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GENERAL CONCERNS OF LAWYERS ON ARRESTS AND DETENTIONS SO FAR.

Zimbabwe Lawyers For Human Rights has been monitoring the human rights issues arising out of the ongoing peoples expression and based on its observations on the general arrests that have taken place so far, releases this statement;

- there are credible reports that a significant number of the arrests and detentions are arbitrary.
- the army, CIO and PISI are arresting people and handing them over to the law and order section for investigations. The law enforcement agents have therefore fallen into the error of arresting first and investigating later in contravention of constitutional and other legislative safeguards preventing such action.
- the police are not fully cooperating with the lawyers with the normal excuse by the officers in charge of the police stations where people are detained being that they are merely providing accommodation to the detainees at the requests of the law and order section of the police force. Lawyers are not allowed access to clients in the absence of permission from the law and order section of the police force. This violates or compromises the rights of accused persons to have unimpeded access to their lawyers.
- the police in most cases are over detaining accused persons. Most of the detainees are detained in excess of the 48-hour period. The fact of arresting before investigating is compounding this problem.
- The detainees are not being allowed in the majority of cases access to their families; neither are they being provided with food or medical treatment.
- the detainees are being detained in extremely squalid conditions where there is generally poor sanitation, ventilation and hygiene. More specifically the cells are over crowded, in instances with 40 inmates in a cell designed to accommodate 6 inmates; some sewers are blocked and urine, water and other human waste finds itself into the cells like at Goromonzi police station which Zimbabwe Lawyers for Human Rights visited to do a spot random check; there usually are no adequate blankets in the cells. In short the conditions are degrading and inhuman which violates the Constitution of Zimbabwe and other international instruments that the government has signed and ratified like the African Charter on Human and Peoples Rights, the International Covenant on Civil and Political Rights, and the Universal Declaration on Human Rights.
- there have been credible reports of torture, assault, violence and general intimidation of the people by the state machinery so far.
- the police in many cases have opposed bail when it is not justifiable to adopt such a position.

ZLHR therefore calls upon the police to comply with the legal requirement of having a reasonable suspicion that an offence has been committed before arresting anyone. The police must allow accused persons unimpeded access to their lawyers as well as access to members of their family. The police have a responsibility to feed detainees, provide medical treatment where it is required, and to ensure that any detained person is not subjected to inhuman and/or degrading treatment. Further ZLHR reminds the police that torture is seen as a serious offence and human rights violation in international law and might open up violators to international prosecution. Over-detention must also be stopped forthwith. Detention must only be used as a last resort where it is absolutely essential to do so in the interest of the law. Even though the police may be seeing themselves as going through a challenging period in the history of their profession, they must remain professional, objective and impartial in the discharge of their responsibilities. Anything less is not acceptable.
