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**Nagging wife killer freed after custody: A
gender analysis of domestic homicide in
Zambia**

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"NAGGING WIFE KILLER FREED AFTER CUSTODY":
A GENDER ANALYSIS
OF DOMESTIC HOMICIDE
IN ZAMBIA

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CHAPTER 1: INTRODUCTION AND METHODOLOGY

This dissertation is based on 150 cases of the killings and alleged killings of women by intimate partners or family members in Zambia from 1973-96. The data is derived from a larger sample of cases of fatal gender violence, known as The Femicide Register. All were collected by the researcher and others between September 1993 and July 1996 for the Young Women's Christian Association (YWCA) of Zambia. The cases were recorded from police files, newspaper articles or personal accounts from relatives of the deceased women. The data also includes a testimony by two women whose daughter/sister was killed by her husband. This testimony, together with the cases and all tables of data, are presented as appendices at the back of the dissertation.

Since the late 1980s, the YWCA of Zambia has addressed the issue of gender violence through its "Women-in-Need Programme". A Drop-In Centre for advice and legal aid was opened in 1991, followed by a women's shelter. Numerous activities, ranging from public demonstrations to gender awareness training for police officers, have helped raise public awareness about domestic violence, sexual assault, and the abuse of widows. A project to collect the names of women who were known or suspected to have been killed by men was combined with a plan to create a memorial for them. Wallhangings featuring the names of the victims were sewn by the researcher and about 40 volunteers. The project was taken up by other Southern African countries, who presented their findings and wallhangings at the Fourth World Women's Conference in Beijing in 1995 and at the Africa Preparatory Meeting for Beijing in Senegal in November 1994. Although the data was originally collected with advocacy in mind, the researchers recognised the central link between theory and practise: "Recording women's experiences of violence, naming and giving voice to them, is only a first step in challenging existing ideas, policies and practices" (Hester, Kelly and Radford 1996 : 4).

The idea of a Femicide Register was sparked by accounts of a similar project in Canada, started after the Montreal Massacre of December 1989, when a misogynist male gunman killed 14 female students at the University of Montreal, shouting that he didn't like "feminists" (Came 1989 : 14). The name of the killer - Marc Lépine - became a household word, while the names of his victims all but vanished in the press. Having heard often about women in Zambia being killed by men, especially their husbands, the researcher, a Canadian national, decided to start documenting cases. The aim was to collect as many details as possible about the victims. An hour's scan through a stack of daily newspapers revealed 12 incidents of Zambian women allegedly beaten to death by husbands or raped and killed by strangers. In the subsequent search, many types of femicide were uncovered. These included:

- women killed by intimate partners (husbands or boyfriends).
- women and girls killed by male family members, in-laws or step-relations.
- women and girls killed during sexual assaults, usually on the streets. These include the victims of a 1980 serial killer known as the Lusaka Strangler.
- women killed by thieves (included because there are no known cases in Zambia of female thieves killing male victims).
- women killed for allegedly being witches.
- women killed for ritual purposes (some body organs may be removed).
- children killed as a result of male violence against women.

Other Femicide Registers compiled in Southern Africa include cases of women who commit suicide as a result of abuse by men (Watts, Osam and Win 1995 : 16). Not included are women who die of AIDS-related illnesses, after being infected with HIV by husbands, or women who are denied control of their bodies, become pregnant and die from botched abortions (Radford 1992 : 7). Some cases of women killing male intimate partners were also documented but these appear to number about one to 10 compared to cases involving female victims. In 1994 and 1995, women accounted for 84 of the 94 murder victims recorded by the Zambia Police Force, although their relationship to the killer is not revealed (*Times of Zambia* 1996 : 3).

Many cases were discovered in newspaper articles or clippings files at the *Times of Zambia*, the Zambia National Archives or the Zambia Association of Research and Development (ZARD) office in Lusaka. In 1993, the Inspector-General of Police granted permission to the researchers to collect cases from the records office at the Central Police Station in Lusaka. In a few instances, individual women contributed verbal accounts of friends and relatives who had been killed.

The Femicide Register now records more than 300 cases. This dissertation will focus only on cases involving intimate partners, or other family members, including blood relatives, in-laws and step-relations. Because not all cases are known to have ended with court convictions, they will frequently be referred to as alleged homicides. Their inclusion in this dissertation is in no meant to imply the guilt of any individual allegedly involved, ahead of any court proceedings.

Methodology

Information on fatal gender violence is limited because women who are dead cannot speak for themselves. Only other people and institutions can tell their stories, which may become distorted in the telling or lost altogether.

Newspaper articles provided 83.4 per cent of cases (Table 1). Such accounts were deemed useful because collectively they present a public picture of domestic homicide and reveal society's reaction to it. However, such articles may contain factual errors and page-by-page searching takes hours if the newspaper does not clip articles and file them by subject, as only the *Times of Zambia* did. Some clippings did not have dates on them. As well, newspapers may report only the more dramatic cases. For example, Margaret Bwalya (case 5 and Testimony) died days after being assaulted by her husband in March 1995, but was not mentioned in the press. In contrast, Teddy Kasuba's 1993 fatal shooting of his wife Catherine in the family yard (case 44) made front-page

headlines.

Police files accounted for 7.3 per cent of cases (Table 1) and often provided more detailed information. However, researchers were not granted hands-on access to the files and relied on a police officer to read details out loud. The cases were not recorded in a central or computerised system, with most found at the Central Police records office. The files varied greatly in the amount of information they contained. Some held all police, court and hospital reports; others included only a single piece of paper generated during the investigation or lacked key documents such as post-mortem reports. Police reports did not always record the relationship between the victim and the accused, so such cases are not included. And for reasons that are not clear, the researchers never gained access to the 29 files from the 1980 case of the Lusaka Strangler, a serial killer who targeted women, despite repeated requests and a letter of permission from the Inspector-General.

Individual stories brought in by women often provided the most complete picture. However, for understandable reasons, not all individuals wanted to discuss or recall the details of a friend's or relative's violent death. For example, a single embroidered square with a name and a date was left anonymously at the YWCA reception desk, with no details of the case. The fullest case account is provided in the testimony (Appendix III), delivered during a women's human rights tribunal in Lusaka in March 1996 by two women whose daughter/sister was killed by her husband. Court transcripts might also have been useful, but were judged to be too time-consuming to read. Each case represented a 30-40 page document, filed in High Court offices around Zambia.

The Effects of Research

Originally the research was expected to yield about 100 cases after several months of part-time work. Instead the search opened a painful and horrifying Pandora's Box. The list kept growing and showed no signs of being "complete". Numbering the cases became impossible because the

researchers kept discovering more. On one occasion, while leafing through the murder scrapbook at the *Times of Zambia*, the researcher found the clippings of five separate cases glued to a single page. Sometimes the names of women were repeated. Cases 84 and 91 both refer to women named Eunice Tembo, but one died in Kalomo, the other in Lusaka. Several YWCA staff members said there were cases of domestic homicide in rural areas which might not appear in newspapers. With no police post nearby, it seems details are not recorded and the case may not be brought to trial, although the researcher could not confirm any such cases (author's field notes and Sutherland 1994 : 24). Constraints on time limited the researchers to visiting only the Central and Kabwata police stations in Lusaka. A few cases, from late 1995 and 1996, were sent to the researcher by a friend in Zambia and two more cases were found in Zambian newspapers on the Internet. However, when the researchers themselves stopped looking, owing to changes in their employment, they were left with the strong impression that many more cases remained uncovered.

The nature of the material and hours spent collecting cases profoundly affected the researchers. The nightmarish details of some cases, with descriptions of physical brutality, sexual assault, and mutilation, proved deeply disturbing. Sometimes the researchers could work only for an hour or two because of the headaches, fatigue and nausea that resulted. The case details seemed worse because of occasional discussions with librarians and police officers, some of whom insinuated that the women had "asked for it" and that wife-beating was part of "Zambian culture". In the days following a research session, the researchers suffered depression, insomnia and the feeling that to be a woman was to live with one's life in danger. Occasional nightmares included images of close friends being murdered, or women being hacked into pieces or shot by firing squads. Yet the research continued, fuelled partly by the mistaken belief that most or all of the available cases could be documented.

On several occasions, the data was nearly set aside in favour of a less harrowing dissertation topic.

However it was deemed crucial, despite the heavy emotional price, to complete the task by analysing the cases. Abandoning the data would simply be another manifestation of the silence that surrounds so much violence against women, especially in the home. It could not be allowed to silence the research as well.

This dissertation is organised as follows:

Chapter 1 (as above) explains the rationale, methods and effects of collecting cases of domestic homicide.

Chapter 2 discusses the incidence and causes of domestic violence and the connection between such violence and homicide. The current discourse on development and women's human rights will also be examined.

Chapter 3 outlines the position of women in Zambia, looking at marriage, gender violence and the legal system. It will also discuss the Zambian government's approach to women-in-development (WID) and review the current human rights discussion in the country.

Chapter 4 will present the data findings, looking at what the cases reveal about the victims and the alleged offenders. A middle section will explore the circumstances of the attacks, including what types of weapons were used and where. Some parallels will be pointed out between the details of the cases and state-sanctioned torture. A final section will examine the alleged motives for the attacks, arguing such domestic homicide represents an attempt to control the lives, behaviour and sexuality of women.

Chapter 5 will look at how the cases are portrayed in the Zambian media by examining the messages they contain about domestic homicide, gender relations, and men's and women's agency. It will be argued that newspaper accounts create a secondary level of silence about domestic violence/homicide by underreporting details of the attacks, blaming the victims, and ignoring the system of unequal gender relations in which such killings occur.

Chapter 6 will briefly examine the laws on murder and manslaughter in Zambia before exploring the effect of judicial interpretations and gender ideologies on court outcomes. The chapter will end with a look at patterns of sentencing.

The **Conclusion** will sum up the major themes of the dissertation. These include the use of violence by men to control women, the minimalisation of domestic homicide by the media and the courts, and the predominance of the public/private dichotomy in defining "crime" and human rights abuses. It will be argued that these factors help perpetuate domestic violence and, therefore, the subordination of women.

CHAPTER 2: GENDER VIOLENCE, DEVELOPMENT AND HUMAN RIGHTS

Gender violence is perhaps one of the most pervasive yet least recognised human rights abuse in the world, with the abuse of women in the home representing its most endemic form (Heise 1993 : 171). Domestic violence encompasses all forms of violence between intimate partners, and women and other family members, as well as child abuse and fighting between siblings. Such violence can include varying acts of physical, sexual and emotional abuse. Although some authors have noted the limitations of the term domestic violence, it will be used throughout this dissertation, as will the phrase domestic homicide. The women and children who died will be referred to as "victims", although the researcher acknowledges that the term can carry connotations of blame and helplessness.

Domestic violence appears to occur in nearly all societies and has been documented in many studies (Levinson 1989). Although no reliable studies have been conducted in Zambia, findings from elsewhere in Africa provide a partial picture. Six out of ten Tanzanian women reported being physically abused by their partner, while in Uganda, almost half of 73 women responding to interviews on domestic violence said they had been physically abused by a partner, and seven reported beatings by family members (Sheikh-Hashim and Gabba 1990, Wakabi and Mwesigye 1991, cited in Watts et al, 1995 : 9). The health effects of such violence are significant. Domestic violence and rape are "significant causes of female morbidity and mortality, leading to psychological trauma and depression, injuries, sexually transmitted diseases, suicide and murder" (World Bank 1993 : 50). Such assaults are responsible for an estimated one out of five healthy days of life lost to women of reproductive age in the world (World Bank 1994 : 17). As the data contained in this dissertation will illustrate, the most extreme form of domestic violence is the murder of a woman or girl by an intimate partner or family member.

Domestic Violence and Homicide

The killing of female family members, particularly wives, appears to have been sanctioned in some ancient cultures. Greek men had the right to kill adulterous wives, while Roman law excused the homicidal cuckold only if the adultery occurred in his house (Wilson and Daly 1992 : 84). More recent statistics suggest the practise continues. In Bangladesh, the assassination of women by their husbands accounts for 50 per cent of all murders, while in Canada, 62 per cent of women killed in 1987 died at the hands of an intimate male partner (WHO : 1985 and Canadian Centre for Justice Statistics : 1988, cited in Watts et al, 1995 : 10). In America, an average of four women are killed a day by male partners (Stout 1992 : 134). In Zimbabwe, domestic violence accounts for more than 60 per cent of murder cases tried by the High Court in Harare (ZWRCN 1995, cited in Watts et al, 1995 : 10). Such statistics highlight the danger women can face in the so-called sanctity of the home, which could be considered the "most lethal place for women living in nuclear families" (Radford 1992 : 7).

However, the topic of domestic homicide does not receive a great deal of attention, except perhaps in cases where wives kill abusive husbands. Radford (1992 : 4), for example, maintains that there are more books written on women who kill than there are on men who kill women. Yet domestic violence and domestic homicide appear to represent a continuum. A woman's experience of violence may start with insults and a few slaps from her husband, escalate over time, and culminate in a lethal attack. Edwards (1987 : 152) asserts that it is "specious to draw a line between domestic violence and grievous bodily harm, and spousal homicide....they are often one and the same event".

Schuler (1992 : 12) asserts that domestic violence is perpetuated at three levels, through a combination of socialisation, control of resources and legal discrimination:

- the family socialises its members to accept hierarchical relations expressed in the

unequal division of labour between the sexes and power over the allocation of resources.

- the community (social, economic, religious and cultural institutions) provide mechanisms to perpetuate male control over women's sexuality, mobility and labour.

- the state legitimises the proprietary rights of men over women, providing a legal basis to the family and the community to perpetuate these relations through enacting discriminatory laws or applying laws in a discriminatory manner.

Violence, then, is one of a variety of resources men have access to in their attempts to dominate women. Such violence can be understood as both a cause and a result of gender inequality.

Societal norms and systems that disadvantage women allow men to violate them; in turn, violence or the threat of it serves to intimidate women and ensure their subordination. The message is domination, as Charlotte Bunch (1994 : 490) explains:

Contrary to the argument that such violence is only personal or cultural, it is profoundly political. It results from the structural relationships of power, domination, and privilege between men and women in society. Violence against women is central to maintaining those political relations at home, at work and in all public spheres.

Power and control over women appear to underlie many incidents of domestic violence/homicide.

In reference to various studies, Wilson and Daly (1992 : 93) found that adultery, jealousy and male sexual proprietariness are the pre-dominant issues in spousal homicide, with woman's reproductive and sexual capacities seen as commodities that men can "own" and control through the use or threat of violence. A study in Ohio, U.S.A., found that male ownership of women and male needs for power were at the core of spousal homicides (Campbell 1992 : 111). Radford (1992 : 6) suggests that the killing of women in the family represents a form of capital punishment. Likewise, it is the assertion of this dissertation that the abuse and killing of women in the family context - whether at the hands of husbands, fathers, sons, or other male family members - represents one of the most graphic manifestations of gender inequality. Power over women can assume life-threatening and lethal dimensions. The ability to take life, as explained by Lenski (1986 : 243), represents "the most effective form of power" and the supreme expression of that power. As Polk (1994 : 44) asserts, "the power of the male to control is demonstrated by the very act of destruction

of his 'possession"', with murder being the final, irreversible step.

Linking Gender Violence, Human Rights and Development

By the 1990s, the connection between human rights and aid began to emerge more prominently on development agendas. Tomasevski (1993 : xv) argues that its most common expression came in the form of conditionality, with donor countries curtailing aid to countries seen to be violating human rights, particularly political and civil rights. However, much of the concern over human rights in the development field has ignored the gendered dimensions of defining and protecting human rights. The same conditionality, for example, is not applied against countries that violate women's human rights, despite the passing of the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979. Arguments that gender violence is justified by religious or cultural considerations are still widely heard. There are several reasons for this.

First, the women-in-development (WID) approach, with its emphasis on women's economic development as a solution to gender inequality, has marginalised women in the debate about human rights and development (Tomasevski 1993 : 195). WID facilitates the view that "women's issues" can be tackled in isolation from women's relation to men (Elson 1995 :1), so that human rights become a technical issue, stripped bare of the gender politics implicit in areas like domestic violence, sexual assault and reproductive rights. Second, the public/private dichotomy places women firmly in the domestic sphere of home and family, while the public sphere of work and politics is accepted as the domain of men (Peterson 1990 : 315). Such a dichotomy has ensured the privileging of male domains and experiences in defining human rights: political and civil violations by state agents are seen as legitimate human rights abuses, while violence against women, especially in the private sphere, is frequently considered a "domestic affair". Finally, unequal gender relations disadvantage women in attaining human rights as they face male-biased legal systems and remain largely excluded from sources of power (Charlesworth 1991 : 61). Women who fight for their

human rights, at a community or national level, may find themselves pressured by family and in-laws or ostracized from their community (Butegwa 1993 : 40).

Recently, however, women's groups have organised and lobbied for recognition that "Women's Rights are Human Rights". The Vienna Declaration passed at the World Human Rights Conference in 1993 calls on national governments to recognise the elimination of "violence against women in public and private life" as a human rights obligation (Bunch and Reilly 1994 : 2). This has been reinforced by the United Nation's Declaration on the Elimination of Violence against Women, passed in December 1993, and the Human Rights Commission appointment in June 1994 of a Special Rapporteur on Violence Against Women. Yet many national governments have yet to incorporate these advances into their own policies and practises on human rights and women-in-development, as will be illustrated in the case of Zambia, presented in the next chapter.

CHAPTER 3: THE POSITION OF WOMEN IN ZAMBIA

Women in Zambia are underrepresented in all professional fields, government and leadership positions, and the armed forces, and they lag behind men in education and training, access to health care and resources, and ownership of land and businesses (GRZ 1994, ZARD and NGOCC 1994).

This situation appears to be the result of three forces. Traditional society outlined "clear and distinct categorisations of behaviour appropriate to a woman as opposed to a man" (Siamwiza 1992 : 5). Men's traditional authority was reinforced by colonialism, which emphasised Christian marriage and domestic science education for girls, and tried confine women to rural areas while men worked in the copper mines (Parpart 1994). In modern Zambia, Christianity plays a powerful role and the belief that woman was created from the rib of man is frequently quoted to justify women's inferior status in marriage and society as a whole (Sutherland 1994 : 3).

Marriage in the Zambian context

The lives of many Zambian women revolve around marriage and child-bearing. By the age of 19, two-thirds are either mothers or are pregnant with their first child; by the time they reach their 30s, 98 per cent have married (CSO 1992 : 5). Zambian women may marry by customary or ordinance marriage, or a combination of both, but for most marriage represents the main source of economic and social security (Munachonga 1989b : 300). Seventeen per cent of marriages are polygynous (CSO 1992 : 58). An ordinance marriage recognises a woman as the only legal wife and was meant to enhance her legal position. However widowed women, even those in ordinance marriages, often find themselves dispossessed of marital property by their in-laws, a practise said to be traditional (ZARD 1994). Marriage customs vary between the country's 73 tribes, but a majority are matrilineal, giving a husband the rights to his wife's domestic and sexual services, and her labour (Parpart 1994 : 243, Munachonga 1986 : 176).

The payment of lobola (brideprice) appears widespread, even in ordinance marriages, and gives husbands considerable authority over their wives (Munachonga 1989 : 132). Such authority and power may include various forms of abuse, some of which were revealed in a 1993 evaluation of the YWCA of Zambia's gender violence programme. These include:

- physical battering, including slapping, pushing and shoving
- having to kneel before your husband, especially when serving food
- having to respond to your husband when called and address him as "Baba" (sir)
- women having little say in decision-making at home
- husbands having girlfriends
- women cannot demand sex in marriage, yet they have to submit to a husband's demands at any time
- a woman being harassed and divorced if she does not conceive (Sutherland 1994 : 18-22).

Such practises are not totally unexpected. Phiri's study of Lusaka women (1992) found that 17 per cent thought physical or mental abuse was a normal part of marriage. The traditional pre-marriage teaching that some women undergo can include instructions not to refuse a husband sex and not to discuss what happens in the home with outsiders. When women marry, they are often said to have joined the "shipikisha," or perseverance club. Husbands who do not maintain their position as the "head of the household" are ridiculed for being under "petticoat government" (author's field notes).

Violence against women appears to be fairly common, according to anecdotal evidence (author's field notes), but there have been no reliable studies of the incidence of domestic violence. Statistics collected from the capital's main hospital in 1992 found medical staff treat an average of 200 women a month for injuries caused by assault, making it the leading cause for women's admission to the casualty ward. Lusaka's seven police stations each record an average of 68 cases of assault and eight of rape per month (Phiri 1992). Schuster's interviews with Lusaka women (1979 : 93) found that: "Nearly everyone can relate at least one shocking experience from some point in her life...Nearly everyone has submitted to sexual relations out of fear of the consequences of refusing.

Nearly everyone has been beaten by a man or at least threatened with a beating". Public sentiments are frequently expressed that "a wife who has never been beaten is never loved because a beating comes when you want to correct someone" (*Times of Zambia* 1996 : 3). There is evidence that unmarried young women may be battered by a boyfriend for refusing to have sex (Sutherland 1994 : 23). In a local court, where customary law is enforced and women tend to be treated as legal minors, a magistrate ruled that a woman could not divorce her battering husband because: "the institution of marriage is an important institution and should not be tampered with...the customs of society allow a husband to beat his wife where she misbehaves and if he was not her husband then the court would have attended to her claim" (Mushota et al, 1994 : 16). In short, domestic violence against women appears to be treated as a male right (ZARD 1994). Messages from the culture, the media and other institutions emphasise that the husband is the dominant partner and that physical and other forms of abuse may be expected and sanctioned.

Until recently, abused women in Zambia had few support services. Churches tend not to address the issue and police provide limited, if any, help to battered women: "All over Zambia, the police just harass and shout at you. They say if you have problems at home you must go back and talk about it" (Sutherland 1994 : 32). Police indifference is illustrated in the testimony about Margaret Bwalya (Appendix III). After being assaulted by her husband, she complained to the police, who simply recorded the details. When she died days later, they had to be persuaded to arrest him. The role of the extended family in protecting women or perpetuating the violence is unclear. In Zimbabwe, divorce can mean the family has to pay back the brideprice (Taylor and Stewart 1991 : 64).

The Legal Position of Women

The Zambian legal system consists of two separate systems: customary law - a synthesis of discrete bodies of ethnic-specific law with roots in the pre-colonial past - and statutory law based on

English common law (Byrne 1994 : 12). Assault laws are ostensibly meant to protect all, but a woman's complaints of domestic violence may be brushed off by police as a "domestic affair". There is no specific legislation on domestic violence and little public discussion about such a law. A 1993 speech written by YWCA staff for the Minister of Legal Affairs to launch the 16 Days of Activism against Gender Violence was publicly delivered with all references to such legislation removed (author's field notes). Zambian statutory law does not recognise marital rape. In local courts, women have been ordered to have sex with their husbands after refusing to do so (Mushota et al, 1994 : 15, Rude 1993 : 5).

The Constitution of Zambia includes a justiciable Bill of Rights guaranteeing the right to life, liberty, security of the person and the protection of law as well as freedom of conscience, expression, assembly, movement and association (Munyama et al, 1995 : 1). For women, however, the constitution perpetuates gender discrimination. An article that guarantees protection from discrimination on the basis on sex is contradicted by a clause that allows customary law to predominate in areas of marriage, divorce, and property inheritance (ZARD and NGOCC 1994 : 22). This amendment was approved in 1991, six years after the Zambian government ratified the CEDAW without reservation. In May 1996, the government amended the constitution, establishing Zambia as a Christian nation. However it refused to revoke the customary law clause, claiming the constitution already guaranteed gender equality (Syafunko and Jambwa 1996 : 1).

The Government and WID

The philosophy of Humanism promoted by former President Kenneth Kaunda and his United National Independence Party (UNIP) emphasised egalitarianism regardless of sex, race or religion (Munachonga 1989b : 287). In reality, the socio-economic and political situation of women under UNIP was characterised by "marginalism and tokenism" (GRZ 1994 : 3). Women's interests were represented by the party's Women's League, and its Women's Affairs Committee (WAC), set up in

1983 to monitor and influence all women's affairs in government. However there was no corresponding ministry to implement decisions and the leadership of the women's wings were "at pains to assure men that their involvement in politics was not intended to overthrow male authority and male-defined tradition" (Geisler 1995 : 548). In 1986, the Women's League helped set up a Women's Unit, later upgraded to a department, in the National Commission for Development Planning, and for the first time, Zambia's national development plan included a separate chapter on women. Critics, however, argue that the approach has been piecemeal and has not radically improved the position of women in Zambia (Bardouille 1992 : 118).

The pro-democracy movement that swept Zambia in 1990 raised hopes that women's status would improve. However, much of the UNIP-created national machinery around women was lost during the political changes and not replaced (GRZ 1994 : iv). The Movement for Multi-Party Democracy (MMD), a coalition of various groups that challenged UNIP, initially considered women's rights. Like UNIP, it created a women's action wing within the party. MMD's strongly-worded draft manifesto detailed plans to eliminate gender discrimination, guarantee human rights for women, and establish a Women's Bureau (MMD 1990 : 23-26). The manifesto's final version, however, was significantly watered down and the proposal for a women's bureau had vanished (MMD 1991 : 10). President Frederick Chiluba has not appointed any more women to his cabinet than Kaunda did. Nor has he lived up to a promise made in an early Parliamentary speech that his government would conform to the CEDAW provisions (World Bank 1992 : 32). Siamwiza (1992 : 1) asserts that "the actual implementation of policy is still influenced by imbedded traditional attitudes about the roles of women and men". Women in traditional dress still dance at the capital's airport to welcome visitors and high government officials, despite MMD's initial criticism of the practise (Banda 1996 : 1). By 1992, women's groups had recast the MMD's popular slogan "The Hour Has Come" to "Women Denied the Hour" (Geisler 1995 : 562).

The Human Rights Discourse

Together with the human rights guaranteed in its own constitution, the Zambian government is a state party to several international human rights instruments. These include the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Zambia has not signed the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Munyama et al, 1995 : 2).

In May 1993, the MMD government set up a human rights commission to investigate long-simmering rumours that state agents had violated the human rights of ordinary citizens, particularly during the UNIP regime. Submissions to the commission focused mainly on alleged torture and beatings by police officers and members of the Special Branch. Some individual women and women's groups testified and submitted reports on domestic violence, sexual assault and the abuse of widows. The commission's final report noted that police failure to prosecute such cases represents a violation of human rights (Munyama et al, 1995 : V). However the commission did not acknowledge that such violent acts against women constitute human rights violations in and of themselves. Thus it appears that the understanding of human rights in Zambia remains limited by the public/private dichotomy and confined to a male definition of what constitutes a violation. As the upcoming chapters will illustrate, such perspectives, and the gender ideologies that underpin them, may profoundly affect societal reactions to domestic violence/homicide.

CHAPTER 4: RELATIONSHIPS, WEAPONS AND ALLEGED MOTIVES

This chapter will analyse the 150 cases of homicide and alleged homicide, looking at the relationship between the victims and the accused and drawing up profiles of both. A middle section will examine the specific details of the killings, including where the attacks took place and what weapons were used. A final section will discuss and interpret the alleged motives.

The victims and the accused: the relationships

The data includes 123 cases of alleged intimate homicide and 27 cases of alleged family homicide (Table 2). Although the family cases represent too few upon which to build an analysis, general trends will be pointed out. The distinction between intimate and family relationships may not be entirely clear cut: sexual assault and "love" are alluded to in two family cases (131 and 137).

The data appears to suggest that within the family, women are most at risk of being killed by intimate partners. Alleged intimate homicide accounts for 82 per cent of cases and involves husbands, boyfriends or ex-husbands. (Table 3). In family cases, sons figure prominently, especially if grandsons and sons-in-law are included in the category. They account for more than half of the family-related cases (Table 3).

The data also suggests that domestic homicide can be lethal to other family members. In two of the intimate cases, two or more adult women were allegedly killed, while in five instances, children died together with their mothers (Table 2). In six cases, the women were known to have been pregnant. The immediate death of the accused, either by suicide or at the hands of a mob, is recorded in nine cases (Table 9).

Profile of the Victims

The data reveals a partial picture of the women and child victims. Women allegedly killed by intimate partners were an average age of 28.9 years and ranged from 18 to 65 years. Table 4 reveals that 50 per cent were between the ages of 21 and 40, suggesting that women in child-bearing years are at greatest risk of a lethal assault. Those who are newly married (case 106) or in what appear to be long-term marriages (case 54) may also be victims.

Women allegedly killed by other family members are an average of 36.2 years, slightly older than intimate homicide victims, a finding which could reflect the incidence of matricide by sons. Women allegedly killed by other family members range in age from 2 to 78 years, suggesting that domestic homicide could occur at any point in a woman's life. Five of the family-related cases involved girl children under the age of 10 years.

The data reveals little information about the women themselves. Few descriptions of them are provided, apart from their names and ages, their relationship to the accused and what they did to "provoke" the attack. In cases involving intimate partners, the only detail revealed is that three victims were housewives, one a marketeer, one a tavern operator, one a mother of two and another a family planning official (Table 5). Family cases contain no descriptions about the female victims, apart from name and age. This lack of detail is a point that will be examined more fully in Chapter 5.

Profile of the accused

Men who have allegedly killed female intimate partners are an average of 41.6 years, slightly older than the victims. They range in age from 25 to 71 years. In family cases, the accused are an average of 34.5 years and range from 21 to 57 years.

In contrast with the victims, much more detail is available about the accused. They appear to represent all classes of Zambian society, and range from professionals and church ministers to semi-skilled workers and the unemployed. Some cases involve men who are law enforcement officials, including three police officers, one police inspector, three army soldiers and a Zambia Air Force official, as well as traditional figures of authority, including a village headman (Table 5). The data suggests that the domestic homicide of women is not limited to certain socio-economic groups and classes, but occurs across Zambian society. It challenges the stereotyped ideas of domestic violence as a problem of poorer families and the myth that 'nice,' professional men are not abusive in their own homes (Hester et al, 1996 : 76).

The location of the alleged killings

Table 6 documents the location of the cases and reveals an almost even split between urban, rural and peri-urban areas (sometimes called shanty compounds or squatter settlements). Fifty per cent of Zambia's population live in urban areas (UNDP 1993 : 155), but the data indicates that domestic homicide occurs in all parts of the country. Again, the myth that domestic violence is a problem of lower-class areas is refuted.

