

URGENT ACTION

OPPOSITION LEADER HELD IN INHUMANE CONDITIONS

There is fear for safety of Hakainde Hichilema after he was transferred from Lusaka Central Correctional Facility in Lusaka Province to Mukobeko Maximum Correctional Facility in Central Province. He is being held under degrading and inhumane conditions at the Maximum Security Prison. The conditions to which he is subjected may amount to torture and other ill-treatment. Hakainde Hichilema is facing the charge of treason together with five others for allegedly obstructing a Presidential Motorcade.

The police moved **Hakainde Hichilema** and five others accused with him from Lusaka Correctional Facility in Lusaka Province to Mukobeko Maximum Correctional Facility in the Central Province of Zambia on 9 June. Hakainde Hichilema, who is the leader of the United Party for National Development (UPND), was badly beaten by police in the course of the transfer. He was bundled into a van and then flown in a helicopter that had not been operational for two years. The police did not provide any reasons why they had transferred him even though his trial will take place in Lusaka. His lawyer and family were not informed of the transfer that took place despite a magistrate having ruled that he be kept in Lusaka. The police only revealed his location on Saturday 10 June, a day after the transfer.

Upon arrival at Mukobeko Maximum Correctional Facility, Hakainde Hichilema was separated from his five co-accused. He is being held in a tiny underground cell with no access to sanitary and ablution facilities including running water and a toilet and is forced to use a bucket. There is no air circulation in the cell which also has no lights. He also has no blanket. These degrading and inhumane detention conditions may amount to torture and other ill-treatment.

Hakainde Hichilema who was arrested on 10 April, has been charged with treason together with five others.

Please write immediately in English or your own language:

- Calling on Zambian authorities to drop the treason charge against Hakainde Hichilema and his five co-accused and release them immediately and unconditionally;
- Urging them to ensure that Hakainde Hichilema's conditions of detention together with those of his five co-accused conform to international standards;
- Calling on them to ensure that all the accused persons are granted access to lawyers of their choosing and to their families;
- Calling on them to thoroughly, impartially and independently investigate allegations of torture and other ill-treatment of Hakainde Hichilema while in detention.

PLEASE SEND APPEALS BEFORE 31 JULY 2017 TO:

The President of Republic of Zambia
His Excellency Edgar Chagwa Lungu
Office of the President
Plot 1 Independence Avenue
10101
P.O. Box 50212
Lusaka, Zambia
Email: lunguedgar@gmail.com
Salutation: Your Excellency

Minister of Justice
Given Lubinda
Ministry of Justice
P.O. Box 50106
Fairley Road, Ridgeway
Lusaka
Zambia
Salutation: Dear Minister of Justice

And copies to:
The Chairperson Zambia Human Rights Commission
Florence Chibwasha
Head Office
Independence Avenue
P.O. Box 33812
Lusaka, Zambia
Fax: 260 211 252 342

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 90/17. Further information:

<https://www.amnesty.org/en/documents/afr63/6061/2017/en/>

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ADDITIONAL INFORMATION

Hakainde Hichilema is the leader of the main opposition political party in Zambia, the United Party for National Development (UPND). Hakainde Hichilema contested against current President Edgar Chagwa Lungu in the presidential elections held on 11 August 2016, where he was narrowly defeated. Following the defeat, UPND challenged the electoral results and their petition was thrown out by the Constitutional Court, where three Constitutional Court judges made the decision without involving two other Constitutional Court judges.

Heavily armed police, on Monday 10 April, raided the house of Hakainde Hichilema in Lusaka, Zambia. Police switched off power at the house, blocked access to the main roads, broke the doors and fired teargas into the house. Hakainde Hichilema and his family were in the house at the time of the raid. His wife who is asthmatic fainted twice during the raid.

Hakainde Hichilema was then taken to Lilayi Police Camp, a police training school outside Lusaka, where he was detained. The authorities alleged that on 8 April, Hakainde Hichilema who was on his way to the Mongu celebration in Western Province accompanied by a convoy of over 60 vehicles, blocked President Edgar Lungu's motorcade. They say that Hakainde Hichilema's vehicle blocked the President's motorcade. However, video evidence shows that each of the two convoys each stuck to one side of the road with none blocking the road.

Police charged Hakainde Hichilema and five others with treason, disobedience to lawful orders, disobedience to statutory duty and using insulting language under the Penal Code on 12 April. Later, the police revised the charges and dropped the disobedience to statutory duty charge. The state also amended the parameters of the treason charge to include other incidences where Hakainde Hichilema had been charged previously. Treason is a non-bail able offence in Zambia with a minimum jail term of 15 years and maximum sentence punishable by death. Hakainde Hichilema was denied food during the first few days of his detention.

He was later moved to Chomboikala Central Prison in Lusaka. The magistrate separated the three charges referring two charges for trial by the Magistrate court, while the treason charge was referred to the High Court where trial was set to begin on 12 June. The state entered into a *nolle prosequi* on the disobedience to lawful orders charge, whilst he was acquitted of the charge of using insulting language in May 2017.

Hakainde Hichilema was arrested previously alongside UPND vice-president Geoffrey Bwalya Mwamba in Luanshya on 6 October 2016 while on their way to visit their supporters in prison. Some members of the party have been in custody since August 2016. Hakainde Hichilema has always availed himself to the police whenever they have wanted. UPND members and activists have been subjected to harassment and arbitrary arrests in the past.

Name: Hakainde Hichilema

Gender m/f: male

Further information on UA: 90/17 Index: AFR 63/6504/2017 Issue Date: 19 June 2017