

EXTERNAL (for general distribution)

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Further information on UA 114/92 (AFR 36/09/92, 6 April 1992) and follow-ups AFR 36/10/92, 14 April 1992, AFR 36/13/92, 30 April 1992, AFR 36/17/92, 8 May 1992, AFR 36/19/92, 12 May 1992, AFR 36/23/92, 5 June 1992, AFR 36/32/92, 13 July 1992, AFR 36/34/92, 15 July 1992, AFR 36/39/92, 15 September 1992, AFR 36/45/92, 14 December 1992 and AFR 36/04/93, 14 January 1993 - Legal concern

MALAWI: Chakufwa CHIHANA, aged 52, international trade union official

Judgement in Chakufwa Chihana's appeal against his two-year prison sentence for "sedition" passed on 14 December 1992 has been postponed probably until the end of March 1993 at least. The appeal hearing was held on 8 March 1993, with British lawyers representing both the defence and the prosecution, in an open court. All arguments were heard. The focus was on the definition of "sedition", with the defence arguing that it does not apply to advocacy of a multi-party system or non-violent opinions of criticism of the government. The presiding judge, Chief Justice Richard Banda, said that the defence had presented so much new evidence that he and the other two judges would be unable to review the sentence until the end of the month. Chakufwa Chihana, handcuffed, was in court for the hearing but did not address the court.

Malawian security forces used tear gas and fired on demonstrators outside the courtroom, leaving at least five people with gun-shot wounds. The next day members of the Malawi Young Pioneers, the paramilitary wing of the ruling Malawi Congress Party, reportedly attacked a librarian and students reading in Blantyre Polytechnic's library, claiming that they had participated in the previous day's demonstration outside the appeal court.

Chakufwa Chihana, who is held in harsh conditions in Mikuyu prison in Zomba, is a prisoner of conscience who was imprisoned for peacefully expressing his political views and convicted under a law which contradicts the internationally-recognized right to freedom of expression. He has now been allowed some restricted visits to his family and lawyer, but has expressed fears for his safety in prison.

BACKGROUND INFORMATION

A referendum on whether or not to retain the one-party system is due to be held on 14 June 1993. Two opposition groups, the Alliance for Democracy (AFORD) - of which Chakufwa Chihana is interim chairman - and the United Democratic Front (UDF), are campaigning for a multi-party system, although their publications were recently banned in Malawi. The government has so far failed to implement key recommendations by a United Nations technical team advising the government on how to make the referendum free and fair, which includes the release of all political prisoners. For further details about the Chihana

appeal, please see a Weekly Update article, "AI urges release of trade unionist" (AI Index: AFR 39/WU 02/93), which was sent to section press officers on 4 March 1993.

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

- reiterating concern that Chakufwa Chihana has been imprisoned for peacefully expressing his opinions and that the law under which he was imprisoned contradicts the internationally-recognized right to freedom of expression;
- calling for guarantees of his safety and humane treatment in Mikuyu prison, including regular access to his family and lawyer, and all appropriate medical treatment;
- appealing again for his immediate and unconditional release as a prisoner of conscience.
- expressing concern at reports of Malawian security forces firing on peaceful demonstrators outside the courtroom and attacking suspected demonstrators the next day at Blantyre Polytechnic.

APPEALS TO:

1) H E The 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, 44766 JUSTICE MI, 44113 EXTERNAL MI
Faxes: + 265 731878

Salutation: Your Excellency

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

Telegrams: Minister of State Tembo, Lilongwe, Malawi

Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

Minister of Justice
Ministry of Justice
Private Bag 333
Lilongwe 3
Malawi

Mr Temwa Nyirenda
Malawi Law Society
PO Box 2420
Blantyre
Malawi

Southern Africa Trade Union Co-ordination Council
PO Box 1271
Lilongwe
Malawi

and to diplomatic representatives of Malawi in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 6 May 1993.