

**IN THE SUPREME COURT OF ZIMBABWE
HELD AT HARARE**

CASE 207/11

In the matter between:-

JENNIFER WILLIAMS

1ST APPLICANT

And

MAGODONGA MAHLANGU

2ND APPLICANT

And

CLARA MANJENGWA

3RD APPLICANT

And

CELINA MADUKANI

4TH APPLICANT

And

CO-MINISTERS OF HOME AFFAIRS

1ST RESPONDENT

And

COMMISSIONER-GENERAL OF POLICE

2ND RESPONDENT

And

ATTORNEY-GENERAL OF ZIMBABWE

3RD RESPONDENT

DRAFT ORDER

AT HARARE this DAY OF 2011

Before the Justices of the Supreme Court

WHEREUPON after reading documents filed or record and hearing counsel:

It is ordered that:

1. The first and second Respondents are directed to take all necessary steps and measures within their power to ensure that:
 - (a) Police holding cells at Harare Central Police Station have clean and salubrious flushing toilets with toilet paper and a washing bowl.
 - (b) The flushing toilets should be cordoned off from the main cell to ensure privacy.
 - (c) The holding cells at Harare Central Police Station should be cleaned daily with soap and detergents, and a good standard of hygiene should be maintained in the police holding cells.
 - (d) Each Person detained in police custody overnight should be furnished with a clean mattress and adequate blankets.
 - (e) Adequate bathing or shower installations shall be provided so that persons detained in custody may be able to bath.
 - (f) Every person detained in the aforementioned police holding cells shall have access at all times to sufficient drinking water suitable for consumption.
 - (g) Women and girls detained at the police holding cells shall be provided with sanitary wear or should be permitted to purchase such necessary items with their own money
 - (h) Police holding cells should be equipped with a disposal mechanism to ensure that women in detention are able to safely and hygienically dispose of their sanitary wear.
 - (i) Women detained in police custody should be allowed to keep on their shoes and under garments.
 - (j) Persons detained at the holding cells shall have daily exposure to natural light and appropriate ventilation and heating.
 - (k) Police officers at Harare Central Police station refrain from arbitrary search and seizure of possessions of persons detained in custody.
2. The 1st and 2nd respondents be and are hereby interdicted from holding any persons at the police cells at Harare Central Police Station until the above directives (a)-(e) have been complied with.

3. The 1st and 2nd Respondents be and are hereby directed to submit to this Court, within twenty one (21) days of this Order, a clear programme of action on the steps and timeframes it will take in giving effect to the above Orders.
4. The 1st and 2nd Respondents be and are hereby directed to compile and submit a report to the court bi-annually, demonstrating the extent of compliance with the order of the Court
5. Upon compliance with the above, Respondents be and are hereby ordered to allow an independent inspector, appointed by the Court, to inspect the holding cells.
6. Respondents to pay the costs of this application.