Although violence in the home is often referred to as a "domestic affair", in some cases the women were attacked in the public domain. Margaret Bwalya (case 5), for example, was beaten outside her own home, then dragged to her husband's girlfriend's house, where the assault continued. Some women were attacked near a tavern, in the fields, in the family yard and possibly at a husband's office (Cases 96, 38, 44, 102). This raises the question of the role of third parties in the attack, although the cases may not include such details. Six refer to bystanders intervening in some way, including a mob killing of the accused and a family that did not assist a daughter whom they found battered and bleeding the day before she died (4, 5, 71, 76, 98, 125). There are no references to children being present during the attacks, except as victims or intended victims.

The attack

Table 7 discusses the weapons used. Specific details are revealed in 47.6 per cent of cases and the accused appear to have used a wide range of weapons. In 28 cases, 16.9 per cent, men used their own bodies, most often kicking, punching or pushing the woman. However, that men can attack and kill women with their bare hands appears not to be expected by judges. In Case 101, a husband punched his wife to death, but the High Court Justice reportedly said that "the facts reveal that you did not use a lethal weapon, you only used your fists." Punching was mentioned in seven of the 150 cases, suggesting that fists can be lethal weapons when applied with enough force. Apart from their own bodies, men are most likely to use an iron bar, a stick, an axe, a gun, or burning (Table 7). In 16 cases, there appeared to be a combination of methods used, suggesting that a man who attacked his wife or relative by punching, kicking or shoving might move on to other, possibly more damaging methods. Watts, Osam and Win (1995 : 21) suggest certain weapons may be used to ensure that the victim does not survive.

Seven cases detail the mutilation of the victim's body, including beheading, driving nails into eye sockets, removing organs or chopping the body into pieces. Such practises suggest an 'overkill' and reflect a disturbing level of rage and hatred. In seven instances, the accused attempted to disguise the killing as a suicide, or tried to hide the body by dumping it in a river or a sewage pit.

Only two cases (123 and 131) refer to the sexual assault of the victim. However, given that marital rape and incest are not widely discussed in Zambia, it is not clear how often police check for evidence that such abuse occurred before a woman's death.

Some writers (Copelon 1994, Marcus 1994) argue that domestic violence closely resembles state-sanctioned torture because of the level of pain and suffering inflicted and the intention behind it.

Details in some cases sound strikingly similar to torture methods used by state agents and police officers in Zambia. These are described below (Munyama et al, 1995 : 8), together with the cases in which similar methods were used:

- brutal beating using all sorts of objects such as planks, hosepipes, electric cables, batons and iron bars (cited in many cases)
- denial of medical attention (cases 5 and 71)
- denial of drink and food (case 5)
- keeping a person tightly handcuffed for hours (cases 71 and 122 suggest days-long confinement of the victim, though the alleged killer may have used threats/injuries rather than handcuffs or other methods of confinement)
- threatening a suspect with death (case 46 refers to a threat, but in most cases any verbal abuse of the victim by the accused is not recorded).

The commission's assertion that "any object, including basic items of clothing, can easily be converted into 'instruments of torture'" (Munyama et al, 1995 : 8) is reflected in the cases. Several women died after attacks involving ordinary household items, including an umbrella, a charcoal burner, a dustbin and a maize pounding stick (cases 2, 8, 104 and 118).

Alleged motives

Table 8 details alleged motives for the attack in both intimate and family homicides. Some 35 per cent of alleged domestic homicides include no details of the motive, while 17 per cent are described merely as quarrels or domestic disputes. In the remainder, adultery appear to be a leading cause, as does any threat or challenge to the man, or refusal to obey orders or perform domestic tasks. Many of the motives appear extremely trivial, such as not cooking food, losing shoes, spilling beer, or missing money. Some writers have noted that separation or divorce can put women at a great risk of homicide (Rapaport 1995; Wallace 1986, cited in Polk 1994 : 28). In the Zambian data this factor is mentioned in only two cases (46 and 99). The cases infrequently refer to any proof of the allegations, apart from situations where the accused is reported to have found his wife having sex with another man. A study by Polk (1994 : 33) in America found that the friends and family of

spousal homicide victims denied the alleged sexual misconduct in one-third of the cases, suggesting that "males are too ready to not only believe in their partner's infidelities, but to react to these with violence".

The alleged motives provide only a superficial explanation for the attack and imply that the woman is to blame. In many cases, the victims appeared to have deviated from their expected gender roles in providing domestic and (exclusive) sexual services to the husband. While some of the alleged motives involve direct challenges to the man - Theresa Mwale (case 102) appeared to have asked her husband about a girlfriend, although traditionally such questioning is discouraged - others are almost senselessly minor. Fales Nshingano (case 106) was killed after she laughed at a question her husband asked, while Joice Kahyata (case 74) was too drunk to keep up with her walking husband. In case 81, a judge ruled that Margaret Kazhila was to blame for her own death, although details are not provided. Such cases suggest two levels of blame: first, that the woman provoked the man by challenging his views or behaviour and second, that she overstepped the social limits of appropriate behaviour for women, so that the man can feel justified in using violence to control her behaviour (Annandale, Kelly and Pearson 2 : 1986).

The data on alleged motives echo findings from the studies discussed in Chapter 2, including Campbell (1994) and Daly and Wilson (1992). Similarly, Dobash and Dobash (1984) found sources of conflict in domestic assaults in Britain centred on three main issues: possessiveness and sexual jealousy, demands concerning domestic work, and money. The men were found most likely to become physically violent at the point when the woman could be perceived to be questioning his authority or the legitimacy of his behaviour (Dobash and Dobash 1984 : 273). The data from Zambia suggests that many of the assaults occur when the intimate partner or male relative fails to maintain control of the woman's sexuality, behaviour or in general, her life. This provides evidence for the assertion that power and control are underlying factors in domestic violence/homicide. As

Watts, Osam and Win (1995 : 11) note: "Violence against women has little to do with the man being aggravated. Instead, its roots lie in the man's desire to exert control and power over a woman".

The data suggests that gender-based domination is not confined to intimate relationships. The belief that a man is the "head of the household" is reflected even in the family cases. Four of the women (cases 150, 142, 134 and 131) died after allegedly interfering in the accused's marriage. Others were allegedly killed when they did not cook for a grandson (case 126), or tried to control resources (cases 135 and 145). The same attitude is reflected in case 151, included in the list of cases to illustrate this point. In a particularly brutal attack, a friend of the victim's husband smashed the woman's head against a wall, kicked her in the stomach and trampled her baby to death. He had accused her of interfering with his marriage.

The eight murder-suicide cases in the data also suggest a degree of control over the woman and a similar sense of proprietariness. Polk (1994 : 189) argues that even if the man commits suicide, the woman he kills first is still "viewed as a commodity, over which the male has rights regarding proper disposal".

In conclusion, the data suggests that woman and girls of any age may be the victim of a domestic homicide at the hands of intimate partners or family members. The men who allegedly commit such crimes come from all ages, backgrounds and social classes. Assaults are not confined to the home, and a wide variety of weapons are employed. The victim's body is sometimes mutilated but the extend of sexual assault before the killing is not clear. The most commonly alleged motives, as sources of conflict, appear to be the victim's alleged sexual misconduct, her challenge to a man's perceived authority, and to a lesser extent, conflict over domestic chores, sex, and childbearing. How the media and judiciary judge what is appropriate behaviour for women and men - including

the "naturalness" of violence within family and intimate relationships - will be examined more fully in Chapters 5 and 6.

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CHAPTER 5: HIDING THE HORROR AND BLAMING THE VICTIMS

This chapter will examine the media's treatment of domestic homicide, focusing on the 134 cases collected exclusively from newspapers. First, it will review the representation of women in the Zambian media. Second, it will examine the presentation of facts, looking at what is reported and how language is used in regard to the victims and the accused. Finally, it will focus on depictions of the agency of both parties. Although some studies have looked at the active and passive voice in newspaper accounts of gender violence (Henley, Miller and Beazley 1995), such an analysis will not be undertaken here.

The media, arguably, plays a major role in shaping public opinion and attitude, and constructing knowledge. Normally it reflects the status quo, and by mobilising bias it can help create a consensus that legitimises the hegemony of the dominant group (Lukes 1974 : 23). Katz and White (1993 : 61) argue that news that conforms to cultural myths or stereotypes will be more readily accepted than "news" that contradicts everyday beliefs and perceptions. This finding appears to have some basis in Zambia, where women tend to be portrayed as either "folk heroes", with an emphasis on their role as "mothers of the nation", or as "folk devils" responsible for prostitution and moral decay (Schuster 1979 : 140). Siamwiza (1992 : 14) maintains that the Zambian media is largely insensitive in its coverage of women.

A lack of sensitivity and an emphasis on traditional roles and constructions of women is revealed in the data. Media treatment of the cases is characterised by underreporting and omission of details that ensure a partial and often one-sided public presentation about domestic violence/homicide. Few accounts refer to any earlier violence in the relationship and often stories appear just once, so readers do not learn about a court outcome or understand the system of gender domination at play. As a result, they might view the killings as the tragic result of a one-time attack and not see the link

between violence in the home and domestic homicide. Although story placement within the newspapers was not systematically recorded, generally such cases were part of crime and court stories. Only those involving higher class people, multiple killings or extreme brutality tended to appear on the front page.

Details of the victims and the accused

It was noted in Chapter 4 (pages 24-25) that most cases include few details about the victim. Table 5 reveals that women are named in 102 articles, while their age is given in 22. In three cases, the victims are referred to only as "Mrs". Any other descriptions tend to centre on their reproductive roles, as they are most commonly described as housewives or mothers, and occasionally, as pregnant. The amount of detail about the victims may be affected by how much information police give reporters, but this is not known. However, in contrast, much more information is published about the accused. One could argue that because of men's dominant position, they are seen as more important members of society, and therefore more worthy of newspaper attention. Their occupations place them firmly into the "public" sphere, while the women, when not portrayed in traditional roles centred around home and family, are nearly erased as individuals. Collectively, the cases portray the man as the subject of the accounts, while the woman is the object, defined largely by her gender roles, and her experience, which is death.

Newspaper accounts most often describe victims as having been murdered, killed or assaulted in a "domestic dispute" or most commonly, "beaten to death". Some accounts give the reader a clear picture of the horror involved. Vera Loti Bwalya (case 18) died after her skull and arms were broken when her husband beat her with an iron bar and a maize pounding stick. In Case 84, Eunice Tembo was burned to death after her husband allegedly doused her with paraffin and set her alight. In many cases, however, the details are vague, revealing only that a woman was killed during a dispute.

In contrast, cases from police files and the testimony provide a much fuller picture of the assault. In case 71, Beatrice Banda was locked in the house and beaten for three days with an iron bar, while Margaret Bwalya (case 5) was beaten for hours, then kept in the house for four days and denied food, water and medical attention before being taken to hospital. However, the newspapers' tendency to describe many cases as arising from a "domestic dispute" or "domestic differences" obscures what is actually a violent assault by a man on his wife or other female family member. "Dispute" or "difference" implies a minor argument between two equal parties and hides the unequal power relations involved. Lamb and Keon (1995 : 212) note the use of such words leads to nominalization and gender obfuscation by preventing the agent of the act from being named. Walker's observation (1992 : 327) about the use of the word "violence" also holds for the phrase "domestic dispute", even in cases where a man killed a woman: "There is a shift in the concept; it ceases to describe what someone else does - hitting, punching, kicking, stabbing, shooting someone else. The presence of people doing things disappears and is replaced by a term expressing the action in a general form, but without the actor". As well, the frequent use of "domestic" can suggest that the incident is "private" and therefore beyond the "public" responsibility of police and other authorities (Watts et al, 1995 : 46).

Blaming the victim

Newspapers report the alleged motive of the attack in about half of the domestic homicide cases. Such motives focus on what the victim did or did not do and imply she is to blame for the attack. The victims can be discredited because the insinuation is that:

- she should have found mealie meal (Case 4)
- she should have known where his shoes were (case 84)
- she should have been cooking instead of relaxing with her friends (Case 110)
- she should not go near other men (Case 44, 105 and others).

In some instances, the man is depicted as the wronged individual. Case 102, under the headline of "Nagging wife killer freed after custody", suggests the wife's behaviour is the real crime, not the husband's fatal beating of her with a hosepipe. It could also be interpreted as presenting the man as a tragic hero (McNeill 1992 : 179); despite being a killer, he silenced the "nagging" and escaped a long jail sentence. Such victim-blaming can be reinforced by comments from a judge. In case 44, a High Court Commissioner reportedly said that Catherine Kasuba's husband had done what any reasonable man would do in the circumstances when he shot his wife for alleged adultery and that "...if there were cases that deserved leniency, Kasuba's case was one". As a result, the actions of the woman seen to have provoked the attack "are the details that remain in the minds of the public, not the gruesome details of the assault or the trial where there was one" (Watts et al, 1995 : 46).

Generally, the reporting presents each case as an isolated phenomenon and not part of a general trend. For example, three women were reported to have been killed on Christmas Day 1993 but their deaths appeared in the press as separate incidents (cases 50, 56 and 58). The killings are presented as a private matter concerned with the interpersonal relations of individuals. Violence is depicted as "a reflection of bad marital relations, personality disputes, or intoxicating substances, not the manifestation of unequal power and a need for control" (Hester et al, 1996 : 77). Some are seen as horrible, inexplicable events, as in case 28, where a husband allegedly hit his wife with an iron bar and drove a nail into her eye. A policeman was reported as saying: "It's horrific. There's no reason in the world why somebody would do such a thing" (Mulenga 1994 : 1). Occasionally accounts can pathologise the accused, depicting him as crazed. A murder-suicide (case 4) in which a Zambian man of Asian origin shot his wife, daughter, and then himself is described as "a bizarre incident". However, the data suggests that murder-suicides and multiple domestic killings occur often enough not to be considered bizarre.

Depictions of Agency

Newspaper accounts convey messages about the agency of the actors involved. Because of the preoccupation with the victim's actions, the responsibility of the accused is diminished. The suggestion is that he lost control and was somehow "governed by a force independent of (his) own will" (Walker 1992 : 329). The accused are seen as simply reacting to the victims' actions, instead of determining the course of events by choosing to be violent. However, the idea that men have the right to judge and police women's behaviour, then punish them accordingly for any breaches, is implied in many accounts. The male perspective in the articles does not contain any suggestions that the women might have had a different version of events (if it could be heard). The victims are silenced in death, and the media often reinforces that silence.

Although women are depicted as having provoked the attacks, paradoxically they emerge as powerless. Accounts of their deaths read with numbing finality, and few include any reference to their agency and possible efforts to fight back, seek help, or run away. The testimony about Margaret Bwalya is the only case that conveys a sense of hope in the description of how she tried, without success, to save her own life. As well, the frequent use of the word "victim", apart from implying blame, can render invisible women's resistance and coping strategies against violence (Hester et al, 1996 : 20). The newspaper accounts may remind women readers of the power that men can have over their lives. Radford (1994 : 6) sums up the message as: "Step out of line and it may cost you your life".

In general, the newspaper's treatment of the cases reflects society's attitude toward the issue: either with indifference or blaming women for what happens to them. Watts, Osam and Win (1995 : 47) note that the media's low priority and forms of coverage of the killings of women "helps keep the extent and severity of the problem hidden and helps perpetuate blaming attitudes towards the women murdered". It is possible to take this a step further, and suggest that newspaper coverage of domestic homicide represents a secondary level of silence. Not only is battering and abuse in the

family a hidden crime, even when it is not fatal, but newspaper accounts fail to adequately reveal the true horror of the killings, their gendered nature and sometimes, who the guilty party is. As Lamb and Keon (1995 : 219) assert, the media tends to "reflect society's own ambivalence about holding men responsible for their violence". That ambivalence will be discussed with specific reference to the criminal justice system in Chapter 6.

