



Malawi – Researched and compiled by the Refugee Documentation Centre of Ireland on 6 May 2016

Information on treatment of people suspected of witchcraft. Is there any kind of Police or State protection for people suspected of witchcraft in Malawi? Is it effective?

A 2010 article from UK newspaper The guardian states:

“Dozens of people in Malawi, most of them elderly women, have been jailed for up to six years with hard labour for practising witchcraft. Campaigners say they will call on the president, Bingu wa Mutharika, to release the 86 prisoners since witchcraft is not a crime under Malawian law. Most of the group are elderly women accused by children of teaching them witchcraft. Belief in witches is widespread in Malawi.” (The Guardian (14 October 2010) *Dozens jailed for witchcraft in Malawi*)

A 2011 IRIN News report states:

“At least 45 people are behind bars in Malawi on charges of witchcraft, although there is nothing in the country's laws to keep them there. 'The beliefs of the police and courts are becoming the law,' George Thindwa, director of the Association for Secular Humanism (ASH), a local NGO, told IRIN. "The police are keeping people who have been accused of being witches, when it is actually the accusers that need to be taken to task." Elderly women are most commonly accused of witchcraft, but people of all ages have been ostracized, jailed, attacked and even killed on suspicion of being witches.” (IRIN News (6 April 2011) *Suspected witches jailed*)

A Voice of America news report states:

“Malawi has no law outlawing witchcraft, and no legal definition of witchcraft, yet there is continuing persecution of those denounced as witches. Scores of people -- most of them women, children or the elderly -- have been imprisoned after being pressured or beaten into 'confessing' they were involved in witchcraft. However, a new public campaign is under way to help victims ward off such accusations. The three-year campaign was recommended in a recent study about witchcraft in Malawi that showed the biggest problem is an increase in violence targeting suspected witches.” (Voice of America (6 March 2013) *Group Launches Campaign to Help Suspected Witches in Malawi*)

This report also states:

“Malawi has a Witchcraft Act dating back to 1911, but it states there is no such thing as witchcraft and makes it a punishable offense even to accuse anyone of being a witch. Thindwa says the law and its intent are clear, but that does not stop traditional beliefs and fears from inspiring false charges

against innocent people, and violent pressure to win so-called confessions. 'What actually happens is that they are forced to confess [by their accusers] because that is the only answer which the community wants to hear from them once they accuse them,' he said. Thindwa contends the police foster violence against suspected witches by arresting people based on false allegations. Police officials deny this." (ibid)

An article from UK newspaper The Independent states:

"The community - like so many others across Malawi - believed that HIV/Aids deaths were caused by a curse from God. They believed that curse was cast by witches. And a witch was anyone who lived to be 'very, very old' or in local parlance, anyone over the age of 60. Malawi's life expectancy is just 48.3 years. There are only 14 countries with a worse life expectancy, including Afghanistan, Sierra Leone and Somalia. Malawians were therefore suspicious of those who managed to make it to old age. 'Instead of rejoicing that God had kept us this far, when people died, other people pointed their fingers at me and said I was bewitching them,' Enifa told The Independent. 'It went on for years. In the end the whole village was accusing me. They used to say, "You are a witch. You are killing people."' It was very painful. I just couldn't believe it.' Worse was to come. Enifa's own family turned on her. They ransacked her house shouting, 'Why aren't you dead yet? We want you to die', she says 'If your own children and grandchildren rise against you, what will happen to everyone else?' she says. The answer was that they joined in. Enifa was repeatedly attacked and on one occasion an angry mob carrying sticks set upon her, apparently intending to beat her to death, before she was rescued." (The Independent (1 December 2012) *World Aids Day: The curse of being one of the witches of Malawi*)

An Agence France Presse report on three elderly ladies convicted on charges of witchcraft states:

"She and two elderly friends were convicted and sentenced to 33-dollar fines each, a steep sum for women who -- like 62 percent of Malawians -- live on less than two dollars a day. When they could not pay, they were jailed. 'We suffered this injustice because we are poor and old. I blame the police who are overzealous in arresting innocent people and charging them with witchcraft, which cannot be proved in a court of law,' Supaunyolo told AFP. She was released along with her friends -- Liness Nkhukuyalira, 72, and Nurse Nthala, 62 -- after a local rights group paid the fine and secured their freedom from the notorious Maula prison in the administrative capital Lilongwe. 'In Malawi, people hate old people,' Nkhukuyalira said. 'They think everybody who is old must be a witch.'" (Agence France Presse (5 June 2011) *Malawi's 'witches' challenge century-old sorcery law*)

