

**AMNESTY INTERNATIONAL
PRESS RELEASE**

AI Index: PRE 01/162/2010
18 May 2010

Malawi: Couple convicted of “gross indecency” must be released

Amnesty International calls on the Malawian authorities to immediately and unconditionally release a couple convicted today on charges of “gross indecency” and “unnatural acts”.

Steven Monjeza and Tiwonge Chimbalanga were arrested by police on 28 December 2009 in Blantyre, two days after holding an engagement ceremony in the southern city’s Chirimba township. Both have denied the charges. Their sentence is expected on Thursday and they face up to 14 years in prison.

“Being in a relationship should not be a crime. No one should be arrested and detained solely on the basis of their real or perceived sexual orientation or gender identity,” said Michelle Kagari, Deputy Africa Director at Amnesty International. “Their human rights, the rights to freedom from discrimination, of conscience, expression and privacy have been flagrantly violated.”

The defendants have reportedly been beaten by police while in custody and Tiwonge Chimbalanga was subjected to forcible anal examinations, in a bid to establish whether the couple had “consummated” their relationship. Such an examination performed without consent, contravenes the absolute prohibition of torture and other cruel, inhuman and degrading treatment. A fair trial would have ruled such evidence as inadmissible.

“The conviction of this couple is a step backward for Malawi, Steven Monjeza and Tiwonge Chimbalanga have done nothing wrong and should be released immediately” said Michelle Kagari.

Amnesty International declared the men prisoners of conscience and has repeatedly called for their immediate and unconditional release.

Criminalization of individuals on the basis of their sexual orientation or gender identity is banned under treaties ratified by Malawi, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples’ Rights.

Malawi is legally bound by these treaties to respect and protect freedom of conscience, expression and the right to privacy, without discrimination on the grounds of real or perceived sexual orientation or gender identity.