



BY AIRMAIL

Mr. Robert G. Mugabe,
President of Zimbabwe,
Office of the President,
Private Bag 7700, Causeway,
HARARE, **ZIMBABWE**

Fax: +263 4 708 211 /
+ 263.4.70.38.58;

Amsterdam, 17 November 2013

Subject: Physical attack on lawyer Kennedy Masiye

Your Excellency,

I am writing to you on behalf of Lawyers for Lawyers (L4L), an independent and non-political Dutch foundation which supports lawyers who are threatened or suppressed in the execution of their legal profession all over the world. L4L is committed to ensuring the proper functioning of the rule of law by pursuing freedom and independence of the legal profession. In that context, Lawyers for Lawyers respectfully would like to express its grave concern about the attack on our colleague, Kennedy Masiye.

Lawyers for Lawyers has been informed that, On 6 November 2014, lawyer *Kennedy Masiye* was physically attacked by police officers, when he tried to intervene in an assault by police officers on journalist Itai Dzamara.

In October 2014, Itai Dzamara, organised the *Occupy Africa Unity Square*, a sit-in in which the protesters demanded accountability from the Zimbabwean government for its alleged "failure to satisfy the needs of its people." On 6 November 2014, Dzamara and his colleagues continued their sit-in on the Africa Unity Square. After some hours, several police officers arrived at the square and ordered the protesters to disperse. Soon after giving the order, they reportedly started beating those participating at the sit-in. When human rights lawyer Masiye tried to intervene in the assault on Dzamara and his colleagues, the police officers started beating him too, despite the fact that he clearly identified himself as a legal practitioner executing his professional responsibilities to provide legal assistance. The police threw away his practising certificate, reportedly stating: "We do not care about such things".

Masiye left the square severely injured, with a broken arm. Later, as he attempted to file a report at Harare Central Police station, Masiye was arbitrarily detained. His whereabouts remained unknown to his colleagues, as police attempted to hide his presence at the police station. After he was eventually found and released to his



colleagues, police refused to provide a medical examination. Kennedy Masiye collapsed as a result of his injuries and was rushed to a private hospital.

L4L is gravely concerned by the use of physical violence against Kennedy Masiye by the police, especially as this attack seems to be connected to Masiye's valuable human rights activities as a lawyer.

In this context, Lawyers for Lawyers urge your government to recognize the valuable role played by criminal defence lawyers and to promote and support their work in line with the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990.

Paragraphs 16 and 17 of the United Nations Basic Principles on the Role of Lawyers state that the Government is under an obligation 'to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference'. Further: 'Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities'.

These principles are universally applicable. Therefore, your government is under an obligation to adequately protect and support its lawyers.

In view of the above, Lawyers for Lawyers urge you to make sure that a prompt, thorough, impartial and transparent investigation into the attack on Kennedy Masiye will be carried out, so as to identify all those responsible, bring them before a competent and impartial tribunal and apply to them the sanctions provided by the law, as well as to guarantee in all circumstances the physical and psychological integrity of lawyers in Zimbabwe.

We thank you for your attention to this very important matter. We are confident of your good will and sense of justice and will continue to monitor this case closely.

On behalf of the President of Lawyers for Lawyers, Phon van den Biesen,

Sincerely,

Lawyers for Lawyers

Adrie van de Streek
Executive director