

CURTAILING POLICE DISCRETIONARY POWERS: THE CIVIL REMEDY TO POLICE ABUSE OF POWERS IN ZIMBABWE

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Abstract

The wide discretionary powers that the police wield need to be put in constant check to prevent arbitrariness. As the gate keepers of criminal justice, any unpalatable behaviour on the part of the police will taint the whole criminal justice process. Whilst there are different mechanisms to hold the police to account, the court, being an important player in the criminal justice process is situated in a better place to review the propriety of police actions. This paper, which is largely based on archival research of decided cases on police abuse of power, explores the extent of police abuse of power and how the incidents have been dealt with by the courts in Zimbabwe. The paper shows that civil action has been instituted against the police for wrongful police actions such as: unlawful arrest and detention; indiscriminate use of force; assault, torture and inhuman treatment; and malicious criminal prosecution. The court has offered relief to victims of police abuse through awarding monetary damages for pain and suffering, loss of income, and contumelia. Through its review power over police actions, the court has provided relief such as ordering the release of unlawfully detained persons. Lastly, the court has also passed important judgements against statutory provisions which stifle police accountability.

Biography:

Ishmael Mugari qualifications are DTech in Policing (TUT, RSA) 2017, MTech in Policing (TUT, RSA) 2014, Bsc in Police and Security Studies (BUSE) 2009. His Courses taught are Criminology, Commercial Crime, Criminal Intelligence Analysis, National Security Analysis and Contemporary Policing

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