



NEW YORK
CITY BAR

BARRY M. KAMINS

PRESIDENT

Phone: (212) 382-6700

Fax: (212) 768-8116

bkamins@nycbar.org

www.nycbar.org

September 1, 2006

Mr. Robert G. Mugabe
President of Zimbabwe
Office of the President
Private Bag 7700
Causeway, Harare, Zimbabwe

Dear President Mugabe:

I am writing on behalf of the New York City Bar Association. The Association is an independent non-governmental organization with a membership of more than 22,000 lawyers, judges, law professors and government officials, principally from New York City but also from throughout the United States and from 50 other countries. Founded in 1870, the Association has a long history of dedication to human rights, notably through its Committee on International Human Rights, which investigates and reports on human rights conditions around the world. The Association also follows political and legal issues affecting Africa through its Committee on African Affairs.

The Association is concerned that the Law Society of Zimbabwe ("LSZ") is being subjected to government-sponsored attacks for its work to protect lawyer-client confidentiality and the independence of the legal profession as well as the independence of the judiciary. Three recent opinion articles in the Zimbabwean press appear to reflect a governmental interest in degrading the ability of the nation's lawyers to ensure that the rule of law is applied fairly and uniformly throughout your country. The articles were published in *The Sunday Mail* on August 6, 2006 by Tafataona P. Mahoso; *The Zimbabwean Herald* on August 12, 2006 by Nathaniel Manheru; and again in *The Sunday Mail* on August 13, 2006 by Tafataona P. Mahoso. Contrary to the harsh allegations that these articles make, we believe that the LSZ's work is consistent with their long and distinguished tradition of acting not only with regard to its members' professional concerns but also in the larger public interest.

These articles paint the LSZ and its members as agents of foreign governments and menaces to peace and security in Zimbabwe. Even if one were to examine only the evidence presented in these hostile articles, an observer familiar with the traditional roles of bar associations and of lawyers would conclude that the LSZ is simply – and bravely – doing what lawyers are ethically required to do. The need for a fair and impartial judicial process, which includes a role for independent lawyers, is recognized in numerous international human rights standards, including: Article 10 of the Universal Declaration of Human Rights, Article 14 of the International Covenant on Civil and Political Rights, and throughout the UN Basic Principles on

the Role of Lawyers. Our Association applauds LSZ's work in promoting the rule of law and believes that these efforts will help build a stronger and more just future for all Zimbabweans.

We are deeply troubled by the emerging pattern of government-sponsored attacks on the independence of lawyers and the impartiality of the judiciary. We strongly urge you to publicly denounce these attacks and to conduct an open and thorough investigation of them. We further ask you to take all other affirmative acts necessary to ensure the independence of the bar and the judiciary and the safety of the LSZ and its members. The international legal community, including our organization, continues to have grave concerns about the ability of the LSZ and its members to perform their necessary professional duties free from interference and intimidation.

Thank you for your attention to this very important matter.

Very truly yours,



Barry Kamins

Cc:

Zimbabwe Ambassador to the UN
Boniface Guwa Chidyausiku
Permanent Mission of the Republic of Zimbabwe to the United Nations
128 East 56th Street
New York, NY 10022
Telephone: (212) 980-9511/5804, Telefax: (212) 308-6705

Ambassador of Zimbabwe to the US
Simbi Veke Mubako (former Ambassador: H.E. Machinvenyinka Tobias Mapuranga)
Zimbabwe Embassy
1608 New Hampshire Avenue, NW
Washington, DC 20009

U.S. State Department
Jendayi E. Frazer
African Affairs Assistant Secretary
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

African Union Chairperson
Denis Sassou-Nguesso
African Union Headquarters
P.O. Box 3224
Addis Adaba
Ethiopia
Telephone: (251) 11 551 77 00
Fax: (251) 11 551 78 44

African Commission
Son Excellence Madame Salamata Sawadogo (Burkinabe) Chairperson
Ambassade du Burkina Faso
SICAP SACRE CŒUR III
Extension VDN No.10, 628 BI
B.P.11601, Dakar, Sénégal.
Telephone: (221) 8 645 824 / 8 645 825
(221) 658 82 80 (Mobile)
Telefax: (221) 8 645 823
E-mail: salamatas@yahoo.fr

President of South Africa
Mr. Thabo Mbeki
Office of the President
Private Bag X100
Pretoria, 0001
South Africa
Telefax: 012 323 8246

South Africa Ambassador to the US
Barabara Joyce Masekela
Ambassador to the United States of America
3051 Massachusetts Avenue, NW
Washington, DC 20008
Telephone: (202) 232-4400
Telefax: (202) 265-1607

South Africa Permanent Representative to the UN
Dumisani S. Kumalo
Permanent Resident to the United Nations
333 East 38th Street
New York, NY 10016

Dikgang Moseneke
Deputy Chief Justice
Constitutional Court of South Africa
Constitutional Hill
Private Bag X1
Braamfontein, 2017
South Africa

Judge Dunstan Mlambo
Chairperson Legal Aid Board
Private Bag X76
Braamfontain, 2017
South Africa

Mr. Vincent Saldanha
President
Legal Resources Centre
Cape Town
South Africa
E-mail: Vincent@lrc.org.za

Mr. Thomas Augusto Salamao
Southern African Development Community
SADC House
Private Bag 0095
Gaborone
Botswana
Fax: +267 3972 848