



**LAWYERS FOR  
LAWYERS**

Monday 26 February 2024

## Zimbabwe: IBAHRI and L4L statement on the protection of human rights lawyers

The **International Bar Association's Human Rights Institute** (IBAHRI) and **Lawyers for Lawyers** (L4L) welcomed the decision of the Zimbabwean authorities to drop charges brought against two human rights lawyers, **Douglas Coltart** and **Tapiwa Muchineripi**.

On 4 September 2023, the lawyers, who work with the non-governmental organisation **Zimbabwe Lawyers for Human Rights** (ZLHR), were arrested by officers of the Zimbabwe Republic Police (ZRP) and charged with '[d]efeating or obstructing the course of justice', as defined in **Section 184 of the Criminal Law (Codification and Reform) Act**, and impeding the police from discharging their professional duty under article 178 of the Criminal Law (Codification and Reform) Act.

Mr Coltart and Mr Muchineripi were accused of blocking police from questioning their clients, **Womberaishe Nhende** and **Sanele Mkhuhlani**, who are members of the political party Citizens Coalition for Change (CCC). According to the statements of Mr Nhende and Mr Mkhuhlani, they were hospitalised after being abducted and tortured by state agents in the capital Harare.

On 26 January 2024, the Zimbabwean National Prosecution Authority (ZNPA) withdrew the charges against the two lawyers, Mr Coltart and Mr Muchineripi, due to lack of evidence to sustain the prosecution. Although the ZNPA's decision is welcomed by the IBAHRI and L4L, concern remains about the ongoing pressure on Zimbabwe's legal profession, as evidenced most recently by the intimidation and harassment of human rights lawyer **Harrison Nkomo**.

On 24 January 2024, Mr Nkomo, a senior lawyer with ZLHR, was reportedly denied entry to a courtroom at Harare Magistrates Court by some ZRP officers. He was waiting for the trial of his client, former Zengeza West legislator **Hon Job Sikhala**, who is accused of inciting public violence and communicating falsehoods and has since been sentenced to a two-year non-custodial sentence for the first charge and fined \$500 in addition to a nine-month suspended prison sentence for the second charge. Despite identifying himself as a lawyer, the police officers pointed a firearm at him. The client's other lawyer, **Jeremiah Bamu**, protested the ill-treatment of his colleague before the court. **Magistrate Tafadzwa Miti** ordered the prosecution to investigate the

incident and submit a report to the court. Following a lengthy delay in his ability to practice his profession, Mr Nkomo was subsequently allowed entry into the court to represent his client.

Notably, the United Nations **Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment**, have expressed 'alarm' regarding the pattern of abuses and threats against lawyers and human rights defenders in the context of elections. The undersigned organisations share such concerns and emphasise the need for the rights of lawyers to be protected and for lawyers not to be exposed to any improper interference in the discharge of their professional functions so as to ensure effective justice for all. Furthermore, lawyers should not be identified with their clients or their clients' causes. In this respect, we draw your attention to the **United Nations Basic Principles on the Role of Lawyers**, in particular to **Articles 16, 17 and 23**, which read:

16. Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment, or improper interference; [...] and (c) 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.

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

23. 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. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

The IBAHRI and L4L, therefore, call on the Zimbabwean authorities to:

- promptly and adequately investigate the harassment and hindrance of Mr Nkomo to ensure accountability for police abuses perpetrated against lawyers;
- immediately take action to ensure the safety and physical integrity of Mr Nkomo, including the provision of effective protection measures to guarantee that lawyers are able to carry their legitimate professional activities without fear of reprisals and free of all restrictions; and
- refrain from actions that may constitute harassment, persecution, or undue interference in the work of lawyers in Zimbabwe, including their criminal prosecution on improper grounds such as the nature of cases in which the lawyer is involved.

Lastly, the IBAHRI and L4L reminds the Zimbabwean authorities that independent lawyers have a critical role to play in the protection of the rule of law and human rights in a country and should be able to carry out their professional duties in a free and secure environment.

