

**UPR submission Lawyers for Lawyers and Zimbabwe Lawyers for Human Rights  
Zimbabwe (July 2021)**

**A. Introduction**

1. Lawyers for Lawyers ("L4L") and Zimbabwe Lawyers for Human Rights ("ZLHR") submit this report on the state of human rights in Zimbabwe, especially in respect of the legal profession, with recommendations for the 40<sup>th</sup> session of the Universal Periodic Review ("UPR") Working Group in the United Nations Human Rights Council in January and February 2022.
2. [L4L](#) is an independent and non-political foundation which seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. L4L supports lawyers worldwide who face reprisals, improper interferences, or unreasonable restrictions in the execution of their profession. L4L was granted the Special Consultative status with the United Nations Economic and Social Council in July 2013.
3. [ZLHR](#) is a not for profit human rights organisation whose core objective is to foster a culture of human rights in Zimbabwe, and to encourage the growth and strengthening of human rights at all levels of Zimbabwean society through observance of the rule of law. ZLHR is committed to upholding the unimpeded administration of justice, the free flow of information, respect for the rule of law, and the protection of constitutional rights and freedoms in Zimbabwe and the surrounding region.

**B. Executive Summary**

3. This submission highlights key concerns regarding Zimbabwe's compliance with its international human rights obligations to guarantee the right to independent counsel as set out in the UN Basic Principles on the Role of Lawyers ("**Basic Principles**")<sup>i</sup> and other international human rights instruments, focusing on the following issues:
  - (a) Intimidation and harassment of lawyers (section D)
  - (b) Judicial harassment and criminal prosecution of lawyers (section E)
  - (c) Freedom of expression and assembly of lawyers (section F)
  - (d) Concerns regarding independence of the judiciary (section G)

**C. Normative and legal framework of the State**

5. The adequate protection of human rights and fundamental freedoms requires that every citizen has effective access to justice and legal assistance. Legal assistance can only be provided effectively in a judicial system where lawyers, along with judges and prosecutors, are free to carry out their professional duties independently of the government and political pressure. This follows, *inter alia*, from the Charter of the United Nations, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights (ICCPR).
6. On 22 June 2017, the Human Rights Council ("**HRC**") passed a resolution condemning in general "*the increasingly frequent attacks on the independence of lawyers, in particular threats, intimidation and interference in the discharge of their professional functions*". The HRC expressed its deep concern "*about the significant number of attacks against lawyers*

**UPR submission Lawyers for Lawyers and Zimbabwe Lawyers for Human Rights  
Zimbabwe (July 2021)**

*and instances of arbitrary or unlawful interference with or restrictions to the free practice of their profession” and called upon States “to ensure that any attacks or interference of any sort against lawyers are promptly, thoroughly and impartially investigated and that perpetrators are held accountable”.*<sup>ii</sup>

7. In its task of promoting and ensuring the proper role of lawyers, the Government of Zimbabwe should respect the Basic Principles within the framework of its national legislation and practice. The Basic Principles provide for a concise description of international standards relating to key aspects of the right to independent counsel. Adherence to the Basic Principles is considered a fundamental pre-condition to fulfilling the requirement that all persons have effective access to independent legal assistance.
8. During the second UPR cycle in 2016, Zimbabwe received<sup>iii</sup> and accepted<sup>iv</sup> recommendations concerning the need to take concrete steps to create and maintain a safe and enabling environment for human rights defenders,<sup>v</sup> and to ensure that violence directed against human rights defenders will not be tolerated.<sup>vi</sup>
9. However, reports gathered by L4L and ZLHR including information received from various lawyers in Zimbabwe, demonstrate that Zimbabwe does not uphold the necessary guarantees for the proper functioning of the legal profession as set out in the Basic Principles. Consequently, lawyers encounter serious difficulties in carrying out their professional duties independently. This also undermines the proper functioning of the judicial system, including the right to fair trial and effective access to justice.

