

An understanding of lived experience and constructs of prolonged remand prisoners in Zimbabwe

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ABSTRACT

The study explored the lived experiences and constructs of inmates placed on prolonged pre-trial detention in Zimbabwe. It highlighted that issues of delayed justice are rampant in Zimbabwe, leading to most accused people being placed on extended pre-trial detention in Zimbabwean jails. In conducting the study, the researchers used a qualitative research design anchored in interpretive phenomenological analysis as a means of understanding the lived experiences and constructs of prolonged remand prisoners. A sample size of 13 research participants was purposively sampled. Data from the research field were analyzed thematically. The study was based on a legal framework that highlighted various international protocols, regional, and national laws addressing the rights of the accused. Findings from the study revealed that inmates experienced stress, depression, and felt cut off from their families. To address these issues, the research emphasized the need to provide pro bono services to inmates who cannot afford legal representation. The study concludes that pre-trial detention should be minimized by increasing the number of trial judges. Furthermore, there is a need for the justice system to enhance justice delivery by providing counseling to reduce stress and depression among pre-trial detainees, and to increase the availability of pro bono legal assistance for those unable to afford legal representation.

Keywords: Justice, Prisoners, Prolonged Remand, Rights, Zimbabwe

1. INTRODUCTION

Globally, statistics highlight that more than 3 million people are remanded in pretrial detention each year (Walmsley, 2016; Schointech, 2014; Schointech, 2018). This indicates that the courts are failing to provide justice to the accused within a reasonable time, as alluded to by Pelvin (2017), Ayuba (2019), and Amnesty International (2018). A closer look at Zimbabwe reveals that the courts are also failing to deliver justice within a reasonable period, as highlighted by Juwaki (2012), Mutiwekuziva (2020), and Transparency International (2020). As the courts fail to provide timely justice, in most cases this results in accused persons being forced to stay in remand for prolonged periods, as noted by Wallace et al. (2020), Penal Reform International (2021), Amnesty International (2018), and Chinhamo and Ngwenya (2023). Therefore, due to these instances of prolonged pretrial detention caused by the courts' failure to fulfill their mandate of ensuring justice within a reasonable timeframe, the authors of this study seek to understand the lived experiences and constructs of prolonged pretrial detainees.

In relation to issues of prolonged pretrial detention, there are no known studies that explore this phenomenon in depth. A study by Chinhamo and Ngwenya (2023) highlights that when the state fails to ensure justice delivery for the accused, it violates its own legal and constitutional mandate. While another study by Davira and Matunhu et al. (2025b) focused on factors responsible for delayed justice in Zimbabwe, it cited various reasons such as poor resource allocation for the police force, judiciary, and prison institutions. However, this cited study was silent on the lived experiences of prolonged pretrial detainees and only examined factors leading to delayed justice, which ultimately results in the accused's extended stay in pretrial detention.

This study aims to fill these gaps by gaining an understanding of the lived experiences and constructs of prolonged pretrial detainees in Zimbabwe. It will highlight the psychological implications of prolonged pretrial detention on the accused as well as their perceptions regarding delayed justice in Zimbabwe. The research will also

propose possible strategies to address inmates' concerns related to delayed justice, with the aim of enhancing efficiency and effectiveness within the Zimbabwean justice and legal framework.

1.1 Statement of the Problem

Zimbabwe, as a country, has ratified international statutes and laws such as the International Covenant on Civil and Political Rights, especially Article 14(3)(c), and Article 7(d) of the African Charter. These provisions emphasize that the duty of the courts is to ensure that justice is delivered in a timely manner. Furthermore, Zimbabwe has incorporated constitutional clauses, particularly Articles 69(1) and (2), which call for justice to be delivered promptly. Despite ratifying these international and regional protocols, as well as enshrining such provisions in its constitution, cases of delayed justice in Zimbabwe are on the rise, as attested by Juwaki (2012), Transparency International (2020), and Mutiwekuziva (2020). The courts' failure to dispense justice promptly leads to constant postponements of cases and the subsequent prolonged remand of the accused (Chinhamo & Ngwenya, 2023). Thus, this study aims to capture the lived experiences of inmates who are subjected to prolonged periods of pre-trial detention.

