

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Working Group on Arbitrary Detention and the Special Rapporteur on the independence of judges and lawyers**

Ref.: AL ZMB 1/2025  
(Please use this reference in your reply)

14 July 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Working Group on Arbitrary Detention and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 52/9, 51/8 and 53/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the detention and criminal charges brought against investigative journalist Thomas Allan Zgambo. These actions appear to be directly related to his legitimate exercise of the right to freedom of expression, particularly in the context of his professional activities as an investigative journalist and blogger, including his work with the online publication outlet the *Zambian Whistleblower*.

We are writing this letter as a follow-up to the visit to Zambia from 20 to 31 January 2025 of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, during which the mandate received numerous reports raising concerns about the judicial harassment of journalists. We are following up specifically on the case of Mr. Zgambo, which we consider emblematic of broader issues, and we are doing so through the communication procedure to seek explanations and clarification regarding Zambia's commitment to the protection of journalists and the safeguarding of media freedom.

Thomas Allan Zgambo is an investigative journalist with his own online publication outlet the *Zambian Whistleblower*, an independent news platform established in 2021. The outlet publishes investigative reports and commentary across several social media channels, including Facebook—where it has a following of approximately 145,000 users—as well as YouTube and X. The outlet is known for its critical reporting on Government policies and the ruling political party. Since 2013, Mr. Zgambo has received a series of continued legal harassment in relation to his critical reporting.

According to the information received:

Thomas Allan Zgambo's first encounter with the *Zambian Justice* system occurred in 2013 when he was charged with sedition, which carries a possible punishment of seven years imprisonment, after documents relating to the then President Michael Sata were found in his home. Although he was released on Police Bond, he was never given a court date and the matter remained unresolved following President Sata's death in 2014.

In 2015, Mr. Zgambo conducted an investigation and discovered that telephone messages to and from his Airtel Networks phone number had been diverted in 2014. He subsequently filed a petition with the High Court of Zambia that same year.

Mr. Zgambo faced further judicial harassment after a change of power when the United Party for National Development (UPND) took over Government in 2021 and Thomas Zgambo continued his critical reporting on Government policies.

In May 2021, still before the UPND came into power, Mr. Zgambo sued the Zambian Government through the Attorney General for wrongful detention. The High Court awarded Mr. Zgambo damages, but the UPND Government allegedly refused to compensate Mr. Zgambo, allegedly putting pressure on him to close his online publication outlet the Zambian Whistleblower, or to change its editorial line.

In 2022, Airtel Networks Zambia allegedly submitted a forged audit report, purportedly prepared by KPMG professional services, in an attempt to mislead the court and obstruct justice. Following this, on 29 May 2023, the Police arrested Airtel's Legal Affairs Manager. However, the case was never prosecuted.

On 17 October 2023, the Zambian Whistleblower published an article alleging that the Zambia National Service, a branch of the Defence force was importing genetically modified maize from South Africa without informing the public of its potential risks. On 28 November 2023, Zgambo was arrested in connection to this report and again charged with seditious practices. This court case is still pending and Mr. Zgambo is facing trial. To date, two military generals have already testified in the case and the State has indicated it has five more witnesses.

Mr. Zgambo was arrested again on 6 August 2024, following a 28 July 2024 commentary he published on the Zambian Whistleblower Facebook page. In the post, he called on the Government to disclose any connections between a leased property and President Hakainde Hichilema. Notably, Mr. Zgambo's August 2024 arrest occurred just hours after the Government, through a speech delivered by the information minister, publicly reaffirming the administration's commitment to upholding press freedom. Again, authorities accused Mr. Zgambo of publishing seditious material, which under Zambian law includes content that could incite public disaffection or advocate for the overthrow of the Government. He was detained until 8 August 2024, during which time he alleges the police attempted to coerce him into revealing his sources. This trial commenced on 1 July 2025.

The third and longest arrest for Mr. Zgambo was on 16 October 2024 when Mr. Zgambo was picked up from Lewanika Shopping Mall in Lusaka and detained for 16 days on charges of criminal defamation against the Acting Auditor General, National Security Advisor to President Hakainde Hichilema and a United Capital Fertiliser Board Chairperson. This arrest related to a 2022

article from a whistleblower published on the *Zambian Whistleblower* alleging corruption in fertiliser procurement by the *Zambian Government* under the *Farmer Input Support Programme (FISP)*. In 2022, Mr. Zgambo was summoned to *Police Headquarters* to disclose the name of the source, but he declined.

It is alleged that throughout the legal persecution, Mr. Zgambo has been to court on average every two weeks from December 2023 putting a significant strain on his time and ability to function as an investigative journalist.

Without prejudging the accuracy of the above information, we wish to express my deep concern regarding the arrest, detention, and legal proceedings initiated against Mr. Zgambo. These actions appear to be directly linked to his journalistic work and the exercise of his right to freedom of expression.

We are deeply concerned about the apparent weaponization of criminal law, including the use of vague or overly broad provisions such as those related to sedition, to suppress dissent and silence critical voices. The use of such legal instruments against journalists undermines press freedom and democratic and civic space and is incompatible with Zambia's obligations under international human rights law. We therefore call for the charges against Mr. Zgambo in relation to his activities as a blogger and investigative journalist to be dropped.

