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**'DISTON – 051128'**

On 28<sup>th</sup> November, 2005 there was a hearing about Gello's and Daniel's case on the courtyard of village headman Matemia so that as Gello was told by Daniel who was also a complainant in this hearing to runaway from this hearing so that he should withdraw this case.

And Gello did as what she was told by her husband so that Gello went to another village in the same area of traditional authority Luka at the house of our maternal Uncle who is named Mr. Gerald who is living 'chikamwini'<Chewa: situation where husband lives in wife's village> in Kawmbe village so that when Mr. Gerald heard about what Gello had agreed with her husband, Mr. Gerald realized that there was something fishy behind this plan so that he at the same time came home together with Gello and when they reached at home, they found that the people who had gathered at the courtyard of village headman Matemia.

They were about to disperse and Mr. Gerald and Gello were sent a message telling them that the case was waiting for Gello to be started and Mr. Gerald told Gello that she had to go there while Mr. Gerald remained at home with sister Mary who failed to go there because of her legs problem.

And Mr. Gerald himself failed to go there because of being shy with the nature of Gello's case.

Before Gello appeared, the 'ankhoswe'<Chewa: marriage counselor> representing Gello were asked to tell the gathering about the whereabouts of Gello so that they had nothing to say since Gello was nowhere to be seen by that time so that Cristopher was the one who was being probed to say where Gello was by that time so that Cristopher had nothing to say since he did not know where Gello had gone by that time.

And Kelfasi and his relatives were present at that time. When Daniel who was the complainant and also the one who had told Gello to disappear at this hearing saw that Gello was nowhere to be seen at that time, Daniel stood up and told the gathering that Gello was not there because she knew that she was caught having sex with Kelfasi and that she was then feeling shy to come at the place.

So that Daniel went on saying that he would like Gello's 'ankhoswe'to search for Gello and bring her at this case should be heard and that they are the ones who know where Gello was hiding and that if they don't bring her, this case should be heard on the next date to be agreed.

At this place, there was also village headman Kasito.

After Daniel then village headman Matemia said, "because of Gello's absence, I am adjourning this case so that it should be heard this coming Friday and if Gello will never turn up for that second time, I will refer that matter to the traditional authority Luka because this is showing that she is not respecting me.

As the people who had gathered at that place were about to disperse, there appeared Gello and when they saw her, all the people were happy to see her so that some of them ululated because of joy after seeing Gello so that all of the people sat down ready to hear this case and there gathered more than one hundred people who came from the host village of Matemia and the other neighbouring villages like Khalima, Mbechete, Luka 1, Chidziwitso and Mandawela.

And these people came in a larger number like this because of the nature of this case as most of the people in this area do get interested in hearing about adultery cases as they do get more to conversate about when they are chatting after such hearings where when it is like a community development work meeting or any other meeting or any other meeting there comes a fewer number of people to attend to such meetings.

Then the hearing started where the counselor of village headman Matemia who is named Mr. Khongwa started the hearing where he told Gello that she is being accused by her husband for being found in the house of Kelfasi at night and asked her whether she agrees with that or not .

And Gello said, "I agree with what you have said and I did this because he has been unfaithful to me for a long time so that when I could ask him about this, he was giving rude responses where he was telling me that I should do what seems good to me so that when I saw that he was not changing on that.

I then took my belongings and his belongings to my home so that we should live chikamwini so that may he could change his behaviour when we could be living chikamwini as I was thinking that he was doing all this because we were living chitengwa <Chewa: situation when a wife lives in a husband's village> and it happened that when we went to live chikamwini, he was not happy with that so

that we kept on quarrelling over that issue so that we called upon the ankhoswe to settle that matter but this did not work so that I was then advised by other people to refer that matter to the church leader of our church who is Madam Kowawa.

And I did that so that she called upon us and we went there and when we went there, madam Kowawa told us that, that was a simple case and that we had to discuss this on our own first and that when we fail to come up with a good agreement, we then had to consult her and it was on that day on our way back home where he told me that I had to do what seems good to me and that he is also going to do what seems good to him.

He went further by saying that he doesn't need me anymore and that if I can find someone to marry me, I can do it and that he is also going to marry someone else and this pained me, so that from that day, he started staying at his home while I was staying at my home so that I then fell in love with Kelfasi where we promised to get married so that I did as he told me.