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CHAPTER 6: JUDICIAL INTERPRETATIONS AND GENDER IDEOLOGIES

This chapter will examine the court outcomes in cases where such information is known. It will also explore how judicial interpretations reflect assumptions about gender roles and how these interpretations could be reflected in sentences.

Table 11 records outcomes. A court outcome is known in 41.3 per cent of cases (as noted earlier, newspapers may not follow all cases through the criminal justice system). Of the 62 cases included in this total, 58 ended in conviction, 7 on a charge of murder and 51 on a charge of manslaughter. There was one nolle prosequi, and three acquittals.

The Law in Zambia

The Zambian legal system consists of two separate legal systems: customary law and statutory law, based on English common law. Cases involving murder and manslaughter are tried in the High Court of Zambia. A conviction of murder carries the death sentence, while manslaughter carries a maximum penalty of life imprisonment (GRZ, Penal Code of Zambia 1964 : 83). In practise, murder charges may be reduced to manslaughter, and judges can exercise wide discretion in sentencing for manslaughter.

The most common defences suggested in the cases appear to involve provocation, intoxication or insanity. Under Zambian law, provocation is a partial defence to murder that reduces the offence to manslaughter. It is worded very similarly to provocation in English law. Sections 205 and 206 (GRZ, Penal Code of Zambia 1964 : 84) state that homicide carried out "in the heat of passion, caused by sudden provocation" may be tried as manslaughter instead of murder. However, the provocation must be that which would make an "ordinary person" lose self-control, the "ordinary

person" being one "of the community to which the accused belongs". While this dissertation will not deal specifically with legal principles, it is useful to ask how an "ordinary person" is defined and what expectations Zambian society has of his or her reactions to provocation. This question can be partially answered by examining the expectations of gender roles expressed in the courts. Judicial attitudes to such issues are important because of the power of judges to interpret the law on manslaughter, where it is recognised there are a variety of circumstances, possible defences and, therefore, sentences. This contrasts with some offences in Zambia which carry minimum or maximum sentences. For example, a conviction of aggravated robbery includes a minimum 15-year sentence, while sentences for various types of stock theft must be, by law, no less than 5 years and no more than 15 years (GRZ, Penal Code of Zambia 1969, 1974, 1987 : Sections 294 and 275).

The courts and gender ideologies

In 16 instances, the newspapers reported comments that judges and/or defence lawyers made about a specific case. These comments are listed in Table 11.

One theme running through the cases, either in the comments or implied by the sentences handed down, are expectations of what is appropriate behaviour for both men and women and the clear influence of gender-based social norms. As has been noted in Chapter 3, a man is seen as "the head of the household" in Zambia and some degree of violence, particularly in intimate relationships, appears to be sanctioned. A similar attitude is reflected in the provocation defence in English law, which the Zambian law closely resembles. Horder (1992 : 194) argues that violent outbursts by men are "all too commonly regarded as natural or understandable - perhaps even appropriate". If male violence is seen as natural and expected, then the focus can become the "provocative" actions of the women seen to have unleashed that violence. Edwards (1987 : 158), in regard to the English legal system, notes the ideological constructs that can influence how police and courts process domestic assault and homicide cases. These include:

- the degree to which women conform to or deviate from appropriate female roles of wife, mother and homemaker,
- the degree to which women are seen as responsible,
- the degree to which women are thought to have provoked their own demise either by being:
 - a) sexually inappropriate (having affairs outside marriage),
 - b) being inappropriate in terms of gender i.e. being bad mothers, bad cooks, bad housewives and,
 - c) challenging either the gender assumptions of their expected roles or challenging male domination.

In Britain, female victims of domestic homicide are frequently perceived as "provoking their own demise" and assaults against their person are very much seen as "victim precipitated" (Edwards (1987 : 152). Rapaport (1994 : 247) observes how a woman's inappropriate sexual behaviour is perceived as particularly offensive:

Adultery derogates (a husband) from his manhood, which both entitles him and requires him to control his wife, sexually and otherwise. Within the patriarchal conception of marriage, any challenge to masculine control - adulterous behaviour or inclinations, contesting household authority, or leaving - is an assault on both legitimate prerogatives and the very masculinity of the husband.

According to a study of wife murder in Brazil (Human Rights Watch 1995 : 356), the notion that a man's honour can be gravely threatened by his wife's adulterous or challenging actions reflects deeply rooted proprietary attitudes towards women.

In Zambia, a woman who commits adultery or refuses to have sex, obey orders or perform domestic chores could be seen to cast doubt on her husband's status as household head, and therefore, his very manhood. The threat this represents is reflected in the comments from the bench (Table 11). Court details from cases 44 and 101 suggest that a cuckolded husband is somewhat justified in killing an adulterous wife. Although the justices could have imposed a life sentence for manslaughter, they handed down suspended sentences. Cases 101 and 102 appear to involve a challenge to the man's authority when the woman argued with him or reacted to the discovery of

his adultery. In cases where no comments from the bench are recorded, the short sentences suggest that the judiciary may be influenced by their own perceptions of gender roles, and the fact that the victims deviated from those roles. In cases 5, 10, 42, and 71, which ended with convictions and sentences of less than three years, the victims appear to have directly questioned male authority and privilege: she was seen to be looking for him at his girlfriend's house, she came home drunk and started a fight, she suggested he could not father children and she had an abortion.

In examining expectations about male behaviour, the perceived right of men to have adulterous affairs is not reported to have been commented on by judges (cases 8 and 102). On the issue of violence in an intimate partnership, the message is somewhat mixed. In three cases (98, 99, and 106), the justices appear to have rejected a defence of provocation and/or drunkenness, thereby implying that the husband's lethal attack was disproportionate to the provocation offered by the woman. In case 6, where the man was sentenced to five years in jail, the justice stated that "the attack was excessive on a defenceless woman". In case 107, where no sentence was recorded, the justice said there was no indication that the accused had been provoked to an extent that he should beat up his wife. Case 108 contains the strongest statement against domestic violence recorded in the data: "turning a wife into a punching bag was not allowed in Zambia...violence was not the solution for marriage and people should learn to respect their wives. If your wife becomes a problem, please don't hesitate to divorce her".

Some rulings, however, could be seen to legitimise men's use of violence to control women and their behaviour (cases 44, 101 and 102). In case 55, when the judge reportedly said that the accused should have "exercised constraint", it is unclear whether he is suggesting that beating a wife is wrong, or that the accused used too much violence, thus killing the woman. Clearly the sanctioning of even minor amounts of violence opens the door to more brutal and possibly fatal levels. While the justices are not reported to verbally condone violence in the home, there appears

to be an assumption that the perpetrators cannot control their anger and are therefore not fully responsible for their actions. Such an understanding reflects standard criminological dichotomies of homicide: expressive killings result from a sudden explosion of temper while instrumental killings are committed for specific gain. Stanko (1994 : 41) argues that such a view "overlooks the gendered context, knowledge and meaning of violence" and the instrumental purpose behind male violence directed against women.

Patterns of sentencing

The data reveals some extremes in sentencing patterns for men who kill intimate partners or other women in the family. Table 10 shows that seven have been sentenced to death for murder while two have been imprisoned for periods of longer than 13 years. Generally, however, the sentences appear to be fairly short, involving a custodial sentence, a sentence with hard labour, or a suspended sentence. Although these three types of sentences are not directly comparable, in 39 cases (76 per cent), a sentence of less than six years in custody was handed down. These included six suspended sentences, which means the guilty party would not be imprisoned unless he committed another violent offence during a specified time.

There appears to be several avenues of escape from harsh penalty for men who kill their intimate partners or other female family members. Various factors may be mentioned to mitigate the sentence, including having children or parents to look after, being old, or possibly being "haunted" by the killing for the rest of his life. An interesting issue is raised about the status of the first offender, referred to in case 102 by the lawyer for the defence and mentioned in case 5. It is not clear how often men convicted of killing a wife have their sentence mitigated on the grounds that the charge of manslaughter represents their first brush with the law. Because domestic violence is frequently non-prosecuted in Zambia, a husband who assaulted his wife during their relationship may arrive in court with no criminal record. However, research elsewhere suggests that domestic

killers have a very high incidence of prior assaults on their victims and histories of assault on other women with whom they are sexually intimate (Coker 1992, cited in Rapaport 1994 : 237). Holmes and Holmes (1994 : 20), in a study of homicide in America, have noted that in 80 per cent of domestic homicides, the police were called to the home at least once before the incident, and in more than half the cases, they had been called five times or more.

The data suggests that men who kill female family members may be dealt with somewhat more harshly than men who kill intimate partners. Many sentences in cases of family homicide are under five years, with the shortest one being two years. In contrast, there are 12 sentences of two years and under among those convicted of domestic homicide. Thus, the sentence appears to be more lenient when the perpetrator was the husband or boyfriend of the victim. This could be seen to imply what kinds of women are more acceptable to abuse, with wife-killing viewed as less serious than the slaying of a mother, sister or other female family member. However a larger sample of cases would be needed to verify this.

Judges may be reluctant to view domestic homicide as serious and issue harsh punishments because they may see such crimes as difficult or impossible to deter. Rapaport (1994 : 237) asserts that men who kill their wives are viewed as out-of-control individuals, motivated by passion rather than careful calculation, and unlikely to pose a future threat to society. In the Zambian context, the frequent use of the word "provoked", together with the short sentences on the lesser charge of manslaughter, would suggest that the justices do view many of the killings as sparked by blind rage. However, studies elsewhere have suggested a high degree of prior planning in domestic homicides, despite the preconception that they are crimes of passion committed by enraged partners. Rapaport (1994 : 233) notes the "domestic discount" in effect in Florida, which shields defendants from a death sentence. The state's Supreme Court ruled that intimate homicides are held to be committed in the grip of "heated passion", regardless of any indication of preplanning. Polk (1994 : 31) found

that two-thirds of cases of intimate homicides revealed some clear element of prior planning in the events leading to the death. In wife-murder cases investigated in Brazil, "the courts seemed unusually willing to overlook evidence of intentional homicide on the part of the accused and focus instead on the behaviour of the victim and its alleged provocative effect" (Human Rights Watch 1994 : 361). In cases 8 and 71, the victims appear to have died slow deaths following battering that continued for days, but the perpetrators were sentenced to two and three years respectively for manslaughter. On the face of it, this raises questions about whether a charge of murder or manslaughter is most appropriate and how defences, particularly provocation, are being used. However it is clear that court transcripts would be needed to provide a clearer picture.

CONCLUSION:

The data and discussions presented in the previous chapters have provided a picture of intimate and family homicides of women. Women of any age may be at risk, although intimate homicide appears to be directed more against women of child-bearing age. Men of almost any age and socio-economic group can be offenders. The attacks most often took place in the home, although not exclusively so and a wide range of weapons were employed. Some of the methods used by the accused were shown to be similar to methods of state-sanctioned torture. A key finding is that control and power of women appear to be underlying factors in lethal domestic violence, particularly when the victims challenged men's behaviour or questioned their authority, engaged in sexual behaviour deemed inappropriate, or failed to conform to expected gender roles involving the provision of domestic and sexual service.

Media coverage of the cases appears to reflect myths and misinformation about domestic violence/homicide. The cases are presented as isolated, exceptional events, rather than as a trend resulting from a system of gender domination. The language used and the details revealed can hide the brutality involved, blame the victim for the assault, and perpetuate the idea that such killings are "domestic affairs". More details are published about the accused, while the women nearly disappear as individuals. Men are often depicted as justifiably "out-of-control", unable to contain their rage and violence. Women, once having "provoked" this anger, are portrayed as passive victims. In reality, it seems likely that at least some of the women would have tried desperately to save their own lives. In general, the coverage could be said to create a secondary level of silence. Domestic violence is largely a hidden crime in Zambia, and newspaper accounts of violence that result in a woman's death tend not to provide a full, fair or accurate picture of the events.

Judicial attitudes toward gender roles and behaviour could influence the outcomes and sentences in

such cases. There are assumptions about appropriate behaviour for both men and women implicit in the judge's comments, particularly in reference to the defence of provocation and the concept of the "ordinary person". The pattern of short sentences suggests the perpetrators are not always harshly punished. Although the courts are merely dealing with the after-effects of domestic violence, in some cases, the judges could be said to condone violence by calling a man's violent behaviour against his wife "reasonable" and imposing a suspended sentence. In case 115, the judge handed down an 18-month sentence and warned the man not to be violent when he remarries "because you may not be so lucky next time".

Media and court treatment of domestic homicide has several important effects. First, the public/private dichotomy is maintained, despite the impression given by the cases that home is not necessarily a safe place for women. Only when such violence results in a death does it become an issue in the public sphere, particularly for courts and the media, though they may still describe such killings as arising from a "domestic dispute". Second, stereotypes about the expected behaviour of men and women are perpetuated. "In effect, men are awarded the right to chastise and to castigate..." (Edwards 1987 : 153), while women are expected to remain subservient or face the possibility of violence. Third, unequal gender relations are maintained, propped up by the reluctance of the state and other institutions to adequately protect women in the home and consistently punish violent men. "Violence against women (remains) outside officially used definitions of crime, and away from the only arm of the state mandated to protect - the police and the criminal justice apparatus" (Hester et al, 1996 : 77). In light of such attitudes, it is not surprising that Zambia's human rights commission does not consider the various forms of gender violence as violations of human rights. A fourth and final effect is that the lives of many women, and children, are lost and the lives of others remain at risk.

In conclusion, this dissertation raises various issues about the domestic homicide of women by

intimate partners and family members in Zambia, although it is clear that more research is needed in certain areas. Researching and analysing cases, however, is a first step in making domestic violence/homicide a "public issue" by revealing the details of such cases and deconstructing the gender ideologies reflected in society's responses to them.

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APPENDIX I: Tables 1-11

	Number of cases	Percentage
Media		
Times of Zambia	105	70.0%
Zambia Daily Mail	13	8.7%
The Post	4	2.7%
Crime News	2	1.3%
Weekly Express	1	0.7%
Other sources		
Police	11	7.3%
Individual stories/testimony	5	3.3%
Two or more sources	8	5.4%
Source unclear	1	0.6%
Total:	150	100%

	Intimate	Family
Total cases	123	27
Total victims	130	30
Cases with one victim	116	26
Cases with 2 or more victims	7 (a)	1 (b)
pregnant victims	6	0

a: This figure comprises two cases where two adult women died together and five cases that claimed the lives of mothers and children together

b This case includes to four women killed by an uncle

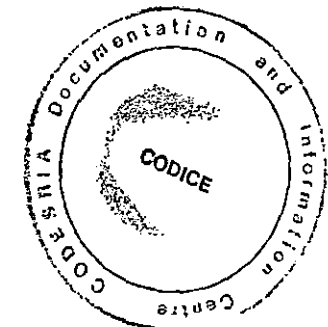


Table 3. Relationship of accused to victim (a)		
	By case	Percentage
Intimate partner		
Husband	109	72.6%
Ex-husband	1	0.7%
Boyfriend	8	5.3%
Not clear	5	3.4%
Family		
Son	9	6.0%
Grandson	5	3.4%
Son-in-law	3	2.0%
Uncle	3	2.0%
Father or grandfather	2	1.4%
Stepson or stepfather	2	1.4%
Brother or brother-in-law	2	1.4%
Total:	150	100%

a: The unit of analysis is the case, not the victim. In cases where there was more than one victim, only the primary victims are included above. In total there were 167 victims in 150 cases.

