



**FILE REF: ZHRC/CI/0041/15**

In the matter between:

**SIMBARASHE NYEMBA**

**1<sup>ST</sup> COMPLAINANT**

And

**KARIBORN NYEMBA**

**2<sup>ND</sup> COMPLAINANT**

And

**THE ZIMBABWE REPUBLIC POLICE**

**1<sup>ST</sup> RESPONDENT**

And

**THE ZIMBABWE NATIONAL ARMY**

**2<sup>ND</sup> RESPONDENT**

And

**HENRY DHOWA**

**3<sup>RD</sup> RESPONDENT**

And

**EDMORE GONO**

**4<sup>TH</sup> RESPONDENT**

And

**EMANNUEL CHAZIRENI**

**5<sup>TH</sup> RESPONDENT**

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**REPORT**

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**Key Issues**

- *Right to human dignity Sec 51 Constitution*
- *Freedom from torture or cruel, inhuman or degrading treatment or punishment Sec 53 Constitution*
- *Right to personal liberty Sec 49 Constitution*
- *Freedom of movement and residence Sec 66 Constitution*
- *Right to administrative justice Sec 68 Constitution*
- *Rights of arrested or detained persons Sec 50 Constitution*

**THE COMPLAINT**

1. A complaint on the disappearance and alleged violation of the victim's right to personal liberty and freedom from torture or cruel, inhuman or degrading treatment or punishment of Kariborn Nyemba (hereinafter referred to as the victim) was filed by Honourable Chiwa, the Member of Parliament for Chiredzi, who had been requested to do so by the victim's relatives in 2015.
2. The violations are alleged to have been committed in May 2015 by a Captain of the Zimbabwe National Army, one Edmore Gono working in cahoots with an Officer in the Criminal Intelligence Unit of the Zimbabwe Republic Police, one Detective Inspector Henry Dhowa. The complaint was lodged at the Zimbabwe Human Rights Commission Offices in **July 2015** by the 1<sup>st</sup> Complainant and this was within the period allowed by Section 4 (a) of the Zimbabwe Human Rights Commission Act.
3. The ZHRC began its investigations into the matter in August 2015. The relevant respondents were afforded the chance to state their side of the story. Witnesses for the complainants and respondents were also questioned.

**National Legislation**

Constitution of Zimbabwe, Sections 49, 51, 52, 53, 66

**Regional Conventions**

## African Charter on Human and People's Rights Article 3

### **International Conventions**

- ✓ Universal Declaration of Human Rights (1948)
- ✓ International Covenant on Civil and Political Rights (1966)
- ✓ Convention Against Torture, Cruel, Inhuman and Degrading Treatment.

### **Relevant Cases cited**

- ✓ *Jestina Mukoko v Commissioner General of Police and 4 others* SC 3/09
- ✓ *Minister of Law and Order & Ors v Hurley & Anor* 1986 (3) SA 568 (A)

## **VICTIM AND WITNESSES' ACCOUNT**

1. The victim alleges as follows:

- 1.1 That sometime in April 2015, he was watching football in a bar located in Chiredzi and that after the match, when he wanted to go and retire for the night, he realised that his phone had gone missing. He further states that he made efforts to locate his phone and could not find it. Upon trying to call the missing phone, it was not reachable.
- 1.2 On the following day, he received a call on his other line from one Sergeant Ndlovu of Chiredzi Police Station who informed him that he had picked his phone at the Zimbabwe Sugar Milling Workers Union (ZISMWU) offices, which had been burnt down the previous night. Sergeant Ndlovu told him to report to the Police immediately, as he was a suspect in the arson case, since his phone had been found at the scene of the arson.
- 1.3 The victim went to Chiredzi Police Station with the intention of presenting himself to the police. Upon arrival at the police station, he was told to report to Inspector Hondo, who could not be located on the day in question.

- 1.4 On numerous occasions, he visited Chiredzi Police Station looking for Inspector Hondo. However, he was unable to meet Inspector Hondo and was only able to speak to him on the telephone. At one point, he was directed to a policeman called Constable Zireva, who redirected him to Inspector Hondo. He further alleges that he never got to meet Inspector Hondo who however, assured him through their telephone conversation that once he was needed, he would be called in. This frustrated the victim.
- 1.5 After these incidents, unidentified people came to his house at night and threatened to set his house on fire and they further threw stones on top of his roof. These threats coupled with the reluctance of the local police to clearly investigate the allegations of arson, induced fear in the victim and he escaped with his wife to live with relatives.
- 1.6 The victim further states that since he was no longer able to fend for himself and his family, he decided to go to South Africa where he managed to secure informal employment. After spending some time in South Africa, he thought of coming back to Zimbabwe to collect his wife so that they could go back to South Africa together.
- 1.7 On the day that he arrived in Zimbabwe, he found Inspector Dhowa and Captain Gono who were armed and produced pistols waiting for him at Renco turn off. They asked him if he was Kariborn Nyemba and when he refused to confirm his identity, another man who had disembarked from the same public transport he had used confirmed that he was indeed Kariborn Nyemba. This gave the victim the idea that the man who confirmed his identity had been trailing him and was working in cahoots with Captain Gono and Inspector Dhowa.
- 1.8 Captain Gono and Detective Inspector Dhowa forcibly took him to Harare in Captain Gono's Mercedes Benz vehicle and instructed him to report that his brother Simba (the first complainant), one Hwarare and himself had set fire to the ZISMWU offices. Further, that his brother and his allies

were holding meetings with Dr Joice Mujuru (Former Vice President of Zimbabwe), plotting to assassinate President Mugabe.

- 1.9 He alleges that they (Gono and Dhowa) took him to the State House and all this time they had pistols with which they threatened to shoot him should he try to escape. At the State House in Harare, they met Dr Tizora who advised Gono and Dhowa to release him and make the necessary investigations into the matter. Dr. Tizora then gave the victim some groceries for his family.
- 1.10 The victim testified that upon their return from Harare, they passed through Masvingo where they met one Mr Machingura, the Provincial Head of the Criminal Investigations Department. Mr Machingura also advised his captors to release him and conduct the necessary investigations into the arson case.
- 1.11 They left for Chiredzi where he was detained for three nights at Captain Gono's house. While at Captain Gono's house, the victim alleges that Gono indicated that he and his wife had a 'licence to kill' and would not hesitate to use that licence in case he thought of escaping.
- 1.12 He alleges that he was kept locked in a guarded small room, naked and sometimes with no food during that period. Captain Gono would fire some shots near his ears, slap him and assault him with open fists. He further alleges that he was at one time hand and foot cuffed and was forcibly given pills at gunpoint which sedated him.
- 1.13 It is also alleged that Captain Gono forced a piece of wood through his anus several times during this period causing excruciating pain while forcing him to agree to levelling lies against his brother Simbarashe and Mr Hwarare concerning the burning of the ZISMWU offices as well as the holding of secret meetings with Dr Joice Mujuru. He alleges that he managed to send his brother Simbarashe some messages informing him of his whereabouts and what he was going through.

1.14 On the third day, he managed to escape by tricking a young girl who was giving him food as Captain Gono, his wife and Inspector Dhowa were not at the homestead. The victim reports that he took refuge in a hiding place where he still is to date.

2. **Simbarashe Nyemba**, brother to the victim confirmed the following:

2.1 That after the burning of the ZISMWU offices, he had accompanied the victim to Chiredzi Police station but the police were unresponsive;

2.2 He received text messages from the victim, stating that Captain Gono and Inspector Dhowa were holding him against his will and the violations perpetrated against him. (Printouts of the text messages are available);

2.3 That after receiving these messages, he had gone to report the matter to the police but was not given the necessary assistance. After facing challenges with the Police, he then approached Honourable Chiwa for help.

2.4 He further testified that there was acrimony between Captain Gono and Dhowa on one hand and himself because they wanted to control the ZISMWU to which he was President. Captain Gono subsequently became the Secretary General of the ZISMWU while Inspector Dhowa's relative, one Freedom Madungwe, became the President.

3. **Edmore Hwarare**, who was the Secretary General at the time when Simbarashe Nyemba was President of the ZISMWU, also gave testimony similar to the one given by Simbarashe Nyemba.