And I was just wondering to see him coming at Kelfasi's home whilst he is also the one who told me that I should do what seems good to me and I did what seems good to me.

That's all that I can say concerning this matter.

Then Mr. Khongwa asked Daniel if he had heard what Gello had said and asked him if he had anything to say after Gello and Daniel said.

"It is true that I said those words and I said those words because I was not happy with the way she left my home as she left my home while I was not there and when I was saying those words, I was not meaning that I had divorced her but I was waiting for our ankhoswe to counsel us and it happened that in the due course, I caught her at Kelfasi's house. After I was informed about this by other well wishers while I was at my home and I wonder why she did this before I divorced her.

That's why I have brought this matter here.

Then Mr. Khongwa asked Kelfasi if he had heard what Daniel had said that he found his wife in his house and Kelfasi said" I agree that Daniel found Gello with me in my house and what led to this was that some rumours got me that Gello was divorced by Daniel due to their other family problems and when I heard about this, asked Gello if what I was hearing about her marriage with Daniel was true,

And when I asked her about this, she told me that what I had heard was true and when she told me that it was true that they had divorced, I then proposed her so that I should marry her and she agreed with that so that that on that day when she came to my home, we were making arrangements to consult the concerned

parents so that the marriage process should take place and I just wondered to see Daniel coming in and saying that he had caught us so that if it is true that they have not yet divorced, it means that Gello was at my home and I gave her room because of what she told me that they have divorced so that I was regarding her as a divorced girl that's all I can say on this matter.

Then Mr. Khongwa said, "We have all heard from all the three concerned persons and I now ask the other people who have got their ideas to do so before we proceed with this hearing.

Then there stood another man who is named Wetu and this man said, "But before we come in, let us here what did the ankhoswe do when there rose a problem in this family".

Then Mr. Khongwa asked the ankhoswe from both sides to say what they did in order to assist this couple when there rose some problems in their family.

Then there rose Cristopher and he said, "I am the ankhoswe from the female side and there is nothing that I can say because all of the problem which were arising in this family were being referred to the male side ankhoswe who was not telling me about such developments due to recklessness that thereafter led to their change of residence where things went on being worse up to this point.

Then Mr. Khongwa asked the male side ankhoswe who is Itimu if he had heard what Cristopher had said and Itimu stood up and said:

It is true that we have never had a serious discussion on their problems because looking at the complaints of Daniel's wife, it was showing that she was just suspecting that her husband had another affair but she did not have any evidence to show that what she was thinking about her husband was true or not so that it was difficult to settle that problem so that things remained like that until we heard that she has left for her home and she did this in the absence of her husband and she did not say bye to anyone at our home, a development that left all of us in suspense as we did not know the meaning of her departure as she did not say any word to anyone at our home so that her husband followed her to her home and after some days, we saw him back and there was a hearing about where they should actually live so that sister Cecalia is the one who attended to that hearing as I was in Mangochi by then so that when I came back, sister Cecalia told me that they had such a hearing and that they failed to resolve that matter because no one between Daniel and his wife was accepting to go and stay at each other's home and that they left that matter like that until this day when there is such an incident.

That's all that I can say on my side.

Then Mr. Khongwa said, "I hope that we have now heard from all the concerned parties of this case and this is our time to come up with our views so that we can have this matter settled.

Then there stood Mr. Chingamile who is the other Uncle of Daniel and he said, "This case is open and there is no need to beat about the bush because both Gello and Kelfasi they have all agreed that they were caught and that they had agreed to get married so that it is up to Daniel now to come up with a decision concerning his wife as he has heard that his wife has agreed to get married with Kelfasi, that's all.

Then Mr. Khongwa asked Daniel if he had heard what his Uncle had said and Daniel said, "It is true that there is no need to beat about the bush because they have both agreed that I caught them so that the aim of coming here was that we had our marriage ceremony at this very same courtyard so that I also had to come at the same courtyard with that matter so that you should witness my divorce and by that, I am meaning that I have divorced her. That's all.

Then Mr. Khongwa said to Gello "Have you heard what your husband has said, he is saying that he has come here so that the people should witness that he is divorcing you because he caught you with Kelfasi.

