



BAROTSE NATIONAL FREEDOM ALLIANCE

November 3, 2015

Dr. Nkosazana Dlamini-Zuma,
The Chairperson,
The Africa Union Commission
P.O. Box 3243, Roosevelt Street (Old Airport Area)
W21K19Addis Ababa
ETHIOPIA

Tel: (251) 11551 7700, Fax: (251) 11551 7844
Webmaster: webmaster@africa-union.org

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Dear Dr. Nkosazana Dlamini-Zuma,

MATTER OF BAROTSELAND AS REFERRED TO THE SUMMIT OF HEADS OF STATE AND GOVERNMENT BY THE ACHPR—CONCERNS ARISING FROM SUSTAINED VIOLATIONS OF HUMAN RIGHTS

We take the liberty to draw your attention to some serious developments arising in the aftermath of the decision on admissibility by the African Commission on Human and Peoples' Rights (The Commission) on **Communication 429/12—The Ngambela of Barotseland and Others versus the Republic of Zambia**. We are alive to the fact that no substantive action may be taken by the parties to this Communication pending release of the Commission's Activity Report pertaining to the same matter. However, we are concerned that while time related due process takes its course via the Summit of Heads of State and Government, the people of Barotseland, collectively the Complainant in the referred to matter continue to suffer the ravages of human rights violations at the hands of the Government of Zambia, the respondent state party, and the Barotse Royal Establishment, which the state party has compromised and now turned into its agent. Chief among these acts by the state are:

- i. Denial of the right of assembly whereby proponents of Barotseland self-determination are stopped from holding public meetings, even where the legal requirements as set by the occupying Zambia regime's Public Order Act have been satisfied by those seeking to convene meetings.
- ii. Random arrests of political activists seized with the matter of Barotseland on trumped up charges, most of which undergo modifications over several days to enhance chances of securing court conviction while the accused languish in police cells and state prisons.
- iii. Illegal prohibition of entrenchment of Barotseland's membership to the Unrepresented Nations and Peoples Organization (UNPO), a body that has international recognition in respect of its advocacy for self-determination, nonviolence, peaceful and lawful pursuit of human rights, democracy, the rule of law and environmental protection wherever these are lacking throughout the world.

A number of cases relating to the foregoing can be listed as to fill several pages and, if necessary, forensic evidence produced. However, for purposes of this communication, we wish to cite the most recent case when we, acting in accordance with the provisions of the Public Order Act, informed the local Police Officer-in-Charge for Mongu District of our intention to hold a public meeting on 2nd October 2015. According to this Act of Parliament a convener of a public meeting needs only to notify the local police station of the intention to hold the meeting at least seven days prior to the set date. The notice to the police indicated that the conveners intended to appraise the public on the status of the Barotseland's petition to the ACHPR and other attendant matters. However, on 30th September 2015 police arrested six of our members, who had been in the field informing the public of the date and venue of the meeting, on charges of *'conduct likely to cause breach of peace'*. The police further issued a cancellation of the meeting, an act for which they are not empowered by law. Those arrested were kept in cells for one week without trial and, after they were later given bail with stringent conditions, which include attending trial at a court in Kaoma District which is 200 kilometers away from the Mongu court, the state prosecutors have not been able to commence trial as they are still re-writing the charge sheet. Last Friday the 30th October 2015, police yet again picked five of our members who were in possession of the UNPO flag that was issued to Barotseland at the organization's General Assembly on 3rd July 2015 in Brussels, upon formal admission of our territory to membership. These are still in police custody on some ridiculous charge of *'seditious practices'* but are also set to be tried in a court far flung from the area of arrest. We hasten to state that the police officers wrested the UNPO flag from the youths with intention to tear it to pieces, but finally decided to confiscate it.

Another case in point is the recent malicious arrest of Mr. Phelim Kaingu of Livingstone for allegedly being in possession of seditious material when in fact what was in his possession was a printout of an article from some online media. Yet another is the beating to near death of a Barotse youth, Boyd Nyambe, in Lukulu District who had taken upon himself the task of propagating Barotseland independence messages in public places.

The sustained and heightened trampling on our rights of association, assembly and communication by the state party and its agents is intended to thwart any popular remedial action that may become necessary following release of the Commission's report and also ensure installation of unpopular solution to the Barotseland impasse by the said state party working in collaboration with the Barotse Royal Establishment.