3.1 On the issue of the victim's phone being found at the premises of the burnt offices, he testified that he received a call at around 3 am advising him that the ZISMWU offices had been burnt. He went to the scene and upon arrival, he found two policemen. While he was talking to the policemen, a man wearing overalls came and gave the two policemen

the victim's phone indicating that he had picked it up from the premises. Further, that the phone was later handed over to one Inspector Ndlovu who arrived on the scene later in the day.

4. **Honourable Darlington Chiwa** stated that he had been approached by Simbarashe Nyemba who indicated that his brother (the victim) had sent him text messages saying that he had been abducted by Dhowa and Gono. Simbarashe further indicated that he had visited the police to report the matter but was not given the assistance he required by one Superintendent Chazireni. Chiwa states that he decided to visit Chiredzi Police and he spoke to Superintendent Chazireni, enquiring on Simbarashe's complaint. Chazireni, upon enquiry, stated that the matter was sensitive although he did not disclose the nature of the sensitivity of the matter. This sensitivity, he noted, worked as an impediment to their investigation.

#### **Respondents and witnesses accounts**

5. **Detective Inspector Dhowa's** testimony was as follows;
  - 5.1 That the victim was a suspect in the burning of the ZISMWU offices where his phone was recovered. Inspector Dhowa also stated that he received a call from the victim who told him that he had been sent by Simbarashe Nyemba and Edmore Hwarare to burn ZISMWU offices. Dhowa therefore advised him to visit the police station so that he could receive help. He stated that the victim indicated that he only trusted him (Dhowa) and Captain Gono because they hated corruption and that all the other police officers at the station were corrupt. He stated that this was the reason why they chose to help the victim so that he could report his issues at the State House in Harare.
  - 5.2 On why it was necessary to drive the victim all the way to Harare when he knew he was wanted in connection with arson, Dhowa stated that he was only doing his duty because the victim had mentioned that certain people were plotting to assassinate the President of the Republic of

Zimbabwe. He reported that the statement he took from the victim was deleted by some insider sources at Chiredzi Police Station because even his laptop had been flashed out and he had lost all his information.

- 5.3 Inspector Dhowa told the ZHRC investigation team that he suspected that Simbarashe Nyemba and Edmore Hwarare had burnt the ZISMWU offices in order to cover up for the fraud which they were involved in and the police were investigating.

Detective Inspector Dhowa further stated that the victim was in the protective custody of himself and Captain Gono as the victim had indicated that he was scared because he believed his brother (i.e. Simbarashe – the first complainant) wanted to kill him. Dhowa also stated that the victim probably ran away because he did not want to be a state witness against his brother in the arson case. However, Dhowa could not clearly explain why the arson case has not been investigated to date. Detective Inspector Dhowa could also not clarify why he, being a senior Police Officer, agreed to have a suspect in his custody at a private house without informing Inspector Hondo who was responsible for investigations at the police station.

6. **Inspector Hondo**, an Officer in the Criminal Investigations Department stated the following:

- 6.1 That he was the Investigating Officer in the arson case against the victim. The victim's phone was picked up early in the morning by a police officer attending to the scene, before any investigations had been commenced;
- 6.2 That on the day in question, his office called the victim and requested him to visit the police station. However, the victim did not turn up.
- 6.3 That the victim called him some few days later advising him that he would go to the police station after his assault case had been dealt with



at court on the day<sup>1</sup>. However, the victim did not show up. He denied that Simbarashe and the victim ever visited the police station.

6.4 That Dhowa did not inform him, as the investigating officer, on the whereabouts of the victim when the victim was in Dhowa's custody, including when the victim was detained at Captain Gono's house.

6.5 That what Dhowa and Captain Gono did, by keeping the victim in their custody yet they knew he was a suspect in the arson case, was not standard procedure.

7. **Captain Edmore Gono** testified that he is a serving member of the Zimbabwe National Army who has since applied for retirement. His testimony is as follows:

7.1 That the victim phoned him from South Africa asking him to assist him because his brother (i.e. Simbarashe – the first complainant) and allies wanted to kill him for the sole reason that he knew that they had been involved in the arson attack on the ZISMWU offices. Captain Gono also said that the victim indicated that he sought help from him because he knew that Captain Gono was not corrupt compared to all the police officers in Chiredzi.

7.2 Captain Gono stated that he and Dhowa took the victim to the State House upon his request as he wanted to deliver a message to the President on the alleged planned assassination and succession plotting. Captain Gono however, alleges that his role in this issue was solely to provide logistical and financial support and Dhowa was the chief investigating officer responsible for investigating and recording statements from the victim.

