

“I CAN ARREST YOU”

THE ZIMBABWE REPUBLIC POLICE AND  
YOUR RIGHTS

SOKWANELE

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## **GLOSSARY OF ACRONYMS**

AI	Amnesty International
CID	Criminal Investigation Department
CIO	Central Intelligence Organisation
HRW	Human Rights Watch
IDASA	Institute for Democracy in Africa
IJR	Institute of Justice and Reconciliation
JOC	Joint Operations Command
MDC	Movement for Democratic Change party
NIZ	Nigerians in Zimbabwe Association
OVT	Organised violence and torture
POSA	Public Order and Security Act
RAU	Research and Advocacy Unit
ROHR	Restoration of Human Rights
SADC	Southern African Development Community
SALC	Southern African Litigation Centre
SPT	Solidarity Peace Trust
UNICEF	United Nations Children’s Fund
VOA	Voice of America
ZANU-PF	Zimbabwe African National Union–Patriotic Front
ZCTU	Zimbabwe Congress of Trade Unions
ZEF	Zimbabwe Exiles’ Forum
ZHR Forum	Zimbabwe Human Rights NGO Forum
ZLHR	Zimbabwe Lawyers for Human Rights
ZNA	Zimbabwe National Army
ZRP	Zimbabwe Republic Police

## 1 EXECUTIVE SUMMARY

The swearing in of Zimbabwe's coalition government on February 11, 2009 took place five months after the signing of the power-sharing agreement and almost a year after the flawed and violence-ridden 2008 elections. In his inauguration speech, the new Prime Minister, Morgan Tsvangirai, said that the "culture of entitlement and impunity ... must end."

Two years later, in their report of March 2011, titled: "*Perpetual Fear – Impunity and Cycles of Violence in Zimbabwe*", Human Rights Watch (HRW) wrote that human rights abuses and restoration of the Rule of Law, politically motivated violence and the lack of accountability for abuses remained a serious problem.

HRW warned that members of the security forces, ZANU-PF and groups allied to ZANU-PF continued to commit human rights violations, including arbitrary arrests and abductions, beatings, torture and killings of members and supporters of the former opposition party, the Movement for Democratic Change (MDC), and those critical of the ZANU-PF and its officials.

Today in Zimbabwe, more than three years into the shaky and widely discredited power-sharing arrangement, arrests are escalating, corruption is rampant, human rights violations are rising once more and the Rule of Law has not been restored. All indicators are there to alert Zimbabweans, the Southern African Development Community (SADC) and the international community that an increasingly desperate and unpopular ZANU-PF is gearing up for the next election.

This report focuses on the risk of arrest at the hands of the partisan Zimbabwe Republic Police (ZRP) under the command of Commissioner-General Augustine Chihuri, who has publicly acknowledged his allegiance to ZANU-PF. Chihuri has served as police head since 1993 and his contract has been renewed by President Mugabe 13 times since 1997. Chihuri is a member of Joint Operations Command (JOC), the junta which continues to control Zimbabwe.

In a country where the Rule of Law is no longer operational and the security forces operate with impunity, every citizen is vulnerable. A chance remark in a taxi, at a pub or even at a funeral could lead to arrest and possible incarceration in one of the country's disgracefully maintained jails. Those who stand up for their rights and join demonstrations or canvass for political parties other than ZANU-PF face possible arrest, severe beatings and torture in custody.

Bribery and corruption have become rampant. In a survey published by Transparency International in 2011, Zimbabwe ranked 154 out of 182 countries in terms of its level of corruption. The ZRP topped the list as the most corrupt institution and stood out as the biggest recipient of bribes among service providers.

The proliferation of roadblocks across Zimbabwe's appallingly maintained road network has led to growing frustration among road users due to the inevitable delays and the demands for bribes from increasingly brazen police officers. Although one of the most important roles of a roadblock should be to reduce the number of vehicle accidents, their contribution is seen as questionable – and rather as a money-making racket both for the police force per se and also for individual self-enrichment.

The controversy surrounding the roadblocks extends beyond bribery and corruption to their more sinister roles during elections: their use as a mechanism for blocking food aid to opposition strongholds, for stopping people injured in election violence from seeking medical help and to prevent opposition officials and activists from canvassing or holding rallies.

After explaining the legitimate roles of roadblocks, the report gives advice to citizens on their legal rights and provides recommendations on how to deal with police harassment and implicit or overt requests for bribes.

In a section describing corruption within the ZRP as "endemic", the report provides examples in a range that includes plundering stolen properties, collusion with bag snatchers, extorting bribes from taxi drivers, demanding bribes at roadblocks, protection rackets, perverting the ends of justice, setting up diamond syndicates and murdering illegal or unlicensed miners for financial gain.

Judges have also criticised police investigations of cases where vital information given to the police by State witnesses has been omitted from formal witness statements produced in court in favour of the defence. Furthermore, ZANU-PF members who have murdered MDC supporters have been freed on bail and remain at liberty.

The evidence of good policing is the absence of crime. It must be subject to the Rule of Law, rather than the wishes of a powerful leader or party. It can intervene in the life of citizens only under limited and carefully controlled circumstances - and it is publicly accountable.

The report explains the differences between *civil policing* and *political policing*. It also defines *secret policing*, where an authoritarian regime uses the police as an agent of political oppression. Citizens within a police state experience restrictions on their mobility, and on their freedom to express or communicate political or other views – which are subject to police monitoring or enforcement.

The police force of Zimbabwe, the Zimbabwe Republic Police (ZRP), was created by Chapter IX of the (Independence) Constitution of 1979, signed at the Lancaster House Conference. It is governed by the Constitution of Zimbabwe – which has been amended 19 times over the past 33 years – and by the Police Act. The current head of the ZRP, Commissioner-General Augustine Chihuri, has served as police head since 1993 and has had his contract renewed by President Mugabe 13 times since 1997.

The ZRP is bound by many international human rights standards. It is also a member of SARPCCO, a regional professional association which is committed to disseminating best practices and raising the standard of policing, including the respect for human rights.

Not only is the ZRP guilty of perpetrating gross human rights, with many of the victims being opposition activists and supporters, but it is also guilty of abusing its own members. Zimbabweans and the international community were shocked in June 2009 when a secretly filmed two-minute video on You-Tube showed ZRP recruits being beaten while undergoing 'training' in Harare. Each recruit was forced to lie down and was then beaten by 'trainers' with batons, some more viciously than others, a process reportedly referred to as 'pay day'.

The concept of "The Rule of Law", and the differences between "*The Rule of Law*" and "*Rule by Law*" are explained, with reference to the Constitution – and to people's rights according to the Constitution.

The conclusion warns the ZRP that it faces millions of US dollars worth of law suits from political activists and human rights defenders who are claiming compensation for torture, wrongful arrest or abduction. Furthermore, a South African High Court ruled on May 8, 2012 that the South African authorities must investigate Zimbabwean officials who are accused of involvement in torture and crimes against humanity in Zimbabwe.

## **I CAN ARREST YOU!**



*Police officers arrest people who were rallying in support of former Movement for Democratic Change (MDC) legislator and law lecturer Munyaradzi Gwisai outside the Harare Magistrate court, March 21, 2012.<sup>1</sup> [Photo courtesy of Reuters]*

### **Perpetual Fear – arbitrary arrests and abductions continue in Zimbabwe**

*"... The formation of a power-sharing government ... was expected to end human rights abuses and restore the Rule of Law, (but) politically motivated violence and the lack of accountability for abuses remain a serious problem in Zimbabwe.*

*"Members of the security forces, the former ruling party, the Zimbabwe African National Union-Patriotic Front (ZANU-PF), and groups allied to ZANU-PF continue to commit human rights violations, including arbitrary arrests and abductions, beatings, torture, and killings of members and supporters of the former opposition party, the Movement for Democratic Change (MDC), and those critical of the ZANU-PF and its officials."<sup>2</sup>*

*A 25-year-old MDC activist told Human Rights Watch that he "had been arrested more than 15 times and that he had been severely tortured on four occasions."<sup>3</sup>*

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<sup>1</sup> Reuters, 'Robert Mugabe photos', Dailylife.com, 21March, 2012:

<http://www.daylife.com/photo/0aj78GfgLW3dA?site=daylife&q=Robert+Mugabe>

<sup>2</sup> Human Rights Watch, 'Perpetual Fear', Human Rights Watch report, Pg 3, March 2011:

<http://www.hrw.org/sites/default/files/reports/zimbabwe0311NoPage8Full.pdf>

<sup>3</sup> Human Rights Watch, 'Perpetual Fear', Human Rights Watch report, Pg 9, March 2011:

<http://www.hrw.org/sites/default/files/reports/zimbabwe0311NoPage8Full.pdf>

## 2 INTRODUCTION

After almost a year of uncertainty and tension following Zimbabwe's flawed and violence-ridden 2008 elections, the coalition government was finally sworn in on February 11, 2009 – five months after the signing of the power-sharing agreement.

In his inauguration speech, the new Prime Minister, Morgan Tsvangirai, said that the agreement, if implemented in good faith, would deliver a peaceful way forward towards a stable economy, a new constitution and free and fair elections. He said that "the culture of entitlement and impunity that had brought the nation to the brink of a dark abyss must end."<sup>4</sup>



*Police response to protesters – published August 14, 2010 [Photo courtesy of Zimbabwe Human Rights NGO Forum<sup>5</sup>]*

*"Some are crying that they were beaten.*

*Yes, you will be thoroughly beaten.*

*When the police say move, you move*

*If you don't move, you invite the police to use force."*

Robert Mugabe, 2006

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<sup>4</sup> NewZimbabwe.com, 'Full text: Morgan Tsvangirai's inauguration speech', NewZimbabwe.com, 11 Feb 2009: <http://www.newzimbabwe.com/pages/primeminister6.19374.html>

<sup>5</sup> The Zimbabwe Human Rights NGO Forum, 'Photos of Violence', ZHR NGO Forum website, 14 Aug 2010: [http://www.hrforumzim.org/home-2/attachment/zimbabwe\\_violence/](http://www.hrforumzim.org/home-2/attachment/zimbabwe_violence/)



## 2.1 THE RISK OF ARREST

Everyone is at risk of being arrested in Zimbabwe.

Your downfall could be a passing remark about President Mugabe, being in the wrong place at the wrong time, selling fruit and vegetables on the streets to feed your family, refusing to pay a bribe at a roadblock, being on the fringes of a labour demonstration, joining a Valentine's Day march or trying to protect yourself from an attack by ZANU-PF supporters or the youth militia.

During live television coverage of President Mugabe's 88<sup>th</sup> birthday party in February this year, a self-employed carpenter in Mutare was drinking with friends when he allegedly suggested that the President – due to his advanced age - had sought help to blow up the balloons.<sup>6</sup>

His comment was reported and he was arrested and hauled before the Mutare magistrate's court on allegations of undermining the authority of the President as defined under Section 33(2) a (ii) of the Criminal Law (Codification and Reform) Act Chapter 9:23.<sup>7</sup>

The following month, News-mail Australia published an article describing a "harrowing encounter" experienced by an Australian couple who were accused of plotting to assassinate President Mugabe.<sup>8</sup>

They were heading for Harare airport when they were caught up in the President's motorcade and had to pull over to avoid the cars and motorcycles flying past. A policeman approached the couple's vehicle and told them they were under arrest on charges of attempting to assassinate the President.<sup>9</sup>

Despite their protestations, the couple was ordered to drive to the police station to be formally charged. On the way, the police officer who had climbed into their car and taken their passports obliquely offered to sort it all out. When they demanded to be taken to the Australian Embassy, the policeman backed down and they were able to drive back to the airport. His final comments were that he hoped they had enjoyed their stay and that they would be back. The couple described their experience as "terrifying" and said they would *not* be returning to Zimbabwe.<sup>10</sup>

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<sup>6</sup> Daily News, 'Mutare man arrested for mocking President Mugabe over his birthday balloons', Daily News, 1 March 2012: <http://www.myzimbabwe.co.zw/news/1011-mutare-man-arrested-for-mocking-president-mugabe-over-his-birthday-balloons.html?&tmpl=component>

<sup>7</sup> Daily News, 'Mutare man arrested for mocking President Mugabe over his birthday balloons', Daily News, 1 March 2012: <http://www.myzimbabwe.co.zw/news/1011-mutare-man-arrested-for-mocking-president-mugabe-over-his-birthday-balloons.html?&tmpl=component>

<sup>8</sup> News-Mail.com, 'Aussie couple tells of Mugabe assassination claim', NewZimbabwe.com, 4 March 2012, <http://www.newzimbabwe.com/news-7354-Couple+tells+of+Mugabe+assasination+claim/news.aspx>

<sup>9</sup> News-Mail.com, 'Aussie couple tells of Mugabe assassination claim', NewZimbabwe.com, 4 March 2012, <http://www.newzimbabwe.com/news-7354-Couple+tells+of+Mugabe+assasination+claim/news.aspx>

<sup>10</sup> News-Mail.com, 'Aussie couple tells of Mugabe assassination claim', NewZimbabwe.com, 4 March 2012, <http://www.newzimbabwe.com/news-7354-Couple+tells+of+Mugabe+assasination+claim/news.aspx>

*"I can arrest you" - The Zimbabwe Republic Police and your rights*

The arrest attempt took place a week after the Zimbabwe Tourism Authority (ZTA) announced a tourism marketing drive called "Destination Image Promotion".

