

EXTERNAL (for general distribution)

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EXTRA 29/93

Death Penalty

15 March 1993

ZIMBABWE:

**Timothy Mhlanga
Martin Bechani Bakaka
Luke Kingsize Chiliko
John Chakara Zacharia Marichi**

Amnesty International is concerned at reports that the four prisoners named above are to be executed in Chikurubi Maximum Security Prison in Harare on 16 March 1993. Amnesty International is urgently appealing to President Mugabe that he exercise his powers of clemency so that the sentences of death are commuted to lesser punishments.

All four prisoners have had their appeals against the sentence of death rejected in the Supreme Court. Timothy Mhlanga's appeal against the death sentence imposed for a murder and rape committed in 1982 was dismissed in March 1990. Martin Bechani Bakaka and Luke Kingsize Chiliko had their appeal rejected in September 1991 for a murder committed in 1987 and John Chakara Zacharia Marichi's appeal was rejected in December 1989 for a murder committed in 1985. If these executions take place, they will be the first in Zimbabwe since 1988.

BACKGROUND INFORMATION

People accused of capital offences in Zimbabwe are tried in the High Court, where they have the right to a defence counsel of their choice. Those sentenced to death can appeal to the Supreme Court, consisting of the Chief Justice and at least two other judges of appeal. If the sentence is confirmed the President has the power to grant clemency.

The death penalty is mandatory in Zimbabwe for murder, treason and some military offences. Since 1980, however, people have been executed only for murder. Between 1982 and May 1988 about 24 people were hanged. There have been no executions carried out since 1988 but people have been sentenced to death each year. For example, in 1992 at least 12 prisoners were sentenced to death.

RECOMMENDED ACTION: Please send telegrams/telexes in English or in your own language:

- expressing concern at reports that the four prisoners named above are to be executed on 16 March 1993;

- urging that President Mugabe urgently exercise his powers of clemency so that the sentences of death are commuted to a lesser punishment;

- explaining that Amnesty International considers that the death penalty is the ultimate form of cruel, inhuman and degrading punishment as prohibited by Article 5 of the Universal Declaration of Human Rights and other international human rights standards;

- calling for an immediate moratorium on all death sentences and executions until an exhaustive review of the death penalty has taken place in Zimbabwe.

Page 2 of EXTRA 29/93

APPEALS TO

1) President Robert Mugabe
President of the Republic of Zimbabwe
Office of the President
Private Bag 7700
Causeway
Harare
Zimbabwe
Telegrams: President Mugabe, Harare, Zimbabwe
Telexes: 24478 ZIMGOV ZW

Salutation: Your Excellency

2) The Hon. Dumiso Dabengwa
Minister of Home Affairs
Ministry of Home Affairs
Mukwati Bldg
Private Bag 505D
Harare
Zimbabwe
Telegrams: Minister of Home Affairs, Harare, Zimbabwe
Telexes: 22141 ZIMGOV ZW

(marked for the attention of the Minister of Home Affairs)

Salutation: Dear Minister

3) The Hon. Emmerson D Mnangagwa
Minister of Justice, Legal and Parliamentary Affairs
Ministry of Justice
Mapondera Bldg
Private Bag 7704
Causeway
Harare
Zimbabwe
Telegrams: Minister of Justice, Harare, Zimbabwe
Telexes: 22141 ZIMGOV ZW

(marked for the attention of the Minister of Justice)

Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

1) The Hon. Dr Nathan Shamuyarira Ministry of Foreign Affairs
Minister of Foreign Affairs Munhumutapa Bldg

PO Box 4240
Causeway
Harare
Zimbabwe

2) Mr Langton Chigwida
Director of Prisons
Prison Headquarters
Private Bag 7718
Causeway
Harare
Zimbabwe

and to diplomatic representatives of Zimbabwe accredited to your country

PLEASE SEND APPEALS IMMEDIATELY TO ARRIVE IN ZIMBABWE BY 16 MARCH 1993.