

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.



LUSAKA

21st October, 2016

[CO.101/28/38]

EDGAR C. LUNGU,
President