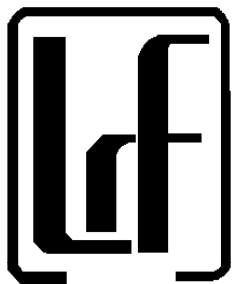


What can you do if your rights are violated?

- If possible, get the name of the police officer and his or her force number (on the badge).
- Make your complaint to the Member-in-Charge at the police station, or tell your lawyer, if you have one.
- If you are taken to court to have your statement confirmed, tell the magistrate.
- You can also go to your nearest Legal Advice Centre for assistance.

If you feel you have a case for suing the police for wrongful arrest you must notify them within 3 months and make your claim within 6 months.

For further information and legal assistance, please contact your nearest Legal Resources Foundation. LRF Centres are in Bulawayo, Gweru, Harare, Masvingo and Mutare.



Legal Resources Foundation (WO 41/84)
16 Oxford Road, Avondale, Harare
P.O. Box 918, Harare, Zimbabwe
Cell: 0772 312 877 (Sales)



Civic Education Network Trust (CIVNET)
5 Wingate Road, Highlands, Harare
Box BW 790 Borrowdale, Harare
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the law and the community

DETENTION

Detention refers to being held in temporary custody at the police station while awaiting trial. Detention, like an arrest, is an interference with a person's fundamental right of personal liberty. To detain any person is therefore a drastic step and should not be resorted to unless it is justified. The power to detain should be exercised sparingly, reasonably and responsibly.

An accused person or suspect is to be detained pending his appearance in court only when this is necessary to prevent him from committing further crimes, or interfering with evidence, witnesses or police investigations.

Where an accused's attendance in court can be secured by other means, e.g. summons, then such accused should not be detained. The purpose of detention is to secure the accused's presence at court and not to punish him.

Period of detention

- An accused arrested without a warrant must not be detained for a period which exceeds 48 hours unless a warrant for his further detention has been issued.
- Even though an accused or suspect may be detained for a period of up to 48 hours before being taken to court, effort should be made to bring him to court as soon as possible. A warrant for further detention should only be sought when this is absolutely necessary. Notwithstanding the existence of a warrant for further detention accused persons should be taken to court as soon as possible.

Interviews with prisoners

- It is a prisoner's right to communicate with his or her friends, relatives or legal representatives provided it can be done without any prejudice to any pending prosecution.

- Interviews with friends and relatives must be done within sight, but out of hearing of a police officer.
- Interviews with a legal practitioner must be done within sight, but out of hearing of a police officer.
- If a prisoner falls sick or requests medical attention, it is the responsibility of the police officer on duty to allow him to be treated or receive medical attention. This should also be recorded in the charge office diary.
- Where an accused has been hospitalised, a guard must be placed at his bedside.

International Standards on Detention

- Pre-trial detention shall be the exception rather than the rule.
- All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
- Anyone charged with a criminal offence shall be presumed innocent until proven guilty by a competent court of law.
- An accused is allowed to take with him into the cells only those clothes which are necessary for his immediate use and nothing he might use to harm himself or others.
- Prisoners should be searched by members of their own sex. Where there are no female police officers, the wife of a police officer or a female member of the public or a Government Medical Officer should be used to assist in the searching.
- Leg irons should only be used to restrain violent and/or dangerous prisoners, and such use must be entered in the charge office diary. There is no need to punish suspects through the use of leg irons. A record of observations on the accused's condition regarding injuries, sanity, sobriety, condition of clothing, etc, at the time of arrest or release should be maintained.
- No detainee shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment or to any form of violence or threats.

- Detained persons shall be held only in officially recognized places of detention and their families and legal representatives are to receive full information. When dealing with a juvenile offender, the police should seek the assistance and involvement of his parent/legal guardian or probation officer. Juvenile offenders should not be detained prior to their appearance at court, unless this is considered absolutely necessary.
- In places of detention, juveniles are to be separated from adults, women from men and unconvicted persons from convicted persons.
- Decisions about the duration and legality of detention should be made by a judicial or equivalent authority.
- Detainees shall have the right to be informed about the reasons for their detention and any charges against them.
- Detainees have a right to contact with the outside world and to receive visits from family members and the right to communicate privately and in person with a legal representative.
- Detainees shall be kept in humane facilities designed to preserve health and should be provided with adequate food, water, shelter, clothing, medical services, exercise and items of personal hygiene.
- The religious and moral beliefs of the detainees should be respected.
- Every detainee shall have a right to appear before a judicial authority and to have the legality of his detention reviewed.
- The rights and special status of women and juvenile detainees are to be respected.
- No one should take advantage of the situation of a detained person to compel him to confess or otherwise incriminate himself or another person.
- Disciplinary measures shall be in accordance with the law and regulations and should ensure safe custody of detainees.