Citizens who question delays at the innumerable roadblock across the country are frequently threatened with arrest. Bribes are demanded from members of the public and taxi owners by increasingly brazen police officials.

NewsDay reported on April 5 this year that Zimbabwe's global ranking in terms of the attitude of the local population towards visitors continues to be poor, rating only ninth out of 12 countries regionally. This has been attributed to "continued mistreatment of tourists at the country's entry points" and also to the "multiple police roadblocks along major highways", the journalist wrote.<sup>11</sup>

Even AIDS activists are in danger of arrest in Zimbabwe. On December 2, 2005 Zimbabwe Lawyers for Human Rights (ZLHR) reported that the police had arbitrarily arrested and detained five AIDS activists from Zimbabwe Activists on HIV/AIDS, the International Socialist Organisation, the National Constitutional Assembly and the Women and AIDS Support Network. The activists were part of the group commemorating World AIDS Day at the Africa Unity Square, Harare.<sup>12</sup>

ZLHR said in their press release that the prohibition was "a clear violation of Article 19.2 of the International Covenant on Civil and Political Rights which states that 'Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice'."<sup>13</sup>

Events in 2007 again put into focus the police's power of arrest, detention, search and seizure. Obert Chaurura Gutu, a Harare-based lawyer, noted that "more than 2,000 business persons, including some top-notch executives and politicians, have recently been arrested and detained for allegedly flouting the recently gazetted laws pertaining to price controls."<sup>14</sup>

Protest theatre is also dangerous territory and Zimbabwe's performing artists continue to be arrested, intimidated, tortured and jailed for their work. Owen Maseko, a Bulawayo-based visual artist, was charged in 2010 with undermining President Robert Mugabe's authority after he was arrested for organising an

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<sup>11</sup> Gamma Mudarikiri, 'Mzemi slams roadblocks', NewsDay, 5 April 2012: <http://www.newsday.co.zw/article/2012-04-05-mzemi-slams-roadblocks>

<sup>12</sup> ZLHR, 'Arbitrary arrest and detention of human rights defenders', Kubatana, 2 Dec 2005: [http://www.kubatana.net/html/archive/hr/051202zlhhr.asp?orgcode=zim007&range\\_start=1](http://www.kubatana.net/html/archive/hr/051202zlhhr.asp?orgcode=zim007&range_start=1)

<sup>13</sup> ZLHR, 'Arbitrary arrest and detention of human rights defenders', Kubatana, 2 Dec 2005: [http://www.kubatana.net/html/archive/hr/051202zlhhr.asp?orgcode=zim007&range\\_start=1](http://www.kubatana.net/html/archive/hr/051202zlhhr.asp?orgcode=zim007&range_start=1)

<sup>14</sup> Obert Chaurura Gutu, 'Zimbabwe: the abuse of police powers', New Zimbabwe, 25 July 2007: <http://newsgroups.derkeiler.com/Archive/Soc/soc.culture.zimbabwe/2007-07/msg00191.html>

exhibition on the Gukurahundi massacres (1983-1987). The atrocities, which began just three years after independence, resulted in the deaths of more than 20,000 civilians.<sup>15</sup>

The number of white commercial farmers has shrunk from 4,500 in 2000 to fewer than 250 in 2012, but those who remain are still in danger of being arrested and prosecuted for living in their homes and growing crops on their farms. This is despite the fact that the country has a serious food deficit and is heavily reliant on Western food aid following the violent destruction of the commercial farming sector.

In February 2011, two farmers from Makoni South were finally released from jail after being arrested while trying to stop the illegal invasion of their farm by ZANU-PF members and so-called 'war vets'.<sup>16</sup>

"The group, led by the son of a Central Intelligence (CIO) operative and a known ZANU-PF official, broke down the farm gates and threatened the farmers, saying they were there to harvest the farm's crops," The Zimbabwean newspaper wrote.<sup>17</sup>

Deon Theron, President of the Commercial Farmers' Union at the time, said the most disturbing part of the land attacks was the selective application of the law. He warned that the country was once again going into a phase where the law was being broken and no one would do anything about it.<sup>18</sup>

Theron's mother, an elderly widow, was threatened with a jail term for refusing to leave her dairy farm and home of 50 years. Harassment of Mrs Theron was relentless, despite a court interdict to stop her eviction and protect her property from the 'beneficiary'.

"The situation is crazy because we are the ones being dragged before the courts but the people actually stealing our land, nothing happens to them," Theron told The Zimbabwean.<sup>19</sup>

In February 2012, the United Nations Children's Fund (UNICEF) reported that at least 3.5 million vulnerable children faced starvation as government failed to provide for their aged guardians.<sup>20</sup>

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<sup>15</sup> Sokwanele, 'Gukurahundi in Zimbabwe', Sokwanele website, 29 May 2007:  
<http://www.sokwanele.com/thisiszimbabwe/archives/576>

<sup>16</sup> The Zimbabwean, 'ZANU-PF-led land invasion', The Zimbabwean, 3 Feb 2011:  
<http://www.thezimbabwean.co.uk/news/37086/farmers-arrested-after-zanu-pf-led-land-invasion-.html>

<sup>17</sup> The Zimbabwean, 'ZANU-PF-led land invasion', The Zimbabwean, 3 Feb 2011:  
<http://www.thezimbabwean.co.uk/news/37086/farmers-arrested-after-zanu-pf-led-land-invasion-.html>

<sup>18</sup> The Zimbabwean, 'ZANU-PF-led land invasion', The Zimbabwean, 3 Feb 2011:  
<http://www.thezimbabwean.co.uk/news/37086/farmers-arrested-after-zanu-pf-led-land-invasion-.html>

<sup>19</sup> The Zimbabwean, 'ZANU-PF-led land invasion', The Zimbabwean, 3 Feb 2011:  
<http://www.thezimbabwean.co.uk/news/37086/farmers-arrested-after-zanu-pf-led-land-invasion-.html>

<sup>20</sup> Radio Voice of the People, '3.5 million vulnerable children face starvation' – UNICEF', Radio VOP, 23 Jan 2012:  
<http://www.radiovop.com/index.php/national-news/8064-3-5-million-vulnerable-children-face-starvation-unicef.html>

Over the years there have been numerous cases of MDC members or supporters being jailed for crimes they did not commit. Seven people from a group of 29 MDC members have spent nine months in custody after being accused of murdering a police inspector. According to their lead defence lawyer, it has been difficult to interact with the accused in custody because of the proximity of prison guards inside the cells. SW Radio Africa reported on March 13, 2012 that the accused had been released a month previously, only to be taken into custody again two weeks later.<sup>21</sup>

The threat of arrest is always present in the minds of local and international journalists who continue to cover events in Zimbabwe with extraordinary courage. Renowned, award-winning human rights photo journalist Robin Hammond, a New Zealand citizen, was arrested in Zimbabwe on April 16, 2012 near the South African border for reporting without accreditation on refugees fleeing across the border from Zimbabwe. He was finally released after spending 25 days in lice-ridden jails due to the support of the New Zealand embassy and a charity.<sup>22</sup>

### 3 ZIMBABWE IS A "POLICE STATE"

On July 22, 2011, Sokwanele published the following letter under the title: "Zimbabwe is a Police State".<sup>23</sup>

*"Everyone ... is afraid of the police, and the fear is well founded, especially in light of the regular arbitrary arrests of innocent people. In Zimbabwe, a person is guilty until the police feel that he is innocent, that is fact.*

*"I live in a small community where the people are too terrified to question the police excesses which include the looting of their "illegal" merchandise. The police take, and nobody questions them. But there is an anger that is slowly building in the people and the case of the slain cop in Glen View<sup>24</sup> is one classic case where people's anger against the police was manifested. But I sadly doubt that anyone in my community people is going to stand up to the police and demand respect for their rights, they are just too scared.*

*"I recently witnessed the police fill a police truck to the brim with looted vegetables. The vendors stood paralysed, on their faces dejection and despair was imprinted.*

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<sup>21</sup> SW Radio Africa, 'Cop murder trial fails to kick-off', The Zimbabwean, 13 March 2012:  
<http://www.thezimbabwean.co.uk/news/zimbabwe/56955/cop-murder-trial-fails-to.html>

<sup>22</sup> Fairfax NZ News, 'Kiwi photojournalist reveals Zimbabwe prison hell', 15 May 2012:  
<http://www.stuff.co.nz/world/africa/6922086/Kiwi-photojournalist-reveals-Zimbabwe-prison-hell>

<sup>23</sup> Simon Moyo, 'Zimbabwe is a police state', Sokwanele, 22 July 2011:  
<http://www.sokwanele.com/thisiszimbabwe/category/lawlessness/police>

<sup>24</sup> The Zimbabwean, 'Police wantonly arrest MDC members in Glen View', The Zimbabwean, 30 May 2011:  
<http://www.thezimbabwean.co.uk/news/40024/police-wantonly-arrest-mdc-members-in-glen-view.html>

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*"Though not officially a police state, in the eyes of ordinary Zimbabweans our country is held hostage by the police. Because our citizens are so scared of the police they would rather stay indoors than socialise outside their homes, because the police can arrest them when they feel like doing so. I would not ever stand in the way of a police officer. Freedom only exists for me if the police allow it.*

*"MDC activists who are currently languishing in prisons are fine examples of what the police can do. We are not free and the police are there not to enforce the law, but to force us into walking under their own interpretation of the law."*

#### 4 VIOLENT BEATINGS AND TORTURE IN CUSTODY

Since 2000, reports of arbitrary arrests of innocent people, horrifying levels of torture at the hands of the Zimbabwe Republic Police and the disappearance of opposition officials and activists have continued to mount.

Those who stand up for their rights risk being brutally beaten up at the scene of the protest, forced into a police vehicle and then taken to a police station where they are likely to be beaten even more viciously. Many seriously injured demonstrators have been denied access to their lawyers or to medical attention, even if their injuries have been life-threatening.

In September 2006, security forces responded to a trade union demonstration with mass arrests and severe beatings of union leaders, drawing international condemnation.

Human Rights Watch highlighted the incident in their World Report of 2007:

*"In a shocking example of police torture and ill treatment, 15 members of the Zimbabwe Congress of Trade Unions (ZCTU) were arrested and brutally assaulted by police at Matapi police station following peaceful protests on September 13 against poor working conditions. The unionists reported that a group of five police officers beat them with fists and batons, kicked them, banged their heads against the wall, and verbally abused and threatened them. They were initially denied medical treatment and access to their lawyers for 24 hours but were later taken to a hospital where some were found to have serious injuries such as fractured limbs."<sup>25</sup>*

President Mugabe was widely quoted in the media as condoning the police brutality and suggesting the trade unionists had deserved to be beaten.

Addressing delegates at the Zimbabwe embassy in Cairo, Egypt, on the arrest, torture and mistreatment of the 15 trade union activists, he said:

*"We cannot have a situation where people decide to sit in places not allowed and when police remove them they say no. We can't have that. That is a revolt to the system. Some are crying that they were beaten. Yes*

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<sup>25</sup> Human Rights Watch, 'World Report 2007', 2007:  
<http://www.hrw.org/legacy/englishwr2k7/docs/2007/01/11/zimbab14720.htm>

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*you will be thoroughly beaten. When the police say move you move. If you don't move, you invite the police to use force."*<sup>26</sup>

Watch a [video](#) of the arrests.

## 5 POLICING THE STATE – SOLIDARITY PEACE TRUST

On December 14, 2006 Solidarity Peace Trust (SPT) and The Institute of Justice and Reconciliation (IJR) released a report titled: *'Policing the State: An Evaluation of 1,981 Political Arrests in Zimbabwe: 2000-2005'*<sup>27</sup>. SPT and IJR explained in the executive summary that 'Policing the State' highlighted the growth of police brutality in Zimbabwe from 2000, which coincided with the rise of the democratic challenge to the State.

The authors explained that, "during the 1990s, peaceful protest by the student movement and trades unions was tolerated to some degree, but after the forming of the Movement for Democratic Change (MDC) and the loss of the February constitutional referendum in 2000, State repression escalated in all respects...."

The report pointed out that "Almost 90 percent of (the 1,981) politically motivated arrests (did) not result in a trial, and in the few instances when cases (went) to trial, the State obtained convictions in only 1.5 percent of cases!

"Laws such as the Public Order and Security Act (POSA)<sup>28</sup> are not there to enforce law and order, but to undermine the rights of citizens to freedom of association, expression and movement. Police brutality is routine, with torture of arrestees occurring in 33 percent of cases. Cell conditions are shocking, and defending lawyers run the risk of assault, harassment or incarceration.