Studies conducted by Davira and Matunhu et al. (2025a) focus on understanding the impact of delayed justice on the victim's household, highlighting that the prolonged pre-trial detention of a family member affects the psychological well-being of the household. A study by Chinhamo and Ngwenya (2023) indicated that delayed justice constitutes a violation of Zimbabwe's own legal statutes, as it results in denial of justice and prolonged pre-trial detention. The aforementioned studies, however, are silent on the lived experiences and constructs of prolonged pre-trial detainees. There is a dearth of literature on the lived experiences and constructs of prolonged remand prisoners in Zimbabwe—hence, this study.

1.2. Research Objectives

This research shall be guided by the following objectives

- i. To explore the lived psychological impact of delayed justice on prolonged pre-trial detainees in Zimbabwe
- ii. To explore inmate's perceptions on delayed justice and their prolonged stay in remand prison.
- iii. To recommend strategies to address inmate's concern in relation to delayed Justice

II. LITERATURE REVIEW

2.1 Theoretical Review

In unpacking this study, the authors used the human rights-based approach. The authors employ the human rights-based approach to underscore the importance of timely justice provision for those accused of pre-trial detention. According to Juwaki (2012), the human rights-based approach has five critical pillars: universality and inalienability, interdependence and interrelatedness, equality and non-discrimination, accountability and the rule of law, and empowerment and participation. The justice sector should therefore ensure that actors involved in justice provision—such as police officers, the Judicial Service Commission, and other stakeholders—respect and adhere to these principles.

Universality and Inalienability: International statutes such as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights state that all people have the right to enjoy and access human rights and dignity. Through these clauses, the courts and every arm of government should recognize that every person accused has the right to be treated with dignity, and that delays in the provision of justice can affect and dehumanize a person. Therefore, courts and other actors should ensure that human dignity is not violated or compromised (Juwaki, 2012; ENHRI, 2023).

Interdependence of Rights: Rights are interdependent; the lack of respect for one aspect of human rights affects the realization of others. For example, the right to a trial within a reasonable time may impact the right to education or the victim's household survival. According to Martin (2017), the placement of a person in detention can affect children's education or the victim's household's livelihood, as also noted by Schointech (2014). Hence, duty bearers and justice actors should consider how delays in justice delivery impact victims' households. This awareness will enable them to perform their duties without compromising any segment of society.

Equality and Non-Discrimination: Members of the judiciary should uphold equality and ensure non-discrimination by guaranteeing a fair trial. Juwaki (2012) asserts that Zimbabwe's judicial system should prevent discrimination against individuals seeking justice, regardless of political affiliation, religion, race, or creed. Through the human rights-based approach, researchers aim to understand whether delays in justice are caused by inequalities and discrimination. Understanding this can help in proposing solutions to address these issues.

Accountability and the Rule of Law: Duty bearers in the justice system must uphold accountability and the rule of law. According to the Judicial Training Institute (2021), magistrates, judges, and other legal professionals

should be accountable for their caseloads, including where they fail and the causes of such failures. The police and the National Prosecuting Authority should also be accountable. When the justice system is transparent and accountable, it can identify loopholes affecting effective justice delivery and take corrective measures. The human rights-based approach will therefore explore whether the judicial system has been sufficiently accountable in ensuring effective and efficient justice.

Empowerment: The principle of empowerment emphasizes educating people about their rights. According to ENHRI (2022), for individuals to effectively claim their rights, they need to understand what those rights are and where to direct their grievances. Under the human rights-based approach, duty bearers and all relevant actors should empower individuals with knowledge of their rights. This was also highlighted by Human Right 2 Water (2021). One reason for prolonged pre-trial detention might be that detainees are unaware of their right to be tried within a reasonable time. This approach will be used to assess how well victims of prolonged pre-trial detention understand their rights and what measures the justice sector has implemented to empower people with this knowledge.

