



The Law Society
of England and Wales

Office of the United Nations
Commissioner for Human Rights (OHCHR)
Palais Wilson
52 rue des Pâquis
CH-1201 Geneva
Switzerland

14 March 2011

Dear Sirs,

Re: Session 12, 10 October, Zimbabwe

Re: Letter in Support of Stakeholders' report submitted by Zimbabwe Human Rights Organisations

We write in relation to the Universal Periodic Review of Zimbabwe 2011.

The Law Society is the professional body representing more than 138,000 solicitors in England and Wales. Its concerns include upholding the independence of the legal profession, the rule of law and human rights throughout the world. Our particular focus is the right to a fair trial and the independence of lawyers and the judiciary.

We write in support of paragraph 8, entitled 'Right to a fair trial', of the Stakeholders' report submitted by Zimbabwe Human Rights Organisations to the Universal Periodic Review 2011 ("Stakeholders' Report").

We are aware that in the last 4 years human rights lawyers in Zimbabwe have been denied access to their clients and that doubts have arisen about the independence of judicial officers presiding over the courts due to their appointment process. There have been reports of selective prosecution seemingly due to political considerations. We also note that at times the work of human rights lawyers to provide legal services to clients have been compromised due to threats to their security in the forms of arrests, harassment and other attacks by state and non-state actors.

We recommend that the Zimbabwean government upholds the principles enunciated in the Basic Principles on the Role of Lawyers (1990), in particular articles 16, 17 and 18 which state:

16. 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, 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.



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

We agree with the other recommendations set out in paragraph 8 of the Stakeholders' Report in particular that judicial independence must be guaranteed through an appointment process by an independent Judicial Service Commission that is constituted of members who have been appointed after a consultative process with critical stakeholders in the justice delivery.

Yours faithfully



Courtenay Barklem
Human Rights Adviser