

News Alert

Malawi: Rule of terror

Request for support and immediate action

Recent events in **Malawi** indicate that the country is fast sliding towards undemocratic rule, where impunity and terror are now firmly entrenched. On 20 July 2011, a day that shall live in infamy, 19 people were gunned down for simply exercising their rights to freely express themselves. This was shocking but not surprising. President Mutharika continues to show that he would stop at nothing to hang onto power and there is clear evidence that Mutharika is a dictator. His determination to proceed in his lone journey down a path of poor governance and rampant corruption, suppression of opposition, intimidation and threats to human rights defenders and utter disdain for constructive criticism has led to the killings that took place on 20 July 2011. If Mutharika is not stopped, more bloodshed will be seen in Malawi.

As a result, we, the signatories to this alert, call upon the Government of Malawi to:

- ✓ *Make a pronouncement and act upon such a pronouncement, to immediately publicise the autopsy report of the 19 innocent lives that were lost on 20 July 2011*
- ✓ *If there is no autopsy report- an immediate process of exhumation of bodies must be put into effect*
- ✓ *An independent pathologist must be appointed, one that meets the satisfaction of a joint oversight committee in parliament*
- ✓ *A Coroner's Inquest must be set up to establish the facts leading up to the unnecessary loss of life on 20 July, 2011 and strong recommendations for justice, peace and reconciliation must be made so that impunity does not go unpunished*
- ✓ *The Inquest must be held in an open court where witnesses are encouraged to come forward and testify and are guaranteed protection*
- ✓ *For the Government of Malawi and the ruling party's militia known as the 'Cadets' to desists from intimidating and harassing civic leaders, human rights defenders and academics. We also request that the Special Rapporteur on Human Rights Defenders undertake a promotional visit to Malawi to investigate human rights abuses and threats to human rights defenders in that country.*

We ask that you support our call to action by raising the above request as an institution that has the mandate and influence to rein in the Mutharika regime.

Done on this 15 Day of August, 2011

Signatories:

- *Malawi Democracy Solidarity Alliance (MADESA)*
- *Human Rights Consultative Committee*
- *Centre for Human Rights & Rehabilitation*
- *Fellowship of Christian Councils of Southern Africa*
- *Southern African Development Community Council of NGOs*
- *Southern Africa Trade Union Coordinating Council*

Background and Timelines:

2009 Nov- two opposition leaders are convicted of sedition and inciting violence while campaigning. A judge sentences each to 20 months in prison with hard labor. These were the first sedition convictions since the late dictator Hastings Kamuzu Banda's 1963-1994 rule.

2010 May - gay couple convicted and jailed for breaching anti-homosexuality laws, sparking international condemnation. The two men are given a presidential pardon and released.

2010 August - new national flag is introduced amid controversy and the first local elections in a decade are postponed again.

2010 October - diplomatic spat with Mozambique over a new waterway connecting Malawi with the Mozambique coast erupts. Mozambique impounds first barge to use new route.

2010 November - protests against a bill setting the retirement age at between 55 and 60, higher than average life expectancy.

2010 December- Mutharika suspends the electoral commission after an audit report said nine million dollars in election funding was missing.

2011 January- President Mutharika assents to legislation granting the information minister the power to prohibit the publication or importation of newspapers, magazines, films and other publications deemed not to be in the so-called 'public interest'. This is an affront to the freedom of expression enshrined in the Charter and Malawi's own constitution. Government's attack on plural voices not confined to civil society and political opponents alone. Constitutional bodies such as the electoral commission and the human rights commission have not been spared. The government demands that the chairperson of the Human Rights Commission resigns, for taking the Mutharika regime to court on human rights and governance issues, and for allegedly threatening to refer Malawi to the AU and the UN

2011 February- Professor Blessings Chinsinga is interrogated by the Inspector General of Police for making references to the uprisings in Egypt and Tunisia in a public policy lecture. As a result, the University of Malawi is not functioning as the academic community seeks assurances of the government's commitment to the protection of academic freedom as enshrined in the Constitution.

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2011 11 February- the ruling Democratic Progressive Party moves to amend an existing 'anti-pollution' law first introduced in 1929, to refer to flatulence, which has never been enforced by the authorities.

That law states: "*Any person who voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, shall be guilty of a misdemeanour.*"

2011 14 February- Malawi Police and Lilongwe City Assembly stops civil society from holding a peaceful march on the two year- long escalating fuel crisis and deterioration of governance in the country.

2011 23 February- President Bingwa Mutharika invites civil society organization leaders to state house where he emphatically and angrily warns that he would mobilize his political party members to stop any civil society demonstrations.

2011 28 February- a group of civil society organizations and coalitions dealing with human rights, democracy and governance issue a news release that its leaders were receiving threats through anonymous telephone calls and text messages. The threats also included phone calls to various people and family members asking for the location of offices and homes of some of the CSO leaders.

2011 3 March- thugs break into the Centre for Human Rights and Rehabilitation (CHRR) offices and demand that the guards take them to the home of Undule Mwakasungula, the Centre's Executive Director who is also Chairperson of the Human Rights Consultative Committee (HRCC). The thugs do not steal anything at the offices, but are equipped with panga, knives and gallons of petrol.

