



1. Please provide any reports of human sacrifice in Zambia in last six years.

Reports were found on local Zambian news websites of suspected human sacrifices, but none of the reports describe circumstances where the victim was the child of a chief. One report was located quoting a Senior Lunda Chief who appealed to the public to report ritual killings to the police. A search of sources that describe rituals and traditions of the Lunda tribe did not reveal any references to human sacrifices or ritual killings.¹

The following reports of human sacrifices in Zambia were located:

- An incident was reported in April 2011 where three men suspected of carrying out ritual killings were attacked by villagers in Mansa, Luapala Province.² When a local radio station broadcast rumours that business people were carrying out ritual killings, villagers began rioting, targeting several business owners and killing three men.³ Police refuted the rumours of ritual killings.⁴ The Senior Lunda Chief of Luapula Province, Mwata Kazembe, condemned the violence and also stated that if villagers had genuine complaints about ritual killings they should report the suspects to the police.⁵
- Similar to above incident, *Africa News* reported in April 2011 that a 25 year old man was 'beaten by an angry mob for allegedly trying to abduct a boy for a ritual killing' in Mansa, Luapala Province.⁶
- *Lusaka Times* reported in April 2011 that the body of a three year old girl was found in Northern Province. Due to the manner in which her body had been mutilated, it was suspected her death was the result of a ritual killing.⁷

¹ The following source describes chiefly succession rites but does not mention human sacrifices: Roy, C. undated, 'Lunda Tribe of Africa: African Tribal People', *Gateway Africa*, http://www.gateway-africa.com/tribe/lunda_tribe.html – Accessed 22 March 2012; See also: Pritchett, J.A. 1996, 'Lunda', *Encyclopedia of World Cultures*, <http://www.encyclopedia.com/topic/Lunda.aspx> – Accessed 22 March 2012

² 'Zambia: Deadly Riots 'Send a Bad Signal'' 2011, *All Africa*, 20 April
<http://allafrica.com/stories/201104200805.html> – Accessed 23 March 2012

³ 'Zambia: Deadly Riots 'Send a Bad Signal'' 2011, *All Africa*, 20 April
<http://allafrica.com/stories/201104200805.html> – Accessed 23 March 2012

⁴ 'Zambia: Deadly Riots 'Send a Bad Signal'' 2011, *All Africa*, 20 April
<http://allafrica.com/stories/201104200805.html> – Accessed 23 March 2012

⁵ 'Mwata Kazembe condemns recent Mansa riots' 2011, *Lusaka Times*, 15 May
<http://www.lusakatimes.com/2011/05/15/mwata-kazembe-condemns-mansa-riots/> – Accessed 22 March 2012

⁶ Mukuka, A. 2011 'Ritual Killings in Luapula Province of Zambia', *Africa News*, 18 April
http://www.africanews.com/site/list_message/34134 – Accessed 21 March 2012

⁷ 'Nchelenge minor found dead in suspected ritual murder' 2011, *Lusaka Times*, 13 April
<http://www.lusakatimes.com/2011/04/13/nchelenge-minor-dead-suspected-ritual-murder/> – Accessed 21 March 2012

- In a 2011 report on human sacrifices and ritual killings in Africa, *The Zimbabwean* noted that '[i]n Zambia, there have been cases where people's heads were found in Asian-owned shops'.⁸ No further details of these cases were mentioned in the report.
- *Lusaka Times* reported in 2009 that the body of a teenage girl had been found with her left arm missing and her right hand broken in a suspected ritual killing in Eastern Province, sparking fears that 'the recent suspected ritual killings reported in [the nearby town of] Chipata could spread to Chadiza'.⁹

2. Deleted.

3. Is there any law in Zambia which states that Chiefs cannot be prosecuted in a court of law?

No information was found stating that chiefs cannot be prosecuted in a court of law; to the contrary, two laws were found referring to the capacity of chiefs to be sued or convicted of an offence.