We wish to put on record that while Barotseland is historically a constitutional monarch whose apex body is the *Litunga-in-Council*, the said Council being a body of popularly elected representatives, this democratic institution was dealt a fatal blow during the period 1965 to 1969 when the state party executed its illegal acts to terminate the Barotseland Agreement 1964, culminating in demolition of the elected Katengo Legislative Council, from which Barotse Government was constituted and replacing it with the subservient Barotse Royal Establishment. Those unorthodox undertakings of the state party planted the seed for a 50-year long struggle for restitution upon which the matter taken to the ACHPR by the Ngambela in the year 2012 was founded. Needless to mention is that the Ngambela's action was mandated by the *Barotse National Council* of March 26-27, 2012, being a congress of regional traditional leadership structures and political activist groups and the people of Barotseland, whose resolutions were sanctified by endorsement of the Litunga's Privy Council. In the absence of elected government the Barotse National Council is the highest organ of authority in Barotseland and its decisions cannot be reversed by any other party. Accordingly and without preempting any actions that will follow after the Commission's activity report relating to our matter is released, we wish to state that all interventions that may have occurred as to render influence on the Commission's decision on admissibility, if not in conformity with the guidelines of the Barotse National Council, shall be subject to questioning.

Arising from the foregoing, it is our considered view that as a party to the petition that was lodged by Barotseland at the ACHPR, which matter has now fallen in the ambit of the African Union for the consideration and decision of the Heads of State and Government, we have the liberty to engage with the population of Barotseland for information dissemination and internal dialogue leading to informed decisions on all issues pertaining to the popular quest for amicable settlement of the Barotseland question. The route for achieving this noble objective lies in the holding of public meetings and conferences at all levels of society as well as wide access to news media. However, and as the in-depth submissions to the ACHPR proves, the state party has at all times suppressed our rights of association and assembly and always employs its instruments of violence, namely the army, police and prison services to deny our members in particular and the people of Barotseland in general the right to hold public meetings to discuss this important matter. The state party has persisted in this stance notwithstanding the lofty ideals on civil liberties enshrined in the constitution of Zambia in respect of protection of the right of assembly, right of association and the right of communication. Ever since the ACHPR Secretariat informed us of having reached its decision on admissibility vide its letter of March 1, 2015, a number of our members have fallen victim to arrests and detentions without trial.

While we choose to adopt an attitude of wait and see in complete trust in the work of the Commission, as guided by its communications procedures, we are greatly dismayed by the behavior of the state party and its agents, which has chosen to take an opposed direction by interfering with the petitioners as demonstrated above and through continued provocation, trying to impose its will against the aspirations of the People of Barotseland, and subjecting Barotseland to conditions of slavery, servitude and bondage by harassing, detaining and imprisoning the People of Barotseland amidst denying them the right to assembly and association. Barotseland has been turned into a police enclave by increased police presence. The Zambia President, who we believe is well versed in these matters, being a lawyer, should understand that Human RIGHTS are not negotiable and no one has the mandate to ration for others their Human RIGHTS as he is currently doing by agitating for the restoration of the BA064 in continued acts of deception by successive Zambian regimes. This is clearly against the spirit and aspirations of the People of Barotseland as enshrined in their BNC Resolutions of 2012 in his quest to set Barotseland ablaze. Further, it must be appreciated that the unrest that culminated into the January 14th 2011 massacre of innocent Barotse nationals started with the occupying state's tempering and trampling underfoot of the Barotseland people's Right of Assembly.

We, therefore, call on the AU to take a pro-active stance in order to stem off the sufferings of the People of Barotseland. We request the AU to send a team of officials to Barotseland to verify our claims and that if it is accepted, the inquiry be conducted in an atmosphere of tranquility without exerting pressure on any of the interested parties while being mindful that the state party does its best to hide evidence of its human rights violations against our People.

We, further, seek your indulgence to meet you at your earliest convenience prior to next African Heads of State and Government Summit for further clarification of these matters should you deem it necessary. We trust that the contents of this communication shall receive your utmost consideration and look forward to your advice and guidance.

Yours sincerely,



Clement Wainyae Sinyinda
Chairperson General

cc. Dr. Mary Maboreke,
African Commission of Human and Peoples Rights,
Banjul,
The Gambia