

PUBLIC

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EXTRA 109/99

Fear of imminent execution / Death penalty 13 August 1999

ZIMBABWE

Mrs Sukoluhle Kachipare, aged 34, mother of two

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Amnesty International is concerned that mother of two, Sukoluhle Kachipare, could face imminent execution by hanging.

Sukoluhle Kachipare was sentenced to death after being convicted in March 1997 of inciting her 17-year-old maid, Masline Chibwara, to murder her (Chibwara's) new-born baby. Her appeal to the Supreme Court was dismissed in September 1998 (though she was only informed of this in August 1999). Her last chance to avoid execution lies with the President, to whom she reportedly submitted an appeal for clemency earlier this month. If he decides not to grant her clemency she could be executed immediately without notice.

Masline Chibwara confessed to having killed her baby but claimed that Sukoluhle Kachipare coerced her into doing so. Masline Chibwara was found guilty under the Infanticide Act and sentenced to two years' imprisonment with labour, conditionally suspended for five years. Sukoluhle Kachipare has vigorously proclaimed her innocence throughout the trial.

#### BACKGROUND INFORMATION

Mrs. Kachipare's defence lawyers are concerned that she has been convicted of murder despite not actually carrying out the murder and that the conviction was based on incitement to murder primarily on the testimony of her co-accused, Masline Chibwara.

Local non-governmental organizations (NGOs) campaigning on Mrs Kachipare's behalf have argued that the evidence presented by the prosecution was based only on the testimony of the co-accused and that the case against Mrs Kachipare should therefore have been dismissed. The High Court, however, concluded that the two defendants had committed the crime together. Although the Supreme Court considered the argument that the High Court judge should have discharged the case against Mrs Kachipare it nevertheless concluded that her conviction should stand.

If Mrs. Kachipare is hanged she will be the first woman to be executed in Zimbabwe since 1898.

In 1998 at least two prisoners were executed in Zimbabwe. More than five prisoners were sentenced to death for murder and at least seven had their death sentences confirmed by the Supreme Court.

It is customary for executions to be carried out without notice early on Friday mornings.

Human rights organizations in Zimbabwe are calling for the suspension of capital punishment until a constitutional review which is currently under way is completed.

**RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language:**

- appealing to President Mugabe to grant clemency to Sukoluhle Kachipare, and to commute the death sentences of any other prisoners whose cases come before him for consideration;
- noting that all criminal justice systems are vulnerable to error and that a decision to execute cannot be remedied or undone if evidence later reveals that the conviction was incorrect;
- emphasizing opposition to the death penalty in all cases, on the grounds that it is a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment, as proclaimed in the Universal Declaration of Human Rights.

**APPEALS TO:**

The Honourable Robert Mugabe  
President of Zimbabwe  
Office of the President  
Private Bag 7700  
Causeway, Harare, Zimbabwe  
**Telegrams: President, Harare, Zimbabwe**  
**Faxes: + 263 4 728 799 / 756 443**  
**Salutation: Dear President**

The Honourable Patrick Chinamasa  
Attorney-General  
Office of the Attorney-General  
PO Box 7714  
Causeway, Harare, Zimbabwe  
**Telegrams: Attorney General, Harare, Zimbabwe**  
**Faxes: + 263 4 773 247 / 700 223**  
**Salutation: Dear Attorney General**

The Honourable Dumiso Dabengwa  
Minister of Home Affairs  
Private Bag 505D  
Harare, Zimbabwe  
**Telegrams: Home Affairs Minister, Harare, Zimbabwe**  
**Faxes: + 263 4 726 716**  
**Salutation: Dear Minister**

The Honourable Emmerson Mnangagwa  
Minister of Justice  
Legal and Parliamentary Affairs  
PO Box 4240, Harare, Zimbabwe  
**Telegrams: Justice Minister, Harare, Zimbabwe**  
**Faxes: + 263 4 790 901**  
**Salutation: Dear Minister**

**COPIES TO:**

The Honourable Stanley Mudenge  
Minister of Foreign Affairs  
Ministry of Foreign Affairs  
PO Box 4240, Harare, Zimbabwe  
**Faxes: + 263 4 705 161**

Zimrights

PO Box 3951, Harare, Zimbabwe

Legal Resources Foundation  
P.O. Box 918, Harare, Zimbabwe

The Standard (Newspaper)  
P.O. Box 661730 Kopje  
Harare, Zimbabwe  
**Faxes: + 263 4 773 854**  
**E-mails: standard@samara.co.zw**

and to diplomatic representatives of Zimbabwe accredited to your country.

Letter writers in countries with an embassy in Zimbabwe could also send copies to their Foreign Office or Embassy in Harare, particularly if your country is granting development aid to Zimbabwe.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 14 September 1999.