

**Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

Ref.: AL MWI 2/2025

(Please use this reference in your reply)

29 December 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 52/4 and 52/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **reported death threats against human rights defender Benedicto Kondowe, which he received since November 2025 and appear to be resulting from his human rights advocacy work and the exercise of his freedom of expression.**

Mr. **Benedicto Kondowe** is a human rights defender and the Chairperson of the National Advocacy Platform, a coalition of civil society organizations in Malawi advocating for the protection human rights and promoting good governance and civic engagement. He was previously the target of death threats in 2011, when he reportedly received phone calls from unidentified individuals, who told him that he was being watched for exposing the government's shortfalls and that he should leave the country or else he would face consequences for speaking out against the government.

We previously raised concern about threats and attacks against human rights defenders in Malawi, as well as about the broader pattern of repression against civil society in the country, including in communications [MWI1/2025](#) and [MWI1/2024](#). We regret not receiving a response from your Excellency's Government to these communications.

*According to the information received:*

Following elections in Malawi in September 2025, human rights defenders have been the target of increasing disinformation and threats, in an attempt to silence them and in a context in which the civic space for human rights work has been shrinking and stigmatization of human rights defenders has been spreading. The rhetoric used by some high-level public and political figures against civil society and those who exercise their rights to freedom of expression and freedom of peaceful assembly further contributed to this repressive environment.

Mr. Kondowe, as Chairperson of the National Advocacy Platform, has been speaking out about these issues, including in October and November 2025, when the organization released statements condemning the remarks made by high-level politicians such as the current President of Malawi and a former member of the Parliament. In their remarks, they reportedly accused civil society of attempting to destabilize the government through protests and

threatened to repress public demonstrations, in some cases also naming some individual civil society actors, thus exposing them to risk. Following these comments, similar narratives reportedly spread on social media.

Since 13 November 2025, Mr. Kondowe has been receiving death threats from unknown individuals, who reportedly sent him messages using South African phone numbers. The threatening message reportedly stated that he was “on the radar to be killed”. While the authors of the threats later deleted some of the messages, Mr. Kondowe had made copies that he could use as evidence.

On 17 November 2025, Mr. Kondowe reported the death threats to the area 30 Police Headquarters of the Malawi Police Service, submitting the messages he received. Police officers took a formal statement, showing concern about the seriousness of the threats, and reportedly told the human rights defender that the Cyber Crimes Unit would start an investigation to identify the perpetrators. Reportedly, there have been some attempts to track the phone number from which the threats were sent, but to no avail.

On 18 November 2025, Mr. Kondowe reported the threats to the Malawi Human Rights Commission, with a request for action and support. The MHRC reportedly started an internal investigation on the matter.

Reportedly, the threats against Mr. Kondowe have continued since then, including sustained attacks via social media and two additional threatening phone calls. This has forced the human rights defender to take preventative security measures and limit his movements.

Without prejudging the accuracy of the information received, we are deeply concerned by the reported death threats targeting human rights defender Benedicto Kondowe, which appear to be directly linked to his legitimate work as a human rights defender as well as the exercise of his right to freedom of expression. The fact that he was previously targeted with similar threats shows an ongoing pattern of repression and targeting of prominent civil society actors in Malawi such as Mr. Kondowe.

We are particularly concerned that the recent threats against Mr. Kondowe take place in a context where the civic space is reportedly shrinking, and human rights defenders have been targeted with threats, attacks, and stigmatization, simply for exercising their rights. These acts may have a chilling effect on their ability to carry out their legitimate work without fear of reprisals. Furthermore, we are seriously concerned that recurring negative statements against human rights defenders and civil society actors by high-level public officials and politicians might incite further public hostility online and offline, exposing human rights defenders to heightened risk of harassment, reprisals, and potential physical harm.

In her report to the Human Rights Council in 2020, the Special Rapporteur on the situation of human rights defenders highlighted the link between the killing of human rights defenders and death threats, noting that “[n]ot all death threats to human rights defenders are followed by a murder, and not all such murders are preceded by death threats. However, many killings are preceded by a threat.”

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As 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 would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the measures taken by your Excellency's Government to conduct an effective, prompt, impartial and independent investigation into the reported death threats targeting Mr. Kondowe and ensure accountability. If no investigation has been carried out, please explain why.
3. Please outline the measures your Excellency's Government is taking to ensure the safety and security of Mr. Kondowe, so that he can continue his work as a human rights defender and exercising his right to freedom of expression without fear of reprisals.
4. Please outline the measures your Excellency's Government is taking to ensure the safety and security of human rights defenders so that they are able to carry out their legitimate work and exercise their rights to freedom of expression in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we call your Excellency's Government to ensure that effective, prompt, impartial and independent investigations into the reported threats against Mr. Kondowe are conducted and perpetrators are identified and held accountable.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), ratified by Malawi on 22 December 1993, and in particular to its articles 6 and 19, which establish the rights to life, liberty and security of the person, the right to freedom of expression.

The right to security of person refers to protection against physical or psychological injury, or physical and moral integrity, and obliges States parties to take appropriate measures to protect individuals from foreseeable threats to their life or physical integrity from any State or private actor. As the Human Rights Committee has emphasized in its general comment No. 35, States parties should respond appropriately to patterns of violence against certain categories of victims, such as intimidation of human rights defenders (CCPR/C/GC/35, para.9). Similarly, in its general comment No. 36 on the right to life enshrined in article 6 of the ICCPR, the Human Rights Committee found that the duty to protect the right to life requires States Parties to adopt special measures of protection for persons in vulnerable situations whose lives are at particular risk due to preexisting patterns of violence. This includes, of course, human rights defenders (CCPR/G/GC/36, paragraphs 23 and 53).

Recognizing how human rights defenders are frequently subjected to threats, intimidation and attacks because of their activities, the Human Rights Committee, in its general comment No. 34, stressed that, "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para.23).

In its general comment 6, paragraph 3, the Human Rights Committee noted that it considers article 6 (1) of the ICCPR to include that States parties should take measures to prevent and punish deprivation of life by criminal acts. In addition, in its general comment No. 31, the Committee stated that there is a positive obligation on States Parties to ensure the protection of the rights contained in the Covenant against violations by private persons or entities, which includes the duty to take appropriate measures to prevent, investigate, prosecute and punish those responsible and repair the damage caused by private persons or entities (CCPR/C/21/Rev.1/Add.13, paras.8 and 18). A failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR.

We would also like to refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline, protects the

freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its [general comment No. 34](#), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para.11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para.23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para.23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, and restrictions must always be “the least intrusive instrument among those which might achieve their protective function” ([CCPR/C/GC/34, para. 34](#)).

Finally, we would like to refer to articles 4, 5, 6 and 7 of the African Charter on Human and Peoples’ Rights (African Charter), ratified by Malawi on 17 November 1989, which guarantee respectively that every human being shall be entitled to respect for his life and the integrity of his person, all forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited, shall have the right to liberty and to the security of his person and shall have the right to have his cause heard.

We would like to refer your Excellency’s Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to draw particular attention to the following provisions of the Declaration:

- article 6, point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6, points b) and c), which provide for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone 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 Declaration.