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U.S. Department of State

Zambia Report on Human Rights Practices for 1997

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ZAMBIA

Zambia is a republic governed by a president, a unicameral national assembly, and a constitutionally independent judiciary. After two decades of one-party rule, free and fair multiparty elections in November 1991 resulted in the victory of the Movement for Multiparty Democracy (MMD) and the election of President Frederick J.T. Chiluba, a former trade unionist. In the November 1996 elections, President Chiluba was reelected, and his party won 131 of 150 seats in the National Assembly. Constitutional amendments enacted in May 1996 had disqualified former President Kenneth Kaunda, the main opposition leader, from seeking the presidency. The MDD's use of government resources, including the state-owned media, put the fairness of the elections into question, although, despite some voting irregularities, there was no evidence of substantial or widespread vote-rigging or vote-counting fraud. The Government generally respected the independence of the judiciary.

Early in the morning of October 28, an army captain took control of the national radio station and announced a coup. By 10 a.m., government troops had regained control of the facilities, the captain and his allies were arrested, and the coup attempt was over. Several days later, the President proposed and Parliament approved legislation establishing a 90-day State of Emergency, which was scheduled to end in February 1998, if not extended. The State of Emergency allowed the Government to detain suspects for 28 days without charge. By year's end, the Government had detained 86 persons, including former President Kenneth Kaunda.

The police, divided into regular and paramilitary units operating under the Ministry of Home Affairs, have primary responsibility for maintaining law and order. They are highly politicized. The Zambia

Intelligence Security Service, under the office of the President, is responsible for intelligence and internal security. Police continued to commit numerous, and at times serious, human rights abuses.

Throughout the year, the Government continued its free market economic reform program, halving the inflation rate, maintaining the budget under control, and pressing forward with the privatization of parastatal companies. The revenue authority contributed to the good budgetary results through increased collections, despite cutting tax rates at midyear. Erratic rainfall and delayed delivery of fertilizer contributed to a below average 1996-97 maize crop, the staple food of most citizens. Agreement in principle was reached with international mining companies to privatize the major elements of the copper industry, a move to stem generally declining production and continued losses. Nonmetals exports continued growing strongly, increasing diversification and jobs and making up for reduced foreign exchange earnings from copper.

The Government took steps to address some human rights problems, but serious abuses continued in several areas. The police committed extrajudicial killings and beat and otherwise abused criminal suspects and detainees. Harsh prison conditions deteriorated further, posing an increased threat to the health and lives of inmates. Arbitrary arrests, prolonged detention, and long delays in trials remain problems. Police infringed on citizens' privacy rights. Police authorities continued steps to address police brutality, including community-based policing methods, human rights training in the curriculum of the police training college, and human rights seminars for midlevel and senior officers. However, a lack of professionalism and discipline in the police force remains a serious problem.

The Government persisted in attempts to limit freedom of the press and continued to control two of the country's three daily newspapers, contrary to its 1991 promises to privatize government-owned mass media. The Government restricted citizens' right of peaceful assembly and association. Citizens' right to change their government also was restricted in 1996. In May the Government established the autonomous Zambian Human Rights Commission (ZHRC). Despite initial doubts about its effectiveness, the Commission obtained access to the coup detainees and exposed the fact that seven of them were tortured.

The Commission also took effective steps to press the Government to release a number of prisoners. Women continued to experience discrimination in both law and fact. Wife beating, rape, and denial of widows' inheritance rights remained widespread. Discrimination against people with disabilities is a problem. Child labor exists in rural subsistence occupations and in some urban occupations.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings during the year, but police continued to use excessive force that at times resulted in extrajudicial killings. According to police spokesmen, one suspect died in jail when officers failed to provide necessary medical attention, and there may have been other deaths.

In December 1995, army recruits near Kapiri Mposhi went on a rampage in retaliation for the death of a comrade at the hands of local villagers. The rampaging army recruits destroyed an estimated 100 village houses and killed two villagers. After 2 years, no disciplinary action has been reported.