We are particularly concerned about the broader implications of this case for media freedom and freedom of expression in Zambia. The targeting of Mr. Zgambo, and others in similar circumstances, risks creating a chilling effect on journalists, media workers, bloggers, and human rights defenders. Such actions may deter individuals from expressing themselves freely, engaging in peaceful protest, or participating in public and political life.

We wish to emphasize the importance of specific protections for journalists, in line with international human rights standards, including legal defences for public interest disclosures. In its protection of journalists, as highlighted in my 2022 report to the Human Rights Council on media freedom in the digital age (A/HRC/50/29), Zambia should adopt a broad understanding of journalism as a protected activity. It is the act of seeking, receiving, and imparting information and ideas to the public that defines journalism—not the formal status or professional affiliation of the individual. This inclusive understanding is essential to ensuring that all those engaged in journalistic activities, including independent and citizen journalists, are afforded adequate protection.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

2. What measures has the Government of Zambia taken to ensure that laws are not misused to silence critical voices, particularly journalists and media workers?
3. What safeguards are in place to protect journalists from judicial harassment and to ensure that they can carry out their work without fear of reprisal?
4. Does the Government of Zambia intend to review and amend its legal framework to bring it into full compliance with international standards on freedom of expression, including by incorporating specific guarantees and protections for the media?
5. Please provide detailed information on the legal basis for the arrest and prosecution of Mr. Zgambo, including the specific charges brought against him, the evidence relied upon, and the current status of the proceedings.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the letter of allegation and the regular procedure.

Please accept, Excellency, the assurances of our highest consideration.

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Matthew Gillett  
Vice-Chair on communications of the Working Group on Arbitrary Detention

Margaret Satterthwaite  
Special Rapporteur on the independence of judges and lawyers

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the right to freedom of opinion and expression as set forth in article 19 of the Universal Declaration of Human Rights (UDHR) and article 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Zambia on 10 April 1984. Additionally, we would like to refer your Excellency's Government to article 9 of the ICCPR, which provides for the right not to be subjected to arbitrary arrest or detention. These articles shall be read individually and together with article 2.3. of the ICCPR, which provides for the right to an effective remedy for every person whose rights contained in the Covenant have been violated.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline and protects the freedom of the press as one of its core elements. It includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed.

In its [general comment No. 34](#), the Human Rights Committee, interpreting article 19, stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (paragraph 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (paragraph 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are

frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (paragraph 23).

Additionally, according to the Committee “the penalization of a media outlet, publishers or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression” and any restrictions on the operation of websites, blogs or any other internet-based, electronic or other such information dissemination system, including systems to support such communication, “are only permissible to the extent that they are compatible with paragraph 3” (paragraph 42). In this regard, “permissible restrictions generally should be content-specific; generic bans on the operation of certain sites and systems are not compatible with paragraph 3” (paragraph 43). Further, the Committee underlines that “defamation laws must be crafted with care to ensure that they comply with paragraph 3, and that they do not serve, in practice, to stifle freedom of expression”.

Further, [Human Rights Council resolution 12/16](#) called on States to refrain from imposing restrictions that are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

Regarding the allegations of arbitrary detention, article 9 of the ICCPR states that no one shall be subjected to arbitrary arrest or detention or deprived of his liberty except on such grounds and in accordance with such procedures as are established by law. As interpreted by the Human Rights Committee in its [general comment No. 35](#), the notion of "arbitrariness" should not be equated with "against the law", but should be interpreted more broadly to include considerations of inappropriateness, injustice, unpredictability and due process, as well as considerations of reasonableness, necessity and proportionality (paragraph 12). Further, the Human Rights Committee has found that the deprivation of liberty of an individual for exercising their freedom of expression constitutes an arbitrary deprivation of liberty contrary to article 9 of the Covenant (CCPR/C/GC/35, para. 17), and a concurrent violation of article 19 of the ICCPR. In addition, we would also like to draw the attention to the jurisprudence of the Working Group on Arbitrary Detention which stated that access to information or freedom of expression is the precondition to the fulfillment of all other rights in the democratic society. In addition, the Working Group on Arbitrary Detention has established in its jurisprudence that preventive deprivation of liberty, as a precautionary and non-punitive measure, must also comply with the principles of legality, necessity and proportionality to the extent strictly necessary in a democratic society. It may only proceed in accordance with the limits strictly necessary to ensure that the efficient development of investigations is not impeded and justice is not evaded, and provided that the competent authority substantiates and accredits the existence of the aforementioned requirements. Because of the particularly restrictive nature of pre-trial detention, the imposition of this measure should be the exception rather than the rule.

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Finally, we emphasize, in this regard, that journalism provides an essential service for any society, as it equips individuals and society as a whole with the necessary information to allow them to develop their own thoughts and to freely draw their own conclusions and opinions (A/HRC/20/17 para. 3). We also recall that a free, uncensored, and unhindered press constitutes one of the cornerstones of a democratic society (CCPR/C/GC/34 para. 13).