

AI INDEX: AFR 46/11/99
26 August 1999

Trial of three US citizens: Zimbabwe again compromises the rule of law

The trial of three US citizens accused of arms smuggling which resumes on 26 August 1999, is already marked by human rights violations during pre-trial procedures, Amnesty International said today.

“These irregularities, which include allegations of torture, the overruling of a Supreme Court order by the President and the prosecution providing vital information to the government-owned press, call into question Zimbabwe’s commitment to international human rights standards and the rule of law”, the organization added.

Following their arrest on 7 March 1999, the men were held incommunicado for three days. During this period, they alleged that they were tortured, including being beaten on the soles of their feet with solid leather straps, made to maintain abnormal postures and being kicked on the legs and buttocks, given electric shocks on the genitals and hands, and having their heads immersed in water and being almost asphyxiated.

They were also allegedly subjected to severe psychological pressure including verbal abuse of a sexual nature and other threatening and humiliating remarks.

The men were examined by the prison doctor on 13 March, and by a private practitioner two days later. A defence lawyer was not appointed until 12 March, five days after their arrest. The lawyer, concerned by their condition, tried to obtain an independent medical examination for the three men. Despite scheduling a visit for 18 March, the lawyer and the independent doctor were denied access after hours of waiting. Finally, the following day, they were given access for a short time.

Amnesty International has seen the medical reports of all three doctors. The human rights organization believes that they provide compelling evidence of torture.

“The reports confirm that the three detainees were beaten on the soles of the feet. Some of the other allegations are also partially confirmed in the reports and are consistent with the kind of ill-treatment that Amnesty International documented in the case of two Zimbabwean journalists tortured while in custody in January,” the human rights organization added.

Since their arrest, the three men have been kept in solitary confinement and under very strict conditions.

On 8 July the Supreme Court issued an order for their prison conditions to be eased. However, the prison director did not comply with this ruling. On 22 July it became known that President Robert Mugabe had used his presidential powers under the Zimbabwean Constitution to overrule the Supreme Court decision.

While the constitution authorizes the President to suspend the implementation of a Supreme court order, pending the adoption or amendment of a law by Parliament, Amnesty International finds no justification for such action here. Amnesty International is concerned that by his intervention in this case, President Mugabe has once again undermined the independence of the judiciary and shown disregard for the rule of law.

The government-owned press was given access to vital information withheld from the defence, such as a prison medical report, thereby weakening the accused's right to a fair trial.

“In this context, Amnesty International believes that the Zimbabwean government is compromising the rule of law as this is the second high profile case in the country within a short time where there has been a combination of torture and lack of respect for the judiciary. In the case of the two journalists tortured in January, military officials defied several High Court rulings to release the two journalists.”

Background

On March 7 1999, the three US citizens, Gary Blanchard, Joseph Pettijohn and John Dixon were arrested when trying to board a Swissair flight to Zurich en route to their home in New York.

They claim to have been working as missionaries for Harvestfield Ministries in the Democratic Republic of Congo (DRC).

They were allegedly found in possession of a large amount of weapons which, they said, they were taking to the USA because of concern that they might end up in the wrong hands in the DRC.

In January, two journalists from *The Zimbabwe Standard* were arrested by the Military Police, detained at the military barracks and tortured. On several occasions during their detention the High Court ordered their release from illegal detention. Yet military officials defied the court's rulings. When judges asked President Mugabe to reaffirm his commitment to the rule of law, following military officials defiance of High Court rulings in January, he suggested that they resign.

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