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**INVESTIGATION REPORT**

**ON**

**ALLEGED SEXUAL ABUSE OF WOMEN AND GIRLS**

**BY POLICE OFFICERS**

**AT**

**MBWATALIKA AND MPINGU TRADING CENTERS ON**

**8TH OCTOBER 2019.**

**DATED: 02/2/2020.**

**EXECUTIVE SUMMARY.**

This is a report of investigation into circumstances surrounding the alleged cases of sexual harassment which was reported by women and girls against police officers who were deployed to bring calm at Mbwatalika and Mpingu Trading Centers on 8th October 2019.

In the line with mandate of the Malawi Police Service, the Director of Criminal Investigation Department appointedsix detectives to conduct full investigations into reported allegations of sexual harassment of rape, defilement and indecent assault on females.

The team re-interviewed seventeen victims, medical doctors, all possible witnesses and finally Police Officers who were deployed to quell the fracas at Mpingu and Mbwatalika area. The team further visited some scenes of alleged crimes to appreciate the circumstances of the incidents.

The team established that soon after the death of Supt Imedi who was stoned to death by protestors at Msundwe, police sent reinforcement team to beef up man power in order to bring peace in the area. On their way to Msundwe, they found that rioters had blocked the road and when police officers were trying to clear the road, running battles started between the police and protestors. The operation ended around 1700 hrs when the officers went back to their respective bases.

After a week there were rumors speculating on media that police officers who were deployed for operation to quell violence at Msundwe and Mbwatalika allegedly raped and defiled women and girls.

During investigation into the matter, the team consolidated some of the files based on date, time and place of occurrence.

**BACK GROUND.**

On 8th October 2019, His Excellency the state President Professor Arthur Peter Muthalika had two functions in the city of Lilongwe, launching of two hundred and fifty Secondary Schools project at Kawale Community Day Secondary School and a mass rally at Kamuzu Institute for Sports.

At around 0600 hours the Malawi Police Services received a report that people at Msundwe Trading Center were blocking the Mchinji to Lilongwe road making it difficult for road users to pass. Then it was learnt that people were reacting to information about the presidential function and started protesting in order to bar those going to attend the functions.

Upon receipt of the information, 20 police officers who were led by Supt Imedi were arranged for the operation to calm the situation at Msundwe Trading Center. Upon arrival at Msundwe Trading Center there were fracas between police officers and protestors which led to death of Supt Imedi after being stoned by protestors.

Upon receipt of the information about the death of Supt Imedi, Police arranged man power from C Division (PMS) and Namizana border patrol police to beef up the team which was already on the ground. Upon their arrival at Mpingu Trading Center, they found the situation still at tense and rioters were still blocking the road and pelting stones at police officers. The officers were also beefed up by MDF soldiers in order to strengthen the man power. The officers left the place around 1700 hours.

After a week it was reported on the social media that police officers who were deployed at Mbwatalika and Mpingu Trading Centers to calm the situation had sexually abused women and girls.

On 31 December 2019 the Director of Criminal Investigation Department, Mr. S.B. Chaima (DCP) instituted a team of six investigators to investigate into the case professionally in order to establish what transpired after the 17 survivors reported officially their complaints.

The investigation team with the involvement of Malawi Human Rights Commission (MHRC) and Group Village Headmen Mveve visited the victims for interviews and 17 files were opened for investigation.

Upon consolidation of the files, it was established that***eight files are alleged Rape cases and the purported victims are Catherine Tembo, Esther Shaibu, Manesi Machilika, Agnes Kandodo, Emma Boniface, Esther Smith Kalekeni, Anne Mphambano and Donia Kamunthu.***

There is one case of defilement reported by Esther Mwayiwawo. The other ***eight files are of alleged indecent assaults and were reported by Emily Yakobe Weluzani, Mervis Kumbukeni, Seba Banda, Elita Chatha, Lifnet Mussa, Alice Limbikani, Fiskani Chipelesa and Doreen Tembo.***

The Investigation team members are as follows:

1. Agness Mwabumba Senior Superintendent **(RCIO NORTH).**

2. Diederichs Banda Superintendent **(O/C CRIME ANALYSIS).**

3. Master Nkhoma Superintendent (**RCIO SOUTH**).

4. Chrissy Mwale Superintendent (**RCIO EAST).**

5. Florence Chiwambo Superintendent (**SCIO MWANZA)**.

6. Detective Sub Inspector John Petro **(Fiscal Blantyre).**

**DRIVERS:**

Dvr/Sub Inspector Elias Luciano.

Dvr/ Sgt. Tony Lita.

Dvr/Sgt. Mayesa.

Considering the above facts, we looked at the law according to Penal Code and found the following sectionsrelevant to our investigations and the elements of the offences as prescribed by the definition are;

* **Rape contrary Section 132 definition of Rape.**

Which states that: Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent if the consent is obtained by force or means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false representations as to the nature of the act, or in the case of a married woman, by personating her husband, shall be guilty of the felony termed rape.

* **Punishment of Rape Section 133.**

Which states that: Any person who attempts to commit rape shall be guilty of a felony and liable to imprisonment for life, with or without corporal punishment.

* **Attempted Rape Section 134.**

Which states that: Any person who attempts to commit rape shall be guilty of a felony and liable to imprisonment for life, with or without corporal punishment.

* **Indecent assault on females Section 137(1).**

Which states that: Any person who unlawfully and indecently assaults any woman or girl shall be guilty of a felony and shall be liable to imprisonment for fourteen years, with or without corporal punishment.

* **Defilement of girls under the age of 16 years Section 138(1).**Which states that: Any person who unlawfully and carnally knows any girl under the age of sixteen years shall be guilty of a felony and shall be liable to imprisonment for life, with or without corporal punishment.

The team has investigated seventeen files among which fifteen files were handed over to team from the office of Director of Criminal Investigation Department while two files were reported directly to the team on 3rd January 2020 when the team was re-interviewing victims in files.

**METHODOLOGY:**

The Investigation Team used various methodsin order to come up with the relevant evidence pertaining to the matter as follows:

* Looking at the law.
* Gathering information
* Re-interview of the seventeen suspects (Victims were summoned through their lawyers and chiefs).
* Recording statements from possible witnesses.
* Visiting hospitals and clinics for verification of authenticity of medical reports (brought in by victims).
* Visiting scene of crime including photographing in order to have a clear picture of circumstances on the alleged offences committed in company of village headmen.
* Interviewing of police Officers who were deployed at Mpingu and Mbwatalika.
* Incorporation of Stakeholders (Malawi Human Rights Commission and Women Law Society of Malawi)
* Conducting Identification Parade.

The team interviewed all police officers who were deployed at Mpingu and Mbwatalika TradingCenters, obtained caution statements from the suspects and visited scene of crimes for some victims at Mpingu and Mbwatalika.

Theteam while visiting one of the victimsCatherine Tembo whom it is alleged that she was impregnated by a police officer who raped her, it was learnt that other victims around the area were not available. Upon asking their whereabouts,Catherine Tembo told the team in presence of group village headmen Mveve and Mtadza that someone by the name Mazombwe, Malawi Congress Party official, from regional headquarters had sent a message to the victims in the area never to interact with any police personnel on the matter in question, hence some of the victims went to their farms.

