

URGENT ACTION

EX-PRESIDENTIAL CANDIDATE ARBITRARILY DETAINED

Xavier Chungu is an opposition political leader and was a presidential candidate until his withdrawal on 12 July. On 28 May, he was arrested following an interview he did in a podcast. He was subsequently charged with seven counts under the State Security Act, three counts of sedition, and one count under the Zambia Security Intelligence Services Act. On 10 July, he was denied bail after the Director of Public Prosecutions issued a 'No Bail Certificate' limiting meaningful judicial oversight and undermining the requirement that pretrial detention must have a legal justification and be necessary and proportionate. Amnesty International calls on the Zambian authorities to immediately and unconditionally release Xavier Chungu as the criminal charges against him are based solely on the peaceful exercise of his human rights, including his rights to freedom of expression!

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Director of Public Prosecutions

Mr Gilbert Phiri

National Prosecution Authority

Plot BLX 29B, Independence Avenue,

Lusaka, Zambia

Email: ca@npa.gov.zm

Dear Mr Gilbert Phiri,

*I am writing to express concern regarding the arbitrary arrest and detention of the leader of opposition political party, Liberal Democratic Party, and former presidential candidate **Xavier Chungu**.*

On 28 May, Xavier Chungu was arrested on allegations of disclosing classified information after his appearance on a recorded podcast on 24 May. On 1 June, he was charged with seven counts of Communication of Certain Information under Section 4(1) of the State Security Act. He was also charged with three counts of Seditious Practices under the Penal Code and one count of Prohibition of Publication or Disclosure of Information to an Unauthorised Person under the Zambia Security Intelligence Services Act. On 4 July, the High Court of Zambia granted him bail, but he was re-arrested on the same day and charged with 'Communication of Certain Information under the State Security Act; Seditious Practices under the Penal Code; Two counts of Publication of Information to Unauthorised Persons under the Zambia Security Intelligence Services Act.' On 10 July, Xavier Chungu was denied bail after you issued a 'No Bail Certificate', effectively stripping the court of its discretionary power to grant bail. While states may restrict liberty in appropriate circumstances, international human rights law requires that any deprivation of liberty be lawful, strictly necessary and proportionate to achieving a legitimate aim, and subject to effective judicial review.

Zambia is a state party to the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights and is obliged to guarantee the right to liberty and the right to freedom of expression. In its Declaration of Principles on Freedom of Expression and Access to Information in Africa (2019), the African Commission has clarified that any "restriction on this right must be prescribed by law, pursue a legitimate aim, and be necessary and proportionate in a democratic society" and that "freedom of expression shall not be restricted on public order or national security grounds unless there is a real risk of harm to a legitimate interest and a close causal link between the risk and the expression."

I therefore urge you to immediately and unconditionally release Xavier Chungu and drop all charges against him as they are based solely on the peaceful exercise of his right to freedom of expression. I further urge the Zambian authorities to respect, protect and uphold the right to freedom of expression and to ensure that any restrictions on this right are strictly consistent with international and regional human rights standards.

Yours sincerely,

ADDITIONAL INFORMATION

Xavier Chungu is the president of opposition political party, Liberal Democratic Party, and was a presidential candidate in the upcoming elections until his withdrawal on 12 July, stating that his detention had prevented him from campaigning. He was arrested on 28 May after on 24 May he participated in a podcast known as the Zed Podcast. The podcast was reportedly withdrawn before public release, but Amnesty International has not been able to find any evidence that Xavier Chungu's statements involved disclosing classified information, posed a genuine threat to national security or could constitute a recognizable crime under international human rights law.

The charge sheet reflected that he was arrested on 1 June 2026 instead of 28 May. He was charged with seven counts of communication of certain information under Section 4(1) of the State Security Act. He was also charged with three counts of seditious practices under the Penal Code Act and one count of prohibition of publication or disclosure of information to an unauthorised person under the Zambia Security Intelligence Services Act. The High Court granted him bail on 4 July, only to be re-arrested on the same day and charged with 'communication of certain information' under the State Security Act; seditious practices under the Penal Code Act; Two counts of Publication of Information to Unauthorised Persons under the Zambia Security Intelligence Services Act.' The Director of Public Prosecutions issued a 'No Bail Certificate' effectively preventing his release and removing meaningful judicial discretion to assess whether his continued pretrial detention has a legal justification and is necessary and proportionate.

At present, there is no publicly available evidence demonstrating that Mr. Chungu disclosed information whose publication posed a genuine and identifiable threat to national security. While the State alleges that the podcast contained confidential information acquired through his former office, the specific content alleged to constitute criminal disclosure has not been publicly disclosed. Independent accounts from individuals who claim to have listened to the recording dispute that it contained classified information. The podcast itself was reportedly withdrawn before public

International human rights law and standards on the right to freedom of expression stress the protection of political discourse, particularly in circumstances of public debate (see UN Human Rights Committee, General Comment 34, para. 38). The African Commission on Human and Peoples' Rights in its Declaration of Principles on Freedom of Expression and Access to Information in Africa has clarified that "*freedom of expression shall not be restricted on public order or national security grounds unless there is a real risk of harm to a legitimate interest and there is a close causal link between the risk of harm and the expression.*"

PREFERRED LANGUAGE TO ADDRESS TARGET: English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 24 January 2027

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Xavier Chungu (he/ him)