

President Robert G. Mugabe
P. Bag 7700
Corner Samora Machel Avenue
and Sam Nujoma Street
Munhumutapa Building
Causeway, Harare
Zimbabwe

Brussels, 11 December 2014

Re: Concerns regarding the assault and detention of Mr. Kennedy Masiye, a human rights lawyer

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 also has observer representatives from a further thirteen 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 concern over the police assault and detention suffered by Mr Kennedy Masiye following a peaceful and non-violent demonstration at Africa Unity Square in Harare, Zimbabwe. Mr Masiye is a human rights lawyer affiliated with Zimbabwe Lawyers for Human Rights, an organisation promoting the rule of law and human rights in Zimbabwe.

On 6 November 2014, Mr Masiye met with his client, Mr Itai Dzamara, at Africa Unity Square in Harare. Mr Dzamara is a journalist and the organiser of 'Occupy Africa Unity Square', a sit-in held in October 2014 that demanded accountability from the Zimbabwean government over its "failure to satisfy the needs of its people." Mr Masiye met with his client in Africa Union Square as Mr Dzamara continued to hold the sit-in, until approximately 11:30AM, when several police officers arrived and ordered the protesters to disperse. Soon after giving the order, they reportedly started beating those participating at the sit-in with batons. During this time, more than a dozen officers singled out Mr Dzamara, preventing him from leaving and assaulting him until he lost consciousness. The CCBE has been informed that when Mr Masiye tried to intervene by identifying himself as his lawyer, the police began to brutally beat him as well, leaving him severely injured with a broken arm. At this point, he was arbitrarily detained, without his family or colleagues being informed of his whereabouts. When he was released by the police a few days later, they refused to provide him access to a medical examination. According to our information, Mr Masiye collapsed as a result of his injuries and was rushed to a private hospital.

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

Principle 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, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Principle 18 states that:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Furthermore, Principle 23 says that:

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 and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

In view of the above, the CCBE respectfully urges you to investigate the police officers responsible for these attacks and to take all necessary measures to guarantee the physical and psychological integrity of Mr Kennedy Masiye. In addition, the CCBE asks you to take all necessary measures to guarantee that all lawyers in Zimbabwe are able to perform their professional duties without fear of reprisal, hindrance, intimidation or harassment.

I look forward to hearing from your Excellency urgently.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Aldo Bulgarelli', with a long vertical line extending downwards from the end of the signature.

Aldo BULGARELLI
President