2.2 Empirical Review

Cases of prolonged pre-trial detention are on the rise globally (Heard & Fair, 2019). Walmsley (2016) states that about 3 million people incarcerated worldwide are under pre-trial detention. Heard and Fair (2019) suggest that prolonged pre-trial detention is caused by factors such as inadequate infrastructure, including court buildings, and a shortage of personnel such as magistrates, prosecutors, and judges. This study goes beyond what was studied by Head and Fair (2019), as it not only seeks to understand the reasons for prolonged pre-trial detention but also aims to collect the lived experiences and constructs of remand prisoners.

The study by Aziz and Razak et al. (2023) highlights that the imprisonment of a male spouse has negative implications for marriages within the Malaysian community. This is because the imprisonment of the husband affects the romantic relationship between partners, as it reduces the quality time they can spend together. According to Aziz and Razak et al. (2023), imprisonment impacts long-term marital relationships. Furthermore, the authors indicate that female spouses have expressed fear of their husbands' post-imprisonment, believing that imprisonment can transform them into different persons. Consequently, trust in the husband diminishes, and wives become fearful. This study emphasizes the impact and pitfalls incarceration has on marriage in the Malaysian community, unlike this study, which focuses on understanding the implications of prolonged remand incarceration on pre-trial detainees. Additionally, it seeks to understand their experiences and perceptions of prolonged detention with no hope of their cases being tried within a reasonable timeframe. This study is not limited to married prisoners but aims to explore the experiences and constructs of both married and unmarried prolonged remand prisoners.

According to the Pew Charitable Trusts (2023), the American justice system is characterized by racial disparities. The report highlights that Black people are more likely to spend time in jail compared to their white counterparts. It also notes that Black individuals are more likely to be denied bail and to receive harsher, longer sentences than white individuals.

The study by Castro (2019) explores the impact of pre-trial detention in Latin American countries. Castro's findings indicate that women's incarceration has increased due to a rise in drug-related offenses, with notable increases in prolonged detention rates—78% in Paraguay, 70% in Bolivia, and 70% in Uruguay. Castro also notes that many women subjected to prolonged pre-trial detention suffer from psychological breakdowns, a point supported by Penal Reform International (2015) as well as Leclerc and Euvrard (2016). While much of this literature emphasizes the impact of prolonged pre-trial detention on women, this study focuses on its implications for male prisoners, given that the four prisons involved house only male inmates. Furthermore, this research highlights the limited knowledge available on this topic in Zimbabwe, making it a necessary contribution.

A Canadian study by Pelvin (2017) examined the experiences and constructs of pre-trial detention in Ontario. Pelvin found that prolonged pre-trial detention caused inmates to feel uncertain about their future, leading to confusion and a sense of being in legal limbo. Pelvin also highlighted that detainees felt their lives were disrupted. Similarly, Mutingh and Redpath (2015), as well as Orjiako et al. (2017), reported that prolonged pre-trial detention contributed to psychological issues such as depression and chronic illness, and some inmates felt abandoned by their families, as visitation declined.

Studies conducted in Zimbabwe often question the constitutionality of prolonged pre-trial detention, as evidenced by research from Juwaki (2012) and the Zimbabwe Human Rights Report (2023). These studies argue that denying individuals a trial within a reasonable time violates constitutional provisions. Unlike these studies, which focus on the constitutional aspects, this research aims to explore the lived experiences of inmates who have been denied justice within a reasonable timeframe, despite the unconstitutional nature of prolonged pre-trial detention.

Another study by Davira and Matunhu et al. (2025a) examines the impact of delayed justice on the households of victims in Zimbabwe. It highlights that delayed justice affects households by causing property loss, poverty, stigmatization, and social labeling. The study also notes that judicial delays can lead to depressive thoughts

among household members. However, this study did not explore the lived experiences and constructs of prolonged remand prisoners, focusing instead on how judicial delays affect their families. Given the gaps in existing literature, it is therefore essential to conduct a study that examines the lived experiences and constructs of prolonged remand prisoners.

2.3 Legal Framework

In conducting the research, the researchers took note of international instruments on justice delivery. The authors explored the following instruments for delivering justice delivery.

The United Nations Universal Declaration of Human Rights

Article 10. *Everyone is entitled to a fair and public hearing by an independent and impartial tribunal in the determination of his rights and obligations and of a criminal charge against him.* This is a body of principles that opposes any form of detention or imprisonment.

