



Centre for Human Rights and Rehabilitation (CHRR) commends President Lazarus Chakwera for pardoning 156 prisoners as part of the country's 57th independence celebration. This is a welcome development, which will help to decongest our overcrowded prisons.

However, CHRR urges the President to do more to decongest prisons as one way to combat the third wave of the COVID-19 pandemic, which has now gripped Malawi. We urge the President to do this considering report of increased COVID 19 cases in prisons. CHRR has received complaints from some inmates of worsening prison conditions amidst the pandemic. One of the complainants alleges that 43 inmates have tested positive for COVID-19 at Ntchisi Prison and that these have been transferred to Maula Prison, thereby threatening the lives of inmates at Maula Prison.

In view of this, CHRR urges the President to use his powers under section 89(2) of the Constitution to facilitate further decongestion of prisons. These powers extend beyond the pardoning of convicted offenders, to granting stays of execution of sentence, reducing sentences and remitting sentences.

In line with this call, we call upon the Malawi Prison Service to ensure that all persons detained for petty offences are included in the list for release. Petty offences include a wide range of misdemeanours, including (but not limited to), persons detained for contempt of court, criminal trespass, and being idle and disorderly.

We further implore the President and all stakeholders working to decongest prisons to ensure that all prisoners who are terminally ill, prisoners with TB and other chronic illnesses, and older persons are released, irrespective of offence. We appeal to the Commissioner of prisons to recommend remission of sentences on grounds of conduct and mental or physical condition of prisoners, as provided for under section 108 of Prison Act. We further urge the Minister of Homeland Security to exercise his powers under section 110 of the Prison Act to release vulnerable prisoners serving life sentences on Licence, on account of old age, chronic disease or low risk to society.

In considering the release of prisoners serving sentences or awaiting trial on moderate crimes, we urge the release of all children under the age of 18 years who are currently in prison and those in reformatory centres, and all mothers who are imprisoned with their children. We urge the Malawi Prison Service to document those detainees who have been awaiting trial beyond the prescribed pre-trial custody time limits and facilitate their processing by the Judiciary.

Finally, we also appeal to the Judiciary to impose non-custodial sentences where appropriate, such as suspended sentences, community service orders, and other forms of diversion.

Signed

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