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<sup>1</sup> The victim alleges that he had been attacked by a certain man during the night of the arson. The case had been brought to the local magistrate court.

7.3 Captain Gono testified that he, together with Detective Inspector Dhowa had provided protection to the victim and that he stayed comfortably at Captain Gono's house for two nights. He also alleges that, on the second day when he and Dhowa were coming from town, they found the victim smoking a cigarette at one of the abandoned buildings on Captain Gono's farm. The victim indicated that he would join them after his smoke but never came back. Captain Gono stated that he was a man of good heart and resources that is why he was involved in assisting the victim.

8. **Superintendent Emanuel Chazireni**, who is allegedly the officer who denied to accept 1st Complainant's complaint on the disappearance of the victim (2nd Complainant), failed to avail himself to the ZHRC investigation team that visited Chiredzi. When the ZHRC team visited Chiredzi, it was advised that Chazireni was on leave. However, the Officer Commanding Chiredzi Police Station, one Usaiwevhu, requested Chazireni to avail himself for an interview. Chazireni came but never availed himself for an interview for reasons known to himself.

8.2 The ZHRC then issued a subpoena in terms of section 12 (1) (a) of the Zimbabwe Human Rights Commission Act [Chapter 10:30], compelling Superintendent Chazireni to appear before the Zimbabwe Human Rights Commission at Harare on the **4<sup>th</sup> day of August 2016**, at **10:00 am** to give evidence in connection with the alleged forced disappearance of 2nd complainant. However, he never turned up.

8.3 Chazireni was advised of ZHRC's intention to serve him a subpoena. He was aware of the date the ZHRC driver would serve him the subpoena. The subpoena was eventually served at Chazireni's offices in Chiredzi. Despite all the ZHRC's courtesies, and the countless chances he had to give his side of the story in compliance with the *audi alteram partem* rule, Chazireni still deliberately ignored the subpoena or refused to give his side of the story.

8.4 The inferences that can be drawn from Chazireni's failure to avail himself to the ZHRC Investigation Team are as follows:

- ✓ That the victim was indeed abducted and treated in an inhuman and degrading manner, hence Chazireni's reluctance to accept 1st complainant's complaint on the abduction of his brother, the 2nd complainant;
- ✓ That there is a superior power at work which the police are afraid of, thus making them execute their duties with fear and favour;
- ✓ That the police can at times act arbitrarily notwithstanding the demands of the law.

### **Undisputed Facts**

- The victim was indeed taken from Chiredzi to Harare by Captain Gono and Inspector Dhowa;
- The victim was kept at Captain Gono's house;
- Inspector Dhowa and Captain Gono were instrumental in this case with the former allegedly investigating and recording statements while the latter allegedly provided financial and logistical support.

### **Disputed Facts**

- Whether the victim was subjected to torture, inhuman and degrading treatment while in the custody of Inspector Dhowa and Captain Gono;
- Whether the victim was involved in the burning of the ZISMWU offices;
- Whether the victim's right to personal liberty was violated by the Respondents;
- Whether the victim's freedom of movement and residence was violated;
- Whether there was maladministration in the manner in which the police conducted their public duties.

### **ANALYSIS OF ISSUES**

9. **Whether the complainant's right to personal liberty was violated by agents of 1<sup>st</sup> and 2<sup>nd</sup> Respondents?**

9.1 The right to personal liberty is protected under section 49 of the Constitution. In terms of that provision, every person has the right to personal liberty which includes the right not to be deprived of their liberty arbitrarily or without just cause. Section 50 further provides for the rights of arrested and detained persons. It states, in section 50 (2) that:

*“Any person who is arrested or detained:*

*(a) for the purposes of bringing him or her before a court; or*

*(b) for an alleged offence;*

*and who is not released must be brought before a court as soon as possible and in any event not later than forty eight hours after the arrest took place or the detention began as the case may be, whether or not the period ends on a Saturday, Sunday or public holiday.”*

9.2 The abovementioned provision clearly sets out the procedural requirements to be complied with by authorities that detain persons. The procedural requirements, such as bringing any arrested detained persons before the courts of law **not later than 48 hours** after the arrest or detention took place ensure that persons under arrest or detention are not subjected to arbitrary treatment thus violating their rights.

