COUNTING DOWN TO THE MARCH 2019 NATIONAL DEMONSTRATIONS: ISSUES CONCERNS AND DEMANDS

1.0 Introduction

As we warm-up to the March 2019 National demonstrations, we at the Human Rights Defenders Coalition (HRDC) hereby once again register and express our disgust at the prevailing corruption, impunity, political violence, hate speech, killing of people with albinism, biasness at the Malawi Broadcasting Cooperation, attempts by government to muzzle the civic space and intimidate critics including human rights defenders, lawlessness as perpetrated by regime thugs.

We at HRDC take this opportunity to set the record straight, here and now, that we will not tire nor be intimidated to speak truth to power. We denounce the Democratic Progressive Party orchestrated executive thieving, corruption, and impunity. We re-register our concern that the DPP led government continues to shamelessly bury its head and remain clueless as to how to address the numerous governance, legal, social, economic and development challenges that Malawians are wallowing in.

About a week ago, we yet again wrote His Excellency Arthur Peter Mutharika, a final letter demanding that he addresses issues in our two petitions. While we gave him 20 days to respond, which we doubt if at all he is going to do, thanks to his arrogance, we for the sake of records take this opportunity to remind him of his obligation to address the issues as raised in the petition.

We also seize this opportunity once again to highlight our concerns;
2.1 Unprecedented level of corruption.

President Peter Muntharika has shamelessly continued to preside over a government that is stinkingly rotten with corruption. It is undeniable that the country is besieged by high level organized corruption which continues to rob millions of our people a decent future. The DPP led government claims that it is fighting corruption but it clear for everyone to see that it is mere cosmetic. We know that Government either arrests small fish in the pond, effect arrest and cripple the Anti-Corruption Bureau from discharging its duties or drag the corruption cases in courts forever. These gimmicks are disgusting and cheap.

We have numerous cases bordering on corruption that are frustratingly being dragged through the courts. There are many prominent cases bordering on corruption that the DPP led government is deliberately suffocating because the spoils of these corrupt deals are shared within the rank and files of the DPP.

a. Mk145 Million Pioneer Investment Scandal-We are yet to be convinced with the explanations as to how MK145 million from Zameer Karim’s Pioneer Investment in the Police Food Ration Scam ended up in a DPP Bank account whose sole signatory is the state president Prof. Peter Mutharika. While we call upon an expedited court process on this case, we also contend that the DPP should be brought in as an accomplice in this case. There are all indications that this is yet another state sponsored corruption syndicate. The DPP went ahead to use the funds to purchase a house belonging to the City in Blantyre for the party. Is this not using proceeds of crime?

b. Commercial Agency and Reliance Trading Company attempt to defraud the Malawi Government.

We are appalled to learn that two companies that signed uniform supply contracts with the Immigration Department in 2012—Africa Commercial Agency and Reliance Trading Company—want to be paid almost K54 billion when their contracts’ total price was just over K9 Billion. We are shocked that government is being told to pay this fraudulent amount when the suppliers never delivered anything to the Department of Immigration for five years from the day the Department asked the firms to do so.
As HRDC we are shocked as to why the supplier was silent all these years only to start making such unnecessary and unfounded demands after 6 years. We are forced to suspect that the supplier is taking advantage of a Government that tolerated corruption and has shown no political will in ending the same. No wonder some Malawians are suspecting that this can be syndicate to defraud the government with full blessings from some senior Government officials.

The Anti-Corruption Bureau (ACB) and Fiscal Police investigate Mr. Abdul Karim Batawarara, who runs Africa Commercial Agency and Reliance Trading Company for possible corruption and fraud and. Where there is reason to believe that crimes occurred; security agencies should arrest and prosecute suspects.

Should the Malawi Government not act on the above, HRDC will assume that the administration is in consort with the suppliers that want to reap from poor Malawians where they did not sow. Should that be the case, HRDC shall include this as one of the demands in the upcoming demonstrations in March 2019. The demonstrations shall be against continued plunder of public resources specifically against Mr. Karim Batawarara, his two companies and the Peter Mutharika-led Government.

c. 85 million worth of Car donation- we also call upon President Peter Mutharika to return these cars to the rightful owner, Malawians. We understand that Zameer Karim donated cars to President Mutharika. Actually those cars just like the MK150million belong to Malawians and need to be surrendered to the rightful owners, Malawians.

d. Stealing of government vehicles at the Ministry of health

The allegation is that Principal Secretary in the Ministry of Health authorized sale of ministry cars to members of staff at a lower price. We are beginning to believe that this is just one of the many malpractices only that they have not been exposed yet. We demand that ACB should investigate this scandal. In short, we demand our vehicles back.

e. Sawa Group Chidzanja Road Bridge Scandal- The DPP led government compromised position, disregard for integrity and high standard in discharging its mandate has left Malawians with eggs all over their face on countless substandard projects. The Sawa Group constructed a bridge
on Chidzanja Road that crumbled is a classic but not only example of how we have traded high standard for wishy-washy kind of development. We find such kind of compromise just as costly as corruption because Malawians will yet again be called to fund a job that was supposed to be done once and for all. We demand that Sawa Group should foot all the coasts associated with rehabilitating the bridge and should never be awarded another contract in Malawi.

f. We are also still waiting for answers on how 4.2 million litres of fuel at the Electricity Corporation of Malawi vanished into thin air.