	10 and less	20 and less	21 to 30	31 to 40	41 to 50	51 plus	Total:
Number of victims	4	4	11	4	2	5	30
Percentage of total:	13.3%	13.3%	36.7%	13.3%	6.7%	16.7%	100%

Intimate partners	Victims (women)	Accused (men)	
123 cases	housewife (3) marketeer mother of two tavern operator family planner	unemployed (4) police officer (3) soldier (3) general worker (2) security guard (2) farmer (2) mining official (2) Air Force member church minister police inspector brewery worker businessman teaching college executive	security head village head miner electrician fishmonger charcoalmaker ANC member gardener cleaner fisherman taxi driver
Family	Victims	Accused	
27 cases		farmer (2) soldier	

a: Occupations with no number signify only one in that category

	Number of cases	Percentage
Urban	48	32%
Peri-urban	43	28.7%
Rural	43	28.7%
Not clear	16	10.6%
Total:	150	100%

a: Categorising urban, peri-urban and rural areas is problematic in the absence of precise definitions from the Zambian government and/or urban and rural district councils.

In this case, places such as Lusaka, Copperbelt towns, Mongu, Livingstone, Mazabuka, Monze, Choma, Mumbwa, Kafue, Kabwe, Chipata, Lundazi, Kasama, Kapiri Mposhi, Solwezi, Mansa and Mbala were considered urban. Smaller settlements in remoter areas, such as Kalomo, Kabompo, Kasempa, Mkushi, Namwala, Kaoma and Nchelenge were considered rural areas.

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Table 7. Weapons used		
	Number of cases	Percentage
No details ("murdered" or "killed")	44	
Assaulted/injured/"beaten to death"	42	
Sub-total:	86	51.8%
Without weapons		
Kicking	10	
Punching	7	
Pushing/Falling	7	
Slapping	1	
Stomping	1	
Strangling/choking	2	
Sub-total:	28	16.9%
With blunt weapons		
Iron bar	6	
Stick	6	
Hosepipe	2	
Pounding stick (for maize)	1	
Dustbin	1	
Plank	1	
Brick	1	
Brazier (charcoal cooker)	1	
Assorted objects	1	
Sub-total:	20	12.0%
Stabbing/Piercing weapons		
Unknown/"hacked to death"	6	
Gunshot	6	
Axe	6	
Knife	3	
Spear	2	
Umbrella	1	
Bow and Arrow	1	
Nail	1	
Sub-total:	26	15.7%
Fire	6	3.6%
Total:	166	100%
Combination of two methods	{16}	

Table 8. Alleged motives			
	Intimate	Percentage	Family (a)
Adultery	26	21.1%	0
Not performing domestic duties	7	5.7%	2
Challenging/threatening/not taking orders	18	14.7%	8
Disputes over sex/children	4	3.3%	0
Quarrels/"domestic disputes"/differences	21	17.0%	4
Ritual killing/vengeance/insanity	2	1.6%	2
Details unclear	2	1.6%	1
Unknown	43	35.0%	10
Total:	123	100%	27

a: percentages not given because of small sample

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	All cases	Percentage
Convicted of murder	7	4.7%
Convicted of manslaughter	50	33.3%
Charges withdrawn/acquittal	4	2.7%
Suicide/death of accused	9	6.0%
Held in police custody/on bail	32	21.3%
Police looking for suspect	8	5.3%
Unreported	40	26.7%
Total:	150	100%

Intimate homicide	Custodial sentence	With hard labour	Suspended sentence	Death sentence
Less than six years	11	16	6	
7 to 12 years	5	3	0	
13 to 18 years	0	0	0	
More than 19 years	1	0	0	
Total:	17	19	6	5
Family	Custodial sentence	With hard labour	Suspended sentence	Death sentence
Less than six years	5	1	0	
7 to 12 years	1	0	0	
13 to 18 years	0	0	0	
More than 19 years	1	0	0	
Total:	7	1	0	2

Table 11. Comments from the Judiciary and Defence Lawyers

Case 44: "He could not reasonably be expected to be in control of his mental facilities. The husband did what any reasonable man would have done in the circumstances" and "if there was any case that deserved leniency, Kasuba's was one". (Two-year suspended sentence. The husband shot his wife in the family yard after she was dropped her off by a man in a car early in the morning.)

Case 55: "Since the accused had eight children with the deceased, he should have exercised constraint" (Two years hard labour. He attacked his wife on "suspicions of adultery".)

Case 75: The accused is an old man and "lived on borrowed time". (Three-year suspended sentence. The husband beat the wife to death on the way home from a beer party, when she told him she was too drunk to keep pace with him and wanted to sleep on the road.)

Case 81: "The deceased was to blame". (Twelve months, no description of the woman's actions.)

Case 101: "The provocation offered by your wife was such than any self-respecting person would lose control. The facts reveal that you did not use a lethal weapon, you only used your fists. I feel this case calls for maximum leniency." (Three-year suspended sentence. The husband suspected the woman had committed adultery.)

Case 102: One justice observed that the woman was the aggressor (she threatened to break his office window after learning the accused "had accommodated a girl in the hostel" of the college where he worked). The justice said the husband would be haunted by the fact that he caused the death of his wife for the rest of his life. (Six months with hard labour but the man was freed immediately after the trial because of time served in detention.)

Case 103: "Mwanza (a Pentecostal Church of God Minister) had been provoked by his wife and would be haunted for the rest of his life for killing his wife and the mother of their four children." (One year hard labour. The couple quarrelled, but no other details are given.)

Case 115: One High Court Commissioner advised the husband not to be violent when he remarries "because you may not be so lucky next time". (Eighteen months but the husband was freed because he had served time in detention. He found his wife with a woman and another man, whom he suspected of being her lover.)

Case 117: A Lusaka High Court Judge said the fact that the husband used the blunt side of the axe indicated that he did not mean to kill his wife. (Ten years hard labour. The two had argued about money for relish.)

Case 108: The judge said that "he was concerned by the behaviour of men who beat up their wives whenever they quarrelled, noting that turning a wife into a punching bag was not allowed in Zambia. "Violence was not the solution for marriage and people should learn to respect their wives. If your wife

becomes a problem, please don't hesitate to divorce her." (Ten-year sentence. The husband beat his wife to death after a quarrel.)

Case 6: "The attack was excessive on a defenceless woman". (Five-year sentence. She was killed "after a domestic dispute".)

Case 98: The accused had taken a long time to beat her and his defence of provocation did not hold (Death sentence on a charge of murder. He found her in bed with another man and beat her for six hours, while dragging her 1.5 kilometres).

Case 99: The justice refused his defence of drunkenness and provocation. (Death sentence on a charge of murder. She had refused to move to another farm with him.)

Comments from defence lawyers:

Case 105: The accused's lawyer told the court that the man had tuberculosis and had become hard of hearing due to blows from his fiancée when they fought. (Two-year suspended sentence. He found her outside the home with another man.)

Case 106: The defence lawyer argued that the accused was a responsible citizen with six children and parents to look after. (Eighteen-month sentence, suspended for two years on the condition that he is not found guilty of any offence involving violence. The couple went to church together. She arrived home a half-hour later than him. He asked where she had been, and when she laughed, he assaulted her.)

Case 102: His defence lawyer argued that his client was a first offender who had caused the death in "very unfortunate circumstances and would lose his job as a result". (Six months with hard labour but the man was freed immediately after the trial because of time served in detention.)

APPENDIX II: Cases (1973 to June 1996)

Source Key: TZ: Times of Zambia
ZDM: Zambia Daily Mail
CN: Crime News
WE: The Weekly Express
Post: The Post
Central Police Files
Stories from individuals

Intimate Homicide (alleged cases marked with a *)

1996

*1) Bupe, Violet, was allegedly beaten to death by her husband in Odeka Farm, Lusaka, "during a domestic brawl in which she sustained a dislocation of the neck which could have caused her death. Police have started a manhunt". (Post, 14/2/96)

*2) Unnamed woman, was allegedly stabbed to death in Ndola by her husband. Police say "he stabbed his wife with the tip of the umbrella in the stomach in a domestic dispute". (TZ, 9/2/96)

3) Unnamed woman, and her daughter, were shot to death in Ndola "in a bizarre incident". The man, identified only as A.V. Naik, a Zambian of Asian origin living at Plot 3728 Chalo Chesu Road, Itawa residential area, is said to have killed himself, his wife and a daughter with a Webley pistol. Another daughter is reported to have survived the attempt and is in hospital. "The man shot himself through the mouth after shooting his family," a police spokesman said. "Police had to break the door to gain access into the house as he had locked himself and his victims up." Police have since started investigations to establish the motive for Naik's actions. (Post, 16/4/96)

*4) Nkhoma, Sibeso, was allegedly killed by her husband, Gibson Nkhoma, after he slashed her neck with a knife on June 21 in Lusaka's Kanyama Compound. Neighbours of the couple said the incident occurred when the deceased could not cook nshima (traditional food made with maize meal, or mealie meal) for her husband because there was no mealie meal at home. Nkhoma has since disappeared and a manhunt has been ordered for him to face murder charges. A neighbour, who declined to be named, said it started when the man came from beer drinking and accused Sibeso of being lazy and not using initiative to ask for mealie meal from neighbours. The neighbour confirmed, however, that Sibeso had earlier in the day approached her for mealie meal. "I couldn't help her because I just had a pamele (small packet of mealie meal)," she said. Neighbours heard Sibeso screaming at night and but found her dead by the time they arrived. (Post, 25/6/96, under the headline "Housewife murdered")

1995

5) Bwalya, Margaret, four months pregnant, died March 20, 1995, in hospital in Lusaka after being beaten for a full day a few days earlier. A postmortem examination revealed that the foetus had died, and that the woman suffered

from a broken rib and brain injury. Her husband, Costain Sitwala, was sentenced to three years. (See also Appendix III: Testimony)

*6) Chanda, Evelyn Banda, was allegedly beaten to death in January 1995 in Lubuto West by her husband, Stanley Chanda, 30, a security guard, who pleaded not guilty in Ndola High Court. He was discharged by Justice Sylvester Simachela after Principle State Advocate Suzgo Munthali said "he was entering a nolle prosequi as he had problems with witnesses to prove the case against Chanda". (TZ, 13/6/95)

7) Chileshe, Emmah, of Kitwe, was killed by her husband, Gilbert Manyalashi, 33, on July 19, 1995, "after a domestic dispute" by "kicking her all over the body and dragging her to the ground". Manyalashi was sentenced to five years hard labour for manslaughter by High Court Commissioner Forrest, who ruled that "the attack was excessive on a defenceless woman". (TZ, 11/1/96)

*8) Chiyeka, Zenia, 65, of Chingola, was allegedly beaten to death by her husband, Pius Mukuka, with a brazier (small charcoal stove) for "failing to prepare his meal". (ZDM, 19/8/95)

*9) Imangolwa, Kalaluka, of Senanga, died of injuries on March 19, 1995, after an alleged assault by her husband in July 1994. Police are holding the man for murder. (TZ, 23/3/95)

10) Mofu, Belita, of Kitwe, "died on June 5, 1995, from injuries inflicted by her husband", Tisa Bwalya, after she returned home drunk. "She woke him up and a fight ensued." Bwalya was jailed for 18 months for manslaughter. (TZ, 8/3/96)

11) Musonda, Helen, of Kitwe/Mufuchani, was beaten to death by her husband, Joseph Nyekesha, 34, after he found her drinking beer with a man. He was sentenced to one year hard labour by Kitwe High Court Commissioner Chugani. (TZ, 4/2/95, 22/7/95)

12) Mulenga, Dorothy, was beaten to death by her husband in October after he accused her of committing adultery. Isaac Miselo, 57, a fisherman of Kamafwesa village, Kafubu Dam, pleaded guilty to manslaughter before Justice Sylvester Simachela of Ndola High Court, who sentenced him to 12 months in jail. A newspaper account reported that "Miselo had gone drinking with his wife and returned home. The next morning he discovered his wife had spent the night out. She came home, he asked her where she had been and she said she had spent the night with George Mwila's wife at their home. A short while later, Mrs Mwila came to Miselo's house shouting abuse at his wife, saying she had slept with her husband (Mr Mwila). Miselo beat his wife who could not explain. She later died." (TZ, 7/5/96)

*13) Nambaya, Judy, of Ndola/Kantolomba, is alleged to have "died a few minutes after she was assaulted by her boyfriend whose name has been withheld by police". (TZ, 27/12/95)

*14) Unknown woman, of Chipata/Navutika, was allegedly killed by her husband, 42, after being "found committing adultery in another man's house" on February 6, 1995. (TZ, 9/2/95)

*15) Unknown woman, of Kabwe, was allegedly killed by her husband. Police are holding the man for questioning. (TZ, 1/3/95)

*16) Unknown pregnant woman of Kitwe/Chifubu was allegedly killed by husband, Christopher Kalulu, 25, "who is alleged to have beaten his wife who died a few days later from her injuries". (TZ, 12/4/95)

*17) Unknown woman and her daughter, 7, of Kapiri Mposhi, were allegedly "found beaten to death by a man, presumed to be the husband, who subsequently killed himself". (CN, 18/12/95)

1994

18) Bwalya, Vera Loti, of Ndola/Lubuto, was battered to death by her husband, Bernard Bwalya, 31, on February 15, 1994, with a pounding stick and an iron bar, which broke her skull and arms. He suspected "that she wanted to poison him", because he vomited after drinking orange juice. He was charged with manslaughter and sentenced to 12 years hard labour. (TZ, 16/1/95)

*19) Chanda, Yale, of Lukomena Village in Samfya, was allegedly beaten to death by her husband at around 4 a.m. for refusing to cook nshima. "He beat her with assorted objects until she died." (ZDM, 9/12/94). "The man returned home at about 4 a.m. and was not happy when he found his wife had not kept nshima for him." He will appear in court charged with murder. (TZ, 9/12/94)

*20) Divula, Pauline, was allegedly axed to death by her husband, Rayford Shatobolo, after a quarrel. After seeing his wife had died, Shatobolo ran away from their home on the van Wyk farm in Kalomo. Police have launched a manhunt for him. (ZDM, 31/5/94, TZ, 27/5/94)

21) Kanini, Mukamambo, was allegedly hacked to death in Choma on April 9, 1994, by her husband during "a domestic quarrel." The man, Jackson Mulala, later killed himself by drinking pesticide. (TZ, 13/4/94)

*22) Katoka, Angela, 27, and eight months pregnant, was allegedly beaten to death in Kitwe, in Racecourse Township, by her husband, whose name has been withheld. He will appear in court soon. (ZDM, 31/5/94)

*23) Keshi, Nkonde, of Chiwala village in Ndola, was allegedly murdered by her husband, Kafwebu, a farmer. (TZ, 8/11/94)

*24) Malakata, Dorothy, 27, of Litulu Village near Chongwe, died of haemorrhagic shock after allegedly being beaten by her husband following a quarrel on April 18, 1994. Her body was found behind Chongwe Market, stripped naked and with her throat slit by a sharp knife found on the scene. The deceased was allegedly found committing adultery near a bar. Police have arrested her husband, Boniface Nkoma, 32 and unemployed, in Chitamalesa area of Chief Bunda Bunda. (ZDM, 20/4/94, Chongwe Police Post through Central Police Files)

*25) Mambwe, Margie, 18, was allegedly beaten to death in her home on December 6, 1994 in Chililabombwe. Her husband reported her death to the

police, who found her body hanging from the roof of her house. They arrested him after noticing swelling, bruises and blood on her body. (TZ, 8/12/94)

*26) Mukubunda, Namoshi, 27, was found dead in her compound home in Mongu/Mulangwa. Because of "conflicting reports about the cause of death" the boyfriend who had been present before her death is wanted to "help with investigations." (ZDM, 7/11/94)

27) Muma, Grace Nkazwe, of Chililabombwe, was beaten to death by her husband, Lombe Muma, 29, on July 30, 1994, "after a domestic dispute". She suffered injuries and fell unconscious, so he asked neighbours for help to take her to hospital, where she was pronounced dead on arrival. Justice Mwape of Kitwe High Court sentenced the miner to four years hard labour after reducing the charge from murder to manslaughter. (TZ, 13/12/94)

*28) Musenge, Elizabeth Phiri, of Chawama, Lusaka, was allegedly beaten by her husband, Elias Phiri, 29, on August 10, 1994, after he returned from a drinking spree and the couple quarrelled. He disappeared for four days after seeing she had collapsed and was bleeding. Neighbours found her body after forcing the house door open on August 14. Phiri was arrested and will appear in court. (Central Police Files) According to the Sunday Mail (14/8/94), Elizabeth Phiri of Chawama was murdered, allegedly by her husband, on August 12. She was found on August 13 by her daughter in a crouched position with her head lying in a pool of blood; "she was hit with an iron bar on her head and had a nail driven in one of her eyes". (Photo provided on page 1).

