if he stopped supporting UPND and returned to PF.

In Kasempa district, petitioners submitted that PF supporters were harassed by UPND supporters. The petitioners submitted that there was animosity against people from Northern region as they were accused of advancing the PF agenda in the area.

The Commission also received submissions that in most parts of the country life had returned to normal and people were no longer seeing themselves through party affiliation. In Mufumbwe district a petitioner submitted that members of the PF and members of the UPND were co-existing.

4.6.2 Observations

The Commission observes that there is continued rivalry between the PF and the UPND mainly because the leaders of the two parties took long to start the reconciliation process. The Commission notes that reconciliation has taken long because of the absence of a culture of dialogue between political parties. The Commission notes that this has permeated to supporters of the two parties especially at lower levels where tension is still prevalent.

The Commission observes that while political regalia is used as a means of identification of political party supporters, the Commission observes that the wearing of political regalia has, to a large extent, contributed to political violence during elections. However, the Commission notes that in some parts of the country the members of the public freely wear the political regalia without victimisation or harassments from political cadres.

4.6.3 Findings

The Commission finds that:

- (a) in certain parts of the country, people of different political parties were generally co-existing. However, in other areas people avoided patronising places belonging to members of rival political parties. For instance, in Serenje district, some PF members shunned the Commission's public sitting held on the 12th of November, 2018, at Villa Mbanandi lodge because the venue for the sittings belongs to the incumbent MMD Serenje Member of Parliament, Hon. Maxwell Kabanda; and

(b) the intolerance among political parties persists but intensifies during elections. For example, after seemingly peaceful co-existence amongst political parties since the 2016 General Elections, electoral violence re-emerged in the Chilanga parliamentary by-elections held on the 5th of June, 2018, where incidents of electoral violence involving the PF and UPND were recorded.

4.6.4 Recommendations

The Commission recommends that:

- (a) leaders of PF and UPND should expedite the holding and conclusion of the on-going dialogue process so that the current tension in the country can be defused; and
- (b) there should be periodic inter-party dialogue for all political parties on matters of national interest in consultation with other stakeholders.

4.7 Victimisation and loss of jobs in the public sector

4.7.1 Submissions

The Commission received submissions that people associated with opposition political parties, identified through tribal tags, have been losing jobs in Government or in the public sector. Petitioners in some provinces submitted that a number of public service employees, belonging to tribes associated with the UPND, were losing jobs in the Public Service by being retired in National Interest while others were transferred in bad faith to distant or remote areas.

In Livingstone district Mr. Kababu Chombo submitted that he was employed as a mechanical fitter at ZESCO Victoria Falls Power Station and was fired because he was reported to be a member of the UPND. He submitted that he had never been active in politics and just exercised his constitutional right to vote for a party of his choice.

In Solwezi district petitioners submitted that a number of public service workers had been retired in National Interest in the aftermath of the 2016 General Elections and all those targeted belonged to tribes perceived to be sympathetic to the UPND. Some of the names of the retired officers are as follows: Kameya Manjomba (Lunda), a

Meteorological officer, Dr. Choonga (Tonga) who was Provincial Medical Officer, Mr. Chilala (Tonga), who was Provincial Youth Sports Officer, Mr. Chiseke (Chokwe), who was Controller of Government Transport, Mr Chiwaya (Tonga), Administrative Officer and Mr. Namushi Njekwa (Lozi), who was Provincial Chiefs and Traditional Affairs Officer.

In Choma district, a petitioner submitted that there were massive transfers of public and council workers perceived to be opposition party supporters.

In Livingstone district, a petitioner submitted that Tongas were annoyed that their children were being hounded out of the civil service just because they were Tonga.

4.7.2 Observations

The Commission observes that there is a public perception that some public service workers have lost jobs in National Interest because of their association with the opposition. The Commission received a submission from the Public Service Management Division (PSMD) which showed that a total of ninety nine (99) officers from the public service were retired in National Interest from the 1st of January, 2016 to the 15th of January, 2019. Having looked at the report from PSMD, the Commission could not ascertain who has been retired in National Interest based on party affiliation or ethnic background.

The Commission observes that mass retirement of public workers in National Interest is costly to the nation in that such workers are entitled to full retirement benefits and continued to receive their monthly emoluments in full until they are paid their terminal benefits. The Commission also notes, with concern, that an impression has been created that some of the people retired were actually retired on ethnic grounds. The Commission further notes that if this were true, it is likely to cause hostility among the Zambian ethnic groups and political parties, which may lead to serious conflicts.

The Commission observes that there is increased politicisation of the civil service as some civil servants were reportedly engaging in active politics particularly some District Commissioners. The Commission also observes that the perceived supporters of the

ruling party are not disciplined whilst those who are perceived to be sympathisers of the opposition party are victimised.

4.7.3 Findings

The Commission finds that:

- (a) there is a growing sense of grievance by some people on the perceived selective retirements in National Interest and transfer of workers from the public service based on ethnic lines and political affiliation after the 2016 General Elections;
- (b) political party affiliations are associated with ethnic identity which appears to exacerbate the sense of victimisation, ethnic and tribal divisions in the country; and
- (c) the provision in the terms and conditions of service for the public service on termination of employment based on National Interest empowers the employer to terminate employment without providing any reasons or offering an opportunity to the affected employee to be heard. There is growing perception that this condition is being used by Government to oppress and victimise employees in the public sector perceived to be sympathisers of opposition political parties.

4.7.4 Recommendations

The Commission recommends that:

- (a) termination of employment in National Interest should not be based on perceived political affiliation or on ethnic grounds;
- (b) as part of the national healing process, the Public Protector should further investigate perceived selective retirement in National Interest and transfers of public officers in the aftermath of the 2016 elections; and
- (c) the provision in the terms and conditions of service for the public service on termination of employment based on National Interest must only be rarely applied.

4.8 Selective awarding of contracts in the public sector

4.8.1 Submissions

The Commission received submissions that people affiliated to opposition political parties were being denied contracts to supply goods or services to public institutions while existing contracts were prematurely terminated.

A petitioner in Livingstone district submitted that in the aftermath of the 2016 elections, sympathisers of the opposition political parties have had their contracts terminated. He submitted that he was one such person whose contract to supply goods and services to Zambia Telecommunications Limited (ZAMTEL) was terminated without any reasons.

In Chingola district, a petitioner submitted that his contract with the Zambia Army to supply beef was terminated because of his support for the opposition UPND.

In Shiwang'andu district a petitioner, who is a UPND supporter, submitted that he supplied sand for the building of a classroom block at Mwilwa Primary School, which was funded through the Constituency Development Fund (CDF). The main contract to build the classroom block was awarded to the PF Shiwang'andu District Youth Chairman, who had no transport of his own and instead subcontracted him (petitioner) to deliver sand on his behalf. However, after the deliveries of sand had been made, the CDF committee refused to pay him and put up a condition that the petitioner should first re-join the PF before payment can be made to him for the services he rendered. The petitioner submitted that he had refused to re-join the PF by force and hence he had not been paid his money even at the time of the Commission's public sitting in the area.

The petitioner further informed the Commission that the area Member of Parliament together with Shiwang'andu district Commissioner told him that his situation would only improve if he re-joined the PF. The Member of Parliament Hon. Stephen Kampyongo, during a special sitting of the Commission held at Chita lodge on the 6th of December, 2018, denied the allegation and stated that he did not even know that the petitioner in question had ceased to support the PF.

4.8.2 Observations

The Commission observes that the use of political patronage in awarding of public contracts perpetuates the perception of bias against sympathisers of the opposition political parties. The Commission notes that politically induced loss of business opportunities by one group, and the desire to maintain privileged positions in business by another group, makes elections a ‘must-win’ for political parties. This state of affairs is what is promoting corruption, violence and many other vices.

The Commission observes that the awarding of business contracts based on political party affiliation is not in line with the provisions of the Public Procurement Act (No. 12) of 2008. *Section 37* of the Act which prohibits exclusion of potential bidders from participating in public procurement on the basis of nationality, race, religion, gender or any other criterion not related to its eligibility or qualifications.

4.8.3 Findings

The Commission finds that there is a belief among members of the general public that those who are affiliated to the ruling party are given preference in the awarding of Government contracts. This is regardless of their suitability to execute a given contract or the price they attach to a contract. The negative result, thereof, is overpricing and/or abandonment of tendered works, which loss is borne by the general public.

4.8.4 Recommendation

The Commission recommends that the award of public contracts should be done in an open and transparent manner and in strict adherence with the provisions of the Public Procurement Act, No. 12 of 2008, as read with S.I No. 63 of 2011.

4.9 Politicisation of empowerment programmes

4.9.1 Submissions

The Commission received submissions, particularly in North-Western province, that empowerment programmes were only being extended to supporters of the ruling party in areas that voted for the PF, namely: Copperbelt, Eastern, Luapula, Lusaka, Muchinga and Northern provinces.

In Mpulungu district a petitioner submitted that there was money that was being given to only marketeers who were PF sympathisers. In Mpika district a petitioner submitted that youth empowerment is an important solution to the rising challenge of electoral violence but such empowerment programmes are tailored to benefit only supporters of one political party, the ruling party.

4.9.2 Observations

The Commission observes that the Government has been implementing a number of empowerment programmes, which include the Youth Empowerment (e.g. Higer Bus project); the Girls Education Women Empowerment and Livelihoods (GEWEL); and the Presidential Empowerment Initiative. Others include the Social Cash Transfer, the Food Security Pack (FSP), Citizens Economic Empowerment scheme as well as the Farmer Input Support Programme (FISP).

The Commission also observes that at community level and among political parties, Government empowerment programmes are perceived to be initiatives that are intended to benefit ruling party members or sympathisers only. The Commission further observes that some political party leaders have a tendency of making public announcements about empowerment programmes at political public meetings, which has resulted in people being misinformed that government empowerment programmes are only intended for ruling party supporters.

The Commission observes that the management of these Government programmes is marred by the interference of officials from the ruling political parties. The Commission also notes that the implementation of some empowerment programmes has reinforced the feeling of exclusion and neglect in communities which have not benefitted and this in part contributes to the current voting patterns.

The Commission notes that well managed empowerment programmes executed in a non-partisan manner, have the potential to rekindle the spirit of oneness in the aftermath of a general election. The Commission notes that the opposite is true for programmes

managed in a partisan manner, as these perpetuate divisions as well as wastage of resources.

4.9.3 Findings

The Commission finds that:

- (a) at community level and among political parties, some Government empowerment programmes are perceived to be initiatives that are intended to benefit ruling party members or sympathisers only;
- (b) communities left out of such empowerment programmes, especially in areas where the opposition political parties have a large presence, consider such actions as Government punishing them for having not voted for the ruling party;
- (c) there are clear guidelines for the management of public empowerment programmes but these guidelines are not followed due to political interference by ruling party officials; and
- (d) programmes such as the Presidential Empowerment Initiative do not have publicly disseminated guidelines on the identification of beneficiaries and this gives rise to public perception that this initiative is only intended for ruling party members.

4.9.4 Recommendation

The Commission recommends that empowerment programmes must be administered in a manner that gives all citizens equal access to such programmes.

4.10 Unequal distribution of development programmes

4.10.1 Submissions

The Commission received submissions from petitioners, mostly in North-Western, Southern and Western provinces, that infrastructure development in terms of road development and hospitals were concentrated in Luapula, Northern, Muchinga, Eastern, Lusaka and some parts of Copperbelt provinces. The Commission received submissions that areas that voted for the ruling party were being rewarded with development while those which voted for the opposition were left out. Petitioners submitted that Muchinga was receiving the lion's share in the development efforts of the country.

4.10.2 Observations

The Commission notes that the PF-led Government has been implementing a number of development programmes and the most significant ones are road infrastructure development programmes. In 2012, the Link Zambia 8000 project was launched with the intention of constructing at least three main roads per province. A total of 8, 201kms of roads are earmarked for construction in the next five to eight years under this programme. The Link Zambia 8000 was designed for two phases. Phase one has seen a number of roads constructed mostly in Lusaka, Muchinga, Northern and Eastern provinces. Phase two which covers the other provinces has commenced albeit at a slower pace due to financial constraints. Other development programmes include the construction of township roads - mostly in Lusaka and the Copperbelt.

The Commission, during its travel around the country, observed that some provinces had benefited from Government infrastructure development programmes. The Commission observed the massive road construction in Luapula, Northern, Muchinga, Eastern and Lusaka provinces while the same was not the case in North-Western, Western and Southern Provinces. The Commission at the time noted that the main highways such as the Chingola- Solwezi, Lusaka – Mongu, Sesheke- Livingstone, Mumbwa- Itezhi Tezhi and the Lusaka – Mazabuka, roads were in deplorable state.

The Commission observes that an impression had been created that the ruling party was rewarding areas that had voted for it in 2016 because of the tendency by politicians of making public pronouncements implying that development can only reach the people if they vote for the ruling party. The Commission further observes that during some of the by-elections held after the 2016 elections, the ruling party and Government officials, have continued to promise development programmes as a strategy to garner support, especially in opposition strongholds. The Commission notes that unfulfilled election campaign promises tend to influence voting patterns when the electorate use the ballot to express their dissatisfaction with the state of under-development in their areas.

4.10.3 Findings

The Commission finds that:

- (a) most of the projects were procured prior to the 2016 General Elections and, therefore, the concentration of infrastructure projects being developed in the provinces that voted for the PF are not a consequence of the 2016 election results; and
- (b) the current concentration of projects in one region may have consequent influence on voting patterns in future elections.

4.10.4 Recommendations

The Commission recommends that:

- (a) Government should implement development programmes in a balanced and equitable manner;
- (b) Government should strengthen monitoring mechanisms to ensure timely implementation of planned infrastructure developments countrywide, in order to avert negative sentiments and perception of Government biasness; and
- (c) Government should regularly engage local people and inform them on when developmental projects will be implemented in their areas, so that people are better informed and involved in the projects intended for their areas. This will promote transparency and accountability in the implementation of development projects and mitigate feelings of exclusion by some regions.

4.11 Selective application of the law

4.11.1 Submissions

The Commission received submissions that State institutions, such as the Zambia Police Service, the courts of law and statutory bodies treat members of the opposition and members of the ruling party differently. Petitioners submitted that following the 2016 General Elections State institutions have become hostile towards supporters of opposition political parties. Petitioners submitted that supporters of opposition parties were being denied permits to hold political meetings by the police. Other petitioners submitted that the courts had become hostile against the opposition political party

members such that all cases taken to court by the opposition members were just being thrown out.

Petitioners submitted that the law enforcement officers seemed to be intimidated by the ruling party leaders and cadres. Petitioners submitted that ruling party members and cadres seemed to have more authority than the police. Petitioners submitted that they had witnessed instances where police officers were threatened with dismissals by mere party cadres for not cooperating with the ruling party functionaries.

4.11.2 Observations

The Commission observes that selective application of the law promotes lawlessness and compromises the integrity, credibility and functionality of law enforcement institutions. The Commission notes that selective application of the law has resulted in the public losing confidence and trust in law enforcement institutions. The Commission also notes that this situation, if not managed, can increase lawlessness in the country and can further compromise public safety, the rule of law and good governance in general.

4.11.3 Findings

The Commission finds that:

- (a) there is selective application of the law, specifically in the management of the POA by the Zambia Police Service. Opposition political parties, at the time of the Inquiry, were still being denied permission to hold public assemblies and processions while members of the ruling party were allowed to do so; and
- (b) the conduct of the Judiciary in criminal cases remains professional and fair as accused persons from both the ruling and the opposition parties have been dealt with equally and impartially.

4.11.4 Recommendations

The Commission recommends that:

- a) the Government should urgently address the conduct and impunity of political party cadres and government officials who interfere with the operations of law enforcement agencies especially the Zambia Police Service; and

- b) there should be continuous capacity building of law enforcement officers so that they become more professional and impartial in their discharge of duties.

4.12 Usurping powers of local authorities

4.12.1 Submissions

The Commission received submissions that council bus stations and markets around the country were predominantly controlled by cadres of the ruling party, instead of the local authorities. Petitioners submitted that party cadres had personalised these places and were intimidating people trading there, especially those known to belong to opposition political parties.

In Mpulungu district, a petitioner submitted that chairpersons of markets and bus stations committees were only appointed from amongst PF cadres, in which case the PF cadres were running the markets and bus stations. Another petitioner, Mpulungu MMD District Chairperson, submitted that after the 2016 elections he was removed from his shop which he had occupied for many years by the market management, on account that he belonged to an opposition political party. He submitted that he later built his own shop which the Council demolished. He told the Commission that people have been advising him to join the PF for things to go well for him, which he said should not be the case.

In Mufumbwe district, a petitioner submitted that PF cadres were in control of the bus station and had hoisted a PF chitenge flag there to mark the station as their territory. In contrast, a petitioner in Mwinilunga district submitted that though Mwinilunga was a UPND stronghold, the Council did not want the cadres to run the markets and the bus station.

In Mansa district, petitioners submitted that PF cadres were in control of Senama market and hoisted the PF chitenges in various sections of the market.

In Mazabuka district, petitioners submitted that the UPND cadres were in control of the main market and hoisted the UPND chitenges in various sections of the market.

4.12.2 Observations

The Commission observes that political cadres from both ruling and the opposition parties in some districts or municipalities have illegally taken over the running of bus stations and markets. The Commission notes that the Markets and Bus Stations Act of 2007 empowers the councils to have sole jurisdiction over the running of markets and bus stations. *Section 5* of the Act states that “...all markets and bus stations shall be under the control of a local authority having jurisdiction in the area in which they are situated.”

The Commission observes that the tendency by party cadres to establish party offices at markets and bus stations as well as to collect levies from the public and traders is illegal. The Commission further observes that party interference in the operations of bus stations and markets is promoting a culture of lawlessness and thuggery at these premises, thereby dividing traders into rival groups and undermining the authority of local government.

