



Special Report on the ZHRC Chairperson's Human Rights Monitoring Visit to Harare Remand Prison

Date of visit: 29 April 2025

Human Rights Concerns:

- Rights of arrested and detained persons
- Right to personal liberty
- Rights of accused persons
- Right to a fair hearing
- Right to administrative justice
- Right to human dignity
- Right to Education

1. Introduction

- 1.1. The Zimbabwe Human Rights Commission (hereinafter referred to as the ZHRC) is one of the five (5) Independent Commissions established in terms of section 232 of the Constitution supporting human rights and democracy. The ZHRC has the mandate to monitor, assess and ensure the observance of human rights and freedoms in terms of section 243(1) (c) of the Constitution. The provisions of section 243(1) (k) of the Constitution mandates the ZHRC to visit and inspect prisons, places of detention, refugee camps and related facilities in order to ascertain the conditions under which persons are kept and to make recommendations regarding the conditions to the Minister responsible for administering the law relating to those places. Further, the ZHRC is mandated to receive complaints and take appropriate action regarding the complaints (section 243(1)(d), to protect the public against abuse of power and

maladministration by the State and public institutions (section 243(1)(e) and to secure appropriate redress (section 243(1)(g).

- 1.2. Section 50 of the Constitution, read together with Article 10¹ of the United Nations International Covenant on Civil and Political Rights (ICCPR), guarantees the rights of detained persons. These provisions emphasize on the right to be detained humanely and with respect for the inherent dignity of the person.
- 1.3. In consonance with the above provisions, the Chairperson of the ZHRC, Ms. Fungayi Jessie Majome supported by the Commission Secretariat, conducted a monitoring mission to Harare Remand Prison on the 29th of April 2025 to assess the human rights situation of detained individuals, specifically journalist Blessed Mhlanga and 94 others accused of participating in the 31 March 2025 protests. The mission initiated by the ZHRC Chairperson, aimed to investigate alleged cases of politically motivated pre-trial detention, assessing the detention conditions of remand prisoners and to identify areas for improvement as well as to make recommendations to align with national, regional, and international human rights standards.
- 1.4. While the mission focused primarily on the detention conditions of Blessed Mhlanga and the 94 accused persons, it also incidentally assessed the broader prison conditions affecting all inmates. This approach allowed the ZHRC to evaluate the specific concerns of the targeted group while gaining insight into the overall prison environment.

2. Background

- 2.1. Blessed Mhlanga, a journalist working for Heart and Soul Television (HSTV) was detained on 24 February 2025, on charges of broadcasting a press conference of war veteran Blessed Geza. The press conference, which Mhlanga asserts that he did not even attend, was aired on the HSTV's YouTube Channel.
- 2.2. The above is contrary to the commonly held view that he was arrested for conducting interviews with war veteran Blessed Geza in August and November

¹ The Article provides that any person(s) deprived of their liberty are entitled to humane treatment and respect for the inherent dignity of the human person.

2024, where Geza criticised President Emmerson Mnangagwa's administration, accusing him of nepotism, corruption, and failing to address economic issues.

- 2.3. Mhlanga was denied bail twice by the Magistrates court and once by the High Court, citing concerns of national unrest and undermining peace and security. The other ground for denial of bail was the likelihood to interfere with witnesses who were mainly his workmates at Heart and Soul Television.
- 2.4. Mhlanga also highlighted that his detention period was already longer than the sentence applicable to the charge and therefore felt the pain of being punished and being deprived of the presumption of innocence.
- 2.5. The other 94 inmates were arrested on the 31st of March 2025 in connection with the nationwide protests which took place in Zimbabwe called for by war veteran Blessed Geza also demanding the resignation of President Emmerson Mnangagwa due to allegations of corruption and poor governance. The protests resulted in a heavy security presence and the arrest of the 94 inmates. They faced charges of participating in an unlawful gathering with the intent to incite violence. Their bail application at the Magistrates Court was denied with the court also citing concerns of national unrest and undermining peace and security. An application for appeal against refusal of bail was lodged with the High Court and still awaited determination.
- 2.6. The 94 raised the complaint that the lawyers attending to their case never interviewed them individually and therefore failed to take full instructions of their circumstances. As a result the lawyers were not even aware of the injuries, stolen property, as well as other personal and family circumstances. They pleaded for this situation to be rectified.