What do you say on that issue? "Then Gello said, He is still my husband only that he is the one who started misbehaving by coming at home over night all the days so that when I could inform my ankhoswe about this they were not taking any action and on his own, he was giving me rude responses when I could ask him about this thus I did this but he is still my husband.

Then Mr. Khongwa said to Daniel: Have you heard what your wife has said? She is saying that you are still her husband and that she made this mistake because you are the one who started misbehaving what do you say then?

Then Daniel said, If she knew that I am still her husband, why did she do that before we were assisted by the ankhoswe I am saying that I am divorcing her, that's all.

Then Mr. Khongwa asked Cristopher who is the female side ankhoswe if he had heard what Daniel was saying and that if he had something to say, he had to do so.

Then Cristopher stood up and said, I have heard whatever has been said here and I have got nothing to say because although my ward could be in a good position to win this case, she can not win this case because she [fell] in love with someone before she was formally divorced.

Then Mr. Khongwa asked brother Nabanda if he had anything to say after hearing more about this mater and brother Nabanda just stood up and said that he had nothing to say.

Then Mr. Khongwa asked the male side ankhoswe to say some words after hearing all that was said concerning this matter and Itimu stood up and said,

What I can say is that they have to divorce because even if they can continue living together his wife will continue being unfaithful to him so that in so doing, she will end up infecting him so that to avoid such things happening, they better just divorce beforehand. That is what I had to say.

Then Mr. Khongwa said to the other Uncle of Daniel who is named Chingamile, Mr. Chingamile, you have heard everything that has been said here what are your words before I refer this matter to the village heads.

Then Mr. Chingamile stood up and said, "I don't have more words to say here because most of the important points have already been raised and what I can just add is that Daniel and Gello they have to divorce so that Gello should continue with her affair with Kelfasi, that's all that I had to add.

Then Mr. Khongwa said, I have seen that this matter is straightforward so that this time, I am asking village headman Kasito to make some remarks on this issue before I give a chance to village headman Matemia for a final judgment on this matter.

Your turn village headman Kasito!. Then village headman Kasito said, Thank you very much Mr. Khongwa for giving me this turn, what I have seen here is that although the husband is rushing to say that he is divorcing his wife, he also had to weigh his problems too because looking at the condition of this matter, this husband was a problem himself too because he was not using the ankhoswe whenever there could be a problem in his family and for instance, he has said that he caught his wife in Kelfasi's house at night and I wonder that how did it happen to have his wife away by night as they had to be together as married couple.

This has shown that there was lack of seriousness when handling matters arising in this family and I have also noted that the ankhoswe of this family have failed their job and they are the ones who have seen things going wrong and left things to remain like that that's why things have reached up to that point.

Then my advice to some of the ankhoswe who have got such a tendency of ignoring to solve matters from the families they are appointed to be assisting whenever such matters have been brought to them to take this as an example that when you ignore such matters, it means that you are failing to carry out your duties professionally and know that you are at the same time leading to the break of the marriage in which you have been appointed to be the ankhoswe.

My advice to my nephew Kelfasi is that what you are doing will put you on trouble because you have never ever married and you are going with girls who have ever been married instead of looking for a girl that has never been married before and marry her.

You have to be careful on that issue, you are also lucky that the owner of this girl has not gone far with this case and it is up to you to make a right decision when you want to do things. That's all that I had.

Then Mr. Khongwa thanked village headman Kasito for his remarks and Mr. Khongwa said to village headman Matemia, "It is now your turn village headman Matemia that you should make a final judgment on this matter.

Then village headman Matemia thanked Mr. Khongwa for this turn and he said, "Thank you all the people for coming to this hearing and I am happy that the accused persons have not been beating about the bush to accept that they were caught as what others do.

I have heard all that has been said here and I don't have more words to say as I can see that most of the important points have already been said.

All that I can say is that I have in my mind what Daniel has said that he doesn't want his wife.

I now ask Mr. Daniel to come forward and give me his final decision concerning his marriage with Gello.

What is your final words Mr. Daniel as I have heard that your wife has said that you are still her husband?

Then Daniel stood up and said, "As I have already said that I don't need her anymore, my final decision remains the same. That's all.