"Whereas in the 1990s it was possible to mass thousands of people on the streets for peaceful marches, State reaction to any such attempts is now swift and vicious. The September 2006 attempt by the ZCTU to march on the streets of Harare lasted less than two minutes, and the few activists who took part were brutally tortured. By the end of 2005, the democratic movement was in serious disarray and without an effective response to State oppression...."

Police brutality had become so brazen by March 2007 that scores of riot police brutally attacked a large group of people on their way to attend a Save Zimbabwe Campaign prayer meeting organised by church groups in Harare's Highfield township.

The seriously injured included MDC leader Morgan Tsvangirai who was so severely beaten that he had to be sent for a brain scan to check for a suspected fractured skull. Photographs of his battered and bloodied face were transmitted around the world, causing international outrage. Close to 100 people were arrested and many of them were cruelly tortured at the Harare Central Police Station.

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<sup>26</sup> Sokwanele, 'Mugabe quotes', 29 Sept 2006: <http://www.sokwanele.com/quotes?page=4>

<sup>27</sup> Solidarity Peace Trust, 'Policing the State', 14 Dec 2006: <http://www.solidaritypeacetrust.org/169/policing-the-state/>

<sup>28</sup> The Public Order and Security Act (POSA) is a piece of legislation introduced in Zimbabwe in 2002 by a ZANU-PF dominated parliament. The Act was amended in 2007. Many regard POSA as an act that helped Robert Mugabe consolidate his power. The law gave untold powers to the ZRP.

Wikipedia: [http://en.wikipedia.org/wiki/Public\\_Order\\_and\\_Security\\_Act\\_\(Zimbabwe\)](http://en.wikipedia.org/wiki/Public_Order_and_Security_Act_(Zimbabwe))

## 6 ZRP ROLE IN THE 2008 ELECTION VIOLENCE

In 2008, the ZRP was heavily implicated in the violence-ridden elections. Deployed countrywide, members of the force committed appalling acts of violence and torture, refused to assist victims of attacks – sometimes even arresting them as ‘the perpetrators’ – and failed to arrest those who were responsible.

“Perpetrators of the violence include so-called ‘war veterans’ and supporters of the ruling party, as well as police officers and soldiers,” confirmed Amnesty International on April 18, 2008 after the first round of the elections. “State actors were accused of working hand-in-hand with ZANU-PF supporters. Individuals have been abducted from their homes by members of the military, in uniform and in plain clothes, as well as by ZANU-PF supporters,” Amnesty International wrote.<sup>29</sup>

The extent and ferocity of the violence was so appalling that the then South African President, Thabo Mbeki, sent a group of retired South African army generals to investigate the situation.

Senior members of the investigating team said their findings were "alarming".

"What we have heard and seen is shocking. We have heard horrific stories of extreme brutality and seen the victims," said one of the generals. We have seen people with scars, cuts, gashes, bruises, lacerations and broken limbs, and bodies of those killed. It's a horrifying picture."<sup>30</sup>

Efforts by human rights, legal organisations and the media in South Africa to force the South African government to publish the findings of the Generals' report continue to be unsuccessful and it remains controversially under wraps.

## 7 DESPITE TRANSITIONAL GOVERNMENT, ZIMBABWE REMAINS A POLICE STATE

Those who hoped that the swearing in of a transitional government in February 2009 would lead to peace, freedom of speech, a return to the Rule of Law and ultimately free and fair elections were soon disappointed.

Since the beginning of this year, with debate intensifying over the timing of the next elections and President Mugabe ramping up the pressure for an early election, the rate of arrests has escalated.

On January 28, 2012 The Zimbabwean newspaper published a press release by Restoration of Human Rights Zimbabwe (ROHR) which reported that their Vice Chairman and spokesperson, Sten Zvorwadza, had been arrested on allegations of ‘*posing a threat of future violence*’.<sup>31</sup>

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<sup>29</sup> Amnesty International, ‘*Post-election violence increases in Zimbabwe*’, Amnesty International, 18 April 2008: <http://www.amnesty.org/en/news-and-updates/news/post-election-violence-increases-zimbabwe-20080418>

<sup>30</sup> Business Day, ‘*Zim violence shocks SA Generals*’, 15 May, 2008: <http://allafrica.com/stories/200805140020.html>

<sup>31</sup> Restoration of Human Rights Zimbabwe, ‘*ROHR official arrested*’, The Zimbabwean, 28 Jan 2012: <http://www.thezimbabwean.co.uk/human-rights/55890/rohr-official-arrested.html>

Three months later, on April 23, 2012 VOA News reported that the police had arrested 15 members of the MDC formation headed by Industry Minister Welshman Ncube, including three councillors, in the Tsholotsho district accusing them of holding political meetings without clearance.<sup>32</sup>

"The party condemned the arrests saying its activists had not called any gatherings but were actually on a door-to-door membership recruitment, which did not oblige them to seek police authorization," VOA News noted.<sup>33</sup>

## 8 THE ZRP AND THE CONTROVERSY SURROUNDING ROADBLOCKS

In recent years the country's hazardous network has become notorious for the volume and severity of car accidents. Bus crashes are regular occurrences, caused by a deadly combination of poorly maintained vehicles, the appalling state of the roads, poor driving standards and by corrupt police officers who allow defective buses on the roads "after money changes hands".<sup>34</sup>

However, the escalating use of multiple roadblocks across the country continues to spark controversy and anger from road users. This is the area where corruption, which is now endemic, is most blatantly apparent and which affects the greatest number of citizens, both urban and rural.

The authorities claim that roadblocks are in force to reduce vehicle accidents, but they also have other, more sinister uses. In the run-up to elections, they are used to control access to the rural areas and to perceived opposition strongholds. Furthermore, they are effective mechanisms for blocking international food aid to force starving rural people to vote for Mugabe.

### 8.1 ROADBLOCKS FOR ENRICHMENT



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<sup>32</sup> Ntungamili Nkomo, 'Zimbabwe police arrest 15 activists for 'illegal' political activity', VOA News, 23 April 2012: <http://www.voanews.com/zimbabwe/news/Zimbabwe-Police-Arrest-15-MDC-Activists-on--148578085.html>

<sup>33</sup> Ntungamili Nkomo, 'Zimbabwe police arrest 15 activists for 'illegal' political activity', VOA News, 23 April 2012: <http://www.voanews.com/zimbabwe/news/Zimbabwe-Police-Arrest-15-MDC-Activists-on--148578085.html>

<sup>34</sup> MISA, 'Bus and taxi van collide, killing 16 people', The Zimbabwean, 3 June 2010: <http://www.thezimbabwean.co.uk/news/31532/bus-and-taxi-van-collide-killing-16-people.html>



*"I can arrest you" - The Zimbabwe Republic Police and your rights*

*A massive roadblock causes chaos*<sup>35</sup> {Photo courtesy of SW Radio Africa}

The broad-based belief among Zimbabweans that roadblocks have largely become a money-making racket for the benefit of the police details manning them gained credence at this year's Easter weekend.

By Easter Monday, the police had issued more 11,000 traffic offence tickets and impounded over 400 cars. For increasingly sceptical Zimbabweans, a quick calculation revealed that 11,000 tickets at the average rate of US\$20 per ticket yielded US\$220,000 – a useful contribution to the police coffers, or to line individual pockets, in just one long weekend! This amount could be slightly less if it is taken into account that motorists are sometimes let off paying a ticket - provided they pay US\$5 or US\$10 as a bribe.

SW Radio Africa reported on April 5, 2012 that the problem of soliciting bribes from innocent civilians at roadblocks and imposing illegal fines on minibuses was so widespread that some mini bus drivers were using alternate routes to avoid paying bribes of up to US\$100 per day, which they said were driving them out of business. For example, a trip from Harare to Bulawayo could have as many as 15 roadblock, with officers issuing tickets for 'obscure' violations.<sup>36</sup>

SW Radio Africa was told by an operator that in some instances, the soliciting of bribes was so blatant that "They don't even come to us and search our vehicles. They just ask for money and if we don't comply, they write a ticket for US\$20, which is unfair to us."<sup>37</sup>

Earlier this year, on February 24, SW Radio Africa reported that there was a growing suspicion among drivers in Zimbabwe that the police were raising funds to buy new luxury cars, by soliciting bribes from innocent civilians at roadblocks and imposing illegal fines on minibuses.<sup>38</sup>

The station was told that 'YeCoca Cola', the phrase the police had used for years to suggest a few coins for a soft drink, had taken on a very different meaning after Zimbabwe switched to the US dollar currency. A journalist who travelled from Harare to Bulawayo and was ticketed for violations he didn't even understand – such as US\$10 for a 'body mass violation' – said many drivers believed it was true that the police were on a fundraising drive.<sup>39</sup>

In March this year, an opinion piece published in The Financial Gazette described the scene along Harare Street near Fingaz House as resembling 'a war zone', with about 10 police officers wielding long truncheons manning an impromptu roadblock targeting commuter omnibuses and taxis. When an oncoming kombi attempted to swerve to avoid the police officers and attempted to escape, one of the officers unleashed a vicious blow to its windscreen.... "The windscreen shattering has gone on for more than a year now," The

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<sup>35</sup> Tererai Karimakwenda, 'Police accused of soliciting bribes at roadblocks', SW Radio Africa, 24 Feb 2012: <http://www.swradioafrica.com/2012/02/24/police-accused-of-soliciting-bribes-at-roadblocks/>

<sup>36</sup> Lance Guma, 'Police to set up more roadblocks over Easter', SW Radio Africa, 5 April 2012: <http://www.swradioafrica.com/2012/04/05/police-to-set-up-more-roadblocks-over-easter/>

<sup>37</sup> Lance Guma, 'Police to set up more roadblocks over Easter', SW Radio Africa, 5 April 2012: <http://www.swradioafrica.com/2012/04/05/police-to-set-up-more-roadblocks-over-easter/>

<sup>38</sup> Tererai Karimakwenda, 'Police accused of soliciting bribes at roadblocks', SW Radio Africa, 24 Feb 2012: <http://www.swradioafrica.com/2012/02/24/police-accused-of-soliciting-bribes-at-roadblocks/>

<sup>39</sup> Tererai Karimakwenda, 'Police accused of soliciting bribes at roadblocks', SW Radio Africa, 24 Feb 2012: <http://www.swradioafrica.com/2012/02/24/police-accused-of-soliciting-bribes-at-roadblocks/>

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Financial Gazette said. "The kombi drivers and owners have in the past few weeks fought battles with police, accusing them of corrupt tendencies at roadblocks mounted across the city."<sup>40</sup>

The Financial Gazette also noted that members of the uniformed services are boarding commuter omnibuses without paying the travel fare.<sup>41</sup>

"... it has become an unwritten rule that the police, soldiers and Air Force of Zimbabwe officers do not pay for commuting," the journalist wrote. "This has worsened the acrimony between the police and commuter omnibus crews," he said.<sup>42</sup>

Despite all the adverse publicity, Police Commissioner-General Augustine Chihuri has defended the increase in roadblocks and has said they are 'there to stay'.<sup>43</sup>

## 8.2 THE ROLE OF ROADBLOCKS IN ELECTIONS

Roadblocks have become an increasingly important component of President Mugabe's election strategy in the face of waning popularity. They are used to control or even block access to rural areas, to cordon off high density suburbs, to conduct searches for 'subversive' material such as MDC newsletters or fliers, copies of The Zimbabwean and other independent newspapers, to block access to opposition party rallies - and to intensify the climate of fear.

On April 2, 2008, with the tensions rising as a Presidential run-off poll was predicted, the BBC reported that roadblocks had been set up around Harare and there was "a marked increase in the presence of paramilitary police on the streets of the major cities."<sup>44</sup>

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<sup>40</sup> Tinashe Madava, 'Corruption, acrimony between police and combi crews – blame it all on the uniformed forces', Financial Gazette, 23 March, 2012: <http://allafrica.com/stories/201203240064.html>

<sup>41</sup> Tinashe Madava, 'Corruption, acrimony between police and combi crews – blame it all on the uniformed forces', Financial Gazette, 23 March, 2012: <http://allafrica.com/stories/201203240064.html>

<sup>42</sup> Tinashe Madava, 'Corruption, acrimony between police and combi crews – blame it all on the uniformed forces', Financial Gazette, 23 March, 2012: <http://allafrica.com/stories/201203240064.html>

<sup>43</sup> Tererai Karimakwenda, 'Police accused of soliciting bribes at roadblocks', SW Radio Africa, 24 Feb 2012: <http://www.swradioafrica.com/2012/02/24/police-accused-of-soliciting-bribes-at-roadblocks/>

<sup>44</sup> BBC, 'Zimbabwe run-of poll predicted', BBC World News, 2 April 2008: <http://news.bbc.co.uk/2/hi/africa/7325763.stm>



*Roadblocks set up around Harare amid predictions of a Presidential run-off poll [Photo courtesy of the BBC ]*

The following month, on June 5, 2008, just three weeks before the contentious June 27 poll, a convoy of British and US diplomatic staff investigating reports of election violence north of Harare was stopped by a police roadblock at Bindura. A Zimbabwean driver was hauled from one of the diplomatic cars and beaten by the police. The tyres of the vehicles were slashed.<sup>45</sup> The diplomats were held for five hours at the roadblock after a six-mile car chase and threats to burn them alive in their vehicle.<sup>46</sup>

Also on June 5, MDC spokesman Nelson Chamisa told IRIN News that party leader Morgan Tsvangirai, his deputy, Thokozani Khupe, party chairperson Lovemore Moyo, as well as other senior party officials and their security detail were also stopped at a roadblock, and then held at Lupane police station, north of Bulawayo.<sup>47</sup>

### 8.3 ROADBLOCKS TO BLOCK FOOD AID

President Mugabe has frequently used the distribution of food aid as a political weapon and roadblocks have been one of the mechanisms to block supplies to areas known to support the MDC.

