



WOMEN OF ZIMBABWE ARISE TRUST (WOZA)

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Women for Women and with Women, across Race, Colour, Creed, Class or Political Persuasion.
Empowering Women to be Courageous, Caring, Committed and in
Communication with their Communities.

17th September 2012

The Officer in Charge Bulawayo
Zimbabwe Republic Police
Southampton House
Bulawayo

Dear Sir,

Re: Arbitrary arrest of Williams and Mahlangu by ZRP on 12 September 2012

Please note that on 6th September, we wrote a letter of complaint which was received by the desk officer at Southampton House. This letter followed earlier complaints which remain ignored.

At 12:15 on 12th September Jennifer Williams was arrested by 4 police officers who said she was to accompany them to see officer in charge of Bulawayo chief Inspector Rangwani. Magodonga Mahlangu accompanied Williams and together they were kept at the police station under false pretence as Rangwani is on leave. During this time 8 members who joined them were forcibly dispersed under threat of violence by a PISI officer who we can identify.

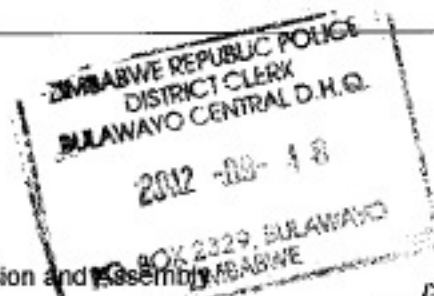
It is our suspicion that the four police officers kept Jennifer Williams and Magodonga Mahlangu in order to disrupt the exercising of their constitutional right to protest. They were also denied food and access to their lawyers Kossam Ncube and Nikiwe Ncube.

We also complain that Riot police at The Chronicle and at the intersection of 8th and 9th avenues in Jason Moyo Street threatened members with beating if they started a protest. The police officers acted unlawfully and we demand their arrest for violating our constitutional right and for using excessive force. If they are not arrested WOZA will effect a citizen's arrest of the police officers concerned and demand they face charges. Please note the Code and POSA excerpts attached.

WOZA remind you of the 6th September 2012 one month deadline to address our demands as follows:

1. That the ZRP with assistance from JOMIC convene a workshop for senior operational officers on their regulations covering dispersal of mass protests and the WOZA Supreme Court ruling.
2. An investigation and publication of a report on gender, tribal and regional discriminatory practices by police officers.
3. An investigation as to the source of misinformation regarding imagined flyers and disclosure of the informant. If it is found that Police invented the presence of flyers as a reason to harass members, disciplinary procedures of the 'informer' and the police officer who reacted to the misinformation.
4. An end to the arbitrary 'stop and search' being conducted in the city of Bulawayo as witnessed since March 2012.
5. An immediate end to harassment of WOZA members respect for their right to public space to conduct civic education of the constitutional reform process and to campaign freely for a YES vote in the upcoming referendum.

Yours sincerely
Jennifer Williams
Founder/National Coordinator
Cc: Zimbabwe Lawyers for Human Rights
Cc: Police General Headquarters complaints
Cc: Joint Monitoring and Implementation Committee (JOMIC)
Cc: United Nations Special Rapporteur for Freedom of Expression and Assembly



Signed as received *[Signature]* Name *Kambani* Date *18/09/12*

Force Number 046813H Asst B Mahlangu
1135 PR officers referred us back to Southampton house

**Excerpts from Public Order and Security Act (POSA) and Criminal law
(codification and reform) Act [chapter 9:23]**

Exemption of certain gatherings

Public gatherings held exclusively for bona fide religious, educational, recreational, charitable, wedding or funeral purposes are exempted from the provisions of the Act.

Here are the exemptions in Section 26A. See Schedule to Section 24 (5) and 41. These gatherings include gatherings:

- a) held exclusively for bona fide religious, educational, recreational, sporting, or charitable purposes.
- b) held exclusively for the purpose of baptism, wedding, funeral or cremation.
- c) of Members of professional, vocational, or occupational bodies held for purposes which are not political
- d)
- e)
- f)
- g)
- h)
- i) held by any club, association or organization, which is not of a political nature and at which the discussions and matters dealt with are not of a political nature
- j) held by a registered trade union for bona fide trade union purposes for the conduct of business in accordance with the Labour Act.
- k) Held to form any club, association or organization which is not of a political nature.
- l) For purposes of an industrial show.

Powers of the Police

During the course of a gathering, whether held in compliance with Act or not, and whether consisting of more or less than fifteen persons, the police have powers to direct or control the gatherings so as to ensure public order and security.

Section 29 (2) and (3) of POSA provides as follows:

"(2) In the circumstances where the holding or continuance of a gathering is unlawful by virtue of any prohibition notice or any direction or order under section twenty-six or twenty seven, or if during the course of a lawful gathering, any act is committed that constitute a danger to persons and property, a police officer of or above the rank of assistant inspector, may and only then, take the following steps:-

- a) call upon the persons participating in the gathering to disperse, and for that purpose he or she shall endeavour to obtain the attention of those persons by such lawful means as he or she deems most suitable; and then,
- b) in a loud voice order them in English, and in ChiShona or Sindebele, to disperse and to depart from the place of the gathering within a time specified by him or her, which shall be reasonable.

(3) If within the time specified under subsection 2(b) the persons gathered have not so dispersed or have made no preparations to disperse, the police officer concerned may order the police officers under his or her command to disperse the persons and may for that purpose order the use of force, excluding use of weapons likely to cause serious bodily injury or death."

The provisions of section 29 (1) (c) prescribes what a police officer may do if a regulatory authority has not received a notice of the intended procession more than 48 hours before the gathering, where such notice is required. In terms of this subsection, an officer may restrict the gathering to a place or guide the participants along a route, to ensure:

- a) That vehicular or pedestrian traffic, especially during rush hours, is least impeded, or an appropriate distance between the gathering and rival gatherings; or
- b) Access to property or workplaces ; or
- c) The prevention of injury to pedestrians or damage to property.

This section does not give the police the power to arrest in the event of an unlawful gathering but the power to regulate the gathering.