

# URGENT ACTION

## PROMINENT MALAWIAN LAWYER RELEASED ON BAIL

**Prominent Malawian lawyer Ralph Kasambara was released on bail on 21 February. He had been arrested on charges of "kidnapping" and "unlawful wounding" following an incident which began when he was threatened at his office. He had been openly critical of the former President of Malawi, Bingu wa Mutharika, who died on 5 April.**

**Ralph Kasambara** is a high profile lawyer and former Attorney General of Malawi who was openly critical of the previous President of Malawi. On 13 February, a group of five men alleged to be carrying a jerry can of petrol arrived at Ralph Kasambara's office, asking people in the vicinity about his whereabouts. When Ralph Kasambara was alerted to the presence of the men he called in a security team of five men. Two of the people are reported to have fled when the security team arrived. The remaining three were overpowered by Ralph Kasambara's security team, in the course of which it is alleged that they were assaulted.

Ralph Kasambara reported the incident to the police and was arrested along with his security team and the three remaining men. He and his security team were detained and charged with kidnapping and unlawful wounding before being transferred to Chichiri Prison in Blantyre.

On 14 February a Blantyre Magistrate granted Ralph Kasambara bail of 20,000 Malawian Kwacha, with a condition to report to police once a week. The court order for his bail was served to the prison authorities on the morning of 15 February. He was released later in the day, but was then immediately re-arrested at his home by armed police who returned him to Chichiri prison despite the court order for bail. He was then transferred to Zomba Maximum Security Prison on 16 February. On 17 February the High Court granted an injunction for Ralph Kasambara's immediate release. He had not yet been released when, on the evening of 17 February, he was transferred to Mwaiwathu Hospital in Blantyre for medical attention for a heart condition. He was taken to hospital under police guard and remained under heavy police surveillance until 21 February when he was granted police bail. Whilst his release was a positive development, Amnesty International remains concerned that this grant of bail which led to his release relates to the same charge for which he had been in detention earlier, and from which the courts had already twice ordered him to be released, and is inconsistent with a fair judicial process. According to his lawyer, the bail bond refers only to one charge of 'unlawful wounding' – that is, one of the two charges for which he was detained on 13 February. The kidnapping charge was not included.

On 12 February, the day before the alleged attempted attack on the office of Ralph Kasambara, two national newspapers quoted him passing critical remarks about the previous President. The recent changes in government following the death of President Bingu wa Mutharika may herald an improved environment for freedom of expression in Malawi.

**Many thanks to all those who sent appeals. No further action is requested from the UA network. We will continue to monitor the case.**

This is the first update to UA: 49/12 Index: Further information: AFR 36/001/2012 <http://www.amnesty.org/en/library/info/AFR36/001/2012/en>

Name: Ralph Kasambara  
Gender m/f: male

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