

20 January 2017

Malawi: Continued detention of eight Tanzanian environmental defenders, and intimidatory acts against their lawyers

On 17 January 2017, a magistrate's court in Malawi formally opened a criminal case against eight Tanzanian environmental defenders detained since 20 December 2016. They were in Malawi in connection with a planned cross-learning tour on mining governance in Karonga. The tour involved a visit to the Kayelekera uranium mine and was prepared in close collaboration with a senior security guard at the mine. In the aftermath of the court hearing, their lawyers reported being subjected to a number of intimidatory acts from individuals with links to the Malawian security services.

The eight environmental defenders, namely Mr **Briton Mateus Mgya**, Mr **Wakisa Elias Mwansangu**, Mr **Majidi Nkota**, Mr **Christandusi Ngowi**, Ms **Ashura Kyula**, Mr **Martin Guido Ndunguru**, Mr **Wilbert Mahundi** and Mr **Rainery Komba** are all from Songea, Tanzania, and are affiliated with various civil society groups, some of which initiated a small consortium called [Tanzania Uranium Awareness Mission \(TUAM\)](#). TUAM is a platform for knowledge exchange and information sharing on the socio-economic and environmental impacts related to mining and extractives. They have emphasised cross-learning on democratic ownership and transparency in the mining sector, and some had even taken part in similar visits to countries other than Malawi.

On 20 December 2016, a day after they entered Malawi, the eight Tanzanian environmental defenders were intercepted by Malawian police moments after leaving their lodge to go to the Kayekera Uranium Mine. They were accompanied by five Malawians. The police ordered the whole group to follow them to the Karonga police unit. The Tanzanians were automatically held in police custody while their counterparts from Malawi were set free. The detained defenders were eventually taken to Mzuzu prison where detention conditions are reported to be characterized by overcrowding, poor sanitation and malnutrition.

Until 17 January 2017, when the case was brought before the Karonga Magistrate Court, there was some confusion on the allegations against the defenders. The police had hinted those allegations were "criminal trespassing" and "spying"; and the local media, including social media, featured a smear campaign against the defenders while suggesting that their cross-learning visit was nothing more than "cover for an act of espionage. At the opening of the trial, the detained defenders were notified that they stood charged with "entering upon the premises of Kayekera Uranium Mine with intent to commit an offence" and "carrying out a reconnaissance operation without a licence." The trial was postponed until 26 January 2017.

Meanwhile the lawyers trying to assist the detained defenders have reported instances where members of the police took their photographs, trailed the cars they were being transported in, and at least once confronted them with such questions as "why are you here?", "where are you staying?".

Front Line Defenders is deeply concerned about the physical and psychological integrity of the 8 detained Tanzanian environmental defenders and it believes they are being judicially harassed as a

result of their legitimate and peaceful human rights work.

Front Line Defenders urges the authorities in Malawi to:

1. Immediately and unconditionally release the eight Tanzanian human rights defenders, as Front Line Defenders believes that they are being held solely as a result of their legitimate and peaceful work in the defence of human rights;
2. Take all necessary measures to guarantee the physical and psychological integrity and security of the eight Tanzanian human rights defenders while in prison and ensure that the treatment of each of the human rights defenders, while in detention, adheres to the conditions set out in the 'Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment', adopted by UN General Assembly resolution 43/173 of 9 December 1988;
3. Take all necessary measures to guarantee to halt harassment of the lawyers involved in this case to ensure that the human rights defenders have access to a fair trial;
4. Guarantee in all circumstances that all human rights defenders in Malawi are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions.