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IBAHRI and L4L Statement on the Brutal Assault of Zimbabwean Human Rights Lawyer Obey Shava

The International Bar Association Human Rights Institute (IBAHRI) and Lawyers for Lawyers (L4L) wish to express their great concern for the well-being of prominent Zimbabwean human rights lawyer Obey Shava, after he was gravely assaulted near his law firm in Harare, in the early evening of 5 July 2023.

Mr Shava, of Shava Law Chambers and Zimbabwe Lawyers for Human Rights (ZLHR), is a highly effective and well-respected human rights lawyer in Zimbabwe, well-known for defending human rights and political activists facing judicial harassment. He is currently involved in key electoral cases ahead of Zimbabwe's August 2023 elections. He is also outspoken on human rights and governance issues on social media. He was one of the lawyers representing opposition party Citizens Coalition for Change (CCC) leaders Joana Mamombe, Cecilia Chimhiri and Netsai Marova, when they faced charges of 'publishing false statements prejudicial to the state' for reporting their abduction and ill-treatment after a protest in May 2020. When Mr Shava was accompanying them to the police station to comply with their bail reporting conditions on 31 July 2020, he and his clients were harassed, his client was assaulted, and his clients were arrested. When Mamombe and Chimhiri were acquitted on 4 July 2023, he re-posted about this past incident with a video on his Twitter account.

ZLHR reported that on the day of Mr Shava's assault, on 5 July, certain individuals went to his law firm Shava Law Chambers requesting legal assistance. He was not in the office at the time. They later called him and requested to see him urgently. He met four unidentified males, travelling in a silver Mercedes Benz with no number plate and a Range Rover, after-hours. They then brutally attacked him, leaving him with critical injuries all over his body, especially his legs and arms. An assistant at his firm was also assaulted. After Mr Shava was found, he was admitted to a hospital's critical care unit. ZLHR reported that certain suspicious men then tried to visit him at the medical facility in the early hours of 6 July 2023.

IBAHRI and L4L are extremely concerned that the attack on Mr Shava may have been an attempt to impede his work as a human rights lawyer, and to silence him for his statements on social media. The attack against Mr Shava is not an isolated incident. For example, earlier this year, in January 2023, human rights lawyer Kudzai Kadzere was arrested and assaulted by police officers, sustaining a fractured hand, when attending to clients at a political rally.

The UN Human Rights Council, through its resolution 'The Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers' (A/HRC/RES/35/12, 22 June 2017), has condemned "*the increasingly frequent attacks on the independence of lawyers, in particular threats, intimidation and interference in the discharge of their professional functions*". The HRC also expressed its deep concern "*about the significant number of attacks against lawyers and instances of arbitrary or unlawful interference with or restrictions to the free practice of their profession*" and called upon States "*to ensure that any attacks or interference of any sort against lawyers are promptly, thoroughly and impartially investigated and that perpetrators are held accountable.*"

The UN 'Basic Principles on the Role of Lawyers' also call upon states to ensure that lawyers "*are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference*"; and to ensure that "*lawyers shall not suffer ... sanctions for any action taken in accordance with recognized professional duties, standards and ethics*". The Basic Principles further provide that "*lawyers like other citizens are entitled to freedom of expression, belief, association and assembly*". They 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, without suffering reprisals.

In this context, and particularly in the tense pre-electoral environment in Zimbabwe, IBAHRI and L4L call upon the Zimbabwean authorities to:

- Immediately take the effective measures necessary to ensure that crimes, harassment, infringements and other violations against Mr Shava, and other affected lawyers, are effectively investigated and publicly condemned at all levels, and that the perpetrators of these heinous acts are prosecuted.
- Take immediate measures to ensure that sufficient safeguards are in place, both in law and in practice, to guarantee the full independence and safety of lawyers and their effective protection against any form of retaliation in connection with their professional activity.
- Refrain from any actions that may constitute harassment, persecution, or undue interference in the work of lawyers, including their criminal prosecution on improper grounds such as the expression of critical views or the nature of the cases that the lawyer is involved in.
- Take immediate measures to guarantee the effective protection of the right of freedom of expression of lawyers as set out in principle 23 of the Basic Principles, in particular their right to take part in public discussions on matters concerning the law, the administration of justice and the promotion and protection of human rights.