The team proceeded to visit another victim Anne Mphambano. Whilst at the scene of crime, a gang of boys who are suspected to be Malawi Congress Party supporters ordered the team to immediately leave the place, along with two village headmen (Mveve and Mtadza). Immediately, the team left.

***It is regrettable that the actions by MCP supporters jeopardized our investigation.***

The team noted similarities in some case files hence consolidated some files based on date; time and place of occurrence as follows:-

1. Catherine Tembo and Esther Shaibu,

2. Fiskani Chipelesa, Elita Chatha and Lifnet Mussa,

3. Emily Yakobe Weluzani and Mervis Kumbukeni.

The team visited hospitals or clinics as per presented medical reports and **found that out of eight alleged rape cases, only four victims went to hospital** some days later after being approached by MHRCOfficials and a lawyer by the name of Sylvester James Ayuba. Both MHRC lawyer and Sylvester James Ayuba were asked .They both admitted to have taken some of the alleged victims for medical examination .Sylvester James Ayuba took victims such as Emily Yakobe Weluzani and Mervis Kumbukeni to Daeyang Private Hospital. He also took Esther Mwayiwawo to Kamuzu central Hospital. Other victims were taken to Kamuzu Central hospital by MHRC lawyers weeks later.

The team investigated each consolidated and unconsolidated files and below are the summaries of the allegation, action taken and findings for each allegation;

1. **ALLEGED RAPE CASES**
2. **AGNESS KANDODO (LIWONDE) REF NO LG/CR/ 87/01/2020.**

She is 49yearsold.She comes fromvillage Mpingu, Traditional Authority Mbwatalika in Lilongwe. She reported that unknown police officer raped her on 8th October, 2019 at around 11:00 hours and after committing the offence the rapist snatched a cell phone, Samsung galaxy from her and went away.

Upon receipt of the complaint, the investigation team called the victim for interview on 3rd January 2020 but she didn’t come. On 8th January 2020 the team went to her house in order to visit the scene of crime but she failed to show the house, saying that it was along the road and pretending to be in a hurry to attend a funeralceremony. She gave Investigating teaman Airtel mobile phone number**0996328836**which she alleged to have been robbed after being raped by a police officer. The same Airtel mobile number was given to Chifundo HarawaNjolomole of Malawi Human Rights Commission (lawyer) before, who had shared the same number to the Deputy Director of CID Mr. Norman (ACP).

A call log was obtained fromAirtel subscriber for communication analysis by Criminal Intelligence and AnalyticalUnit (CIAU), in order to establish the current user of the handset through IMES. After obtaining results from Analytical Unit,investigations were carried that led to the recovery of the cell phone from Mr. Cedrick Francis Tanganyika, a Welder at Lumbadzi Trading Center.Further interviews led to the arrest of Manuel Jaime atMtakataka in Dedza where he was hiding. Manuel Jaime admitted to have stolen the Cell phone from MrsAgnes Kandodo after she gave him for chargingin his house on 08thOctober, 2019 in full view of Manuel Phiri a watchman at the material time.However before charging, the compound was invaded by unknownunlawful demonstrators who vandalized his house but did not steal the phone along with his small bag where the phone was kept.Manuel took advantage of the situation and stole the phone.He sold the phone at Lumbadzi beforeproceedingto his home village.

On 14th January 2020, Manuel Phiri (the guard) was interviewed and recorded a statement whereby in his statement he admitted that he witnessed Mrs. Agness Kandodo handing over the cell phone for charging to Manuel Jaime on the fateful day of 08thOctober, 2019 at around 0900hours. He denied to have any knowledge about reporter being raped and robbed a cell phone.

On 17th January 2020 at about 1100hours the victim Agnes Kandodo was invited for confrontation and identification of the recovered cell phone, in presence of representatives from Women Lawyers Association of Malawi (WLAM) and MHRC. She was shown the recovered cell phone and the suspect, of which she positively identified the cell phone and confirmed that it was indeed the same phone she gave to Manuel to put on the charge on the same day. But upon asking her about the initial complaint of Rape and Robbery shecomplained against a policeofficer, shechanged the story to say that the phone she meant was not the recovered one claiming that it was a different hand set and she gave the Team a different contact Airtel number**0999351259** for further investigations.

Prior to this development Investigation Team requested for another call log through the CIAU for further analysis. The results showed the same Handset that was already recovered (**both Analysis reports attachedas appendix ID 1a and b)**

Further investigations revealed that even before the arrest, there was communication between Agnes Kandodo and Flossy Massa Jaime of Chisonthi village within Bilira in Ntcheu, a sister to Manuel Jaime. She said that even before Manuel reached home, Agness Kandodo had been contacting her to know the whereabouts of Manuel who by then had not yet reached his village. Further to that on 11thJanuary, 2020 between 2000 and 2100hours she was called again by Agnes Kandodo telling her that the issue of phone she called her for in 2019 has become a problem since it was under police investigations.

Upon asking her what happened, ***she revealed to her that she lied that she was raped by a police officer who also snatched her phone and that once Manuel is arrested or contacted about the phone issue, he should tell him to inform the Police that he picked the phone along the road within the Trading Center.* (Voice recording done).** Fortunately, Manuel got arrested before this message was communicated to him. **(Attached Audio of Flossy Masa and Agness Kandodo appendix ID 2).**

***Looking at all points viewedabove, it isa clear indication that the victim Agnes Kandodo complaint is contradictory to the facts established during investigations. The analysis results indicate that both numbers (0996328836 and 0999351259) were being used in the same handset which was recovered. The cell phone she is claiming to have been robbed after being raped by Police officer on 08/10/2019 has been established that it was stolen by Manuel Jaime who was given by herself for charging.On top of these facts, there is no Medical report to sustain her being raped and making the matter, worse the one arrested confessed that he is the one who stole the cell phone during the time he was a special owner. She further indicated that she cannot identify or describe the alleged Police Officer.***

1. **CATHERINE TEMBO (PREGNANT) AND ESTHER SHAIBU. REF NO LG/MP/06/02/2020**

Mrs. Catherine Tembo is 25years old, from village Mwase, Sub Traditional Authority Chiwere, in Lilongwe while Mrs. Esther Shaibu is 19years old, from village Mbwatalika Traditional Authority Mbwatalika, Lilongwe. The two alleged that they were in the same house on 8th October 2019, at around 11: 00 hours when the two police officers got into the house and start raping them.

Catherine Tembo reported the matter to police on 17th December 2019 whilst Esther Shaibu reported the matter on 3rdJanuary 2020 when Investigation Team was re-interviewing thevictims.

* 1. The victim Catherine Tembo ispregnant and during interview she stated that she was two months pregnant when the incident took place, which means she was five months pregnant on the day of interview. She went to the hospital on 23rd October 2019 yet the alleged rape took place on 8th October 2019.

On 05th January 2020, the investigation team visited Kamuzu Central hospital to verify her (Catherine Tembo) medical report and met the following doctors, Dr. Priscilla Mwanza, Dr. James Mbewe and Dr. Matrida Kapaza who confirmed that they examined the victim and the findings were that there was**no trauma or vaginal lacerationat her private parts,** therefore, no evidence of penetration, however slight was traced.