3. Denouncing political Violence

HRDC echoes voices, concerns and reason and condemn in strongest terms possible the escalating political violence. While every Malawian has a duty in curbing political violence, we at HRDC find it disturbing that duty bearers including the State President, Malawi Police Service lead by Mr. Rodney Jose, various political party leaders, the Malawi Electoral Commission have taken too long to speak against this vice.

While we acknowledge that after a very loud outcry from different stakeholders the State President through his spokesperson has spoken against the vice, we find his approach and voice too weak and shallow to drive the message home. It is in our considered view that the president should have personally addressed the nation and directly rebuked his DPP cadets in the face and call them to stop political violence forthwith. We demand The State President to openly acknowledge that his DPP CADETS have suddenly become untouchable that the Malawi Police Service cannot effect arrest on them without burning their fingers.

We have also seen how the Malawi Police Service have become so helpless at the hands of the notorious DPP Cadets. The Malawi Police Service under the leadership of Rodney Jose has become redundant and clueless in the face of political violence. The Malawi Police service has allowed itself to play partisan politics and tolerated political violence. On numerous occasions the Malawi Police Service under Jose’s leadership has failed to rise to the occasion and provide the much needed decisive leadership in addressing the political violence that is becoming more pronounced as we head to towards the May 2019 Tripartite Elections.
We have lost trust in the Malawi Police Service and therefore call for immediate resignation of Rodney Jose to pave way for someone with the guts and stamina to address these violence once and for all having noted that the Malawi Police Service has gone into a politically induced coma.

In the same vein we implore all political parties to call upon their supporters to refrain from any form of violence. Political party leaders should forthwith stop sponsoring intra-party and inter-party violence.

Further, just as CSOs observed when the name “Cadet” was given to the DPP youth wing, we at HRDC still believe that the word “Cadet” is a military words which makes the youths sympathizing with the DPP think that they are a para-military wing of the part hence are at liberty to unleash terror on any one with contrary opinion. This is the other reason they have been able to defeat the police.

We welcome the warning for the Malawi Electoral Commission to disqualify any politician found guilty to sponsoring or inciting violence. To this end we endorse and will join the planned NGO-GCN led solidarity march slated for 29th January, 2018 on violence against women in Politics.

4. Killing of People With Albinism

Our hearts bleed at the thought that we have failed our brothers, sisters with albinism. As a nation we seem to be clueless on how we can decisively deal with the embarrassing problem. It was only three weeks ago when we buried Mr Yasin Phiri in Nkhata Bay yet just a few days ago we also woke up to more terrible news that 18-moths old Eunice has been abducted. We do not know her whereabouts up to now. While every citizen has a duty in protecting people with albinism, we place the blame on government because it has failed to provide the needed security to our brothers and sisters.

Government has failed to move beyond rhetoric and podium promises. Malawi has a very progressive strategy on how to protect persons with albinism but it remains unfunded. We call upon full operationalization of the strategy.

We are disappointed that out of the 150 albino attacks related cases recorded to date, only 44 have been successfully tried and completed.

5.0 Attempts to muzzle the civic space and hate speech.
While we know that the case is still in court, we nevertheless would like to remind government that we will not take any attempts to muzzle our civic space lying down. We have in mind attempts by government to pass draconian NGO amendment Bill. We call upon Malawi government to refrain from any attempts to smuggle the bill through parliament. We have faith in our courts that they will do the needful to protect the civic space.

We, therefore, take this opportunity to remind government to suspend all archaic laws that are not in tandem with the current democratic dispensation. We have in mind Section 4 of the Protect Names, Emblems Act that criminalizes insulting the state president. Just as we submitted when the police used this legislation to arrest Hon Bon Kalindo—a charge that was later dropped—we implore upon government to put a moratorium on this law.


We want to amplify our concern at how partisan the MBC and MACRA have become and how these institutions have become DPP mercenaries. We are further alarmed that as the country prepares for next year’s elections, the DPP government continues to tighten its grip on the State Broadcaster these institutions.

