

EXTERNAL (for general distribution)

AI Index: AFR 36/06/93

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UA 11/93 Fear of ill-treatment/legal concern

15 January 1993

**MALAWI: Chakakala Chaziya, opposition leader
Khoswe, businessman
Johnson, opposition activist
and a driver**

Chakakala Chaziya, vice-chairman of the opposition United Democratic Front (UDF) party, was arrested at his home in the Malawian capital of Lilongwe on 5 January 1993. He was arrested the day after an official of the ruling Malawi Congress Party (MCP) publicly accused him of being involved with a news magazine critical of the government, which was published anonymously by exile government opponents and smuggled into Malawi. The magazine did not advocate violence and appears to have no connection with the UDF or Chakakala Chaziya himself.

Chakakala Chaziya was a Minister of Finance and bank governor during the 1980s.

The three other prisoners mentioned above (whose full names are not known to Amnesty International) were arrested two or three days before Chakakala Chaziya. A vehicle owned by Khoswe (a businessman in Lilongwe) was reportedly stopped by police at a roadblock and the two occupants - Johnson (described as a local UDF activist) and the driver - were arrested. The owner was arrested the next day. They were apparently accused of having copies of the same opposition news magazine in the vehicle for distribution. The police reportedly allege a connection between them and Chakakala Chaziya.

All four are held in Maula prison in Lilongwe without charge or any official explanation. Chakakala Chaziya has reportedly been allowed a visit from his family and his lawyer has applied for *habeas corpus*. Conditions in Maula prison are harsh and there are fears that these prisoners could be tortured or ill-treated.

Amnesty International believes that Chakakala Chaziya is a prisoner of conscience imprisoned for his non-violent political activities as a leading campaigner for a multi-party system. The other three also appear to be prisoners of conscience imprisoned for their opinions and as part of a government attempt to restrict opposition campaigning.

BACKGROUND INFORMATION

On 31 December 1992 Life-President Kamuzu Banda announced that a referendum would be held on 15 March 1993 on whether or not to retain the one-party system. Two opposition parties, the Alliance for Democracy (AFORD) and the United Democratic Front (UDF), now have offices in Malawi and although an earlier AFORD rally in Blantyre on 20 December 1992 resulted in numerous arrests, a recent joint AFORD/UDF rally in Blantyre on 11 January 1993 passed off without incident. However, the continued imprisonment of AFORD chairman Chakufwa Chihana (see UA 114/92, AFR 36/09/92, 6 April 1992, and

the most recent follow-up of 14 January 1993, AFR 36/04/93) and this recent arrest of the UDF vice-chairman indicate restrictions on opposition activities in campaigning for the referendum.

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

- expressing concern that Chakakala Chaziya has been arrested and is being held without charge, and that three others are similarly held in custody in connection with the same case;

- requesting information on the reasons and legal basis for their arrests;

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- seeking assurances that all four prisoners are being treated humanely and urging that they be given regular access to their families and lawyers, and medical treatment if needed;

- appealing for the immediate and unconditional release of Chakakala Chaziya as a prisoner of conscience imprisoned for his non-violent political activities;

- calling also for the immediate release of the other three if they are not charged with committing any offence of a recognizably criminal nature.

APPEALS TO

1) H E The Life-President Ngwazi Dr H. Kamuzu Banda
Office of the President and Cabinet
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) The Hon. John Tembo
Minister of the State
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) Inspector-General MacWilliam Lunguzi
Malawi Police Headquarters
P/Bag 305
Lilongwe 3
Malawi

Telegrams: Inspector-General of Police Lunguzi, Lilongwe, Malawi

Salutation: Dear Sir

COPIES OF YOUR APPEALS TO:

1) Commissioner Mwale
Malawi Prison Service Headquarters
P O Box 28
Zomba
Malawi

2) The Officer-in-Command
Maula Prison
P/Bag 130
Lilongwe
Malawi

3) The Malawi Law Society
P/Bag 2420
Blantyre
Malawi

4) Newspaper:
The Editor
Daily Times
P/Bag 39
Blantyre
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 26 February 1993.