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Commission Meeting on Monitoring and Inspections

Date: 25 September 2024

Venue: ZHRC Head Office, 2nd Floor Boardroom, Harare.

Monitoring and Inspection Report: Turf Police Station, Ngezi District.

Date of visit: 26 June 2024

Human Rights Concerns:

- Rights of Arrested and detained Persons.
- Staff Welfare concerns.

1. Introduction

- 1.1. The following report presents the findings of a human rights monitoring visit to Turf Police Station in Ngezi District, conducted on the 26th of June 2024. The monitoring mission assessed the police cells' compliance with regional and international minimum standards, including the Luanda Guidelines. The mission was also conducted in line with the Constitution of Zimbabwe, section 243(1) (k) (1) which mandates the Zimbabwe Human Rights Commission (ZHRC) to visit and inspect prisons, places of detention, refugee camps, and related facilities to ascertain the conditions under which persons are kept there, and to make recommendations regarding those conditions to the Minister responsible for administering the law relating to those places.
- 1.2. The monitoring and inspection mission to Turf Police Station was in line with recommendations by the Provincial Police Officer (PROPOL) for Mashonaland West Province. He recommended the ZHRC to monitor the police station for bench marking since it is an epitome of a modern-day police station.

2. Objectives of the Monitoring and Inspection Mission.

- i. To monitor and assess Turf Police Cells' adherence to the minimum standards on treatment of arrested and detained persons enshrined in international, regional and national legislation.
- ii. To have an appreciation of the experiences of arrested and detainees at the police station on the conditions in the police cells.
- iii. To raise awareness of the arrested and detainees at the police station cells on their human rights.
- iv. To generate a report with recommendations to ZRP, Parliament, the Executive and other relevant stakeholders.

3. Legal Framework.

The monitoring mission to Turf Police Station was guided by the following legal framework:

- i. The African Charter on Human and Peoples' Rights (ACHPR) (1981)
- ii. The Universal Declaration of Human Rights (UDHR) (1948)

- iii. The Luanda Guidelines on Conditions of Arrest, Police Custody and Pre-trial Detention in Africa, 2014
- iv. Standard Minimum Rules for the Treatment of Prisoners, 2015 (Hein referred to as the Nelson Mandela Rules)
- v. The Constitution of Zimbabwe, Amendment (No 20) Act 2013
- vi. Constitutional Court legal precedence (*Jennifer Williams* versus Minister of Home Affairs & Others) CCZ 4/14.
- vii. Police Act [Chapter 11:10].

4. Methodology

The Zimbabwe Human Rights Commission gathered information through conducting interviews and observation. Furthermore, there was the use of ZHRC police cells monitoring tool which has a set of questions for both detainees and police officers. Focus Group Discussions were also conducted with detainees and police officers.

5. Background Information on Turf Police Station.

- 5.1. The new police station is a product of joint ventures between the Zimbabwe Republic Police (ZRP) and ZIMPLATS Mine. The public-private partnership resulted in pooling of resources for the construction and commissioning of the new police station. Before construction of the new police station, the ZRP was operating from a make-shift house including tin-houses at the District Development Fund premises. The new police station complex was opened on the 29th of January 2024 and had two cells, 1 for female and 1 for males, respectively. The cells were separated from each other in compliance with international legal instruments stated above. Each holding cell had a carrying capacity of 10 people.
- 5.2. The police complex was well secured with a tight security fence. The walls of the buildings were well painted, with good aeration while the floors were neatly tiled. Within the police station complex was a luxurious well-furnished 6 bed-roomed house for the Officer in Charge. The project envisaged to construct more staff quarters modelled along modern staff quarters. The Officer in Charge of the station reported that the most prevalent crimes recorded at the station,

included rape, domestic violence and assault. On average, the station handled 30 dockets per month.

6. Observations and Findings.

The Luanda Guidelines 23 and 24 require states to provide legislative, budgetary and other measures for the provision of adequate standards of accommodation, nutrition, hygiene, clothing, bedding, exercise, physical and mental health care, contact with the community, religious observance, reading and other educational facilities, support services, and reasonable accommodation, in accordance with international law and standards. At the time of the monitoring mission, the ZHRC was informed that there were no arrested and detained persons in the cells.

6.1. Physical Conditions

The ZHRC inspected the two cells. The Commission noted that the cells were separated from each other with adequate security. Furthermore, the cells were noted to be clean and well-ventilated, meeting the standards especially the Luanda Guidelines, Article 5. The walls were well painted while the floors were neatly tiled.

6.2. Hygiene and Toiletries.

The ZHRC noted that there were adequate sanitary installations that allowed the arrested to comply with the needs of nature privately. The toilets in the cells were screened from the rest of the cell. The toilets system was also the squat system and were flushed from outside every 30 minutes or on request by arrested suspects. This complied with the High Court of Zimbabwe ruling on the (*Jennifer Williams v Minister of Home Affairs and Others*) CCZ 4/14, that upheld the need to screen toilet facility from the rest of the cell to enable inmates to relieve themselves in private. On soaps and detergents for use, the station outsourced from the mine and business community. Additionally, the station had a canteen project that augmented the purchase of provisions such as soaps and detergents.

6.3. Bedding and Blankets

The ZHRC was informed that Turf Police Station had adequate blankets, some of which were donated by the local community and the ZIMPLATS Mine. It was also submitted that the station had stocks of soaps and detergents to keep the blankets clean at any given time. The Commission noted that although the bedding aspect required improvement, there were adequate blankets in stock. To a large extent, the police station adhered to Rule 21 of the Nelson Mandela Rules that provides that every arrested person or prisoner shall, in accordance with local or national standards, be provided with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.

6.4. Lighting and Sanitation Facilities

The ZHRC noted that there was adequate lighting and sanitation facilities. Turf Police station had neat bathing rooms and adequate running water to enable bathing by the arrested persons all the time. Availability of water was facilitated by two water storage tanks installed within the police camp, thus complying with the Constitution and Luanda Guidelines. The Officer in Charge indicated that the station outsourced soaps and detergents from the mine and surrounding business community, therefore the station had adequate stocks at any given time.

6.5. Due Process on Arrest

The Officer in Charge of Turf Police station indicated that due process was always followed on new arrests. He elaborated that all arrested suspects or detainees were informed of their rights, including the right to legal counsel, as required by the Luanda Guidelines (Article 7). The rights read out to the arrested included rights of arrested and detained persons provided in section 50 of the Constitution of Zimbabwe. The process also included notification of the reason of arrest, right to communicate with family, relatives and friends.

6.6. Access to Justice, legal Representation and Right to Access outside World,

6.6.1. The OIC indicated that all arrested suspects at Turf Police Station attended court within the 48 hours prescribed at law, despite the fact the nearest court

that served the station was Kadoma Magistrate Court, 147 km away. The station's one vehicle was grounded. Therefore, they relied on the commuter omnibus operators to transport the arrested suspects to court. This was reported to pose challenges in transporting suspects to courts.

6.6.2. All arrested persons were allowed to contact families, relatives and friends using the telephone at the station and in some cases, were allowed to use their own phones to contact the outside world. In addition, the ZHRC was informed that on a daily basis, relatives and friends were allowed to visit the detained during designated times. The practices conformed to The Luanda Guideline 5 (4)(f) that provide for pretrial detainees to have contact with family members. The practice, as reported by the Officer in Charge at Turf Police station also conformed to Section 50 (5) (c) of the Constitution that provides for the rights of arrested and detained persons to communicate with and be visited by a spouse, relatives, medical and legal practitioner and religious counsellor and this is being observed at the station.

6.6.3. Article 7 of The Luanda Guidelines provide for access to legal representation. The Officer in Charge reported that detainees were advised of their right to seek legal representation, but some detainees reported difficulties in securing representation, partially due to financial difficulties. Failure to access legal representation by the arrested suspects contravenes the ACHPR (Article 7).

6.7. Right to food and water

The Luanda Guideline 5 (4)(e) set out the conditions of detention in police custody and pretrial detention. Amongst other services, the guidelines provide for adequate food and water. Section 77 of the Constitution also provides for the right to food and water for every person including the arrested and detained. The OIC indicated that the station had not received food rations from its headquarters during the past couple of years. To mitigate the danger of hunger by arrested suspects, Turf Police Station outsourced food provisions from the mine and local business persons. Electric pots, utensils and cooking pots were available. In rare cases, family members and relatives were often requested to assist their arrested relatives with food. Inmates were served three meals a day namely breakfast, lunch and dinner. In most cases porridge was served for breakfast; sadza with soya chunks for lunch and sadza with beans for supper. Food was prepared by police officers and general hands at a designated

cooking place. Provision of water was reported to be stable and availability was confirmed to be readily available as the mine supplied water and electricity uninterrupted.

