

@CHAPTER = MALAWI

The 25 years of Life-President Hastings Kamuzu Banda's rule in Malawi have been synonymous with torture, extrajudicial killings, detentions without trial and severely circumscribed civil and political liberties. Despite the gross abuses under Banda's rule, the United States has remained an important ally and has failed to make human rights an integral part of U.S. policy toward Malawi. Under the Reagan administration's policy of "constructive engagement" with South Africa, Malawi's close ties to the South African government ensured it uncritical U.S. support. (Malawi is the only southern African nation with full diplomatic relations with South Africa.) The policy of "constructive engagement," which opposed the isolation of South Africa by the international community and sought a pragmatic approach to South Africa by the southern African nations, has undergone some welcome changes under the Bush administration. The changes, which include an acknowledgement of the positive impact of sanctions, provide an opportunity for a reassessment of U.S. policy toward Malawi.

A reassessment is crucial to prevent U.S. identification with the abuses of the Banda regime. An important place to begin would be the State Department's country reports on human rights practices in Malawi for 1989. The 1988 report was fairly accurate as far as it went -- describing, for example, human rights in Malawi as "widely circumscribed" -- but it failed to identify the central issue of ethnic discrimination behind the abuses.

The U.S. should also begin to protest abuses. In 1989, Banda waged a campaign against alleged opponents, with special emphasis on those from northern Malawi. At least one political detainee was either starved or tortured to death as part of this purge, while many others continue to be held without charge. Despite the deaths in custody of suspected dissidents, credible reports of severe torture of detainees, and the jailing of hundreds of northerners, the U.S. made no public protest of Malawi rights practices. This policy of public silence is particularly unjustifiable because, as should be clear by now, traditional diplomacy has not been effective in preventing or correcting human rights abuses in Malawi.

The ethnic dimension of abuses has been central to political developments in Malawi despite its absence from public U.S. analysis. Since shortly after independence in 1964, political power has been held by Chichewa-speaking leaders from the central region, notably Life-President Banda himself. The hegemony of these leaders has been to the exclusion of other groups, particularly northerners, who are educationally privileged because of the favoring of the north under British rule. (Another group, the Yaos, have also been excluded, but as a result of their educational underprivilege, which continues to this day.) Because of their educational advantage, northerners were represented in disproportionate numbers in the civil service and in teaching. In the mid-1970's, hundreds of northerners were detained by the Banda government and later fled into exile. Memories of the events of the 1970s were revived by the 1989 crackdown. In a recent speech to the Party Congress, Banda called for an end to regional bias. Malawians read this to be a call for an end to alleged northern domination, rather than a commitment to end ethnic discrimination. Their interpretation is supported by the government's failure to release any detainees, most of whom are from the victimized groups.

Among other developments in 1989 that warranted expressions of U.S. concern was the mysterious October 13 firebombing of a house in Zambia which killed ten persons. The target of that assassination, Mkwapatira Mhango, a journalist and member of the exiled Malawi Freedom Movement ("MAFREMO"), died, along with his two wives and five of his children. His death follows the arrest and detention

of his brother, Goodluck Mhango, who has been held since 1987, apparently in reprisal for Mkwapatira's critical writings. A month before the firebombing, President Banda had been quoted in Malawi's *Daily Times* stating that false reports about the misuse of official funds by Cecelia Kadzamira -- Banda's official escort and, with her uncle, John Tembo, widely considered to be vying for power upon Banda's death -- were being supplied to foreign publications, including *Africa Watch*, by the Mhango family. MAFREMO has alleged that the killings were carried out under orders from the Banda government.

Mkwapatira's death is the most recent entry in a long history of repression of Malawian journalists. In 1981, Francis Pollock Mhango (no relation to Mkwapatira), a northern journalist who worked for Malawi's ruling party's newspaper, was detained and beaten severely. Since his release in 1988, he is reported to be mentally unstable, due to his beatings. In 1985, three journalists, two with the Malawi News Agency and the other with the *Daily Times*, were detained for about one year without charge. In 1988, four journalists were reportedly detained without charge and severely tortured.