4.12.3 Findings

The Commission finds that:

- (a) after the 2016 General Elections markets and bus stations have continued to be predominantly controlled by the PF cadres;
- (b) in North-Western Province, in spite of UPND domination, markets and bus stations are controlled by either the Council or the PF cadres. For instance, in Mufumbwe and Solwezi districts, the bus stations are under the control of PF while in Mwinilunga district the bus station and market are under the control of the Council;
- (c) there is administrative weakness of Councils in the enforcement of the Markets and Bus Stations Act of 2007. This is due to the mixing of party functions and local government, a legacy from the One Party State era. Markets and Bus Stations Boards have not been established as provided for in the *Markets and Bus Stations Act*;

- (d) the illegal control of markets and bus stations has persisted because it is a source of livelihood for political party cadres. The struggle to control these public places is one of the drivers of inter-party conflicts; and
- (e) the council staff and the Bus Stations and Markets Boards are often intimidated by cadres who have established themselves at these premises and are seen to have a lot of authority and influence.

4.12.4 Recommendation

The Commission recommends that the Ministry of Local Government should fully enforce the Markets and Bus Stations Act of 2007 across the country and work with law enforcement officers to ensure that cadres who interfere with the running of these premises are prosecuted.

4.13 Suspension of broadcasting licences

4.13.1 Submissions

The Commission did not receive submissions on the suspension of broadcasting licences but relied on media reports. On the 22nd of August, 2016, the Independent Broadcasting Authority (IBA) announced the immediate closure of Muvi television, Komboni Radio and Itzhi-Tezhi Radio. In announcing the suspension, the IBA Board stated that the suspension of the licences was done pursuant to *Section 29(1)(j)* of the Independent Broadcasting Authority (Amendment) Act No. 26 of 2010, which stipulates that the Board may cancel a broadcasting licence if the cancellation of the licence is necessary in the interest of public safety, security, peace, welfare or good order.

Following the suspension, the Law Association of Zambia (LAZ) on the 25th of August, 2016, issued a Press Statement condemning the conduct of the IBA as an affront to the freedom of the media and an assault on the democratic right of freedom of expression. LAZ described the incident as regrettable and an example of the increasing breakdown of the rule of law in the country.

4.13.2 Observation

The Commission observes that it is the mandate of the IBA to cancel or revoke any licence that it issues under the IBA Act. The Commission, however, notes that the IBA

is not empowered to exercise this power arbitrary. The Independent Broadcasting Authority (amendment) Act No. 26 of 2010 stipulates in *Section 29(2)* that, “*where a broadcasting licensee does not comply with the provisions of the broadcasting licence, the IBA has a duty to notify the broadcasting licensee of the measures that the broadcasting licensee should undertake, within a specified period to comply with the conditions of the Act or the broadcasting licence.*”

The Commission notes that, in accordance with *Section 29(3)*, IBA is only empowered to suspend the broadcasting licence for a specified period of time or to cancel the broadcasting licence if a broadcasting licensee fails to comply with a notice issued, under *Subsection (2)*, within a specified period of time

4.13.3 Finding

The Commission finds that:

- (a) the IBA suspended the licences for Muvi Television, Komboni Radio and Itezhi-Tezhi Radio prematurely and contrary to the provisions of the law; and
- (b) the action by IBA was taken immediately in the aftermath of the 2016 General Election when the presidential election had not yet been concluded and this contributed to heightening the political tension in the country.

4.13.4 Recommendations

The Commission recommends that:

- a) the IBA should apply the law fairly, equally, consistently and reasonably across all broadcasting stations; and
- b) both the private and public media should be responsible, ethical and professional in their reporting especially in view of the current polarisation of the nation across party lines.

4.14 Current relationships

The Commission understands that its task, under this term of reference, was to find out how people who allegedly perpetrated violence in some parts of the country were currently relating with members of the public in those areas and whether the

relationships were conducive to the promotion of democratic governance and public safety.

In responding to this term of reference, the Commission asked petitioners about how they perceived the relationships between the alleged perpetrators of violence, the public and themselves. With regards to the second part of the term of reference, which is whether the relationship was conducive to the promotion of democratic governance and public safety, the Commission made its own assessment of the situation.

4.14.1 Submissions

The Commission received submissions that tension and hostilities still existed in some parts of the country, particularly between PF and UPND members, as a consequence of the 2016 electoral violence. In Luanshya district a petitioner submitted that there were struggles between the PF and UPND, which continued beyond the election period. Another petitioner in Luanshya submitted that there was tension between the PF and UPND supporters in Luanshya such that the UPND members cannot set foot at the lodge owned by the local MP. In Kitwe district a mother of a UPND cadre who was seriously injured after being attacked by PF cadres testified that she was not on talking terms with members of the PF. Another petitioner in Kitwe district submitted that supporters of the PF were hostile to supporters of other political parties and as such they were not allowing other party regalia in public places such as bus stations and markets.

Other petitioners testified that PF hostilities have continued to an extent that people associated with the UPND do not freely go to the market for fear of being beaten by PF cadres. A petitioner submitted that the UPND members in Kitwe have no freedom or peace in the markets and are harassed and told that all those who voted UPND were foolish and were Satanists. In Nalolo district a petitioner submitted that there was post-election tension between the PF and UPND but there was no violence.

In Shiwang'andu district a supporter of the UPND testified that PF supporters stoned his vehicle whenever he went to the central business centre, a development that has made him fail to do business with his truck making him just park it at home. He testified that the area Member of Parliament has told him that things will only go well for him when

he re-joins PF. The Member of Parliament in question, during a special sitting of the Commission held at Chita lodge on the 5th of December, 2018, however, denied being involved in the harassment of the petitioner.

Petitioners in smaller towns submitted that most of the violence was perpetrated by ‘imported’ political cadres who were brought into the affected areas from other districts by political parties. The petitioners further submitted that the violence perpetrated by those imported cadres destabilised the local communities and in most cases negatively affected relationships between neighbours who supported rival parties at community level. The petitioners submitted that since those people have since left the districts, where they committed the violence, there are no existing relationships between them and the local people.

In other areas, petitioners submitted that the violence was quasi intraparty. It involved supporters of the same political party, who split to support candidates adopted by the party and candidates who stood as independents from the same party. Petitioners in Chipili district submitted that there was a lot of violence, during the 2016 general elections, between the supporters of the PF parliamentary candidate and the independent candidate. Petitioners who submitted on this subject were not categorical on whether all the perpetrators of this violence were local people. They, however, mentioned some local persons who had been arrested in connection with the violence. They also mentioned the PF parliamentary candidate as having personally beaten a supporter of the independent candidate. The petitioners testified that the supporters, although being from one party, have remained divided.

In Namwala and Mazabuka districts, PF supporters who were victims of violence submitted that they were attacked by known local people after the announcement of the 2016 presidential results. Petitioners testified that there has been no reconciliation between the attackers and the victims.

In Monze district a petitioner submitted that she had forgiven the perpetrators of violence and were freely associating.

4.14.2 Observations

The Commission observes that in areas where there was violence and people have not reconciled the relationship between the perpetrators of violence and the members of the public in areas where violence occurred is not conducive for the promotion of democratic governance and public safety.

The Commission observes that failure by political leaders to denounce continued harassment of supporters of rival parties promotes illegal and undemocratic tendencies amongst party cadres and reflects leadership failure in political parties.

The Commission notes that there was a wide perception amongst victims of electoral violence that their cases were not professionally handled by law enforcement officers resulting into continued feeling of injustice. Thus some victims of violence still felt they were unjustly treated and this sense of grievance may grow and hinder future attempts at reconciliation and healing in communities.

The commission observes that in areas where the people have reconciled and are co-existing, there is an atmosphere of unity and stability among the political players.

4.14.3 Findings

The Commission finds that:

- (a) the relationship between the perpetrators of violence and the members of the public in areas where violence occurred, and they have not reconciled, is not conducive for the promotion of democratic governance and public safety and may be a recipe for future conflicts;
- (b) the levels of political intolerance in urban areas, such as Kitwe district, seem to be disproportionate to mere political interests and amount to criminality;
- (c) where violence was perpetrated by imported cadres, victims of violence and their families are still bitter against the political parties that brought the violent cadres in their areas;
- (d) political electoral violence has left some communities and families divided; and

- (e) where people have reconciled, life has returned to normal and they are peacefully co-existing.

4.14.4 Recommendations

The Commission recommends that:

- (a) political parties should censure party leaders in those parts of the country where victimisation of supporters of rival parties has continued;
- (b) regular community meetings should be organised to discuss local matters of interest with all parties in order to encourage co-existence; and
- (c) there should be church mediated talks in places such as Kitwe district where victimisation of political opponents has persisted.

PART FIVE

MAIN RECOMMENDATIONS

In this part, the Commission recommends:

- (a) Measures to be taken to ensure that voting outcomes are reflective of the people's free will in any election;
- (b) Measures to prevent the occurrence of violence in future before, during and after elections;
- (c) The appropriate action to be taken on –
 - (i) The perpetrators of the violence;
 - (ii) The persons who actually committed the acts of violence;
 - (iii) The organisations involved in the violence; and
- (d) The form of relief for persons who were injured and suffered loss of life or damage to property; and
- (e) Measures to promote reconciliation, democratic governance and public safety.

5.1 Measures to ensure voters' will prevail

5.1.1 Enhance inclusiveness

The Commission recommends that Government should take steps to remove barriers to the participation of all citizens in the election process. The Commission notes that elections must be inclusive to provide equal opportunities for all eligible citizens to participate as voters in selecting their representatives and as candidates for election to leadership positions. The Commission proposes the following specific measures:

- (a) The ECZ, in undertaking voter registration, should ensure that all eligible citizens are on the voters' register. Government should ensure that there is close collaboration between the ECZ and the Department of National Registration Passport and Citizenship, so that mobile voter registration is conducted after the mobile issuance of National Registration Cards or the two exercises are done simultaneously. This will ensure that citizens who have reached the voting age can register as voters for the immediate upcoming election;

- (b) The ECZ should facilitate development of an agreed upon instrument, comprising public order regulations, to govern the campaign period in order to ensure that political parties campaign equitably. The proposed instrument should be enforced by Conflict Management Committees, constituted pursuant to *Section 113* of the Electoral Process Act of 2016. Under this arrangement, the timetable of campaign activities should be made collectively through respective Conflict Management Committees. Where Zambia Police Service intervention is required, to maintain law and order, arrangements should be between the Conflict Management Committee and the police and not between the police and a political party or candidate;
- (c) Government should provide adequate funds to ECZ for voter education programmes, to ensure that eligible citizens actively take steps to register as voters. In addition, Government should fund ECZ to introduce the use of technology for continuous correction and updating of information in the voters' register;
- (d) Government should ensure that there is no violence or threats of violence during elections. The Zambia Police Service should be allowed to operate independently and deal with violence or threats of violence impartially;
- (e) The ECZ should make use of the consultative mechanisms provided within the Electoral Process Act to ensure that stakeholders are involved in the conduct of administrative and logistical preparations for elections, including procuring and delivering materials, as well as recruiting and training election officers;
- (f) Government should ensure that after every election the stakeholders should be given an opportunity to evaluate the process and undertake necessary reforms. Stakeholders should have an opportunity to independently verify whether the process is conducted honestly and accurately. The ECZ and civic groups should always, in a formal manner, evaluate the election process and define ways to reform and strengthen elements within each phase of the electoral process. The ECZ, being a permanent body, should ensure that time between elections is used to prepare for future elections, including conducting continuous voter education, updating voter registers and addressing issues within the legal framework or institutional management; and

- (g) The ECZ should ensure that polling stations are established close to the people, are accessible, adequately staffed and have the relevant materials for Election Day prepared in advance.

5.1.2 Enhance transparency

The Commission recommends that Government should take steps to ensure that elections are made much more transparent in order for citizens to freely participate, understand, evaluate and, ultimately, accept an election process and its outcome as representing their will. The Commission proposes the following specific measures:

- (a) The ECZ should ensure that information relating to all stages of the electoral cycle is made available and accessible to all citizens;
- (b) The ECZ should provide public access to voter registers to increase the accuracy and completeness of the voter lists. Individuals should have sufficient opportunity to correct any errors or update their information. The ability to view and correct the entire voter register will boost public confidence in the voter registration process, electoral authorities and election process more broadly. Access to the voter register will give political parties an opportunity to make sure that their interests are respected - for instance, allowing them to check voter registration rates throughout the country;
- (c) Citizens should be able to check the quality of the voters' registers by conducting independent audits or other impartial review procedures. Such assessments may highlight positive aspects of the voter register as well as any issues that need to be addressed such as cases of individuals who are registered multiple times, individuals who have not attained the voting age or individuals who are non-citizens of Zambia. Civil society organisations should have access to population information, like census data, for better assessment of voter registers. For example, they can compare voter registration rates to census data to look for trends and identify populations that may be under-registered or other areas for improvement;
- (d) ECZ should put in place an independent, impartial and expert inter-party panel to monitor procurement and printing of ballot papers. This is to ensure that procurement decisions are based on transparent, competitive and objective

criteria, which can help prevent corruption and build public confidence in the integrity of the electoral process;

- (e) Domestic Civil Society Organizations and international observer groups respectively should ensure that their election monitors and observers are accredited to rural polling stations where some political parties usually lack enlightened election agents;
- (f) The ECZ should publish individual polling station results at the totalling centres for all elections in a timely manner. The timely publication of election results can immensely increase public confidence in the ECZ; and
- (g) The ECZ should ensure that unauthorised persons are not allowed access to polling stations and totalling centres because the practise has a tendency to cause confusion and in some cases violence.

5.1.3 Enhance accountability

The Commission recommends that Government should ensure that elections genuinely afford rights to citizens with respect to the conduct of all electoral stakeholders, including state agencies, the ECZ itself, political parties, candidates and the police. The Commission proposes the following specific measures:

- (a) The ECZ must ensure that information on presiding officers in charge of the polling stations is published at the polling stations before the voting day; and
- (b) Government must establish an electoral fast-track Court to bring to account in a timely manner, those who commit criminal acts that undermine free and fair elections.

5.1.4 Enhance competitiveness

The Commission recommends that Government should give all citizens reasonable and equitable opportunities to compete for positions of leadership at all levels. The Commission proposes the following specific measures:

- (a) Government must ensure that political parties and candidates are able to campaign and voters are able to cast their ballots free from undue influence, intimidation or violence;

- (b) Government must ensure that the Public Order Act and the manner in which it is administered does not impose undue restrictions on candidates and political parties but provide opportunities for them to present their message to citizens so that they make informed decisions;
- (c) The ruling party should desist from exclusive use of the public media so that elections are genuinely competitive, offering equitable opportunities for contestants to convey their positions to citizens and compete for votes;
- (d) The ECZ must manage campaign airtime on ZNBC so that all competing political parties are equally featured. In this regard, ECZ should sponsor programmes where all candidates who successfully file in their nominations should be featured to present their manifestos;
- (e) Government should transform ZNBC into a public service broadcaster enjoying full editorial independence from government; amend the ZNBC Act to guarantee protection of tenure of the Board of Directors and senior management who should be appointed in a transparent manner, with the involvement of media professionals;
- (f) News and content management staff should avoid self-censorship in anticipation of rewards and should be protected from political interference and be subject to public interest rules;
- (g) ECZ should build capacity of the Conflict Management Committees with the responsibility to implement an expedited procedure for hearing complaints related to media coverage of political campaigns. This committee should be empowered to order balanced coverage, a right of reply, correction or retraction;
- (h) The ECZ in collaboration with IBA should closely monitor media coverage of election campaigns, by both state-owned and privately-owned electronic media, and ensure that breaches of the Code of Conduct in this area are investigated and where necessary sanctioned impartially; and
- (i) The ECZ should monitor more closely the use of State resources in election campaigns and should rigorously investigate complaints and take remedial measures.

5.1.5 Enhance election security

The Commission recommends that Government should take steps to ensure the safety of voters, candidates, election officers, observers and other actors involved in an election. In order for an election to be inclusive, participatory, definitive, competitive and ultimately reflect the will of the people, it is essential that electoral players campaign and vote freely. The Commission proposes the following specific measures:

- (a) In agreement with stakeholders, ECZ should ensure that measures are put in place to guarantee the security of voting materials, equipment and facilities related to the conduct of elections;
- (b) ECZ must create awareness among the electorate about the domicile, mandate and role of the Conflict Management Committees; and
- (c) The Conflict Management Committees must be proactive and report all incidents of electoral violence within their jurisdictions on behalf of complainants in order to assist victims of violence to seek justice.

5.1.6 Enhance the protection offered by electoral laws

The Commission recommends that:

- (a) Government must ensure that the Electoral Process Act is simplified and made user friendly by clearly defining the rules applicable at different phases of the election process. This should be followed by extensive publicity; and
- (b) *Section 97* of The Electoral Process Act No. 35 of 2016 should be amended to restore the provisions of *Section 93* of the Electoral Act No. 12 of 2006 in order to effectively address electoral malpractices.

5.1.7 Enhance independence of the Electoral Commission

The Commission recommends that the Government should ensure that the ECZ is politically impartial as well as competent and should thus operate independently so that it is insulated from political pressure. The independence of ECZ should be enhanced through adequate funding and transparency in the appointment of its Commissioners and electoral officers. The Commission proposes the following specific measures:

- (a) Government should alter the composition of the ECZ so that it comprises both non-partisan and partisan members. In this regard, the ECZ should be made up of

independent, nonpartisan individuals chosen based on their expertise, through a transparent appointment procedure; and representatives of registered political parties (i.e., partisan members) who should be nominated by political parties with representation in Parliament;

- (b) Government should ensure that the appointment procedure of Commissioners of the ECZ is provided for in the Constitution, against the background that the Electoral Commission is established by the Constitution. In addition, Commissioners of the ECZ must be given security of tenure so that they are not removed at the pleasure of the President. Their removal before the expiration of their contract must be on the recommendation of an impartial tribunal. Reasons for which Electoral Commissioners can be removed should also be enshrined in the law; and
- (c) Parliament should amend *Section 11* of the Electoral Process Act to make it mandatory for ECZ to report any breach of the Electoral Code of Conduct to the Zambia Police Service, Anti-Corruption Commission and the Drug Enforcement Commission, contrary to the current provision which gives it discretion to report any breach of the code.

