



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

1 April 2003

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Dear Sirs,

The International Commission of Jurists (ICJ) consists of jurists who represent all the regions and legal systems in the world working to uphold the rule of law and the legal protection of human rights. The ICJ's Centre for the Independence of Judges and Lawyers (CIJL) is dedicated to promoting the independence of judges and lawyers throughout the world.

We are writing to you to express our alarm at the violent treatment of Ms. Gugulethu Moyo, a lawyer and the corporate affairs director of the Associated Newspapers of Zimbabwe, which is the parent company of the independent newspaper the Daily News. As you know, the Daily News had been covering your Government's recent violent crackdown in retaliation for the two-day public strike organized by civil society groups and the MDC opposition party.

On 18 March, Philimon Bulawayo, a staff photographer with the Daily News, was arrested while photographing street protests in Harare. Mr. Bulawayo was allegedly beaten by police at the time of his arrest and again later when he was taken to the Glen View police station. Later that day, Ms. Moyo went to the police station to represent Mr. Bulawayo and inquire as to the reasons for his detention. While there, she was reportedly physically assaulted by Kelvin Chadenyika and Jocelyn Chiwenga, the wife of army commander Lietenant-General Constantine Chiwenga. This beating allegedly took place outside of the police station and in full view of several police officers who took no steps to end the assault. Ms. Moyo was then held for several hours at the police station before being transferred to the Harare Central Prison.

While *en route* to the prison she was allegedly beaten again, this time by five unidentified men with a truncheon. Once at the prison Ms. Moyo was imprisoned for two nights and denied access to both a lawyer and a doctor. Ms. Moyo was released on 20 March without charge.

The ICJ/CIJL is gravely alarmed at the repressive treatment of Ms. Moyo and others who are working to ensure greater respect for human rights in Zimbabwe. The abuses suffered by Ms. Moyo are a clear violation of the basic human rights of freedom from arbitrary detention, physical threats, and torture as guaranteed by the *Constitution of Zimbabwe*, the *International Covenant on Civil and Political Rights*, and the *African Charter on Human and People's Rights*, both of which have been ratified by Zimbabwe.

In addition, we are deeply concerned that Ms. Moyo was effectively prohibited from being able to represent her client, Mr. Bulawayo. In this regard, we would like to draw your attention to the *United Nations Basic Principles on Role of Lawyers* (hereinafter "Principles"). The Principles, which were adopted by the U.N. General Assembly in 1990, set out the fundamental and non-derogable right to be represented by a lawyer:

Principle 1: All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their right and to defend them in all stages of criminal proceedings.

By refusing to ensure that Ms. Moyo was able to represent her client, your Government is thus obstructing the ability of counsel to fully exercise their duties towards their clients:

Principle 13: The duties of lawyers towards their clients shall include:

(a) advising clients as to their legal rights and obligations, and as to the working of the legal system in so far as it is relevant to the legal rights and obligations of the clients;

(b) assisting clients in every appropriate way, and taking legal action to protect their interests;

(c) assisting clients before courts, tribunals or administrative authorities, where appropriate.

Moreover, lawyers must also be able to vigorously defend their clients without fearing for their own persecution in the discharge of their professional functions. It is, in fact, the duty of the government to guarantee the safe functioning of lawyers. Principles 16, and 17 provide that:

Principle 16: Governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.

Principle 17: Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

It is further reminded that the ultimate responsibility for ensuring that all human rights are respected in Zimbabwe lies with your Government. Thus the ICJ/CIJL strongly urges your Government to immediately conduct a full and impartial inquiry into the abuses perpetrated against Ms. Moyo, and to hold accountable the perpetrators as well as those police officers who allegedly witnessed the assault but failed to act. As the current situation of gross human rights abuses and impunity in Zimbabwe threatens the ability of lawyers and other human rights defenders to perform their necessary functions, the ICJ/CIJL will continue to closely monitor this situation.

Yours sincerely,

Louise Doswald-Beck
Secretary-General

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