Article 128 of the Zambian Constitution states that the institution of chief is an individual corporation 'with capacity to sue and be sued'.¹⁰ The Article states in full:

128. The following concepts and principles shall apply to Chiefs:

- (a) the Institution of Chief shall be a corporation sole with perpetual succession and with capacity to sue and be sued and to hold assets or properties in trust for itself and the people concerned;
- (b) nothing in paragraph (a) shall be taken to prohibit a Chief from holding any asset or property acquired [sic] in a personal capacity; and
- (c) a traditional leader or cultural leader shall enjoy such privileges and benefits as may be conferred by the Government and the local government or as that leader may be entitled to under culture, custom and tradition.¹¹

With regard to paragraph (c) of the above article, a search of Zambian legal websites did not retrieve any information stating that one of the 'privileges and benefits' conferred by the Zambian Government was the inability to be prosecuted.¹² Additionally, a law was located that provides for chiefs to be charged and convicted of an offence. Under Article 12 of Zambia's *Witchcraft Act 1994*, '[a]ny chief or headman who directly or indirectly permits,

⁸ 'Breaking the silence on ritual killings' 2011, *The Zimbabwean*, 27 September <http://www.thezimbabwean.co.uk/human-rights/53150/breaking-the-silence-on-ritual.html> – Accessed 19 March 2012

⁹ 'Teenage girl murdered by suspected ritual killers' 2009, *Lusaka Times*, 2 July <http://www.lusakatimes.com/2009/07/02/teenage-girl-murdered-by-suspected-ritual-killers/> – Accessed 21 March 2012

¹⁰ 'Chiefs and the Law in Independent Zambia' 2008, *Zambian Economist*, 15 August <http://www.zambian-economist.com/2008/08/traditional-authorities-part-2-chiefs.html> – Accessed 21 March 2012

¹¹ *Constitution of the Republic Of Zambia 1991* (Zambia), art 128, (amended 1996), The Zambian Parliament, <http://www.parliament.gov.zm/downloads/VOLUME%201.pdf> – Accessed 26 March 2012

¹² Searches were conducted of Zambian legal websites as well as the following specific Acts: *Penal Code Act 2005* (Zambia), The Zambian Parliament, <http://www.parliament.gov.zm/downloads/VOLUME%207.pdf> – Accessed 27 March 2012; *Criminal Procedure Code Act 2005* (Zambia), Southern African Legal Information Institute, http://www.saflii.org/zm/legis/consol_act/cpca211/ – Accessed 27 March 2012; *Chiefs Act 1994*, Southern African Legal Information Institute, http://www.saflii.org/zm/legis/consol_act/ca65/ – Accessed 27 March 2012

promotes, encourages or facilitates the commission of any act punishable by this Act', or does not report an act of which they are aware to the relevant authorities, 'shall be liable upon conviction to a fine or to imprisonment with or without hard labour for any term not exceeding three years'.¹³

One report was located of a chief being arrested in March 2012. No reports were located of a chief being prosecuted. The *Times of Zambia* reported that 'acting Chief Ngabwe of Kapiri-Mposhi District was yesterday detained by authorities after he was allegedly found with assorted types of game meat, including that of an elephant'.¹⁴ The arrest was reportedly confirmed by the Zambia Wildlife Authority (ZAWA) and the Central Province commissioner of police.¹⁵

It may be of note that there are numerous reports describing the ineffectiveness of the Zambian police force due to inadequate training, under-staffing, lack of communication facilities, resource shortages and poor accommodation. These reports are provided in *Country Advice ZMB39468* (dated 31 October 2011).¹⁶ There are also reports that 'filing complaints at police stations is a complicated and even dangerous exercise as one can end up being detained instead'.¹⁷ It is possible that while chiefs may be legally prosecuted or sued, the avenues for redress of crimes committed by chiefs may be hampered by the ineffectiveness of the Zambian police force and the unwillingness of citizens to report crimes for fear of being detained.

¹³ *Witchcraft Act 1994*, (Zambia), art 12, The Zambian Parliament,

<http://www.parliament.gov.zm/downloads/VOLUME%207.pdf> – Accessed 27 March 2012

¹⁴ 'Kapiri Chief Nabbed Over Game Meat', 2012, *Times of Zambia*, 20 March <http://www.times.co.zm/?p=1613> – Accessed 21 March 2012

¹⁵ 'Kapiri Chief Nabbed Over Game Meat', 2012, *Times of Zambia*, 20 March <http://www.times.co.zm/?p=1613> – Accessed 21 March 2012

¹⁶ RRT Country Advice 2011, *Country Advice ZMB39468*, 31 October

¹⁷ Zambia Human Rights Commission 2008, *State of Human Rights Report in Zambia*,

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Witchcraft Act 1994, (Zambia), art 12, The Zambian Parliament,
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