On 08th January, 2020 the team went to Mwase villagewhere the two alleged victims stay to visit the scene of crime. The two victims showed the team a demolished structure as the place where they were raped, alleging that the house was demolished by heavy rains which is questionable

***After scene of alleged crime the team observed no sign that the structure was upright and nosign that it was roofed.On top of that,the place looked too old showing that it had not been habited for some time considering the period when the heavy rains started.***

Due to speculations on social media as reported by other quarters that victim Catherine Tembo was raped and got impregnated by rapists (police officers)Mrs. Catherine Tembo was asked to go for medical examination but she denied and revealed to the Team, in presence of group village headmen Mveve and Mtadza that Mr. Mazombwe, from MCP headquartersapproached the victims around the area and advised them not to give any information or to be taken for any examination by the police ( investigation team) alleging that the team could go there to destroythe evidence. Hence she refused to show Investigation Team her health passport book claiming that she already had gone to the hospital soon after the incident. However, on 17th January 2020, she was taken for medical examination at Kamuzu Central Hospital after being convinced byMHRC and WLAM representatives. She was examined by Dr.Chiudzu who certified that she is five months (23 weeks) pregnant carrying twins. (Attached appendix ID 3 (a and b) medical of Catherine).

***According to Evidence in this case there is no medical evidence of rape.The alleged issue of being impregnated by a Police Officer as a result of the alleged rape is false and not true .The victim was already pregnant during the alleged period of incident as it was certifiedfive months old by doctor at Kamuzu Central Hospital contraryto the speculation on Social Media.***

Furthermore the team also verified the medical report of Esther Shaibu at Kamuzu Central Hospital. According to doctor, Prof. Ronald Mataya, who examined her, he found that there was no evidence of rape.

***Based on the above findings, the Investigation Team find it difficult to establish the commission of rape as alleged by the victim. However all Police officers deployed for operation were interviewed but all denied any involvement into allegations.***

1. **DONIA KAMUNTHU. REF. NO LG/MP/09/02/2020**

The alleged victim is 22years old. She comes from Sella village, Traditional Authority Mbwatalika in Lilongwe. She is a business lady. Shealleged that on 8th October 2019 at around 1000 hours, three police officers forced themselves into her house. They asked her about the whereabouts of her husband and later two officers left, leaving one officer in the house who raped her. She further alleged that the suspect stepped on her abdomen with a boot after raping her. The victim reported the matter to police on 17th December 2019 and had no medical report.

On 3rd January 2020, the team re-interviewed the victim and she stated that her medical report was with her lawyer, Chifundo Harawa Njolomole. The Team requested for the medical report from the Lawyer and she gave a copy of it. When Chifundo Harawa Njolomole was asked who brought the Medical report, she said that the report was brought in by a certain lawyer known as Sylvester James Ayuba (lawyer for MCP).The medical report shows that it was obtained from ICA-Sunrise Clinic at Mpingu Trading Center on 05th November, 2019.The team proceeded to the clinic in order to verify the authenticity of it. Miss Assiliet Kanguwo, a nurse at ICA Sunrise Clinic, (in charge at the material time and had been there since the clinic was opened) denied that the medical report was issued by the Clinic. She further said that the stamp belongs to clinic but the handwriting in healthy passport is strange to her, none at the clinic has that hand writing. Checking into the clinic register there was no entry showing Donia Kamunthu visited the clinic during the period.

On 16th January, 2020 the team interviewed Mrs. Chimwemwe Mvula Mandauka a clinician who was on duty during the period who denied to have examined the victim. After looking at the report she confirmed and admitted that the stamp belongs to the clinic while the purported signature seemed to be hers but forged. She suspected the handwriting on the medical report to be of a clinic attendant (cleaner) Moses Duke now at large. In her statement she observed that the report was written by unprofessional person for the fact that such cases are referred to Kamuzu Central Hospital for proper attention as required by medical standards. In this case, nothing was done. She also said that procedurally when a patient visits the clinic is seen by the clinician who indicates his findings on a clinic form then taken to register where the prices are indicated. The patient then proceeds to pay at the cashier and is referred to a nurse for treatment. For rape cases the victims are advised to report at Kamuzu Central Hospital One Stop Center.

**In the case of Donia Kamunthu the prices were indicated in the same health passport contrary to the clinic procedure.**

On 17th January, 2020 the victim was invited through MHRC and WLAM to verify about the hospital she attended. She indeed agreed to have gone at Sunrise Clinic but could not identify the clinician who helped her on the issue. The team asked her to produce her health passport for confirmation **she produced it but with the stamp page removed.** Upon being asked about the missing page she told the team that it was removed by unknown people who came to visit her concerning the allegation at her home and were on unknown motor vehicle.

Further to that the current clinical officer, Mr. Charles Vinkhumbo, on 16/01/2020 in his statement told the investigation team that Moses Duke the clinic attendant confessed to him that he is the one who stamped on Donia Kamunthu medical report on promise of being given a token as there was a deal where a compensation would be given to women who openly alleges that they were raped or harassed by Policemen on 08/10/2019.

Effort to meet Mr. Moses Duke proved futile as he is at large since he got information that the police is looking for him.

Scene of crime was not visited because the Investigation Team was chased and warned not to proceed with enquiries at Mpingu and Mbwatalika Trading Center by a gang of boys and men believed to be MCP supporters.**(Attached medical report appendix 5 a and voice recording marked 5c).**

***Based on the above the team noted that:***

1. ***The Medical report is questionable.***
2. ***A lot of stories were gathered that the intention of the victims were to make allegations aimed at seeking compensation in future.***
3. ***Failure to identify the suspect.***
4. ***Removing of medical report findings page and***
5. ***Obstructing the Investigation Team to conduct further enquires by the victims ‘agents or society members, there is likelihood that this is a makeup story whose allegation were not fully supported hence the allegation is deemed to be false.***
6. **EMMA BONIFACE (NEE CLEMENCE) REF.NO. LG/MP/08/02/2020**

She is 27 years old and comes from village Mphambano, Traditional Authority Mbwatalika in Lilongwe. The victim alleged to have been rapedon 8th October 2019 at about 1100 hours by unknown police officer.

According to her complaint lodged on 17/12/2019 in her statement she said that she was raped and hit on the stomach by a policeman wearing a black head band cloth. On 3rd January 2019 the team re-interviewed the victim who said that she went to Mbwatalika Adventist Health Clinic soon after the incident but didn’t bring the medical report.

A follow up was done with Mbwatalika Adventist Health Clinic in order to obtain the medical report but the Clinical Officer, Mr. Robert Kamletseni, said that he was on duty during the period and he didn’t receive or treat any victim of rape during the period. Furthermore, records at the said hospital do not show Emma Boniface visiting the hospital. The victim cannot identify the suspect.

***Based on the above findings, the Investigation Team finds it difficult to establish the commission of rape as alleged by the victim as there is no corroborating evidence established however all Police officers deployed for operation were interviewed but all denied any involvement into allegations.***

Scene of crime was not visited because the team was chased by a gang of boys at Mbwatalika Trading Center.

1. **ESTHER SMITH KALEKENI. REF.NO. LG/MP/17/02/2020.**

The victim is 40years old and she comes from Mbwatalika village,

Traditional authority Mbwatalika in Lilongwe. She reported the incident on 11/12/2019 and in her statement she alleged that unknown police officer raped her in her house on 8th October 2019, at around 11:00 hours at Mbwatalika village.

