

EXTERNAL (for general distribution)

AI Index: AFR 36/04/93

Distr: UA/SC

14 January 1993

Further information on UA 114/92 (AFR 36/09/92, 6 April 1992) and follow-ups AFR 36/10/92, 14 April 1992, AFR 36/13/92, 30 April 1992, AFR 36/17/92, 8 May 1992, AFR 36/19/92, 12 May 1992, AFR 36/23/92, 5 June 1992, AFR 36/32/92, 13 July 1992, AFR 36/34/92, 15 July 1992 and AFR 36/39/92, 15 September 1992 - Legal concern

MALAWI: Chakufwa CHIHANA, aged 52, international trade union official

On 12 January 1993 the High Court refused an application by Chakufwa Chihana's lawyer for bail pending his appeal to the Court of Appeal against his two-year prison sentence for "sedition" passed on 14 December 1992. The judge said that there were no special circumstances to presume his innocence, that there was no *prima facie* case for the success of the appeal, and that the court must not make its decision on the basis of the international appeals for his release. No date has been set for the appeal to the Court of Appeal.

Chakufwa Chihana is a prisoner of conscience who was imprisoned for peacefully expressing his political views and convicted under a law which contradicts the internationally-recognized right to freedom of expression.

He is held in Mikuyu prison in Zomba. He has been denied access to his family since his trial. His wife had previously been allowed to take him medicine for a heart condition but it is not known what medical treatment he is being given in Mikuyu prison, where conditions for political prisoners are harsh. He has only been allowed to see his lawyer once, just after the trial. He did not appear in court for the bail hearing.

BACKGROUND INFORMATION

On 31 December 1992 President Banda announced that a referendum would be held on 15 March 1993 on whether or not to retain the one-party system. Two opposition parties, the Alliance for Democracy (AFORD) - of which Chakufwa Chihana is interim chairman - and the United Democratic Front (UDF), now have offices in Malawi and although an earlier rally in Blantyre on 20 December 1992 had resulted in numerous arrests (see UA 415/92, AFR 36/46/92, 23 December 1992 and follow-up AFR 36/03/93, 11 January 1993), a recent joint AFORD/UDF rally in Blantyre on 11 January 1993 passed off without arrests. They have jointly demanded the release of all political prisoners before the referendum, on which the United Nations has provided advice to the government.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters in English or your own language:

- reiterating concern that Chakufwa Chihana has been imprisoned for peacefully expressing his opinions and that the law under which he was imprisoned

contradicts the internationally-recognized right to freedom of expression;
- urging that he is immediately given regular access to his family and lawyer,
and all appropriate medical treatment;
- appealing again for his immediate and unconditional release as a prisoner
of conscience.

APPEALS TO:

1) H E The Life-President Ngwazi Dr H. Kamuzu Banda

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Office of the President and Cabinet
P/Bag 301
Lilongwe 3
Malawi

Telegrams: Life President Banda, Lilongwe, Malawi
Telexes: 44389 PRES MI, 44766 JUSTICE MI, 44113 EXTERNAL MI
Faxes: + 265 731878

Salutation: Your Excellency

2) Hon. J Z U Tembo
Minister of the State in the Office of the President
P/Bag 301
Lilongwe 3
Malawi

Telegrams: Minister of State Tembo, Lilongwe, Malawi

Salutation: Dear Minister

3) Mr MacWilliam Lunguzi
Inspector-General of Police
P/Bag 305
Lilongwe 3
Malawi

Telegrams: Inspector-General of Police Lunguzi, Lilongwe, Malawi

Salutation: Dear Sir

COPIES OF YOUR APPEALS TO:

Commissioner of Prisons
Malawi Prison Service Headquarters
P O Box 28
Zomba
Malawi

Southern Africa Trade Union Co-ordination Council
PO Box 1271
Lilongwe
Malawi

The Editor
The Weekly Post
Private Bag EF 352
Lusaka

Zambia

The Editor
The Weekend Gazette
PO Box 66070
Harare
Zimbabwe

The Editor
The Daily Times
Private Bag 39
Blantyre
Malawi

Alliance for Democracy
P O Box 5007
Lusaka
Zambia

and to diplomatic representatives of Malawi in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 25 February 1993.