5.1.8 Enhance resolution of electoral complaints and disputes

The Commission recommends that Government should review and strengthen the existing systems for the resolution of complaints in the election process. The Commission proposes the following specific measures:

- (a) The Electoral Process Act of 2016 should be amended to establish an Electoral Fast Track Court to resolve electoral violence matters and other electoral disputes expeditiously;
- (b) The ECZ should expand the mandate of CMC and strengthening their capacity to handle and resolve electoral complaints raised by voters, candidates and political parties at constituency and district levels;
- (c) The Electoral Process Act should be amended to provide for open selection of members of the CMCs and the appointment of the multi-stakeholder CMCs at all levels; and
- (d) ECZ should embark on public awareness and sensitization activities on the role and functions of the CMC in the resolution of electoral disputes.

5.2 Measures to prevent occurrence of violence

5.2.1 Government level

The Commission recommends that Government should put in place effective plans to prevent violence. The Commission proposes the following specific measures:

- (a) Revamp the early warning system in order to generate real time information which can be used by key stakeholders including ECZ, security forces and others to prevent electoral violence;
- (b) The Electoral Process Act and the Code of Conduct be reviewed to include additional measures to prevent occurrence of electoral violence;
- (c) Government should create an Electoral Fast Track Court to deal with electoral violence matters;
- (d) Government should enhance the capacity of ECZ and Zambia Police Service, including providing them with modern equipment in order for them to effectively enforce the Electoral Code of Conduct;
- (e) There is a need to enact the Political Parties Bill (2019) and other electoral based legislation latest by 2020. This will enhance the regulation and orderly conduct of political parties during elections;
- (f) The ECZ should mobilise civil society organisations, including trade unions, religious and traditional leadership, and the media, to play an active role in creating a secure electoral environment;
- (g) Government should develop plans and strategies to engage young people in politics and entrepreneurial activities that discourage violence related activities to earn a living;
- (h) Government should amend the provisions of *Section 70 (1)* of the Penal Code to expressly prohibit all forms of hate speech; and
- (i) Government should depoliticise the operations of markets, bus stations and other public facilities to prevent violence and management of these public places by political cadres.

5.2.2 Political party level

- (a) Political parties should take responsibility for the conduct and behaviour of their members and appropriate action should be taken against erring members;
- (b) Political parties should use their local structures to campaign and desist from importing cadres into districts where they do not reside;
- (c) Leaders of political parties should not reward party members and officials who are associated with violence and must openly denounce and disown such members; and
- (d) Political parties should have capacity building programmes for their members especially the youth on political education, political ideology, non-violent politics and tolerance for diversity during elections.

5.2.3 Community level

- (a) Churches, NGOs and the public should promote a non- violent electoral environment and speak against all acts of violence irrespective of their association with the perpetrator;
- (b) Community, religious and traditional leaders should build networks in their communities to monitor acts of violence and come up with appropriate measures to prevent, resolve and manage conflicts; and
- (c) Civil society organisations and the media must create platforms where incidents of violence should be reported, and perpetrators named and shamed.

5.3 The appropriate action to be taken on:

5.3.1 Perpetrators of violence

The Commission recommends that law enforcement agencies should conclusively investigate and prosecute all the individuals alleged to have perpetrated specific acts of violence, as recorded on Appendix 6.

5.3.2 Organisations involved in the violence

The Commission recommends that further investigations be instituted to ascertain the role that the PF, UPND, FDD, MMD and Zambia Police played in the districts where

violence was recorded. The list of the names of organisations and districts in which the alleged acts of violence were committed are in Appendix 6.

5.4 Form of relief

Due to limited time, the Commission could not carry out a comprehensive assessment of injuries, damage to property or loss of life resulting from electoral violence. The Commission was unable to collect submissions from all the victims of electoral violence.

The Commission, therefore, recommends that:

- (a) Government should conduct a comprehensive mapping exercise for the whole country to establish the identities of all the people who suffered damage to property, injuries, loss of life and those who were displaced during the 2016 elections including those who may not have submitted to the Commission. Thereafter a framework must be devised to deal with damages to private property and public facilities or infrastructure, injuries, death or displacement suffered during the electoral period. The Commission further recommends that the victims of electoral violence should be compensated;
- (b) The quantum of loss by the victims of electoral violence, and families of those who lost lives, should be referred to the deputy registrar of the High Court for assessment;
- (c) Government must resettle and provide financial assistance to all the people who were displaced during the 2016 electoral violence; and
- (d) Government should develop a framework for determining relief and support to victims of electoral violence before the 2021 General Elections.

5.5 Measures to promote reconciliation, democratic governance and public safety

5.5.1 Reconciliation

The Commission recommends that:

- (a) An independent and impartial peace commission or an equivalent body be established to institutionalise national dialogue and provide a platform for discussion of matters of national interest and resolution of grievances;

- (b) The Church mother bodies should expedite the holding of dialogue amongst all leaders of political parties especially between the leaders of PF and UPND. The leaders of the two parties should be committed to the resolutions of the national dialogue before 2021 General Elections;
- (c) The Ministry responsible for religious affairs and national guidance in collaboration with stakeholders must invest in programmes to restore and promote social cohesion and national unity; and
- (d) The Public Protector should further investigate perceived selective retirement and transfers of public officers in the aftermath of the 2016 elections which has caused general discontent.

5.5.2 Democratic governance

The Commission recommends that:

- (a) Government should expedite and conclude the Constitution Reform Process in order to enhance democratic governance premised on the doctrine of separation of powers, observance of the rule of law and full enjoyment of rights by citizens;
- (b) Government should implement comprehensive reforms to develop a strong, responsible and independent media;
- (c) Government should expedite the enactment of the Access to Information Bill to build a transparent and accountable governance system;
- (d) Government should ensure broad regional participation in national affairs and this can be achieved by amending necessary legislation such as Article 110(1) of the Constitution (amendment) Act No. 2 of 2016 on the requirements for the Running Mate to come from another ethnic region, different from that of the presidential candidate, and also Article 259(2) of the said Constitution on nominations and appointments, by removing the words “where possible” so that it is mandatory that when making nominations or appointments to public office, the appointing authority must ensure that such nominations or appointments reflect the regional and gender diversity of the people of Zambia;
- (e) The Government must scale up decentralisation of fiscal, administrative and political functions to the provincial and district levels;

- (f) Constitutional provisions on presidential election petitions must be subjected to a detailed review so that there is clarity regarding all matters incidental to filing and disposing of the said election petition; and
- (g) Government should institute a process to comprehensively review the purpose, functions, composition, operational and organisational structure of the Constitutional Court, taking into account concerns expressed by the public after the 2016 General Elections. Further, that the Chief Justice in particular, must be part of the Constitutional Court decisions, being the head of the Judiciary.

5.5.3 Public Safety

The Commission recommends that:

- (a) Zambia Police Service should professionally and fairly apply the law regardless of political affiliation, gender, or other considerations;
- (b) Government should depoliticise the operations of the Zambia Police Service including the appointment of the Inspector General of Police, the Deputy Inspector General of Police and the Commissioners of Police;
- (c) Government should review the mechanisms and regulatory framework around ownership and use of firearms in light of the growing gun culture in politics as it compromises public safety;
- (d) The police command structure should be restored to allow for the appointment of Provincial Police Commissioners by Zambia Police Service Commission on recommendation by the Inspector General of Police, in order to eliminate political interference;
- (e) Department of National Registration, Passports and Citizenship should enhance security in the issuance of national registration documents to promote public safety and uphold the integrity of the electoral process; and
- (f) The Department of Immigration should enhance national security in porous border areas to promote public safety and prevent infiltration of foreigners in the electoral process.

DOCUMENTS REFERRED TO

Past Commissions of Inquiry reports

- Mvunga Constitution Review Commission (1991)
- Mung'omba Constitution Review Commission (2005)
- National Constitutional Conference (NCC) (2008)
- Technical Committee on Drafting the Zambian Constitution (2013)

Written submissions by Government agencies

- Council of Law Reporting on composition of Board members, from 2006 to 2016
- DMMU Report on displaced persons and damaged property arising from the 2016 electoral violence
- ECZ 2016 Post-election Report
- ECZ submission on specific questions surrounding the 2016 general elections
- Judicial Complaints Commission submission on composition of Commission, from 2006 to 2016.
- Legal Aid Board submission on composition of the Board composition, from 2006 to 2016.
- Ministry of Energy on composition of boards under the Ministry of Energy.
- Ministry of Foreign Affairs on composition of the Zambia Institute of Diplomacy and International Studies (ZIDIS), from 2006 to 2016.
- Ministry of General Education on composition of Board members under the Ministry, from 2006 to 2016.
- Ministry of Information and Broadcasting Services (MIBS) on composition of Boards under the Ministry, from 2006 to 2016.
- Ministry of Youth, Sport and Child and Child Development submission on Board Members for all Statutory bodies and institutions under the Ministry that served during the period 2006 to 2016.
- Public Service Management Division (PSMD) on: composition of selected boards; persons appointed as Permanent Secretaries; persons retired in national interest, persons deployed in Foreign Service and persons appointed as District Commissioners.

- Zambia Institute of Advanced Legal Education on composition of Board, from 2006 to 2016.
- Zambia Law Development Commission on composition of Commission 2006 to 2016
- Zambia Police Service submission on specific questions around the 2016 general elections

Constitutional and other subsidiary legislation

- The Constitution of Zambia Act No. 18 of 1996 and the Constitution of Zambia (Amendment) Act No. 2 of 2016
- The Electoral Process Act No. 35 of 2016
- The Transitional Period and Inauguration of President Act, 2016
- The Public Order Act, Chapter 113 of the Laws of Zambia
- The Penal Code, Chapter 87 of the Laws of Zambia

Foreign legislation

- The Constitution of the Republic of South Africa (amendment) Act of 2013
- The Constitution of the Republic of Zimbabwe (amendment) Act No. 20 of 2013
- The Constitution of the United Republic of Tanzania Act 15 of 1977
- The Constitution of the Republic of Uganda (Amendment) Act No. 21 of 2005

Academic works

Akakandelwa Mwangala: *Electoral Violence in Zambia, a Threat to Democracy: A case study of Chawama Parliamentary Constituency (1990 – 2015)* (Post-Graduate Dissertation – University of Lusaka)

Farah Abdulahw: *An Analysis of the Causes and Consequences of Political Intolerance in Zambia* (A Research Report – University of Lusaka)

Kapesa Robby and Sichone Owen B: *Insights into Electoral Violence in Zambia*

Lindemann Stefan: *Elite Bargains and the Politics of War and Peace in Uganda and Zambia* (PhD Thesis – London School of Economics)

Macola Giacomo, Hinfelaar Marja and Gewald Jan-Bart: *One Zambia, many histories: Towards a history of post-colonial Zambia*

Manengu Benny: *Electoral Violence among the Youth in Zambia: A case study of Lusaka Province* (Post-Graduate Dissertation – University of Lusaka)

Moono Eunice: *Regional and Ethnic Politics: A Historical Study of Party Politics in Zambia, 1948 to 2011* (MA Dissertation – UNZA)

Simbuliani Anderson: *Analysis of the Role of Police in Policing Elections in Zambia* (Post-Graduate Dissertation – University of Lusaka)

Elections Observation and Monitoring reports

- SADC Parliamentary Forum Election Observation Mission to the 2011 Zambia General Elections
- Commonwealth Observation Group – Zambia General Elections and Referendum 2016
- EU Elections Observation Mission – Final Report – Republic of Zambia General Elections and Referendum, 11 August, 2016

Others

- Shared Security and Shared Elections: Best Practices for the prevention of electoral violence, July, 2018 – A study by the American Friends Service Committee (AFSC)
Author: Charles Taylor
- Waki Report on Post-Election Violence in Kenya of 2008
- Newspapers and other publications

APPENDICES

Appendix 1: Terms of Reference

Appendix 2: Schedule

Appendix 3: List of Petitioners

Appendix 4: Representative Petitioner's Guide

Appendix 5: Individual Petitioner's Guide

Appendix 6: List of persons alleged to have perpetrated violence

Appendix 7: List of persons affected by electoral violence

Appendix 8: List of persons whose property was destroyed or damaged

ANNEX 1: EXTRACT FROM DMMU REPORT ON PERSONS DISPLACED

ANNEX 2: VERBATIM TRANSCRIPTS

Appendix 1: Terms of Reference

Supplement to the Republic of Zambia Government

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Gazette dated Friday, 21st October, 2016

GOVERNMENT OF ZAMBIA STATUTORY INSTRUMENT NO. 72 OF
2016

The Inquiries Act
(Laws, Volume 4, Cap. 41)

A Commission

THE COMMISSION in the Schedule hereto, issued by the President, is published in accordance with the provisions of section 2 of the

Inquiries Act.
R. MSISKA (DR),
Secretary to the Cabinet

LUSAKA

21st October, 2016 [co.101/28/38]

SCHEDULE A COMMISSION

THE PRESIDENT, MR EDGAR CHAGWA LUNGU, President of the

Republic of Zambia—

To:

1. Mr. Justice Munalula Lisimba
2. Mrs. Marvis Kasongo Chisanga
3. Fr. Lastone Lupupa
4. Mr. Charles Kafunda
5. Mr. Lee Habasonda
6. Mr. Reuben Lifuka
7. Dr. M.C. Bwalya
8. Mrs. Maureen Siamulele Tresha
9. Prof. Owen Sichone
10. Mr. Redson Nyanga
11. Ms. Flora K. Mooya
12. His. Royal Highness Senior Chief Ntambo
13. Mr Wilfred Chilufya
14. Mr. Nzovwa Mwela Chomba
15. Mr. Mike Mulabe

GREETINGS:

WHEREAS in my opinion it is advisable for the public welfare to appoint Commissioners to inquire into the matters hereinafter set out:

NOW THEREFORE, by virtue and in exercise of the powers conferred upon me by the Inquiries Act, I do, by this Commission under my hand and the public seal of the Republic of Zambia, appoint you the said—

1. Mr. Justice Munalula Lisimba
2. Mrs. Marvis Kasongo Chisanga
3. Fr. Lastone Lupupa
4. Mr. Charles Kafunda
5. Mr. Lee Habasonda
6. Mr. Reuben Lifuka
7. Dr. M.C. Bwalya
8. Mrs. Maureen Siamulele Tresha
9. Prof. Owen Sichone
10. Mr. Redson Nyanga
11. Ms. Flora K. Mooya

12. His. Royal Highness Senior Chief Ntambo
13. Mr Wilfred Chilufya
14. Mr. Nzovwa Mwela Chomba
15. Mr. Mike Mulabe

to be Commissioners with all the powers of the said Act conferred and I do hereby authorise and require you in the manner of the said Act provided—

1. to inquire into—

Exercise of the Right to Vote

- (a) the voting patterns in the general elections conducted from 2006 to 2016 and in particular—
 - (i) the root causes of the voting patterns;
 - (ii) the extent to which pre-election political violence influenced the voting patterns in 2016;
- (b) whether any political party, traditional leadership or any other organisation played a role in influencing the voting pattern in any area;
- (c) the social, economic and political consequences of the 2016 voting patterns;
- (d) the role of the media, including social media, in shaping voters' views and subsequent voting patterns; and
- (e) incidences and causes of voter apathy in some parts of the country;

Pre- and Post-Electoral Violence

- (a) the violence that took place in parts of the Republic before and after the 11th August, 2016, general elections in which some people lost their lives, were injured and displaced, and in particular—
 - (i) the cause or causes of the violence;
 - (ii) the person, persons, organisations or institutions that instigated or was or were responsible for the violence;
 - (iii) whether any damage was caused to any private property or public facility or infrastructure;
 - (iv) the number of persons, who were directly affected, injured, displaced or died by the pre and post-election violence;
 - (b) the conduct of the state agencies during the violence;
 - (c) whether any persons were arrested or detained for causing the violence or damage to property in the pre and post-election period; and
 - (d) the current relationship between the perpetrators of the violence and the members of the public in these areas, and whether the relationship is conducive to the promotion of democratic governance and public safety; and
2. to recommend—
 - (a) measures to be taken to ensure that voting outcomes are reflective of the people's free will in any election;
 - (b) measures to prevent the occurrence of violence in future before, during and after elections;
 - (c) the appropriate action to be taken on—

- (i) the perpetrators of the violence;
 - (ii) the persons who actually committed the acts of violence;
 - (iii) the organisations involved in the violence; and
- (d) the form of relief for persons who were injured and suffered loss of life or damage to property; and
- (e) measures to promote reconciliation, democratic governance and public safety;

In performing its functions, the Commission shall take and hear evidence from people from all the Provinces, engage the services of relevant experts to aid and assist it in the inquiry.

AND I hereby appoint Justice Munalula Lisimba to be the Chairperson and Mrs. Marvis Kasongo Chisanga to be the Vice-Chairperson, of the said Commission.

AND I hereby direct that you shall take or subscribe the oath or affirmation required by the act before the chief justice.

AND I hereby direct that the Chairperson or the Vice-Chairperson sitting with not less than three Commissioners shall constitute a quorum.

AND I hereby direct that the said Inquiry shall be held in public in Lusaka and in such other places in Zambia as the Commission may consider necessary.

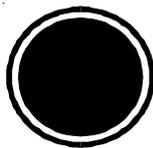
AND I hereby direct that the report of the Inquiry be rendered to me not later than one hundred and twenty days from the date of appointment of the commission.

AND I hereby appoint Mr. Nzovwa Mwela Chomba to be Secretary and Mr. Mike Mulabe Deputy Secretary for the purposes of the said Inquiry.

AND I hereby authorise the Commissioners to engage the services of such advisers and experts as they may consider necessary to assist them in the said Inquiry.

AND I lastly do hereby command all persons whom it may concern to take due notice hereof and give their obedience accordingly.

GIVEN under my hand and the Public Seal of the Republic of Zambia at Lusaka this 21st day of October, the year of our Lord Two Thousand and Sixteen.



