

## **Court Strike Leaves Detainees Stranded**

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Industrial action by judges and prosecutors highlights fundamental problems with the law in Zimbabwe. The month-long pay strike by magistrates and prosecutors has added another dimension to the breakdown of the rule of law in Zimbabwe.

Legal experts are raising concerns that the constitutional rights of suspects are being violated as the strike means they continue to be held pending trial in the country's congested jails.

Critics of the Zimbabwe government have accused President Robert Mugabe of disregarding the rule of law ever since the controversial seizure of white farmland began in 2000.

Local and international observers claimed that rule of law simply does not exist in Zimbabwe. The authorities have dismissed such remarks as politically loaded, saying they came from opponents of land reform.

Independent judges were hounded off the bench when they refused to endorse the takeovers, while veterans of the 1970s liberation war and other government supporters ran roughshod over the rights of both white farmers and other Zimbabweans who supported opposition parties.

The outcry reached a crescendo when abductions and killings went unpunished by the courts. Yet the Zimbabwean authorities insisted the rule of law was still in force.

Prosecutors and magistrates have now been on strike since the end of October, bringing the wheels of justice to a complete standstill.

Zimbabwe is one of many African countries with poor regard for detainees' rights, and the strike has only compounded their plight, lawyers say.

Holding cells are becoming increasingly congested as police continue to arrest suspects, while there are no courts to try them.

Meanwhile, the government says it will only review the magistrates' demands for higher wages next year.

"There are constitutional violations here," a Bulawayo lawyer, who did not want to be named, told IWPR.

"While the police can extend the time they hold a suspect within the provisions of the law, the strike has meant suspects and inmates on remand are held for longer times than provided for by the constitution. This means government may be sued for these violations."

But the lawyer said it would be a daunting task to pursue such cases, as litigation brought against the government has tended to exist only in theory, with the authorities dismissing such attempts out of hand.

To compound the freefall of the justice system, law officers are leaving the country in droves because of the low pay.

The strike has also made the situation much worse for political prisoners, with the opposition Movement for Democratic Change, MDC, complaining that members arrested on dubious charges are languishing in holding cells as they cannot be brought before the courts.

“We have a system here that has no regard for people’s rights,” a Bulawayo official from the main faction of the MDC told IWPR.

Zimbabwe’s law society has criticised the government for failing to avert the strike, but officials say the justice ministry has exhausted its budgetary funding and can only address the matter in January, after the 2008 budget has been announced.

In past years, ministries have received supplementary allocations after overspending because the country’s voracious inflation erodes the value of the local currency.

While the Zimbabwean authorities have always insisted they uphold the rule of law, many of those held without trial do not share that confidence.

“The government must deal with the strike with urgency, as our work is also being hurt by the industrial action,” the Bulawayo lawyer, reflecting a mounting sense of frustration across the country’s legal fraternity.

Yamikani Mwando is the pseudonym of an IWPR journalist in Zimbabwe.

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