9.3 The right to security of the person is also guaranteed by section 52(a) of the Constitution and **Article 3** of the **Universal Declaration of Human Rights** which states that *"Everyone has the right to life, liberty and security of person."* The **International Covenant on Civil and Political Rights** also recognizes the right to security of person in **Article 9** which provides that:

*"Everyone has the right to liberty and security of person. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."*

9.4 **Article 6 of the African Charter on Human and Peoples Rights** also provides for the right to personal liberty and states that:

*'Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.'*

9.5 In a complaint based on the violation of the right to personal liberty, it is therefore necessary to consider and answer the following questions of fact and law:

- i) Whether complainant was actually detained?
- ii) Whether the detention or arrest was permissible under section 50 of the Constitution?

#### **9.5.1 Whether complainant was unlawfully detained?**

9.5.1.1 Section 49(1)(b) of the Constitution provides that:

*'Every person has the right to personal liberty, which includes:*

*(b) the right not to be deprived of their liberty arbitrarily or without just cause.'*

9.5.1.2 The meaning therefore is that the right is inherent and must not be arbitrarily interfered with without just cause. It therefore follows that he who arrests or detains, that is, the one who interferes with this right has the duty to justify the infringement. Put differently, the deprivation of personal liberty by an arrest or detention

is *prima facie* unlawful. Consequently, the person arresting and detaining another must establish that his actions are authorized by law. In *Minister of Law and Order & Ors v Hurley & Anor* 1986 (3) SA 568 (A), the court stated as follows:

*“An arrest constitutes an interference with the liberty of the individual concerned, and it therefore seems to be fair and just to require that the person who arrested or caused the arrest of another person should bear the onus of proving that his action was justified in law.”*

9.5.1.3 In this complaint, Inspector Dhowa did not offer any justification for the detention of the complainant in a place that is not legally recognized as a detention place. It is not in dispute that complainant was detained for 3 days. What is in dispute is the reason for the detention. Complainant stated that he was at 4<sup>th</sup> Respondent’s home for 3 days where he was kept as a prisoner. However, the 3<sup>rd</sup> and 4<sup>th</sup> Respondents indicate that they kept complainant at 4<sup>th</sup> Respondent’s home for safety reasons. This however does not justify the detention as the 3<sup>rd</sup> and 4<sup>th</sup> Respondents knew that complainant was wanted by the police on arson charges. The only reasonable thing that they ought to have done was to hand the complainant over to the police. The ZHRC therefore finds that the detention was unlawful and on that basis, complainant’s right to personal liberty was violated.

10. ***Whether complainant was subjected to torture, cruel, inhuman or degrading treatment?***

10.1 **Section 53** of the Constitution provides that no person may be subjected to physical or psychological torture or to cruel, inhuman and degrading

treatment. In the case of *Mukoko v Attorney General SC 11/12*, the court discussed freedom from torture and stated as follows:

*The prohibition protects the dignity and physical integrity of every person regardless of his or her conduct. No exceptional circumstance such as the seriousness of the crime the person is suspected of having committed, or the danger he or she is believed to pose to national security can justify infliction of torture, or inhuman or degrading treatment. There cannot be a value in our society over which there is so clear a consensus as the prohibition of torture inhuman and degrading treatment of a person in the custody of a public official. That such a treatment should never form part of the techniques of investigation of crimes employed by law enforcement agents, is a restatement of the principle that the law which it is their duty to enforce, requires that only fair and humane treatment ought to be applied to a person under criminal investigation” (Emphasis added)*

- 10.2 Freedom from torture is also provided for in international law. **Article 1 of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** defines torture as:

*“....any act by which **severe pain or suffering**, whether physical or mental, is **intentionally inflicted** on a person for **such purposes as obtaining from him or a third person information or a confession**, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or **at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity**. It does not*

*include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”*

**10.3 Article 5 of the Universal Declaration on Human Rights** bans torture by providing that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. The **International Covenant on Civil and Political Rights** in **Article 7** provides:

*‘No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.’*

**10.4 Article 5 of the African Charter on Human and Peoples’ Rights** states that:

*‘Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.’*

**10.5** From the definition of torture, any person alleging torture must prove the following elements in order to succeed:

- i) That s/he suffered severe pain or suffering, whether physical or mental;
- ii) That the pain was intentionally inflicted by or at the instigation of or with the consent of a public official or any other person acting in an official capacity;
- iii) The act or omission must be inflicted for any of the following reasons: obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or



coercing him or a third person, or for any reason based on discrimination of any kind.