2011 6 March- President Bingwa Mutharika holds a public mass rally for the Ruling Democratic Progressive Party in Blantyre. During his speech, he tells his party supporters to fight and crush all those who are opposing his views or criticizing the Malawi government on various issues of human rights, democracy and governance. His speech is broadcast on the national television and radio.

2011 7 March- senior party officials from the ruling Democratic Progressive Party hold a press conference where they endorse President Bingwa Mutharika's instructions to attack anyone with dissenting views the press conference included: the party's Secretary General; Deputy Minister in the Office of the President & Cabinet; Minister of Youth Development; Sports & culture; and the Presidential official spokesperson. During the press conference the officials state that they will use all their resources available, and any means possible, to protect the president from dissent. The press conference is broadcast on national television and radio stations.

April 2011- the local government polls are suspended in April 2011, making it the second time of since the introduction of multi-party democracy in 1994. The Malawian Electoral Commission has just reopened. However, Mutharika has sole power to determine dates of local government elections.

2011 May- news of a spy machine, which will monitor private phone calls of citizens, is reported by media. The government of Malawi, through its regulatory authority (MACRA) pays a deposit of US\$2 million to a Agilis International, a US company, to supply the country with the device.

2011 June- rising fuel and food prices reach peak levels, as Malawians cue for weeks on end without fuel. Power outages remain a common feature in the daily lives of Malawians, with most that have electricity, going without for eight hours at a stretch daily.

2011 July- Civil Society organisations announce that they will protest the deteriorating situation in their country. They cite utter disgust at Mutharika's '*marauding tyranny, bad economic policies and poor democratic governance*', as reasons for their protest.

2011 20 July- Malawians take to the streets to make their demands to government, only to be met with batons and bullets. Nineteen people die.

2011, 22 July- The director of the Church and Society rights organisation, Moses Mkandawire, says that the government had blocked funeral processions for seven of those killed in the previous two days' protests. In a nationally televised speech, Mutharika calls protesters "thugs and sons of Satan" and listed the names of protest leaders he wanted to "smoke out". Many of the protest leaders received death threats and went into hiding for fear of arrest or worse.

2011, 22 July- Vice President Joyce Banda publicly endorses the protests against Mutharika's government and stated "regret" for deaths, injuries, and property damage incurred during the demonstrations. Banda, whom Mutharika had isolated and unsuccessfully pressured to resign, months earlier, suggests poor economic conditions, corruption, and weak democratic institutions had forced Malawians to take to the streets.

2011, 23 July- Mutharika accuses his vice president, Mrs. Joyce Banda and opposition leaders of treason and blames them for the deaths of the 19 anti-government demonstrators. The rant comes a day after he said protesters were "being led by Satan".

Names of 14 of the 19 innocent civilians killed during 20 July Protests in Malawi:

NO	NAME	AGE	SEX	HOME ADDRESS
1	Chimwemwe Ngwira	21	Male	Ngoto Ngwira village T/A Mtwalo Mzimba, Boston Ngwira 0888729346/0993 504 682
2	Samson Ngulube	22	Male	Perekamoyo Zgambo Village T/A Mtwalo Mzimba Justin Chinoko Ngulube A.G Nkosi 0999 751 949, 0888 535 199
3	Jacob Nyangale	26/28	Male	Mabulabo South T/A Mabulabo Mzimba Mr Mkwewu 0993 788 245
4	King Msuku	38	Male	Lundu, T/A M'bwanan Nkhata-bay Steven Msuku 0999 792 555
5	Precious Juluka Kaunda	38	Male	Joshua Village T/A Mabilabo Mzimba Peter Mwanza 0881 823 356
6	Abel Kanyenda	19	Male	Khosolo Mabulabo Mzimba 0884 063 308
7	Charles Chibambo	33	Male	Kapandajuba village T/A Mtwalo Mzimba
8	Adam Banda - (dead body taken to Lilongwe)	42	Male	Lilongwe C/O Justice Banda 0888 666 736 Harold Phiri 0995 141 256
9	Aaron Chitenje	27	Male	T/A Namkumba Mangochi Willard Mkwamba (Mzuzu main market) (kaunjika sales market) Juma Umali 0993058 576
10.	Mavuto Banda - (This one was shot by police in Karonga demonstration)	25	Male	Mwanyongo Village, T/A Kyungu, Karonga

	DECEASED NAME	AGE	SEX	ADDRESSS	STATUS UPON ARRIVAL @ KAMUZU CENTYRAL HOSPITAL (KCH)
11	Love Phiri	16 years old	Female	Area 49 Resident	Brought in dead with bullet wounds
12	Luka (No surname attached)	30 years old	Male	Area 36 Resident	Brought in dead with bullet wounds
13	Unknown (Personal details not known)	Plus 30 years old	Male	Chinsapo 1 Resident	Brought in dead with bullet wounds
14	Unknown (Personal details not known)	Plus 30 years old	Male	Lumbadzi Resident	Brought in dead with bullet wounds