



Joint statement on the harassment of Zimbabwean lawyer Mr. Kudzayi Erick Kadzere

Lawyers for Lawyers, the International Bar Association's Human Rights Institute, and Lawyers' Rights Watch Canada condemn the judicial and physical harassment of Mr. Kudzayi Erick Kadzere and the continuing culture of impunity and lack of accountability for human rights violations by security forces within Zimbabwe.

Mr. Kadzere is a legal practitioner with Kadzere, Hungwe & Mandevere Legal Practitioners, based in Harare, Zimbabwe. Mr. Kadzere works as a human rights lawyer in Harare and is a member of Zimbabwe Lawyers for Human Rights.

On 14 January 2023 Mr. Kadzere received instructions to represent a number of his clients who are all members of the Citizens Coalition for Change (CCC) and who had been arrested in Budiriro. While Mr. Kadzere was on his way to the police station in which his clients were detained, he was blocked by a police truck that was carrying several members of an anti-riot team of the Zimbabwe Republic Police (ZRP). The ZRP officers approached Mr. Kadzere and accused him of taking videos of them. Mr. Kadzere explained that he did not take any videos and offered the police officers to look at the recorded videos on his phone in order for them to verify that he was indeed not taking any videos. He identified himself as a registered legal practitioner and he also informed the police officers that taking videos is not a criminal offence.

However, the police officers, without cause, proceeded to repeatedly assault Mr. Kadzere using their fists and baton sticks. Subsequently, the police officers handcuffed him and loaded him into the police truck as they continued to use violence. The police truck drove to the same police station where his clients were detained, and the officers took Mr. Kadzere into custody. On 15 January 2023, Mr. Kadzere's lawyers secured his release to allow him to receive necessary medical attention. In the attack, Mr. Kadzere was seriously injured and suffered a fracture to his hand, and is currently recovering from his injuries and a surgery that was necessary due to his injuries.

Mr. Kadzere has since been charged with criminal nuisance as defined in section 46 of the Criminal Law Codification and Reform Act (Chapter 9:23). Additionally, when Mr. Kadzere attempted to file a police report the next day in Harare against the police officers who assaulted him, he was arrested at the station and charged with absconding from lawful custody. Following a media uproar about his assault and prosecution, the Assistant Commissioner of the Zimbabwe Republic Police also issued a public statement that Mr. Kadzere had lied about his assault and had injured his hand by jumping out of a police truck to resist arrest. The case against Mr. Kadzere was supposed to take place at 19 January, then 30 January 2023. However, the case was postponed as the police are not yet ready with their preparations.

The undersigned organisations are alarmed by the assault against Mr. Kadzere by ZRP officers and are deeply concerned that it is linked to his professional activities as a lawyer, amounting to harassment against the legal profession. We are further concerned that this assault is emblematic of continuing police impunity and an increasingly shrinking civic space in Zimbabwe, particularly in the run up of the 2023 elections. Lawyers play a vital role in the protection of the rule of law and human rights. It is the responsibility of lawyers to defend the rights of their clients. Their work is indispensable for ensuring that all persons have equal and effective access to protection of the law and remedies for violations of rights. To fulfil their professional duties effectively, lawyers must be able to practice law freely and independently, without any fear of reprisal.

The United Nations Basic Principles on the Role of Lawyers, Article 16, unequivocally states that governments must ensure that lawyers "*are able to perform all of their professional functions without intimidation, hindrance or improper interference*", '*are able to travel and to consult with their clients freely both within their own country and abroad*' and "*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.*" Additionally, Article 18 holds that "*Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.*"

In order to maintain the rule of law and allow legal professionals to fulfil their role in protecting rights and freedoms, Lawyers for Lawyers, the International Bar Association's Human Rights Institute, and Lawyers' Rights Watch Canada call on the authorities in Zimbabwe to urgently:

- drop all charges against Mr. Kadzere and promptly and thoroughly investigate the assault of Mr. Kadzere with the aim of identifying those responsible and holding perpetrators accountable in order to serve justice and to prevent re-occurrence of violations;
- guarantee Mr. Kadzere's safety and physical integrity and ensure that all lawyers in Zimbabwe are able to assist their clients without intimidation, hindrance, harassment or improper interference and without threats or actual prosecution or administrative sanctions for any actions they take in accordance with internationally recognized professional duties, standards and ethics; and
- expedite the establishment of the Independent Complaints Mechanism as provided in section 210 of Zimbabwe's Constitution, with the mandate of receiving and investigating complaints from members of the public about misconduct of the police.