

**Minister of Justice and Legal Affairs  
Hon Patrick Chinamasa  
Government of Zimbabwe  
New Government Complex  
P. Bag 7751, Causeway  
Harare, Zimbabwe**

Brussels, 27<sup>th</sup> of March 2013

**Re: Concerns regarding the arrest of human rights lawyer Beatrice Mtetwa**

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 1 million European lawyers. In addition to membership from EU bars, it has also observer representatives from a further eleven European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to express its serious concerns over the arrest of Ms Beatrice Mtetwa. Ms Mtetwa is a prominent Zimbabwean human rights lawyer; she is actively engaged in the defence of the rights of freedom of expression, association and assembly and she has defended several human rights defenders and political activists.

According to the information we have received, Ms Mtetwa was arrested on Sunday 17<sup>th</sup> of March, when she went to help a client whose home was being searched by police. The CCBE has been informed that the lawyer was arrested on charges of "obstructing the course of justice" after making a legitimate request to see the search warrant necessary to search her client's home. Furthermore, even after her arrest, the police never showed the aforementioned warrant either to Ms Mtetwa or to her lawyers.

During the following days, despite a High Court order for Beatrice Mtetwa's immediate release, she was kept in Zimbabwe Republic Police custody; in addition her lawyers reported that, during her detention, she was subject to ill-treatment and denied access to communication with her family.

On the 20<sup>th</sup> of March the Magistrate's Court in Harare rejected Ms Mtetwa's application for bail. This decision was ultimately overruled by High Court Judge Joseph Musakwa on the 25<sup>th</sup> of March 2013 and the lawyer was released on bail of \$ 500.

Nevertheless the CCBE has grounds to fear that the police might proceed to other arbitrary arrests, since these violations have intensified in the run up to Zimbabwe's 2013 presidential elections.

In this context, the CCBE wishes to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

*Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.*

Furthermore, Article 23 states that:

*Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.*

In view of the above, the CCBE respectfully urges you to take immediate and effective steps to ensure that legal and procedural rules are fully respected by the Zimbabwe Republic Police while performing its duties and that no arbitrary action is undertaken by members of the law enforcement agencies. The CCBE also urges you to take all necessary measures to guarantee that lawyers in Zimbabwe are able to perform their professional duties without hindrance, intimidation and harassment, so as to preserve the independence and integrity of the administration of justice.

Yours sincerely,



EVANGELOS TSOUROULIS

CCBE President