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## PUBLIC STATEMENT Press freedom in Zimbabwe

Amnesty International is deeply concerned that Mark Chavhunduka, editor of *The Standard* newspaper, was arrested on 12 January 1999 by military police officers and detained under the authority of the Special Investigations Branch of the Zimbabwe National Army (ZNA). His arrest and detention appears to be illegal under both Zimbabwean and international law.

Military police officers reportedly took Mark Chavhunduka into custody without charge or warrant and without the authority to make such an arrest. He has been denied access to his legal representative as well as to his wife and mother, who twice attempted to visit him at Cranborne Barracks in Harare on 13 January.

Amnesty International sent urgent letters to Zimbabwe's President Robert Mugabe and Defence Minister Moven Mahachi on 13 January, asking on what legal charges Mark Chavhunduka is detained and on what authority Special Investigations Branch of the military police are involved in this detention.

Mark Chavhunduka's arrest and detention may be linked to a story printed in *The Standard* on 10 January 1999, concerning the arrest of 23 members of the Zimbabwe National Army allegedly involved in a coup plot.

On 12 January, Minister of Defence Moven Mahachi's reportedly remarked that: "*The paper cannot be allowed to get away with it, appropriate action will be taken*". If Mark Chavhunduka's arrest -- also on 12 January -- is politically motivated, he could be considered a prisoner of conscience.

The organization firmly believes that this arrest violates Mark Chavhunduka's human rights as he was simply carrying out his legitimate peaceful activities as a journalist and exercising his right to freedom of expression, as guaranteed by Zimbabwe's Constitution and by international law.

Mark Chavhunduka's detention in a military barracks, without access to his lawyer or family members, could increase the risk of him being ill-treated or tortured. People who saw Mr Chavhunduka on the morning of 13 January at *The Standard's* offices, escorted by two other military police officers, said he appeared to have been deprived of sleep. If true, this could amount to torture or cruel, inhuman and degrading treatment under international human rights standards.

Amnesty International urges that Mark Chavhunduka's lawyer and family be granted immediate access to him. Denial of confidential access by defence lawyers and visits by family members to detainees violates the provisions of the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (the

African Charter). The organization also urges that he be brought to court promptly and charged with a recognizably criminal offence under Zimbabwe's penal code, or released immediately.

There are also concerns that other reporters from *The Standard* could be subjected to human rights violations. On 13 January, Army Captain Douglas Gwite and two other Special Investigations Branch officers visited *The Standard's* premises, seeking to detain Ray Choto, a journalist, without a warrant of arrest.

Later the same day, seven military police officers who refused to identify themselves threatened the newspaper's director, Clive Wilson, with arrest if he did not reveal Ray Choto's whereabouts. Amnesty International would also consider any potential arrest of the above-named to be arbitrary and therefore unlawful.

Amnesty International urges that military police do not attempt to arrest Ray Choto or Clive Wilson, or further harass journalists at *The Standard* and other newspapers who are simply carrying out their professional duties.

### **Background**

International human rights standards require all arrests to be carried out under strict judicial control, and only by authorized law enforcement personnel. Everyone should be informed, at the time of arrest, of the specific reason for her or his arrest and the charges against them, in accordance with Article 9(2) of the ICCPR. All detainees should receive a clear oral and written explanation of their rights and how to exercise them, including how to complain about ill-treatment.

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