Freedom House, an organisation dedicated to promoting free institutions worldwide, has expressed ongoing concern about political rights and civil liberties in Zimbabwe. Its website notes: "Security forces have at times prevented humanitarian agencies from delivering aid in rural areas; in June 2008, the government ordered a halt to all non-governmental humanitarian work, including the distribution of food aid."<sup>48</sup>

In their article of June 12, 2008 the New York Times also reported that Zimbabwean authorities had confiscated a truck loaded with 20 tons of American food aid for 26 poor primary schools, and ordered that

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<sup>45</sup> IRIN News, 'Zimbabwe: Spate of arrests ahead of elections', IRIN News, 5 June 2008: <http://www.irinnews.org/printreport.aspx?reportid=78595>

<sup>46</sup> Celia Dugger, 'American aid is seized in Zimbabwe', New York Times, 12 June 2008: [http://www.nytimes.com/2008/06/12/world/africa/12zimbabwe.html?\\_r=1](http://www.nytimes.com/2008/06/12/world/africa/12zimbabwe.html?_r=1)

<sup>47</sup> IRIN News, 'Zimbabwe: Spate of arrests ahead of elections', IRIN News, 5 June 2008: <http://www.irinnews.org/printreport.aspx?reportid=78595>

<sup>48</sup> Freedom House, 'Zimbabwe', date not given: <http://www.freedomhouse.org/report/freedom-association-under-threat-new-authoritarians-offensive-against-civil-society/zimbabwe>

the load be handed out to ZANU-PF supporters at a political rally. The truck had begun its rounds, but had had a mechanical breakdown and had sought a "safe haven" at a police station.<sup>49</sup>

#### 8.4 ROADBLOCKS TO STOP THE INJURED FROM SEEKING HELP

In the wake of the violence-ridden Presidential run-off election of June 27, 2008 a small local aid organisation in Bulawayo reported a constant stream of rural people needing medical assistance after being assaulted by ZANU-PF militia.<sup>50</sup>

This was made possible because of "the illegal roadblocks to stop people – especially the injured – from fleeing their homes after being attacked had been taken down", the Times (UK) wrote. "This has released a surge of people with broken limbs and lacerated and bruised backs, buttocks and legs to seek help for the first time, more than a week after they were assaulted."<sup>51</sup>

#### 8.5 CHECKPOINTS EN ROUTE TO MARANGE DIAMOND FIELDS

Roadblocks have also been used in the vicinity of the controversial Marange diamond fields in eastern Zimbabwe.

In a report of June 2009, titled: *"Diamonds in the Rough"*, Human Rights Watch (HRW) explained the involvement of the police as follows: "On November 21, 2006 five months after the discovery of diamonds in Marange, the government launched a nationwide police operation code-named Chikorokoza Chapera (End to Illegal Panning), which was aimed at stopping illegal mining across the country, including in Marange. During the operation, police deployed some 600 police officers, arrested about 22,500 persons nationwide who it said were illegal miners (some 9,000 of them were arrested in Marange), and seized gems and minerals with an estimate total value of US\$7 million."<sup>52</sup>

"The operation was marked by human rights abuses by the police, as well as corruption, extortion, and the smuggling of diamonds. Police coerced local miners to join syndicates that would provide the police with revenue from the sales of diamonds that the miners found," HRW wrote.<sup>53</sup>

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<sup>49</sup> Celia Dugger, 'American aid is seized in Zimbabwe', New York Times, 12 June 2008:  
[http://www.nytimes.com/2008/06/12/world/africa/12zimbabwe.html?\\_r=1](http://www.nytimes.com/2008/06/12/world/africa/12zimbabwe.html?_r=1)

<sup>50</sup> Jan Raath, 'Robert Mugabe uses food as weapon as famine looms', The Times (UK), 5 July 2008:  
<http://www.timesonline.co.uk/tol/news/world/africa/article4271714.ece>

<sup>51</sup> Jan Raath, 'Robert Mugabe uses food as weapon as famine looms', The Times (UK), 5 July 2008:  
<http://www.timesonline.co.uk/tol/news/world/africa/article4271714.ece>

<sup>52</sup> Human Rights Watch, 'Diamonds in the Rough', June 2009, pg 19:  
<http://www.hrw.org/reports/2009/06/26/diamonds-rough>

<sup>53</sup> Human Rights Watch, 'Diamonds in the Rough', June 2009, pg 19:  
<http://www.hrw.org/reports/2009/06/26/diamonds-rough>

"Over the 100-kilometer stretch of road from Mutare to Marange, police set up at least 11 permanent checkpoints to restrict access to Marange district and searched all persons travelling to and from Chiadzwa for precious stones. Some local people interviewed by Human Rights Watch stated that they believed these restrictions were an attempt by the police to allow access to the fields only to those willing to pay off police officers," HRW reported.<sup>54</sup>

HRW was told that "time allowed on the fields also depended on how much one paid the police: the bigger the bribe, the more time one was allowed. Those able to pay bigger bribes went in first. The security checkpoints and guard posts soon became de facto payment points where miners would bribe police to gain access to the fields and pay an exit fee on their way out."<sup>55</sup>

## 9 THE LEGITIMATE ROLES OF A ROADBLOCK

Road blocks are a regular tool of police forces throughout the world. The legitimate roles of a roadblock are:

1. To enforce the road safety and traffic regulations by ensuring that vehicles are properly maintained and that drivers obey the rules of the road. The police should be assisted with the technical examination of vehicles stopped either at random or because they may appear to be un-roadworthy by the Central Mechanical Equipment Department (CMED).
2. To monitor the standard of driving and speeding, especially on stretches of road where speed limits are regularly exceeded in order to encourage compliance with the law. This is usually the role of Highway Patrol 'details'.
3. To inspire confidence by demonstrating that the law is being enforced. Under normal conditions, civilians should be relieved to see the police in operation as police officers on patrol are a deterrent for crime.
4. To check vehicles for specific criminals who might be fleeing from the scene of a serious crime or who are on a 'wanted list'.
5. To enable the police to search for stolen property or guns and contraband items such as diamonds and guns.

While most media reports highlight the misuse of roadblocks, examples of their legitimate use can occasionally be found. On April 14, 2012 the Zimbabwe Standard reported from Mutare that "six police officers who allegedly smuggled bales of second-hand clothes from Mozambique to Harare through Cashel Valley in Chimanimani, were arraigned before Mutare magistrate Charles Murowe, ... facing abuse of public office charges."<sup>56</sup>

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<sup>54</sup> Human Rights Watch, *'Diamonds in the Rough'*, June 2009, pg 19:

<http://www.hrw.org/reports/2009/06/26/diamonds-rough>

<sup>55</sup> Human Rights Watch, *'Diamonds in the Rough'*, June 2009, pg 19:

<http://www.hrw.org/reports/2009/06/26/diamonds-rough>

<sup>56</sup> The Standard, *'Cops face fraud charges remanded out of custody'*, The Standard, 14 April 2012:

<http://www.thestandard.co.zw/local/34791-cops-facing-fraud-charges-remanded-out-of-custody.html>

## 9.1 DEALING WITH POLICE HARASSMENT AND BEING FORCED TO PAY BRIBES

1. If a police officer pulls you over never show you might be in a hurry and always be polite and matter of fact. Undermining police authority by showing contempt or ridicule is a serious crime liable to up to 2 years imprisonment.
2. Address police officers using their rank and their names. They should wear their names and numbers but if not, ask their names and ranks – and write them down if things are becoming difficult. Know that there are bogus policemen/woman who have extorted money from people in the past. Report them immediately. Impersonation of a police officer is a serious crime that carries a sentence of up to 5 years in prison.
3. If you are often on your own without witnesses, learn to use voice recorders on your phone or to carry a Dictaphone. Switch this on if a policeman pulls you over and harasses you and demands bribes or falsely accuses you of offences. Afterwards, get the recording to lawyers to follow up.
4. Do not be ignorant of the law – take time to know the law regarding alleged offences and carry a schedule of offences with you in the car for alleged traffic offences.
5. It is not an offence not to carry your driving license or ID. A photocopy or certified copy is normally quite sufficient. Police can demand you produce the original within 7 days.
6. If accused of speeding you can dispute the speed that they claim you were doing in court if you feel it was unjustified. Calibration of speed cameras is mandatory in other countries.
7. Always demand a receipt if you are asked to pay a fine. Fines of US\$5, US\$10 or US\$20 may be demanded on the spot - but you are not required by law to pay on the spot. You can choose to pay at your police station within 7 days. When a policeman demands a spot fine of anything more than US\$20 it is illegal as it has now become a Schedule 4 offence which means that you will have to go to court.
8. If the police come to your home to search, they have to produce a search warrant signed by a magistrate. Victims should seek legal help to sue police officers who come on a night-time raid without a search warrant. You do not have to consent to person or vehicle searches if it is not reasonable.
9. A policeman/woman can arrest you without a warrant for offences committed in his/her presence, but where there is a possibility of a small fine because the offence is not a serious one, this should be the course of action that the policeman/woman takes. Wrongful arrest carries significant damages claims - as does harassment – if you sue the police officer later.
10. Have telephone numbers of police complaint services and various lawyers/legal help organisations, available with you. Phone a lawyer if harassment is taking place.

**Zimbabwe Lawyers for Human Rights:** Harare Tel: 04 708 118 or 04 251 468.

Bulawayo Tel: 09 72082. Mutare Tel: 020 60660.

**Police General Head Quarters:** Tel: 04 700 171.

**Harare Central Police Station:** Tel: 04 733 033.

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**ZRP Public Relations - Superintendent Ncube:** Tel: 04 708 160. Cell: 0712 769 768.

**Traffic spokesman - Inspector Chigombe :** Cell: 0772 965 030.

**Anti Hi-jack Trust:** Cell: 0772 221 921.

## 10 CORRUPTION IN THE ZRP HAS BECOME ENDEMIC

*"Gross incompetence, ostentatious corruption and blatant partisanship have transformed a once credible police force into a discredited militia group hiding under the veil of the law to extort money from criminals and law-abiding citizens alike."*<sup>57</sup>

ZimRights Information Desk, March 2012

### 10.1 THE ZRP - FROM PETTY CORRUPTION TO EXTORTION AND MURDER

"For the past eight years, Zimbabwe has been bleeding from massive corruption (in) every sector of our society. As a country, we have allowed the decay of the moral fibre to affect not only our body politic but the very fabric of our society," wrote Tonderai Munakiri in an article published by NewZimbabwe.com in December 2009.<sup>58</sup>

While the culture of corruption has become endemic, in no sector is it more apparent than in the Zimbabwe Republic Police (ZRP).

In a mini-assessment report published by the Anti-Corruption Trust of Southern Africa (ACT-Southern Africa) and titled: *'Corruption by traffic police officers and vehicle drivers in Botswana, Namibia and Zimbabwe'*, members of the Zimbabwe Republic Police were described as "the most corrupt of their counterparts in the other two countries."<sup>59</sup>

A month after the report had been sent to Zimbabwe's permanent secretary in the Ministry of Home Affairs, Melusi Matshiya, the government had neither acknowledged receipt of the report nor responded.<sup>60</sup>

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<sup>57</sup> ZimRights Information Desk, *'Gross incompetence, corruption and partisanship: The hallmarks of the Zimbabwean police'*, SW Radio Africa, 21 March 2012: <http://www.swradioafrica.com/Documents/Crisis%20Report%2021-03-2012.pdf>

<sup>58</sup> Tonderai Munakiri, *'Zimbabwe: The tragedy of the commoners'*, New Zimbabwe.com, 11 Dec 2009: <http://www.newzimbabwe.com/pages/inflation64.14163.html>

<sup>59</sup> Mxolisi Ncube, *'Zim cops most corrupt in region – report'*, The Zimbabwean, 7 Dec 2010: <http://actsouthernafrica.posterous.com/?page=3>

<sup>60</sup> Mxolisi Ncube, *'Zim cops most corrupt in region – report'*, The Zimbabwean, 7 Dec 2010: <http://actsouthernafrica.posterous.com/?page=3>

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Exiled Zimbabwean human rights lawyer Gabriel Shumba, who is a member of ACT-Southern Africa, commented that "the government's failure to respond to such an important document betrayed a lack of commitment and political will to fight corruption by the Harare administration."<sup>61</sup>

"Governments sometimes put in place anti-corruption laws, policies and institutions and sign anti-corruption treaties only to give an impression that they are fighting corruption yet this is not true," Shumba said.