There were many deaths of inmates due to harsh prison conditions (see Section 1.c.).

b. Disappearance

Press accounts report that in May former Rwandan Legal Affairs Minister Agnes Ntangibyaliro Rutugwera, who was living in the copperbelt, was abducted by unknown persons believed to be Rwandan state security agents. Her whereabouts are unknown. Immigration authorities denied involvement.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the 1991 Constitution prohibits torture, police regularly used excessive force when apprehending, interrogating, and detaining criminal suspects or illegal aliens. In most such instances, detaining officers beat suspects. In **March** police at the Chawama station severely beat a suspect, denied him necessary medical attention, and then released him without charges. In **May** police crushed the testicle of a detainee. No officers have been disciplined or arrested for these acts.

The ZHRC confirmed that police tortured seven of the persons detained after the October coup attempt. There were reports that state agents tortured two of the seven in order to make them falsely implicate former President Kaunda and other politicians in the coup attempt. There were also no reports of any government investigation of the torture of the coup detainees.

On August 23, police fired on an opposition party vehicle, slightly wounding former President Kenneth Kaunda and seriously wounding opposition leader Dr. Rodger Chongwe. Calls for an independent international inquiry were dismissed. The police force promised to undertake its own investigation. The ZHRC was also investigating the Kabwe shooting. No results of the investigations have been announced.

Throughout the year, government officials, nongovernmental organizations (NGO's), and the press closely scrutinized police involvement in human rights abuses, criminal activity, and corruption. Inspector General of Police Francis Ndhlovu continued to exercise his mandate to reform the force. Ndhlovu has instituted a variety of measures designed to restore discipline and professionalism, including police training in respect for human rights. The effectiveness of such reform efforts was called into question during public disturbances in Lusaka's main commercial area in August when police used excessive force to disperse street vendors and later attacked vendors and opposition party members on Cairo Road. Ndhlovu's admission in open court in 1996 that he had illegally wiretapped The Post newspaper's telephone lines also raised questions about his commitment to protect human rights.

Police corruption is also a problem. Police often detain citizens in private debt disputes in exchange for a portion of the payment owed (see Section 1.d.). Police sometimes committed extortion at roadblocks (see Section 2.d.).

The police undertook investigations of instances of police use of excessive force, disciplining officers who committed human rights abuses. Middle-ranking and senior police officers were enrolled in human rights training seminars at the police academy. According to statistics provided by the police command, at least 8 police officers were the subjects of internal investigations or prosecutions. Authorities arrested some police officers on such criminal charges as robbery and possession of illegal narcotics.

An earlier human rights commission, chaired by prominent attorney Bruce Munyama, aggressively examined police human rights abuses in public hearings held throughout 1995. In September 1995, the commission submitted its final report to the President, including recommendations to improve the human rights performance of the police. The Government released the report to the public in September

1996.

At year's end, the Government had not disciplined or prosecuted any of the individuals allegedly involved in the torture of persons detained in connection with the 1993 State of Emergency.

Prison conditions are harsh and continued to deteriorate, posing an increased threat to prisoners' lives. According to official statistics, prisons designed to hold 6,000 prisoners held over 12,000. This severe overcrowding, combined with poor sanitation, inadequate medical facilities, meager food supplies, and lack of potable water resulted in serious outbreaks of dysentery and other diseases, including tuberculosis, at various prisons throughout the year. In a report submitted to Parliament in 1996, the Director of Prisons said that 975 prisoners had died in prison between January 1991 and December 1995, due to illness and harsh conditions. The death rate of prison inmates remained about the same in 1997.

d. Arbitrary Arrest, Detention, or Exile

The Government permits prison visits by both domestic and international human rights monitors.

Arbitrary arrest and detention are still problems. Criminal suspects are often arrested on the basis of flimsy evidence or an uncorroborated accusation. In criminal cases, the law