

## Statement on Zimbabwe

The CLA has watched with dismay the steady deterioration in the rule of law and the threats to an independent judiciary in Zimbabwe since the referendum results in February 2000.

The subsequent invasion of white-owned farms on an organised scale by a group called the war veterans and the failure of the Police or the Government to deal with this gross violation of law had considerably accentuated the breakdown of the rule of law in Zimbabwe. It was of particular concern that Court Orders against farm occupations were brazenly defied by the invaders and other related persons. The Government and its police force had stood by and made no attempt to enforce compliance with the Court Orders.

Recent months have witnessed a series of violation of rights in Zimbabwe. In early February 2001, the offices of the Daily Newspaper, and independently owned daily newspaper was bombed. In January 2001, the war veterans group, responsible for the farm invasions, invaded the courts making it impossible for the Supreme Court of Zimbabwe to sit and conduct its business.

The CLA as an organisation of Commonwealth lawyers is particularly concerned with the reports of on-going harassment and intimidation of the Chief Justice and some members of the higher Judiciary in Zimbabwe. The ultimatum delivered to Chief Justice Gubbay to step down in early retirement, and the threat to Justice McNally to take an early retirement on the ground that his security could not be guaranteed constitute a blatant violation of judicial independence which no responsible government should countenance under any circumstances. It is particularly disturbing that Ministers of Government have been in the forefront of the criticism of the judiciary in an unbridled fashion.

It is obvious that Zimbabwe today poses the greatest challenge to Commonwealth political values as enunciated by the Heads of Governments in their successive meetings starting with Singapore in 1971, Harare in 1991, Millbrook in 1995, and Durban in November 1999. It is important that these principles should not remain as mere pious platitudes but principles to be implemented in practice by governments.

Accordingly, the CLA calls upon the Commonwealth Secretary General to act under the Millbrook mechanisms and take all appropriate steps to arrest the decline of the rule of law in Zimbabwe and ensure the safeguarding of the judiciary in the country. The CLA calls on the Commonwealth Ministerial Action Group (CMAG) to undertake a mission to Zimbabwe as soon as possible to investigate the complaints and make the appropriate recommendations to deal with the crisis from a Commonwealth stand point.