The Police Act of 1995 (Chapter 11:10), Schedule of Offences, prohibits police from improperly using their position for private gain and from entering into any trade, business or occupation while on duty.<sup>62</sup>

However, in blatant violation of the Act, the diversity and scale of corrupt activities with which the ZRP is involved is staggering. An indictment to a once highly efficient, well respected police force, they include plundering stolen properties, collusion with bag snatchers, extorting bribes from taxi drivers, demanding bribes at roadblocks, protection rackets, perverting the ends of justice, setting up diamond syndicates and murdering illegal or unlicensed miners for financial gain.

It was a hot Friday afternoon, November 18, 2005 when Chiredzi commercial farmer Greig Henning was alerted by the barking of his dogs. He realised immediately that it was the police/army group, known as the 'Farm Material and Equipment Procurement Committee', which had come to steal his equipment.<sup>63</sup>

In his comment, published in the Mail & Guardian on January 16, 2006 he wrote: "I have been assaulted by war veterans; was hijacked by land grabbers; arrested at gunpoint by the ZRP. The police had not protected me then and now they were about to ransack me.... ZRP Assistant Commissioner Loveness Ndanga, head of the 'Procurement Committee', ... informs me that she and her crew have come to collect all the equipment they inventoried (illegally) in May...."<sup>64</sup>

"As I film their scowling faces, they keep their voices low, while they load the tools of my trade. They seem slightly ashamed.... Our guardians, the police, have failed us. They have abandoned their moral and lawful duty. We see a betrayal of what is right. They are systematically taking away our livelihood, dividing and distributing what already exists to those who cannot use it. In the end, there are only losers...."<sup>65</sup>

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<sup>61</sup> Mxolisi Ncube, *'Zim cops most corrupt in region – report'*, The Zimbabwean, 7 Dec 2010: <http://actsouthernafrica.posterous.com/?page=3>

<sup>62</sup> Human Rights Watch, *'Diamonds in the Rough'*, June 2009, pg 23: <http://www.hrw.org/reports/2009/06/26/diamonds-rough>

<sup>63</sup> Greig Henning, *'Daylight robbery in Hippo Valley'*, Mail & Guardian, 16 Jan 2006: <http://mg.co.za/article/2006-01-16-daylight-robbery-in-hippo-valley>

<sup>64</sup> Greig Henning, *'Daylight robbery in Hippo Valley'*, Mail & Guardian, 16 Jan 2006: <http://mg.co.za/article/2006-01-16-daylight-robbery-in-hippo-valley>

<sup>65</sup> Greig Henning, *'Daylight robbery in Hippo Valley'*, Mail & Guardian, 16 Jan 2006: <http://mg.co.za/article/2006-01-16-daylight-robbery-in-hippo-valley>



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The plunder continues unabated. On August 3, 2010, The Zimbabwean newspaper wrote that police officers were said to be involved in the activities of a notorious group known as the 'Highlanders' gang which specialised in snatching handbags, phones, jewellery and other valuables in the centre of Harare.<sup>66</sup>

In the same article, a woman who had visited the Morris Depot in Harare and was waiting for the granting of a clearance document, said she had been asked to pay US\$10 if she wanted her papers processed the same day.<sup>67</sup>

On January 31, 2012 the Times Live website featured a video depicting street vendors being raided by policemen on the streets of Harare who demanded bribes, and showed local business owners hitting back. Simultaneously, taxi drivers were protesting against extravagant bribes demanded by the police.<sup>68</sup>

The following month, on February 12, a Nigerian dealer claimed in the High Court that he could not be deported from Zimbabwe because he had over the years assisted police, prison services and ZANU-PF with donations in cash and kind.<sup>69</sup>

Felix Emeka Emewusim, who is chairman of the Nigerians in Zimbabwe Association (NIZ), claimed that "Nigerian dealers, most of whom who run shops in Harare, regularly give donations to the organisations, effectively arguing that these were 'protection fees' to avoid deportation."<sup>70</sup>

A letter written by the police on June 11, 2010 and signed by Inspector Marange, noted that: "The Zimbabwe Republic Police will be introducing a hair salon and barber shop at the Harare Central Police Station. We are now appealing for donations from you in cash or kind as for the project to kick start. Items required to start the project are attached."<sup>71</sup>

In an American movie-style case of attempted theft, two policemen and their civilian accomplices were reported by Denford Magora in a December 2009 blogspot to have been caught red-handed demolishing a wall of the Harare Magistrate's court with hammers and chisels. Their objective was to get to US\$1.5 million which was being kept under lock and key in the Exhibit Room of court. The money was being held as

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<sup>66</sup> The Zimbabwean, 'CID under investigation as corruption pervades police force', The Zimbabwean, 3 Aug 2010: <http://www.thezimbabwean.co.uk/news/world-news/33167/cid-under-investigation--as-corruption-pervades-police-force.html>

<sup>67</sup> The Zimbabwean, 'CID under investigation as corruption pervades police force', The Zimbabwean, 3 Aug 2010: <http://www.thezimbabwean.co.uk/news/world-news/33167/cid-under-investigation--as-corruption-pervades-police-force.html>

<sup>68</sup> Times Live, 'Corruption on the streets of Zimbabwe: Video', Times Live, 31 Jan 2012: <http://www.timeslive.co.za/africa/2012/01/31/corruption-on-the-streets-of-zimbabwe-video>

<sup>69</sup> Metro, 'Nigerian dealer exposes police corruption', Great Indaba.com, 12 Feb 2012: <http://greatindaba.com/issue/february-2012-volume-40/article/nigerian-dealer-exposes-police-corruption>

<sup>70</sup> Metro, 'Nigerian dealer exposes police corruption', Great Indaba.com, 12 Feb 2012: <http://greatindaba.com/issue/february-2012-volume-40/article/nigerian-dealer-exposes-police-corruption>

<sup>71</sup> Metro, 'Nigerian dealer exposes police corruption', Great Indaba.com, 12 Feb 2012: <http://greatindaba.com/issue/february-2012-volume-40/article/nigerian-dealer-exposes-police-corruption>

evidence in the trial of a Mozambican who had been caught a few days earlier trying to smuggle it out of Zimbabwe. The intention was to replace the cash with fake US dollar notes.<sup>72</sup>

Also in December 2009, Magora reported: "The Zimbabwe Republic Police has 'moved from its core business as police' and is now busy plundering timber at an invaded farm in Marondera, cutting down vast tracts of gum trees and selling the timber to tobacco farmers to allow them to cure their harvests." He noted that the police had been given the nearly 3,000 ha farm under President Mugabe's 'Land Reform' programme but had admitted openly that they had failed to use the land properly.<sup>73</sup>

Two years later, on March 31, 2011 NewsDay wrote that disgruntled tobacco farmers at the Tobacco Sales Floors in Harare had accused the police of demanding bribes from transporters to assist them jump the queues. The bribes were said to range "from US\$40 per vehicle", with some farmers and transporters having queued for nearly two weeks.<sup>74</sup>

While some members of the Zimbabwe Republic Police confine their illegal activities to small-scale bribery and corruption, others are linked to more lucrative activities involving the illegal acquisition and sale of gold and diamonds, sometimes with devastating consequences.

In the case of the brutal police crackdown at a Shamva mine on March 19, 2012 the state-owned Herald newspaper reported initially that it had been sparked by the theft of US\$1 and a cell phone from the wife of the Officer-in-Charge of Shamva police station. During the raid, a man was murdered in cold blood and several residents were randomly assaulted by nine armed police. This caused outrage in the district and angry residents stormed the police station, threatening to beat up the Officer-in-Charge.<sup>75</sup>

Five days later, on March 24, 2012 the State-owned Herald newspaper wrote that the Shamva crackdown had not been sparked by the theft of a wallet belonging to Inspector Shumba's wife but by an illegal gold deal in which she had bought 30 grams of fake gold. Residents at the mine alleged that Luxmore Chivambu, the murder victim, had been employed at the mine as a barrel operator and would have been the one to identify the gold.<sup>76</sup>

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<sup>72</sup> Denford Magora, 'Zimbabwe policemen attempt to steal US\$1.5 million', Denford Magora blogspot, 31 Dec 2009: <http://denfordmagora.blogspot.com/2009/12/zimbabwe-policemen-attempt-to-steal.html#links>

<sup>73</sup> Denford Magora, 'Police plunder invaded farm', Denford Magora Blogspot, 22 Dec 2009: <http://denfordmagora.blogspot.com/2009/12/zimbabwe-police-plunder-invaded-farm.html>

<sup>74</sup> Moses Matenga, 'Police accused of taking corruption to auction floors', NewsDay 31 March 2011: <http://www.newsday.co.zw/article/2011-03-31-police-accused-of-taking-corruption-to-auction-floors>

<sup>75</sup> More Tirivashoma, Zimbabwe: 'One killed, seven injured in Shamva violence', The Herald, 20 March 2012: <http://allafrica.com/stories/201203200133.html>

<sup>76</sup> Freeman Razemba, 'Zimbabwe: Shamva murder takes new twist', The Herald, 24 March 2012: <http://allafrica.com/stories/201203240072.html>

Corruption in the Marange diamond fields is rampant. Human Rights Watch, in their report *"Diamonds in the Rough"* of June 2009, were told by a local miner that joining a police syndicate was often involuntary; the only alternative was arrest.<sup>77</sup>

A member of the Police Support Unit based in Manicaland explained his role in the syndicates to Human Rights Watch. "During the time I was based in Marange at the end of 2007, together with a colleague we controlled six syndicates with a combined total of 102 members. We would grant them access to the fields, and they would dig for diamonds while we guarded them and then hand over the diamonds to us to sell, and then we shared the proceeds equally, giving 50 percent to each side. My government salary for three months was less than US\$5, but from the diamond business together with my colleague we made more than US\$10,000 in three months."<sup>78</sup>

On April 29, 2010 The Zimbabwe Independent newspaper broke a story titled: *'Police join diamond rush'*.<sup>79</sup>

"In a letter dated April 9, 2010 and titled: *'Application for a diamond mining concession at Chiyadzwa: Security Self-Reliance Enterprises (Pvt) Ltd (Zimbabwe Republic Police)'*, Police Commissioner-General Augustine Chihuri wrote to Mines Minister Obert Mporofu asking for a mining concession for the law enforcement agency in Marange.

"Honourable minister, after scanning the environment and a thorough analysis of the opportunities available, I wish to submit the Zimbabwe Republic Police's application for the areas in Chiyadzwa, Marange, marked on the map appended to the attached company profile document, Chihuri wrote. "I hope and trust that this application will meet your favourable consideration."<sup>80</sup>

In a survey published by Transparency International in 2011, Zimbabwe ranked 154 out of 182 countries in terms of its level of corruption. The ZRP topped the list as the most corrupt institution and stood out as the biggest recipient of bribes among service providers.<sup>81</sup>

This is despite the fact that Zimbabwe has signed both the United Nations Convention Against Corruption (UNCAC) and African Union Convention on Preventing and Combating Corruption and Related Offences (AU anti-corruption convention).<sup>82</sup>

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<sup>77</sup> Human Rights Watch, *'Diamonds in the Rough'*, June 2009, pg 23:

<http://www.hrw.org/reports/2009/06/26/diamonds-rough>

<sup>78</sup> Human Rights Watch, *'Diamonds in the Rough'*, June 2009, pg 22:

<http://www.hrw.org/reports/2009/06/26/diamonds-rough>

<sup>79</sup> Dumisani Muleya and Chris Muronzi, *'Zimbabwe: Police join diamond rush'*, Zimbabwe Independent, 29 April 2010:

<http://www.theindependent.co.zw/local/26335-police-join-diamond-rush-.html>

<sup>80</sup> Dumisani Muleya and Chris Muronzi, *'Zimbabwe: Police join diamond rush'*, Zimbabwe Independent, 29 April 2010:

<http://www.theindependent.co.zw/local/26335-police-join-diamond-rush-.html>

<sup>81</sup> The Africa Report, *'Zimbabwe's police most corrupt in southern Africa'*, The Africa Report, 28 Nov 2011:

<http://www.theafricareport.com/index.php/news-analysis/zimbabwe-s-police-most-corrupt-in-southern-africa-50176252.html>

In 2009, an opinion piece published in NewZimbabwe.com noted that "in the eyes of most ordinary Zimbabweans..., the Anti-Corruption Commission has turned out over the last three years to be an expensive smokescreen set up solely to divert attention from the greed and avarice of the powerful and influential within the ruling party. Despite overwhelming evidence being available about shameless plunder and pillaging of national assets by public figures, none of these big shots have been touched."<sup>83</sup>

## 10.2 BRIBES FOR 'POLICE CLEARANCES'

'CID under investigation as corruption pervades the police force' was the headline of a story published in The Zimbabwean newspaper on August 3, 2010. The newspaper said it had established "that officers from the police Criminal Investigations Department (CID) were being probed for corruption after reports that they were demanding bribes from people applying for records known as 'police clearances'."<sup>84</sup>

The newspaper said a senior officer in the Serious Fraud Section had claimed that some wanted criminals were being cleared after giving kickbacks to corrupt detectives. This was earlier corroborated by a police officer who told The Zimbabwean that "a suspect he had arrested had been set free by a superior officer who threatened to 'deal with' him if he complained about the anomaly."<sup>85</sup>

The journalist was told that there was a thriving racket in which police officers demanded bribes from both complainants and accused people.

