

EXTERNAL

AI Index: AFR 63/04/96

28 March 1996

Further information on UA 76/96 (AFR 63/02/96, 19 March 1996) - Fear for safety / Prisoners of conscience

ZAMBIA Fred M'membe, editor in chief of *The Post*
Bright Mwape, managing editor of *The Post*

After spending almost 24 days in prison, Fred M'membe and Bright Mwape were released on 27 March after the Zambian High Court granted a writ of *habeas corpus* (an application requiring a person to be brought before a court of law to determine the lawfulness of his or her detention) brought before the court on their behalf. High Court Judge Kabazo Chanda reportedly said in his ruling that it was unreasonable to lock up the editors indefinitely without proper judicial procedure.

The two journalists had been jailed indefinitely after they handed themselves in to police on 4 March 1996, following a 20 February 1996 finding by the Speaker of Parliament, Dr Robinson Nabulyato, that they were guilty of contempt of parliament. Amnesty International believed Fred M'membe and Bright Mwape to be prisoners of conscience, imprisoned solely for peacefully expressing in newspaper articles their criticism of remarks made by Vice President Godfrey Miyanda in parliament in January 1996.

ADDITIONAL BACKGROUND INFORMATION

After reviewing the articles the two wrote about the Vice President's parliamentary speech, Judge Kabazo Chanda said in his ruling that Bright Mwape's article did not constitute contempt of parliament. However, the judge did find that Fred M'membe's article might be considered contemptuous of parliament, and that parliament could make a complaint to the Director of Public Prosecutions to have him charged with contempt of parliament, following the procedure laid out in Chapter 17 of Zambian law.

Parliament is presently recessed and will resume sitting on 13 April. If parliament does forward the contempt of parliament complaint for prosecution, Fred M'membe could be convicted of contempt of parliament in a court of law and again be imprisoned solely for expressing his opinions peacefully in a newspaper article.

In addition, a third journalist, whom the High Court yesterday also found liable to be prosecuted for contempt of parliament, faces similar charges as Fred M'membe. Lucy Sichone, a columnist for *The Post*, wrote a third article that was critical of the Vice President's speech in parliament. She was also found guilty by the Zambian Speaker of Parliament of "contempt of parliament". Lucy Sichone, however, did not turn herself in to the police, but has remained in hiding to avoid imprisonment.

No further action by the UA Network is requested at present. Thank you to all who sent appeals.