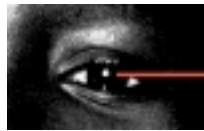




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Lawyers' Rights Watch Canada

*NGO in Special Consultative Status with the Economic and Social Council of the United Nations*

Promoting human rights by protecting those who defend them

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**BY AIRMAIL**

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Office of the President,  
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HARARE, **ZIMBABWE**

**Fax: +263 4 708 211 /  
+ 263.4.70.38.58;**

March 19, 2013

**Subject:**

Unlawful arrest and detention of human rights lawyer Beatrice Mtetwa

Your Excellency,

We are writing you on behalf of the organizations that have signed this letter. All are human rights organizations that seek to promote the proper functioning of the rule of law. The freedom and independence of the legal profession is an essential part of the rule of law. In this context we respectfully draw your attention to the following.

On 17 March 2013, highly respected human rights lawyer Beatrice Mtetwa was arrested while executing her professional duties. We have been informed that she was attending to a client whose home was searched by the police. She was placed under arrest after requesting the production of a valid search warrant and an inventory list of items that had already been removed. Her mobile phone, containing privileged attorney-client communication, was confiscated. She was charged with defeating and / or obstructing the course

of justice under the Criminal Law (Codification and Reform) Act, section 184(1)(g).

An Urgent Chamber Application was filed by her legal team in the High Court and the court ordered that Ms. Mtetwa immediately be released from custody. Up until now, the police has not complied with this order.

We are deeply concerned by the arrest of Ms. Mtetwa, the police refusal to comply with the High Court Order for her immediate release and her continuing illegal detention. These police actions not only prevent Ms. Mtetwa from performing her professional duties, they may also serve to intimidate other human rights lawyers representing their clients.

We urge the Zimbabwean government to release Ms. Mtetwa immediately and unconditionally.

Furthermore, we remind the Zimbabwean government of its obligation to:

- recognize the valuable role played by lawyers in a democratic society as the Republic of Zimbabwe;
- promote and support the work of lawyers in line with the United Nations' *Basic Principles on the Role of Lawyers*.<sup>1</sup>

In particular, we would like to draw your attention to paragraphs 16 and 17 of the Basic Principles on the Role of Lawyers, that state that the government is under an obligation "to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference". According to paragraph 18 "lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions".

We also draw your attention to article 9 of the United Nations *International Covenant on Civil and Political Rights* (ICCPR), that states that "everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law." Furthermore, we refer to articles 9 and 10 of the *Universal Declaration on Human Rights* (UDHR), which state that no one shall be subjected to arbitrary arrest, detention or exile.

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<sup>1</sup> *Basic Principles on the Role of Lawyers*, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990, U.M. Doc. A/CONF. 144/28/Rev.1 at 118 (1990), available at <http://www2.ohchr.org/english/law/lawyers.htm>.

We call on the government of Zimbabwe to honour its international human rights obligations, to release Ms. Mtetwa immediately and to ensure the personal and professional safety of her and her colleagues to carry out their professional duties, and not to be intimidated and hindered in doing so.

We kindly request to receive your response on the shortest notice possible. We will continue to monitor this very important matter closely.

Sincerely,

**Zimbabwe Watch**



Hugo Knoppert  
Coordinator

**On behalf of the AED**



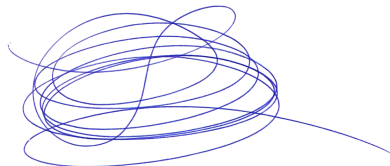
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Executive director

**Lawyers Rights Watch Canada**



Gail Davidson  
Executive Director

**Copied to:**

His Excellencies

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Mr. Augustine Chihuri, Commissioner-General of Zimbabwe Republic Police

Officer in charge of the Harare Central Police station, Zimbabwe

Mr. Khembo Mohadi, co-Minister of Home Affairs of Zimbabwe

Mr. Johannes Tomana, Attorney-General

Embassy of Zimbabwe in Brussel, Belgium

Netherlands Embassy in Harare, Zimbabwe

Law Society of Zimbabwe