

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

Ref.: AL MWI 1/2025  
(Please use this reference in your reply)

25 July 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 52/4, 52/9 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of violent physical attacks against Mr. Sylvester Namiwa during a peaceful protest in Lilongwe on 26 June 2025, which are reported to be part of a broader pattern of repression against human rights defenders and other civil society actors advocating for democracy and economic development in Malawi ahead of the general elections scheduled for 16 September 2025.**

**Mr. Sylvester Namiwa** is a human rights defender, Executive Director of the Centre for Democracy and Economic Development Initiatives (CDEDI) and the national coordinator for Citizens for Credible Elections. Citizens for Credible Elections is a platform of civil society organisations and individuals advocating for free, fair and impartial general elections in Malawi on 16 September 2025.

*Previous harassment of Mr. Sylvester Namiwa*

On 11 August 2021, Mr. Namiwa was reportedly violently arrested at the Malawi Parliament and forced into a civilian car by plainclothes police officers who then brought him to the area 30 police headquarters. The human rights defender was then reportedly brought to Linthipe Police Station in Dedza district where a statement was taken from him. That evening, Mr. Namiwa was then transferred to area 13 police station in Lilongwe's city centre where he was detained overnight.

The following day, on 12 August 2021, Mr. Namiwa was transferred to area 3 police station in Lilongwe where he was again detained overnight.

The human rights defender's family members were not informed of his location until Mr. Namiwa's lawyer notified them that he was in Linthipe. When Mr. Namiwa's wife drove to Linthipe, the human rights defender had already been transferred back to Lilongwe.

On 13 August 2021 Mr. Namiwa appeared before Mkukula Magistrate's Court along with ten others who were arrested on the same allegations of organizing

illegal protests. The human rights defender and his lawyers were only made aware of these charges once he appeared in court. The court ruled that the eleven individuals were to be released on bail and that the case would commence on 13 September 2021. The case did not commence on this date and the individuals have been forced to appear once a month at area 30 police headquarters since then.

The following year, on 26 July 2022, Mr. Namiwa was allegedly forced into a second civilian car and driven to several unknown locations before being dumped at Double Vision on the M1 Road. Mr. Namiwa was brought by his family members to ABC Mission Hospital where he was reportedly examined and treated for multiple cuts on his neck as a result of alleged strangulation attempts. The human rights defender subsequently filed a complaint with the Malawi Police who took a statement from Mr. Namiwa and initiated an investigation. This investigation was reportedly never concluded.

On 22 May 2023, the CDEDI organized the first of a series of vigils at the main entrance of Capital Hill in Lilongwe demanding the resignation of the Attorney General for failing to recover K750 million meant for Affordable Inputs Programme (AIP), but which was instead allegedly paid to an individual abroad. On this date, Mr. Namiwa received information that a group was planning to attack the protests on 25 May 2023 which he informed the police and journalists covering the vigils of. When the group arrived, reportedly armed with knives and other sharp objects, they were arrested and brought to Lingadzi police station but were released later that day.

*Peaceful protests on 26 June 2025 and physical attack against Mr. Sylvester Namiwa*

On 26 June 2025, Citizens for Credible Elections, led by Mr. Sylvester Namiwa, organised a series of peaceful protests in Lilongwe, Blantyre, Mangochi and Mzuzu demonstrating against the government and the Malawi Electoral Commission's (MEC) handling of upcoming general elections in September 2025. The protest, which the organisers notified the authorities of in advance in compliance with national law, was aimed at forcing senior members of the MEC to resign as a result of their alleged lack of impartiality. These concerns were based on the MEC's refusal to accept a proposal from key electoral stakeholders to let an independent auditor audit the Elections Management System.

During the protest in Lilongwe, between ten and twenty unidentified men, some of whom were masked and armed with machetes, allegedly attacked a number of protesters, including Mr. Sylvester Namiwa. Multiple vehicles were also allegedly vandalized, with at least three set on fire.

Mr. Namiwa attempted to seek refuge in a nearby minibus which was then allegedly attacked by the armed men who started smashing the windows and assaulting the driver and stealing his phone. The men then allegedly proceeded to violently assault Mr. Namiwa. According to the information received, these events were witnessed by the Malawi Police and the Malawi Defence Force who reportedly did not intervene or take any action to protect the protestors or

Mr. Namiwa despite multiple calls for them to do so.

Following the attack, Mr. Namiwa was taken to ABC Mission hospital where he was examined. The human rights defender was then transferred to area 10 Clinic Lilongwe where he received further treatment for his injuries including fifteen wounds to his head, neck, hands, arms, back and legs. On 27 June 2025, Mr. Namiwa filed a complaint regarding the incident at the Lilongwe Police Station but at the time of writing, no arrests have been made.

Following the protest on 26 June 2025, Mr. Namiwa has also reportedly received numerous death threats via anonymous calls, texts and Facebook messages warning him that he would be found by ‘dangerous’ people. This includes a message from a known Malawi Congress Party operative celebrating his attack and warning him to stop the demonstrations if he cared for his life.

Further allegations have been made by civil society groups that the unidentified assailants had links to a youth militia allegedly aligned with the authorities in Malawi which has been accused of using violence to silence critics and suppress protests in the lead up to the upcoming elections in September 2025.

Without prejudging the accuracy of the information received, we are deeply concerned by the alleged attacks against Mr. Sylvester Namiwa and other civil society actors advocating for democracy and economic development in Malawi, including harassment, arbitrary arrests, death threats, and physical ill-treatment. We are particularly concerned that Mr. Namiwa appears to have been targeted as a result of his legitimate work as a human rights defender, the exercise of his right to freedom of expression, and his leadership role in organizing peaceful demonstrations. Such targeting represents a serious violation of the rights to freedom of expression and freedom of peaceful assembly and association which has a chilling effect on the ability of human rights defenders, civil society actors and political activists to carry out their legitimate work without fear of reprisal. 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).

