

March 18, 2002

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

Dear Prime Minister,

**Re: Election in Zimbabwe**

Further to our letter dated January 15, 2002, I am writing to advise you of the Canadian Bar Association's concerns arising from the recent election in Zimbabwe. We urge the government to continue to find solutions, whether through the Commonwealth or otherwise, to ensure respect for human rights, democracy and the rule of law in Zimbabwe.

As an organization of jurists, we are concerned about human rights and the application of the rule of law. The March 14, 2002 preliminary report of the Commonwealth Observer Group points out that the Zimbabwean police failed to investigate reported cases of violence and intimidation, especially against opposition supporters, and enforced the law more harshly against opposition supporters. The Commonwealth Observer Group also notes an "inexplicable" delay in the government complying with a High Court order to extend voting to March 11, 2002. Further, other election observers have revealed that Zimbabwean authorities violated their own election laws by closing polling stations when people were still in line at the time polls closed. All of this suggests a continuing and disturbing lack of respect for democratic rights, human rights and the rule of law.

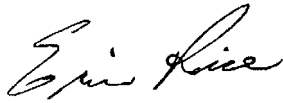
The Commonwealth Observer Group concluded that "the conditions in Zimbabwe did not adequately allow for a free expression of will by the electors." The report states that "while the actual polling and counting processes were peaceful and the secrecy of the ballot was assured, the Presidential election in Zimbabwe was marred by a high level of politically motivated violence and intimidation, which preceded the poll."

We must do all we can 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. In our January 15, 2002 letter, we referred to the CBA's Council's unanimous 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 for your convenience..

We thank you for your attention to this important matter.

Yours truly,

A handwritten signature in cursive script that reads "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

**Resolution 01-02-A**

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**