We take with a pinch of salt calls recently made by Hon. Henry Mussa to open up MBC airwaves to opposition politicians. Through programmes such as Never Again and Ndikati Chete, Malawi Broadcasting Corporation (MBC) continues to promote hate speech and act as a propaganda wing of the ruling party instead of serving the interests of all Malawians. We continue to press for the opening up of the airwaves to all political players and demand an immediate end to broadcasting of propaganda.

Further, the Malawi Communication Regulatory Authority (MACRA) also continues to abuse the Communication Act by threatening and censoring media houses that are providing critical checks and balances to your administration while at the same time paying a blind eye to the misconduct of the state broadcaster.

In the event that MBC does not open up its waves and stops broadcasting biased programmes we call upon the Malawi Electoral commission not to accredit it.

7.0 Promoting Impunity
As a nation that attained independence and multiparty democracy to be free from torture and suffering, we are saddened with the perceived lack of intent to finalise investigations into the brutal murders of ACB top official Issa Njauju and Polytechnic student Robert Chasowa. It is injustice of highest order that it has taken more than six years, for example, to conclude the Chasowa case despite seemingly overwhelming evidence pointing to suspects.

We are also reliably informed that government deliberately removed top Police Investigators in the Njauju murder case just when they were about to make breakthroughs into the case. We have evidence Police Investigators, namely-a Mr Mathanki, Mr Chambo and Mr. Nkuka were all unceremoniously stopped from finalising their investigations on the case. We believe that this was a deliberate attempt by your administration to stop these officers from uncovering the truth on the matter. This is why we are also not surprised to learn that government is yet to fulfil its promise of hiring forensic investigators to work on the case.

8.0 Gender Equality

Most of the positive steps by government on gender equality over the years are softeware in nature as they are merely centred on policy, institutional, and legal framework. However, having a robust institutional, policy and legal framework on gender equality is not enough. There is need to translate that to action if the increasing cases of gender inequalities and abuse are to be reduced. Furthermore, political will is key to ensuring gender equality in Malawi. Sadly, we have noted that despite being a champion of HE For She Campaign, the President has continued to publicly undermine the rights of women as clearly exemplified in his political rantings against the former first lady Calista Mutharika and former Minister Patricia Kaliati. The treatment of Patricia Kaliati at Parliament where she was assaulted by DPP cadets (who have never been brought to book till to date) and the verbal abuse launched against Mrs Kaliati by DPP regional governor for South Mr Charles Mchacha in full view of her husband and the president are all regrettable and do not reflect well on the fight against gender based violence and promotion.

9. Condemning Mob Justice

We have learned that at least 15 people were seriously injured including while one was killed in Nsanje. We therefore condemn this barbaric act just as we condemn the attempted mob justice and the fracas between the police and community members in Nsanje. We demand that those who opted to use
excessive force should face the law. While we do not condone mob justice, we would like to zero in and call upon authorities including the Malawi Police to address the drivers of mob justice. From our perspective and while we acknowledge that there is no single story to address mob justice, Malawi Police and the criminal justice system need to do a very deep soul searching and address the issue of trust; citizens have lost trust in the criminal justice system. Malawian have been frustrated long enough with the inactiveness and sometimes slow processes of the criminal justice system so much so that they are tempted to take the law into their own hand.

10. In support to the FINANCIAL SERVICES ACT (AMENDMENT) BILL, No: 2 of 2018

The Human Rights Defenders Coalition weighs-in in calling all relevant stakeholders especially the Malawi Parliament to accordingly amend the Financial Services Act as proposed by Hon Alexander Kusamba Dzodzi.

We, at Human Rights Defenders Coalition entirely agree with, the proponent of the Bill as we believe that by addressing the issues such as; (i) regulating interest rates, setting the maximum recovery from any loaned amount; setting policy rate, setting Treasury Bills rate, improvement of non-performing loans and mopping-up excess liquidity into investible funds for small to medium enterprises, reduction of domestic public debt service costs by ensuring that the interest costs do not exceed the principal amount borrowed and shrinking of the ever widening spread between the lending and the deposit interest rates, financial Institutions will be more inclined to fully exploit inflation declines for the benefit of Malawians. In addition we believe that banks will be prevented from making supernormal profits on depositors’ funds who are paid unimaginably low deposit interest rates which are negative in real terms.

11.0 Conclusion

WE take this opportunity to assure the powers at be that we and all well-meaning Malawians will remain steadfast in speaking truth to those in power without fear. We announce that we will be periodically following up on our demands and should we not get any concrete responses we will go ahead with our planned demonstration slated for March 2019.

signed
Timothy Mtambo
National HRDC Chair

Gift Trapence
National HRDC Vice Chair

Endorse

Happy Mhango - Northern Region HRDC Chair
Billy Mayaya - Central Region HRDC Chair
Masauko Thawe - Southern Region HRDC Chair
Madalitso Banda - Eastern Region HRDC Chair

Released on Friday 25th January 2019, in Lilongwe