



BY AIRMAIL

President of Zimbabwe Emmerson D. Mnangawa
Office of the President and Cabinet (OPC)
OPC Headquarters, Munhumutapa Building
Corner Samora Machel Avenue and Sam Nujoma
HARARE
ZIMBABWE

Amsterdam, 10 March 2020

Subject: Arrest and attack on lawyer Douglas Coltart

Your Excellency,

Lawyers for Lawyers is an independent and non-political foundation that seeks to promote the proper functioning of the rule of law by pursuing freedom and independence of the legal profession.

Lawyers for Lawyers is concerned about the recent continuation of the trial and the new charges against human rights lawyer Douglas Coltart as well as about the physical attacks made against him by officers of the Zimbabwe Republic Police (ZRP).

According to our information, on 23 August 2019, an organized protest took place by the Amalgamated Rural Teachers Union of Zimbabwe (ARTUZ) to draw attention to the decreasing funds available to rural teachers and schools. The ZRP was voluntarily informed of this protest in August 2019, following which members of ARTUZ were warned not to go ahead with the protest and to think of their families. Douglas Coltart was present at the protest in his capacity of lawyer and legal representative of ARTUZ. The moment the teachers arrived at the protest, they were arrested by the ZRP. While filming the arrests, Coltart himself was violently arrested. He was pushed to the ground and kicked multiple times, injuring him to the head (causing abrasion), arms and legs (causing bruising, swelling and abrasions). The ZRP ignored the Coltart's statement that he was acting in his capacity as a lawyer, and ZRP officers refused to identify themselves as well as to inform Coltart and the other arrestees about the reason for their arrest. Coltart was detained overnight and released the following evening after being granted bail.

On 23 November 2019, Coltart was again violently assaulted at Harare Central Police Station by a Chief Inspector and several other unidentified police officers, after he had attended to provide emergency legal assistance to Obert Masaraure, the President of ARTUZ, who had been arrested the same day and charged with disorderly conduct. Coltart had identified himself as a lawyer and shown his legal practicing certificate to the police officers but was denied access to his client by the Chief Inspector. At the time he was assaulted, Coltart had left the police officers to go and lay a complaint against them for the denial of access to his client, but he was followed and dragged out of the office where he was laying the complaint into a corridor where he was handcuffed and assaulted. Coltart sustained injuries to his neck, back, arms and legs (including bruising and abrasions). He was briefly detained for before being released without charge.

On 18 February 2020, Coltart received summons to appear in court on 4 March 2020 to face new charges. These charges relate to a teachers' meeting of ARTUZ in April 2019, which was raided by suspected members of the Central Intelligence Organization and led to the interrogation of four teachers who were eventually charged with "participating in a gathering with intent to cause public violence, breaches of the peace or bigotry". Coltart was subsequently called in for questioning by the police the following day and charged with the same offense. His



laptop was also seized and while it was in police custody there was reportedly a cyber-attack on his law firm's network.

Lawyers for Lawyers fears that the arrest of as well as the attacks and charges against Douglas Coltart are connected to and serve to curb his legitimate activities as lawyer.

We would like to draw your attention to the United Nations (UN) Basic Principles on the Role of Lawyers¹ (Basic Principles), more in particular Principles 16 and 17, 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; (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.

Furthermore, as a member of the African Union and the UN, and as a party to the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights, Zimbabwe has legal obligations to adopt measures that effectively ensure rights to liberty, freedom from arbitrary detention, freedom of expression, and fair trial.

Lawyers for Lawyers also calls attention to the Report of the Working Group on the Universal Periodic Review Zimbabwe of Human Rights Council of 28 December 2016, which includes various recommendations by UN member states as to the position and protection of lawyers in Zimbabwe. In light of the concerns addressed in this letter, Lawyers for Lawyers draws specific attention to the following recommendations, as regards to which Zimbabwe expressed that they enjoy the support² of Zimbabwe:

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)".

131.94 Take concrete steps to create and maintain a safe and enabling environment for human rights defenders (Norway).

In view of the above, Lawyers for Lawyers respectfully urge you to:

- Immediately and unconditionally put an end to all acts of harassment against Douglas Coltart, including at the judicial level;

¹ 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 September 7 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 December 18 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

² Human Rights Council, Report of the Working Group on the Universal Periodic Review of Zimbabwe of 28 December 2016, A/HRC/34/8.



- Take all necessary measures to guarantee the physical and psychological integrity and security of Douglas Coltart;
- Guarantee in all circumstances that all human rights lawyers in Zimbabwe are able to carry out their legitimate professional rights and duties without fear of reprisals and free of all restrictions including judicial harassment.

Thank you for your attention to this very important matter. We are confident that the government of Zimbabwe will give this case the attention it deserves and we will continue to monitor this case closely.

On behalf of the President of Lawyers for Lawyers, Irma van den Berg,

yours sincerely

LAWYERS FOR LAWYERS (L4L)

Sophie de Graaf, executive director

Copies of this letter were sent to:

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