Then village headman asked him and Daniel said that he can not forgive her.

Then village headman Matemia said, Ok, I have heard what you have said and my courtyard has got only the authority to have weddings and not to provide divorces so that I then give you five days to make your final decision about your marriage and if you insist that you want to divorce her, then I will refer you to traditional authority Luka's courtyard for a divorce hearing.

At that point, I once again thank all of you for coming and attend to this hearing. This is the end of this hearing.

Over to you Mr. Khongwa.

Then Mr. Khongwa thanked village headman Matemia for his remarks and after that, Mr. Khongwa told the gathering that was the end of that hearing and that the audience could then leave for their homes and we did so.

When I reached home, my wife came after me and she told me that Daniel and Gello will get together again and that Daniel was saying that he wants to divorce

her because of the pressure from some of his relatives that he should divorce her.

This was a top story of that week in our village of Matemia and the other neighbouring villages.

When sister Mary heard that Daniel was saying that he was going to divorce Gello she was sad with that story so that she kept on quarrelling with Gello on the same issue in that week saying that she has lost her marriage because of being promiscuous.

29 Nov 2005

On 29<sup>th</sup> November, 2005 my wife left for Vingula market together with her friend who is named Abiti Cassim and they went there to buy some relish and when she returned from there, she told me that on their way back, they took another seasonal road that passes through Vingula Community Day Secondary school where my wife said that at the football ground of Vingula community day secondary school.

There was a gathering and they went there and that when they reached there, they found that there were some officials from Concern Universal offices and that these officials were asking some questions concerning HIV / AIDS and that for those people who were giving correct responses, they were being given some gifts like, pieces of soap tablets, ball pens, and some bottles of petroleum jelly.

My wife said that when they reached at that place, the question that she heard being asked was the question about when will World AIDS Day be commemorated and that another guy said that it will be commemorated on 1<sup>st</sup> December and that when this guy gave that response, he was told that he was right and that he was given a piece of soap tablet, a ballpen and a bottle of petroleum jelly.

My wife said that this meeting was open to everybody.

Then my wife said that she had Abiti Cassim's [baby] on her back and that this baby was then crying and that because of this, they just left that place after a short time so that Abiti Cassim should comfort her baby with breastfeeding.

My wife said that there was a large gathering.

My wife said that while approaching Vingula market with a baby on her back and as she is also pregnant, she came across some two men and that those men were thinking that the baby on her back was hers and that after seeing that she is also pregnant, those two men said on their own that she is not having a child spacing and that after that, when she entered into the market, the other men too talked about her saying that she is not using family planning after they observed



the very same situation of having a young baby on her back while she is pregnant.

Concern Universal is an international non-governmental organization that provides free foods to the needy people and to those people and to those people who are seriously sick during the hunger season and they also at the same time train some villagers about new family methods and also providing them with free seeds and free fertilizer to use in the community gardens which they do tell them to work in as an example of the new family methods so that they should learn from that.

This NGO is doing its work in all of the villages around traditional authority Luka and some of the districts in Malawi.

It is also this time providing small scale business loans to the public in its working areas and I know some of the people who have been given such loans in this area.

30 November 2005

On 30<sup>th</sup> November, 2005 I was with Cristopher on the verandah of my house and we were just chatting after supper and on the veranda of sister Mary's house, there was sister Mary and my wife and they were also chatting and Cristopher's wife was on the veranda of her house at the same compound so that Cristopher's wife who is named Kausiwa or Abiti Willie she told sister Mary that she heard that Sitala has left for Lilongwe following her husband.

Then sister Mary asked about who will be using her card when called by Concern Universal to go and receive free foods.

And Cristopher said that it is obvious that she has left it in the hands of her brother who is named Collings.

Then Kausiwa said that Sitala has seen that it is better that she follows her husband lest she loses him for other woman in Lilongwe.

Then Cristopher said, "If she had known the problems her husband is experiencing, she couldn't like going there and she could have wondered to see that her husband did not write her a letter calling her or sending her any money since he left for Lilongwe and moreover he left her while she was pregnant and she delivered while he was there in Lilongwe and he heard about this and he did not send her any support so that she was being given support by her mother in-law.

