

**EXTERNAL (for general distribution)**

**AI Index: 36/13/93  
Distr: UA/SC**

**9 February 1993**

**Further information on UA 26/93 (AFR 36/12/93, 3 February 1993) - Fear of ill-treatment/Legal concern**

**MALAWI: The Reverend Peter Kaleso, Presbyterian church minister and opposition activist**

---

The Reverend Peter Kaleso, who had been arrested on 24 January 1993, was released from Maula prison in Lilongwe, the Malawian capital, on 2 February 1993. He was taken to court and released on bail after being charged with "uttering words abusive to the President" at an opposition rally. Under this rarely-used charge, he could be imprisoned for up to three years if convicted. He was not ill-treated in custody.

He had been arrested during the campaign leading to a referendum on the issue of a one-party/multi-party system in Malawi, which has now been postponed by Life-President Banda from 15 March to 14 June 1993. A United Nations technical team had advised this postponement and proposed other conditions for a free and fair referendum, including the release of political prisoners and the removal of restrictions on the exercise of the right to freedom of opinion and association.

Amnesty International remains concerned that the Reverend Peter Kaleso was arrested for the peaceful expression of his opinions and was thus a prisoner of conscience. He was held unlawfully in custody for several days longer than the permitted 48 hours after which the law requires that an arrested person should be either charged or released. He could also face trial and imprisonment under a law which denies freedom of peaceful expression and in a court system where judicial independence is notably deficient.

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

- welcoming the provisional release of the Reverend Peter Kaleso, a prisoner of conscience;
- expressing concern that he could yet be tried and imprisoned under a law denying freedom of peaceful expression and in a court system where international standards of fair trial are often not respected;
- urging that the charges against him should be withdrawn if they relate solely to the peaceful expression of his opinions;
- requesting investigation into his apparently unlawful detention in custody after the first 48 hours, with a view to ensuring proper observance of the legal requirement that anyone who is arrested should be brought to court and charged with a recognizably criminal offence within this period or released.

**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

4) Mr Friday Makuta  
Minister of Justice  
Ministry of Justice  
Private Bag 333  
Lilongwe 3  
Malawi

**Telegrams:** Justice Minister Makuta, Lilongwe, Malawi  
**Telexes:** 44766 JUSTICE MI

**Salutation:** Dear Minister

**PLEASE SEND COPIES OF YOUR APPEALS TO:**

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

The Officer-in-Command  
Maula Prison  
Private Bag 130  
Lilongwe  
Malawi

Mr Viliera

Attorney General  
Attorney General's Chambers  
Ministry of Justice  
Private Bag 333  
Lilongwe 3  
Malawi

Mr Justice Richard Banda  
Chief Justice  
High Court of Malawi  
Box 30244  
Chichiri  
Blantyre 3  
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 1 March 1993.