

Statement on the post-election situation in Zambia

The Commonwealth Lawyers Association is deeply concerned by reports of post-election developments in Zambia that raise serious issues concerning access to justice, judicial independence and the safety of lawyers. The CLA's constitutional mandate is to promote the rule of law throughout the Commonwealth by ensuring that the people of the Commonwealth are served by an independent and efficient legal profession. This statement addresses rule-of-law, access-to-justice and lawyer-safety concerns only; it does not take a position on the merits of the election outcome or favour any political party.

Following the national election held on 13th August 2026, a number of serious events have been reported which, taken together, require urgent attention.

These include but are not limited to:

- (1) the deployment of the army during the election, including military personnel taking control of tallying centres in Mufulira and the deployment of armed military vehicles in parts of Lusaka;
- (2) serious incidents and procedural irregularities during the counting and tabulation and alleged breaches of ballot-box security, giving rise to concerns about the transparency and credibility of the electoral process;
- (3) an armed raid on 14 August 2026 on a property linked to the opposition presidential candidate, during which former Cabinet Minister Mutotwe Kafwaya was fatally shot by law enforcement;
- (4) to the physical sealing and cordoning off of the Constitutional Court, Supreme Court and local courts by heavily armed police on 24 August 2026, the last day for filing presidential election petitions challenging the election outcome; and
- (5) reports that lawyers seeking to file election petitions, have left Zambia because of concerns for their personal safety.

Taken together, these developments raise serious concerns that the rule of law has been undermined.

Zambia is a member of the Commonwealth and hosted the Commonwealth Law Conference in 2019. It is therefore of profound concern if the Law Association of Zambia, its members, or lawyers acting in election-related matters, are unable to uphold the rule of law without fear of intimidation or harm.

The CLA condemns any actions, by whomever committed, that undermine access to justice and calls for election petitions, where lawfully brought and permitted by the Constitution of Zambia, to receive full and independent judicial consideration.

The CLA is also concerned by the timing and manner of the removal of experienced judges from the Constitutional Court of Zambia and by Parliament's ratification in May 2026 of the appointments of 40 new judges across the superior courts, particularly where those courts may be required to determine constitutional and election challenges. The independence of the judiciary, and the ability of the courts

to uphold the rule of law and hold the Executive to account, are fundamental to democracy under the rule of law.

These developments engage fundamental Commonwealth and international standards governing the independence of the judiciary and the legal profession. The Commonwealth (Latimer House) Principles 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 UN Basic Principles on the Role of Lawyers require governments to ensure that lawyers can perform their professional functions *“without intimidation, hindrance, harassment or improper interference”* and that, where their security is threatened because of their work, they are adequately safeguarded by the authorities.

These principles require more than formal recognition. Lawyers must be able to advise their clients, approach the courts and pursue lawful proceedings safely and independently. Courts must remain accessible and able to determine disputes without interference or intimidation.

The situation in Zambia is serious and requires urgent, lawful and proportionate action.

The CLA:

- calls for a prompt, independent and transparent investigation into the fatal shooting of Mutotwe Kafwaya, including the circumstances of the security operation and the delayed confirmation of his death;
- calls on the authorities to restore public confidence by affirming their respect for the rule of law and judicial independence, restoring effective access to the courts and establishing an independent enquiry to consider the closure of the courts and the removal of constitutional Judges;
- stands ready, together with other Commonwealth legal organisations, to support independent observation of election petitions and other Constitutional Court challenges;
- offers, in consultation with the Law Association of Zambia and other relevant national institutions, appropriate assistance from Commonwealth legal organisations to support and develop capacity within the legal profession and judiciary; and
- calls for urgent public assurances that all lawyers may act on behalf of their clients safely, independently and without improper interference, regardless of the political affiliation of their clients.

7th September 2026

The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. commonwealthlawyers.com