In a report on a research study on witchcraft in Malawi, in a section headed "Forms of Violence Against Suspected Witches", the authors state:

"Many people suspected of practicing witchcraft are subjected to all sorts of violence. Of the 15 persons who were suspected of practicing witchcraft, 11 (73%) reported that some form of violent acts were committed against them." (Chilimampungu, Charles & Thindwa, George (April 2011) *The Extent and Nature of Witchcraft-Based Violence against Children, Women and the Elderly in Malawi*, p.61)

In a section headed “Physical violence” (section 3.5.1) this report refers to violence against suspected witches as follows::

“The most common form of violence suspected witches are subjected to, is beatings. This was mentioned by 49% of the 176 household heads who reported that suspects are subjected to violence. Sometimes the beatings result in the death of the suspect. In fact, most of the forms of violence identified by the household heads were physical violence. Often, the suspected witches are beaten up and tortured, killed, and have their houses and other property burnt or destroyed in other ways. A witchdoctor from Machinga observed that suspects are beaten; they undergo exorcism and cleansing; their whole body is cut using knives; they are shaved using blunt knives; and sometimes they are even killed. Like other key informants, a 48 year old pastor from Mwanza observed that some suspected witches are beaten up and even hacked. In an FGD for middle-aged people in Machinga, participants did not mince words. They said suspected witches are killed. Death of suspects is not only due to beatings, but also due to concoctions that witchdoctors give suspected witches to find out if they are indeed witches or not, or to cleanse the witches.” (ibid, p.62)

In a section headed “Social violence” (section 3.5.3) this report states:

“In all research sites, people fear and hate suspected witches so much that they isolate and ignore them. They do not interact with them the way they do with other people. Relationships with them are cut abruptly except for relationships between child suspects and their parents and other close family members. In many cases, this happens even after the ‘witch’ has been cleansed by a witchdoctor or a religious leader. In fact, some suspects are even excommunicated from their religion or denomination. There is clear evidence that suspected witches are discriminated against in all social spheres including the family, religion, education, and employment. They are people that are not respected in their communities.” (ibid, p.65)

A section of this report headed “ Protection of and Support for Suspected Witches” (section 3.5.3) refers to the availability of police protection as follows:

“All 8 of the district police offices visited in this study had a VSU. However, some police stations in the country do not have VSU. According to the police key informants, through the VSU, the police is supposed to conduct sensitisation campaigns on witchcraft issues so that people should be aware that the law does not recognise witchcraft and that accusing a person of being a witch and subjecting them to any form of violence, is a crime. The police is also supposed to provide suspects with protection when their life and/or their property are under threat of violence from community members. Sometimes they patrol the victim’s area. They also explained that they are supposed to counsel victims of witchcraft-based violence and provide them with temporary shelter especially when the victims have been evicted from their area. A Coordinator at a Victim Support Unit said that sometimes they provide legal advice to the victims so that they can sue the culprits, while another said that they send to hospital victims who have been beaten, and charge the culprits.” Ibid, p.69)

This section of the report also states:

“The majority of the police key informants admitted that often they are unable provide these services because of shortage of human and material resources such as vehicles. The police’s capacity to handle increasing numbers of witchcraft cases is under stress due to constraints on human, financial, and other resources, as well as the complication of some of the cases. It was also observed from the responses of some police key informants that some police officers arrest persons accused of practicing witchcraft. This is supported by WLSA (2010) findings. It is clear that not all police officers understand and enforce the Witchcraft Act.” (ibid, p.70)

An article from Malawian newspaper the Nyasa Times states:

“Police officers in Malawi’s central district of Dedza have been warned of unspecified action should they continue giving too much clemency to people suspected of practicing witchcraft. Angry community leaders and villagers Wednesday took turns lambasting the law enforcers of failing their duties for treating witchcraft related cases with kid gloves. The leaders and community members claimed witchcraft practices were spreading widely and yet the police were doing nothing to check it. According to Laws of Malawi, the Witchcraft Act of 1919 (currently under review) does not recognise witchcraft and instead it says the one who accuses someone for practicing witchcraft should be arrested. But ignorant of the laws, traditional leaders from the area of T/A Kachindamoto in the district, accused the police of being corrupt for failing to bring to book people those teaching their children witchcraft.” (Nyasa Times (13 July 2013) *Malawi Police warned against backing suspected witches*)

In an article published by Wilson Quarterly the author states:

