



MALAWI:

CHRR, CEDEP & YAS SUBMISSION AT THE 62nd SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

NOUAKCHOTT, MAURITANIA

2nd May 2018

Petition to the African Commission on Human and Peoples' Rights

Att: Her Excellency the Chairperson

Banjul,

The Gambia.

Introduction.

Centre for Human Rights and Rehabilitation (CHRR), Centre for the Development of People (CEDEP), Youth and Society, Nongovernmental Organisations Network (Mango) and the Human Rights Defenders Coalition of Malawi (HRDC) are human rights organizations and networks based and operating in Malawi. The five organisations, hereby petition the Office of the Chairperson of the African Commission on Human and Peoples Rights to place special focus on Malawi to improve its compliance with international human rights conventions; more importantly, to meaningfully commit to implement and domesticate these instruments in a comprehensive manner.

The African Commission on Human and Peoples' Rights, United Nations through the Universal Periodic Review (UPR), treaty bodies such as International Covenant on Civil and Political Rights (ICCPR) and Malawi's civil society organisations have been raising a number of serious human rights concerns in the country since 2011. However, we are very concerned that although the

following issues have repeatedly been raised, the Government of Malawi has not addressed the issues largely due to lack of political will.

Extra Judicial Killings

Your office is aware that on 20th July 2011, the Malawi Police Service (MPS) shot dead 20 innocent and unarmed citizens who were peacefully demonstrating against human rights violations and poor governance of the then administration.

As stated above, there have been numerous calls upon the Malawi Government to ensure that those responsible should face justice. But up to date the pursuit for justice remains a futile attempt.

Although the Commission of Inquiry on the July 20 killings submitted its report to the President of Malawi in June 2012—in which it established that twenty people were killed, fifty eight injured, and significant property damaged *primarily as a result of police action*—up to now no specific actions have been taken by the Malawi Government to bring officers involved to justice.

In 2011 and 2015 respectively the University of Malawi student activist Robert Chasowa and Mr. Issa Njaunju one of the Directors of Malawi's Anti-corruption bureau were brutally murdered. While commissions of Inquiries were established to examine the circumstances and details of the killings, up to date no tangible results have yet come to light, despite the commissions released reports that linked some senior political and public officials to the two cases.

Malawi Government commenced investigations and initiated arrests for the suspects. It is disappointing that up to date justice has not been delivered and there is no political will to conclude these cases. Malawians are worried whether the Robert Chasowa and Isaa Njaunju cases and even the July 2011 killings will see justice - because these cases had a lot of political linkages as revealed by commissions of inquiry reports. Suffice to say that these happened during the ruling party still in power now hence raising more fear that the cases may not be concluded any time soon.

We therefore call upon your honourable Office to impress upon the Malawi Government as a matter of urgency to bring the alleged perpetrators to book regardless of their political affiliations and status. It is our expectation that through your intervention the Government of Malawi will ensure the prosecution of all alleged perpetrators of extrajudicial killings, complete expeditiously all the process that have been already initiated.

Suppression of Fundamental Freedoms; Freedom of Expression, Association, Assembly, Press and Threats Against Human Rights Defenders

Your office might be aware that on 27th April, 2018 there were national wide demonstrations in Malawi organised by Human Rights Defenders coalition, activists, Civil Society Organizations and Malawians of goodwill. These protests were organized to raise grave concern on the current bad and worsening state of political and economic governance in the country as evidenced by among others: continued abductions and killings of persons with albinism, executive abuse and manipulation of public resources which are meant to serve the interest of Malawians; high level corruption in the public service, as visibly reflected in systematic delays in investigating allegations linking the top officials from the ruling party (DPP) implicated in the K263 Billion Cash gate, DPP administration's initiated K4 Billion scandal aimed at rewarding MPs that rejected the people's electoral reforms including the 50%+1; the abuse of tax payers' money to reward the regime's political cronies especially some mercenary activists, traditional and religious leaders who are paraded on Malawi Broadcasting Cooperation to either attack the critics of the regime or frustrate policy or legal reforms that advance the interest of Malawians; the dubious activities surrounding the award of the Lilongwe-Salima Water Project; failure to bring to book the murderers of Robert Chasowa and Issa Njaunju, the continued persistent electricity blackout and unwarranted excuses despite procurement of high-cost diesel generators, the alarming rates of unemployment in Malawi amongst youths; lack of teaching and learning materials in primary and secondary schools; the increasing cases of gender inequalities and abuse; unaffordable fees in public universities; the shortage of drugs and medical personnel in hospitals; and many other challenges.

During the preparations of the demonstrations, Human Rights defenders especially organisers of demonstration continued to receive death threats through anonymous phone calls, social media and violent attacks through the public broadcaster Malawi Broadcasting Corporation. On the eve of the demonstrations the ruling Democratic Progressive Party with their youth Cadets that included Hon Minister of Information Nicholas Dausi and some senior party officials had a caravan around the city of Blantyre intimidating Malawians not to go the demonstrations. Messages promoting hate and violence with an objective of creating fear for Malawians were also aired. These messages were aired to prevent Malawians from participating in the demonstrations.