EDGAR C. LUNGU,

President

LUSAKA

21st October, 2016 [CO.101/28/38]

opies of this Statutory Instrument can be obtained from the Government Printer,

P.O. Box 30136, 10101, Lusaka, Price K8.00 each

Appendix 2: Work schedule

#	Activity	Time-frame	Duration (in days)
01	Pilot public sittings in Lusaka province	Nakatindi 19 – 21 Dec 2016	6
		Chongwe 17 – 19 Jan 2017	
02	Public sittings in North-Western province	11- 23 Feb, 2017	13
03	Public sittings in Copperbelt province	27 May – 8 June, 2017	13
04	Public sittings in Luapula province	14 – 24 Sept, 2017	11
05	Public sittings in Northern province	24 – 29 Sept, 2017	6
06	Public sittings in Muchinga province	7 – 15 Oct, 2017	8
07	Public sittings in Eastern province	15 – 22 Oct, 2017	7
08	Public sittings in Western province	24 Jan – 3 Feb, 2018	7
09	Public sittings in Southern province	4 – 14 Feb, 2018	11
10	Public sittings in Central province	11 – 17 Nov, 2018	7
11	Public sittings in Lusaka province	18 – 23 Nov, 2018	6
12	Report writing retreat in Kafue	11 Nov – 23 Dec, 2018	42
13	Report validation at Commission secretariat	26 Dec – 23 Jan, 2019	27
14	Printing of Report	23 – 25 Jan, 2019	3
	Less 12 days which were concurrent for public sittings and report writing		(12)
		Total	149

Appendix 3: List of Petitioners**1. NORTHWESTERN PROVINCE**

NO.	NAME OF PETITIONER	AGE	SEX
1.	Lawrence Ng'ongo	70	M
2.	Allan Mufwata	43	M
3.	Musumali Shihinyeka	72	M
4.	Evans Lawrence Kalenga	63	M
5.	Col. Granson Wishkot Katambi	65	M
6.	Jonas Mvunda	30	M
7.	Ezekiel Mulonga	61	M
8.	Felix Tungu	58	M
9.	Ebenate Muzeya	71	M
10.	Kameya Rodgers Manjomba	42	M
11.	Clement Kangwa	43	M
12.	Magret Diamond	53	F
13.	John Mbumai	78	M
14.	Alick Chishiba	38	M
15.	Justine Bwalya	40	M
16.	John Kalusa	63	M
17.	Obbey Chipango	39	M
18.	Alfred Sambeya	35	M
19.	Dexter Phiri	51	M
20.	Mendai Kalenga	62	M
21.	George Chamonaya	65	M
22.	Mbangu C Chinyama	67	F

23.	Joyce Nkonde	57	F
24.	Jones Mwikisa	69	M
25.	John Kakoma	43	M
26.	James Lotala	35	M
27.	Nelson Matoka	33	M
28.	Nswana Joseph	49	M
29.	Cephas Kikwaba	80	M
30.	Musakanya Jaah	65	M
31.	Adam Sapezo	52	M
32.	Lawrence Kianyika	61	M
33.	Isaac Mungwala	48	M
34.	Siatugula Peter	46	M
35.	Wilson Kiyanyika	62	M
36.	Joas Kilfwa	62	M
37.	Wanga Lisamba	84	M
38.	Reuben Malisoko	78	M
39.	Robert C. Mwelumuka	29	M
40.	Chinyama Zuze	38	M
41.	Francis Chiyengi	38	M
42.	Mukanzo Obed	36	M
43.	Kapondola Elizabeth	52	M
44.	Suzanna Manda Likumbi	35	F
45.	Alika Papiya Muyamba	67	M
46.	Chimwanga Timothy	36	M
47.	Julius Musesa	75	M

48.	James Mangangu	33	M
49.	Frank Ilenda	32	M
50.	Zacharia Katumba	70	M
51.	Enock Sabatu	75	M
52.	Justine Masumba	27	M
53.	Emmanuel Mupachi	27	M
54.	Arnold Katenga	40	M
55.	Beston Mapulanga	66	M
56.	Roger Lukwesa	41	M
57.	Happy Bukenge	23	M
58.	Given Kahuna	33	M
59.	Vincent Chisombu Kuwema	53	M
60.	Dominic Kanema	38	M
61.	Bosswell Kanema	60	M
62.	Saidy Mulaima	26	M
63.	Ruth Kaputula	47	F
64.	Lesford Kangaya	57	M
65.	David Ntanga	56	M
66.	Anthony Kahangu	40	M
67.	William Mukangala	46	M
68.	Webster Samakesa	55	M
69.	Daniel Kapindula	49	M
70.	Tiyofelo K. Chipaya	61	M
71.	Daniel Kugila Sandonu	55	M
72.	Arady Kapepe	42	M

73.	Goodson Chipilinga	44	M
74.	Reuben Nalumino	60	M
75.	Clement Chinyama	32	M
76.	Brenda Muzeya	28	F
77.	Julius Kavula	48	M
78.	Josphine Lipapo	56	F
79.	Denis Chikunga	36	M
80.	Anthony Ngolofwana	56	M
81.	Kaona Jacob	46	M
82.	Peter Kalumbi	37	M
83.	Osward Kabuba	23	M
84.	Janny Mikosa	54	F
85.	Kena Muzeya	60	M
86.	John Mukama Katemesha	74	M
87.	Arthur Ngumbwe	34	M
88.	Davies Mbalao	47	M
89.	Dorcas Mambanabantu Sipalo	53	F
90.	James Shamatutu	47	M
91.	Chrispine Samuzhina	44	M
92.	Mr. Rhine Kalonga	50	M
93.	Violet Sameta Matonge	59	F
94.	Devan Kafupi	55	M
95.	Simon Jere	48	M
96.	Kujila Elvis	34	M
97.	Norman Kalima Katombela	44	M

98.	Patson Jepumpu	39	M
99.	Kajhilo Abina Kanshamba	79	M
100.	Andrew Vincent Kyamasenga	41	M
101.	Blackson Ndandanda	69	M
102.	Bernard Solochi	66	M
103.	Chiwala Katamuna	82	M
104.	Michael Sabiye	56	M
105.	Rogers David Sakhuhuka	82	M
106.	Benard Kafula	84	M
107.	Willis K. Zau	64	M
108.	Mr. Jonas Kantumoya	77	M
109.	Brendon Kenneth Kamwana	44	M
110.	Chimbani Muchindu	32	M
111.	Joseph Kufuna	44	M
112.	Kasweka Christopher	39	M
113.	Ian Chisapire	47	M
114.	Chinyemba Martin Malasa	45	M
115.	Isaac Kangombi	53	M
116.	Wilson Fwalanga	87	M
117.	Reverend Penson Mahafu	63	M
118.	Moses Sangondola	44	M
119.	Sylia Malasa	54	F
120.	William Chisekela	48	M
121.	Kanyumbilo Katikibilo	57	M
122.	Bernard Solochi	66	M

123.	Rogers David Sakhuhuka	82	M
124.	Benard Kafula	84	M
TOTAL		124	

2. COPPERBELT PROVINCE

NO.	NAMES OF PETITIONER	AGE	SEX
1.	Mr. Leonard Kunda	57	M
2.	Grace Chifuke	52	F
3.	Geoffrey Samusunga	58	M
4.	Nkhomene Jacob	41	M
5.	George Palo	52	M
6.	Benedict Mukuka	77	F
7.	Jimmy Kasabwa	42	M
8.	David Zimba	43	M
9.	William Sitali	40	M
10.	Patrick Chimya	77	M
11.	Lazarous Changa	38	M
12.	Emmanuel Chibilo Kunda	47	M
13.	Isaac Kanyanta Chileshe	73	M
14.	Pythias Chileshe	30	M
15.	Joseph Phiri	52	M
16.	John Chibale	57	M
17.	Mpakashala Mubita	47	M
18.	Jones Mavuto Kalyati	39	M
19.	Ephert Hamakula	57	M
20.	Agness Chilunda	44	F
21.	Barbara Inonge Mushabati	45	F
22.	Beauty Kapesa	54	F
23.	Agri Musonda	42	M

24.	Lazarus Mwila	26	M
25.	Thomas Zulu	46	M
26.	Innocent Chali Kasegele	35	M
27.	Newton Nyeleti	51	M
28.	Lolaa Kamwini	57	M
29.	Felix Sinyenga	58	M
30.	Regina Njovu	50	F
31.	Boyd Mwelwa	61	M
32.	Veronica Lweele	56	F
33.	Julius Kalobo	54	M
34.	Benson Sandoshi	60	M
35.	Lwipa Lubele	62	M
36.	Justine Mwalikwa	45	M
37.	Davis Sumaili	40	M
38.	Gray Masaba	62	M
39.	Staphano Chituli	64	M
40.	Luckson Kabwe	46	M
41.	Alick Munsai	42	M
42.	Masala Sosala	49	M
43.	Fairchild Kabunso Fundanga	33	M
44.	Abson Matolo	72	M
45.	Eliab Nalolo	45	M
46.	Samuel Kabwe	53	M
47.	Alice Chanda	54	F
48.	Doreen Matopa	40	F

49.	Mr. Mumba	44	M
50.	Cloudy Chisanshi	30	M
51.	Sawalonga Grehiam	31	M
52.	Dominic Kalubini	61	M
53.	Goliath Chimankata	53	M
54.	Chanda Musonda	53	M
55.	Rose Chulu	57	F
56.	Mwansa Marjorie Mbofwano	49	F
57.	Loveness Mumba	47	F
58.	Christina Yotam	65	F
59.	Abel Kabwe	46	M
60.	Ernest Mulenga	69	M
61.	Mwape Aloys	68	M
62.	Edward Musa	53	M
63.	Mwanza Singwe	51	M
64.	Aaron Kapinga	73	M
65.	Harold B. Mbaulu	40	M
66.	Wilson Mukupa	65	M
67.	Jason Chibwe	31	M
68.	Chibuye Harold	53	M
69.	Moses Siwila	29	M
70.	Roy Chulumanda	60	M
71.	Obert Bwalya	32	M
72.	Elizabeth Mulenga Chibesa	54	F
73.	Kennedy Kalunga	52	M

74.	Wynter Mwape	40	M
75.	Bwembya Dennis	49	M
76.	Eustokyo Mukuula	45	M
77.	Rosemary Mwanza	65	F
78.	Aggie Mwamba	55	F
79.	Malichanga Voster	53	M
80.	Boniface Chisanga	66	M
81.	Patrick Bwalya Malupande	57	M
82.	Fredrick Bwalya	68	M
83.	Joseph Ully Mwabana	49	M
84.	Lazo Phiri	49	M
85.	George Mukisi	39	M
86.	Patrick Mutale	56	M
87.	Abraham B. Banda	62	M
88.	Innocent Muyamba	25	M
89.	Anose Chewe	63	M
90.	Vincent Beyemba	63	M
91.	Harmony Mutale Masala	44	M
92.	Kalemba Jack	45	M
93.	Beatrice Namwale Tanzana	39	F
94.	Kennedy Simpemba	49	M
95.	Costa Mwisa	46	M
96.	Mwango Severino	65	M
97.	Weekson Sikwewa	47	M
98.	Peter Musongo	53	M

99.	Augustine Kabwela	55	M
100.	Emanuel Chisopa Kasuba	43	M
101.	David Nyoka	57	M
102.	Able Mwitati	79	M
103	Lemmy Milambo	77	M
104	Andrew Banda	43	M
105.	Gabriel Namulambe	50	M
106.	Edwin chipelelo	45	M
107.	Keith Maila	38	M
108.	Kalumba Judith	39	F
109.	Kingsley Chiyumbe	53	M
110.	George Mabangi Nsali	52	M
111.	Gregory Ngowani	36	M
112.	Chipita Benson	47	M
113.	Malando Shuluman	25	M
114.	Juda Mulemesha	80	F
115	Eston Malisopo	47	M
116.	Besa Dampe	35	M
117.	Mumba Vinwell	55	M
TOTAL		117	

3. LUAPULA PROVINCE

NO	NAME OF PETITIONER	AGE	SEX
1	Katembula Michael	74	M
2	Kennedy Bwalya	33	M
3	Lengwe Harrison	47	M
4	Kasongo Ruben Makoba	50	M
5	Mulenga Chanda	47	M
6	Chibula Peter	38	M
7	Mwakwa Joseph	31	M
8	Nsenga Bright	35	M
9	Joyce Kaimba	34	F
10	Lelly Mwila	65	F
11	Mwenya Fred	56	M
12	Chipson Kalaba	80	M
13	Bernard Puta	45	M
14	Fanwell Kalobwe	52	M
15	Noble Mwila	83	M
16	John Manbwe	54	M
17	Febby Kaniki	52	F
18	Mulenga Davies	45	M
19	Musenge Kenneth Chibwe	30	M
20	Simon Mungu	34	M
21	Kombe John	51	M
22	Chomba Sidney	37	M

23	Kapota James	42	M
24	Kayula Ruben	43	M
25	Musaka John	48	M
26	Dickson Chinfwembe	86	M
27	Stanely Mwemena (Headman)	93	M
28	Oswell Chibale	86	M
29	Dimus Mukangwa (Headman Mwenda)	68	M
30	Mwelwa Benard	40	M
31	Shimwela Chibwe	34	M
32	James Chiba	73	M
33	Asford Bwalya	50	M
34	Mushita Japhet	34	M
35	Chalwe Mambwe	31	M
36	Mumba Chileya Mathews	49	M
37	Newton Kapambwe	75	M
38	Suzan Mupangwe	50	F
39	Mary Kabwela	60	F
40	Beatrice Bwalya	54	F
41	Mambwe Patrick	40	M
42	Davy Chiluya	50	F
43	Chikota Juliet	27	F
44	Annie Mwila	27	F
45	Francis Mwape	28	M
46	Chomba Mubanga	24	M
47	Bwalya Chama	45	M

48	Nkandu Kelly	38	M
49	Sugar Mwelwa	38	M
50	Mundia Nalumino	30	M
51	Jim Mulenga	61	M
52	Edmund Mulenga	70	M
53	Alfred Kalumba	56	M
54	Edwin Besa Chimbaka	64	M
55	Obino Chipanta	72	M
56	David Kangwa Chiti	46	M
57	Chitelelwe Royd	44	M
58	John Mvula Kamwendo	34	M
59	Cyprian Mulonda	84	M
60	Philip Mumpangwe	79	M
61	Petronnela Kasongo	51	F
62	Chisala Methews	44	M
63	Musalaba Rodgers	41	M
64	Noah Mwape	35	M
65	Zimba Oswad	59	M
66	Chanda Chabu	30	M
67	Bwalya Alfred	59	M
68	Mwela Kapela	56	M
69	Cecilia Chikonde	61	F
70	Mwansa Dickson	49	M
71	Kashoka Linos	44	M
72	Kabebe Obed	47	M

73	Abedinigo Lumbwa	59	M
74	Kalonde Joseph	41	M
75	Chabu Henry	62	M
76	John Mwenda Mwansa	50	M
77	Machushi Tesho	40	M
78	Mwewa Methews	52	M
TOTAL		78	
GRAND TOTAL OF PETITIONERS WHO SUBMITTED		1,019	

4. NORTHERN PROVINCE

NO	NAME OF PETITIONER	AGE	SEX
1	Newton Mwape	71	M
2	John Mulenga	67	M
3	Sunday Chenda Bushiku	57	M
4	Gabriel Kaliminwa Mwamba	47	M
5	Mwamba Kachito Mwamba	36	M
6	Dickson Mwelwa	39	M
7	Ruth Mutale	70	F
8	Helen Chulu	68	F
9	Ackson Phiri	56	M
10	William Kampumbu	65	M
11	Elizabeth Mpandashulu Ngoma	52	F
12	Nathan Ilunga	62	M
13	Evaristo Bwalya	62	M
14	Chileshe Amos Muselema	39	M
15	Justin Mumbi	46	M
16	Matrin Kabwe	46	M
17	Patrick Mulenga	25	M
18	Stanslous Chisanga	62	M
19	Andrew Basopo Chapitambili Njobvu	67	M
20	Oliver Sichangwa	26	M
21	Dawson Simfukwe	31	M
22	Yobe Sakala	30	M

23	Samuel Sichone	31	M
24	Chanda Annie	48	F
25	Nicholas Sinkala Musonda	49	M
26	Sydney Kaitule	70	M
27	Maybin Chishala Chibalange	59	M
28	Ronald Mwamba Mupuku	68	M
29	Frezer Ezekiel Muwowo	57	M
30	Sinai Gasmat Muziya	48	M
31	Thomas Kaunda	40	M
32	Joseph Chileshe Chikombo	71	M
33	Obbie Siame	59	M
34	Damson Chizu Silungwe	77	M
35	Nonde Boyd Chali	40	M
36	Penza Sichula	66	M
37	Jasper K Luchembe	68	M
38	Urban Mwansa	42	M
39	Chalwe Simfukwe	29	M
40	Edward Chele	57	M
41	James Ng'andu	40	M
42	Grasford Sikazwe	65	M
43	Fred Kambole	42	M
44	Ian Chonya	40	M
45	Theresa Ng'andu	47	F
46	Mwenya Mulobelwa	56	M
47	Philip Kambole Mwambazi	52	M

48	Anne Chisando	36	F
49	Michael Sikazwe	49	M
50	Kalen Silwamba	40	M
51	Richard Cheusi	53	M
52	Fredrick Chola Mazimba	44	M
53	Bertha Nyimba	54	F
54	Thomas Sichinsambwe	38	M
55	Patrick Kunda	62	M
56	Chishimba Nkonga	25	M
57	Rogers Mutanda	43	M
58	Reverend Alfred Mwanakatwe	47	M
59	George Lombe Mutale	57	M
60	Emmanual Kabwe Kosokopyo	78	M
61	Joseph Bwalya Mwansa	50	M
62	Alick Chama Chela	30	M
63	Patrick Chanda	47	M
64	Gabriel Mwamba Kambone	81	M
65	Chitelelwe Musonda	57	M
66	Kasuba Nkunko Michael	66	M
67	Musanshiko Justine Mulonga	56	M
68	Noria Phiri Mutale	60	F
69	Chikoyi Richard	49	M
70	Bwalya Nasis	50	M
71	Kabuswe Seketti	56	M
72	Edmond Bwalya	73	M

73	Mark Musonda	74	M
74	Edmund Mutale	75	M
75	Ng'andwe Lewins Chama	60	M
76	Victor Makasa	58	M
77	Justin Mulenga	32	M
78	Wellington Chilufya	38	M
79	Charles Ng'ambi	48	M
80	John Muya Zacharias Mpande	53	M
81	Benny Mfula	45	M
82	John Njobre	69	M
83	Theodore Mwaba Mhema	60	M
84	Daniel Mutale	37	M
85	Chanda Kasonde	33	M
86	Abraham Mulenga		M
87	Robbie C. Chomba	70	M
88	Noah Muyuni	52	M
89	Luonde Eliko Bernard	75	M
90	Kasonde Eugene	32	M
TOTAL		90	