## 10.3 JUDGES SLAM POLICE CONDUCT IN INVESTIGATIONS

Since 2000, there have been numerous examples of judges criticising the ZRP's deliberate disregard for Rule of Law and police officers' conduct in the investigation of cases.

In a recent example, Veritas's Court Watch 3/2012 issue of February 23, 2012 reported that Judge Mathonsi had slammed the police investigation of the 2009 murder of Moses Chokuda. Chokuda, the MDC Gokwe District organising secretary, had been abducted at the Gokwe Business Centre and had been severely beaten. His body had been found abandoned in the bush two days later on March 23. The cause of death was severe cervical spinal injury.<sup>86</sup>

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<sup>82</sup> Darlington Gama, 'Police should declare assets', OSISA, 30 January, 2012: <http://www.osisa.org/law/blog/zimbabwe-police-should-declare-assets>

<sup>83</sup> Mary Revesai, 'Zimbabwe has leeches, not scorpions', NewZimbabwe.com, 11 Dec 2009: <http://www.newzimbabwe.com/pages/mary.15044.html>

<sup>84</sup> The Zimbabwean, 'CID under investigation as corruption pervades police force', The Zimbabwean, 3 Aug 2010: <http://www.thezimbabwean.co.uk/news/world-news/33167/cid-under-investigation--as-corruption-pervades-police-force.html>

<sup>85</sup> The Zimbabwean, 'CID under investigation as corruption pervades police force', The Zimbabwean, 3 Aug 2010: <http://www.thezimbabwean.co.uk/news/world-news/33167/cid-under-investigation--as-corruption-pervades-police-force.html>

<sup>86</sup> Veritas, 'Court Watch 3/2012', 23 Feb 2012: <http://www.swradioafrica.com/court-watch-belated-convictions-for-political-violence/>

Court Watch noted: "The six accused were only arrested on 2nd June 2009, almost two months after the death of Mr Chokuda: Farai Machida [son of Midlands Governor Jason Machaya], Edmore Gana [a member of the Zimbabwe National Army [ZNA] and ZANU-PF Midlands province youth secretary and son of ZANU-PF Gokwe District coordinating chairperson], his brother Bothwell Gana [also a ZNA soldier], Abel Maphosa, Obert Gavi and Tirivashoma Mawadze [the two last-mentioned both ZNA lance corporals]. They were soon released on bail."<sup>87</sup>

Court Watch continued: "In his judgment, Justice Mathonsi also criticized the police investigation of the case, referring to evidence heard from State witnesses that they had given the police vital information which had been omitted from their formal witness statements produced in court: "... we cannot exclude the fact that the police attempted to downplay what happened in favour of the defence. The police omitted vital evidence which was led by State witnesses and this is not acceptable." Referring to crucial events related in court by the witnesses, the judge said: "All this was missing from their statements which they were made to sign without reading them."<sup>88</sup>

An earlier case reported on in the same issue referred to the killing in 2002 of two MDC supporters by three ZANU-PF members, one of them the ZANU-PF Zaka district political commissar, Muchakata Mupfiga. After six weeks they had been freed on bail and had remained on remand for five years until further remand was refused by the magistrate's court, as a result of which they were discharged and remained at liberty until late 2011.<sup>89</sup>

"In passing the court's judgment, Justice Karwi condemned the conduct of the accused in usurping the powers of the police and causing lawlessness during the election period and urged people to accept political diversity and put an end to political violence," Court Watch wrote.<sup>90</sup>

Commenting at the end of the report, Court Watch noted that: "in both cases, the facts suggest a reluctance on the part of the police to pursue this sort of criminal case. This has been a perennial MDC complaint against the police.... The police need to take Justice Mathonsi's criticism in the Machaya case seriously. And it is hoped that the Attorney-General's Office and the justice system will play their part in ensuring that criminal cases are dealt with expeditiously and with even-handed justice."<sup>91</sup>

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<sup>87</sup> Veritas, 'Court Watch 3/2012', 23 Feb 2012: <http://www.swradioafrica.com/court-watch-belated-convictions-for-political-violence/>

<sup>88</sup> Veritas, 'Court Watch 3/2012', 23 Feb 2012: <http://www.swradioafrica.com/court-watch-belated-convictions-for-political-violence/>

<sup>89</sup> Veritas, 'Court Watch 3/2012', 23 Feb 2012: <http://www.swradioafrica.com/court-watch-belated-convictions-for-political-violence/>

<sup>90</sup> Veritas, 'Court Watch 3/2012', 23 Feb 2012: <http://www.swradioafrica.com/court-watch-belated-convictions-for-political-violence/>

<sup>91</sup> Veritas, 'Court Watch 3/2012', 23 Feb 2012: <http://www.swradioafrica.com/court-watch-belated-convictions-for-political-violence/>

## 11 THE ROLE OF THE POLICE IN SOCIETY

An effective legal system, monitored and upheld by an honest and disciplined police force, is a basic requirement for any country to function efficiently. The evidence of good policing is *not* high statistics of arrest or assault by police, nor the conviction and jailing - or even killing of criminals.

It is the absence of crime.

In an article titled: "*Police and Democracy*"<sup>92</sup>, published by the Massachusetts Institute of Technology, the author, Gary T Marx, wrote:

"Police are a central element of a democratic society. Indeed one element in defining such a society is a police force that:

- 1) Is subject to the Rule of Law, rather than the wishes of a powerful leader or party
- 2) Can intervene in the life of citizens only under limited and carefully controlled circumstances and
- 3) Is publicly accountable."

An article by Rohini Dasgupta<sup>93</sup>, published on the Preserve Articles, website commented as follows:

"*The role of the police force is shaped by the nature of political system in which it operates and the ways in which the government uses the police.*"

Dasgupta says that the role can be broadly divided into: civil policing and political policing.

### 11.1 CIVIL POLICING:

(This) refers to the role of the police in the enforcement of criminal law; like (the) maintenance of law and order (and) protecting and safeguarding the lives and properties of citizens. This is the most familiar police work.....

Two styles (of civil policing) can be identified: *Community* policing and *Reactive* policing.

In '*Community* policing', there is a constant police presence within the community which ensures public co-operation and support in investigation of crimes and (the) public helps to prevent law breaking and violence in the community.

'*Reactive* Policing' or 'Fire-brigade' policing requires the adoption of paramilitary tactics and use of sophisticated weapons by police to instil fear in potential offenders of law and order.

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<sup>92</sup> Gary T Marx, '*Police and Democracy*', Massachusetts Institute of Technology, 1995:  
<http://web.mit.edu/gtmarx/www/poldem.html>

<sup>93</sup> Rohini Dasgupta, '*The Role of Police in Society*', Preserve Articles, 26 April 2011:  
<http://www.preservearticles.com/201104265953/notes-on-the-role-of-police-in-society.html>

Thus the *community* policing tries to prevent crime by making the entire community part of the law enforcement process. In contrast, *reactive* policing instils the feeling that the police is all watching and powerful.

## 11.2 POLITICAL POLICING:

If policing extends beyond civil matters ... for (the) maintenance of order due to political disputes, it is termed 'political policing'. In complex and divided societies, the police force is used to control strikes, demonstrations and civil unrest.... The use of police as a political instrument changes the image of (the) police as a neutral body and (they are) looked upon as an instrument to satisfy certain groups or interests....

In many countries, trained paramilitary police forces have been set up specifically to carry out politically sensitive operations. The role of police intelligence and security agencies is deeply political. The more centralized a police force, the easier it is for the politicians to influence and manipulate the actions of the police.

## 11.3 SECRET POLICING :

In authoritarian regimes the police (force) is used as an agent of political repression. This role of (the) police is carried through surveillance, which has to be secret. In secret policing, any illegal activity of people will not avoid detection by the police and severe punishments will follow.

The use of the police to silence opposition in the form of State kidnapping, torture and the murder of political opponents (becomes) common in all forms of government. The ruling elites in any party rely for the security of their tenures on the actions of the secret police by instilling fear in the minds of people. This type of dependence on police repression (leads) to many states being described as 'Police states'."

## 11.4 DEFINITION OF A POLICE STATE

A **police state** is one in which the government exercises rigid and repressive controls over the social, economic and political life of the population. A police state typically exhibits elements of totalitarianism and social control, and there is usually little or no distinction between the law and the exercise of political power by the executive.

The inhabitants of a police state experience restrictions on their mobility, and on their freedom to express or communicate political or other views, which are subject to police monitoring or enforcement. Political control may be exerted by means of a secret police force which operates outside the boundaries normally imposed by a constitutional state.<sup>94</sup>

Wikipedia

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<sup>94</sup> Wikipedia, 'Police State': [http://en.wikipedia.org/wiki/Police\\_state](http://en.wikipedia.org/wiki/Police_state)

## 12 THE INDEPENDENCE CONSTITUTION OF 1979

"The Independence Constitution signed at the Lancaster House Conference in 1979, together with (the) amendments, is the fundamental law which determines Zimbabwe's governmental structure.<sup>95</sup> Zimbabwe's Constitution has been amended 19 times over the past (thirty three) years however, and these amendments usually served to solidify ZANU-PF's grip on power.<sup>96</sup> A new constitution proposal (which would have further entrenched President Mugabe's power) was rejected by the electorate in the February 2000 referendum. The (Independence) Constitution provides for three arms of government, namely the Legislature, Executive, and the Judiciary."<sup>97</sup>

According to the Research and Advocacy Unit of Zimbabwe (RAU) and IDASA:<sup>98</sup>

"The police force of Zimbabwe was created by Chapter IX of the (Independence) Constitution which provides for the establishment of the Zimbabwe Republic Police (ZRP) as follows:

Section 93...

- (1) There shall be a Police Force which, together with such other bodies as may be established by law for the purpose, shall have the function of preserving the internal security of and maintaining law and order in Zimbabwe.
  
- (2) Subject to the provisions of an Act of Parliament, the Police Force shall be under the command of the Commissioner of Police, who shall be appointed by the President after consultation with such person or authority as may be prescribed by or under an Act of Parliament."

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<sup>95</sup> United Nations Division for Public Administration and Development Management, *'Republic of Zimbabwe: Public Administration and Country Profile'*, July 2004:  
<http://unpan1.un.org/intradoc/groups/public/documents/un/unpan023294.pdf>

<sup>96</sup> Consultancy Africa Intelligence, *'Stifling the democratic process in Zimbabwe: Elections without a constitution'*, Polity, 22 March, 2012: <http://www.polity.org.za/article/stifling-the-democratic-process-in-zimbabwe-elections-without-a-constitution-2012-03-22>

<sup>97</sup> United Nations Division for Public Administration and Development Management, *'Republic of Zimbabwe: Public Administration and Country Profile'*, July 2004:  
<http://unpan1.un.org/intradoc/groups/public/documents/un/unpan023294.pdf>

<sup>98</sup> Research & Advocacy Unit and IDASA, *'Women and Law Enforcement in Zimbabwe'*, March 2011, pg 3:  
[http://www.idasa.org/media/uploads/outputs/files/women\\_and\\_law\\_enforcement.pdf](http://www.idasa.org/media/uploads/outputs/files/women_and_law_enforcement.pdf)



## 13 COMPOSITION AND CONTROL OF THE POLICE

### 13.1 THE CONSTITUTION OF ZIMBABWE AND THE POLICE ACT

Zimbabwe's Research and Advocacy Unit (RAU) explains the establishment and role of the ZRP in its report of July 14, 2011, *"Zimbabwe's Security Sector – Who controls the Shots"*, as follows: <sup>99</sup>

"The Police Force is established and governed by the Constitution of Zimbabwe and Police Act respectively, and operates under the title of the Zimbabwe Republic Police. It is believed to comprise about 22,000 members<sup>100</sup>. The Constitution provides that the Police Force is established for *"the purpose of 'preserving the internal security of and maintaining law and order' in Zimbabwe."* ....<sup>101</sup>

"The Police Force comprises the Regular Force, Constabulary Force and Ancillary members, the latter two of which are reserve forces whose function is to assist the Regular Force and whose members are appointed by the Commissioner....

