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Zimbabwe: Judicial Rulings Must Be Respected

In a further blow to the independence of the judiciary, the Zimbabwean Government ignored two judicial rulings and used State-controlled media to attack magistrates, stated the Centre for the Independence of Judges and Lawyers of the ICJ (ICJ/CIJL).

On 17 March, Magistrate Judith Tsamba, following a precedent of the High Court in a similar case, ordered the release of prominent businessman James Makamba due to irregularities in his arrest. Despite the Magistrate's order, the police decided to ignore the ruling and immediately rearrested the accused. In a similar case, the Government ignored Judge Bhunu's ruling ordering the immediate release of Phillip Chiyangwa. Mr. Chiyangwa, Chinhoyi legislator and ZANU-PF chairman for Mashonaland West, is facing criminal charges involving the obstruction of justice, contempt of court and perjury.

Following Magistrate Tsamba's decision, the State-controlled Herald newspaper quoted *"Government sources"* who characterised the ruling as *"preposterous"* and that it would make the administration of justice in Zimbabwe *"a laughing stock"*.

"The Government of Zimbabwe has repeatedly shown its utmost contempt for judicial independence and the rule of law", said Linda Besharaty-Movaed, ICJ/CIJL Legal Advisor. *"Judges who rule against Government interests are subjected to all kinds of attacks, including defamation through the State-controlled media"*.

The ICJ/CIJL urges the Zimbabwean authorities to comply with UN Basic Principles on the Independence of the Judiciary, in particular principle 1 which states that *"The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary"*.

The situation of judges and human rights lawyers in Zimbabwe is extremely worrying. The ICJ/CIJL has denounced numerous abuses committed by the Government and groups linked to the ruling party, including physical and verbal attacks, arrests and other means of intimidation and harassment. Several judges have stepped down from office due to intimidation and others fled the country after receiving threats for ruling against perceived Government interests.

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