

EXTERNAL (for general distribution)

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Further information on UA 39/93 (AFR 36/14/93, 15 February 1993) - Fear of Ill-treatment/Legal concern

MALAWI:Shyley Kondowe)

Robert Khembo) opposition activists
John Banda)

Shyley Kondowe, John Banda and Robert Khembo, officials of the opposition Malawi Democratic Party (MDP) based in exile in South Africa, who were arrested on 7 February 1993 after returning to Malawi to participate in the referendum campaign, were brought to court in mid-March 1993. All three were charged with possession of seditious publications, for which they could be imprisoned for up to five years. Shyley Kondowe and John Banda were released on bail at the end of March 1993, and Robert Khembo was released on bail in mid-April 1993. No date has been set for their trial.

Robert Khembo was re-arrested shortly afterwards, on account of press interviews he gave after his release, criticising his imprisonment and the one-party rule of Life-President Dr Kamuzu Banda.

Their arrests signalled the government's determination to prevent exiled opponents from returning to Malawi to campaign for multi-party democracy in the referendum on 14 June 1993 on whether or not to retain the one-party system. In addition, the government has only permitted two opposition "pressure groups" (Alliance for Democracy [AFORD] and the United Democratic Front [UDF]) to campaign for the referendum: political parties other than the ruling Malawi Congress Party (MCP), such as the little-known MDP, are thus technically still prohibited.

Following the upholding by the Chief Justice in the Supreme Court on 29 March 1993 of the conviction of trade unionist Chakufwa Chihana for sedition (see further information to UA 114/92, AFR 36/21/93 of 30 March 1993), there is a danger that other pro-democracy activists may also be brought to court and imprisoned for "sedition".

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

- expressing concern at the re-arrest of Robert Khembo for giving radio interviews criticising the government;
- appealing for his immediate and unconditional release as a prisoner of conscience;

- urging that, as long as he remains in custody, he is treated humanely and given immediate and regular access to his family, lawyer and medical doctor, if necessary;

- calling on the authorities to withdraw the sedition charges against Robert Khembo and the two others who were earlier charged with him - Shyley Kondowe and John Banda - as the sedition law contravenes the internationally-recognized right to freedom of peaceful expression.

Page 2 of FU 39/93

APPEALS TO:

1) His Excellency Life-President Ngwazi Dr H. Kamuzu Banda
Office of the President
Private Bag 301
Lilongwe 3
Malawi

Telegrams: Life-President Banda, Lilongwe, Malawi

Telexes: 44389 PRES MI or 44113 EXTERNAL MI

Faxes: + 265 731878

Salutation: Your Excellency

2) Mr John Tembo
Minister of the State
Office of the President
Private Bag 301
Lilongwe 3
Malawi

Telegrams: State Minister Tembo, Lilongwe, Malawi

Telexes: 44389 PRES MI or 44113 EXTERNAL MI

Faxes: + 265 731878

Salutation: Dear Minister

3) Mr MacWilliam Lunguzi
Inspector-General of Police
Malawi Police Headquarters
Private Bag 305
Lilongwe 3
Malawi

Telegrams: Inspector-General Police Lunguzi, Lilongwe, Malawi

Salutation: Dear Inspector-General

COPIES OF YOUR APPEALS TO any of the following:

1) Mr Viliera
Attorney General
Attorney General's Chambers
Ministry of Justice
Private Bag 333
Lilongwe 3, Malawi

2) Mr Justice Richard Banda
Chief Justice
High Court of Malawi
Box 30244
Chichiri, Blantyre 3
Malawi

3) Mr Temwa Nyirenda
Chairman, Malawi Law Society
Box 2420
Blantyre
Malawi

4) Mr Mwale
Commissioner of Prisons
Malawi Prison Service Headquarters
Box 28
Zomba, Malawi

and to diplomatic representatives of Malawi accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 9 June 1993.