"Police officers are not permitted to actively participate in politics, and are thus enjoined to maintain a clear division between their duties as police officers and political affiliations and sympathies...

As RAU points out: "This requirement of the Police Act seems to have escaped the current Commissioner-General when he announced: 'Many people say I am ZANU-PF. Today, I would like to make it public that I support ZANU-PF because it is the ruling party. If any other party comes to power, I will resign and let those who support it take over.'

"The Police Force is divided into three main branches - Crime/Operations, Administration and Personnel – each headed by a Deputy Commissioner-General."<sup>102</sup>

The African Police Resource Network (APRN) website explains the control of the police force as follows:<sup>103</sup>

"The Zimbabwe Republic Police (ZRP) is under the authority of the Ministry of Home Affairs but it has been reported that some activities of the ZRP are controlled by the President's Office. The police are centrally controlled in Harare with provincial centres. The crisis in Zimbabwe has affected the police in that they are

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<sup>99</sup> Research & Advocacy Unit, *'Zimbabwe's Security Sector – Who Calls the Shots?'*, RAU, 14 July 2011, pg 8: [http://www.researchandadvocacyunit.org/index.php?option=com\\_docman&task=cat\\_view&gid=49&Itemid=90](http://www.researchandadvocacyunit.org/index.php?option=com_docman&task=cat_view&gid=49&Itemid=90)

<sup>100</sup> RAU estimates 30,000-35,000 members of the Defence Forces (the Zimbabwe Republic Army and Air Force combined) and 3,000 members of the Central Intelligence Organisation (CIO).

<sup>101</sup> Research & Advocacy Unit, *'Zimbabwe's Security Sector – Who Calls the Shots?'*, RAU, 14 July 2011, pg 8: [http://www.researchandadvocacyunit.org/index.php?option=com\\_docman&task=cat\\_view&gid=49&Itemid=90](http://www.researchandadvocacyunit.org/index.php?option=com_docman&task=cat_view&gid=49&Itemid=90)

<sup>102</sup> Research & Advocacy Unit, *'Zimbabwe's Security Sector – Who Calls the Shots?'*, RAU, 14 July 2011, pg 9: [http://www.researchandadvocacyunit.org/index.php?option=com\\_docman&task=cat\\_view&gid=49&Itemid=90](http://www.researchandadvocacyunit.org/index.php?option=com_docman&task=cat_view&gid=49&Itemid=90)

<sup>103</sup> African Police Resource Network, *'Zimbabwe'*, APRN website: [http://www.aprn.org.za/countries/CountryDetail.asp?Cnt\\_ID=26](http://www.aprn.org.za/countries/CountryDetail.asp?Cnt_ID=26)

no longer as effective in dealing with rising crime due to resource limitations and politicisation of those in the higher ranks and the recruiting of ZANU-PF supporters in the lower ranks regardless of training or qualifications...."

"The force consists of at least 21,800 officers and is headquartered in Harare. The force is organised by province, and comprises uniformed national police, the Criminal Investigation Department, and traffic police. It also includes specialist support units including the (paramilitary) Police Support Unit and riot police, a Police Internal Security and Intelligence unit (the equivalent of the Rhodesian Special Branch); and ceremonial and canine units. Overall command of the force is exercised by the Commissioner (General), currently Augustine Chihuri.<sup>104</sup>

## 13.2 THE COMMISSIONER-GENERAL

Since 2000, the ZRP has come under increasing criticism for corruption and dereliction of duty. Worse still, it has also faced criticism from Zimbabwean and international NGOs such as Amnesty International for political bias and its part in the systematic violation of rights to freedom of expression, association and assembly.

Police Commissioner-General Augustine Chihuri, a self-proclaimed ZANU-PF loyalist, has overall responsibility for this state of affairs. Chihuri has served as police head since 1993 and the Mail & Guardian newspaper reports that his contract has been renewed by Mugabe 13 times since 1997<sup>105</sup>.

Chihuri is also a member of Joint Operations Command (JOC), the junta which controls Zimbabwe. The other members are Emmerson Mnangagwa (Justice Minister), General Constantine Chiwenga (Commander of the Zimbabwe Defence Forces), General (Ret.) Paradzai Zimondi (head of the Zimbabwe prison service), Air Marshal Perence Shiri (commander of the Air Force of Zimbabwe) Happyton Bonyongwe (Director-General of the Central Intelligence Organisation) and Gideon Gono, Governor of the Reserve Bank).

In July 2011, the Mail & Guardian commented that, "during the past decade, Chihuri has effectively turned the police into a military wing of ZANU-PF. Its partisan stance has included launching violent crackdowns against opposition figures, beating MDC activists, journalists and civic leaders. Since the formation of the unity government, police have arrested many MDC ministers<sup>106</sup>.

The Mail & Guardian went on to say that "popular opinion in the country is that Chihuri was also the mastermind of the controversial Operation Murambatsvina in 2005, which sought to destabilise the MDC's growing urban support base under the pretext of building new houses for the homeless. But the police commissioner's bias towards ZANU-PF has served to solidify Mugabe's grip on power, because the police brutality has been a day-to-day reminder to citizens of who is really in charge and calls the shots in government."<sup>107</sup>

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<sup>104</sup> Wikipedia, 'The Zimbabwe Republic Police – Structure', [http://en.wikipedia.org/wiki/Zimbabwe\\_Republic\\_Police](http://en.wikipedia.org/wiki/Zimbabwe_Republic_Police)

<sup>105</sup> Mail & Guardian, 'Army up his sleeve: Mugabe's military strongmen likely to stay', 27 Jan 2012: <http://mg.co.za/article/2012-01-27-mugabes-strongmen-likely-to-stay>

<sup>106</sup> Mail & Guardian, 'The face of Zimbabwe's military brass', 1 July 2011: <http://mg.co.za/article/2011-07-01-the-face-of-zimbabwes-military-brass>

<sup>107</sup> Mail & Guardian, 'The face of Zimbabwe's military brass', 1 July 2011: <http://mg.co.za/article/2011-07-01-the-face-of-zimbabwes-military-brass>

*“I can arrest you” - The Zimbabwe Republic Police and your rights*

According to a report in SW Radio Africa, Chihuri “was among a list of top ZANU-PF officials who illegally benefited from the 1997 payout to ‘War Victims’ from state coffers.”<sup>108</sup>

SW Radio Africa noted that: “The compensation fund saw the likes of Chihuri, Vice President Joice Mujuru, the CIO’s deputy Director-General Aaron Daniel Tonde Nhepera and others claiming up to 100 percent disability.”<sup>109</sup>

On March 23, 2012 VOA News reported that Chihuri, Agriculture Minister Joseph Made, Indigenisation Minister Saviour Kasukuwere, Presidential Affairs Minister Didymus Mutasa and Brigadier-General Herbert Chingono were among top influential people who were implicated in the alleged looting of a state-sponsored agricultural inputs scheme.<sup>110</sup>

President Mugabe’s insistence on reappointing Chihuri as Police Commissioner the previous month was described by journalist Tanonoka Joseph Whande as “a betrayal to the people of Zimbabwe”.<sup>111</sup>

The RAU/IDASA report: *‘Women and Law Enforcement in Zimbabwe’*, comments on the re-appointment of the Commissioner-General as follows:<sup>112</sup>

“The fact that the appointment of the Commissioner-General of Police is at the prerogative of the Presidency can be problematic in that it can compromise the Commissioner’s ability to act impartially and without political bias....

“So instead of conducting itself as a national security force charged by the Constitution and the Police Act (Chapter 11:10) with ensuring public order and security in the country, the ZRP has abandoned its constitutional mandate in favour of an approach to policing which is blatantly partisan. This conduct is against the spirit of the African Regional Police Chiefs Co-operation Organisation (SARPCCO), which provides in Article 2 of the Harare Resolution that:

‘Police officials shall treat all persons fairly and equally and avoid any form of discrimination.’

The African Commission on Human and Peoples’ Rights (ACHPR) has in the past condemned the ZRP’s partisan stance and routine abuse of human rights. The ACHPR also recognized breaches of international law by Zimbabwe, and recommended that the government study and implement the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in

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<sup>108</sup> Alex Bell, *‘Chihuri’s stay in power a betrayal’*, SW Radio Africa, 9 Feb 2012:  
<http://www.swradioafrica.com/2012/02/09/chihuris-stay-in-power-a-betrayal/>

<sup>109</sup> Alex Bell, *‘Chihuri’s stay in power a betrayal’*, SW Radio Africa, 9 Feb 2012:  
<http://www.swradioafrica.com/2012/02/09/chihuris-stay-in-power-a-betrayal/>

<sup>110</sup> VOA News, *‘Police chief, cabinet ministers implicated in farming inputs scandal’*, 23 March 2012:  
<http://www.voanews.com/zimbabwe/news/Zimbabwe-police-Commissioner-Implicated-In-GMB-Inputs-Scam-143987566.html>

<sup>111</sup> Alex Bell, *‘Chihuri’s stay in power a ‘betrayal’*”, SW Radio Africa, 9 Feb 2012:  
<http://www.swradioafrica.com/2012/02/09/chihuris-stay-in-power-a-betrayal/>

<sup>112</sup> Research & Advocacy Unit and IDASA, *‘Women and Law Enforcement in Zimbabwe’*, March 2011, Pg 3:  
[http://www.idasa.org/media/uploads/outputs/files/women\\_and\\_law\\_enforcement.pdf](http://www.idasa.org/media/uploads/outputs/files/women_and_law_enforcement.pdf)

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Africa (otherwise known as the Robben Island Guidelines) adopted by the African Commission at its 32nd Ordinary Session held in Banjul, The Gambia in October 2002....<sup>113</sup>

### 13.3 INTERNATIONAL AND REGIONAL OBLIGATIONS

Outlining the international and regional obligations of the ZRP, the RAU/IDASA report notes:<sup>114</sup>

“The ZRP is bound by many international human rights standards. The ZRP is also a member of SARPCCO, a regional professional association which is committed to disseminating best practices and raising the standard of policing, including the respect for human rights. The SARPCCO Code of Conduct, titled: *“The Harare Resolution on the SARPCCO Code of Conduct for Police Officials”*, outlines the minimum standards to which the ZRP are meant to be committed. SARPCCO is not legally binding on the government but it has persuasive value because we have committed as a country to adhere to its core values.

Article 1 of the SARPCCO, states that:<sup>115</sup>

‘In the performance of their duties, police officials shall respect and protect human dignity and maintain and uphold all human rights for all persons.’”

### 13.4 BEATINGS DURING ‘TRAINING’ OF ZRP RECRUITS

Since police officials are required to protect and respect human dignity and uphold human rights, it follows that they should receive comparable treatment while employed by the ZRP.

Zimbabweans and the international community were shocked in June 2009 when a secretly filmed two-minute video on You-Tube showed ZRP recruits being beaten while undergoing ‘training’ at the Tomlinson Depot in Harare. Each recruit was forced to lie down and was then beaten by ‘trainers’ with batons, some more viciously than others, a process reportedly referred to as ‘pay day’.<sup>116</sup>

During the beatings, the ‘trainers’ threatened and insulted the recruits with cries of “kill him” and “beat him!” What is especially disturbing is that the ‘trainers’ seemed to find their role both amusing and enjoyable.

As the Kubabana website pointed out: “What are the implications for policing in Zimbabwe if this is how new recruits are ‘hazed’ by their superiors? Is it any wonder then that the police are quick to respond to civic demonstrations with violence, and that there are frequent reports of detainees being mistreated by the police? What are the long term psychological implications if this is how police routinely deal with their own?”

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<sup>113</sup> Research & Advocacy Unit and IDASA, *‘Women and Law Enforcement in Zimbabwe’*, March 2011, Pg 3: [http://www.idasa.org/media/uploads/outputs/files/women\\_and\\_law\\_enforcement.pdf](http://www.idasa.org/media/uploads/outputs/files/women_and_law_enforcement.pdf)

<sup>114</sup> Research & Advocacy Unit and IDASA, *‘Women and Law Enforcement in Zimbabwe’*, March 2011, Pg 4: [http://www.idasa.org/media/uploads/outputs/files/women\\_and\\_law\\_enforcement.pdf](http://www.idasa.org/media/uploads/outputs/files/women_and_law_enforcement.pdf)

<sup>115</sup> Research & Advocacy Unit and IDASA, *‘Women and Law Enforcement in Zimbabwe’*, March 2011, Pg 4: [http://www.idasa.org/media/uploads/outputs/files/women\\_and\\_law\\_enforcement.pdf](http://www.idasa.org/media/uploads/outputs/files/women_and_law_enforcement.pdf)

<sup>116</sup> Sokwanele blog, *‘Violence used to ‘train’ police recruits in Zimbabwe’*, Sokwanele website, 2 June 2009: <http://www.sokwanele.com/thisiszimbabwe/archives/4225>

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If your superior beats you for being new on the job, what more might he (and in the video they are all men) do if he thinks you have disobeyed him....?"<sup>117</sup>

To view the footage, click on the following link:

<http://www.sokwanele.com/thisiszimbabwe/archives/4225>

## 14 THE RULE OF LAW

Justice Anthony Gubbay was Chief Justice of the Supreme Court of Zimbabwe from 1990 to 2001.<sup>118</sup> His relentless harassment and eventual dismissal by the government was the first step in a wider purge of judges who refused to sanction the confiscation of white-owned farms, the oppression of political opponents, and the official flouting of the Rule of Law. After accusing him of misconduct and threatening his safety, Justice Minister Patrick Chinamasa replaced Justice Gubbay with a prominent ZANU-PF supporter, Godfrey Chidyausiku.