Malawi Communications Regulatory Authority (MACRA) also tried to block the demonstrations organizers from airing on radio demonstrations messages. MACRA reprimanded two private media houses namely Times and Zodiak broadcasting stations for airing the demonstrations messages while the public media were left scot free yet had hate speeches against demonstrations broadcast repeatedly.

Apart from the above cases, Madam Chairperson, we would also like your office to take note of the arrests of 17 demonstrators in Mzuzu city made during the 27th April 2018. These demonstrators committed no crime for holding peaceful demonstrations. It was clear that Malawians had peaceful demonstrations and we wonder why the police arrested the demonstrators. This is suppression of freedom of assembly and the right to demonstrate peacefully that is supposed to be enjoyed by all Malawians as provided for in the constitution of Malawi and the Human rights treaties Malawi is party including the ACHPR.

In addition to this, in 2017, 7 citizens working for the National Registration Bureau were unlawfully arrested in Mzuzu City after an order by the Minister of home affairs internal affairs. Their trumped up crime was assembling to discuss the way forward to have their salaries, which they were not being paid in time. This was a breach of labour rights and a serious violation of freedom of expression and assembly.

We would like your high office to inquest the Malawi Government and the Police service to release the demonstrators unconditionally. We also request your office to urge the Malawi Government to compensate the 7 National Registration Bureau workers for being unlawfully arrested.

Madam Chairperson, we can only describe these actions as unfortunate and a threat to our democracy, freedom of assembly and expression. We urge your office to call upon the Malawi Government, the Malawi Human Rights Commission and the Malawi Police Service to investigate these cases and bring to book the perpetrators.

Shrinking of Civic Space.

Madam Chairperson, we would also like to raise our concerns on the shrinking political and civic space in Malawi. Recently, we have had cases of political violence between members of the ruling party and the opposition which have left many injured and in search for justice albeit to no avail.

Public institutions such as the Malawi Communications Regulatory Authority (MACRA), the Malawi Revenue Authority (MRA), Non-Governmental Organizations (NGO) Board and the Anti-Corruption Bureau have time and again been used to silence political and human rights activists as well as media houses that have vigilantly reported on corruption. As we speak, government wanted to introduce new regulations on fees that NGOs pay to NGO Board of Malawi effective 1 January 2018 without due processes. The fees being introduced are too high and are aimed at closing the civic space, as many NGOs will end up closing.

Government has also drafted an NGO policy and an amendment to the NGO Act of 2001, which if adopted and passed as they are will have a negative impact on the operation of NGOs and activists in the country.

Madam Chairperson we would like to urge your office to request the Malawi government to depoliticize the state governance institutions such as MACRA, Malawi Broadcasting Corporation, Malawi NGO Board and Anti-corruption Bureau, which have been used as vehicles to stifle the civil and political space.

Your office should further appeal to Malawi government to review the draft NGO policy and NGO Bill so that they are in line with international best practices of NGO policies and laws. In a democracy NGO policies and laws should aim at strengthening NGOs and expanding the Civic space rather than the opposite.

Continued Abductions and Killings of Persons with Albinism.

Madam Chairperson we are deeply concerned and moved by the pace and rate at which attacks on persons with albinism continue to happen in Malawi. The recent heinous killing of a 22 year old man, Macdonald Masambuka, of Nakawa Village, Traditional Authority (T/A) Nkoola in Machinga district is not only disheartening but also depressing at a time when the violations were seemingly dying down. It is yet another case which indicates how insecure our dear brothers and sisters with albinism still are

From 2014 to date, 21 persons with albinism have been killed and over 122 cases of abductions have been reported. To make it worse—3 of these cases have been recorded in the last 4 months of missing persons with albinism. Despite efforts by both local non-governmental organisations (NGOs) and the international community, the situation has not improved.

Madam Chairperson, we would like to request your office to impress upon Malawi Government and the Malawi Police Service to urgently prioritise, invest and thoroughly investigate abductions and killings of persons with albinism related cases and break its criminal (market) syndicate. Your office should also urge government to strengthen security in the protection of persons with albinism.

Madam Chairperson your office should know that there have been slow pace in investigating and persecutions of cases on abductions and killing of persons with albinism. We would like therefore

your office to call the Malawi Government to speed up and bring to justice all perpetrators of these heinous crimes against humanity.

Conclusion

As Human Rights Organisations it is our hope that the issues raised in this petition will be brought to the attention of the Malawi government, in the hope that the Malawi government will act upon them as a matter of urgency considering the fact that some have taken a long time without being resolved. It is our hope that accountability and justice will take its course and that no one regardless of their status will be spared.

We thank you so much for your usual support and cooperation.

Yours Sincerely



Gift Trapence

Executive Director - CEDEP

Vice Chair - HRDC



Timothy Mtambo

Executive Director - CHRR

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Endorsed By:

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