5. MUCHINGA PROVINCE

NO.	NAMES OF PETITIONER	AGE	SEX
1.	Clement Chishimba	38	M
2.	Kabaso Field Patrick	36	M
3.	Simon Mwalula	85	M
4.	Stanley Mbale	60	M
5.	Colonel Alfred Sooka	66	M
6.	Oscar Kumwenda	58	M
7.	Colonel Fredrick Mwaba	70	M
8.	Richard Lungu	49	M
9.	Gilbert Shepard Chisanga	85	M
10.	Simon Mfula	57	M
11.	Kasoma John Rex	41	M
12.	Michael Mateyo Manda	60	M
13.	Silomba Kaela	40	M
14.	Obrino Paul Mulenga	50	M
15.	Howard B Maswa	67	M
16.	Clement Bobo Chola	66	M
17.	Patrick Phiri	71	M
18.	Shadrick Chisanga Chimfwembe	37	M
19.	Kasimu John	65	M
20.	Collins Mbeleshi	47	M
21.	Janken Mwamba	84	M
22.	Wilson Musenga	77	M
23.	Mutale Chewes Chumika	75	M

24.	Betty Chileshe	45	F
25.	Lewis Nkashi	67	M
26.	Kampambwe Chitembo	43	M
27.	Chinsomo Gift	31	M
28.	Ireen Musonda	38	F
29.	Bobo Chola	66	M
30.	Lovewell Nsofwa	47	M
31.	Mulenga Charles	32	M
32.	Mulenga Thresa	58	F
33.	Joseph Rodwell Chali	52	M
34.	Kampamba Bernard	48	M
35.	Eric Mubanga Sabi	60	M
36.	Patrick Chisanga Muchele	30	M
37.	Regina Mubanga Ng'andu	54	F
38.	father Sefelino Chibesa	37	M
39.	Samuel Simwanza	32	M
40.	Gerald Silwamba	68	M
41.	Pascal Sikanyika	82	M
42.	Mwamba Phinelio		M
43.	Muma Alex	66	M
44.	Eric M. Mbesuma	42	M
45.	Nelson Mpundu	75	M
46.	Mano Mavis		F
47.	Samuel Thaba	40	M
48.	Richard M. Chanda	55	M

49.	Katongo Derrick	52	M
50.	Choyoch Mwale Jackson	65	M
51.	Chisanga Francis		M
52.	Sampa Agness Ngandu	65	F
53.	Herrings Sabi Mubanga	60	M
54.	Kangwa Mbulakwa	60	M
55.	Grieve Samwaha	37	M
56.	Abel Mutale	61	M
57.	Daniel Chilongo	72	M
58.	Weston Sichilongo	73	M
59.	Sikalumbi Gabby	49	M
60.	Mirriam Chifita	43	F
61.	Sichone Christopher	48	M
62.	Gerald Silwamba	68	M
63.	Samuel Simwanza	32	M
64.	Gift Nyirenda	38	M
65.	Chilamo Kizito	49	M
66.	Mastica Godwin	47	M
67.	Muma Alex	49	M
68.	Pascal Sinyika	82	M
69.	Evelyn Kangwa	52	F
70.	Martin Mulenga	49	M
71.	Sunday Moses Chanda	59	M
72.	Bwembya Maureen	43	F
73.	Chabatama Felix	51	M

74.	Kangwa Chitongo	42	M
75	Sampa Simon	43	M
76.	Chiwala Jackson Mumbi		M
77.	Andison Kachendela	44	M
78.	Martha Mkandariwe	43	F
79.	Mr. Nkowani	59	M
80.	Genius Ngulube	48	M
81.	Mr. Nyirenda	46	M
82.	Trywell Kumwenda	39	M
83.	Sam Forward	72	M
84.	Keliva Ngoma	39	M
85.	Lisimba Mubita	60	M
86.	Jessy Lungu		M
87.	January Banda	38	M
88.	Dickson Nyirenda		M
89.	Deliva Ngoma	56	M
90.	Fredrick Nyirenda	48	M
91.	Redison Kumwenda	35	M
TOTAL			91

6. EASTERN PROVINCE

NO	NAME OF PETITIONER	AGE	SEX
1	Daudi Laskson Mbeba	61	M
2	Sideways Banda	77	M
3	Stedman Banda	38	M
4	Bishop Kezias Lungu	45	M
5	Chifumu Chipeta	68	M
6	Mansela Museteka	47	M
7	Lastone Kafufu Moyo	63	M
8	Mwansa		M
9	Kaninge Robert	48	M
10	Nyirenda James	40	M
11	Stanely Phiri	65	M
12	Soliano		M
13	Shadreck Mwanza	43	M
14	Zacheas Daka	39	M
15	Esau Jeremiah James Kawaye	55	M
16	Potfar S. Mbewe		M
17	Christopher Mvula	59	M
18	Lyment Javers Mwanza	75	M
19	Clemens Kalikokha Sitima	82	M
20	Daniel Zimba	29	M
21	Bix Chazingwa Mwale	70	M
22	Gabriel Alickangelo Banda	45	M
23	Beaven Mwinga	33	M

24	Elvis Nako Mwandila	67	M
25	Charles Ngala	44	M
26	Anderson Pollen Mwale	69	M
27	Anderson Agrippa Zulu	73	M
28	Paul Zulu	69	M
29	Joseph Kolosa	49	M
30	Paul Benjamin Thole	65	M
31	Shuumba Kennedy	43	M
32	Kataleni Tembo	40	F
33	Danton Dickson Ndlovu	37	M
34	Maxson Nkhoma	32	M
35	Victor Mbuzi	49	M
36	Mr. Phiri		M
37	Charles Savus Phiri	59	M
38	Thomas Mwale	49	M
39	Dickson Kwenda	25	M
40	Mr. Mwale		M
41	Kwenda Limon	20	M
42	Jason Phiri	52	M
43	Banda Nesdaory	24	M
44	Mr. Mtonga Jimmie Macson	51	M
45	Alexander Miti	68	M
46	Fr. John Nyirenda	34	M
47	Gliceria Tembo	59	F
48	Mr. Phiri		M

49	Makale Jeremiah Mawere	61	M
50	Mr. Sakala		M
51	Tondondo Reuben Chitule	85	M
52	Mr. Mwale		M
53	Abraham Pumpkin Yalukanda	60	M
54	Mr. Hosiah Zimba	39	M
55	Blackson Gondwe	32	M
56	Monica Phiri	31	F
57	Zafania Mbewe	37	M
58	Pumulo Nyambe	36	M
59	Leafness Bandile	56	F
60	Thomas Chingoka	29	M
61	Mr. Zulu		M
62	Antonio Mwanza	85	M
63	Mr Mawere		M
64	Reverend Daniel Joseph Shamvu	34	M
65	Charles Daniel Mwale	66	M
66	Joanis Siwakwi	26	M
67	Michael Phiri	43	M
68	James Banda	54	M
69	Martha Loveness Milanzi	56	F
70	Same Mvula	66	M
71	Best Mwanza	50	M
72	Harry Phiri	50	M
73	Fanwell Mwale	57	M

74	Simon Zulu Simon	25	M
75	Emilius Banda	38	M
76	Boston Phiri	63	M
77	His Royal Chief Sandwe		M
78	His Royal Highness Chief Chiyengele	76	M
79	His Royal Highness Chief Mumbi		M
80	Royal Highness Chieftainess Mwanjabantu		F
81	Lingililani Banda	29	M
82	Mervias Simon Daka	49	M
83	Samuel Sakala	21	M
84	Jones Mwale	63	M
85	Sanford Mwanza	69	M
86	Watson Lungu	41	M
87	Mutolo Phiri	33	F
88	Lasiwe Banda	45	F
89	Simon Longwe	53	M
90	Banda Honesta	35	M
91	Brian Mwale	29	M
92	Ireen Phiri	55	F
93	Laurencia Malichi	67	F
94	Banda Elizabeth Mugala	47	F
95	Mr. Daka		M
96	Musosha Joseph	35	M
97	Mr. Malama		M
98	Mr. Banda		M

99	Abednego Kunda	34	M
100	Foster Banda	68	F
101	Matthews Phiri		M
102	Herbert Phiri	54	M
TOTAL			102

7. WESTERN PROVINCE

NO	NAME OF PETITIONER	AGE	SEX
1	Davy Sibeso Yowela	80	M
2	Edward Mwaula Shamanga	84	M
3	Chibebe M Mutango	65	M
4	Sansele Mukumbuta Mbelele	35	M
5	Mboo Mutinta Bernadette Mwansa	59	M
6	Mobby Kapemba	64	M
7	Jackson Beyemba	52	M
8	David Kachimwa	60	M
9	David Chitenge Chengu.	51	M
10	Patrick Chimyama	56	M
11	Moses Chijika Kanjenje	66	M
12	Katoti Mukisi	60	M
13	Shiwa Simasiku	45	M
14	Christine Mwitila Shumina	57	F
15	Mathews Mwanza	44	M
16	Linefunga Richard Akawana	48	M
17	Mwenzala Charles	53	M
18	Moses Muti Malufumba	87	M
19	Peter Musenge	42	M
20	Mutaka Ninge	55	M
21	His Royal Highness Senior Chief Chiyengele Joshua		M
22	Imasiku Nalumino	82	M

23	Munukayumbwa Munyinda	24	M
24	Mubita Sibale	34	M
25	Mukelebai Mubita Felix	54	M
26	Allan Mataka	66	M
27	Samuel Wamui	77	M
28	Petronella Likando	57	F
29	Lungowe Munalula	54	F
30	Sitali Silembe	28	M
31	Iwake Mwauluka	48	M
32	Muyunda Mutanekelwa	34	M
33	Alfred Sepiso	42	M
34	Mwiya Musyaela	34	M
35	Kabule Rapheal	66	M
36	Sachalwa Sachalwa	27	M
37	Mwangela Akapelwa	66	M
38	Mulyamba Nkumba	21	M
39	Liwena Kabalu	32	M
40	Steven Nawa Matongo	79	M
41	Philip Ndopu Lubasi	72	M
42	Regina Mutumwa	76	F
43	Collins Mbulayi	27	M
44	Mubiana Mubiana	43	M
45	Mukumbuta Flekisa	22	M
46	Regan Mutukwa	38	M
47	Abel Nawa Luyanga	61	M

48	Franko Katalo Chakama	38	M
49	Eugene Kapatiso	38	M
50	Kaluweyeta Prince	37	M
51	Sinonge Lutungo	51	M
52	Akakekelewa Nakwangwa	37	M
53	Flavia Mumbela	26	F
54	Mumbuna Nyamba	62	M
55	Linjefu Mwiinga Agola	24	M
56	Muti Mubanga	38	M
57	Etambuyu Mundia	60	F
58	Peter Mwakamuyi	35	M
59	Litiya Mutemwa	69	M
60	Mwakunuma Charles	62	M
61	Kamwila Walenga	30	M
62	Renny Kamuwanga Nyambe	68	M
63	Muhanba Muhau	39	M
64	Munsangu Njamba	47	M
65	Wambinji Muketisi	59	M
66	Sianga A. Michael		M
67	Mutakatala Likando	21	M
68	Kafulo Mulife		M
69	Billy Mubiana		M
70	Daniel Kamalata	66	M
71	Mupo Sifuniso	60	M
72	Mwangala Lubasi	60	F

73	Francis Mwiyaambo	62	M
74	Mushumba Nalishuwa	60	M
75	Chrispin Wakwinji	72	M
76	Mike Namunji Sitali	65	M
77	Donald Mendai Mukumani	53	M
78	Ernest Musenge	50	M
79	Silumbu Mukokwa	48	M
80	Pumulo Muimui	55	F
81	Makokwa Mwiya	58	M
82	Elizabeth Mendai Siyunda	64	F
83	Moonga Joseph Mubila	60	M
84	Lywali Nyambe Geoffrey	67	M
85	Mungezi Swana	51	M
86	Namaya Nganga	58	M
87	Silimbana Alexis	69	M
88	Masiliso Mubukwanu	44	F
89	Mushimba Namasiku	74	M
90	Alfred Kalyata	71	M
91	Maureen Kashibi Lubinda	58	F
92	Mwahamubi Sitali	62	M
93	Ernest Simona Nyambe	33	M
94	Robert Nawa	64	M
95	Derrick Musangu Mukonda	39	M
96	Ndimba Ndimba	29	M
97	Bitonte Malobwe	40	M

98	Chinyama Kayangula	65	M
99	Matomola Linyama	24	M
100	Major Ndumba	64	M
101	Sitali Kaheko	27	M
102	Melbrone Nyambe	38	M
103	Teddy Lomane	30	M
104	Patrick Katongo Mungomba	71	M
105	Litenge Lifasi	46	M
106	Francis Musole Mungomba	60	M
107	Moses Chikelete Ndumba	76	M
108	Frank Singwala	68	M
109	Mushe Muluti	41	M
110	Imoonga Imoonga	48	M
111	Nalita Waluka	26	M
112	Shuma Simasiku	76	M
113	Nickson Chiyuka	56	M
114	Patricia Mazala Mambeya Mulasikwanda	61	F
115	Ronald Waluka Mubita	63	M
116	Mubita Mate	34	M
117	Zingolo Wakung'uma	68	M
118	Gilbert Nawa	74	M
119	Nambula Nyambe	46	M
120	Moses Yamba	53	M
121	Mwiiya Mwilima	56	M
122	Mushaukwa Mushaukwa	42	M

123	Wakung'uma Wakung'uma	38	M
124	Namasiku Nasilele	76	M
125	Sampande Mwendalubi	81	M
126	Shadreck Litaba	56	M
127	David Nyirenda	38	M
128	Patrick Ngila Kashukwe	52	M
129	Lewis Muchu Kafekisa	58	M
130	Muyangasha Lila	61	M
131	Mweetwa Mwanamuke	40	M
132	Inambao Mwanangombe	35	M
133	Kawana Ndiyoyi	41	M
134	Kapata Chitungu	55	M
135	Daniel Kamalata	34	M
TOTAL		135	

8. SOUTHERN PROVINCE

NO.	NAME	AGE	SEX
1	Pastor Bostone Simumba	45	M
2	Lutangu Fwanyanga	55	M
3	Christine Bweendo Lubinda	43	F
4	Dr. Mulenga		M
5	Hamwende Mundyoli Kayumba	76	M
6	Sobium Siamuula	40	M
7	Mooya Brian Mapolisa	21	M
8	Chibambula Duncan	38	M
9	Halwabala Neto	40	M
10	Mayambuta Imbuwa	78	M
11	Sibeso Sianga	56	M
12	Mr. Muntanga		M
13	Eastern Mulyabila (written submission)		M
14	Cosmas Siamela	42	M
15	Bafana Mooyo	37	
16	Webster Himusa	45	M
17	Charles Musonda	49	M
18	Kenneth Kubaya	47	M
19	John Milimo	39	M
20	Conrad Siachitema Shikwaababa	45	M
21	Shibunje Winnerson	66	M
22	Sikobela Sikobela	52	M
23	Nosiku Nalishebo	39	F

24	Natal Halwabalwa Chiinda	40	M
25	Efford Mapulanga	57	M
26	Nathan Sikobosia	57	M
27	Chiholyonga Kukubula	60	M
28	Mubangasu Choolwe	45	M
29	Kenny Malata	42	M
30	Joseph Mujuda	62	M
31	Jameson Haankuba	63	M
32	Mr. Gambwe		M
33	Sikaleya Kamela	59	M
34	Constantino Hangangu	61	M
35	Yukrid Liswaniso Mukuka	43	M
36	Jonathan Kabanda S.		M
37	Giver Mwiina Kayoba	43	M
38	Charles Siapenda	44	M
39	Mweene Hibuuka	46	M
40	Mr. Shamwene		M
41	Harrison Banda	22	M
42	Luse Jowell Cuka	29	M
43	Fabian Choongo	67	M
44	Vagnies Hakayobe	40	M
45	Simeno Maxwell	47	M
46	Cosmas Chisongo	65	M
47	Fostina Katongo	64	F
48	Mr. Mukuwa		M

49	Ignitius Mukanda	33	M
50	Gift Nzala	35	M
51	Alladi Mukunuka	30	M
52	Henry Muyalu	69	M
53	Kaleba Pompidou	45	M
54	Delay Nabuyanda	66	M
55	Kelvin Mutengwana	37	M
56	Mr. Chisamba		M
57	Gerald Hamaamba	62	M
58	Alfred Mukamunga	85	M
59	Vincent Belin Nakabanga	59	M
60	Mr. Ilunga		M
61	Mike Muviwa Mufaya	73	M
62	Inonge Mumbuwa	48	F
63	Special Mushobwe	27	M
64	Chakununka Mwaba	60	M
65	Alfred Mukamunga	85	M
66	Green Mwale	55	M
67	Diliyad Makwendo	63	M
68	Titus Muchona	62	M
69	Kelson Chanda	42	M
70	John Habasimbi	42	M
71	Moses Mulenga Mwango	42	M
72	Francis Mutale Joseph	39	M
73	Obert Shamayuwa	43	M

74	Andrew Muzundu, Chief Chikanta		M
75	Mr. Madubulani		M
76	Justin Sampa	56	M
77	Austin Shabeenzu	49	M
78	Frank Mukangale Simazuwo Bwembya	40	M
79	Dezzy Sikwale	29	F
80	Patrick Michelo	30	M
81	His Royal Highness Chief Chipeco (Edwin Nzungunya Syananzu)		M
82	Samson Muzoka	70	M
83	Festus Musaka	40	M
84	Siyasunka Dominic	64	M
85	Hamweene Namainko Costern	59	M
86	Timothy Mizinga	79	M
87	Donald Chimbali	57	M
88	Chrispine Kalobwe	76	M
89	Godfrey H. Mukuwa	61	M
90	Sylvester Habwengo	62	M
91	David C. Mwansa		M
92	Alfred Mwiinga	38	M
93	Mr. Sampa		M
94	Donald Hakalinda	53	M
95	Mr. Gumbo		M
96	Delteteous Kabanshi	33	M
97	Mukoka Philip	76	M
98	Mintengwe Dickson	30	M