She was re-interviewed on 3rd January 2020 and it was discovered that she did not report the matter to any person until the day she heard that Mr.SylvesterJames Ayuba was calling for women who would openly say that they were raped or harassed by Police officers.

The victim was asked of having any evidence pertaining to the matter and she alleged that she threw away in the pit latrine the cloth used to clean up herself, soon after the incident.

She did not go to the hospital until the day of re-interview.

Scene of crime was not visited because investigation the team was chased at Mbwatalika Trading Center by a gang ofboys.

***There is no evidence to support her claim hence the allegation cannot stand alone.However all Police officers deployed for operation were interviewed but all denied any involvement into allegations.***

1. **ANNE PHAMBANO REF.NO. LG/MP/25/01/2020.**

She is 48years old and she comes from Mphambano village, Traditional Authority Mbwatalika in Lilongwe. The victim reported the matter to police on 3rd January 2020 when the Investigation Team called other victims for re-interview. She alleged that a police officer raped her in her house on 8th October 2019, at about 11:00hours at Mbwatalika village.

The victim did not report the matter to anyone and she didn’t even go to the hospital.

According to report on social media, it was reported that she was infected with sexual transmitted disease by a police officer who raped her.Upon checking her health passport to verify the sexual transmitted disease it was discovered that she is attending MACRO hospital where she is a registered HIV patient long time before and she monthly goes to receive ARVs. No rape record was found in her healthy passport.

She further said that Mrs. Kathumba, a Member of Parliament, approached her together with her friendstelling them that all victims would be compensated so they were asked to submit their names. Later it is when they were influenced to report the alleged incidents to police.

On 8th January, 2020 the investigation team went to Mbwatalika in order to visit the scene of crime but the team was chased by a gang of boys and men (believed to be MCP supporters) who harshly ordered the Team to immediately leave Mbwatalika and Mpingu area. By that time the team was in company of the two village headmen from Mpingu namely Group Mvuwu and village head Mtadza. These boys threatened to deal with the Investigating Team if it continued visiting scenes of crime for all victims of alleged sexual abuse offences that took place on 8th October 2019 at Mbwatalika and Mpingu trading centers. Therefore Investigation Team ran for theirlives. She cannot identify the rapist according to her testimony.

***In this case there is no evidence that she contracted the sexual transmitted disease as a result of being raped as alleged rather that she is a long term client of MACRO at falls where she monthly goes for ARVs. About being raped there is no corroborating evidence.***

***Based on these findings, the Investigation Team find it difficult to establish the commission of rape as alleged by the victim. However all Police officers deployed for operation were interviewed but all denied any involvement into allegations.***

**7. MANESI MACHILIKA CHITSIMEREF.NO.LG/MP/11/02/2020.**

She is 27years old and comes from village Mbwatalika, Traditional Authority Mbwatalika in Lilongwe. The victim reported the matter on 16th December, 2019 and alleged that unknown police officer raped her on 8th October 2019 at around 1000 hours in her house at Mbwatalika Trading Center. The victim was re-interviewed on 3rd January 2020 and it was established that she did not go to the hospital for examination after the alleged incident and does not have a medical report. She decided to report the matter to police after being approached by MHRC officers but she did not disclose their names because she had forgotten them. She cannot identify the suspect and scene of crime was not visited because investigators were chased as stated earlier.

***Therefore, there is, no sufficient evidence established however all Police officers deployed for operation were interviewed but all denied any involvement into allegations.***

**B.ALLEGED DEFILEMENT**

**1. ESTHER MWAYIWAWO -REF.NO.LG/MP/27/01/2020**.

There was one case of defilement reported on 17/12/2019 by Miss Esther Mwayiwawo, Aged 15years of village Chiliza, Traditional Authority Malili in Lilongwe, a Student C/O Mpingu Community Day Secondary School against unknown police officer. on 8th October 2019 around 1100hrs, there was fracas at Mpingu Trading Center so she sought refuge in her house which she is renting along with four fellow students at the plot of Group Head Woman Gwangwa which is about 200 meters from Mpingu Community Day Secondary School. By then she was together with fellow victims of alleged sexual assaults, namely Elita Chatha and Lifnet Mussa who also sought refuge in the same house. Whilst there, four police officers forced themselves into the house and start asking them several questions. Later, three police officers got out of the house together with her two friends. She was left in the house together with the fourth officer who allegedly to have defiled her. According to her statement she alleged to have gone to Nguluwe Pvt Clinic in her village for general body pains and was given pain killers but there is no medical report or health book report to sustain her claim.

The victim was re-interviewed on 3rd January 2020 and it was established that she didn’t report the matter to anyone until MHRC officers approached and took her to Kamuzu Central Hospital on 19th October 2019 where she was treated for assault not defilement.

The investigation team went to Kamuzu Central Hospital to verify the authenticity of the medical report and it was discovered that she went to Kamuzu Central Hospital twice.

Firston 19th October 2019 when she reported to have been assaulted by Police officers. According to doctors` findings the general outlook of the victim was ok and no sign of injury during the time she visited the hospital.

Secondly on 6th December, 2019 the victim went again along with MHRC lawyer Chifundo Harawa Njolomole and the victimtold the DoctorProfessor Lenard Mataya that she was defiled. After being examined, findings were that there were no cuts at the vagina. Further Examination showed irregular**hymen,** asignthat she has had prolonged sexual inter courses before and lastly she confessed to the doctor she has a boyfriend.

The team went to visit the scene of crime and she showed the team the house where she alleged to have been defiled. Thevictims’ house is amongst congested houses, which are so close and adjacent to each other. Upon interviewing the land lord who is also Group Village Headwoman, in her statement she said that after the alleged invasion by police she called upon all women including the victim and asked them if there was any sexual abuse that took place during the invasion by police officers but they all denied. On the same day the investigation team visited the Deputy Head Teacher, Mr. Anderson, of Mpingu Community Day Secondary School and interviewed him whereby in his statement he denied to have any knowledge or received any complaint from students being defiled or indecently assaulted.

The investigation team finds the following errors:-

* Soon after the fracas, the landlord, Group village head woman Gwangwa, asked all her tenants including the victim if at all there was any kind of complaint occurred at the place but none came out openly of any sexual abuse by police apart from being commonly assaulted.
* The victim visited the hospital three times.
* Firstly she alleged to have gone to Nguluwe clinic at her home village which is very far from the scene and she did not bring the medical report. The investigation team went to Nguluwe Private Clinic but the Doctor refused to have treated the victim.
* Secondly, on 19th October 2019 under guidance of Sylvester James Ayuba (Lawyer), the victim went to Kamuzu Central Hospital where she was treated for general body pains.
* Lastly, on 6th December 2019 she went again under guidance of MHRC Lawyer, Mrs Chifundo Harawa Njolomole. This time she changed the story and alleged that she was defiled.
* The Investigation Team finds that if the offence was committed it is very unfortunate that for whatever reason though she had an opportunity to report she did not utilize this opportunity and again though she visited the hospital in the first whatever she reported was that of physical assault and not defilement.However the medical examination report did not support her claims of being assaulted too. To make matter worse upon being interviewed the victim indicated that she cannot identify suspect at any cost.

