

ZIMBABWE Fletcher Dulini-Ncube (m), aged 61, MP

An MP belonging to the opposition Movement for Democratic Change (MDC) party was arrested in Bulawayo on 3 August by Zimbabwe police, despite the fact that he is recovering from surgery for the removal of one eye. If he is not permitted to continue receiving hospital treatment, he may risk loss of vision in his other eye and his overall health will deteriorate.

Fletcher Dulini-Ncube suffers from severe hypertension and diabetes. He was recuperating from the surgical removal of his left eye, and about to return to a local clinic for further treatment when Zimbabwean Police arrested him. Despite his serious medical condition, he was held in police custody without receiving medical attention and food for one day. His serious diabetic condition necessitates appropriate medical attention and food.

Following the submission of a medical statement from his doctor affirming that his condition is life-threatening, police officials agreed to return him to hospital, where he is now under police guard.

Fletcher Dulini-Ncube's lawyers filed an urgent bail application on 5 August asking that he be permitted to remain in hospital until his trial begins in November. His health will deteriorate and he risks the loss of the other eye if his urgent bail application is denied and he is incarcerated while waiting for his trial to commence.

Fletcher Dulini-Ncube's health deteriorated markedly when he was denied appropriate medication during an earlier period of detention, between 15 November and 18 December 2001.

BACKGROUND INFORMATION

Fletcher Dulini-Ncube, the MDC Member of Parliament for Lobengula/ Magwegwe constituency, Bulawayo, was previously arrested and detained on 15 November 2001. He was charged in relation to the abductions and murders of Cain Nkala and Limukani Lumphahla, supporters of the ruling Zimbabwe African National Union - Patriotic Front (ZANU-PF) party. His arrest on 3 August and forthcoming trial are also related to these charges, which he strongly denies. He was released on bail in late December and complied with his bail conditions. However, the police re-arrested him as he was due to be indicted for trial on 5 August.

Cain Nkala was a leader of the Zimbabwe National Liberation War Veterans Association, which is closely associated with ZANU-PF and has been responsible for widespread politically-motivated violence. Cain Nkala's case has reportedly been used by ZANU-PF as a pretext for further arrests and harassment of MDC activists, as well as encouraging ZANU-PF supporters and 'war veterans' to continue their pattern of violence against real or perceived MDC activists. Other MDC supporters and representatives have been detained in connection with these murders.

The action by police of holding Fletcher Dulini-Ncube in custody and denying him access to medical attention despite his serious diabetic condition constitutes a threat to his right to life. It is also incompatible with provisions of the United Nations Convention Against Torture, which expressly prohibits inhuman and degrading treatment. This constitutes a threat to his right to life. Amnesty International calls for prompt access to appropriate

medical care, in accordance with the Standard Minimum Rules for the Treatment of Prisoners.

Amnesty International is continuing to monitor his situation and will take further steps as appropriate. For further information about harassment of Members of Parliament, see ZIMBABWE: The unfair prosecution of parliamentarians Fletcher Dulini-Ncube, Moses Mzila Ndlovu and sixteen others (AFR 46/005/2002, January 2002).

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern for Fletcher Dulini-Ncube's health, and saying that in view of his age and health condition, his life may have been jeopardized while he was detained without food or medical attention for one day after his arrest on 3 August;
- urging the officials to respect his right to health, life and liberty, including his right to bail, and to receive appropriate medical attention for as long as necessary;
- reminding officials that given the serious health condition of Fletcher Dulini-Ncube, detaining him without appropriate medical attention is in violation of the United Nations Convention Against Torture, and calling for prompt access to medical care in accordance with the Standard Minimum Rules for the Treatment of Prisoners.

APPEALS TO:

The Hon Andrew Chigovera
Attorney-General
Office of the Attorney-General
PO Box 7714
Causeway
Harare
Zimbabwe
Telegram: Attorney-General, Harare, Zimbabwe
Fax: + 263 4 790 901
Salutation: Dear Sir

The Hon Patrick Chinamasa
Minister of Justice, Legal and Parliamentary Affairs
Ministry of Justice, Legal and Parliamentary Affairs
5th Floor Corner House
Private Bag 7751
Causeway
Harare
Zimbabwe
Telegram: Minister of Justice, Harare, Zimbabwe
Fax: + 263 4 790901 / 772999
Salutation: Dear Minister

Mr Augustine Chihuri
Police Commissioner
Police Headquarters
PO Box 8807
Causeway
Harare
Zimbabwe

Telegram: Police Commissioner, Harare, Zimbabwe

Fax: + 263 4 253 212 / 728 768 / 772 033

Salutation: Dear Commissioner

COPIES TO:

The Hon John Nkomo

Minister of Home Affairs

Ministry of Home Affairs

11th Floor Mukwati Building

Private Bag 7703

Causeway

Harare

Zimbabwe

Telegram: Minister of Home Affairs, Harare, Zimbabwe

Fax: + 263 4 726 716

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 September 2002.