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THIRD SESSION – SEVENTH PARLIAMENT

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**FIRST REPORT**

**OF THE PORTFOLIO COMMITTEE ON JUSTICE LEGAL AFFAIRS,  
CONSTITUTIONAL AND PARLIAMENTARY AFFAIRS**

**ON THE**

**STATE OF THE PRISON SYSTEM IN ZIMBABWE**

THIRD SESSION OF THE SEVENTH PARLIAMENT

PRESENTED TO PARLIAMENT IN MARCH 2011

(S.C.3.2011)

**ORDERED IN TERMS OF STANDING ORDER No. 159:**

At the commencement of every session, there shall be as many Committees to be designated

according to government portfolios as the Standing Rules and Orders Committee may deem fit.

It shall be the function of such Committees to examine expenditure administration and policy of government departments and other matters falling under their jurisdictions as Parliament may, by resolution determine.

The members of such Committees shall be appointed by the Standing Rules and Orders Committee, from one or both Houses of Parliament, and such appointments shall take into account the expressed interests or expertise of the Members and Senators and the political and gender composition of Parliament.

Each select Committee shall be known by the portfolio determined for it by the Standing Rules and Orders Committee.

### **TERMS OF REFERENCE OF THEMATIC COMMITTEES S.O 160**

Subject to these Standing Orders a Thematic Committee shall:

- i. Consider and deal with all Bills and Statutory Instruments or other matters which are referred to it by or under a resolution of the House or by the Speaker of the House;
- ii. Consider or deal with an appropriation or money bill or any aspect of an appropriation or money bill referred to it by these Standing Orders or by or under resolution of this House;
- iii. Monitor, investigate, inquire into and make recommendations relating to any aspect of the legislative programme, budget, rationalization, policy formulation or any other matter it may consider relevant of the government department falling within the category of affairs assigned to it, and may for that purpose consult and liaise with such a department;
- iv. Consider or deal with all international treaties, conventions and agreements relevant to it, which are from time to time negotiated, entered into or agreed upon.

(i)

On Tuesday, 13 July 2010, the Speaker announced that the Committee on Standing Rules and Orders nominated the following members to serve on the Portfolio Committee on Justice Legal Affairs, Constitutional and Parliamentary Affairs.

Hon. Gonese I.T

Hon. Kapesa R.

Hon Mangami D.

Hon. Mangwana P.

Hon. Matiza J.

Hon. Mnkandhla T.

Hon. Muchauraya

Hon. Mushonga S.

Hon. Mwonzora D.

Hon. Parirenyatwa D.

Hon. Shoko M.

Hon. Tshuma B

**Hon Mwonzora D. Chairperson**

## **1. Introduction**

- 1.1 As part of its oversight role, this Committee conducted a fact finding visit to prisons with the view of assessing the working conditions for Zimbabwe Prison Services

officials, the welfare of prisoners as well as the condition of prisons.

## **2. Methodology**

**2.1** The Committee visited Harare Central and Remand Prisons. It received oral and written evidence from prison officials and prisoners. The Committee also toured the cells, kitchens, clinic and storerooms. On the basis of its findings, the Committee hereby presents its Report in this August House. .

## **3. Committee's Findings**

**3.1.1** The Committee gathered that Harare Central Prison is a grade 3 prison with a maximum wing which accommodates prisoners sentenced to death.

**3.1.2** The prison has a holding capacity of 1 470 prisoners and at the time of the Committee's visit the prison had 1 168 inmates . The population can be broken down as follows;

B Class 397

C Class 722

D Class 1

Prisons 48

**3.1.3** The prison is facing a lot of challenges in terms of uniforms for staff and inmates, staff accommodation, transport and prisoners food.

**3.2.1** The Committee gathered that the statutory requirements for prisoners' uniforms is at least two pairs per person. However, there are massive shortages of uniforms due to inadequate funding such that prisoners have one pair of uniform each which was donated by

the International Committee of the Red Cross.

**3.2.2** The prison officers should be properly dressed in uniforms but currently they are operating in mixed dressing. This Committee was informed that Prison Officers have gone for more than five years without being issued new uniforms.

**3.2.3** The required uniforms for officers include footwear, badges of ranks, color badges and headgear which are all imported from South Africa and Botswana. However, some uniforms can be made from textile material for the inmates and prison officers at a low cost in the prison workshop, hence adequate funds are required.

**3.2.4** The Committee noted that due to inadequate funding, prisoners, who should have at least 3 blankets, are forced to use tattered lice infested blankets.

### **3.3 State of Cells**

**3.3.1** The Committee toured the prisons complexes and noted that the state of cells was appalling.

**3.3.2** The Committee was disturbed to note that in both prisons there were no toilets in most of the cells such that prisoners resorted to buckets. In cells which had toilets, they were not secluded, therefore, denying prisoners privacy. The previous Committee in its reports had recommended that toilets be secluded. To date, this had not been done.

