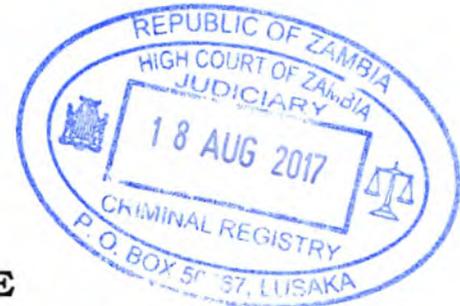


**IN THE HIGH COURT FOR ZAMBIA  
AT THE PRINCIPLE REGISTRY  
HOLDEN AT LUSAKA**  
*(Criminal Jurisdiction)*

**HP/166/2017**

**THE PEOPLE  
VS  
WILLIAM SIWALE**



Before the Honourable Mr. Justice C. Chanda in Open Court on the 18<sup>th</sup> day of August, 2017.

For the People: Mrs S. M. Besa, State Advocate National  
Prosecutions Authority.

For the Accused: Ms Zulu, Legal Aid Counsel

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**SENTENCE**

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**WILLIAM SIWALE**, the Accused person herein stands charged with and pleads guilty to one count of Manslaughter contrary to Section 199 of the Penal Code Chapter 87 of the Laws of Zambia.

Particulars of the offence alleged that, **WILLIAM SIWALE** between the 29<sup>th</sup> day of September, 2016, and 1<sup>st</sup> day of October, 2016 at Lusaka in the Lusaka District of the Lusaka Province of the Republic of Zambia, did unlawfully cause the death of **IREEN KATAYA KABWE**.

Facts are that on the 29<sup>th</sup> September 2016 the Accused was drinking at Tuta's Bar in Zanimuone West and whilst there he saw his wife **IREEN KATAYA KABWE**, the deceased herein with a group of women. The Accused continued drinking and shortly thereafter the deceased told him to go home. The Accused got annoyed and asked the deceased if she was drunk but she denied. The Accused then started beating the deceased using kicks, but the deceased managed to run away and went home. As she reached home, the Accused ran after her and continued beating her and luckily she was rescued by neighbours. At around 21:00 hours the deceased went back to her house and the Accused continued beating the deceased.

The following morning, the Accused asked for assistance from the neighbours as he failed to wake her and upon checking her, the neighbours discovered that she had died. The matter was then reported to Kabangwe Police Station who instituted investigations into the matter and apprehended the Accused.

On the 4<sup>th</sup> October 2016 a postmortem was conducted on the deceased's body by Dr Luchenga Adam Muchelengaga a State Forensic Pathologist at the University Teaching Hospital. The report thereafter issued revealed the cause of death as severe head injury due to blunt force trauma.

The Accused was charged and arrested for the offence of Murder Contrary to Section 200 of the Penal Code Chapter 87 of the Laws

of Zambia on the 5<sup>th</sup> October 2016 by 35878 Detective Constable Mitambo Yotamu.

The offence now stands reduced to manslaughter Contrary to Section 199 of the Penal Code aforesaid to which the Accused pleads guilty.

In Mitigation, Learned Defence Counsel submitted that the Convict was a youth with a chance at reforming if given a second chance. That he was a first offender who had readily pleaded guilty without wasting Court's time thus deserving the Court's lenience. That he was remorseful for having committed the offence.

He is deeply traumatized for having caused the death of his wife who was a mother of two (2) children age 4 and 6 years which is punishment in itself.

I have been persuaded by the moving mitigation pleaded on your behalf. I note that you are already reformed and have met our Lord Jesus Christ whilst in detention.

As a first offender who has readily admitted the charge, without wasting my time, you shall have my lenience.

However, the facts of this case are a classic example of gender based violence of the worst form. There was nothing wrong by your sweetheart inviting you to go home for you to get annoyed. I see that you were bent on humiliating your wife whom you were supposed to love especially in public and if there was anything wrong she may have done, you would have resolved that difference

in the privacy of your bedroom without resorting to violence. I find that you embarked on a sustained beating of your wife not once but three times. I am not saying once would have been permissible, no.

The plight of your young children is your own doing and I believe the nation would not fail to look after them as you continue with your pilgrimage in solitary confinement. You cannot benefit from your own wrongdoing.

In exercising my maximum lenience and to send the correct message that gender based violence shall never be tolerated in this country. I hereby sentence you **WILLIAM SIWALE** to ten (10) years imprisonment with hard labour with effect from 5<sup>th</sup> October, 2016 the date of your arrest.

Convict reserves the right of appeal to the Court of Appeal within 14 days from today.

**Delivered in Open Court this 18<sup>th</sup> day of August, 2017.**

  
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**C. CHANDA**  
**JUDGE**