“The United Nations estimates that each year, thousands of people are accused of practicing witchcraft — and this number is rising. In Malawi, a country in southeast Africa that is home to about 16 million people, violent witch-hunts occurred about once a week in 2011. The fate of accused witches ranges from stigmatization, to banishment, torture, and even death. Malawi isn’t the only country where witches are violently persecuted, as harrowing reports from Angola, Nigeria, and the Democratic Republic of the Congo attest. Overwhelmingly, the individuals most often charged with witchcraft are those least able to defend themselves: elderly women, young children, and the disabled. Of the 45 witchcraft cases handled by one Malawian legal clinic, only five concerned adult men. A recent UNICEF report sums up the pattern, observing that ‘important or rich people are never accused in public. Instead, it is always the worst off and most vulnerable ... [and] there are increasing numbers of accusations against children.’” (Ortung, Nicole (5 August 2015) *Behind Malawi’s Increasing Witchcraft Accusations, Growing Desperation* Wilson Quarterly)

A Voice of America news report on recent incidents involving persons accused of witchcraft states:

“Malawi is experiencing an upsurge in mob violence. In three recent incidents 11 people have been killed and a courthouse has been burned. The latest incident occurred Tuesday in Nsanje district in the south. A mob pounced on

seven men accused of possessing human bones for witchcraft. Joseph Misomali saw it happen. 'We were at home when we heard people shouting close to our house,' he said, speaking to VOA by phone. 'Then I ran to the place only to find seven people being beaten up. But when I was told that it was an issue to do with human bones I was shocked. I was afraid because I associated that with witchcraft, which is dangerous on my part.' He says shortly after that he saw the mob set fire to the suspects. he mob even overpowered the police who tried to intervene." (Voice of America (4 March 2016) *Fear, Ignorance Fuel Malawi Mob Justice*)

See also report from the International Business Times which states:

"Seven people have been torched to death in Malawi following allegations that they held human bones for use in witchcraft rituals, police have said. The incident occurred in the country's southernmost district, Nsanje, on Tuesday 1 March. Police have launched an investigation into the matter, according to Malawi's Capital FM. The people were 'found in possession of human bones and the mob took it upon themselves to burn them with petrol,' the officer in charge, Kirby Kaunga told the local media. 'We have not yet made any arrests. We are currently investigating the matter,' he added. The movements and phone conversations of one of those killed aroused suspicion in the local community and he was eventually caught with a bag containing the bones, a traditional chief said. 'He was chased and arrested,' chief Tengani – who goes by one name – told AFP. 'The man is said to have confirmed that his bag contained human bones and that's when the mob began rounding up the seven and burned them one by one,' Tengani added. The latest killings come just four weeks after four elderly people were murdered in Malawi's southern Neno district in broad daylight after they were alleged to have practised witchcraft. The mob accused the elderly victims of using lightning to kill a 17-year-old girl, according to reports. (International Business Times (2 March 2016) *Malawi witchcraft murders: Angry mob torches seven people to death*)

An article from the Nyasa Times states:

"Association of Secular Humanism executive director George Thindwa has severely condemned the brutal killing of four elderly persons in Neno on Monday accused of witchcraft, saying the gruesome murder of the suspected witches was worse than the myth of witchcraft itself. Thindwa said he was shocked to learn that the four elderly people were beaten to death in day light despite his various radios and televisions with the same message that people should not kill suspected witches because witchcraft never exists. 'Look at how they have killed these elderly people, in a very brutal way, this is worse much worse than the myth of witchcraft,' he said." (Nyasa Times (26 January 2016) *Malawi Secular humanist condemns Neno witchcraft killings*)

An opinion piece published by the Middle East and North Africa Financial Network states:

"The police are unable to protect people from being attacked by hoodlums and whenever they are attacked or killed the police are not forthcoming in making arrests. For instance in the case that was reported the suspects are still at large. They are yet to be apprehended and may never be apprehended and prosecuted. So where have the suspects gone to? Why is it that nobody has a clue as to where they have fled to or where they may be hiding? The

police in Malawi need help in ensuring security of citizens and in bringing to book witch hunters and witch killers. The police need to put in place mechanisms that can enable them respond swiftly to witchcraft related attacks. In addition witch killing continues in Malawi because perpetrators are not arrested at the end of the day and if they are arrested they are not prosecuted and if they are prosecuted they are not convicted and penalized. Instead persons who are accused of witchcraft are arrested prosecuted and sometimes jailed by police and court officials who misinterpret the law!" (Middle East and North Africa Financial Network (29 January 2016) *Opinion: Stopping Witch Killing in Malawi*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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