Principle 11 (1)

A person shall not be kept in detention without being given an effective opportunity to be Heard promptly by a judicial or other authority. A detained person shall have the right to defend Himself or to be assisted by counsel as prescribed by law.

Principle 11 (3)

A judicial or other authority shall be empowered to review as appropriate the continuance of detention.

Article 9(3): *Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorised by law to exercise judicial authority or power, and they shall be entitled to trial within a reasonable time or to release.*

Article 14(3)(C) states that a person has the right to be tried without undue delay.

Article 11 (1) (a): a person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial officer or authority.

Zimbabwe's National Legislation

Article 68(1): Every person has a right to administrative conduct that is lawful, prompt, efficient, reasonable, proportionate, impartial and both substantively and procedurally fair. This article stipulates that the administration of justice should be prompt, efficient and reasonable, thereby reducing any delay in the administration of justice within the courts.

Article 69(1): Every person accused of an offence has the right to a fair and public hearing within a reasonable time before an independent and impartial court.

In the quest to achieve and deliver justice, there is a need to adhere to international laws and principles on justice delivery as articulated by Juwaki (2012), who attested that people awaiting justice should be provided justice on time in line with the international, regional and national legal instruments outlined above. The same notion was highlighted by Felton (2016), who stated that to ensure that justice is delivered in line with international standards and regional and national benchmarks, the judicial officers should constantly review judgements and procedures to see that no one before the court is prejudiced. The same views were outlined by The Zimbabwe Judges Handbook Manual (2016). Since Zimbabwe is a signatory to these laws, this study outlined how the failure to adhere to these international, regional and national laws shapes the experiences and constructs of prisoners in prolonged pre-trial detention in Zimbabwe.

III. METHODOLOGY

In conducting the study, the researchers employed a qualitative research methodology. According to Strauss and Corbin (1990) and Creswell (2003), qualitative research is defined as findings that are arrived at without the use of statistical procedures, processes, or numerical data. The use of qualitative methods allows for the examination of lived experiences, as outlined by Strauss and Corbin (1990) and Denzin and Lincoln (2011). Another important aspect of qualitative research is that reality is viewed as co-constructed from the perspectives of both the researcher and the participants (Flick, 2014; Van Maanen, 1979). Therefore, in this context, reality is not considered singular or fixed. Furthermore, this research design aims to interpret the meaning of an event or phenomenon, which makes it suitable for this study as it seeks to understand prolonged pre-trial detention and how victims of delayed justice perceive and interpret this experience.

Thus, qualitative research emphasizes understanding human experience within specific settings. This study employs interpretative phenomenological analysis (IPA) or hermeneutical phenomenology. Hermeneutical/interpretive phenomenology is used to explore in detail how individuals make sense of their life experiences, as described by Smith et al. (2009). These experiences may include dealing with the death of a loved one, illness, or other challenging

life situations. In this research, the focus is on understanding how individuals make sense of their feelings and life constructs resulting from enforced prolonged pre-trial detention by the Zimbabwean justice system.

According to Van Maanen (1990), hermeneutic/interpretive phenomenology is primarily concerned with understanding the lived experiences of participants and how they interpret these experiences; this view is also supported by Moutsakas (1994) and Giorgi (1994). It is important that the participants interviewed have experienced similar events to enable their experiences to be captured meaningfully (Polkinghorne, 1989). Therefore, in this study, participants share the common experience of being subjected to prolonged pre-trial detention. The aim was to understand how they interpret and construct meaning from this experience.

Additionally, this research design is well-suited because it is participant-oriented, focusing on understanding the lived experiences of inmates or individuals who have endured the challenges associated with prolonged pre-trial detention. The study sought to provide a detailed account of human lived experience from the perspectives of those who faced and endured prolonged detention within the Zimbabwean justice system.

In conducting the research, 13 participants were purposively selected. Data collected from the field were analyzed thematically. The four prisons used—Khami Remand Prison, Whawha Medium Remand Section, Kwekwe Prison Remand Section, and Harare Remand Prison—only housed male inmates; therefore, no female participants are included in this study.

