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**REPUBLIC OF ZAMBIA**

# THE JUDICIARY

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**PRESS RELEASE**

***For Immediate Release***

**CLARIFICATION ON HABEAS CORPUS PROCEEDINGS CONCERNING MR. EMMANUEL BANDA**

**LUSAKA, 27TH NOVEMBER 2026** — The Judiciary of Zambia wishes to clarify recent public assertions regarding the health condition and *habeas corpus* proceedings involving Mr. Emmanuel Banda before the High Court.

In the matter in question, the High Court granted an application for a writ of *habeas corpus* requiring the State to produce Mr. Banda before the Court. On the scheduled hearing date, the State did not present the Applicant in open court. Upon inquiry by the Court, the Learned Attorney General advised that Mr. Banda was medically indisposed and unable to attend, and consequently invited the Court to convene its sitting at the hospital.

In strict adherence to due process, the presiding Judge then ordered the production of a certified medical report confirming the Applicant's inability to appear before Court. Furthermore, to ensure transparency and impartiality, the Court commissioned counsel for both the State and the Defence to conduct a joint visit to the hospital to ascertain Mr. Banda's condition.

Following their inspection, both the State and Defence Counsel submitted a joint report to the Court confirming that Mr. Banda was admitted to hospital but unable to physically attend court.

The Court accepted the joint findings of Counsel as satisfactory compliance with the writ regarding the production of the Applicant's body, enabling the

Learned Attorney General to show cause as to why Mr. Banda should not be released from custody.

Based on the verified feedback from both parties and the evidence presented during the inquiry, the Court delivered an *ex-tempore* ruling affirming that the detention of Mr. Emmanuel Banda is indeed lawful, supported as it was by a prior order committing him into the custody of the State pending trial before the High Court at Chipata, for an unbailable offence. A copy of the Judgement order issued may be accessed at the link below:

*https://judiciaryzambia.com/wp-content/uploads/2026/11/2026-HP-1406-Emmanuel-Jay-Banda-Vs-The-Attorney-General-Nov-2026-Justice-G.-C-Mulenga.pdf*

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