

By **Cliff Kawanga**

**T**HE darkness that Matiki Njala and his nephew Eliya Kadzombe had seen since 2008 was becoming darker with each passing day eliminating the little hope left that they would see light again.

The two were arrested on December 4, 2008 when Njala, then a 75-year-old man and Kadzombe were accused of being accomplices in the killing of Kadzombe's mother who was Njala's sister.

"I never knew this day would come, I was hopeless in prison and there was no-one who seemed interested at all," said Njala before his release recently.

The wheels of justice can really be slow in countries like Malawi where legal representation is a privilege for a few people who can afford to pay for the services. However, the State affords that opportunity by providing legal representation but not everyone has benefitted.

Since 2008, Njala and Kadzombe last appeared before the court of law in 2012 and no further direction was sought regarding the case's progress.

"The accused persons remained in suspense and as years passed, it was becoming a reality that they were going to die in prison without knowing the reason they were being denied their right to liberty," said counsel Alexious Kamangila, a private legal practitioner at Mbeta and Company who volunteers for Community of Sant Egidio.

At the time of his arrest, Kadzombe was aged 14 and he was forced to acclimatise in an adult prison although it was against the law, domestically and internationally.

Due to his old age, Njala's health in prison quickly deteriorated. He did not have any hope. He suffered from asthma and faced nutritional deficiencies. For him, life was coming to an end.

It was only in 2016 that Njala met the Community of Sant Egidio and he started believing again that someday he would be free. Through its outreach programme called 'Service to the Prison' the community visits the prison at least twice a month.

During these visits, the word of God is shared among the inmates and the themes revolve around hope, faith and love.

"Upon addressing the spiritual needs, their bodily basic needs are met through donations like soap, sugar, bread, clothes among others. Of importance is the sharing of stories, singing, doing sketches and dancing among the in-mates amidst a prayer done monthly," Kamangila said.

It was through such visits that a

# Fast-tracking the slow wheels of justice



**DEVELOPING NEW FRIENDSHIPS**—Kamangila (left) speaking during one of the activities at Chichiri Prison

true friendship developed with Njala who revealed what he had gone through since 2008. His story became part of a project within the Service to Prison Legal Clinic in which the prisoners' stories are told and decisions made on how to assist them.

Through the project, the Community of Sant Egidio started following up on the case but the search for Njala's file yielded nothing at the time. His file at the High Court in Blantyre was nowhere to be found. With the assistance of the officers at the High Court, the bail process resumed with the understanding that the file would be retrieved soon.

On Tuesday, October 17, 2017 the

court ruled on the fate of Njala and his nephew Kadzombe. The court found that as the burden of proof remained on the prosecution through-out trial to prove that the accused persons were guilty without reasonable doubt, the state had failed the test.

It further reasoned that as there was no direct evidence, hence depended on circumstantial evidence, the prosecution needed to establish that the facts were incompatible with the innocence of the accused and incompatible of any other explanation.

Apart from the hypotheses of innocence of the accused not being negated, the evidence against the

accused persons was found miserably below the required standard of proof. As such Judge Kamwambe acquitted the accused persons.

Njala said in an interview that he was happy to reclaim his right to liberty among other rights which were being violated by the endless incarceration.

"Above everything else, I now believe more in the word of God. I believe in hope, faith and love as this was what was shared by the Community of Sant Egidio," Njala said.

For Kadzombe, the many years he spent in prison have robbed him of his childhood and possibly his future.

"I was only 14 years old when I was imprisoned and now I am 24 years old. I am a young man but the most painful thing is that all these years I was suspected of killing my own mother. I did not have the opportunity to mourn my mother and I did not attend her burial.

"One thing that I have been taught by the Community of Sant Egidio is to forgive because love is the most important thing for me. I am grateful that the community was interested in our case and now we are free again," he said.

Equally free after fighting for the freedom of Njala and Kadzombe is Kamangila who believes the



**FREE AT LAST**—Njala (right) attending one of the events while he was in prison.—Pictures courtesy of Community of Sant Egidio

spirit of friendship, as taught by the community, is a huge motivation.

"Thinking about it, there is very little I have done, it only required passion, persistence, commitment and affection to people's attainment of justice. They say justice delayed is justice denied and that was the case with these two.

"There are a lot of people rotting in prison for no reason, let's join the work of Sant Egidio to bring light to the darkest parts of our society. Jesus in Mathew 25, asks us to visit him in prison, as such we are privileged all the time to meet him at Chichiri and many other prisons in the country," he said adding that there is need for a

project that meets the needs of these friends once they are out of prison to address recidivism.

Kamangila said although there is great joy to see justice prevail and innocent people getting what they deserve, there could be hundreds of similar cases that will go unnoticed.

"We realise that the story of Njala and Kadzombe is just a story among many stories of the underprivileged inmates who are rotting in jail awaiting justice. The bottom line is that they cannot afford a lawyer who, most importantly, pushes the wheels of justice," he said.

With increasing cases similar to that of Njala and Kadzombe, the

government and the State Advocate must shoulder the blame for keeping innocent people in jail that long without withdrawing their cases or expediting the judicial process.

It is obvious that the Legal Aid Bureau should improve the quality of legal assistance it renders to the underprivileged like Njala and Kadzombe. However, the bureau has always lamented lack of funding and being understaffed.

The Community of Sant Egidio is committed in the work to improve the lives of prisoners' medical care, nutritional requirements, legal representation, behavioural rehabilitation and most importantly

spiritual enrichment.

The Community also fights against the death penalty worldwide and advocates for the abolition of its existence or at least moratorium as it believes that there is no justice without life.

Perhaps the judiciary should be proactive to dismiss matters and leave the State on its feet to prosecute cases as fast as possible. But aren't the courts in Malawi adversarial in nature? Such that the courts must always be moved?

The solution lies not in pointing fingers but rather joining hands to advance implementation of justice through everyone's involvement.