

EXTERNAL (for general distribution)

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UA 39/93 Fear of Ill-treatment/Legal concern

15 February 1993

**MALAWI:** Shyley Kondowe )  
Robert Khembo ) **opposition activists**  
John Banda )

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Amnesty International is concerned at the arrest of Malawian political exiles Shyley Kondowe, Robert Khembo and John Banda on their return from South Africa on 7 February 1993 and fears that they may be ill-treated in custody.

All three are officials of the opposition Malawi Democratic Party (MDP) - based in exile - and were arrested at Kamuzu International Airport in the capital, Lilongwe, on 7 February 1993. They had just returned to Malawi after some years in exile in South Africa. They are being held in the regional police headquarters in Lilongwe, apparently without access to their families or their lawyer. They have been held without charge longer than the 48 hours permitted by law, and the court has not so far responded to their lawyer's application for them to be produced in court. Political prisoners have in the past been subjected to ill-treatment in police custody and prisons.

#### **BACKGROUND INFORMATION**

Malawian exiles and refugees have generally not considered it safe to return home, in view of fears of arrest on their return. They have also often expressed fears for their safety abroad at the hands of Malawian security agents. The three MDP officials had decided to return to campaign in the referendum scheduled for 14 June 1993 on whether or not to retain the one-party system in Malawi.

The three MDP members named above had expressed fears that they might be arrested at the airport and indeed this is what happened. They appear to have been arrested in order to deter exiles from returning to Malawi and campaigning for multi-party democracy.

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

- expressing concern at the arrests at the airport in Lilongwe of Shyley Kondowe, Robert Khembo and John Banda on their return from South Africa on 7 February 1993;

- urging that, as long as they remain in custody, they be treated humanely and given immediate and regular access to their families, lawyers and, if necessary, medical doctors;

- appealing for their immediate and unconditional release as prisoners of conscience who have been arrested for their peaceful opposition to the government, and for returning to Malawi to campaign for multi-party democracy in the referendum;

- urging that political exiles be allowed to return freely to participate in the referendum on the one-party system in Malawi.

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**APPEALS TO**

1) His Excellency Life-President Ngwazi Dr H. Kamuzu Banda  
Office of the President  
Private Bag 301  
Lilongwe 3, Malawi  
**Telegrams: Life-President Banda, Lilongwe, Malawi**  
**Telexes: 44389 PRES MI or 44113 EXTERNAL MI**  
**Faxes: + 265 731878**

**Salutation: Your Excellency**

2) Mr John Tembo  
Minister of the State  
Office of the President  
Private Bag 301  
Lilongwe 3, Malawi  
**Telegrams: State Minister Tembo, Lilongwe, Malawi**  
**Telexes: 44389 PRES MI or 44113 EXTERNAL MI**  
**Faxes: + 265 731878**

**Salutation: Dear Minister**

3) Mr MacWilliam Lunguzi  
Inspector-General of Police  
Malawi Police Headquarters  
Private Bag 305  
Lilongwe 3, Malawi  
**Telegrams: Inspector-General Police Lunguzi, Lilongwe, Malawi**

**Salutation: Dear Inspector-General**

4) Mr Friday Makuta  
Minister of Justice  
Ministry of Justice  
Private Bag 333  
Lilongwe 3, Malawi  
**Telegrams: Justice Minister Makuta, Lilongwe, Malawi**  
**Telexes: 44766 JUSTICE MI**

**Salutation: Dear Minister**

**COPIES OF YOUR APPEALS TO any of the following:**

1) Mr Viliera

Attorney General  
Attorney General's Chambers  
Ministry of Justice  
Private Bag 333  
Lilongwe 3, Malawi

2) Mr Justice Richard Banda  
Chief Justice  
High Court of Malawi  
Box 30244  
Chichiri  
Blantyre 3, 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 29 March 1993.