

AI INDEX AFR 63/06/97

9 July 1997

## **Background information on human rights in Zambia**

Amnesty International has three major areas of concern about the observance of human rights in Zambia. In each area, donor governments gathering in Paris tomorrow should be aware of these concerns and use these talks to demand improvements.

### **Opposition harassed**

A few days after the November 1996 presidential elections, police questioned an opposition political leader about his public statements warning about a possible military takeover if the political impasse between opposition and government continued. Armed police paramilitaries later broke into his home to search for seditious materials. In the next month, a second opposition leader was also summoned by police for questioning.

Since December 1994, the Zambian authorities have been threatening to deport former president Kenneth Kaunda alleging that he was really a Malawian citizen. Kaunda faced another attack on his citizenship in court in March 1997, when a legal suit was filed challenging his citizenship. The principal plaintiff in the case is the former Foreign Affairs minister, appointed by President Frederick Chiluba in 1996 to the government Citizenship Board. The proceedings are believed to aim at deporting Kaunda as a non-national, thus barring him from active public life.

Several other opposition politicians and non-governmental organization (NGO) leaders have reported that immigration officers are investigating their citizenship. They appear to be targeted for their political beliefs. This politicization of citizenship in Zambia carries an implied threat: deportation.

In two long-standing cases, opposition politicians William Banda and John Chinula have battled to return to Zambia, after they were allegedly drugged and forcibly expelled to Malawi in 1994. They remain in Malawi, despite a 1995 ruling by the High Court of Malawi that "conclusively established" that the two were not citizens of Malawi, that they were deported involuntarily to Malawi, and that the Malawi Government was not willing to keep the two any longer. Amnesty International considers their deportation to constitute forcible exile on account of their political opinions and activity.

### **Press freedom undermined**

Criminal charges were levelled against *The Post* and *The Chronicle*, both independent newspapers. In February, an editor and reporter of *The Chronicle* faced charges of contempt of parliament, the same charge under which *Post* editors Fred M'membe and Bright Mwape were imprisoned in 1996. Both also were charged with publishing false news and criminal libel in connection with articles they had written. Another *Chronicle* reporter was charged with criminal trespass in February, after being arrested in December 1996. All these charges appear unfounded and to be an attempt to undermine journalists' legitimate exercise of their right to freedom of expression.

In what appeared to be a major threat to freedom of expression the government proposed, then withdrew, the Media Council of Zambia (MCZ) Bill in April 1997. The bill would have established a state-appointed council that could order fines, suspensions and jail terms for journalists not conforming to its rules, and require licenses for all journalists working in Zambia. Amnesty International believed that such a Media Council was an attempt to institute government control over journalists' freedom of expression and opposed the bill. After mass protests by media workers, the bill was temporarily withdrawn, but a high-ranking government minister has claimed that it will be reintroduced later this year.

Special Projects Editor of *The Post*, Masautso Phiri, served two months of a three-month sentence in February and March 1997 after the Supreme Court of Zambia found him guilty of contempt of court for writing a December 1996 article alleging that the Supreme Court was offered a bribe by President Chiluba. Amnesty International declared Masautso Phiri to be a prisoner of conscience, imprisoned for the non-violent expression of his political beliefs.

### **NGO harassment**

Just a few days after the November 1996 election, some poll monitoring groups issued critical statements about the election being "unfree and unfair". The government reaction was swift. Police raided the offices of the Zambia Independent Monitoring Team (ZIMT), the Committee for a Clean Campaign (CCC) and the Inter-Africa Network for Human Rights and Development (AFRONET). They seized files, financial records, computer diskettes and leaflets, briefly detaining CCC chairman and AFRONET Director Ngande Mwanajiti, along with ZIMT President Alfred Zulu.

A week later, police charged Mwanajiti and Zulu with "receiving funding from foreign countries" under a 30-year-old law that forbids NGOs from securing funds from foreign sources without the president's written consent. Legal experts say the law, until then, had never been used. The charges are still pending and, despite a court order, the government has never returned the property police seized from the organizations.

At a December 1996 press conference, President Frederick Chiluba accused some NGOs of working against the country, only in the interest of their foreign funders, to the detriment of Zambia. "We must have regulatory systems in place to ensure that Zambia does not become a breeding ground for 'mercenaries'," Chiluba said. We have to know who funds these NGOs in order to ensure our internal safety."

In January 1997, when he opened parliament, Chiluba announced that local elections monitors who questioned the legitimacy of his re-election were "unpatriotic" and that a new law would be introduced for state regulation of election monitoring groups and NGOs.

ENDS\