

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AFR 46/002/2005 (Public)
News Service No: 020
28 January 2005

Embargo Date: 28 January 2005 00:01 GMT

Zimbabwe: Continued detention of Roy Bennet is a gross injustice

Amnesty International today expressed its very great concern at the continued detention of Roy Bennet, the opposition Member of Parliament (MP) for Chimanimani who has now spent exactly three months in prison.

Roy Bennet was given a 15-month jail term with hard labour following an incident on 18 May 2004 when he pushed the Minister for Justice, Legal and Parliamentary Affairs to the floor during a heated debate in parliament. Amnesty International does not condone Roy Bennet's actions, but has severely criticised the parliamentary procedures used to convict and sentence Mr. Bennet.

"The procedure used to convict Mr Bennet was biased and politically motivated while his detention is grossly disproportionate to the offence committed," said Kolawole Olaniyan, Director of Amnesty International's Africa Programme. "The government must redress this miscarriage of justice as a matter of urgency."

Legal experts in Zimbabwe have pointed out that common assault, the offence with which Roy Bennet would most likely have been charged had the matter been brought before a criminal court, would attract a far less severe sentence. In many such cases only a fine is imposed. Even if a more serious assault charge were brought against Roy Bennet it would not have attracted such a severe penalty.

Amnesty International today repeated its call for Roy Bennet's immediate release on bail pending either a review of his conviction and sentence by an independent and impartial court, or a trial before an independent and impartial court.

Background

In December 2004 Amnesty International communicated to the government of Zimbabwe the organisation's serious concern about the proceedings which led to the conviction and sentence of Roy Bennet. The Minister for Justice is alleged to have verbally abused Roy Bennet.

Under Zimbabwe's Privileges, Immunities and Powers of Parliament Act (as amended 1991), parliament is empowered to sit as a court and to award and execute punishments for specific offences which are listed under the Act. Assaulting a Member of Parliament within the precincts of parliament is one such offence. In the case of Roy Bennet, parliament tasked a five-person parliamentary committee, known as the 'Privileges Committee', to review the conduct of Roy Bennet and make a recommendation

to parliament in terms of the powers vested in parliament under the Act.

The committee recommended a sentence of 15 months' imprisonment with hard labour, with three months to be suspended, subject to good behaviour. On 28 October parliament voted to accept the committee's recommendation. In both the committee and parliament voting was split along party lines. Under the Privileges, Immunities and Powers of Parliament Act there is no provision or mechanism for appeal against sentences passed by parliament. Roy Bennet was taken into custody on 28 October, and is now detained at Mutoko prison.

For further information see *Zimbabwe: Unfair trial of Roy Bennet, MP*, 24 December 2004, at: <http://web.amnesty.org/library/index/engaf460422004>

Amnesty International has repeatedly expressed its concern over the treatment of opposition parliamentarians in Zimbabwe, including unfair prosecutions, arbitrary detention and assault.

For further information see:

Zimbabwe: The unfair prosecution of parliamentarians Fletcher Dulini Ncube, Moses Mzila Ndlovu and sixteen others, January 2002, at: <http://web.amnesty.org/library/index/engaf460052002>

Zimbabwe: Fear for safety /Health Concern/ Conditions of detention, February 2002, at: <http://web.amnesty.org/library/index/engaf460082002>

Zimbabwe: Rights under siege: Torture in police custody of opposition MP Job Sikhala, May 2003, at: <http://web.amnesty.org/library/index/engaf460172003>

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