On December 9, 2009 Justice Gubbay presented the Third International Rule of Law Lecture to the Bar of England and Wales. The title was: *"The progressive erosion of the Rule of Law in independent Zimbabwe."*

Explaining the concept of the Rule of Law, Justice Gubbay said: "... it is an undeniable fact that whatever system of law is applicable, whether it is the English common law, the Napoleonic Code, (Zimbabwe's system, which was founded on old Roman Dutch principles), or that of other countries, the Rule of Law forms an essential foundation in any democratic system of governance. It is a concept of universal validity and application. It embraces those institutions and principles of justice which are considered minimal to the assurance of human rights, and the dignity of man."<sup>119</sup>

".... it is generally accepted that a society in which the Rule of Law prevails is one in which a climate of legality, observance of the law and an effective judiciary, are evident. It is a society in which no man is punishable, or can be made to suffer bodily or proprietary loss, except for a breach of the law as established by ordinary courts of the land. It does not mean the protection of vested interests, or unfair exploitation in society. It means the emancipation of the spirit of humankind from coercive constraints of fear, inequality and want. It requires that everyone should be subject to the law equally, and that no one should be above the law; that law enforcement agencies and the courts enforce and apply the law impartially."<sup>120</sup>

Justice Gubbay summarises the Rule of Law as "the antithesis of the existence of wide, arbitrary and discretionary powers in the hands of the executive. It is a celebration of individual rights and liberties, and all the values of a constitutional democracy, characterised by the absence of unregulated executive or

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<sup>117</sup> Kubatana, 'Violent induction for police recruits', Kubatana.net website, 2 June 2009: <http://www.kubatanablogs.net/kubatana/?p=1792>

<sup>118</sup> Wikipedia, 'Anthony Gubbay', Wikipedia: [http://en.wikipedia.org/wiki/Anthony\\_Gubbay](http://en.wikipedia.org/wiki/Anthony_Gubbay)

<sup>119</sup> Justice Gubbay, 'The progressive erosion of the Rule of Law in Zimbabwe', SW Radio Africa, 9 Dec 2009, pg 1: <http://www.swradioafrica.com/pages/gubbay160210.htm>

<sup>120</sup> Justice Gubbay, 'The progressive erosion of the Rule of Law in Zimbabwe', SW Radio Africa, 9 Dec 2009, pg 1: <http://www.swradioafrica.com/pages/gubbay160210.htm>

legislative power. It is a society in which the Rule of Law is observed, through the mechanism of judicial review. Executive decisions and legislative enactments, outside the framework of the law, are declared invalid, thereby compelling both the executive and the legislature to submit to enjoyment, by the individual, of all rights and liberties guaranteed by the constitution. An independent judiciary and legal profession are critical elements of the Rule of Law. The bedrock of a constitutional democracy is an independent judiciary. A judiciary which is not independent from the executive and legislature renders the checks and balances inherent in the concept of separation of powers ineffective.<sup>121</sup>

#### 14.1 THE CONSTITUTION AND THE RULE OF LAW

Referring to the constitution, Justice Gubbay said: "The Constitution of Zimbabwe places particular significance on the Rule of Law, specifically in the context of Chapter III rights. So, for instance, the Rule of Law is encapsulated in the preamble to the Declaration of Rights. Section eleven, which constitutes the 'the key or umbrella provision' of Chapter III, provides: "Whereas persons in Zimbabwe are entitled, subject to the provisions of this Constitution, to the fundamental rights and freedoms of the individual specified in this Chapter, and whereas it is the duty of every person to respect and abide by the Constitution and the laws of Zimbabwe, the provisions of the Chapter shall have effect for the purpose of affording protection of those rights and freedoms subject to such limitations on that protection as are contained herein, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any person does not prejudice the public interest or the rights and freedoms of other persons."

#### 15 COMPARISON: THE "RULE OF LAW" AND "RULE BY LAW"

South African advocate Frank Pelsler explains the difference between 'The Rule of Law' and 'Rule by Law' as follows:

*'The Rule of Law'* refers to a state of constitutionalism, where the law (not Parliament) is supreme and where all government power is subject to the law. Under German law this principle is generally referred to as the *Rechtstaatprinzip*. It is the antithesis of authoritarianism, and it provides that individuals' rights may only be interfered with to the extent authorised by law.

*"Rule by Law"* means the opposite. It refers to a police state in which government invokes the law (indeed creates law) to 'justify' excessive use of government force. Detention without trial laws are common examples of these, and legislation enacted pursuant to the post-9/11 'war on terrorism' is a more contemporary (yet equally notorious) example.

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<sup>121</sup> Justice Gubbay, *'The progressive erosion of the Rule of Law in Zimbabwe'*, SW Radio Africa, 9 Dec 2009, pg 1: <http://www.swradioafrica.com/pages/gubbay160210.htm>

## 16 THE ABUSE OF POLICE POWERS – AND YOUR RIGHTS

Following the arrest and detention of more than 2,000 business people for allegedly flouting recently gazetted laws pertaining to price controls, Harare lawyer Obert Chaurura Gutu wrote an article published in NewZimbabwe.com on July 25, 2007, outlining people's constitutional rights. A summary follows:<sup>122</sup>

- An arrest involves the deprivation of an individual's liberty and thus it should not be lightly resorted to. The Constitution of Zimbabwe states that the right to liberty is a fundamental human right, solidly enshrined in the justifiable Bill of Rights. Wherever possible, the police should endeavour to obtain a warrant before an arrest.
- In general, a police officer who arrests a person may search such a person, but the police officer is required to place in safe custody all items taken. It is improper and unlawful for police officers to take away seized items of property and thereafter proceed to deal with the same as they deem fit.
- Police officers should not simply proceed to seize items of property from arrested people without following proper legal channels.
- The Police can only seize property that is concerned in or on reasonable grounds believed to be concerned in the commission and suspected commission of an offence in Zimbabwe or elsewhere; property which on reasonable grounds is believed to afford evidence of the commission or suspected commission of an offence in Zimbabwe or elsewhere and property which, on reasonable grounds, is believed to be intended to be used in the commission of an offence.
- There is a difference between seizing articles and placing articles in safe custody. Articles that have been seized may not be returned to a suspect at a later occasion, whereas items that have been placed in safe custody would have to be returned to the arrested person at all times.
- In accordance with the laws of Zimbabwe, unless made by a medical officer, the search of a woman must be made by a woman and must be made with strict regard to decency. A female police officer may require a female suspect to remove any clothing she is wearing if the removal of the suspected clothing is necessary and reasonable for an effective search. However, the suspects' body cavities may not be searched.
- The police should always be acutely aware that they can be sued for damages by persons who might have been wrongfully, maliciously and unlawfully arrested and detained.
- The Police Act (Chapter 11:10) and the State Liabilities Act (Chapter 8:14), provide the relevant legislative procedures in terms of which members of the police can be sued.

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<sup>122</sup> Obert Chaurura Gutu, 'Zimbabwe: the abuse of police powers', NewZimbabwe.com, 25 July 2007: <http://newsgroups.derkeiler.com/Archive/Soc/soc.culture.zimbabwe/2007-07/msg00191.html>

## 16.1 THE ZRP: ON THE WRONG SIDE OF THE LAW

While the Rule of Law no longer applies in Zimbabwe, change is inevitable. Members of the ZRP are advised to ensure that they are not on the wrong side of the law when the day of reckoning comes.

The ZRP is reminded that:

- Their actions are largely illegal.
- In serving ZANU-PF, they are serving a *political party* and not *the government* currently in place. Their principal role is to serve *the people of Zimbabwe*.
- The ZRP will be called to account for their part in corruption, theft, illegal arrests, abductions, torture and murder. Turning a blind eye does not absolve them of blame – it makes them complicit in the crimes.
- Those who have actively supported President Mugabe and ZANU-PF will be investigated and charged when the President is no longer in power.
- When the ZRP is called to account, their senior officers will not remain behind to take responsibility and support those who report to them.
- Members of the ZRP should now be thinking of their own welfare and future - and that of their families. Is it worth supporting and following the orders of senior officers who are guilty of theft, corruption and crimes against humanity?

## 17 CONCLUSION

In January 2011, the international court of the Southern African Development Community (SADC), the SADC Tribunal, awarded damages of nearly US\$17 million to nine Zimbabwean torture victims, in a landmark ruling that exposed the ZANU-PF government's flagrant disregard of the Rule of Law.

"The judgement handed down on December 9, 2010 followed a case in which the victims of organised violence and torture (OVT), assisted by the Zimbabwe Human Rights NGO Forum, sued the Zimbabwean government for failing to comply with the orders of the country's High Court," Zim Online reported.<sup>123</sup>

The victims had suffered bullet wounds, beatings and even paralysis as a result of the physical violence at the hands of the police and soldiers eight years previously.

"The (Gondo case) ruling (Gondo and 8 others v the Government of Zimbabwe) could open the floodgates for other victims of police and army brutality who have failed to get fair hearings in Zimbabwean courts,"

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<sup>123</sup> Zim Online, 'Landmark SADC torture ruling', Zim Online, 15 Jan 2011: [http://www.zimbabwesituation.com/jan16\\_2011.html](http://www.zimbabwesituation.com/jan16_2011.html)



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Zim Online wrote. "The case of originally 12 victims was brought before the SADC Tribunal in April 2009 via the Zimbabwe Human Rights NGO Forum."

Following on from SADC Tribunal ruling, which was widely publicised internationally, The Zimbabwe Standard warned in an article dated July 31, 2011 that the ZRP faced mounting lawsuits.<sup>124</sup>

"The police have been saddled with millions worth of lawsuits in the past decade by individuals, political activists and human rights defenders who are claiming compensation for torture, wrongful arrest or abduction," The Standard wrote.

The article continued:<sup>125</sup>

"Some of the claimants are demanding as much as US\$1 million each from the Ministry of Home Affairs, the Police Commissioner-General Augustine Chihuri *and individual policemen that were involved.*

"Lawyers said the cases of abduction, wrongful arrests and torture by state security agents were being fuelled by the immunity from prosecution that alleged perpetrators of gross human rights abuse continue to enjoy in the country. This, they said, was being worsened by the fact that of late, police torture and arrest suspects before carrying out investigations.

"The Zimbabwe Human Rights NGO Forum, a coalition of 19 non-governmental organisations involved in human rights issues, is handling at least 247 cases of torture, wrongful arrest or abduction by the police.

"A total of 19 cases have been won, either in court or through an out of court settlement but are still awaiting payment. The damages claimed range from US\$1,000 to US\$10,000.

"The claims include damages for unlawful arrest and detention, pain and suffering, loss of amenities of life, loss and damage to property, loss of support, funeral expenses and contumeliousness<sup>126</sup>," an official with the forum told The Standard."

A judgment in a South African High Court during May proved that the noose is tightening.

"In a landmark decision for local and international justice, the North Gauteng High Court ruled (on May 8, 2012) that the South African authorities must investigate Zimbabwean officials who are accused of involvement in torture and crimes against humanity in Zimbabwe," reported the Southern African Litigation Centre (SALC) in a media release.<sup>127</sup>

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<sup>124</sup> Ciaphas Chimhete, 'Police face mounting bills over torture', The Standard, 31 July 2011: <http://www.thestandard.co.zw/local/30881-police-face-mounting-bills-over-torture.html>

<sup>125</sup> Ciaphas Chimhete, 'Police face mounting bills over torture', The Standard, 31 July 2011: <http://www.thestandard.co.zw/local/30881-police-face-mounting-bills-over-torture.html>

<sup>126</sup> Definition: Contemptuous of law and order

<sup>127</sup> Nicole Fritz, 'High Court orders South African authorities to investigate crimes against humanity committed in Zimbabwe', Southern Africa Litigation Centre', 8 May, 2012: <http://www.southernafricalitigationcentre.org/news>

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"This judgment will send a shiver down the spines of Zimbabwean officials who believed that they would never be held to account for their crimes but now face investigation by the South African authorities," said Nicole Fritz, Executive Director of the SALC, which brought the case along with the Zimbabwe Exiles Forum (ZEF).

"This decision is not just about Zimbabwe, it also sets a much broader precedent by ruling that South African authorities have a duty to investigate international crimes wherever they take place," said Fritz.

"It is a major step forward for international criminal justice."

ENDS