



**HRDs Alert**

**05 June 2014**

## **CONCOURT ORDERS OVERHAUL OF ZIM'S FILTHY DETENTION CELLS AS POLICE HELD ACCOUNTABLE FOR VIOLATING WOZA LEADERS' RIGHTS**

ZIMBABWE Lawyers for Human Rights (ZLHR) is elated by the sagacious decision handed down by the Constitutional Court on Thursday 05 June 2014 declaring that four Women of Zimbabwe Arise (WOZA) leaders' rights had been violated and had been discriminated against when they were arrested and detained in filthy detention cells at Harare Central Police Station four years ago.

The WOZA leaders **Jennifer Williams**, **Magodonga Mahlangu**, **Clara Manjengwa** and **Celina Madukani** were arrested on 15 April 2010 during the course of a demonstration organised by the women's rights pressure group against appalling service delivery from the state-run Zimbabwe Electricity Supply Authority.

Through their lawyers, Advocate **Lewis Uriri**, Advocate **Taona Sibanda**, all member lawyers of ZLHR, **Dzimbabwe Chimbga** and **Bellinda Chinowawa** of ZLHR, the WOZA leaders petitioned the Supreme Court sitting as a Constitutional Court in 2011 seeking an order compelling the government to ensure that holding cells at Harare Central Police Station meet basic hygienic conditions.

WOZA cited the then co-Ministers of Home Affairs, Police Commissioner-General **Augustine Chihuri** and the then Attorney General (AG) **Johannes Tomana** as the respondents. The respondents were represented by Advocate **Ray Goba** and Ms **Mashiri** from the AG's Civil Division.

In a 16-page judgment handed down Thursday by Justice **Vernanda Ziyambi**, who led a panel of five judges including Justice **Rita Makarau**, Justice **Paddington Garwe**, Justice **Yunus Omerjee** and Justice **Anne-Mary Gowora** in hearing the WOZA leaders' constitutional challenge in June 2012, ruled that several of their constitutional rights were violated after they were arrested in April 2010 and detained in filthy detention cells at Harare Central Police Station.

The Judges who all concurred to the judgment delivered by Justice Ziyambi made a finding that the WOZA leaders' rights were violated as they were detained in conditions that constitute inhuman and degrading treatment in violation of their rights enshrined in Section 15 of the old Constitution. The ConCourt also ruled that the WOZA leaders' right to protection against discrimination enshrined in Section 23 of the old Constitution had been violated. The WOZA leaders had alleged that they were treated in a discriminatory manner by the police who subjected them to sanitary conditions, restrictions or disabilities that peculiarly isolate them and amount to inhuman degrading treatment.

Consequently, the ConCourt ordered the co-Ministers of Home Affairs and Chihuri to take all necessary steps and measures within their power to ensure that at Harare Central Police Station:

- (a) the holding cells shall have clean and salubrious flushing toilets with toilet paper and a washing bowl.
- (b) The flushing toilets shall be cordoned off from the main cell to ensure privacy.
- (c) A good standard of hygiene shall be maintained in the holding cells.
- (d) Every person detained in police custody overnight shall be furnished with a clean mattress and adequate blankets.
- (e) Adequate bathing facilities shall be provided for all persons detained in custody overnight.
- (f) Every person detained shall have access at all times to wholesome drinking water from a source other than the tap above the toilet.
- (g) Women detained in police custody shall be allowed to keep their undergarments, including brassieres, and to wear suitable footwear.

Thursday's sagacious judgment is the second landmark ruling in less than ten years that ZLHR has won in the country's apex court after filing constitutional applications over filthy and inhuman conditions in the country's police cells. In 2005, the Supreme Court condemned police cells at Harare's Matapi and Highlands police stations as degrading and inhuman and unfit for holding criminal suspects. The Supreme Court's ruling followed an application filed by ZLHR on behalf of former Zimbabwe Congress of Trade Union secretary-general **Wellington Chibebe** and **Nancy Kachingwe** after they had been detained at the two grubby holding cells which fell short of the minimum standards of decency.

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