



Australian Government
Refugee Review Tribunal

Country Advice

Zambia

Zambia – ZMB39468 – Police –
State Protection

31 October 2011

- 1. Please provide information on state protection in Zambia, with a particular focus on the functioning and effectiveness of the police service with respect to its capability, opportunity and willingness to provide protection.**

Zambia's police service suffers from inadequate training, under-staffing, lack of communication facilities, resource shortages and poor accommodation. This affects the police force's ability to carry out its duties adequately. There are also numerous reports of human rights violations perpetrated by police officers against criminal suspects and their relatives, as well as those who report crimes. Zambian citizens are reported to perceive the police service as 'corrupt, abusive, brutal, and that rather than protecting rights, police officers violate the rights of individuals'.¹

Police resources and corruption

It is reported that police resources and working conditions are poor, undermining their ability to effectively carry out their duties. The 2011 United States Department of State (USDOS) report states that '[l]ow salaries and substandard government housing exacerbated police corruption, as did poor working conditions'.² The 2008 Annual Report from the Zambian Human Rights Commission provides more detail on the resource constraints faced by the police force. The report states:

Inadequate training regimes, lack of adequate communication facilities (vehicles and telephones), inadequate and poor accommodation, emoluments sufficient only for minimal sustainable livelihoods inherently undermine police performance in human rights protection and rule of law ... [M]ost police stations are understaffed, and therefore, forcing officers to work longer hours resulting in their inability to efficiently and effectively carrying out their duties of law enforcement and human rights protection.³

Reports state that corruption and inadequate resources often affect the police force's ability to pursue investigations. The abovementioned 2008 Annual Report from the Zambian Human Rights Commission mentions several cases where citizens attempted to report crimes to the police, but were turned away because the police lacked the resources (such as stationery) to

¹ Zambia Human Rights Commission 2008, *State of Human Rights Report in Zambia*, http://www.hrc.org.zm/media/annual_state_human_rights_in_zambia_2008_report.pdf - Accessed 25 October 2011

² US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Zambia*, 8 April

³ Zambia Human Rights Commission 2008, *State of Human Rights Report in Zambia*, http://www.hrc.org.zm/media/annual_state_human_rights_in_zambia_2008_report.pdf - Accessed 25 October 2011 No more recent annual report of the Zambia Human Rights Commission could be located.

record the incidents.⁴ In 2011 the USDOS reported that police extorted money from victims and ‘and required “document processing fees” or “gas money” to commence investigations’.⁵

Police human rights violations

In addition to corruption, several reports were found detailing human rights abuses such as excessive force, torture, sexual abuse, rape, unlawful detention and extra-judicial killings perpetrated by the Zambian police service. Freedom House reported in 2011 that ‘[a]llegations of police corruption, brutality, and even torture are widespread, and security forces have generally operated with impunity’.⁶ In its 2011 report, USDOS stated that the Zambian police service uses excessive force and torture against criminal suspects during arrest and interrogation.⁷ The report further states that police ‘occasionally demanded sex from female detainees as a condition for their release’ and ‘officers raped women and young girls while they were in custody’.⁸ It also notes that police officers arrested criminal suspects on the basis of insubstantial evidence or as a pretext for extortion and demanded bribes from prisoners.⁹ With respect to excessive force and sexual abuse, Human Rights Watch reported in 2010 that ‘a widespread and systematic pattern of brutality’ exists within the Zambian police service. The report states:

Dozens of detainees said they had been beaten with metal bars, hammers, broom handles, police batons, sticks, or even electrified rods. Many said they had been bound first and hung upside down. Female detainees reported that police officers tried to coerce sex in exchange for their release.¹⁰

Reports were also located of the Zambian police force detaining people without cause. In 2010, the news service *All Africa* reported that Zambian police frequently detain female relatives of criminal suspects as a means of collecting information or forcing the suspect into the open.¹¹ Similarly, the previously cited Annual Report from the Zambian Human Rights Commission states that ‘filing complaints at police stations is a complicated and even dangerous exercise as one can end up being detained instead’.¹²

Reports also indicate there are reoccurring instances of extra-judicial killings by the police force. The Chairperson of Zambia’s Human Rights Commission released a statement to the media in 2010 expressing concerns about ‘instances of extra judicial killings where suspects are either shot even in situations where they could have been apprehended, or where they die in places of detention without proper accounts as to the causes of death’.¹³ The previously

⁴ This annual report was the most recent published on the Zambian Human Rights Commission website. Zambia Human Rights Commission 2008, *State of Human Rights Report in Zambia*, http://www.hrc.org.zm/media/annual_state_human_rights_in_zambia_2008_report.pdf - Accessed 25 October 2011

⁵ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Zambia*, 8 April

⁶ Freedom House 2011, *Freedom in the World Country Report for Zambia*, <http://www.freedomhouse.org/template.cfm?page=22&country=8166&year=2011> - Accessed 25 October 2011

⁷ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Zambia*, 8 April

⁸ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Zambia*, 8 April

⁹ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Zambia*, 8 April

¹⁰ Human Rights Watch, 2010 ‘Police brutality, torture rife’, 7 September, <http://www.hrw.org/en/news/2010/09/03/zambia-police-brutality-torture-rife> - Accessed 25 October 2011

