



JOINT PUBLIC STATEMENT

Date: 20 March 2020 Index: AFR 63/2009/2020

ZAMBIA: BANNING OF LAWYER FOR EXERCISING HIS FREEDOM OF EXPRESSION MUST BE LIFTED IMMEDIATELY

The Zambian authorities must immediately and unconditionally reinstate lawyer John Sangwa and allow him to practise in his profession, Amnesty International, SADC Lawyers' Association and the Southern Africa Litigation Centre said today. The banning of John Sangwa is deeply troubling, and it is designed to intimidate him and other lawyers from speaking their minds, challenging the judiciary and defending human rights and the rule of law.

The banning of Sangwa was announced by the Judiciary's Acting Chief Registrar and follows Sangwa's criticism of the constitutional amendment Bill 10, which is currently ongoing and seen to be designed to give the president more powers. He accused the government of reversing the gains made by the 2016 Constitution by giving the president unfettered powers which were removed when a new Constitution was voted for by Zambians in 2016. He also accused Constitutional Court judges of failing the nation by refusing to allow a petition to challenge Constitutional Amendment Bill 10.

Sangwa has been a strong critic of the proposed constitutional amendment especially Bill number 10. The Judiciary responded to his remarks by banning him from appearing in any court in Zambia following what they said was "a complaint of professional misconduct made by the Judiciary to the Law Association of Zambia".

According to the UN Basic Principles on the Role of Lawyers, "Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights."

His banning is also flawed as it did not allow him his rights to fair hearing and to presumption of innocence.

BACKGROUND

On Friday 13 March, Acting Registrar sent notice to judges of the Supreme Court, Constitutional Court, Court of Appeal, High Court, Registrars and Magistrates announcing that John Sangwa had been banned from appearing before any court. The judiciary made a complaint to the Law Association of Zambia (LAZ) on the alleged professional misconduct of John Sangwa. However, before the matter was heard the Judiciary announced the banning of Mr Sangwa until the matter has been heard by the LAZ, thus becoming the complainant and the judge in the matter.