



# WOZA



## WOZA AND ZLHR APPLAUD RULING OF CONSTITUTIONAL COURT ON THE CONDITION OF DETENTION CELLS AT HARARE CENTRAL POLICE STATION

Press Statement, 06 June 2014

Women of Zimbabwe Arise (WOZA) and Zimbabwe Lawyers for Human Rights (ZLHR) received a successful judgment from the Constitutional Court in the case brought by WOZA members, Jennifer Williams, Magodonga Mahlangu, Celina Madukani and Clara Manjengwa against Co-Ministers of Home Affairs, the Police Commissioner-General and Attorney General.

The judgment followed the arrest of the four during a peaceful protest against poor electricity service delivery in Harare. Although 83 members of WOZA were arrested only the four were detained at Harare police station from 15 to 20 April 2014. The women were kept in detention over independence holidays in deplorable conditions. The police station cells were clearly **uninhabitable** with the four being forced to wade through human waste to use the blocked toilets or to reach the tap above the smelling toilets to drink water.

Efforts by the police to cover their tracks by polishing up the floors before the Constitutional Court toured the cells were unsuccessful due to the filthy state of the conditions.

Members of WOZA, who have been represented by ZLHR over the years, have routinely complained of being made to remove underwear and having to walk barefoot on unclean floors. Additionally, detainees are effectively denied the right to water due to absence of clean water in the cells. A common complaint has been the lack of or dirty state of blankets, with most detainees choosing the cold against using lice-infested blankets.

The Constitutional Court judgment found that Section 23 of the old Constitution was violated as to the extent the applicants were subjected to discriminatory practice as police standing orders do not differentiate between men and women. The Court also held that Section 15 of the Constitution, which protects the applicants from being subjected to inhuman and degrading treatment, was violated as they were forced to walk barefoot on a floor covered with human waste.

As a result the Court directed the first and second respondents to 'take all necessary steps and measures within their powers to ensure that at Harare Central Police Station;

- a) All holding cells shall have clean and salubrious flushing toilets with toilet paper and washing bowl.
- b) The flushing toilets to 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 police 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.

While the ruling is progressive, it requires urgent measures to be taken by the State if the rights as enunciated in the judgment are to be respected and fulfilled.

Immediate compliance with the court ruling is a constitutional imperative. Any delays in according detained persons full rights as enunciated in the judgment cannot be excused and would constitute a gross subversion of the rule of law and fundamental rights enshrined in the Constitution.

Zimbabwean authorities must realise that a detainee, whilst losing freedom, does not lose protection of presumption of innocence and so their other rights must be respected to the letter.

It is incumbent on the State and all its agencies to ensure that detained persons are accorded the dignity and entitlements as pronounced by the Constitutional Court so that a culture of constitutionalism and the rule of law takes root in Zimbabwe.

**ENDS**