And I do hear from Yeza who does often go there that he is running a poor business so that she is going to be a burden to him.

May be she has just done this because of the desire to go and see Lilongwe city without knowing that she is going and starve there.

Then my wife admired that Sitala's brother Collings that he has constructed a nice house at his wife's home where he is living chikamwini <Chewa: situation in which the husband lives in the wife's village> in the same village of Matemia.

Then Cristopher said, Collings did this because of fearing to construct that house at his late mother's land but he feared to do so after remembering the way they were treated by their maternal relatives after the death of their parents.

Then my wife asked Cristopher about what happened by then and Cristopher said "What happened is that Collings and his sister Sitala, they lost both parents at the same time where their father died like today and buried on the following day and soon after burial of their father, their mother died in the evening of that day and she was buried on the following day so that their mother left the other young baby who was under breastfeeding.

By then and that baby was cared by the other sister of Collings who was named Kanana and that baby did not survive and Kanana died too after being sick for a long time and it happened that when their parents died, Collings and his sisters they were all too young to look after themselves so that according to our tradition, when children have lost their parents at that age, they must be looked after by their maternal relatives and in this case, Collings and his relatives they were rejected by their maternal relatives after they ere thinking that their parents died of AIDS so that they were regarding these children to be contaminated through taking care of their parents when their parents when their parents were sick so that they (their parents) were being looked after by these children until they died and for the very young baby, they were thinking that she was already infected from her late mother so that because of having no any maternal relative having interest to take care of them, their paternal grandmother who was named Harry, adopted them so that they grew up in the hands of their paternal grandmother so that they have been brought up while in the hands of their paternal relatives so that the land on which they have been brought up doesn't belong to them but to their paternal relatives so that their paternal relative can have the right to sell that piece of land on which they have been brought up by their late grandmother.

That's why Collings has just seen that it is better that he just construct his house at his wife's home land than constructing it at his paternal relatives land or his maternal relatives land.

Then sister Mary said, "To say the truth, Collings and his sisters have been brought up so hardly so that for those people who had seen them in the 1980s when their father was used to going and work in South Africa, one she then used for the construction of her own house after she did not have a proper house after her return from Lilongwe where she was staying together with her husband.

And this time Collings is lucky because Mr. Everson who was used to going to South Africa and work with their father was so very sympathetic towards their loss of both parents at the same time and seeing that they were starving especially during the hunger seasons, Mr. Everson was used to giving them some bags of maize so that they should be eating and when Mr. Everson saw that Collings had improved in age, he employed him at his battery charging and welding workshop at Vingula Trading centre there so that he should be earning a monthly salary and learn welding at the same time so that he should be supporting his aged grandmother and his sister Sitala and it is from that work where he has managed to construct his own house and he also does assist / support his sister Sitala because although Sitala is married, there is no any support that is being sent by her husband as he left for Lilongwe soon after getting married to her.

Then Kausiwa said, "But to say the truth, what has been experienced by Sitala for not getting any support from her husband is just the same as what is being experienced by Patricia and Muderaji who are not getting any support from their husbands so that they are also relying on support from some of their relatives".

Then sister Mary said, they are not only relying on some of their relatives alone, but they are also relying on some of their sexual partners because it is showing that they have got some sexual partners whom they are going with this time because you can imagine that when Patricia's husband was leaving for South Africa, he left her being pregnant so that she delivered and she has got a one year old baby and this is also the same with Muderaji that when she was coming from Blantyre, she came with a young baby who has now grown up and her husband doesn't either send her any support or visit her.

But they are both taking family planning methods so that they are both going for Depo [provera] and what is making them get this Depo in the absence of their husbands?

That is a serious proof that they have got extra marital partners.

Then Cristopher agreed with what sister Mary said where Cristopher said, I agree with what you are saying and that is true that these girls have got extra – marital affairs and this can be obvious.

And am saying this because I know the characters of the people whom they are living with.

For example, Muderaji is living in the midst of Florence who is so very promiscuous and Patricia is living in the midst of Tereza who is also a silent killer as she does have extra-marital partners so secretly so that one can hardly believe that she is also loose after seeing that she is a silent woman but she is so very dangerous so that she was at another point having some hired labourers who were moulding some bricks for her so that she should construct her own

house while she was staying in the house of the late Ben and her husband was sick at that time.