The Malawian government has denied responsibility for the Zambia firebombing, attributing it instead to internal feuding within the Malawian opposition, but the available evidence reveals a history of government attacks on opposition figures, and nothing to support the government's alternative explanation. In 1983, Attati Mpakati, the leader of a dissident group, was killed in Zimbabwe, apparently by Malawi security forces. A previous attempt had resulted in several of his fingers being blown off by a parcel bomb. That same year four persons, including three cabinet ministers, died in unexplained circumstances within Malawi and were widely believed to have been assassinated. All four had been arrested just before their deaths; while the government attributed the deaths to a car accident, eyewitnesses reported seeing bullet wounds in their bodies. In addition, Orton Chirwa, the leader of MAFREMO, is currently serving a life sentence for treason.

By contrast, there is no known instance of violence by Malawi's opposition. Given the history of repression of Malawian journalists, MAFREMO and Mhango's own family, including Banda's recent verbal attacks against the family, it seems probable that the murder was committed by agents of the Malawi government.

Banda's presidency has been marked by severe repression. Political rivals have been eliminated through exile, imprisonment and extrajudicial killing. Three successive secretary-generals of the Malawi Congress Party (no other political party is permitted to operate) have been either killed or, in the case of Aleke Banda, held for nine years without charge. Their fates are linked to the question of succession since, according to the Malawi constitution, the secretary-general becomes interim president on the death of the president.

Orton and Vera Chirwa, two of the best-known political prisoners in Malawi, have been imprisoned since they were abducted or lured across the Zambia-Malawi border in 1981. Orton was a founder of the Malawi Congress Party and Malawi's first Minister of Justice, until Banda expelled him from the Cabinet in 1964 and he fled into exile. The Chirwas were tried in a "traditional court," <\$FThe "traditional courts" are not courts based on the customary law of Malawi, but rather courts created by President Banda to ensure the outcome of political trials. The judges are appointed by Banda and are not required to have legal training. The courts are part of Banda's extensive use of pseudo-traditional ritual in many aspects of official life.> without legal representation or permission to call witnesses, and sentenced to death. This sentence was commuted in 1984 to life imprisonment, after intense international pressure. The two are being held in Zomba Central Prison, where they apparently have not

been allowed to see each other for the last four years. The couple has been relentlessly tortured, periodically deprived of food and refused access to medical care, despite being in poor health.

Jack Mapanje, the country's best known poet, is also in detention. He has been held since September 1987, apparently because of the increasingly political nature of his poetry. Under the 1965 Public Security Regulations, the president can order the indefinite detention of anyone "for the preservation of public order." It is not clear whether Mapanje has ever been served with such an order. What is known is that he and other detainees are held at Mikuyu Prison. Those detained under the regulations also include Machipisa Munthali, who has been held without charge for more than 20 years.

Despite this history of repression, the U.S. government has never paid much attention to Malawi. There was a brief spurt of interest in Malawi in 1989, when Senator Paul Simon introduced an amendment to the appropriations bill that would have provided \$5 million to the Malawi government to shore up its military capacity so that it could protect the on-going renovation of the Nacala railroad, which links Malawi to the port of Nacala in Mozambique. Human rights groups expressed concern about any form of military assistance to a government engaged in gross abuses, and the amendment was withdrawn.

In fiscal year 1989, Malawi received \$19.7 million in development assistance, \$24.6 million in food assistance under the P.L. 480 program and \$60,000 under the military assistance program. In addition, \$238,000 was spent under the International Military and Educational Training program. The increased amount under the P.L. 480 program (\$18.9 million was provided in fiscal year 1988) reflects emergency assistance provided to the 750,000 Mozambican refugees now in Malawi. The total amount of assistance, though small in comparative terms, is important to a landlocked country with few natural resources; Malawi will spend \$100 million in scarce foreign exchange this year to transport its tea, tobacco and sugar to South African ports. The lack of a discernible policy linking this aid to respect of human rights in Malawi has prevented the effective use of this financial leverage. We urge the Bush administration to treat the human rights situation in Malawi as a high priority in its bilateral relations and to use its leverage to address this serious situation.