

EXTERNAL (for general distribution)

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Death Penalty

25 March 1992

**MALAWI**

Winston Kabenthu  
Style Phiri  
Tobet Kamwendo  
Leston Simba  
Davison Maponda  
George Sukali  
Wilson Mwale Ngozo  
Thenson Thomas  
Lyson Nkhoma  
Laurence Zuze  
Bonfasio Petro  
and four others (names unknown)

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Amnesty International is concerned that the 11 prisoners named above, currently under sentence of death in Zomba Central Prison, are at risk of imminent execution. According to reports, their appeals against the sentences of death have all been rejected by the court of appeal. A further four prisoners currently held in Mikuyu Prison, whose names are not known, have had their appeals against the death sentences rejected by the National Traditional Court of Appeal and are also in danger of imminent execution.

#### **BACKGROUND INFORMATION**

It is not known to Amnesty International what offences the above 15 prisoners were convicted of or when. The death penalty in Malawi is, however, mandatory for prisoners convicted of murder or treason and may also be imposed for rape, robbery with violence, house-breaking or burglary. Offences carrying the death penalty are usually tried in so-called "traditional courts" where the defendant does not have the benefit of many of the internationally recognized safeguards for a fair trial. When appeals are rejected in the courts of appeal, clemency may be granted by the President as Head of State.

Executions of prisoners under sentence of death resumed in January 1991 in Malawi when at least three people were hanged at Zomba Central Prison. A further six men and two women were executed there in August 1991. Executions had not taken place for some months, apparently because of a financial dispute between the authorities and the executioner, a South African national who is employed by the Malawian Government to visit Malawi for this purpose. Details of executions are not published but these are believed to take place at least twice a year.

Amnesty International opposes the death penalty in all circumstances, believing it to be the ultimate cruel, inhuman and degrading punishment and a violation of the right to life.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/airmail letters:**

- urging that President Banda exercise his presidential prerogative of clemency to commute the death sentences imposed on these 15 prisoners;
- stating that Amnesty International is concerned that at least 11 executions were carried out during 1991;

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- explaining Amnesty International's unconditional opposition to the death penalty in all cases;

- mentioning one or more of the following:

- there is no proven evidence to show that the death penalty deters crime more effectively than other forms of punishment;

- Amnesty International believes that executions have generally a brutalizing effect on society as a whole;

- the worldwide trend towards the abolition of the death penalty and in particular in Africa where, for example, both Namibia and Mozambique abolished the death penalty in 1990.

**APPEALS TO**

1) H E The Life-President Ngwazi Dr H. Kamuzu Banda  
Office of the President and Cabinet  
P/Bag 301  
Lilongwe 3  
Malawi

**Your Excellency**

**Telegrams: Life-President Banda, Lilongwe, Malawi**  
**Telexes: 44389 PRES MI, 44113 EXTERNAL MI**  
**Faxes: + 265 731878**

2) Mr F.L. Makuta

**Dear Minister**

Minister of Justice  
Office of the President  
PO Box 301  
Lilongwe 3  
Malawi

**Telegrams: Justice Minister Makuta, Lilongwe, Malawi**  
**Telexes: 44766 JUSTICE MI**

**COPIES OF YOUR APPEALS TO:**

1) Hon. J Z U Tembo  
Minister of State in the Office of the President  
P/Bag 301  
Lilongwe 3  
Malawi

2) Commissioner of Prisons  
Malawi Prison Service Headquarters  
PO Box 28  
Zomba  
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 1992.