IV. FINDINGS & DISCUSSION

4.1 Psychological Implications of Delayed Justice on Prolonged Pre-Trial Detainees Stress and Traumatic Experience

Some of the inmates interviewed suffered from stress due to being placed on prolonged pre-trial detention. Inmate Kalis (not his real name) stated that prolonged pre-trial detention led him to experience stress. He said:

"I was always thinking about when this prolonged pre-trial detention would end. I ended up suffering from stress."

Kalis also highlighted that he began to experience health problems as his health deteriorated and his eating habits decreased until one day, the prison medical staff told him he was overthinking, which was now affecting him. The nurse further said, *Ukanyanya kufunga stereki, uchatatwa ne BP* (If you carry on overthinking, be careful—you may end up suffering from blood pressure). Kalis also stated that by the time he was released after spending two years at Whawha Medium Prison, having been found not guilty by the court, he was now suffering from high blood pressure (BP).

Therefore, the placement of prisoners on prolonged remand also led to the contraction of chronic diseases. An inmate named Blue (not his real name) stated that due to prolonged pre-trial detention, he developed BP, and he said:

"Due to prolonged pre-trial detention, I overthought, and the result was BP. I am now a patient of BP for life."

During the research, we contacted Blue's wife to fact-check, and she corroborated that Blue was now suffering from high blood pressure. She explained that this was due to the stress of spending a long time in prison without hope of ever receiving justice. We also cross-checked prison records, and the results were consistent.

Another inmate, Baba Two (not his real name), said:

"Stress ndoirikundikuvadza. Nguva nenguva ndinofunga vana vangu, vakasara nani, varikuitei uye varikudyei." (I am suffering from stress. Most of the time, I think about my children, who is staying with them, what they are doing right now to survive, and what they are eating, since I am the father of the house here in prison, and I see no hope of ever getting out.)

Another inmate, a participant named Lastozh (not his real name), who was on pre-trial detention for six months, stated that during his time in Kwekwe remand prison, he suffered from lack of sleep, with stress being his constant companion. This affected his sleep patterns, to the extent that:

"I suffer from loss of sleep and migraine headaches, and I have accepted it as part of my life. Sometimes I wake up in the middle of the night drenched in sweat, with my heart pounding heavily. Stress has become my daily companion, and this was caused by the prolonged remand I endured. I was not like this before."

These findings are consistent with those of Schointech (2014), the Open Society Foundation (2011), Mutingh and Redpath (2015), Mutingh and Redpath (2018) as well as Vaswani (2019), whose research noted that prolonged pre-trial detention leads to inmates suffering from various diseases, such as chronic illnesses and tuberculosis. It is also important to note that prolonged pre-trial detention, as highlighted by Vaswani (2019), may lead to stressful situations, trauma, and a sense of hopelessness. Due to overcrowding caused by prolonged pre-trial detention, prisons suffer from poor health outcomes, as stated by Amnesty International (2018) and Heard and Fair (2019). These

findings highlight the need for robust measures to reduce judicial delays, as delays have negative health impacts on inmates.

Furthermore, these health issues could have future consequences; if some inmates are released after being found not guilty, it will be costly to care for them, as diseases are difficult and expensive to treat, according to Schointech (2014). Additionally, these illnesses may render inmates less useful to society and their families, as they may be unable to perform their duties as family heads or men of the house, as attested by the Open Society Foundation (2011) and Schointech (2014).

4.1.1 Loss of Hope

During the study, some inmates expressed that prolonged pre-trial detention left them in a state of limbo. They highlighted that due to extended detention, they lost hope. This was articulated by an inmate named Nkululeko, who said:

"As for me, I have lost all hope that I will ever be a free man. Imagine, I have spent three years on remand. When I was first arrested and brought to Kwekwe prison, I had hope that one day I would be tried in time. But as time went on, I was never called to attend court. Time flew from the first month in remand until now—three years have passed. All the hope I once had of becoming a free man has been lost."

