

EXTERNAL (for general distribution)

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Further information on UA 329/92 (AFR 36/40/92, 22 October 1992) - Death in custody of prisoner of conscience/Legal concern

MALAWI:Orton CHIRWA, aged 73,lawyer and politician
Vera CHIRWA, female, aged 60, lawyer and politician

and also: Reverend Aaron LONGWE, presbyterian minister
a schoolboy
a school receptionist

Orton Chirwa, the prisoner of conscience who died in Zomba Central Prison on 20 October 1992, was buried in his home area of Nkhata Bay on 1 November 1992. The funeral was reportedly attended by about 10,000 people and passed off peacefully. However, his widow Vera Chirwa, also a prisoner of conscience at Zomba Central Prison, was not allowed to attend.

Five of the Chirwas' children returned from exile to Malawi for the funeral. The authorities have refused to allow them to visit Vera Chirwa. This contradicts an assurance which the Commissioner of Prisons is reported to have given to a delegation of British lawyers who met Orton and Vera Chirwa in September 1992. He apparently stated that the Chirwas would enjoy all the rights to which they are entitled under the Malawi Prison Regulations. The regulations stipulate that prisoners have the right to receive a visitor every four weeks.

It is reported that both official and independent autopsies have been conducted on Orton Chirwa, but there has been no announcement of an inquest, despite the requirement of the Inquests Act that one should always be held when a prisoner dies. The findings of the autopsies have not been made public.

Reverend Aaron Longwe, Moderator of the Livingstonia Synod of the Church of Central Africa Presbyterian and a leading member of the Alliance for Democracy, was briefly detained by police on 29 October 1992. On his release he was charged with incitement to political violence in connection with an art poster about Orton Chirwa. The poster was drawn by a schoolboy, whose name is not known, who was also arrested by police and is believed still to be in detention. A receptionist who works at the school was also taken by police for questioning. She had a copy of the independent Financial Post newspaper on her desk, open at an article on Orton Chirwa. It is not known if she is still detained.

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

- expressing concern at reports that several people, including Reverend Longwe, were arrested because they had expressed concern about the death of Orton Chirwa and seeking information about the whereabouts and legal basis for the detention of the schoolboy

and school receptionist arrested at the same time;

- calling for their immediate and unconditional release if they are still detained and for the withdrawal of criminal charges against Reverend Longwe;

- asking that Vera Chirwa be allowed to receive visits from her children in accordance with Prison Regulations;

- calling for an inquest into the death of Orton Chirwa, in accordance with the Inquests Act;

- calling for the immediate and unconditional release of Vera Chirwa.

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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; 44766 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; 44766 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 16 December 1992.