

EXTERNAL (for general distribution)

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Please bring this action to the attention of the person responsible for outreach work in your section as it is felt that appeals from journalists or broadcasters might be particularly useful.

9 July 1992

Further information on 163/92 (36/20/92, 18 May 1992) - Legal concern/fear of torture

MALAWI:Krishna ACHUTAN, director of Rank Xerox

The Malawian authorities have stated that Krishna Achutan has been charged with two criminal offences. However, they have failed to comply with a judge's order to produce him in court. Krishna Achutan is reported still to be held in Chichiri Prison, Blantyre.

Krishna Achutan was arrested on 16 May 1992 after he had given an interview to the British Broadcasting Corporation (BBC) about the case of his father-in-law, who has been detained without charge for 12 years. Lawyers acting on Krishna Achutan's behalf filed an application in the High Court for the authorities to produce him and state the legal basis for his detention. At an initial hearing on 26 June the authorities failed to produce him. At a second hearing on 7 July, Krishna Achutan was not produced again. However, government lawyers informed the judge that Krishna Achutan had been charged on 30 May with two offences. The judge ruled that Krishna Achutan should have been brought to court when he was charged in order that an application for bail could be considered. It was also noted that Krishna Achutan has not been allowed to consult his lawyer since his arrest. The judge adjourned the hearing until 14 July, ordering that Krishna Achutan be brought before the court then.

According to the government lawyers, Krishna Achutan has been charged on two counts. First, he is charged under the Preservation of Public Security Act with publishing information likely "to be prejudicial to public security". This carries a maximum penalty of five years' imprisonment. Second, he is charged under Section 60 of the Penal Code with making a publication or broadcast "harmful to the interests or to the good name of Malawi". This carries a maximum penalty of life imprisonment.

Amnesty International considers that Krishna Achutan is a prisoner of conscience, imprisoned for giving a radio interview about the case of his detained father-in-law. The organization is appealing for his release and will continue to do so if he is convicted on the two charges reported above.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes and airmail letters

- expressing concern at the failure of the Malawian authorities to bring Krishna Achutan to court, despite a ruling by a High Court judge that he should be produced;
- calling for him to be given immediate access to legal counsel of his choice;
- stating that Amnesty International considers him to be a prisoner of conscience, imprisoned for exercising his internationally recognized right

to freedom of expression by giving a radio interview about the case of his detained father-in-law, and calling for his immediate and unconditional release.

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APPEALS TO:

1) H E The Life-President Ngwazi Dr H. Kamuzu Banda
Office of the President and Cabinet **Salutation: Your Excellency**
P/Bag 301
Lilongwe 3
Malawi
Telegrams: Life-President Banda Lilongwe, Malawi
Telexes: 44389 PRES MI; 44766 JUSTICE MI; 44113
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Faxes: + 265 731878

2) Hon. J Z U Tembo
Minister of State in the Office of the President **Salutation: Dear Minister**
P/Bag 301
Lilongwe 3
Malawi
Telegrams: Minister of State Tembo, Lilongwe, Malawi

3) Mr MacWilliam Lunguzi
Inspector-General of Police **Salutation: Dear Sir**
P/Bag 305
Lilongwe 3
Malawi
Telegrams: Inspector-General of Police Lunguzi,
Lilongwe, Malawi

COPIES OF YOUR APPEALS TO:

Malawi Law Society
PO Box 1712
Blantyre
Malawi

Malawi Broadcasting Corporation
PO Box 30133
Chichiri
Blantyre
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 19 August 1992.