*29) Mwabandile, Patricia Mungusa, 19, was allegedly killed and thrown into a sewage pit by her husband, a soldier, on September 17, 1994, in Kabwe. Her two children are now in their grandmother's care. (M. Kapoko from deceased's mother, Beatrice Mungusa of Shamabanse township in Kitwe.)

30) Nachande, Mary, of Chief Shakumbila's area in Mumbwa, was kicked and punched to death by her husband, Lyson Simoonga, 28, on November 23, 1994. He "suspected her of having had an affair," after he found her in the bush with a man. Justice Kabazo of Lusaka High Court sentenced the fishmonger to seven years hard labour for manslaughter. (TZ, 13/12/94)

*31) Ngulube, Bedelina, was allegedly beaten up in Kamanga Compound, Lusaka, on Sunday, November 13, 1994, by "the boyfriend Moses" and died the following Wednesday. (TZ, 18/11/94)

*32) Nsofu, Maureen Chewe, 32, died of injuries after her unemployed husband allegedly beat her in August 1994 in Chiwemwe, Kitwe. She is believed to have argued with him about money. Her marketeer friends found her body in her home days later, after she failed to turn up at her market stall. She was buried before an investigation by police, who say they will have to exhume the body for an autopsy. Her husband was thought to be in Zaire, while the couple's four children have been split up among relatives. (Edna Luaba)

33) Nyaunde, Chipu and Nyaunde, Esther, a mother and her one-year-old daughter, were both shot to death in Lusaka's Makeni area on Saturday, May 8, 1994, by Prince Nyaunde, who then shot himself. Police believe his wife

struggled with him before she was killed. He then shot his child in the head, and later shot himself. In a note, he claimed he had been instructed by his late mother to "join her". (ZDM, TZ, 9/5/94)

*34) Phiri, Maria, 23, was allegedly beaten to death by her husband, Charles Njobvu, on December 29, 1994, at Konga in Makeni, Lusaka. Maria sustained internal injuries. (Central Police Files)

35) Sumeli, Kachingwe, of Kitwe, was murdered by her boyfriend, Joseph Kakumbi, 55, a charcoal burner of Kalulushi. He was jailed for four years for manslaughter after an earlier charge of murder was reduced to manslaughter. (TZ, 13/9/94)

*36) Unknown woman was killed in Kafue by her husband, an electrician, who pleaded guilty to manslaughter. (TZ, 5/5/94)

37) Yolum, Edna, was beaten to death by her husband "after domestic differences" at 3 a.m. on May 19, 1994, in Chisamba Village near Mansa. Robbie Chibangu Mwewa later committed suicide in the court clerk's office, where he was detained, by hanging himself from the office shelves with a pair of trousers. (TZ, 20/5/94)

*38) Unknown pregnant woman and her unknown mother, of Gwembe, were allegedly killed and then beheaded by the daughter's husband on New Year's Day while they worked in the fields of Bhondo area of Chief Munyumbwe. The suspect then turned on two children, aged six and seven years, but they escaped. (TZ, 3/1/94)

*39) Unknown woman of Kafulafuta, in Ndola Rural, was allegedly beaten to death by her husband "following a dispute". He was arrested by the police. (TZ, 17/1/94)

*40) Unknown woman, in Mazabuka, was alleged to have been ritually killed by her husband in September 1994. Police arrested the suspect, who was to appear in court soon. They found human hair and excreta in a bag he delivered to his wife's relatives. (TZ, 17/3/95)

*41) Unknown woman of Kitwe, Race Course Township, was allegedly killed by her boyfriend. Police have launched a manhunt. (TZ, 13/9/94)

1993

*42) Chimba, Katimba of Kitwe was allegedly beaten to death by her boyfriend on December 19, 1993, after he accused her of unfaithfulness (TZ, 22/12/93)

43) Kantumoya, Dainess, of Northwestern Province, was killed by her husband after she allegedly said he was unable to have children with her. John Kantumoya was sentenced to two years for manslaughter. (TZ, date unclear)

44) Kasuba, Catherine Tailashi, was shot dead by her husband, Teddy Kasuba, a businessman, on April 25, 1993, in Thorn Park, Lusaka. A Mercedes Benz she was riding in was sprayed with bullets as she was dropped off early in the morning by another man. Teddy Kasuba, who pleaded

"confusion", was convicted of manslaughter and given an 18-month sentence, suspended for two years. The judge, in his statement, is reported to have said that Kasuba did what any reasonable man would have done in the circumstances. In a story headlined "Wife Killer Spared," the court said that he "could not reasonably be expected to be in control of his mental facilities" and "if there were cases that deserved leniency, Kasuba's case was one". (ZDM, TZ, 29/3/94, 26/8/94)

*45) Katebe, Hildah, 28, was allegedly killed in Matelo village in Kawambwa after refusing to get maize from a field. Her husband, Moono Muleya, was arrested. (TZ, 11/03/93)

*46) Katilungu, Evern, was allegedly burned to death together with her son, 4, by her husband, Thomson Mbuyu, 35, on June 7, 1993, in Solwezi. He set his wife's hut on fire after she allegedly refused to sleep with him. Shortly before she died, he is said to have told her that "You are going to see something very serious since you have decided to divorce". (ZDM, 29/3/94)

47) Lanini, Winfrida, 20, of Libuyu Compound in Livingstone, was "hacked gruesomely to death," by her husband, Christopher Simasiku, who threw himself over the Victoria Falls during her funeral. (ZDM, 15/4/93)

*48) Maimba, Chima, was allegedly beaten to death in Namwala by her boyfriend, who accused her of being unfaithful to him. (TZ, 22/12/93)

*49) Mabwela, Monica, 26, of Mazabuka, allegedly died on the weekend of October 9, 1993, following a domestic dispute. Her husband has since been picked up by police. (TZ, date unclear)

*50) Mubita, Matilda, 47, of Namwala's Belina Compound, was alleged to have been murdered by her husband on Christmas Day 1993. (ZDM, 29/12/93)

*51) Mwelwa, Doris, was allegedly killed in Makululu Compound in Kabwe around 19:00 hours. Police arrested her husband. (ZDM, 28/4/93)

*52) Nyambe, Grace, was allegedly killed by her husband after a domestic quarrel on August 1, 1993, in Lusaka's Misisi Compound. He is on the run. (TZ, 2/8/93)

*53) Phiri, Mrs. Paul, of Kafue, was allegedly beaten to death by her husband on October 1, 1993. (TZ, 5/5/94)

54) Siachikanda, Chifumba, of Chiyabi village in Sinazongwe, was allegedly murdered by her husband, Sebela Munsaka, 71, on October 3, 1993, after "quarrelling over a missing K200". He said he was surprised that the woman died just after he slapped her. He was released on bail. (TZ, 18/1/95)

55) Tembo, Cecilia, of Luanshya, was killed by her husband, Paul Katemo, 46, a watchman, "who struck his wife to death with a hosepipe fitted with an iron bar on suspicions of infidelity" on December 17, 1993. Justice Sakala said "since the accused had eight children with the deceased he should have exercised constraint" and sentenced him to two years with hard labour. (ZDM, TZ, 10/8/94)

*56) Unknown woman, 34, the wife of a police inspector in Kansenshi Compound in Kitwe, was allegedly beaten to death on Christmas Day 1993, by her husband, following a fight near Nkhwazi township where they had gone for a drink. She sustained "injuries to her neck". (TZ, 27/12/93)

*57) Unknown housewife, in late February/early March 1993, was allegedly beaten to death following a quarrel with her husband in Kitwe's Luangwa Township. He was charged with murder. Relatives of the woman said she may have had her bladder ruptured. (TZ, 4/4/93)

*58) Unknown housewife, was allegedly burned to death on Christmas Day 1993 in Mufulira's Kawama West Township. Following a domestic dispute, her husband poured paraffin on her and set her alight. The woman's burned body was found in her bedroom. Her husband was arrested and charged with murder. (ZDM, 29/12/93)

1992

59) Mwansa, Mrs., was allegedly beaten to death in Chingola by her husband, who later hanged the body in the bedroom to make it look like suicide. Police arrested him. (TZ, 24/2/92)

*60) Pelekelo, Kalenga, was allegedly killed by her husband in Kaoma after a domestic dispute. (TZ, 26/6/92)

*61) Unknown, eight months pregnant, of Luanshya's Mikomfwa township, was allegedly hit on the back of the head with an iron bar by her husband. He accused her of being selfish and they quarrelled over a chicken cooked by his mother-in-law. She bled from the nose and ears and was pronounced dead at hospital. (TZ, 28/12/92)

*62) Unknown, 29, mother of two, was allegedly beaten to death by her husband, a Zambia Breweries employee, in Chifubu township in Ndola. (TZ, 29/4/92)

*63) Unknown woman, a housewife, in Luhila village near Livingstone, was allegedly killed by her drunk husband after a dispute. The man was held by police. (TZ, 20/1/92)

1991

64) Jamu, Emilia, was beaten to death by her husband who accused her of infidelity. She died on August 26, 1991. He was sentenced to three years hard labour. (TZ, 13/3/93)

65) Mwaanga, Eli, was beaten to death by her husband, Visitor Chiyala, on January 1, 1991, after Chiyala found his wife in the bushes making love to another man. He beat her there, and continued beating her at home, where she died the following day. The Livingstone High Court sentenced him to nine months hard labour for manslaughter. (TZ, 6/11/91)

*66) Nachula, Bupe, was allegedly killed by her husband and his two brothers who removed her heart and sold it to a Lusaka businessman who promised the trio enough money to buy them 10 cars. Bupe's bones were found in the bush

in Chief Fwambo's area in Mbala district. Her husband told police that he decided to sacrifice his wife because she did not produce any children, despite being married for many years. (TZ, 27/6/91)

67) Phiri, Elina, was shot dead on May 18, 1991, by an Ndola policeman, George Ngoma, who found her in bed with another man. He claimed he was disappointed because he wanted to marry her. He was sentenced to death by the Ndola High Court. (TZ, 7/3/92)

68) Mabwato, Kaze, was killed by her husband on August 30, 1990, after he suspected her of having an affair. He was jailed for four years with hard labour by the Lusaka High Court. (TZ, 21/2/92)

*69) Mwape, Pauline, was allegedly burned to death in Kabwe by her husband, Alex Mwape, on November 4, 1991. (TZ, 18/9/92)

70) Ngulube, Abigail, was beaten to death by her husband, John Kasembausha, on April 21, 1991. He arrived home, and found her coming home later, accompanied by two men. He hit her with his fist, and a stick, and she died the next day. Lusaka High Court sentenced him to eight years. (TZ, date unclear)

1990

71) Banda, Beatrice, died of a brain haemorrhage in Lusaka after her husband suspected she had an abortion and beat her for three days with an iron bar. During that time, her own relatives visited and saw her injuries - which included bleeding from the head - but she was not taken to the hospital until the third day. Swetch Tembo, 28, was sentenced to three years hard labour for manslaughter. (Central Police Files)

*72) Chanda, Jane Mwambela, five months pregnant, was allegedly beaten to death on January 14, 1990, by her husband, Leonard Samangwa, after a quarrel. Her husband was charged with murder. (Central Police Files)

*73) Gondwe, Selita, was allegedly killed by her husband, Safeli Chileshe, on October 27 or 28, 1990, in Chililabombwe. He was committed to the High Court on a charge of murder. (TZ, 3/4/92)

*74) Kahyata, Joice, was allegedly killed by her husband, Patrick Kahyata, 32, on September 17, 1990, when he beat her to death with a stick. It is alleged that Kahyata went drinking with his friends and was later joined by Joice. On the way home, she was too drunk to keep pace with her husband. He dragged her and a quarrel followed. He hit her repeatedly with a stick until she fell to the ground, where she was discovered dead the next morning. Kahyata surrendered himself to police. (TZ, 12/2/91)

75) Mwila, Gocha Sandalina, was beaten to death by her husband, Richard Gocha, in Kitwe on September 9, 1990. Kitwe High Court Judge Jack Chitundu heard that the couple had gone to a beer party and on the way, Sandalina told her husband that she was too drunk to walk and wanted to sleep on the road. This angered him, and he beat her with sticks and dragged her home. On arrival he realised that she was dead. The judge gave Gocha a three-year suspended sentence because he was an old man and "lived on borrowed time".

