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Zimbabwe: Severe torture and illegal detention of journalists threatens breakdown in rule of law

The severe torture and illegal detention of two journalists in Zimbabwe clearly illustrates how President Robert Mugabe is failing to stop his own ministers and military officials from making a mockery of the law, Amnesty International said today.

Mark Chavunduka and Ray Choto, journalists for *The Standard* newspaper, told on 21 January 1999 how military officers had subjected them to severe torture.

Ray Choto was told by military interrogators that President Mugabe had signed his death sentence and that he was to be tortured to death. "I was so badly tortured I was ready to believe it," he said. He was also told that his relatives, including his children, could be detained and tortured unless he revealed the source of a newspaper story.

Military interrogators beat both men all over their bodies with fists, wooden planks and rubber sticks, particularly on the soles of their feet, and gave them electric shocks all over the body, including the genitals. The men were also subjected to "the submarine" -- having their heads wrapped in plastic bags and submerged in a water tank until they suffocated.

"The military police, with the apparent complicity of the civilian police, has committed atrocious acts of torture and illegally detained two men in direct defiance of several High Court orders," Amnesty International said.

"When the military of any country refuses to accept that it is bound by the Constitution and the decisions of the independent courts, then rule of law is threatened with breakdown."

Amnesty International notes a clear pattern of government defiance of judicial decisions which unsuccessfully attempted to protect the human rights of Mark Chavunduka and Ray Choto.

Background

Mark Chavunduka, *The Standard's* editor, was illegally arrested and detained under the authority of the Special Investigations Branch of the Zimbabwean National Army (ZNA) on 12 January 1999, in connection with a story printed in *The Standard* on 10 January linking the arrest of 23 ZNA members with an alleged coup plot.

He was subsequently illegally detained incommunicado at Cranborne military barracks in Harare for six days, in defiance of a High Court judgment on 14 January ordering Minister of Defence Moven Mahachi and Major Mhonda of the Special Investigations Branch of the (ZNA) to release him.

On 18 January a second High Court decision ordered Defence Minister Moven Mahachi and the Ministry's Permanent Secretary Job Whabira to bring Mark Chavunduka to judicial chambers and release him there in the judge's presence. Again, Defence Ministry officials and military police ignored the judicial summons. Job Whabira told journalists that: "The judge cannot direct us. We will move at our own pace.... Any civilian who meddles in military matters is subject to military law."

On 19 January, Ray Choto agreed to hand himself over to civilian police. Both men were able to make statements to civilian police in the presence of their lawyer at Harare's Central Police Station. Afterward, civilian police reportedly immediately returned the men to military custody, again in direct contravention of previous High Court orders.

The Zimbabwe High Court issued a third order compelling Defence Minister Mahachi to bring Mark Chavunduka to court on 20 January and to explain his continued detention. Court officials have twice failed to deliver two court orders to the minister in person as his officials said he was away, in what appeared to be an attempt to thwart the judicial process.

By 19 January, the two men were finally charged with "publishing a false story capable of causing alarm and despondency" under Section 50 of the draconian Law and Order Maintenance Act. They were released on bail on 21 January, pending a hearing in February.

Independent journalists elsewhere have also been attacked by government security agents. In Masvingo, some 175 kilometres south of Harare, several other journalists of the independent Zimbabwe Mirror and weekly Tribune newspaper were beaten on 20 January by officers of the Central Intelligence Organization (CIO), Zimbabwe's secret police.

Ray Matikinye, a sub-editor at the Tribune, told international news reporters that a CIO officer had punched him and two workmates, accusing them of publishing anti-government stories. A CIO officer in Masvingo reportedly confirmed that the officer had been arrested and would be charged.

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