



INTERNATIONAL
COMMISSION
OF JURISTS



SOUTHERN AFRICA
LITIGATION CENTRE

Re: SECURITY FORCES' USE OF FIREARMS AGAINST PROTESTORS

President His Excellency Ngwazi Professor Bingu Wa Mutharika
Office of the President and Cabinet
Capital Hill Circle
Private Bag 301
Capital City, Lilongwe 3
Malawi
F: +265 1 788456 / +265 1 789273

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Dear President Mutharika,

We, the undersigned organizations working for human rights of all without discrimination, including the rights to freedom of expression, peaceful assembly and association, are alarmed at the widespread use of force by the security forces in response to the protests that have erupted in Malawi over the past few days. We are calling on the Malawian authorities to immediately launch an independent, impartial and thorough investigation into the use of firearms against protestors by security forces throughout Malawi in recent days.

At least 18 people were shot and killed by security forces across the country, and hundreds were treated for gunshot wounds. In the northern town of Mzuzu alone, 44 people, including six children, are being treated for gunshot wounds at Mzuzu Central Hospital. Police in Lilongwe fired teargas into a hospital, forcing it to shut down. We are aware that some of the protestors destroyed property, including several buildings and vehicles belonging to the ruling Democratic Progressive Party (DPP) that were set on fire during the protests. There are also reports that on the eve of the protests members of the DPP were wielding machetes to intimidate people in Blantyre.

While the police have a responsibility to intervene to maintain public order and, in particular, we would call on them to do so in order to protect life, we are concerned that in the context of the protests there have been arbitrary arrests and beatings of human rights activists and journalists by the security forces. Several human rights activists were briefly arrested on 20 July and released without charge, and at least eight journalists have been beaten by police. We are also concerned about government attempts on 21 July to arbitrarily shut down independent broadcasting media organizations and an earlier ban of live news coverage of the protests.

The UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials state that security forces may only use force when strictly necessary and to the extent required for the performance of their duty, and that the intentional lethal use of firearms is only permissible when strictly unavoidable in order to protect life.

The rights to freedom of expression, assembly and association are guaranteed by Articles 19, 21 and 22 respectively of the International Covenant on Civil and Political Rights, which Malawi has ratified.

RECOMMENDATIONS

We call on the Government of Malawi to:

- Immediately launch an independent, impartial and thorough investigation into the use of firearms against protestors in Mzuzu and other towns and cities in Malawi during the recent protests.
- Prevent the use of excessive force, as well as ill-treatment, by police and security forces against protestors.
- Ensure the safety of human rights activists and journalists, and allow them to carry out their work freely in Malawi.
- Allow individuals in Malawi to exercise their rights to freedom of expression, peaceful assembly and association through peaceful protests, and take steps to ensure that protestors exercising these rights are protected from others seeking to intimidate them or to prevent them from doing so.
- Ensure respect for the rights of all those arrested in connection with the protests, in particular the right to be informed of the charges against them, to prompt access to a lawyer of their choice and to communicate with family members, to be brought promptly before a court, not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, and the right, to a fair and public trial within a reasonable time by a competent, independent and impartial court established by law.

We look forward to your response in regard to these matters.

Yours sincerely,

Amnesty International
Council on Global Equality
Human Rights First
International Commission of Jurists
International Gay and Lesbian Human Rights Commission
Southern African Litigation Centre

CC:

Minister Hon. Aaron Sangala, MP
Ministry of Internal Affairs and Public Security
F: +265 1 789509 / E: noel.kayira@yahoo.com

Minister Hon. Dr. George Thapatula Chaponda, MP

Ministry of Justice and Constitutional Affairs

F: +265 1 788 332 / E: sg-justice@sndp.org.mw; justice@malawi.gov.mw

Brigadier General Odillo

Commander of the Malawi Defence Forces

F: +265 1 789 176 / E: defence@defence.gov.mw

Peter Mukhitho

Inspector General of the Malawi Police Force

F: +265 1 797979

Malawi Human Rights Commission

F: +265 01 750 943 / E: info@malawihrc.org

H.E Dr Jean Ping

Chairperson of the African Union Commission

F: +251 11 551 78 44 / E: oau-saro@malawi.net

Dr. Esau Chiviya

Secretary General of the SADC Parliamentary Forum

F: +264 61 254 642 / 247 569 / E: info@sadepf.org

Office of the Prosecutor

International Criminal Court

F: +31 70 515 8555 / E: otp.informationdesk@icc-cpi.int