This programme of constructing her own house was being funded by her other man who is named Patheletu and he comes from Mandawela village and he is a vendor at Vingula trading centre and his wife comes from Vingula trading centre too and neither his wife nor Tereza's husband heard about this sexual relationship and the construction of that house failed as those bricks were destroyed by rainfall before they were used for the construction of that house and she was at the same time also going with the other married primary school teacher at Vingula II Full primary school who is named Mr. Kamala and Mr. Kamala was doing this while he was [erecting] a garden that is close to Tereza's residence and most of the people did not know about that affair in this village.

Then sister Mary said, 'But what was Tereza doing at that time was so bad because that was worsening the condition of her husband's sickness as her husband was not having time to have sex with her because of his health condition as it was heard that he became so seriously sick after he stole some clothes of another vendor in Mzuzu where he was vending too.

So that if the relatives of her late husband could discover that she was going with other men while their relative was so sick like that, she could have been in trouble so that they couldn't even allow her to mourn for her late husband as one is supposed to stop having sexual contact with anyone whenever one's spouse is sick so that the herbs which is taken by the sick spouse should be effective.

Then there was a radio that was switched on the veranda of the house of Cristopher and that was a news hour on the radio starting that he had tuned and in some of the news which were read by that time, it was said that some research in America has shown that circumcision does decrease the chances of getting infected with HIV / AIDS in men.

When Cristopher heard about this, he said, I don't agree with that report because I have seen several men who were circumcised but they have been dying of AIDS so that I just believe that this report has been released just to promote circumcision.

Then these women heard about what Cristopher said concerning that report and sister Mary said, "We have any ideas about that report, but if they could have said something concerning family planning we could have had something to say.

Then Cristopher said, "I also don't agree with the use of family planning methods because these family planning methods do influence infidelity among the married women.

Then all of these three women jointly laughed and sister Mary said: that is not true because the issue of a married woman being infidelity to one's husband depends on the behaviour of that particular woman just to be infidelity but not

that all of those women who don't be faithful to their husband, they do so through the influence of family planning methods use only that you have got a jealous attitude towards your wife just like what does your Uncle Mr. Halison does to the wives he does marry.

Then Kausiwa said, "But Mr. Halison is worse in divorcing women because from what I do hear from the elders here, I do hear that he has divorced more than ten wives since he first got married and that his main reasons for divorcing all of these women remain the same as I do hear that he does divorce them because of not trusting them to be faithful to him and that he does this just because of just suspecting them without having enough evidence pertaining to his mind of suspecting them to be infidelity to him.

Then sister Mary agreed with what Kausiwa said that Mr. Halison has so far divorced more than ten wives since the time he started getting married.

Then my wife said, "But does he think that all of those women he does go and marry are safe from AIDS?"

Then sister Mary said, I don't believe that he does consider about this because some of the women whom he does go on marrying after divorcing the other woman are the woman who were also married before him so that his current had three children which she had with another primary school teacher who married her before Mr. Halison so that after divorce, her two first children went and live with their maternal grandparents there at Nayuchi and she is having her last born from her previous marriage so that it is through such a way of marrying the women who were already married before him where we do notice that he doesn't care about the risk of getting infected when he is taking a second wife after divorce.

Then Kausiwa's baby was crying so that she said that she was going and sleep and Cristopher also said that he was going and sleep and I my wife and sister Mary we also all went into our houses and sleep.

Most of the people who have appeared in the above issue are not new as they do sometimes appear in some of the journals which is do write while at my home village of Matemia and Mr. Halison is one of our maternal Uncles but he is currently working as a revenue collector within Machinga District Assembly and he is based at Nayuchi which is a border area between Malawi and Mozambique in the eastern part of Machinga District and this Uncle is a Ngoni by tribe and he is currently married to a woman who is a Lomwe by tribe. He has got primary school education and his promotion to become a revenue collector came after having vast experience in working as a market master within Machinga District Council that is now called Machinga District assembly. He is a pagan and he is aged more than fifty years. He is slim, medium (height) and dark-brown in complexion. Patricia and Muderaji are twin sisters and they are aged more than twenty years and are pagans respectively.