

## MALAWI HUMAN RIGHTS COMMISSION



### **A STATEMENT ON THE ARREST OF THE DIRECTOR GENERAL OF THE ANTI CORRUPTION BUREAU**

The Human Rights Commission (the Commission) welcomes the Government's decision to unconditionally withdraw all charges against the Director General of the Anti-Corruption Bureau (ACB) Ms Martha Chizuma who was arrested at dawn on 6<sup>th</sup> December 2022. The Commission learnt of her arrest with shock and disbelief. The arrest has the potential to undermine the functionality and independence of constitutional bodies. It was ill conceived, ill-timed and conducted in a manner that was not compliant with the principles of human rights.

The Commission enjoys a good working relationship with other constitutional bodies such as the office of the Ombudsman, Law Commission and the Anti-Corruption Bureau. A disruption in the services of one institution has the potential to affect the operations of another institution. The Anti-Corruption Bureau is leading in preparations for the commemoration of the International Anti-Corruption Day which will be celebrated on 9<sup>th</sup> December 2022. This ill-timed arrest had the potential not only to disrupt but also to dilute the significance of the event.

Malawi Police Service as a service should always execute its mandate professionally respecting human right. Ms Chizuma, a senior public official, was arrested in the middle of the night by a battalion of police officers. They broke into her house, whisked her away to Namitete Police Unit without an opportunity to communicate with her lawyers or any relatives. It was only when she was at Namitete that she had the opportunity to communicate with her counsel. The police could have summoned her and then taken her to a court of law without treating her as if she was a flight risk. It has also come to our attention that she was subjected to demeaning actions during the arrest. It has been further alleged that some police officers attempted to manhandle her and that she was forced to kneel down before a police officer. The Commission will be following up on these related matters to determine if any human rights violations were committed.

Ms Chizuma was and is expected to be treated with all the human dignity that she deserves, especially considering that we are in the period of commemorating the 16 Days of Activism on Gender Based Violence. We reiterate what we have emphasized before that the Malawi

Police Service must adopt human rights compliant measures when dealing with suspects. Every person must be assumed innocent until proven guilty by a competent court of law.

Finally, we commend the State President, Dr. Lazarus Chakwera for the bold step that he has taken to instruct the government machinery to withdraw the charges unconditionally. We also commend all those local and international partners, the national assembly and Women Lawyers Association for speaking out against the arrest and standing in solidarity with the Director General of ACB.

A handwritten signature in black ink, appearing to read 'Scader Louis', is centered on the page.

Ms. Scader Louis

**CHAIRPERSON**

**7<sup>th</sup> December 2022**