***Based on the facts above, the investigation team found that there is noevidenceandthat it is difficult toprove a case of defilement.***

1. **INDECENT ASSAULT CASES.**

**{FISKAN CHIPELESA, ELITA CHATHA AND LIFNET MUSSA-REF.NO.LG/MP/26/01/2020}**

**1. FISKAN CHIPELESA**

The three above live together at the plot of Group Village Head Woman Gwangwa which is about 200 meters away from Mpingu Community Day Secondary School.

Fiskani Chipelesa is 17years old and she comes from Mpingu village, Traditional Authority Mbwatalika in Lilongwe, a Student c/o Murah Bukum Private Secondary School. The victim alleged that on 8th October 2019 at about 1100 hours, she was together with Elita Chatha, Lifnet Mussa and Esther Mwayiwawo when they saw four police officers advancing towards them. She hid in her mother’s house and the other three went into another house. Then the two police officers got her in the house and start asking several questions. Later, the police officers started beating her, touching her breast and private parts.

On 17th December 2019 she reported the matter to policeafter beingapproached by MHRC officers. On 19th December 2019 the victim was taken toKamuzu Central hospital by MHRC (Lawyer Chifundo Harawa Njolomole).

On 3rd January 2020 she was re-interviewed and stated that she did not report to anyone until she was approached by MHRC lawyers who latertook her to the hospital.

The investigation team went to Kamuzu Central Hospital to verify the medical report. According to the doctor’s findings, after examination there was no sexual contact but she had soft tissue injuries on her shoulder.

Scene of crime was visited on 8th January 2020.As part of gathering evidence to the issue of assault, the victimindicated that she cannot identify the Police officers who assaulted them.

Further steps were taken by the interviewed Police officers who were deployed at Mpingu Trading Center but all went in vain as none of them accepted any responsibility of the case. Unfortunately the victim also indicated that she cannot identify any.

**2. Elita Chatha**

She is 16 years old and she comes from Kampangire village, Traditional Authority Masumbankhunda in Lilongwe, a Student C/O Mpingu Community Day Secondary School. She alleged that unknown police officer beat and ordered her to remove all clothes. She was on menstruation so the police officer did not rape her.

She went to the hospital on 19th October 2019 and nothing was detected as per medical report. She reported the matter to police on 17th December 2019 after being approached by MHRC officers.

On 3rd January 2020 she was re-interviewed by the investigation team. The following day the investigation team visited Kamuzu Central Hospital and according to the medical report, the doctor said nothing was detected that can support the complaint.

On 8th January 2020 Scene of crimewas visited in her absence but in company of her friend Esther Mwayiwawo who was able to direct it since the incident is alleged to have happened at the same place by the same police officers. She cannot identify the police officer.

***The Investigation Teamfound that there is insufficient evidence to sustain the allegation .Besides that all Police officers on operation were interviewed and all denied responsibilities.***

**3. Lifnet Mussa**

She was born on 2nd June 2003; she comes from Sonja village, Traditional Authority Masumbankhunda in Lilongwe, a Student, c/o Mpingu Community Day Secondary School. She alleges that on 8th October 2019 at about 1100 hrs she sought refuge in the house where she is renting with her two friends namely, Esther Mwayiwawo and Elita Chatha. Whilst there three police officers got into the house and start asking them several questions. One of the officers started touching her breast. Then they were all ordered to remove their clothes of which they obeyed. The officers beat them and went away.

On 17th December 2019, the victim reported the matter to police. On 3rd January 2020, the investigation team re-interviewed the victim who said that she was indecently assaulted by four police officers. On 19th October 2019 after being approached by MHRC officers she went to Kamuzu Central Hospital for medical examination.

On 6th January 2020 the investigation team visited Kamuzu Central Hospital to verify the authenticity of the medical report. According to the doctor’s findings, he said that the victim was looking healthy with no scratch marks on her body.

The victim said that she cannot identify the police officer.

***Despite effort taken by the investigation Team to interview Police officers who were deployed at Mpingu Trading Center but all went in vain as none of them accepted any responsibility of the case. Unfortunately the victim also indicated that she cannot identify any. Therefore, there is no corroborating evidence to support the allegation.***

**4. ALICE LIMBIKANI. LG/MP/17/02/2020**

She is 23 years old and comes from Sella village, Traditional authority Mbwatalika in Lilongwe occ. Business lady, C/O Mpingu Trading Center. She alleged that on 8th October 2019 at about 1200 hrs, there was fracas at Mpingu Trading Center and she hid in her house. Whilst there, two police officers got into the house and started beating her. The officers touched her breast and private parts. She did not go to the hospital and she reported the matter to police on 17th December, 2019 after being approached by MHRCofficials.

On 3rd January 2020 the victim was re-interviewed and insisted that she was indecently assaulted by two police officers who were armed with a gun and sticks, the officers touched her private parts and left without raping her. The victim did not report to any hospital.

On 8th January 2020 the investigation team went to visit the Scene of crime in order to have a clear picture of what actually happened but failed due to the fact that investigators were chased by a gang of boys and men believed to be Malawi Congress Party followers.

**The victim cannot identify the police officer**.

***The Investigation Team did not find sufficient evidence to support the case.Despite this element all Police officers deployed for operation were interviewed but all denied any involvement into allegations.***

**5. DOREEN TEMBO. REF.NO.LG/MP/25/01/2020**

She is 29 years old and comes from village Mwase, Traditional Authority Mbwatalika in Lilongwe. She alleged that on 8th October 2019 at about 1400 hours she was at a meeting when she heard that police officers were firing teargas. She decided to go home and whilst in her house, a number of police officers got into her house. One of the police officers got her in the bedroom and ordered her to undress. The officer wanted to rape her but was disturbed by his friends who entered into the bedroom. He touched her breast and private parts, later he went away.

She reported the matter to police on 17th December, 2020 after being influenced by MHRC officials.

On 3rd January 2020, the investigation team re-interviewed the victim who said that she did not go to the hospital.

Scene of crime was not visited because the team of investigators was chased by a gang of boys who are believed to be Malawi Congress Party Supporters.

The victim cannot identify the police officer who indecently assaulted her.

In this incident without being influenced by her agents for future benefits she could not has reported. This is one of the pure made up story for benefit. She did not even go to hospital.

***The Investigation Team did not find sufficient evidence on the incident however all Police officers deployed for operation were interviewed but all denied any involvement into allegations*.**

**6. SEBA BANDA (NEE PHAMBANO) LG/MP/15/02/2020**

She is 38years old and comes from village Mphambano, Traditional Authority Mbwatalika in Lilongwe, Occ. Housewife. She reported the matter to police on17/12/2019 and alleged that on 8th October 2019 at around 1100 hours whilst at her business place at Mbwatalika Trading Center, police officers started firing teargas so she sought refuge into her house. Whilst in her house she noticed police officers forcing themselves into the house, one of them dragged her from the bedroom and ordered her to sit down then stretch her legs. The Police officer started touching her vagina for some time, then left.

On 3rd January 2020 she was re-interviewed and did not report the matter to anyone until MHRCapproached and influenced her to report the matter to police. She did not go to the hospital for examination. Scene of crime was not visited due to the reason that the team was chased by a gang of boys who are believed to be Malawi Congress Party supporters.

