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## **JOINT STATEMENT BY CSO COALITION CONCERNING GOVERNMENT ACTIONS AFFECTING REFUGEES IN MALAWI**

August 25, 2023

LILONGWE, MALAWI - We, a collective of institutions and Civil Society Organizations (CSOs) steadfastly dedicated to upholding and safeguarding human rights within our nation, express deep apprehension over recent developments suggesting potential encroachments on the rights of refugees by the Malawi Government in its efforts to regulate refugee-owned businesses within the country.

Of particular concern is the government's intention to inspect the 125 containers that were confiscated from affected refugees and asylum seekers during the recent relocation operation. As stated in an official communication by the Police, this inspection is scheduled for Monday, August 28, 2023.

It is important to underscore that we, as this Consortium, neither intend to impede the existing court order nor oppose it. We recognize and concur with the timeless adage that "One cannot prevent a river from flowing; one can only ensure its flow within its banks."

However, we firmly expect that this upcoming exercise be characterized by fairness, transparency, and above all, a profound respect for human dignity and rights. Regrettably, we find such assurances lacking in the recent statement from the Police.

We reiterate that while the act of opening the seized containers from refugees and asylum seekers during the relocation process holds significance, concerns loom regarding the credibility of this endeavor. The prevailing lack of trust in the Police's role within the operation casts a shadow on its integrity.

At present, the affected refugees and asylum seekers—individuals who had their containers confiscated over three months ago—are voicing fears that incriminating evidence may be planted in their containers, providing a pretext for punitive measures including potential deportation proceedings. These concerns have instilled distress and anxiety among the refugee community, eroding their trust in both the authorities and the system.

The discernible presence of prejudiced undertones throughout the official statement exacerbates these concerns and further erodes confidence in the authorities' ability to conduct a credible process.

In the backdrop of pervasive criminality within the broader relocation process, doubts persist regarding the true motives behind these actions. This situation implies a possible bias to depict asylum seekers and refugees as threats to national security and economic stability. This portrayal could potentially justify the violations and criminal behavior that have marred the relocation process.

Claims of transparency and accountability by the Police and Home Affairs authorities seem dubious, particularly given the Malawi Human Rights Commission's ongoing denial of access to detained refugees. The process of seizing and retaining these containers raises questions about police accountability during their custody.

The abrupt shift from suspicion to innocence in the Police's actions also raises suspicions about underlying motives. Given the Police's historical involvement in illicit activities during the operation, including human rights violations, the credibility of an operation led by them remains questionable.

Given the observable xenophobic undertones and criminality, skepticism arises regarding whether the coerced container opening serves to unjustly vilify refugees and asylum seekers for political gain. Any participation in this exercise necessitates thorough contemplation, contingent upon the satisfactory resolution of these concerns. The call for refugees and asylum seekers to identify the containers seems disingenuous, given the tainted circumstances surrounding them.

To put it succinctly, the imminent exercise appears akin to a preordained judgment. It seems more like a display to validate unfounded presumptions that all affected refugees and asylum seekers are linked to criminal elements. This prejudicial stance is unacceptable to our Coalition, and we unequivocally condemn it.

In light of these considerations, we strongly recommend that if the exercise is indeed conducted with sincerity, it should take place at a neutral location rather than the intimidating setting of Police Headquarters at Area 30, as currently planned. This environment already poses a psychological burden on the already traumatized refugees and asylum seekers before the process even begins.

Compounding matters is the unsettling revelation that some individuals have had their legitimately acquired citizenship revoked during the relocation operation. Consequently, how are these individuals expected to defend their innocence when their other required documents were predicated on their now-revoked citizenships?

Our advocacy is for a seamless, genuine, and transparent process that fully respects and upholds the human rights of refugees. We firmly urge the Malawi Government to ensure that any enforcement actions targeting refugees adhere strictly to international human rights standards, including the principles of non-discrimination and due process.

Central to this endeavor is the creation of an environment that upholds the rule of law and guarantees fair treatment of refugees while addressing any challenges tied to business operations. All actions must be grounded in evidence, impartiality, and devoid of any prejudice or bias.

Moreover, we stress the imperative of unparalleled transparency and accountability throughout this process. The involvement of civil society organizations, refugee representatives, and other pertinent stakeholders is pivotal to establishing checks and balances and safeguarding refugee rights.

In conclusion, we implore the government to contemplate enlisting independent oversight bodies or international organizations specializing in refugee affairs to supervise the process. Enhanced transparency will foster confidence and alleviate doubts concerning the integrity of enforcement measures.

Given the gravity of the situation, we recognize the vital significance of upholding the highest standards of professionalism, impartiality, and accountability by the police—the executive arm of the government. Addressing the concerns expressed by refugees mandates that the police demonstrate their reliability by furnishing regular updates on the process, promptly addressing grievances, and fully honoring the rights of refugees.

The refrain of "we are just following orders" is not only stale but also serves to camouflage a persistent disregard for human rights by the Police. We trust that the Police and authorities within the Ministry of Homeland Security are cognizant of the government's unwavering emphasis on upholding the rule of law.

The government has repeatedly affirmed its intolerance for actions to the contrary. We fervently hope this stance remains unchanged.

Consequently, our Coalition calls upon the Malawi Government to take the necessary steps without delay: to rectify these concerns, protect the rights and well-being of refugees, and steadfastly uphold the nation's commitment to international human rights standards and obligations.

**Signed by:**

Youth and Society (YAS)

INUA Advocacy CHREAA

Southern Africa Litigation Centre (SALC)

Church and Society – Livingstonia Synod

Centre for Democracy and Economic Development Initiative (CDEDI)

Centre for Human Rights and Rehabilitation (CHRR)

Human Rights Defenders Coalition (HRDC)

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