

January 15, 2002

Rt. Hon. Jean Chrétien, P.C., M.P.
Prime Minister
House of Commons
Parliament Buildings
Ottawa, Ontario
K1A 0A6

Dear Prime Minister,

RE: Declining Rule of Law in Zimbabwe

On behalf of the Canadian Bar Association, I am writing to urge the Government of Canada to use all necessary resources to promote the rule of law and democracy in Zimbabwe and, in particular, to increase support to lawyers and non-governmental legal organizations that pursue those objectives. In view of recent Zimbabwean legislation limiting the role of an independent media and disallowing voter education programs, we also call on the Government of Canada to support independent observers to travel immediately to Zimbabwe in the run-up to the elections.

The CBA's International Development Committee works with partners in Zimbabwe to support the rule of law and to advance public interest law. The CBA is very concerned that the Government of Zimbabwe has put pressure on the courts, thus reducing the ability of the judiciary to act independently. We are also concerned about the increasing number of attacks against lawyers in that country.

A great deal still needs to be done to support those in the Zimbabwean legal community who are seeking to protect the rights of citizens, to uphold the rule of law and to hold the Government of Zimbabwe accountable for actions which adversely affect democracy and the rule of law.

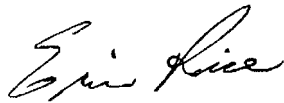
Although the Government of Zimbabwe is prepared to agree to certain principles of democracy and governance in the international arena, events of the past few months have proven that it is not prepared to honor those commitments inside its own borders. The recent media and election legislation will have a dramatic impact on the fairness of the general election, which has now been called for March 9, 2002. We believe that independent observers are necessary to provide independent evidence on the level of political violence and intimidation in the country prior to the election.

At the September 2001 Commonwealth meeting in Abuja, Nigeria, Zimbabwe agreed to end all illegal occupations of white-owned farmland and return the country to the rule of law, in return for financial assistance. Despite this agreement, there are continuing reports of unhindered land occupations and of continued assaults against human rights workers perpetrated by the government's security forces.

In August 2001 the CBA's Council unanimously passed a resolution supporting the citizens and human rights lawyers of Zimbabwe in their efforts to protect the rights of individuals who have been affected by the decline in the rule of law. A copy of this resolution is attached. In the summer of 2001, we also worked closely with the Canadian International Development Agency to organize Canadian visits by Mr. Justice Anthony Gubbay, the former Chief Justice of Zimbabwe who was fired by the current government, and by Sternford Moyo, President of the Law Society of Zimbabwe. Over the course of their visit, we identified a number of areas where we could co-operate in ensuring a return to stability and independence for the Zimbabwean legal system.

We thank you for your attention to this important matter and look forward to your response.

Yours truly,

A handwritten signature in cursive script, appearing to read "Eric Rice".

Eric Rice, Q.C.

c.c. Hon. Bill Graham, P.C., M.P., Minister of Foreign Affairs
Len Good, President, Canadian International Development Agency
Dianna Kempe, Q.C., President, International Bar Association
Dr. Cyrus Das, President, Commonwealth Lawyers Association
Hon. Justice Anthony Gubbay
Sternford Moyo, President, Law Society of Zimbabwe
Legal Resources Foundation

Resolution 01-02-A

Résolution 01-02-A

Decline of the Rule of Law in Zimbabwe

Déclin de la règle de droit au Zimbabwe

WHEREAS the Canadian Bar Association works with the legal profession in Zimbabwe to support the rule of law and to advance public interest law;

ATTENDU QUE L'Association du Barreau canadien collabore avec la profession juridique au Zimbabwe dans le but de promouvoir la règle de droit et de faire progresser les lois d'intérêt public;

WHEREAS the Government of Zimbabwe has put increasing pressure on the courts in Zimbabwe, in an effort to reduce their ability to act independently;

ATTENDU QUE le gouvernement du Zimbabwe a exercé des pressions de plus en plus fortes sur les tribunaux du Zimbabwe, tentant ainsi de réduire leur capacité de fonctionner de manière indépendante;

WHEREAS the Canadian Bar Association has been informed of the serious attacks on the rule of law and the independence of the bar and the judiciary in Zimbabwe;

ATTENDU QUE L'Association du Barreau canadien a été avisée des graves atteintes portées à la règle de droit et à l'indépendance du barreau et de la magistrature au Zimbabwe;

BE IT RESOLVED THAT the Canadian Bar Association state its support to the citizens of Zimbabwe and the legal profession of Zimbabwe who strive for social progress, equality and democracy through adherence to the rule of law and respect for the judiciary, and urge the Government of Canada:

QU'IL SOIT RÉSOLU QUE L'Association du Barreau canadien apporte son soutien à tous les citoyens et citoyennes et aux membres de la profession juridique qui, au Zimbabwe, luttent en faveur du progrès social, de l'égalité et de la démocratie en adhérant à la règle de droit et en respectant la magistrature et exhorte le gouvernement du Canada à :

1. to call upon the Government of Zimbabwe to take all necessary steps to honour its commitment to support the rule of law and an independent judiciary and Bar in Zimbabwe; and
2. to support the work of human rights lawyers in Zimbabwe and the Law Society of Zimbabwe in their efforts to

1. demander au gouvernement du Zimbabwe de prendre toutes les mesures nécessaires pour honorer son engagement envers le respect de la règle de droit et l'indépendance de la magistrature et du barreau au Zimbabwe; et
2. appuyer le travail accompli par les avocats et avocates du Zimbabwe en faveur des droits de la personne et les

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protect the rights of individuals that have been affected by the decline in the rule of law in Zimbabwe.

Certified true copy of a resolution carried as amended by the Council of the Canadian Bar Association at the Annual Meeting held in Saskatoon, SK, August 11-12, 2001.

Résolution 01-02-A

efforts déployés par le Barreau du Zimbabwe en vue de protéger les droits des personnes affectées par le déclin du respect de la règle de droit au Zimbabwe.

Copie certifiée d'une résolution adoptée, tel que modifiée, par le Conseil de l'Association du Barreau canadien, lors de son Assemblée annuelle, à Saskatoon, SK les 11 et 12 août 2001.



John D.V. Hoyles
Executive Director/Directeur exécutif