

EXTERNAL (for general distribution)

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UA 329/92 Death in custody of prisoner of conscience/
fear of physical safety/fear of harassment

22 October 1992

MALAWI: Orton CHIRWA, aged 73, lawyer and politician
 Vera CHIRWA, female, aged 60, lawyer and politician
 Members of the Chirwa family

Orton Chirwa, the former Attorney General of Malawi, died in custody in Zomba on 20 October 1992. Aged 73, he had been imprisoned for nearly 11 years for non-violent opposition to the single-party government of Life-President Dr H. Kamuzu Banda. Amnesty International is seeking assurances that members of the family of Orton Chirwa returning to Malawi for his funeral will not be harassed and will have their safety guaranteed.

Orton Chirwa was both the oldest and, with his wife Vera, the longest-serving prisoner of conscience in Africa. Vera Chirwa, aged 60, is still held at Zomba Central Prison where the couple were serving a life sentence for treason.

The cause of death was not immediately apparent. In September 1992 a delegation of British lawyers was allowed to visit the Chirwas - the first visit they had received for many years. They found that Orton Chirwa was in poor health - he was virtually deaf and nearly blind from cataracts. The visit was the first time in eight years that Orton and Vera Chirwa had seen each other.

At various times over the past 11 years Orton Chirwa has been held in leg irons and much of his time at Zomba Central Prison was spent in solitary confinement. The prison diet is inadequate and Orton Chirwa does not appear to have received proper medical attention.

Orton and Vera Chirwa were leaders of the exiled Malawi Freedom Movement. In 1981 Malawian security personnel abducted them from Zambia. They were charged with treason and tried before a "traditional court" which refused them a defence lawyer or the right to call witnesses, as well as ignoring many other international norms for a fair trial. They were convicted and sentenced to death, a decision upheld on appeal. In June 1984, President Banda commuted their sentences to life imprisonment after widespread international appeals on the Chirwas' behalf.

Amnesty International is calling on the Malawian Government to agree to the request of the Chirwa family to release the body to them promptly as it is obliged to under Malawian law. The organization is also calling for the authorities to meet their legal obligation to hold an inquest into the death. There are many deaths in custody in Malawi, which in practice are almost never the subject of an inquest.

Amnesty International is renewing its appeal for the immediate and unconditional release of Vera Chirwa.

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

- expressing deep concern at the death of prisoner of conscience Orton Chirwa;
- seeking assurances that the government will guarantee the safety of any members of the Chirwa family who return to Malawi for his funeral;

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- calling for his body to be released to his family as soon as the official autopsy is completed;
- calling for an inquest to be held into his death in accordance with the provisions of the Inquests Act;
- calling for the immediate and unconditional release of Vera Chirwa.

APPEALS TO:

1. President

His Excellency the Life-President Dr H Kamuzu Banda
Office of the President and Cabinet
P/Bag 301
Lilongwe 3
Malawi

Telegrams: Life-President Banda, Lilongwe, Malawi
Telexes: 44389 PRES MI; 4476 JUSTICE MI;
44113 EXTERNAL MI
Faxes: +265 731878
Salutation: Your Excellency

2. Minister of State in the Office of the President

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

Telegrams: Minister of State Tembo, Lilongwe, Malawi
Telexes: 44389 PRES MI; 4476 JUSTICE MI;
44113 EXTERNAL MI
Faxes: +265 731878
Salutation: Dear Minister

3. Minister of Justice

Hon. F L Makuta
Minister of Justice
P/Bag 333
Lilongwe 3
Malawi

Telegrams: Justice Minister Makuta, Lilongwe, Malawi

Telexes: 44766 JUSTICE MI
Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

Commissioner of Prisons
PO 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 3 December 1992.