3. Objectives

The following were the objectives of the monitoring and inspection mission;

- i. To sensitize prisoners and prison officials on the role and mandate of the ZHRC.
- ii. To fulfill the ZHRC Constitutional obligation to monitor and inspect prisons to ensure the observance of human rights and humane treatment of inmates.

- iii. To monitor and assess the human rights concerns and challenges of inmates in particular those whose detention is politically motivated as well as assessing the status of their cases.
- iv. To monitor the conditions under which detainees are kept therein.
- v. To produce a Report with recommendations on areas of improvement to the relevant stakeholders.

4. Methodology

The ZHRC gathered information by way of observation, Focus Group Discussions (FGDs) with prison inmates as well as Key Informant Interviews (KIs) with prison management and staff. The ZHRC used monitoring tools informed by international, regional and domestic provisions on the rights of prisoners. In addition to this, the ZHRC observed the environment during the tour of the prison premises. Human rights principles such as non-discrimination, transparency and human dignity were complied with throughout the mission.

5. Legal Framework

The Zimbabwe Human Rights Commission utilised the following legal instruments to be guided on the monitoring and inspection visit.

- i. The Constitution of Zimbabwe, 2013
- ii. Prisons and Correctional Service Act [Chapter 7:21]
- iii. Criminal Procedure and Evidence Act [Chapter 9:07]
- iv. Criminal Law Codification and Reform Act [chapter 9:23]
- v. International Covenant on Civil and Political Rights (ICCPR), 1966.
- vi. Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa, 2014.
- vii. United Nations Standard Minimum Rules for the Treatment of Prisoners, 2015 (Nelson Mandela Rules)
- viii. United Nations International Covenant on Economic, Social and Cultural Rights, 1976
- ix. African Charter on Human and Peoples' Rights, 1986

6. FINDINGS

6.1. Engagement with the Officer in Charge

- 6.1.1. To commence the mission, the ZHRC met the officer in charge for a courtesy call. The Chairperson advised the prison management on the purpose of the visit. The visit aimed to gather first-hand information regarding the conditions of Blessed Mhlanga's detention as well as that of the other 94 inmates accused of the March 31 protests, to assess, inter-alia, their access to legal representation, access to justice, current status of their bid to acquire personal liberty and also their overall well-being.
- 6.1.2. The ZHRC highlighted that it sought to understand the specific human rights challenges they faced and to identify potential avenues for intervention to ensure that their rights are protected. In addition, the ZHRC advised that the visit was justified by its mandate to monitor and promote human rights within Zimbabwe, particularly concerning vulnerable groups and individuals facing potential human rights violations. The detention of a journalist on charges related to freedom of expression warranted immediate attention and investigation to ensure compliance with national, regional, and international human rights standards.
- 6.1.3. In the same parameters, the pre-trial detention of the other 94 alleged protesters, appeared to have political undertones, raising concerns about potential human rights violations. As such, it was crucial to monitor and ensure that their fundamental rights were protected. The reports of mass arrests, allegations of police brutality, and concerns about the detainees' welfare raised serious human rights issues that warranted immediate attention. The visit was therefore crucial to independently verify these reports and to ensure that the detainees' rights were being respected.
- 6.1.4. As the interface with the prison management unfolded, the ZHRC learnt that the telephones at the Remand prison were broken down. The malfunctioned communication infrastructure potentially violated the fundamental right of detained persons to communicate with the outside world². Rule 58 of the United Nations Standard Minimum Rules for the Treatment of Prisoners highlights the right of prisoners to communicate with the outside world. The ZHRC implored the prison management to ensure replacement of the landline

² Section 50 (5) (c) of the Constitution

phones at Harare Remand Prison and ensure that detainees have adequate access to communication with their families.

- 6.1.5. During the engagement, the Chairperson of the ZHRC noted that there were 66 foreign nationals detained at the prison and made an undertaking to return for a monitoring mission regarding that issue. The ZHRC echoed that prohibited immigrants are typically detained for administrative reasons related to their immigration status, rather than for criminal offences. The sixty-six (66) foreign nationals comprised twelve (12) from Ethiopia, eleven (11) from DRC, two (2) from Rwanda, two (2) from Uganda, sixteen (16) from Burundi, eight (8) from Malawi, one (1) from Lybia , one (1) from Mozambique , one (1) from China , seven (7) from South Africa, one (1) from Pakistan , one (1) from Taiwan, one (1) from France , one (1) from Britain and one (1) from Cape Verde . The Chairperson advised on further engagements with the Commissioner General of ZPCS and the Department of Immigration regarding the issue and welfare of irregular or prohibited immigrants.

6.2. Engagement with Blessed Mhlanga

- 6.2.1. The ZHRC had occasion to engage with Blessed Mhlanga and learnt that contrary to widespread reports, the journalist's charges were not related to his video interviews with Blessed Geza held in August and November 2024. Instead, he faced allegations stemming from allegedly interviewing Geza at 2 certain conferences held around early January 2025, which he denied attending.
- 6.2.2. He candidly pointed out that even if the State was alleging that he was in attendance at the conferences, he still had a plausible defence. He pointed out that his arrest was unfair because HSTV is the one with the broadcasting licence and he was just an employee acting on behalf of HSTV. The company has its own legal identity separate from its shareholders, directors and members. The company's liabilities are its own, not those of its members.
- 6.2.3. He expressed discontentment with the conduct of the police, who prior to his arrest, came looking for him at his work place armed with guns as if he was a fugitive. He was also concerned with the way, the police through its spokesperson, published that he was a wanted person in connection with the above-mentioned charges. He believed that the press release was just a ploy to deny him bail. He even handed himself to the police following the police press

release. He told the ZHRC that such great respect of the law is not akin to one who intends to abscond trial.

6.3. Access to justice

- 6.3.1. On the day of the visit, Mhlanga indicated that he had been on remand for 68 days. He had been denied bail three times, twice at the Magistrates Court and once at the High Court, potentially violating his constitutional right to bail.³ He told the ZHRC that one of the reasons for denial of bail was that there was likelihood of interfering with witnesses. These witnesses were his subordinates at his workplace. He indicated that this ground for denial of bail was affront to logic considering the fact that these same witnesses were still allowed to visit him at prison and they came to visit him several times.
- 6.3.2. At the time of the visit by the ZHRC his next remand date was scheduled for April 30, 2025, after a postponement on April 22, 2025. He highlighted that he was yet to be furnished with a trial date and that the State (prosecution) had made an undertaking to concede to his removal from further remand if a trial date was not provided on the remand date. The repeated denial of bail raised questions about the proportionality of the restrictions on his liberty.

6.4. Right to Education

- 6.4.1. Through the engagement, the ZHRC established that Blessed Mhlanga was a first-year law student at the University of Zimbabwe (UZ). In terms of section 75 (1) (a) of the Constitution;

“Every citizen...of Zimbabwe has a right to further education, which the State...through reasonable and other measures, must make progressively available and accessible”

The journalist was denied the opportunity to sit for his second semester examinations while in prison. Despite ZPCS forwarding a request to UZ, the Chairperson of the Law Faculty reportedly denied him permission to take the examination.

6.5 Welfare in Prison

³ Section 50 (6) of the Constitution of Zimbabwe

- 6.5.1** Blessed Mhlanga was quick to point out that he was not the model inmate and reported being relatively comfortable due to support from family, friends and his employer (HSTV). He had access to extra blankets which were brought from home, personal clothing (khaki-coloured), and private medical consultations.
- 6.5.2** He was still receiving his full salary from his employer HSTV. The visit by the ZHRC coincided with the ZPCS family week where inmates were given an opportunity to interact with their families at close contact on an open space within the prison yard through activities like braais, imbibing non-alcoholic beverages. His family took advantage of the family week and duly visited him. However, he acknowledged challenges such as inadequate bedding, blankets, uniforms, bedbugs, and crowding, particularly affecting inmates without external support.

7 Engagement with the 94 alleged protesters.

The ZHRC interviewed the detainees, prison officials, and reviewed relevant documents. The following findings were made:

7.1. Circumstances of Arrest

- 7.1.1.** The inmates reported being arbitrarily arrested, with many claiming that they were not involved in the demonstrations. Some were reportedly arrested while going to or coming from work, visiting hospitals, or running errands in the CBD area. None of the detainees were arrested within the precincts of the alleged crime scene, Robert Mugabe Square. Several detainees further alleged they were falsely accused of participating in the demonstrations and were coerced to acknowledge involvement.
- 7.1.2.** The detainees suspected that the police were randomly arresting individuals to meet a target set by higher authorities for unclear, politically motivated reasons. A cocktail of personalities amongst the 94 inmates suggested a potential dragnet arrest. There was a city council worker, an employee from the Civil Vehicle Registry, university student, a university lecturer, a teacher among other gainfully employed or engaged individuals. The youngest one amongst these detainees was 20 years old and the oldest was 66 years old.

7.2. Allegations of Police Brutality and Torture

Detainees reported severe police brutality, abuse, and torture during arrest, including beatings with batons, fists, boots, and gun barrels. Many among the 94 inmates sustained injuries from the indiscriminate assaults, including head injuries, eye and ear injuries, back pain, and dislocations. Visible injuries and swollen body parts were observed by the ZHRC. Some of the inmates were reportedly stripped naked and searched, undermining their privacy and human dignity. The alleged torture, inhuman and degrading treatment is a violation of the provisions of section 53 of the Constitution.

7.3. Right to health care

- 7.3.1. Section 76 of the Constitution guarantees every citizen and permanent resident of Zimbabwe the right to have access to health care services. Detainees reported lack of medical assistance for their injuries, relying primarily on paracetamol for temporary relief. These allegations exhibit a violation of the detainees' fundamental rights and freedoms entrenched in the Constitution.
- 7.3.2. Most of the inmates pointed out sluggish movement of medication that would have been brought by their relatives until it reaches them. The passage of medication through the prison management was alleged to be taking too long for the recipient to receive medication.

7.4. Allegations of theft by the Police

The inmates reported that their valuables, including phones and wallets, were confiscated during arrest by the police and were never returned to them. Furthermore, some inmates alleged that some rogue police officers stole money from their wallets and threatened them when they questioned the loss. The victims of theft at the hands of the police highlighted that they were eager to take legal action against the perpetrators but the inhibiting factor was that their lawyers seldom visited them. They planned to report their cases of theft once they were granted their liberty.

7.5. Communication with Families and Legal Representation

7.5.1. The ZHRC gathered that some of the inmates were initially denied the right to communicate with their families to inform them of their arrest down at the police station. These allegations are in contravention of section 50 (5) (c) of the Constitution. The ZPCS could not provide a remedy after the detainees were remanded in custody considering that the telephones at the Remand prison were not working. The foregoing was corroborated by the prison management who indicated that the telephones have not been functioning for quite some time.

7.5.2. The detainees advised the ZHRC that they received free legal representation from the Zimbabwe Lawyers for Human Rights (ZLHR). However, they bemoaned the fact that the lawyers only visited them once to take full instructions and are yet to pay another visit to fully advise the detainees of any developments before court attendance.

7.6. Prison Conditions

The inmates reported being bullied and abused by senior inmates, who extorted meal tickets from them. The ZHRC took the opportunity to question the prison management about these allegations. In response the ZPCS stated that there had not received any complaints of bullying from the inmates. The Officer in Charge advised the ZHRC that he routinely engage with the inmates and always enquired about any complaints. The inmates did not refute the Officer in Charge's remarks but highlighted that they were afraid of victimisation. To dispel these fears the management assured the inmates that they were free to secretly approach them and make their complaints.

7.7. Human dignity

The ZHRC learnt that some cells did not have toilets. Inmates were forced to visit cells with functioning toilets resulting in a scramble for toilets which was said to be common place at the prison. It was during these instances that some inmates were subjected to bullying and sometimes forced off the toilets before they finish relieving themselves. Such conduct vitiates one's inherent and intrinsic worthiness as envisaged by section 51 of the Constitution.

7.8. Crowding

- 7.8.1. The inmates highlighted that they were crowded in the cells. Cells designed for 35 people held approximately 90 inmates, leading to degrading and inhumane conditions. The general prison conditions, particularly crowding and limited resources, pose challenges to the welfare of all inmates. The Kampala Declaration on Prison Conditions in Africa directly addresses the issue of crowding in prisons. It highlights the inhuman conditions caused by crowding, including inadequate resources, poor hygiene, and lack of access to basic needs such as food, medical care, and physical activity.
- 7.8.2. The Declaration also acknowledges the negative impact of crowding on prison staff, who may be under-resourced and have to work in challenging environments.
- 7.8.3. The Declaration calls for collaboration between police, prosecuting authorities, the judiciary, and prison administrations to address crowding and find solutions. It also emphasizes the need for judicial investigations and proceedings to ensure that prisoners are not held in remand detention for extended periods, contributing to crowding.
- 7.8.4. The ZPCS indicated that from time to time they write to the Judicial Service Commission (JSC) advising of the extent of crowding imploring same to make use of alternatives to detention and the need to determine cases expeditiously. On the flipside, the management stated that there were individuals who had a proclivity of reoffending because they considered prison life better than sustaining a living in the community under the prevalent harsh economic situation.

7.9. Right to food and water

- 7.9.1. The Nelson Mandela Rules, or the United Nations Standard Minimum Rules for the Treatment of Prisoners, mandate that prisoners have access to sufficient food of nutritional value to maintain their strength and health. Rule 22 specifically states that inmates must be provided with "drinking water and food of nutritional value adequate for their strength and health.

7.9.2. The food supply was reported to be stable, with adequate and nutritious food, including protein and fruits. The ZHRC observed a substantial stockpile of maize meal bags stored safely, indicating a stable food supply. However, due to the crowding, stocks were likely to dwindle beyond anticipated.

7.9.3. The inmates highlighted that water was available, but did not get into the cells. As a result, inmates resorted to using the bucket system to flush cell toilets.

7.10. Access to Justice

The inmates stated that they had been detained for too long, with bail applications denied on the grounds that they might regroup and incite further violence if released. One of the inmates questioned the logic of such a reason for denial of bail indicating that he was alone when he was arrested. He saw his co-accused inmates for the first time at the Harare Central Police Station. However, the inmates indicated that they mostly attended to their bail hearings virtually which is a positive step towards access to justice especially for inmates.

7.11. Administrative Justice

One of the inmates stated that their application for appeal against refusal of bail was being stalled by the fact that officials at the Magistrates Court (*court aquo*) were delaying to transcribe the record of proceedings. The inmate further stated that all the requirements to get the record transcribed were long satisfied but could not be promptly availed. Section 68 of the Constitution provides that every person has a right to administrative conduct that is prompt and efficient. The alleged delays do not only militate against the right to administrative justice but also the right to personal liberty.

7.12. Repercussions of the arrest and detention

The inmates expressed concern about their reputations which had been tarnished by media reports which labelled them menace to society. Most of them were professionals and they were afraid that their names had been soiled by the alleged arbitrary arrest. Some of the inmates amongst the group, who were breadwinners, feared losing their jobs due to their prolonged detention.

7.13. Denial of Right to Education

Amongst the inmates was a part 2 Economics student enrolled at the University of Zimbabwe. He failed to sit for his examinations due to the pre-trial incarceration. Unlike Blessed Mhlanga who had sought permission to write from the prison with the assistance of the ZPCS, he never tried to obtain permission to write his examinations while in prison.

7.14. Challenges

The ZHRC faced a number of challenges during the monitoring visit. Firstly, there was limited time to interview all detainees individually. The 94 protesters, though co-accused, had unique issues and challenges. Therefore, individual consultations were necessary to address their distinct needs. Secondly, there was reliance on self-reporting by the inmates. There was a possibility of bias when they related the events preceding their arrest and how they were arrested. In addition, verifying all allegations of police abuse and theft independently proved challenging.