The same sentiments were echoed by Bvoricho (not his real name), who said in vernacular (Shona):

"Haaa, sekuru, tariro yekubuda mujeri handisisina. Ndakatanga ndine chvimbo kuti ndichatongwa neguva, asi haa, chvimbo chose chakapera. Ndhwa nekugara muremand."
(Translation: Uncle, I have lost all hope. I initially believed I would be tried within a reasonable time, but now that hope is gone. I have been in remand for a long time.)

The sentiments expressed by these inmates align with findings from Orjiako et al. (2017), Pelvin (2017), Digard and Swavola (2019), and Schointech (2014), who noted that prolonged pre-trial detention often leads inmates to lose hope of ever being released. Therefore, there is a pressing need for the justice system to implement measures that ensure speedy trials so that individuals can be tried within a reasonable timeframe.

This loss of hope may also have serious health implications, potentially leading to diseases or creating a negative ripple effect on the inmates' lives, as they may perceive themselves as abandoned and forgotten. These sentiments about losing hope were also shared by the relatives of inmates interviewed during this study. For instance, Mai V, the mother of V—an inmate who spent 1 year and 6 months on remand—shared:

"During my visits to my child while he was in remand, he had lost all hope and thought he would die in prison. At one point, he said, hazvizikanwi pamwe ndofira muremand (I don't know what will happen; maybe I will die in remand before I am sentenced)."

Mrs. V noted that she had to constantly exercise patience, hoping that her son would eventually be released. When he was finally acquitted and released after spending 1 year and 6 months in remand, he was in disbelief.

These findings underscore the psychological implications of prolonged pre-trial detention, as outlined by Mutingh and Redpath (2018). Therefore, there is an urgent need to ensure swift and efficient justice delivery in Zimbabwe to prevent such psychological distress among inmates.

4.2 Inmate's Perceptions on Prolonged Pretrial Detention

Under this section, we highlight the inmate's perception on prolonged stay in remand prisons. The following are the inmate's perceptions with regard to prolonged pretrial detention.

4.2.1 Abandoned by Family Members

Some of the inmates who participated in the study indicated that, due to prolonged pre-trial detention, they felt as if their families had abandoned or left them. These sentiments were echoed by Bvoricho (not his real name), who stated:

"I have been on remand for four years. My family has not come to visit me. What has made it worse is that I feel abandoned because, as soon as I was arrested, my wife abandoned me. She left my children with my family members. Maybe it's because she also grew tired of waiting for so long for a person who seems not to come back. Now I am alone, with no family visits, no spouse to visit me. Haaa, ndangosara ndava banya."
(Translation: I am a lonely mouse.)

Another inmate, Baba Two (not his real name), also expressed feelings of being let down by family members. He said:

"Handitozivi kuti vekwangu varikundifungirei. Hapana arikuuya. Pada vandiramba."
(Translation: I don't know what my family members are thinking. Maybe they have forgotten me.)

Due to the strain caused by prolonged pre-trial detention, family members may find it difficult to visit their relatives frequently, leading the inmate to feel forgotten. These sentiments mirror the findings of Mutingh and Redpath (2015) and the TIMAP Report (2013), which noted that in countries like Zambia, Mozambique, Kenya, and Ghana, most inmates in prolonged pre-trial detention end up believing that their families have forgotten them.

However, the Ella Baker Center for Human Rights (2015) highlights that this may not always be the case; often, families spend most of their resources trying to raise money for bail. Nonetheless, this phenomenon can lead to inmates on prolonged pre-trial detention developing negative thoughts, even if such feelings are not necessarily accurate.

4.3 Prolonged Pretrial Detention as a Drawback to Life

The inmates interviewed during the research indicated that prolonged pre-trial detention has become a significant detriment to their lives. Many inmates lamented that, due to extended detention, they have lost job opportunities and other prospects that could have benefited their futures. For example, research participant Nyaks (not his real name) said:

"I was employed as a mechanic at a garage in Mutoko. But the prolonged pre-trial detention made me lose my job."

Similarly, Kalis (not his real name) expressed:

"Before I was arrested, I was working as an artisanal miner and had been earmarked for a course on how to operate mining machines. But prolonged pre-trial detention destroyed that. I not only missed the opportunity to learn the trade but also lost my employment."

