



The Law Society of  
Upper Canada | Barreau  
du Haut-Canada

May 10, 2017

H.E. Edgar Chagwa Lungu  
President of the Republic of Zambia  
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Your Excellency:

**Re: Arrest and detention of lawyer Oliver Holland**

I write on behalf of the Law Society of Upper Canada\* to voice our grave concern over the arrest and detention of lawyer Oliver Holland. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Oliver Holland is a lawyer at a UK-based law firm called Leigh Day. A solicitor in the international and group claims department, he works primarily on group actions against British multinational corporations where environmental damage has occurred. Currently, he is representing 1,800 Zambian villagers in a class action against the UK-based mining company Vedanta Resources plc and its Zambian subsidiary, Konkola Copper Mines (KCM). The lawsuit alleges that the companies, through their copper mining operations, are responsible for polluting the villagers' water sources and farmland, as well as the resulting illness, death, and low crop yields.

The Law Society's information states that on January 10, 2017, as he was meeting with his clients in their communities for the purposes of providing an update on their case, Oliver Holland was arrested and taken into custody by Zambian authorities. Mr. Holland reported that the arresting officers were driving a vehicle displaying the Konkola Copper Mines logo. He was initially charged under the *Public Order Act*, which prohibits meetings of more than three people without a police permit. This *Act* stems from colonial times and "is normally only used during election times by political parties". Later, the charge was changed to "unlawful assembly" under the *Penal Code Act*. He was detained at the Chingola Central Police Station for four hours without access to a lawyer, food or water. Ultimately, after he agreed to accept the reduced offence of "conduct likely to

cause a breach of peace”, a misdemeanour for which he paid a fine of ZMK50 (\$5), he was released.

The Law Society is deeply concerned about the treatment of Oliver Holland. Given the nature of his work as a lawyer and the number of clients involved in the lawsuit, the only feasible way to keep his clients apprised is via group meetings involving 100-150 people. The charges, whether under the *Public Order Act*, *Penal Code Act*, or even the misdemeanour that he was ultimately forced to accept, were not grounded on an act or omission that could reasonably be considered criminal. They were thus improper and may have constituted an abuse of process.

The Law Society urges Your Excellency to comply with Zambia’s obligations under international human rights laws, including the United Nations’ *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

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.

Article 17 states:

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

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the Government of Zambia to:

- a. immediately and unconditionally vacate the charge against Oliver Holland;
- b. put an end to all acts of harassment against Oliver Holland and all other human rights lawyers and defenders in Zambia;
- c. guarantee in all circumstances the physical and psychological integrity of Oliver Holland and all other human rights lawyers and defenders in Zambia;
- d. ensure that all lawyers in Zambia can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas  
Treasurer

*\*The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. 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.*

cc:

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Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

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Marina Brilman, International Human Rights Policy Adviser, The Law Society of England and Wales