



For Immediate Release

April 25, 2013

Public Statement

The Law Society of Upper Canada Expresses Grave Concerns about the Harassment of Human Rights Lawyer Beatrice Mtetwa in Zimbabwe

Toronto – The Law Society of Upper Canada publicly expresses concern about the harassment of human rights lawyer Beatrice Mtetwa in Zimbabwe.

Reliable reports indicate that on March 17, 2013, Ms. Mtetwa was arrested while attempting to assist her clients. The arrest took place on the day following a constitutional referendum in Zimbabwe. The new constitution would curb the powers of the president and limit presidential power to two five-year terms. Both Zimbabwean President Robert Mugabe and his rivals are in favour of the new constitution.

The day after the referendum, police arrested four senior aides of President Mugabe's main political rival, Prime Minister Morgan Tsvangirai. When Ms. Mtetwa was called to the home of Prime Minister Tsvangirai's chief legal advisor where police were conducting a search, she was also arrested and charged with "obstructing or defeating the course of justice". According to reports, Ms. Mtetwa asked the police officers to produce a search warrant and an inventory list of items that had been removed by the police. Officers accused her of trying to photograph security officers. Ms. Mtetwa was handcuffed and forced into a police vehicle. Reports also state that police confiscated Ms. Mtetwa's mobile phone, which contains privileged solicitor-client information.

The Zimbabwe Lawyers for Human Rights (ZLHR) group, which is representing Ms. Mtetwa, received a high court order on March 18, 2013, for Ms. Mtetwa's release. Despite the fact the court had ordered Ms. Mtetwa's immediate release, she remained in police custody. On March 20, 2013, the magistrate court ruled against another bail application, remanding Ms. Mtetwa to April 3, 2013. On March 25, 2013, a high court judge finally decided to grant bail to Ms. Mtetwa under three conditions: that she post a \$500 bail, that she resides at a given address and that she does not interfere with the ongoing investigations. According to reports, at 1:40 p.m. on March 25, 2013, Ms. Mtetwa was finally released from prison.

Ms. Mtetwa has represented Prime Minister Tsvangirai in the past and has accused police of using heavy-handed tactics against Mugabe's opponents. She is well-known for her human rights work and has received a number of awards, including human rights awards from the European Bar Human Rights Institute and the American Bar Association. Ms. Mtetwa is a board member of the ZLHR and a former president of the Law Society of Zimbabwe.

The Law Society is deeply concerned about situations where lawyers who work for the protection and respect of human rights are themselves targeted for exercising their freedoms and rights under international law. Article 16 of the *United Nations Basic Principles on the Role of Lawyers* states that "governments shall ensure that lawyers are able to perform all of their

professional functions without intimidation, hindrance, harassment or improper interference; are able to travel and to consult with their clients freely; and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.”

Therefore, the Law Society of Upper Canada calls on the government of Zimbabwe to:

- a. guarantee in all circumstances Ms. Mtetwa’s physical and psychological integrity;
- b. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations;
- c. put an end to all acts of harassment against Ms. Mtetwa and other human rights defenders in Zimbabwe;
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

The Law Society of Upper Canada is the governing body for some 44,600 lawyers and 5,200 paralegals in the Province of Ontario, Canada and the Treasurer is the head of the Law Society. The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

The Law Society urges the legal community to intervene in support of members of the legal profession in Zimbabwe in their effort to advance the respect of human rights and to promote the rule of law.

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