These examples illustrate that prolonged pre-trial detention negatively impacts various aspects of a person's life. It often results in the loss of jobs, educational opportunities, and career prospects. This is supported by findings from Schointech (2014, 2018), the TIMAP Report (2013), and the International Human Rights Initiative (2022), which highlight that accused persons in remand frequently lose their employment due to delays. In cases where inmates were enrolled in college or trade apprenticeships, delays in justice can hinder their ability to pursue education or professional development, thereby jeopardizing their futures.

4.3.1 Remand Is for the Poor

Most research participants emphasized that prolonged pre-trial detention predominantly affects the poor. Bvoricho (not his real name) stated:

"I am only here because I am poor. I cannot manage to raise the money for bail. Remand prison is for the poor. Those with money can afford the exorbitant bail, but I am a poor person who cannot, so I will remain in remand."

Similarly, Lastozh (not his real name) said:

"Indeed, remand is for the poor. When my co-accused and I were arrested, we were told this case could end if we paid \$300 USD, and our case would disappear."

An inmate named Orange, who had been in prolonged pre-trial detention, shared:

"Poverty is bad. If my family was rich, I wouldn't have spent many years in prison. My family is from Beitbridge, and they are failing to visit me. How could they afford to pay bail?"

Throughout the research, many participants expressed the view that they were suffering this fate because they were poor and unable to pay bribes to court officials such as prosecutors, magistrates, or police officers, or afford the high bail fees set by courts. Consequently, delayed justice disproportionately affects the poor, as they lack the financial resources to pay for bail or bribes, as outlined by the Pre-Trial Justice Initiative (2017) and Donnelly & Macdonald (2018).

4.3.2 An Inhuman Justice System

The research participants who took part in the study highlighted that the justice system in Zimbabwe is cruel and inhumane. Nyaks, a prolonged pre-trial detainee who was denied justice on time, said:

"The justice system is cruel. I have been on remand for more than six years at Harare Remand. Why can't they give me bail for free? They say we can't be given bail because we will run away, but how can I run away from a crime I did not commit?"

The sentiments that the justice system is cruel were echoed by all inmates who participated in this study. They expressed that the Zimbabwean court system unjustly places individuals on remand for indefinite periods without hope that their cases will be resolved within a reasonable timeframe. These views mirror those highlighted by Orjiakor et al. (2017), Amnesty International (2018), and Wendell et al. (2020), who noted that in countries like Nigeria, Madagascar, and Trinidad and Tobago, the justice and court systems are perceived as cruel because they



subject accused persons to prolonged pre-trial detention. Some inmates in these countries have remained in remand for 7 to 10 years without their cases being finalized.

The inmates in these nations argue that if they have a case to answer, it should be adjudicated by the courts. However, due to the courts' failure to process their cases promptly, they are essentially punished without conviction—denied access to justice and kept in detention for extended periods. The courts, in such instances, are seen as cruel, as they allow magistrates and judges to place inmates on remand, entrust prison officials to confine them, and effectively "throw away the keys," thereby punishing them without a proven crime.

V. CONCLUSION & RECOMMENDATIONS

5.1 Conclusion

The study highlighted that delays in justice delivery by the courts caused many pre-trial detainees to experience significant setbacks. Several participants pointed out that, due to these delays, they felt the justice system was unfair, ruthless, and biased in favor of the wealthy, the better-off, or those with political connections. Many participants, along with their relatives, noted that the prolonged delays negatively impacted their health outcomes. Additionally, the inmates felt abandoned and disconnected from their families, which further exacerbated their psychological distress.

5.2 Recommendations

The authors believe that the justice system needs to strengthen its efforts in delivering timely justice. They also emphasize the importance of providing counseling services to inmates on prolonged pre-trial detention to help reduce instances of stress and depression. Additionally, there is a critical need to increase the availability of pro bono (free legal aid) legal experts to assist detainees who lack the financial capacity to pay for legal representation.

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Legal Clauses

- African charter on Human and People's rights. Article 7 (d). Right to fair hearing
 International Convention on Civil and Political rights, Article 14 (3) (c). Right to fair hearing
 Zimbabwe Constitution Amendment no 20, Act 2013. Section 68 (1) (2). Right to fair hearing