



The UIA Institute for the Rule of Law

STATEMENT

Paris, July 20, 2020

UIA-IROL Statement on Attacks on the Legal Profession in Zimbabwe
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UIA-IROL is deeply concerned by the arrest in Zimbabwe of several members of the legal profession over the past weeks.

On May 20, 2020, Mr. Patrick Tererai of Tererai Legal Practice was assaulted and later detained overnight by police officers at Beitbridge police station after attending to his client there.. One of the officers, Assistant Inspector Sibanda, forcibly removed Mr. Tererai’s face mask and locked him in a cell, thus exposing him to the risk of contracting the COVID-19 virus. Mr. Tererai was subsequently charged with disorderly conduct.

Mr. Dumisani Dube of Mathonsi-Ncube Law Chambers was arrested and taken to court on June 6, 2020, where he was granted bail in the sum of ZW\$ 5000.00. He is being accused of “defeating or obstructing the course of Justice” in that he is alleged to have filed a fake certificate of service and obtained judgment in favour of his client. These allegations arise from a matter in which Dube was representing his client, filed an urgent chamber application at the Bulawayo High Court, and obtained an order in favour of his client.

Advocate Damiso is also accused of “defeating or obstructing the course of Justice” as an accomplice to Advocate Thabani Mpofu. As a senior member of the profession, Choice Damiso was fully aware of the allegations lodged against her and she would have presented herself to the police, had she been requested to do so. Instead, the police chose to make a dramatic showing of taking her into custody.

On Monday, June 8, 2020, lawyer Joshua Chirambwe, the applicant in a pending Constitutional application, was arrested on allegations of assisting Advocate Thabani Mpofu to plagiarise Simbarashe Zuze’s affidavit, thus allegedly defeating the course of justice.

Advocate Thabani Mpofu was arrested on June 1, 2020 on the same allegation of defeating or obstructing the course of justice as defined in section 184(1)(d) of the Criminal Law (Codification and Reform) Act.

In each of these cases, the lawyers were arrested on allegations arising from their role in representing their clients.

The use of the criminal justice system to silence lawyers constitutes an attack on the legal profession. Matters relating to the conduct of lawyers must instead be referred to the Law Society of Zimbabwe, the body that is responsible for the regulation of lawyers.

UIA-IROL refers to the statement of the Law Society of Zimbabwe in which it expressed its concern as a representative body “*that the arrests appear calculated to hinder the members of the profession from undertaking their professional duties. A review of the recent arrests shows a disturbing pattern of intimidation, harassment of lawyers and associating lawyers with the causes of their clients*”.

UIA-IROL

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As noted by the Law Society, “One of [the Law Society’s] functions as Regulator of the Legal Profession is to ensure that members are conducting themselves ethically and professionally and as such matters like this should, ordinarily, be brought to [the Law Society’s] attention. However, despite some of the alleged cases having occurred over a year ago [the Law Society has] not received any complaint from members of the public, the police or from the courts”¹.

UIA-IROL condemns the increase in targeted arrests of lawyers in connection with execution of their professional duties. We concur with the Law Society’s concern that these arrests demonstrate a disturbing pattern of intimidation, harassment of lawyers and associating lawyers with the causes of their clients. Such actions undermine the rule of law and the administration of justice in Zimbabwe.

According to the United Nations Basic Principles on the Role of Lawyers and the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, the State has an obligation to guarantee the ability of lawyers to exercise their professional responsibilities without fear of harassment, intimidation or threats of prosecution for doing so².

Lawyers must not be identified with the cause of their clients and shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a judicial body or other legal or administrative authority³.

We condemn the continued systematic harassment and intimidation of lawyers in the course of their work. We urge the Zimbabwe authorities to abide by domestic and international obligations and norms to put an end to the targeted arrest of lawyers on pretextual allegations based on their representation of clients.

UIA-IROL stands in support of the Law Society of Zimbabwe as it defends against attacks on the legal profession.

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 Law Society Of Zimbabwe On The Arrest Of Lawyers – Dube, Damiso, Makanza & Chirambwe, June 8, 2020, available at <https://news.pindula.co.zw/2020/06/08/full-text-law-society-of-zimbabwe-on-the-arrest-of-lawyers-dube-damiso-makanza-chirambwe/>

² Principle n°16 of the UN Basic Principles and Principle G(b) of the African Principles and Guidelines.

³ Principle n°18 and 20 of the UN Basic Principles and Principle G(c) and (e) of the African Principles and Guidelines.