



the global voice of
the legal profession

Mr Patric Chinamasa, Minister of Justice
Ministry of Justice, Legal and Parliamentary Affairs
5th Floor Corner House
Private Bag 7751
Causeway
Harare
Zimbabwe

30 January 2007

Dear Minister Chinamasa,

Re: Intimidation of Arnold Tsunga

We are writing on behalf of the Human Rights Institute of the International Bar Association in connection with the ongoing intimidation and harassment of award winning human rights lawyer Arnold Tsunga, Director of Zimbabwe Lawyers for Human Rights and acting secretary of the Law Society of Zimbabwe.

We have received reports that Mr Tsunga was detained at the Harare International Airport on 25 January 2006, on his return from the World Social Forum in Kenya.

On leaving the arrivals terminal at the airport, Mr Tsunga was confronted by four men and escorted through a corridor into an office where he was detained and interrogated for a brief period. Mr Tsunga was released without charge. One of the men who confronted him is alleged to be a well known operative of the Central Intelligence Organisation (CIO) which is responsible for vetting people as they enter and exit the country. The CIO appears to have since placed Mr Tsunga under surveillance.

The IBA is concerned that this recent move by the Zimbabwean authorities is only the latest in a series of incidents aimed at threatening and intimidating Mr Tsunga in order to prevent him from carrying out his professional duties. In January 2006, he was arrested and reportedly tortured in his capacity as a Trustee of the Voice of the People broadcasting service and, on a different occasion, Mr Tsunga received a warning that the Zimbabwean Government had allegedly ordered his death. We are deeply concerned by this pattern of harassment and intimidation and the fact that the persecution of Mr Tsunga may be linked to his work as a human rights lawyer.

The IBA would like to bring to your Government's attention to Article 11 of the Constitution of the Republic of Zimbabwe which provides that everyone is entitled to the fundamental rights and freedoms of the individual, namely, the right to life, liberty and security of person and the protection of the law; freedom of conscience,

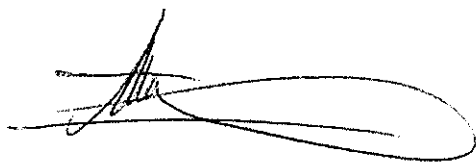
expression, assembly and association; and protection for the privacy of one's home and property.

We would also like to refer your Government to Articles 6, 8, 9 and 10 of the African Charter on Human and Peoples Rights which prohibits arbitrary arrest and detention and upholds the right to life, liberty and security of person; the right freedom of profession; the right to express and disseminate opinions within the law; and the right to free association, respectively. These rights and freedoms are also protected by articles 9, 17, 19 and 22 of the International Covenant of Civil and Political Rights and Articles 3, 9, 12 and 19 of the Universal Declaration of Human Rights.

Finally, we would like to bring your Government's attention to the United Nations Basic Principles on the Role of Lawyers, in particular Article 16 which provides that Governments shall ensure that lawyers are (a) able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) 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, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics. Article 17 states that where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities; and Article 23 provides that lawyers, like other citizens, are entitled to freedom of expression, belief, association and assembly.

We urge your Government to take all necessary measures to guarantee that the rights and freedoms of all lawyers are respected in accordance with international human rights standards. We also request an immediate end to the intimidation and arbitrary detentions of Mr Tsunga and would be grateful to receive your assurances that our concerns will be addressed as a matter of urgency.

Yours sincerely,



Ambassador Emilio Cárdenas
Co-Chair, Human Rights Institute



Justice Richard J. Goldstone
Co-Chair, Human Rights Institute

CC: Mr. Augustine Chihuri, Commissioner of Police; Mr Khembo Mohadi, Minister of Home Affairs