

24 August 2020

**JOINT STATEMENT CONCERNING THE JUDGMENT AGAINST
LAWYER BEATRICE MTETWA**

1. We, the undersigned non-governmental organizations and individuals note with grave concern the decision of the Zimbabwean Magistrates' Court to disqualify Beatrice Mtetwa from continuing as defence legal counsel for journalist Hopewell Chin'ono, who is currently being tried on charges of inciting public violence. The Magistrates' Court also ordered the Prosecutor General to consider instituting proceedings of contempt of court against Beatrice Mtetwa.
2. The Magistrates Court's decision was made at the instance of an application by the state for Beatrice Mtetwa's disqualification on grounds that she had made certain public statements which the state perceived as showing that she was no longer an objective officer of the court in the legal matter. It is alleged that Beatrice Mtetwa authored and or authorized the publication of the following statement on a Facebook page titled "Beatrice Mtetwa and The Rule of Law":

"Where is the outrage from the international community that Hopewell Chin'ono is being held as a political prisoner? His life is in serious peril. Raise awareness about his unlawful imprisonment. Do not let him to be forgotten. You or someone you love could be the next one abducted from your home and put in leg irons."

3. We note that Beatrice Mtetwa testified before the court that she has no control over the said Facebook page and therefore, did not author or authorize the said publications. She is not listed as an administrator of the said Facebook page.
4. We strongly believe that, even if a lawyer were to make the statements which Beatrice Mtetwa is alleged to have made, such statements are protected under the right to freedom of expression. This right is guaranteed in section 61 of the Constitution of Zimbabwe, article 19 (2) of the International Civil and Political Rights (ICCPR) and article 9(2) of the African Charter on Human and Peoples' Rights (African Charter).
5. Further, in terms of Principle 23 of the United Nations Basic Principles on the Role of Lawyers (UN Basic Principles):
"Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall 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....."
6. By disqualifying Beatrice Mtetwa, the court has undermined the accused person (Hopewell Chin'ono)'s right to legal representation, which is guaranteed in section 70(1) (d) of the Constitution of Zimbabwe, article 14(3) (b) of the ICCPR and article 7(1) of the African Charter. Subsequently, this undermines the accused person's right to a fair trial.
7. We therefore express our concern over this judgment as it undermines not just Beatrice Mtetwa's right to practice law but it has a chilling effect on the exercise of many other associated rights

including the right to freedom of expression for lawyers, the accused persons' right to legal representation as well as the right to fair trial. Ordinarily, courts must be the shield that protects these rights rather than being the sword that destroys fundamental rights.

8. We call on the Zimbabwean authorities to respect, protect, promote and fulfil the human rights of everyone, including Beatrice Mtetwa's right to freedom of expression and to practice her profession, the right of the accused to fair trial including legal representation. There is no justice without freedom and the rule of law.

Organisations

1. ABANTU for Development, West Africa
2. Africa Centre for Development Alternatives
3. Africa Judges and Jurists Forum
4. African Centre for Democracy and Human Rights Studies
5. African Defenders (Pan African Human Rights Defenders Network)
6. African Men for Sexual Health and Rights
7. African Women's Development and Communication Network
8. Agrarian South Network
9. Amalgamated Rural Teacher's Union of Zimbabwe
10. Botswana Centre for Public Integrity (BCPI)
11. Botswana Domestic And Allied Workers Union (BODAU)
12. Botswana Gender Based Violence Prevention and Support Centre
13. Amnesty International
14. Cameroon Women's Peace Movement
15. Centre for Democracy and Development (Mozambique)
16. Centre for Applied Legal Studies
17. Centre for Human Rights, Education, and Advice and Assistance
18. Centre for the Study of Violence and Reconciliation
19. Chapter One Foundation
20. CIDH-Network of Independent Commission For Human Rights
21. Coalition of African Lesbians
22. Consortium of Ethiopian Human Rights Organizations
23. Defenders Coalition Kenya
24. Democratic Governance and Rights Unit
25. DITSHWANELO- The Botswana Centre for Human Rights
26. Dorcas Chabanga
27. Ethiopian Human Rights Defenders Coalition

