



P.O. Box 2340, Lilongwe Malawi

29th May, 2019

To: **The President of Republic of Malawi, His Excellency Professor Arthur Peter Mutharika, Head of State and Government**
Office of President and Cabinet
Lilongwe
Malawi

Your Excellency Sir,

We, the HRDC, author this letter to your Excellency. First of all, we are not yet comfortable to congratulate you for winning the election because it is our considered view that the elections were not free, fair and credible because it was marred by poll results manipulation. However, with the announcement that you will be “serving” Malawians for a second term, we wish to draw your attention to the many outstanding issues that remain unaddressed by your administration. In particular, as you are aware, we note that your government has presided over corruption, rejection of electoral reforms (including 50+1 electoral system), abduction and killing of persons with albinism, selective promotion of civil servants and nepotism, among other issues and state orchestrated digital and manual surveillance on your critics including CSO leaders. Under your watch, Malawians have witnessed a decline in the quality and availability of social service delivery, especially in the health sector.

In terms of corruption, you will recall that HRDC and other Malawians of good will have been pushing you to act on various cases of corruption some involving members of your team. Recent examples include:

- The case of the involvement of the Malawi Police Service and businessperson Zameer Karim in the K2.7bn food-ration deal, and the

deposit by Karim of K145m into a DPP bank account where you are the sole signatory. Much as the DPP acknowledged it and returned the money”, it does not mean the intended beneficiaries of these kickbacks cannot be prosecuted.

- The case of K53bn “Uniform-gate” in which two firms charged the Immigration Department exorbitant prices for uniform pieces (including neckties for K49,280 and gloves for K67,500). We believe that political will is critical in making sure that those involved face justice.

It is no secret that the elections this year were marred with irregularities, which is cause for Malawi to return to discussions of electoral reforms, most especially the 50+1 system which were rejected by your own government. We implore you to bring the electoral reform bill back into Parliament. We demand that electoral related laws, including the 50+1, be enacted in short time in its original form as proposed by the Malawi Law Commission.

We remind you once again of the imperative need to address outstanding extrajudicial killings that have occurred under your administration’s watch. These include the mysterious death of Issa Njaunju and the killing of Buleya Lule. We are also aware of the fact that the forensic team concluded their investigations and your government has, for reasons best known to you, decided to sit on the report. We, therefore demand the release of the British investigators’ report on the killing of Issa Njaunju. We also call for the arrest of all police officers involved in the killing of Buleya and to bring the perpetrators in the killing of Chasowa to book.

Mr president, 2018/19 was hell for our brothers and sisters with albinism who were either abducted or killed. What baffles us all is that your government is reluctant to fund the National Action Plan on Persons with Albinism yet it can afford to bail out a sick parastatal called Admarc when deliberate ploy that sounded like executive blunders led to it accumulating suffocating debts. We, therefore, demand that you fully fund the National Action Plan on Persons with Albinism.

To make it worse, some high ranking DPP officials have been implicated in the abductions and killings of persons with albinism. We would like to remind you that Malawians are following this case with keen interest and do not expect you and your party to suppress justice just because your team is implicated.

Mr President, the past few years have seen government deliberately using the NGO Board to limit civic space and assembly rights. Further, those of opposing views have been subjected to all sorts of demonization through government

propaganda machinery including using some of our own in the civil society to misrepresent information. Hate and dangerous speeches have come out of the mouths of some members of your cabinet and party to the extent of declaring a Southern Region, a no go zone for HRDC and others. These utterances are often made in your presence but you have always pretended not to have heard. Mr President, you are a leader for all of us and you should not only preach about unity but also be seen to be doing so by strongly condemning such hate and dangerous speeches. By failing to condemn your foul mouthed cronies, you are demonstrating that you condone what they say. As a father of the nation, we expect you to rise above party or regional politics and demonstrate to us all that you are a parent of all Malawians.

HRDC and other activists also have been subjected to digital/cyber threats through state led surveillance on the project to crack-down CSOs. Mr president you should be the first one to know that wiretapping is illegal while going into people's phones to collect private conversations without formal authorization is a serious violation of right to privacy. We, therefore demand that MACRA should be an ethical body and that you should use the powers you have to ask your boys at Macra to stop this tracking of people.

We draw your attention to the selective promotion of civil servants under your administration. One wonders why you targeted election tally sheet "tippexing" teachers instead of all civil servants. Your decision is persuading us to suggest that you were incentivizing them for the "tippexing project". As a Professor of Law, you do not have to be reminded that all departments have the right to promotion and benefits, and equity should be the guiding factor in all such decisions.

We urge you to meaningfully address major issues that threaten Malawian citizens' rights to life and health such as overcrowding in medical facilities and stock out of drugs and medicines. It is your government's duty to protect the lives and health of all Malawians through provision of adequate services, infrastructure, personnel, and medicines throughout the country.

Under DPP rule, it is clear that for the past five years, contracts for the key ministries (Agriculture, Health, Education, Transport, Central Medical Stores, Lands, MERA) have been awarded again and again to the same firms. To this end we will, within the next seven days, publish the names of these companies your administration has been in "unholy matrimony" with at the expense of poor Malawians. Our analysis will show contract value and suspected collusions and linkages to the ruling DPP.

On our part, we call upon you to take heed and respond to these important

concerns, including the previous demands launched by HRDC during demonstrations and petitions in April and September 2018. It is our hope that the next five years will differ significantly from the last five, and cultivate a future where Malawians can rest assured that their government is looking out for their best interests, rather than the interests of the ruling party and its cronies.

If these demands and concerns continue to go unaddressed, we as members of civil society organizations pledge to mobilize Malawians to have mass demonstrations this coming **June 2019** to more loudly demand the transparent, democratic, and caring government they are entitled to.

Yours Sincerely,

Timothy Mtambo
National HRDC Chair

Gift Trapence
National HRDC Vice Chair

Happy Mhango - Northern Region HRDC Chair

Billy Mayaya - Central Region HRDC Chair

Masauko Thawe - Southern Region HRDC Chair

Madalitso Band - Eastern Region HRDC Chair