Extrait du FIDH - Worldwide Human Rights Movement
http://www.fidh.org/New-death-threats-against-Mr

New death threats against Mr. Benedicto Kondowe - MWI 002 / 0411 / OBS 072.1

- [english] - Africa - Malawi -

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FIDH - Worldwide Human Rights Movement

The Observatory has been informed by reliable sources about the new death threats against Mr. Benedicto Kondowe, Executive Director of the Civil Society Coalition on Quality Basic Education (CSCQBE) - a network of 78 local and international non-governmental organisations advocating for the right to education in Malawi.

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in **Malawi**.

New information:

According to the information received, on July 25, 2011 at 6:10 p.m., Mr. **Benedicto Kondowe** received an anonymous call of a person asking why he was opposing the President of Malawi and why civil society organisations (CSO) were exposing shortfalls of the Malawian government. Mr. Benedicto Kondowe was then told that he was being monitored and that he would be killed as a consequence of his opposition to the government. This phone call was received minutes after an interview given by Mr. Benedicto Kondowe was broadcast on the Malawi Institute of Journalism news bulletin, in which he talked about the repression of CSO that participated in the demonstrations on July 20, 2011 to advocate for change of government policies[1].

Mr. Benedicto Kondowe filed a complaint at the Area 3 Police Station of Lilongwe immediately after receiving the call.

The Observatory expresses its deepest concern regarding the death threats against Mr. Benedicto Kondowe, as they seem to merely aim at hindering his human rights activities. The Observatory recalls that the work of human rights organisations is highly stigmatised in Malawi and that human rights defenders face reprisals from the authorities for their legitimate and peaceful activities[2], as again recently evidenced by the repression of the demonstrations of July 20.

Background information:

On April 20, 2011, three men went to the office of Mr. Benedicto Kondowe, in Lilongwe, and told the watchman that they had an appointment with him. When the watchman answered that Mr. Kondowe had already left, the three men asked for his telephone number and personal address, which the watchman refused to give. Mr. Benedicto Kondowe later reported that no appointment was planned with the men.

On the morning of April 21, 2011, Mr. Kondowe filed a complaint at the Area 3 Police Station of Lilongwe. The Police Deputy Commissioner promised him to investigate the case and advised him to keep alert because the individuals might come back.

At 12.00 a.m. the same day, Mr. Kondowe received a phone call from an unidentified man who told him that alerting stakeholders on what happened to him was not clever, and that it would not guarantee his security. The man on the phone also said that Mr. Kondowe was monitored for being among the leaders of CSO exposing shortfalls of the Malawian government, and for having labelled the government as a human rights violator.

On April 23, 2011, at around 12.00 p.m., Mr. Kondowe received a second phone call from a unidentified man who

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told him that he would better leave the country as otherwise they would ensure that he pays for having challenged some of the government's decisions.

As the Executive Director of the CSCQBE, Mr. Benedicto Kondowe has been continuously denouncing government abuses on human rights, especially in the field of education. On February 23, 2011, he was invited along with other CSOs' leaders to the State residence of the President of Malawi, who warned them that he would mobilise his political party members to stop any civil society demonstrations aimed at expressing any dissenting views.

CSCQBE also belongs to the Civil Society Grand Coalition for the Defence of Democracy and Good Governance, which, on March 9, 2011, signed a petition to the UN Special Rapporteur on the situation of human rights defenders, asking her to investigate the imminent dangers faced by human rights defenders in Malawi.

Actions requested:

The Observatory urges the authorities of Malawi to:

i. Guarantee in all circumstances the physical and psychological integrity of Mr. Benedicto Kondowe and of all human rights defenders in Malawi;

ii. Order an immediate, thorough, effective and impartial investigation into the threats against Mr. Benedicto Kondowe, which result must be made public, in order to identify all those responsible, bring them before a civil competent and impartial tribunal and apply to them the penal sanctions provided by the law;

iii. Refrain from stigmatising and discrediting the peaceful and legitimate activities of human rights defenders and ensure that they can work in a safe environment without fear of being prosecuted for criticising government policy or government officials;

iv. Conform to the provisions of the UN Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, especially:

- Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels";

- Article 5(c), which states that "For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels (...) to communicate with non-governmental or intergovernmental organisations";

- Article 6(a) and (b), which provides that "everyone has the right, individually and in associations with others, to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms"; (...) freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms";

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and Article 12.2, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration".

v. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Malawi.

Addresses:

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* Hon. Joyce Banda MP, Vice-President of the Republic of Malawi, Capital City, PO Box 30399 , Lilongwe 3. Fax: +265 1 788218.
* Hon. Aaron Sangala, Minister of Home Affairs and Internal Security, Ministry of Home Affairs and Internal Security, Private Bag 331, Capital City, Lilongwe 3, Malawi. Fax: +265 1 789 509.
* Hon. Dr. George Chaponda MP, Minister of Justice and Constitutional Affairs, Ministry of Justice Headquarters, Capital Hill, Private Bag 333, Lilongwe 3, Malawi. Fax: +265 1 788 332/841 ; E-mail: justice@malawi.gov.mw
* Peter Mukhito, Inspector General of Police, Malawi Police services Headquarters, Lilongwe. Fax: + 265 1 797 979.
* John Kapito, Chairperson of the Malawi National Human Rights Commission, H.B. House, Private Bag 378, Capital City, Lilongwe 3, Malawi. Fax: +265 01 750 943, Email: info@malawihrc.org;
* Embassy of the Republic of Malawi in Brussels, Rue de la Loi 15 , 1040 Brussels, Belgium, Fax: +32 2 231 10 66.

Please also write to the diplomatic representations of Malawi in your respective countries.

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Geneva-Paris, July 28, 2011.

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, an OMCT and FIDH venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.

To contact the Observatory, call the emergency line:

· E-mail: Appeals@fidh-omct.org

· Tel and fax OMCT + 41 22 809 49 39 / + 41 22 809 49 29

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[1] Civil society organisations planned peaceful demonstrations that were due to take place on July 20, 2011. One day before, the government prohibited to hold the demonstrations. On July 20, 2011, the organisers were gathered in

a church waiting for the stay of the prohibition, when the police assaulted and threatened them. Other people, unaware of the prohibition, began the demonstration as planned and they were violently repressed by the police. As a result, 18 people died, including two children.

[2] See Observatory Urgent Appeal MWI 001 / 0311 / OBS 045.

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