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

Human Rights Commission

Head Office

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PRESS RELEASE
For Immediate Release

HUMAN RIGHTS COMMISSION URGES PROMPT DUE PROCESS IN ALL PROLONGED ELECTION-RELATED DETENTION CASES

The Human Rights Commission strongly urges the Zambia Police Service and the National Prosecution Authority to ensure prompt due process in all cases of prolonged detention, particularly for persons arrested in connection with the just-ended 2026 General Elections, post-election incidents and other related security operations across the country.

The provisions of the Constitution of the Republic of Zambia are instructive. Article 13 protects the right to personal liberty and requires arrested or detained persons to be brought before a court without undue delay. Further, Article 18 guarantees safeguards for persons charged with criminal offences, including the right to a fair hearing within a reasonable time before an independent and impartial court.

These national safeguards are reinforced by Article 6 of the African Charter on Human and Peoples' Rights and Article 9 of the International Covenant on Civil and Political Rights. Prolonged detention without charge or court appearance is contrary to these international human rights safeguards. Prolonged detention also exposes detainees to the risk of ill-treatment, restricts access to legal representation and undermines public confidence in the administration of justice.

In line with its constitutional mandate, the Commission is closely monitoring cases involving at least 84 persons arrested or detained in connection with election-related incidents and security operations. The Commission continues to regularly visit detention facilities, conduct inquiries and spot checks, verify the status of persons in custody, and engage with the Zambia Police Service and other responsible institutions on these cases. Below is a highlight of the status of some of the cases being monitored by the Commission.

In Lusaka, the Commission established that Mr Alphonso Daka and 42 others remained in police custody following their arrest on 14th August 2026 in connection with some commotion in Roma Township. Most of those arrested are reportedly bus drivers from Matero Constituency. These detainees were warned and cautioned, and investigations at Chelston Police Station were concluded, with recommendations already submitted to Zambia Police Headquarters. However, as at 1st September 2026, all 43 persons remained in custody.

Further, the Commission confirms that Mr Newton Miti, Mr Joseph Phiri, Mr Collins Kavwali, Mr Kennedy Chimfwembe, Mr Emmanuel Banda and Mr Fredrick Machali have remained in police custody following an operation in Ng'ombe Township on 13th August, 2026. As at 1st September, 2026, these detainees had been in custody for 19 days without charge. Further, Mr Enock Roosevelt Tonga, who was arrested at the National Results Centre on 17 August 2026, also remains in custody.

Furthermore, the Commission has continued to monitor the cases of 16 persons, including musician Moses Ng'andwe, popularly known as Chester; gospel musician Felix Ndangeni Inshila, also known as Felix Phiri; and comedian Winston Ngosa, popularly known as IDC Light Comedy. The accused persons have since appeared before the Kalabo Chief Resident Magistrate's Court, pleaded not guilty to the charge of riotous behaviour and been granted bail pending trial, but only after spending several days in prolonged pre-trial detention.

Additionally, the Commission is monitoring the case involving 18 persons who have been formally arrested and charged with one count of treason. They include NRPUP presidential candidate Mr Brian Mundubile; his running mate, Mr Makebi Zulu; Mr Valden Findlay; and several other persons previously arrested during the security operation conducted in Kabulonga on 14 August 2026. These include Mr Brazil Soko, Mr Jackson Mutyoka, Mr Bernard Chewe, Mr Simon Phiri, Mr Richard Banda, Mr George Kangwa Chisanga, Mr Trevor Mwamba, Mr Francis Mulenga, Mr Emmanuel Mulenga, Mr Patrick Mwansa and Mr Darius Mwila. The Commission calls for all these 18 accused persons to be brought before a competent court without undue delay and for the matter to proceed strictly in accordance with the provisions of the law.

Of further particular concern to the Commission is the continued detention of Mr Kennedy Kamba for approximately two weeks after he was granted bail. For a period of time, his whereabouts were unknown, but he was eventually located at Kabwata Police Station in the past few days. Mr. Kamba has not appeared in court and remains in custody, despite the reported court order granting him bail. The Commission calls upon the Zambia Police Service to comply with the court order and facilitate Mr Kamba's immediate release, or timely appearance before court.

The Commission has also taken note of media reports that police holding cells have sufficient capacity to accommodate suspects awaiting trial, and that detainees are being transferred to nearby police stations in the event that some facilities appear to be full. In line with its constitutional mandate, the Commission is of the view that availability or capacity of police holding cells cannot provide a lawful justification for prolonged detention or failure to promptly bring detainees before a competent court. Police cells are temporary holding facilities and must not be substitutes for courts or lawful remand facilities.

Where an offence is bondable, the Zambia Police Service must be strictly guided by the provisions of section 33(1) of the Criminal Procedure Code, which provides for the release of a suspect on police bond, subject to legally prescribed conditions. In accordance with the provisions of the law, the relevant consideration is not whether holding-cell capacity is available, but rather, the consideration of each detained person's reasons for arrest. Every detained person must be promptly charged and brought before a competent court; or granted police bond where appropriate; or indeed released where there is no lawful basis for their continued detention.

Taken together, these cases reveal a disturbing pattern of prolonged detention, delayed notification of charges, restricted access to family and legal representation and failure to bring detainees before a competent court without undue delay. The use of arrest or detention to punish, intimidate or hold persons indefinitely while investigations are being conducted is contrary to the provisions of Articles 13 and 18 of the Constitution of the Republic of Zambia and other applicable national and international human rights safeguards.

In summary, the Commission is calling upon:

1. The Zambia Police Service to immediately review the legal status of every person in police custody or other detention facility; and promptly charge and bring before a competent court all those against whom there is sufficient evidence; grant police bond where appropriate; release all those whose continued detention has no lawful basis; disclose all detainees' whereabouts; and ensure that all detainees are accessible to their families and legal representatives; and

2. The National Prosecution Authority to promptly review all dockets that may have been submitted by the Zambia Police Service and make timely prosecutorial decisions.

The Commission further calls for prompt and independent investigations into all allegations of unlawful arrests, prolonged detentions, enforced disappearances, denial of access to family and legal representation, as well as ill-treatment and unlawful use of force. Any officers or other persons found responsible must be held accountable in accordance with the law.

The Commission will continue to visit detention facilities, engage the Zambia Police Service and the National Prosecution Authority and pursue appropriate action to protect the fundamental rights of all persons in custody.

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 through 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. For more information, visit www.hrc.org.zm.

(Original Signed)

Dr Pamela Towela Sambo
CHAIRPERSON
HUMAN RIGHTS COMMISSION