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Malawi: Couple sentenced to 14 years hard labour for “gross indecency”

The fourteen year sentence imposed on a Malawian couple convicted of “gross indecency” and “unnatural acts” is an outrage, Amnesty International said today.

Steven Monjeza and Tiwonge Chimbalanga were arrested by police on 28 December 2009 in Blantyre, two days after holding an engagement ceremony in the southern city’s Chirimba township.

“This sentence sends a strong and unacceptable message that discrimination is legally justified in the Malawi justice system.” said Michelle Kagari, deputy Africa program director at Amnesty International. “Steven Monjeza and Tiwonge Chimbalanga should never have been arrested or prosecuted. That they have been sentenced to 14 years of hard labour is an outrage.”

The defendants have reportedly been subjected to torture and other ill-treatment. They told their lawyers that they were beaten by police while in custody.

“We will continue to campaign on this matter and work tirelessly to see that they are released unconditionally and as soon as possible,” said Michelle Kagari.

Amnesty International adopted the couple as prisoners of conscience and has repeatedly called for their immediate and unconditional release.

Criminalization of individuals on the basis of their real or perceived sexual orientation or gender identity is banned under treaties ratified by Malawi, including the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples’ Rights and the Malawian Constitution. These obligate Malawi to respect and protect freedom from discrimination, freedom of conscience, expression and right to privacy – human rights that Malawi has violated with this judgement.