



Statement on the Arrest and Detention of Mr. Eric Matinenga

The Commonwealth Lawyers' Association (CLA) is a pan-Commonwealth professional association of lawyers that exists to maintain and promote the rule of law throughout the Commonwealth. The membership includes representatives from all 53 Commonwealth countries.

The CLA is extremely concerned about the recent arrest and detention of Mr. Eric Matinenga, an Advocate of the High Court and former President of the Administrative Court of Zimbabwe.

Mr. Matinenga was arrested in Buhera on 31st May 2008 whilst trying to attend to his own clients who had been arrested, assaulted and detained. The arresting officer did not appear to have reasonable grounds to suspect him of having committed an offence and he was not informed of the charges against him. He was subsequently detained for over 3 days and was only released on 5th June 2008 following a successful application to the Court to have his arrest and detention declared unlawful and an order for his immediate release.

Less than 48 hours later, on 7th June 2008, Mr. Matinenga was arrested a second time on the basis of the same allegations that had previously been dismissed by the Court.

The CLA is disturbed about reports that the Officer in Charge was obstructive in relation to the provision of legal representation to the detainee. This is in violation of Article 18 of the Constitution of the Republic of Zimbabwe and internationally accepted standards of treatment of untried prisoners. The CLA is even more concerned at the refusal by some members of the Police and Officers of the Attorney-General's Office to comply with an order of the High Court for the release of Mr. Matinenga. It is fundamental to the administration of any system of justice that the rule of law is upheld in all respects. The reported circumstances of Mr. Matinenga's case underscore widespread concerns that even this most basic of principles is no longer respected or observed by the Government of Zimbabwe and its agents.

The CLA condemns the ongoing harassment and attacks on lawyers by the Government of Zimbabwe.

The CLA calls upon the Police Commissioner and the Attorney General to comply with the spirit and the letter of all orders of the Courts and to order the immediate release Mr. Matinenga.

The CLA renews previous calls upon the Government of Zimbabwe to respect the independence of the legal profession and the role of lawyers, as required in the United Nations Basic Principles on the Role of Lawyers (adopted in 1990) and the United Nations Declaration on Human Rights Defenders (adopted in 1998), and to ensure that lawyers are able to access their clients without any hindrance and freely discharge their duties in the interest of effective administration of justice.

The CLA will continue to provide support and work with the legal profession and Law Society of Zimbabwe in their efforts to maintain the rule of law in Zimbabwe.

Ron Heinrich
President
Commonwealth Lawyers' Association
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