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Human Rights Watch World Report 1998

ZAMBIA

Human Rights Developments

On November 18, 1996 presidential and parliamentary elections were held in Zambia, five years after the first multiparty elections in November 1991. President Frederick Chiluba and his Movement for Multiparty Democracy (MMD) were returned to power with the majority of the contested seats in what was in reality a hollow defeat of an opposition that had chosen to boycott the electoral process. The opposition's candidate, former president Kenneth Kaunda had been barred from running on the grounds that his parents were not born in Zambia. Numerous human rights violations before the vote-centered on the MMD's manipulation of the constitutional reform process-had seriously undermined the electoral process by tilting it strongly in favor of the MMD. International ambivalence over rights conditions in the run-up to the election had resulted in a decision by the major donors to maintain an aid freeze that specifically targeted balance of payments support. Discredited and facing near bankruptcy, the Chiluba government made some largely superficial attempts over 1997 to improve its human rights record, in hope of restoring aid flows.

On October 28, 1997, President Chiluba announced that he had crushed a military coup against his government and that those "that rise by the sword will fall by the sword." He spoke several hours after state radio had reported that the president had been overthrown and coup leader "Captain Solo" had taken over. Military units loyal to the government had quickly surrounded the radio station: after some sporadic gunfire, one rebel was killed and Captain Stephen Lungu, alias "Capt. Solo" and fifteen other alleged coup plotters were arrested. President Chiluba declared a state of emergency on October 29.

Zambia Information Service Acting Deputy Director Mundia Nalishebo was suspended with five other state media journalists on November 25, 1996 after allegations were made that they had collaborated with an election monitoring group that had found the elections neither free nor fair. Since November 18, 1996, four journalists from the independent press have been imprisoned for their writing and had criminal charges brought against them; six journalists from the state-run television service were suspended and then dismissed.

The most-publicized case was the jailing of the *Post's* Masautso Phiri, detained on February 11 for contempt of court after writing that "there was a rumor doing the rounds in Lusaka" that judges were accepting bribes to rule in President Chiluba's favor in the presidential petition. Judges whom Phiri had previously criticized heard his case and sentenced him to three month's imprisonment, with no right of appeal. He was the first Zambian journalist jailed for contempt.

Most ominously, the government introduced a draft Media Council Bill, which, by forcing journalists to register with the state, would have stripped those unregistered of the right to work and punished the unauthorized practice of journalism with jail terms and fines. After considerable controversy and international outcry, the state suspended consideration of the bill in April.

At his inauguration speech on November 21, President Chiluba warned nongovernmental organizations (NGOs) that they should not "instruct" the authorities, and in the following days, the government threatened to pass legislation to restrict their operations if they continued to act in an "anti-patriotic" manner. Following the announcement by the Committee for a Clean Campaign (CCC) that the elections had not been free and fair, the situation deteriorated. On November 24 and 25, police raided the Lusaka offices of the Zambia Independent Monitoring Team (ZIMT), the Committee for a Clean Campaign (CCC), and the offices of the Inter-Africa Network for Human Rights and Development (AFRONET), seizing files, documents, bank books and statements, computer diskettes and pamphlets. Many of these still have not been returned, and charges of receiving financial and material assistance from foreign governments and organizations were brought against these organizations.

The Foundation for Democratic Process (FODEP), which also concluded that the elections were not free and fair, was similarly targeted by the government. FODEP's tax exempt status was suddenly revoked and on December 19, 1996, it received a tax demand for outstanding tax arrears for K27 million (approximately U.S.\$21,000): shortly afterwards, tax authorities confiscated all of the funds in FODEP's bank account.

The opposition was also harassed in the post election period. The main opposition party, the United National Independence Party (UNIP), was prevented from holding a peaceful rally in Ndola in February by police. Relatives of senior UNIP officials have also been

subject to harassment: Vida Ngoma, the eighty-year-old aunt of Betty Kaunda, former president Kaunda's wife, was detained and kept in a cell for two days-with a man's corpse-after police searched her house without a warrant.

On August 23 UNIP leader Kaunda and Opposition Alliance chairman Roger Chongwe were shot and wounded by police as they were leaving a political rally in Kabwe. Bullets grazed the head of former president Kaunda, and struck Roger Chongwe in the cheek and neck. Several other people were also injured by police, who arrested twenty-one people and destroyed the podium at the rally site. The Zambian authorities also enforced a twenty-four-hour news blackout on the state-run Zambia National Broadcasting Corporation. Police arrested and assaulted Masautso Phiri of the *Post*, who took pictures at the rally of the police exerting excessive force on the public. A public enquiry into the shooting is underway.

An opposition petition challenging the fairness of the elections and President Chiluba's constitutional right to the presidency before the Supreme Court was a focus of Zambian political life, as the opposition produced evidence it claimed showed President Chiluba to be of Zairian parentage. Some of the witnesses brought to testify in this case were harassed, with death threats being reported by some witnesses. One witness, Theresa Mulenga Kalo, was arrested and held for several days by police after she testified and three others reportedly went into hiding.

A permanent Human Rights Commission was established by the government in March 1997, with a mandate to hear individual claims of human rights abuse and the maladministration of justice. The hasty process by which the government appointed its members, most of whom lacked robust human rights credentials, drew broad domestic criticism. The commission also lacked permanent premises, phone lines, and resources. The promotion of the commission's creation internationally, with a view to improving Zambia's image, also contrasted with its public profile in Zambia. Officials of the government printing office in Lusaka told Human Rights Watch that the documents concerning the commission were available "only to diplomats," after initially denying they had ever been printed. These documents were, however, widely distributed to international donors; indeed there is reason to believe that the creation of the commission was rushed so that it would be in place prior to the April 25 preliminary meeting of the Consultative Group of donors, in London.