To make matters worse the flushing system in most of the toilets was not functioning and this exposes prisoners to diseases out break. In the juvenile cell, the toilet's sewage system was blocked but it was still being used.

**3.3.4** The Committee was informed that the funds allocated for water and electricity were inadequate and this may result in power and water being cut off. The Committee is of the view that electricity and water are very critical to institutions such as prisons. Lack of adequate water for cleaning, cooking and bathing exposes inmates to disease outbreaks such as cholera, dysentery and diarrhea. It is, therefore, submitted that the Ministry of Finance should allocate adequate resources for such line items for the smooth running of the prisons.

### **3.4 Prisoners and Staff Rations**

**3.4.1** The committee noted with concern that there were serious shortages of food stuffs such as sugar, mealie-meal, cooking oil and meat at the prison. Inmates go for months without some of the basic commodities. The Committee was informed that due to scanty allocations, it was very difficult to maintain and sustain the basic human standards or meeting the statutory obligations resulting in prisoners suffering from diseases such as pellagra, a skin disease caused by malnutrition.

**3.4.2** The Committee was further informed that the Zimbabwe Prison Service was facing serious problems on prisoner's rations because of budgetary constraints. Prisoners are fed with sugarless porridge in the morning, sadza and beans for lunch and supper. The beans and mealie meal that are currently available were donated by the International Committee of the Red Cross (ICRC).

**3.4.3** Prisoners complained that the quantities and quality of food they were given leaves a lot to be desired. One foreign inmate showed the Committee his food portion which was not well prepared. They requested that Government increase the stipulated scale and make

provisions to provide proper diet prisoner with special needs especially those suffering from ulcers.

### **3.5 Health**

**3.5.1** There were sick prisoners at the prison, suffering from HIV and AIDS related diseases. The prison doctor informed the Committee that erratic supply of drugs was a problem as most of the essential drugs were not available.

**3.5.2** Prisoners raised concern that they were not referred to specialists when they are sick and that they were not getting enough medical attention. One prisoner admitted at the prison clinic needed an X-Ray urgently but could not get the X-Ray done because the prison did not have an ambulance to ferry him to Parirenyatwa hospital. In a related case, the Committee was informed that one inmate could not get an X-ray done because the Zimbabwe Prison Services did not have money to pay for the X-ray.

### **3.6 Prison Kitchens**

**3.6.1** The Committee toured the prisons kitchen, where it was noted that of the ten steam pots, only two were operational. The steam pots use coal and this Committee was informed that the supply of coal was erratic. In view of the above, the Committee felt that there was need for the installation of two electric pots to assist when the boiler was not functioning. The Committee noted that the prison was in need of more food containers, plates and cups for prisoners since prisoners were resorting to use of lunch boxes.

**3.6.2** Food was prepared long before it was served because of erratic power supplies. As a result prisoners were eating cold food which was not healthy. The Committee was informed that the amount of coal used to heat twenty pots was equivalent to coal used to heat two pots. This is not sustainable thus for economic reasons, there is need to urgently replace the steam pots.

**3.6.3** The Committee was informed that the prisons have resorted to using firewood and coal for cooking due to erratic power supply. The Committee noted that firewood was scarce and the supply of coal was erratic.

### **3.7 Farming Activities**

**3.7.1** The Committee noted with concern that prison farms were still under-utilized. Officials cited lack of adequate funding as the major hindrance to the farming activities.

### **3.8 Transport and Fuel Shortages**

**3.8.1** The Committee was informed that lack of transport was hindrance to justice delivery because sometimes prisoners were taken to court very late and at times the prison officers fail to take prisoners to court because of shortage of vehicles. The situation has been exacerbated by the shortage of fuel.

**3.8.2** At the time of the Committee's visit, Harare Remand Prison had one vehicle which was failing to service all the courts.



**3.8.3** The Committee gathered that Harare Central Prison required:

- (a) 4 buses to service all periodical and local courts
- (b) 2 Lorries to ferry mealie-meal and firewood
- (c) 4 small vehicles for administration duties, escorts, hospital duties and standby.

**3.8.4** The shortage of transport and fuel in the majority of cases result in the late arrival of prisoners or failure to service the courts. This results in the overcrowding of the prison population.

### **3.9 Accommodation**

**3.9.1** The staff establishment is not proportional to the staff accommodation in place. The majority of prison officers are resorting to lodging in the high density suburbs and servant quarters in low density areas. This compromises security especially in dealing with emergencies where officers have to be summoned or mobilized.

**3.9.2** In some circumstances the landlords are inmates in prison custody and the prison officers are at the mercy of such landlord's thereby complaining professional efficiency.

**3.9.3** Staff accommodation is not sufficient as mentioned above and therefore three or four families are sharing a five roomed house.

