

EXTERNAL (for general distribution)

AI Index: AFR 36/29/93

Distr: UA/SC

6 July 1993

Further information on UA 140/93 (AFR 36/26/93, 29 April 1993) - Fear of ill-treatment/Legal concern

MALAWI:Kaphwiti Banda, opposition activist

Kaphwiti Banda was released without charge shortly before the referendum on 14 June 1993 held to decide whether or not to retain the existing one-party system. He had been arrested on 21 April at the airport in Lilongwe on his return from exile in Zambia. No explanation was given for his arrest or his prolonged and illegal detention without charge for several weeks. No information is known about his treatment in detention.

Kaphwiti Banda is an official of the opposition United Democratic Front (UDF), one of the groups officially allowed to campaign in the referendum. The referendum campaign ended with a two-third's majority vote for a multi-party system. The final vote was declared fair by international observers, despite massive intimidation during the campaigning by government supporters in the Malawi Congress Party (MCP), the para-military Malawi Youth League and the police and security forces. The government had persistently rejected a United Nations advisory team's recommendation on the referendum - to release political prisoners, allow refugees and exiles to return safely, and at least suspend the laws restricting basic freedoms. On 29 June the Malawi parliament, restricted to the MCP for 29 years, changed the constitution to allow opposition parties. No date has yet been set for multiparty elections.

The government has also declared an amnesty for exiles but few of the thousands of refugees who had fled Malawi since 1964 are likely to return until there are clear and permanent changes to the laws, judicial system and political system to protect human rights.

No further action is requested from the Urgent Action Network. Thank you to all those who sent appeals on his behalf.