



# Commonwealth Lawyers Association

## Statement regarding Ms. Beatrice Mtetwa of Zimbabwe and the removal of her right to represent her client.

The CLA notes that on 18<sup>th</sup> August 2020 Ms. Mtetwa was ordered by Magistrate Nduna to stand down from representing her client, the journalist Hopewell Chin'ono.

The CLA recalls that the Basic Principles on the Role of Lawyers (Basic Principles) were Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27<sup>th</sup> August to 7<sup>th</sup> September 1990 and state at paragraph 16:

*“Governments shall ensure that lawyers*

*(a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; and*

*(c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.”*

The Basic Principles also state at paragraph 19:

*“No court or administrative authority before whom the right to counsel is recognized shall refuse to recognize the right of a lawyer to appear before it for his or her client unless that lawyer has been disqualified in accordance with national law and practice and in conformity with these principles.”*

The CLA notes that the Constitution of Zimbabwe at Article 70 states -

*Any person accused of an offence has the following rights:*

*d. to choose a legal practitioner and, at their own expense, to be represented by that legal practitioner;*

- **The CLA expresses very serious concern that Ms. Beatrice Mtetwa has been prevented from representing her client in court by the direction of the Magistrate in Zimbabwe and;**
- **Expresses very serious concern that the Court, which should uphold the Constitution, has not permitted the Defendant in this case to be represented by a legal practitioner of his choosing.**
- **The CLA encourages the rule of law to be upheld however challenging may be the circumstances.**

**Commonwealth Lawyers Association (CLA)**

**24<sup>th</sup> August 2020**

The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. [commonwealthlawyers.com](http://commonwealthlawyers.com)