¹¹ Geloo, Z. 2010 ‘Police Breaking the Law to Prevent Crime’, *All Africa*, 14 January, <http://allafrica.com/stories/201001140944.html> - Accessed 25 October 2011

¹² Zambia Human Rights Commission 2008, *State of Human Rights Report in Zambia*, http://www.hrc.org.zm/media/annual_state_human_rights_in_zambia_2008_report.pdf - Accessed 25 October 2011

¹³ Yangailo, P. K. 2010 ‘Statement to the Media by the Chairperson of the Human Rights Commission’, Human Rights Commission, 21 January,

cited Annual Report from the commission noted that ‘in 2008 there were incidents where individuals were arbitrarily deprived of their life’ at the hands of police officers.¹⁴

Recent incidents of police use of excessive force reported in the media are listed below. It is noted that in the two cases described below, charges have been laid against the police officers involved; however the verdicts and sentences are not known.

- *Lusaka Times*, a local Zambian newspaper, reported in October 2011 that a Zambian police officer was charged with ‘unlawful wounding’ after he shot at a public service vehicle at a check point, injuring two female passengers.¹⁵
- *BBC News* reported in March 2011 that ‘[f]our Zambian police officers have been charged with murder after allegedly causing the death of two people watching the Chelsea v Manchester United football match in a bar’. The bar was illegally open later than the allowed curfew time in order to show the football match. In an attempt to close the bar, police threw tear gas which caused a stampede, killing two people.¹⁶

Avenues for redress

While there are organisations to which citizens can complain about police misconduct, only a small percentage of complaints result in the punishment of offenders. In 2009, the Police Public Complaints Authority (PPCA), which was created to receive and adjudicate complaints against the police, led to settlement or punishment in only 27 of its 245 cases.¹⁷ In the period between January and September 2010, a total of 143 complaints were received, of which 35 cases resulted in the perpetrators being dismissed or receiving disciplinary action.¹⁸ Many cases go unreported, however, because citizens are unaware of the PPCA or are intimidated by the police.¹⁹ The Legal Resources Foundation reportedly receives 20 to 30 complaints per month about rights violations, half of which relate to false imprisonment by police.²⁰ In 2009 the Anti-Corruption Commission, which is responsible for combating government corruption, received 2,073 reports of corruption, 658 of which were investigated and eight resulted in convictions.²¹ It is not known what proportion of these reports relate to police corruption.

Restructure of police service

Zambia’s new president, Michael Sata, elected to government in September 2011, announced a restructure of the Zambian police service as part of a wider effort to combat official corruption in the country.²² The restructure will see all police division commands headed by

http://www.hrc.org.zm/media/chairpersons_statement_on_2009_human_rights_situation_in_zambia.doc - Accessed 25 October 2011

¹⁴ Zambia Human Rights Commission 2008, *State of Human Rights Report in Zambia*,

http://www.hrc.org.zm/media/annual_state_human_rights_in_zambia_2008_report.pdf - Accessed 25 October 2011

¹⁵ ‘Police officers protest over delayed allowances’ 2011, *Lusaka Times*, 12 October,

<http://www.lusakatimes.com/2011/10/12/police-officers-protest-delayed-allowances/> - Accessed 25 October 2011

¹⁶ ‘Zambians die in stampede watching Man Utd v Chelsea’ 2011, *BBC News*, 2 March,

<http://www.bbc.co.uk/news/world-africa-12621975> - Accessed 25 October 2011

¹⁷ Human Rights Watch, 2010 ‘Police brutality, torture rife’, 7 September,

<http://www.hrw.org/en/news/2010/09/03/zambia-police-brutality-torture-rife> - Accessed 25 October 2011

¹⁸ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Zambia*, 8 April

¹⁹ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Zambia*, 8 April

²⁰ Geloo, Z. 2010 ‘Police Breaking the Law to Prevent Crime’, *All Africa*, 14 January,

<http://allafrica.com/stories/201001140944.html> - Accessed 25 October 2011

²¹ US Department of State 2011, *Country Reports on Human Rights Practices for 2010 – Zambia*, 8 April

²² ‘Police Service to Be Restructured’ 2011, *All Africa*, 5 October, <http://allafrica.com/stories/201110050285.html> - Accessed 25 October 2011

commissioners of police, which President Sata says ‘would be effective in containing crime’.²³ The new Inspector General of Police, sworn in early October 2011, stated that ‘he will ensure that the police exercise professionalism in all their duties’.²⁴ As the announcement was made quite recently, it is unclear what implications this restructure will have on the effectiveness of the police force.

²³ Chilemba, P. 2011 ‘The amount of corruption in this country is threatening – Sata’, *The Post Zambia*, 6 October, http://www.postzambia.com/post-read_article.php?articleId=23374 - Accessed 25 October 2011

²⁴ ‘Police will be professional, impartial – Dr Malama’ 2011, *Zambia National Broadcasting Corporation*, 4 October, <http://www.znbc.co.zm/media/news/viewnews.cgi?category=19&id=1317739199> - Accessed 25 October 2011

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