28. Expression Now Human Rights Initiative
29. Freedom House
30. Femme Défenseuse des Droits Humains - FDDH
31. Gender Centre for Empowering Development
32. Girl Child Network (Uganda)
33. House of Justice
34. Human Right Concern
35. Human Rights Defenders Coalition
36. Human Rights Defenders Network – SL
37. Human Rights Enforcement Foundation (Uganda)
38. Human Rights Institute of South Africa
39. Human Rights Watch
40. Inclusive Directions Endorses
41. International Commission of Jurists (Kenya Section)
42. International Refugee Rights Initiative
43. Ithemba For Girls Trust
44. Justice Access Point (Uganda)
45. Kenya Human Rights Commission
46. LAWA Ghana Alumnae Inc.
47. Lesbians, Gays and Bisexuals of Botswana
48. National Coalition of Human Rights Defenders-Uganda
49. Network of Independent Commission for Human Rights in Northern Africa
50. Network for Women's Rights in Ghana (NETRIGHT)
51. Open Bar Initiative-Nigeria
52. Open Society Initiative for Southern Africa
53. Pan African Lawyers Union
54. Panos Institute Southern Africa
55. Réseau Ouest Africain des défenseurs des droits humains (ROADDH)
56. SADC Lawyers Association
57. Samburu Women Trust
58. Shalupe Foundation
59. Sonke Gender Justice
60. South Sudan Human Rights Defenders Network
61. Southern Africa Human Rights Defenders Network
62. Southern Africa Litigation Centre
63. Southern Africa Network Against Corruption
64. Success Capital Organisation
65. Tanzania Human Rights Defenders Coalition
66. Women's Manifesto Coalition, Ghana
67. Women with Vision of South Africa
68. West Africa Human Rights Defenders Network
69. Zambia Council for Social Development
70. Zimbabwe Human Rights NGO Forum
71. Zimbabwe National Students Union

Individuals

1. Achieng Akena
2. Alice Mogwe
3. Angela Quintal
4. Arnold Tsunga
5. Arthur Zirabada
6. Bella Matambanadzo
7. Chikosa Banda
8. Colleta Pamba
9. Constance Vimbai Mukarati
10. Corlett Letlojane
11. Dewa Mavhingana
12. Donald Deya
13. Dr. Fikile Vilakazi
14. Dr. Freedom Mazwi
15. Dr. Justice Alfred Mavedzenge
16. Dr. Musa Kika
17. Dr. Rose Nakayi
18. Dr Walter Chambati
19. Evelyn Chijarira
20. Gloria Mabeiam Ballason
21. Grace Kumwenda
22. Gregory Chifire
23. Hardlife Mudzingwa
24. Happy Mhango
25. Janah Ncube
26. Justice Willy Mutunga, Former Chief Justice of Kenya 2013-
2017
27. Juliana Zhanje
28. Kaajal Ramjathan-Keogh
29. Kelvin Kabaya
30. Kwemara Kafuuzi
31. Last Chiuswa
32. Leah Mitaba
33. Lorato Moalusi
34. Lloyd Kuveya
35. Makanatsa Makonese
36. Molao Matters
37. Mona-Lisa Danieli Mungure
38. Mamukeleni Tsunga
39. Martin Okumu-Masiga
40. Modise H. D. Maphanyane
41. Mooya L. Nyaundi
42. Muchengeti Hwacha
43. Muleya Mwananyanda

44. Muzi Masuku
45. Nancy Njenge
46. Nathan Dumba
47. Nikiwe Kaunda
48. Norman Tjombe
49. Otto Saki
50. Prisca Mokgadi
51. Professor Adriano Alfredo Nuvunga
52. Professor Chidi Anselm Odinkalu
53. Professor Danwood Chirwa
54. Professor Dzodzi Tsikata
55. Professor Hugh Corder
56. Professor Issa Shivji
57. Professor Marcelo Rosa
58. Professor Michelo Hansungule
59. Professor Paris Yeros
60. Professor Praveen Jha
61. Professor Reg Austin
62. Robson Ruhanya
63. Robson Chere
64. Ronald Chikwenhere
65. Sandeep Chachra
66. Sheila Minkah-Premo
67. Simphiwe Sidu
68. Tanele Maseko
69. Tamuka Brian Kagoro
70. Tendekai Muzamhindo
71. Teresa Mugadza
72. Thoko Matshe
73. Thulani Maseko
74. Thulani Mswelanto
75. Tiseke Kasambala
76. Vanja Karth
77. Victor Mhango
78. Vusumuzi Sifile
79. Washington Katema
80. Wesley Mwafulirwa
81. Yao Graham
82. Youngson Dzikiti