

EXTERNAL

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To: Medical professionals
From: Medical Office / Research Department - Africa
Date: 26 February 1992

MEDICAL LETTER WRITING ACTION

**@Prison conditions and ill-treatment
£MALAWI**

Keywords

Theme: death in detention / restricted diet/ ill-treatment / restraints

Summary

Malawi, a poor southern African state of some eight million inhabitants, is bordered by Mozambique to the south, Zambia to the west and Tanzania to the north. Formerly Nyasaland, it gained independence from Britain in 1964 and Dr Hastings Kamuzu Banda became its first and only president.

Political prisoners in Malawi suffer prison conditions and treatment which are generally poor and which in some cases amount to cruel, inhuman or degrading punishment. Some convicted criminals are subjected to a special punishment regime — being kept naked and chained to the floor, being given minimal food, being kept in dark cells, being denied medical care and being severely beaten — which is not only cruel, but in some cases constitutes a form of extrajudicial execution. There have been numerous deaths of prisoners as a result of ill-treatment or lack of appropriate medical care. Details are given in the external paper: *Malawi: Prison conditions, cruel punishments and detention without trial* (AFR 36/03/92).

[The Life-President, Dr Banda, trained in medicine in Scotland during the 1930s, and worked as a doctor in Scotland and England before returning to Malawi in 1958 to lead Malawi to independence.]

Recommended Actions

All medical groups are asked to participate in this medical action. However four sections will give the action particular attention: Nigeria, Japan, UK and FRG. Medical groups in the last two countries are therefore asked to make a particular effort in this action.

Letters

Politely written letters, in English where possible, should be sent to the addresses below and should address any of the following issues:

- Introduce yourself and your professional affiliation and make clear that you are writing impartially on matters of international concern.

Ill-treatment of prisoners

- express concern at the reported use of punishments which are contrary to international standards (you could specify corporal punishment, use of leg irons, placing prisoners in dark cells, chaining prisoners in painful postures)
- express grave concern at the reported use of a "hard-core" program of punishment at Nsanje and Dzeleka prisons which involves severe beatings, stripping prisoners of clothing, deprivation of food and medical care, and chaining
- note reports of deaths in detention which appear to be a direct or indirect result of serious ill-treatment
- urge the government to issue clear public instructions to the prison service and others involved in detaining prisoners forbidding the use of torture or other cruel, inhuman or degrading punishment in Malawi's prisons

Deaths in detention

- state your concern at the frequency of deaths of prisoners and at the apparent failure of the authorities to carry out inquests into these deaths as specified by the Inquests Act; you could mention the deaths of Fred Sikwese at Maula Prison in March 1989; Msungama at Mikuyu Prison in 1990; Alec Kadango in Mikuyu Prison in July 1991; Sylvester Phiri in Mikuyu Prison in November 1991; Katanga Sani while held by police in Mangochi in November 1991. (None of these deaths was the subject of an inquest)
- urge that all deaths in custody be promptly investigated by an independent judicial authority (as laid down in the Inquests Act) and that the findings be made public; investigation should include an adequate post-mortem examination to which representatives of the deceased's family should have access
- urge that the remains of any prisoner who dies in custody should eventually be released to the prisoner's family for burial, or if felt necessary, for further examination

Prison conditions

- express your serious worries at the reported lack of basic essentials in Malawian prisons; in particular refer to the lack of adequate diet and restricted recreation
- note that the prison regulations specify that prisoners receive meat and fish, as well as fresh fruit and vegetables daily and urge that the authorities ensure that these regulations are followed; you could refer to the reports of nutritional disorders experienced by prisoners, such as pellagra (niacin deficiency) and vitamin A deficiency, which result from lack of fresh vegetables
- express your concern at the reported failure to ensure that ill prisoners receive the medical treatment they require. You could refer to the case of Blaise Machila, who in spite of suffering from schizophrenia, was kept in prison often naked and in leg-irons; Sylvester Phiri died after suffering from a severe cough, vomiting blood and suffering marked weight

loss - he was reported to have received no medical treatment; Alec Kadango died after 19 years imprisonment without charge - he suffered from malaria for which he was reportedly denied medical treatment

- seek assurances that adequate food and medical care will be provided to all prisoners and that prison practices will conform to international standards

Individual cases

Please seek information about the deaths of the following:

- Fred Sikwese: aged about 40 and in good health when he was arrested around 20 February 1989 and sent to Maula prison. On 6 or 7 March 1989 he appeared very weak and yellow, as if suffering from jaundice. He died on 10 March, possibly as a result of torture. Seek information about the cause and circumstances of his death. Ask why his body was not released to the family.
- Msungama: arrested in 1989 and detained without charge at Mikuyu Prison. He was asthmatic and had an inhaler which he was not allowed to keep in his cell overnight. He died in 1990. Ask about the circumstances and causes of his death. Express concern that he was said to have been deprived of his asthma inhaler and ask whether this was a cause of his death.
- Alec Kadango: died in Mikuyu Prison on 18 July 1991. He had been suffering from malaria and was reported to have been denied medical care. He had been detained without charge since 1972. Ask about the circumstances and cause of his death.
- Katanga Sani: died, reportedly in police custody, in Mangochi in November 1991. Held incommunicado for a month. His family saw him in good health; two days later his body was taken to Mangochi Hospital where officials were told that he had died in the night. Ask about the circumstances of his death.
- Sylvester Phiri: Detained without charge since 1986. Reported to have been suffering from a severe cough, vomiting of blood, marked weight loss. Seek information about his death on 26 November 1991. Seek clarification of reports that he had received no medical care.

Addresses

1. *President*

His Excellency
The Life-President
Ngwazi Dr Hastings Kamuzu Banda
Life President of the Republic of
Malawi
Office of the President and the
Cabinet
P/Bag 301
Lilongwe 3
Malawi

2. *Minister of State in the Office of the President*

Mr John Tembo
Minister of State in the Office of the
President
Office of the President
P/Bag 301
Lilongwe 3
Malawi

3. *Health Minister*

Dr Hetherwick Ntaba
Minster of Health
Ministry of Health
PO Box 30377
Lilongwe 3, Malawi

Please send copies to:

Commissioner of Prisons
Malawi Prison Service Headquarters
PO Box 28
Zomba
Malawi

Letters to the medical association of Malawi

Groups should arrange no more than two letters per group (on professional headed paper) to the Medical Association of Malawi

- introducing yourself and your interest in human rights
- expressing concern at the reported inadequacies in the medical care available to prisoners which go beyond any problems in the general level of health care in the country (you could refer to deaths in detention apparently from both ill-health and ill-treatment)
- asking whether the medical association could make representations to the Life-President about making improvements in this area of health care

Address:

The Secretary
Medical Association of Malawi
PO Box 30567
Lilongwe 3
Malawi

You could send copies of your letters to :

The Commonwealth Medical Association
BMA House
Tavistock Square
London WC1
United Kingdom

Articles/other publicity

The external paper which accompanies this action documents a serious pattern of abuses against political and common prisoners. You could try to have articles or letters published in the medical press about prison conditions and human rights in Malawi.