10.6 From the investigations, the ZHRC was not provided with medical documentary evidence or any corroborative evidence to support the claim of torture. This was because the victim did not seek medical attention due to fear and the fact that there were no independent witnesses to the torture. However, the ZHRC found the victim's version of facts to be credible and what happened to the second complainant fits into the definition of torture. He was hand and foot cuffed and had a piece of wood shoved down his anus during detention with the intention of forcing him to incriminate his brother, the 1st Complainant. The victim was also forced to drink some pills which caused him to fall into a deep slumber. He was denied food, assaulted and kept naked. All these acts, including the act of firing a gun several times close to complainant's ears must have caused complainant severe physical and mental suffering. The persons who subjected complainant to torture were public officials, being members of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents. On this ground, complainant's right to be free from torture, cruel, inhuman and degrading treatment was violated.

11. ***Whether the victim's freedom of movement and residence was violated?***

11.1 **Section 66 (2)** of the Constitution provides:

*“(2) Every Zimbabwean citizen and everyone else who is legally in Zimbabwe has the right to—(a) **move freely within Zimbabwe**; (b) reside in any part of Zimbabwe....”*

(emphasis added)

11.2 **Article 13 (1)** of the **Universal Declaration of Human Rights** states that "everyone has the right to freedom of movement and residence within the borders of each State". **Article 12 (1)** of the **International Covenant on Civil and Political Rights** provides for the right to liberty

of movement and freedom to choose one's residence for those 'lawfully' within the territory of a State. Further, **Article 12** of the **African Charter on Human and People's Rights** guarantees that every individual shall have the right to freedom of movement within the borders of their own state so long as they abide by the state's laws.

11.3 The aforementioned provisions clearly show that every human being has the right to freedom of movement. In the present case, the complainant is in hiding and is scared to go back to his home. This is in direct violation of his constitutional right to move freely within Zimbabwe and to reside in his chosen home area.

12. ***Whether there was maladministration in the manner in which the police conducted their public duties?***

12.1 Section 68 (1) of the Constitution provides that:

*“Every person has the right to administrative conduct that is lawful, prompt, efficient, proportionate, impartial and both substantively and procedurally fair.”*

12.2 In the present case, the police failed to provide the victim conduct that is impartial, lawful, efficient, substantively and procedurally fair. The police's failure to attend to the victim and their act of referring him from one officer to another amounts to conduct that is inefficient. Further, the police's statement that the victim's matter could not be handled (by the ZRP) because it was 'sensitive' and their failure to lodge the victim's brother's complaint is a violation of the aforesaid provision. In addition, Dhowa's conduct of keeping the victim without informing the investigating officer also was in violation of section 68. Gono's conduct of 'providing logistical assistance' on a police matter, whether in his personal or official capacity, and Dhowa's acceptance of such 'assistance' amounts to unprocedural and improper conduct on his part and Dhowa's part.

## **RECOMMENDATIONS**

In light of the above findings, the ZHRC makes the following recommendations:

### **ZIMBABWE REPUBLIC POLICE**

1. The **ZRP** should investigate the issue of torture as alleged by complainant, as well as the case of arson against the complainant and bring the perpetrators to book;
2. The **ZRP** should investigate Inspector Dhowa's conduct and take disciplinary measures against him for not following standard procedures in executing his duties and for detaining the victim in a place not legally designated for detention purposes;
3. The **ZRP** should guarantee and ensure the victim's security upon return to his home in Chiredzi.

### **ZIMBABWE NATIONAL ARMY**

4. The **ZNA** should investigate and take disciplinary measures against Captain Gono for the following:
  - i) Usurping the work of the police; and
  - ii) Illegally detaining the victim in an illegal place (his private residence) which is not designated for detention.

### **SUPERINTENDENT CHAZIRENI**

5. That he be required to formally explain his contemptuous attitude and failure to appear before the ZHRC.