### **3.10 Consumables**

**3.10.1** The Committee gathered that shortage of consumables for prisoners such as bulbs, soap and

toiletries which are of paramount importance in maintaining hygiene for inmate is a problem that needs urgent attention.

**3.10.2** The Committee was highly disturbed to hear from prison officials and prisoners themselves that prisoners had gone for weeks bathing without soap and that prisoners blankets were not washed for months. The Committee was informed that the budget for soap, detergents, and toilet paper was grossly inadequate.

**3.10.3** Prisoners were given a single roll of tissue paper per individual every two weeks and prisoners were complaining that was grossly inadequate. Prisoners are currently going for weeks without toilet paper to the extent that prisoners were tearing blankets and pages from bibles to use as toilet paper.

**3.10.4** The allocations for soap and other detergents was said to be far below the required allocations by prisons. To worsen the situation, the Zimbabwe Prison Services had not been receiving monthly releases for consumables in time.

### **3.11 Repair and Maintenance**

3.11.1 The prison fence is torn and buildings are old and have cracks around. Most of the water pipes, toilets, flushing system and cell grill gates as well as window panes need replacement. The prison paint is worn out thus a new coat of paint is needed to maintain the building.

### **3.12 Young Offenders**

**3.12.1** This Committee was shocked to discover that most of the young offenders were rape convicts. This is worrisome as young people as young as 17 years are already serving sentences for rape. . To note is the fact that the majority of the young rapists came from Bindura in Mashonaland Central.

### **3.13 Long period on remand**

**3.13.1** The Committee was disturbed to hear that some prisoners stay as long as eight years on remand without trial. The Committee was concerned that these people are not convicted and that some may be found not guilty after all these years on remand. The Committee was informed that those prisoners with cases referred to High Court by magistrates are the ones who were staying long on remand. Such prisoners are those alleged to have committed crimes such as armed robbery, rape and murder. Many prisoners complained that their applications for bail were not being considered. It was disturbing to hear that some prisoners were granted bail which was not affordable but were still in prison because they had no way of informing relatives.

**3.13.2** Prison officials complained that courts were taking too long to finalize matters and this has a negative impact on their operations. In some instances such prisoners have stayed in prison for more than five years without trial. In some instances such prisoners told the Committee that their cases were being delayed because of missing documents. In some cases dockets were said to be either missing or document missing from the dockets.

**3.13.3** Prisoners also complained that the sentences they are given are too harsh and have no hope of coming out of this prison. They appealed to judicial authorities to pass lighter sentences that allow somebody to come to prison to reform and go back to society to have a normal life.

**3.13.4** At the time of the Committee's visit there were foreign nationals at Harare Remand Prison. Most of them were said to be in prison because they had no proper documentation. The majority of them claimed that they had lost their passport and when they reported their cases to the police they were arrested and were brought to Remand Prison. The Committee was informed that some of the foreign prisoners had paid deposit fines months before the Committee's visit but were still on remand because the Immigration Department had no

money to deport them to their respective countries.

### **3.14 Prisoners**

**3.14.1** Prisoners sentenced to death were being held in prison for a long time in solitary confinement, they are allowed only an hour , a day to exercise and are locked for 23 hours. This has been the case for all the condemned people even those waiting appeals.

**3.14.2** The Committee gathered that one prisoner has been on death row 13 years.

## **4. Recommendations**

**4.1** The Committee notes that problems relating to prisoners' rations, toiletries, water cuts, transport, accommodation as well as farming problems are emanating from budgetary constraints faced by Zimbabwe Prison Service. The Committee therefore, recommends that more funds be allocated for such critical requirements.

**4.2** The Ministry should avail adequate resources for the supply of utilities such as electricity and water to ensure that the persons have continuous supply of electricity and water.

**4.3** Trials should be speed-ed up and prisoners should be granted affordable bail so that courts do not end up remanding undeserving prisoners in custody. This will reduce prison population to manageable levels.

**4.4** The Committee recommends that money paid to prisoners as gratuity upon release be reviewed upwards to enable them to have something to use when they are back in society.

**4.5** More resources must be made available for the construction of staff accommodation so that officers live within the complex and readily available in case of emergency.

**4.6** Farm prisons should increase their productivity and be self sufficient in food supplies. The Committee recommends that crop farming in prison farms should not be rain-fed only but that all irrigation schemes at Prison farms be resuscitated to enable all year round farming. More importantly adequate resources should be available for farming activities.

**4.7** Prisoners should only be on death row after their appeals have been heard and dismissed and that those on death row have their sentence executed time-ously.

**4.8** More open prisons be established.

**4.9** It is vital that more boreholes be drilled at prisons premises.

**4.10** This Committee is appealing to this August House that there be an establishment of youth social centers to occupy the youth and keep them from mischief