

EXTERNAL (for general distribution)

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Further information on UA 39/93 (AFR 36/25/93, 28 April 1993, AFR 36/14/93, 15 February 1993) - Fear of ill-treatment/Legal concern

MALAWI:Shyley Kondowe)

Robert Khembo) opposition activists

John Banda)

Robert Khembo was released without charge shortly after the referendum on 14 June 1993 held to decide whether or not to retain the existing one-party system.

He had been arrested on his return from exile in South Africa, with Shyley Kondowe and John Banda. All three are officials of the opposition Malawi Democratic Party (MDP). They had been released on bail in late march/early April 1993 but Robert Khembo was re-arrested shortly after on account of press interviews he gave after his release criticising Life President Dr Kamuzu H. Banda.

All three have had their charges dropped following the recent amnesty for all exiles which was declared by the government. No explanation was given for Robert Khembo's arrest or his prolonged and illegal detention without charge for several weeks. No information is known about his treatment in detention.

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.

Despite the amnesty for exiles declared by the government 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 Robert Khembo's behalf.