(TZ, 7/6/91)

*76) Mwasi, Estelle, a housewife, was allegedly beaten and later died by her husband, Anashi Musha, 49, of Chembe South on July 1, 1990. Musha kicked his wife in the ribs, threw her on the ground and stepped on her head. She was rescued by a passerby but became so confused she eventually ran into the bush and later died there. Her partially decomposed body was found on July 17, 1990. (TZ, 6/6/91)

*77) Unknown woman, in Kasama, was allegedly axed to death by her husband. (ZDM, 24/1/90)

*78) Unknown woman was beaten to death by her husband who later committed suicide in Kankoyo township in Mufulira. Neighbours found both bodies in the house. (TZ, 9/4/91)

*79) Unknown woman was allegedly beaten to death by her husband, who set her body on fire, in a rural area near Kabwe. He accused her of having an affair with another man. Police were looking for him. (TZ, 11/9/90)

*80) Unknown woman was allegedly beaten to death by her husband in Chililabombwe and her body thrown into the Kafue River. It is alleged that the woman was caught committing adultery with another man in the couple's bedroom and that the husband beat her and she died the next day. He is later alleged to have tied her body to a bicycle, dragged it to the river and dumped it. (TZ, date unclear)

1989

81) Kazhila, Margaret, of Silimbana, was killed September 15, 1989, by her husband. The charge was dropped to manslaughter from murder and the husband sentenced to 12 months in prison because the High Court Judge ruled that the "deceased was to blame". (TZ, 17/11/90)

82) Mpundu, Alice, of Kamatipa Township in Kitwe, was killed March 3, 1989, by her husband, who kicked her in the head and private parts with his boots because she had been drinking with friends. He was sentenced to five years hard labour by the Kitwe High Court. (TZ, 10/2/90)

83) Mutihita, Lilunga, was killed by her husband on September 16, 1989 in Mazabuka. He was sentenced to 18 months with hard labour. (TZ, date unclear)

*84) Tembo, Eunice, died in Lusaka's Kalingalinga Compound after her husband, Edward Sinyama, allegedly dowsed her with paraffin and lit her on fire on August 27, 1989. They had quarrelled about the whereabouts of his shoes. He was charged with murder. (ZDM, 8/9/89)

*85) Unknown woman, age 24-26 years, was allegedly shot dead in Lusaka's Burma area by the man she was living with. (TZ, 18/5/89)

86) Unknown woman, 18, was allegedly shot dead by a member of the ANC (African National Congress) in Lusaka's Mtendere Township. She had had a child with the man, who later shot himself. (TZ, 8/5/89)

1988

87) Kafuna, Joyce, of Chipulukusu township in Ndola, died June 18, 1988, of a ruptured spleen after being kicked in the stomach by her husband, Michael Kunda Chishimba. He was sentenced to three years hard labour by the Ndola High Court. (TZ, 12/90)

88) Kalala, Rabeca, of Pubwe Village in Ndola Rural, died August 17, 1988, after being kicked and beaten by her husband following an argument about herbs. Her husband, Geoffrey Mbashila, 25, was sentenced to three years hard labour. (TZ, 7/3/90)

*89) Nyambe, Elizabeth, was allegedly murdered by her husband, Wilfor Ngolofuana of Kapulanga Village in Chief Musokatwane in Kalomo. (TZ, 24/9/88)

90) Sikabuli, Gladys and her 10-month-old baby, Cheelo Nakakena, were murdered in Choma in late 1988 by the woman's husband, Charles Kakakena, for allegedly "having been unfaithful". The Supreme Court dismissed his appeal, maintaining he must "hang for the murders." (TZ, 11/6/94)

*91) Tembo, Eunice, was allegedly murdered by her boyfriend, James Banda, 45, a general worker at Kapex camp in Kalomo. (TZ, 21/10/88)

1987

92) Cheelo, Monica, was killed by her husband on September 25, 1987. Justice Chibesakunda sentenced Raphael Hachingabalala, 26, a taxi driver from Chawama, to six years, suspended for one year. (TZ, 8/12/88)

93) Mukubesa, Mary and Sibalku, Beatrice, her daughter-in-law, were killed by soldier Herman Mvula, who accused the pair of wanting to murder him after his wife "bewitched his genitals". He was sentenced to 30 years in jail by Judge Matthew Chaila. (TZ, 15/8/87)

*94) Layishi, Dorica, was allegedly killed by her husband, Jeremiah, Kalimansenga, 55, a village headman, after drinking beer at a funeral house. (TZ, 10/12/88)

*95) Unknown woman of Nchelenge was allegedly killed in a domestic dispute. Police arrested her husband. (TZ, 13/12/88)

1986

*96) Banda, Esther, died after being wounded in a toilet in a Kalingalinga tavern in Lusaka. A Malawian businessman, Elia Soko, 66, former head of security at the Pamodzi Hotel, was acquitted on charges of killing Banda, his former wife. (TZ, 2/8/88)

*97) Chabala, Emelia, was allegedly beaten to death on April 11, 1986 by her husband, Issac Mwanje, 66, a general worker of Kantolomba Township. He was charged with murder. (TZ, no date)

98) Chilala, Elizabeth, died after a severe beating from her husband on May

26, 1986, in Mukonka Village in Kabwe Rural. Her husband, Amon Simukuni, 31, found her in the bed of another man and beat her from 8:00 hours to 14:00 hours, ignoring pleas from other people who begged him to stop. He kicked her genitals and used two big sticks on her as he dragged her 1.5 kilometres. She suffered bruises on her buttocks, arms, thighs and face and died of a brain hemorrhage. Commissioner Ireen Mambilima sentenced him to death, saying he had taken a long time to beat her and his defence of provocation did not hold. (TZ, 6/6/86)

99) Daka, Esther Million, was stabbed to death with a spear by her husband, Bazimata Daka, of Macleod farm near Mkushi. She died April 8. He was sentenced to death by Lusaka High Court Justice Joshua Simoziya, who refused his defence of drunkenness and provocation. He stabbed her after she refused to shift to another farm with him. (TZ, 5/1/88)

*100) Mateyo, Queen, was allegedly beaten by her husband, Peter Kunda, and died when she fell and hit her head on the concrete floor of her home in Old Kanyama, Lusaka, on June 2, 1986. The two had been drinking at home with a friend. Sardesi Banda, whom she allegedly made love with when her husband went to buy beer. Both men accused each other of the killing. (Central Police Files)

101) Mulampa, Margaret, was killed by her husband, Paulo Katolo, 51, of Mutumba Village in Chief Shakumbila's area on September 23, 1986. He suspected her of having committed adultery. Lusaka High Court Justice Bonaventure Bweupe gave him a suspended sentence of three years, ruling the man had been provoked. "The provocation offered by your wife was such that any self-respecting person would lose control. The facts reveal that you did not use a lethal weapon, you only used fists. I feel this case calls for maximum leniency." (TZ, 23/5/87)

102) Mwale, Theresa, died August 14, 1986, after suffering a deep cut to her head when her husband, Kenneth Jombe Mwale, 45, an executive officer at Technical and Vocational Teacher's College in Luanshya, beat her with a hosepipe. He was freed immediately after the trial, having been given a six-month sentence with hard labour for manslaughter. The couple had quarrelled and she threatened to break his office window. Mwale told the court he was "angered that college authorities wanted to discipline him after his wife behaved in a bad way when she learned he had accommodated a girl in the hostel." His lawyer said his client was a first offender who had caused the death in "very unfortunate circumstances and would lose his job as a result". Justice David Lewanika observed that Mrs Mwale was the aggressor and that the husband would be haunted by the fact that he cause the death of his wife for the rest of his life. (TZ, 24/3/87, under the headline "Nagging wife killer freed after custody")

103) Mwansa, Beatrice, was beaten to death by her husband, a Pentecostal Church of God Minister, Joseph Kasoma, 42, of Chipulukusu Township, on January 11, 1986. He admitted they had a quarrel, then she fell and "hit her head against some machines several times and died". He was given one year hard labour for manslaughter by Justice David Lewanika of Ndola High Court, who "noted that Mwansa had been provoked by his wife and would be haunted for the rest of his life for killing his wife and the mother of their four children". (TZ, 12/12/86)

*104) Mwanza, Tikambeji, was killed on July 12, 1986, by her husband, Stephen Phiri, a gardener. He was jailed after pleading guilty to manslaughter. (TZ, 10/8/88)

105) Mweamba, Elina, died May 13, 1986, after being beaten and hit by a dustbin by her fiance, Kenny Muyanda Ndandula, 39, in Namalundu Gorge police camp. He said he woke up late at night and found her outside the house with another man, who ran away. After beating her, he left her on the bed and went for the night shift. She was found dead the next morning. He got a two-year suspended sentence for manslaughter. His lawyer told the court that the man had tuberculosis and had become hard of hearing due to blows from his fiancée when they fought. (TZ, 3/3/87)

106) Nshingano, Fales, 22, of Luanshya, was killed by her husband, Jameson Nchima, 35, a shift boss at the Luanshya Division of Zambia Consolidated Copper Mines (ZCCM) on January 1, 1986. The couple went to church, then to the bar. Later, when she arrived back home, 30 minutes later than him, he asked where she had been. When she laughed, he beat her until she fell and hit her head on a corner of their bed, and died sometime later. The couple had been married one month. In his ruling, Ndola High Court Justice David Lewanika "suspended Nchima's 18-month sentence for two years on condition that he is not found guilty of any offence involving violence". His defence argued that Nchima was a responsible citizen with six children and parents to look after. (TZ, 4/1/86)

107) Sakulanda, Liza, died September 18, 1986, after allegedly being beaten by her husband, Simon Kamwela, 25, a farmer from Luanshya. The two had gone together for a drink of chibuku, and when she left the bar with other men, he accused her of operating a brothel. Justice Dennis Chirwa said there was no indication that Kamwela had been provoked to an extent that he should beat up his wife. (TZ, 9/5/87)

108) Salahanga, Rose, was beaten to death May 15, 1986, after a quarrel with her husband, James Miji Salahanga, 50. In handing down a ten-year sentence for manslaughter, Solwezi High Court Judge Kiddy Chisala said that turning a wife into a punching bag was not allowed in Zambia. The judge said he was concerned by the behaviour of men who beat up their wives whenever they quarrelled. "Violence was not the solution for marriage and people should learn to respect their wives. If your wife becomes a problem, please don't hesitate to divorce her." (TZ, 14/3/87)

109) Unknown woman, in Mazabuka, was stabbed to death by her husband, Bothwell Samusale, 40, who was sentenced to five years by the Lusaka High Court. (TZ, 3/3/87)

1985

110) Bwalya, Elinat Sakala, was killed by her partner on April 8, 1985, in Roan Mine Township in Luanshya. Felix Bwalya, 32, found her drinking kachasu (home-made alcoholic drink) with a woman friend and ordered her to cook nshima for his friend. He then dragged her to the bedroom and beat her. When she ran out of the house, he dragged her back in, then went to the police. She later died in hospital. The Ndola High Court sentenced him to five years for manslaughter. (TZ, 24/3/87)

111) Chimbaya, Kanashi, was killed May 19, 1985, by her husband, Socah Mununga, 32, unemployed of Chibamba Farm in Mkushi. After four hours of drinking at a beer party, she refused to go home, so he hit her on the throat. The next morning she was found dead. He tried to commit suicide by stabbing himself with a knife, but was stopped by relatives. He was sentenced to four years for manslaughter. (TZ, 16/1/86)

*112) Mubanga, Margaret, died May 20, 1985, in Mufulira. Her policeman husband, Mwewa Mwanza, 37, of Kansuswa police camp, was acquitted of manslaughter because of doubts arising from the evidence of state witnesses. Mubanga's two sisters said they saw Mwanza kicking and choking her on the bedroom floor, however Dr Lech Banach of Kitwe Central Hospital said her body had no visible injuries. Mwanza said his wife hit herself against a wardrobe as she tried to hit him. Justice Lewanika said the evidence confirmed Mwanza's defence. (TZ, 28/3/87)

113) Mukena, Florence Monde, was killed and dismembered March 5, 1985, by her husband, Edwin Mwangala Mwangala, 51, a worker at Kambule Secondary School in Mongu. He chopped her into pieces and buried her in a shallow grave where dogs ate part of the body. He was sentenced to ten years for manslaughter by Justice Mainga. (TZ, 22/1/86)

114) Mulenga, Maria, died of a broken neck on October 22, 1985, in West Township in Kitwe. Her husband, Peter Mafulo, 58, beat her when she arrived home. She "fell on a bag of charcoal around 22 hours" and was found the next day with a broken neck. Mafulo was given 12 months hard labour on a reduced charge of manslaughter. "In sentencing Mafulo, Mr. Justice Dennis Chirwa noted that he had not used a weapon and his wife probably broke her neck when she fell onto the bag of charcoal." (TZ, 8/5/86)

115) Nata, Nolisa, was beaten and later died on December 26, 1985, in Ndola Rural. Her husband, Enock Mafuta, 40, a mining supervisor, got 18 months for manslaughter but had served his time in detention and was set free. He had found Nolisa with a woman and a man, whom he suspected was her lover. He beat her and shoved her to the ground, where she hit her head and died instantly. Kitwe High Court Commissioner Joseph Phiri advised Mafuta not to become violent when he remarried "because you may not be so lucky next time". (TZ, 9/5/87)

*116) Wamundila, Emelia, 40, was allegedly killed by her husband, Steady Tembo, 43, a cleaner, on January 19, 1990. He returned from the tavern and found a man in the bedroom. When she was unable to explain who the man was, he allegedly stabbed her in the neck with a home-made knife. She was found lying in a pool of blood outside their home. He was charged with manslaughter. (Central Police Files)

1984

117) Kamkange, Annie, died March 8, 1984, after Christopher Mwandabai, 31, hit her on the head with the blunt side of an axe. The two had argued about money for relish (a Zambian food). The accused had previous assault convictions. Lusaka High Court Judge Matthew Chaila sentenced him to 10 years hard labour, saying the fact that he used the blunt side of the axe indicated that he did not mean to kill her. (TZ, 14/7/87)

1983

118) Chipele, Monica, was beaten to death on November 12, 1983, by her husband, Ben Ngoma, 35, unemployed, of Kola Township. He beat her and left her in agony on the floor after she returned home at 23:00 hours, accompanied by a police officer. She was found dead the next morning and he was arrested two days later. Ngoma was sentenced to five years hard labour. (TZ, 4/3/87)

119) Sianzha, Precious, 26, of New Kanyama in Lusaka, was beaten and killed by her husband, Mbangweta Nyambe, on February 13, 1982. She had earlier quarrelled with him about a spilled bottle of beer. She died in Chungu Tavern, a bar she had been running. Nyambe was charged with murder and sentenced to death. (Central Police Files)

1981

*120) Mulaisho, Veronica N. Temba, died November 27, 1981. She was allegedly beaten by her husband on several occasions. The final beating caused a broken rib, which punctured her lung. She died, unable to breathe, a few days after her injured lung dried up. (Chabala Mulaisho)

1978

121) Banda, Mumange Phiri, 26, died on May 8, 1978, in Chawama Compound in Lusaka after being hit with an iron bar by her husband, Shadreck Banda, following a domestic dispute. He was charged with manslaughter, found guilty and sentenced to 18 months in jail. (Central Police Files)

1977

122) Mateyo, Elizabeth, a housewife, was allegedly killed by her husband, Simgate Njere, who chopped off her head with an axe and left her body in a maize field near Chilenje Waterworks on Lilayi Road, Lusaka, on March 28, 1977. Her husband's body was later found hanging from a tree. (Central Police Files)

1973

123) Lumpa, Rachel Mubanga Misilwa, who worked for a family planning organisation, was killed by her husband on October 24, 1973, in Lusaka. He accused her of having an affair, then locked her into their bedroom before abusing her and beating her to death. He was sentenced to eight years in prison for manslaughter but served only five before being released. (Jean Mwondela and Dr. Mabel Milimo)

Family Homicide: (alleged cases marked with an *)

1996

*124) Matalisa, Lenah, 78, of Mumbwa was found dead on February 4, 1996 by Chamuzinga villagers. She had been "cut into 3 pieces, allegedly by her grandson who is being held by police". (ZDM, 6/2/96)

*125) Mutakasha, Lotia, 35, of Kapiri Mposhi, Mutakoshi village, was allegedly hacked to death by her deaf-and-dumb son on March 5, 1996. "The motive of the murder is not known since they both did not talk." (Post 7/3/96)

