

EXTRA 150/7 Fear of arbitrary arrest / Fear of torture 4 November 1997

ZAMBIA Dean Mung'omba, President, Zambia Democratic congress (ZDC)
Azwell Banda, Secretary General, ZDC
Roger Chongwe, Chairman, Liberal Progressive Front (LPF)
Malimba Masheke, Chairman, United National Independence
Party [UNIP]
Kenneth Kaunda, President, UNIP

The 23 people arrested since an attempted *coup d'etat* in the early hours of 28 October 1997 include opposition leader Dean Mung'omba, who appears to have been detained solely because of his political beliefs. His arrest has raised fears that other opposition politicians may be similarly targeted. There are also fears that all those detained are at risk of ill-treatment and torture. There have already been reports that some may have been ill-treated in custody.

Reports that Dean Mung'omba is being held incommunicado in an unknown location have raised concern for his safety. This concern has been heightened by the fact that attempted coup leader Stephen Lungu was filmed by the Zambia National Broadcasting Corporation on 28 October as a Zambian army officer trampled on his chest. Although forbidden both by Zambian Law and by international human rights treaties, torture and ill-treatment of criminal suspects by police, security and military personnel continues "on a significant scale", according to the government's own Human Rights Commission of Inquiry.

The other 22 people so far arrested since 28 October are military personnel, but several opposition political leaders are feared to be at risk of imminent arrest. Malimba Masheke, chairman of the United National Independence Party (UNIP), is being investigated by police because of his predictions on 30 October that there would be another coup attempt because of misgovernance by Zambian authorities. Roger Chongwe, chairman of the Liberal Progressive front (LPF), has informed Amnesty International of an attempt by Zambian authorities on 28 October to detain him while he was in Zimbabwe. The chairman of the ruling Movement for Multi-party Democracy (MMD) party, Sikota Wina, told a political rally on 30 October that UNIP President Kenneth Kaunda should be linked to the coup. Kaunda remains outside the country, but said he expects to be arrested upon his return in December. Azwell Banda, ZDC Secretary General, went into hiding on 31 October after government security officers searched his home during his absence the previous week.

The arbitrary arrest of Dean Mung'omba, and the potential arrest of other opposition leaders, is a violation of international human rights law. Zambia acceded in 1984 to the International Covenant on Civil and Political Rights (ICCPR), which guarantees in Article 9 the right not be subjected to arbitrary arrest or detention. Article 9 also guarantees the right to be informed of the reasons for arrest and to be promptly before a judge. Article 14 of the ICCPR guarantees the right to be tried without undue delay and the right to legal representation in defending oneself.

BACKGROUND INFORMATION

President Chiluba declared a state of emergency on 29 October, giving him powers to make any regulations necessary to secure public safety. Under the

state of emergency, police can keep suspects in detention for longer than the legal limit of 24 hours without being charged. The decision to declare the state of emergency was criticised by several human rights groups in Zambia because it allows for the suspension of citizens' constitutional rights, such as the freedom of expression, assembly, movement and association.

Some opposition leaders have made strong statements about the lack of legitimacy of the Chiluba government following presidential elections in November 1996, which were judged by local election observers to be "unfree and unfair". In December 1996, Dean Mung'omba made a public statement questioning the legitimacy of Chiluba's re-election, saying that "...having pursued all the peaceful options and all civilised methods of political conduct, the ZDC now reserves the right to pursue other alternatives to arrest the fraudulent conduct of Chiluba and the MMD". In a newspaper article published on the day before the coup attempt, Kenneth Kaunda warned of impending violence in Zambia. "Something big will come and of course MMD will blame UNIP for that. But it won't be UNIP," Kaunda said. That public statement appears to be the justification for threats to arrest Kaunda.

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

- expressing concern that Dean Mung'omba, who appears to have been arrested solely for his political beliefs, is being held incommunicado, in violation of Article 14 of the ICCPR, and asking that his place of detention be made public immediately;
- expressing concern about reports of ill-treatment of some of those detained and seeking assurances that all detainees are being protected from torture or ill-treatment;
- urging that they be given immediate and continuing access to their families, lawyers and doctors, and either be charged promptly with a recognizably criminal offence or released;
- appealing to the Zambian authorities not to arrest opposition politicians solely on the basis of their non-violent political beliefs or statements;
- urging that the government conduct its investigations into the coup attempt in an open and transparent manner.

APPEALS TO:

His Excellency President Frederick Chiluba
 State House
 Independence avenue
 PO Box 30208
 Lusaka, Zambia
Faxes: + 260 1 221 939
Telegrams: President Chiluba, Lusaka, Zambia
E-mail: state@zamnet.zm
Salutation: Dear President

The Hon. Chitalu Sampa
 Minister of Home Affairs
 Ministry of Home Affairs
 PO Box 50997
 Lusaka, Zambia
Faxes: +260 1 253875 or 254669
Telegrams: Home Affairs Minister, Lusaka, Zambia

Salutation: Dear Minister

Francis Ndhlovu
Inspector General of the Police
Zambia Police Headquarters
Lusaka Zambia

Faxes: +260 1 253543

Telegrams: Police Inspector General, Lusaka, Zambia

Salutation: Dear Inspector General

COPIES TO:

The Post,
Private Bag E/352
Lusaka, Zambia

and the diplomatic representatives of Zambia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 14 December 1997.