While the Chiluba government adopted the language of support for human rights, it took several steps backward in human rights observance. On January 24, eight condemned prisoners at Mukobeko Maximum Prison were secretly executed on the same day that President Chiluba pardoned 600 inmates. Neither the names of the eight or their alleged crimes were officially released. But Human Rights Watch confirmed that they were executed on January 24, obtained the names and prison identification numbers of the eight, and identified the courts where they were sentenced and the crimes for which they were convicted. All of the executed had spent many years on death row-between ten and fifteen years in some cases. Notably, all of the condemned prisoners were sentenced to death during the Second Republic, years before the MMD government came to power in 1991. It is unclear why President Chiluba ordered their execution in January and whether any of the prisoners had any outstanding rights of appeal. As of April 1, there were 127 prisoners on death row, one of whom was a woman.

The Right to Monitor

The NGOs that conducted independent monitoring of the November 1996 elections were subjected to intensified harassment in the first few months of 1997. In particular, the umbrella coalition of the Committee for a Clean Campaign (CCC), the Zambia Independent Monitoring Team (ZIMT), the Foundation for Democratic Progress (FODEP), and the Inter-Africa Network for Human Rights and Development (AFRNET) took the brunt of state intolerance for expressing the view that the elections were not free or fair.

The government continued to be critical of the national origins of NGOs and foreign support for them. After receiving the credentials of the new ambassadors of Sweden, China and South Africa in late December 1996, President Chiluba accused several NGOs of serving foreign interests and warned that "non-indigenous" NGOs were potential sites of "mercenary" operations. He charged that Zambia had no indigenous NGOs. At the opening of parliament on January 17, President Chiluba said that local election monitors who questioned the legitimacy of the November poll were "unpatriotic" and that the government intended to introduce new legislation to control such "wilful" behavior. He said he planned new laws "which would make election monitoring teams and all NGOs accountable to both their members and to society."

International human rights monitoring groups experienced no government obstruction, although senior government officials were reluctant to discuss human rights issues with them. The Paris-based media watchdog Reporters Sans Frontières visited Zambia in May and published a report on the state of the media, urging the government to scrap the media council bill.

The Role of the

International Community

The international community's efforts seeking improved human rights and good governance practice in Zambia have been exemplary. The resolve to offer renewed balance of payments support in return for positive actions by the Zambian government had results in the run-up and aftermath of the July 10-11 Consultative Group meeting in Paris.

Aid of up to U.S. \$1 billion a year was central to the economic reform program of President Chiluba. As the country's largest source of foreign exchange, aid accounted for some 70 percent of gross domestic product. A decline in the production of copper, which in previous years accounted for more than 95 percent of export earnings (a fall only partially compensated by a rise in world prices), has created a growing dependency on aid. In 1992, at the height of donor goodwill, Zambia received \$1.2 billion in non-emergency aid, three times the average in Africa, as well as \$400 million in emergency aid. In 1996 the aid pledged was just \$800 million, down a third from the 1992 figure. The World Bank had \$120 million in aid allocated for 1997 in comparison to the 1996 figure of \$140-150 million.

The difference between the 1992 and the 1996 figures was the result of Zambia's increasing aid needs being met with tougher conditions set by the international donor community. At the heart of the debate on the role of aid in economic reconstruction were issues of good governance, accountability and democratic practice.

Two Consultative Group meetings, scheduled for December 1996 and March 1997, were deferred, presumably with the purpose of putting further pressure on the Zambian government to reform. On April 25, at the Zambian government's request, a pre-Consultative Group meeting with the donors was held in London. The Zambian government presented itself as having made considerable progress on governance and economic reform. On the basis of that meeting, the donors agreed to convene the next Consultative Group meeting in Paris on July 10-11. During the Paris meeting human rights issues were raised over both days, although the World Bank had attempted to limit discussion of governance issues to a pre-meeting on July 9. The meeting concluded that a further meeting was needed in December 1997 prior to full-balance of payments resumption by members. The resumption of balance of payments would be conditional on unspecified governance and economic targets being met.

European Union, Norway and Japan

In a statement on November 20, 1996 the European Union (E.U.), said it was "pleased" that the November 18 elections were peaceful and orderly, but expressed concern at the discontent of some parties with the process. The E.U. urged the new Zambian government to avoid confrontations with political parties and also to stress political and economic reform.

On December 9, 1996 the German embassy announced that it had cut part of its bilateral aid to Zambia in protest against the political impasse. Other E.U. countries, notably the Netherlands and Sweden, also raised their concerns about human rights standards with the government. Britain and Finland voiced their rights concerns in private. Norway, a non-E.U. member, also played an important role: its ambassador, Jon Lomay, in May declared that Norway was still concerned about the implementation of good governance and would continue to monitor the situation closely. The Japanese government's Lusaka mission also continued to emphasize the need for good governance. The Republic of Ireland's diplomatic mission in Lusaka, which has shown little enthusiasm about public criticism of human rights practices during 1996, spoke out strongly in April about the media council bill.

United States

Ambassador Arlene Render took a strong critical stand toward the Chiluba government, calling for change and the implementation of democratic values in society when she presented her credentials in early 1997. She urged the Chiluba administration to embrace civil society as an essential engine and balancing force for change and transformation. Zambian Minister Without Portfolio Michael Sata accused the United States government of hostility toward the Zambian government and of taking a hard-line stance, despite the country being considered a yardstick for democracy in Africa. But U.S. Ambassador Render and a visiting State Department deputy director for Southern Africa said that Washington would be unrelenting in its demand for good governance in Lusaka, which the U.S. saw as inseparable with economic performance.

Relevant Human Rights Watch reports:

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Elections and Human Rights in the Third Republic, 12/96

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