

All communications to be
addressed
to the Director
P. O. Box 33812, LUSAKA
Tel: +260-21-1- 251 327/57
Fax: +260-21-1-251 342
[E-mail: director@hrc.org.zm](mailto:director@hrc.org.zm)



Human Rights Commission

Head Office

2nd January 2025
Press Release
For Immediate Release

THE HUMAN RIGHTS COMMISSION STATEMENT ON THE SITUATION OF FRANCIS KAPWEPWE AKA “WHY ME” FOLLOWING SOCIAL MEDIA REPORTS OF ALLEGED VIOLATION OF HIS HUMAN RIGHTS

The Human Rights Commission (HRC/Commission) wishes to dismiss as unfounded social media reports alleging that it has not been responsive to the case of Francis Kapwepwe, also known as “Why Me”, who is undergoing trial for an alleged offence of hate speech.

The Commission acquitted itself to the full extent of its mandate in the case of the 29-year-old Tiktok troll from the time he was arrested and detained on 19th April 2024 by the Zambia Police Service at Kabwata Police Station.

Shortly after he was moved to Livingstone Central Police Station where the complaint of the alleged offence of hate speech was lodged, the Commission visited “Why Me” and engaged the Zambia Police Service to consider granting him bond pending appearance in court in accordance with his right to liberty as enshrined under Article 13 of the Constitution of Zambia read together with Section 33 of the Criminal Procedure Code, Chapter 88 of the Laws of Zambia.

The Police agreed to grant the suspect bond on condition that he provided sureties and the Commission contacted his Legal Counsel and urged him to facilitate sureties for his client, but to no avail.

When the Commission noted that there was inordinate delay in providing sureties to secure his bond, it engaged the National Prosecution Authority (NPA) to expedite processing “Why Me’s” docket so that he could appear before the courts of law and possibly be granted bail.

Accordingly, the accused was granted cash bail by the Livingstone Magistrate Court when he appeared for mention on 29th May 2024. The Commission again contacted his Legal Counsel to facilitate bail conditions but such efforts and guidance could also not succeed based on grounds that are not within the mandate of the Commission. As a result, the accused was remanded to the Livingstone Correctional Facility and since then he has been appearing before the Livingstone Magistrate Court for trial.

In accordance with its mandate of visiting detention and correctional facilities to assess the human rights situation of individuals in custody, the Commission has been visiting “Why Me” and the latest visit was on 31st December 2024. During the visit, the Commission neither received nor observed any complaint of human rights violation or abuse against him.

Both the Correctional Service Officers and “Why Me” confirmed that he was being visited by his friends and other well-wishers. However, the officers confirmed that some individuals were not granted access to see “Why Me” because they had gone to visit him after 16:00hrs, which is the official lockdown, and were accordingly advised to go during official visiting hours.

The officers also guided that those wishing to visit “Why Me” in the Correctional Facility should observe the laid down regulations and rules such as refraining from going with cameras, apparently with a view of playing to the public gallery by taking pictures and videos for social media publicity and political propaganda.

The Commission wishes to assure members of the public and stakeholders that, like for any other suspect or accused person, it has continued monitoring the case of “Why Me” to ensure that his right to secure the protection of the law is upheld in accordance with Article 18 of the Constitution of Zambia.

So far, the Commission has neither received nor found any violation of the right to secure the protection of the law of “Why Me”. The Commission has been in contact with the Legal Counsel representing the accused and according to the available information, “Why Me” is again scheduled to appear for his fortnightly mention on 3rd January 2025 as required by law, while ruling on whether he has a case to answer or not is scheduled for 10th January 2025.

The Commission is appealing to stakeholders interested in the case of “Why Me” to get facts either from his Legal Counsel or from the Human Rights Commission to avoid misleading and alarming members of the public through dissemination of incorrect information.

Finally, the Commission wishes to take this opportunity to acknowledge the cordial collaboration it continues to enjoy in executing its constitutional mandate with respective institutions in the justice delivery sector such as the Zambia Police Service, the National Prosecution Authority, the Legal Fraternity, the Judiciary and the Zambia Correctional Service.

Original Signed

Mweelwa Muleya (Mr.)

Spokesperson

HUMAN RIGHTS COMMISSION-ZAMBIA