

DATE
15/02/2010

Prime Minister of Zimbabwe
Sir Morgan Richard Tsvangirai
Prime Minister's Office
Private Bag 7700, Causeway
Harare
Zimbabwe

Re: **Concerns regarding the case of lawyer Mr. Mordecai Mahlangu**

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 around one 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.

We express our concern over the situation that faces Mr. Mordecai Mahlangu, a solicitor who was imprisoned by the Zimbabwe authorities for asserting that evidence incriminating his client was obtained under torture.

According to the information received by the CCBE, Mr. Mahlangu was arrested when acting for Roy Bennett, a Zimbabwean farmer and Member of Parliament for the opposition Movement for Democratic Change, who is facing the death sentence or life imprisonment for alleged treason against President Robert Mugabe's government. Mr Mahlangu argued that the charges were based on testimony from another person, who had been tortured and whose evidence was therefore inadmissible. We have been also informed that Mr Mahlangu was arrested for obstructing the course of justice. He has since been released, but we are concerned that he is still under threat of further action.

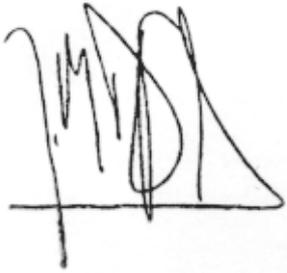
In this context, the CCBE wishes to draw to your attention the following Article of the United Nations Basic Principles on the Role of Lawyers (1990):

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

In view of the above, we express our concern about Mr. Mahlangu's arbitrary detention, which seems aimed at obstructing his professional activity in relation to a defence, and we urge the authorities to take immediate and effective steps to guarantee the protection of lawyers in order to preserve the independence and integrity of the administration of justice, and to ensure that any attempt to discredit lawyers for the legitimate exercise of their professional duties are promptly and effectively stopped.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'JMD', written over a horizontal line. The signature is stylized and somewhat abstract.

JOSÉ-MARÍA DAVÓ-FERNÁNDEZ
President