The victim is saying she cannot identify the suspect, however all Police officers deployed for operation were interviewed but all denied any involvement into allegations.

Going through the matter the investigation team established no clue to follow as matter lacked substance.

***In the allegation there isno medical or physical evidencetosustain the case. Despite this, all Police officer deployed at the area on operation duties were interviewed but all denied to the allegation***

**{EMILY YAKOBE WELUZANI AND MERVIS KUMBUKENI}REF.NO. REF.NO LG/MP/10/02/2020.**

Emily Yakobe Weluzani is 22 years old from village Mvuwu, Traditional Authority Mbwatalika in Lilongwe occ. Housewife while Mervis Kumbukeni is 17 years old from village Mvuwu, Traditional authority Mbwatalika in Lilongwe occ. Housewife.

The two alleged that on 8th October 2019 around 1100 hrs they were coming from doing piece works (ganyu) at the house of Hon. Jean Sendeza. Upon reaching at home, the two were surprised to see that the village was very quiet; people had run away from the village. They became scared and decided to go for hiding and on their way to the garden; they met three police officers who started asking them about the whereabouts of their husbands. The officers ordered them to remove their clothes, their clothes were tone and they were beaten heavily. They were later released and the officers went away. The facts of the two cases were consolidated and below are the details;

**7. EMILY YAKOBE WELUZANI**

She reported the matter on 17th December 2019 and in her statement she stated that her underwear and skirt were torn. She did not report the matter to police but informed her parents that she was physically assaulted by three police officers. On 18th October 2019, under guidance of Sylvester James Ayuba (Lawyer) she went to Daeyang Private Hospital where she was treated for chest and general body pains.

On 3rd January 2020 the investigation team re-interviewed the victim whereby she explained that she was physically assaulted and not sexually known and that her skirt along with the under wear which she wore on that particular day were torn by a police officer. Upon hearing that, the investigation team inspected the torn clothes. The investigators observed that the skirt was separated on the joining stitch line (Msoko) which means it was maliciously separated. The under wear was already worn out before the incident. She refused to surrender the exhibit to the investigation team.

On 6th January 2020 the team went to Daeyang Private Hospital where the team met Clinical officer Harvey Likapa. The doctor indicated that on 18th October 2019 he attended to the victim for general body pains and after examination, findings were that the victim was physically normal and was given pain killers.

On 7th January 2020, the team went to Mbwatalika village where both parents for Emily Yakobe were interviewed and recorded statements in which they said that their daughter only complained of being assaulted physically by police officers.

On 8th January 2020 Scene of crime was visited at Mvuwu village where the victim showed the team the place where the incident is alleged to have occurred.

* The investigation team observed that the distance from the base to the house of the victim is about one and half kilometers.
* The skirt which is alleged to have been tone was separated at stitching line (Msoko) which means it was maliciously separated and she showed the team a worn out under wear.
* According to medical report the findings were that she was physically normal.

The victim said that she cannot identify the police officers.

***The Investigation Team did not sufficient evidence to support the claim however all Police officers deployed for operation were interviewed but all denied any involvement into allegations.***

**8. MERVIS KUMBUKENI**.

She reported the matter to police on 17th December 2019 and in her statement she stated that she was beaten by three police officers and told to remove her clothes of which she obeyed. She further said that the police officers tore her under wear boxer and left her naked. On 18th October 2019 she went to the Daeyang Hospital under the guidance of Sylvester James Ayuba a Lawyer. When reporting the case, she presented a medical report which shows that she was admitted from 18th to 23rd October 2019.

On 3rd January 2020 the victim was re-interviewed and she insisted to have been assaulted and that her clothes were torn. She further alleged that she walked naked until she met a certain old woman on her way to the garden for hiding. Upon asking her about the place where she met the old lady she failed to show the team and that she doesn’t know the old lady and where she stays, yet she claimed to have returned the cloth (chitenje) to the old woman when the situation came back to normal. She showed the investigation team the torn clothes but the team observed that both torn clothes were worn out.

On 6th January 2020 the team went to Daeyang Private Hospital to verify the authenticity of the medical report. The investigation Team met Clinical Officer Mr. Law Mkandawire who stated that he did not attend to the said victim but the information on the medical report was written by himself for another male patient by the name James Musa who was brought in by Sylvester James Ayuba and was admitted from 18th to 23rd October 2019. The said James Mussa was treated for assault case.

Therefore the doctor denied the medical report and statement was recorded from him. Mr Law Mkandawire remembered that Mervis Kumbukeni and Emily Yakobe Weluzani visited the hospital and were treated for general body pains as out-patients by Harvey Likapa. The team interviewed Mr. Harvey Likapa, a Clinical Officer, who confirmed to have examined the two victims and were indeed treated as out**-**patients for general body pains.

Later, the investigation team asked the victim to produce her original healthy passport but she failed to do so. In this case the investigation team finds that the concealment of the healthy passport concludes that there was a forgery of a medical report by Mervis Kumbukeni whose medical report shows that she was admitted from 19th to 23rd October 2019 while in true sense she was not admitted at Daeyang Private Hospital.

On 8th January 2020 the investigation team visited the scene of crime at Mvuwu village and found out that the place was an open ground which is contrary to her initial report that she was assaulted in the house.

The victim said that she cannot identify the police officers.

**Based on the facts narrated above the investigation teamobserved:-**

1. **That the victim failed to lead the Investigation Team to the old woman whom shealleges to have provided her with another cloth as alleged.**
2. **The scene of crime was an open area but no one came forward to witness her claim.**
3. **The medical report is not supporting her claim as alleged.**
4. **The victim said that she cannot identify the Police officers though the incident took place during broad day light. However all Police officers deployed for operation were interviewed but all denied any involvement into allegations.**

***Based on the above facts the Investigation Team finds it difficult to come up with conclusive points that indeed the offence was committed.***

**D.ALLEGED HOUSE BREAKING AND THEFTLL/MP/26/10/2019.**

**COMPLAINANT MR. YESANI MANUEL.**

There is a cell phone (ITEL) which Mr. Yesani Manuel, Aged 38 years, village Mbewa, Traditional Authority Chadza in Lilongwe. On 8th October 2019 during day time, his house was broken into and various item worth K173, 000 got stolen by unknown person. He alleged that the suspect dropped this cell phone in his house. The complainant reported the matter to Lilongwe police station on 24th October 2019 and a minute paper under reference number LL/MP/26/10/19 was opened. In his statement he alleged that the one who broke into his house dropped the ITEL cell phone.

On 31st December 2019 at around 1100 hrs, the investigation team went to Lilongwe Police Station where it collected the file and the phone. The complainant was called for re-interview but did not show up.

On 11th January 2020, the investigation team went to meet his employer, Lilongwe Central Poultry (DUDU), who promised to facilitate the meeting between the investigation team and the complainant.

0n 12th January 2020 the owner of the cell phone who is number B3353 Sgt. Frank Phiri of Police Mobile Services C Division was interviewed and he stated that he dropped the cell phone together with a rifle magazine at Mpingu Trading Center during the fracas on 8th October 2019. He immediately reported to his immediate senior, Sub Inspector Masanja K. Nyirongo. Immediately the search for the dropped items was carried out but with caution due to situation on ground which resulted into recovery of the magazine only.