99	Nicholas Kabwe	46	M
100	Fuckson Simuwawa	38	M
101	Brilliance Hamujemba	54	M
102	Hazela Florence	45	F
103	Mweemba Sunford	40	M
104	Aaron Malumbe	54	M
105	Joseph Hamambo	58	M
106	Clever Siboonde	39	M
107	Situmbeko Mukamba	39	M
108	Hibwengwa Daniel Hamaleka, Chief Hamusonde		M
109	Catherine Hatimbula	33	F
110	Chrispine Mataka Belechi	69	M
111	Samuel Sakala	45	M
112	Lwimba Obbey	49	M
113	Mukosiku Jerry	42	M
114	Jona Sialumano	43	M
115	Jonathan Kabanda S.		M
116	Dadly Mugubo Mandanda	58	M
117	Steven Hadaya	51	M
118	Emmerson Kamusotoka	64	M
119	Stanley Miyanda	60	M
120	Albert Mangala		M
121	Mwiinga Grey	58	M
122	Teddy Munkombwe		M
123	Timothy Tatila	67	M

124	Powell Mutengula	42	M
125	Don Siabasimbi	27	M
126	Luka Mobela	90	M
127	Mr. Lungu		M
128	Lillian Lungu	27	F
129	Boswell Kamusaki	51	M
130	Wesley Ngoma Namanje	49	M
131	Harrison Mpofu	65	M
132	Mfula Joseph	54	M
133	Elizabeth Banda	59	F
134	Kamanonbo Hamus	32	M
135	Mainza Kabwata	53	M
136	Francis Chishala	42	M
137	Austin Munamweemba	38	M
138	Christopher Kapembwa	53	M
139	Titus Mweemba		M
140	Violet Changula	56	F
141	Musolini Bbumba	76	M
142	Don Siabasimbi	27	M
143	Mwiinga Maxwell	42	M
144	Christopher Perkins Luboyo	44	M
145	Bewton Muluwa Siyamasumo	60	M
TOTAL		145	

9. CENTRAL PROVINCE

NO.	NAME OF PETITIONER	AGE	SEX
1.	Ewen Chansa	72	M
2.	Remmy Kalunga Kabeleka	58	M
3.	Abraham Kalembo	72	M
4.	Nkandu Friday	48	M
5.	Fewdays John Chipandwe	78	M
6.	Mwaka Nkosi Nkandu	42	F
7.	Munsha Patrick	33	M
8.	Mr. Mwiinde		M
9.	Chisala Joseph	38	M
10.	John K. Zulu	59	M
11.	Benson Kapitana	64	M
12.	Obby Kabasa	52	M
13.	Emerson Mudenda Siamilimo Pukuma	59	M
14.	Katebe Jim Webby	62	M
15.	Joseph Lyamba	36	M
16.	Albert Chifita	68	M
17.	Nimo Chiyota	58	M
18.	Smart Kasapo	31	M
19.	Vincent Ngulube	71	M
20.	Enock Machai	72	M
21.	Isaac Kambuji	60	M
22.	George Mufwempa	68	M
23.	Nyimbiri Peter	60	M

24.	Cornelius Mumba	42	M
25.	Mushili Peston	38	M
26.	Fred Kunga	60	M
27.	Mwansa Jolly	57	M
28.	Kaunda David K	47	M
29.	Chief Musungwa		M
30.	Ann Mulamfu	76	F
31.	Justine Siembe Mugoba	35	M
32.	Kasanga Chainda	42	M
33.	Snr. Headman Mukubu Hastings	65	M
34.	Mwila Kalaba	24	M
35.	Mainza Milimo	39	M
36.	Amos Malumbe	49	M
37.	Lucas Chiwela	69	M
38.	Emmanuel Ng'ambi	26	M
39.	Chileshe Mutale	30	M
40.	Biton Manje Hamalenge	62	M
41.	Wilfred Sakala Sapeela	71	M
42.	Martin Mukotulu	60	M
43.	Nelson Chali Muloba	68	M
44.	Paul Kenneth Namasiku	71	M
45.	Namangolwa Mulyokela	70	F
46.	Kennedy Chitatwe	35	M
47.	Geoffrey Mwaanga	53	M
48.	Muzhila Muloba	38	M

49.	Namakau Kaingu Amiina	63	F
TOTAL		49	

10. LUSAKA PROVINCE

NO.	NAME OF PETITIONER	AGE	SEX
1.	Christine Yande Ng'ambi	72	F
2.	Morris Jempa	54	M
3.	Chalie Pride Mazabuka	32	M
4.	Theophilus Musanshiko	64	M
5.	Andsen Banda	61	M
6.	Leonard Makungu	63	M
7.	Geshom Musonda	52	M
8.	William Harrington	66	M
9.	David Mvula	31	M
10.	John Alan Sandwe	79	M
11.	Abel Musonda Mayembe	43	M
12.	Lesley Chikuse	40	M
13.	Lawrence Fomo Mulenga	55	M
14.	Alex Siloya Muloyokela	53	M
15.	Professor Charles Mwape	45	M
16.	Dr. Kathleen Shilalukey	54	F
17.	Wamulume Kalabo	50	M
18.	Martin Mwanza	41	M
19.	Robinson Nkonde	62	M
20.	Mwamutenta Reuben Musakabantu	68	M
21.	Brig Gen. Bright Phiri	60	M
22.	Juston Geoffrey Lungu	78	M
23.	John Phiri	38	M

24.	Patrick Mwalula Mcheleka	50	M
25.	Chitumbo Christopher	41	M
26.	Charles Kafumbo	60	M
27.	Webster Mulile	34	M
28.	Bwalya Nondo Dennis	35	M
29.	Peggy Munkombwe Hlazo	52	F
30.	Lumpa Mubanga	32	M
31.	Major Richard Kachingwe	66	M
32.	Sipho Lazo	30	M
33.	Mutale Chilufya	52	M
34.	Christopher Hamasunka	38	M
35.	Innocent Siamiti	34	M
36.	Charles Kabinga Mumena	56	M
37.	Freda Muyungo	59	M
38.	Lackwell Lukwanda	49	M
39.	Patrick Tembo	27	M
40.	Kelly Nyambe	32	M
41.	Andrew Busakabantu	26	M
42.	Boniface Ngulube	57	M
43.	Grace Nankonde	44	F
44.	Mwanabayeke Boyd	55	M
45.	Marry Nkobama	74	F
46.	Eva Shambwindingi	63	F
47.	Agnes Njovu	54	F
48.	Lukas Phiri	57	M

49.	Robert Manda	56	M
50.	Kennedy Mwanza	46	M
51.	Timothy Milton Michello Simabuloyi	68	M
52.	Justine Kapya Chipoya	64	M
53.	Tina Mwanza	36	F
54.	Penius Tembo	68	M
55.	Vincent Lupiah Mangani	59	M
56.	Christine Njovu	86	F
57.	Humphrey Manga	58	M
58.	Thadeo Phiri	51	M
59.	Bruno Size Phiri	58	M
60.	Desderious Sokosi	37	M
61.	Penzela Mvula	32	M
62.	Justin J. Lungu	81	M
63.	Gift Tembo	26	M
64.	Bathlomeo Kalambalala	37	M
65.	Mike Ngulube	39	M
66.	Maxwell Mulenga Mumba	75	M
67.	Emmanuel Tembo	48	M
68.	Clara Sinkende Michelo	41	F
69.	Friday Ulaya	76	M
70.	George Miyanda	40	M
71.	Andrew K. Mbewe	34	M
72.	Mwanza John A.K	45	M
73.	Lament Nsambilo	45	M

74.	Oscent Simoonga Lukuma	27	M
75.	Thomas Banda	43	M
76.	Kelvin Musongda	39	M
77.	Simon Sikabanze	39	M
78.	Ronah Milambo	42	F
79.	Syampooli E.C	62	M
80.	Hantumbe Mainza	41	M
81.	Lwando Jonathan	36	M
TOTAL		81	

SPECIAL SITTINGS HELD IN KAFUE DISTRICT

NO.	NAME OF PETITIONER
1.	Hon. Davies Chama, MP (in capacity of alleged violence instigator)
2.	Hon. Stephen Kampyongo, MP (in capacity of alleged violence instigator)
3.	Hon. Patrick Mucheleka (in capacity of party representative)
4.	Dr. Vernon Mwaanga (in capacity of eminent person)
5.	Mr. Leslie Mbula (in capacity of eminent person)
6.	Mr. Sikota Wina (in capacity of eminent person)
7.	Mr. Brian Nyoni (in capacity of alleged violence instigator)

Appendix 4: Representative Petitioner's Guide



REPUBLIC OF ZAMBIA

Commission of Inquiry into Voting Patterns and Electoral Violence

Representatives of Political parties and CSOs

Petitioner's Guide

Please **read everything** before you prepare your submission. Where in doubt, ask Secretariat for assistance.

You will be given **fifteen (15) minutes** in which to make your submission. You are advised to structure your submission as follows:

Part A – Root causes of voting patterns.

Under this section you are expected to give **specific** information/evidence of:

1. People who were campaigning on the basis of the tribes of the presidential candidates or the regions where the candidates came from;
2. People who were giving money, goods, services and development/empowerment programmes to voters in order to buy their votes;
3. People who were using government facilities in election campaigns;
4. Police who were cancelling meetings, rallies and other campaign activities for political parties;
5. Political parties that were disrupting campaign activities for rival political parties or independent candidates;
6. The media (radio, television, social media and newspapers) that were disseminating biased information or hate speech;

7. Traditional leaders (chiefs and head persons) that were directing their subjects to vote for named political parties and threatening sanctions for non-compliance;
8. Religious leaders that were directing their followers to vote for named political parties;
9. Civil society organisations that were directing their constituents/members to vote for named political parties;
10. Ineligible people who were registered as voters;
11. Polling stations where results were not supported by duly signed G12 forms;
12. Polling agents who were forcefully removed from election votes counting centres; and,
13. The discrepancies (differences), **if any**, that your party/organisation noted in the election results. Mention the **specific** constituency or polling station that was affected and the specific number of votes that were alleged to have been added or subtracted.

Part B – Electoral violence

Under this section you are expected to give **specific information/evidence** of Incidents of violence that your party/organisation witnessed. In this regard, you are required to tell the Commission the **nature** of the violence; **when** it happened; **what** caused the violence; the identity of the **people** that caused the violence; **when** the violence happened; in which **area** it happened; what **injuries** resulted, including the **property** that was damaged; what the police and other state agencies did during the violence; and what has happened to the people who caused the violence and those who were injured.

Part C – Current situation

Under this section you are expected to give specific **information/evidence** of people who are being victimised at their places of work (or trade); people who have been denied contracts, business opportunities or employment in the public sector on account of their political affiliation; people who are being denied access to empowerment funds or programmes on account of their political affiliation; political parties that are being denied freedom to hold meetings and processions; and people who are being harassed for wearing party regalia.

Part D - General

This is where you may, if necessary, make a general statement on the voting patterns in the general elections from 2006 to 2016; and on the pre and post-election violence that characterised the 2016 general elections. Under this section, you are further required to state, why, in your opinion, people in your constituency, district or Province, voted for a particular candidate or political party that emerged winner in a particular election.

Note:

In the event that you have a long submission, which cannot be made within the allocated time, you are encouraged to **summarise your oral submission** and to **submit a full written submission** to the secretariat of the Commission.

Appendix 5: Individual Petitioner's Guide



REPUBLIC OF ZAMBIA

Commission of Inquiry into Voting Patterns and Electoral Violence

Individual Petitioner's Guide

You will be given **fifteen (15) minutes** in which to make your oral submission

Part A – Root causes of voting patterns.

Under this section you are required to give **specific** information about what you **personally witnessed** about:

1. People who were campaigning on the basis of the tribes of the presidential candidates or the regions where the candidates came from;
2. People who were giving money, goods, services and development/empowerment programmes to voters in order to buy their votes;
3. People who were using government facilities in election campaigns;
4. Police who were cancelling meetings, rallies and other campaign activities for political parties;
5. Political parties that were disrupting campaign activities for rival political parties or independent candidates;
6. The media (radio, television, social media and newspapers) that were disseminating biased information or hate speech;
7. Traditional leaders (chiefs and head persons) that were directing their subjects to vote for named political parties and threatening sanctions for non-compliance;
8. Religious leaders that were directing their followers to vote for named political parties;
9. Civil society organisations that were directing their constituents/members to vote for named political parties;

10. Ineligible people who were registered as voters;
11. Polling stations where results were not supported by duly signed G12 forms;
12. Polling agents who were forcefully removed from election votes counting centres; and,
13. Whether, in your opinion, the results that the Electoral Commission of Zambia (ECZ) declared for your district/constituency reflected how people actually voted. If you think the results were not correct, give specific constituencies/polling stations where you observed differences in the results by stating what was counted at the constituency/polling station and what was announced at the totalling centre.

Part B – Electoral violence

Under this section you are required to give **specific information/evidence** of Incidents of violence that **you** witnessed. In this regard, you are required to tell the Commission the **nature** of the violence; **when** it happened; **what** caused the violence; the identity of the **people** that caused the violence; **when** the violence happened; in which **area** it happened; what **injuries** resulted, including the **property** that was damaged; what the police and other state agencies did during the violence; and what has happened to the people who caused the violence and those who were injured.

Section C – Current situation

Under this section you are expected to give specific **information/evidence** of people who are being victimised at their places of work (or trade); people who have been denied contracts, business opportunities or employment in the public sector on account of their political affiliation; people who are being denied access to empowerment funds or programmes on account of their political affiliation; political parties that are being denied freedom to hold meetings and processions; and people who are being harassed for wearing party regalia.

Part D - General

This is where you may, if necessary, make a general statement on the voting patterns in the general elections from 2006 to 2016; and on the pre and post-election violence that characterised the 2016 general elections. Under this section, you are further required to state, why, in your opinion, people in your

constituency, district or Province, voted for a particular candidate or political party that emerged winner in a particular election.

Note:

If you are not comfortable to give out some details in public, write down those details and submit to the registration desk.

Appendix 6: List of persons alleged to have perpetrated violence

#	NAME	NATURE OF VIOLENCE	PROVINCE
1	Hon. Davis Chama	Hate Speech, tribal remarks and shooting incident in Mulobezi	Southern, Copperbelt, North-western & Western
2	Hon. Mumbi Phiri	Hate Speech and tribal remarks	Southern, Copperbelt, North-western & Western
3	Hon. Chishimba Kambwili	Hate Speech and tribal remarks	Southern, Copperbelt, North-western & Western
4	Hon. Davies Mwila	Intra-Party violence and Attacks in Chipili	Luapula
5	Hon. Jewis Chabi	Intra-Party violence and Attacks in Chipili	Luapula
6	Hon. Stephen Kamyongo	Attacks on Opposition in Shiwang'andu	Muchinga
7	Hon. Garry Nkombo	Attacks in Livingstone and Mazabuka	Southern
8	Hon. Mwenya Munkonge	Intra-Party violence that extended to the Community	Muchinga
9	Hon. Elfreda Kansembe	Intra-Party violence that extended to the Community	Muchinga
10	Hon. Patrick Mucheleka	Violence in Luwingu Luwena area	Northern
11	Hon. Stephen Masumba	Violence in Mufumbwe	North-western
12	Hon. Bowman Lusambo	Violence in Lusaka and attack on MMD party member	Lusaka

	Mr. Godfrey Bwalya Mwamba	Inciting violence and personal attacks on the ruling party leader	Lusaka
13	Amb. Fr. Frank Bwalya	Hate speech and tribal remarks	Southern and North-Western
14	Ms. Evelyn Kangwa	Shiwang'andu attacks on opposition	Muchinga
15	Mr. Andrew Kamyongo	Shiwang'andu attacks on opposition	Muchinga
16	Mr. Ephraim Kalinda	Intra-Party violence and Attacks in Chipili	Luapula
17	Mr. Kalifungwa	Intra-Party violence and Attacks in Chipili	Luapula
18	Amb. Fr. Frank Bwalya	Hate Speech	Southern/ North-Western
19	Mr. Kaiser Zulu	Attacks on Newspaper vendors selling the Post newspaper and ant anti-PF newsprints	Lusaka
20	Mr. B. Nyoni	Shooting in Mulobezi	Western
21	Mr. Kalifungwa	Intra-Party violence and Attacks in Chipili	Luapula
22	Mr. Machini	Violence in Mufumbwe	North-western
23	Bishop Edward Chomba	Hate Speech	Lusaka , Southern, North-Western & Central
24	Mr. Dominic Kasosa	Discharged fire arm at totalling centre in Kasempa	North-Western
25	Mr. William Banda	Violence in Lusaka	Lusaka, North-Western

26	Mr. Freza Chisenga	Violence in Kabwe	Central
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INSTITUTIONS, PARTIES & GROUPS ALLEGEDLY RESPONSIBLE FOR VIOLENCE		
1	United Party for National Development (UPND)	Senior Party members and Party cadres
2	Patriotic Front	Senior Party members and Party cadres
3	Jerabos	Members aligned to PF on the Copperbelt

Appendix 7: List of persons affected by electoral violence

This information was submitted in person to the Commission by petitioners, including victims. It covers 2015 and 2016

	NAME	SEX	AGE	NATURE OF INJURY SUFFERED OR DEATH	DISTRICT	ASSAILANTS
1	Mr. Needmore Chiyota	M	58	Burned on head and body by petrol bomb	Kabwe,	Mr. Freza Chisenga and others clad in PF chitenge
2	Muzhila C. Muloba	M	38	Sustained a head and serious eye injury when they were attacked in Mbilia where they went for campaigns with PF. With time the eye got completely damaged.	Itezhi tezhi	UNDP Cadres in party chitenge
3	Bwalya Chanda Mulamfu	M	77	He was beaten and stoned after elections	Itezhi tezhi	UNDP Cadres
4	Mr. Mushaukwa Mushaukwa	M	42	Shot in the leg in by Mr. Nyoni	Mulobezi	Mr. Nyoni Aide to PF SG.
5	Mr Paul Wilson Longwani	M	68	He was campaign manager for PF in Chongwe and on the fateful day he left home for campaigns and was found dead the next morning at Waterbury Farm. His vehicle was later found in another location abandoned	Chongwe	Suspected UPND Cadres
6	Ms. Linda Samawenu	F	24	Sustained severe body injuries and a fractured skull when attacked by Jerabos at UPND Secretariat	Kitwe	Jerabos and PF Cadres
7	Mrs. Beauty Kapesa	F	54	Stoned and injured by Jerabos	Kitwe	PF Cadres

8	Mr. Thomas Zulu	M	46	Sustained broken legs when they were hit by a PF campaign vehicle	Kitwe	PF cadres in a party branded vehicle
9	Chanda Nsofwa	M		Sustained broken legs when they were hit by a PF campaign vehicle	Kitwe	PF cadres in a party branded vehicle
10	Geoffrey Mwape	M		Sustained broken legs when they were hit by a PF campaign vehicle	Kitwe	PF cadres in a party branded vehicle
11	Abraham Daka	M		Sustained inner ear and body injuries when attacked by Jerabos	Kitwe	Jerabos and PF Cadres
12	Godfrey Kapalanake	M		Sustained serious body injuries when attacked by Jerabos	Kitwe	Jerabos and PF Cadres
13	John Chibale	M		Was beaten and sustained a swollen foot and body injuries	Ndola	UPND Cadres
14	Mpakashala Mubita	M		Was badly beaten and sustained head and body injuries	Ndola	PF Cadres
15	Jaah Musakanya	M	65	Sustained serious head and body injuries from beatings	Solwezi	PF Cadres
16	James Managangu	M	33	He was beaten-up during campaigns and sustained neck and body pains	Mwinilunga	PF Cadres
17	Mrs. Maureen Mwanawasa, Mrs. Mutale Nalumango, Mr. Felix Mutati, Mr. Patrick Mucheleka			Experienced psychological trauma and body pains, after being attacked by a mob of PF supporters when their helicopter landed in Shiwang'andu for a rally, in 2015	Shiwang'andu	PF Cadres in party regalia, led by Hon. Steven Kampyongo, Mr. Andrew Kampyongo and Ms.

