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ADVOKATER - INSTITUTO DE DIREITOS HUMANOS DOS ADVOGADOS EUROPEUS –  
EUROPEAN BAR HUMAN RIGHTS INSTITUTE

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Zimbabwe

*Le Président*

19 May 2010

**URGENT APPEAL IDHAE** : Jonathan Samkange

**Nos réf :** 0220905 BF/CH

Your Excellency

We would like to express my concern about the situation of my colleague human rights lawyer and senior legal practitioner Mr Jonathan Samkange arrested on May 17th 2010, as a result of a warrant of arrest issued against him for failure to appear in Court on time.

We are reliably informed that Mr Samkange was arrested at 8.40 am on his way into court though at that time the arresting officers had not obtained the signed warrant. The police officers took him to Matapi and Harare police stations were they sought to detain him without success thereby denying him his liberty unlawfully and unnecessarily.

We understand that the fact that Mr Samkange was taken to court by the arresting officers at 2.30pm is a clear indication that the police did not arrest Mr Samkange in the furtherance of justice.

The arrest defies any logic as the purpose of the warrant was to bring him to court not to secure detention. This is a clear abuse of power and authority to harass and intimidate lawyers who represent clients of their choice who may happen to be unpopular with police or government. Lawyers are as of right entitled to execute their professional duties to clients of their own choice without interference.

The detaining of a lawyer for no apparent cause is tantamount to impingement of rule of law and independence of the profession.

We call upon the Police officers to treat Lawyers with due respect and to desist from abusing their office to maliciously persecute and cause vindictive prosecution against lawyers.

In this context, we wish to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

*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, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.*

*The Government of Zimbabwe is under an obligation to ensure that lawyers carry out their professional duties without fear, intimidation, obstruction, harassment, persecution or unwarranted interference.*

We urge the Government of Zimbabwe to ensure that the charges against him will be unconditionally and immediately dropped.

Yours sincerely

**Bertrand FAVREAU**  
**Président**

**Mario LANA**  
**Vice-Président**

**Georges-Albert DAL**  
**Vice-Président**

**Christophe PETTITI**  
**Secrétaire Général**