We are further concerned about the growing pattern of violence during peaceful demonstrations ahead of the general elections scheduled for 16 September 2025. We are alarmed by reports that the Malawi Police and the Malawi Defence Force did not intervene or take any action to protect the protestors taking part in peaceful demonstrations on 26 June 2025 in accordance with sections 153(2) and 160(1) of the Constitution of the Republic of Malawi.<sup>1</sup> We remind your Excellency’s Government of its obligations as a signatory of international human rights treaties including the International Covenant on Civil and Political Rights and the African Charter on Human and People’s Rights to respect, protect, promote, and fulfil the human rights of everyone in the country including the rights to freedom of expression and freedom of peaceful assembly and association.

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<sup>1</sup> <https://malawilii.org/akn/mw/act/1994/20/eng@2020-11-03>

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 factual and legal grounds for the arrest and detention of human right defender Mr. Sylvester Namiwa on 11 August 2021 and how these are compatible with international standards related to the right to liberty and security of the person, enshrined in article 9 of the ICCPR, and the rights to freedom of opinion and expression, enshrined in article 19 ICCPR.
3. Please outline the measures your Excellency's Government is taking to ensure the safety and security of human rights defenders such as Mr. Sylvester Namiwa so that they are able to carry out their legitimate work and exercise their rights to freedom of expression and freedom of peaceful assembly in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.
4. Please indicate in detail which decisive and effective measures the Government of Malawi has taken, or intends to take, with a view to terminate the continued pattern of targeting human rights defenders and others advocating for democracy and economic development, including those working in the context of upcoming elections.
5. Please outline the measures your Excellency's Government plans to put in place to facilitate and ensure peaceful assemblies can take place without those involved facing reprisals or violent attacks.

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 urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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

Gina Romero

Special Rapporteur on the rights to freedom of peaceful assembly and of association

## **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.

We would like to refer to the International Covenant on Civil and Political Rights (ICCPR), in particular to articles 6, 9, 19, 21 and 22 which establish the rights to life, liberty and security of the person, the right to freedom of expression, and the right to peaceful assembly and association.

We wish to recall article 6 of the ICCPR which provides that every individual has the right to life and that no person shall be arbitrarily deprived of his or her life. In general comment No. 6, the Human Rights Committee reiterated that the right to life is the supreme right from which no derogation is permitted. Moreover, in general comment No. 31 the Committee has observed that there is a positive obligation on States Parties to ensure the protection of Covenant rights of individuals against violations by their own security forces.

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 pre-existing patterns of violence. This includes, of course, human rights defenders (CCPR/G/GC/36, paragraphs 23 and 53).

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 refers to the right to hold opinions without interference, and the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, through any medium they wish. 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 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, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed and that restrictions must be “the least intrusive instrument among those which might achieve their protective function” (CCPR/C/GC/34, para. 34).

Similarly, the right to freedom of peaceful assembly under article 21 can be subjected to restrictions only as narrowly defined by the ICCPR, if such restrictions are clearly established by law for a legitimate aim and be “necessary in a democratic society” and proportionate to the achievement of the legitimate aim. There must be a ‘pressing social need’ for the interference in the enjoyment of these rights (A/HCR/20/27), and States have to ensure that any restrictive measures fall within the limit of what is acceptable in a “democratic society”.

“States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards (A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1). The right of peaceful assembly is, moreover, a valuable tool that can and has been used to recognize and realize a wide range of other rights, including economic, social and cultural rights. It is of particular importance to marginalized individuals and groups. Failure to respect and ensure the right of peaceful assembly is typically a marker of repression” (CCPR/C/GC/37).

Furthermore, we would like to recall your Excellency’s Government of the report of the Special Rapporteur on freedom of peaceful assembly and association on the impact of the “2023-2025 “super-election” cycle on the rights to freedom of peaceful assembly and of association that the rights to freedom of peaceful assembly and of association are fundamental to any democracy and are prerequisites for guaranteeing free, fair, credible and participatory elections. These rights allow all persons to express their opinions and aspirations, ensuring inclusive political dialogue.

Attacks or undue restrictions on the exercise of these rights undermine political participation and the legitimacy of elections; and that those rights must be facilitated at all times, including during elections. Any restrictions should be narrowly construed and justified only on legitimate grounds as provided for in articles 21 and 22 of the International Covenant on Civil and Political Rights, in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. Any restrictions must be compliant with the requirements of legality, necessity in a democratic society, and proportionality. Restrictions should not be used to suppress dissent or undermine political participation. Given the importance of the rights to freedom of peaceful assembly and of association in the context of elections, the threshold for imposing legitimate restrictions should be higher than usual: “the criteria of ‘necessity in a democratic society’ and ‘proportionality’ should be more difficult to meet”. Independent judicial remedies must be available for violations of these rights as an essential part of the guarantee of free and fair elections. States should avoid imposing a state of emergency in response to peaceful assemblies or using emergency measures to unduly restrict these rights.

We would also 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.

In relation to the allegations that Mr. Namiwa was targeted due to his human rights work, we bring to your attention 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.

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

- Article 5(b) and (c), which provides for the right of all persons to form, join and participate in non-governmental organizations, associations and groups; and to communicate with non-governmental or intergovernmental organizations;
- 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 provides 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.