6.8. Right to Health Services

Section 29 (2) of the Constitution provides for fair and reasonable measures that the State should take to ensure no one is refused emergency medical treatment at any health institution. Furthermore, rule 27 of the Mandela Rules provides for police cells and prisons to ensure prompt access to medical attention in urgent cases. In this regard, Turf Police Station was located in close proximity to Turf Clinic and any detainees requiring health services were served there. The clinic also had arrangements with private doctors nearby for free consultations for arrested persons who fell ill. The station had a first aid kit that was replenished every month with support from ZIMPLATS. All these measures were an attempt to comply with legal instruments and international minimum standards for example article 6 of the Luanda Guidelines on provision of medical care services.

6.9. Physical Exercises

The ZHRC noted that there was a secured free space to allow arrested suspects to exercise and access free fresh air and sunlight.

6.10. Treatment of Vulnerable Populations

The OIC reported that juveniles were not detained but were released into the custody of their parents to undergo the Pretrial Diversion programme. The OIC also submitted that women were also rarely detained, except in serious cases such as murder and robbery. The Convention on the Rights of Persons Disabilities defines "reasonable accommodation" as "necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure the enjoyment or exercise by PWDs on an equal basis with others of all human rights and fundamental freedoms" (Article 2) and demands this in all aspects of life. ZHRC, therefore assessed the extent to which this principle is applied at the police station, and noted it was being promoted. The complex's toilet offered reasonable

accommodation to Persons with Disabilities. Separate toilets for Persons with Disabilities were constructed and were functional.



Figure 1 Shows measures for reasonable accommodation at the police station

6.11. Treatment of Suspects Visitors

It was reported that the station had enough secure rooms to the extent that the station accommodates relatives and family members of arrested individuals who came from distant areas to visit arrested suspects. Accommodation and blankets were offered to the visitors.

6.12. Staff Welfare Issues

The major challenge facing staff was accommodation. Only the OIC had a house constructed within the police complex. Although, the initial plan was to build over 20 houses for staff within the police complex, financial challenges had stalled the process. As a temporary measure, ZIMPLATS donated 20 containers that were used as accommodation by staff. In terms of staff strength, the station had 36 staff members (28 Males and 8 females) compared to the official establishment of 48 staff members. A shortfall of 12 staff members existed. However, staff were satisfied with the tools of trade offered at the station. Each office was furnished with modern tables and chairs, computer and printers. The OIC requested for more human rights-based training for his officers to reduce human rights violations.



Figure 2 A model house build at the Police station

7. Conclusion

The ZHRC noted that Turf Police Station is a model modern police station for the Zimbabwe Republic Police to benchmark all other police cells in Zimbabwe. The ZRP is urged to establish more public-private partnerships to enable the establishment of more similar police stations. By adhering to constitutional provisions and other regional and international legal frameworks, the station promotes a culture of respect for human rights in the criminal justice system. Turf Police Station ticks most human rights boxes. However, there is need to improve on transport systems, staff welfare and provision of food by government. There is also need for human rights awareness sessions for ZRP staff at the station.

8. Recommendations

Zimbabwe Republic Police

- 8.1. To ensure that all police stations are provided with food rations for the arrested or detainees.
- 8.2. The ZRP is urged to initiate more Public-Private Partnerships to facilitate the construction of more modern police stations that meet international standards.
- 8.3. To resolve the transport challenges facing the prison.
- 8.4. To construct more houses for staff.

Parliament of Zimbabwe

- 8.5. To facilitate an increased financial vote to ZRP so that it can provide food rations at police cells.

Judicial Service Commission

- 8.6. To establish a circuit court at Turf Area to reduce transport challenges for the police station.

Adopted by the Commission

Signed by

MS F. J. MAJOME (CHAIRPERSON)

DATE