						Evelyn Kangwa
18	Mr. Felix Chabatama	M	51	Sustained injuries on the hand after being hit by a vehicle	Shiwang'andu	PF Cadres in party regalia
19	Mr. Simon Sampa	M	43	He was severely beaten by PF cadres	Shiwang'andu	PF Cadres in party regalia
20	Kangwa Chitongo	M	42	He was severely beaten and sustained an eye injury during campaigns	Shiwang'andu	PF Cadres called 100 %
21	Beatrice Bwalya	F	54	She sustained head injuries during and an attack by PF cadres while campaigning	Chipili	PF Cadres
22	Susan Mumpangwe	F	50	Sustained a swollen hand and broken ring finger when she was attacked	Chipili	Mr. Kalifungwa
23	Juliet Chikota	F	27	Sustained a cut on forehead and shoulder when she was attacked with a broken bottle	Chipili	Ephraim Kalinda
24	David Chilufya	M	50	He was knifed in the hip and on his mouth and sustained injuries	Chipili	Bwalya Darius he ran away
25	Francis Mwape	M	27	He sustained injuries to the ribs and arm when he was hit with flying rocks when the lorry they were travelling in was attacked after attending a rally. He Spent K300 on treatment.	Chipili	Supporters for Mr. Jewis Chabi
26	Patrick Mambwe	M	40	He was hit hard on the forehead with a stone and sustained a deep cut. He was	Chipili	Eugene, he has never been arrested.

				unconscious for 5 days in hospital		
27	Mapenzi Chibulo	F	22	Died of a gunshot wound, as determined by the Coroner of Lusaka 2016	Lusaka	Zambia Riot Police
28	Kennedy Kavula	M	10	Died after being hit by a car that ploughed into a crowd celebrating election results in 2010.	Mufumbwe	Kajilo Muzungu
29	Emmanuel Sampo	M	10	Died after being hit by a car that ploughed into a crowd celebrating election results in 2010.	Mufumbwe	Kajilo Muzungu
30	Doris Malupya	F	17	Died after being hit by a car that ploughed into a crowd celebrating election results in 2010	Mufumbwe	Kajilo Muzungu
31	Victor Musumali	M	18	Died after being hit by a car that ploughed into a crowd celebrating election results in 2010	Mufumbwe	Kajilo Muzungu
32	John Bweupe	M		Sustained a fractured arm after being attacked	Kasempa	UPND Cadres
33	Japhet Njamba	M		Sustained facial injuries after being attacked	Kasempa	UPND Cadres
34	Meniani Zulu	M		Was stabbed and killed in Rufunsa on his way back to Lusaka after he came from campaigns there	Rufunsa	Unknown people
35	Mr. Patrick Chanda	M	47	He sustained bruises and body injuries	Luwingu	UNPD Cadres and Mr.

				after an attack by a mob		P. Mucheleka
36	Theresa Ng'andu	F	47	She was caught up in violence of people throwing stones after voting and a stone hit her back she fell on a big stone and fractured her knee and elbow. She spent K220 on treatment	Mpulungu	A group of unknown young boys, who were not wearing any party outfit
37	Boswell Kamusaki	M	51	Sustained serious head injuries during election	Mazabuka	UPND Cadres
38	Mr. Harrison Banda	M	22	Had his legs broken when he was attacked after the announcement of results in 2016	Choma	UPND Cadres
39	Mr. Patrick Chanda	M	47	He was punched in the face and kicked all over the body. He lost K2,500 that was in his pocket	Luwingu	Mr. P. Mucheleka and his team who were in UPND regalia in Luwena area
40	Mwamba. K. Mwamba	M	36	His ribs were broken, upper lip cut and eyes swollen when he was attacked by cadres. Spent K500 on being treated.	Kasama	PF cadres in PF regalia.
41	Mr. Alfred Mwiinga	M	36	His eye was injured when he was beaten by cadres who attacked him and his friend. He used K50 for treatment.	Munyumbwe/ Gwembe	Known UPND cadres
42	Abuti Gumbo	M	41	He was beaten and his ear got injured. He spent K50 on treatment.	Gwembe	Dennis Hamulunda and other UPND Cadres in red berets
	Grazier Matapa	M		Stabbed with knives and screw drivers	Lusaka	Suspected PF cadres

						namely Mwewa Yapanshi, Billy Semani Kansinya, Moses Lungu, Maxson Phiri and Albert Mainsa. The matter was tried in the High Court
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Appendix 8: List of persons whose property was destroyed or damaged

	NAME	SEX	AGE	PROPERTY DAMAGED	PLACE	ASSAILANTS
1	Kangwa Chitongo	M	42	The side mirrors of his vehicle were smashed	Shiwang'andu	PF Cadres
2	Jacob Kaona	M	46	Vehicle destroyed (ACC 4012) 2012	Mufumbwe	PF cadres
3	Davis Mbalao	M	47	Vehicle Destroyed (AEX 4010) 2016	Mufumbwe	PF cadres
4	Boyd Musaupe	M	44	Field with crops burned 2016	Kasempa	UPND Cadres
5	Able M. Muyembe	M	43	Beaten and robbed of his money and newspapers that he was selling	Lusaka,	PF Cadres in party regalia allegedly sent by Mr. Kaiser Zulu
6	Mr. Watson Mtonga	M	48	House, Bar, Vehicle and other property destroyed in Mtendere 2016	Lusaka	UPND Cadres
7	Godfrey Kapalanake	M		Car was smashed all windows broken	Kitwe	Jerabos in PF worksuits
8	Mr. Bernard Mwela	M	40	House was set ablaze, it cost him K3,000 to repair	Chipili	PF Supporters for Mr. Davies Mwila in PF Regalia

9	Mr. Laurence Lwimba Kasombe	M		House was attacked roof, doors and windows damaged	Chipili	PF Supporters for Mr. Davies Mwila in PF Regalia
10	Mr. Dalius Chungu Mwenda	M		House was attacked roof, doors and windows damaged	Chipili	PF Supporters for Mr. Davies Mwila in PF Regalia
11	Mr. Bernard Chileshe	M		House partially burned 2016	Chipili,	PF Cadres
12	Mr. Francis Chishala	M	42	His Vehicle a Toyota Cresta was bashed and damaged. It cost him K30, 000 to repair. It was insured	Mazabuka	A suspected UPND cadre
13	Mr. Moses Ngosa	M		Vehicle burnt (Noah) 2016	Mazabuka	UPND Cadres
14	Mr. Evans Lungu	M	49	House burnt 2016	Mazabuka	UPND cadres
15	Mr. Garry Nkombo	M		Campaign Vehicle damaged 2016	Mazabuka	PF Cadres
16	Mr. Mohammed Tauji	M		Campaign Vehicle damaged, 2016	Mazabuka	UPND Cadres
17	Mr. Kelvin Shamwene	M	43	Shop burned down (2016)	Choma	Men clad in UPND chitenge

18	Mr. Lwimba Obbey	M	49	His stand was looted juts after the announcement of the 2016 Presidential results	Monze	UPND supporters at the market
19	Peggy Hlazo	F		Her Farm was invaded and looted.	Chilanga	PF cadres in PF chitenge and work suits
20	Mr. Emmanuel Ilunga	M	32	Beaten, House and Shop burnt, Vehicle damaged (Nadia) (2016)	Namwala	UPND Cadres
21	Justine Chifuke	M	38	House burnt (2016)	Namwala	UPND Cadres
22	Zimba Wilson	M	62	House burnt (2016)	Namwala	UPND Cadres
23	Mr. Special Mushobwe	M	27	Body Injuries & House burnt (2016)	Namwala	UPND Cadres
24	Jane Kaunda	F	38	House burnt (2016)	Namwala	UPND Cadres
25	Green Mwale	M	55	House burnt (2016)	Namwala	UPND Cadres
26	Chakununka Mwaba	M	60	House burnt (2016)	Namwala	UPND Cadres
27	Mr. Fredrick Njamba	M	59	Beaten and Traven burnt	Namwala	UPND Cadres
28	Fred Mpende	M	35	House burnt (2016)	Namwala	UPND Cadres
29	Mwambula Mervis	F	36	House burnt (2016)	Namwala	UPND Cadres
30	Moses M. Mwango	M	42	House burnt (2016)	Namwala	UPND Cadres
31	Nawa Patrick	M	21	House burnt (2016)	Namwala	UPND Cadres
32	Nabanyama Kelvin	M	43	Shops burnt and small houses (2016)	Namwala	UPND Cadres

33	Mwila Sharon	F	27	House burnt (2016)	Namwala	UPND Cadres
34	Webster Chembe	M	46	House burnt (2016)	Namwala	UPND Cadres
35	Cathrine Hatimbula	F		The windows for her house and wheelchair were damaged and her stall at the market and goods were burnt	Monze	Unknown people who were rioting after announcement of the 2016 general election results.
36	UPND Secretariat in Miseshi			Windows and doors damaged	Kitwe	Jerabos

ANNEX 1: SUPPLEMENTARY INFORMATION FROM DMMU REPORT

Consolidated List of Displaced persons in Namwala Who Were Camped

HH NO.	NAME	AGE	SEX	HH SIZE	NRC No.	RELATIONSHIP TO THE HOUSEHOLDHEAD	CHIEFDOM WHERE DISPLACED	NAME OF VILLAGE WHERE DISPLACED	REASON FOR DISPLACEMENT	DESTINATION	CONTACT / CELL PHONE No.
1	Nawa Patrick	21	M	1	Burnt	Head	Mungaila	Chikwato	House burnt	Namwala-Namusonde	971664724
2	Nabanyama Kelvin	43	M	2	149449/72/1	Head	Mungaila	Shanambe	Shops burnt and small houses and guest broken, wife stood as councillor for PF	Namwala-Namusonde	971664724
	Nabanyama Astrider	39	F		212262/42/1	Wife					

3	Mwila Sharon	27	F	2	179158/72/1	Head	Mungaila	Chikwato	House burnt	Namwala	967114951
	Miracle Chibale	6	F			Daughter					
4	Webster Chembe	46	M	1	116366/72/1	Head	Mungaila	Chikwato	House burnt	Namwala - Kasenga	966217638
5	Kapyaila Winnie	42	F	1	236408/73/1	Head	Muchila	Kasambo	Threatened (chased)	Namwala-Ndema	973271106
6	Sibinda Amos	36	M	1	Burnt	Head	Mungaila	Chikwato	Threatened (chased)	Namwala -Maala	963395482
7	Zimba Wilson	62	M	1	212210/67/1	Head	Mungaila	Busangu	3 Houses burnt with K45000 cash burnt	Namwala	978446671
8	Ilunga Parri Emmanuel	30	M	1	179105/72/1	Head	Mungaila	Nalishiwa	House burnt and property	Shimayoba – Namwala	971078672
9	Mwambula Mervis	36	F	6	158940/72/1	Head	Mungaila	Choongo	House burnt	Namwala	973084008
	Mwambula Stella	20	F		burnt	Daughter					
	Mwambula Tanya	17	F			Daughter					
	Mwambula Emily	14	F			Daughter					
	Mwambula Janet	4	F			Grand Daughter					
	Mwambula Rastrol	1.5	M			Son					

10	Matakala Waluka Brian	37	M	2	151871/72/1	Head	Nalubamba	Chilindi	House burnt	Namwal a- Makotoo lo	975115212
	Muchaka Royce	50	F		131600/72/1	Wife					
11	Violet Tute	49	F	7	172167/72/1	Head	Mungaila	Shingwe	Bar burnt and	Lusaka	975733980

HH NO.	NAME	AGE	SEX	HH SIZE	NRC No.	RELATIONSHIP TO THE HOUSEHOLDHEAD	CHIEFDOM WHERE DISPLACED	NAME OF VILLAGE WHERE DISPLACED	REASON FOR DISPLACEMENT	DESTINATION	CONTACT / CELL PHONE No.
									Goods stolen and taken		
	Mercy Chungu	13	F			Daughter					
	Elizabeth Chungu	7	F			Daughter					
	Grace Chungu	9	F			Daughter					
	Patson Chungu	16	M			Son					
	Ken Chungu	12	M			Son					
	Elijah Chungu	3	M								
12	Nalumino Mwewa	46	F	8	Burnt	Head	Mungaila	Chikwato	Fear for their lives and also house materials stolen	Choma-Mapanza Simaubi	971048700(own)
	Nalumino Frank	16	M			Son					
	Nalumino Mweelwa	15	M			Son					
	Nalumino Mubita	9	M			Son					
	Nalumino Nyambe	8	F			Daughter					
	Nalumino Lutangu	6	M			Son					
	Nalumino Kasongo	3	M			Son					
	Nalumino Mukatimui	0.25	F			Daughter					

13	MAXWELL MUKONDE	33	M	1	175598/72/1	Head	Muchila	Shimashikwe	Burnt Chicken and grass fence	To see DEBs in Namwala	975810613
14	PHAYNES KASENA	45	F	1	139602/72/1	Head	Mungaila	Mungaila	House burnt	Namwala	976309700(own)
15	MAUREEN MALAMA	22	F	4	Burnt	Head	Mungaila	Shingwe	House burnt	Namwala-Maala	978160331
	EMELDA CHIKABALA	3	F			Daughter					
	MWABA MANDA	7	F			Niece					
	ABEL MANDA	5	M			Nephew					
16	JANE KAUNDA	38	F	7	153998/72/1	Head	Mungaila	Shingwe	House burnt property stolen	Lusaka	978160331(own)
	Abel Chirwa(09711829236)	42			201077721/72/1						097895960 4 Lusaka Eunice
	MARK Chirwa	24	M			Son					
	Jane Chirwa	17	F			Daughter					

HH NO.	NAME	AGE	SEX	HH SIZE	NRC No.	RELATIONSHIP TO THE HOUSEHOLDHEAD	CHIEFDOM WHERE DISPLACED	NAME OF VILLAGE WHERE DISPLACED	REASON FOR DISPLACEMENT	DESTINATION	CONTACT / CELL PHONE No.
	Brenda Chirwa	16	F			Grand Daughter					
	Mercy Chirwa	17	F			Grand Daughter					
	Joyce Chirwa	3	F			Grand Daughter					
17	SPECIAL MUSHOBWE	25	M	1	205271/72/1	Head	Mungaila	Mungaila	Beaten and property stolen and house burnt	Namwala	978997037
18	MAJORY PHIRI	33	F	1	Burnt	Head	Mungaila	Chikwato	Property stolen	Namwala - Nico	977625916
19	BEAUTY MWAPE has husband who went into the bush in Maala	48	F	1	112959/72/1	Head	Mungaila	Shingwe	House burnt	Namwala -Maala	978458892(own)
20	JANET BANDA	46	M	2	Burnt	Head	Mungaila	Shingwe	Houses burnt	MAZABUKA	971423209
	EMMANUEL Banda	2.6	M			Son					

21	DARIUS KASONGO	37	M	4	202368/72/1	Head	Muchila	Kasambo	2 houses burnt	MAZABUKA	9768349869(own) 0977210635-Bashi Fungayo
	EUNICE CHIZU	36	F			Wife					
	SAMUEL KASONGO	14	M			Son					
	AGNESS KASONGO	5	F			Daughter					
22	MUUKA MACHANGANI	27	M	1	189945/72/1	Head	Mungaila	Chibiyabi	Hut burnt	Namwala	973835559
23	DORICA MWAPE	44	F	1	213917/72/1	Head	Mungaila	Shingwe	Hut burnt	Namwala-Maala	973623517(own)
24	MWALA CHIPO	21	F	3	228988/72/1	Head	Mungaila	Chikwato	Hut burnt	CHOMA	968285861
	MWILA KENNETH	5	M			Son					
	MWILA DONDILE	2	M			Son					
25	SAMUEL SIKABONDO	32	M	1		Head	Muchila	Mwiinga	Hut burnt	Namwala	978761616
26	MAXWEL BWEMBYA	22	M	3	Burnt	Head	Mungaila	Shingwe	Burnt House	Namwala-Maala	0974192842 (own) 0975110013
	ASTRIDAH Mwewa BWEMBYA	18	F			Wife					
	AGNESS BWEMBYA	3	F			Daughter					
27	CHIPULU OSWARD	55	M	1	160051/32/1(BURNT)	Head	Mungaila	Katengwa	Burnt House	MAZABUKA	960204823(own) 0965726188 MAZABUKA

