



The UIA Institute for the Rule of Law

STATEMENT

Paris, September 11, 2020

Zimbabwe: Human Rights Violations Continue - Lawyer Barred from Representing Client

UIA-IROL has continued to express its concern about the situation of human rights in Zimbabwe and the use of the criminal justice system to silence human rights defenders and lawyers.

UIA-IROL is gravely concerned that Beatrice Mtetwa -- an avid human rights and constitutional litigator who is the recipient of numerous international awards in recognition of her defense of freedom of expression and freedom of the press -- was disqualified in late August from representing her client, Hopewell Chin'ono. Chin'ono, a distinguished journalist who has been exposing major instances of corruption in Zimbabwe, was arrested on camera in his bedroom when police forcibly broke down his front door to gain entry to his house. He has been prosecuted for incitement to public violence. Zimbabwe's High Court granted him bail recently, but the reporter is forbidden from posting on Twitter.

On August 18, Harare magistrate Mr Ngoni Nduna granted the State's application to disqualify Ms Mtetwa as Mr. Chin'ono's lawyer. The magistrate directed the Law Society of Zimbabwe to institute disciplinary proceedings against Ms. Mtetwa for contempt of court in relation to comments about the case that appeared on the Facebook page of a documentary about Mtetwa's work. The lawyers representing the State alleged that the comments, calling on the international community to speak out against Chin'ono's imprisonment, were made by Beatrice Mtetwa. Ms. Mtetwa denies making such statements. In fact, the filmmaker on whose Facebook page the comments appear and who produced a documentary about Ms. Mtetwa's human rights work, has publicly stated that the filmmaker, not Ms. Mtetwa, is the owner and author of the Facebook page and that Ms. Mtetwa has never posted on the page. According to Ms. Mtetwa, the magistrate's ruling "is unprecedented in [Zimbabwe's] constitutional order."

We note that even if a lawyer had made the statements which Beatrice Mtetwa is alleged to have made, such statements are protected by her right to freedom of expression.

Freedom of expression is guaranteed under section 61 of the Constitution of Zimbabwe, article 19 (2) of the International Civil and Political Rights (ICCPR) and article 9(2) of the African Charter on Human and Peoples' Rights (African Charter).

The United Nations Basic Principles on the Role of Lawyers and the Principles on the Right to Fair Trial in Africa also reaffirm this right:

"Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights..." (Section I (k) of the Principles on the Right to Fair Trial in Africa; Principles 23 of the UN Basic Principles on the Role of Lawyers).

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We agree with Ms. Mtetwa's conclusion that the court ruling was meant to instill fear and discourage human rights work by lawyers, and it could have a chilling effect on young lawyers who may be dissuaded from taking on human rights cases.

Seven countries issued a statement urging Zimbabwean President Mnangagwa to keep his 2018 inauguration pledge to respect human rights. In that statement, the seven countries noted: *"COVID-19 must not be used as an excuse to restrict citizens' fundamental freedoms. Freedom of the press, of opinion, of expression, and of assembly are all universally recognized human rights and are guaranteed by the Zimbabwean constitution. The government also has a responsibility to investigate and prosecute those responsible for violating human rights"*¹.

Those concerns are largely echoed by Zimbabwean civil society, which continues to denounce the perpetuation of violent attacks, abductions, torture, arbitrary arrests and other abuses against the opposition, government critics, and activists, and for which the crackdown on anticorruption protests on July 31 is the most recent example.

Once again, we call on the authorities in Zimbabwe to protect rather than prosecute the exercise of human rights, particularly in the case of lawyers, who are defenders of the rights and liberties of the Zimbabwe people and guardians of the rule of law.

More about the UIA-IROL

The Institute for the Rule of Law of the International Association of Lawyers (UIA-IROL) promotes the Rule of Law and supports and defends, in particular, (1) lawyers, judges and human rights defenders who are harassed, threatened and/or persecuted in the exercise of their professions, (2) the independence of the legal and judicial professions, and (3) the UN Basic Principles on the Role of Lawyers, especially in defense of human rights.

For more information go to: www.uianet.org - uiacentre@uianet.org
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¹ <https://zw.usembassy.gov/joint-statement-from-the-heads-of-missions-of-canada-germany-the-netherlands-norway-poland-the-uk-and-the-usa/>