During interviews Sub Inspector Masanja Nyirongo admitted to have received the lost report of both rifle magazine and cell phone. He further stated that he led the search party and only the magazine was recovered.

On 12th January, 2020, the team confronted both the Police officer suspected to be the one who dropped the phone inside the reporter’s house and the complainant himself. The confrontation revealed that;

* No collaboration of evidence that the phone was indeed found inside the reporters’ house.
* That indeed the police officer lost the phone whilst chasing out the rioters.
* Confirmation that the Police officer was advised by his colleagues to stop carrying out further searching for his phone for fear of his life in reference to the earlier incident where their fellow officer Supt Imedi met his fate.
* That at no time the officer left his fellow working team for other places. The officer was under the team of Supt Chisale who also confirmed his availability.
* The officer knocked off from work along with his fellow officers hence could have been seen carrying the stolen goods.
* During enquiries it was established that there was a gang of rioters who took advantage of the situation and started rooting people’s properties as evidenced by incident where Agness Kandodo alleged that her phone was snatched by a police officer after rapping her.
* It was established as revealed by the complainant himself that a lot of the people who had their properties rooted or damaged wanted to capitalize on the found phone to easily allege that either their properties were rooted or damaged by Police Officers.

***Therefore there is no evidence that the police officer in question, NO B3353 SGT Frank Phiri of Police Mobile Services C Division is the one who broke into the complainants ‘house and stole his properties as alleged.***

During investigation the team also interviewed the following witnesses:-

**1. NO 3107 SGT MAYESO MAKWINJA.**

She said that she works with Malawi Police based at Namizani Boarder Post and that she was amongst Police officers deployed in back up due to fracas at Mpingu. She said that she observed that indeed rioters were very violent. She further said that she was amongst police officers at one time whowent as far as Mpingu Community Day Secondary School in follow up of rioters who assembled at the school ground. She was in company of few policemen whom she cannot remember because the officers were from different PMS Divisions and the section deployment was done randomly.

The police officers were firing teargas to disperse the rioters because they were pelting stones at the police officers. That policemen firing tear gas did not take time when they dropped from motor vehicle due to situation on ground. As they were returning they were confronted with rioters who started pelting stonesat them as they were passing by the stream. She further said that she never saw any police officer with any woman or a girl. Shesaid thatshe heard about sexual harassment after a few days through media. That she could not believe that such acts could happen at that day due to volatile situation on ground.

On 13/12/2019 she was interviewed by MHRC officers and told them as she has narrated above.

**2. MRS. CHRISSY MATIYA {Traditional Authority Mbwatalika}**

On 3rd January, 2020 the investigation team interviewed her and in her statement said that she stays at her headquarters. She also told the investigation Team thosetwo days after the fracas at Mpingu and Mbwatalika, she was surprised to hear and read from social media that some women were sexually abused by policemen at Mpingu and Mbwatalika.She immediately summoned all villages and group heads underher command to find out the truth of the allegation and also if any of their subjects had complained of the acts.All of them denied receiving such reports. She also proceeded to Mpingu Community Secondary School to find out from the Headmaster who also denied to have received such reports. She finally said that there was information that some NGOs and politicians were coaching people to allege the allegations of sexual abuse in order to dent the image of Malawi Police. She further narrated that the NGOs are being sponsored by MCP Member of Parliament of the area, Honorable Jean Sendeza. Her statement was corroborated with what she was told by Emily Yakobe Weluzani (one of the alleged victims).

**3. MR. ROBERT MLETSENI (CLINICAL OFFICER)**

On 6th January 2020 the team also interviewed a Clinical Officer Mr. Robert Mletseni from Mbwatalika Seventh Day Adventist Health Center who said that during this period he was the one attending to patients at the health center. That the health center is under CHAM which means it receives medications from Government such as ARVs,family planning and malaria drugs. He does not recall to have had received any case of sexual harassmentduring the period. He further said that normally when such cases are received the first thing that is done is that the patient is checked HIV statusthen thereafter if found with any infection that patient is treated. Despite that the services for sexual harassment cases are free,none of the victims attended the Healthy Center.

Lastly the investigation team interviewed police officers under caution who were on duty as follows:-

On 12th January, 2020 about twenty (20) Police officers **(appendixmarked ID 13)** who were deployed at Mpingufrom Police Mobile Services C Divisionwere interviewed. They were later taken statements under caution and they said that the officers were in two groups and were deployed in back up to Nsundwe riots. Whilst onthe way, they were confronted by angry rioters who were blocking the road. This forced them not to proceedbut started clearing the blocked Lilongwe -Mchinji road.They erected a temporary base along the road from where they were operating todisperse pockets of rioters who were pelting stones at them. They all concurred that the situation was volatile and no one could have left the group to do such acts.Upon being asked on the sexual harassment allegation, all in their statements denied the allegationand further said that they also heard it on media.

On 19th January, 2020 the investigation team proceeded to Namizani boarder where they interviewed **twenty-six (26) Policeofficers (appendix marked ID 14)** under caution and other **five (5),** drivers and police women, who were interviewed and recorded ordinary statements.

The twenty six officers in concurrence said that they were all deployed in back up at Mpingu where the situation came volatile due to angry rioters who were blockingthe police to proceed to Nsundwe where Supt Imedi was stoned to death earlier in the day. They said that they found officers from PMS C Division at the place already controlling the situation that was so tense. Some were sent for escort duties but othersremained and werealso engaged in clearing the Lilongwe –Mchinji road.

Upon being interviewed on the allegation narrated to them, all in their statements denied to that allegation saying they also heard it in the media. They all concurred that the situation was volatile and no one could have left the group and do such acts. They also mentioned that the groups were also backed up by Malawi Defense Force.

Finally on 22nd January, 2020 the investigation team interviewedfive (5)**(Appendix marked ID 15),** police officers from Police headquarters A Divisionwho were called to back up and were using an Armored ProtectiveCarrier (APC) whose team leader was A/Supt Sixpence. The carrier had five (5) officers who in theirstatements said that their carrier has a bumper road clear and people do not disembark when clearing the road.

On that day it is the team that went as far as Nsundwe. That while passing at Mbwatalika they had to clear the road that was blocked. They did not disembark from the APC as alleged by some women.

Further to that Sub Inspector ErnestKamuwona who was amongst personnel in the APC comes from Lumbundu village T/A Mbwatalika told the team that his home is within Mbwatalika Trading Center.

After two weeks he visited his home and made an initiative to find out if at all such incidents happened.All the people including his relatives denied that it was only aimed at denting the image of Malawi Police.

