



William H. Neukom
President

AMERICAN BAR ASSOCIATION

321 N. Clark Street
Chicago, Illinois 60610
(312) 988-5109
FAX: (312) 988-5100

June 30, 2008

Via facsimile to Embassy of Zimbabwe (202.483.9326)

H.E. R.G. Mugabe
President
Republic of Zimbabwe
172 Herbert Chitepo Avenue
P.O. Box 3340
Harare, Zimbabwe

Your Excellency:

The American Bar Association (ABA) is an independent, voluntary, non-governmental organization of lawyers and judges with more than 400,000 members worldwide. It regards human rights and the rule of law as cornerstones of a free and fair society and is committed to strengthening them in the United States and abroad.

This letter follows the April 2007 letter my predecessor as ABA president, Karen J. Mathis, sent to you regarding police attacks on persons exercising their legitimate democratic rights at a meeting in Highfield and at Harvest House in March 2007 (copy of letter enclosed). As detailed in numerous independent media reports and a broad range of other reliable sources, your government's continued violent repression of political opponents, and in particular its unlawful detention and harassment of lawyers carrying out their professional duties, abrogate the rule of law. We are especially concerned about recent threats of violence and unlawful detentions that have caused members of the Law Society of Zimbabwe such as Harrison Nkomo, Andrew Makoni, and Eric Matinenga, among others, to curtail or cease their advocacy or to flee Zimbabwe for their safety. The abduction of lawyer Ernest Jena from his office in Bindura on June 24, 2008, also is of serious concern.

These actions have undermined the potential for free and fair elections in Zimbabwe. The treaty establishing the Southern African Development Community includes full participation of citizens, political tolerance, independence of the judiciary and electoral institutions, and the ability to legally challenge election results as basic tenets of a truly democratic election. Even more fundamental, the Constitution of Zimbabwe (Arts. 13(1), 15 (1), and 18(1)), and regional and international instruments to which Zimbabwe is a state party — including the African (Banjul) Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights — prohibit the use of torture, unlawful detention, and other forms of human rights abuses by a state against its own citizens. Attacks on lawyers, human rights defenders, and peaceful political activists working to uphold these principles undermine the rule of law, as these advocates often are the last line of defense against the overwhelming power of the state.

We therefore urge you to end state-sponsored violence and intimidation of lawyers, human rights defenders, and political opponents and to restore the just rule of law and free elections to Zimbabwe.

Sincerely,

A handwritten signature in cursive script, appearing to read "M. H. Weir".

cc: Secretary of State of the United States
U.S. Ambassador to Zimbabwe
Zimbabwe Ambassador to the U.S.
Zimbabwe Minister of Foreign Affairs
Law Society of Zimbabwe
ABA Center for Human Rights
Morgan Tsvangirai, Movement for Democratic Change Leader
Patrick Chinamasa, Zimbabwean Justice Minister
Sternford Moyo, SADC Lawyers Association President
H.E. Jakaya Kikwete, President of the Republic of Tanzania, AU Chair
H.E. Thabo Mbeki, President of the Republic of South Africa
Ban Ki Moon, Secretary General, United Nations
Jendayi Frazer, Assistant Secretary of State for African Affairs



Karen J. Mathis
President

AMERICAN BAR ASSOCIATION

321 N. Clark Street
Chicago, Illinois 60610-4714
(312) 988-5109
FAX: (312) 988-5100

April 4, 2007

Robert Mugabe
President of Zimbabwe
172 Herbert Chitepo Avenue
P.O. Box 3340
Harare
Zimbabwe

Mr. Patrick Chinamasa
Minister of Justice
Ministry of Justice, Legal and Parliamentary Affairs
P. Bag 7751
Causeway
Harare
Zimbabwe

Dear President Mugabe and Minister Chinamasa:

On behalf of the American Bar Association (ABA), I write to express its deep concern regarding the actions of the Government of Zimbabwe against citizens gathered in Highfield on Sunday, March 11 and Harvest House staffers on March 28.

The ABA is an independent, non-governmental organization established in 1878. It is the world's largest voluntary professional membership organization and represents more than 400,000 members of the legal and judicial professions.

The ABA has a long-standing commitment to supporting the rule of law, the independence of the judiciary, legal professionals and advocates of civil liberties and human rights. It is the conviction of the ABA that among the cornerstones of a fair and free society are an independent judiciary and the freedom of persons to speak in opposition to policies or practices of one's government.

The ABA has received credible reports that the Zimbabwe police have violated Zimbabwe law and fundamental human rights law in attacks on citizens gathered to exercise their legitimate democratic rights at a meeting in Highfield outside of Harare. Police used live ammunition and opened fire on protestors at this meeting which resulted in the death of one and injury to others. The ABA is concerned about alleged beatings of these individuals and their detention without cause and without medical treatment. In addition, it is reported that those who have been released were affirmatively denied needed medical care and treatment.

Robert Mugabe and Patrick Chinamasa

April 4, 2007

Page Two

We are deeply concerned that more than 20 staffers at Harvest House were arrested on March 28 and remain in detention in apparent violation of their fundamental rights.

The ABA is extremely concerned about reports that the lawyers of the detainees were prevented from contacting their clients and that police refused to allow access as dictated by a court order.

Zimbabwe is a State Signatory to the African Charter of Human and People's Rights, as well as to the International Covenant on Civil and Political Rights. These recently reported events appear to indicate violations of the victims' rights to freedom of peaceful assembly, participation in political and governmental affairs, and personal integrity, all as guaranteed by articles 4, 5, 6, 11 and 13 of the African Charter, and by articles 7, 9, 10.1, 21 and 25.a of the International Covenant.

The ABA urges (a) that you use your offices to protect your citizens from further abuse and persecution and hereafter guarantee your citizens freedom of expression, association and assembly as well as the right to counsel for all Zimbabweans, as required under regional and international human rights standards, (b) that you immediately release all persons held in detention as a result of these recent occurrences and restore to them their right to medical care and treatment and (c) that you immediately cause an objective and thorough investigation to take place regarding these occurrences to determine the persons responsible for these acts and to hold them responsible under applicable criminal law.

Should you take the necessary steps to adhere to the forgoing, the ABA will join with others to recognize these positive developments. The ABA will continue to monitor your actions in this regard.

We respectfully request your immediate assurances that you will give your full attention to the matters addressed and take appropriate action take to cure these offenses.

Sincerely yours,



Karen J. Mathis

cc: Secretary of State of the United States
US State Department Zimbabwe Desk Officer
US Ambassador to Zimbabwe
American Bar Association Center for Human Rights
Zimbabwe Ambassador to the United States
Zimbabwe Minister of Foreign Affairs
Law Society of Zimbabwe