HH NO.	NAME	AGE	SEX	HH SIZE	NRC No.	RELATIONSHIP TO THE HOUSEHOLDHEAD	CHIEFDOM WHERE DISPLACED	NAME OF VILLAGE WHERE DISPLACED	REASON FOR DISPLACEMENT	DESTINATION	CONTACT / CELL PHONE No.
28	MANDA DAVY KAUNDA	65	M	5		Household Head	Mungaila	Kavuma camp	Burnt House	Namwala-Maala,	977111678
	Emelie Mwape	58	F			Wife					
	Sandra Kaunda	5	F			Grand Child					
	Amos Mutunta	5									
	Belita Kaunda	17									
29	GREEN MWALE	55	M	2	133371/72/1	Household Head	Mungaila	Chikwato	Burnt House and property and assault and K9000 stolen	Lusaka	973592477
	PRISCAH MUTWANTWA	40	F		152026/72/1	Wife					
30	SHEPHERD NCUBE	52	M	1	111884/71/1	Head	Mungaila	Chikwato	Property stolen and run away	Namwala-Namasonde	

31	JACOB CHOOYE	30	M	1		Household Head	Muchila	Hatuchinga	Burnt House	Namwala- Ndema	
32	MARGRETE SOKO	47	F	1	351916/11/1	Household Head	Muchila	Kasambo	Burnt House	Namwala- Ndema	979726748
33	FRED MPENDE (Teacher)	35	M	2	103582/97/1	Household Head	Mungaila	Mungaili	Broke the house	Choma	0977331815(own)
	PRECIOUS MWANDA	24	F			Wife					
34	MIKE KAUNDA	24	M	5	222258/72/1	Household Head	Mungaila	Shingwe	Burnt House	Namwala- Maala	978160331
	YVONNE Chitalu KAUNDA	24	F		burnt	Wife					
	MAGGY KAUNDA	3	F			Daughter					
	JAMES KAUNDA	1	M			Son					
	ESTHER KAUNDA	1	F			Daughter					
35	Pious Muuka	27	M	1		Head					
36	Ireen Mwale	40	F	3	172180/72/1	Head	Mungaila	Maala	Violence and run away	Namwala- Maala	0976525951- Memory
	Idah Zani	11	F			Niece					

HH NO.	NAME	AGE	SEX	HH SIZE	NRC No.	RELATIONSHIP TO THE HOUSEHOLDHEAD	CHIEFDOM WHERE DISPLACED	NAME OF VILLAGE WHERE DISPLACED	REASON FOR DISPLACEMENT	DESTINATION	CONTACT / CELL PHONE No.
	Mary Phiri	10	F			Niece					
37	Sihubwa Aldurine	47	M	3	134464/72/1	Head	Chief Muchila	Kasambo	2 houses burnt including the kitchen	Namwala-Ndema	0973263974(own)
	Pricaria Chimbwe	32	F								
	Ivy Sihubwa	1									
38	Dennis Kaunda			3						Namwala-Maala	
	JOSEPH KAUNDA	17	F			Grand Child					
	ROSEMARY KAUNDA	14	F			Grand Child					
39	Belita Kaunda	25		2	Burnt	Head	Mungaila	Shingwe	Burnt	Namwala-Maala	977111678
	Kelvin Mutunta	0.03									
40	Chola Chakwela	39		2	231531/72/1	Head	Mungaila	Chikwato		Namwala- Maala	
-977111678											
41	TRIDAH HAMPANDE	22	F	2	Cant remember	Head	MUNGAILA	CHIKWATO	POLITICAL VIOLENCE	Namwala - Nico	

	ISHMAL Sakala	0.03	M			Son					
42	SUNDAY SIWILA	42	M	6	203421/47/1	Head	MOOBOLA	MUCHILA	POLITICAL VIOLENCE	LUSAKA	979516516
	JEAN NAKAMBA	38	F		203415/47/1	Wife					
	ELIDA NAWILA	15	F			Daughter					
	THELMA NAWILA	11	F			Daughter					
	AGNESS NAWILA	9	F			Daughter					
	PAXINA NAWILA	5	F			Daughter					
43	BERNARD BANDA	57	M	10		Head	MOOBOLA	MUCHILA	POLITICAL VIOLENCE	LUSAKA	978306341
	FAIDES PHIRI	54	F			Wife					
	JENIFER BANDA	34	F			Daughter					
	CHUMA LUNGU	16	F			Granddaughter					
	FAIDES LUNGU	14	F			Granddaughter					

HH NO.				HH SIZE		RELATIONSHIP TO THE HOUSEHOLDHEAD	CHIEFDOM WHERE DISPLACED	NAME OF VILLAGE WHERE DISPLACED	REASON FOR DISPLACEMENT		CONTACT / CELL PHONE No
	PATRICK LUNGU	11	M			Grandson					
	TABITA LUNGU	9	F			Granddaughter					
	TEMWANI LUNGU	7	M			Grandson					
	SAMUEL MABONDO	3.5	M			Grandson					
	RAPHAEL MABONDO	2.5	M			Grandson					
ITT 44	Chalwe Chilongwa	23	F	3	Burnt	Head	Mungaila	Chikwato	House burnt	ITEZHI TEZHI	977569326
	Lewis	4	M			Son					
	Ruthia	2	F			Daughter					
45	Kalima Agnes	20	F	4	Burnt	Head	Mungaila	Chikwato	House burnt	ITEZHI TEZHI	966222367
	Kalima violet	4	F			Daughter					
	Kalima Joe	1	M			Son					
	Kalima Fredrick	25	M			Husband					
46	CHISENGA MACHEMEKA	26	F	3	Burnt	Head	Mungaila	Chikwato	Ran from being killed	ITEZHI TEZHI	975629326
	GIBSON MACHEMEKA	4	M			Son					
	CHANDA MACHEMEKA	2	F			Daughter					
47	FLORENCE KALIMA	22	F	3	Burnt	Head	Mungaila	Shimuyobela	House Burnt	Itezhi Tezhi	965540472
	EZERON CHIBALE	5	M			Son					
	GIFT SHAKWEMBO	2	M			Son					
	HELLEN CHIBALE SICHANJI	35	F	4		Head					
	PETER CHIBALE	41	M			Husband					
	GESHON CHIBALE	7	M			Son					

	VICTOR CHIBALE	11	M			Son					
49	MORGAN CHILOKWA	46	M	10	Burnt	Head	Mungaila	Chikwato	House Burnt	Itezhi Tezhi	
	M. CHAKWELA	40	F			Wife					
	S . CHILOKWA	16	F			Daughter					
	M . CHILOKWA	13	M			Son					

HH NO.	NAME	AGE	SEX	HH SIZE	NRC No.	RELATIONSHIP TO THE HOUSEHOLDHEAD	CHIEFDOM WHERE DISPLACED	NAME OF VILLAGE WHERE DISPLACED	REASON FOR DISPLACEMENT	DESTINATION	CONTACT / CELL PHONE No.
	C . CHILOKWA	11	M			Son					
	M. CHILOKWA	9	M			Son					
	G . CHILOKWA	7	F			Daughter					
	J . CHILOKWA	5	F			Daughter					
	E. CHILOKWA	2	F			Daughter					
	A . CHILOKWA	0.25	F			Daughter					
50	MATHEWS MWANSA	30	M	1	Burnt	Head	Mungaila	Chikwato	House Burnt	Itezhi Tezhi	966222367
51	LIZZY MACHEMEKA	21	F	2	Burnt	Head	Mungaila	Chikwato	House Burnt		
	ELIZABETH MACHEMEKA	0.75	F			Daughter				Itezhi Tezhi	
52	VIVIAN CHANDA	30	F	2	Burnt	Household Head				Itezhi Tezhi	966222367
	PETER MWANSA	1	M			Son					
53	FAUSTINA MWEWA	28	F	5	Burnt	Head	Mungaila	Chikwato	House Burnt	Itezhi Tezhi	977586040
	IREEN CHIBESA	9	F			Daughter					
	AGNESS CHIBESA	7	F			Daughter					
	BORNFACE CHIBESA	5	M			Son					
	GIFT CHIBESA	2	M			Son					
	FARAYI KOKELA	7	F			Sister In Law					

54	BWALYA MACHEMEKA	36	F	2	Burnt	Head	Mungaila	Shimuyobela	House Burnt	Itezhi Tezhi	966222367
	GRACE KHOZA	2	F			Daughter					
55	GRACE BANDA	26	F	9	Burnt	Head	Mungaila	Chikwato	House Burnt	Itezhi Tezhi	0968238119/0974535942
	MAGGY CHIBALE	13	F			Daughter					
	CHRISTINA CHIBALE	10	F			Daughter					
	JUSTINA CHIBALE	9	F			Daughter					
	AGNESS CHIBALE	7	F			Daughter					
	BENANDET CHIBALE	6	F			Daughter					
	BWALYA CHIBALE	1	F			Daughter					

HH NO.	NAME	AGE	SEX	HH SIZE	NRC No.	RELATIONSHIP TO THE HOUSEHOLDHEAD	CHIEFDOM WHERE DISPLACED	NAME OF VILLAGE WHERE DISPLACED	REASON FOR DISPLACEMENT	DESTINATION	CONTACT / CELL PHONE No.
	CEPHAS CHILOKWA	20	M			Brother In Law					
	ESTHER NJELESANI	74	F			Grand Mother					
56	CHILEKWA MACHEMEKA		F	1	Burnt	Head	Mungaila	Shimuyobela	House Burnt	Itezhi Tezhi	9626222367
57	ESTER NJELESANI	74	F	1	Burnt	Head	Mungaila	Shimuyobela	House Burnt	Itezhi Tezhi	968238119
LSK 58	Makola Reginah	55	F	3	110142/72/1	Head	Mungaila	Shimuyobela	House burnt	Lusaka	976848758
	Mutuuta Wako	8	M			Grandson					
	Mutunta. M	75	M			Husband					
59	Kunda Leonard	56	M	2	163274/32/1	Head	Mungaila	Busangu	House burnt	Ndola	971078673
	Kunda Grace	51	F			Wife					
60	Cathrine Chitalu	18	F	2	Burnt	Head	Mungaila	Shingwe	House burnt	Ndola	954317508
	Gerald Kakoma	1	M			Son					
61	Mbasela Gregory	49	M	1	188572/73/1	Head	Mungaila	Maala	House burnt	Lusaka	966023907
62	BEATRICE NYAMBE	27	F	2	Burnt	Head	Mungaila	Chikwato	Houses burnt	Lusaka	974489098
	FRIDAY MWELWA MUTUNTA	0.3	M			Son					
63	JUSTIN CHIFUKE	38	M	5	172082/72/1	Head	Mungaila	Busangu	Houses burnt	Lusaka	978460065
	JANET BANDA	32	F			Wife					
	HELEN CHIFUKE	14	F			Daughter					
	RUTH CHIFUKE	12	F			Daughter					
	ERICK CHIFUKE	2	M			Son					

64	MARY MWILA	45	F	4	159888/32/1	Head	Mungaila	Chikwato	Houses and property burnt	Mansa	979924875
	FRANCIS MWILA	16	M			Son					
	TRYNESS MWILA	11	F			Daughter					
	CYNTHIA MWILA	8	F			Daughter					
65	ASTRIDAH MACHEMEKA	32	F	4	Burnt	Head	Mungaila	Chikwato	Houses burnt	Lusaka	964243401
	SPECIAL MUSENGE	7	M			Son					

HH NO.				HH SIZE		RELATIONSHIP TO THE HOUSEHOLDHEAD	CHIEFDOM WHERE DISPLACED	NAME OF VILLAGE WHERE DISPLACED	REASON FOR DISPLACEMENT		CONTACT / CELL PHONE No
	SMART MUSENGE	5	M			Son					
	REGINA NALUMINO	1.3	F			Daughter					
66	OBETY SHAMAYUWA	42	M	5	150446/72/1	Head	Mungaila	Shamutiki	Houses and property burnt	Lusaka	97847992
	LISA SHAMAYUWA	10	F			Daughter					
	PRETTY MBULO	30	F			Wife					
	RACHEAL SHAMAYUWA										
	GIFT SHAMAYUWA	1	M			Son					
									Threatened and		
	MATILDA KAVWEMA	35	F			Wife					
68	MARY KAUNDA	43	F	7	Burnt	Head	Mungaila	Shingwe	Hut burnt	Lusaka	972159466
	MAJORY MPUNDU	3	F			Daughter					
	ANASTASIA. SENTEKWA										
	FRIDAY SENTEKWA	7				Grand Child					
	JUSTIN SENTEKWA	3				Grand Child					
	MARY SENTEKWA	3				Grand Child					
	ELIZABETH CHANDA	54				Mother					
69	MPUNDU EVANS	28	M	5	155972/34/1	Head	Mungaila	Chikwato	Beaten and house burnt	Mwense	967672731

	MWANSA AGNESS	25	F			Wife					
	KALANGWA JOSEPH	16	M			Son					
	MUSONDA MPUNDU	5	F			Daughter					
	ILUNGA MPUNDU	2	M			Son					
70	MWENDA BRIDGET	30	F	1		Head				Lusaka	
71	MOVIA MWEZWA	26	F	1	108008/96/1	Head	Mungaila	Chikwato	Hut Burnt	Lusaka	966728739
72	AGNESS FU YA	56	F	3	NRC Burnt	Head	Mungaila	chikwato	Hut Burnt	Lusaka	964293401
	GOODNESS	16	M			Son					

HH NO.				HH SIZE		RELATIONSHIP TO THE HOUSEHOLDHEAD	CHIEFDOM WHERE DISPLACED	NAME OF VILLAGE WHERE DISPLACED	REASON FOR DISPLACEMENT		CONTACT /
	MUCHEMEKWA										
	MUMBA MUCHEMEKWA										
73	KATONGO VINCENT	56	M	3	172346/44/1	Head	Mungaila	Chikwato	Hut burnt	Mwansabombwe	
	CHAMA EMELDAH	33	F			Wife					
	GRACE LUMBWE	6	F			Daughter					
74	YUNED MUMBA	51	M	2	150508/46/1	Head	Mungaila	Chikwato	Burnt house and property	Lusaka	969980253
	RHOIDA MWENYA	47	F			Wife					
75	SAM ZULU	41	M	7	Burnt	Head	Mugaila	Chikwato	Burnt house	Lusaka	9682800874
	MATILDA										
	MACHEMEKA	38	F			Wife					
	GIBSON KALIMA	14	M			Son					
	ZACKS KALIMA										
	PETER KALIMA	5	M			Son					
	PATRICK ZULU	2	M			Son					
	EZRON KALIMA	5	M								
76	BABRA KATEKA	33	F	4	172126/72/1	Head	Mungaila	Busangu	Burnt house	Lusaka	974996187
	LAMECK KAUNDA	15	M			Son					
	XAVIOUR KAUNDA	8	M			Son					
	JOYCE KAUNDA	6	F			Daughter					
77	THOMAS CHITALU	26	M	1	212869/72/1	Head	Mungaila	Maala	Burnt House	Lusaka	972170683

									Burnt House, Asault, Property		
E. Machemeka	23	F				Wife					
Jackline Kabo	5	F				Daughter					
Patricia Kabo	7	F				Daughter					
Patrick Kabo	5	M				Son					

HH NO.	NAME	AGE	SEX	HH SIZE	NRC No.	RELATIONSHIP TO THE HOUSEHOLD HEAD	CHIEFDOM WHERE DISPLACED	NAME OF VILLAGE WHERE DISPLACED	REASON FOR DISPLACEMENT	DESTINATION	CONTACT / CELL PHONE No.
79	Ester Muyembe	22	F	4	191339/35/1	Household Head	Mungaila	Chikwato	Burnt House	Nchelenge	
	Maybin Besa	24	M			Husband					
	Prudence Besa	5	F			Daughter					
	Jackline Besa	3	F			Daughter					
80	Theresa Mwansa Kapale	24	F	2		Household Head				Samfya	
	Lloyd Mwansa	2	M			Son					
81	Lister Makola	29	F	1	Burnt nrc	Household Head	Mungaila	Chikwato	Burnt House	Lusaka	976848768
82	Peter Chalwe	37	M	3	345389/74/1	Household Head	Mungaila	Chikwato	Burnt House	Chisamba	0974763392/0974519429
	Yvon Mwanza	25	F			Wife					
	Abram Chalwe	3	M			Son					
		18	M			Son					
		9	F			Daughter					
83	Davies Mwansa	52	M	5	170297/44/1	Head	Mungaila	Chikwato	House burnt	Lusaka	0973713517/0967653667
	Violet Mwansa	48	F			Wife					
	Alex Mwansa	27	M			Son					
	Joseph Mwansa	18	M			Son					
	Robina Mwansa	13	F			Daughter					
84	Davy Mwansa	51	M	2	Nrc burnt	Head	Mungaila	Shingwe	House Burnt	Luwingu/Nsombo	

	Joseph Chitalu	15	M								
85	Eneya Kangwa	59	M	16	137933/46/1	Head	Musungwa	Lubwe	Violence in village due elections	Chinsali	978304737
	Florence Kasuba	43	F		163583/46/1	Wife					
	Frank Kasuba	35	M			Brother In Law					
	Metthew Kangwa	7	M			Son					
	Rachel Kangwa	3	F			Daughter					
	Beauty Kangwa	3	F			Grand Daughter					
	Betty Kangwa	24	F			Grand Daughter					

HH NO.	NAME	AGE	SEX	HH SIZE	NRC No.	RELATIONSHIP TO THE HOUSEHOLDHEAD	CHIEFDOM WHERE DISPLACED	NAME OF VILLAGE WHERE DISPLACED	REASON FOR DISPLACEMENT	DESTINATION	CONTACT / CELL PHONE No.
	Evans Kangwa	1	M			Grand Son					
	Beauty Chanda	7	F			Son					
	Ngoshe Kangwa	13	F			Daughter					
	Monica Kangwa	2	F			Daughter					
	Margret Kangwa	10	F			Daughter					
	Mary Kangwa	24	F			Daughter					
	Peter Kangwa	12	M			Son					
	Abel Kangwa	18	M			Son					
	Evans Chimbamisenso	36	M			Nephew					
	Total No. of Households				85						
	Total No of People /Headcount				266						

ANNEX 2: VERBATIM TRANSCRIPTS