**D. Intimidation and harassment of lawyers**

10. In accordance with Principle 16 (a) of the Basic Principles, governments must ensure that lawyers *“are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference”*.
11. According to our information, several lawyers are facing continued intimidation and harassment in Zimbabwe in the form of (death) threats and intimidation by police officers. Some lawyers are also subjected to physical attacks.
12. Regarding the intimidation and harassment of lawyers which lead to security risks, the Basic Principles specify that *“where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities”*.<sup>vii</sup> In light of this, the Special Rapporteur on the Independence of Judges and Lawyers has stated that *“States must respond appropriately to patterns of violence against lawyers, prevent and redress attacks against lawyers (...)”*.<sup>viii</sup>
13. The cases of intimidation and harassment against human rights defenders in Zimbabwe were also reported by the Special Rapporteur on the rights to freedom of peaceful assembly and association. After a country visit to Zimbabwe in September 2019, the Special Rapporteur expressed concern about *“cases of intimidation against NGOs and human rights defenders, which isolates and stifles the space in which they may be able to make their voices heard”*.<sup>ix</sup>
14. The intimidation and harassment of lawyers is illustrated by the cases below.

**UPR submission Lawyers for Lawyers and Zimbabwe Lawyers for Human Rights  
Zimbabwe (July 2021)**

**Douglas Coltart**

*Douglas Coltart is a human rights lawyer and a member of ZLHR. In August 2019, Douglas Coltart was assaulted by Zimbabwe Republic Police officers. This occurred while Douglas Coltart was executing his professional duties as a lawyer and representing his clients.*

*On 23 November 2019, Douglas Coltart was physically assaulted again by Zimbabwe Republic Police officers at the Harare Central Police Station where he was offering legal support services to his client. Despite identifying himself as a lawyer and showing his legal practicing certificate, Douglas Coltart was denied access to his client. He tried to bring a complaint against the police officers for denying him access to his client. The police officers instead followed him, and dragged him out of the office where he was making the complaint. He was handcuffed and violently assaulted by a Chief Inspector and several other unidentified police officers. The assault caused injuries to his neck, back, arms and legs. He was also detained shortly again and then released without charge.<sup>x</sup>*

**Beatrice Mtetwa**

*Beatrice Mtetwa has represented many human rights defenders, journalists and opposition figures. As a result of this, she has been targeted and subjected to both intimidation and harassment.<sup>xi</sup>*

*In August 2020, a large number of anti-riot police sat outside of Beatrice Mtetwa's offices, in full gear. Mtetwa and her client Hopewell Chin'ono, were also followed by a prison guard in court, which made it difficult for the two to have a private conversation.<sup>xii</sup>*

**Obey Shava**

*Obey Shava is a human rights lawyer. On 31 July 2020, Obey Shava had accompanied three of his clients to Harare Central Police Station to make a report which is a part of their bail conditions. Obey and his clients had an altercation with soldiers who were manning a roadblock close to the Zanu PF Headquarters. He was arrested and taken to Harare Central Police Station together with his clients. Obey was released after being detained for close to four hours and later released without any charge.<sup>xiii</sup>*

**Jeremiah Bamu**

*Jeremiah Bamu, a human rights lawyer, was arrested on 22 August 2020 outside Rotten Row Criminal Magistrates Court by the Zimbabwe Republic Police (ZRP) for "defying an instruction by riot police to disperse". At the time, he was defending lawyer and MDC legislator for Zengeza West constituency Job Sikhala, who was scheduled to appear in court on that day. He was arrested, placed in the back of a truck and driven to Harare Central police station, despite presenting his practicing certificate and explaining he was there representing his client. Jeremiah Bamu was released without charge later on the same day.<sup>xiv</sup>*

15. Another form of intimidation of Zimbabwean lawyers has come in the form of a number of threatening statements against members of the legal profession, particularly human rights

**UPR submission Lawyers for Lawyers and Zimbabwe Lawyers for Human Rights  
Zimbabwe (July 2021)**

lawyers, that were made by the state during the period under review. This is illustrated by the following examples.

16. Following a nationwide stay-away and protests in January 2019, human rights lawyers provided legal representation to hundreds of people subjected to arbitrary dragnet arrests, summary trials and arbitrary denial of bail. On 29 January 2019, lawyers also conducted a march protesting against the widespread violations of fair trial rights. Speaking against the lawyers who offered their services to the January 2019 protests arrestees, President Mnangagwa made a chilling statement that, “Those lawyers that were inciting violence, we are now going after them.”<sup>xv</sup>
17. More recently, following a High Court judgment declaring as unconstitutional the extension of tenure of the (now disputed) Chief Justice Mr Malaba in terms of a rushed constitutional amendment before his 70<sup>th</sup> birthday, the Minister of Justice, Legal and Parliamentary Affairs Mr Ziyambi Ziyambi issued a statement declaring the judiciary to have been captured by foreign governments and Zimbabwe Lawyers for Human Rights<sup>xvi</sup>.
18. Following the Law Society of Zimbabwe having lodged a court application challenging recent Constitutional Amendments (No.1) and (No.2) — which limit judicial independence by increasing executive powers over judicial appointments — there have been targeted attacks against them on Twitter by the Deputy Chief Secretary in the Office of the President and Cabinet in charge of Communications George Charamba, indicating that the Law Society is captured by an opposition political party and Zimbabwe Lawyers for Human Rights, and favours white-owned law firms. The Law Society has responded to these attacks, by highlighting that the intention seems to be to discredit the integrity of the society as an independent regulatory body<sup>xvii</sup>.
19. On 13 July 2021, Cabinet approved principles to amend the Legal Practitioners Act [Chapter 27:07] to allow the Minister of Justice to disapprove external funding of the Law Society. The proposed amendments would also increase the number of ministerial appointments in the Law Society Council, increasing executive control over the profession.
20. Since 2018, there have also been a number of threats against non-governmental organisations<sup>xviii</sup> deemed to be “straying from their mandates”, directly impacting law-based not for profit organisations such as ZLHR and the Law Society of Zimbabwe. In a recent statement, Zanu PF acting-political commissar Patrick Chinamasa stated that “Foreign funding... of... NGOs... is clearly calculated to undermine the orderly evolution of our political, economic and judicial systems and must be condemned in the strongest possible terms... if we clearly see that they are on a regime change agenda, ours will be to request their deregistration.”<sup>xix</sup> In June 2021, the authorities specifically demanded that all non-governmental organisations submit Memorandums of Understanding and Work Plans to be authorised by provincial administrators, in spite of this not being provided for in any law<sup>xx</sup>.

**E. Judicial harassment and criminal prosecution of lawyers**

17. According to Principle 16 (c) of the Basic Principles “*governments shall ensure that lawyers 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*”.

**UPR submission Lawyers for Lawyers and Zimbabwe Lawyers for Human Rights  
Zimbabwe (July 2021)**

18. However, lawyers in Zimbabwe have been subjected to judicial harassment, arrest, detention, and prosecution in connection to their professional duties.
19. The judicial harassment and criminal prosecution of lawyers in Zimbabwe is demonstrated by a number of case studies.

**Arrests in June 2020**

*In 2020, Zimbabwean authorities questioned and arrested a number of lawyers while they were carrying out of their professional duties as lawyers. Several Zimbabwean lawyers were arrested in June 2020.<sup>xxi</sup> On 10 July 2020, these lawyers were charged with “defeating or obstructing the course of justice”. These lawyers were believed to be arrested for conducting their professional duties.<sup>xxii</sup> Throughout 2020, ZLHR has repeatedly condemned “the increasing targeted arrests of lawyers during execution of their professional duties”.<sup>xxiii</sup>*

**Beatrice Mtetwa**

*On 18 August 2020, Beatrice Mtetwa was barred<sup>xxiv</sup> from representing the detained human rights defender and journalist, Hopewell Chin’ono at the Harare Magistrate Court. This order was based on comments about the case posted on a Facebook page. The Facebook page is not run by Beatrice Mtetwa but by an American filmmaker, who produced a documentary about the work of Beatrice Mtetwa.<sup>xxv</sup> Yet, the lawyers representing the Zimbabwean State have alleged that these comments were made by Beatrice Mtetwa. Consequently, the magistrate also decided to refer the case to the Law Society of Zimbabwe in anticipation of a possible further punishment of Beatrice Mtetwa. Beatrice Mtetwa appealed the ruling by the Magistrate.<sup>xxvi</sup> The order to bar Beatrice Mtetwa was overturned by the High Court on 15 December 2020.<sup>xxvii</sup>*

*Beatrice Mtetwa has represented Chin’ono since he was detained on 20 July 2020. A Zimbabwean magistrate, ordered that Mtetwa should be charged with contempt of court.<sup>xxviii</sup>*

**Douglas Coltart**

*On 23 August 2019, Douglas Coltart was violently arrested during an organized protest by the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ).<sup>xxix</sup> Douglas Coltart attended the protest, in his capacity as a lawyer and as a legal representative of the ARTUZ. He filmed the arrests occurring at the protest, yet he was violently arrested while doing this. The Zimbabwe Republic Police officers disregarded Douglas Coltart’s statement that he was acting in his capacity as a lawyer. The police officers did not inform Douglas Coltart and the other arrestees of the reason of their arrest. Moreover, the police officers refused to identify themselves. Douglas Coltart was detained and then released on bail the following day.<sup>xxx</sup>*

*On 4 March 2020, Zimbabwean authorities accused Douglas Coltart of plotting to provoke civil disobedience. The prosecutors at the trial claimed that, by gathering unlawfully the accused were plotting a rebellion. The trial was, however, put on hold until 6 April 2020. This happened after their lawyer, Beatrice Mtetwa, objected to the State’s failure to provide her clients with a number of relevant exhibits. Beatrice Mtetwa also informed a Magistrate that a number of her clients were detained and tortured by state security*

**UPR submission Lawyers for Lawyers and Zimbabwe Lawyers for Human Rights  
Zimbabwe (July 2021)**

agents. She also said that police officers unlawfully confiscated a laptop belonging to Douglas Coltart. The Magistrate consequently ordered the State to investigate the complaints filed by Beatrice Mtetwa.<sup>xxxii</sup> On 24 September 2020, Coltart was found not guilty.<sup>xxxiii</sup>

**F. Freedom of expression and assembly of lawyers**

22. Lawyers, like any other individual, have the right to freedom of expression and assembly. The Basic Principles provide that “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.<sup>xxxiii</sup>
23. The freedom of expression that lawyers enjoy in connection to their professional functions should not only be guaranteed in light of the rights of the lawyer, but also in protection of the rights of their clients.
24. Some lawyers in Zimbabwe have faced arrests and criminal prosecution in connection to them exercising their right to freedom of expression and assembly. This is demonstrated by the following cases.

**Job Sikhala**

*Job Sikhala is a lawyer and the MDC legislator for Zengeza West constituency. Job Sikhala is also a member of the legal team representing Hopewell Chin'ono, a freelance journalist who was arrested, as mentioned before. On 9 July 2019, Job Sikhala was detained at Masvingo Remand Prison.<sup>xxxiv</sup> On 10 July 2019, Job Sikhala went missing. Zimbabwe Republic Police officers blind-folded and moved him from Harare to Gutu. On 11 July 2019, Job Sikhala was located at Bikita Police Station in Masvingo, by his lawyers.<sup>xxxv</sup> On 11 July 2019, Sikhala's lawyers filed an application for bail.<sup>xxxvi</sup> On 15 July 2019, Job Sikhala's application for bail was heard by High Court Judge Justice Neville Wamambo.<sup>xxxvii</sup> Here, he was charged for “subverting constitutional government” under section 22(2)(a)(iii) of the Criminal Law Act but was released on bail. During the trial held on 3 February 2020, the prosecutor alleged that Sikhala had publicly encouraged the overthrowing of the government at a political rally. On 14 February 2020, Sikhala was acquitted.<sup>xxxviii</sup> The State has issued proceedings to appeal this decision.*

*On 21 August 2020, Job Sikhala was arrested again. Zimbabwe Republic Police officers alleged that Job Sikhala had, between 1 March 2020 and 21 August 2020, incited public participation in demonstrations that were deemed to cause public violence. The police officers also alleged that Job Sikhala had, between 31 July 2020 and on 31 August 2020, disrupted the peace in Zimbabwe by posting videos with messages that encouraged disruptive behaviour.<sup>xxxix</sup> On 22 August 2020, Job Sikhala appeared at Harare Magistrates Court for his initial appearance.<sup>xl</sup> He was remanded in custody.<sup>xli</sup> Mr Sikhala was denied bail in the Magistrates Court, and only released three weeks later after a successful*

**UPR submission Lawyers for Lawyers and Zimbabwe Lawyers for Human Rights  
Zimbabwe (July 2021)**

*appeal to the High Court. The judge Justice Ndewere who granted his bail appeal has since been subjected to disciplinary proceedings and dismissed, which she alleges was a result of her failure to follow instructions.*

*On 9 January 2021, Job Sikhala was arrested again at Harare Magistrates Court while representing Hopewell Chin'ono in his remand proceedings for charges emanating from alleged social media posts criticising alleged police brutality resulting in the death of a baby. Sikhala was similarly charged for having allegedly posted on social media criticising the police for the alleged death of a baby. They were charged with publishing or communicating false statements prejudicial to the state, which offence was previously held to violate the constitutional right to freedom of expression by the Constitutional Court. He was denied bail in the Magistrates court on the basis that his previous arrests and the pending case against him meant he had a propensity to commit offences and a likelihood of absconding from trial, in spite of the fact that he has no previous convictions or prior violations of bail conditions. He was released after a successful appeal to the High Court on 1 February 2021, after 23 days in pre-trial detention in inhuman and degrading conditions in Chikurubi maximum security prison.*

**Fadzayi Mahere**

*On 31 July 2020, lawyer and spokesperson for the MDC-Alliance Fadzayi Mahere was arrested with seven others after staging a socially distanced peaceful protest with placards calling on the State to improve healthcare services, to put a stop to corruption and to release journalist and HRD Hopewell Chino'no, among other demands. She was charged with participating in a public gathering with intent to promote public violence, and contravening the Covid-19 Regulations. She was detained overnight in police custody, then released. Her trial is ongoing.*

*On 10 January 2021, officers from the Central Intelligence Department of the Zimbabwe police service visited her home looking for her without a search or arrest warrant. On 11 January 2021, she presented herself at Harare Central Police Station where she was arrested and charged with publishing or communicating false statements prejudicial to the state for Twitter posts relating to the same alleged police assault of a baby for which Job Sikhala and journalist Hopewell Chin'ono had been arrested. She was placed on remand and detained in maximum security prison until she was released on bail on 18 January 2021.*

*During Mahere's bail proceedings she complained that she was detained in inhuman and degrading conditions including: lack of toilet paper, raised toilet blocks which cannot be flushed in cells, puddle of urine in cells, stench of stale urine in cells, blankets infested with lice, lack of sanitary ware, and lack of observance of COVID-19 protocols, including: lack of temperature checks and sanitisation, lack of face masks, one of the police officers attending to her having a high fever, and being detained in an overcrowded cell with seven other people. Upon her release Ms Mahere tested positive for COVID-19. This was a direct result of the Police Service's and the Prisons and Correctional Services' failure to adhere to COVID-19 safety protocols, resulting in her exposure to infected persons in custody.*

**UPR submission Lawyers for Lawyers and Zimbabwe Lawyers for Human Rights  
Zimbabwe (July 2021)**

**G. Concerns regarding Independence of the Judiciary**

25. Section 164 of the Constitution of Zimbabwe provides that the judiciary must be independent, and that the courts must apply the law and Constitution “impartially, expeditiously and without fear, favour or prejudice”. The Basic Principles on the Independence of the Judiciary<sup>xiii</sup> also provide that the judiciary shall decide matters impartially, “without any restrictions, improper influences, inducements, pressures, threats or interferences”, and that “it is the duty of all governmental and other institutions to respect and observe the independence of the judiciary”. However, there are increasing challenges to the independence of the judiciary in Zimbabwe.
26. Parliament has pushed through constitutional amendments (No.1) and (No.2) removing the public consultation process in the appointment of judges and the Prosecutor General, and giving the President unfettered powers to extend the tenure of judges. Chief Justice Malaba’s tenure has already been extended, and judges have already been appointed without public consultation, in terms of these amendments. Following the successful High Court application (now under appeal) declaring Mr Malaba’s extension of tenure to be unconstitutional, the Minister of Justice, Legal and Parliamentary Affairs’ statement on 15 May 2021 expressed anger at the judgment, and made disparaging and threatening statements not only against lawyers, but against the judges that had issued the judgment, creating an environment of fear.
27. Malicious criminal prosecutions of high-profile human rights defenders such as Hopewell Chin’ono and Job Sikhala are also being tried by an unlegislated special “Anti-Corruption” unit of the Criminal Magistrates Court, with the same prosecutors handling these matters and opposing bail, and the same magistrates systematically denying bail. In the High Court, judges are similarly seemingly receiving instructions in these matters. Justice Ndewere was recently dismissed after a disciplinary tribunal was established following her granting of bail on appeal to Job Sikhala.

**Recommendations to the Government of Zimbabwe**

- **Take immediate measures to ensure that sufficient safeguards are in place, both in law and in practice, to guarantee the full independence and safety of lawyers and their effective protection against any form of retaliation in connection with their professional activity.**
- **Immediately take effective measures necessary to ensure that crimes, harassment, infringements and other violations against lawyers are effectively investigated and publicly condemned at all levels, and that the perpetrators of such acts are prosecuted.**
- **Refrain from any actions that may constitute harassment, persecution, or undue interference in the work of lawyers, including their criminal prosecution on improper grounds such as the expression of critical views or the nature of the cases that the lawyer is involved in.**
- **Refrain from making public threats against non-governmental organizations and the legal profession, including threats that aim to discredit the work and integrity of the targeted lawyers, organizations or bodies.**
- **Take immediate measures to guarantee the effective protection of the right of freedom of expression of lawyers as set out in principle 23 of the Basic Principles, in particular in their right to take part in public discussions on matters concerning the law, the administration of justice and the promotion and**



## UPR submission Lawyers for Lawyers and Zimbabwe Lawyers for Human Rights

### Zimbabwe (July 2021)

protection of human rights, without suffering professional restrictions by reason of their lawful action.

- Refrain from amendments to the Constitution, Legal Practitioners Act, and any other legislation that would impact on the independence of the judiciary and the Law Society of Zimbabwe, and impact on lawyers' ability to represent all clients without fear or favour.
- Desist from any interferences, directives, and public statements and threats that would undermine the independence of the judiciary in Zimbabwe.
- Refrain from allocating so-called "political" cases involving human rights defenders to particular prosecutors, judicial officers and unlegislated special courts, and ensure all cases are determined impartially before independent courts.

<sup>i</sup> The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

<sup>ii</sup> UN Human Rights Council, Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers, A/HRC/RES/35/12, 22 June 2017, [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/35/L.20](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/L.20).

<sup>iii</sup> Report of the Working Group on the Universal Periodic Review of Zimbabwe, A/HRC/WG.6/26L.5, 17 November 2016, p. 12 – 27.

<sup>iv</sup> Report of the Working Group on the Universal Periodic Review of Zimbabwe, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replied presented by the State under review, A/HRC/34/8/Add.1.

<sup>v</sup> Recommendation 131.94: Take concrete steps to create and maintain a safe and enabling environment for human rights defenders (Norway).

<sup>vi</sup> Recommendation 131.97: Ensure that violence directed against political activists, regardless of political affiliation, and human rights defenders will not be tolerated and that perpetrators will be held accountable in accordance with the law (Sweden).

<sup>vii</sup> UN Basic Principles on the Role of Lawyers, Basic Principle 17.

<sup>viii</sup> UN General Assembly, Independence of judges and lawyers, 22 August 2016, A/71/348, par. 73.

<sup>ix</sup> United Nations Human Rights Office of the High Commissioner, "Zimbabwe: UN expert calls for democratic shift after groundbreaking visit", 27 September 2019

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25071&LangID=E>,

<sup>x</sup> See also: Letter on the arrest and attack on lawyer Douglas Coltart, <https://lawyersforlawyers.org/letter-on-the-arrest-and-attack-on-lawyer-douglas-coltart/>, 11 March 2020.

<sup>xi</sup> Zimbabwe Lawyers for Human Rights, "Beatrice Mtetwa barred from representing client", <https://lawyersforlawyers.org/beatrice-mtetwa-barred-from-representing-client/>, 21 August 2020.

<sup>xii</sup> Savanna News, Police camp outside Hopewell Chin'ono's lawyer Beatrice Mtetwa's office, <https://savannanews.com/police-camp-outside-hopewell-chinonos-lawyer-beatrice-mtetwas-office/>, 13 August 2020.

<sup>xiii</sup> Zimbabwe Lawyers for Human Rights, "Scores Of People Arrested In Zim As Govt Mounts Unprecedented Clampdown On Dissent", <https://www.zlhr.org.zw/?p=2119>, 31 July 2020. This occurred at a checkpoint mounted near the ruling ZANU PF party headquarters. Shava and his clients were on their way from Harare Magistrates Court to Harare Central Police Station. His clients were to report to police as a part of their bail conditions. Shava and his arrested clients were represented by Harrison Nkomo of ZLHR.

<sup>xiv</sup> Pindula, "ZRP Briefly Arrests Job Sikhala's Lawyer Jeremiah Bamu Before Releasing Him Without Charge", <https://news.pindula.co.zw/2020/08/22/zrp-briefly-arrests-job-sikhala-lawyer-jeremiah-bamu-before-releasing-him-without-charge/>, 22 August 2020.

<sup>xv</sup> Times Live, "Emmerson Mnangagwa issues threat to Zimbabwe's doctors and lawyers", <https://www.timeslive.co.za/news/africa/2019-02-17-emmerson-mnangagwa-issues-threat-to-zimbabwes-doctors-and-lawyers/>, 17 February 2019.

<sup>xvi</sup> ZLHR Statement in Response to Comments by Justice, Legal and Parliamentary Affairs Minister Hon. Ziyambi (May 16, 2021) <https://www.zlhr.org.zw/?p=2374>

<sup>xvii</sup> Law Society of Zimbabwe Response to Attacks on its Disciplinary Processes and Regulatory Framework, Pindula, 19 June 2021 <https://news.pindula.co.zw/2021/06/19/law-society-of-zimbabwe-responds-to-mischievous-attacks-full-statement/>

<sup>xviii</sup> Newsday, "ED threatens to de-register NGOs", <https://www.newsday.co.zw/2018/12/ed-threatens-to-de-register-ngos/>, 12 December 2018.

<sup>xix</sup> Zambezi News 24, "Zimbabwe ruling party threatens to deal with 'hostile' NGOs", [https://zambezinews24.com/zimbabwe-ruling-party-threatens-to-deal-with-hostile-ngos/?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=zimbabwe-ruling-party-threatens-to-deal-with-hostile-ngos](https://zambezinews24.com/zimbabwe-ruling-party-threatens-to-deal-with-hostile-ngos/?utm_source=rss&utm_medium=rss&utm_campaign=zimbabwe-ruling-party-threatens-to-deal-with-hostile-ngos), June 26, 2021.

<sup>xx</sup> New Zimbabwe, "Govt Cracks Whip On NGOs, Demands Monthly Reports On Activities", <https://www.newzimbabwe.com/govt-cracks-whip-on-ngos-demands-monthly-reports-on-activities/>, 30 June 2021.

## UPR submission Lawyers for Lawyers and Zimbabwe Lawyers for Human Rights Zimbabwe (July 2021)

<sup>xxi</sup> Lawyers for Lawyers, 'Concerns about recent arrests in Zimbabwe', <https://lawyersforlawyers.org/concerns-about-the-recent-arrests-of-lawyers-in-zimbabwe/>, 11 June 2020.

<sup>xxii</sup> Zimbabwe Lawyers for Human Rights, "Lawyers Under Siege as Court Sets Free Opposition Party Leaders Arrested on Allegations of Singing in CBD", <https://www.zlhr.org.zw/?p=2064>, 8 June 2020. This occurred at Harare Magistrates Court. The charge was brought under section 184(1)(d) of the Criminal Law (Codification and Reform) Act.

<sup>xxiii</sup> Zimbabwe Lawyers for Human Rights, "ZLHR Condemns Arrest and Detention of Lawyer Dumisani Dube", <https://www.zlhr.org.zw/?p=2057>, 6 June 2020.

<sup>xxiv</sup> Lawyers for Lawyers, "Beatrice Mtetwa Barred From Representing Client", <https://lawyersforlawyers.org/beatrice-mtetwa-barred-from-representing-client/>, 21 August 2020.

<sup>xxv</sup> The comments called on the international community to speak out against Hopewell Chin'ono's imprisonment. The American filmmaker and owner of the Facebook page has explicitly made clear in a number of posts on the given Facebook page that Beatrice Mtetwa does not operate the page and that she has never posted on the page. See: <https://www.facebook.com/bostonfilmvideo/>.

<sup>xxvi</sup> Zimbabwe Lawyers for Human Rights, "Beatrice Mtetwa barred from representing client", <https://lawyersforlawyers.org/beatrice-mtetwa-barred-from-representing-client/>, 21 August 2020. Zimbabwe Lawyers for Human Rights, "High Court Hears Mtetwa's Challenge of Banishment as Chin'ono's Lead Lawyer", <https://www.zlhr.org.zw/?p=2229>, 14 December 2020.

<sup>xxvii</sup> Lawyers for Lawyers, "Order barring Beatrice Mtetwa from handling a case overturned", <https://lawyersforlawyers.org/order-barring-beatrice-mtetwa-from-handling-a-case-overturned/>, 15 December 2020.

<sup>xxviii</sup> Zimbabwe Lawyers for Human Rights, "Beatrice Mtetwa barred from representing client", <https://lawyersforlawyers.org/beatrice-mtetwa-barred-from-representing-client/>, 21 August 2020. This was originally reported by Frontline Defenders.

<sup>xxix</sup> Zimbabwe Lawyers for Human Rights, "Nine HRDs to Stand Trial Over Possession of Miniature Coffin", <https://www.zlhr.org.zw/?p=1840>, 8 October 2019. Zimbabwe Lawyers for Human Rights, "Lawyer, HRDs Plead not Guilty as Trial Over Possession of Miniature Coffin Commences", <https://www.zlhr.org.zw/?p=1894>, 2 December 2019. The protest was organized to draw attention to the decreasing funds available to rural teachers and schools.

<sup>xxx</sup> See also: Letter on the arrest and attack on lawyer Douglas Coltart, <https://lawyersforlawyers.org/letter-on-the-arrest-and-attack-on-lawyer-douglas-coltart/>, 11 March 2020.

<sup>xxxi</sup> Zimbabwe Lawyers for Human Rights, "State Paranoia Plumbs New Depths in Zimbabwe", <https://www.zlhr.org.zw/?p=1947>, 4 March 2020.

<sup>xxxii</sup> <https://twitter.com/dougcoltart/status/1309122454661533697>

<sup>xxxiii</sup> UN Basic Principles on the Roles of Lawyers, Principle 23.

<sup>xxxiv</sup> Lawyers for Human Rights, "*Sikhala Charged with Plotting to Overthrow Govt as Mahiya, Mutasa and Mwarire's Trials Fail to Commence*", <https://www.zlhr.org.zw/?p=1755>, 9 July 2019. Zimbabwe Lawyers for Human Rights, "Sikhala Acquitted Over Plot to Overthrow Mnangagwa's Govt", <https://www.zlhr.org.zw/?p=1936>, 14 February 2020. Zimbabwe Lawyers for Human Rights, "Sikhala Set Free on RTGS 5 000 Bail", <https://www.zlhr.org.zw/?p=1766>, 15 July 2019. Bail was granted by High Court Judge Justice Neville Wamambo. Sikhala's lawyers were Beatrice Mtetwa, Jeremiah Bamu, Tinomuda Shoko and Blessing Nyamaropa of ZLHR.

<sup>xxxv</sup> Zimbabwe Lawyers for Human Rights, "Blind-Folded Sikhala Located in Masvingo as Police Arrest MDC Youth Leader", <https://www.zlhr.org.zw/?p=1760>, 1<1 July 2019. Sikhala was represented by Jeremiah Bamu and Tinomuda Shoko of ZLHR. Sikhala was charged with "subverting constitutional government" under section 22(2)(a)(iii) of the Criminal Law Act.

<sup>xxxvi</sup> Zimbabwe Lawyers for Human Rights, "Sikhala Launches Freedom Bid at High Court as Court Sets Free Siziba on Bail", <https://www.zlhr.org.zw/?p=1764>, 12 July 2019. Sikhala's lawyers were Jeremiah Bamu and Tinomuda Shoko of ZLHR.

<sup>xxxvii</sup> Zimbabwe Lawyers for Human Rights, "Sikhala Launches Freedom Bid at High Court as Court Sets Free Siziba on Bail", <https://www.zlhr.org.zw/?p=1764>, 12 July 2019.

<sup>xxxviii</sup> Zimbabwe Lawyers for Human Rights, "Sikhala Acquitted Over Plot To Overthrow Mnangagwa's Govt", <https://www.zlhr.org.zw/?p=1936>, 14 February 2020. Sikhala was acquitted by High Court Judge Justice Garainesu Mawadze.

<sup>xxxix</sup> Zimbabwe Lawyers for Human Rights, "Sikhala Exposes Prison Conditions as Court Denies Chin'ono Bail", <https://www.zlhr.org.zw/?p=2135>, 25 August 2020. Zimbabwe Lawyers for Human Rights, "Sikhala arrested over July 31 Protest", <https://www.zlhr.org.zw/?p=2125>, 21 August 2020. He was formally charged with "incitement to commit public violence" under sections 187(1)(a) and 36(1)(a) of the Criminal Law Act. The alternative charge was "incitement to participate in a gathering with intent to promote public violence, breaches of peace or bigotry" under section 37(1)(a) of the Criminal Law Act.

<sup>xl</sup> Zimbabwe Lawyers for Human Rights, "Sikhala arrested over July 31 Protest", <https://www.zlhr.org.zw/?p=2125>, 21 August 2020. Sikhala was represented by Jeremiah Bamu and Advocate Eric Matinenga of ZLHR.

<sup>xli</sup> Information provided by Zimbabwe Lawyers for Human Rights (ZLHR) on 22 January 2021.

<sup>xlii</sup> Basic Principles on the Independence of the Judiciary, Adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August to 6 September 1985 (General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985)

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/IndependenceJudiciary.aspx>