7.15. Redress by the ZHRC

The Chairperson of the ZHRC managed to obtain the following redress onsite;

- 7.15.1. Assurance from the Officer in Charge (OIC) that those who were injured during arrest and had not received medical assistance were to be attended forthwith.
- 7.15.2. The inmates were advised to report any complaints to the OIC who indicated that he was ready to receive, forthwith, reports of assaults by prison officers and bullying by fellow inmates.
- 7.15.3. Measures to be taken to ensure medication and food brought by the visitors would swiftly reach the inmates.
- 7.15.4. The Chairperson undertook to write to Tel-One to ensure repairs to the prisons telephone lines and keep them in a state of repair.
- 7.15.5. Contact the University so as to mediate for Blessed Mhlanga and his 22-year-old fellow student to write their missed and pending exams.
- 7.15.6. To transmit the grievances to the lawyers representing the 94 that their clients expect to be personally interviewed. The Chairperson of the ZHRC managed to interview the 94.

8. Conclusion

The ZHRC findings highlight significant human rights concerns, including prolonged pre-trial detention, denial of the right to education, crowding, potential torture and police brutality. These issues warrant urgent attention to ensure the protection of human rights and dignity. With bail being a constitutional right under section 50 of the Constitution, pre-trial incarceration should be minimised and detention before trial should be exceptional rather than the norm. The law and principles governing bail should be applied uniformly, without distinction or bias, regardless of any potential political undertones in a case. Unjustifiable and unreasonable denial of bail adversely contributes to unnecessary crowding in prisons.

9. Recommendations

JUDICIAL SERVICE COMMISSION

- 9.1.** To ensure that judicial officers treat bail applications as urgent matters since they affect a fundamental human right to personal liberty.
- 9.2.** To exercise impartiality and observe the principles of the rule of law especially on cases with political undertones

COMMISSIONER GENERAL OF THE ZIMBABWE REPUBLIC POLICE

- 9.3.** To ensure that investigating officers expeditiously investigate matters to avoid accused persons' prolonged time on remand thus delaying commencement of trial within a reasonable time.
- 9.4.** To immediately conduct internal credible and impartial investigations to the alleged cases of theft and police brutality during the arrest of the alleged protesters on the 31st of March 2025.
- 9.5.** To utilize existing mechanisms such as the Independent Complaints Mechanism to investigate the allegations.
- 9.6.** To conduct capacity building trainings to its personnel on basic principles of lawful arrests and professionalism, review and revise arrest procedures to ensure compliance with national and international human rights standards, including the prohibition of arbitrary arrests.

COMMISSIONER GENERAL OF ZIMBABWE PRISONS AND CORRECTIONAL SERVICE

- 9.7.** Ensure Access to Medical Care and provide comprehensive medical examinations and treatment to all detainees who reported injuries.
- 9.8.** Ensure access to necessary medication and specialist care and allocate resources to improve medical facilities within the prison and ensure access to external medical specialists.
- 9.9.** To ensure communication infrastructure has been restored.
- 9.10.** To repair or replace the landline phones at Harare Remand Prison and ensure that detainees have adequate access to communication with their families. Ensure that the landlines are functional and engage with TelOne to repair the landlines and allocate resources to purchase additional phones.
- 9.11.** To collaborate with the University of Zimbabwe to ensure that inmates enrolled at the institution are guaranteed the opportunity to write examination whilst in detention without delays.
- 9.12.** To prioritize improving prison conditions, including bedding, blankets, and uniforms, to ensure the humane treatment of inmates.
- 9.13.** To ensure that inmates receive adequate and nutritious food, including fruits and protein-rich meals.
- 9.14.** Reduce the number of inmates per cell to the recommended capacity and to ensure that all cells have functional toilets.
- 9.15.** To address crowding at Harare Remand Prison by transferring detainees to other facilities.
- 9.16.** To Implement measures to prevent and address bullying and abuse by senior inmates, including increased monitoring, reporting mechanisms, and disciplinary actions.

ZIMBABWE LAWYERS FOR HUMAN RIGHTS

- 9.17.** Carry out individual interviews and take instructions in line with the varied circumstances of group complainants or clients.
- 9.18.** To ensure that its members regularly visit and update their clients in detention on any developments to their case.