Joint Statement: Attacks on the rule of law, judicial independence and access to justice in Zambia surrounding the general election

16 September 2026

The **International Bar Association's Human Rights Institute (IBAHRI),** the **Bar Human Rights Committee of England & Wales (BHRC)**, the **East Africa Law Society (EALS)**, the **International Commission of Jurists (ICJ)**, the **Law Society of England and Wales (LSEW)**, **Lawyers for Lawyers (L4L)** and the **Pan African Lawyers' Union (PALU)** are gravely concerned by a series of developments in the lead up to and surrounding Zambia's general election, held on 13 August 2026. Taken together, the incidents outlined below raise serious questions about the independence of the judiciary, security-force conduct and accountability, election-related access to justice, and the ability of lawyers to carry out their professional functions without fear of reprisal.

The undersigned view with grave concern that, on 13 August 2026, the Zambia Army and joint security task forces were reportedly deployed during and after polling, as well as reports by election observers, including a European Union observation mission, of serious incidents and procedural irregularities during the counting and tabulation, affecting the transparency and credibility of the election. On 14 August 2026, a security operation at a property linked to the opposition presidential candidate resulted in the fatal shooting of former Cabinet Minister Mutotwe Kafwaya; his death was publicly confirmed by the authorities five days later.

On 24 August 2026, the penultimate day of the constitutional deadline for filing a presidential election petition challenging the election outcome, the premises of the Constitutional Court, High Court, Supreme Court and other courts all across Zambia were closed and cordoned off by police and military personnel, on stated grounds of unspecified security concerns that have not, to our knowledge, been substantiated. The email address of the Chief Registrar's office was also disabled, preventing petitions from being filed electronically, leading to a complete denial of access to justice. The Law Association of Zambia (LAZ) publicly stated that it had not, at the time, received a formal explanation for the closure, its scope or its duration, and called for the urgent restoration of access to the courts.

A significant number of opposition figures and persons associated with the opposition coalition have been arrested and detained, in circumstances that appear arbitrary and linked to their political connections and the election. This raises concern that the criminal justice system is being abused to stifle dissent and undermine the exercise of fundamental freedoms.

The undersigned are further troubled by reports that lawyers involved in preparing or lodging election-related legal challenges have felt forced to leave Zambia, due to threats to their personal safety. For instance, Linda Kasonde, former President of LAZ, who prepared and electronically lodged a petition through the personal email of the Chief Justice of Zambia within the 7-day deadline challenging the validity of the presidential election result, notwithstanding the physical closure of the courts referred to

above. These reports raise concern that lawyers were prevented from performing their professional functions free of intimidation, hindrance or improper interference, contrary to Principles 16 and 17 of the UN Basic Principles on the Role of Lawyers referred to below. The Commonwealth Lawyers Association has separately and independently expressed similar concerns regarding the safety of lawyers following the election.

The undersigned note with alarm a further escalation in the days immediately preceding this statement. On 11 September 2026, the Government of Zambia published the Statutory Instrument No. 1421 of 2026, cancelling the passports of six individuals, including opposition figures, a former diplomat, an academic and a media commentator, on unsubstantiated grounds of conduct said to be contrary to the interests of Zambia. The arbitrary cancellation of passports is contrary to Article 12 of the International Covenant on Civil and Political Rights and Article 22 of the Constitution of Zambia, which guarantee freedom of movement. Article 26 of the Constitution of Zambia further requires that any restriction of that freedom be authorised by law, and that the person affected be entitled to reasons for the restriction and to have it reviewed.

Recent events occur in a context of reduced judicial independence in Zambia. In May 2026, three months before the election, 40 judges were appointed by President Hakainde Hichilema across Zambia's superior courts, reportedly the largest judicial appointment in the country's history. The timing of that appointment raises concerns, given its proximity to the dissolution of Parliament and the general election. Around the same time, judicial salaries were increased unilaterally by the executive, unlawfully bypassing the Emoluments Commission, the body constitutionally mandated to determine judicial remuneration. This followed the removal, in October 2024, of three of the five founding judges of Zambia's Constitutional Court, on grounds of misconduct linked to a ruling made some eight years earlier. Their removal appears to have been undertaken as retribution for decisions adverse to the President's own past legal interests, which would be violation of the principle that judges may be removed only for reasons of incapacity or behaviour that renders them unfit to discharge their duties.

Taken together, these actions seriously undermine the rule of law in the country, as they narrow civic space, severely limit access to justice and erode the separation of powers. They appear to be in violation of domestic Constitutional guarantees, as well as several international obligations and standards applicable to Zambia. These include, among others:

- The **International Covenant on Civil and Political Rights** and the **African Charter on Human and Peoples' Rights,** which protect the right to liberty and security, the freedoms of expression, assembly and association, movement as well as the right to a fair trial, to which an independent judiciary and access to a lawyer of one's choosing are foundational.
- The **UN Basic Principles on the Role of Lawyers** (Principles 16 and 17) and the **IBA Standards for the Independence of the Legal Profession**, which require states to ensure that lawyers can perform their professional functions without intimidation, hindrance, harassment or improper interference, and to protect them where their safety is threatened by reason of their work.
- The **African Commission on Human and Peoples Rights Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa**, which set out in further details these requirements for the Africa region.
- The **UN Basic Principles on the Independence of the Judiciary**, which reflect the further requirement of security of tenure and a fair, properly constituted disciplinary process before any judge is removed, as well as safeguards in the appointment process.

- The **Commonwealth (Latimer House) Principles**, which recognise that an independent and impartial judiciary, together with an independent and effective legal profession, is essential to the rule of law and the proper administration of justice.

- The **Lilongwe Principles and Guidelines on the Selection and Appointment of Judicial Officers**, which establish that the authority responsible for the selection and appointment of judges should be independent and impartial.

The undersigned organisations therefore call on the Government of Zambia to:

1. Conduct independent, impartial and effective investigations into the killing of Mutotwe Kafwaya, including the circumstances of the security operation and the delayed confirmation of his death;
2. Establish an independent and transparent inquiry into the legality of the closure of the courts in August 2026, and treat the constitutional filing deadline as tolled for the duration of the closure to preserve access to justice and ensure litigants are not prejudiced by the closure of the courts;
3. Publish a full, verifiable list of persons detained in connection with the election and its aftermath, and ensure everyone is afforded full fair trial guarantees, including prompt release or presentation before an independent court.
4. Guarantee that all lawyers in Zambia, including those engaged in election-related matters, are able to carry out their professional functions independently and safely, in accordance with the country's obligations and standards under international law;
5. Restore the cancelled passports pending a fair and transparent process consistent with international obligations and standards and Article 26 of the Constitution of Zambia;
6. Establish an independent and transparent inquiry into the legality of the May 2026 judicial appointments and salary increase, and the 2024 removal of the three Constitutional Court judges and comply with international obligations and standards concerning the independence of the judiciary.

Signatories:

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East Africa Law Society (EALS)

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