1995

*126) Kalumba Agness, was allegedly killed by her grandson Gideon Chipili in Nshindi/Nchelenge "for not leaving food for him in the evening". The report said that "when people realized Chipili had killed Kalumba, they beat him to death as well." (ZDM, 18/11/95)

*127) Unknown girl, 2 years old, was allegedly beaten by her grandfather in Kalalushi, on Mwansa farm, and died two days later from internal injuries. (TZ, 6/1/95)

*128) Unknown woman was allegedly beaten to death on February 4, 1995, by her son "after a domestic quarrel" reported by witnesses in Mwenikala village in Chief Kafwimbi's village near Isoka. The son ran away and a manhunt is on. (WE, Feb. 8-14/95, TZ, 6/25/95)

1994

*129) Liyanda, Miyona, 61, of Kalomo, was allegedly beaten to death by her son, Kelvin Kalum, 41, after a domestic dispute. "Kalum whipped his mother with a stick until she died." (CN, November 22-28/94)

*130) Mbagula, Mrs, was allegedly hacked to death by her 22-year-old son Mishek with an axe in Mwachifuka, Mkushi. (ZDM, 23/3/94)

*131) Mwamba, Josephine, 55, was allegedly raped and strangled in Ndola by her son, Maybin Kasonde Chiti, 35. The wife of the man, Joyce Namukoko, 25, who is pregnant, said her husband told her "Time has come" and grabbed her by the neck. When his mother tried to intervene, he allegedly killed her. Paramilitary officers arrested Chiti after discharging teargas cannisters into his house in New Mushili township. (TZ, 22/2/94)

*132) Unknown woman, was allegedly killed by her son in Kitwe after a quarrel about his drinking. (TZ, 28/3/94)

1993

*133) Sumujaka, Gloria, 2 years old, was allegedly axed to death around 22:00 hours on April 12, 1993, in Ndola's Kantolomba Compound. Police arrested the girl's uncle. (TZ, 14/4/93)

1992

134) Mhanga, Tikambenji, was killed by her son-in-law Lazarous Lungu, 39, on September 20, 1992, in Chipata for "intervening in a husband-wife quarrel". He took a stick and hit her, she collapsed and later died, the Supreme Court was told during an appeal. His jail term was reduced to five years from 10. (TZ, 18/1/95)

1991

135) Kaunda, Lwisa, was killed by her son, Masuzyo, in Kabwe March 25 and April 1, 1991. Weeks before she died, there were threats to her life after she stopped her son from selling his father's property. Masuzyo went to his mother's house on March 25 after a film show, around 22:20 hours. They argued, and she bit his smallest finger. He then punched her and she fell, hitting her head against the veranda. When she failed to gain consciousness, he tied a plastic bag around her head to stop the blood flow, wrapped her body in a chitenge (a traditional cloth) and dumped it in a sewer hole. He was jailed for 25 years for manslaughter by Justice Cosmas Kabanda. (TZ, 14/9/91, 28/8/91, 27/9/91, 27/9/91, 16/11/91)

*136) Unknown woman was allegedly axed to death in Arrakan Barracks in Lusaka by her son, a soldier, in 1991. (Kabwata Police Station)

1990

137) Habalengu, Harriet, Maureen and Ireen, and Linet Malilda, died when their house was set on fire by their uncle on September 17, 1990 as they slept. The uncle threatened to kill them because he did not love them. He was sentenced to death for murder by the Livingstone High Court. (TZ, 3/4/92)

138) Maliti, Patricia, a married woman, was stabbed to death by her brother, Kelvin Maliti, after he allegedly found the head of a rat in a pot of relish. He was sentenced to four years for manslaughter by the Livingstone High Court. (TZ, 5/9/90)

*139) Ndinji, Beritha, was allegedly beaten by her stepson, Joseph Muteshi Kaluwe, 22, and died the following day on September 19, 1990 in Kabompo. Kaluwe had earlier accused his stepmother of causing the death of his father. He is alleged to have kicked and punched her, and beat her with a plank. He was arrested and charged with murder. (TZ, 12/2/91)

1988

140) Josina, Jetsina, of Kitwe (Kalulushi), died October 22, 1988, after being kicked in the stomach and abdomen by her brother-in-law during a family quarrel. He was sentenced to five years hard labour. (ZDM, 23/1/90)

*141) Unknown girl, in Kasempa, was allegedly killed by her stepfather, who gave himself up to police. (TZ, 21/8/88)

1987

142) Jamisibi, Namaliwa, was killed in Kamandu Village, Kalomo district, by her son-in-law, Jallios Siambekele, during a dispute with his wife. High Court Commissioner Christopher Mishabiti sentenced him to death. (TZ, 29/12/88)

*143) Unknown girl, 9, was allegedly assaulted and killed by her father, Albert Muleya, 34, of Kalikiliki township, on September 8, 1987. (TZ, 17/9/88)

1986

144) Sambambo, Mary, was stabbed to death by her brother-in-law, Bothwell Siamusale, 40, a farmer of Mondengwa Coop Farm in Lusaka, on February 14, 1986, after a quarrel. Lusaka High Court Judge Florence Mumba sentenced him to five years for manslaughter. (TZ, 3/3/87)

1985

*145) Ncube, Rosina, died November 7, 1985, in hospital of head injuries and a brain hemorrhage after her grandson, Godfrey Tito Lupumpa, 21, allegedly beat her with his fists in Shibuyunji village in Chief Mungule's area. He had demanded money from her mango sales and said he had to beat her because she "used to come to his home naked at night and always wanted him out of the village". (TZ, 3/6/86)

*146) Phiri, Maggie, of Misisi compound in Lusaka, was allegedly assaulted by her son, Tom Banda, on May 18, 1985, and died in hospital the following day. (Central Police Files)

147) Unknown girl, 2 years, was killed by her uncle, Peter Greenford Sakala, 35, of Kabwata Estates. Justice Florence Mumba sentenced him to life, but the sentence was reduced to two years on appeal to the Supreme Court. (TZ, 29/1/86)

1984

148) Chingi, Masaka, was killed July 27, 1984, by her grandson, Chiundu Litundwa, of Mongu. During a Makishi ceremony, he charged at the woman, who hid in a house. He then threw a spear at the door, which went through and killed the woman on the spot. The High Court in Mongu sentenced him to six years for manslaughter. (TZ, 22/1/86)

149) Musonda, Chibili Safeli, 70, died after allegedly being hit on the head with a brick on December 1, 1984, by her grandson in Mwewa village in Serenje. Thomas Mwape, 33, a farmer, was acquitted of the murder by the Kabwe High Court but was ordered to be detained at the President's pleasure for reasons of insanity. He claimed his grandmother had begged him to kill her, saying she was too old to continue living, even on the night of the murder. (TZ, 14/1/88)

1982

150) Musole, Bwime, 48, was stabbed in the stomach with a bow and arrow by her son-in-law, David Chipoya, 57, of Memba village in Kabwe. She died a day later from injuries on November 10, 1982, in Kabwe General Hospital. Chipoya was sentenced to 10 years. The two had quarrelled after Chipoya's wife, Mary, went to stay with her mother. She was also injured in the incident. (Central Police Files)

Other cases:

151) Chambo, Rodina, and her baby, James Mataa, were beaten to death on June 24, 1982, in their Chilenje South home by Edward Nduba, the husband to a friend, after he accused her of interfering with his marriage. He bashed her head against a wall several times and kicked her with his boots in the

stomach. He then trampled the baby to death. Nduda was arrested and charged with murder. Later the charge was reduced to manslaughter and he was sentenced to five years in prison. (Central Police Files)

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APPENDIX III: Testimony

The story of Margaret Bwalya, as told by her sister, Jestor Bwalya, and mother to a YWCA Women's Human Rights Tribunal on April 24, 1996, in Lusaka.

Jestor Bwalya: I would like to talk about my sister who was murdered on March 20, 1995. Before I continue I would like to ask my mother to talk in vernacular. She will use Bemba:

Mother: Greetings to everybody. I started off from Matero to see my children in Kaunda Square. When I reached there, I found that Ba Margaret had been beaten by Ba Sitwala (her husband). When I saw, I felt angry. I told their child to look for the father, wherever he was, at the beer hall or the girlfriend's house. I wouldn't know. When he came I told him that "You have killed my child because since I came, she is not even able to sit. Why didn't you take her to the hospital?" But he said he brought her some pills. She was four months pregnant. When she complained that she was feeling dizzy and asked the child to prepare some porridge, he would stop the child and pour water on the fire. So my daughter said "Mother take me with you to Matero." I said to the husband "Let me take my child because you have killed her." He said "No, don't take her, I will take care of her and the pills are here." My child (daughter) said "No mother, take me, I will die here." In anger, I went and stood outside; my child Margaret followed me. She said "Mother, wait for me, let me get my toothbrush, I am coming with you."

Then we went to the police station and reported how she was beaten, starting in the morning, beating, twelve (o'clock) still beating, four o'clock still beating, until eight. That is when he dragged her out, half dressed in a petticoat and took her to his girlfriend's house. She fainted and he went into the house to get an iron bar so he could finish her off. Then some good samaritans said "Get up, run away." She ran and hid in the house of her elder brother/sister's friend. He started searching everywhere, saying "You have hidden her." He searched at the houses of Ba Kombaniya and Ba Kinglia Bwalya. He searched even under the beds. That is where she slept. The following morning, her head was so swollen. He had battered her so much, breaking her ribs and the unborn baby.

I took her to Matero, when we reached there we slept. In the morning, this young one came (her sister). I said to her "I have no money to take her to the hospital," so the sister helped. When we reached town, she (Margaret) started vomiting. She said "Just take me to Maina Soko (defence forces hospital in Lusaka)" so we went there. On Thursday she slept, on Friday she slept, and on Saturday at 12 o'clock, between Saturday and Sunday, Margaret Bwalya died. She miscarried just as she was about to die. (translation by Haggai Kamwendo)

Jestor Bwalya: You have heard what happened to my late sister, Margaret Bwalya. One day my brother-in-law didn't spend a night at his home. He slept at his girlfriend's. When he came back in the morning he knocked on the door. There was no reply from the house. My sister had escorted a nephew who was going to Matero. When she returned, my brother-in-law got annoyed, saying maybe she had gone to look for him. Quarrels started and there was no peace at home.

Around 10:00 hours, my brother-in-law, Mr Costain Sitwala, started beating my sister. She was four months pregnant. He beat her up to 17 hours. When it got dark he dragged my sister to his girlfriend's place. When he got there, he continued beating her. She collapsed and people came to watch what was happening. Then he went into his girlfriend's house to get something which . . . he wanted to get something so he could kill my sister. Some people came and they ran away with her.

From that time she stayed for three days without food. Each time she asked her daughter to prepare food, my brother-in-law poured water on the fire and threw out the food. My mother went to see my sister, who explained everything. My mother was going to Matero so my sister decided to follow her. Before she left she passed through the Kaunda Square Police Post. A report was recorded in the book. She wanted assistance from the police, thinking maybe the man was going to be arrested. Instead they just entered the information in the book and left her there. She went to Matero, where Mom didn't have enough money to take her to UTH (Lusaka's University Teaching Hospital). I decided to go and see my mother in Matero and when I got there I found my sister was seriously sick. I decided to take her to UTH.

On the way, she told me that the husband, after beating her, went to the ZAF (Zambia Air Force) Clinic, leaving her at home. He told the doctor that my sister was complaining of general body and abdominal pain. He did not mention that he had been beating her. They wrote a note addressed to Maina Soko, saying if there was no improvement she might be suffering from malaria. They gave him chloroquine and Panadols, but my sister couldn't take them because she knew what she was feeling. She told me that there was a letter addressed to Maina Soko, so I took her there. I went with her in the doctor's room and she explained everything. She was admitted and she stayed there for five days. During that time, my mother nursed her. The husband never visited her. On Saturday evening (I took her on Tuesday), I met him on the way to Maina Soko. He was annoyed to say "Why didn't you tell me that she's in the hospital?" I just said "You knew that you had beaten the wife. You should have followed her to mom's place or UTH. You should have done that, not me telling you." Then I left Maina Soko.

The following morning, Sunday, I saw Mom crying, she came home crying. I booked a taxi and we went to Kaunda Square to see if he was there. I didn't find him; he spent a night at his girlfriend's house. Their first born was in Grade II, staying alone in the house. I went to Kaunda Square Police Post. I explained everything. I told them I was given this police report by my sister. Unfortunately, in the process of going to UTH, my sister passed away. They told me to return to the station the following morning.

Instead of going home, I started looking for my brother-in-law and around 18:00 hours, I found him. He didn't want to go to the funeral house. He asked me "Why does your mother want me to be there? I think I will come tomorrow." So I said "Ah, but you, maybe you have no idea about funerals or when somebody dies." He said "No, I think I will just come tomorrow, in fact I'm supposed to organise some money." Then I said "I left a message in the morning. At least if you were touched you could have got kaloba (a loan) or organised everything. At this time, where are you going to get the money? Let's go, I won't go until you leave."

So we went to his house and he told me to wait. He started organising things, saying "No, tomorrow I think I will come here and do this." We started off to the bus station in Kaunda Square. The mini-bus came and we jumped in. Then he said he had lost the money. I said "Let's just go, I will pay for you, then tomorrow you can refund." But instead, he dropped off the bus. I also dropped off. I had a feeling that this man was going to run away. So I told him "Let me go and inform one of the relatives; I'll be coming and I should find you here."

So I went to the police and told them "This man is at the station. Can you assist me?" One policeman said "No, you come tomorrow." The other one said "This lady, she's a young one, she wants help. Can you assist her?" Then one volunteered, got a gun and we went to the station and picked (arrested) him. He was there (in the police cells) up to the time we buried my sister. There was a postmortem carried out at Maina Soko. My sister . . . the placenta was cut from the cord, the baby was rotting, the brain was affected and the rib was also broken.

He was there (Kaunda Square police post) for five days, then transferred to Chelston Police. They started following up the case. Then it was taken to High Court. In January, he appeared there. They read out the charge and asked him if he did that. He refused. But I had duplicated the copies and I gave two to the police at Kaunda Square so it was adjourned to January 28. When we went there, we didn't say anything. They told me that I should bring the witness who was there, my aunt. We were in court on March 4. My brother-in-law, Mr Costain Sitwala, appeared in court. He said he just slapped my sister, then she fell on the chair. He said he took her to UTH but the information on the paper clearly shows I'm the one who took her there. He even said he stayed there until she died. He also said he had to look after five children. In actual fact, he's got 3 children. Since he was arrested last year, he has never released any coin to the children. Instead, I am looking after the children (financially). My mother here is taking care of them.

Mr Costain Sitwala was a ZAF man. He beat my sister military (style). Now is it right that my sister got no help from the police when she reported that she was beaten? Is my sister's life more worthless than that of cattle? When someone steals cattle, he or she is sentenced to eight years, but my brother-in-law was sentenced to three years. Already he has served one year and is remaining with two. This very sister of mine was looking after my mother (financially). My father has passed away. But the judgement just considers the part of the man. He said he was able to look after the children and "since you've got children and there's no one that can look after them you are sentenced to that because it is your first offence." The case was reduced from murder to manslaughter.

That is what happened to my sister. The court didn't even ask whether he has been supporting the children. The sister to my brother-in-law, the one handling his financial (matters) said she cannot look after the children because she's just a woman. The household goods were grabbed from my sister's house to her home. When I complained to the police, they said "No, we cannot give you the goods unless he is out, so just wait for him to be out . . ."

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