

Mandates of the Special Rapporteur on the rights of persons with disabilities and the Special Rapporteur on extrajudicial, summary or arbitrary executions

REFERENCE: UA
MWI 1/2015:

6 February 2015

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the rights of persons with disabilities and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 26/20 and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of **trafficking, kidnapping and killings of persons with albinism in Malawi**.

According to the information received:

On 3 June 2013, a twenty-year-old young man with albinism, Yohane Kamwendo, from Area 9 (Machinjiri) in Blantyre was trafficked to Zambia. The victim had apparently travelled to Zambia after having been promised a job. When reaching Lusaka, he received a tip-off that the job offer was fake and that the person who had brought him there intended to kill him. Mr Kamwendo reported the case to Mchinji police station. There is no indication that this complain was investigated.

On 2 July 2013, around 9:00 p.m., [REDACTED], an eight-year-old girl with albinism from Mukhweya village, in Zomba, was kidnapped at home by an unknown man. The abduction was reported to Mayaka Police unit the same evening, which referred it to Jali police station and to the Zomba Eastern Regional police. The police confirmed that their investigation remained inconclusive.

In March 2014, [REDACTED], a nine-year-old girl with albinism, from Kapalamula village, in Dedza District, on her way back from school, was kidnapped by two men on her way back from school. She was rescued by a passer-by, who heard her screaming. The two men ran away. The police stated that

the incident was reported to them only one month after it happened, and therefore, they were unable to take action.

On 10 November 2014, [REDACTED], a girl with albinism (age unknown) from Gawani village, traditional authority Njema, Mulanje district, went missing. On 12 November 2014, her body was found near the Malawi and Mozambique border at Muloza locality, without hands and feet, which were also subsequently found in the same location. The incident was reported to Muloza boarder police post in Malawi, and to the Mulanje District Police Station. The police reported that they investigated the case, but could not find those responsible.

Since the beginning of 2015, the number of cases of abductions, abuse and killing of persons with albinism, in particular children, seems to have significantly increased. On 5 January 2015, [REDACTED], an 11-year old girl with albinism was kidnapped at night by three men, including an uncle, in Machinga district, Saiti village. She managed to escape and was rescued. The uncle was arrested and is in police custody in Ntaja police station. He was scheduled to be taken to court on 28 January in Liwonde. He apparently confessed to having been promised three millions *kwacha* (around 6,500 USD) in return for Mina's body. The other two men are still at large. As a consequence, eleven pupils have stopped going to school in the area, out of fear for their safety.

On 16 January 2015, around 10:00 p.m., [REDACTED], a two-year-old girl with albinism was kidnapped from her home in Matindira, Chindambo Village, traditional authority Kawinga Machinga district. She has not been seen since. The abduction was reported to the village chief and the police. It is unclear whether an investigation was opened.

On 18 January, 2015, Ms. **Malita Makolija**, a 68-year-old woman with albinism from Masali village, traditional authority Mwambo in Zomba District, went missing. Her dismembered body was found the following day near her home, buried next to an ant hill with head; her arms and legs were missing. The incident was reported to the Jali police station and Zomba eastern region police station. It is unclear whether an investigation was opened.

Reports received indicate a trivialization of attacks against persons with albinism in the country. Generally, the authorities do not seem to have taken such crimes seriously. The trial of the uncle of Ms. [REDACTED], mentioned above, appears to be the exception, and the outcome of the trial is not yet known.

Since the increase in attacks since the beginning of 2015, persons with albinism in the areas where these incidents took place are living in fear.

Grave concern is expressed about the continuing and growing abduction, killing, and in some cases dismembering, of persons with albinism, among them many children. We are further gravely concerned that relevant Government authorities, the police and the judiciary, do not seem to have given serious consideration to these abhorrent crimes and to have taken serious steps to ensure that they are investigated and that those responsible are identified and brought to justice. We are further concerned that public authorities, in particular the police, have not taken steps to protect persons with albinism against any interference with their life, security and integrity.

Without making a judgment as to the accuracy of the information made available to us, the above allegations seem to indicate a prima facie violation of the rights to life and security, as set forth in article 3 of the Universal Declaration of Human Rights (UDHR); articles 6 (1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Malawi on 22 December 1993.

We would also like to refer to article 10 of the Convention on the Rights of Persons with Disabilities ratified by Malawi on 27 August 2009 which urges States Parties to take all necessary measures to ensure the effective enjoyment of the right to life of all persons with disabilities on an equal basis with others.

Moreover, paragraph 4 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989 / 65 stating that it is the responsibility of the states to provide "effective protection afforded by legal or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who would be subject to death threats".

We wish to remind your Excellency's Government resolution HRC/24/33 adopted by the Human Rights Council during its 24th session on the prevention of attacks against persons with albinism which calls upon all States "to ensure accountability through the conduct of impartial, speedy and effective investigations into attacks against persons with albinism falling within their jurisdiction, and to bring to justice those responsible, as well as to ensure that victims and family members have access to appropriate remedies"; and to "adopt specific measures to protect and preserve the rights to life and to security of persons with albinism".

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

Since it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, **we make an urgent appeal to your Excellency's Government to investigate and where appropriate institute prosecutions in the cases mentioned; to take immediate and effective**

measures to address the problem of violence against people with albinism in the country; and to ensure their effective protection so that they can live without fear for their life, safety or integrity.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Catalina Devandas Aguilar
Special Rapporteur on the rights of persons with disabilities

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions