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**SADC-LA DENOUNCES THE BAR OF HUMAN RIGHTS LAWYER, BEATRICE
MTETWA FROM REPRESENTING CLIENT AND UNLAWFUL ARRESTS AND
DETENTION OF CIVILIANS**

1. On 28 July 2020, SADC-LA issued a Statement directed to the Zimbabwean Government, urging it to demonstrate adherence to rule of law and constitutionalism. Barely a month later and in the wake several national, regional and global cries for the observance of rule of law, the Zimbabwean Government has unleashed a raft of state orchestrated attacks on civilians, media and political opponents.
2. It is with deep regret and shock that SADC-LA has learnt that the Magistrates Court of Zimbabwe has passed a ruling that on the face of it aids all condemned statecraft in extending political persecution of lawyers and litigants through the court. Instead of conducting due process in the manner prescribed by the dictates of natural justice, the Magistrates Court has arbitrarily barred Mrs. Beatrice Mtetwa from representing Hopewell Chin'ono as his lawyer of choice in terms of his constitutional right.
3. While SADC-LA fully acknowledges the existence of the Court's concerns with utterances it attributes to the said lawyer, there is no justification in depriving her of the right to practice law outside the prescribed regulatory framework responsible for exercising this power in the circumstances. The Disciplinary & Ethics Committee of the Law Society of Zimbabwe and the Disciplinary Tribunal in the High Court of Zimbabwe are charged with the mandate to assess complaints against legal practitioners in that country, following due process. We hold that a complaint to the Law Society of Zimbabwe would have sufficed. Outside this process it is a direct attack on the independence of the Legal Profession by the Lower Bench to bar a registered legal practitioner from appearing in a court of law. We speak for all lawyers in the region that this position is untenable and intimidates all legal practitioners appearing before a court. It decimates their confidence in the judiciary and curtails their capacity to perform to the best of their ability.
4. The greatest injustice in all this is the subtraction, from ordinary citizens, the right to legal representation of one's choice. It is likely to engender reduction in professional confidence in platforms of accountability and definitely

undermines the rights to a fair trial, freedom of expression and equal access to justice for all. This, at a time when the global cry is to ensure equal access to justice under the sustainable development goals. The judiciary is looked upon to be the last bastion of defence for citizens at a time when Zimbabweans are faced with vast economic and political crises. More significantly, Hopewell Chin'ono remains exposed and without the full protection of the law under continuing grave human rights violations for no proven illegal conduct on his part.

5. SADC-LA calls on the Government of Zimbabwe and the Judiciary as follows:

- 5.1. That the courts of Zimbabwe and the region at large, wake up to the reality that as the last hope for equality, they hold the key to kill or resurrect justice. With this key comes the responsibility to build or destroy nations. All other arms of government, individuals, organisations and groups may well attempt to perpetrate injustice, but any failure by the courts to address injustice is a death knell to the rule of law. In all circumstances the court is bound to dispense justice and must be seen to side only with justice and not an institution, or person or group.
- 5.2. In the present case it is our sincere hope that the Judicial Services Commission of Zimbabwe (JSCZ), through means at its disposal within its enabling legislation will assess the particular court's conduct and its impact on justice and the regulatory framework for an independent legal profession in Zimbabwe. We call upon the JSCZ to provide urgent guidance in this respect to restore confidence in the judiciary. This must of course be balanced with the need to observe the due independence of the lower court.
- 5.3. Pending urgently required resolution of a political crisis in Zimbabwe, SADC-LA calls on the Government of Zimbabwe to immediately release all political prisoners and prisoners of conscience. More importantly, those arrested outside due process and that are being unjustifiably held in detention.

For and on behalf of SADC-LA Council and Executive Committee.

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