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Human Rights Commission

Head Office

12th August, 2026

PRESS STATEMENT FOR IMMEDIATE RELEASE

HUMAN RIGHTS COMMISSION CALLS FOR DUE PROCESS OF THE LAW IN ALL ELECTION-RELATED ARRESTS

The Human Rights Commission is actively monitoring arrests and detentions involving political candidates, supporters, journalists and other actors. The Commission is in receipt of some complaints that have been filed by representatives of some of the affected persons, while other cases are being investigated under the Commission's own motion pursuant to provisions of section 18 of the Human Rights Commission Act No. 4 of 2024.

In particular, the Commission is monitoring cases involving Mr. Xavier Chungu; Mr. Daniel Makina and others; Mr. MacPherson Mukuka; musician Chester and 16 other NRPUP supporters; Ambassador Martha Lungu and Ms. Hannah Isreal Katontoka; and Mr. Valden Findlay and three others; amongst other cases.

In all these matters, the Commission has actively engaged the Zambia Police Service and the Drug Enforcement Commission to ensure that all the suspects are accorded the hallmarks of due process of the law, which involves upholding the presumption of innocence and the rights to personal liberty, access to legal representation, prompt notification of preferred charges, timely appearance before a court and trial within a reasonable time. These due process safeguards are guaranteed by Article 18 of the Constitution of Zambia.

Without delving into the merits of these cases, the Commission in its preliminary investigations, has established that all the suspects have been detained for periods exceeding the prescribed lawful period of 24 hours within which a suspect may be held without being presented before a court of competent jurisdiction.

Section 30 of the Criminal Procedure Code, Chapter 88 of the Laws of Zambia requires that any suspect detained in custody must be brought before a competent court without unnecessary delay. Further section 33(1) of the Criminal

Procedure Code requires law enforcement officers to present suspects before a court within 24 hours of their arrest or to release the person on police bond, subject to the nature and seriousness of the alleged offence.

Where a matter is considered to be of a serious nature, the law enforcement officers are under lawful duty to expeditiously present suspects before court and not to hold them indefinitely. The Commission remains particularly concerned with the prolonged detention of those charged with bondable offences such as riotous behaviour and conduct likely to cause a breach of the peace, as is the case with some of the suspects detained in Mongu.

Further, the Commission decries the failure by law enforcement officers to present suspects before court and denial of their access to family and legal representation. As of today, Human Rights Commission officers have not received the cooperation of the Zambia Police Service in accessing Mr. Findlay and three others to enable the lawful conduct of compliance with minimum human rights standards.

The Commission enjoins the Zambia Police Service to ensure strict adherence to due process of the law in all election-related arrests, investigations and prosecutions. The rights to personal liberty and to protection from arbitrary arrest and detention are both constitutionally and internationally recognised, and must therefore be met with strict adherence.

As the country heads to the polls tomorrow, 13 August 2026, the Commission calls upon all authorities and stakeholders to uphold inalienable fundamental rights and freedoms and contribute to a peaceful, free, fair and credible electoral process. The Commission has deployed fixed and roving human rights monitors throughout the country. Members of the public are encouraged to actively report violations of human rights during and after the electoral process to the Commission monitors on the ground and the Commission **Toll-free line 8181**.

About the Human Rights Commission

The Human Rights Commission is an independent National Human Rights Institution established under Article 230 of the Constitution of Zambia and operationalised by the Human Rights Commission Act, No. 4 of 2024. Its mandate includes promoting and protecting human rights, investigating human rights violations and abuses, monitoring the observance of human rights and conducting human rights education. The Commission is also the oversight institution under the Access to Information Act, No. 24 of 2023. For more information, visit www.hrc.org.zm.

(Original Signed)

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HUMAN RIGHTS COMMISSION