**KEY FINDINGS.**

After investigations based on the evidence gathered the team established the following:-

1. After the fracas, victims were enticed to allege the sexual harassmentsincidents byPoliticians through Lawyer Sylvester James Ayuba and Hon.Mrs. Kathumba (MP). According to statement of Anne Mphambano she said that Mrs Kathumba (MP) approached her and other five women namely, Miss Seba Banda, Emma Boniface, Mrs Doreen Tembo. EstereShaibu and Mrs Catherine Tembo all of Mbwatalika Trading center. They were advised to lodge the sexual harassment so that they would be assisted accordingly. In the audio taken from her she further said that the MP also took their photos and videos which were circulating on social media two days later after the incident.
2. It has also been established that two medicals reports are fake (forged), (Donia Kamunthu and Mervis Kumbukeni reports). The hospitals where they allege to have been examined are dishonoring the medical reports.
3. Incidents of sexual harassments and family planning treatment in all CHAM and some Private hospital are freely administered for they are governmentprovision. In this area there are some CHAM hospitals such as Mbwatalika Seventh Day Adventist Health Center, I C ASunrise clinic and Chitedze Government Rural Hospital which are within reach by foot but the victims decided not to go tothese nearby hospitals instead they were taken to other far hospitals two weeks later.
4. All the victims never reported the matter to Police on their own but after being approached by Malawi Congress Party Member of parliament Hon.Esther Kathumba and MHRC officials.
5. During scene visit six (6) victims: Mrs Emma Boniface, Mrs Catherine Tembo, Mrs Esther smith Kalekeni, Mrs Seba Banda,Mrs Alice Limbikani and Mrs Manesi Machilika were not available following the advice given by some Politicians such asMr.Mazombwe senior MCP personnel.
6. Based on information gathered from all possible witnesses and suspects, it showed that the situation on ground was volatile such that no acts of sexual contact could easily perpetrated by any Police officer.
7. All victims cannot identify the suspects except Ester Mwayiwawowho said that she could identify the physical appearance of the suspect but not by face of which it cannot be fully considered to be the real identification. In addition to that the victim in questionattended hospital three times for the same issue on different reasons. Therefore her complaint is quite questionable.
8. All victimscould not identify any suspect.
9. None of the alleged sexual harassments has got collaborated evidence such as positive medical confirmation results.
10. Many incidents are alleged to have occurred at the same time which cannot happen in normal circumstances. This is an indicatorthat the allegations were maliciously planned and originated by some interested quarters for their own reasons.
11. According to findings during scene visit of incidents as reported at Mpingu, it has been discovered that the situation was volatile andthat the distance between Trading Center where the base was located and the village housesis very far, such that it could have been difficult for someone to carry out such acts comfortably.
12. It has also been established that Rioters took advantage of the situation on ground and went on rooting and destroying other people’s properties as evidenced by a case of Agness Kandodo where her phone was stolen from the house of Manuel Jaime at Safa Poultry.

**Finally in the alleged case by Agness Kandodo**, knowingly with malice that she gave the cell Phone to Manuel Jaime at SAFA poultry farm, she went on alleging that it was snatched by the Police officer that raped her. After the phone was recovered she changed the story that it was another handset. This confirms that indeed these stories were made up. During confrontations and identification of the cell Phone, Agness Kandodo became very nervous and kept on trembling all through the confrontation process with Manuel Jaime who openly said that the cell phone was stolen by himself in presence of WLAM and MHRC lawyers. She immediately wanted to withdraw the matter declaring that it is her time wastage. Further analysis by the Criminal Intelligent Analytical Unit findings confirms that the two Airtel numbers provided were being used in one hand set, this made her fear and became so angry and hostile in presence of both MHRC and WLAM confirming the allegation false wanted to drop it.

In the case of Donia Kamunthu. The medical report which is alleged to have been obtained at ICA Sunrise clinic at Mpingu had the page of the date stamp removed after the originator , the victim and her agents knew that the Investigation Team want to establish more. This made even the clinic attendant Moses Dukes (believed to be the author) dessert from his place of work for fear of being arrested. It is in the opinion of the Investigators that this removal of the Page and desertion from work by Moses Dukes was initiated by the agents of the make-up story with intent to dent the image of the Malawi Police service and also to cover-up the killing of the Police officer at Msundwe Trading Center.

**In the case of Emily Yakobe and Mervis Kumbukeni**, The Medical report of Mervis Kumbukeni is purporting that she was admitted at Daeyang Private Hospital while in actual sense the medical report belonged to a male patient(James Mussa )suffering from wounds. Further to that the alleged torn clothes seem to be too old and the skirt had its separation on the stitching line (Msoko) showing a deliberate act. The changing of allegation from rape inside the house to alleged indecent assault outside is also another scenario. The cook up story that Mervis Kumbukeni had her clothes strapped off that prompted her being given a wrapper (chitenje) by an woman whom she fails to mention, Failure to show the medical report to the investigators and being referred by Lawyer Sylvester James Ayuba to hospital far enough leaving Government hospital at Chitedze all confirms the allegation aiming at denting the Police so that they promised future benefit materialize.

**Coming to the cases of Esther Mwayiwawo and three other girls.**

In case of Esther Mwayiwawo, the Investigation Team finds that if the offence could have indeed been committed, it is very unfortunate that for whatever reason though she had an opportunity to report, she did not utilize this opportunity, again though she visited the hospital in the first place, whatever she reported was that of physical assault and not defilement. However the medical examination report did not support her claims of being assaulted too. To make matter worse upon being interviewed the victim indicated that she cannot identify the suspects at any cost. She in the first place failed to disclose that she was raped. Despite her going to hospital some days later she kept on saying she was suffering from general body pains till she was taken to Kamuzu Central Hospital by MHRC lawyer Chifundo Harawa on 19/10/2019. She went to hospital three times, first at Nguluwe Clinic that is according to herself, secondly she was taken to Kamuzu Central Hospital by a Lawyer Sylvester James Ayuba and lastly by MHRC Lawyer Chifundo Harawa. However in all these times no sexual abuse was established.

In the case of three other girls Elitha Chatha, Lifnet Mussa and Fiskani Chipelesa. Fiskani Chipelesa had soft tissue injuries on her shoulder however it is difficult to establish who inflicted to her those tissues while nothing was detected on Elita Chatha and Lifnet Mussa. Also the lest allegations have no corroborating evidence.

*Comment:*

*In general terms, the issue/ question whether RAPE was committed could have been better established if the victims had gone to hospital in good time. Although this could have reasoned the issue of rape, still it could not have resolved the question who committed the offence. Again it would be unreasonable to allege that all officers who were deployed to the area committed the offence of rape. Still even if that approach could be taken, it would be impossible to provide such evidence in a court sufficient to sustain a conviction.*

**CONCLUSION:**

*In conclusion it has been observed that all alleged incidents were reported to have happened atas the same time 1100 hours either at Mpingu or Mbwatalika Trading centers including the surrounding villages. All victims openly said that they cannot identify the Policemen despite the alleged incidents happening in broad day light. Despite the area where the alleged incident took place havingmedical facilities, none of the victims visited such facilities in time to support the allegation or acquire the first Aid and treatment. Though that the matter was investigated to its fullest, failure to bring corroborated evidence by the victims other than only mere narrative stories, this jeopardized investigation.*

*Considering the publicity and literature about the so called Rape (sexual harassments), the amount of Information found isspares (scattered) indeed and that there is considerable amount of conflicting information. Certainly there is no evidence to substantiate the allegations.*

*In addition to that all victims claim that they could not identify any suspect. Despite the claim by the alleged victims that they cannot identify the Police officers alleged to have penetrated the incidents all a police officers on duty were interviewed and all deny to the allegation. With lack of direct and collaborating evidence, the allegations seem to beuntrue and false.*

Attached is an appendix list of 56 police officers who were recorded statementordinary and under cautionincluding audio CDs.

**DIEDERICHS BANDA (secretary).**

**FOR THE INVESTIGATION TEAM.**